

Birmingham City Council

Planning Committee

16 August 2018

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

| <u>Recommendation</u> | <u>Report No.</u> | <u>Application No / Location / Proposal</u> |
|-----------------------|-------------------|---|
| Refuse | 9 | <p>2018/01592/PA</p> <p>58 Chester Street Aston Birmingham B6 4LW</p> <p>Change of use of application premises which is used for storage, hand finishing of magazines and direct mail to a mixed used Sui Generis use which includes use for church purposes, furniture restoration and associated sales show room (including for second hand furniture) open to the public and trade (also allowing internet sales) and warehousing; landscaping, gardening and tree services to the public (including tool storage, maintenance and administration) with associated training provided in such services, cafe and restaurant (open to the public) as well as providing associated restaurant and food catering training; creche, conference and training facilities, multi use arts training and performance suite, play area, beauty and nail salon (including provision of training in such practices), gymnasium, ancillary office space and classrooms together with extensions and other external changes to building modifications to site</p> |
| Approve - Conditions | 10 | <p>2018/04539/PA</p> <p>84 Hamstead Hill Handsworth Wood Birmingham B20 1DA</p> <p>Erection of two storey side and single and two storey rear extension with porch to front</p> |

| | | |
|----------------------|----|---|
| Approve - Conditions | 11 | <p>2018/01292/PA</p> <p>1 Barry Jackson Tower Estone Walk Birmingham B6 5DP</p> <p>Change of use from flats (C3) to a supported living centre to provide interim accommodation to homeless households (Sui Generis) together with internal and external alterations and installation of external plant and equipment and also change of use of land on opposite side of Upper Dean Street (next to medical centre) to a car park.</p> |
| Approve - Conditions | 12 | <p>2018/01819/PA</p> <p>11 -15 Sherifoot Lane Sutton Coldfield Birmingham B75 5DR</p> <p>Demolition of 15 Sherifoot Lane and the erection of three detached dwellings, new access road, boundary treatment and landscaping</p> |
| Approve - Conditions | 13 | <p>2017/10840/PA</p> <p>Whynot Service Station Reddicap Heath Road Sutton Coldfield B75 7ET</p> <p>Relocation of existing car valeting jet wash operation.</p> |
| Approve - Conditions | 14 | <p>2018/03750/PA</p> <p>Vacant Plot Aston Brook Street East Birmingham B6 4AP</p> <p>Change of use from vacant plot to transient accommodation for Gypsies and Travellers (Sui Generis), erection of single storey utility building and installation of new palisade fencing and gated access.</p> |

Monument Road/Cawdor Crescent
Land at
Edgbaston
Birmingham
B16 8XH

Application for variation of condition 22 for the provision of financial contributions towards Chamberlain Gardens and the Ivy Bush neighbourhood centre to allow additional funds to be spent on Chamberlain Gardens and public realm/landscape improvements within the Ladywood Ward attached to planning approval 2012/07863/PA.

| | | | |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 16/08/2018 | Application Number: | 2018/01592/PA |
| Accepted: | 14/05/2018 | Application Type: | Full Planning |
| Target Date: | 13/08/2018 | | |
| Ward: | Nechells | | |

58 Chester Street, Aston, Birmingham, B6 4LW

Change of use of application premises which is used for storage, hand finishing of magazines and direct mail to a mixed used Sui Generis use which includes use for church purposes, furniture restoration and associated sales show room (including for second hand furniture) open to the public and trade (also allowing internet sales) and warehousing; landscaping, gardening and tree services to the public (including tool storage, maintenance and administration) with associated training provided in such services, cafe and restaurant (open to the public) as well as providing associated restaurant and food catering training; creche, conference and training facilities, multi use arts training and performance suite, play area, beauty and nail salon (including provision of training in such practices), gymnasium, ancillary office space and classrooms together with extensions and other external changes to building modifications to site

| | |
|------------|--|
| Applicant: | Betel UK Windmill House, Weatheroak Hill, Alvechurch, B48 7EA |
| Agent: | Leap Design Group Wheatley Business Park, Unit 11, Wheatley, OX33 1XW |

Recommendation

Refuse

1. Proposal

- 1.1. The applicant proposes the establish a UK headquarters for Betel UK which is a network of charitable, Christian recovery communities dedicated to restoring homeless and substance dependent people to productive, independent lifestyles. Since its inception in 1996, the charity's varied social enterprises have provided on the job employment and life skills training for more than 12,000 recovering UK men and women completely free of charge.
- 1.2. The applicant proposes the change of use of the application premises which is used for storage, hand finishing of magazines and direct mail (without any hours of use restrictions) to a mixed used Sui Generis use which includes use for church purposes, furniture restoration and associated sales show room (including for second hand furniture) open to the public and trade (also allowing internet sales) and warehousing; landscaping, gardening and tree services to the public (including tool storage, maintenance and administration) with associated training provided in such services, cafe and restaurant (open to the public) as well as providing

associated restaurant and food catering training; creche, conference and training facilities, multi use arts training and performance suite, play area, beauty and nail salon (including provision of training in such practices), gymnasium, ancillary office space and classrooms together with extensions and other external changes to building modifications to site

- 1.3. The submitted drawings show that the proposed lower ground floor would provide an auditorium to accommodate upto 400 people; multipurpose arts training and performance suite, library, lounge reception, W.C's, café, soft play cafe, beauty salon, green rooms, backstage rooms, furniture showroom, landscaping room and furniture workshop.
- 1.4. The proposed upper ground floor would accommodate a restaurant; kitchen, W.C's, staff room and store/gym.
- 1.5. The proposed first floor layout would accommodate meeting rooms and plant room.
- 1.6. The proposed second floor layout would accommodate offices and W.C's.
- 1.7. The external works to the building would involve the installation of new glazing and doors to the exterior facade as well as the application of timber cladding and render.
- 1.8. The development would be provided with 42 car parking spaces and 2 bays for vans to park within the exterior curtilage of the site. An outdoor amenity area immediately adjacent the building would also be provided within the exterior curtilage of the site.
- 1.9. The applicant states the site area measures 4,122 sq.m whilst the total floorspace of the development would measure 3,415 sq.m.
- 1.10. The proposed hours of use would be 09:00 hours to 18:00 hours Mondays to Fridays for the uses on site, other than the church use. On Sundays it is proposed to only operate the church use on the site which would occur between 09:00 and 10:00 hours.
- 1.11. The applicant has provided a Design and Access Statement; Planning Statement, Statement of Community Involvement and a Technical Note dealing with Trip Generation.
- 1.12. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site benefits from consent to be only used for storage, hand finishing of magazines and direct mail without any hours of use restrictions under application 1995/00419/PA. The site is located in the Windsor Industrial Area which is identified as a Core Employment Area by the Birmingham BDP and Aston Area Action Plan (AAP). Along the northern boundary of the site are residential dwellings which form part of Aston Brook Green. To the south across Hubert Street and to the east across Chester Street are commercial premises which are either warehouse or industrial in operational terms. To the south east of the site across Chester Street is a nursery with a hotel further beyond.

2.2. [Site location map](#)

3. Planning History

- 3.1. 16.04.2008- 2008/00372/PA- Erection of single storey extension to warehouse premises – refused on the grounds of nearness, height and loss of light and the proposal represents an over intense use of the site which would not be capable of being accommodated satisfactorily on site without detriment to the safety and freeflow of traffic on adjoining highways.
- 3.2. 02.11.1995- 1995/00419/PA- Use of premises for storage, hand finishing of magazines and direct mail without any hours of use restrictions- approved subject to conditions (this included a S106 requiring acoustic insulation to be provided to some of the residential dwellings nearest to the site to the north on Aston Brook Green). The consent also restricted its use to such purposes in the development description.
4. Consultation/PP Responses
 - 4.1. Surrounding occupiers, local MP and neighbourhood forum consulted as well as site and press notices displayed - 30 letters of support received (many of which are from people and or organisations located outside the City). The comments of support can be summarised as follows:-
 - * member lives are transformed.
 - * members learn life skills.
 - * success of similar operations elsewhere in the country
 - * will breathe new life into the area and provide a community asset
 - * transforms lives of men and women who were lost and broken
 - * the traffic and parking in the area will not be negatively impacted by the development
 - * will benefit Aston community at large
 - * the organisation personnel are not rowdy, they are self controlled, caring friendly and approachable
 - * the design and appearance of the building will be improved
 - * will help engage with some of the most vulnerable and hard to reach people in our communities.
 - * this project will be really beneficial to the local area and create amazing opportunities for the community, including jobs.
 - 4.2. 1 letter of support received from Councillor Yvonne Mosquito who states the scheme has been adapted to provide what the community needs. The community will vastly benefit from the furniture restoration, conference facility and restaurant that Betel will offer on the site which Betel will be offering at reduced rates in relation to other businesses/organisations. She is convinced that not only will it benefit the local community but also the City of Birmingham especially with rising drug, alcohol, gang and homeless issues. Betel could have set up their headquarters anywhere in the UK but have decided to set it up in one of the most deprived areas in the country which needs to be celebrated and supported.
 - 4.3. Transportation Development- requested further information which has not been provided to date and therefore in the absence of that information and considering the information at hand, refusal is recommended.
 - 4.4. Regulatory Services – No objection subject to conditions relating to extract and odour controls, noise level for plant and machinery, and a noise and vibration assessment..
 - 4.5. Local Lead Flood Authority- state no comment to make.

- 4.6. West Midlands Police- No objection and provide comment /advice with regard to secured by Design, lighting, CCTV and site management.
- 4.7. West Midlands Fire Service- No objection and advise water supplies should be in accordance with 'National Guidance Document on the Provision of Fire Fighting'.
- 4.8. Canal and River Trust- state they have no comment to make.
- 4.9. Health and Safety Executive- no objection.
- 4.10. Environment Agency- state they have no comment to make

5. Policy Context

- 5.1. BDP (2017); SPG Car Parking Guidelines, SPD Loss of Industrial Land to Alternative Uses, Places for Worship SPD, Shopping and Local Centres SPD and the NPPF.

6. Planning Considerations

- 6.1. The proposed development has been assessed in light of the following issues:-

6.2. Principle of loss of industrial land

- 6.3. Paragraph 80 (Building a strong, competitive economy) of the NPPF (2018) states "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential".

- 6.4. Paragraph 81 continues by stating "Planning policies should:

- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;
- b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
- d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances".

- 6.5. Paragraph 82 further states “Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations”.
- 6.6. Mindful of the above, the proposal would see the conversion of a premises that is used for industrial purposes to a mixed use non industrial operation. The site falls within an area designated as core employment land in the BDP (2017) and therefore a presumption against its loss for non industrial purposes is afforded it by this designation.
- 6.7. The importance of allocating strategic land in development plans, as the City Council has above, is required by the NPPF (2018) which sets out in paragraph 20 under the theme ‘Strategic policies’ that “Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for: a) housing (including affordable housing), employment, retail, leisure and other commercial development”.
- 6.8. Paragraph 21 states “Plans should make explicit which policies are strategic policies. These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies”.
- 6.9. Paragraph 22 continues that “Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure” with paragraph 23 stating “Broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through more appropriately through other mechanisms, such as brownfield registers or non-strategic policies)”.
- 6.10. Bearing the above in mind, the adopted BDP (2017) sets out in paragraph 7.16 “The constrained nature of the City’s employment land supply means that it is important to ensure that land with continued potential for employment is not lost to other development- while at the same time avoiding the risk of sterilising land which has no realistic potential for continued employment use”. Paragraph 7.17 continues “The latest Employment Land Review (and Warwick Economics Study) has identified a shortage of best and good quality employment land and sites forming part of consented supply”.
- 6.11. The above demonstrates, as required by the NPPF 2018, that the Council has assessed the anticipated demand and availability of industrial land supply and found a shortage of good quality land which the application site represents.
- 6.12. Policy TP17 (Portfolio of employment land and premises) of the BDP (2017) sets out the minimum 5 year reservoir of readily available employment land in three

categories (Best Quality, Good Quality and Other Quality), in addition to the requirement for Regional investment sites, that the City that will expect to maintain through the plan period. In that summary, Good Quality land, which Core employment land is categorised as and the application site falls within, is defined as “Good quality sites suitable for locally based investment, likely to exceed 0.4 ha in size” and requires a minimum reserve of 31 hectares. As stated earlier, survey data shows there is a shortage of good quality employment land whilst I can confirm the indicative site area threshold mentioned above accords with what the application site area measures.

- 6.13. Explicit reference to Core employment areas is made in part 7.12 of the BDP (2017) which states “In order to ensure that the City has a sufficient supply of land for employment uses to support the needs of businesses and meet the challenging targets set out in Policy TP17, the City will need to retain and recycle its limited reservoir of good quality employment land in employment use. A significant proportion of the City’s employment land lies within established employment locations which have been identified as Core Employment Areas”.
- 6.14. Part 7.13 continues by stating “Core employment areas have been identified as the focus of the City’s industrial activity and contain some of the City’s major employers such as Jaguar, Kraft, Specialist Computer Holdings and GKN”.
- 6.15. The BDP sets out in policy TP19 (core employment areas), that employment use is defined as B1b (Research and Development), B1c (Light industrial), B2 (General industrial) and B8 (Warehousing and Distribution) categorises and other uses appropriate for industrial areas such as waste management, builder merchants and machine/tool hire centres. The policy continues by stating that applications for uses outside those categories will not be supported unless exceptional justification exists. Adopted SPD ‘Loss of industrial land to alternative uses’ sets out in part 5.9 (Exceptions to this policy) that there would be occasions where it can be demonstrated that there are good planning grounds to depart from the general presumption against the loss of industrial land. It sets out that this could include proposals such as educational uses, where the particular site size requirements make it difficult to find sites which do not involve the loss of industrial land. Such proposals will need to demonstrate that alternative sites are not available which do not involve the loss of industrial land and the proposal accords with other planning policies. It also sets out that other examples (of exceptional development) could include large scale mixed use regeneration proposals which have been identified in other City Council planning documents.
- 6.16. Turning to the above requirement to demonstrate exceptional justification, I note that applicant has sought to provide their justification in their Supporting Statement. In that statement the applicant sets out in part 5.25 that the application is for a Sui Generis use which includes a significant amount of employment, comparable to the previous use of the site. They state that whilst it is not an employment use supported by the definition of policy, it is nonetheless a use that will provide employment on an ongoing basis and it is therefore considered to be exceptionally justified.
- 6.17. They also set out in parts 6.3 to 6.5 of their Supporting Statement what they believe is further justification for the loss of the industrial land. In those paragraphs they set out that the scale of the operation, the need to be close to the areas that the facility will serve, the provision of 60+ jobs and the creation of a social enterprise facility which helps formerly homeless or addicted people are all reasons for there to be an exception to the normal protection of employment sites as set out in the Loss of Industrial Land to Alternative Uses SPD and Birmingham Development Plan policy

TP19. They also argue that whilst the model proposed at this site by the applicant is not an employment use supported within the narrow definition in policy TP19, it is nonetheless a use that will provide local employment on an ongoing basis and therefore is considered to be wholly in accordance with policy TP26. Finally, they state that the proposal is also supported by the Birmingham Unitary Development Plan (2005) saved policy 8.33 that indicates that in certain instances commercial/industrial buildings may be suitable for conversion to places of worship.

- 6.18. In response, I do not consider the above view demonstrates exceptional circumstances as required by planning policy. The reasons for this is that, as confirmed by the applicant in their own words, the employment that their development would support is not comparable in terms of the skills and value generation in terms of traditional and hi-tech industries (other than small areas allocated within the building for furniture repair and training) that the Council envisages for the site and wider core employment area it falls in. This not only removes the capacity to accommodate people who wish to deploy their skills in such industries, as envisaged by the Council in this geographical area, but also has wider implications in terms of impacting on supply chains in the industrial eco-system that the Council has planned for in their vision for such industries in the BDP until 2031. For example, I do not consider that skills, training and jobs proposed to be created in retailing, beauty and in holding conferences by the development could be considered comparable to that envisaged by the core employment designation and that required by modern hi tech industries in the field automotive research, design and manufacturing.
- 6.19. Whilst the exception policy can accommodate educational uses, this is subject to their being no alternative suitable non industrial land of the required size, I do not consider such an exception (education use) is applicable in this instance. The reason for this is that the development is a mixed used development where the training (education) elements are largely subordinate to non-industrial operations e.g. training in hairdressing serving a hairdressers (use class A1) on site, furniture repair to the furniture show room (use class A1) and restaurant and café training linked to the proposed restaurant and café (use class A3) in some form which raises two issues. The first of these is that such training is not industrial skill related, other than the furniture repair industrial type training. The second is that the primary uses (A1 and A3) in themselves conflict with local centre and shopping policies due to this being an out of centre location (see assessment below).
- 6.20. In addition to the above, there is no evidence submitted with the application to demonstrate such training (education) cannot be provided elsewhere in the City without having to resort to the loss of industrial land e.g. by providing such at FE colleges, within the premises of dedicated training organisations and/or A1 and A3 premises on high streets (which are also generally accessible by non-car based means of travel, which then also helps address the argument put forward by the applicant of the need for the development to be close to the area the facility would serve), as required by planning policy TP 19 and SPD 'Loss of Industrial land to alternative uses'. Furthermore, the overall floorspace explicitly dedicated solely to training/education, as shown on the submitted drawings, in respect of these matters will be relatively small in the overall context of the site. Therefore, any argument that the development would provide an education offering that can be considered as exception to the protection of industrial land policy is not considered to be reasonable in this case.
- 6.21. Turning to the other example of what may constitute an exception to the policy in the adopted SPG 'Loss of industrial land to alternative uses', that is large scale mixed

use regeneration proposals which have been identified in other City Council planning documents, I can confirm the site is not allocated for or forms part of any large scale mixed use development in any other City Council Planning document.

- 6.22. Policy TP 20 (Protection of employment land) in the adopted BDP does not provide the opportunity for the developer to argue for the loss of industrial land on the basis of the site is considered non conforming or if the site no longer attractive for employment having been actively marketed, normally for a period of 2 years, at a price that which accords with other property of a similar type in the area, as this policy explicitly excludes core employment land, which the site is, from being used in such an assessment.
- 6.23. With respect to the applicant reference to policy TP26 as means of justifying the loss of industrial land, that policy refers to local employment through development on the basis of seeking to target local people in the construction/refurbishment phases of development as well as the end uses of the developments through identifying and promoting job training opportunities and encouraging the use of local supply chains. In contrast to this, the development is proposed to provide training in the end uses of A1 and A3. These will be training opportunities once the development is complete and not during the construction/refurbishment phase whilst the training in A1 and A3 skills that is likely be that end in itself i.e. training for those uses and not for employment for the end operator which in the case it were, would only provide limited openings for future employment at the site once the roles are filled and therefore the remaining trainees would as mentioned need to find employment elsewhere which is not what policy TP26 aims for. That policy is primarily aimed at skilling and or employing the local workforce within the construction and or final employment of the development. Finally, the skills set that the applicant proposes offering to people in A1 and A3 uses is contrary to the core employment designation of the site and furthermore as mentioned elsewhere in this report would be dependent on primary uses which should be located in local centres.
- 6.24. With respect to the argument put forward by the applicant that the adopted SPD Places for Worship allows for the use of commercial/industrial buildings in certain instances, I note that the policy document in question is 'Places of Worship and Faith Related Community and Educational Uses' SPD May 2011. This sets out in part 5.2.5 under 'City Wider need' that 'Low quality industrial sites may be considered if this does not impact on the City's supply of industrial land/employment sites. Core employment land will be protected'.
- 6.25. It continues in part 5.4.1 by stating 'Planning permission is required to change the use of existing premises, which fall outside Class D1 to a building for worship or religious instruction. Not all such changes are acceptable because there are other important activities which the Council want to see protected. For example:
- Employment uses: Industrial/employment land is generally protected by Birmingham's UDP as outlined in paragraphs 4.18-4.32. Paragraph 4.31 states that the loss of industrial land to retail or other non-industrial uses will be resisted except in cases where the site is a non-conforming use. This is to maintain the supply of industrial land. This policy is expanded upon within the adopted SPD 'Proposals involving the loss of industrial land to alternative uses' which must be applied when making an application for such land. Permission would not be granted for a place of worship on employment land that is protected".
- 6.26. On the basis of the above, it is clear that adopted SPD 'Places of Worship and Faith Related Community and Educational Uses' only considers low quality industrial sites

as possibly acceptable for conversion to a place of worship use and that it requires that such conversions do not impact on the City's supply of industrial land/employment sites, whilst Core employment land is protected from conversion in that policy. Therefore, given that I have already identified earlier in this report that good employment land is in short supply in the City and that the site falls within a Core employment area, I do not consider that this SPD lends weight to the applicants request to use the premises in part as a place of worship.

- 6.27. In summary, the loss of industrial floorspace that the development would entail would conflict with policy TP 19 of the BDP and policies contained within adopted SPD Loss of industrial land to alternative uses and SPD 'Places of Worship and Faith Related Community and Educational Uses'.

6.28. Sequential test for out of town centre uses

- 6.29. Part 7 of the NPPF (2018) (Ensuring the vitality of town centres) states in part 85 "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:
- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
 - b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
 - c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
 - d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;
 - e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and
 - f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites".
- 6.30. Part 86 continues by stating "Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if

suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered”.

- 6.31. Part 87 states “When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored”.
- 6.32. Part 89 states “When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:
- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)”.
- 6.33. Finally, with respect to this matter in the NPPF (2018), it states in part 90 that “Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused”.
- 6.34. The above guidance on the importance of protecting local centres through appropriate development control over the establishment of uses that should in the first place be located within designated local centres is also reflected in policy set out in the adopted BDP (2017) such as policies TP21 to TP 24 and Shopping and Local Centres SPD (March 2012).
- 6.35. With the above policy requirements in mind, I note that the proposed development is proposing development, which consists of A1 retail (furniture shop), D1 (Church and art studio), D2 leisure (gym, performance and conference uses), B1a (offices), A3 (restaurant and cafe) and beauty salon (Sui Generis) within what is an out of centre location and which is core employment (industrial) area.
- 6.36. The applicant has not provided a sequential appraisal for the proposal but rely on the categorisation of the proposal as Sui Generis to argue that the various components should not be seen on their own even though a large proportion of the various functions such as restaurant, café and nursery would be open to the public. Whilst I recognise there will be some inter relationship between the various uses, I consider that the proposal effectively amounts to a use you would set in a town centre location and that the requirement for a sequential appraisal is necessary as required by planning policy.
- 6.37. With respect to the NPPF requirement in part 89 for applicants to provide impact assessments for retail and leisure developments that exceed 2,500 sq.m, I note that the cumulative floorspace of those features that could be categorised as retail and leisure uses in the development, even when taking into account the floorspace used

by the restaurant and café uses (and excluding any shared communal areas) would not exceed 2,500 sq.m. Therefore, an impact assessment is not required.

- 6.38. In summary, in the absence of a sequential appraisal that satisfactorily justifies the establishment of the local centre uses proposed in this development in this out of centre location, the establishment of such uses in this out of centre location would conflict with planning policy in the adopted BDP (2017), adopted SPD Shopping and Local Centres and the NPPF (2018) that seeks to protect and enhance the role of local centres.

6.39. Highway/parking impact

- 6.40. Transportation Development requested further information which has not been provided to date and therefore in the absence of that information and considering the information at hand they recommend refusal of the scheme on the grounds of the adverse impact on the freeflow and safety of pedestrians and motorists. I concur with this view.
- 6.41. The site is located within Area 3 of the zonal map set out in adopted SPD Car Parking Guidelines, however the submitted Technical note has considered the site being in Area 2 when considering parking provision, as the site is located on the edge of Area 2 boundary. I concur with this approach and consider the use of area 2 parking requirements in this circumstance is acceptable.
- 6.42. The proposed uses and floor areas shown on the submitted plans are considered for evaluating the highway/parking impact of the proposal. It is also considered that these uses would operate simultaneously. Considering the use of auditorium as a conference facility and applying the parking standards within the current parking guidelines for the proposed various uses, the specified maximum parking provision for the proposal would likely to be approx. 94 spaces, if it is considered Area 2 and approx. 142 spaces, if considered Area 3 (parking standards for sports and fitness facilities have been applied for 'multipurpose multi use arts training and performance suite'). It should be noted that the area considered does not include some of the common areas such as some of the lounge, reception, w/c, stores etc. i.e. net floor areas are considered instead of gross internal floor areas, therefore the specified parking provision would be slightly greater than above.
- 6.43. Focusing in on the parking that may be expected to be generated by the proposed church use of the premises on its own, the submitted details refer to the church services within the proposed auditorium (575 sq.m.). As per SPD car parking guidelines for place of worship, the useable area needs to be considered, therefore the 'multipurpose space' (approx. 340 sq.m, excluding storage areas) is considered as useable area for worship along with the area of auditorium. As per the submitted details, it is considered that the proposal would cater for the wider needs rather than only local needs. BCC current parking guidelines specify maximum parking provision of 1 space per 4.5 sq.m. for place of worship. Therefore, the specified maximum parking provision for the place of worship element on its own (auditorium + multipurpose space) would be 203 spaces, and it would 128 spaces if only auditorium is considered as place of worship.
- 6.44. The applicant is proposing only 42 car parking spaces and two spaces for mini-bus parking spaces to serve the overall site. Therefore, the proposal would likely to increase on-street parking demand both in the case of the overall development operating with the auditorium hosting conferences/events and even in the event that only the auditorium alone (or with the multi purpose hall) is being used to host

church activities. Therefore, I am concerned that the proposal would likely to increase on-street parking demand within an area where such demand is already very high. This might result into increase in illegal / inconsiderate parking within the area to the detriment of highway safety and free flow of traffic on surrounding highways. Therefore, in the absence of the requested further information and considering the submitted details as above, I recommend refusal for the proposal.

6.45. Neighbour amenity

6.46. Regulatory Services have raised no objection subject to conditions. The development would make use of an industrial building that had consent to be used for the storage, hand finishing of magazines and direct mail without any hours of use restrictions under application 1995/00419/PA which was approved subject to conditions (this included a S106 agreement requiring acoustic insulation to be provided to some of the residential dwellings nearest to the site to the north on Aston Brook Green). The consent also restricted its use to such purposes in the development description.

6.47. This current proposal would operate on a restricted hours of use basis in comparison to the previous use that had consent to operate at any time. The drawings that I have been able to retrieve with respect to the 1995 approval would appear not to have included an internal layout for the building. Therefore, it would appear that the operator had flexibility in terms of where various operations would occur. This is important as the current proposal entails the use of an area shown for furniture workshop which has a large opening in its exterior façade (which can be closed by either shutters or doors) that faces towards the Aston Brook Green residential estate immediately to the north of the site. The only intervening feature between that workshop and the residential estate is a 2 metre high boundary wall along the site perimeter. Therefore, on the basis the previous consent was granted for an industrial type use, albeit restricted for the storage, hand finishing of magazines and direct mail, this was on the basis of no hours of use restrictions and those operations involved (as far as I can ascertain) the use of industrial plant and machinery where the effects of such were mitigated by the implementation of acoustic insulation to specific properties on the Aston Brook Green estate, I do not consider the proposed development (which would be more restrictive than the previous) would give rise to any adverse noise and disturbance impact subject to safeguarding conditions.

6.48. Community benefits

6.49. The promotion of healthy and safe communities is a key objective of the NPPF and seeks to, amongst others, promote social interaction, provision of social recreational and cultural facilities and services the community needs. The community benefits associated with the proposal are a material consideration and holds substantial weight. However, it is considered that this does not outweigh the significant strategic importance of the loss of industrial land within a core employment area.

6.50. Other matters

6.51. Design- The proposed works to the external façade of the application premises would enhance its visual appearance and have a positive visual impact on the street scene.

6.52. Crime- I note the comments provided by West Midlands Police and consider that most of their recommendations such as the provision of CCTV, lighting and

management plan can be conditioned to be provided and should help in crime prevention. I therefore raise no objections to the proposal on the grounds of crime.

7. Conclusion

- 7.1. I acknowledge the scheme has the potential to provide benefits such as helping provide skills to people in various areas who wish for a second chance in life. Nevertheless, having undertaken an appropriate assessment of the proposal and evaluated its impact in planning terms, the development would conflict with a number of planning policies which are strategic in terms of loss of industrial land within a core employment area and the lack of a sequential appraisal that satisfactorily justifies the establishment of town centre uses in this out of centre location. Furthermore, on the basis of the available information it is considered the development would have an adverse impact on the safety and freeflow of pedestrians and motorists due to the inadequate level of on site parking to accommodate the estimated level of parking demand that the use is expected to generate coupled with the limited availability of on street car parking capacity in relative close proximity of the site.

8. Recommendation

- 8.1. That the application is refused.

Reasons for Refusal

-
- 1 The proposed development would lead to the loss of good quality industrial land for which there is a shortage in the City whilst it also forms part of an area designated as a core employment area for which exceptional circumstances to justify its loss to non industrial purposes has not been satisfactorily demonstrated. For these reasons the proposed development conflicts with policies TP17, TP 19 and TP20 in the adopted Birmingham Development Plan (BDP 2017), policies contained within adopted Supplementary Planning Document (SPD) Loss of Industrial Land to Alternative Uses and adopted SPD Places of Worship and Faith Related Community and Education Uses, and also within the NPPF (2018).
- 2 In the absence of a sequential appraisal that satisfactorily justifies the proposed main town centre uses in this out of centre location, it has not been demonstrated that the development would not undermine the vitality and viability of other local centres. As a result of this, the proposal would conflict with policy TP 21, TP 22, TP 23 and TP 24 of the Birmingham Development Plan (BDP 2017), policies contained within adopted Supplementary Planning Document (SPD) Shopping and Local Centres and also policies in the NPPF (2018).
- 3 The car parking facilities proposed are inadequate and would lead to additional parking in nearby roads, to the detriment of pedestrian and highway safety. As such it would be contrary to Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework (2018).
-

Case Officer: Wahid Gul

Photo(s)



Photo 1 - Vehicle entrance to site on Chester Street

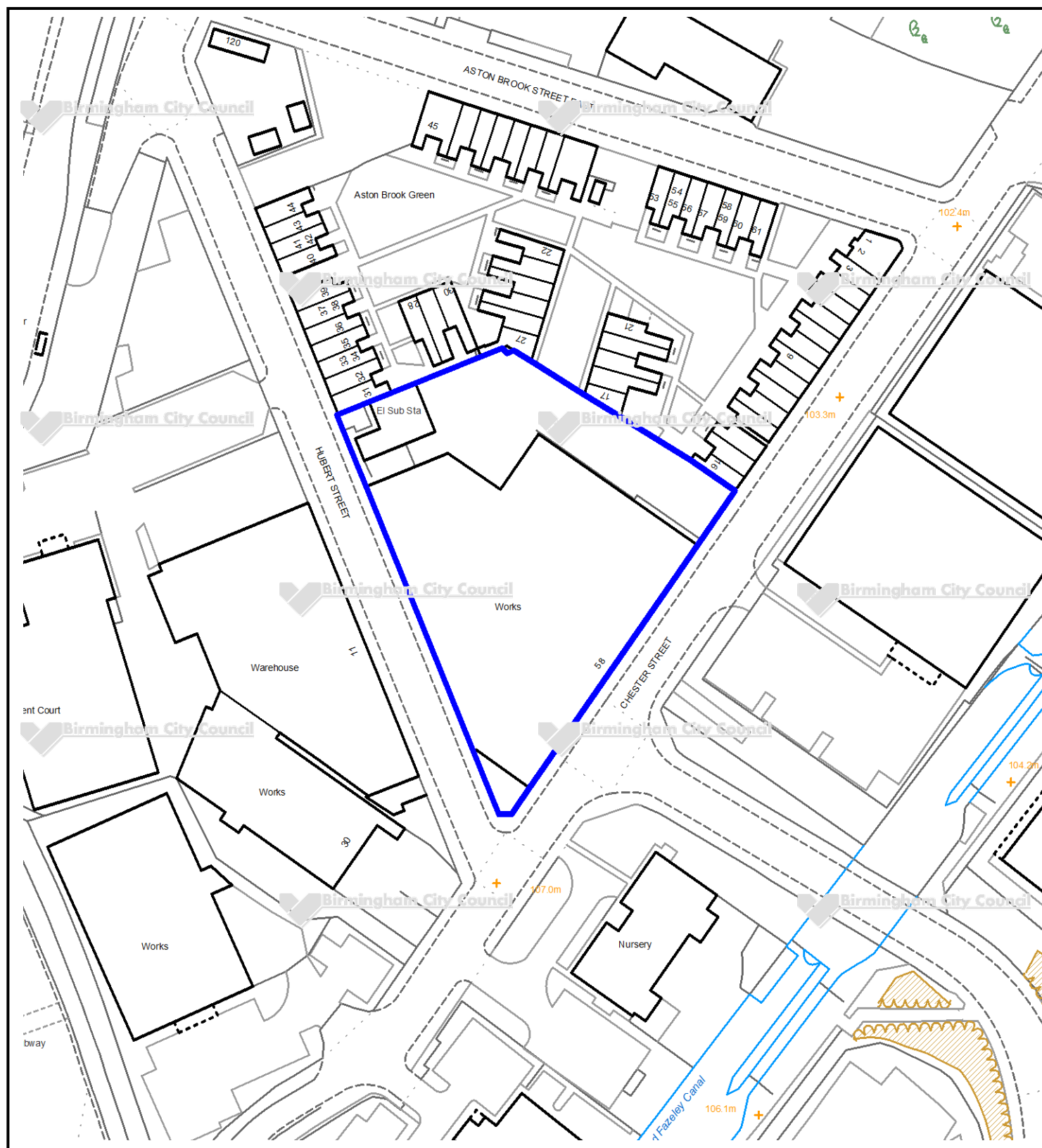


Photo 2 - View looking north up Chester Street with the access to the application site on the left



Photo 3 - Front of site facing Chester Street

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

| | | | |
|-----------------|-----------------|---------------------|---------------|
| Committee Date: | 16/08/2018 | Application Number: | 2018/04539/PA |
| Accepted: | 12/06/2018 | Application Type: | Householder |
| Target Date: | 17/08/2018 | | |
| Ward: | Handsworth Wood | | |

84 Hamstead Hill, Handsworth Wood, Birmingham, B20 1DA

Erection of two storey side and single and two storey rear extension with porch to front

Applicant: Mr H Johal and Mrs R Kaur
84 Hamstead Hill, Handsworth Wood, Birmingham, B20 1DA
Agent: Gurmukhi Building Design Ltd
The Old School House, 66 School Road, Moseley, Birmingham, B13 9SW

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. Consent is sought for the erection of a two storey side, two storey and a single storey rear extension and a porch to the front. The proposal would provide an extended dining room and an extended kitchen/breakfast room at ground floor and three additional en-suite bedrooms at first floor. Maximum dimensions are approximately 13.5m deep 10.2m wide and 8m high.

