

Birmingham City Council

Planning Committee

15 October 2015

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	8	2015/07000/PA 142-144 Heathfield Road Handsworth Birmingham B19 1JF Demolition of existing building and erection of new building for use as MOT testing and vehicle repairs (sui generis) and new boundary treatment.
Approve – Conditions	9	2015/05912/PA Land off Daisy Drive, Lakes Road, Parkhouse Drive, Osier Grove Wyrley Birch Birmingham B23 7UD Minor Material Amendment to planning approval 2012/07432/PA to change proposed tenure of 33 dwellings for open market sale to affordable rent so that all remaining 50 units in phase 2 are affordable rent, repositioning of plots 2,3 & 4 on site 7 and new pedestrian gate to park from highway at site 7
Defer	10	2015/02526/PA New Hall Hotel New Hall Drive Sutton Coldfield Birmingham B76 1QX Erection of two storey extension to western elevation to provide 10 additional bedrooms, and alterations to parking to provide 7 additional spaces

Refer to DCLG	11	<p>2015/02505/PA</p> <p>New Hall Hotel New Hall Drive Sutton Coldfield Birmingham B76 1QX</p> <p>Listed building consent for the erection of two storey extension to western elevation to provide 10 additional bedrooms, and alterations to parking to provide 7 additional spaces</p>
Approve – Conditions	12	<p>2015/06290/PA</p> <p>Little Oak 9 Grounds Road Four Oaks Sutton Coldfield Birmingham B74 4SE</p> <p>Erection of single storey side extension and porch to front</p>

Committee Date:	15/10/2015	Application Number:	2015/07000/PA
Accepted:	21/08/2015	Application Type:	Full Planning
Target Date:	16/10/2015		
Ward:	Lozells and East Handsworth		

142-144 Heathfield Road, Handsworth, Birmingham, B19 1JF

Demolition of existing building and erection of new building for use as MOT testing and vehicle repairs (sui generis) and new boundary treatment.

Applicant:	Mr Mohammed Nadeem 182 Crompton Road, Handsworth, Birmingham, B20 3QY
Agent:	Mr Hanif Ghumra 733 Walsall Road, Great Barr, Birmingham, B42 1EN

Recommendation

Refuse

1. Proposal

- 1.1. Consent is sought for the erection of a single storey detached building for use as MOT testing and vehicle repairs and new front boundary treatment. The building would measure 10.3m by 15.7m and 4.6m in overall height. The building would have red facing brickwork and a steel panel roof.
- 1.2. The building would be located to the rear of the site with the parking on the frontage.
- 1.3. 4 off road parking spaces would be provided. It is proposed to increase the number of full time employees from 2 to 4. The proposed opening times would be 0900-1800 Monday to Saturday.
- 1.4. A planning statement has been submitted with the current proposal which includes a petition in support with 28 signatures of neighbouring residents.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located within a mixed residential and commercial area currently used for the parking, washing and servicing of lorries, cars and vans.
- 2.2. The site has a main frontage to Heathfield Road with the boundary comprising a 3m high metal sheet fence and gate. Adjacent to the site is a two storey public house on the junction with Finch Road.

- 2.3. The site accommodates a single storey building in the north west corner of the site in use as an office and staff room. In the south west corner is a double height structure which is used for the repair of vehicles and includes an inspection pit. Along the western boundary wall are marked out car parking spaces.
- 2.4. To the east of the site is a modern 3 storey residential terrace.
- 2.5. [Site Location Map](#)
3. Planning History
- 3.1. 02/06/2015 - 2015/02970/PA - Change of use from car park (Sui Generis) to MOT and vehicle repair (Sui Generis), and erection of a single storey detached building with alterations to boundary treatment at front elevation – Withdrawn.
- 3.2. 03/07/2014 - 2014/01436/PA - Lawful Development Certificate issued for the use of the site for the parking, washing and servicing of lorries, cars and vans in excess of a period of 10 years.
4. Consultation/PP Responses
- 4.1. Surrounding occupiers, residents associations, local members and MP notified – No comments received.
- 4.2. Transportation Development – No objection subject to amendment and conditions relating to the number of working bay to be limited to only one, secure cycle storage to be provided at appropriate location, parking spaces to be formally marked out and parking & vehicle circulation areas not to be used for any other purpose and to be kept free of any obstruction, the existing level of pedestrian visibility splay to be maintained as minimum at the vehicular access.
- 4.3. Regulatory Services – Recommend refusal based on noise, disturbance and vehicle fumes.
5. Policy Context
- 5.1. Birmingham Unitary Development Plan (2005), SPG: Places for All (2001), 45 Degree Code, NPPF (2012) and Draft Birmingham Development Plan.
6. Planning Considerations
- 6.1. The proposal should be assessed against the objectives of the policy context set out above.
- 6.2. The main issues for consideration are the impact on residential amenity, highway and pedestrian safety and visual amenity.
- 6.3. Paragraph 123 of the NPPF (2012) states planning policies and decisions should aim to:
- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
 - Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

- Recognise that development will often create some noise and 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.
- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

6.4. Residential amenity

Regulatory Services recommend refusal of the proposed development. I concur with this view. Residential dwellings are located directly adjacent to the application site on Heathfield Road. The development is likely to intensify levels of activity on the site which would result in an unacceptable increase in noise nuisance and disturbance to adjoining residents. I also consider that there are no mitigation measures that could be implemented which would overcome these concerns. A noise assessment has not been requested because Regulatory Services consider that it would not overcome their clear objections on noise nuisance grounds.

6.5. The breach of the 45 Degree code in relation to the adjoining dwelling would be no worse than the impact of the existing building on the site therefore it is considered the outlook and overshadowing of 146 Heathfield Road would be no worse than existing.

6.6. Highway and pedestrian safety

Transportation Development raise no objection to the proposed development subject to amendment and conditions relating to the number of working bay to be limited to only one, secure cycle storage to be provided at appropriate location, parking spaces to be formally marked out and parking & vehicle circulation areas not to be used for any other purpose and to be kept free of any obstruction and the existing pedestrian visibility splay to be maintained as a minimum at the vehicular access. I concur with this view.

6.7. The application site has an existing footway crossing off Heathfield Road and there are no controls over parking on this part of Heathfield Road, apart from the junction radii. I therefore consider that the levels of traffic and parking demand generated are unlikely to prejudice highway safety.

6.8. Design

I consider the alterations to the boundary treatment on the frontage would improve the visual amenity of the site removing the 3m high metal sheet fence and gate and replacing it with a low brick wall with railings and gate.

7. Conclusion

7.1. I recognise that the proposed scheme would facilitate some improvements to the appearance of the site. It would also allow the imposition of planning conditions over the hours of use (the lawful development certificate does not control hours of use). However, I consider that those benefits are outweighed by the intensification of a non-conforming use which would result and the unacceptable increase in levels of noise and disturbance to adjoining residents. For these reasons the proposed development would conflict with the policies and principles contained with the adopted UDP (2005), NPPF (2012) and Places for All. I therefore recommend that this application be refused.

8. Recommendation

8.1. That planning permission is refused.

Reason for Refusal

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| 1 | The proposed development would result in the intensification of a non-conforming use which would adversely affect the amenities of occupiers of dwellings in the vicinity by reason of increased noise and general disturbance. As such the proposal would be contrary to Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework. |
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Case Officer: Stephanie Salmon

Photo(s)



Figure 1 – Application site with residential dwellings adjacent.

Location Plan



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Committee Date:	15/10/2015	Application Number:	2015/05912/PA
Accepted:	21/07/2015	Application Type:	Full Planning
Target Date:	20/10/2015		
Ward:	Kingstanding		

Land off Daisy Drive, Lakes Road, Parkhouse Drive, Osier Grove, Wyrley Birch, Birmingham, B23 7UD

Minor Material Amendment to planning approval 2012/07432/PA to change proposed tenure of 33 dwellings for open market sale to affordable rent so that all remaining 50 units in phase 2 are affordable rent, repositioning of plots 2,3 & 4 on site 7 and new pedestrian gate to park from highway at site 7

Applicant:	Birmingham City Council
	Housing and Regeneration, PO Box 16572, Birmingham, B2 2GL
Agent:	Lovell Partnerships Ltd
	Unit E Pinewood, Bell Heath Way, Woodgate Business Park, Woodgate Valley, Birmingham, B32 3BZ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning consent has previously been granted and partially implemented for a BMHT scheme of 75 dwellings on the Wyrley Birch estate across 7 separate sites under planning application 2012/07432/PA. Some minor alterations were subsequently approved under two non-material amendment applications.
- 1.2. The existing consent is for a mix of houses and flats for rent (42 units) and for private sale (33 units). Of these, 25 rented units have been built, with 50 plots remaining to be constructed (of which 17 units were proposed to be for rent and 33 units for sale). Due to a change in circumstances, the City Council has decided that they wish to amend the tenure of the 33 sale units so that they would also be for rent. In addition, the applicant proposes a revision to the layout of site 7, to reposition three plots further forward resulting in the removal of an existing tree, and to provide a new pedestrian entrance to the park to the rear. These amendments are to be considered as part of this minor material amendment application.
- 1.3. Some further revisions to the design of the scheme have also been proposed and are being dealt with under a separate non-material amendment application for some minor revisions to the window designs, the proposed provision of parking spaces and some revisions to plot levels and associated retaining structures (see planning history). A discharge of condition application is also currently being considered.

- 1.4. In addition to the revised layout, the application is accompanied by an affordable housing statement and a SUD's assessment. All other information is as per the previously approved scheme.
- 1.5. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The Wyrley Birch estate is a predominantly Council development of post-war housing, mostly consisting of two storey 1950's terraces and maisonettes. This is interspersed with late 20th century development of 2-3 storey flats, terraces and semi-detached houses in various designs and utilising a variety of materials.
 - 2.2. The 7 sites previously approved for development comprise two sites that have been completed (sites 5 and 6), sites that are currently cleared and awaiting development (sites 2, 3 and 7) or have been partially implemented (in the case of sites 1 and 4). The sites are bordered by existing residential development, and site 7 partially shares a boundary with open space to the east.
 - 2.3. [Site location and street view](#)
3. Planning History
 - 3.1. 24/01/2013 - 2012/07432/PA – Erection of 67 two, three and four bedroom dwellings and 8 two bedroom apartments for rent and private sale, with associated parking, landscape and highway works – Approved subject to conditions.
 - 3.2. 23/07/2014 - 2014/04841/PA – Application for a non-material amendment to planning approval 2012/07432/PA – approved.
 - 3.3. 10/09/2014 – 2014/05807/PA – Non material amendment to planning approval 2012/07432/PA for revised parking arrangements to plot 6 site 4, revised internal arrangement and elevations house type A – 4BD on plots 9 and 10 site 4, repositioning of plot 13 site 4, introduction of step in finished floor levels to plots 5, 6, 10 and 11 site 4 – Approved.
 - 3.4. 09/10/2014 – 2014/05813/PA – Application to determine the details for conditions 1, 3, 5(part) and 7 in relation to sites 1(southern part), 4 (eastern part), 5 and 6 attached to planning approval 2012/07432/PA – Approved.
 - 3.5. 2015/05652/PA – Non-material amendment to approval 2012/07432/PA for amendments to window depth, revisions to plot levels and associated retaining structures and the addition of two car parking spaces – to be determined.
 - 3.6. 2015/05188/PA – Application to determine the details for conditions 1-7, 9, 11 and 12 attached to planning approval 2012/07432/PA – to be determined.
4. Consultation/PP Responses
 - 4.1. Press and site notices erected. MP, ward members for Kingstanding, Erdington and Stockland Green wards, and neighbouring residents notified. One representation

received from a resident commenting that there was delay in receiving the notification letter leaving insufficient time to comment. They state that available on-street parking has been removed and that access to their back garden gate has been blocked.

- 4.2. Regulatory Services – No objections.
- 4.3. Transportation Development – No objections.
- 4.4. Severn Trent Water – No objections, recommends drainage condition.
- 4.5. Lead Local Flood Authority – Comments that additional information is required in respect of the proposed SUD's features, including drainage calculations, discharge rate, storage requirements and proposed drainage network details and performance. Evidence /plan documenting the consideration of exceedance flows is required. Further information of operation and maintenance is required. Recommends a condition to require further SUD's details.

5. Policy Context

- 5.1. Adopted UDP, Draft BDP, Places for Living SPG, NPPF.

6. Planning Considerations

- 6.1. This application relates to a previously approved BMHT scheme for development for 75 new residential units, where 25 of those units have already been built and occupied, and where construction of the remaining 50 units is due to commence shortly. It is therefore not necessary to re-consider the detail of the scheme again as a whole, and so this report relates solely to those matters where amendments are sought to the previously approved scheme.
- 6.2. This application proposes to revise the tenure of 33 units previously for sale, so that the whole scheme will be provided for rent. The updated affordable housing statement sets out that there is a high need for social housing evidenced by the current waiting list, with a particular shortage for larger families where 30 of the remaining 50 dwellings to be constructed would be 3 and 4 bedroomed units. The statement sets out that the number of 4 bedroom properties for rent is more than the normal rate with the Homes and Communities Agency provisionally allocating granting funding of £1.25m for the development.
- 6.3. The statement also sets out that there is an under-supply of 2 bedroom properties for rent in Kingstanding ward, and that the provision of a significant number of 2 bedroom homes will help meet the anticipated need from households currently under occupying 3 bedroom dwellings which constitute the majority of properties in the Kingstanding area.
- 6.4. The revision proposed will therefore help meet the need for more affordable housing in the area, and is in excess of the minimum 35% required by the current affordable housing policy.
- 6.5. The other changes to the scheme relate to the proposals for site 7, which involves a total of 16 plots. The approved application involves setting back plots 2,3 and 4 within the site in order to retain an existing tree in the front garden area of plot 3. It is

now proposed to reposition these plots further forward in order to accommodate a drainage attenuation tank necessitating the removal and replacement of this tree. An existing tree in plot 11 is also proposed to be removed and replaced to accommodate the proposed levels and the need for a retaining wall as part of a non-material amendment application to be determined. These design changes are relatively minor and are acceptable to my tree officer. A condition relating to landscaping was included in the approved consent and is recommended to be re-imposed to secure appropriate landscaping details including the replacement trees.

- 6.6. The applicant has identified that there is an existing desire line for pedestrians to access Witton Lakes to the east through site 7, and so has decided to incorporate a kissing gate to provide access from the end of the highway access at the point where it adjoins the eastern boundary. This will improve pedestrian accessibility through the development.
- 6.7. The applicant has submitted a SUD's assessment with the application which explains the measures proposed which includes soakaways and attenuation tanks. Whilst I note the comments made from the lead local flood authority in respect of sustainable urban drainage measures, I do not consider that it would be reasonable in this case to impose the recommended condition requiring further details and for the SUD's scheme to be implemented as part of this planning consent, though I note that it is the applicant's intention to provide them. The approved application was granted consent prior to the legislative changes that brought about the requirement for SUD's measures to be incorporated into major developments, and so there was no requirement in the planning conditions previously imposed. Given that the development has been partially implemented already, and given that there are no substantive changes to the scheme, I consider that it would not be appropriate to require these details at this stage. It is only because the applicant wishes to change the tenure of the units and to undertake some relatively minor layout changes that consent is required. The applicant would be entitled to implement the approved scheme with no specific planning requirement for the proposed SUD's measures.
- 6.8. In respect of the comments raised by the resident who adjoins site 4, the proposed amendments in this application do not relate to access to the rear of their property. The removal of the rear access was agreed as part of the original planning approval. The existing non-material amendment application includes provision for two additional visitor parking spaces in close proximity to the residents property for residents use.
- 6.9. I have re-imposed those conditions that are yet to be discharged on the existing consent to ensure that appropriate details are secured.

7. Conclusion

- 7.1. The approved scheme will make a significant contribution to meeting the housing needs within the local area, and the amendments that are proposed in this application will further assist in the delivery of more affordable housing. Approval is recommended subject to conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

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- 1 Requires the prior submission of a construction method statement/management plan
 - 2 Requires the prior submission of hard and/or soft landscape details
 - 3 Requires the prior submission of hard surfacing materials
 - 4 Requires the prior submission of boundary treatment details
 - 5 Requires the prior submission of sample materials
 - 6 Requires the prior submission of window reveal, doors, balcony and eaves/parapet details
 - 7 Requirements within pre-defined tree protection areas
 - 8 Requires the prior submission of a residential travel plan
 - 9 Requires the parking area to be laid out prior to use
 - 10 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 11 Requires the provision of affordable dwellings
 - 12 Sustainable homes code level 4
 - 13 Grants a personal permission to Birmingham City Council
 - 14 Requires the scheme to be in accordance with the listed approved plans
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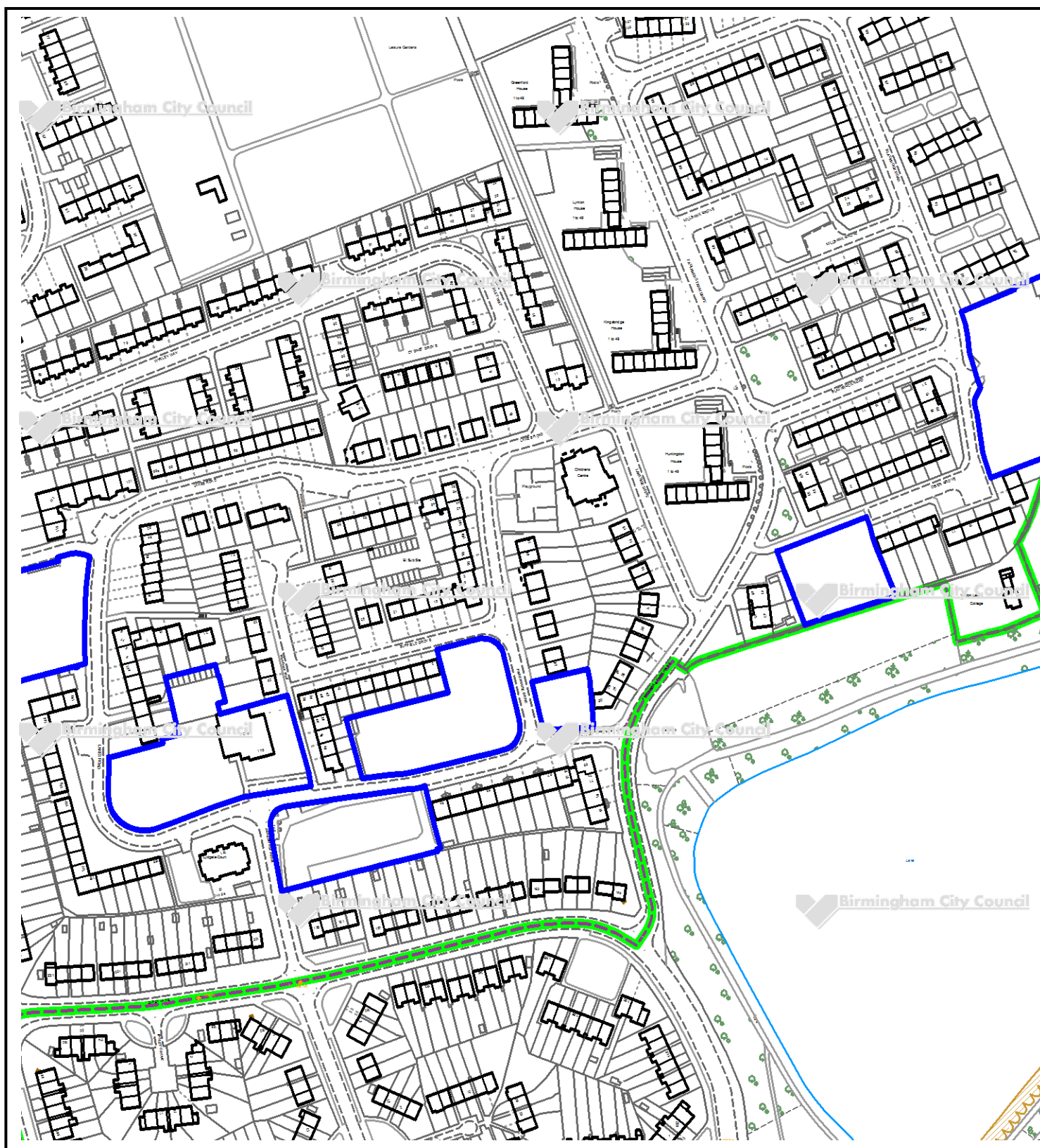
Case Officer: Stuart Morgans

Photo(s)



Figure 1 : existing building plot on Parkhouse Drive

Location Plan



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Committee Date:	15/10/2015	Application Number:	2015/02526/PA
Accepted:	10/04/2015	Application Type:	Full Planning
Target Date:	05/06/2015		
Ward:	Sutton New Hall		

New Hall Hotel, New Hall Drive, Sutton Coldfield, Birmingham, B76 1QX

Erection of two storey extension to western elevation to provide 10 additional bedrooms, and alterations to parking to provide 7 additional spaces

Applicant: Hand Picked Hotels Ltd
The Old Library, The Drive, Tonbridge, Kent, TN13 3AB
Agent: The Tyler-Parkes Partnership Ltd
66 Stratford Road, Shirley, Solihull, West Midlands, B90 3LP

Recommendation

Defer

1. Proposal

- 1.1. This application is for a renewal of planning permission for the erection of a two storey extension with a pitched roof to the western elevation to provide ten additional bedrooms. The design and materials would match the existing building. Alterations to parking to provide 7 no. additional spaces are proposed and this application has been submitted following the approval of four previous applications from the year 2000 to the more recently approved application 2012/03192/PA (which expired on 7th June 2015). The current application is identical to those applications.
- 1.2. The proposed extension would result in the loss of the remainder of the south-west wall to the former walled garden.
- 1.3. The existing car park would be enlarged to provide 7 additional car parking spaces, which would require existing mounding to be remodelled.
- 1.4. The applicant has submitted a Planning Statement, Design and Access Statement, Heritage Statement and a supplementary Heritage Statement in support of this application.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a Grade I listed medieval manor house, which was converted into a hotel in 1988 and is now known as New Hall Hotel. The main building is dated C13 or C14 and includes a matching L shaped wing added late C16 with a recently added two-storey rear extension in the 1980's. The building is mainly two-storeys in height with attics and the core building is surrounded by a moat. The car park to the hotel is located to the northeast of the hotel. A large

garden containing two ponds and tennis courts is located to the southwest of the hotel. Within the grounds of the hotel there is a Chapel, former Coach House and Stables and a Gardener's cottage. These buildings are Grade II listed.

- 2.2. The application site is located within Sutton Coldfield Green Belt. The main access to the site is off Walmley Road along a single carriageway driveway where there are dwellings fronting the driveway. The surrounding area, beyond the Green Belt is predominantly residential in character.

- 2.3. [Street View](#)

- 2.4. [Site Plan](#)

- 3. [Planning History](#)

- 3.1. 15.10.2015 2015/20505/PA Listed building consent for the erection of two storey extension to western elevation to provide 10 additional bedrooms, and alterations to parking to provide 7 additional spaces. Report on this agenda.
- 3.2. 07.06.2012 2012/03192/PA Application for a new planning permission to replace extant planning permission 2009/02963/PA for the erection of a two storey extension containing 10 bedrooms and provision of 7 additional car parking spaces. Approved – conditions.
- 3.3. 07.06.2012 2012/02680/PA Application for a new listed building consent to replace extant listed building consent 2009/02985/PA for the erection of a two storey extension to provide 10 additional bedrooms together with the provision of 7 additional car parking spaces. Approved – conditions.
- 3.4. 24.08.2009 2009/02985/PA Erection of two storey extension containing 10 bedrooms and provision of 7 additional car parking spaces in association with N/06867/04/FUL. Approved – conditions.
- 3.5. 24.08.2009 2009/02963/PA Erection of two storey extension containing 10 bedrooms and provision of 7 additional car parking spaces in association with N/06867/04/FUL. Approved – conditions.
- 3.6. 12.01.2005 2004/06867/PA and 2004/07350/PA – Planning Permission and Listed Building Consent granted for the renewal of planning application numbers 1999/04556/PA and 1999/04558/PA involving the erection of a two-storey extension forming 10 additional bedrooms and creation of 7 additional parking spaces. Approved – conditions.
- 3.7. 18.02.2000 1999/04556/PA and 1999/04558/PA – Planning Permission and Listed Building Consent granted for alterations and two-storey extension, providing 10 additional bedrooms and 7 additional parking spaces. Approved – conditions.

- 4. [Consultation/PP Responses](#)

- 4.1. Neighbours, local Councillors, Andrew Mitchell M.P, residents associations and Amenity societies consulted. Site and press notice displayed. 1 objection received in relation to the car park which it is considered would affect amenity and cause pollution.

4.2. Historic England – Object on the ground that the loss of the wall of the former walled garden and the breach of the line of it with new development will cause harm to the heritage asset.

4.3. Regulatory Services – No objection.

4.4. Transportation Development – No objection.

5. Policy Context

5.1. National Planning Policy Framework 2012, Birmingham UDP 2005, Grade I Listed Building, Draft Birmingham Development Plan, Places for All SPG.

6. Planning Considerations

Background

6.1. Four previous planning and Listed Building Consent applications (2000-2012) for the same scheme have been approved and no changes to this scheme are proposed in the current application. English Heritage raised no objections to any of these applications, the last of which was approved following the adoption of the NPPF.

6.1. Policy

6.2. Policy 3.25 of the UDP identifies that any development affecting a Listed Building should not adversely affect its architectural or historic character.

6.3. Policy TP 12 of the Draft Birmingham Development Plan states that new development affecting a designated or non-designated heritage asset or its setting, including alterations and additions, will be expected to make a positive contribution to its character, appearance and significance. Applications for development affecting the significance of a designated or non-designated heritage assets will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.

6.4. The NPPF makes specific reference to 'Heritage Assets', which includes Listed Buildings and Conservation Areas. Paragraph 128 requires that in determining applications, Local Planning Authorities should require an applicant to describe the significance of any assets affected. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

6.5. Paragraph 129 of the NPPF refers to the need for Local Planning Authorities to assess the significance of a proposal on any heritage asset. Paragraph 131 advises that local planning authorities should take into account the desirability of sustaining and enhancing heritage assets and the positive contribution that the new development would make to local character and distinctiveness.

6.6. Paragraph 133 states that where a proposal will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent.

6.7. Paragraph 134 states when a development proposed will lead to less than substantial harm to the significance of the heritage asset, this harm should be

weighed against the public benefits of the proposal including securing its optimum viable use.

- 6.8. With regards to the impact on the Green Belt, the NPPF attaches great importance to the protection of Green Belt land in order to prevent urban sprawl and to safeguard the openness and permanence which make up the essential characteristics of Green Belts.
- 6.9. Design and Impact on the Listed Building
- 6.10. The proposed extension in terms of design, layout and materials would match the existing rear extension which was constructed in the 1980's and would involve minimal impact upon the original fabric of the building. The proposed extension is modest in size and would not give rise to any harm to the setting or character of the existing building and gardens. The proposal would involve the removal of the remainder of the south-west wall which formed part of the walled garden to the manor house (New Hall Hotel), thought to have been constructed around 1860. Part of the wall was removed to facilitate the 1980's extension and the remainder of the wall was also reduced in height and is lower than the north-western wall and is also overgrown with ivy.
- 6.11. Historic England's initial recommendation was for the refusal of the renewal of planning permission and listed building consent for the proposed extension. This was on the grounds that insufficient information had been submitted to properly assess the impact of the proposals on the heritage asset as is required by paragraph 128 of the NPPF and that the loss of this wall of the former walled garden and the breach of the line of it with new development would cause harm to the heritage asset.
- 6.12. In response to Historic England's comments, the applicants submitted a heritage statement in support of the proposal. On the issue of the south-western wall it concluded that the wall was much altered in the 1980's when its southern extent was removed and the surviving length was reduced in height. The statement notes that in its current form although listed as a result of being within the curtilage of the Grade 1 Listed Building the wall only holds limited historic value commensurate to a non-designated heritage asset and its removal would have only a limited impact on the former walled garden as a whole and would not adversely impact on the significance of the Grade 1 Listed Building.
- 6.13. Following the submission of the heritage statement, Historic England commented further that the information submitted by the applicant was adequate for proper consideration to be given to the applications in line with paragraph 128 of the NPPF. However, they maintained their objection to the removal of the south-west wall which they consider was carefully retained as part of the 1980 extension.
- 6.14. In response, the applicants submitted a supplementary heritage statement which reiterates that the construction of the 1980's extension within the former walled garden required the demolition and partial reconstruction of the south-western wall. They are of the view that the changes to the wall and surroundings in the 1980's significantly reduce the intelligibility of the surviving boundary wall and its significance. They also note that the north-western and north-eastern walls remain intact and unaltered by the 1980's extension. Historic England maintain their objection.
- 6.15. I have discussed the proposal in detail with the Conservation Officer and remain of the view that the proposals which have been approved in an identical form four times

previously when English Heritage raised no objection are acceptable and the removal of a remnant of the former walled garden would represent minimal harm in terms of its impact on the historic fabric and setting of the Grade 1 Listed Building and would not conflict with local or national planning policy. The Conservation Officer concurs with this view.