1.2. [Link to Documents](#)

2. Site & Surroundings

2.1. The application property is a detached dwelling house designed with a hipped roof, a bay window feature to the front and a garage to the side. The front of the property comprises a driveway and a garden which is grassed. The rear of the property comprises of a generous garden which is grassed with mature planting and trees. The application property is set back of the main highway on a private drive consisting of 5 no. detached dwelling houses which are of similar age and design. There are number of front porches visible in the street scene; these all differ in scale and design.

2.2. The boundary treatment with No. 86 Hamstead Hill is defined by an approximately 1.6m high fence. The neighbouring property is set back from the application property by an approximately 0.5m and has been previously extended with a two storey rear and a two storey side extension. The nearest window at No. 86 lights a living room at the front, dining room at the rear and a master bedroom at first floor. There are no habitable room windows on the side elevation at No. 86.

2.3. The boundary treatment with No. 82 Hamstead Hill is defined by an approximately 1.8m high fence and by mature hedging. The neighbouring property has been previously extended with a single storey rear extension. The nearest window at No.

82 lights a lounge at ground floor and a bedroom at first floor. There are no habitable room windows on the side elevation at No. 82.

2.4. [Site location](#)

3. [Planning History](#)

3.1. No planning history.

4. [Consultation/PP Responses](#)

4.1. Local ward councillors and the occupiers of neighbouring properties have been consulted; a petition containing 14 signatures from the occupiers of 6 different properties has been received objecting to the proposed development on the following grounds:

- Size and scale of the proposed development
- Negative impact on the neighbouring properties
- Overlooking issues
- Non-compliance with the 45 Degree Code

4.2. In addition, 4 letters of objection have been received from 3 different objectors which raised the same concerns as above and further concerns in respect of (in summary):

- Personal circumstances of the objectors
- Building line
- Loss of view from the garden
- Use of the property as a HMO

5. [Policy Context](#)

5.1. The following local policies are applicable:

- Places for Living (2001)
- Extending your Home (2007)
- Birmingham Development Plan (2017)
- UDP 2005 (saved policies 3.14 – 3.14D & Chapter 8)
- 45 Degree Code

5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2018)

6. [Planning Considerations](#)

6.1. The main issues for consideration are the scale and design of the proposed development as well as the impact on neighbouring amenities.

6.2. I consider that the scale and design of proposal is sizeable but acceptable. Although the additional floor area of the proposed development is relatively sizeable, I do not consider that the proposal would have a harmful impact upon the architectural appearance of the property and the visual amenity of the surrounding area. The bulk of the proposal is located to rear and as such would have a limited impact on the general street scene. Furthermore it is noted that neighbouring properties in the street scene benefit from previous sizable additions. For instance, the neighbouring property at No. 86 Hamstead Hill has been previously extended with a two storey side and a two storey rear extension. I therefore consider that in terms of scale,

massing and design that the proposed development would not have any significant detrimental visual impact on the existing building, street scene or surrounding area. The proposal would be generally in accordance with the principles contained within 'Extending Your Home' Supplementary Planning Document.

- 6.3. The proposal includes a number of side facing windows at first floor. These windows would light non habitable rooms (bathrooms) and any overlooking issues could be overcome by a way of safeguarding condition for obscure glazing.
- 6.4. The proposal complies with your Committee's 45 Degree Code with regard to both neighbouring properties at No. 82 and No. 86 and meets the distance separation guidelines contained in 'Extending your Home' and 'Places for Living'. As such, the development would not result in a detrimental impact on the amenities of the occupiers of neighbouring properties by way of loss of light, outlook or overlooking.
- 6.5. It is noted that concerns have been raised in respect of the property being used as a HMO. The information submitted with the application indicates that the property will still be occupied as a single household dwelling, following the proposed development. There is no evidence within the application as submitted to suggest that a change of use would be required. In addition, both the applicant and the agent have confirmed that the property will remain as a single dwelling house.
- 6.6. Moreover, concerns have been raised in respect of the front porch and rear extension being out of the building line. However, it is noted that the application property is located on a private drive containing 5 no. detached dwelling houses which have staggered building lines. As such, I consider that the proposed front porch is acceptable. In addition, the design of the proposed porch is modest in scale and reflects the style and materials of the application property; therefore, it would not adversely impact the character of the house or visual amenity of the area.
- 6.7. Finally, concerns have been raised in respect of loss of view from the garden of the neighbouring property and personal circumstances of the objectors. However, these matters are not material planning considerations and cannot be taken into account when assessing this application.
- 6.8. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. Notwithstanding the objections raised from neighbouring occupiers, this application is recommended for approval as the proposed development complies with the objectives of the policies that have been set out above.

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 details obscure glazing for specific areas of the approved building |
-

4 Implement within 3 years (Full)

Case Officer: Lucia Hamid

Photo(s)

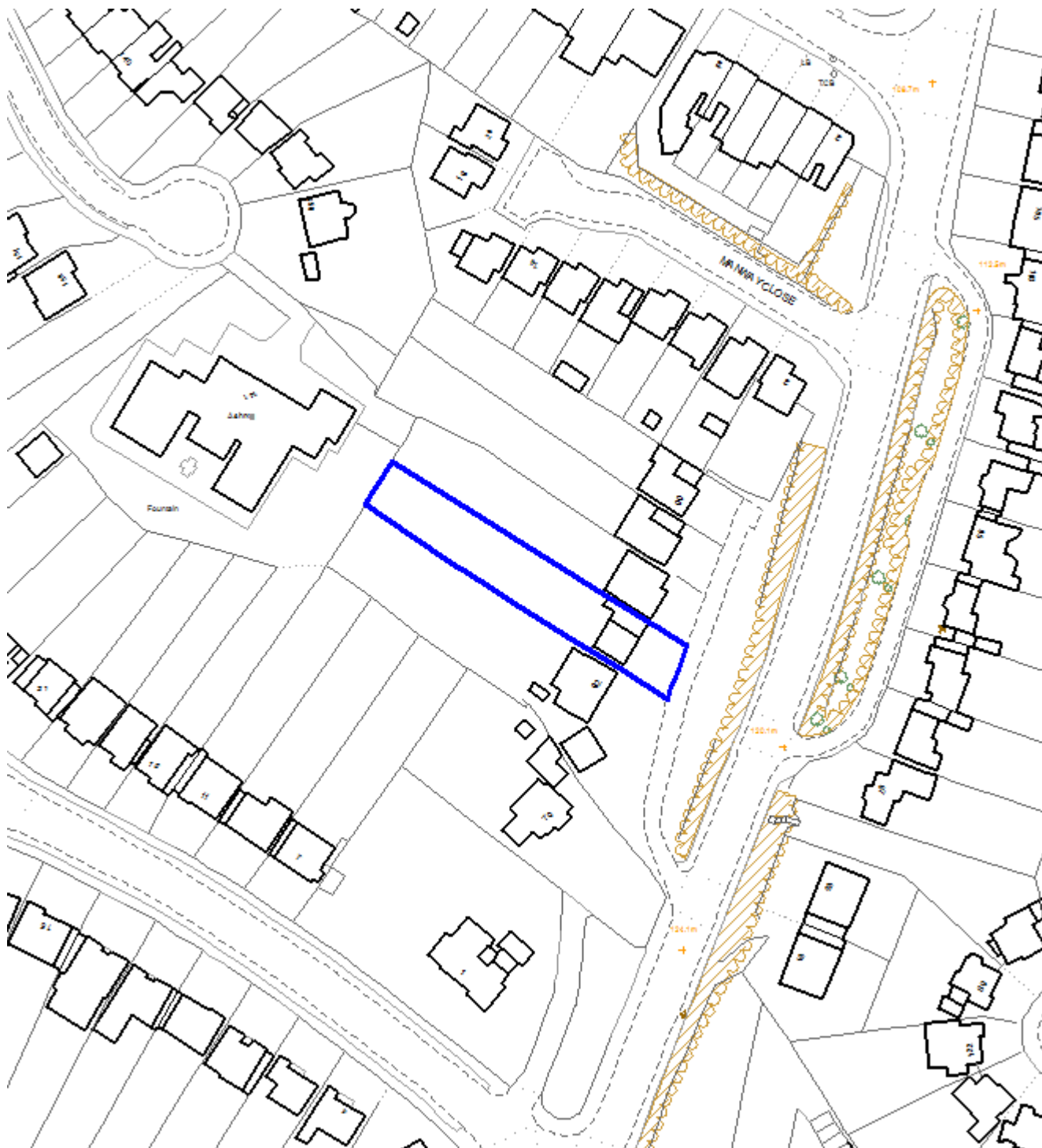


Figure 1 – Front elevation



Figure 2- Rear elevation

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

| | | | |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 16/08/2018 | Application Number: | 2018/01292/PA |
| Accepted: | 15/02/2018 | Application Type: | Full Planning |
| Target Date: | 17/05/2018 | | |
| Ward: | Aston | | |

1 Barry Jackson Tower, Estone Walk, Birmingham, B6 5DP

Change of use from flats (C3) to a supported living centre to provide interim accommodation to homeless households (Sui Generis) together with internal and external alterations and installation of external plant and equipment and also change of use of land on opposite side of Upper Dean Street (next to medical centre) to a car park.

| | |
|------------|--|
| Applicant: | Wates Living Space Ltd Mole Street, Birmingham, B11 1XA |
| Agent: | BM3 Architecture Ltd 28 Pickford Street, Birmingham, B5 5QH |

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The applicant proposes the conversion of the currently vacant Barry Jackson residential tower block which was previously used for flats (use class C3) to a supported living centre (Sui Generis). As part of the conversion it is proposed to carry out internal and external alterations to the building as well as the installation of external plant and equipment. It is also proposed to convert a vacant piece of land to the other side of Upper Sutton Street from the tower to a car park for 40 cars. The building has 20 floors.
- 1.2. As background to this application the applicant has provided supporting information which sets out that there is a legal requirement for the City Council to provide interim accommodation to homeless households pending a decision on their homeless application.
- 1.3. Temporary accommodation is currently provided through:
 - * Dispersed properties – council owned housing revenue account stock
 - * Four homeless centres- council owned
 - * Properties procured through the private rented sector
 - * Bed and breakfast accommodation- which should be a last resort
- 1.4. The number of families/individuals in the various forms of temporary accommodation now exceeds 2,000 with over 500 in bed and breakfast with 195 of these households accommodated out of Birmingham.
- 1.5. When families or individuals present themselves as homeless to the Council they are interviewed and where there is an interim duty to accommodate the households they are referred for temporary accommodation. The Temporary Accommodation

Tenancy Management Team will make an initial assessment to determine the most suitable and appropriate accommodation for the household.

- 1.6. The Supported Living Centre will house families only. This means people with dependent children or pregnant women only. The City Council only provides temporary accommodation for people who have recourse to public funds so this will not include asylum seekers or anyone who fails the habitual residency test. The residents will have low level support needs and will be risk assessed to minimise the risk to staff, other residents and the local community. If considered suitable they may be referred to the centre when they make a request to Birmingham City Council for temporary accommodation.
- 1.7. If the City Council has reason to believe that they may be homeless then they have a duty to investigate and decide whether the council has a legal duty to find them suitable permanent accommodation. This means that there will be residents awaiting an outcome of this decision and residents for whom the council has already determined it does have a duty to and is in the process of sourcing permanent accommodation. If the City Council does have a duty to find permanent accommodation but does not have anything suitable available then residents may be moved to alternative, self-contained temporary accommodation if their support needs have been met. Based on other supported living centres residents are likely to stay an average of four months while awaiting their decision and/or awaiting a move to permanent or alternative temporary accommodation.
- 1.8. Two independent risk assessments are carried out before all admissions and anyone who poses a potential risk to staff, residents or the local community is housed elsewhere. No one with a history of mental health, substance abuse, violence, anti-social behaviour, sexual offences, arson etc. that might cause problems is accepted at the centres. Residents at the centres are supported by staff and the centres are closely managed including strict rules in alcohol/substance use, visitors and a curfew. Measures such as this would be in place to prevent anti-social behaviour within and around the centre and to protect staff. Residents who breach these rules can be asked to leave immediately.
- 1.9. The number of residents placed on each floor will not exceed 32, the maximum permitted. 17 of the 20 floors would have residential accommodation resulting in a maximum provision of 544 residents. Residents will not be permitted to enter other residential floors. This will be managed by on site staff and failure to adhere to the rules will result in residents being asked to leave. Due to the number of bed spaces the amount of people accommodated on each floor is unlikely to exceed 30. Visitors will be logged at reception and the number on each floor monitored to ensure the permitted number is not exceeded. Visitors will only be allowed within specific times and the number of visitors will be limited. Visitors will not be allowed in communal areas.
- 1.10. Bedrooms would be set out in an arrangement where 3 bedrooms would be grouped together with associated shower/WC and kitchen/dining area in self contained pod areas in the corner of floors 1, 3 to 10 and 12 to 20. Access to the pods will be restricted to only those people who have accommodation in that pod by having key fobs on the entrance door to the pods. Set between the pods on the periphery of each of the aforementioned floors would be communal lounges/dining rooms, kitchens and shower rooms which will be accessible by all of the residents on that particular floor that they are located.

- 1.11. Whilst each bedroom would be occupied by people related to one another, not all of the occupiers of the bedrooms within each pod would be related to other people in a different bedroom in the same pod.
- 1.12. The proposed ground floor would be used for administrative purposes by staff. Key features of the proposed ground floor would include:- reception area; staff concierge, security room, offices, staff kitchen/dining room, W.Cs, staff shower, kitchens, lifts, store rooms, drying room, wet riser tank room, storage/plant/deliveries/bicycle store room and refuse room. Access to and from the upper floors would be available whether up a set of lifts or a central staircase.
- 1.13. It is proposed to convert the second and 11th floors of the building to communal floors. The layout of these floors would provide communal rooms; parent rooms, laundry room, bath/W.C, offices, TV rooms, IT rooms, study rooms, kitchen and offices.
- 1.14. It is proposed to install an external 2.34 metre high diesel generator, a cold water booster tank (set in an enclosure measuring 2.8 metres in height) and 1.54 metre high wet riser tank (set on support beams below) within the external site curtilage. These would be enclosed by 2.1 metre high hit and miss timber fencing. Adjacent these new pieces of plant, a surface car park for 14 cars would be laid out.
- 1.15. External modifications to the tower block would include the application of an external wall insulation system with silicon render finish colour white; new UPVC windows (anthracite grey), aluminium spandrel panels inserted within windows to the western and eastern façade (anthracite grey), new louvres down along the central part of the northern façade (anthracite grey) and external wall insulation along the bottom part of the tower block that would involve applying a blue engineering brick layer to the exterior façade.
- 1.16. Land across Upper Sutton Street which is currently sealed off having formerly been occupied by a council building and which is now partly covered by vegetation but in the main has hardsurfacing would be converted to a 40 space car park.
- 1.17. The centre will be staffed 24 hours a day, 7 days a week. The team will include one centre manager and 30 officers as well as security guards around the clock. At night there will be a minimum of one council officer and three security guards. The staff will be responsible for tenancy management, building management and supporting the residents. Staff on the ground floor will ensure that access to the block remains secure. In addition to the centre staff there will be office space for approximately six officers from the Housing Options Service to work. These officers will be based at the building during office hours only and will not be carrying out any face to face work with the public or residents of the block.
- 1.18. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site comprises land occupied by Barry Jackson tower, a vacant City Council tower residential tower block, and its immediate curtilage as well as vacant sealed off land across Upper Sutton Street (117-119 Upper Sutton Street) from it which was formerly occupied by a City Council building.

- 2.2. Though the predominate land use in the immediate vicinity is residential, there are other land uses nearby such as a medical centre, newsagents, takeaway, superstore and church.
- 2.3. [Site location map](#)
3. Planning History
 - 3.1. Application relating to Barry Jackson Tower
 - 3.2. 17.10.2013- Application for prior notification proposed demolition of residential tower block- no prior approval required.
 - 3.3. Applications relating to 117-119 Upper Sutton Street
 - 3.4. 06.02.2014- 2014/00311/PA- Application for prior notification of proposed demolition- no prior approval required.
 - 3.5. 10.02.1994- 1993/02855/PA- Change of use from residential flats to office and community base/creation of car park- approved with conditions.
4. Consultation/PP Responses
 - 4.1. Surrounding occupiers, local councillors and local MP notified as well as site and press notices displayed-47 responses (as well as 3 petitions containing a total of 372 names objecting to the scheme) received (many which also claim to speak on behalf of other residents) which either object or raise concerns about the proposal. The objections/concerns raised can be summarised as follows:-
 - In the past there has been criminal and anti-social behaviour from people living in the tower.
 - Housing ex-convicts here will add further issues and crime will increase.
 - The building is unfit for habitation.
 - The building was previously classified as uneconomical to renovate for residential purposes and was marked for demolition which is something locals want.
 - Issues of crime became less when the tower became vacant.
 - Fearful of living in the area.
 - Who will be responsible for the safety of residents.
 - There is a drug problem in the locality.
 - There are three local schools on the doorstep.
 - Increase anti-social behaviour.
 - Families with children living nearby and having residents of the tower with complex needs is going to be unsafe for children.
 - Wish for the tower to be demolished.
 - We were promised the building was to be demolished.
 - No one will want to live in this area.
 - Too many hostels currently in the area.
 - The proposed occupancy would be 900 people versus previous use as a tower block for 320 people.
 - Disadvantaged areas are used as a dumping ground for homeless people, according to police records there are 19 hostels in Aston ward which is higher than the City average of 7 and that the 19 figure does not include 3 hostels:- Aston Hotel, Midland Living (location not given) and Midshire Housing (location not given).

- All three local councillors and MP are objecting to the scheme.
- The application submitted tries to paint a rosy picture of the proposed hostel.
- Local people and schools have not been consulted.
- Concerns about lack of policing in the area to deal with current issues,
- Impact on school places, doctors surgeries social care and support for these vulnerable people.
- Meeting held about the proposal were information meetings and not consultation meetings.
- The Council have continued to work on the tower even though the application has not been determined.
- Councillors did not talk regularly with constituents to gauge their views on this matter
- A letter to Aston Ward Councillors from Mr Peter Griffith has asked them to support him in this proposal for the tower. Such behaviour is something planning committee or local steering groups should in general avoid and he is in breach of Section 25 of the Localism Act and the Councils Code of Conduct).
- Residents have a right under the Localism Act as to how we want our neighbourhood to look/be developed and be consulted about changes in our community and this has not been done and this has been dictated by Birmingham City Council which has caused anger amongst locals.
- This tower is no longer a feature we want.
- The majority of residents in Aston do not speak English as their first language and they have a disadvantage when it comes to engaging local concerns.
- Invasion of privacy as residents will be able to look into bedrooms, living rooms, kitchens and gardens of nearby residents.
- The intensity of the scheme is too big for Aston.
- Lack of parking.
- Houses should be built instead.
- There must be more affluent areas for this development.
- The car park next to the medical centre should be everyone not just those in Barry Jackson Tower
- This project should be moved to other parts of the city where there are fewer hostels.
- Will create more rubbish problems.
- There are no community centres or amenities in the locality
- the new wholesale market is moving to Aston which will add to the traffic problem in the Aston.
- The area already has parking problems.
- The existing building is an eyesore and this proposal is welcoming crime back into the community.
- Will increase noise and disturbance.
- There are no community centres in the locality and amenities to cater for existing locals let alone another 200 people.
- Barry Jackson Tower (residents) has been known for its crime and anti social behaviour which causes concerns for residents which will start again and will be impossible to police.
- Will increase crime and anti social behaviour.
- Not a solution to the homeless situation.
- The community wants to be treated with respect it deserves and Barry Jackson Tower should be demolished as it should have been under previous regeneration schemes.

- 4.2. Objections received from Councillors Muhammed Afzal, Nagina Kausar and Zial Islam who state that Aston Ward has got more than its fair share of hostel accommodation which has created numerous problems of anti-social behaviour i.e. drug and alcohol abuse, noise nuisance, vandalism, harassment etc. The local residents living in the vicinity of Barry Jackson has suffered as a result of this type of anti-social behaviour when previously occupied. Residents are totally against converting the tower into hostel accommodation based on their previous experience.
- 4.3. 1 response received from MP Shabana Mahmood who states she objects to the proposal. She states she objects to the reversal to demolish the building. Her objections cover four areas:- lack of legally required consultation; the planning change from C3 to Sui- Generis, confusion over the planning consultation timescale and historical anti-social behaviour.
- 4.4. Transportation Development- No objection subject to amendments / conditions.
- 4.5. Regulatory Services- No objections subject to conditions to limit cumulative noise levels from the proposed plant and machinery, noise insulation and electric vehicle charging. They also state that the application includes significant construction work and it is likely that the building may contain hazardous substances such as asbestos. The building shall be surveyed to identify the presence of any hazardous materials (including asbestos) and these materials shall be made safe prior to construction/demolition work which may disturb these materials.
- 4.6. Leisure Services- no objection.
- 4.7. WM Fire Services- No objections, subject to fire mains meeting the requirements of ADB, Volume 2, 15.4, 15.5 and diagram 52. Access for a pumping appliance should be within 18m and within sight of the fire main inlet. Water supplies for firefighting should be in accordance with 'National Guidance Document on the Provision for Fire Fighting' published by Local Government Association and WaterUK:
- 4.8. West Midlands Police- WMP have consulted with the local Police team and there have been issues around the potential impact of sections of the homeless community could have on the existing, and surrounding residential and retail communities. There are also concerns locally around the capacity of the existing community to support the potential needs of the proposed clientele. WMP recognise that many of the concerns raised over potential issues and support needs relate to homeless individuals and are not relevant to this proposal. WMP have emphasised that their comments would likely be different if the proposal is not for family accommodation. They also make observations in terms of access control, securing the building and movement throughout the building, CCTV, lighting, 24hr presence of staff and security, as well as secure by design with good design and management policies.
5. Policy Context
- 5.1. Saved UDP (2005) policies; Birmingham Development Plan (2017), SPG Placed for All, SPG Places for Living, SPD Car Parking Guidelines and the NPPF (2018).
6. Planning Considerations
- 6.1. This application gives rise to a number of planning issues which are considered below.

- 6.2. Policy context-The National Planning Policy Framework (NPPF 2018) seeks to ensure the provision of sustainable development. It encourages the effective use of land by utilising brownfield sites such as when it states in part 117 “Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or brownfield land”.
- 6.3. Part 118 states “Planning policies and decisions should:- .. give substantial weight to the value of using brownfield land within settlements for homes and other identified needs and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land and promote and support the development of under utilised land or buildings especially if this will help meet identified needs for housing where land supply is constrained and available sites could be more effectively used”.
- 6.4. Policy TP27 of the Birmingham Development Plan also states that new housing in Birmingham is expected to contribute to making sustainable places. All new development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods. Policy TP28 of the plan sets out the proposed policy for housing location in the city, noting that proposals should be accessible to jobs, shops and services by modes of transport other than the car.
- 6.5. Principle- The application site comprises two plots of land, one currently largely occupied by a vacant residential tower block and the other a sealed off piece of land that was formerly occupied by a City Council building. Notwithstanding the use class of the proposed development falls outside the C3 use class, the intended use represents a development with characteristics similar to residential C3 uses and given that the development shares similar commonalities with the predominate land use in the area which is residential I consider the principle of the proposed development in this location is acceptable.
- 6.6. Cumulative- I note the comments received about this application that refers to the presence of other forms of temporary accommodation in Aston ward. In respect of evaluating the cumulative impact of the presence of such uses, there is no specific geographic area that is required to be assessed for the presence of such facilities either in the NPPF or local planning policy. On the basis of the officer site visit no other forms of temporary accommodation was apparent along Upper Sutton Street an approximate 500 metre length of road. Whilst it is acknowledged that there are other land uses in the locality such as shops, a church, takeaway and a school (with nursery) the conversion of the tower block to a hostel would not undermine the prevailing character of the area which would still predominantly remain residential.
- 6.7. Environmental matters- Regulatory Services recommend conditions to control the overall noise generated by the proposed plant and machinery and noise insulation. I concur with this view. The proposed external plant and machinery would be surrounded by fencing which will help contain noise. The applicant will be made aware through the application of the safeguarding condition that the cumulative noise for these should not exceed a certain threshold which will help protect the amenity of existing and proposed residents. With respect to protecting the amenity of proposed tenants from surrounding noise sources, the proposed noise insulation condition should address that matter by providing appropriate acoustic insulation. Overall the noise generated from the proposed development is not expected to have an adverse impact on the amenity of nearby occupiers.

- 6.8. With respect to the comments provided by Regulatory Services that the application includes significant construction work and it is likely that the building may contain hazardous substances such as asbestos and that the building shall be surveyed to identify the presence of any hazardous materials (including asbestos) and these materials shall be made safe prior to construction/demolition work which may disturb these materials, I consider such matters are the responsibility of the appointed contractor and not something controlled by planning condition.
- 6.9. Parking- Transportation Development raise no objection subject to amendments / conditions. I concur with this view. The amendments requested include an amendment to the position of the proposed gates to the car parks and that the layout provide at least 5.5m space between back edge of footway and the gates for vehicles to wait off the highway whilst the gates are being opened; any alterations and reinstatements of redundant footway crossing(s)/redundant part of crossings to be carried out to departmental specifications, pedestrian visibility splay of 3.3m x 3.3m x 600mm to be incorporated/maintained at the vehicular accesses, parking spaces to be formally marked out on site and parking & vehicle circulation areas not to be used for any other purpose, secure and covered cycle storage, in line with current guidelines, to be provided at appropriate location(s) and a car park management plan to be provided and agreed. It is considered these could be achieved through conditions and should not hinder the assessment of the parking/highway impact of the proposal.
- 6.10. As per the submitted d&a statement, there will be 31 members of staff and some security guards. It also refers to an additional office space for approx. six offices during office hours.
- 6.11. 40 parking spaces will be provided for the proposed use. The number of residential units would be reduced within the tower block and the d&a statement refers to less than 10% of residents within similar current centres owning a car. Therefore, the residential element of the proposal would be unlikely to increase traffic and parking demand compared to the existing. Whilst the proposed supporting office elements and the staff that will occupy it are likely to generate traffic and parking demand of their own, which is separate from that generated by the residents, it is considered the overall level of car parking proposed would be satisfactory to accommodate both the level of parking demand generated by staff and residents. In order to assure that the car parking capacity is allocated and managed appropriately, it is recommended that a car-park management plan should be provided.
- 6.12. Parts of the existing footway crossing (providing access to three parking spaces) off Brooklyn Avenue would likely to become redundant which must be reinstated with full height kerbs. The proposed gates to the car-park off Upper Sutton Street, across the road from the tower block, would appear to require that the existing footway crossing currently in place to the front of that land would need to be relocated/alterd to align with the proposed gates to that new car park. The gates proposed to both car-parks would need to be moved back into the site(s) at least 5.5m from back edge of footway so that vehicle can wait off highway whilst the gates were being opened. Amendments to the gates position / layouts as shown on the submitted drawings would be required to achieve this which can be required by condition. Pedestrian visibility splays of 3.3m x 3.3m x 600mm to be incorporated / maintained at vehicular accesses.
- 6.13. In summary, the proposed development is not expected to have an adverse parking of highway impact subject to safeguarding conditions.

- 6.14. Crime- Crime and the fear of crime is a material consideration in the assessment of planning applications. With this in mind, West Midlands Police seek clarification with respect to matters related to securing the site and have also recommended conditions to enhance security whilst they also confirm their agreement to some aspects of the proposal from a security perspective.
- 6.15. With respect to the matters that the police seek clarification of, these mainly relate to the proposed external doors to be installed, or are currently installed and the proposed access system. Effectively they seek that all external doors to the building be subject of a robust access control system, this can be relayed to the applicant as an advisory. With respect to their recommendation that doors to the stairwells and lifts are secured, I consider this would be an internal management issue by on site security and management without having to rely on conditions to secure such.
- 6.16. Other matters raised by the Police such as the need for appropriate CCTV and lighting can be conditioned. I do not concur with the Police recommendation that we condition a security guard level (both day and night) as it is expected as a City Council scheme, in which assurances have been given in the Design and Access statement that day and night time security will always be provided should be suffice without the recourse to conditions to secure such under a condition of any approval. The CCTV should cover all entry/egress points of the site and all external fire escapes. The location of the main reception is appropriate. All works should be carried out to standards laid out in secured by design. Matters related to tagging IT equipment (to allow for its identification in the event such is stolen) and the provision of obscure film to windows of rooms at ground level that can be seen into and the installation of internal grilles to windows in obscure locations is an issue that would need to be decided by the tower management, taking account of factors such as fire risk etc. and I do not consider such warrants a condition.
- 6.17. Moving onto concerns raised by objectors regarding their fear of crime as they perceive may arise from the proposal and based on their past experience of the tower block when it was used as flats, I consider the overall scheme as set out in the submitted design and access statement coupled with the layout drawings demonstrates that the proposed end use would have a limited impact in terms of crime and anti social behaviour. The reasons for this is that the design and access statement sets out that the vetting process for attaining accommodation within the tower block would filter out anyone who poses a potential risk to staff, residents or the local community. No one with a history of mental health, substance abuse, violence, anti social behaviour, sexual offences, arson etc. that might cause problems would be accepted at the centres. In addition to this there will be 24 hour on site security and curfews on residents. In summary, I consider that the details provided in relation to the type of residents to be accommodated and the on site management of residents and the building provide comfort that the development would not increase the likelihood of crime and or anti social behaviour more than may have been the case when the tower block was used just as flats.
- 6.18. Internal sizes and layout- The 3 bedrooms in each pod would measure 8.2 sq.m, 11.74 sqm and 14.07 sq.m respectively. Each pod would benefit from access to shared communal facilities such as a kitchen/dining room and shower room for the residents of those bedrooms only. There would also be access to communal lounges and dining areas and further kitchens per floor as well as wider communal facilities at floors 2 and 11. It is considered that the overall provision within the context of the nature of the accommodation proposed is acceptable.

- 6.19. Privacy- I note the comments raised about privacy by the respondents providing comments/objections to the scheme. In response, I can confirm that the proposal would retain the existing distance separation between windows and nearby dwellings and private spaces and as such would not introduce overlooking.
- 6.20. Design- The proposed external works to the building would enhance the character and appearance of the application premises. The overall works, including bring back the redundant land back into use as a car park would have a positive visual impact.

7. Conclusion

- 7.1. The proposed development would make use of a currently vacant residential tower block in manner that subject to conditions would be acceptable. It is acknowledged that the size and nature of some of the accommodation is small, however this has been balanced against the acute need for this temporary accommodation and the shortage of emergency accommodation for homeless families with dependent children.

8. Recommendation

- 8.1. Approve with conditions.

-
- | | |
|----|--|
| 1 | Limits the noise levels for Plant and Machinery |
| 2 | Requires the prior submission a noise study to establish residential acoustic protection |
| 3 | Requires the prior submission of hard surfacing materials |
| 4 | Requires the prior submission of boundary treatment details |
| 5 | Requires the prior submission of a lighting scheme |
| 6 | Requires the prior submission of sample materials |
| 7 | Requires the prior submission of a CCTV scheme |
| 8 | Requires the prior submission of details of refuse storage |
| 9 | Requires the prior approval of amended layout for the car parks |
| 10 | Prevents occupation until the turning and parking area has been constructed |
| 11 | Requires the prior approval of the siting/design of the access to the car parks |
| 12 | Requires the prior submission of a parking management strategy |
| 13 | Requires gates to be set back |
| 14 | Requires pedestrian visibility splays to be provided |
| 15 | Requires the prior submission of cycle storage details |
| 16 | Requires the reinstatement of redundant footway crossings |
-

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

18 Implement within 3 years (Full)

Case Officer: Wahid Gul

Photo(s)



Photo 1 - View of where new car park would go across from Barry Jackson Tower



Photo 2 - View of Barry Jackson Tower frontage facing Upper Sutton Street

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

| | | | |
|-----------------|-------------------|---------------------|---------------|
| Committee Date: | 16/08/2018 | Application Number: | 2018/01819/PA |
| Accepted: | 07/03/2018 | Application Type: | Full Planning |
| Target Date: | 02/05/2018 | | |
| Ward: | Sutton Mere Green | | |

11 -15 Sherifoot Lane, Sutton Coldfield, Birmingham, B75 5DR

Demolition of 15 Sherifoot Lane and the erection of three detached dwellings, new access road, boundary treatment and landscaping

| | |
|------------|---|
| Applicant: | Arcadis Land Developments Ltd C/o Agent |
| Agent: | Cerda Planning Limited Vesey House, 5-7 High Street, Sutton Coldfield, Birmingham, B72 1XH |

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. This application is for a revised proposal and comprises the demolition of no.15 Sherifoot lane and the erection of a detached dwelling on the site frontage and the erection of 2 detached bungalows with garages at the rear of the site. The existing bungalow at no.11 would be retained with a smaller rear garden. A private access drive is proposed off Sherifoot Lane to serve the proposed bungalows at the rear.
 - 1.2. The proposed detached dwelling and bungalows would be of modern design with a common palette of materials including white/render/slate effect cladding walls, anthracite coloured roof tiles, grey windows and stone detailing.
 - 1.3. The proposed detached dwelling on Plot 1 would contain a lounge, dining, room, family room/kitchen, hall, WC, utility room and integral single garage at ground floor. At first floor there would be 4 double bedrooms (1 with en-suite and dressing room), study and bathroom with a further double bedroom and en-suite within the roofspace.
 - 1.4. The bungalow on Plot 2 would contain a lounge, kitchen/dining room, 3 double bedrooms (2 with en-suite), hall, utility room and bathroom. It would have a separate detached double garage. Plot 3 would also contain a detached bungalow with a lounge, family area/kitchen, 3 double bedrooms (1 with en-suite), hall, bathroom, utility room, study and integral garage.
 - 1.5. All plots would have private amenity areas well in excess of 70sq.m as would the retained bungalow at no.11. It is proposed to enhance the landscaping on the rear boundary of the site with properties on Crockford Drive. A refuse collection point would be provided 13 metres from the public highway.
 - 1.6. Plot 1 would retain the existing access to no.15 off Sherifoot Lane with a single garage and 2 off street parking spaces. The proposed private access drive would serve Plots 2 and 3. The bungalow on Plot 2 would have a detached double garage

with 2 off street parking spaces and Plot 3 would have a single garage and 1 off street parking space.

- 1.7. The application is supported by a Planning Statement.
- 1.8. The site measures 0.28ha and the proposal would have a density of 14.3 dwellings per hectare.
- 1.8. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is located on the north side of Sherifoot Lane, approximately 70 metres to the northwest of the road junction with Hill Village Road. It consists of part of the rear garden of no.11 Sherifoot Lane, and no.15, a large bungalow with vehicular access point to Sherifoot Lane. The rear gardens to both properties are relatively long and contain mature trees. Trees within the rear gardens of the bungalows in Crockford Drive that overhang the rear boundary of the site are covered by Tree Preservation Order (TPO 115). The site levels are relatively flat.
 - 2.2. The surrounding area is predominantly residential in character and contains a mixture of house designs and types. Adjoining the site to the west are two, two-storey dwellinghouses that were granted planning in 2006 under application 2006/04115/PA on a site that previously contained a bungalow. To the east is a two-storey late 1940s dwellinghouse that was originally a bungalow and has been extended, and includes a recently constructed detached garage/workshop (that was granted planning permission in 2015 under application 2015/06368/PA). To the rear of the site are bungalows that front onto Crockford Drive. To the south of the site, on the opposite side of Sherifoot Lane, are two-storey detached dwellings and a bungalow. To the southwest and around the road junction with Hill Village Road is a three storey block of flats, and to the southeast of the site is a housing development comprising 13 two-bedroom retirement homes situated around a courtyard and private access road (known as The Dovecotes).
 - 2.3. The site is located approximately 380 metres from Mere Green District Centre and has good accessibility to public transport services, including regular bus service on Hill Village Road and Sherifoot Lane.
 - 2.4. [Site Plan and Street View](#)
3. Planning History
 - 3.1. 19 October 2015 - 2015/06900/PA - Refused planning permission for demolition of the two existing bungalows and erection of 6 detached dwellings including new access road, boundary treatment and landscaping. The application was refused on the grounds of the proposal being out of character in terms of its cramped appearance, small plot sizes, inadequate space between the dwellinghouses and the siting of the dwellinghouses to the front of the site being forward of the established building line. It was also considered that the proposed development would lead to loss of privacy for future and existing residents and result in an overbearing impact on the adjoining residents at 9A Sherifoot Lane. Subsequent appeal dismissed on 15 April 2016.
 - 3.2. 16 March 2017 – 2016/08023/PA – Refused planning permission for demolition of the two existing bungalows and erection of five detached dwellings, new access road and landscaping. The application was refused on the grounds of the proposed

dwellings at the rear being too close to the rear and side boundaries of the site and due to their scale and built form would result in an unacceptable overbearing impact and loss of privacy to existing residents at 9a and 17 Sherifoot Lane and 18 and 20 Crockford Drive. It was also considered the proposal would result in a cramped and over-intensive development of the site that would be out of keeping with and harmful to the character of the local area with inadequate space between the dwellings and the siting of the dwellings forward of the established building line. Subsequent appeal dismissed on 17 October 2017.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objections subject to conditions. Requested amendments to the site layout to widen the access road and provide a footpath to the plots at the rear. Amendments received.
- 4.2. Regulatory Services – No objections.
- 4.3. Severn Trent Water – No objections.
- 4.4. West Midlands Fire Service - Commented that access for Fire Service vehicles should be within 45 metres of every point. This cannot be achieved due to the narrowing of the private access road to 3 metres. Amendments received.
- 4.5. West Midlands Police – No objections.
- 4.6. Royal Sutton Coldfield Town Council – Object as the proposal is not in keeping with the area.
- 4.7. Councillors, Residents Associations, nearby occupiers notified. Site notice posted. 9 letters have been received objecting to the proposal on the following grounds;
 - Overdevelopment and intensification
 - Disregard of building line, set-backs and streetscapes
 - Loss of amenity and privacy
 - Overbearing to properties on Crockford Drive
 - Roof could be converted into bedrooms
 - Impact on Cedar Tree at no.17
 - Plots 1 and 2 would still be overbearing on no.17
 - Inadequate bin storage
 - Loss of green space and habitats
 - Not in keeping with existing dwellings
 - Additional traffic
 - Additional strain on local amenities, day nurseries, schools etc
 - Arboricultural report is out of date and trees not shown on plans
 - Height of bungalows a concern
 - Backland development
 - Access is opposite a retirement complex and would be dangerous
 - 2 accidents in past 2 years
 - No space for visitor parking
 - Still represents a substantial and material change to the outlook for residents
 - Set a precedent for the redevelopment of no.11 with 2 dwellings

5. Policy Context

- 5.1. National Planning Policy Framework 2018, Technical housing standards nationally described space standard 2015, Birmingham Development Plan 2017, Birmingham Unitary Development Plan 2005 (saved policies), Places for Living SPG, Car Parking Guidelines SPD, 45 Degree Code SPD and Tree Preservation Order (TPO) 115.
6. Planning Considerations
- 6.1. **Background** – Previous applications for the redevelopment of a larger site (Including no.11 Sherifoot Lane) for 6 and 5 detached dwellings have been refused and dismissed on appeal. The Planning Inspector on the last application/appeal for 5 detached dwellings (2016/08023/PA) concluded on residential amenity grounds “that the proposed development, specifically the dwellings at plots 3 & 4, would have a materially harmful effect on the living conditions of on the occupiers of no’s 18 & 20 Crockford Drive in terms of outlook, privacy, and an overbearing form of development”.
- 6.2. In relation to the impact to the proposal on the street scene and character of the area, the Planning Inspector commented “I agree with the Inspector who considered the previous appeal (2015/06900/PA) that there is no discernible building line. Indeed, the irregularity and ad hoc pattern of development in the vicinity of the site is part of the established character of the area, and to my mind adds variety and interest to the street scene”. He clarifies this “Consequently, I do not find that the position of the frontage dwellings forward of their immediate neighbours would be harmful in terms of their visual impact on the street scene, or would appear noticeably at odds with the existing character of the area”.
- 6.3. With regard to the development of the rear gardens (plots 2 & 3), he is of the view that “by virtue of their siting well away from the road their visual impact on the public realm would be limited and would generally respond to the local context”.
- 6.4. The Planning Inspector concluded on the issue of character that “the proposal would not materially harm the character and appearance of the street scene and the surrounding area, and I have no overriding objections to the principle of backland development *per se*, as this is an established form of development in the area”.
- 6.5. **Principle of Development** - The application site relates to a previously developed site and is located within an established residential area with good access to local shops, services and facilities within Mere Green. The site is not located within an area of flood risk and I do not consider that the proposed development for 2 additional dwellings would result in a significant pressure on local amenities, including school places and doctor surgeries. The proposed development would encourage efficient use of land in a sustainable location and the principle of a backland form of development was considered acceptable by the Inspector in the previous dismissed appeals. I therefore consider that the principle of residential development on the site is acceptable.
- 6.6. **Impact on Local Character and Design** - The application site is situated within an attractive residential environment and is currently occupied by two bungalows. The surrounding area is characterised by a mixture of detached and semi-detached two-storey dwellings, bungalows and three storey and two storey blocks of flats. There is a wide variety of plot sizes in the immediate area and there is no coherent front building line, in particular to the west of the application site and around the road junction with Hill Village Road. I acknowledge that there are a number of properties that follow a linear pattern of development facing towards the highway. However,

there are also properties that are sited behind the front building line and are accessed from a private access road. Such as the dwelling at 49 Hill Village Road and the courtyard development comprising 13 retirement properties located on the corner of Sherifoot Lane and Tower Road.

- 6.7. The Planning Inspector for the previous appeal was very clear that the proposal for the demolition of the 2 existing bungalows and erection of 5 new dwellings would not materially harm the character and appearance of the street scene and the surrounding area, and he also raised have no overriding objections to the principle of backland development. Both previous Inspectors concluded that there is no discernible building line on Sherifoot Lane and the ad hoc pattern of development in the vicinity of the site is part of the established character of the area.
- 6.8. I consider the current proposal for a reduced scheme retaining the bungalow at no.11 Sherifoot Lane and replacing the 2 dwellings to the rear with bungalows would have less impact on the character of the area than the 2 previous proposals. The proposed dwelling on plot 1 would be sited forward of the existing bungalow at no.15 Sherifoot Lane but not as close to the highway as the proposed frontage dwellings in the previous application which was considered acceptable by the Planning Inspector. Therefore, I do not consider the proposed frontage dwelling would be harmful in terms of its visual impact on the street scene or character of the area.
- 6.9. The impact of the proposed bungalows at the rear of the site on the public realm/character of the area would be less than the previous applications which was also considered acceptable by the previous Planning Inspector.
- 6.10. The modern design of the proposed dwelling and bungalows with a common palette of materials is acceptable and would not be out of context with the diverse architectural styles in the local area.
- 6.11. **Impact on the Amenities of Existing Occupiers** – The previous application was dismissed at appeal solely on the residential amenity grounds where the Planning Inspector concluded that the dwellings at plots 3 & 4, would have a materially harmful effect on the living conditions of on the occupiers of no's 18 & 20 Crockford Drive in terms of outlook, privacy, and an overbearing form of development.
- 6.12. The proposed bungalows at the rear of the site despite having a slightly larger footprint would have a significantly reduced impact on no's 18 & 20 Crockford Drive. The bungalows would be sited closer to the site boundary (8m and 7.6m respectively), however, they would be of a reduced scale (6.1m and 6.6m) as opposed to the previously proposed dwellings which were 8.4m high and contained accommodation in the roofspace. I do not consider the proposed dwelling at plot 1 would result in any loss of residential amenity to the adjoining properties
- 6.13. I do not consider the proposed bungalows at the rear would result in any loss of privacy to adjoining occupiers particularly those at 18 & 20 Crockford Drive. Windows to habitable rooms are in excess of 5m from private amenity areas of adjoining properties which is the guideline in Places for Living SPG with the exception of a window in the side elevation of the proposed bungalow on plot 3 which would serve a family room. I have recommended a condition requiring this window to be obscure glazed. I note concern from local residents that future occupiers could convert the roofspace of the bungalows to living accommodation under permitted development, however, to address this concern I have recommend conditions to remove permitted development rights for extensions, alterations to the roof and new windows including dormer windows and rooflights.

- 6.14. Although the roofs of the proposed bungalows would be partly visible from no's 18 & 20 Crockford Drive, the bungalows would have a significantly less impact on outlook and have a less overbearing impact than the previously proposed dwellings. There is substantial existing boundary treatment including trees and hedges on the rear boundary of plot 2 and further screening is proposed on the rear boundary of plot 3 to mitigate any impact on the outlook of 18 & 20 Crockford Drive. The previous Inspector concluded the impact of the previous scheme was not sufficient to refuse planning permission on the impact of the proposals in respect of 9A & 17 Crockford Drive. I consider the current proposal would have less impact on these properties.
- 6.15. **Standard of Accommodation for Future Occupiers** – The size of the proposed dwelling/bungalows and bedroom sizes would exceed minimum guidelines included in “Nationally Described Space Standard – Technical Guidance” All garden sizes are well in excess of minimum guidelines included in Places for Living SPG.
- 6.16. **Highways** – Transportation Development have raised no objection to the proposed level of parking to provide 200% parking provision and note the site is in a sustainable location with a good level of accessibility to public transport. They have requested that the access road is increased to 4.5m for its full length and a footpath to the rear properties provided. The West Midlands Fire Service have also commented that the 3m access is inadequate for a fire service vehicle to access the properties at the rear.
- 6.17. The applicants have submitted a revised layout showing the access road increased to a width of 3.7m which is sufficient for a fire service vehicle. I note that the proposed access road is 4.5m in width for 5m at the access point off Sherifoot Lane with clear visibility into the site and the turning area in front of the proposed bungalows. I consider this is sufficient to serve 2 bungalows and also allows for some landscaping along the access drive and the provision of a bin store.
- 6.18. **Trees/Ecology** – The Tree Officer has commented that TPO 115 is beyond the rear boundary but no protected trees are adversely affected by this application. She notes there is a cedar tree close to the boundary on the neighbouring property (no. 17 Sherifoot Lane) the roots of which could spread under the drive of the proposed frontage dwelling, however, common law right applies to the pruning of roots as it does to overhanging branches. The Tree Officer raises no objection on tree grounds.
- 6.19. The Planning Ecologist raises no objection subject to conditions requiring the submission of an updated Bat Survey in relation to no.15 Sherifoot Lane prior to demolition and the submission of a scheme for ecological enhancement.
7. Conclusion
- 7.1. I consider the current proposal for a reduced scheme on a smaller site with bungalows to the rear instead of 2 storey dwellings overcomes the principle reason for refusal on the previous appeal decision being the adverse impact of the proposed dwellings at the rear on the living conditions of the occupiers of no's, 18 and 20 Crockford Drive.
- 7.2. The revised proposal complies with relevant local and national planning policies and is acceptable.
8. Recommendation

8.1. Approve Subject to Conditions.

| | |
|----|---|
| 1 | Requires the prior submission of an additional bat survey |
| 2 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 3 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 4 | Requires the prior submission of hard and/or soft landscape details |
| 5 | Requires the prior submission of hard surfacing materials |
| 6 | Requires the prior submission of boundary treatment details |
| 7 | Requires the prior submission of a lighting scheme |
| 8 | Requires the prior submission of sample materials |
| 9 | Requires the prior submission of level details |
| 10 | Removes PD Rights for hard surfacing of front garden |
| 11 | Removes PD rights for new windows |
| 12 | Removes PD rights for extensions |
| 13 | Prevents the erection of entrance gates on the vehicular access road |
| 14 | Requires vehicular visibility splays to be provided |
| 15 | Requires pedestrian visibility splays to be provided |
| 16 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 17 | Requires the scheme to be in accordance with the listed approved plans |
| 18 | Implement within 3 years (Full) |

Case Officer: John Davies

Photo(s)



Figure 1 – No.15 Sherifoot Lane

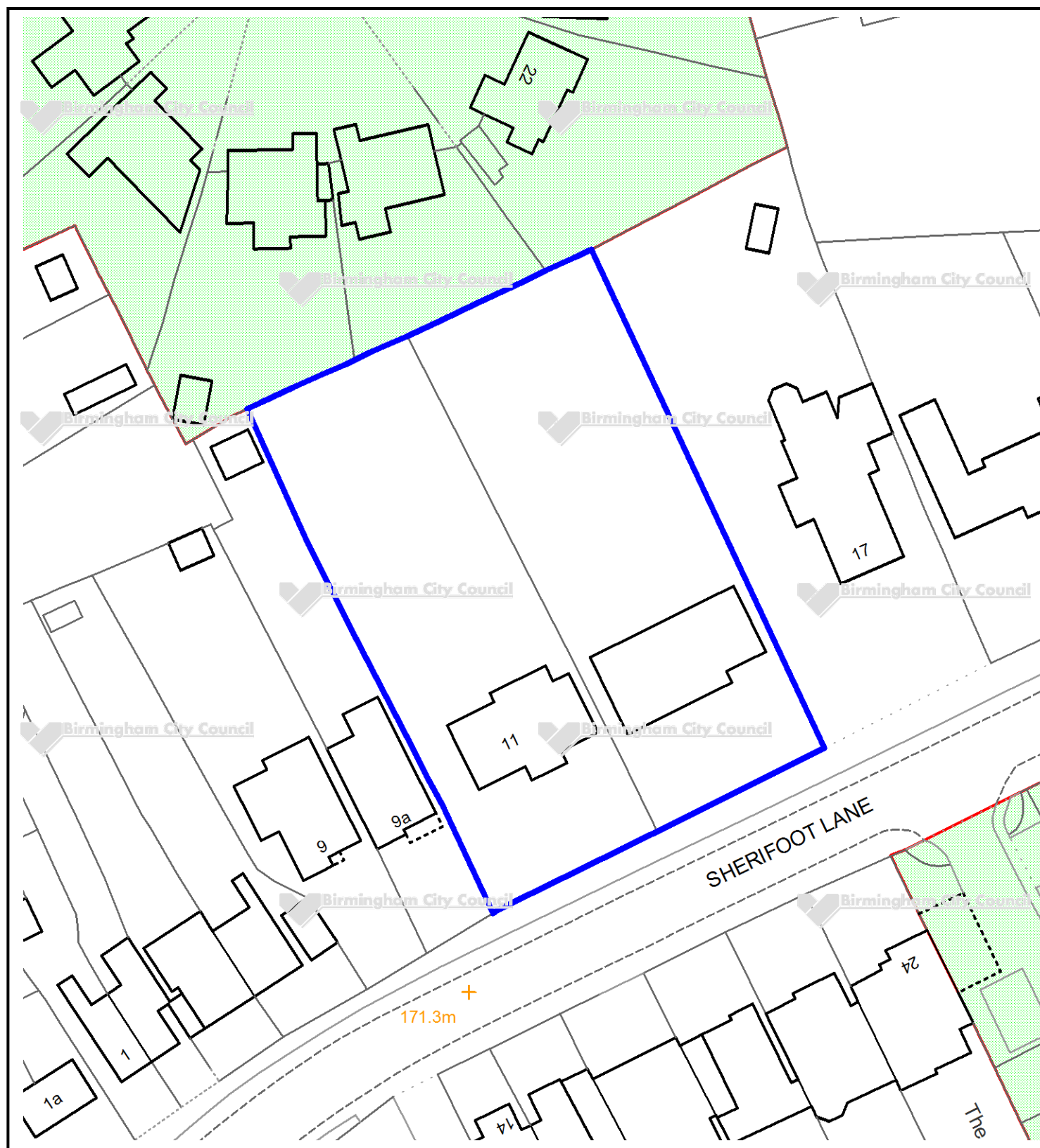


Figure 2 – Rear garden of no.11 Sherifoot Lane



Figure 3 – Rear garden of no.15 Sherifoot Lane

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

| | | | |
|-----------------|-----------------|---------------------|---------------|
| Committee Date: | 16/08/2018 | Application Number: | 2017/10840/PA |
| Accepted: | 21/12/2017 | Application Type: | Full Planning |
| Target Date: | 31/05/2018 | | |
| Ward: | Sutton Reddicap | | |

Whynot Service Station, Reddicap Heath Road, Sutton Coldfield, B75 7ET

Relocation of existing car valeting jet wash operation.

| | |
|------------|---|
| Applicant: | Whynot Service Station c/o agent |
| Agent: | Cerda Planning Vesey House, 5-7 High Street, Sutton Coldfield, Birmingham, B72 1XH |

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. This application relates to the relocation of an unlawful existing car valeting jet wash facility located to the rear of Jet Petrol Station at 293 Reddicap Heath Road, Sutton Coldfield.
 - 1.2. This application has been submitted to reallocate the car wash facility into the outbuildings located to the rear of the petrol station, undertake the necessary alterations to mitigate noise impact as identified within the Acoustic Report and regularise the existing use.
 - 1.3. The site is bound by the Reddicap Heath Road, Lillington Close and Nuthurst cul-de-sac.
 - 1.4. The overall site including the petrol station, car wash area and outbuildings occupy approximately 1730sq.m.
 - 1.5. The proposed access way to the car wash facility fronts onto Reddicap Heath Road and shares the same entrance as the petrol station located to the south eastern end of the site. The cars waiting to be valeted would be queued along the rear boundary treatment of the site which also forms part of the rear boundary treatment to the properties located at Nuthurst.
 - 1.6. The existing outbuildings are located to the north western end of the site measuring 18m (W) x 31m (L) and would occupy the washing, vacuum and drying area. The cars would flow through the outbuilding in a one way direction entering from the main forecourt area and exiting onto Reddicap Heath Road.
 - 1.7. The proposed entrance roof where the cars would enter the outbuilding would be increased in height to 2.7m to the eaves and 3.4m to the ridge and designed with a mono-pitched roof design. The proposed roof would be made of metal deck with composite of 140mm thick TEK insulation and 15mm Soundbloc plasterboard would

be used for the ceiling. PVC strip curtains will be installed to the vehicle entry point to the outbuilding to minimise noise spillage. All voids are to be sealed to prevent sound breakout. The existing roller shutters to the left of the proposed new vehicle entrance is to remain permanently closed. The existing drainage system is to remain as shown within the submitted plans.

1.8. The proposed opening times for the car wash would be 09:00am – 18:00pm Monday-Saturday and 10:00am – 17:00pm Sunday and Bank Holidays.

1.9. No employment details have been submitted with the application.

1.10. [Link to Documents](#)

2. Site & Surroundings

2.1. The application relates to an existing unlawful car wash business located to the rear of a petrol station on Reddicap Heath Road. The surrounding area is predominantly residential with residential gardens from Reddicap Heath Road and Nuthurst abutting the application site.

3. Planning History

3.1. 2016/0766/ENF - Use of rear of the site for vehicle valeting - Enforcement Notice Served 20/02/2017.

3.2. APP/P4605/C/17/3172560 – Appeal against Enforcement Notice – Appeal dismissed and the enforcement notice upheld 20/10/17 – The Planning Inspectorate had not been provided with a copy of the noise report. Furthermore the Appellant had suggested to extend the height of the existing rear boundary wall to 3m or install a 3m high acoustic fence and control the pressure setting of the jet wash including fitting a tamper proof lock to reduce noise levels. It was found evidence failed to adequately demonstrate that these measures would mitigate noise impact to nearby residents.

4. Consultation/PP Responses

4.1 Regulatory Services – No objection, subject to conditions relating to noise levels, opening times and drainage.

4.2 Transportation Development - No objection

4.4 Site Notice displayed. Local occupiers, resident associations and Local Councillors notified. 23 objections received in total; including 20 via a signed petition and 3 from nearby local residents, objecting on grounds of:

- Noise disturbance
- Water spray and pollution
- Impact on quality of life
- Greater vehicular presence
- Absence of appropriate boundary treatment

- Concerns over the car wash spilling out into the forecourt area again once approval is granted
- Psychological impact as a result of the carwash
- Impact on property prices

5. Policy Context

5.1. The following local planning policies are applicable:

- Birmingham UDP (saved policies)
- Birmingham Development Plan

5.2. The following national planning policies are applicable:

- The National Planning Policy Framework

6. Planning Considerations

6.1. The proposal should be assessed against the objectives of the policy context set out above. The principle issues for consideration are; principle of use, visual impact, impact on residential amenity, impact on highway.

Principle

6.2. The proposed site forms part of a petrol station which fronts onto Reddicap Heath Road with the unlawful car wash and valeting service located behind. Overall, I consider the proposed unlawful use is complimentary of the existing petrol station. However, given the proximity to nearby residential occupiers the use would only be acceptable if stringent noise mitigation measures are to be taken which will be addressed later on in this report.

Impact on Visual Amenity

6.3. The car wash and valeting activities are to be located within the outbuilding located to the rear of the site and therefore would not be particularly visible from the public realm. The visual impact would be limited and the impact of the new entrance roof would be acceptable as would be cars lining up along the rear boundary of the site. Given that the site is already used to a high level of vehicular presence as a result of the primary use (petrol station), I do not consider the existing unlawful use would have an unduly effect on the visual amenity of the area.

Impact on Residential Amenity

6.4. Regulatory Services initially raised concerns over the noise generated as a result of the unlawful use affecting local residents. A noise assessment has been carried out relating to the site. The acoustics report recommends various noise mitigation measures:

- Queuing vehicles to be positioned along the line of and close to the rear wall to minimise engine noise towards the Nuthurst properties.
- Jet wash, vacuum and drying area to be housed within the outbuilding located to the rear of the site.
- Alterations to the outbuilding to minimise noise spillage as set out in chapter 8 'Mitigation' of the Noise Report, including; closure of multiple entrances (as shown in the plans), installation of noise insulation, 20mm soft rubber matting to form base and floor to minimise transfer of vibrations, compressor to be positioned at least 12inches from the walls on the north corner of the building, lobby system to be fitted with 4mm thick PVC strip doors to minimise noise breakout, ceiling to be lined with

Rowkwool RW3 slab mineral wool to absorb jet wash noise breakout, all voids are to be sealed to prevent sound breakout, the existing roller shutters to the left of the proposed new vehicle entrance is to remain permanently closed.

- 6.5. The Regulatory Services Officer acknowledges that the above noise mitigation measures would minimise noise impact to nearby residents however as the assessments are predictions further conditions are recommended relating to rating noise level, drainage and opening hours. I consider these appropriate to attach.
- 6.6. A recommendation for a Commissioning report is also suggested by Regulatory Services. Through this, the applicant would have one month from the approval date to implement each of the noise mitigating measures as set out in the acoustics report and conditions attached to the approval. This would then trigger a further Noise Impact Assessment to be submitted to the local authority and whether further noise mitigating conditions are necessary. However, I do not consider this to be appropriate. The evaluation of noise impact from a proposed development is based on predicted noise levels. If the evidence before us demonstrates that the impact would be acceptable, a decision should be made upon this. A condition is attached requiring the mitigation works to be implemented within 2 months and thereafter retained.
- 6.7. Whilst a high level of objection has been raised by local residents on noise disturbance grounds, the proposed changes to the car wash facility and the conditions attached to the approval would mitigate the existing noise impact. As such I do not consider the proposal will have a significantly detrimental impact on the amenity of neighbouring occupiers to warrant a refusal.

Highway Issues

- 6.8. Transportation Development raises no objections as the proposal is unlikely to increase the traffic and parking demand significantly. A satisfactory level of on-site parking for the car-wash could be accommodated within the site. A further condition is recommended for secure cycle storage to be provided, although I do not consider it necessary to attach this condition.
- 6.9. Overall, I consider that the amendments sought within this proposal meets with the objectives of the policies as set out above, mitigating current noise issues generated from the existing car wash. As such, a refusal of the application could not be sustained.