- 6.16. I consider this proposal to be acceptable development, which is against the advice of Historic England. Therefore, under the “Arrangement for Handling Heritage Applications” Direction 2014, Listed Building Consent application 2015/02505/PA will need to be referred to the DCLG to decide whether they wish to intervene in the determination of the application.

6.17. Impact on the Green Belt

- 6.18. The NPPF advises that new development would only be appropriate in Green Belts when the extension does not result in disproportionate additions over and above the size of the original building. Bearing this in mind the proposed extension would be attached to the rear elevation of the existing two-storey extension. It would be small in scale and would appear proportionate to the size of the original building. I consider that the proposed extension would be appropriate development in the green belt as it would not undermine the openness or permanence of the Green Belt, in accordance with the aspirations of the NPPF.

6.19. Impact on highway safety

- 6.20. The site is within a sustainable location and is within close proximity to shops, services and public transport links. Transportation Development raise no objection and I recommend that the previous conditions are imposed to ensure that parking and circulation areas are surfaced with suitable materials.

6.21. Impact on trees

- 6.22. The Council's Tree Officer raises no objection and the previous condition regarding the submission of a satisfactory tree survey should be imposed.

7. Conclusion

- 7.1. The proposed scheme complies with national and local planning policy and there have been no changes to material considerations which would justify the refusal of consent.

8. Recommendation

- 8.1. Defer pending the decision of the DCLG as to whether to intervene in the determination of Listed Building Consent application 2015/02505/PA. If that decision is to allow the Local Planning Authority to determine the application, this application should be approved subject to the following conditions:

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| 1 | Requires the prior submission of a mobility access scheme |
| 2 | Requires that the materials used match the main building |
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| 3 | Requires the prior submission of hard and/or soft landscape details |
| 4 | Prevents occupation until parking and vehicular areas are paved with a suitable permeable material. |
| 5 | Requires the prior submission of details of mounding around extended car park. |
| 6 | Requires the prior submission of a tree survey |
| 7 | Requires the scheme to be in accordance with the listed approved plans |
| 8 | Limits the approval to 3 years (Full) |
-

Case Officer: Daniel Ilott

Photo(s)



Figure 1 Location of proposed extension from south-west



Figure 2 Location of proposed extension from north-west

Location Plan

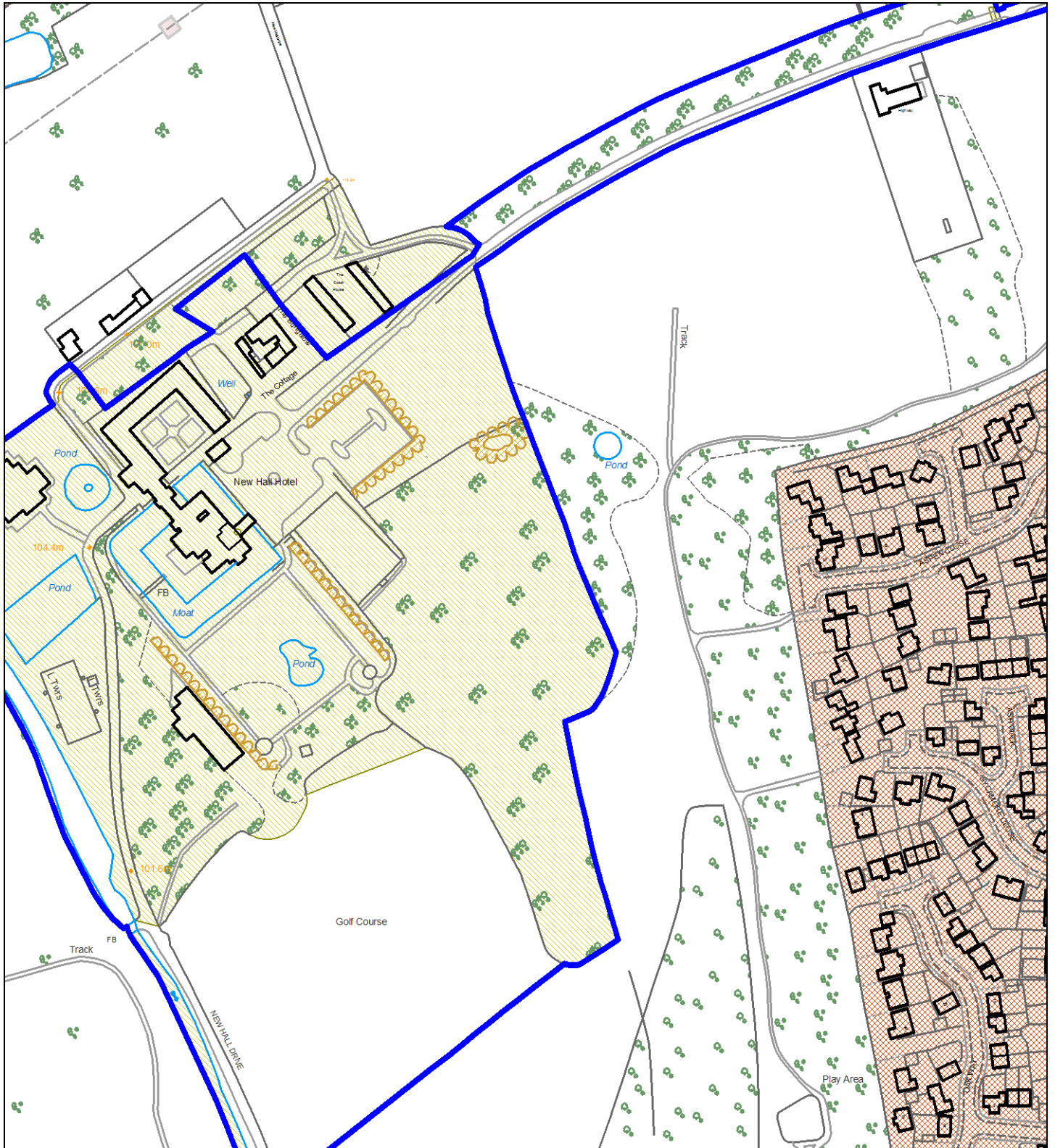


Figure 1 Location Plan

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Committee Date:	15/10/2015	Application Number:	2015/02505/PA
Accepted:	07/04/2015	Application Type:	Listed Building
Target Date:	02/06/2015		
Ward:	Sutton New Hall		

New Hall Hotel, New Hall Drive, Sutton Coldfield, Birmingham, B76 1QX

Listed building consent for the erection of two storey extension to western elevation to provide 10 additional bedrooms, and alterations to parking to provide 7 additional spaces

Applicant:	Hand Picked Hotels Ltd The Old Library, The Drive, Sevenoaks, Kent, TN13 3AB
Agent:	The Tyler-Parkes Partnership Ltd 66 Stratford Road, Shirley, Solihull, West Midlands, B90 3LP

Recommendation
Refer To The Dclg

1. Proposal

- 1.1. This Listed Building Consent application is for a renewal of consent for the erection of a two storey extension with a pitched roof to the western elevation to provide ten additional bedrooms. The design and materials would match the existing building. Alterations to parking to provide seven additional spaces are proposed and this application has been submitted following the approval of four previous applications from the year 2000. The current application is identical to those applications.
- 1.2. The proposed extension would result in the loss of the remainder of the south-west wall to the former walled garden.
- 1.3. The existing car park would be enlarged to provide 7 additional car parking spaces, which would require existing mounding to be remodelled.
- 1.4. The applicant has submitted a Planning Statement, Design and Access Statement, Heritage Statement and a supplementary Heritage Statement in support of this application.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a Grade I listed medieval manor house, which was converted into a hotel in 1988 and is now known as New Hall Hotel. The main building is dated C13 or C14 and includes a matching L shaped wing added late C16 with a recently added two-storey rear extension in the 1980's. The building is mainly two-storeys in height with attics and the core building is surrounded by a moat. The car park to the hotel is located to the northeast of the hotel. A large garden containing two ponds and tennis courts is located to the southwest of the

hotel. Within the grounds of the hotel there is a Chapel, former Coach House and Stables and a Gardener's cottage. These buildings are Grade II listed.

2.2. [Street View](#)

2.3. [Site Plan](#)

2.4. The application site is located within Sutton Coldfield Green Belt. The main access to the site is off Walmley Road along a single-carriageway driveway where there are dwellings fronting the driveway. The surrounding area, beyond the Green Belt is predominantly residential in character.

3. [Planning History](#)

- 3.1. 2015/02526/PA Erection of two storey extension to western elevation to provide 10 additional bedrooms, and alterations to parking to provide 7 additional spaces. Report on this agenda.
- 3.2. 07.06.2012 2012/03192/PA Application for a new planning permission to replace extant planning permission 2009/02963/PA for the erection of a two storey extension containing 10 bedrooms and provision of 7 additional car parking spaces. Approved – conditions.
- 3.3. 07.06.2012 2012/02680/PA Application for a new listed building consent to replace extant listed building consent 2009/02985/PA for the erection of a two storey extension to provide 10 additional bedrooms together with the provision of 7 additional car parking spaces. Approved – conditions.
- 3.4. 24.08.2009 2009/02985/PA Erection of two storey extension containing 10 bedrooms and provision of 7 additional car parking spaces in association with N/06867/04/FUL. Approved – conditions.
- 3.5. 24.08.2009 2009/02963/PA Erection of two storey extension containing 10 bedrooms and provision of 7 additional car parking spaces in association with N/06867/04/FUL. Approved – conditions.
- 3.6. 12.01.2005 2004/06867/PA and 2004/07350/PA – Planning Permission and Listed Building Consent granted for the renewal of planning application numbers 1999/04556/PA and 1999/04558/PA involving the erection of a two-storey extension forming 10 additional bedrooms and creation of 7 additional parking spaces. Approved – conditions.
- 3.7. 18.02.2000 1999/04556/PA and 1999/04558/PA – Planning Permission and Listed Building Consent granted for alterations and two-storey extension, providing 10 additional bedrooms and 7 additional parking spaces. Approved – conditions.

4. [Consultation/PP Responses](#)

- 4.1. Neighbours, local Councillors, Andrew Mitchell M.P, residents associations and Amenity societies consulted. Site and press notice displayed.
- 4.2. Sutton Coldfield Civic Society supports proposal.

- 4.3. Historic England – Object on the grounds that the loss of the wall of the former walled garden and the breach of the line of it with new development would cause harm to the heritage asset.

5. Policy Context

- 5.1. National Planning Policy Framework 2012, Birmingham UDP 2005, Grade I Listed Building, Draft Birmingham Development Plan, Places for All SPG.

6. Planning Considerations

Background

- 6.1. Four previous planning and listed building consent applications (2000-2012) for the same scheme have been approved and no changes to this scheme are proposed in the current application. English Heritage raise no objection to any of these applications, the last of which was approved following the adoption of the NPPF.

6.2. Policy

- 6.3. Policy 3.25 of the UDP identifies that any development affecting a Listed Building should not adversely affect its architectural or historic character.
- 6.4. Policy TP 12 of the Draft Birmingham Development Plan states that new development affecting a designated or non-designated heritage asset or its setting, including alterations and additions, will be expected to make a positive contribution to its character, appearance and significance. Applications for development affecting the significance of a designated or non-designated heritage assets will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.
- 6.5. The NPPF makes specific reference to 'Heritage Assets', which includes Listed Buildings and Conservation Areas. Paragraph 128 requires that in determining applications, Local Planning Authorities should require an applicant to describe the significance of any assets affected. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.6. Paragraph 129 of the NPPF refers to the need for Local Planning Authorities to assess the significance of a proposal on any heritage asset. Paragraph 131 advises that local planning authorities should take into account the desirability of sustaining and enhancing heritage assets and the positive contribution that the new development would make to local character and distinctiveness.
- 6.7. Paragraph 133 states that where a proposal will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent.
- 6.8. Paragraph 134 states when a development proposed will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.

- 6.9. With regards to the impact on the Green Belt, the NPPF attaches great importance to the protection of Green Belt land in order to prevent urban sprawl and to safeguard the openness and permanence which make up the essential characteristics of Green Belts.
- 6.10. Design and impact on the Listed Building
- 6.11. The proposed extension in terms of design, layout and materials would match the existing rear extension which was constructed in the 1980's and would involve minimal impact upon the original fabric of the building. The proposed extension is modest in size and would not give rise to any harm to the setting or character of the existing building and gardens. The proposal would involve the removal of the remainder of the south-west wall which forms part of the former walled garden to the manor house (New Hall Hotel), thought to have been constructed around 1860. Part of the wall was removed to facilitate the 1980's extension and the remainder of the wall was also reduced in height and is lower than the north-western wall and is also overgrown with ivy.
- 6.12. Historic England's initial recommendation was for the refusal of the renewal of planning permission and listed building consent for the proposed extension. This was on the grounds that insufficient information has been submitted to properly assess the impact of the proposals on the heritage asset as is required by paragraph 128 of the NPPF and that the loss of this wall of the former walled garden and the breach of the line of it with new development would cause harm to the heritage asset.
- 6.13. In response to Historic England's comments, the applicants submitted a heritage statement in support of the proposal. On the issue of the south-western wall it concluded that the wall was much altered in the 1980's when its southern extent was removed and the surviving length was reduced in height. The statement notes that in its current form although listed as a result of being within the curtilage of the Grade 1 Listed Building the wall only holds limited historic value commensurate to a non-designated heritage asset and its removal would have only a limited impact on the former walled garden as a whole and would not adversely impact on the significance of the Grade 1 Listed New Hall.
- 6.14. Following the submission of the heritage statement, Historic England commented further that the information submitted by the applicant was adequate for proper consideration to be given to the applications in line with paragraph 128 of the NPPF. However, they maintained their objection to the removal of the south-west wall which they consider was carefully retained as part of the 1980's extension.
- 6.15. In response, the applicants submitted a supplementary heritage statement which reiterates that the construction of the 1980's extension within the former walled garden required the demolition and partial reconstruction of the south-western wall. They are of the view that the changes to the wall and surroundings in the 1980's significantly reduce the intelligibility of the surviving boundary wall and its significance. They also note that the north-western and north-eastern walls remain intact and unaltered by the 1980's extension. Historic England maintain their objection.

- 6.16. I have discussed the proposal in detail with the Conservation Officer and remain of the view that the proposals which have been approved in an identical form four times previously when English Heritage raised no objection are acceptable and that the removal of a remnant of the former walled garden on the south western element would represent minimal harm in terms of its impact on the historic fabric and setting of the Grade 1 Listed Building and would not conflict with local or national planning policy. The Conservation Officer concurs with this view.
- 6.17. I consider this proposal to be acceptable development, which is against the advice of Historic England. Therefore, under the "Arrangement for Handling Heritage Applications" Direction 2015, this application will need to be referred to the DCLG to decide whether they wish to intervene in the determination of this application.

7. Conclusion

- 7.1. The proposed scheme complies with recent policy changes and there have been no changes to material considerations which would justify the refusal of consent.

8. Recommendation

- 8.1. The application be referred to the DCLG to decide whether they wish to intervene in the determination of the application. If that decision is to allow the Local Planning Authority to determine the application, this application should be approved subject to the following conditions.

-
- | | |
|---|--|
| 1 | Requires any damage to the listed building to be made good |
| 2 | Requires the prior submission of sample materials |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
| 4 | Limits the approval to 3 years (conservation/listed buildings consent) |
-

Case Officer: Daniel Illott

Photo(s)



Figure 1 Showing wall



Figure 2 Position of Proposed Extension

Location Plan

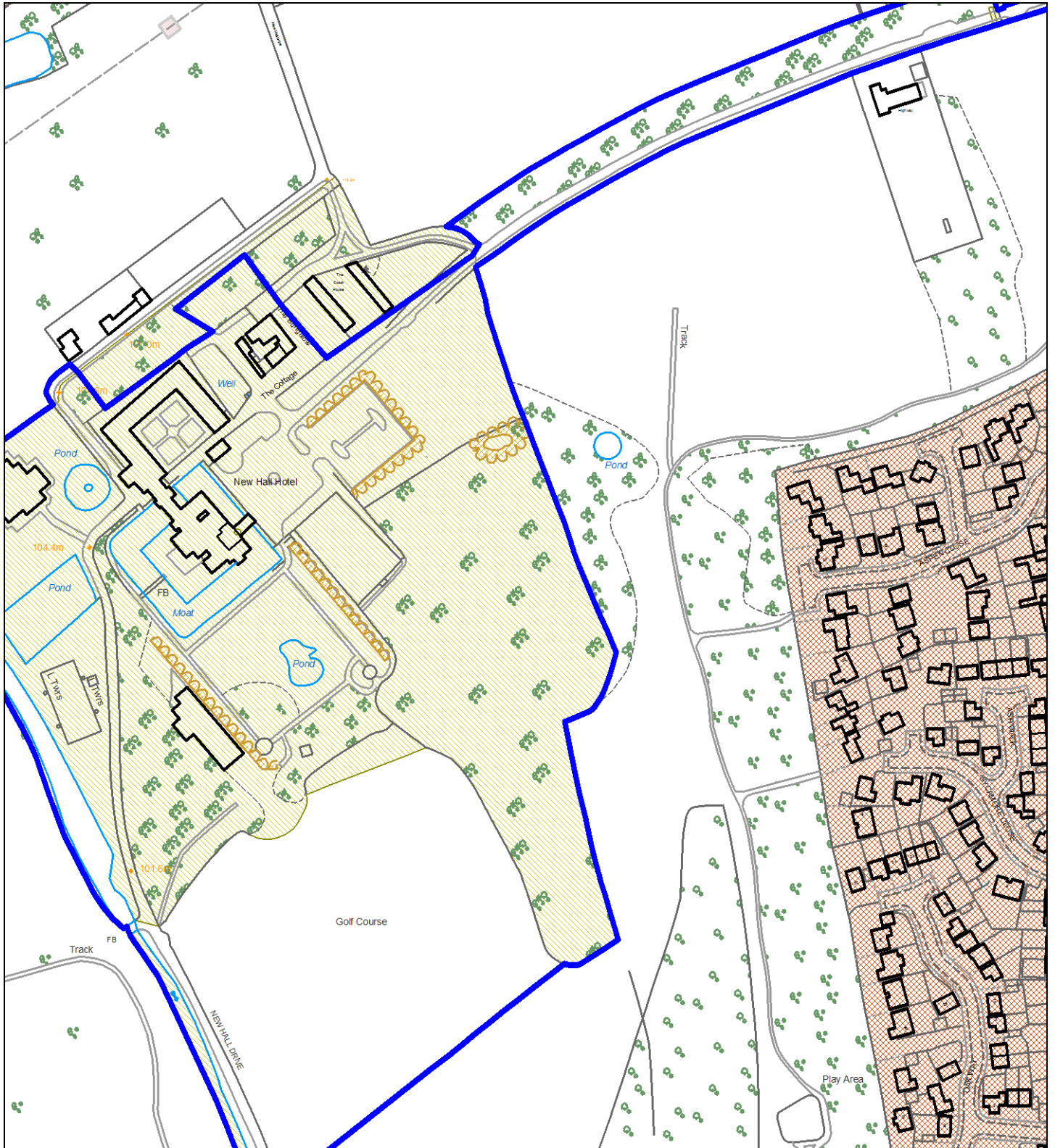


Figure 1 Location Plan

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Committee Date:	15/10/2015	Application Number:	2015/06290/PA
Accepted:	03/08/2015	Application Type:	Householder
Target Date:	28/09/2015		
Ward:	Sutton Four Oaks		

Little Oak, 9 Grounds Road, Four Oaks, Sutton Coldfield, Birmingham, B74 4SE

Erection of single storey side extension and porch to front

Applicant: Neil Smith
Little Oak , 9 Grounds Road, Four Oaks, Sutton Coldfield,
Birmingham, B74 4SE

Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a single storey side extension and porch to front. The side extension would provide a garage and utility area.
- 1.2. The side extension would measure 3.1m in width and 7.2m in depth, with a total height of 4m (2.4m to eaves). The porch would measure 2m in width and 1.2m in depth, with a total height of 3.7m (2.3m to eaves).

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a modern semi-detached dwelling house which was built under planning permission 2005/00296/PA. The property is designed with a hipped roof and bay window feature to the front. The rear and side of the site is enclosed by a 1.8m high close boarded fence.
- 2.2. The property is located within a residential street comprising a mixture of single and two storey properties. The site is situated to the end of a row of 3 two storey properties of a similar design and scale. To the adjacent side are the rear elevations and gardens of bungalow properties along Grounds Drive. The property is set at a lower ground level than the properties on Grounds Drive (approximately 1.4m). The nearest property No. 1 Grounds Drive has an existing conservatory to the rear elevation with a garden beyond. The rear boundary is defined by a 1.8m close boarded fence.

[Site Location](#)

3. Planning History

- 3.1. 28/03/2006 - 2005/00296/PA – Erection of detached dwelling house and associated works – Allowed on appeal under written representations

4. Consultation/PP Responses

- 4.1. Neighbouring properties and local ward Councillors have been notified. No responses received.

5. Policy Context

- 5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan (Adopted 2005)
- Draft Birmingham Development Plan (2013)
- Places For Living (Adopted Supplementary Planning Guidance 2001)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
- Extending your Home (Adopted Supplementary Planning Document 2007)

- 5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012)

6. Planning Considerations

- 6.1. The principle matters for consideration are the scale and design of the proposed extension, the impact on the architectural appearance of the property, general street scene and the impact upon neighbouring properties' amenities.
- 6.2. Permitted development rights were removed for extensions and windows under condition 2 of the original permission for the dwelling.
- 6.3. Due to the plot size of the application site the proposed side extension would be below the 12.5m distance separation required in 'Extending Your Home' and 'Places for Living' Supplementary Planning Guidance for windowed elevations facing flank walls. As proposed, there would be approximately 9.5m between the existing ground floor windows to the rear elevation of No. 1 Grounds Drive and the proposed side wall.
- 6.4. Light and outlook from the neighbouring rear windows is already restricted by a 1.8m high fence along the boundary between the two properties. This would help to mitigate any potential impact from the proposed extension. The application site is also set at a lower ground level, approximately 1.4m. When taking into account the current relationship between properties, the level changes between the two properties, together with the distance of approximately 9.5m, I do not consider that the impact of the proposed single storey extension on the amenities of the neighbouring properties would be sufficiently detrimental to warrant refusal of the application on this issue alone. There would be approximately 0.8m of the roof of the proposed extension visible above the existing boundary treatment.

- 6.5. The scale and design of the resulting development is in keeping with the original dwelling house and would not compromise the existing character or architectural appearance of the property. As such, the development would comply with the design principles contained within the design guide 'Extending your Home' Supplementary Planning Document.
- 6.6. The proposed side extension would comply with your committees' 45 Degree Code Policy.
- 6.7. The design and scale of the porch is in keeping with the existing dwelling house and would comply with the design principles contained within the design guide 'Extending your Home' Supplementary Planning Document.
- 6.8. Sufficient amenity space will be retained to the rear of the site in this instance.

7. Conclusion

- 7.1. The proposed development complies with the principles of the policies outlined above and would not cause sufficient detriment to warrant refusal of the application.

8. Recommendation

- 8.1. Approve subject to the following conditions

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires that the materials used match the main building
 - 3 Limits the approval to 3 years (Full)
-

Case Officer: Leah Russell

Photo(s)



Picture 1: Front elevation



Picture 2: Side elevation



Picture 3: Side boundary

Location Plan



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Birmingham City Council

Planning Committee

15 October 2015

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>
Refuse	13	2015/07088/PA 1163 Warwick Road Acocks Green Birmingham B27 6RG Change of use from retail shop (Use Class A1) to hot food take-away (Use Class A5) and installation of extraction flue
Approve - Conditions	14	2015/05261/PA Hay Hall Business Park Unit 1 Hay Hall Road Tyseley Birmingham B11 2BE Change of use from industrial building (B2) to flexible uses including business (B1(b & c)) or general industry (B2) or storage/distribution (B8) use
Approve - Conditions	15	2015/06091/PA 90 Oakwood Road Sparkhill Birmingham B11 4HD Erection of single storey side extension.

Committee Date:	15/10/2015	Application Number:	2015/07088/PA
Accepted:	27/08/2015	Application Type:	Full Planning
Target Date:	22/10/2015		
Ward:	Acocks Green		

1163 Warwick Road, Acocks Green, Birmingham, B27 6RG

Change of use from retail shop (Use Class A1) to hot food take-away (Use Class A5) and installation of extraction flue

Applicant: Mr Malik Nawaaz
1163 Warwick Road, Acocks Green, Birmingham, B27 6RG
Agent: Arcon Architects
250 Walsall Road, Great Barr, Birmingham, B42 1UB

Recommendation

Refuse

1. Proposal

1.1. [Link to Documents](#)

- 1.2. This planning application seeks consent for the change of use from a vacant retail shop (Use Class A1) to a hot food takeaway (Use Class A5) on the ground floor only with the installation of an extraction flue to the rear of the property.
- 1.3. The internal floor plans shows a specific customer waiting area, a service counter along with a cooking area, rear food preparation and storage area to the rear and a W/C. The total floor area would be approximately 113sqm.
- 1.4. The proposed use would operate between the hours of 10:00 to 23:00 hours daily with up to three full-time employees employed at the site.
- 1.5. The applicant has stated that the site currently has no parking provision and no additional parking is proposed as part of this planning application.
- 1.6. The proposed extraction flue would rise through the rear single-storey flat roof element and would be mounted on the rear of a two-storey wing element at a height of 3.4m from the roof of the rear flat roof extension (or 7.5m from ground level) and would not extend above the eaves height of the main building's roof.

Background to Submission

- 1.7. A planning application for the change of use of 1163 Warwick Road, Acocks Green from an existing A1 retail use to a hot food takeaway A5 use was determined in July 2015.
- 1.8. The application was refused planning consent under delegated powers in July 2015 as it was contrary to Policy 4 of the Shopping and Local Centres Supplementary Planning Document (2012) and Policies 8,6 and 8.7 of the Birmingham Unitary

Development Plan (2005) whereby the proposal resulted in an over concentration of hot food takeaways within the parade/frontage which would have adversely affected its vitality and viability and would have exceeded the 10% threshold placed on such uses within a parade/frontage.

- 1.9. The application has subsequently been resubmitted for determination with no changes to the submission from the applicant.

2. Site & Surroundings

- 2.1. The application site comprises of a two-storey mid-terrace property which has operated as a retail unit on the ground floor (Use Class A1) with storage space above.
- 2.2. There is a privately owned car park and hand car wash directly to the rear of the parade of units along this section of the Warwick Road but does not provide access to the rear of the property. Whilst there is a small forecourt to the front of the property this does not provide a parking area due to the positioning of new street furniture along Warwick Road. However, the District Centre has a number of public car parks along with the provision of on street parking within walking distance of the unit.
- 2.3. There are 11 units, with a variety of uses, located along this section of Warwick Road, from the Holy Souls Church at the western end of the parade to the junction of Victoria Road at the eastern end of the parade, within which the application site is centrally located.
- 2.4. The surrounding area is mixed with both commercial and residential activities undertaken along Warwick Road, a main arterial route in the south east of Birmingham. The application site is located within the Primary Shopping Area of the Acocks Green District Centre as defined within Birmingham City Council's Shopping and Local Centres SPD and forms part of a large commercial parade that stretches along Warwick Road for approximately 1km within which the application site is located.
- 2.5. The nearest school to the application site is Sacred Heart and Holy Souls Catholic Primary School which is situated approximately 15m away from application site in an easterly direction and is also situated within the Acocks Green District Centre.

2.6. [Site Location](#)

3. Planning History

- 3.1. 2015/04145/PA – Change of use from retail shop (Use Class A1) to hot food take-away (Use Class A5) and installation of extraction flue at 1163 Warwick Road, Acocks Green, B27 6RG – Refused on over-concentration of A5 uses in parade/frontage (above 10% threshold) – 22/07/15.

4. Consultation/PP Responses

- 4.1. 4 no. local neighbours have written in to express their support on the following points;
 - Will be healthy competition between businesses.
 - Will attract more customers.

- Would bring a greater variety of food to the area.
- 4.2. Acocks Green Village BID – Express their support for the proposal and state the following;
- The reasons for not granting this application previously were not valid as the old Johnsons Cleaners building (further along the parade) was granted change of use for the very same thing last year and that building was much larger (Perios Restaurant and take-away) than then current application site.
 - The change of use would enable the owner to offer high quality food in a row of properties already engaged in hot food but his offering would be of a different fayre, therefore giving a further selection to our community.
 - The current business would close in its present form if the owner is not granted change of use as it is not economically viable to continue, and this will leave another vacant property on the high street.
- 4.3. Transportation Development – No objection.
- 4.4. Regulatory Services – No objection, but suggest the imposition of planning conditions specifically related to the provision of extraction/ventilation, limiting the hours of operation of the site to between the hours of 10:00 and 23:00 Monday to Sunday, the provision of noise insulation between commercial and residential accommodation and the provision of appropriate refuse stores.
- 4.5. Birmingham Public Health – Raise concerns and suggest refusal of the application on the grounds that if a hot food takeaway is located within 400 metres of a school and the school objects or if 10% or more of units within the neighbourhood centre are occupied by A5 uses.
- 4.6. 1 no. local business has written in to object to the proposal on the following points;
- There are already 4 no. hot food takeaways in the parade of units which do not attract day time trade for the centre.
- 4.7. Councillor Roger Harmer – Objects to the proposal on the following points;
- The area already has more than enough fast food takeaways.
 - The shop is close to three schools and childhood obesity is a major problem in Acocks Green as it is across Birmingham.
- 4.8. Acocks Green Primary School – Objects to the proposal on the following points;
- The area near the school is already saturated with fast food outlets and I would urge you to decline this application, not least because there is a huge onus on schools to promote healthy eating.
- 4.9. Acocks Green Neighbourhood Forum – Objects on the following points;
- Members have voiced their objections to yet another eating establishment in Acocks Green shopping centre, especially so near to two schools.
 - There would be three takeaways in this block of shops plus Perios in the adjacent building.
 - Another takeaway would add to the bad litter problem which already exists in Acocks Green shopping centre.

5. Policy Context

- 5.1. National Planning Policy Framework (2012), Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2013), Supplementary Planning Document for Shopping and Local Centres (2012), Supplementary Planning Document on Car Parking Guidelines (2012).

6. Planning Considerations

6.1. Principle of Development.

- 6.2. The 'Shopping and Local Centre' SPD defines existing Local Centres within Birmingham and seeks to direct new facilities to these areas. The site falls within the Primary Shopping Area of the Acocks Green District Centre. The surrounding area is mixed use in character. Consequently, I consider that the proposed use at this location is acceptable in principle.

- 6.3. Policy 4, of the 'Shopping and Local Centre' SPD, seeks no more than 10% of units within the centre or frontage shall consist of hot food takeaways (use class A5) in order to avoid an over concentration of units with an A5 use class. Within this parade of units, from the Holy Souls Church at the western end of the parade to the junction of Victoria Road at the eastern end, there are 11 units out of which there are 3 existing hot food takeaways (Use Class A5) representing 27.27% of units.

- 6.4. A survey of the Acocks Green District Centre was undertaken on the 24th June 2015 to provide an up to date overview of the District Centre and it was observed that 150 separate units were in situ with 13 of those units operating as an A5 use. This represents that 8.66% of units within the District Centre are operating under an A5 use class.

- 6.5. This proposal seeks to increase this by 1 unit for A5 use and would result in a concentration of 36.36% of units within the immediate parade being within hot food takeaway use (Use Class A5) and 9.33% of units within the entire Neighbourhood Centre when utilising the June 2015 survey data.

- 6.6. Taking into account the overall individual frontage calculations, the A5 use class concentration already exceeds the 10% threshold for the frontage but would not exceed the 10% threshold for the whole district centre.

- 6.7. Policy 1 within the Shopping and Local Centres SPD states that at least 50% of all ground floor units within the primary shopping area of a neighbourhood centre should be retained as A1 retail use. In this case 61.33% of A1 retail uses exist within the primary shopping area and this would not fall below the 50% threshold as a result of the proposal.

- 6.8. Consequently, whilst the proposal would further reduce the availability of retail shops it would not be to detrimental levels. However, it would lead to an overconcentration of hot food takeaway use within the property frontage which would have an adverse impact upon the vitality and viability of the neighbourhood centre and would be contrary to the objectives laid out within the Shopping and Local Centres Supplementary Planning Document, specifically policy 4. As such, the proposal could not be supported.

6.9. Residential Amenity.

- 6.10. Regulatory Services have raised no objections to the proposal but did comment upon the omission within the submitted application of details related to extraction, ventilation and noise impacts. As such, they have requested a number of planning conditions be attached should consent be granted.
- 6.11. The planning conditions relate to the provision of details for extraction and ventilation, the provision of noise insulation between the ground and first floor accommodation (between commercial and residential accommodation) and a condition restricting the hours of operation of the unit to the hours specified by the applicant (10:00 – 23:00 Daily).
- 6.12. I concur with Regulatory Services viewpoint and consider that in the event of an approval and subject to the imposition of necessary planning conditions related to the submission of extraction and ventilation details, noise insulation and a restriction upon the hours of operation, the proposal is unlikely to have an adverse impact upon the amenity of residential occupiers and other commercial uses within the immediate vicinity of the site.
- 6.13. Highway Safety.
- 6.14. Transportation Development has been consulted on the proposal and have raised no objections to the proposal.
- 6.15. The application site is located within the Acocks Green District Centre which has good public transport accessibility, is located on the Strategic Highway Network, A41 Warwick Road, and is located in an area that is subject to areas of restricted and unrestricted stay periods. In addition, the public highway directly outside the application site is currently being refurbished with wider footways and a new on street parking bay providing additional parking for up to 4 vehicles.
- 6.16. Whilst the applicant has not outlined within the submission delivery schedules or potential loading areas it is considered that this information could be secured via planning condition in the event of an approval. Consequently, it is considered that the proposal would not adversely impact upon the local highway network and the proposal is appropriate in this regard.
- 6.17. Visual amenity.
- 6.18. The proposed extraction flue would be situated to the rear of the property and is unlikely to have an adverse impact upon the visual amenity of the immediate area and would not be seen from the public highway.
- 6.19. The applicant has not submitted any additional details regarding the appearance of the front elevation of the unit other than to say that they would be utilising the units existing shop front and security shutters.
7. Conclusion
- 7.1. The NPPF, adopted UDP and Shopping and Local Centres SPD seeks to prevent an over concentration of takeaways within both a retail frontage and neighbourhood centre.
- 7.2. The proposed hot food takeaway would exceed the maximum allowance of ten percent for hot food takeaways within the immediate frontage, creating a cluster which would adversely affect the vitality and viability of the neighbourhood centre.

7.3. The proposal does not comply with the objectives of the policy context as set out above, and is therefore recommended for refusal.

8. Recommendation

8.1. Refuse.

Reason for Refusal

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|---|--|
| 1 | The proposal would exceed the maximum allowance of ten percent for hot food takeaways within the parade/frontage and would adversely affect its vitality and viability. The proposal is therefore contrary to Policy 4 of the the Shopping and Local Centres Supplementary Planning Document (2012) and Policies 8,6 and 8.7 of the Birmingham Unitary Development Plan (2005) and the NPPF. |
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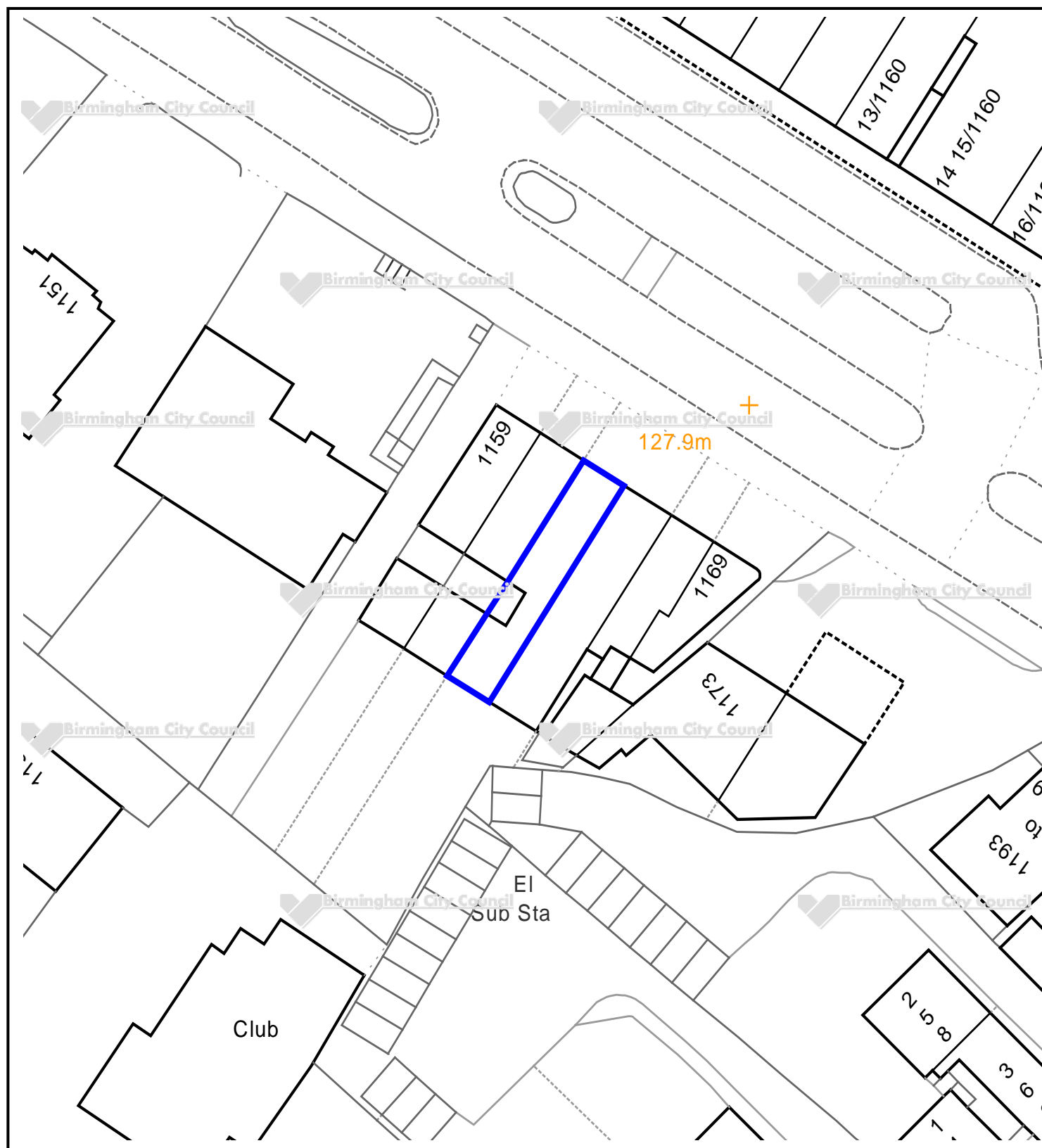
Case Officer: Mohammed Nasser

Photo(s)



Fig. 1 – Warwick Road Frontage.

Location Plan



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Committee Date:	15/10/2015	Application Number:	2015/05261/PA
Accepted:	05/08/2015	Application Type:	Full Planning
Target Date:	04/11/2015		
Ward:	South Yardley		

Hay Hall Business Park, Unit 1, Hay Hall Road, Tyseley, Birmingham, B11 2BE

Change of use from industrial building (B2) to flexible uses including business (B1(b & c)) or general industry (B2) or storage/distribution (B8) use

Applicant:	First Industrial Ltd and Hallco 1265 Ltd Canal Mill, Botany Brow, Chorley, PR6 9AF
Agent:	DPP One Limited Barnett House, 53 Fountain Street, Manchester, M2 2AN

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. [Link to Documents](#)

1.2. Application for the change of use of a long-established (1920/30s) B2 industrial building to also incorporate B1(b) research and development, B1(c) light industry and B8 storage and distribution. The premises have been vacant since April 2015 and the purpose of the application is to obtain a flexible planning consent to assist with marketing and attracting a new occupier.

1.3. The premises have a GIA of 11,460sqm and no external alterations are proposed. The premises have no allocated parking spaces but within the wider business park, parking is available to the east (30spaces) and southwest (50 spaces).

2. Site & Surroundings

2.1. The application premises are a large industrial unit that forms part of a wider complex (Hay Hall Works) within the Tyseley Energy Enterprise District. The wider area consists of a wide mix of industrial uses, including the Tyseley Incinerator to the north beyond the Grand Union Canal. Hay Hall (Grade II Listed Building) is located to the southeast.

2.2. [Site location](#)

3. Planning History

3.1. None.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to condition restricting a change of use to business offices.
- 4.2. Regulatory Services – Require the provision of vehicle charging points.
- 4.3. Neighbouring premises, local Councillors and MP consulted with site and press notices posted. No responses received.
5. Policy Context
- 5.1. Birmingham UDP, Draft Birmingham Development Plan, Car Parking Guidelines SPD, Tyseley Energy Enterprise District Local Development Order (Draft) and the NPPF.
6. Planning Considerations
- 6.1. The application site falls within the Tyseley Energy Enterprise District and also designated as core employment land within The Draft Birmingham Development Plan. The surrounding area consists of a wider mix of industrial and other uses suitable for an industrial context as well as the Tyseley Incinerator. As such the existing and proposed uses conform to the site's surroundings and no objection is raised in principle.
- 6.2. The premises falls within a cluster of industrial buildings that would have originally been utilised by a single operator. The complex has subsequently been subdivided into a number of units for separate occupation. Due to the age of the buildings and the complex they do not have separate service yards and parking provision that are found associated with modern industrial units. Therefore, circulation / servicing space around the complex, as well as parking, is provided on a far more ad hoc basis. The applicant has identified areas within the wider complex that can accommodate parking, these being some 30 spaces to the east and some 50 spaces to the southwest.
- 6.3. It is recognised that this is often a common arrangement for such traditional industrial buildings and often occupiers will utilise some of the building's internal floorspace for parking and servicing. Furthermore, access to the premises is via the wider complex and as such any potential issues would be contained within the site and unlikely to impact upon the public highway. In light of the traffic generation associated with the existing use being similar to the proposed additional industrial uses, it is considered that there is unlikely to be an adverse impact on highway safety. Transportation Development concurs with this view.
- 6.4. The proposed industrial uses are compatible with surrounding uses and the strategic importance of the area and would have no adverse impact on neighbour amenity. Regulatory Services raise no objection and requests that charging points for electric vehicles are provided. Within the context of the nature of the proposal and its existing use this request is not considered necessary to make the application acceptable in planning terms.
7. Conclusion
- 7.1. The proposal would provide a more flexible consent for a variety of industrial uses on the site that would have no adverse impact on neighbour amenity or highway

safety and would accord with the strategic objective for the wider area. As such planning permission should be granted.

8. Recommendation

8.1. Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Prevents the uses from changing to B1(a) offices |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the approval to 3 years (Full) |
-

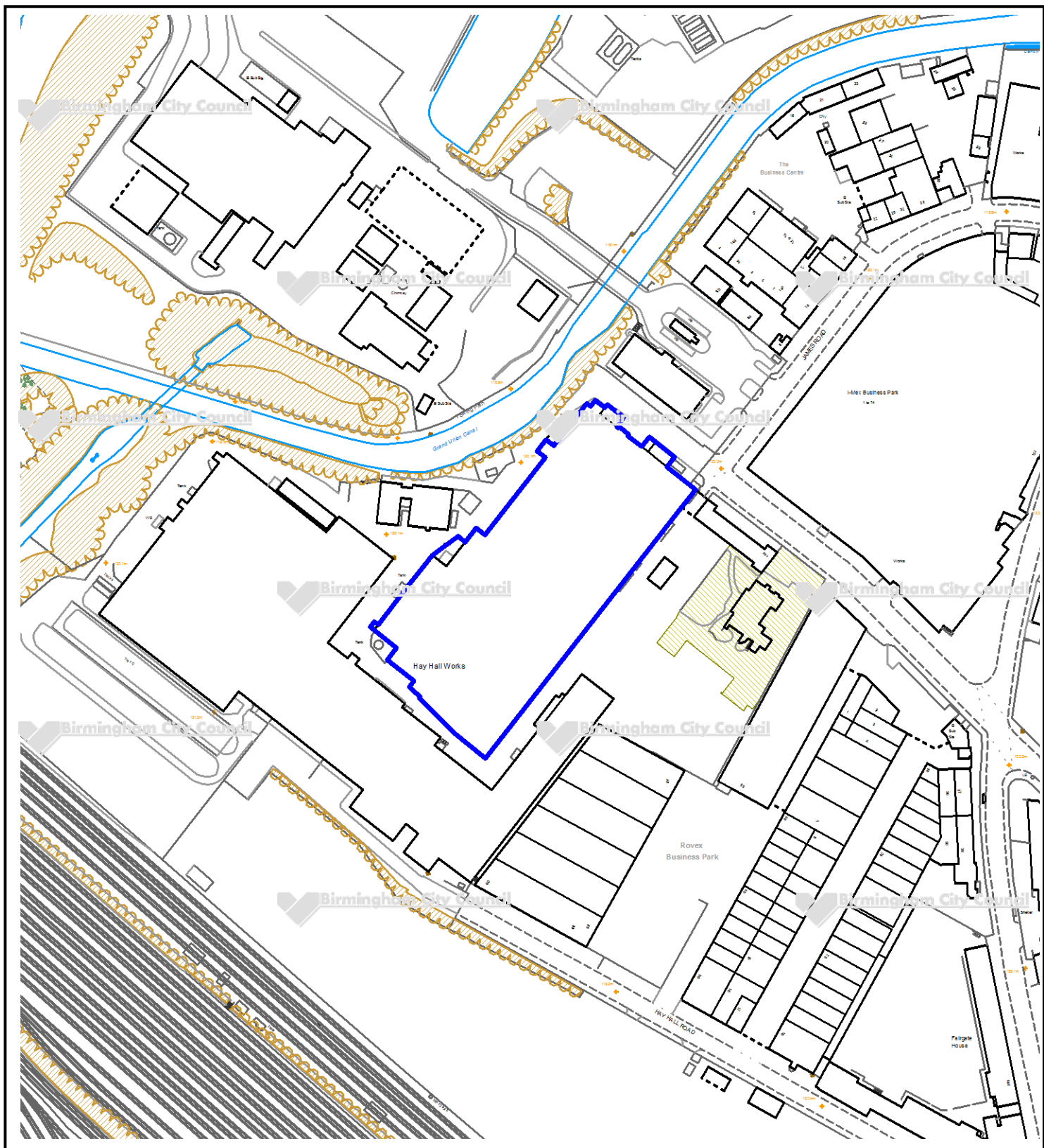
Case Officer: Peter Barton

Photo(s)



Figure 1 – Entrance to Hay Hall Business Park off Redfern Road

Location Plan



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Committee Date:	15/10/2015	Application Number:	2015/06091/PA
Accepted:	24/07/2015	Application Type:	Householder
Target Date:	18/09/2015		
Ward:	Springfield		

90 Oakwood Road, Sparkhill, Birmingham, B11 4HD

Erection of single storey side extension.

Applicant: Mr M Ayub
90 Oakwood Road, Sparkhill, Birmingham, B11 4HD
Agent: Arcon Architects
250 Walsall Road, Great Barr, Birmingham, B42 1UB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for a single storey side extension.
- 1.2. The proposed extension would be 6.6m deep and 3.9m wide. Amended plans have been provided to change the design of the proposed roof and to reduce the eaves height to 2.6m with has a maximum height of 6.6m to the ridge. The extension is to provide an extension to the existing kitchen.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a modern detached back land dwelling that is sited to the rear of No.88 Oakwood Road. The property has a gabled roof design and is perpendicular to the properties fronting Oakwood Road. There is a large amenity area with the property sited in the middle of the plot with a large detached garage to the front of the dwelling. The property is largely screened from the highway and is accessed by a narrow driveway to the side of No.88. The drive and front amenity area is block paved and is not segregated from the rear amenity area to No.88.
- 2.2. Nos.86 and 88 are traditional styled semis that have rear elevations facing the side of the application dwelling and are sited at a higher ground level.

[Site Location](#)

3. Planning History

- 3.1. 18/04/1994 (1993/05087/PA) – Outline permission approved for residential development.

- 3.2. 01/02/2001 (2000/03230/PA) - Permission approved for the erection of one, 4-bedroom house.
- 3.3. 17/09/2001 (2001/02774/PA) - Permission approved for the erection of a double garage.
- 3.4. 13/07/2015 (2015/04127/PA) – Permission refused for the erection of two storey side extension and carport.

4. Consultation/PP Responses

- 4.1. Neighbours and local Ward Councillors have been notified and no responses have been received.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham UDP (2005).
 - Draft Birmingham Development Plan (2013).
 - Places For Living (Adopted Supplementary Planning Guidance 2001).
 - The 45 Degree Code (Adopted Supplementary Planning Guidance 1996).
 - Extending your Home (Supplementary Planning Document 2007).
- 5.2. The following national policies are applicable:
- NPPF- Delivering Sustainable Development (2012).

6. Planning Considerations

- 6.1. The application has been assessed against the policies outlined above. The principal matters for consideration are whether the proposal would safeguard the visual character and appearance of the original property, the amenity of the surrounding street scene, and the amenities of neighbouring occupiers.
- 6.2. I consider that the design and scale of the extension is acceptable. The proposal would not compromise the existing character or architectural features of the property, or have a detrimental impact on the general street scene. The proposal would be in accordance with the general principles contained within 'Extending Your Home' (SPD).
- 6.3. The extension would comply with your Committee's 45 Degree Code.
- 6.4. The proposal would not meet your Committees distance separation guidelines as outlined within 'Places for Living' (Supplementary Planning Guidance) and 'Extending Your Home' in respect of No.88 Oakwood Road. A distance of 12.5m is required between neighbouring windowed elevations and the proposed development. The development falls short of this requirement by 1m. However, the affected property is sited at a higher ground level and as such I do not consider that the proposal would have a significant impact on the outlook to the neighbouring property sufficient to warrant refusal of the proposal.

7. Conclusion

- 7.1. This application is recommended for approval as the proposal complies with the objectives of the policies as set out above.

8. Recommendation

- 8.1. That planning permission be approved subject to 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 | Limits the approval to 3 years (Full) |
-

Case Officer: Catherine Golightly

Photo(s)



Figure 1: Front of No.90

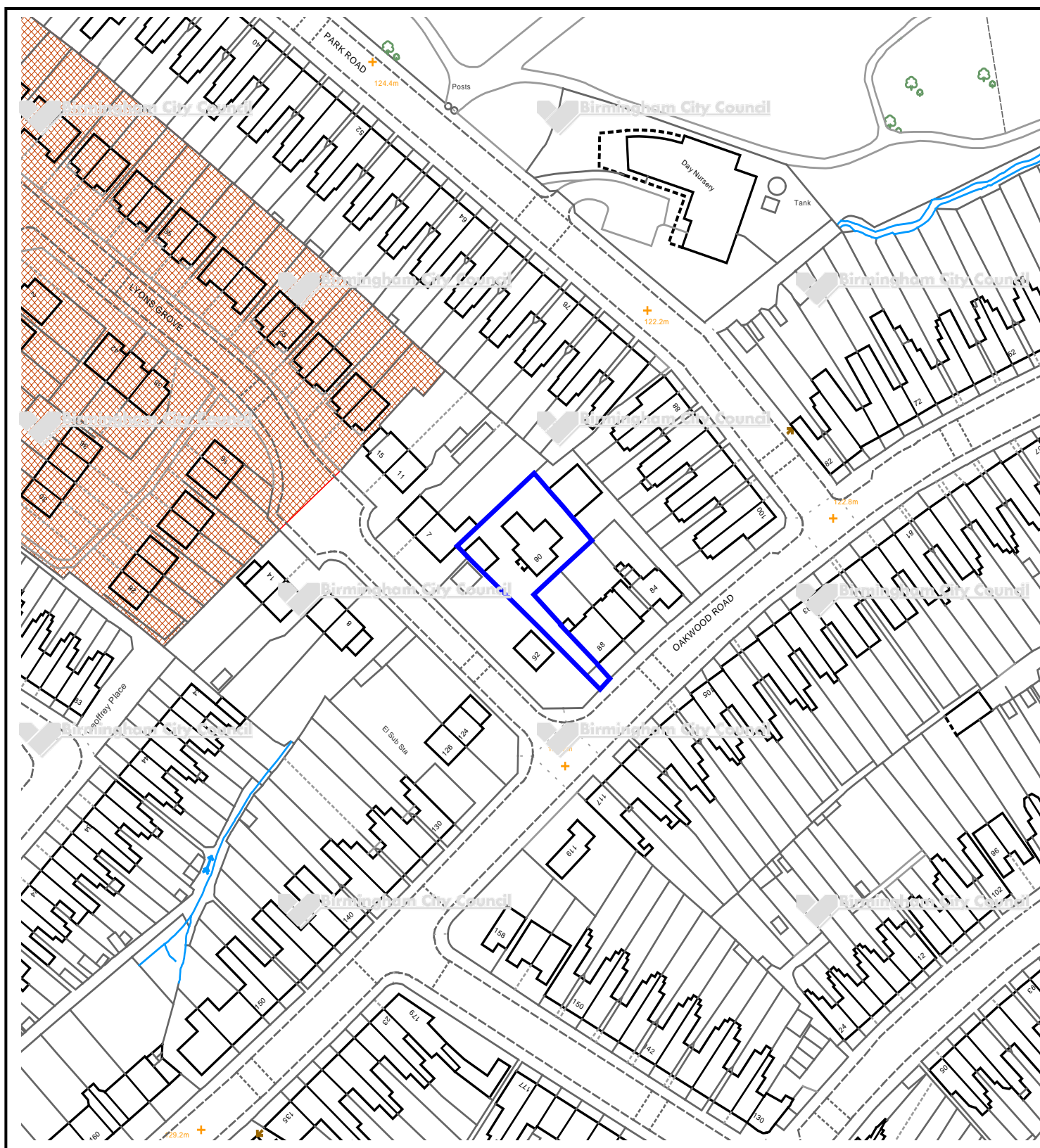


Figure 2: Side of No.90



Figure 3: Rear of No.88

Location Plan



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Birmingham City Council

Planning Committee

15 October 2015

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Refuse	16	2015/06895/PA Rear of 183 Cole Valley Road Hall Green Birmingham B28 0DG Continued use of rear of property for internet-based car sales business (Sui Generis) and retention of single storey detached building and 2m tall boundary fence
Approve - Conditions	17	2015/05113/PA Harborne Gospel Hall Lonsdale Road Harborne Birmingham B17 9QX Demolition of existing building and erection of 2 dwelling houses with associated access
Approve - Conditions	18	2015/00061/PA Selly Oak Park Selly Oak Birmingham B29 6SS Restoration works to part of Lapal canal along the north side of Selly Oak park, comprising clearance of debris/soil, repair of canal walls, clearance of vegetation and improvements to the canal path.
Approve - Conditions	19	2015/07159/PA 7 Dartmouth Road Selly Oak Birmingham B29 6DR Erection of single storey detached outbuilding.

Approve - Conditions

20

2015/00518/PA

1 Hagley Park Drive
Rubery
Birmingham
B45 9JZ

Retention of single storey side garage
extension.

Committee Date:	15/10/2015	Application Number:	2015/06895/PA
Accepted:	02/10/2015	Application Type:	Full Planning
Target Date:	27/11/2015		
Ward:	Hall Green		

Rear of 183 Cole Valley Road, Hall Green, Birmingham, B28 0DG

Continued use of rear of property for internet-based car sales business (Sui Generis) and retention of single storey detached building and 2m tall boundary fence

Applicant:	Mr Ravinder Singh 183 Cole Valley Road, Hall Green, Birmingham, B28 0DG
Agent:	Michael Edwards Associates Fazeley Studio 17, 191 Fazeley Street, Digbeth, Birmingham, B5 5SE

Recommendation
Refuse

1. Proposal

- 1.1. This application is for the continued use of the yard to the rear of a Class A1 retail unit for an internet based car sales business, and for the retention of a single storey detached building and 2m tall boundary fence on the site.
- 1.2. Your Committee originally refused an application for the proposed use in 2011. The Applicant went on to satisfactorily address the layout/manoeuvring concerns and so was able to secure a consent under planning application 2012/01788/PA for a similar such use on 21st June 2012 for a temporary one year period. This was intended to provide the opportunity to assess the impact of the business on the amenities of occupiers in the vicinity and on highway safety. The temporary approval was subject to a number of conditions including restrictions on opening hours, on the number of vehicles on site, and on the number of customers visiting at any one time. This temporary permission was not implemented before its expiry. A limited use commenced in May 2014 and following an enforcement complaint concerning the unauthorised use of the site for car sales (2014/0433/ENF), a retrospective planning application – 2014/03880/PA - was made. Your Committee approved the application on 2nd October 2014 for a one year temporary period in order to assess the impact of the business on the amenity of occupiers in the vicinity and on highway safety.
- 1.3. The Applicant has explained that the use would continue to operate in the same way as that which was described under the previous planning application 2014/03880/PA. It is stated that cars for sale would be stored at a holding base elsewhere and brought to the site in advance of a customer's appointment. Up to five cars would be stored on the site at the rear. The Applicant would not carry out mechanical operations, rather aesthetic tidying-up care before sale. Cars for sale would be advertised via websites such as Auto Trader and appointments to view

would be made directly with the Applicant by potential purchasers via email or telephone. The site would be laid out at the rear to accommodate five cars for sale plus one customer parking space. Hours of use would be 0900-1800 hours Monday to Saturday and 1100-1700 hours on Sundays. Appointments would be restricted to one per half hour and two staff would be employed full time.