7. Conclusion

- 7.1. I consider the principle of development is acceptable. Given the noise mitigation measures identified and further conditioning; I consider the proposal would have an acceptable impact on residential amenity and visual impact. The proposal raises no highway issues and therefore the application complies with relevant policy and guidance 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 Limits the maximum noise levels
 - 3 Limits the hours of operation
 - 4 Remedial works to mitigate noise impacts as identified within the Acoustics Report and application plans to be implemented within 2 months of the date of approval.
-

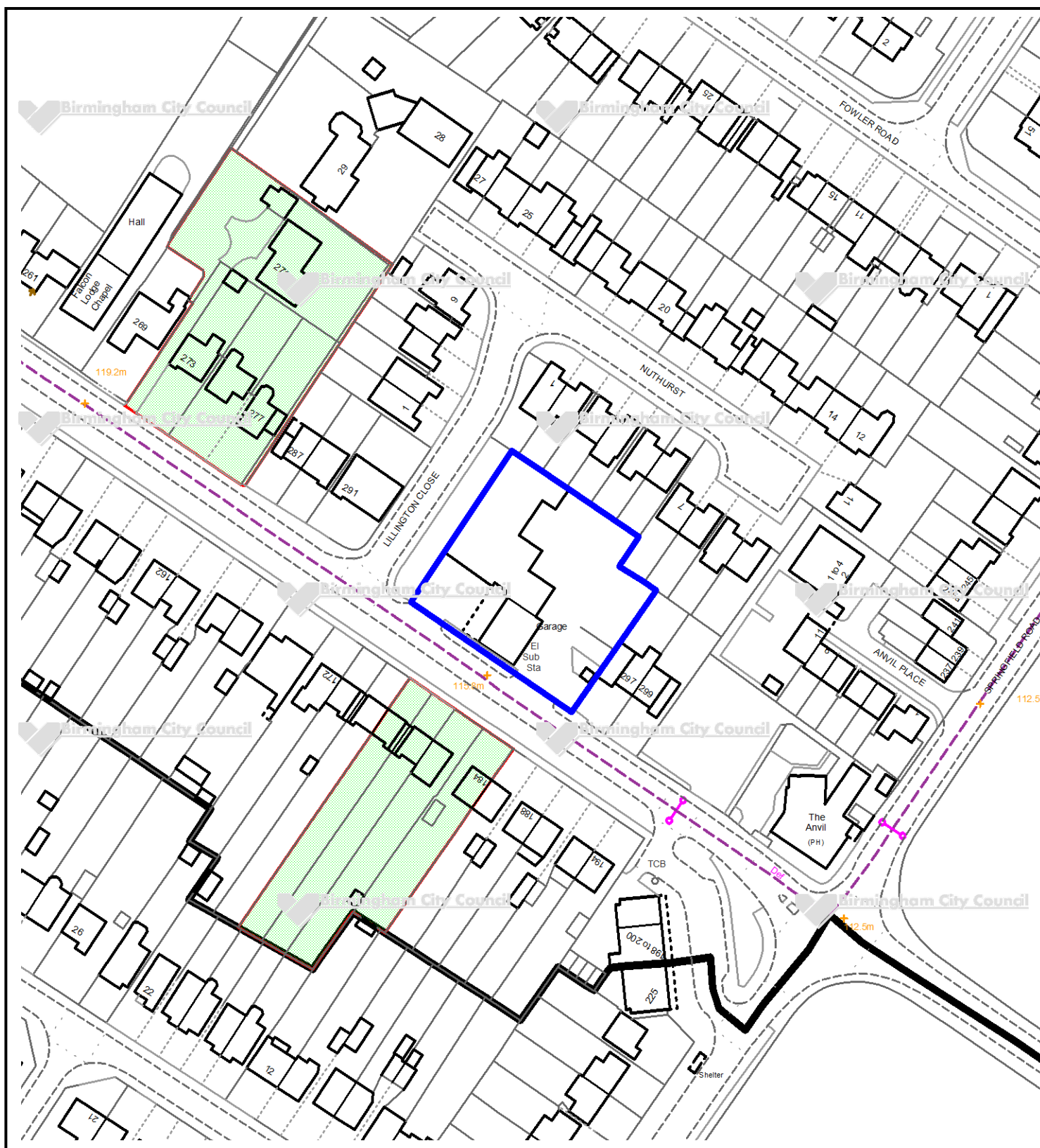
Case Officer: Hiteshree Kundalia

Photo(s)



Car wash forecourt area, rear outbuildings and boundary treatment to residential gardens of Nuthurst.

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

| | | | |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 16/08/2018 | Application Number: | 2018/03750/PA |
| Accepted: | 15/05/2018 | Application Type: | Full Planning |
| Target Date: | 10/07/2018 | | |
| Ward: | Nechells | | |

Vacant Plot, Aston Brook Street East, Birmingham, B6 4AP

Change of use from vacant plot to transient accommodation for Gypsies and Travellers (Sui Generis), erection of single storey utility building and installation of new palisade fencing and gated access.

| | |
|------------|--|
| Applicant: | Birmingham City Council |
| Agent: | Birmingham Property Services, PO Box 16255, Birmingham, B2 2WT Acivico Louisa House, 92-93 Edward Street, Birmingham, B2 2ZH |

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The application seeks consent for the change of use of an existing vacant plot to transient accommodation for Gypsies and Travellers which would have a capacity for four vehicles.
- 1.2. A WC unit is proposed close to the boundary with Aston Brook Street East and a skip is proposed on the boundary with No. 45 Aston Brook Street East. It is also proposed to enclose the site with 2.4m high palisade fencing and gates. The main access to the site would be provided off Aston Brook Street East, but gated access is also available from Hubert Street. The total site area is approx. 550sqm.
- 1.3. The proposed WC unit would measure 2003mm in width, 2725mm in length and 2684mm in height. This would be designed with a flat roof and have a metal cladded finish.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is currently a vacant plot previously used as a car park positioned close to the junction of Aston Brook Street East and Hubert Street. The site is currently laid out to hard surface with a tarmac finish and is enclosed by bollards; these have been previously removed in part along both Aston Brook Street East and Hubert Street. A caravan is currently in situ on site.
- 2.2. Directly to the west of the site is an existing plot which provides transient accommodation. This site is enclosed by ornate walls, railings and gates which exceed 2.4m in height. To the east of the site are traditional terraced dwelling houses which front on to Aston Brook Street East and Hubert Street, these are

currently owned by Aston Students Union and are let to students. There is also a mixture of industrial and commercial properties in the immediate vicinity. It is located within a Core Employment Area as designed in the Birmingham Development Plan (2017).

2.3. [Site Location](#)

3. [Planning History](#)

3.1. There is no planning history for this site.

4. [Consultation/PP Responses](#)

4.1. Transportation Development - No objection subject to conditions:

- Provision secure cycle storage
- Circulation areas must be kept free of obstructions
- No outside storage
- Maintenance of pedestrian visibility splays
- Works to be carried out at applicants expense

4.2. Regulatory Services – No objections

4.3. West Midlands Police – No objections have been raised subject to a condition for the provision of a CCTV scheme.

4.4. Local ward councillors & the occupiers of neighbouring properties have been consulted. A site notice has also been posted. 44 letters of objection have been received; objections have been raised in respect of:

- Loss of recreational area
- Loss of the site would lead to maintenance issues of existing residential buildings
- Would leave existing residents/students vulnerable and impact on their welfare
- Would impact on existing relationship between residents and businesses in the street
- The proposal to provide 4 vehicles for transient families would not fulfil the requirement locally as is of inadequate size
- Would lead to parking/traffic issues
- The proposed palisade fencing would have a negative impact on the street scene

4.5. A response has been received from Shabana Mahmood MP who raises concern in respect of the impact on local residents

5. [Policy Context](#)

5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2017,
- Birmingham Unitary Development Plan 2005 (Saved Policies),

5.2. The following national policies are applicable:

- NPPF: National planning policy Framework (2018)
- Planning policy for traveller sites (2015)

6. [Planning Considerations](#)

Policy

- 6.1. National Planning Policy Framework 2018 highlights that differing size, type and tenure of housing needed for different groups in the community should be assessed and reflected, this includes those of the traveller community.
- 6.2. National planning document - Planning policy for traveller sites (2015) highlights the need for the provision of good quality sites to meet the needs of transient populations within local authorities. In order to achieve this it is advised that Local Planning Authorities should set pitch targets for gypsies and travellers as this would address the transit site accommodation needs of travellers in their area.
- 6.3. This document also advises Local Planning Authorities should consider, wherever possible, including traveller sites suitable for mixed residential and business uses.
- 6.4. Policy TP34 of the Birmingham Development Plan (BDP) has designated two sites within the City for the provision of accommodation for Gypsies and Travellers:
 - Hubert Street/Aston Brook Street East (site subject to this application)
 - Rupert Street/Proctor Street
- 6.5. Policy TP34 also advises that such a land use should be permitted if the site is of sufficient size to accommodate pitches/plots of an appropriate size; there is safe and convenient pedestrian and vehicular access to and from the public highway and adequate space for vehicle parking and manoeuvring within the site; the site is accessible to shops, schools, health facilities and employment opportunities and is capable of being served by services such as mains water, sewerage and power and waste disposal. Finally, there is no conflict with other relevant policies such as those relating to the protection of the Green Belt, other greenfield land and industrial land, and those concerned with development within areas at risk of flooding and on contaminated land.
- 6.6. The BDP highlights that there is a lack of good quality sites for Gypsies and Travellers in the City and the impact this has on the health and education of such communities.

Principle

- 6.7. The BDP was adopted on 10 January 2017, following a public examination by an independent planning inspector, with hearings held in October and November 2014. The inspector proposed modifications that two sites – one at Hubert Street/Aston Brook Street East and the second at Rupert Street/Proctor Street, should be allocated in the plan for the provision of accommodation for Gypsies and Travellers. The inspector's proposed modifications to allocate the two sites were subject to public consultation in October 2015 for a period of 6 weeks.
- 6.8. As discussed above Policy TP34 of the BDP therefore allocates these two sites to provide for accommodation for Gypsies and Travellers, one of which is subject to this application.
- 6.9. Planning Strategy have raised no objection to the proposal given that the site has been designate for this land use in the Birmingham Development Plan and therefore the principle is considered as being acceptable.

Visual amenity and Layout

- 6.10. The site would to be enclosed by 2.4m high palisade fencing. This boundary treatment would be of a similar scale to the walls and railings which encloses the existing traveller plot which neighbours the site. However, it is considered a more suitable alternative could be secured by planning condition (e.g. paladin fencing). There are a variety of front boundary treatments enclosing the neighbouring industrial and commercial sites on both Hubert Street and Aston Brook Street East. As such, it is considered that the proposal would have no further impact on the character or appearance of the street scene than existing and would be wholly contained within the application site. Furthermore, it is considered that the pitches/plots are of an appropriate size.

Impact on neighbouring amenity

- 6.11. There would be no detrimental impact on the amenities of the occupiers of the neighbouring residential properties by way of loss of light or outlook. The site was last used as a car park therefore there would have been comings and goings associated with such a use. I do not consider the proposal would generate noise/disturbance issues to neighbouring amenity in this mixed commercial context.
- 6.12. Regulatory Services raise no objections and I concur with this view.

Transportation issues

- 6.13. Transportation Development have been consulted and have advised that the proposal is unlikely to cause any negative impact on highway safety or the free flow of either pedestrians or traffic. No objections to the proposal have therefore been raised subject to a number of conditions.

Other Matters

- 6.14. West Midlands Police have assessed the proposal and raise no objections, subject to a condition requiring the provision of a CCTV scheme and to the proposal being laid out by the principles of 'Secure by Design' and security standards. The provision of CCTV is not considered a requirement to make the scheme acceptable in planning terms.
- 6.15. With respect to comments received as a result of public consultation, objections were received with respect to loss of recreational area. The site is allocated in The BDP for traveller accommodation and is not designated recreational land. Comments have been made that the site is of inadequate size to overcome the needs of the gypsy and traveller community. Again this is a designated site, albeit of modest size. Finally maintenance issues of existing dwellings are a civil matter.

7. Conclusion

- 7.1. The proposed change of use to land for transient accommodation for 4 vehicles would have no detrimental impact on the visual amenity of the surrounding area, the amenities of neighbouring occupiers or on highway safety. Furthermore the site is of modest size and has been designated for the proposed use in the Birmingham Development Plan (2017). As such, I consider that it accords with both national and local planning policy and would constitute sustainable development. I therefore recommend that the application be approved subject to the attached conditions.

8. Recommendation

8.1. That planning permission is granted, subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires pedestrian visibility splays to be provided |
| 3 | Requires circulation areas to be kept from from obstructions at all times. |
| 4 | Requires the prior submission of footway crossing details |
| 5 | Requires the prior submission of amended boundary treatment details |
| 6 | Implement within 3 years (Full) |
-

Case Officer: Philip Whittaker

Photo(s)



Picture 1: View from Hubert Street

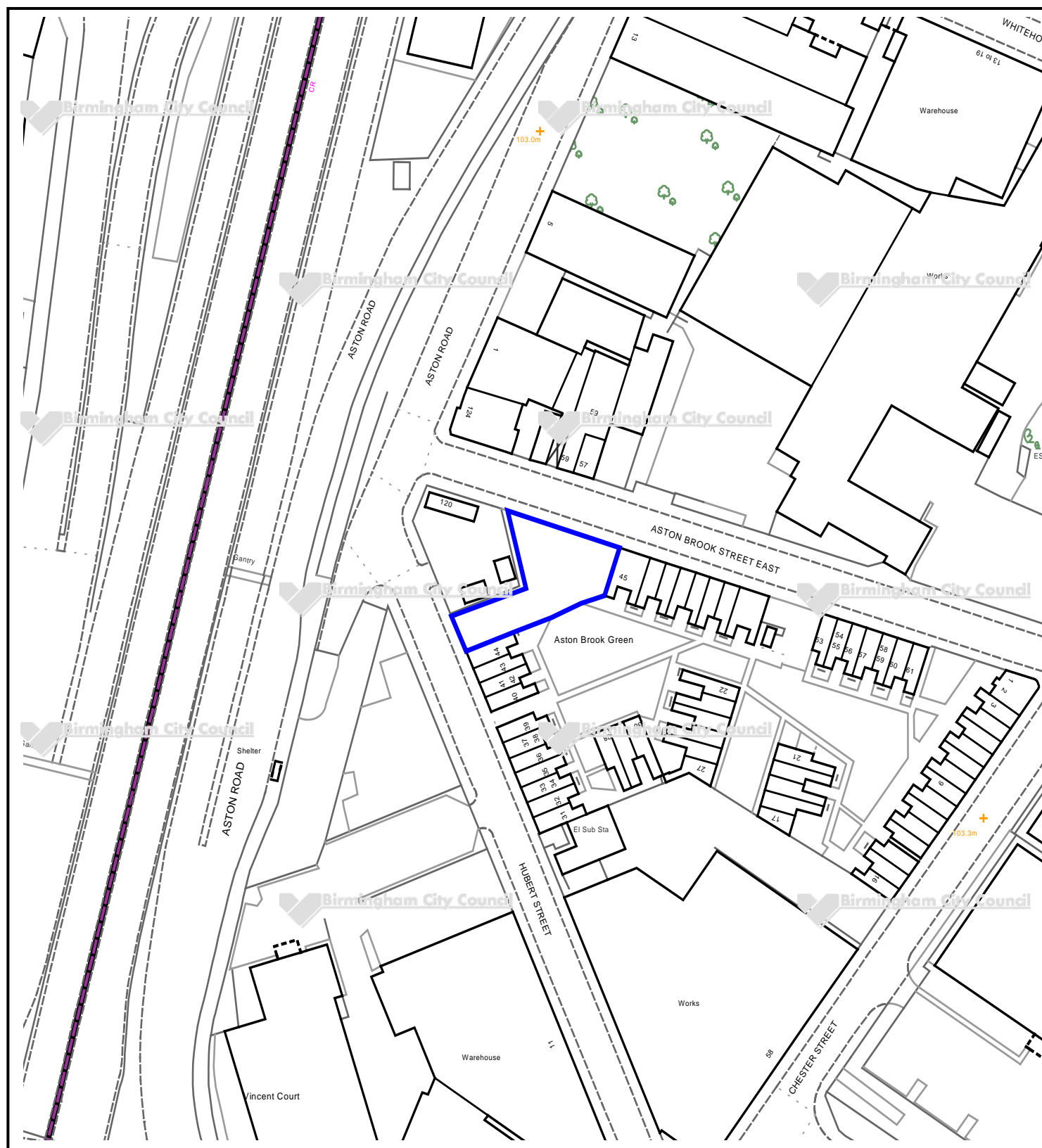


Picture 2: View from Aston Brook Street East



Picture 3: Elevated view

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

| | | | |
|-----------------|------------|---------------------|------------------------|
| Committee Date: | 16/08/2018 | Application Number: | 2018/00635/pa |
| Accepted: | 05/02/2018 | Application Type: | Variation of Condition |
| Target Date: | 17/08/2018 | | |
| Ward: | Ladywood | | |

Monument Road/Cawdor Crescent, Land at, Edgbaston, Birmingham, B16 8XH

Application for variation of condition 22 for the provision of financial contributions towards Chamberlain Gardens and the Ivy Bush neighbourhood centre to allow additional funds to be spent on Chamberlain Gardens and public realm/landscape improvements within the Ladywood Ward attached to planning approval 2012/07863/PA.

| | |
|------------|---|
| Applicant: | Birmingham City Council Housing Regeneration Team, PO Box 16572, 1 Lancaster Circus, Birmingham, B2 2GL |
| Agent: | Axis Design Architects Ltd Crosby Court, 28 George Street, Birmingham, B3 1QG |

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the variation of condition 22 which was attached to planning approval 2012/07863/PA for the erection of 45 two, three and four bed dwellings for rent and sale including 18 apartments with associated access, parking, new highway and landscaping works.

Condition 22 reads as follows:

- 1.2. *No development shall take place until a mechanism for the delivery of contributions towards the costs of improving the land to the north of Cawdor Crescent (formerly the site of Beale House) to a value no less than £100,000, to incorporate the land in to Chamberlain Gardens and for improvements to the public realm and local business premises in and around the Ivy Bush neighbourhood centre, to a value no less than £150,000, has been submitted and approved in writing by the Local Planning Authority. Such contributions shall be delivered prior to first occupation of the development hereby approved or such other timescale as agreed in writing by the Local Planning Authority.*

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.10, 3.53, 5.20B-5.20D, 12.16 and 12.36 of the Birmingham UDP 2005.

- 1.3. The original condition was designed to provide funding for the improvement of the open spaces around the new Monument Road, housing development and facilitate infrastructure improvements around the Ivy bush to encourage private owners to

invest in their properties. Current development activity on Monument Road indicates that no immediate public investment around the Ivy bush is required to promote private investment in the plots/properties previously land banked by their private owners.

- 1.4. Chamberlain Gardens proposals - To date £100,000 has been paid towards the Chamberlain Gardens open spaces improvement and this money is currently held in an account with the Landscape Practice Group (LPG), but an additional £67,000 is required to allow implementation for phase 1 of the works due to a more comprehensive masterplan for Chamberlain Gardens.
- 1.5. In addition the remaining £83,000 would be put towards public realm improvements in the Ladywood Ward. The Kilby Lighthorne residential scheme has been built and money is required to complete the landscape and public realm works. It is considered that this development would provide momentum to stimulate the development of further proposals in the area.
- 1.6. It is proposed that existing planning condition 22 be varied to allow additional funds to be spent on Chamberlain Gardens and the remainder is invested in to public realm and landscape improvements in the Ladywood Ward and in particular the Kilby Lighthorne project. This change would allow the Chamberlain Gardens and Kilby Lighthorne projects to progress/complete almost immediately.

1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The development has been built and the residential units are currently occupied. The application site occupies the plot of land at the junction of Monument Road, Waterworks Road and Cawdor Crescent. To the north and east Chamberlain Gardens are located.
- 2.2. Surrounding uses are either residential or commercial in nature, with three storey, 1960s terraces and a modern medical centre on the opposite side of Monument Road. The grade II* listed Perrott's Folly is to the rear of the medical centre, with a number of grade II listed Georgian houses to the north west on the opposite side of Monument Road. The Ivy Bush neighbourhood centre is immediately to the south of the application site on the opposite side of both Monument Road and Plough and Harrow Road.

2.3. [Site Location](#)

3. Planning History

- 3.1. 21/05/2007 - 2007/02475/PA - Demolition of 9-storey residential tower block- Approved.
- 3.2. 12/11/2009 - 2009/07670/PA. Demolition of 19 no. maisonettes, 2 no. nine-storey residential tower blocks and erection of 1.8m chainlink fence to site boundary- Approved.
- 3.3. 07/02/2013 – 2012/07863/PA. Erection of 45 two, three and four bed dwellings for rent and sale including 18 apartments with associated access, parking, new highway and landscaping works. Approved with conditions.

- 3.4. 13/10/2014 - 2014/06689/PA. Non material amendment to approval 2012/07863/PA to house types and apartment block- including window positions, window sizes and internal layouts and parking layout. Approved.

Enforcement History

- 3.5. 2015/0795/ENF – Untidy/neglected condition of housing development site. Case closed.
- 3.6. 2017/0129/ENF - Alleged breach of condition 22 attached to 2012/07863/PA. Case closed.

4. Consultation/PP Responses

- 4.1. Neighbours, Residents' Associations, Councillors and MP consulted. Site and press notice posted. 3 letters of objections were received from local residents raising the following issues:
- The condition was widely advertised and was one of the main selling points of the new residential development during the public consultation.
 - The owners/occupiers of the then existing properties in the area were advised on the benefits of the regeneration scheme including, specifically, improvements to the land north of Cawdor Crescent and Chamberlain Gardens as a result of a significant financial investment. However, following completion of the development, not only there were no improvements to the surrounding land/ gardens, but the area has significantly deteriorated.
 - Land to the north of Cawdor Crescent is now a very unsightly wasteland used for dumping rubbish and hanging advertisements.
 - At the public consultation residents were advised that as part of the regeneration project the Chamberlain Gardens would be landscaped, new pathways added, additional lighting added along the existing public path and the hut building would be restored (the hut building, which is understood to be a historical building, is completely dilapidated now and is a danger zone). Local residents have been waiting for these improvements with anticipation for over 3 years now and are disappointing to see that not only the changes have not materialised but things are getting worse and there is no commitment from the Council to stick to its promises.
 - Removal of the condition will be against public interests, a step back for the area and breach of public trust.
 - Further investigations are required regarding the failure to implement the condition which is now subject of this application.
 - Question raised regarding how 45 dwellings could be built but it is not viable to convert a waste ground into green space.
 - Questions raised regarding the land at Monument/Cawdor Crescent that should be incorporated into Chamberlain Gardens which could potentially come forward for redevelopment.
 - The proposal contradicts the Public Open Space in New Residential Development SPD and The Future of Birmingham's Parks and Open Spaces.
 - Object to the loss of community amenity arising by proposed deletion of this contribution. Chamberlain Gardens are very shabby and need re-habilitating, particularly given the provision of tiny gardens in the dense cluster of dwellings to be built which really demands provision of safe and inviting public amenities nearby.

- 4.2. West Midlands Police – No objections.
- 4.3. West Midlands Fire Service - Water supplies for firefighting should be in accordance with “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK.

5. Policy Context

- 5.1. Birmingham Development Plan 2017; Public Open Space in New Residential Development SPD; Places for All SPG (2001); Places for Living SPG (2001); National Planning Policy Framework 2012.

6. Planning Considerations

Background

- 6.1. Under the original application it was agreed that 2,500sqm of land to the north of the site on the opposite side of Cawdor Crescent (formerly Beale House) would be given to Chamberlain Gardens, with a £100,000 contribution towards the improvement of this land.
- 6.2. In addition, it was agreed that a contribution of £150,000 would be offered towards improvements in and around the Ivy Bush neighbourhood centre for the improvement of the open spaces around the new Monument Road, housing development and facilitate infrastructure improvements or physical improvements such as shopfronts to local businesses. The idea was to encourage private property owners to invest in their properties.
- 6.3. The applicant has now stated that current development activity on Monument Road indicates that no immediate public investment around the Ivy bush is required to promote private investment in the plots/properties previously land banked by their private owners.
- 6.4. A further £67,000 is now required to implement phase 1 of the works to Chamberlain Gardens, which is now subject to a wider master plan that was not proposed at the time of the original application. These monies could instead be put towards funding these works together with the £100,000 previously agreed, which is awaiting implementation.
- 6.5. In addition the remaining £83,000 would be put towards public realm improvements in the Ladywood Ward. The Kilby Lighthorne residential scheme which is located approximately 825m from the application site has been built and funding is required to complete the landscape and public realm works. It is considered that this development would provide momentum to stimulate the development of further proposals in the area.
- 6.6. The planning condition therefore should read:

Within 18 months from the date of this consent £167,000 shall be spent towards the improvement of the land to the north of Cawdor Crescecent (formerly the site of Beale House) to incorporate the land into Chamberlain Gardens and £83,000 shall be spent on public realm/landscape improvements in the Ladywood Ward.

Reason: In order to secure the satisfactory development of the application site in accordance with Policies PG3, TP9 and GA2 of the Birmingham Development Plan and the National Planning Policy Framework.

- 6.7. I note that a number of objectors raised their dissatisfaction at the improvement works to Chamberlain Gardens however the current proposal would allow additional funding to be spent on Chamberlain Gardens given the wider aspirations for the Chamberlain Gardens with the development of the masterplan. Furthermore the remainder of the money would be spent within the Ladywood Ward. This change would actually enable the implementation of phase 1 of works to Chamberlain Gardens which would have significant public benefit.
- 6.8. Given that £167,000 would be spent on Chamberlain Gardens which is adjacent to the application site and £83,000 on a nearby site some 825m away, I consider these works would have considerable public benefit and meet the principles outlined in saved paragraphs 8.50 - 8.54 of the UDP.
- 6.9. From assessing the 3 objections raised by local residents, it is clear these were based on the fact that the condition would be removed rather than varied to allow the monies to be spent in a different manner within the Ladywood Ward. I am satisfied with the approach put forward.
- 6.10. The City Ecologist has raised no objections to the proposals.

7. Conclusion

- 7.1. The proposal would enable implementation of phase 1 of the works to Chamberlain Gardens and would facilitate completion of public realm/landscaping works within the Ladywood Ward. On this basis, I consider the proposal has significant public benefit for local residents as would help improve the Chamberlain Gardens which is an important community asset for local residents as well as help complete public realm/landscaping improvements to other social housing schemes in the Ladywood Ward.

8. Recommendation

- 8.1. Approve subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the prior submission of a contaminated land verification report |
| 3 | Requires the prior submission of a drainage scheme |
| 4 | Requires the prior submission of a construction method statement/management plan |
| 5 | Requires the prior submission of hard and soft landscape details |
| 6 | Requires the prior submission of hard surfacing materials |
| 7 | Requires the prior submission of boundary treatment details |
| 8 | Requires the prior submission of sample materials |
-

-
- | | |
|----|--|
| 9 | Requires the prior submission of window reveal, doors, balcony and eaves/parapet details |
| 10 | Requires the prior submission of sample panel showing coursing bands and rustication to render |
| 11 | Requires the prior submission of courtyard car park lighting |
| 12 | Requires the prior submission of car park entrance gate details |
| 13 | Requires obscure glazing for specific areas of the approved buildings |
| 14 | Requires the prior submission of level details around retained trees |
| 15 | Requires the implementation of tree protection |
| 16 | Requires the prior submission of an arboricultural method statement |
| 17 | Requires the prior submission of a residential travel plan |
| 18 | Requires pedestrian visibility splays to be provided |
| 19 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 20 | Removes PD rights for extensions to specific plots |
| 21 | Requires the provision of affordable dwellings |
| 22 | Requires the provision of financial contributions towards Chamberlain Gardens and public realm/landscape improvements in the Ladywood Ward |
| 23 | Sustainable homes levels 3 and 4 |
| 24 | Grants a personal permission to Birmingham City Council |
| 25 | Requires the scheme to be in accordance with the listed approved plans |
-

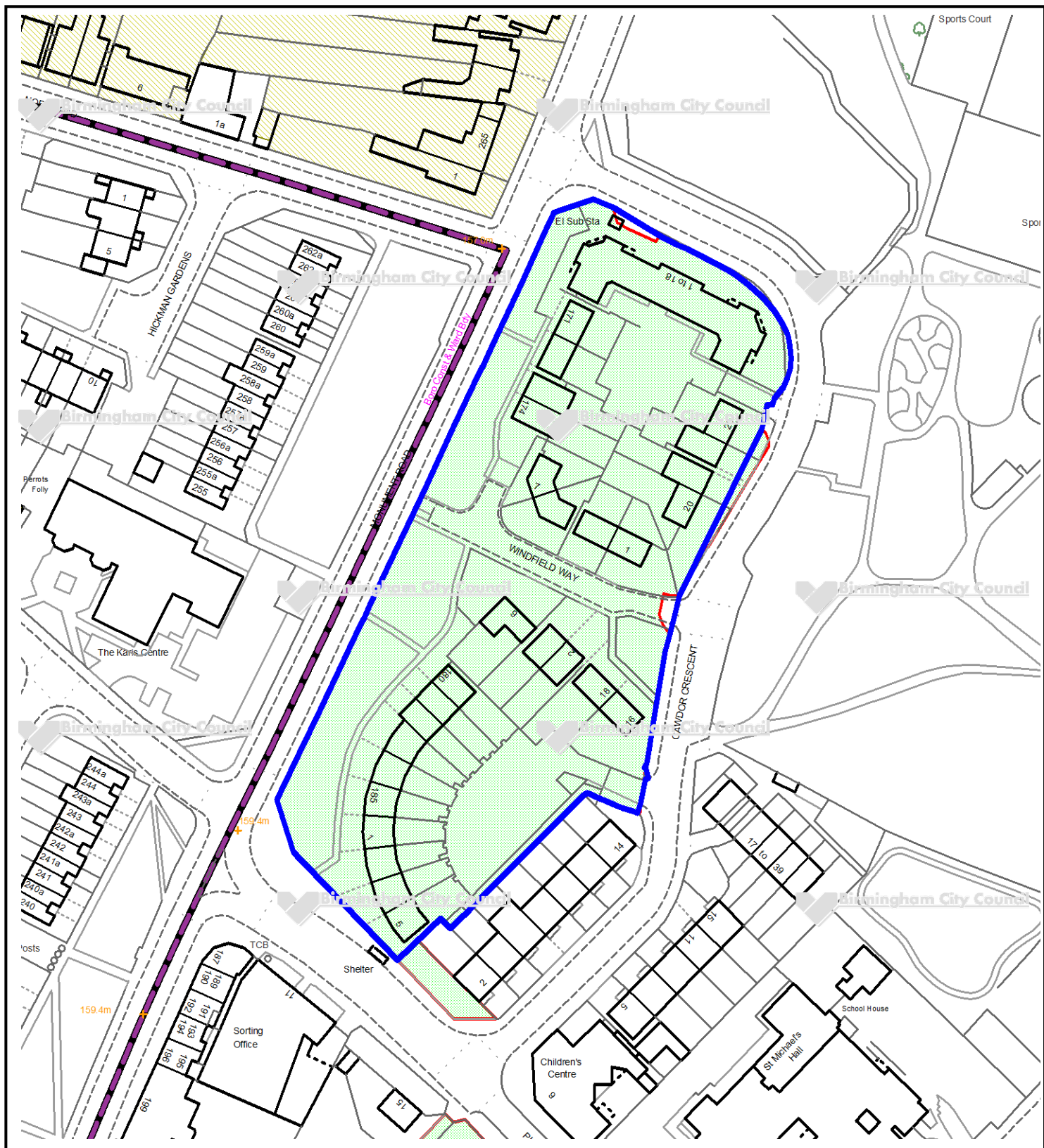
Case Officer: Joanne McCallion

Photo(s)



Figure 1 Area to the north of Cawdor Crescent

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Birmingham City Council

Planning Committee

16 August 2018

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

| <u>Recommendation</u> | <u>Report No.</u> | <u>Application No / Location / Proposal</u> |
|---------------------------|-------------------|--|
| Defer – Informal Approval | 16 | 2017/10551/PA Land at former Monaco House site Bristol Street Birmingham B5 7AS Erection of new mixed use development of between 5 and 10 storeys high plus two towers of 29 + 26 storeys to include 1009 residential units (C3), a residential hub (705sqm) , 1513sqm of retail/commercial use (A1-A5,D1), car parking, new public walkway, landscaping and all associated works |
| Determine | 17 | 2017/09461/PA Land at Pershore Street and Skinner Lane City Centre Birmingham B5 Erection of 6-14 storey building comprising 379 residential apartments (Use Class C3), ground floor commercial units (use Classes A1-A5 and B1a), associated car parking and amenity space. |

| | | | |
|-----------------|----------------------|---------------------|---------------|
| Committee Date: | 16/08/2018 | Application Number: | 2017/10551/PA |
| Accepted: | 19/12/2017 | Application Type: | Full Planning |
| Target Date: | 28/09/2018 | | |
| Ward: | Bordesley & Highgate | | |

Land at former Monaco House site, Bristol Street, Birmingham, B5 7AS

Erection of new mixed use development of between 5 and 10 storeys high plus two towers of 29 + 26 storeys to include 1009 residential units (C3), a residential hub (705sqm) , 1513sqm of retail/commercial use (A1-A5,D1), car parking, new public walkway, landscaping and all associated works

| | |
|------------|---|
| Applicant: | Orchidtime Ltd c/o Agent |
| Agent: | Pegasus Group 5 The Priory, Old London Road, Canwell, Sutton Coldfield, Birmingham, B75 5SH |

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal
 - 1.1. This application is for a residential led mixed-used development incorporating 1009 residential units and 2,218 sqm of non-residential floorspace. The proposed development is based upon the Build to Rent (BTR)/Private Rented Sector (PRS) model. This concept is based around a mix of units, managed by a single company that can be leased on long or short-term contracts whilst providing good facilities to create thriving communities, with the variety of apartment sizes enabling residents to move and stay within the development as their needs change. Consequently 1009 new residential units are proposed in a mix of 1, 2 or 3 bed apartments and 3 bed split level units. In addition a residential hub area would be provided within the north western corner block fronting Bristol Street and Wrentham Street. Facilities within this 'hub' area could include, a gym, café, cinema room, function room and car club. Access to these facilities would be included as part of the residents' rent payments.
 - 1.2. The remaining 1513 sqm non-residential floor space would be accommodated within 4 ground floor units, 3 of which would front Bristol Street and 1 of which would front Wrentham Street. There are currently no end users for these units and a flexible A1-A5, D1 use is therefore sought.
 - 1.3. The site layout has been designed as a series of individual apartment blocks in two perimeter group blocks positioned onto Bristol Street with a further row of apartment blocks to the east fronting onto the proposed new north south public walkway. The blocks would provide active frontages to public facing areas and would be connected by a hierarchy of public realm, private courtyards, gardens and new pedestrian routes.