- 1.4. Permanent consent is sought for the retention of a single storey detached building located at the far end of the rear yard, adjacent to the eastern boundary of the site. The building would continue to be used as an office for the car sales business. The building measures 9.5m in length, 4.2m in width, and 2.6m in height. Facades are constructed of red brick, with a flat roof.
- 1.5. Permanent consent is also sought for the retention of boundary fencing comprising of 1.6m tall timber panels on a 0.4m tall concrete base, giving a total height of 2m. It has been erected along the north boundary of the site and part of the east boundary until it meets the detached building.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located on the eastern side of Cole Valley Road, close to the roundabout junction with Robin Hood Lane. The premises are located at the end of a row of five terraced commercial premises, with residential above at first floor. The surrounding area is predominantly residential. To the rear of the site is a railway line; whilst to the east is an area of open space. No. 183 itself is in use as a newsagent, with the car sales use operating to the rear and vehicular access to the rear via the shop forecourt and through a set of timber gates.

[Site Location Map](#)

3. Planning History

- 3.1. 16/08/2011 - 2011/4021/PA - Change of use from retail (use class A1) to Internet car based sales (sui generis) and retention of single storey detached structure to rear and erection of boundary fence – Refused due to concerns regarding highway safety, the impact on the residential character of the area and of noise on the amenities of nearby occupiers.
- 3.2. 21/06/2012 - 2012/01788/PA – Change of use of rear of property from retail (Use Class A1) to Internet Based Car Sales (Use Class Sui Generis), retention of a single storey detached structure and erection of boundary fence – Approved for a one year temporary period with conditions
- 3.3. 02/10/2014 - 2014/03880/PA - Continued use of rear of property for car sales business (sui generis) and retention of single storey detached structure and 2m tall boundary fence – Approved for a one year temporary period with conditions

A number of enforcement complaints, including most recently:

- 3.4. 2014/0433/ENF – Enforcement investigation into unauthorised use of premises for the sale of vehicles – Awaiting outcome of this application.

4. Consultation/PP Responses

- 4.1. Transportation Development - Object - Based on the evidence provided, it is considered the continuation of this use at the application site would continue to result in the illegal parking taking place upon the public highway.
- 4.2. Regulatory Services - No objection
- 4.3. West Midlands Police - No objection – Noted the recent complaints to West Midlands Police from a local elected member. In relation to a site visit on 8th September 2015 the rear yard had 9 vehicles present in breach of Condition 2 of 2014/03880/PA
- 4.4. Network Rail - No objection
- 4.5. Local Councillors, Residents' Associations and the occupiers of nearby properties notified of the application. The following responses have been received as summarised:
- Roger Godsiff M.P. – Objects – My views, and those of the local Councillors and residents, were that planning permission should never have been given, even on a temporary basis, for car sales. An appeal would have been a matter for the applicant. The Council have been given an absolute run-around over this saga and should not now capitulate over this matter otherwise there would be fairly rapid destruction of established residential areas such as Cole Valley Road.
 - Councillor Burden – Objects - It remains an unsuitable location for a car sales business, which is what it has become. This is a residential area and this business does not fit well. The owner and tenants have shown a complete disregard for the Council and local residents through their conduct and their disregard for the stated conditions and there have been numerous incidents of anti-social business practice to neighbours through late night activity, noise, breaching the conditions etc. I know you have received numerous complaints from residents and evidence of this throughout the year.
 - Councillor Bowles – Objects - None of the conditions laid down under the previous consent have been adhered to i.e. the parking of cars on the road, the marking out of vehicle parking, the amount of cars for sale etc. The District Engineer fitted a new low level wooden fence to stop the owners parking their cars and carrying out work on the green open space adjoining the premises and the highway. This fence has been broken by the cars from this site parking too close and hitting the fence.
 - Councillor Jenkins – Objects – I was very vocal about the original application and all of the concerns raised at the time still stand. Following this application being granted, representations were made that the operators at the site were continually disregarding the conditions laid down. I do not think that this is a suitable site for this type of business operation.
 - 13 letters of objection received from local residents objecting on the following grounds as summarised:
 - Have experienced noise and disturbance in what is a relatively quiet residential area e.g. shouting by the site operators, revving engines,

squealing tyres, vehicles coming and going at all times of the day and night, bonnets going up and down, doors opening and closing

- Complete disregard to the conditions applied to the temporary approval granted last year - Photographic and written evidence has been supplied by many people demonstrating this
- Dangerous driving along the road and the pavement at high speeds
- Blocking of resident's driveways by parked cars
- Sales have been conducted well after 6pm (some being as late as 9pm in the evening) in contravention of planning condition.
- Have been as many as 15 cars packed into the compound, plus at its maximum another high number parked along Cole Valley Road. There have been cars parked in Coleside Avenue and in Webb Lane too.
- The compound is a playground for young people, mainly males and friends of the business operator's son, late into the night. Observed drug dealing and drug taking
- Permanent use would change the character of this block of shops.
- The current unmade surface forming part of the frontage of this development detracts from the visual amenity of the shops.
- Congestion would be worsened by browsers viewing the cars on show
- The traffic island forming the junction of Cole Valley Road, Sarehole Road and Brook Lane has been the location of many traffic accidents; the additional traffic and parking in the area of the premises could lead to the incidence of accidents increasing.
- No demonstration of need for further car lots in Hall Green
- Forecourt and footpath to get to the shops has been blocked by car sales on forecourt creating difficulties for pedestrians, many of whom are school children or elderly
- Often witness cars reversing off forecourt on to highway in front of application site which presents a danger to traffic
- Car sales on frontage has detrimental impact on visual amenity of residential area
- Land grabbing of parts of adjacent site
- Wooden fence erected by the Council has been broken for a second time
- Sales extended to frontage of No. 175 for a time without permission leaving oil stains on drive

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham UDP
- Draft Birmingham Development Plan
- SPD Car Parking Guidelines
- SPG Places for All

5.2. The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

Background

- 6.1. Car sales as an activity is not specifically referred to in the Birmingham UDP. However, this type of use is generally more suited to commercial or industrial areas. Whilst the application site is located to the rear of a commercial property in a small parade of commercial premises, the surrounding area is relatively quiet and residential in character, albeit with traffic noise especially on Cole Valley Road and at the nearby roundabout.
- 6.2. Temporary planning permission was granted under 2014/03880/PA in October last year with the use to cease on 18th September 2015. The LPA considered the use could be acceptable at this location, *subject to adherence to a number of conditions:*
- Condition 1 - Limited the hours of use to 0900-1800 hours Mondays to Saturdays and 1100-1700 hours Sundays and Bank Holidays
 - Condition 2 - No more than five cars for sale, with cars for sale located in rear yard only
 - Condition 3 - Requires marking out of car parking spaces at rear prior to commencement
 - Condition 4 - Visitors to be by appointment only
 - Condition 5 - Only one visitor at any one time
 - Condition 6 - Prevents the use of amplification equipment
 - Condition 7 - No equipment for car washing
 - Condition 8 - Removes permitted development rights for advertisements
 - Condition 9 - Prevents vehicle repairs taking place

Operation of Use

- 6.3. The car sales use has been monitored since May 2014 by the Local Planning Authority and during this period it has received 83 complaints from residents and business owners residing on Cole Valley Road, and from Roger Godsiff M.P. and all three Ward Councillors, relating to the car sales use over this period. Complaints refer to various issues such as the car parking layout not being implemented, there being too many cars for sale on the site and outside of the site, opening times not being adhered, number of visitors to the site being above that restricted, and use of the site for storage of materials relating to other businesses.
- 6.4. The Local Planning Authority have also visited the site for monitoring purposes on approximately 15 occasions between the periods April 2014 – August 2015.
- 6.5. Condition 1 of 2014/03880/PA restricted customer opening hours to 0900-1800 hours Mondays to Saturdays and 1100-1700 hours Sundays and Bank Holidays in order to protect the amenity of surrounding residential occupiers. Local residents have raised complaints and objected to the application on the basis that these hours have been continually breached over the past year. For example a local resident reported that buyers were looking at cars at 8pm on 14th April 2015. A resident objecting to the application notes that sales have been witnessed as late as 9pm in the evening.
- 6.6. Condition 2 of 2014/03880/PA stated that no more than five cars should be for sale in the rear yard only, at any one time. Local residents have raised complaints (with photographic evidence) and objected to the application on the basis that this condition has been continually breached over the past year. For example complaints from local residents include: 7th April 2015 - thirteen cars parked on the forecourt/highway over the Easter Bank Holiday weekend when the newsagents shop was closed (photographed as evidence); 8th May 2015 – a grey hatchback was parked for most of day on the pavement outside No. 183 and customers were

shown around it; 28th March 2015 - a car was parked on the forecourt of No. 175 and was advertised on the Robin Hood Motors website; and 30th April 2015 seven cars were noted to be parked on the frontage, one of which a red 4x4 advertised for sale on the Robin Hood Motors website was parked on the pavement outside No. 183 for over three and half hours.

- 6.7. The Council's Enforcement Officer has also noted the use operating in breach of the above condition on several occasions during the past year. He noted two cars parked on the forecourt with sales adverts affixed to them on 23rd October 2014, and noted 10 cars parked on site at the rear (only three advertised for sale) on 9th December 2014. On more recent site visits he noted that no vehicles were advertised for sale, but for example on 9th June 2015 seven cars were parked in the rear compound and three cars were parked on the frontage; on the 20th June 2015 4-5 cars were parked in the rear compound and three cars parked on the forecourt for over an hour; on 1st May 2015 three cars were parked on the forecourt; and on 4th April 2015 four cars were parked on the forecourt and six cars parked in the rear compound. The number of cars parked on the forecourt and within the rear compound appears excessive for normal visitor parking to the newsagents/flats above and indicates with a degree of certainty that this condition has regularly been breached. There are a number of photographed examples of specific vehicles parked on or near to the site with number plates that match those specific vehicles pictured at the same time shown for sale on the Robin Hood Motors website.
- 6.8. Condition 3 of 2014/03880/PA required the marking out of parking spaces within the rear compound prior to commencement of use. The marking out has to date not been carried out and the use has therefore been operating in breach of this condition with many more cars being parked in the rear compound than allowed.
- 6.9. Conditions 4 and 5 of 2014/03880/PA required that visitors to the site be by appointment only, and that there should be no more than one visitor at any one time respectively. It has been difficult to evidence that the use has been operating in breach of these conditions. Notwithstanding, when the Robin Hood Motors website was checked it did not inform potential customers that an appointment had to be made prior to visiting the site.
- 6.10. Condition 8 of 2014/03880/PA removed permitted development rights for advertisements on the site. In the subsequent months following the approval bunting was displayed on site, as was sales advertising affixed to cars. For example local residents complained of bunting and the advertising of warranty on the roof of cars on 17th Oct 2014 and 20th October 2014. Advertisements subsequently ceased to exist on the site in the early part of the year.
- 6.11. Conditions 6, 7 and 9 either appear not to have been breached or irregularly breached. The only known incident of vehicle repairs taking place on the site was reported by a local resident on 12 October 2014 when they noted the proprietor or employee of the car sales business undertaking repairs to, and preparing a Nissan Micra, for sale on the forecourt.

Visual Amenity

- 6.12. As has been evidenced above, in respect of Condition 2 in particular, there have regularly been an above average number of vehicles parked on the forecourt of No. 183 relating to the car sales use, sometimes spilling out on to adjoining shop forecourts, the highway and pavement, and the adjoining grass verge. Given this is a small parade in a residential area the number of cars parked creates an overly

commercial character and appearance, one which is at odds with the predominantly residential surroundings. In addition the use of bunting and sales advertisements attached to cars at times over the past year has increased the commercial appearance of the immediate area. Therefore I consider the continued use would have a detrimental impact on the visual amenity of the surrounding area.

- 6.13. I consider the detached building, due to its size, siting to the rear of the site, and materials does not adversely affect visual amenity. Similarly, I consider that the retention of the northern boundary fence would have no adverse impact on the visual amenity of the surrounding area.

Residential Amenity

- 6.14. As has been evidenced above, in respect of Conditions 1 and 2 in particular, the car sales use has been operating over the past year during the evenings, when background noise levels would normally be lower and adjoining residents would be at home and expect to enjoy a reasonable level of amenity. Residents have reported noise and disturbance occurring from shouting by the site operators, revving of engines, squealing of tyres, vehicles coming and going at all times of the day and night, bonnets going up and down, and doors opening and closing. In addition, some residents have reported being woken in the night by noise and disturbance associated with the application premises and have reported incidences of anti-social behaviour occurring at the premises. However, it is more difficult to attribute this directly to the car sales use.
- 6.15. Whilst I note Regulatory Services have raised no objection to the proposal it is clear from the volume of complaints received over the past year with specific examples that no attempt has been made to adhere to the planning conditions attached to 2014/03880/PA and the continuation of the use would therefore result in noise and disturbance which would adversely affect the amenity of nearby residential occupiers.

Parking and Highway Safety

- 6.16. Transportation Development have objected to the proposal. Based on the photographic evidence provided from the Enforcement Team and local residents over the past year they raise concerns that a number of conditions attached to 2014/03880/PA have not been met, including cars being stored in excess of the maximum permitted and the parking areas not being marked out, as required by Conditions 2 and 3. They note that it is clear that vehicles for sale have been parked on the public highway, blocking footway areas along Cole Valley Road. Based on the evidence provided, they consider the continuation of this use at the application site would continue to result in illegal parking taking place upon the public highway. Local residents have also reported having their driveways blocked by sales vehicles at times and have observed inappropriate manoeuvring and parking of vehicles associated with the use over the past year. Therefore I concur the continuation of the use would be detrimental to pedestrian and highway safety.
- 6.17. I do not consider the additional traffic generated by the continuation of the use would be so significant as to impact upon congestion and freeflow of the adjoining highway.

7. Conclusion

- 7.1. I consider the retention of the single storey detached structure and boundary fence would not be detrimental to the visual amenity of the surrounding area.
- 7.2. The car sales use has now been in operation for over 16 months and site monitoring and complaints from local residents over the past year have revealed the regular breach of conditions attached to the temporary planning permission 2014/03880/PA. It would seem that a car sales operation is unable to operate at these premises *and* comply with necessary conditions. It is clear that the disregard had to adhering to these safeguarding conditions has resulted in adverse impacts on residential amenity, visual amenity and highway safety. Therefore I consider that the continuation of the car sales use as proposed at the application premises would continue to cause noise and disturbance to adjoining residential occupiers, adversely affecting their amenity; it would continue to impart an unduly commercial character and appearance on this predominantly residential area to the detriment of visual amenity; and it would continue to result in detriment to pedestrian and highway safety. The proposal would not constitute sustainable development and I recommend that planning permission is refused.
8. Recommendation
- 8.1. Refuse

Reasons for Refusal

-
- 1 The continuation of the car sales use at the application premises would continue to adversely affect the amenities of occupiers of dwellings/premises in the vicinity by reason of noise and general disturbance. As such the proposal would be contrary to Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
 - 2 The continuation of the car sales use at the application premises would continue to impart an unduly commercial character and appearance to this predominantly residential area to the detriment of visual amenity. As such it would be contrary to Paragraphs 3.8, 3.10, and 3.14C-D of the Birmingham UDP, Places for All Supplementary Planning Guidance, and the National Planning Policy Framework.
 - 3 The continuation of the car sales use at the premises use would continue to result in illegal and excessive parking on the forecourt and public highway, to the detriment of pedestrian and highway safety. As such it would be contrary to Paragraphs 3.8, 3.10 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-

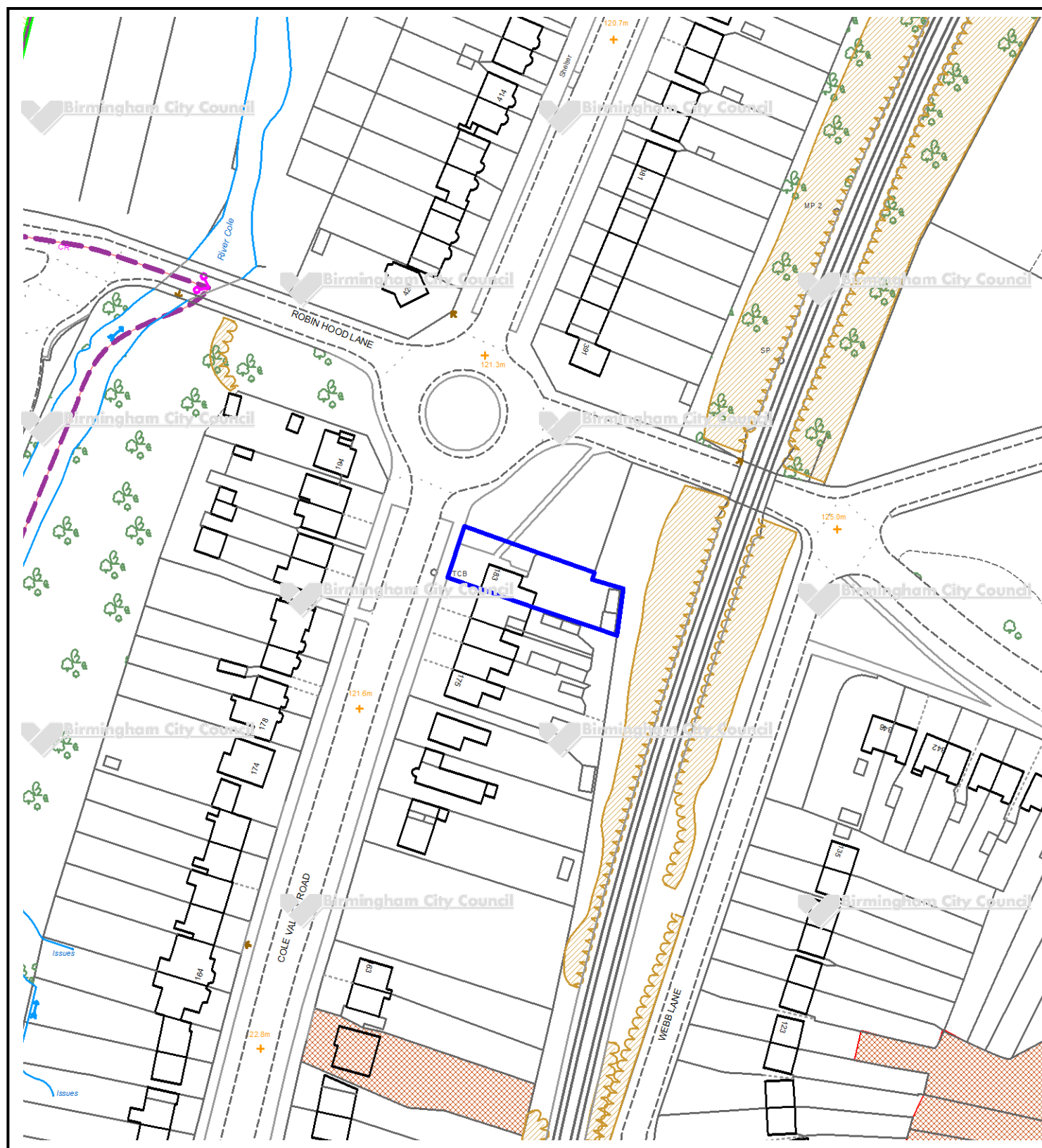
Case Officer: Andrew Conroy

Photo(s)



Figure 1 – View from roundabout junction looking south down Cole Valley Road with cars for sale on forecourt of No. 183

Location Plan



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Committee Date:	15/10/2015	Application Number:	2015/05113/PA
Accepted:	26/06/2015	Application Type:	Full Planning
Target Date:	21/08/2015		
Ward:	Harborne		

Harborne Gospel Hall, Lonsdale Road, Harborne, Birmingham, B17 9QX

Demolition of existing building and erection of 2 dwelling houses with associated access

Applicant:	Grange Securities c/o Agent
Agent:	Zebra Architects Stablemasters Cottage, Basin Road, Diglis, Worcester, WR5 3GA

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This planning application seeks approval for the demolition of the vacant single storey former wooden Scout hut and replacement with a pair of semi-detached 2 ½ storey dwellings within the existing site boundary. The proposed dwellings would be finished in white render with slate roof tiles.
- 1.2. The dwellings would have a gabled roof. A bay window is proposed to the front elevations of both properties along with a dormer with a pitched roof. To the rear of each dwelling would be a single storey element along with a flat roofed dormer window. Additionally to the rear is a raised decked patio area with a ramped "landing" area. To the side elevations two second floor and first floor windows are proposed. These windows would serve a bathroom, wc and landing area.
- 1.3. Consent is further sought for the installation of a new boundary wall to the front. The new boundary wall would measure 0.9m high. Adjacent to the proposed new wall would be a hardstanding area which would provide one parking space per dwelling and landscaping.
- 1.4. At ground floor, the proposed dwelling houses would accommodate an entrance hall, living room, open plan kitchen/dining area, sitting room and WC. At first floor level the proposed dwellings would accommodate two bedrooms and a bathroom. At second floor a further bedroom would be provided along with a study and WC.
- 1.5. Both dwellings would measure approximately 4.6m in width, 18m in depth and a height of 11.1m (7.2m to eaves). The proposed bedrooms would offer room sizes ranging from 17.9 sqm to 13.8 sqm. Private amenity space of 70 sqm would be provided to the rear of plot 1 and 65 sqm to the rear of plot 2. The dwellings would be separated from no.15 by 2.9m by an access way leading to the rear of Lonsdale Road houses. The houses would be set back 5.8m from the pavement.
- 1.6. Site area is 0.035 ha. Density is 57 dwellings per hectare

1.7. Supporting documents are:

- Design & Access Statement
- Construction Method Statement

1.8. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site currently contains a detached vacant former scout hut and is located within a predominately residential area on the periphery of a commercial area (Harborne High Street). The local area has a mixture of architectural styles with the immediately neighbouring properties being Victorian terraced dwellings.

2.2. To the north, neighbouring properties are in use as single dwellings.. To the east the predominant use is residential, with some retail uses to the south east of the site. To the south is a veterinary practice and further to the south is Harborne Swimming Pool.

[Site Location Map](#)

3. Planning History

3.1. 29/05/2015 – 2015/04248/PA – Pre-application enquiry for demolition of the existing single storey timber building, and erection of either two terraced houses or a three storey apartment building.
Advised would be acceptable in principle for residential use.

4. Consultation/PP Responses

4.1. West Midlands Fire Service – No response

4.2. Regulatory Services – No objection subject to a condition requiring a scheme of noise insulation.

4.3. Severn Trent Water Ltd – No objection subject to a drainage condition

4.4. West Midlands Police – No objection

4.5. Transportation – No objection subject to a condition requiring the footway crossing to be constructed at the applicants expense

4.6. Local occupiers, Ward Councillors, and Residents/Traders Associations notified and site notice posted.

4.7. Seven letters received from local occupiers objecting to the proposed development on the following grounds:

- Loss of light to neighbouring properties

- Overlooking and loss of privacy
 - Increased parking demand
 - Over intensive development of the site
 - Loss of access to side of 15 Lonsdale Road
 - Impact on trees
 - Security of existing properties
- 4.8. One of the letters of objection further advises that the land adjacent 15 Lonsdale Road is a right of access that serves 15, 17, 19, 21, 23, 25, 27 and 29 Lonsdale Road and access will not be permitted without the express consent of the owners.
- 4.9. The Harborne Society do not object but comment that the site would be better suited to a single dwelling.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham UDP (2005)
- Draft Birmingham Development Plan
- Places For Living (2001)
- Mature Suburbs (2008)
- 45 Degree Code (2006)
- Car Parking Guidelines (2012)

The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

- 6.1. The main issues for considering of this application concern the principle of the development, design and appearance, scale and siting, living conditions, impact on neighbouring properties and the impact on the highway.

Principle of Development

- 6.2. Paragraph 3.8 of the adopted Unitary Development plan states that the City's environmental strategy is based on the need to protect and enhance what is good in the City's environment and to improve what is less good. The keynote is on quality and paragraph 3.10 of the UDP states that proposals which would have an adverse effect on the quality of the built environment will not normally be allowed.
- 6.3. The proposal would contribute towards housing demand within the City on a brownfield site and I therefore raise no objections in principle to the use of this site for residential development. Furthermore, the site is within an established residential area which further supports the development of the site for residential.

Design and Appearance

- 6.4. The Council's Mature Suburbs Residential Development Guidelines SPD states that proposals should be informed by a detailed contextual appraisal to determine the character of the area, including consideration of built form, spatial composition, architectural style, enclosure, density and levels of vegetation. It recommends that the appraisal should be incorporated in a design statement showing how the

proposal fits into the character of the area. It goes on to say that plot size, building form, landscape and boundary treatment, plot access, parking provision and design style will be considered when appraising the design proposals. It also notes that proposals that undermine and harm the positive characteristics of a mature suburb will be resisted.

- 6.5. The proposed dwellings would be of broadly traditional design and have been designed to replicate the character of the terraced properties along this side of Lonsdale Road. I note that the design has considered the design of the existing terrace and retained the character therein, including the bay windows, ridge height and roof design. I consider that the proposed dwellings would result in a positive addition to the existing street scene character, which would not look out of place. As such I consider that the building is well designed in all respects and I consider it accords with the character of surrounding development.

Scale and Siting

- 6.6. I consider that the proposed dwellings would have a similar footprint to the existing dwellings within this location and would follow the established front building line. I further consider the scale of the proposed dwelling houses at three storeys (with second floor accommodated in the roof space) would be consistent with the scale of adjacent houses in the street scene.

Living Conditions

- 6.7. I am satisfied that living conditions within the proposed dwellinghouse would be acceptable, with bedroom sizes exceeding the minimum size guidelines set out in the Council's Places for Living SPG. The rear gardens would provide private amenity space that would meet the recommended amenity space on plot 1 and would be marginally under on plot 2. However, I am satisfied that sufficient private amenity space would be provided and the under provision (of 5 sqm) on plot 2 would not be sufficient to withhold consent.

Impact on Neighbouring Properties

- 6.8. I am satisfied that the proposed dwellinghouses would not breach the Council's 45 Degree Code in relation to ground and first floor habitable room windows on the rear elevation of the adjoining 15 Lonsdale Road and I consider that there would be no loss of light. To the side elevations there would be two second floor windows and one first floor window. I note that these windows would not serve habitable rooms however I consider it appropriate to attach a condition which requires all side windows to be obscurely glazed to mitigate any overlooking concerns.

Highway Safety

- 6.9. Transportation Development do not object to the proposed development and I consider that the existing lawful use as a scout hut would place a higher demand on parking and traffic needs. Transportation Development have recommended that a condition should be applied that requires the new footway crossing to serve the new driveway off Lonsdale Road should be installed to City specification. I consider that it is appropriated to require by condition that the access points are provided prior to the first occupation of either house.

Local Objections

- 6.10. A primary concern raised by local residents is with respect to access to the site. The side access is a shared access for communal use and I have shared this information with the applicant who has provided a written statement which explains the limited use of the access during construction, to minimise inconvenience to existing residents who seek to utilise this access. I am satisfied that the applicant has adequately addressed the issues of access but note, ultimately, that it is a private matter.
- 6.11. Local residents have also expressed concerns to the potential loss of trees. I note that there are no trees on site.
- 6.12. Concerns relating to potential overlooking have been previously addressed by way of a condition which requires obscured glazing to be provided to the side elevations. With respect to overlooking onto the rear garden of 49 Lordswood Road I note that the separation distance would be 20m from the rear elevation of the proposed dwelling and as such this complies with the requirements in Places for Living.
- 6.13. Concerns have been raised speculating that the proposed works could have detrimental impact on the security of existing properties. West Midlands Police have raised no objection to the proposal and as such I have no security concerns.

Other Issues

- 6.14. Regulatory Services have raised no objection to the proposed development. They recommend attaching a condition requiring a scheme of noise insulation to safeguard future occupiers from noise disturbance. I consider that given the location of the site within a residential area future occupiers are unlikely to encounter significant noise disturbance. I therefore do not consider a noise condition to be appropriate on this application.
- 6.15. The City's Landscaping officer has not objected to the proposed development but has requested good quality low walls with low shrub/hedge planting, along with appropriated planting and hard surfacing. I therefore consider it appropriate to attach a condition for both hard and soft landscaping to ensure that a high quality scheme of landscaping is achieved.

7. Conclusion

- 7.1. I consider the proposed development would help meet the City's housing demand by providing two dwelling houses on a brownfield site, which positively responds to the local distinctiveness and character of its surroundings. There would be no greater impact of the proposed development on traffic and parking compared to the existing lawful use or the amenity of adjoining occupiers. Therefore I am satisfied that the proposal would constitute sustainable development and I recommend that planning permission be granted.