The blocks would be of the following heights:

A – 8 storeys

B1 – 10 storeys

B2 – 29 storeys

C – 10 storeys

D – 6 storeys

E – 26 and 7 storeys

F – 7 storey

G – 7 storeys

H – 6-7 storeys

J- 3-5 storeys

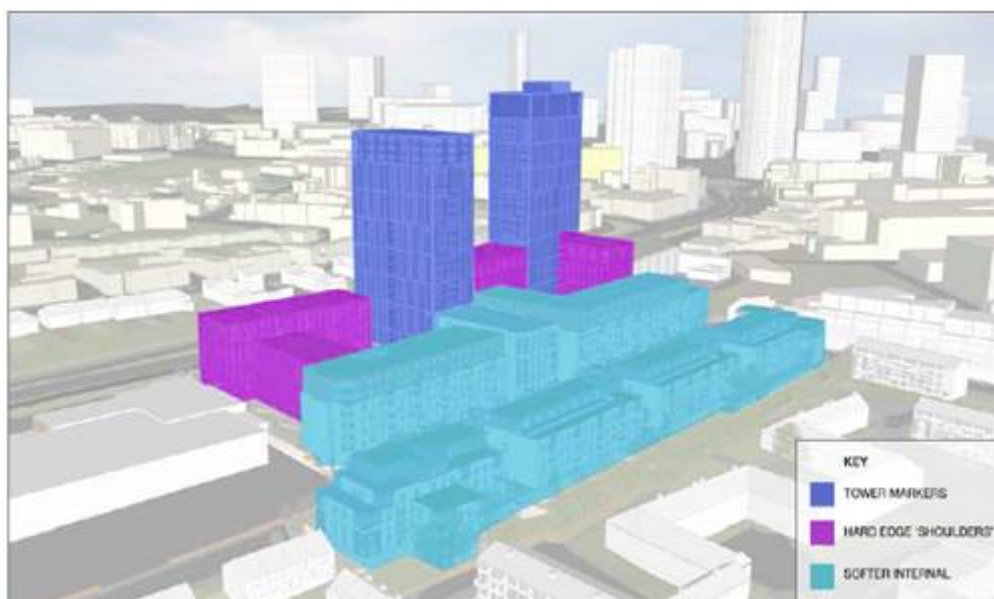
K – 4-5 storeys

L – 4-5 storeys

M – 4-5 storeys

Blocks J-M would sit above 1-2 storeys of car parking (indicated by the dashed line)

- 1.4. The architectural concept splits the site into two main styles that address the location of the blocks relative to the external boundaries, defined as the 'hard edge' and the 'soft internal edge'. The hard edge, fronting Bristol Street and Wrentham Street, would provide a buffer to the more private 'softer internal edge' behind and this would be reflected in the design and materials used. The 'hard edge' element would consist of a regular and rhythmical framework of vertical and horizontal elements, with the towers featuring a more complex composition of bays and features and a greater vertical emphasis than the simpler, and more horizontal, emphasis of the shoulder blocks. The towers would be constructed using a light brick, stone/ceramic, and dark black profiled surrounds interspersed by full height glazing, balconies and winter gardens whilst the shoulder blocks would comprise black brickwork, metal panels and glazing. The 'softer internal edge' would be constructed using natural tone buff brick, tiles and metal panels and whilst similar proportions to the 'hard edge' would be used, this would be on a much less regular basis than the 'hard edge'. Specific materials would be controlled by condition.



- 1.5 The scheme consists of 4 typical units; 1, 2 and 3 bed apartments and 3 bed split level units. They would all consist of 1, 2 or 3 en-suite bedrooms and an open plan kitchen/living area. They are primarily single aspect and have no internal corridors. They would range in size from 44-123sqm and would comply with national space standards. The scheme would provide 35% 1 bed units, 52% 2 bed units and 13% 3 bed units. 351 units would have balconies, 71 would have terraces and 129 would have winter gardens (56%). 92 of the units would be private affordable rent units at 20% less than the market rent units.
- 1.6 335 underground car parking spaces (33%) would be provided alongside 35 motor cycle spaces and 1010 covered bicycle spaces (100%). Servicing arrangements for both the commercial and residential elements have been identified.
- 1.7 The development will require the closing off of the vehicular and pedestrian subway off Bristol Street, the footpaths immediately adjacent the site would be widened and resurfaced, provision of two way cycle lane along Bristol Street and a new public pedestrian route would be introduced from Wrentham Street south to Vere Street and east to west from the proposed new walkway to Bristol Street.
- 1.8 Hard and soft landscaping would be provided across the site and would include feature trees, raised planters, seating areas and feature paving in a pallet of materials, the specific details of which would be conditioned.
- 1.9 1450 sqm storage area at the lower ground floor would be retained for Bristol Street Motors with pedestrian and vehicular access separate to the proposed residential redevelopment.
- 1.10 A Planning Statement (including statement of Community Engagement and Energy Statement), Design and Access Statement, Townscape and Visual Impact Assessment, Transport Assessment, Noise Impact Assessment, Air Quality Assessment, Preliminary Ecological Appraisal, Sustainable Urban Drainage Assessment, Ground Condition Survey, Landscaping Scheme, Economic Statement, Wind Assessment Report, Daylight, Sunlight and Overshadowing Report, Viability Assessment and Fire Safety Strategy have been submitted in support of the application.

1.11 A screening request was considered prior to the formal application submission which concluded an ES was not required.

1.12 [Link to Documents](#)

2 Site & Surroundings

2.1 The application site is located to the south of the City core on the east side of Bristol Street (A38), which is one of the main arterial roads into the City. The site is approx. 2.4 hectares and is bounded by Wrentham Street to the north, Vere Street to the east, and Bristol Street to the west. St Luke's Church and public open space are to the south.

2.2 The site is situated within the Southside and Highgate Quarter of the City Centre. There is a mix of commercial and residential uses, including student accommodation, surrounding the site which has an increasing residential focus.

2.3 There are significant level changes across the site sloping down from west to east and north to south.

2.4 The existing buildings on site have now been demolished but previously the site comprised Monaco House (6 storeys), a multi-storey car park, small scale industrial units and a petrol filling station. There is currently no soft landscaping on the site.

2.5 There are no listed buildings within the immediate vicinity although adjacent to the north of the site is 74-104 Bristol Street which is locally listed Grade A. The nearest conservation area is Lee Crescent Conservation Area, approx. 450m to the west/south west.

2.6 [Site location](#)

3 Planning History

3.1 23rd October 2013 Application 2013/05460/PA Hybrid application for the demolition of all existing buildings and a mixed use redevelopment to include detailed consent for a large retail store (A1), additional A1-A5 retail/D1 non-residential/D2 assembly and leisure units, associated car parking, highways, landscaping and other works and outline consent (access only) for a hotel (C1). Approved subject to conditions and S106.

3.2 21st November 2016 Application 2016/07612/PA Application for prior notification of proposed demolition of Monaco House. Prior approval required, but granted with conditions.

St Luke's, to the south

3.3 November 2017 Application 2017/01721/PA Demolition of existing buildings (St Luke's Church and the Highgate Centre) and redevelopment of site to provide 772 one, two and three bed houses and apartments with associated internal access roads, parking, open space, associated infrastructure. Withdrawn.

3.4 Application 2017/10448/PA Demolition of existing buildings (St Luke's Church and The Highgate Centre) and redevelopment of site to provide 778 one, two and three bedroom houses and apartments with ground floor retail unit for A1/A2/A3/A4 use, with associated internal access road. Approved subject to conditions and S106.

Former Kent Street Baths, to the north

- 3.5 Application 2017/09434/PA Clearance of site and erection of a residential mixed use development comprising of 504 dwellings (C3), 955sqm of flexible retail, restaurant, leisure and office uses, car parking and associated developments. Approved subject to conditions and S106.

Wrentham Street, to the north

- 3.6 16th March 2016 Application 2015/10323/PA Erection of 3-6 storey building comprising 141 residential apartments, ground floor commercial unit (A1, A2, B1(a) and D2) together with associated parking and landscaping. Approved with conditions and S106.

74-102 Bristol Street, to the north

- 3.7 17th August 2012 Application 2012/03213/PA Conversion of upper floors to create 12 clusters (81 bed spaces) of student accommodation (SG) with ground floor management office and laundry, ground floor refurbishment including new shop fronts and extension of ground floor uses to include A1-A5 and D1-D2 uses with parking to the rear. Approved with conditions.
- 3.8 11th December 2015 Application 2015/07682/PA Conversion and new build to provide 2 ground floor commercial units (A1-A5, D1, D2) and student accommodation (75 beds) (SG) comprising 12 five bed clusters, 1 four bed cluster, seven double studios and 2 twin studios. Approved with conditions.

4 Consultation/PP Responses

- 4.1 Education – A financial contribution of £3,505,553.62 is required for the provision of places at local schools.
- 4.2 Heart of England Foundation Trust (now part of University Hospitals Birmingham NHS Foundation Trust) - A financial contribution of £42,112.00 is required which would be used to provide additional services and capacity to meet patient demand. The representation states that the Trust is currently operating at full capacity in the provision of acute and planned healthcare. It adds that contracts (and therefore budgets) are set based upon the previous year's activity and due to delays in updating tariffs and costs the following year's contract does not meet the full cost impact of the previous year's increased activity. They consider that without such a contribution the development is not sustainable and that the proposal should be refused.
- 4.3 Highways England – no objection.
- 4.4 Leisure – The proposed public realm and amenity space within the development would not compensate for off-site POS contribution. The Ward has an under provision of POS in comparison to the BDP policy and an off-site financial contribution of £2,342,600 to be spent on the creation of new POS in the Southern Gateway or extension/improvement of Highgate Park is required.
- 4.5 LLFA – accept the principles within the submitted FRA and associated drainage strategy subject to conditions.

- 4.6 National Grid – no objections.
- 4.7 Regulatory Services – No objections subject to conditions to secure additional information/appropriate mitigation with regard land contamination, air and noise.
- 4.8 Severn Trent – no objection subject to drainage condition.
- 4.9 Transportation Development – no objection subject to conditions including s278 Agreements, stopping up resolution, car park management plan, delivery and service plan, cycle parking, pedestrian visibility splays, construction management plan and delivery management plan.
- 4.10 West Midlands Fire – no objection subject to the details within the D and A and Warrington fire strategy are observed. A water scheme plan will need to be agreed with the Fire Service and relevant water company prior to development.
- 4.11 West Midlands Police – Various security comments ultimately noting that the key to the success of this scheme will be controlling the different uses and that the compliance with various “secured by design” documents should be achieved. In addition, secure access to the undercroft car parking will be required as will cctv across the site.
- 4.12 Local residents’ associations, neighbours, Ward Cllrs and the MP have been notified. Site and press notices have also been displayed. 1 letter of comment has been received which generally identifies support for the redevelopment of the site but questions the locality of the 29 storey tower on the corner of Bristol Street/Wrentham Street and also comments/notes;
- Why has the Conservation Officer not been involved?
 - Contents of supporting document statements questionable particularly with regard the relationship between the locally listed buildings and the 29 storey tower
 - Site is outside area identified for tall buildings within High Places, SPG
 - Adverse impact on street scene and daylight/sunlight paths

5 Policy Context

- 5.1 Birmingham Development Plan 2017, Birmingham UDP 2005 saved policies, High Places SPG, Places for Living SPG, Places for All SPG, Access for People with Disabilities SPD, Car Parking Guidelines SPD, Lighting Places SPD, Public Open Space in New Residential Development SPD, Affordable Housing SPG, Planning Policy Guidance and the National Planning Policy Framework.

6 Planning Considerations

Background

- 6.1 An issues report about this application was considered at the Planning Committee meeting on 18th January 2018. In response to the issues identified Members largely welcomed the proposal. Members were content with the scale of development and mix of uses and apartment mix but made the following comments;-
- The failure to make a S106 offer is unacceptable given the scale of the proposal
 - The level of community facility is not clear.

- 6.2 Significant negotiations have taken place in an attempt to address these concerns and are referred to in more detail in consideration of the issues set out below.

Principle

- 6.3 The Birmingham Development Plan (BDP) which was formally adopted on 10 January 2017 sets out a number of objectives for the City until 2031 including the need to make provision for a significant increase in population. Policy PG1 quantifies this as the provision of 51,000 additional homes within the built up area of the City which should demonstrate high design quality, a strong sense of place, local distinctiveness and that creates a safe and attractive environments. Policy GA1 promotes the City Centre as the focus for a growing population and states that residential development will be continued to be supported where it provides well-designed high quality environments with the majority of new housing expected to be delivered on brown field sites within the existing urban area. Whilst Policy GA1.3 and Policy TP27 emphasise the importance of supporting and strengthening the distinctive characteristics, communities and environmental assets of each area and the need to make sustainable neighbourhoods.
- 6.4 The application site is located within the Southside and Highgate Quarter within the City Centre Growth Area, it is well connected to amenities and facilities, and is an existing brownfield site. The provision of a residential development with ground floor commercial uses, which would complement and supplement the existing amenity provision in the immediate locality, is therefore acceptable in principle subject to detailed matters.

Design and layout

- 6.5 Local planning policies and the recently revised NPPF (July 2018) highlight the importance of creating high quality buildings and places and that good design is a key aspect to achieving sustainable development.
- 6.6 There have been no significant changes to the design of the proposed development since your Committee considered this application as an Issues report as no issues of concern were raised. The proposed development would range in height from 3 to 10 storeys with two towers of 26 and 29 storeys. Policies PG3 and TP27 state the need for all new residential development to be of the highest possible standards which reinforce and create, a positive sense of place as well as a safe and attractive environment. Supplementary documents also provide further guidance for the need for good design including the City's 'High Places' SPG which provides specific advice for proposals which include elements in excess of 15 storeys. It advises that, generally, tall buildings will be accommodated within the City Centre ridge zone and only permitted outside this zone in defined or exceptional circumstances. It further advises that tall buildings will:
- Respond positively to the local context and be of the highest quality in architectural form, detail and materials;
 - Not have an unacceptable impact in terms of shadowing and microclimate;
 - Help people on foot move around safely and easily
 - Be sustainable
 - Consider the impact on local public transport; and
 - Be lit by a well-designed lighting scheme

- 6.7 The layout has been designed as a series of individual apartment blocks in two perimeter group blocks positioned to front onto Bristol Street with a further row of apartment blocks to the east fronting onto the proposed new north south public walkway. Block D has been stepped into the site to improve future occupiers outlook and in order to prevent overlooking and sterilisation of the adjacent site should it come forward for redevelopment in the future. Active frontages would be provided across the site and buildings have been positioned to improve pedestrian connectivity in the area and link into, and improve, the existing transport networks, including provision of the City's strategic cycle network.
- 6.8 The scale of the proposed buildings range from 3 to 10 storeys with two towers of 26 and 29 storeys. The site is outside the "central ridge zone". However the towers would be located to the back of pavement on Bristol Street which is part of the strategic highway into and out of the City. The applicant has provided comprehensive supporting information within their Design and Access Statement and a Townscape and Visual Impact Assessment which demonstrates that the proposed towers would not have an adverse impact on the street scene or the City's longer range views. I therefore concur with the Head of City Design who considers that the provision of the greater scale, including the towers, to Bristol Street emphasises its importance as part of the strategic highway network. It also allows the scale and mass of the other buildings to reduce moving east across the site and enable the development to 'knit' into the existing, lower, scales in the vicinity. I therefore consider the proposed layout and scale to be acceptable.
- 6.9 As noted in para 1.4 the architectural concept splits the site into two main styles that address the location of the blocks relative to the external boundaries. The hard edge, fronting Bristol Street and Wrentham Street, would provide a buffer to the more private 'softer internal edge' behind and this would be reflected in the design and materials used. The 'hard edge' element would consist of a regular and rhythmical framework of vertical and horizontal elements, with the towers featuring a more complex composition of bays and features and a greater vertical emphasis than the simpler, and more horizontal, emphasis of the shoulder blocks. The towers would be constructed using a light brick, stone/ceramic, and dark black profiled surrounds interspersed by full height glazing, balconies and winter gardens and topped with a 'crown' whilst the shoulder blocks would comprise black brickwork, metal panels and glazing. The 'softer internal edge' would be constructed using softer natural tone buff brick, tiles and metal panels and whilst similar proportions to the 'hard edge' would be used this would be on a much less regular basis than the 'hard edge' thereby creating a much 'softer' identity. The use of a horizontal podium and colonnade along Bristol Street frontage seeks to reference the lower linear design of the adjacent traditional building and detailed consideration has been given to areas such as the rear of the retail units and green walls to such areas are also proposed. I therefore consider the design concept, coupled with the proposed materials and the use of details such as recessed balconies, deep reveals and projecting winter gardens help create interest within the buildings elevations, break up its mass and create an identity and sense of place within the development itself.
- 6.10 I also note that the site is not in a conservation area and that it is not close to any statutory listed building. It is immediately adjacent a locally list building but I do not consider the proposal would have an adverse impact on their significance.
- 6.11 The Head of City Design has been intensely involved with this application and he considers the positioning of the towers to Bristol Street will provide a prominent landmark building in an appropriate position on a strategic highway network into the City Centre. He also considers that the layout, scale and mass is justified and

appropriate to the site and that the proposal would result in a well-designed, high quality development, subject to detailed conditions. Consequently I consider the proposed development would accord with the aims and objectives of both local and national planning policy in this respect. It is not considered that the development would have a detrimental impact on the locally listed buildings on Bristol Street to the north.

Housing mix

- 6.12 Policy TP30 states that proposals for new housing should deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods. It also identifies that high density schemes will be sought in the city centre. The redevelopment of the site would deliver additional housing on a brownfield site close to the City Centre Core and within the Southern Gateway Quarter. The proposal is identified as a PRS scheme, and although this isn't recognised within the BDP as being different to traditional C3 housing, the overall concept (as noted at para 1.1.) relies on a mix of units, with a variety of apartment sizes enabling residents to move and stay within the development as their needs change, facilitate and create a 'community'. Your Committee previously raised no concerns in terms of the housing type/mix.
- 6.13 The City's housing evidence base indicates that there is a need for larger properties but this is with reference to Birmingham's strategic housing area as a whole. It does not take account of demand in more localised locations such as the City Centre where there is significantly less land available, housing densities are expected to be higher and detailed data analysis suggests demand for smaller units is more likely. I also note policy PG1 and TP29 which identify housing need/delivery and consider that this scheme would positively contribute towards the achievement of these figures. All the units comply with the National Space Standards and delivers 13% 3 bed units. I therefore consider the proposal is acceptable and in line with policy.

Amenity

- 6.14 Places for Living (SPG) provides detailed advice about the City's design standards and the importance of design in protecting the amenity of existing residents from the effects of new development. Appendix A, includes a series of numerical distance separation requirements including that 27.5m distance separation is required for 3 storeys from any proposed and existing facing elevations and that 5m per storey set back is required where main windows would overlook existing private space.
- 6.15 Block J, K, L and M would be positioned to the eastern side of the application site, front onto the proposed new walkway and 'back' onto existing residential properties. The facing elevations of these buildings would be between 21 and 29m from existing windowed elevations and the distance separation between the proposed new build and private amenity of these existing dwellings would range between 12.5m and 14, below the 25m that Places for Living gives as guidance. However, as Places for Living also notes great emphasis is given to careful design rather than a "blanket application of numerical standards....".
- 6.16 Consequently, I note that the proposed new development would result in the removal of an unrestricted access road, improve the appearance of the physical boundary between the sites, including landscaping, and introduce a compatible residential use. I also note that both existing and proposed buildings would be at a slight angle and there would not be direct face to face views, that a number of the existing garden areas are communal and that there have been no objections raised on the basis of

loss of privacy or overlooking. I therefore consider the position and proximity of Block J, K, L and M would not adversely affect the amenities of existing residents sufficient to warrant refusal.

- 6.17 56 % of the proposed accommodation would have private terrace, balcony or winter garden areas and there would be 4 private, communal areas (approx. 3100 sqm) for future residents in addition to hard and soft landscaping across the site (over 5000 sqm). Given the sites Bristol Street frontage and the nature of the development including the potential additional on site facilities i.e. cinema and gym and the proximity of nearby parks, including the emerging park to St Luke's to the south, I consider the amenity provision for future occupiers would be appropriate. I also note that the applicant has confirmed that the facilities in the 'hub' would be available to the wider public subject to a membership fee.
- 6.18 A sunlight/daylight/overshadowing assessment has been submitted in support of the application. It concludes that the levels of daylight and sunlight to the majority of the proposed apartments and amenity areas comply with BRE requirements. Further, it confirms that the impact of the proposed development would be negligible to existing buildings with the exception of 86 Wrentham street (to the north east), which would experience a greater adverse impact. However I note this is a new development under construction and that I have received no objections on the basis of loss of light.
- 6.19 Therefore, given the sites location within an urban area, the existing site situation, the need to consider optimisation of a site's development potential and the flexibility provided by the BRE Guidelines for urban locations I do not consider the proposal would have an adverse impact on existing residents amenity sufficient to warrant refusal.
- 6.20 Following the initial wind assessment, mitigation including building canopies and landscaping have been added across the site to break up the flow of air and reduce wind speeds as far as possible. However I note the assessment is a desktop assessment only, has been carried out for the prevailing wind direction only and that there is no direct comparison to the industry wide recognised Lawson Comfort Criteria. Therefore in order to safeguard the future comfort and safety of pedestrian and cyclists within the vicinity I consider a more detailed wind study, including consideration of the need for any further mitigation, should be submitted prior to any above ground development and I recommend a condition to secure this accordingly.

Transportation

- 6.21 Policies TP38-41 encourages developments where sustainable transport networks exist and/or are enhanced. In addition to supporting sustainable transport networks the Car Parking SPG identify a maximum car parking provision of 1.5 car parking spaces per dwelling.
- 6.22 The proposal would include provision of 335 underground car parking spaces, 35 motor cycles' spaces and 1010 covered bicycle spaces. Car parking would be provided at approx. 33% and the bicycle provision would be in excess of 100% for the residential element of the scheme. A Transport Assessment has also been submitted which concludes that the proposed residential redevelopment would result in a significant net reduction in predicted traffic flows in the peak periods, compared to the previous and consented schemes, and that the proposed uses generate a much less significant demand. Further I note that the site is excellently located for public transport close to bus and train stops and within walking distance of a wide

range of facilities. I therefore raise no objection to the proposal, subject to conditions which I attach accordingly.

- 6.23 In addition I note that the development includes provision for the infilling of the existing vehicular and pedestrian subway off Bristol Street, widening and resurfacing of the footpaths immediately adjacent the site, the provision of a two way cycle lane along Bristol Street and that a new public pedestrian route from Wrentham Street south to Vere Street and east to west from the proposed new walkway to Bristol Street. These works would require the stopping up of public highway across/adjacent the site. However, no objections have been received on this basis and the highway works are necessary as part of the development. Further the provision of a north south, and an east west, pedestrian route through the site and 2 way cycle lane would ultimately result in significant improvements to pedestrian and cycle networks across the site in accordance with policy.

Planning obligations

- 6.24 The proposed development does not attract a CIL contribution but given the level of development proposed Policy TP9, which requires new public open space to be provided in accordance with the Public Open Space in New Residential Development SPD, and Policy TP31, which requires 35% affordable housing unless it can be demonstrated that this would make the development unviable, are applicable. When the issues report was considered members commented that the original zero offer was unacceptable given the density of the site, particularly as there would be no CIL payment.
- 6.25 Following the Issues report the applicant's financial appraisal has been independently assessed and there have been extensive negotiations by your officers. I am therefore satisfied that the scheme cannot support a fully policy compliant contribution. However the scheme will generate a surplus of £3.27 million and an offer on this basis has now been agreed with the applicant.
- 6.26 The revised NPPF (July 2018) emphasises that affordable housing should be provided on site and updates the definition of affordable housing to reflect recent market development/trends. In so doing it identifies "Affordable Private Rent" to be a form of affordable housing. Affordable Private Rent is accommodation provided by the landlord within a Build to Rent scheme (PRS scheme) at least 20% below local market rents (including service charges). Further, National Planning Guidance identifies that "For build to rent it is expected that the normal form of affordable housing provision will be affordable private rent". Consequently, the applicant has agreed that their financial contribution should be provided in the form of on-site affordable rent units – this would equate to 92 units (9.1%), split 50/50 between one and two bed apartments, be provided across the site, be provided for the lifetime of the development and be provided at a 20% discount to local market rent. Eligibility for these units would be considered in line with local incomes. This would mean there was no financial contribution to public open space. However, I note the proximity of a number of existing/emerging green spaces/parks including St Luke's immediately to the south of the site and I consider affordable housing, currently, to be the City's greater priority. I consider this would accord with policy and comply with the CIL Regulations 2010.
- 6.27 The previous and revised NPPF and PPG are clear that the assessment of viability for decision-taking purposes should be based on current costs and values. However previous NPPF guidance, RICS guidance and case law have also supported the view that on larger, multi phase projects that take longer to build out that are likely to be

subject to changing economic conditions could be appropriately considered for review mechanisms. The revised NPPF and PPG (July 2018) consider that the approach to this matter should remain unchanged and therefore whilst the City has not yet agreed a policy approach for review mechanisms, given the size and scale of this development and the understanding that it will be built in a series of phases (to be controlled by condition) over a longer period of time, I consider it would be appropriate to safeguard the City's position and require a S106 review mechanism. I consider it would be appropriate to require a S106 review at 30 months and 60 months with any surplus greater than that identified by the submitted, and agreed, financial appraisal being split 50/50 with the Local Planning Authority up to the maximum equivalent value of the 35% affordable housing policy.

6.26 I note the request received from the NHS Trust, for a sum of £42,112. Our position is that we do not consider the request would meet the tests for such Section 106 contributions in particular the necessity test (Regulation 122.(2)(a) necessary to make the development acceptable in planning terms). We believe the interval from approval to occupation of the proposed development, along with published information (such as the BDP and SHLAA) gives sufficient information to plan for population growth. Discussions with the relevant Trust are continuing on this matter, in order for us to understand more fully their planned investments in the City and how we might best be able to support that.

6.27 Education have also requested a financial contribution however I note education is identified on the CIL 123 list and it would not therefore be appropriate to request a further contribution in this instance.

6.28 The site is located in a low value residential area and does not therefore attract a CIL contribution.

Other

6.29 The site currently has minimal ecological value and the proposals provide an opportunity to create new green infrastructure in a highly urbanised area and enhance local biodiversity. My Ecologist therefore welcomes the provision of green roofs and landscaping across the site as part of this proposal subject to safeguarding conditions which I attach accordingly.

6.30 West Midlands Police have made various observations regarding specific security details. Their comments have been forwarded to the applicant and conditions with regard cctv and gates/secure access to the under croft parking are recommended.

6.31 Regulatory Services have raised no objection to the proposed development subject to conditions with regard to air quality, noise and land contamination which I attach accordingly. Suitable mitigation measures can be incorporated into the design.

6.32 The Lead Local Flood Authority raises no objections to the proposed drainage strategy which primarily relies on tanks. However they consider that features such as the proposed green roofs could also be successfully incorporated into the proposed drainage strategy and this should be considered as the design detail is progressed.

7 Conclusion

7.1 The proposal would provide a well-designed development and result in a high quality brownfield development on a prominent and sustainable City Centre location delivering a significant number of new homes. It would provide 92 on-site "affordable

private rent” units, provide significant on and off-site highway works and have wider regeneration benefits. It would not have an adverse impact on the adjacent highway and can be accommodated without having an adverse impact on its surroundings. The proposal would therefore be in accordance with the aims and objectives of both local and national planning policy and should be approved.

8 Recommendation

- 8.1 That consideration of planning application 2017/10551/PA be deferred pending the completion of a planning obligation agreement to secure the following:
- a) 92 one and two bed Affordable Private Rent units. These units shall be split 50/50 and pepper potted across the site. 25% of the units shall be provided by first occupation of the private rental units, 25% at 50% occupancy and remaining 50% provided by 75% occupancy and rental levels (including service charges) shall be retained at 20% below open market rent value in perpetuity. Eligibility will be determined in line with local incomes.
 - b) A review mechanism that requires that at 30 months and 60 months, or if any of the units are sold rather than rented, a revised financial appraisal shall be submitted for assessment. If that financial appraisal identifies a greater surplus then the additional profit shall be split 50/50 between the developer and Local Authority up to a maximum financial contribution of 35% affordable housing. Any additional financial contribution would be spent on affordable housing.
 - c) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.
- 8.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 26th September 2018 the planning permission be refused for the following reasons:
- a) In the absence of any suitable legal agreement to secure a financial contribution towards affordable housing the proposal would be contrary to TP31 of the Birmingham Development Plan and NPPF.
- 8.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 8.4 That no objection be raised to the stopping-up of Section of footway on Bristol Street and pedestrian subway that runs beneath Bristol Street and that the Department for Transport (DfT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.
- 8.5 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 26th September 2018, favourable consideration be given to this application subject to the conditions listed below.

-
- | | |
|---|--|
| 1 | Requires the prior submission of a sustainable drainage scheme in a phased manner |
| 2 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 3 | Requires the provision of cycle parking prior to occupation |
-

-
- 4 Requires the delivery and service area prior to occupation
 - 5 Requires the prior submission of details of a delivery vehicle management scheme
 - 6 Requires pedestrian visibility splays to be provided
 - 7 Requires the prior submission of a car park management plan for disabled spaces
 - 8 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 9 Requires the provision of a vehicle charging point
 - 10 Requires bollards/controlled access to shared space
 - 11 Requires the commercial windows not to be obscured
 - 12 Requires the prior submission of a CCTV scheme
 - 13 Requires the scheme to be in accordance with the listed approved plans
 - 14 Requires the prior submission of a landscape management plan
 - 15 Requires the prior submission of details of green/brown roofs
 - 16 Requires the prior submission of a construction method statement/management plan
 - 17 Requires the prior submission of a lighting scheme
 - 18 Requires the prior submission of boundary treatment details
 - 19 Requires the prior submission of hard and/or soft landscape details
 - 20 Requires the prior submission of shop front design details
 - 21 Requires the prior submission of a construction ecological mitigation plan on a phased basis
 - 22 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis
 - 23 Requires an employment construction plan
 - 24 Requires the prior submission of contamination remediation scheme on a phased basis
 - 25 Requires the prior submission of details of refuse storage
 - 26 Requires the prior submission of extraction and odour control details in a phased manner
 - 27 Requires the prior submission of noise insulation (variable)
 - 28 Limits the noise levels for Plant and Machinery
-

-
- 29 Requires further internal sound levels
 - 30 Limits the hours of use 0700-2300 and 0700-2400
 - 31 Limits delivery time of goods to or from the site
 - 32 Requires the prior submission of a contaminated land verification report
 - 33 Requires the prior submission of a phasing plan
 - 34 Requires the prior submission of sample materials in a phased manner
 - 35 Requires access road to be provided
 - 36 Requires secure access to undercroft parking
 - 37 Implement within 3 years (Full)
-

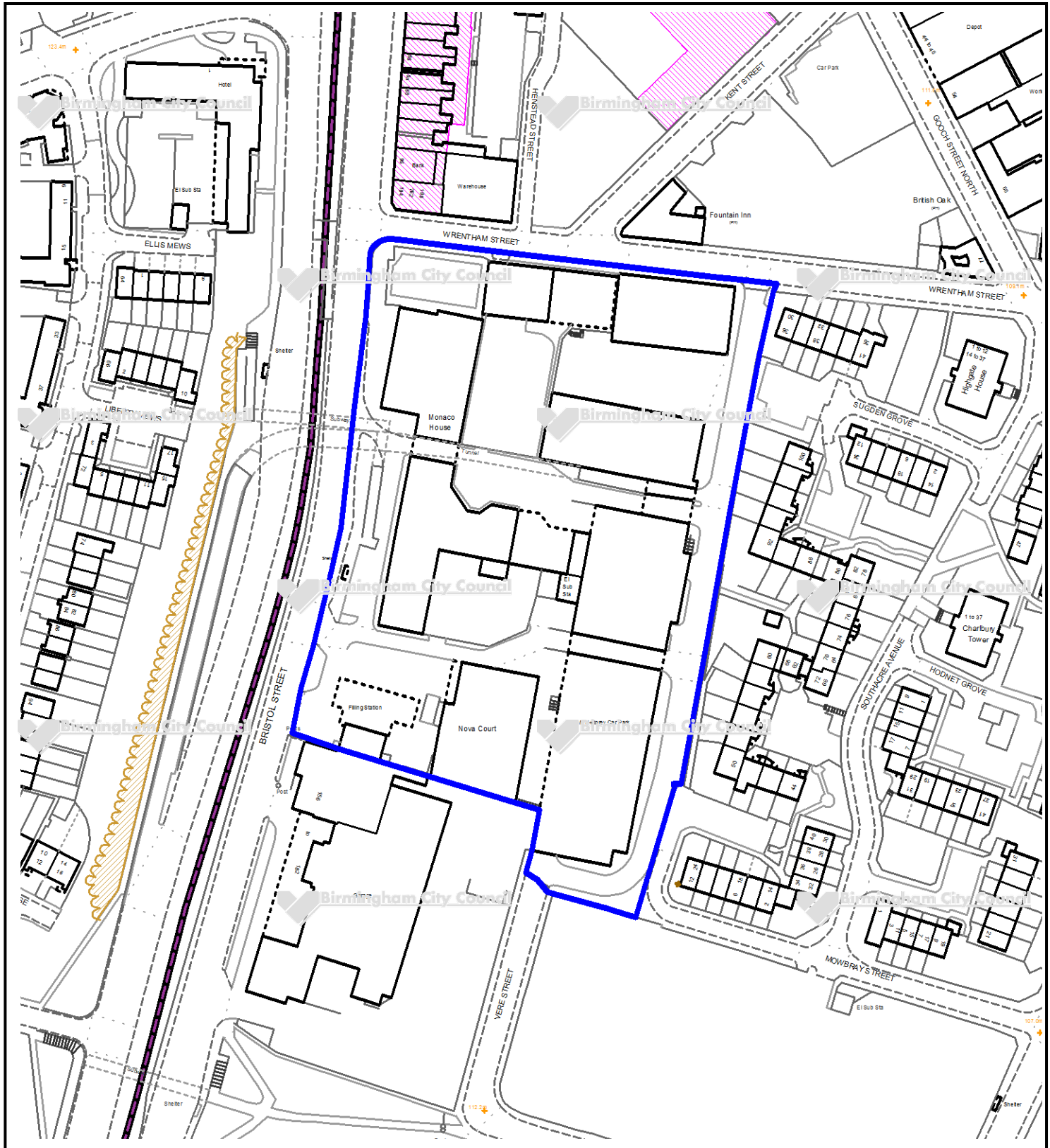
Case Officer: Joanne Todd

Photo(s)



Photo 1: site being cleared

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

| | | | |
|-----------------|----------------------|---------------------|---------------|
| Committee Date: | 16/08/2018 | Application Number: | 2017/09461/PA |
| Accepted: | 14/11/2017 | Application Type: | Full Planning |
| Target Date: | 28/09/2018 | | |
| Ward: | Bordesley & Highgate | | |

Land at Pershore Street and Skinner Lane, City Centre, Birmingham, B5

Erection of 6-14 storey building comprising 379 residential apartments (Use Class C3), ground floor commercial units (use Classes A1-A5 and B1a), associated car parking and amenity space.

| | |
|------------|--|
| Applicant: | Pershore Street Limited |
| | 3rd Floor, Sterling House, Langston Road, Loughton, IG10 3TS |
| Agent: | GVA |
| | 3 Brindleyplace, Birmingham, B1 2JB |

Recommendation

Determine

Report back

- 1.1 Members will recall that they deferred this application on the June 21st for the submission of additional noise information and the consideration of a review clause within the S106.

Noise

- 1.2 The NPPF and PPG were revised 24th July 2018. Paragraph 182 states that "Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."
- 1.3 Members are reminded that Regulatory Services have raised no objection to the methodology or the accuracy of the applicant's noise report. They have only objected to the application because they consider that to ensure that the proposed mitigation is secured at the required noise sensitive times the window units would need to be 'sealed'. However they consider that sealed units would diminish the quality of living conditions for future occupiers and it is on this basis only that they object. They have not disputed the technical abilities of the proposed mitigation.
- 1.4 Members are further reminded that officers are recommending that only the bedroom windows on the affected façade (red on the plan below) need be 'sealed'. However should members still be concerned that future occupiers would be unlikely to close

the windows to the open plan living room areas at the noise sensitive times, and thereby increase the potential noise complaints, they could require that all windows units within this façade are sealed. This would affect only 24% of the proposed apartments, would be in line with the Inspector's decision in relation to the development at the Unitary and Armories and an appeal in the Jewellery Quarter, and would be consistent with your Committee's approach to recent developments along Broad Street.

- 1.5 Since your Committee's deferral the applicants have met with some of the objectors and submitted additional information to demonstrate that they have taken all reasonable steps to ensure that the future activities of the night-time entertainment venues in the locality will not have "unreasonable restrictions" placed on them by this development, consistent with guidance on the agent of change principle (as now required by the revised NPPF).
- 1.6 As such the applicant has clarified their proposed noise mitigation and confirms it would comprise;
- High performance double glazed windows (33dB) would be provided to all elevations marked in blue (on the plan below) – this would perform twice as well as a standard double glazed window rated at 30dB.
 - High performance double glazed windows (39dB) provided to external elevations marked red and green (on the plan below). These windows would perform approx. 10 times better than a standard double glazed window rated at 30dB.
 - Internal secondary glazing also provided on elevations marked in red (on the plan below). This composite window construction has been used successfully by the applicant in schemes adjacent to Heathrow Airport, and will provide 49dB of acoustic protection, which is approximately 79 times better than a standard double glazed window rated at 30dB.
 - Mechanical ventilation would be provided for those rooms within elevations marked in red (on the plan below).
 - Mechanical ventilation achieves a more even distribution of air, and therefore temperature control, it is not affected by internal layout or wind velocity, it provides cleaner air and offer a greater security, particularly for ground floor apartments, by avoiding the need for windows to be left open in order to achieve a comfortable internal temperature.



- 1.7 In addition, the agent has also confirmed, that whilst not required as part of the noise mitigation, the applicant raises no objection to conditions 19 and 24 being attached.

Condition 19 requires that the development hereby permitted shall be implemented in accordance with the recommendations contained in the Noise Assessment Report for Residential Development Revision1 (Hoare Lea, 16 March 2018) except that all bedrooms and studios where secondary glazing and mechanical ventilation are specified shall be provided with sealed windows. The scheme shall be implemented and maintained thereafter.

Condition 24 requires that the developer/owner shall advise prospective owners/occupiers of the character of the area and that there are entertainment venues with extended hours that operate within the vicinity. These details shall be included in sales particulars, sale contracts and included in any welcome pack provided by a future management company.

- 1.8 Since Committee last considered this application I have received 2 letters of objection. These letters reiterate the reason for the application's deferral, comment of the process/procedure and in particular raise concerns that the application should not return to Planning Committee too soon. These letters raise no additional issues for consideration and I note that I have received no correspondence since the applicant and objectors met.
- 1.9 I note that the applicant reports they had a positive meeting with some of the objectors (12th July) and have confirmed their commitment to continuing dialogue with the club owners in order to ensure these neighbouring users can successfully co-exist.
- 1.10 I have received a letter on behalf of a number of the original objectors, stating that they have met the developer, who they believe is aware of the nature of the area and they feel confident the technical solution is sufficient. They therefore withdraw their objections to the application, subject to the Council ensuring the noise mitigation is implemented and that occupiers are made aware of the nature of the area.

- 1.11 This additional information/clarification should be considered to supplement the original report, in particular para 6.8-6.15. Consequently I would conclude that an extensive suite of mitigation measures are proposed for this development to safeguard future occupiers and ensure the interests of existing businesses within the site vicinity are protected for the purposes of paragraph 182 of the new NPPF. My recommendation on this matter therefore remains as per the original report.

Review clause S106

- 1.12 Previously, Paragraph 173 of NPPF identified that the costs applied to development, such as requirements for affordable housing, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide a **competitive** return to a **willing** land owner and a **willing** developer to enable the development to be deliverable (my emphasis). RICS Professional Guidance and Planning Practice Guidance also confirmed that viability assessments should be based on current costs and values and that review mechanisms are not normally used on single build smaller scale projects because there is no later phase to capture future value growth. In contrast larger, multi phase projects that take many years to build out and are therefore subject to changing economic conditions may be more suited to phased review mechanisms. Case law also re-enforces this approach.
- 1.13 Further, whilst the NPPF and the PPG have now been revised applying current costs and values remain explicit in the approach set out in the replacement PPG (para 014). The replacement PPG is also clear that the use of review mechanisms to enable the re-assessment of viability over the lifetime of a development should be plan-led (paragraph 009). The BDP does not set out circumstance which would require viability to be re-assessed.
- 1.14 Furthermore, paragraph 009 infers the Government's intention that review mechanisms be appropriately applied in respect of multi-phase schemes whose delivery will take place over a lengthy period. This would continue to reflect the approach previously taken by Inspectors, that S106 clauses requiring review of viability are neither appropriate nor necessary for single-phase developments.
- 1.15 This development involves a single phase development, which the applicant intends to build out as soon as possible following the grant of planning permission. In addition, Members are reminded that your Officers have already secured an increased S106 offer from £0 to £939,920 of which £600,000 is identified for affordable housing, and that the inclusion of a review clause could actually lead to a reduction in the S106 monies offered, for example if costs increase and sales values do not keep pace.
- 1.16 Notwithstanding the above, the applicant wishes to respond positively to Planning Committee's request and have therefore indicated their willingness to agree to a review clause after 2 years if the consent has not been implemented.
- 1.17 However, given the relative smallscale nature of the development – only 379 units – and its single phase nature I do not consider it would be appropriate to seek such a review clause. Furthermore, given the applicant's intent to start on site immediately, and build in a single phase, I do not consider it would disadvantage them if the time period for implementation condition was reduced from 3 years to 2 and a 'substantial completion clause' was added to the S106, thereby securing the development is started and brought forward under the current financial climate. Such an approach has previously been taken on the former Ice Rink development at 73-75 Pershore

Street, 2014/09600/PA, and I consider this would be the most clear, consistent and fair way to safeguard the applicant and the City in relation to viability on a development of this nature.

Additional correspondence

- 1.18 A response from University Hospitals Birmingham NHS Foundation Trust has been received requesting a financial contribution of £47,260 to be used to provide additional services and capacity to meet patient demand. The representation states that the Trust is currently operating at full capacity in the provision of acute and planned healthcare. It adds that contracts (and therefore budgets) are set based upon the previous year's activity and due to delays in updating tariffs and costs the following year's contract does not meet the full cost impact of the previous year's increased activity. They consider that without such a contribution the development is not sustainable and that the proposal should be refused.
- 1.19 However, our position is that we do not consider the request would meet the tests for such Section 106 contributions in particular the necessity test (Regulation 122.(2)(a) necessary to make the development acceptable in planning terms). We believe the interval from approval to occupation of the proposed development, along with published information (such as the BDP and SHLAA) gives sufficient information to plan for population growth. I also note the request relies on inaccurate calculations. Discussions with the relevant Trust are continuing on this matter in order for us to understand more fully their planned investments in the City and how we might best be able to support that.

Conclusion

- 1.20 Therefore, subject to an additional S106 resolution to require implementation and substantial completion within 48 months, a revised S106 completion deadline and an alteration to the 'time limit' condition from 3 to 2 years I recommend approval as per the original report.

Recommendation

- 2.1 That consideration of planning application 2017/09461/PA be deferred pending the completion of a planning obligation agreement to secure the following:
- a) A financial contribution of £639,920 (index linked from date of resolution) towards the provision of affordable housing.
 - b) A financial contribution of £300,000 (index linked from date of resolution) towards the provision of public realm improvements within Hurst Street.
 - c) Payment of a monitoring and administration fee associated with the legal agreement of £10,000
 - d) To identify that the planning obligation agreement should also secure that the development hereby approved should be substantially complete within 48 months of the grant of permission.
- 2.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 28th September 2018 the planning permission be refused for the following reasons:

- a) In the absence of any suitable legal agreement to secure a financial contribution towards off site public open space/realm/affordable housing the proposal would be contrary to TP9 and TP31 of the Birmingham Development Plan and NPPF.
- 2.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 2.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 28th September 2018, favourable consideration be given to this application subject to the conditions listed below.

21st June Report

- 1. Proposal
 - 1.1. Proposal is for the erection of two buildings containing 379 apartments, 9 commercial units, car parking, landscaping, access and ancillary works.
 - 1.2. The accommodation would be provided within 2 'L' shaped blocks positioned to the back of pavement to Hurst Street, Skinner Lane, Claybrook Street and Pershore Street to create an enclosed perimeter block. The two buildings would be separated by two pocket gardens to Claybrook Street and Skinner Lane and have a landscaped internal courtyard area. The buildings would range in height from 6-14 storeys.
 - 1.3. The buildings would be of a modern, flat roofed, simple framed design with floor to ceiling openings and projecting and recessed balconies and winter gardens articulated in a standard rhythmical pattern. The buildings would be constructed primarily in dark stock bricks in three different bonds – rusticated stretcher bond at ground floor and stretcher bond on the upper floors interspersed with bands of vertical stretcher bond all with light grey pointing. In addition acid etched precast concrete wall panels and colonnades, precast concrete spandrel panels, cills and balconies and powder coated metal framed windows and balustrades would be used. The specific details would be secured via condition.
 - 1.4. There would be 13 studios (3%), 207 one bed apartments (55%), 151 two bed apartments (40%) and 8 three bed apartments (2%). Of the one bed apartments 154 (74%) would be 1 bed 1 person and 53 (26%) would be 1 bed 2 person. Of the two bed apartments 13 (9%) would be 2 bed 3 person and 138 (91%) would be 2 bed 4 person. The studios would comprise of an open plan living/dining/kitchen/sleeping area and a bathroom. The other units would comprise an open plan living/dining/kitchen area, 1 or 2 bathrooms and 1, 2 or 3 bedrooms. The units would be single aspect looking out to the adjoining streets or onto the internal courtyard area. The units would range in size from 38 sqm to 96 sqm and would comply with national space standards. In addition, 122 of the apartments (32%) would have private terrace, balcony or winter garden ranging in size from 7 sqm – 20 sqm.
 - 1.5. 95 parking spaces (25%), 10 accessible, would be provided within a lower ground courtyard area accessed off Skinner Lane with an egress out onto Pershore Street. 358 (94.5%) secure, covered cycle spaces would be provided within 4 separate ground/lower ground floor localities.

- 1.6. A landscaped amenity area within the internal deck area would be provided. It would provide approx. 1000sqm of communal space. Green roofs would also be provided where appropriate
- 1.7. 9 commercial units (A1-A5 and B1a) would be provided fronting onto Hurst Street, Skinner Lane and Pershore Street. The units would range in sizes from 36 sqm to 194 sqm.
- 1.8. A financial contribution of £939,920 would be secured via a S106 Agreement.
- 1.9. A Design and Access Statement, Planning Statement, Phase 1 Environmental Assessment, Noise Impact Assessment, Lighting Scheme Feasibility Report, Sunlight/Daylight Assessment, Landscaping Strategy, Residential Market Mix Report, Financial Viability Assessment and Sustainable Urban Drainage Assessment have been submitted in support of the application.
- 1.10. A request for an EIA Screening Opinion was considered during the pre-app process and an ES was not considered to be required.
- 1.11. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is approx. 0.64 hectares and is located to the south east side of the city centre core. It is bounded by Pershore Street to the east, Skinner Lane to the south, Hurst Street to the west and Claybrook Street to the north.
 - 2.2. The surrounding area contains a wide range of uses including entertainment, commercial and residential, with the nearest residential accommodation immediately to the north within the Latitude building. Nearby evening entertainment uses include The Village Inn immediately to the south and the Nightingale Club, approx. 55m west along Kent Street.
 - 2.3. The site is currently used as a surface level car park and approx 20m from the former Wholesale Market which forms part of the wider Smithfield Development site.
3. Planning History
 - 3.1. 1st August 2011 - 2011/02891/PA Retention of temporary car park – approved temporarily.
4. Consultation/PP Responses
 - 4.1. Education – Contribution of £856,584.51 is required.
 - 4.2. Leisure Services – In accordance with the BDP a financial contribution of £709,800 is required which should be spent on the provision, improvement and/or biodiversity enhancement of public open space and the maintenance of Highgate Park.
 - 4.3. Lead Local Flood Authority – additional information acceptable.
 - 4.4. Regulatory Services – Overall the revised noise assessment is correct – acceptable internal noise levels can be achieved in the future if residents keep their windows closed. However, EPU guidance recommends that sites where residents would have to keep windows closed to mitigate noise from a commercial, industrial or

entertainment premises are not suitable for residential use and refusal is recommended. However, there are examples across the City where this approach has not been accepted and conditions are therefore recommended with regard to air quality, noise mitigation, and land contamination should the proposal be considered acceptable.

- 4.5. Severn Trent – no objection subject to a drainage condition.
- 4.6. Transportation Development – no objections to the amended/additional information subject to conditions.
- 4.7. West Midlands Police – no objections raised but various comments made on how the development should achieve Secure by Design (residential and commercial) and the need for lighting, CCTV, secure boundaries to the communal amenity space and a management plan (bins/post).
- 4.8. Local residents' associations, neighbours and Ward Cllrs have been notified. A site and press notice has also been displayed. 14 letters of objection have been received, including 1 from Cllr Moore. The objections raised can be summarised as follows:
 - Proposal is unnecessary and would result in the overdevelopment of the site
 - Inadequate existing infrastructure
 - Loss of car parking increasing already existing significant traffic management issues
 - Development would obstruct view and significantly block light to existing residential apartments
 - Proposed tower is too big – development should be an even height.
 - Proposal would dwarf and de value existing developments
 - Proposal would result in overlooking
 - Skinner Lane is not suitable for commercial deliveries and new commercial uses would compete with existing
 - Proposal would result in adverse construction noise, dust and disturbance
 - Proposal would adversely impact on the distinct social, cultural and historic profile of this side of the City
 - Proposal would introduce noise sensitive receptors into an existing noisy environment
 - Proposal would introduce additional noise generators into an existing noisy area
 - Proposal would adversely impact on existing businesses contrary to the NPPF and NPPG - the venues have serious concerns that should this development be allowed to proceed, the residents in it would be subject to considerable nuisance from general noise from the night time economy including patrons passing to attend the venues and taxis dispersing people from the venues. Should this nuisance cause complaints to be raised to BCC environmental team, they may impose punitive measures on venues, which potentially result in failure of the businesses, which provide a destination for the LGBT community and the general public alike.
 - Inadequate noise assessment
 - Sunlight/daylight report is irrational
 - City should use planning and licensing powers to protect and preserve late night entertainment venues.
 - No need for development - City should require the site to become a public park.

4.9 An additional period of consultation was undertaken following the receipt of a revised noise assessment. 9 further letters of objection were received, including 1 from Cllr Moore, reiterating a number of the previous comments and raising the following additional concerns;

- The replacement noise report still fails to adequately consider a number of noise sources including the external terrace at Nightingales, Sidewalk and queuing for the Village Inn, it relies on out of date data, does not consider Thursday as a regular trading day and fails to consider the cumulative impact of a number of the venues.
- The proposal would change the character of the area and thereby adversely impact on licensing process the businesses are required to comply with.
- Mitigation proposed requires mechanical ventilation and this does not offer a good quality of life for occupiers. The LPA has previously refused applications on this basis which have been supported at appeal.

5. Policy Context

5.1. Birmingham Development Plan 2017 (BDP), Saved policies of the UDP 2005, Places for Living SPG (2001), Places for All SPG (2001), Affordable Housing SPG (2001), Public Space in new Residential Development SPD (2007), Car Parking Guidelines SPD (2012), Nature Conservation Strategy for Birmingham (1997), National Planning Policy Framework and Planning Practice Guidance.

6. Planning Considerations

Principle

6.1. The application site is located within the Southside and Highgate Quarter within the City Centre Growth Area as defined by policy GA1. Policy GA1.3 identifies that development in this location should support the growth of the area's distinctive cultural, entertainment and residential activities, its economic role and provide high quality public spaces and pedestrian routes. Policy GA1.1 also states that the City Centre will be the focus for retail, office, residential and leisure activity. Furthermore, policy states that 'Residential development will continue to be supported in the City Centre where it provides well-designed high quality living environments and this echoes national planning policy which encourages well-designed development on brownfield land within sustainable locations. The site is also in close proximity to Smithfield which is identified as part of a wider area of change where a significant mix of uses will be expected. The provision of a residential development with ground floor commercial uses on this site is therefore considered to be acceptable in principle subject to detailed matters.

Parking/Transportation

6.2 The proposal would result in the loss of a current surface level car park which can accommodate approx. 238 cars. However, it is a private car park with an expired temporary planning consent to which access could be restricted at any point and I note there are a number of alternatives in the immediate vicinity including on street parking and a multi-storey council car park, opposite the site, on Pershore Street (317 spaces). Consequently, I raise no objection to the redevelopment of the existing car park.

- 6.3 Given the existing use, the proposed development would result in the number of trips to and from the site being reduced; provide 25% on site car parking provision and 94.5% of secure cycle parking provision. In addition, the site is excellently located for public transport close to bus, tram and train stops/stations and within walking distance of a wide range of facilities. I also note that this level of provision is consistent with other residential schemes in the vicinity. I therefore concur with Transportation Development who raise no objection to the proposal, including additional information, subject to conditions, which I attach accordingly.

Design

- 6.4 Local and national planning policy requires high quality residential development. The proposal would result in the provision of perimeter development on a prime site to the south east of the City Centre close to the Smithfield development site. It would provide active ground floor uses, result in a development at a scale reflective of, and appropriate to, the surrounding existing development and provide a clear distinction between public and private spaces. In addition, the proposed uses would be appropriate for the sites location and increase both the city's commercial/retail and residential offer in a prominent location.
- 6.5 The Head of City Design considers the design results in a robust and simple building which would be broken up and well-articulated and that the use of two blocks, a height range of 6-10 storeys, large window openings, a mix of projecting and recessed balconies, winter gardens and three types of brick bond would provide depth and interest to the elevation and successfully break the buildings mass up. There is an greater scale to existing development to Pershore Street and given its proximity to Smithfield and the wider area of change an increase in height to 14 storeys on the corner of Pershore Street and Skinner Lane marks the sites context and 'anchors' it against the backdrop of the city core.
- 6.6 Internally the accommodation would range in size between 38 sqm – 96 sqm and would provide accommodation in line with national standards. 32% of the apartments would have private amenity space and a large communal courtyard would also be provided. I therefore consider the scheme would provide a good level of accommodation, particularly given its location within the City Centre where external amenity is not normally provided.
- 6.7 I therefore consider the design, scale and mass of the development is in accordance with policy.

Residential amenity - noise

- 6.8 The site is within a vibrant mixed use area with a number of late night entertainment venues including Medousa, The Village Inn, Sidewalk, RSVP and The Nightingale. These venues have significant capacity, are open and licensed for live and recorded music, some until 0630 in the mornings and are part of the functional night time economy in Birmingham. Local residents and business' have therefore raised concerns that the proposed development would introduce noise sensitive receptors into this area which could, in turn, result in restrictions being placed upon the way existing businesses conduct themselves/provide their service. Consequently, there are concerns that this could then adversely affect the areas diverse entertainment offer and, ultimately, the character of the area, contrary to policy.
- 6.9 Local and national planning policies recognise the significance of noise and note that new development could either introduce noise or noise sensitive receptors into an

area. Furthermore, paragraph 123 of the NPPF states that "...existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established..." However, as identified by Planning Policy Guidance noise should not be considered in isolation, it should be considered alongside the economic, social and environmental dimension of a proposed development and ultimately Local Planning Authorities need to consider whether or not a good standard of amenity (para. 17 NPPF) can be achieved.

- 6.10 A revised noise assessment has been submitted. Regulatory Services consider that this report is correct and that an acceptable internal noise level can be achieved if the future residents keep their windows closed and use mechanical ventilation during the most noise sensitive times. However, in order to ensure that future occupiers close their windows and use the mechanical ventilation provided Regulatory Services consider the units would need to be sealed. They have not reached a view as to whether or not an alternative means of ventilation would be a sufficient defence against potential future noise complaints. Consequently, on the basis of the need for windows to be closed to mitigate noise they consider this would be an inappropriate way to mitigate intrusive noise and recommend refusal.
- 6.11 Local residents have also raised concerns about the unacceptability of sealed units and note that the Council has previously been supported in this respect at appeal. However, cited examples, such as 2016/02336/PA and 2015/1779/PA, where the Council was supported at appeal related to commercial/industrial noise nuisance generated throughout the day (Monday-Saturday), with no restrictions to prevent operation at night where the existing noise and potential for 24 hours commercial operation, was set against a more localised background noise environment which would have been so significant that these units, as sealed units, could not be considered to provide a good quality amenity. Therefore whilst I accept that the use of sealed units across an entire site is not, generally, an acceptable form I also note that this site is located within the City Centre where mixed use developments exist and are actively encouraged by policy.
- 6.12 The noise report identifies that approx 92 (24%) of the proposed flats would require secondary glazing and mechanical ventilation (primarily to Hurst Street). The entertainment noise is primarily, although not exclusively, associated with evening/early hours of Thursday, Friday, Saturday and Sunday nights. On this basis I consider it reasonable to assume that the most noise sensitive rooms are likely to be the bedrooms. Therefore in order to facilitate this sites redevelopment, support the wider regeneration benefits it would bring, and safeguard the existing business/uses I consider it necessary to require the bedrooms to be 'sealed' whilst the living/kitchen areas could be provided with both natural and mechanical ventilation options. Thus providing future occupiers with the option to open windows to living room/kitchen areas at less noise sensitive times i.e. during the day, but securing compliance with the proposed mitigation in the most noise sensitive areas given the nature of the existing noise environment.
- 6.13 In addition, I note that there are already residents living close to/above some of the existing entertainment venues where there are no live noise complaints with Regulatory Services and that this development would reflect and built upon the existing mixed use nature of area. I do not consider this proposal would materially change the character of the area. Furthermore I note that the Council lost an appeal, on noise grounds for new residential accommodation at the Unitary and Armouries site, to the north/northwest of Nightingales, where the Inspector noted "City Living is not for everyone. Those choosing to occupy apartments in the appeal scheme would

be aware of the nature of the area....and the likely night time street and noise environment. Those whom it would not suit would go elsewhere.” Ultimately concluding that subject to conditions to secure noise insulation, ventilation and non-openable windows on Lower Essex Street the future occupiers would enjoy an acceptable living condition. I consider this should be given weight.

- 6.14 Furthermore, there are examples within the City Centre where ‘sealed’ units have been accepted due to noise for residential developments on Broad Street and Sheepcote Street and I consider that these set a precedent for City Centre development where there are wider regeneration benefits associated with the proposed development.
- 6.15 Therefore, in line with planning policy, which requires consideration of the economic, social and environmental impact of a development, I do not consider, on balance, that the issue of noise, or the mitigation proposed, would materially affect changes in behaviour of future occupier’s to adversely affect the enjoyment or occupation of their accommodation sufficient to outweigh the wider regeneration benefits of redeveloping this site and sufficient to warrant refusal of the scheme. Therefore subject to safeguarding conditions I raise no objection to the proposal on the basis of noise and disturbance.

Residential amenity – overlooking sunlight/daylight

- 6.16 Some concern has been expressed by local residents over the proximity of the proposed development and the impact it would have in terms of loss of light and overlooking opportunities.
- 6.17 The proposed building plot is to the south of the existing Latitude development which has residential accommodation first floor and above. There is a range of between 19m - 30+m between the main facing elevations of the existing and proposed apartments. However there is a pinch point on the corner of Hurst Street and Claybrook Street, approx. 18m in length, where the separation distance between windowed elevations would be reduced to between 12m and 15m. There are 10 units within this part of Latitude. However, the units within the Latitude building have double aspect living rooms and the windows between both buildings are not directly opposite. Furthermore I note the distance separation is across a road and the lower distance would not be unusual given the sites dense urban location.
- 6.18 In addition, a sunlight/daylight assessment has been submitted in support of the application. The report concludes that following the proposed development the vast majority of the windows within the apartments in Latitude building meet BRE (British Research Establishment) targets. However, even in the isolated locations where a lower level of VSC (Vertical Sky Component) are found these rooms would meet (or be within a non-material deviation of 0.1%) of BRE levels for their specific room use.
- 6.19 Therefore on the basis of the report, and acknowledging the sites location within an existing urban environment, I consider the proposed development would not adversely affect the amenities of existing or future residents by virtue of overlooking or loss of light sufficient to warrant refusal and I therefore raise no objection.

Housing mix

- 6.20 Policy TP30 states that proposals for new housing should deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhood. It also identifies that high density schemes will be

sought in the city centre. The redevelopment of the site would deliver additional housing on a brown field site close to the City Centre core. The proposed mix would deliver a higher proportion of studio/1 bed units than 2 beds. However the agent has submitted information demonstrating that the composition of the household size in this area differs to the wider Birmingham market with a greater concentration of smaller 1 and 2 bed households. They also provide anecdotal evidence of their market experience in the city where there has been greater demand for the smaller 1 bed units.

- 6.21 Therefore, whilst the City's housing evidence base indicates that there is a need for larger properties this is with reference to Birmingham's strategic housing area as a whole. It does not take account of demand in more localised locations such as the City Centre where there is significantly less land available, housing densities are expected to be higher and detailed data analysis suggests demand for smaller units is more likely. I also note policy PG1 and TP29 which identify housing need/delivery and consider that this scheme would positively contribute towards the achievement of these figures. All the units comply with the National Space Standards. I therefore consider the proposed mix is acceptable and in line with policy.