8. Recommendation

- 8.1. Approve with conditions

1	Requires the scheme to be in accordance with the listed approved plans
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-
- 2 Requires the prior submission of hard and/or soft landscape details
 - 3 Requires the prior submission of hard surfacing materials
 - 4 Requires the prior submission of boundary treatment details
 - 5 Requires the prior submission of a drainage scheme
 - 6 Footway crossing to widened at applicants expense
 - 7 Requires the prior submission of sample materials
 - 8 No consent is given to the side elevation
 - 9 Requires the prior submission of details of obscure glazing
 - 10 Requires the prior submission of level details
 - 11 Limits the approval to 3 years (Full)
-

Case Officer: Martin Mackay

Photo(s)

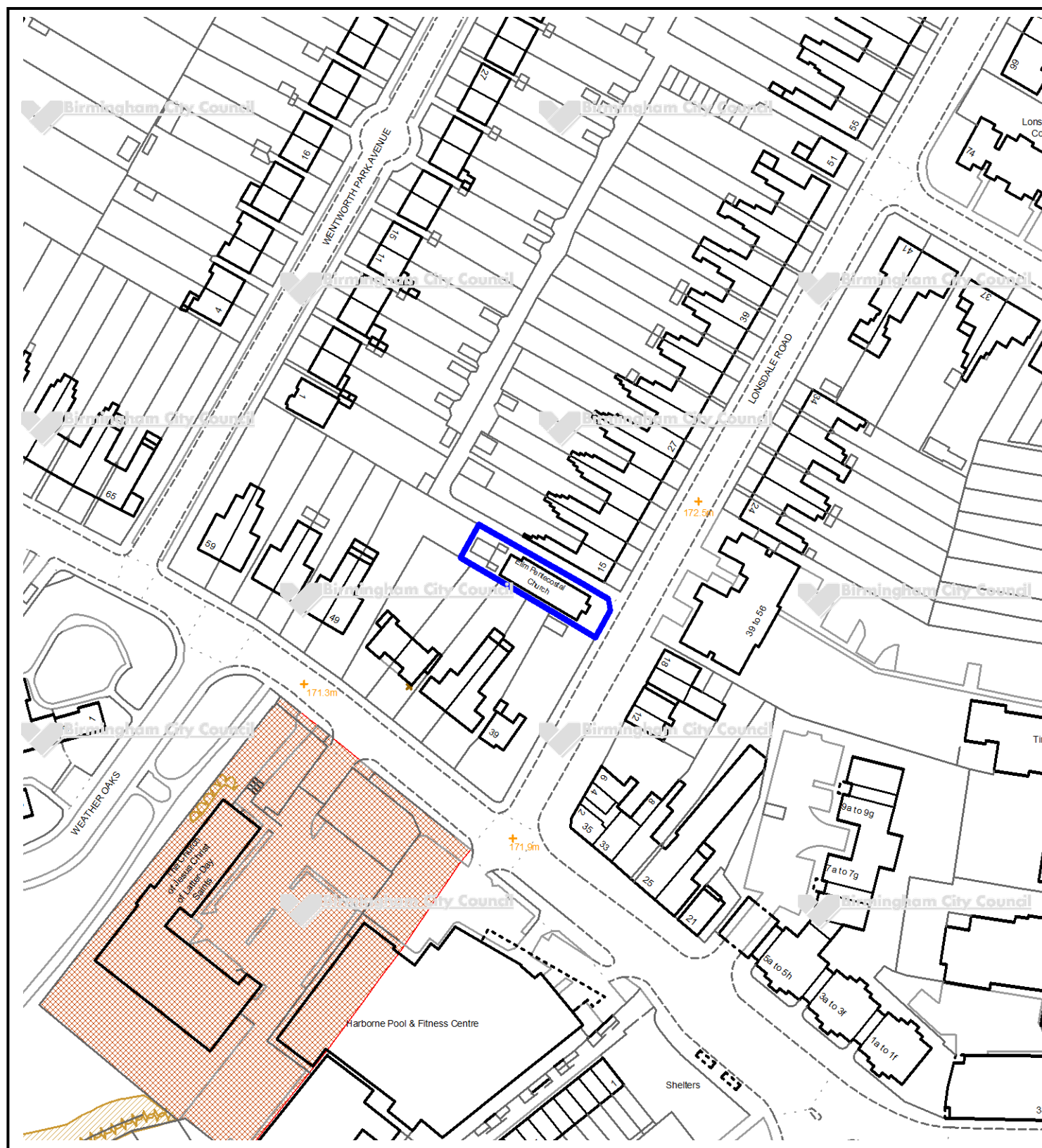


Looking north along Lonsdale Road, with the site just out of picture to the left



The front of the site, including side passage adjacent to no. 15

Location Plan



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Committee Date:	15/10/2015	Application Number:	2015/00061/PA
Accepted:	11/09/2015	Application Type:	Full Planning
Target Date:	06/11/2015		
Ward:	Selly Oak		

Selly Oak Park, Selly Oak, Birmingham, B29 6SS

Restoration works to part of Lapal canal along the north side of Selly Oak park, comprising clearance of debris/soil, repair of canal walls, clearance of vegetation and improvements to the canal path.

Applicant: Lapal Canal Trust
18 St Georges Close, Birmingham, B15 3TP
Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is for works which form part of a wider proposal (by the applicant) for the restoration of a section of the Dudley no. 2 (Lapal) canal along the north side of Selly Oak Park, to the west of Harborne Lane.
- 1.2. The scheme currently for consideration is a significantly reduced proposal from that originally submitted in terms of both the size of the area covered and the works to be undertaken.
- 1.3. When the application was originally submitted, the proposals covered a significant stretch of the canal, running the full length of the park from Harborne Lane (at the east end) and extending westwards along the rear boundaries of properties on Reservoir Road (to the north) up to the rear gardens of houses on Corisande Road (at the west end).
- 1.4. The original submission also proposed extensive works, including references within the supporting information to potential residential moorings, a new turning loop, gates to prohibit access to the north side of the canal, a 'marina' and jetty to serve the adjacent scouts hut, and the creation of a pathway to the south.
- 1.5. The site is now restricted to a relatively small area immediately adjacent to Harborne Lane, extending northwards only as far as an existing pedestrian bridge over the canal (from between nos. 183/187 Harborne Lane onto the park) – approximately 115m length by some 9–18m width.
- 1.6. The revised submission limits the proposal to works comprising:
 - Clearance of debris/soil;
 - Repair of canal walls;

- Clearance of vegetation and improvements to the canal path.

1.7. The application submission was supported by the following documents: Planning Statement, Design and Access Statement, Statement of Community Involvement, Land Contamination Report, Tree Survey and Arboriculture Statement, Archaeological Statement; Flood Risk Assessment, Ecological Appraisals/Ecology Management Plan and Site Master Plan

1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises an area of land at the east end of Selly Oak Park adjacent to Harborne Lane, close to the new roundabout at the southern end of the Birmingham Battery site. The site is set significantly below the road, which becomes a bridge at this point. Immediately adjacent, to the east of the site, a concrete 'tunnel' runs beneath this bridge, to accommodate a potential water course.
- 2.2. To the south is a scout hut and associated parking, with houses beyond on Gibbins Road. To the north are properties fronting Harborne Lane. These are predominantly residential, with a former nursing home converted to student accommodation at no. 187.
- 2.3. To the west and south-west is Selly Oak Park. The line of the original canal runs along the northern boundary of this, with residential properties backing onto it at this point. The Gardens of houses on Corisande Road abut the park at its western boundary.
- 2.4. The site sits at the edge of Selly Oak centre, to the west of the Birmingham Battery site/proposed Life Sciences campus. As such, there are a mix of commercial uses to the east, but with residential properties fronting Harborne Lane to the north- east.
- 2.5. The approximate line of the original canal is still visible here, with a towpath running along its northern edge at the Harborne Bridge end. The towpath moves to the south side across an original bridge beyond the north-west boundary of the application site. The area is overgrown and the canal partial filled with soil, silt and rubbish, with some (rain) water in the bottom.

[Site Location](#)

3. Planning History

Adjacent site

- 3.1. 28th November 2013. PA No. 2013/02178/PA. Outline planning application for mixed use development comprising of life sciences campus (Use Classes B1a, B1b, B1c), supermarket (Use Class A1), non-food retail units (Use Class A1), financial and professional units (Use Class A2), cafe and restaurant units (Use Class A3), drinking establishments (Use Class A4), hot food take-away (Use Class A5), leisure (Use Class D2), student accommodation (Sui Generis), petrol filling station (Sui Generis), a linear open space walkway 'greenway', vehicular Access to the site, car parking (including multi storey car parking), landscaping, retaining walls, and associated works including demolition of existing buildings. Matters Reserved: Scale, Layout,

Appearance, Landscaping, pedestrian and cycle Access, and vehicular Access within the site – approved.

4. Consultation/PP Responses

Consultations

- 4.1. Environmental Protection Unit – no objection. Applicant will need to comply with EPU construction policy, particularly in relation to control of noise/air pollution. A condition should be attached to deal with any unexpected contamination.
- 4.2. Local Services - No objection in principle. Details concerning how work will be undertaken and management need to be agreed with the owner of the park and canal (BCC). Request the imposition of a condition regarding the future operating model for the canal to be agreed with BCC prior to any works. Works will need to be implemented and supervised through the City's Landscape Practice Group.
- 4.3. Have some concerns about the piecemeal nature of some of the restoration work to the canal wall by volunteers - liability in terms of ongoing maintenance/health and safety. Consider wall should be repaired, then covered up to protect it from the elements. Would not allow any further excavation of the wall unless it was part of a complete scheme to resurrect this part of the canal.
- 4.4. Local Lead Flood Authority - comfortable with the proposed works being carried out within Area 1 (the amended scheme), providing this does not involve any re-watering of this section of the canal at this stage.
- 4.5. Severn Trent – no comments or objections.
- 4.6. Canal and River Trust – no comments received.
- 4.7. Inland Waterways Association – no comments received.
- 4.8. Environment Agency – no objections in principle.
 - Analytical sampling results show no hazardous contamination present. The accumulated material will be removed and canal base/side liners restored to make an impervious system, thereby breaking any potential links with surrounding 'Controlled Water' receptors.
 - Recommendations in the submitted Ecological Appraisal/Management Plan and Water Vole Survey should be followed. A Management Plan is also required for non-native invasive species.
 - Request imposition of a condition to ensure that the landscape is managed in to protect its ecological value.
 - A licence may be required from the EA if any water needs to be extracted from any inland water or underground strata or if eventually link to the Worcester and Birmingham Canal.

Public Participation

Responses on Original Submission

- 4.9. Adjacent occupiers, Councillors, M.P. and residents association notified. Site and press notices posted.
- 4.10. Letter received from Steve McCabe M.P. requesting that the concerns of one of his constituents be registered with regard to introduction of a gate to the North side of the canal to restrict access and flood risk.
- 4.11. Comments received from Councillor McCarthy. Application was discussed at Selly Ward Committee. Feeling of meeting was generally supportive, but some concerns raised:
- Residents from Reservoir would wish to be able to use the new route (towpath currently on opposite side);
 - Potential flood risk. The weir/tunnel/culvert to the Bourn Brook is blocked and cannot be relied upon to provide overflow drainage. Needs to be resolved as canal is above houses on Reservoir Road; (Ward Committee support these concerns in particular);
 - Believe there is a badger sett within overgrown area adjacent to canal;
 - Permanent moorings inappropriate;
 - Consultation inadequate.
- 4.12. 15 additional objections, as follows:
- Turning loop is a pointless construction as no horse drawn barges now and pedestrian can use a walkway to cross to the south side. There was no such feature originally.
 - Loop appears to occupy land forming part of 187 Harborne Lane's curtilage (documents submitted evidencing ownership). This land already benefits from planning permission – proposal affects its implementation. Loss of privacy/amenity to no. 187's residents and impact on traffic flow/parking available here;
 - Potential flooding particularly if no direct connection to another canal or overflow. Applicant does not explain how this will be managed;
 - Queries received regarding current flood risk requirements for submission of information to the Environment Agency, impacts of the proposals on flood risk elsewhere, and disposal of surface water/drainage systems. Submitted information is inaccurate/out-of-date for Environment Agency's requirements (maps show area is at high risk of flooding). Will the applicant have funds for compensation claims if adjacent houses become uninsurable?
 - Submission contains mis-information. Applicant's reference to a drain is incorrect – just a soak-away not connected to any drainage system. Trees/undergrowth to be removed currently aid water dispersal;
 - Already flooding problems in gardens of properties on Reservoir Road, particularly since work carried out to put in new roundabout and bridge. Request

consideration be given to putting a canal in to solve this problem if plans do not go ahead;

- Lack of public consultation. Request for public meeting;
- Will become a stagnant pond full of rubbish. Used as a dumping ground if not looked after. Potential serious environmental issue;
- Unfortunate that will not link with other canals. Developers at Battery site do not plan to link into Birmingham and Worcester Canal;
- Concern that homeowners would be responsible for maintenance of landscaping along boundary to ensure no risk to canal users;
- Query whether funding has been secured and financial stability of the applicant;
- Concerns regarding the track record of the Trust with regards to management and communication with residents. Previous restoration works have resulted in tree removals, impacts on habitat, destroyed drainage systems, resulted in vandalism/litter and exposure of 200 year old wall to the elements. Query the purpose of the works before a link can be achieved;
- Impact on local wildlife, trees and environment. Loss of green space/amenity to community. Impact on outlook through clearance works;
- Query whether any moorings would be 'policed' by the Trust. Concern regarding implications of moorings to r/o properties on Reservoir Road. Overlooking of gardens from barges. Reduced security and privacy for adjacent residents. Increased noise. Adequate moorings exist elsewhere;
- Proposed restricted access to north side of canal – residents of Reservoir road would not be able to use the towpath at the r/o their properties to access the park new Battery development.
- Impact on property values and insurance costs;
- Lack of clarity/consistency in submission in regard to which elements of scheme are being applied for/potentially approved (including residential moorings);
- Recommendation that application should concentrate on just first phase of proposals, which should be completed to a high standard. Would allow use by scouts and potentially attract funding for later works. Other works are premature;
- Potential canal bank collapse. Landscape works in adjacent gardens could contribute to this;
- Scheme serves no purpose/is ill-thoughtout, just antagonises local residents.

4.13. Canal and River Trust – no comments received.

4.14. Inland Waterways Association – support the application.

4.15. Community Partnership for Selly Oak and the Friends of Selly Oak Park – strongly support the proposed reinstatement of the canal, which will hopefully link into the

sectioned canal across the Battery site and enhance the park with potential for fishing and boating. Will also tidy up this neglected area of land.

4.16. 8 further letters of support:

- Proposal will encourage the Sainsbury's development to construct the link from the Birmingham and Worcester Canal;
- Will help benefit the development/improvement of the Selly Oak business area. Increased visitors would result in increased trade;
- Area is rapidly being developed by the QE, University and commercial interests. This will help preserve some 'breathing space'. Will enhance ecology of the area;
- Would bring together the local community and boat enthusiasts in general;

Responses on Amended Submission

4.17. 5 further responses received.

4.18. 3 responses in support, subject to:

- Protection of private property;
- Minimum noise disturbance during works (a short construction period is preferred);
- No environmental pollution to nearby area;
- Concerned that 'clearance' should mean removal from the site (problems in the past with dredged mud being piled up against fences, creating a security risk).

Proposed work is considered timely, given the opportunity of rubble removal to the Battery Park site.

4.19. 2 objections received, as follows:

- Resubmitted FRA is inaccurate, out-of-date and provides insufficient information on drainage/flood control works;
- The applicant has a history of undertaking works with no regard for residents' concerns or the local environment, and has failed to manage/maintain areas once work completed. No indication of who will be liable for this large area of unfenced water when works complete;
- The applicant has already carried out unauthorised works (removing drainage pipes and weirs), potentially disturbing bat roost;
- Amended submission is unclear (the works described are not reflected on the plan);
- Proposal is to let excavations fill with water after work complete, but existing brick dam at park bridge has been damaged (by the applicant) and so water flows beyond this point (previously an overflow pipe came into use in times of

extreme weather conditions). Canal will fill up with nowhere to go. Now potential increased problem of storm water from adjacent Battery site;

- If application is approved, the work should be closely monitored to ensure it is carried out in a safe manner and appropriate responsibility taken.

5. Policy Context

- 5.1. UDP; Draft BDP; Wider Selly Oak SPD; Archaeology Strategy SPD; Nature Conservation Strategy SPG, NPPF.

6. Planning Considerations

Background

- 6.1. The Lapal Canal/former Dudley No.2 canal originally ran from the Worcester and Birmingham Canal in Selly Oak, under Woodgate Valley to Halesowen. It was infilled in the 1950's and much of it laid out as public open space forming a linear open space walkway ('the Castle Walkway'), with two key sections going into private ownership - including the section across the Birmingham Battery site.
- 6.2. The Lapal Trust was established in 1990 to promote the potential restoration of the canal for navigation, to restore it from Selly Oak to Halesowen. The Trust proposes a phased restoration, with this planning application relating to a small section of the canal within Selly Oak Park on the west side of Harborne Lane. This is intended to eventually link to the section of canal being restored/protected on the Birmingham Battery site and to the Worcester and Birmingham Canal.
- 6.3. The works on the Birmingham Battery site (approved under P.A. no. 2013/02178/PA) propose a canal route for the Lapal Canal, running from the Worcester and Birmingham Canal across the Battery site to the tunnel beneath Harborne Lane. The works include formation of the canal section in part of the route underneath the supermarket, with the rest of the route safeguarded from development so that, should funding become available in the future, the remaining works could still take place and a new canal be opened. The protected route will be planted with grass and have a towpath running alongside its northern edge, operating as a pedestrian and cycle route.
- 6.4. The current proposal – in its amended form – is for clearance works to the section of the canal on the east side of Selly Oak Park, adjacent to Harborne Bridge, opposite the Battery site across Harborne Lane. This application originally proposed more significant works on a longer stretch of the canal, but the additional elements have been abandoned in the short term due to a lack of information (particularly in respect of drainage implications and uncertainty about the exact line of the original canal) and the concerns of local residents. Works proposed are now restricted to just the clearance of debris/soil from this section of the canal, repair of canal walls, clearance of vegetation and improvements to the canal path.

Policy

- 6.5. The UDP, at paragraph 3.47, supports an integrated and linked network of open space throughout the city including formal parks etc. The linking element is provided by linear open spaces ensuring a range of recreational facilities accessible to all.

Paragraph 3.48 states that complementing and forming part of linear open space is a system of interlinked walkways often using canals and rivers. The completion and extension of this network will continue to be a priority.... Paragraph 3.49 states that the importance of the canal systems (which also form part of the linear open space network) will continue to be recognised. Paragraphs 3.34-3.36 set out policies supporting the existing canal network and improvements to it.

- 6.6. Para 20.16A states that new development in Selly Oak “should assist with the future reinstatement of the canal”.
- 6.7. The draft BDP, at Policy TP7, supports the city’s green infrastructure network including canals. Policy GA9 states that Selly Oak and South Edgbaston will be promoted for major regeneration and this will include improvements to the natural environment, completion of key missing links in the City’s linear open space network and improvements to the canal network including assistance for the restoration of the Lapal Canal.
- 6.8. The Wider Selly Oak SPD supports “the enhancement and protection of the existing unique assets, such as the canals ... areas of ecological value and archaeological remains”.
- 6.9. Paragraph 131 of the NPPF advises that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.10. Paragraph 139 refers to non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, advising that they should be considered subject to the policies for designated heritage assets.

Principle

- 6.11. The proposed reinstatement of the canal is consistent with policies contained within the UDP, draft BDP, and Wider Selly Oak SPD and, as such is considered acceptable in principle.
- 6.12. Your Conservation Officer has considered the potential impact of the works on the historic canal. He advises that this is a site of archaeological interest and an important part of Birmingham’s industrial heritage. As such, in determining this application the Local Planning Authority must be satisfied that any works undertaken will not damage the surviving archaeology nor will they undermine the structural integrity of the surviving walls through removal of now compacted soil, which may be supporting them. He would also wish to be satisfied, through condition if necessary, that all the works proposed are supported and in-line with current canal restoration best practice undertaken by the Canal and River Trust.
- 6.13. Your Conservation Officer also considers that a written scheme of investigation for the archaeological works should be required in addition to a method statement for the proposed (clearance & repair) works and confirmation in the form of a report from a conservation accredited structural engineer/surveyor that the re-exposure of the canal walls and features will not harm their structural integrity.

Drainage

- 6.14. The applicant has had ongoing discussions with both the Environment Agency and the City Council's Drainage Division. Significant concerns were raised locally about the adequacy/accuracy of the application submission with regards to drainage/flooding issues.
- 6.15. The necessary information was not available to satisfy the concerns of all parties regarding the implications of the Trust's wider proposals for water management and flooding in the local area. As a result, the proposal has been substantially reduced to now involve only minor works on just a small portion of the original site. The limited nature of these works and the area in which they are located is such that they have prompted no objections from either the Environment Agency or the City's Drainage Team, who are comfortable that this phase of works can be dealt with in isolation, with no adverse impacts.
- 6.16. The Environment Agency notes that water levels in the restored canal would be maintained by naturally intercepting surface water run-off from the park, but advises that if any water needs to be extracted from any inland water or underground strata then a licence may be required from the EA and identifies that a licence may also be required if eventually there is a link to the Worcester and Birmingham Canal.
- 6.17. My Drainage colleagues have confirmed that they have no objection providing that the canal is not filled at this time. The applicant has confirmed that there is no proposal to do this and a condition is recommended to prohibit it.
- 6.18. Residents have expressed concerns that the cleared section of canal will naturally fill with water and become a flood risk and safety concern. However, this would be no different to the current situation, where some water already accumulates within what remains of the original canal.

Trees, Landscape and Ecology

- 6.19. Your Landscape Officer has raised no objection in principle, subject to conditions in respect of landscaping, earthworks, boundaries and levels. In addition your Ecologist requests the imposition of a condition to ensure that the landscape within the site is managed in such a way to protect its ecological value, including the wetland/restored canal section.
- 6.20. The site falls within an identified Wildlife corridor and forms part of a linear route. An Ecological Appraisal/Management Plan and Water Vole Survey were submitted in support of the application. Your Ecologist confirms that this covers the points required to minimise environmental impact during the renovation of the canal line and recommends that a condition should be imposed that the recommendations it contains be implemented. A Management Plan is also required for non-native invasive species. The footbridge beyond the north-west boundary of the site has been identified as a bat roost and this is reflected in the Management Plan, which recommends that a full bat survey should be undertaken of the bridge prior to any repair works and acknowledges that a license may be required. A condition is also recommended to require this survey work to be carried out.
- 6.21. The aforementioned conditions are considered appropriate and are reflected in the Officer recommendation. The imposition of a condition requiring a landscape management plan should also address local residents' concerns in this respect.

Contamination

- 6.22. The submitted Land Contamination Statement includes analytical sampling results which show that no hazardous contamination is present. The accumulated material would be removed and canal base/side liners restored to make an impervious system, thereby breaking any potential links with surrounding 'Controlled Water' receptors such as the underlying Principal Aquifer.

Other Issues

- 6.23. A number of the original local concerns have been addressed through the significant amendments to the submission/site area. These include issues in respect of the proposed moorings, restricted access to the north side of the canal and turning loop.
- 6.24. Land ownership issues have also been resolved through the amended site boundary.
- 6.25. There are ongoing concerns regarding the lack of clarity in the submission in terms of what is being considered at this time and the need for monitoring whilst the work is undertaken.
- 6.26. The amended submission is accompanied only by a site plan, which identifies the area to which the proposed works (identified in the development description) would be carried out. Previous submissions have included a 'Master Plan', detailing the Trust's aspirations for the future. A condition is recommended to clarify that this drawing does not form part of the consideration of the application.
- 6.27. As mentioned above, your Conservation Officer has recommended a requirement for monitoring of the work to be undertaken, because of the heritage value of the site and a condition is recommended to secure this.
- 6.28. Other issues, such as the impact on property values and the applicant's track record/relationship with residents are not material planning considerations. The limited nature of the works now proposed is such that there would be no anticipated impact on existing levels of security. Noise during construction would be controlled through the Environmental Protection Unit's Construction Policy requirements.
- 6.29. The park and canal are in the ownership of the City Council. My Local Services colleagues have raised no objection in principle to the works, but express concern that details will need to be agreed with them regarding how the works will be undertaken and managed – there will be a requirement for supervision by the City's Landscape Practice Group. I consider that agreement of these details would be appropriately dealt with by Local Services (as land owner) outside of the planning process. Similarly, I do not consider that it is necessary at this stage to impose a condition regarding the future operation of the canal.

7. Conclusion

- 7.1. The proposed re-instatement of the canal accords with policy and, as such, is considered acceptable in principle. In addition, I am satisfied that, subject to the aforementioned safeguarding conditions, the proposed works could appropriately be undertaken without harm to the heritage asset, landscape/ecological value of the site or adverse impact on local residents or drainage issues in the vicinity of the site.

8. Recommendation

8.1. Approve, subject to conditions.

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- | | |
|----|---|
| 1 | Requires the prior submission of an additional bat survey |
| 2 | Requires the Implementation of the Ecological Management Plan |
| 3 | Requires the prior submission of a method statement for the removal of invasive weeds |
| 4 | Requires the prior submission of a landscape management plan |
| 5 | Requires the submission of unexpected contamination details if found |
| 6 | Requires the prior submission of hard and/or soft landscape details |
| 7 | Requires the prior submission of hard surfacing materials |
| 8 | Requires the prior submission of earthworks details |
| 9 | Requires the prior submission of boundary treatment details |
| 10 | Requires the prior submission of level details |
| 11 | Requires the prior submission of a programme of archaeological work |
| 12 | No approval given to indicative 'master plan' |
| 13 | Requires the scheme to be in accordance with the listed approved plans |
| 14 | Limits the approval to 3 years (Full) |
-

Case Officer: Alison Powell

Photo(s)

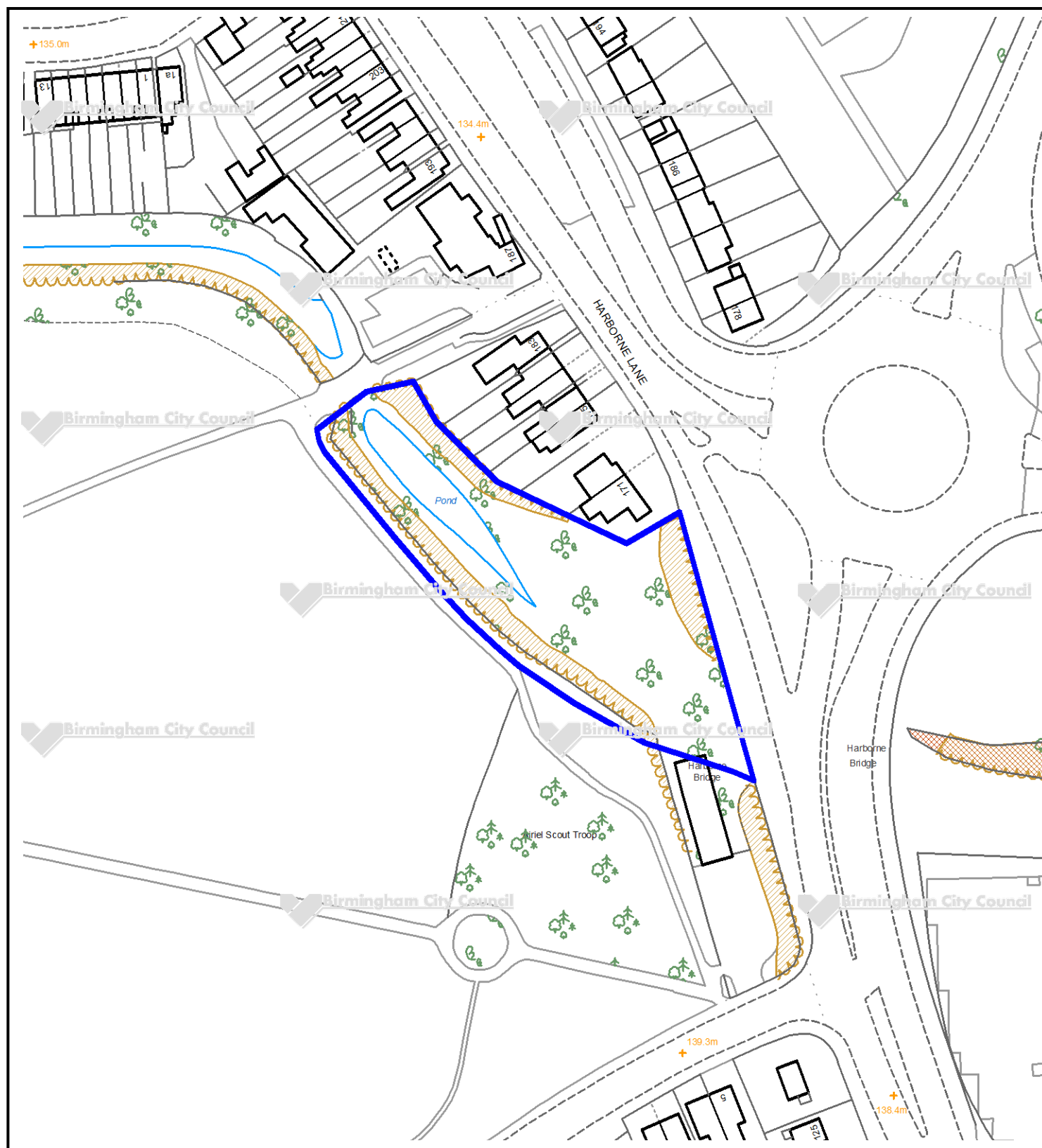


View from site towards Harborne Lane



View of site from Harborne Lane

Location Plan



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Committee Date:	15/10/2015	Application Number:	2015/07159/PA
Accepted:	02/09/2015	Application Type:	Householder
Target Date:	28/10/2015		
Ward:	Selly Oak		

7 Dartmouth Road, Selly Oak, Birmingham, B29 6DR

Erection of single storey detached outbuilding.