Planning obligations

- 6.22 TP9 requires new public open space should be provided in accordance with the Public Open Space in New Residential Development SPD whilst TP31 requires 35% affordable housing unless it can be demonstrated that this would make the development unviable.
- 6.23 A financial appraisal has been submitted to demonstrate that, with a policy compliant contribution the scheme would not be financially viable and on this basis the applicant offered no financial contribution. However, an independent assessment has been undertaken and whilst it accepts that a full financial contribution is not feasible it considers that the scheme could support a financial contribution of £939,920. This has now been agreed with the applicant.
- 6.24 There is an overriding need for affordable housing across the City and I consider the majority of this money should be used for this purpose. However, I also note there is a project being developed to improve the public realm in Hurst Street. Given the nature of the proposed development and its location immediately adjacent Hurst Street I consider a financial contribution of £300,000 towards these public realm improvements would be more relevant and beneficial to future occupiers than improvements to Highgate Park. I consider this contribution would accord with policy and comply with the CIL Regulations 2010.
- 6.25 The site is located in a low value residential area and does not therefore attract a CIL contribution.

Other

- 6.26 Part of the site, Pershore Street, is currently considered to have poor air quality. However the site is adjacent existing residential developments in an area expected to see air quality improvements. Therefore, it is not anticipated that air quality would be a significant issue and that any mitigation can be adapted as the air quality improves. Conditions are recommended accordingly.
- 6.27 The land contamination survey suggests further survey work prior to the commencement of the development and appropriate conditions are recommended.

- 6.28 The site currently has minimal ecological value and the proposals provide an opportunity to create new green infrastructure in a highly urbanised area and enhance local biodiversity. My Ecologist therefore welcomes the proposal subject to safeguarding conditions which I attach accordingly.
- 6.29 Severn Trent and Lead Local Flood Agency raise no objection to the proposed development subject to safeguarding conditions which are recommended.
- 6.30 Observations made by the Police have been forwarded to the applicant and conditions with regard cctv, boundary treatment, lighting and bin/post management conditions are recommended.
- 6.31 Issues of construction noise/dust are primarily covered by other legislation and are not therefore attributed significant weight as a planning consideration.

7. Conclusion

- 7.1. The proposal would provide a well-designed block development and result in a high quality brownfield development on a prominent and sustainable City Centre location in accordance with the aims and objectives of both local and national planning policy. Issues raised by objectors, particularly in regard to noise have been fully appraised, and on balance, the wider benefits would outweigh the potential impacts. Therefore subject to the signing of the S106 agreement, the proposal should be approved.

8. Recommendation

- 8.1. That consideration of planning application 2017/09461/PA be deferred pending the completion of a planning obligation agreement to secure the following:
- a) A financial contribution of £639,920 (index linked from date of resolution) towards the provision of affordable housing.
 - b) A financial contribution of £300,000 (index linked from date of resolution) towards the provision of public realm improvements within Hurst Street.
 - c) Payment of a monitoring and administration fee associated with the legal agreement of £10,000
- 8.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 31st July 2018 the planning permission be refused for the following reasons:
- a) In the absence of any suitable legal agreement to secure a financial contribution towards off site public open space/realm/affordable housing the proposal would be contrary to TP9 and TP31 of the Birmingham Development Plan and NPPF.
- 8.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 31st July 2018, favourable consideration be given to this application subject to the conditions listed below.

-
- 1 Requires the prior submission of details of a delivery vehicle management scheme
 - 2 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 3 Requires the provision of a vehicle charging point
 - 4 Requires the prior submission of a CCTV scheme
 - 5 Requires the scheme to be in accordance with the listed approved plans
 - 6 Requires the prior submission of sample materials
 - 7 Requires the prior submission of details of green/brown roofs
 - 8 Requires the prior submission of a lighting scheme
 - 9 Requires the prior submission of a landscape management plan
 - 10 Requires the prior submission of boundary treatment details
 - 11 Requires the prior submission of hard and/or soft landscape details
 - 12 Limits the hours of operation 0700-2400
 - 13 Requires window/door reveal/setbacks
 - 14 Requires an employment construction plan
 - 15 Requires the provision of cycle parking prior to occupation
 - 16 Requires the prior submission of a parking management strategy
 - 17 Requires the prior submission of details of bird/bat boxes
 - 18 Requires submission of management plan
 - 19 Requires scheme to be in accordance with the glazing specification
 - 20 Requires the prior submission of noise insulation (variable)
 - 21 Limits the noise levels for Plant and Machinery
 - 22 Requires the prior submission of a contamination remediation scheme
 - 23 Requires the prior submission of details of refuse storage
 - 24 Requires info to future occupiers
 - 25 Requires the prior submission of a contaminated land verification report
 - 26 Implement within 2 years (Full)
 - 27 Requires the submission of a Sustainable Drainage Operation and Maintenance Plan
-

Case Officer: Joanne Todd

Photo(s)



Photo 1: Looking across the site from Skinner Lane

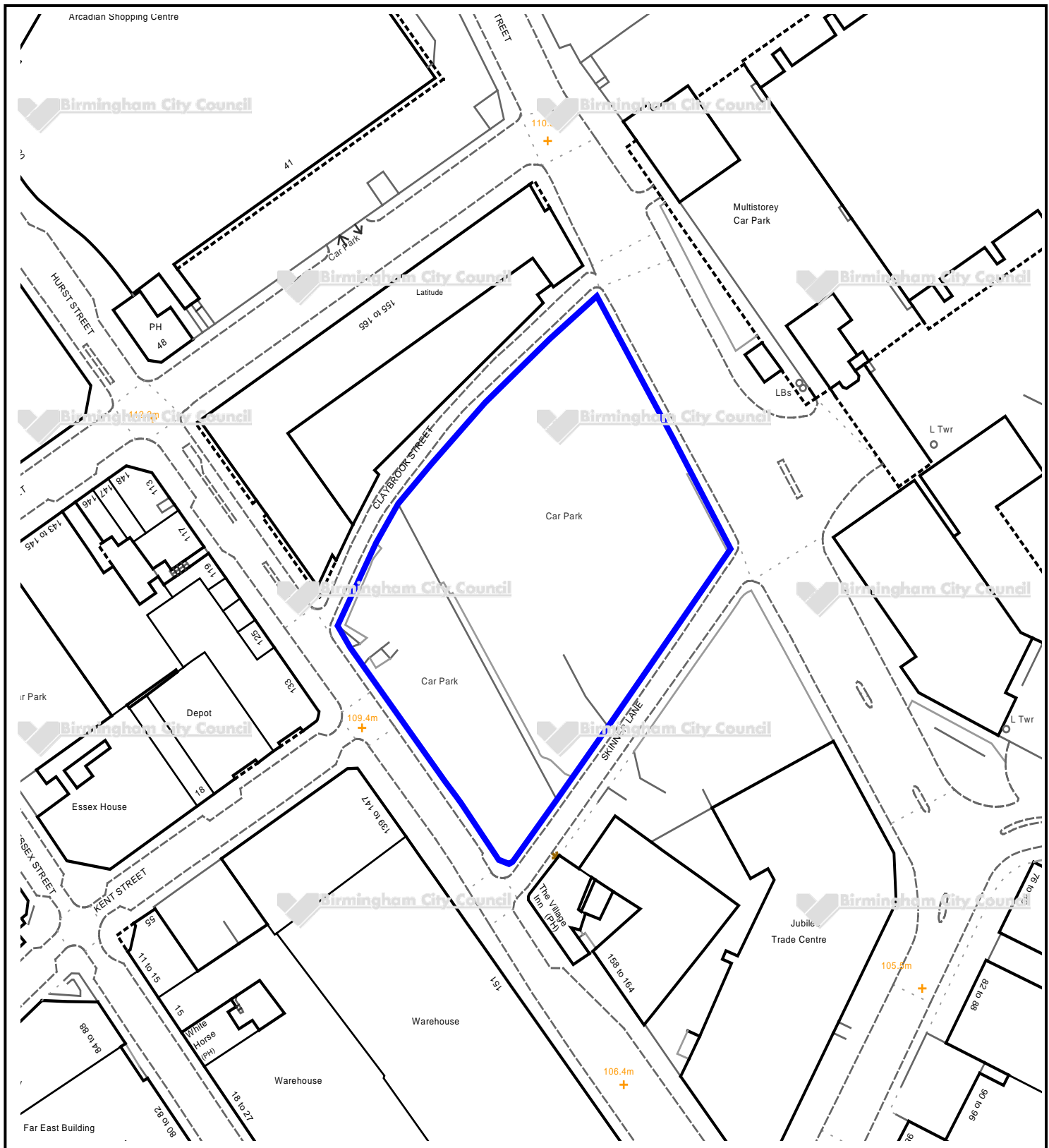


Photo 2: View down Skinner Lane, site to right



Photo 3: View down Claybrook Street, site to left

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Birmingham City Council

Planning Committee

16 August 2018

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

| <u>Recommendation</u> | <u>Report No.</u> | <u>Application No / Location / Proposal</u> |
|---------------------------|-------------------|---|
| Defer – Informal Approval | 18 | 2018/00326/PA 89 Coleshill Road (former Beaufort Sports and Social Club) Hodge Hill Birmingham B36 8DX Erection of 33 no. dwellinghouses and associated works. |
| Approve - Conditions | 19 | 2018/02911/PA 54 Kirkwood Avenue Erdington Birmingham B23 5QQ Retention of two storey rear extension, erection of single storey side garage and single storey forward extension. |

| | | | |
|-----------------|-----------------------|---------------------|---------------|
| Committee Date: | 16/08/2018 | Application Number: | 2018/00326/pa |
| Accepted: | 02/03/2018 | Application Type: | Full Planning |
| Target Date: | 07/09/2018 | | |
| Ward: | Bromford & Hodge Hill | | |

89 Coleshill Road (former Beaufort Sports and Social Club), Hodge Hill, Birmingham, B36 8DX

Erection of 33 no. dwellinghouses and associated works.

| | |
|------------|--|
| Applicant: | Silveroak Housing Ltd 2 Greenwood Avenue, Birmingham, B27 7PU |
| Agent: | Architecture & Interior Design 17 Coleshill Road, Hodge Hill, Birmingham, B36 8DT |

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. Consent is sought for the erection of 33no. dwellinghouses and associated works on the former Beaufort Sports and Social Club, 89 Coleshill Road, Hodge Hill.
- 1.2. The plans show perimeter blocks along Coleshill Road with a new loop road arrangement within the site. The proposals also includes a new service road that runs parallel to Coleshill Road with a cul-de-sac arrangement on either side of the service road that would allow all of the mature trees/ hedge along the frontage to be retained. The plan also shows all of the dwellings arranged so that they either face onto the adjoining Brockhurst public open space or the existing Coleshill Road or proposed internal access road.
- 1.3. All of the proposed House Types 1-6 would be of a high standard. The design of the dwellings would largely be traditional, two and half storeys in height with the exception of Plot 32 & 33 (House Type 6), which would be three-storey in height. All House Types 1-5 would be constructed of facing brickwork with reconstitute stone dressing to generously sized windows, double height bay windows on the front elevations, gable ends, entrances etc. Multiple dual aspect dwellings have been designed to help the scheme address corners. The proposed House Type 6 would be modern three-storey dwellings with the top floor accommodated in the roof and balconies to the front and rear. The palette of materials has been modified to reflect the tone and appearance of the traditional properties proposed on site (House Type 1-5).
- 1.4. The total mix being 31no. detached and 2no. semi-detached dwellings on site. The proposed breakdown of accommodation as follows:
 - 24 no. four-bed/ 6 person or five-bed/ 7 person dwellings (Each unit ranging from 129 sq. metres to 163 sq. metres). Bedroom sizes (two with en-suite)

ranging from 21 sq. metres for first double to 10.2sq. metres for second double and 8.5 sq. metres for single.

- 9no. five-bed six or seven person dwellings (Each unit ranging from 240 sq. metres to 307 sq. metres in size). Bedroom sizes ranging from 25 sq. metres to 13 sq. metres (some with en-suite).
- 1.5. The agent has confirmed that the type of housing proposed would address unmet need for particularly for 4 and 5 bedroom units within the Hodge Hill Ward.
- 1.6. Each of the proposed dwellings would benefit from private external amenity space that would range from approximately 70 sq. metres to 337 sq. metres across the entire site. There would be a side passageway or access from the street frontage to each of the rear private amenity areas and a shed or outbuilding would also be provided to each of the rear private amenity areas.
- 1.7. There would be a new centralised vehicular access point proposed from Coleshill Road frontage with two cul-de-sacs to the front and rear of the proposed internal loop access road to the centre of the site. There is also left turn proposed to Coleshill Road from private service road that serve Plots 1-5. All dwellings would have either parking bays to the front or to the side. A 200% parking provision for each of the dwellings across the entire site with exception of plot 1 (House Type 5), which also has a side garage. The plan shows refuse collection points would be provided in two of the cul-de-sac.
- 1.8. The proposal would result in the loss of 28 existing trees/ shrubs across the overall site not protected by a Tree Preservation Order. A buffer of trees protected under Tree Preservation Order along Coleshill Road frontage together with hedge would be retained. Public realm landscaping is proposed in the form of landscaped borders populated with shrub mixes.
- 1.9. The demolition of the former Beaufort Sports and Social Club and clubhouse buildings were subject to separate applications and it was determined that no prior approvals were required for their demolition – consents implemented.
- 1.10. Site area: 1.38 Hectares. Density: 24 dwellings per hectare.
- 1.11. A Financial Viability Assessment has been submitted as part of the supporting statement on the application and a financial contribution of £559,225 has been offered through means of a Section 106 Agreement.
- 1.12. The following documents have been submitted in support of the proposal:
- Design and Access Statement
 - Planning Statement
 - Ecological Appraisal
 - Land Contamination Report
 - Arboricultural Survey and Plan
 - Transport Statement
 - Drainage Strategy/ Layout

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a triangular shaped cleared site situated on Coleshill Road. The total site area is approximately 1.4 hectares. The application site was previously arranged in two parts with the western part occupied by the former Beaufort Sports and Social Club building together with a large area of hard standing that was used for parking purposes. The eastern part of the site contains two Bowling Greens together with a disused grassed area that previously contained five tennis courts. The site is enclosed by a buffer of trees along Coleshill Road frontage, which are protected by Tree Preservation Order. The site levels generally fall from the west to the eastern and south-western boundaries. There are three existing accesses on the southern boundary along Coleshill Road frontage to the site.
- 2.2. The surrounding area is predominately residential in character, with dwellings dating from the 1930's. The properties on Coleshill Road are predominantly two-storey semi-detached and detached dwellings. Brockhurst playing fields bound to the northwest of the application site with single-storey building used for changing facilities situated to the southwest of the site adjacent to traffic signal junction to Tesco car park. The Fox and Goose District Centre as defined by the Shopping and Local Centres is situated immediately to the west of the application site that provides local amenities and includes three supermarkets.

Site Map

3. Planning History

- 3.1. 14/11/2016 - 2016/01518/PA - Outline application for erection of up to 40 dwellings with access to be determined and all other matters to be reserved for future consideration – Approved subject to conditions and S.106 Agreement for 35% affordable housing and financial contribution of £304,000 for bowling greens, tennis courts and off-site public open space.
- 3.2. 28/04/2016 - 2016/01566/PA - Application for prior notification of proposed demolition of wooden pavilion and stand – No prior approval required.
- 3.3. 15/04/2015 2015/01740/PA - Application for prior notification of the proposed demolition of the Beaufort Sports and Social Club - No prior approval required.

4. Consultation/PP Responses

- 4.1. Press and site notices displayed. Adjoining neighbours, Ward Councillors and MP consulted – three letters were received. Two from local neighbours, who object on the following grounds:
- Increased noise and disturbance from construction activities for a period of two years.
 - The proposal would increase traffic congestion and anti-social behaviour on Coleshill Road.
 - Loss of privacy as there is potential for road to be situated next to existing properties on Coleshill Road.
 - Nature conservation.
 - Outlook/ overshadowing concerns.
 - Balcony on top of single-storey wing on Plot 33 is situated adjacent to the rear gardens of Douglas Avenue. Suggest that they re-site the extension to the

opposite side to achieve better separation distance between balcony and rear gardens.

- Side glazing on balconies of single-storey extension on Plot 33 should be opaque to protect privacy.
- Design of dwellings on Plot 32 & 33 is completely out of character with the area and rest of housing development on site. Only positive aspect is that the height of buildings is 1.5 metres lower.
- Inadequate parking, congestion, safety and noise grounds as there are only 2 parking spaces allocated for each of the dwellings and 5 bed dwellings are likely to have between 3 to 5 cars and more for Plot 33.
- Lack of visitor parking on site. Suggest that the Council look at adjoining streets such as Sandhurst Avenue to understand how many cars a normal household has and it averages to 4 to 5 cars.
- Over-intensification as density is too great as the developer is squeezing as many houses on site that would put large strain on the local community. Local Planning Authority should consider local community first, then new residents.
- Suggest removal of dwellings to create better living environment for all residents.
- Object to the removal of 11 affordable dwellings and financial contribution of £550,000 to the local community. The developer doesn't want social housing on site. Suggestion that at least £1,500,000 financial contribution be paid that should equal 11 dwellings to be built elsewhere in the city.

4.2. One representation from a neighbour suggests the following:

- In favour of more residential dwellings to be built on Coleshill Road.
- Request that the mature trees lining the front of the proposed development are retained with additional landscaping provided.
- As much landscaping/ greenery is retained/ proposed on and around the site.
- If costs allow, some trees are planted around perimeter of the playing fields
- Financial contribution required for public realm improvements in and around the Fox and Goose shopping area such as trees, shrubs filled pots and benches.

4.3. University Hospitals Birmingham NHS Foundation Trust – A financial contribution has been requested for £33,887 based on number of dwellings proposed. The financial contribution would be used towards acute healthcare infrastructure to meet patient demand to health care service required by occupants of the proposed development and the wider community at large.

4.4. Transportation Development – No objections subject to the following conditions:

- Construction method statement/ management plan;
- Measures to prevent mud on highway;
- No occupation until service road is constructed;
- Siting/ design of means of access;
- Details of pavement boundary;
- Pedestrian visibility splays;
- Refuse storage;
- Signage; and
- Highway works for reinstatement of redundant footway crossing, formation of new bellmouth agreement, traffic regulation orders etc.

4.5. Regulatory Services – No objections subject to land contamination, acoustic noise insulation to windows and doors and electric vehicle charging points.

- 4.6. Leisure Services – No objections subject to appropriate financial contribution payable for the loss consistent with 2016 consent as follows:

| | |
|---|-----------|
| Loss of 5no grass tennis courts | = £70,000 |
| Loss of the two bowling green | = £96,600 |
| Contribution for off-site Public Open Space | = £63,000 |
| Contribution for Toddler Play area | = £75,000 |
| | ----- |
| Total | £304,600 |

The financial contribution for the loss of tennis courts and off-site public open space contribution would be used towards the provision, improvement and or maintenance of POS and play facilities in Stechford Hall Park. The financial contribution for the loss of twin bowling greens would be spent on provision or improvements to the remaining twin crown green regional/ sub-regional facility at Portland Pavilion, City Road.

- 4.7. BCC Local Lead Flooding Authority – No objections subject to a condition requiring a sustainable drainage operation and maintenance plan.
- 4.8. Environment Agency – No objections
- 4.9. Severn Trent – No objections subject to condition requiring the disposal of foul waste and surface water flows.
- 4.10. Sport England – They are a non-statutory consultee in this case as the site not considered to form part of, or constitute, a playing field. It has been agreed that a contribution of £96,600 would be used to refurbish the existing or build a new clubhouse at Portland Pavilion, which is the last remaining twin crown bowling green facility in Birmingham. Sport England have raised no objection subject to the contribution sum re-negotiated as it falls short of Sport England's cost guidance, which identifies cost at £140,000. However, Sport England, Council's Leisure Services and Development Planning all considered this as acceptable under extant 2016 consent subject to a schedule of works prepared and agreed with the compensation allocated and spent on Portland Pavilion as part of S.106 agreement.
- 4.11. West Midlands Fire Service – No objections.
- 4.12. West Midlands Police – No objections subject to Secure by Design New Homes initiatives.
- 4.13. Education – Requested clarification to the number of dwellings and mix on site. Information provided and no further comments received.

5. Policy Context

- 5.1. NPPF (2018), Saved policies within Adopted UDP (2005), Birmingham Development Plan (2017), Places for Living SPG (2001), Mature Suburbs SPD (2006), Car Parking Guidelines SPD (2012), The 45 Degree Code (2006), Affordable Housing SPG (2001), Public Open Space and New Residential Development SPD, DCLG Nationally Described Spacing Standards (2015), Tree Preservation Order (No. 1555)

6. Planning Considerations

- 6.1. The main considerations within the determination of this application are:

- 6.2. **Background/ Planning Policy** – The application site benefits from the extant planning permission, where outline consent application ref: 2016/01518/PA was granted for up to 40 dwellings with associated works. This current full application has reduced the number of dwellings and seeks consent for the erection of 33 dwellings with associated works. Since the original application was approved in 2016, there have been changes to NPPF, which was published on 24th July 2018. The only change at the local level was the adoption of Birmingham Development Plan (2017), where Policies TP9, TP26, TP27, TP29 and TP30 were all taken into consideration as part of 2016 consent. This has replaced the Birmingham UDP (2005) with the exceptions to Saved Policies, which will remain until the adoption of Development Management DPD.
- 6.3. **Loss of open space and bowling green/ tennis courts** – NPPF paragraph 97 identifies that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 6.4. Policy TP9 of the BDP sets out that playing fields will be protected and will only be considered for development where they are either shown to be surplus for playing field use, taking account of the minimum standard of 1.2 hectares per 1000 population, through a robust and up to date assessment and are not required to meet other open space deficiencies, or alternative provision is provided which is of equivalent quality, accessibility and size. There is a third circumstance but not applicable in this instance where an application is for an indoor or outdoor sporting facility that outweighs the loss.
- 6.5. The Council's Playing Pitch Strategy has been adopted in 2017 and does not deal with bowling greens in any case.
- 6.6. The principle of the loss of the bowling green on the site has already been established as part of the extant 2016 approval for residential development on the site. A Planning Statement has been submitted, which takes into consideration the Bowling Green assessment submitted as part of 2016 consent. It states that the two Bowling Green's together with the social club ceased operation in 2015. The planning considerations as part of 2016 consent remain valid as part of this current application with both the Foden and Beaufort Bowling Clubs ceased to operate with either all of their members joining Marston Green club under their name or closed due to the age profile of its members. The assessment as part of 2016 consent in terms of quantity identified that there were 17 other bowling greens within the surrounding areas that include 7 within a 6 miles radius with the closest being Ward End Conservative Bowling Club situated approximately 1 mile from the site. There is also an unmaintained Bowling Green situated approximately 150 metres away from the application site within Stechford Hall Park on the opposite side of Coleshill Road.
- 6.7. It is recognised that bowling greens are highly unlikely to be useable or practicable to serve another open space function and the previous consent recognised that

there have been increased problems for the area in the form of travellers occupying the site and provides little in the way of wider benefits.

- 6.8. The applicant has agreed in line with paragraph 97 of NPPF and TP9 of the BDP, to provide compensation which is at least as good as/ if not better in terms of quantity, quality and accessibility. Sport England and Leisure Services have submitted similar comments as per 2016 consent and confirmed that the proposal would result in the loss of a twin crown bowling green site, which are sites used for regional and sub-regional crown green competitions. The application site is one of two sites with twin crown bowling greens in Birmingham with the other being Portland Pavilion, Portland Road, Ladywood. The Portland Pavilion has been identified as an appropriate beneficiary for the compensatory sum for the loss of the bowling green facility at this site, which would be consistent with the recommendation and agreement as per 2016 consent. The Council's Leisure Services and Development Planning and Sport England have agreed that the compensation can be spent on provision or improvements to the remaining twin crown green regional/ sub-regional facility at Portland Pavilion, City Road (Ladywood).
- 6.9. With regards to tennis courts, they have been disused since 1999 and make no contribution to the playing facilities within the Hodge Hill Constituency. The applicants have agreed and offered a compensatory sum towards the loss of five tennis courts and any off-site POS contribution to satisfy Policy.
- 6.10. Within Hodge Hill Ward, the total amount of public and private playing fields is 0.31 per 1000 population standard, which is significantly below the 1.2 hectares playing field provision per 1000 population in Hodge Hill Ward. However, the application site, due to its limited size and shape, it is unlikely to provide provision for alternative sports. There is also the unique nature as identified by Sport England to the twin crown bowling green, which are regarded as regional/ sub-regional facilities together with catchment area and any compensation amount needs to be spent at Portland Pavilion. The public open space provision within Hodge Hill Ward is 2.52 hectares per 1,000 populations, which is above the minimum 2 hectares per 1,000 population standard. Furthermore, the application site adjoins onto Brockhurst playing field, which is 4 hectares site. Stechford Hall Park is also situated on the opposite side of Coleshill Road, which measures over 8.7ha of which 0.14 hectares are playing fields that includes one bowling green. Consequently, the local provision would be considered acceptable and the financial compensation offered would fund a local facility (Stechford Hall Park) and region-wide crown bowling facility (Portland Pavilion) that would be "equivalent or better in terms of quantity and quality" and therefore satisfies the tests of paragraph 97 of the NPPF and BDP. The Council's position in relation to the loss of bowling green/ tennis courts/ off-site POS contribution and financial viability appraisal is set out in detail below within the Planning Obligation section.
- 6.11. **Principle of residential use** – National Planning Policy Framework (NPPF) sets out that the purpose of the planning system is to contribute towards achieving sustainable development and that the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 supports presumption in favour of sustainable development to deliver new housing. Paragraph 80 states that significant weight is placed on the need to support economic growth. Paragraph 59-72 highlighting that the overall objective is to significantly boost the supply of homes and windfall site may consistently become available and will continue to provide a reliable source of housing land supply. Local planning authorities should deliver a wide choice of high quality homes and residential development should reflect local

demand and create mixed and balanced communities to include provision of affordable housing.

- 6.12. Policy PG3, TP27, TP30 and TP31 of the BDP seeks to provide an appropriate environment and identify sites for allocation using a sequential approach with the re-use of previously developed land and buildings and reinforce positive sense of place and local distinctiveness that includes heritage assets and appropriate use of innovation in design. One of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City. A suitable housing density and mix as encouraged and a full range of housing types and sizes to include affordable housing.
- 6.13. Policy TP26 and TP27 of the BDP states that the location of new housing should be accessible to jobs, shops and services by other modes of transport, sympathetic to historic, cultural and natural assets and not conflict with other development policies in relation to employment land, green belt and open space. Policy PG1 of the BDP also identifies that within the urban area there is capacity for some 51,100 homes including bringing vacant property back into active use and utilising some open space that no longer performs its original function. Policy TP30 of the BDP 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 NPPF, saved policies within the Adopted UDP and the Birmingham Development Plan are material considerations.
- 6.14. Within the Birmingham Development Plan, policy TP26 and 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. Policy PG1 of the BDP also identifies that within the urban area there is capacity for some 51,100 homes including bringing vacant property back into active use and utilising some open space that no longer performs its original function. Policy TP30 of the BDP 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 NPPF, saved policies within the Adopted UDP and the Birmingham Development Plan are material considerations.
- 6.15. The principle of development has already been established by the extant 2016 outline planning permission. The site has been identified in the 2017 Strategic Housing Land Availability Assessment for 40 units, but would also constitute a windfall housing site as identified by paragraph 68 of the NPPF. In terms of economic and social dimensions of sustainable development, the proposal would be deliverable and make a valuable contribution to identified housing need for large families within the Birmingham area. The application site is a sustainable location and lies within an established residential area, with good access to public transport, and a number of public services accessible within a reasonable walking distance. The site is unconstrained in respect of flood risk and other designations. The application site provides a range of local services within walking distance of the site that includes the Fox and Goose District Centre. Consequently, it is considered that the use of this site for residential development is acceptable in principle.
- 6.16. Policy TP30 of the BDP indicates that new housing should be provided at a target density responding to its context. The density of the proposed development at 24 dwellings per hectare is considered acceptable on the grounds that the site is well served by public transport and takes into constraints such as buffer of trees

protected by Tree Preservation Order, access and road layout etc. Furthermore, this density broadly reflects the character of surrounding residential streets within Hodge Hill Ward. My Housing, Regeneration and Development Officers have welcomed the number of large family dwellings being proposed at site, where there is high demand for such accommodation within the immediate area and city as whole. The Council's position in relation to the viability appraisal and affordable housing is set out in detail below within the Planning Obligation section.

- 6.17. **Design and character** - Paragraph 124 of NPPF attaches great importance to the design of the built environment as this is a key aspect of sustainable development and place making. Paragraphs 3.14D of the UDP identify that new housing development should be designed in accordance with good urban design principles.
- 6.18. Places for Living SPG supports the creation of safe places, with clear definition between public and private spaces, active frontages, convenient routes, balance the needs of cars and pedestrians and provide schemes which reflect local context.
- 6.19. The changes negotiated through the progression of this application following the 2016 consent and at pre-application stage have all been followed and as a result the layout shows perimeter blocks with internal loop access road (with cul-de-sac's) that achieves new residential dwellings fronting onto the public realm or onto the adjoining public open space and rear gardens backing on to other rear gardens, which generally would accord with guidelines contained within SPG Places for Living. The proposal would retain a buffer of trees protected by TPO on Coleshill Road frontage. The corner properties are used as dual aspect and engage with the street, which helps to create clearly defined and legible streets. Whilst the development would visually change the character of the site by introducing built development on former Beaufort Sport and Social Club site, it is considered that the proposed residential development would integrate positively with Coleshill Road and surrounding area.
- 6.20. The proposed residential development at this site would extend the built frontage of the adjoining 1930's properties on Coleshill frontage. The proposed development would mainly comprise detached two and half storey dwellings with associated parking to reflect the character and built form of the area. The appearance of the proposed dwellings is generally acceptable with the use of gables, varied materials and the centrally located double height glazed entrance/ bays attempts to reduce the massing of the proposed dwellings in the streetscene.
- 6.21. Concerns have been raised by a neighbour in regards to the design of dwellings on Plot 32 & 33 on grounds that they are out of character with the area and rest of residential development that is proposed on site. In response, NPPF paragraph 131 is clear in that *"great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in the area, so long as they fit in with the overall form and layout of the surroundings"*. The two dwellings on Plot 32 & 33 are of modern appearances that are situated to the rear of the site. The scale and massing of both of the dwellings would be in keeping with the residential development and the surrounding area. While the quality of the finished scheme will depend on the quality of the detailing, it is considered that this quality can be achieved through appropriate conditions.
- 6.22. **Impact on residential amenity** – The proposal would bring forward a mix of 33no. four and five-bed dwellings on this site. The plans provided shows all of the internal floor areas of the house types would exceed the minimum within *Nationally Described Spacing Standards*. All internal double (minimum of 11.5 sq. metres) and

single bedrooms (minimum of 7 sq. metres) to the proposed dwellings would achieve adequate size provision contained within the *Nationally Described Spacing Standards*.