Applicant: Mr Stephen Hancox
15 Salcombe Drive, Brierley Hill, DY5 3QX
Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks consent to replace a block of three timber garages located adjacent to the Western boundary of the application site. The replacement single storey outbuilding would provide a domestic storage facility.
- 1.2. The replacement outbuilding would be the same width as the existing garages (8.95m). The depth of the existing garages would be increased to a maximum of 8.4m, with a recessed area to accommodate a car parking space. This recessed area would also allow weather protection during loading and unloading. The building would have brick elevations with a tiled pitched roof over. To the frontage there would be a roller shutter door within the recessed area, and an additional UPVC door and window to the main front elevation.
- 1.3. The existing garden of 70.5 sq m would be maintained to the rear of No.7 Dartmouth Road.
- 1.4. This application is for determination by your Committee as the Applicant is related to a member of staff.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a traditional end terraced dwelling house which occupies a prominent corner plot on the junction between Dartmouth Road and Hubert Road. The application property has a double frontage with the main front door facing Dartmouth Road. The property is fully rendered with a gable roof over. To the side boundary with Dartmouth Road, the private amenity space is enclosed by a 1.8m high wall. To the Western Boundary of the site with No.9 Dartmouth Road there is a block of three timber garages (to be replaced by this proposal). The garages have a corrugated flat roof over with an area of hard standing to the front. They are served by an existing footway crossing off Dartmouth Road.

- 2.2. No.9 Dartmouth Road is an end terraced property is set up from the application site. The surrounding area is otherwise characterised by rows of Victorian terraced housing.
- 2.3. [Site location](#)
3. [Planning History](#)
- 3.1. 26/01/1950- 06529000- Garage- Refused.
- 3.2. 08/11/1079- 06529003- Erection of a canopy roof over bay window and door- Approved.
- 3.3. 22/11/1994- 1994/03743/PA- Erection of a dwelling house with integral garage- Withdrawn.
- 3.4. 08/11/2002- 2002/04621/PA- Rebuild garages with a 1 bed flat over- Refused.
4. [Consultation/PP Responses](#)
- 4.1. Neighbouring occupiers and local Ward Councillors have been notified; one response has been received from the occupiers of No.8 Dartmouth Road raising concerns regarding the future use of the outbuilding and loss of parking.
5. [Policy Context](#)
- 5.1. The Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan, Places For Living SPG (2001), The 45 Degree Code SPG (1996), Extending your Home SPG (2007), Wider Selly Oak SPD (2001), The National Planning Policy Framework (2012).
6. [Planning Considerations](#)
- 6.1. This application should be assessed against the objectives of the policies as set out above. I consider that the design of the proposal and the impact upon residential amenities and the character of the area are the principal matters for consideration.
- 6.2. The proposal would comply with your Committees 45 Degree Code and the numerical guidelines contained within Places for Living (SPG) would be met. The private garden area to No.7 Dartmouth Road would remain as existing.
- 6.3. I consider that the overall design and scale of the proposal is acceptable and would not cause any detriment to the visual or residential amenities of the surrounding area. A condition is attached in order to ensure that appropriate materials are used.
- 6.4. Notwithstanding the concerns raised regarding the future use of the outbuilding, I consider that this would be controlled by means of a condition attached ensuring that the approved development remains incidental to the main use of the host property. I consider that the impact on parking would be neutral given that the existing garages are not used to accommodate cars and due to heavy on street parking in the locality along with the location of the footway crossing the existing frontage can only accommodate one car. It is noted that the proposal would retain one car parking space within the frontage as existing.

7. Conclusion

- 7.1. This application is recommended for approval as the proposal complies with the objectives of the policies as set out above.

8. Recommendation

- 8.1. Recommend- Approval subject to the following conditions:

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- | | |
|---|--|
| 1 | Requires the prior submission of sample materials |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires that the approved scheme is incidental to the main use |
| 4 | Limits the approval to 3 years (Full) |
-

Case Officer: Kerry Challoner

Photo(s)

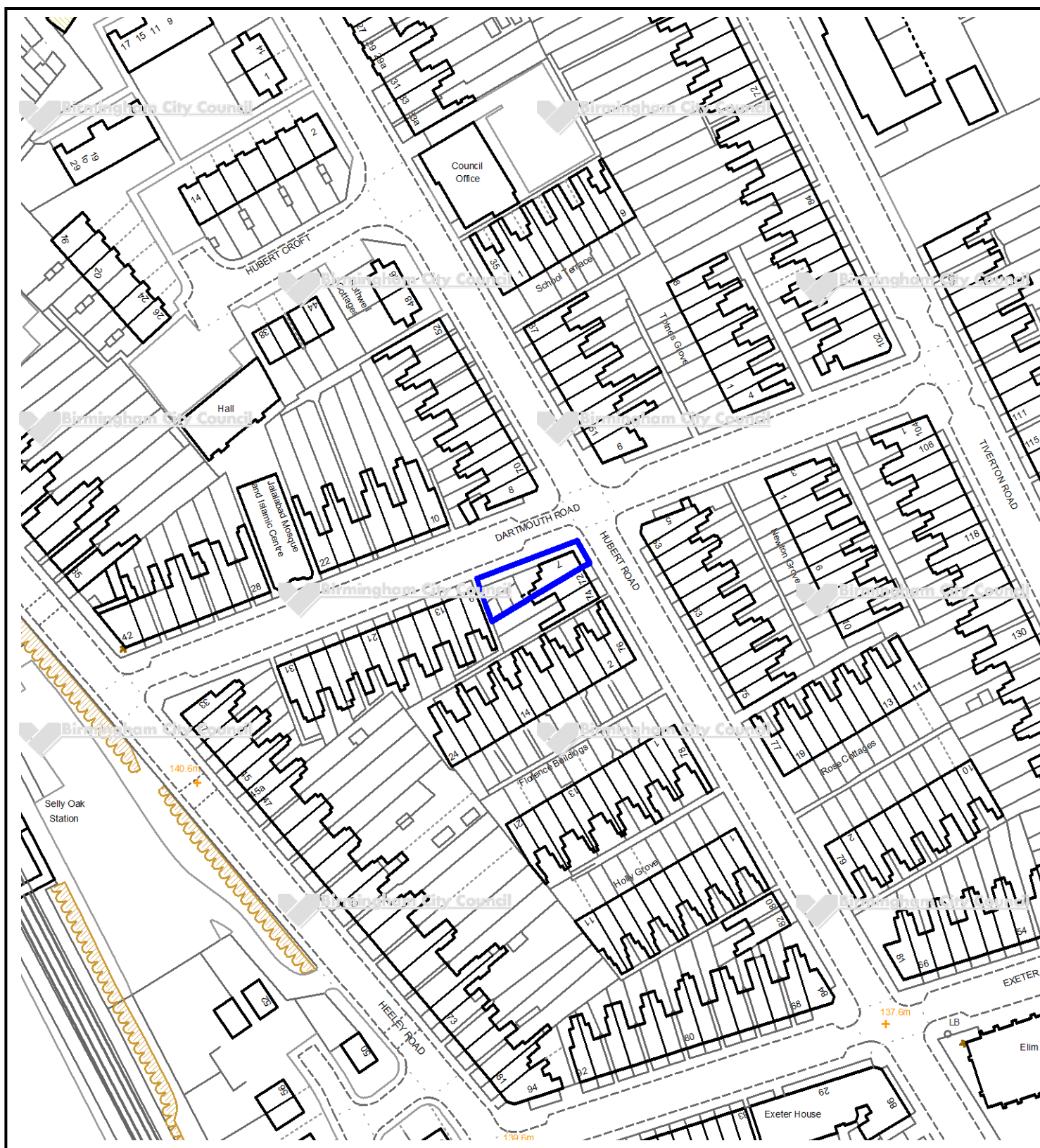


Figure 1. Frontages of the existing garages.



Figure 2. View towards the rear elevation of 7 Dartmouth Road.

Location Plan



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Committee Date:	15/10/2015	Application Number:	2015/00518/PA
Accepted:	20/02/2015	Application Type:	Householder
Target Date:	17/04/2015		
Ward:	Longbridge		

1 Hagley Park Drive, Rubery, Birmingham, B45 9JZ

Retention of single storey side garage extension.

Applicant: Mr Simon Stead
1 Hagley Park Drive, Rubery, Birmingham, B45 9JZ
Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the retention of a single storey side garage extension.
- 1.2. The garage is 4.2m wide with its side extending up to the back of the public footpath on Newman Way, and running the full depth of the house (7m). The extension has a flat roof design to a height of 3m with the roof section felted together with white upvc fascia trim. The side elevation adjoining the highway is rendered but not yet painted.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a two storey detached property that is situated on a corner plot at the junction with Newman Way. The property has a gable roof design and brick elevations. There was an original integral garage, which the applicant has converted into a habitable room. A flat roof garage with rendered side elevation has been erected to the side of the property adjacent to the highway. The garage extension extends up to the back of the footpath with the remainder of the side boundary defined by 1.8m high fencing. The frontage of the site is block paved providing off street parking, and is enclosed in part with low timber picket fencing.
- 2.2. The application property is located within a residential estate characterised by similar style detached, semi-detached and terraced dwellings. No. 43 Newman Way, which is situated on the opposite corner to the application site, has a single storey side garage extension (PA ref: 63809000 - approved 1983).

[Site Location](#)

3. Planning History

3.1. Enforcement

- 3.2. 2014/1360/ENF - Unauthorised erection of side garage extension. Enforcement action held in abeyance pending the determination of this application.

4. Consultation/PP Responses

- 4.1. Adjoining residents, and local ward councillors notified. 15 responses have been received; 3 letters received raise no objections, and 12 letters received have raised objections on the following grounds :

- The size and siting of the garage is out of character and overbearing in comparison to other dwellings.
- The building materials used are not in keeping with other dwellings.
- The garage is large and unattractive.
- The garage is being used for commercial car repairs, which is not acceptable in a residential area.
- Noise, and parking/highway obstruction issues in connection with the car repair business.
- Negative effect on property values.

5. Policy Context

- 5.1. The following local policies are applicable:

- Birmingham UDP (2005).
- Draft Birmingham Development Plan (2013).
- Places For Living (Adopted Supplementary Planning Guidance 2001).
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996).
- Extending your Home (Supplementary Planning Document 2007).

- 5.2. The following national policies are applicable:

- NPPF- Delivering Sustainable Development (2012).

6. Planning Considerations

- 6.1. The application has been submitted following investigations carried out in respect of an enforcement complaint received (2014/1360/ENF), and has been assessed against the objectives of the policies as set out above. The principal matters for consideration are the alleged use of the extension for commercial car repairs; the scale, design and siting of the development and the impact on the architectural appearance of the property, the general street scene and neighbouring properties amenities.

- 6.2. Objections received to the application relate largely to the alleged use of the extension for commercial car repairs, and the detrimental impact this has on the residential area and neighbouring properties in terms of noise nuisance, and associated car parking/obstruction problems on the highway.

- 6.3. As part of the enforcement investigations carried out a Planning Contravention Notice was served on the owner, which was completed and returned. The applicant stated the existing integral garage was being converted to form a habitable room for his father in law who owns 3 classic cars. The side garage was built to store these cars together with other items of scrap value his father in law collects. Basic car repairs had been carried out by his father in law for family and friends, although due to serious ill health this activity ceased. The applicant has confirmed that the car repairs were not carried out on a commercial basis.
- 6.4. The applicant stated that works carried out to cars consisted of electrical work; internal or external alterations etc and tasks that required small tools/car jack. No ramp/cutting equipment welding tools/sheet metal tools or electrical wiring equipment or heavy noisy equipment was used. These car repairs took place between 9am – 5pm.
- 6.5. Planning permission is not normally required where the use of part of a dwelling house does not change the overall character of the property's use as a single dwelling, and the use is considered to be incidental to the enjoyment of the dwelling house as such. I am satisfied from the declarations made in the Planning Contravention Notice that commercial car repairs are not taking place, and that planning permission is not required for a change of use. A safeguarding condition is attached to require that the extension shall only be used for purposes incidental to the enjoyment of the dwelling house as such and shall not be used for any business, commercial or industrial purposes whatsoever.
- 6.6. In addition to objections received regarding the use of the extension, concerns have been raised in connection with increased traffic; parking hazards and associated noise disturbance. The property has adequate off street parking provision for a number of cars in addition to the garage space. Any obstruction of the highway that may occur is not a material planning consideration that can be taken into account in the assessment of the application. In addition to this, any domestic related noise issues that may occur would be a matter for Environmental Health to investigate as a separate matter.
- 6.7. Turning to the scale, mass and design of the garage extension, whilst not ideal I consider that on balance this is acceptable. Although the additional floor area of the extension is relatively sizeable I do not consider that the development has a harmful impact upon the architectural appearance of the property and the visual amenity of the surrounding area sufficient to warrant a refusal of the application.
- 6.8. I note that a property on the opposite corner to the application site has a similar flat roof side garage extension, which received planning consent in 1983. Whilst this example is not as wide as the application proposal, I am of the view that it is comparable in terms of the principle of such a development within this locality. I therefore consider that the resulting building has a limited impact on the visual amenity of the general street scene, and is not sufficiently detrimental or expedient to warrant seeking remedial works to reduce the size of the extension. The development is generally in accordance with the principles contained within 'Extending Your Home' Supplementary Planning Document.
- 6.9. The development complies with your Committee's 45 Degree Code Policy, and the minimum distance separation guidelines contained within 'Places for Living' and 'Extending Your Home'. As such I consider that there is no detrimental impact on the light and outlook amenity of neighbouring dwellings.

7. Conclusion

- 7.1. Notwithstanding the objections received from local residents, I consider that the development as built complies with the objectives of the policies outlined above. I consider that the scale and design of the development is acceptable, and does not have undue effect on neighbours' amenities sufficient to warrant a refusal of the application. As such the application should be approved.

8. Recommendation

- 8.1. Approve subject to the following conditions.

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- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the use to being incidental to the dwelling |
-

Case Officer: Zoe Langfield

Photo(s)



Photo 1: Front/side view

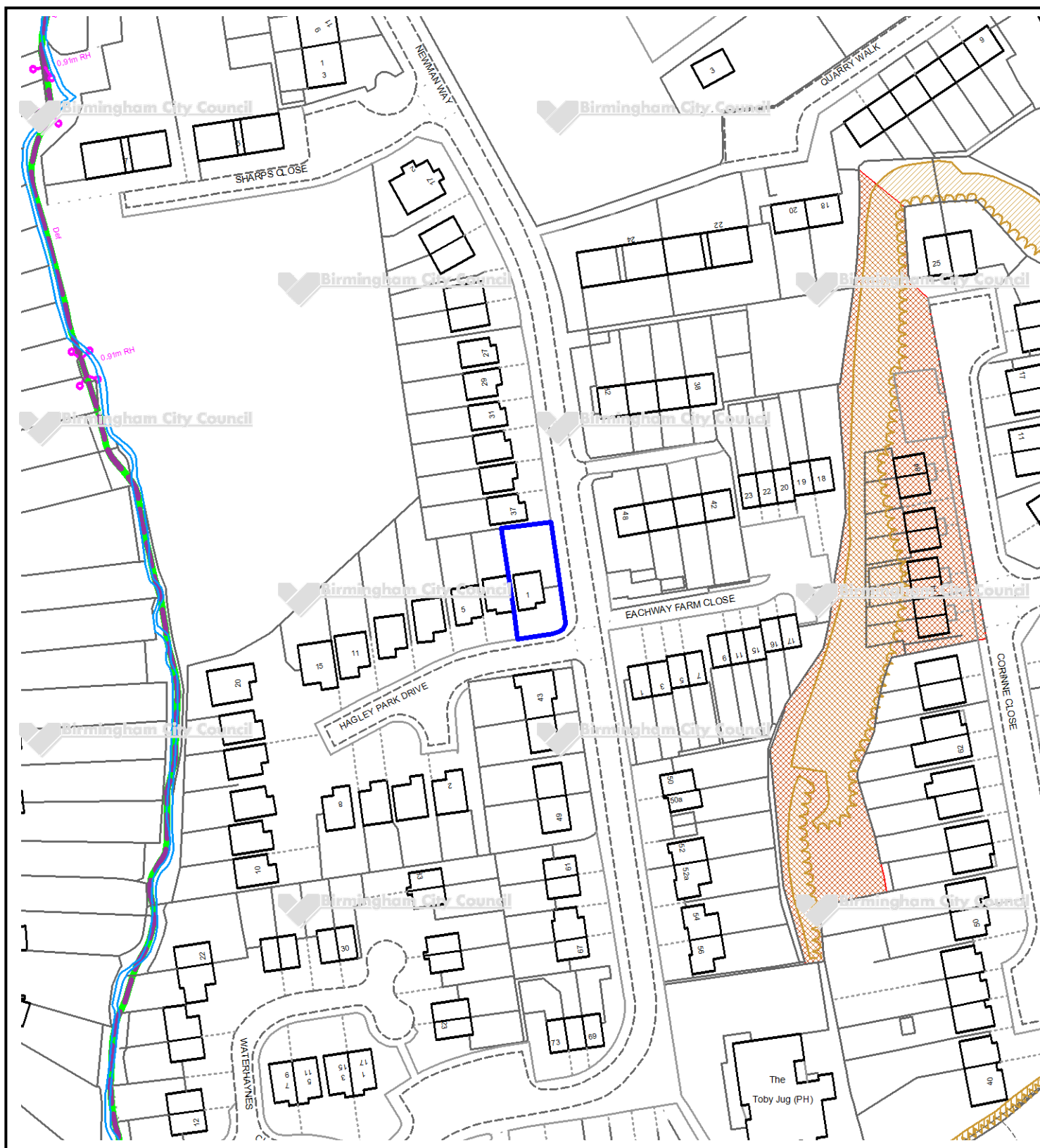


Photo 2: Rear/side view



Photo 3: Example opposite, at 43 Newman Way

Location Plan



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Birmingham City Council

Planning Committee

15 October 2015

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	21	2015/04556/PA Colston Health Centre 10 Bath Row City Centre Birmingham B15 1LZ Demolition of existing Health Centre and erection of a 700 place Primary School in a part 5 storey and part 2 storey building with associated external works including a roof top play area
Approve - Conditions	22	2015/06112/PA Land bounded by Gopsal Street, Cardigan Street, Curzon Street and Digbeth Branch Canal Eastside Birmingham Erection of a part 2-storey and part 6-storey extension to Birmingham City University Curzon Building (City Centre Campus Phase 2a) (use Class D1) with associated landscaping and parking including partial demolition of canal side retaining wall.
Defer – Informal Approval	23	2015/05554/PA Former Birmingham United Services Club 10 Gough Street City Centre Birmingham B1 1HN Erection of a residential building providing 73 one and two bed apartments with associated parking and landscaped amenity space.

Committee Date:	15/10/2015	Application Number:	2015/04556/PA
Accepted:	08/06/2015	Application Type:	Full Planning
Target Date:	30/10/2015		
Ward:	Ladywood		

Colston Health Centre, 10 Bath Row, City Centre, Birmingham, B15 1LZ

Demolition of existing Health Centre and erection of a 700 place Primary School in a part 5 storey and part 2 storey building with associated external works including a roof top play area

Applicant:	Perry Beeches Academy Trust Tame House, 156-170 Newhall Street, Birmingham, B3 1SJ
Agent:	Glancy Nicholls Architects The Engine Room, 2 Newhall Square, Birmingham, B3 1RU

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1 The application proposes the erection of a 700 place school for primary aged children on a corner plot of land at the junction of Bath Row and Cregoe Street. The site is currently occupied by Colston Health Centre which has been vacant since the medical facilities it provided were relocated to Bath Row Medical Centre about 3 years ago. The existing building, which is set back from the street frontages behind a row of trees, would be demolished and replaced with the new school buildings which would be located closer to the road junction. This would require the removal of all of trees on the Bath Row frontage and most trees on the Cregoe Street frontage (19 trees in total).
- 1.2 The proposed school building would provide 3,466 square metres of floor space and fill virtually the full width of the Bath Row frontage. On this frontage the building would have 4 floors of accommodation with a 1.8 metre high parapet above a flat roof to provide height and screen external plant. To the rear of this block a two storey wing is proposed with a similar height upstand and would provide 2 floors of accommodation below a flat roof. On the roof a fenced external play area is proposed measuring about 11.5 x 15 metres together with a fire escape staircase and plant enclosure. The remainder of the site would be laid out to provide a hard surfacing area fronting Cregoe Street. There would also be three separate enclosed play areas totalling about 570 square metres for use by reception aged children and one parking space for disabled persons.
- 1.2 The proposed 4/5 storey height of the building has been designed to address the scale, bulk and siting of adjacent development fronting Bath Row which will form the public face of the building and would then step down to address the residential nature of Cregoe Street to the rear. The part of the building fronting Bath Row would accommodate a range of classrooms, staff rooms, meeting space and toilets on each floor with a double height hall, kitchen and reception area on the ground floor. Access to the roof top play area would be from the second floor and the space

would be enclosed with 2.4 metre high weldmesh fencing. The lower two storey wing would provide further classrooms particularly designed for reception aged children with access to their own segregated and enclosed play areas.

- 1.3 The materials proposed would use a red brick as the main material providing a frame to recessed curtain wall glazing and powder coated cladding panels. These would wrap round the corner of the building to ensure interest is provided to all elevations. It is intended that some of the panels would be of a “feature colour” to identify the key entrances and reinforce the position of the double height hall. The parapet on the top of both wings of the building would be of metal cladding. The site boundaries would be enclosed with a low brick wall with planters and 1.2 metre high railings on the Bath Row and 2.1 metre high railings on the Cregoe Street frontage. On the southern boundary the existing boundary fencing, hedgerow and trees would be retained and reinforced. 5 new trees would also be planted on the Cregoe Street frontage.
- 1.4 The site would not provide any parking for staff or parents apart from the single parking space fronting Cregoe Street. It is also intended to provide 5 covered spaces for bikes/scooters. The applicant has submitted a Transport Assessment and Travel Plan which comments that on the basis of the September 2016 intake of 200 pupils the school is likely to generate up 42 vehicular trips in each peak hour rising to 143 vehicular trips for the full intake of 700. A range of mitigation measures are proposed to reduce single occupancy car use at the site and manage any residual car trips which include:
- Implementation of an effective School Travel Plan;
 - Staggering the school start and finish times;
 - Using an admissions policy which will prioritise local pupils
 - Staff presence at the beginning and end of the school day;
 - Installing bollards installed on the Bath Row/Holloway Head footway directly opposite the school;
 - Providing guard railing to encourage crossing at the zebra;
 - Consideration of funding a crossing patrol on Bath Row;
 - Installing School Keep Clear Markings and other relevant school signage and Amending Traffic Regulation Orders to permit school drop off and pick up on Sutton Street.
 - Renting 20 off- site parking spaces for staff
- 1.5 The applicants have also provided a supporting statement for the application which comments that it is intended that the school will provide education for pupils from reception to year 6 with an intake of 200 pupils in September 2016 and increasing to an annual capacity of 700 in September 2019. Classrooms sizes are based on 25 pupils to provide a greater teacher to pupil ratio. The school would help address the severe shortage of primary school places and has targeted an area as having most need. The provision of the Primary School offers a chance to develop the Free School movement to provide a further “outstanding”, top quality education institution that will support the very highest aspirations of the young people in the city, as already evidenced by the family of Perry Beeches schools. The application site has been strategically identified to meet specific needs in the area and also to co-locate it with the adjacent Perry Beeches III secondary school which provides the opportunity to create an all-through school offering further benefits to pupils.
- 1.6 On full occupation it is envisaged that staff numbers would total 62 comprising of 28 teachers, 20 Teaching assistants and 14 admin/auxiliary staff. The school would

operate between the hours of 07:30 and 18:00 and offer a breakfast club and after school clubs.

- 1.7 The application has also been supported with a Planning Statement, Design and Access Statement, Transport Assessment and Travel Plan, Environmental Noise Report, Arboriculture Impact Assessment, Ecology Assessment, Foul and Surface Water Drainage Assessment, Ground/Land Condition Report and Bat Survey and Air Quality Assessment

- 1.9 [Link to Documents](#)

2 Site & Surroundings

- 2.1 The application site of 0.29 ha lies on the south side of Bath Row where the road forms a cross roads with Cregoe Street and Grosvenor Street. The site has frontages to both Bath Row and Cregoe Street and its other boundaries adjoin Holloway Head playing fields to the east and a development of elderly persons bungalows to the south. There is an existing vehicle access to the site onto Cregoe Street which served a small car park with 13 spaces

- 2.2 The site is currently occupied the former Colston Health Centre premises a part two storey and part single storey building which is now vacant. It is set back from the road frontages behind a number of well-established trees which were probably planted during the 1980's as part of the landscaping scheme for the health centre development. The site slopes down in a north - south direction and the entrance to the health centre was at a lower level than the adjacent highways and approached via a ramp and steps. The site was partly enclosed with a low trip rail but has recently been enclosed with hoardings. The southern boundary of the site with the adjacent elderly person's bungalows is formed by a fence, hedge and trees and there is a palisade fence along the boundary with the playing fields.

- 2.3 Opposite the site on Cregoe Street is Perry Beeches III a Secondary School which when fully occupied will accommodate 620 pupils. The immediate area comprises of a mix of commercial and residential properties including offices, a small supermarket and apartments fronting Bath Row and single and two storey housing fronting Cregoe Street. On the opposite side of Bath Row are the Peace Gardens within which are the remains of St Thomas Church which are Grade II listed

- 2.4 [Site Location Plan](#)

3 Planning History

- 3.1 24/8/87 – 18328006 – Planning permission granted for new health centre and associated parking
- 3.2 10/8/15 - 2015/05728/PA – Prior approval granted for proposed demolition of Health Centre
- 3.3 25/7/13 – 2013/03675/PA – Planning permission granted for change of use from offices (Use Class B1(a)) to a 620 place school (Use Class D1) and construction of an associated multi- purpose games area – This permission relates to Perry Beeches III the secondary school which lies on the opposite side of Cregoe Street.

- 3.4 4/9/14 – 2014/04493/PA – Planning permission granted for reinstatement of existing playing fields, formation of new access from Sutton Street, widening existing access on Cregoe Street, car parking, lighting, refurbishment of existing changing rooms and partial demolition of former caretaker's house – This permission related to Holloway Head playing fields which adjoin the eastern boundary of the site.

4. Consultation/PP Responses

- 4.1 Transportation - No objection subject to conditions requiring a package of highway measures to be provided including alterations to footway crossing on Cregoe Street, school signage, markings on Bath Row and Cregoe Street, measures in the footway to prevent parking and associated Traffic Regulation Orders for school keep clear markings and to allow short stay parking at the school start and finish time on Sutton Street. They also request conditions to secure covered bicycle storage spaces, a construction management plan and school travel plan prior to opening and then reviewed as the school expands to full capacity.
- 4.2 Regulatory Services – No objections subject to conditions requiring a site investigation, a charging point for electric vehicles and submission of a travel plan containing public transport subsidies for staff, mechanisms for discouraging use of high emissions vehicles and measures to encourage cycling/walking/uptake of low emission fuels and technologies.
- 4.3 Children, Young People and Families – Comments awaited
- 4.4 Severn Trent Water – No objection subject to a drainage condition being imposed.
- 4.5 West Midlands Fire Service – No objection
- 4.6 West Midlands Police – Have concerns regarding the potential for traffic congestion in the area and whether this will be fully addressed by the action plan contained within the School Travel Plan. Considers that the potential for young children attending a primary school to be brought to the site by private car is greater than that of a secondary school and although they support the park and stride initiative this could be ignored by some parents during periods of inclement weather, increasing the likelihood of congestion to the roads immediately outside the school.

Also comment that if approved work carried be carried out to the standards laid out in the Secured by Design 'Schools 2014' guide, an alarm system and CCTV for the school be installed, a lighting plan be provided following the guidelines indicated in 'Lighting Against Crime' guide, that the boundary treatments be 1.8 metres high where they face onto busier public highways and 2.1 metres at the rear and side of the site where there is limited natural surveillance. Also request that there are access controls to the entrances and security of any IT equipment be considered.

- 4.7 Local residents, ward councillors, residents associations notified of the application, press and site notices displayed. 7 letters received from local residents and a further letter received from St Thomas Primary School. The resident's letters include the following objections-
- Do not consider such a large primary school is needed as there are two other very good schools in the immediate area and not enough evidence to warrant building a 3rd primary school..
 - The site it is not a suitable place for small children next to a busy city centre road and taking into account the presence of Perry Beeches 3 which has not yet reach full capacity.

- Would cause further parking issues on Cregoe Street. Staff from Perry Beeches 3 already use the on street parking to the detriment of exiting residents. A separate resident's only parking scheme should be considered with increased hours.
- Where will staff park? The staff car park is full to overflowing.
- Any additional traffic attempting to join Bath Row from the Cregoe St, Bath Row, Granville Street crossroads will make the junction even more challenging to navigate.
- The positive regeneration of the Park Central area has been negatively impacted by Perry Beeches 3 which has now been judge inadequate.
- When the previously Perry Beeches III was granted permission, they promised that the additional vehicle parking requirements, increased traffic and litter would not cause a problem to the surrounding area but each has become a problem.
- Vandalism (graffiti) has increased since the opening of Perry Beeches 3. This risks becoming more of a problem with another school.
- The development would have an adverse impact on existing residents particularly those occupying the elderly person's bungalows and sheltered housing on Cregoe Street as a result of noise, disturbance and traffic congestion.
- A 5 storey building will be an eyesore
- The inclusion of a roof top play area shows there is inadequate out door space. How will this be used when there is not enough room for 700 children at once?
- Building work will also cause chaos to the traffic
- The consultation process was inadequate.

4.8 The letter from St Thomas CE (VA) Primary School contains the following objections:-

- Our School is an outstanding, one form entry primary school approximately 150 meters away and at least twice the size of the proposed development site. It is far more suitable for meeting the primary provision in the area and has the space and the proven track record of meeting the needs of the families within the community.
- Perry Beeches Trust has a poor relationship with local schools.
- It is ridiculous to allow an inadequate secondary school to support a new four form entry primary school. Our outstanding primary school was approved for expansion before the free school list was published and this was later retracted and it became clear that Perry Beeches Primary was to provide the school places in the area.
- The sheer volume of pedestrians and traffic already in the area from Perry Beeches 3 is already causing significant risk and potential danger. This will only be exaggerated when both Perry Beeches schools are full, with over 1400 children, causing significant risk to pupils and the members of the public.

5. Policy Context

5.1 The Birmingham Unitary Development Plan; Draft Birmingham Development Plan; Car Parking Guidelines SPD; Convention Quarter Planning and Urban Design Framework SPG; Central Area Estates Development Framework SPG; Bath Row and Holloway Head Development Framework SPG; and National Planning Policy Framework.

6. Planning Considerations

6.1 The main issues are considered to be whether the erection of a school on this site is acceptable in principle, whether there would be transportation and parking issues,

whether the design is appropriate for this site, the availability of recreation space and the impact on existing residents.

6.2 Principle of Development

- 6.3 Policy 4.55 of the UDP states that ‘a skilled and motivated workforce is a pre-requisite to a successful economy and the City’s education and training institutions are the key to help achieve this...It is important that these institutions are encouraged to thrive and benefit both the City and wider regional economy’. Policy TP35 of the draft Birmingham Development Plan states “As the City’s population grows there will also be a need for additional Primary, Secondary and Special Needs school and college provision. Proposals for the upgrading and expansion of existing schools and development of new schools in locations where additional provision is required will be supported subject to the criteria below. Proposals for new schools should:
- Have safe access by cycle and walking as well as by car.
 - Have safe drop-off and pick-up provision.
 - Provide outdoor facilities for sport and recreation.
 - Avoid conflict with adjoining uses.”
- 6.4 The National Planning Policy Framework (NPPF) states at para 72 that “The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools and work with schools promoters to identify and resolve key planning issues before applications are submitted.”
- 6.5 The site is previously developed land in an urban location previously used as a local health centre. It is in a highly sustainable location and accessible by good walking routes from train, bus and future metro extension. National and Local government policies support the creation of new schools and therefore it is considered that there are no objections to the principle of a school in this location subject to consideration of the detailed proposals as discussed below.
- 6.6 It will be noted from the objections received that the need for a primary school in this location has been questioned. The applicants have responded that it is well documented that Birmingham has the largest youth population in the country which is growing at a rapid rate and there is currently a shortage of 3,143 primary school places. They comment that there is an increase in the number of families living in the city centre and that the 2011 census identifies 430 children under 1 in the proposed primary school catchment area which would create a shortage of approximately 100 school places in the local area confirming the demand for a four form entry Primary School. The site has been strategically identified to meet specific local needs and also to co-locate it with the adjacent Perry Beeches III secondary school providing the opportunity to create an all-through school offering further benefits to pupils.
- 6.7 The applicants further advise that the City Council have created an ‘Education Sufficiency Requirements’ report which outlines the forecast shortage of places in terms of primary and secondary provision until 2023. The report states there is significant potential for Academies and Free Schools to provide additional places and their strategy is to work with Free Schools and Academies to meet Basic Need through their expansion plans. In terms of the proposed admission policy they advise that the statutory admission code requires that schools prioritise Special Educational Needs (SEN) and children and children looked after by the Local Authority, however

beyond this all Perry Beeches schools are non-selective, mixed schools and the proposed school will be no different. The school will serve its local communities with an admissions policy that means those nearest to the building will have first choice in applying.

- 6.8 Therefore although objections have been raised to the development on the grounds that another primary school is not needed and that any requirement for more places could be met by existing schools, this does not fall within the remit for the Local Planning Authority to control. Children, Young People and Families have been notified of the application but have made no comments on the application. The school is able to dictate its own catchment area and admissions policies but has advised that it will follow Birmingham City Council's admission policy and be based on distance from the school. There is no national or local planning policy that requires applicants for new schools to demonstrate need.

6.9 Transportation and Parking

- 6.10 Policy TP35 of the draft BDP states that new schools should "have safe access by cycle and walking as well as by car and have safe drop-off and pick-up provision". It will be seen that a number of the objections received relate to highway issues particularly in respect of parking and congestion issues and because Perry Beeches III is not yet at full capacity. This secondary school which lies opposite the site on Cregoe Street will when full accommodate 620 pupils and 60 staff and has 24 on site car parking spaces for staff and visitors.
- 6.11 This application proposes no parking for staff, visitors or for drop off/pick up provision apart from the single on site space for disabled persons. The applicants advise that as the school will operate between the hours of 07:30 and 18:00 this will have the effect of spreading the school peaks and reducing the chance of any potential congestion outside the school. They comment that the school is committed to having a positive impact on the local community and actively managing student pick up and drop off. Staff would be present at the beginning and end of the school day, to make sure pupils enter or leave the school site in a safe manner and parents are encouraged to act responsibly when dropping off their children. They have flexibility to stagger and adjust times as the need arises and their experience is that the majority of pupils arrive or leave outside of normal rush hour periods. They expect most of their pupils to walk to school and the main pedestrian access for parents will be via Cregoe Street to a holding area using the formal outdoor play space for hand to hand collection of younger pupils. A further pedestrian access is proposed from Holloway Head on the western corner of the site.
- 6.12 As no dedicated pupil drop off and pick up facilities can be provided the applicants have provided additional information regarding the on street parking available following a survey of streets within 0.5km, a 6 minute walk from the site. This found capacity for 75 vehicles to park on street in the am peak and space for 44 vehicles to park in the pm peak. They comment that as the school would operate extended opening hours and breakfast and after school clubs, free of charge, parent pick up and drop off times would be staggered. They estimate that the maximum parking need at any one time would be for 29-56 on street spaces at peak times which the existing highway network could accommodate particularly as it is also proposed to alter the TRO on Sutton Street to allow on street parent parking.
- 6.13 The applicants have also set out a number of measures to discourage children being brought/collected from the school by car including implementation of a travel plan, staggering the school start and finish times, using a local admissions policy. They

also propose measures are put in place to prevent parents parking on the Bath Row/Holloway Head footway directly opposite the school including provision of bollards and guard railing in order to encourage crossing at the zebra crossing. It is anticipated that some off-site spaces will be rented for staff but most will use sustainable modes of transport.

- 6.14 Transportation have considered the applicants Transport Assessment (TA), travel plan and mitigation measures and do not consider that the development would cause capacity issues on the existing highway network or any material increase in queuing or delay. Regard has been made to the previous health centre use of the site which served a patient population of 13,000 and had 13 off-street parking spaces. The applicants TA considers data from nearby primary schools and estimates that 75% of pupils are likely to walk to school, 20% travel by car and 5% on the bus. Using the mode share figures from these existing local primary schools the TA estimate this equates to 149 walking trips and 40 car trips in the first phase (200 pupils) and eventually 523 walking trips and 139 car trips (700 pupils). The usual peak period for parental drop-off and pick-up by car occurs at the school start and finish times which are predicted to be 0830 hours and 1530 hours.
- 6.15 Transportation accept that this will mean a significant level of parental drop-off and pick-up parking demand that will add to the existing level of parking demand on the local roads. In particular there are concerns regarding parental parking demand especially at school finish time when parents tend to wait in the car and the demand builds up before the 1530 finish. They note there is limited parking available around the site that is not covered by a parking restriction. No on street parking space is normally available on Cregoe Street, Bath Road has pay and display parking which tends to be available further along the site frontage heading into the city centre but other nearby streets are covered by no waiting restrictions.
- 6.16 However despite these concerns Transportation do not recommend refusal of the application on the basis that the any issues take place for a short period of around 15 minutes around the school start and finish times. They consider it is possible to have a series of 'standard' highway measures around a school to inform drivers of the potential for large numbers of children to be in the vicinity. These include school warning signage, slow markings and other surface treatments on the carriageway, school keep clear markings that can be provided with a Traffic Regulation Order, guard railing and other measures to prevent parking in unsuitable locations. Transportation therefore recommend that a package of highway measures are provided to protect the footway and alter the Traffic Regulation Order on Sutton Street (located approximately 180 metres east of the school entrance) to permit short stay parking as they consider this will not affect highway capacity but provide an area for up to 20 cars to wait. As the site is close to the city centre core and is regularly patrolled they consider this would assist in managing the on-street parking demand.
- 6.17 When the planning application at Perry Beeches III was considered it was estimated that around 11% of pupils would travel by car, which could result in 18 daily vehicle movements to drop-off and pick-up in the first year of opening rising to 68 movements on full occupation. Transportation recommend, measures to protect the footway and prevent drivers mounting the wide footways around the site to wait while collecting their children such as bollards and guard railing, school warning signs and school keep clear markings to be covered by a Traffic Regulation Order.
- 6.18 Additionally Transportation comment that there is funding available under the Guaranteed Essential Works agreement between the City and Optima/Crest Nicholson from the redevelopment of the former Lee Bank estate. This has money

towards improving Bath Row, which has been allocated to providing traffic signals at the junction of Bath Row, Cregoe Street and Granville Street. This should be carried out in later in 2015 and would provide a better junction design with controlled traffic management measures to the benefit of both schools.

- 6.19 In terms of on-site parking provision, the eventual staff parking numbers are noted at 62 and BCC adopted car parking guidelines would require a maximum of 16 spaces whereas no parking for staff (unless disabled) is to be provided. The applicants advise that Perry Beeches Academy Trust is seeking to rent some off-site parking for staff not exceeding this maximum level of provision and it is unlikely that there will be overspill of staff parking onto local roads as the Travel Plan will help educate and encourage the staff to use more sustainable modes to the private car. 5 secure cycle/motor cycle parking spaces will be provided for staff which could be increased demand dictates. It is proposed that there will be no on site servicing and deliveries would be coordinated with the adjacent Perry Beeches III School and subsequently transported to the Perry Beeches Primary site by hand or trolley. Transportation raises no objection to these arrangements.
- 6.20 I note the objections raised by local residents and the police about the impact parent parking could have on residential roads in the vicinity of the site and the lack of staff parking and delivery space on the site is a further concern. The impact would be heightened by the presence of Perry Beeches which lies opposite the site and also generates its own demand for parent pick up/drop off space and is yet to be operating at full capacity. However Transportation has raised no objections subject to conditions and on balance I do not therefore consider that the application could be refused on highway grounds.
- 6.21 The conditions as requested by Transportation are recommended which would to secure a package of highway measures including school signage, markings on Bath Row and Cregoe Street, measures in the footway to prevent parking and associated Traffic Regulation Orders to allow short stay parking on nearby Sutton Street. They also request conditions to secure and covered bicycle storage spaces, a construction management plan and school travel plan prior to opening with a review mechanism as the school expands to full capacity as recommended. The key to ensuring that the pickup/drop off of pupils does not cause problems in the local area will be the robust implementation of the travel plan. Transportation are therefore seeking additional clarification from the applicants as to how the travel plan will be enforced and monitored and any further information received will be reported at committee.
- 6.22 **Siting, Design and Layout**
- 6.23 The vision for Bath Row as set out in the Central Area Estates development Framework is for mixed used development on this major road frontage including community facilities. The plan recommends development of up to 4 storeys on the Bath Row frontage and that it should relate to the scale and massing of existing development. The new development on Park Central to the west of the application site, including Perry Beeches III, the adjacent offices and health centre range in height from 5-6 storeys and the Skyline development on the other side of Bath Row is 7 storeys high. It is therefore considered that the proposals to erect a building providing 4 storeys of accommodation with a plant area above on the Bath Row frontage will be in keeping with the prevailing height of development in the area and will reinforce the status of this road as a major route. The site also lies directly opposite the Peace Gardens and tower forming the remains of the listed St Thomas's Church on Bath Row. However given the position of the listed building and the wide

nature of Bath Row it is not considered there would be any adverse impact on its setting.

- 6.24 To the rear of the site the character of Cregoe Street is more residential with lower height buildings particularly to the south where there are a row of single storey elderly person's bungalows. It is therefore considered appropriate that the proposed building sets down in height to 2 storeys to the rear.
- 6.25 The proposed school building has been sited closer to the Bath Row frontage than the existing health centre building to follow the line of adjacent development; however this does require the removal of a number of existing trees. The Council's tree officer objects to the loss of these trees and recommends refusal of the application. He comments that the landscape around the existing building has developed to give substantial public visual amenity. The tree survey notes many of the trees as being B and although these are not the highest category (A) they would normally be a material consideration in a planning application. He considers more regard should be given to the retention of the established trees on the Bath Row corner and along Cregoe Street. The trees at the rear of the site forming the boundary edge with the residencies should also be retained in order to maintain a continuity of the aspect from that side.
- 6.26 Following receipt of these objections the application has been amended to retain one of the existing trees on Cregoe Street and the plans show the planting of 5 new trees on the Cregoe Street frontage and three additional trees on the southern boundary. However 19 trees are proposed for removal many of which are of some quality. Whilst the loss of trees is regretted it is accepted that the proposal to locate the new building closer to the Bath Row frontage is appropriate and reflects the character of existing development to the east of the site. It is unfortunate that it is not possible to retain more of the existing trees on the Cregoe Street frontage however because of the compact nature of the site, the amount of floor space the applicants are seeking to provide and the need to provide good security for the school they cannot be kept. Some replacement planting is however proposed.
- 6.27 In terms of design it is considered that the new building would fit in well with its surroundings as the predominant material would be a red brick which reflects other developments in the immediate area. The use of a grid arrangement using recessed curtain wall glazing and powder coated cladding panels is also characteristic of the new development in the area including Perry Beeches III. The design provides interest to all elevations by including glazing and panelling that wraps round the corner. On the Bath Row frontage a two storey hall is proposed which would feature a projecting coloured frame and glazing to ensure the frontage to the street is active and of interest. Security for the boundaries would be provided by brick walls and railings.
- 6.28 **Recreation Space**
- 6.29 One of the requirements of draft BDP Policy T35 is that proposals for new schools should provide outdoor facilities for sport and recreation. The proposals include an external recreation area and informal play area/drop off area adjacent to Cregoe Street covering about 580 square metres, segregated recreation space for the reception classes totalling about 570 square metres and a roof top play area totalling about 170 square metres. The space would be mainly used at break times which would be staggered and for outdoor learning. No outdoor sports facilities are proposed and pupils would be taken off site to use local facilities. In addition planning permission has recently been granted for the refurbishment of Holloway Head playing

fields which adjoin the eastern boundary of the site and are due to be available for use in autumn 2016. It is intended that the playing fields would be managed by a group of local schools/organisations including Perry Beeches Academy Trust who advise that it is currently proposed that they to use the facilities every week day morning.

- 6.30 Although the new school would not provide on-site facilities for outdoor sport the applicants advise that there is no statutory/education requirement that these are provided other than for reception aged children. It is therefore not considered that planning permission could be refused on the grounds that no outdoor sports facilities have been particularly as it is likely that the school will be able to make some use of Holloway Head playing fields that adjoin the site.

6.31 Impact on Residents

- 6.32 The southern boundary of the site lies adjacent to four rows of elderly person's bungalows which are arranged at 90 degrees to Cregoe Street to face north - south towards the rear of the application site. The bungalows have no vehicle access and they are set at a lower level fronting a footpath behind the sites boundary fence and a row of trees and shrubs which screened the former health centre car park.

- 6.33 The application proposes to retain the existing boundary treatment and supplement it with additional tree planting. The proposed two storey wing of the new building would be located 12 metres from the boundary and an enclosed fire escape would be within 9 metres of the boundary. However no windows are proposed in this end of the building to avoid any overlooking. The neighbouring bungalow windows are 7.7 metres from the boundary so that the separation distance between the proposed two storey wing of the new building and neighbouring properties would be about 19.7 metres. Due to this distance together with the presence of the boundary treatment it is not considered that there would be any overbearing impact.

- 6.34 On the roof space of the two storey wing a plant enclosure is proposed which would house an air conditioning unit and other maintenance equipment and behind this would be a fenced play area. At its closest point the roof top play area would be about 18 metres from the boundary and the separation distance with the closest bungalow windows would be 25.7 metres. Again the boundary treatment and separation distance is considered sufficient to avoid any undue overlooking of neighbouring properties from use of the play area

- 6.35 Objections to the development have also been received on the grounds of undue disturbance to residents from noise. There are several possible sources of noise including: noise from air conditioning plant; noise from pupils playing within the outdoor spaces and from them arriving and leaving the school. The proposed air conditioning plant is on the roof of the building and a condition can be imposed to ensure that it is adequately soundproofed. The outdoor play areas are located close to the boundary with neighbouring bungalows and it is proposed that they be in use Monday – Friday between the hours of 7.30am to 18:00pm. It is considered that 7.30am is a relatively early start time and it is considered that they 8.00am would be more reasonable. Therefore conditions are recommended to ensure the play areas are not used outside these hours or at weekends. The applicants have also advised that use of the play areas will be staggered to make best use of the space and to limit the numbers of pupils using it at any one time. It is proposed that the number of pupils using the external surface level play areas will not exceed 300 at any one time and those using the roof top play area will not exceed 100.

- 6.36 With regard to pupils arriving and leaving the school this would be taking place during the day when the background noise levels are higher due to general activity within the area. Regulatory Services have not raised any objections to the application and subject to safeguarding conditions it is not considered that the amenities of adjoining residents would be significantly adversely affected by noise.

6.37 Other Matters

- 6.38 I note the concerns of local residents that the proposed school together with Perry Beeches III would lead to large numbers of children gathering around the area, causing significant risk, congestion and potential danger and that this also could lead to an increase in crime, vandalism and anti-social behaviour. Whilst I understand these concerns, the school is proposing to work with the community to reduce the likelihood of anti-social behaviour and I do not consider that planning permission could be refused for this reason.
- 6.39 The Police have requested that work be carried out to the standards laid out in the Secured by Design 'Schools 2014' guide and that alarm systems and CCTV be installed with suitable lighting, boundary treatments and access controls to entrances. The School are aware of the need to make their premises secure and have provided further information regarding their security measures, lighting and provision of CCTV. Conditions are recommended to require details of boundary treatments.
- 6.40 Regulatory Services have requested that a charging point for electric vehicles be provided and mechanisms be used to discourage use of high emissions vehicles, encourage cycling/walking/uptake and use of low emission fuels and technologies. The applicants travel plan will cover a number of these features however it is not considered to be reasonable to require a charging point for electric vehicles and the use of low emission fuels as the development is only to provide 3 parking spaces.
- 6.41 Objections have also been received on the grounds that the building work will cause traffic chaos, however this will be short lived and conditions are recommended to require a construction management plan. Another objector comments that the consultation process was inadequate however letters were sent to 195 neighbours, local ward councillors, the MP and residents associations and site and press notices were displayed. The public consultation undertaken is in accordance with City Council guidance. In addition the applicants undertook a consultation exercise before the application was submitted and held a consultation evening to which local businesses, community groups, religious groups, local schools, MP's and councillors, were invited to attend and posters were displayed in the local area to advise local residents of the event. It is not considered that the consultation undertaken was inadequate.

7. Conclusion

- 7.1 National and Local Planning policies support the provision of new schools and the application site is previously developed land in a sustainable location which has good accessibility. The design of the new building in terms of its height, bulk and siting are also considered to be acceptable although a number of existing trees would be lost. The development is also not considered to cause undue loss of privacy or overlooking of neighbouring residential properties.
- 7.2 The main concerns regarding the development are the impact of a 700 place school on the surrounding area particularly taking into account the lack of any on site parking or delivery space, the likely number of children being picked up/dropped off

by car and the presence of Perry Beeches III on the opposite side of Cregoe Street which will be used by 620 pupils and 60 staff. It is not considered to be ideal to develop a primary school of this size and in this location without easy access to drop-off and pick-up provision, staff parking, facilities for sport and recreation and where the impact of the adjacent secondary school has yet to be fully tested. Highways issues therefore are of concern, however, BCC Transportation have raised no objections subject to conditions and therefore I do not consider a refusal could be justified. I also note the concerns of local residents, in respect of noise, disturbance traffic congestion but do not consider that these would be sufficiently severe to justify a recommendation for refusal particularly as conditions are recommended to help mitigate this. Having taken all the above matters into account on balance the application is recommended for approval.

6 Recommendation

8.1 Approve subject to the following conditions:-

-
- 1 Requires the prior submission of a construction method statement/management plan
 - 2 Requires the prior submission of an arboricultural method statement and tree protection plan.
 - 3 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 4 Requires the prior submission of hard and/or soft landscape details
 - 5 Requires the prior submission of sample materials
 - 6 Requires the prior submission of hard surfacing materials
 - 7 Requires the prior submission of boundary treatment details
 - 8 Requires the prior submission of a contaminated land verification report
 - 9 Requires the prior submission of details of the sound insulation for any roof top plant/machinery
 - 10 Limits the hours of operation to 07.30 - 18.00 Mondays to Fridays
 - 11 Limits the hours of use of the play areas to 08.00 - 18.00 Mondays to Fridays
 - 12 Requires the prior submission of a CCTV scheme
 - 13 Requires the prior submission of details of refuse storage
 - 14 Limits the noise levels for Plant and Machinery
 - 15 Requires the prior submission of a scheme for ecological enhancement measures
 - 16 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 17 Requires the prior submission of cycle storage details
-

-
- 18 Requires the submission of a school travel plan
 - 19 Requires the submission of a management plan for the 3 on site parking spaces
 - 20 Requires the replacement of any retained trees removed during construction
 - 21 Requires the retention of the screening on the south boundary of the site..
 - 22 Requires the prior submission of the proposed canopies, stores, and internal fencing within the site..
 - 23 Requires the prior submission of site signage details
 - 24 Prevents the use from changing within the use class
 - 25 Requires the scheme to be in accordance with the listed approved plans
 - 26 Limits the approval to 3 years (Full)
-

Case Officer: Lesley Sheldrake

Photo(s)



Figure 1: View of site from Bath Row

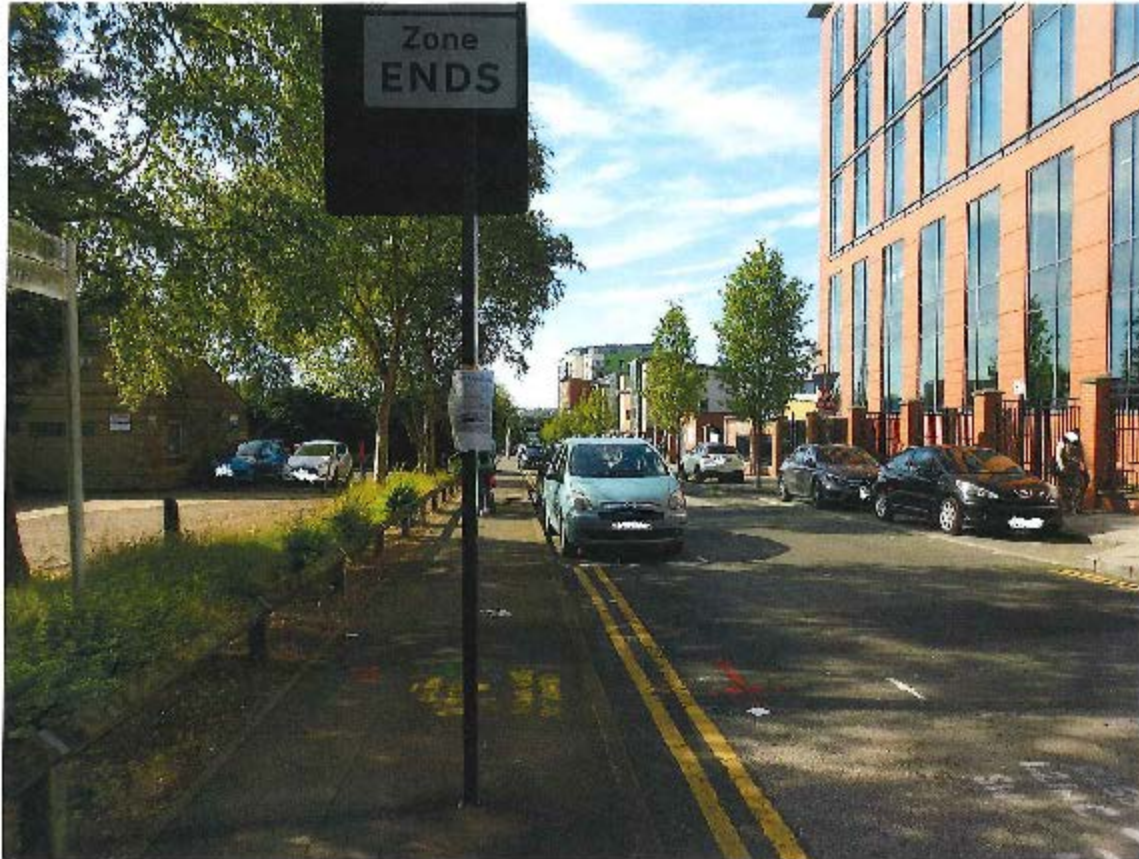


Figure 2: View of site and Perry Beeches III from Cregoe Street

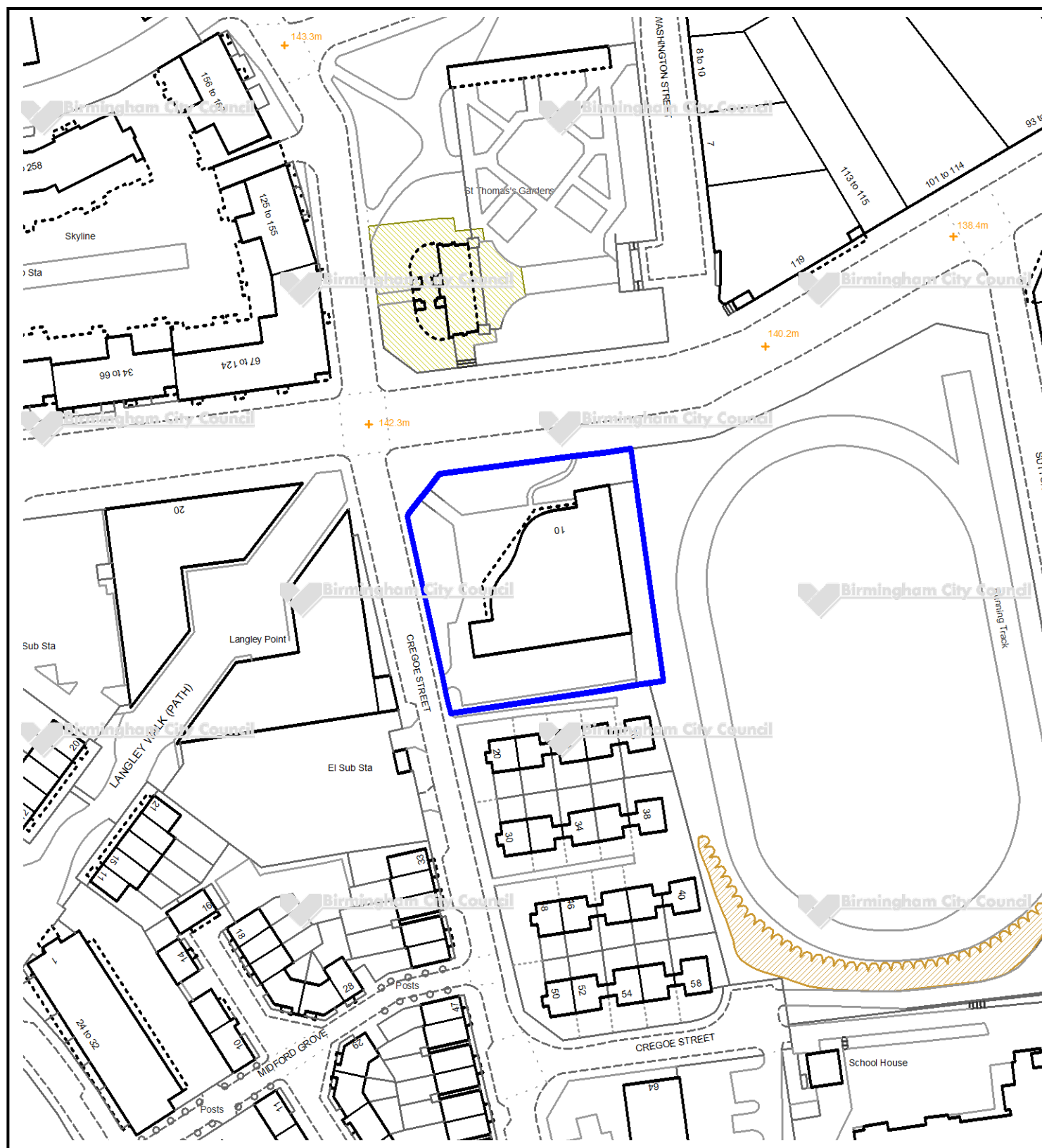


Figure 3: Wider view along Bath Row



Figure 4: View of site boundary with neighbouring bungalows

Location Plan



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Committee Date:	15/10/2015	Application Number:	2015/06112/PA
Accepted:	27/07/2015	Application Type:	Full Planning
Target Date:	26/10/2015		
Ward:	Nechells		

Land bounded by, Gopsal Street, Cardigan Street, Curzon Street, and Digbeth Branch Canal, Eastside, Birmingham.