- 6.23. The proposed housing layout provides good separation distances, which largely complies (apart from plot 28) with SPG Places for Living standards and prevents significant overlooking of residential gardens. The windows are positioned on dwellings to reduce the occurrence of overlooking whilst creating active frontages and surveillance of public spaces. The perimeter block format adopted by the proposal establishes overlooking of public areas from residential dwellings and provides for natural surveillance of the Brockhurst public open spaces area which creates a sense of safety for users of the space. The proposal is considered acceptable on the amenity of future residential properties.
- 6.24. Concerns have been raised by a neighbour in regards to balcony above rear single-storey wing on Plot 33 and potential overlooking to rear private amenity areas of existing dwellings on Douglas Avenue. Amended plans have been provided that have hand rails recessed and reduced the size of balconies to Plots 32 and 33. The rear extension has also been relocated to Plot 33 (HT6) containing kitchen, master bedroom and balcony to other side of the property adjacent to Plot 32 (HT6) to help reduce any potential impact on the adjacent properties at Douglas Avenue. I also consider that it would be reasonable to impose a condition for any side panels to the balcony and side windows to be obscurely glazed to protect amenity of existing occupiers on Douglas Avenue. Given the separation distance away from other existing residential properties on Douglas Avenue and opposite side of Coleshill Road, the proposal would not have an impact on overlooking/loss of privacy.
- 6.25. Concerns have been raised by adjoining neighbour with regards to light and outlook. The adjoining property no. 157 Coleshill Road has been extended both at ground first floor. There are two first floor side windows that serve a landing and bedroom and would overlook onto the forecourt area of proposed dwelling on Plot 1 and private access road. There is a single-storey garage proposed to the side of dwelling (Plot 1) adjoining property no. 157 Coleshill Road with two-storey dwelling situated approximately 12 metres from the nearest first floor rear habitable window. The separation distance and due to its orientation of no. 157 Coleshill Road, the proposal would comply with separation distance and 45 Degree Code in terms of light and outlook.
- 6.26. The private amenity areas within the proposed dwellings would largely exceed the minimum 70 sq. metres for family dwellings as recommended within SPG "Places for Living". The private amenity area within the plots would average 10 metres in depth and are considered appropriate. A condition would however be attached removing permitted development rights for extensions and outbuildings to residential dwellings on plots 6-31 in order to prevent the loss of rear garden space. A further condition would also be attached for any outbuildings in certain Plots to remain incidental to the proposed dwellings.
- 6.27. Regulatory Services have raised no objections to the proposal subject to acoustic noise insulation to windows and doors condition. I concur with this view and consider that, subject to the above recommended condition; the proposal would protect the amenity of future residential occupiers within the immediate vicinity of the site.
- 6.28. With regards to vehicle charging points, it is understood that electric vehicles can be charged via mains electric with the requisite power converter, given that the proposed dwellings would have frontage parking spaces, I would expect that

vehicles can be charged in this manner without the need for a dedicated vehicle charging point.

- 6.29. **Land Contamination** – Paragraph 178 of the NPPF states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. Land contamination report has been reviewed and Regulatory Services have advised that further land contamination conditions are imposed to require further testing to assess the risk of potential on-site contamination.
- 6.30. **Impact on flooding and drainage** - A Drainage Strategy and plan have been submitted as part of supporting submission. It identifies the site as being entirely within Flood Zone 1 and therefore the site is at low risk of flooding. The Environment Agency (EA) has raised no objection to the proposal. BCC as Local Lead Flooding Authority also raises no objections subject to pre-commencement conditions requiring details for a sustainable surface water drainage scheme and its implementation, which will be duly imposed. It has therefore been demonstrated that surface water run-off from the site will not lead to an increased risk of flooding offsite as a result of this proposal.
- 6.31. **Impact on ecology, nature conservation and trees** – The applicant's arboricultural survey identifies a numbers of trees to include lime trees and oak tree on Coleshill Road frontage, which are protected by Tree Preservation Order due to their public amenity value. The report also confirms that certain works to these trees along this frontage would be required such as pruned back from the adjacent service road and proposed dwellings. The hedgerow along Coleshill Road frontage would also be reduced and maintained. My Tree Officer has raised no objections subject to a number of conditions. I concur with this view and consider that subject to imposition of conditions the proposal would protect trees together with any root protection areas. My Landscaping Officer has raised no objection subject to conditions to include landscaping, site levels, boundary treatment etc. that would ensure that the proposal makes a substantial contribution to the site, adjoining Brockhurst playing fields and overall area in amenity and biodiversity terms.
- 6.32. The application has been accompanied by a Phase I Ecology Appraisal. The appraisal concludes that the overall site as being of low ecological value. The City Ecologist notes that the report does not make any specific recommendations to the hedgerow and mature lime/ oak trees fronting onto Coleshill Road that should be retained and enhanced where possible with native species within the planting scheme. Other mitigations include use of permeable boundary features between plots and incorporation of bird nesting boxes within the fabric of the buildings. I concur with this view and conditions are imposed accordingly that would provide an overall minor gain for local biodiversity.
- 6.33. **Impact on highway safety** – Objections have been raised by neighbours on grounds of insufficient parking and traffic congestion. This application is accompanied with Transport Statement. Transportation Development are content that the proposed highway layout within the site with loop access road, one two-way centralised access point from Coleshill Road frontage and access arrangement from private access road serving Plots 1-5 is acceptable on highway safety grounds. Amendments requested by Transportation Development have re-sited the pedestrian link to the west of the site so that it aligns with central pedestrian refuge area on Coleshill Road. There is also an access arrangement proposed from private access road serving Plots 1-5 to Coleshill Road. The parking provision is considered

acceptable as there would be two spaces for all dwellings on site. The site is situated in a sustainable location, on a busy main road served by frequent buses, close to Fox & Goose district centre and to major employers and services. There are sheds or outbuildings provided within the rear private amenity areas that could provide appropriate level of secure cycle storage for all future residents of the proposed dwellings. It is considered that initial access carriageway width of approximately 7 metres together with suitable visibility splays provided would not harm highway safety. There is provision for on-street bays for visitor parking within the access road.

- 6.34. There have been vehicle swept path plans provided to demonstrate that refuse vehicles would adequately access and manoeuvre within the loop access road, and then exit the development in forward gear. There is proposed access arrangement from private access road serving Plots 1-5 to Coleshill Road and two refuse storage areas provided to the two cul-de-sac within 25 metres from the junction. I consider that the cul-de-sac only serves a small number of dwellings and the layout achieves good urban design principles in relation to perimeter blocks and active frontages and would also continue to protect trees on Coleshill Road frontage.
- 6.35. With regards to residents' concerns about the impact of noise from construction traffic, it is inevitable that building works anywhere would cause some disturbance to adjoining residents for a temporary period. However, I consider that it is reasonable to attach a construction management condition.
- 6.36. Transportation Development has suggested a number of conditions to include siting/ design of access, refuse storage, S.278 highway works condition etc. Consequently, the proposal is unlikely to have an adverse impact on highway safety within the immediate vicinity of the site.
- 6.37. **Planning Obligations** – The proposed development does not attract a CIL but the City Council's policies for Affordable Housing and Public Open Space in New Residential Development would apply in this instance. A financial viability assessment has been submitted in support of the application as the applicant is not able to meet the full affordable housing or off-site public open space requirements. The viability assessment has been independently assessed by the Council's Valuers and a contribution of £559,225 (in total) has been offered and is considered to be a fair and reasonable.
- 6.38. *Public open space* – The Council's Leisure Services have made similar representation consistent with 2016 outline consent and request a contribution figure of £96,600 for the loss of bowling greens to be allocated to Portland Pavilion, which is the only remaining twin crown bowling green in Birmingham. Sport England request that the contribution should be re-negotiated as the sum falls short of Sport England's cost guidance, which identifies cost at £140,000. However, the principle for the loss of the bowling greens and compensation amount of £96,600 were subject to extensive negotiations as part of the extant 2016 outline consent and with the applicant during the 2 year period, which under the circumstances identified considered it to be acceptable. It has been agreed that a contribution of £96,600 would be used to refurbish the existing or build a new clubhouse at Portland Pavilion. Council's Leisure Services would hold and manage the compensatory sum of £96,600 to ensure appropriate spending is in line with the agreed schedule of works at Portland Pavilion.
- 6.39. Leisure Services have also recommended that the compensatory sum of £70,000 for the loss of five tennis courts and £138,000 off-site public open space (POS) and

play requirements to include toddler play facility to be used for the provision, improvement and maintenance of public open space, sports, recreational and community facilities in Stechford Hall Park, which is in close proximity to the application site and comprises tennis courts and a bowling green.

- 6.40. *Affordable Housing* – Policy TP30 of the Birmingham Development Plan, and the Council's Affordable Housing SPG, require 35% of the total residential accommodation to be affordable. Paragraph 50 of the NPPF explains that where LPAs have identified that affordable housing is needed, they should set policies of meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified...such policies should be sufficiently flexible to take account of changing market conditions over time.
- 6.41. There would be no affordable housing units provided on the site. The proposed bespoke residential scheme would provide a high value development and large housing. It has been demonstrated within the viability assessment that it would be inefficient use of affordable housing contribution due to the cost, size, design and with it being a single unit. It would be difficult to sell a single unit to a housing association. Based on financial viability assessment with the scheme being marginal from viability perspective, any loss of a market dwelling would jeopardise the entire development coming forward. The Council's Housing Department and independent valuer have therefore accepted on-site affordable housing cannot be provided in this instance. It has been agreed that the remainder off-site contribution of £254,625 would be allocated for affordable housing.
- 6.42. *Health* – I note the request received from the NHS Trust, for a sum of £33,887. Our position is that we do not consider the request would meet the tests for such Section 106 contributions, in particular the necessity test (Regulation 122.(2)(a) *necessary to make the development acceptable in planning terms*). We believe the interval from approval to occupation of the proposed development, along with published information (such as the BDP and SHLAA) gives sufficient information to plan for population growth. Discussions with the relevant Trust are continuing on this matter, in order for us to understand more fully their planned investments in the City and how we might best be able to support that.
- 6.43. *Education* – Additional information was requested and provided to Education department with regards to the number of dwellings and housing mix on site. No further comments have been received from Education Department. However, any Education funding via the planning system is now derived from city-wide CIL monies (Community Infrastructure Levy) (apart from significantly larger residential development sites).
- 6.44. *Other concerns* – I note a representation from a neighbour that any financial contribution received should be spent on public realm improvements in and around Fox and Goose Shopping Centre. The neighbour has not specified what public realm improvements they are seeking at Fox Goose Shopping Centre. The applicant has offered S.106 financial contribution towards affordable housing, compensatory sum for the loss of bowling greens, tennis courts, and public open space contribution in accordance with relevant policies and guidelines. Furthermore, there have been environmental/ public realm improvements around the Fox and Goose Shopping Centre funded and completed in March 2016 through Section 106 for the new Tesco Store. The new Tesco Store have also carried out substantial public realm improvements as part of their highway works agreement on Bromford Lane and Coleshill Road frontage. There is also highway works condition imposed as part of

this application that would ensure further improvement works are undertaken on this section of Coleshill Road.

7. Conclusion

- 7.1. The principle of developing this windfall site for residential use has already been established under the 2016 consent. Whilst I acknowledge that the loss of the bowling green would be regrettable, the applicant has agreed compensation for the loss of bowling green's/ tennis courts together with off-site compensation sum that would provide long-term recreational community benefit for the immediate area and wider regional needs. There is also off-site affordable housing compensation provided as part of S.106 Agreement. The application site is situated within sustainable location and would contribute to meeting the City's Housing demand. The density together with mix of housing would be appropriate for the site and integrate positively with the surrounding area. The scale, massing and appearance of the proposed dwellings would create a high quality development with place making at its heart. There would no harm to the amenity of adjoining residential occupiers or upon highway safety.
- 7.2. I therefore consider that the application is acceptable subject to conditions and completion of a Section 106 agreement to secure commuted sum for loss of bowling greens and tennis courts, off-site public open space and affordable housing.

8. Recommendation

- 8.1. Approve subject to a Section 106 Legal Agreement.

1. That consideration of Application No: 2018/00326/PA be deferred pending the completion of a planning obligation under Section 106 of the Town and Country Planning Act to secure the following:-
 - i) The payment of £96,600 (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) towards the provision and improvement of sports facilities at Portland Pavilion or other purpose in the Ladywood Ward that shall be agreed in writing between the Council and the party responsible for paying the sum provided that any alternative spend purpose has been agreed by the Council's Planning Committee.
 - ii) The payment of £208,000 (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) towards the provision, improvement and maintenance of public open space, recreational and community facilities in the Stechford Hall Park or other priorities in the Hodge Hill Ward that shall be agreed in writing between the Council and the party responsible for paying the sum provided that any alternative spend purpose has been agreed by the Council's Planning Committee.
 - iii) The payment of £254,625 (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) towards affordable housing.
 - iv) Payment of a monitoring and administration fee associated with the legal agreement subject to a contribution of £10,000.
2. In the absence of the completion of a suitable planning obligation to the satisfaction of the Local Planning Authority on or before the 5th September 2018, planning permission be REFUSED for the following reasons:

- i) In the absence of a suitable planning obligation to secure affordable housing on the site, the proposed development conflicts with policy TP31 and TP47 of the Birmingham Development Plan 2016 and with policy 50 of the National Planning Policy Framework (2012).
- ii) In the absence of a financial contribution towards the provision, improvement and maintenance of public open space, recreational and community facilities in the Stechford Hall Park or other priorities in the Hodge Hill Ward, the proposed development conflicts with paragraphs TP9, TP47, 8.50-8.54 of the Saved Policies within Birmingham Unitary Development Plan 2005 and with paragraphs 73 and 74 of the National Planning Policy Framework (2012).

That the City Solicitor be authorised to prepare, complete and seal the appropriate planning obligation under Section 106 of the Town and Country Planning Act.

- 1.1. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 5th September 2018, favourable consideration will be given to the application subject to the conditions listed below:

| | |
|----|--|
| 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 a noise study to establish residential acoustic protection |
| 4 | Requires the prior submission of a drainage scheme |
| 5 | Requires the prior submission of a sustainable drainage scheme |
| 6 | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 7 | Requires the prior submission of sample materials |
| 8 | Requires the prior submission of level details |
| 9 | Requires the submission of hard and/or soft landscape details prior to occupation |
| 10 | Requires the submission of hard surfacing materials prior to occupation |
| 11 | Requires the submission of boundary treatment details prior to occupation |
| 12 | Requires the prior submission of a landscape management plan |
| 13 | Requires the prior submission of a lighting scheme |
| 14 | Requires the prior submission of details of bird/bat boxes |
| 15 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 16 | No-Dig Specification required |
| 17 | Requirements within pre-defined tree protection areas |

-
- | | |
|----|---|
| 18 | Requires tree pruning protection |
| 19 | Requires the prior submission of a construction method statement/management plan |
| 20 | Requires the prior approval of details to prevent mud on the highway |
| 21 | Requires the prior installation of means of access |
| 22 | Prevents occupation until the service road has been constructed |
| 23 | Requires the prior approval of the siting/design of the access |
| 24 | Requires the prior submission of details of pavement boundary |
| 25 | Requires the prior submission of entry and exit sign details |
| 26 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 27 | Requires the parking area to be laid out prior to use |
| 28 | Requires pedestrian visibility splays to be provided to residential units on depot sites. |
| 29 | Requires the prior submission of details of refuse storage |
| 30 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 31 | Limits the use of outbuildings (Plot 2, 3, 32 & 33) incidental to the dwelling |
| 32 | Removes PD rights for extensions (Plots 6-31) |
| 33 | Requires the scheme to be in accordance with the listed approved plans |
| 34 | Implement within 3 years (Full) |
-

Case Officer: Mohammed Akram

Photo(s)



Figure 1: Internal view of Application Site

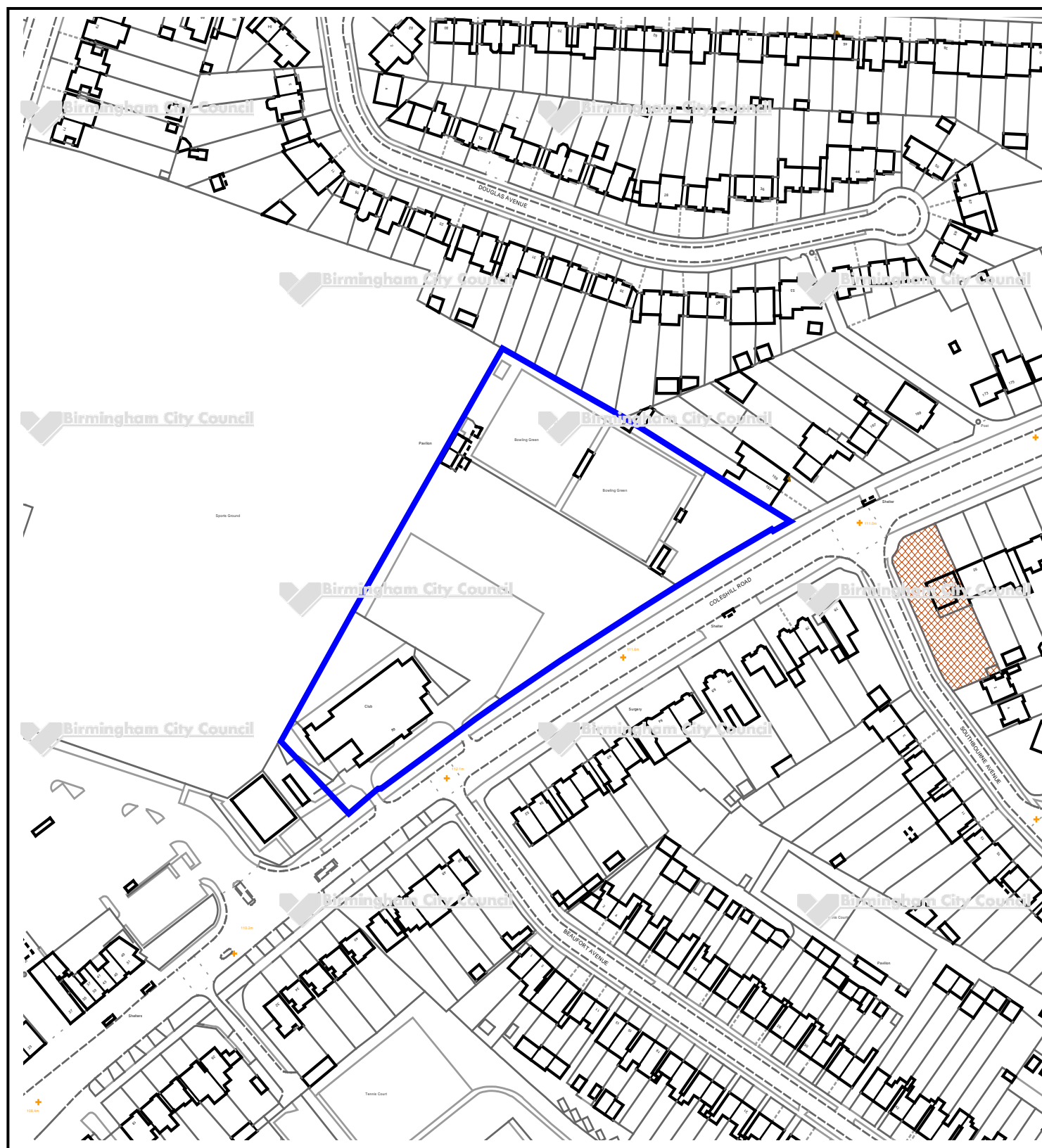


Figure 2: View from Coleshill Road



Figure 3: Protected Trees on Coleshill Road frontage

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

| | | | |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 16/08/2018 | Application Number: | 2018/02911/PA |
| Accepted: | 27/04/2018 | Application Type: | Householder |
| Target Date: | 22/06/2018 | | |
| Ward: | Erdington | | |

54 Kirkwood Avenue, Erdington, Birmingham, B23 5QQ

Retention of two storey rear extension, erection of single storey side garage and single storey forward extension.

Applicant: Mr Ben Adobor
54 Kirkwood Avenue, Erdington, Birmingham, B23 5QQ
Agent: Groversax Limited
Apartment 1, 124 City Gate, Gravelly Hill, Erdington, Birmingham, B23 7PF

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Retention of two storey rear extension, erection of single storey side garage and single storey forward extension.
- 1.2. The two storey rear extension as built measures 4.5m in width, 1.5m in depth and a maximum height of 6.7m. The ground floor part comprises of an extended kitchen area and utility room and the first floor comprises of an extended family bathroom. The extension is brick built with a tiled pitched roof.
- 1.3. The proposed single storey side garage would be 3.4m in width, 5.8m in length and a maximum height of 3.5m. The garage would be brick built with a tiled pitched roof.
- 1.4. The proposed single storey forward extension would be 5m in width, maximum height 3.2m and 0.6m in depth. The proposed extension would be in-line with the existing front bay window and have a tiled pitched roof. The main front entrance door is to be repositioned to the centre of the extended dwelling as part of the proposed works.
- 1.5. The application property is also currently undertaking extensive internal works including a loft conversion. These works fall under permitted development rights; therefore do not require planning permission only Building Regulations consent.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a detached dwelling with a gable-end roof design, ground floor bay window and front porch. The property has been recently extended with a two storey side extension which was granted planning consent in 2017

(2017/06005/PA). The previous detached side garage was demolished in order to build the two storey side extension.

- 2.2. In addition to the approved 2-storey side extension, a two storey rear extension has also been recently completed without planning consent. This is now the subject of this application.
- 2.3. The application site is located in a residential area comprising of a mix of dwelling types and styles.
- 2.4. The rear garden is predominately laid to lawn and the boundary treatment consists of 2m wooden fencing which encompasses the entire rear curtilage of the site.

[Site location](#)

3. Planning History

- 3.1. 06/09/2017 - 2017/06005/PA - Erection of two storey side extension – Approved-Conditions.

4. Consultation/PP Responses

- 4.1. Local ward councillors and the occupiers of neighbouring properties have been consulted; 1 neighbour objection received on the grounds of:
 - Two storey rear extension has already been built
 - Loss of light & outlook
 - Loss of privacy
- 4.2. Councillor Gareth Moore has requested this application be determined by Planning Committee because of potential impact on residential amenity and loss of light.

5. Policy Context

- 5.1. The following local policies are applicable:
 - Birmingham Unitary Development Plan 2005 (saved policies 3.14-3.14D & Chapter 8).
 - Birmingham Development Plan (2017).
 - Places For Living 2001.
 - Extending Your Home 2007.
 - 45 Degree Code SPD.
- 5.2. The following national policies are applicable:
 - National Planning Policy Framework 2018

6. Planning Considerations

- 6.1. This application has been assessed against the objectives of the policies as set out above.
- 6.2. Amended plans have been submitted which now accurately shows the scale of the two storey rear extension as built and also the correct size and design of the windows in the rear elevation.

- 6.3. The proposed development complies with the 45 Degree Code as a result there is no detrimental impact on neighbouring occupiers' light or outlook.
- 6.4. The bathroom window in the first floor rear elevation facing the boundary with No. 52 Kirkwood Avenue would not meet the required separation distance of 10m (5m achieved) as set out in 'Places for Living' and 'Extending Your Home' design guidance. However with conditioning to secure obscure glazing of this window, the privacy of the neighbours would be protected. As such, there would be no unacceptable loss of privacy amenity to the neighbouring property.
- 6.5. The proposed elevations show front and rear roof-lights and a side window within the roof-space of the recently built two storey side extension. These windows would source light to the loft bedroom. These windows are at a high-level; therefore it is considered they would not compromise neighbouring amenities.
- 6.6. The scale, mass and design of the proposed development is acceptable. The two storey rear extension as built is not excessive in scale and does not detract from the architectural appearance of the property. The development has no significant impact on the character of the existing dwelling or the visual amenity of the local area. The development would be in accordance with the principles contained within 'Extending Your Home' Design Guide.
- 6.7. The proposed single storey attached side garage replaces a previous detached side garage at the application site. The proposed garage and single storey forward extension in this location would not significantly detract from the architectural appearance of the property and would have no detrimental impact upon the character of the street scene.
- 6.8. Notwithstanding the objections made by a neighbouring occupier; the concerns regarding loss of light and outlook have been considered and the development would not compromise neighbouring occupier's light or outlook. A condition is attached for obscure glazing of the first floor rear bathroom window in order to protect neighbour's privacy. A condition is also attached for the removal of permitted development rights for new windows in order to further safeguard neighbouring occupiers' private amenities.

7. Conclusion

- 7.1. This application is recommended for approval as the proposed development complies with the objectives of the policies that have been set out above.

8. Recommendation

- 8.1. Approval subject to the following conditions:

-
- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires that the materials used match the main building |
| 3 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 4 | Removes PD rights for new windows |
-

5 Requires the prior submission of soft landscape details

6 Implement within 3 years (Full)

Case Officer: Ricky Chima

Photo(s)

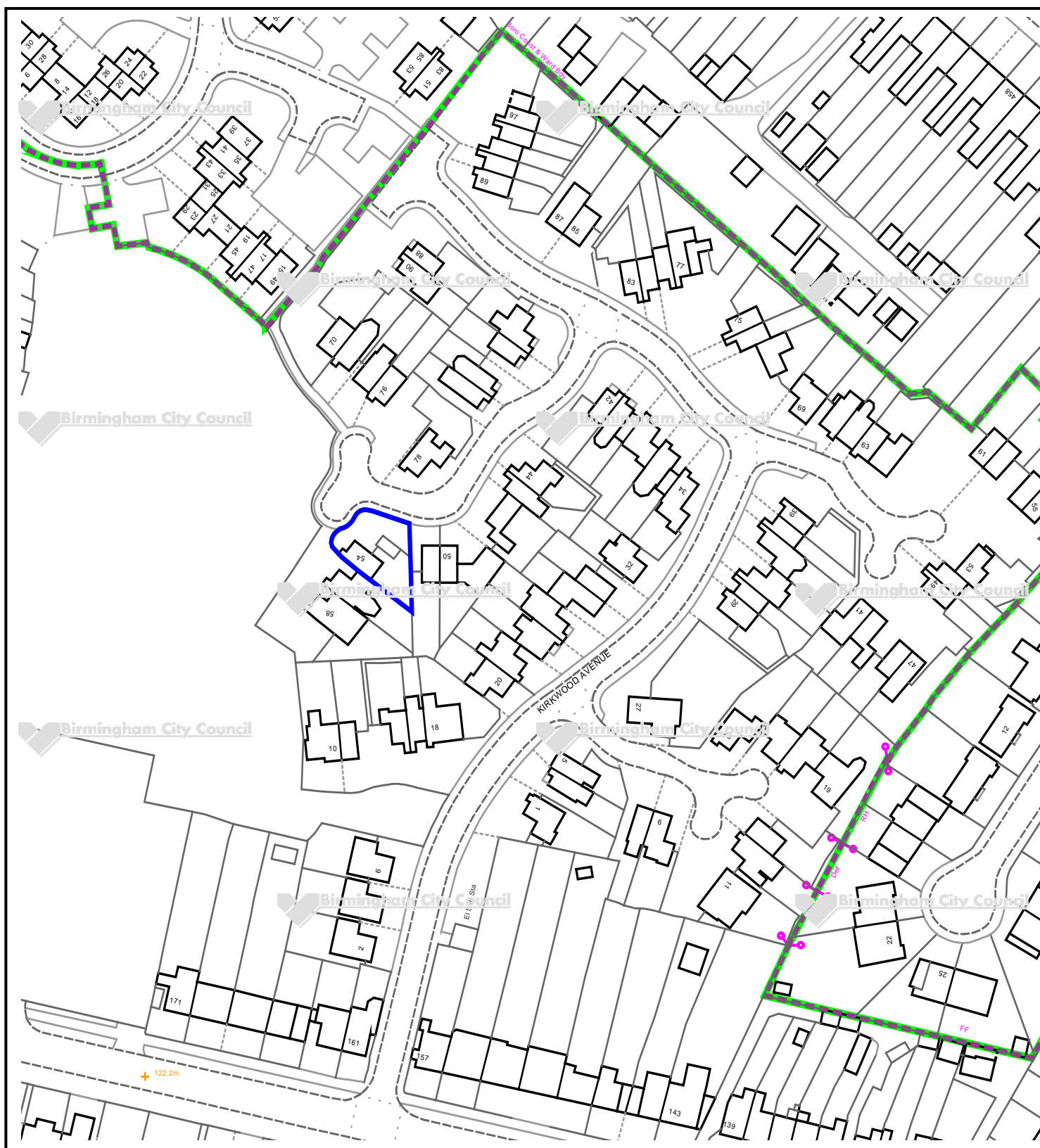


Photo 1 – Front/side elevation



Photo 2 – Rear elevation

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Birmingham City Council
Planning Committee 16 August 2018

Appeal Decisions Received from the Planning Inspectorate in July 2018

| <u>CATEGORY</u> | <u>ADDRESS</u> | <u>USE</u> | <u>DECISION</u> | <u>TYPE</u> | <u>PROCEDURE</u> |
|------------------------|---|--|------------------------------------|--------------------|-------------------------|
| Enforcement | 32 Bagshaw Road, Stechford | Unauthorised boundary fence and roller shutter. 2016/1359/ENF | Dismissed | Enf | Written Representations |
| Enforcement | 1 Grendon Drive, Sutton Coldfield | Erection of boundary fencing. 2017/0782/ENF | Dismissed (see note 1 attached) | Enf | Written Representations |
| A3 / A5 | 141 High Street, Erdington | Change of use from retail (Use Class A1) to restaurant and hot food takeaway (Use Class A3/A5) and installation of new shop fronts. 2017/06896/PA | Allowed (see note 2 attached) | Non-determined | Written Representations |
| Advertisement | 141 High Street, Erdington | Display of 1 internally illuminated fascia sign and 1 internally illuminated projecting sign. 2017/06937/PA | Allowed (see note 3 attached) | Non-determined | Written Representations |
| Residential | 51-55 College Road, Land Comprising, Perry Barr | Outline application to determine the principle of a residential development comprising bungalows (and involving demolition of 55 College Road) with all matters reserved. 2017/10829/PA | Dismissed | Delegated | Written Representations |
| Other | 24 Dale Road, Selly Oak | Partial demolition and retention of a single storey rear/side infill extension. 2017/10555/PA | Dismissed | Delegated | Written Representations |
| Other | 24 Dale Road, Selly Oak | Retention of single-storey rear/side infill extension. 2017/10554/PA | Dismissed | Delegated | Written Representations |
| Other | 50-60 Northwood Street, Jewellery Quarter | Formation of temporary car parking. 2017/08453/PA | Allowed (see note 4 attached) | Delegated | Written Representations |

**Birmingham City Council
Planning Committee 16 August 2018**

Appeal Decisions Received from the Planning Inspectorate in July 2018

| <u>CATEGORY</u> | <u>ADDRESS</u> | <u>USE</u> | <u>DECISION</u> | <u>TYPE</u> | <u>PROCEDURE</u> |
|------------------------|--------------------------------|---|------------------------|--------------------|----------------------------|
| Other | 101 Friary Road, Handsworth | Retrospective application for change of use from residential dwellinghouse (Use Class C3) to a 7 bedroom house in multiple occupation (HMO) (Sui Generis) 2017/07156/PA | Dismissed | Delegated | Written Representations |

Total - 9 Decisions: 6 Dismissed (67%), 3 Allowed

Cumulative total from 1 April 2018 - 37 Decisions: 26 Dismissed (70%), 11 Allowed

Notes relating to appeal decisions received in July 2018

Note 1 (1 Grendon Drive)

The Inspector varied the enforcement notice compliance period from 2 months to 3 months.

Note 2 (141 High Street, Erdington)

Application not determined within the statutory 8 week period.

Appeal allowed because the Inspector considered that the proposed change of use would add to the vitality and viability of the Erdington District Centre without causing any material harm to highway safety.

The appellant's application for costs against the Council was allowed.

Note 3 (141 High Street, Erdington)

Application not determined within the statutory 8 week period.

Appeal allowed because the Inspector considered that the fascia sign would be in proportion to the scale of the unit and the projecting sign would help identify the business without being unduly prominent.

The appellant's application for costs against the Council was allowed.

Note 4 (50-60 Northwood Street)

Application refused because the proposal would fail to preserve or enhance the character of the Jewellery Quarter Conservation Area and would not support the City's proposals for a sustainable transport network.

Appeal allowed because the Inspector considered that the temporary nature of the use sought would allow for the formulation of a scheme for the future re-development of the appeal site in a way that preserved or enhanced the character or appearance of the Conservation Area. The use of the car park would have a very limited effect on the promotion of a sustainable transport network.

The appellant's application for costs against the Council was refused.