Erection of a part 2-storey and part 6-storey extension to Birmingham City University Curzon Building (City Centre Campus Phase 2a) (use Class D1) with associated landscaping and parking including partial demolition of canal side retaining wall.

Applicant:	Birmingham City University c/o Agent
Agent:	Savills Innovation Court, 121 Edmund Street, Birmingham, B3 2HJ

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Proposal seeks permission for a part 2-storey part 6-storey extension to the existing Birmingham City University Curzon Building. It would result in an additional floorspace of approx. 10,000sqm (GIA) and a further capacity of 3000 students and staff (approx. 5300 in the existing Curzon Building). The application site, including the existing Curzon Building is approx. 1.24 hectares.
 - 1.2. Externally, the building would be a 6 storey block positioned to the north east of the existing Curzon Building to front Gopsal Street. It would also have a two storey wing element which would extend south into the site to connect the new building to the existing and step down, to single storey, next to the canal. The frontage block would accommodate plant on its roof which would be set back and screened to a maximum height of 140.150m above ordnance datum. The maximum height of the parapet to Gopsal Street would be 136.150m. It would be a contemporary framed box with fins and large window openings, reflective of the existing Curzon Building. Materials proposed include traditional blue and grey brickwork, metal cladding, curtain walling, terracotta fins and aluminium framed windows, with specific details to be agreed by condition. The building has been designed to target a BREEAM rating of 'A'.
 - 1.3. Internally the principle use would be D1 providing general teaching space, meeting/seminar rooms, an Open Learning Zone, breakout spaces, computer labs, lecture theatre, a Research Student Centre and a multi faith space. Ancillary B1(a) office and A3 and A5 food and drink uses would also be incorporated.

- 1.4 Landscaping is proposed to the east side of the development, overlooking the canal corridor, including a landscaped roof terrace for a variety of uses such as student learning and event space. Additional planting along the canalside is also proposed.
- 1.5 The main access to the building would be via the existing entrance within the Curzon Building with a secondary access off Gopsal Street/Penn Street.
- 1.6 70 cycle spaces and 2 disabled car parking spaces are proposed.
- 1.7 A Design and Access Statement, a Ground Contamination Report, Flood Risk Assessment, a Heritage Statement, an Archaeological Statement, Planning Statement, Ecological Appraisal, SUDS Assessment and a Transport Statement have been submitted in support of the application.
- 1.8 A screening opinion has been done which concluded an Environmental Statement was not required.

[Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. Application site is located in Eastside, bounded by Curzon Street to the south, Cardigan Street to the west, Gopsal Street to the north and by the Digbeth Branch Canal to the east. The first phase of the development was completed in June 2015 and plot 2a (this application) is located to the north east of the wider plot.
- 2.2. The application site is currently vacant but the wider area comprises a mix of uses to include student accommodation and commercial uses with a significant cluster of educational buildings.
- 2.3. The Eagle and Ball public house, Grade II listed, is within the application site and immediately to the west of the proposed building. Ashted Locks within the canal corridor are locally listed, grade B. The canal corridor is also part of Warwick Bar Conservation Area.

[Site location](#)

3. [Planning History](#)

- 3.1. Significant planning history within immediate area but most relevant:

23.11.2012 – 2012/04578/PA – Hybrid application comprising of: Full application for partial demolition of the existing structures and erection of university accommodation (D1) with ancillary retail (A1), café and restaurant (A3), drinking establishment (A4) and leisure uses (D2), car parking, landscaping and associated works. Outline application with all matters reserved save for access for the erection of university accommodation (D1), office (B1), retail (A1) café and restaurant (A3) and leisure uses (D2). Approved subject to conditions and S106 Agreement.

4. [Consultation/PP Responses](#)

- 4.1 Canal and Rivers Trust – consider information submitted is insufficient for them to determine the impact of the proposal in relation to land stability and that additional information is necessary. However, they also note that as an alternative, conditions could be attached to secure this information if the proposal was to be approved.

- 4.2 Environment Agency – no objection subject to groundwater and contamination conditions.
- 4.3 HS2 – no objection.
- 4.4 Lead Local Flood Agency – insufficient information submitted with the application however a condition could be attached to address points of concern.
- 4.5 Regulatory Services – a biomass facility is proposed and additional information in accordance with their biomass policy should therefore be submitted.
- 4.6 Transportation Development – no objection subject to conditions to include cycle parking prior to occupation and construction management plan.
- 4.7 Local residents' associations, neighbours, Ward Councillors and the MP have been notified. Site and press notices have also been displayed.
- 4.8 1 letter of comment received from Inland Waterways Association expressing support for the scheme particularly in relation to the proposed enhancements, visually and security wise, alongside the canal.
- 4.9 1 further letter of comment received from Pushbikes welcoming the commitment of increasing staff and students who cycle by providing good quality storage and showers etc. However they note that the level of cycle storage is only 1/3rd of that required by the City's guidelines and that there is inadequate provision for short term stay.

5. Policy Context

- 5.1. Unitary Development Plan, submission draft Birmingham Development Plan, Places for All SPG, Archaeology Strategy SPG, Warwick Bar Conservation Character Appraisal SPD, Regeneration Through Conservation SPG, Nature Conservation Strategy SPG, Car Parking Guidelines SPD, Access for People with Disabilities SPD, Eastside Masterplan, City Centre Canal Corridor, Curzon Masterplan and NPPF.

6. Planning Considerations

- 6.1 The adopted Birmingham UDP (2005) still forms the basis of the statutory planning framework. It contains policies to support the continued expansion and improvement of the city's universities and recognises the role they have within the city (policy 4.55). The site also lies within Eastside which is identified as a major regeneration initiative (2.24), in particular as part of the "Learning Quarter" (15.19A and 15.54A) and the emerging Birmingham Development Plan also promotes it as a place for learning and education (GA1.2 and GA1.3). The NPPF supports the provision of learning facilities within established and sustainable locations.
- 6.3 Birmingham City University is a large institution with approx. 24,000 students in four faculties housed on sites across the city of Birmingham. They have established their City Centre Campus through the development of phase 1 (the Parkside Building) and phase 2 (the Curzon building) and use of part of Millennium Point. This application, to extend the Curzon building (phase 2a), would complement the existing facilities and increase capacity by providing additional teaching space, an Open Learning

Zone, a Research Student Centre, expansion for the Students' Union and offices whilst also providing support and 'balance space'.

- 6.4 The proposal is an extension to an existing use and I note that an outline application for a D1 building has previously been approved on this site for approx. 8,000sq m. I therefore consider the provision of an extension to the existing Curzon Building is entirely in accordance with land use policies subject to all other material considerations.

Design

- 6.5 The proposal has been designed as a legible extension to the existing Curzon Building and therefore uses similar design language – primarily consisting of a brick framed box expressed as a structural grid with window openings patterned as for the Curzon Building. Coloured fins are used to break up the buildings external mass, accentuate key elements including entrances and symbolise how certain internal spaces are used which is consistent with the Curzon Building. The new wing behind the frontage building would physically join the extension to the existing, would be single and two storey only and constructed in 'lighter' materials to maximise its relationship with the canal. The frontage building to Gopsal Street would be 6 storeys which is of an appropriate scale given the surrounding development and only marginally higher than the height approved for this part of the site in relation to the 2012 application. Active frontages would be provided to both Gopsal Street and the canalside.
- 6.6 Further, in comparison to the previous outline application the proposal includes an increased provision of accessible outdoor space. This would be achieved through the provision of a series of courtyards, balcony terraces and roof gardens all with multi-functional areas incorporated within them to maximise student usage and significantly improve the relationship of the existing building with the canalside adjacent.
- 6.7 I therefore consider the proposed extension would result in a development of an appropriate design, scale and mass for its context whilst also building upon the design language of the existing building to ensure it is a clear legible extension to the existing university building.

Impact on Listed Building/Conservation Area

- 6.7 The Eagle and Ball Pub was restored in connection with 2012/04578/PA and its long-term use has been secured by its incorporation into the university. The current proposal is not significantly different to that approved in outline, particularly in relation to the buildings position. I do not therefore consider the proposal would have any different impact on the setting of the listed building to that considered in relation to 2012/04578/PA, and note that its position within a dense urban block would be the correct setting for it.
- 6.8 The application site extends to the western edge of the Warwick Bar Conservation Area along the Ashted Locks. Due to the nature of the surrounding area views from/of this boundary are limited and the existing site makes no contribution to the setting of the conservation area. The proposal seeks to demolish part of an existing retaining canalside wall to allow the building to extend along the length of this boundary. In doing so, the proposal would introduce a built edge to the canal (including a retaining wall), natural surveillance and landscaping and thereby significantly improve the plots relationship with the conservation area.

- 6.9 I therefore raise no objection to the proposal in relation to heritage matters.

Transportation Development

- 6.10 The Car Parking SPD identifies a maximum provision of 122 car parking spaces and 214 bicycle spaces for the proposed extension. The proposal includes provision for only 2 disabled car parking spaces and 70 covered bicycle spaces. However, as for other developments in the area including the Curzon Building, parking is not provided on site as provision for it was included in the BCC multi-storey car park which was designed for shared provision across the Eastside development area. Survey data has also been submitted (from across the entire site) demonstrating that whilst 50% of staff travel by car only 10% of students do. I therefore concur with Transportation Development who raise no objection to conditions which are recommended accordingly.
- 6.11 I note the concerns raised by Pushbikes who object to the under provision of covered cycle parking and facilities for short stay cycle parking. However, survey data submitted by the applicant's for their existing site demonstrate that the proposed provision would be more than sufficient for the current demand. I also note that the cycle provision could be increased if the need arose, that the site is well located in relation to existing public transport and that Transportation Development raise no objection.

Archaeology

- 6.10 An Archaeology Statement has been submitted, comprising the 2012 report along with the details of the works subsequently undertaken and concludes that a condition requiring an on-going watching brief would be sufficient. Given the proximity of the site in relation to the existing Curzon Building and the works required in relation to this development I agree with this suggestion and recommend a condition accordingly.

Other

- 6.11 The Environment Agency and Lead Local Flood Agency raise no objection subject to conditions.
- 6.12 Regulatory Services queried whether a new biomass boiler was to be provided however the applicant has confirmed that the proposed extension will utilise the existing, approved, biomass boiler and no new facility is required.
- 6.13 An updated ecology report has been submitted in support of the application with which my Ecologist agrees subject to conditions to secure the reports various recommendations. I recommend these conditions accordingly.
- 6.14 A financial contribution relating to the entire site was made in connection with 2012/04578/PA and there are no policy requirements that would necessitate a further contribution. However, given the scale of the development I do consider it would be appropriate to require a commitment to using local employment during construction and I therefore recommend a condition accordingly.
- 6.15 Access to the canal would be retained for maintenance purposes only, as existing.

7. Conclusion

7.1. The proposed extension would be of a design, scale and mass appropriate to its location and would significantly improve the relationship of this site with the canal adjacent. It would also be located within a highly sustainable mixed use area of Eastside. Therefore subject to safeguarding conditions the proposal should be approved.

8. Recommendation

8.1. Approve subject to conditions.

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- | | |
|----|---|
| 1 | Requires land stability information |
| 2 | Requires land stability monitoring |
| 3 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 4 | Requires the prior submission of an additional survey |
| 5 | Requires the prior submission of a contamination remediation scheme |
| 6 | Requires the submission of unexpected contamination details if found |
| 7 | Requires the prior submission of a contaminated land verification report |
| 8 | Requires the prior submission of hard and/or soft landscape details |
| 9 | Requires the prior submission of boundary treatment details |
| 10 | Requires the prior submission of a lighting scheme |
| 11 | Requires the prior submission of sample materials |
| 12 | Requires the scheme to be in accordance with the listed approved plans |
| 13 | Requires the prior submission of a construction method statement/management plan |
| 14 | Requires the prior submission of investigation for archaeological observation and recording |
| 15 | Requires the prior submission of extraction and odour control details |
| 16 | Limits the noise levels for Plant and Machinery |
| 17 | Requires the prior submission of a landscape management plan |
| 18 | Removes PD rights for telecom equipment |
| 19 | Requires the provision of cycle parking prior to occupation |
| 20 | Secures an employment policy |
-

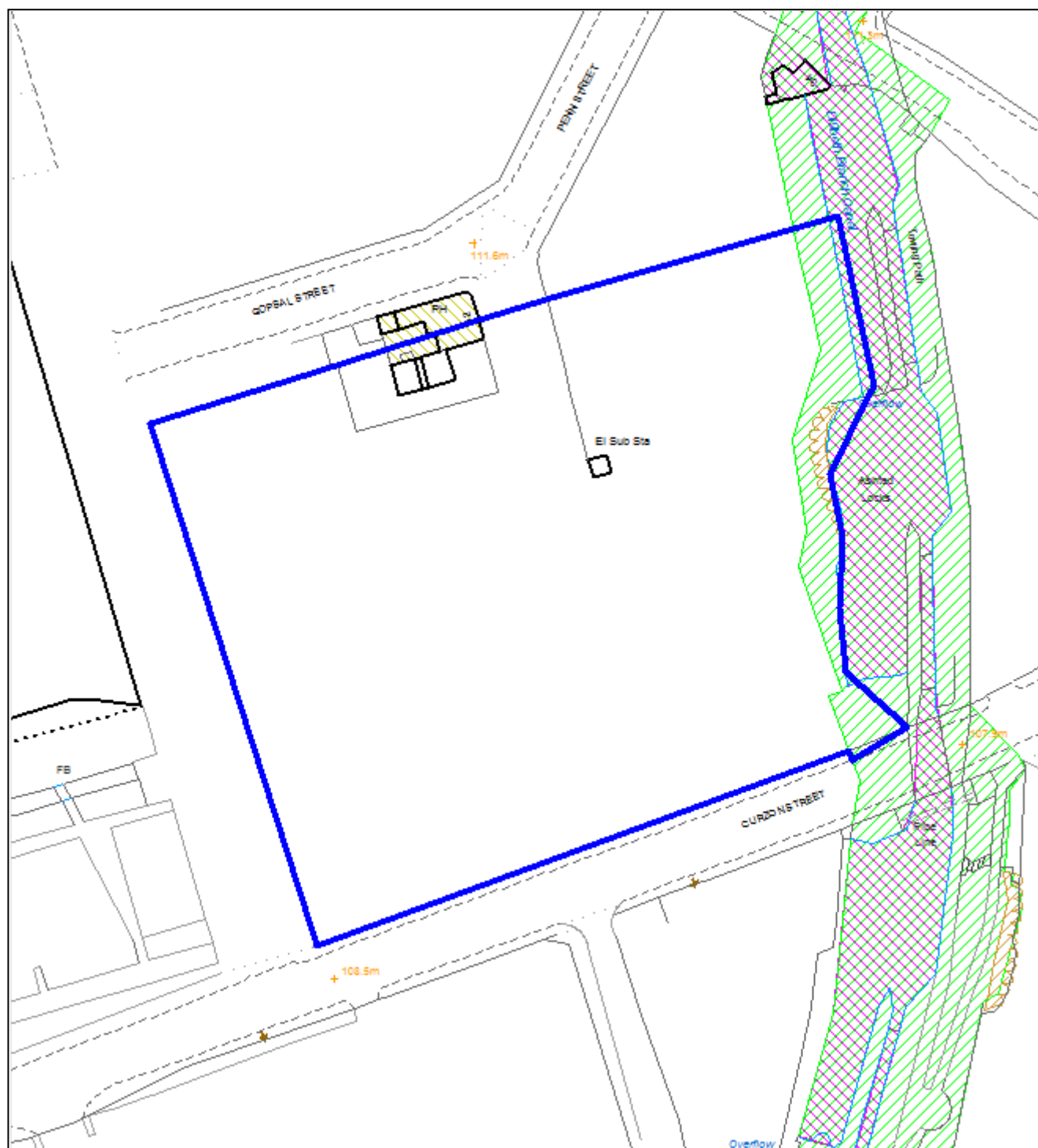
Case Officer: Joanne Todd

Photo(s)



Photo 1: Site from Curzon Street

Location Plan



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Committee Date:	15/10/2015	Application Number:	2015/05554/PA
Accepted:	14/07/2015	Application Type:	Full Planning
Target Date:	30/11/2015		
Ward:	Ladywood		

Former Birmingham United Services Club, 10 Gough Street, City Centre, Birmingham, B1 1HN

Erection of a residential building providing 73 one and two bed apartments with associated parking and landscaped amenity space.

Applicant:	Romiga Holdings LLP Audley House, 12 Margaret Street, London, W1W 8RH
Agent:	D5 Architects LLP 71-77 Coventry Street, Birmingham, B5 5NH

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1 The application proposes the erection of a block of 73 one and two bedroom apartments on land at Gough Street located between the Christadelphian Hall to the east and the car park and access serving the Singers Hill Synagogue to the west. The site is currently occupied by a part one and part two storey building previously used as a social club with an associated car park which would be removed.
- 1.2 It is intended that the replacement building would provide 43 one bed units and 30 two bed units. The proposed one bed apartments would all have the same layout and provide 41.5 square metres of floor space with an open plan kitchen/living area, a bathroom and bedroom. The two bed units are similar but would have an extra bedroom and floor areas of 63 and 70 square metres. The main bedroom sizes on all types would be at least 12.6 square metres as recommended in Places for Living.
- 1.3 The proposed building has been designed to fill virtually the full width of the site frontage and to address the considerable difference in levels on Gough Street which is a steeply sloping hill. The highest point of the site in the western corner is approximately 9 metres above the lowest point in the eastern corner adjacent to the adjoining Christadelphian Hall. The building has therefore been designed to have a stepped form ascending away from the Christadelphian Hall where it would be 5 storeys high to its highest point adjacent to the Synagogue car park where it would be 10 storeys high. Due to the steep gradient of the street the scheme includes a semi basement at the lower end of the building which would provide plant/cycle and bin storage areas and a further semi basement area at the upper end of the building would be used for parking. The ground floor living accommodation proposed above would therefore be raised above street level by up to 4 metres.
- 1.4 The building has been designed to have the appearance of a level podium deck from the west end, where the main entrance at street level is proposed, running horizontally to line through to the eaves of the adjoining Christadelphian Hall. This

lower podium level would be constructed from a dark blue/grey brick to create a horizontal emphasis and the same brick would be used for the lift and stair core to create a corresponding vertical emphasis for the main body of accommodation. The remainder of the building would be sub-divided into a series of regular brick frames with inset windows. On the front and side elevations contrasting recessed brickwork is proposed adjacent to the windows and at the rear the elevation a simpler approach is proposed without the contrasting brickwork. It is intended that the main frame would be of a beige/oatmeal coloured brick with the inset brickwork being in brown.

- 1.5 In terms of amenity space for residents, the stepped design of the building would provide the opportunity for five of the apartments to have a small private roof top terrace. Four of the apartments on the lower level would also be provided with a terrace above the basement parking and podium. A shared amenity space measuring approximately 300 square metres is also proposed at the rear of the site. Green roofs are proposed to some of the flat roofed areas and the building would also be set back about 1.5 metres from the edge of footway to allow a railings, a hedgerow and landscaping to be provided along the site frontage.
- 1.6 About midway along the street frontage a vehicle access is proposed into the basement parking area which would provide 17 car parking spaces, a 23% provision. Space for 76 bicycles would be provided with the basement of the building a 104% provision.
- 1.7 The application site has an area of 0.11 ha giving a density of 537 dwellings per hectare. The application has also been supported with a Planning, Design and Access Statement, Transport Assessment and Draft Travel Plan, Noise Assessment Ecological Assessment, Drainage Scheme, Site Investigation, Financial Appraisal and Heritage Assessment
- 1.8 [Link to Documents](#)

2 Site & Surroundings

- 2.1 The application site is a roughly L shaped area of land with a frontage of approximately 50 metres onto the north side of Gough Street. A former social club building occupies the western half of site with the remainder being a disused car park. The building is currently vacant and is predominantly built from dark blue bricks with a flat roof. Due to the steep nature of Gough Street the building is of a single storey height at the boundary on its west elevation but two storeys high on its eastern side. The main accommodation was located at the upper level with a central stepped entrance onto the street.
- 2.2 The building lies to the back edge of the footpath on Gough Street with the remainder of the frontage comprising of a gated access point and wall with fencing panels above. The other site boundaries comprise of the side walls of adjacent buildings and a mixture of fencing panels, railings and walls. Much of the walling on the north boundary of is used for retaining purposes due to the considerable difference in levels adjacent to the site particularly in respect of the buildings and car park to the north which front Suffolk Street Queensway.
- 2.3 To the north of the site is a vacant site used as a temporary car park and the side wall of a former printing works which fronts Suffolk Street Queenway. To the east is end gable wall of the locally listed Christadelphian Hall used a church/advice centre. Adjacent to the western boundary of the site is the Grade 2* Singer Hill Synagogue

which fronts Blucher Street and its associated car park and vehicle access which front Gough Street. Opposite the site fronting Gough Street is a large multi storey car park.

2.4 [Site Location](#)

3 [Planning History](#)

- 3.1 30/1/15 - 2015/00043/PA – No objection raised to prior notification application for prior demolition of existing former United Services Club building
- 3.2 4/4/14 - 2013/05474/PA – Planning permission granted to extend the time of extant planning application 2010/02930/PA for the erection of a 25 storey building fronting Suffolk Street Queensway comprising 259 bedroom hotels and 9 storey building fronting Severn Street comprising 144 apartment/hotel rooms, ancillary car parking and landscaping. This site lies to the north of the application site.
- 3.3 2015/05112/PA – Current application for erection of multi-storey residential buildings (487 apartments) across two adjacent blocks separated by Brownsea Drive including basement parking to both blocks and ground floor retail units to Holloway Head. This site lies opposite the Synagogue car park on Gough Street.

4 [Consultation/PP Responses](#)

- 4.1 Transportation – No objection subject to conditions requiring provision of the cycle parking, a travel plan and an automatic system for the car park entrance doors. Note that the basement car park has 17 spaces providing a 23% parking provision. Given the location in the City centre with controlled parking around the local area, they raise no objection to the level of parking provision which is not considered to have a significant impact on the highway.
- 4.2 Local Services - Comment that as the scheme provides of over 20 residential units it would be liable for an off-site POS contribution. Request an off- site POS contribution of £82,400 to be spent on the provision, improvement and/or maintenance of St Thomas's Peace garden and burial ground.
- 4.3 Regulatory Services – Originally had concerns about the noise assessment submitted as it does not cover possible noise from the Karma/Chocolate Bar on Suffolk Street Queensway. As the bar is currently closed they have since agreed with the applicant a condition requiring a pre-occupation assessment to determine the acoustic requirement for windows and vents so that if the bar is still operating at the time the building is constructed then a site survey would determine the specification for windows and vents but if the bar has ceased operation at the time of the assessment, the window and vent specification would be based on traffic noise-
- 4.4 School Places – Request £158,431.17 towards school/nursery places comprising of £2,911.46 towards nursery places, £74,902.53 towards primary school places and £80,617.19 towards Secondary school places.
- 4.5 Ecology – No objection subject to conditions to address the Japanese Knotweed found on the site, to require a scheme for ecological/biodiversity enhancement measures and details of the green roofs proposed.
- 4.6 West Midlands Police – No objections in principle but have the following comments:-

- Supports the intention to control both vehicular, and pedestrian, access into the car parking area through the installation of a roller grille.
 - Recommends all gates/doors be automated
 - The development be built to the standards laid out in the Secured by Design 'New Homes 2014'.
 - A CCTV system be installed to cover this development to cover all external spaces, all the entrances to the site, the car parking provision, the cycle storage area / bin storage areas.
 - Request that a lighting plan be provided following the guidelines and standards indicated in 'Lighting Against Crime' guide.
 - Recommends that the reuse store and cycle store areas be separated to provide an extra layer of security for any cycles stored on site.
 - Requests that the side gate be brought forward towards the Gough Street building line to remove / reduce the recessed area
- 4.7 Environment Agency – No objection subject to a condition being imposed to deal with any unexpected contamination that may be found.
- 4.8 Severn Trent Water – No objection subject to a drainage condition being imposed.
- 4.9 Lead Drainage Authority – Comments awaited
- 4.10 Conservation and Heritage Panel – Considered the application at their meeting on 14 September 2015 and raised no concerns regarding the loss of the former services club building. However the following issues were raised:-
- The visual montages provided show the previously consented neighbouring scheme, which has not been built. Panel members felt the inclusion of this development did not show a true relationship of the proposals with existing streetscape and wished to see visual montages without the adjacent approve scheme.
 - Concerns were expressed about the lack of detail and presence at ground floor elevations.
 - Some concern was expressed about the height
 - Requested further drawings be provided that would better demonstrate the relationship of the proposals to the existing streetscape.
- 4.11 Local residents, businesses, ward councillors, residents associations notified of the application, press and site notices displayed. 5 letters received. Two letters support application and comment that-
- The stepped design appears to respect the site topography and surrounding existing built form.
 - Request that that green roofs/solar panels are provided to the main roof above level 9 to assist rainwater runoff amelioration, biodiversity and the appearance of the building when viewed from higher level buildings.
 - Pleased to see the development will provide the level of cycle parking specified in BCC's planning standards and consider that most people living in the city centre will not need to own cars.
 - Request cycle parking is re-located to avoid the need to use the internal staircase or lift and that CCTV cameras are installed to provide more surveillance of the cycle parking.
 - Also ask that short-term cycle spaces are provided directly in front of the building
- 4.12 The other letters include two submissions on behalf of the Birmingham Hebrew Congregation of the Singers Hills Synagogue which comment that that the

Synagogue have prepared draft feasibility proposals for a new building on their site that would extend to the corner of their car park. They therefore object to the 3 windows at each level 2 to 9 on the South West gable end of the proposed building immediately adjacent to their car park on the grounds that –

- There could be a loss of light to the side windows if the synagogue site is developed to its boundary.
- The windows would hamper and impinge the development of the Synagogue car park site and cause overlooking impacting on security and privacy of the users.
- Should the proposals for the Synagogue car park site place windows on its gable this could lead to windows directly facing each other, with only a few metres apart.
- The side windows would impose considerable limitations and constraints on how the synagogue car park site could be developed both in terms of townscape and streetscape.
- From a legal point of view, the application site does not have the benefit of any rights of light and air over the synagogue's land.
- Comment that these issues could be easily resolved by the removal of the side windows as the apartments affected already have windows on the front façade.

4.13 The other objection letter received objects to the development on the following grounds:-

- The block is too large for this cramped and steeply sloping location.
- The lift/stairwell tower in the north-west corner is ugly, and will loom over one end of the Grade II* listed Synagogue complex next door.
- Development would adversely affect the setting of the Synagogue and may cause a loss of light.
- The materials would clash with the mainly red brick of the Synagogue and Christadelphian Hall
- The Gough Street frontage is devoid of any architectural features to break it up, such as balconies.
- Do not agree with the conclusions of the applicant's Heritage Report, which states there will be no negative impact on Singers Hill Synagogue.

5. Policy Context

5.1 The Birmingham Unitary Development Plan; Draft Birmingham Development Plan; Car Parking Guidelines SPD; Places for Living SPG and National Planning Policy Framework.

6. Planning Considerations

6.1 Prior approval to demolish the former social club building on the application site has already been granted and therefore it has been accepted that it is not worthy of retention. The main issues are therefore considered to be whether the erection of a block of apartments on this site is acceptable in principle and if so whether the scale, bulk and design of the development is appropriate in its own right and having regard to the setting of the adjacent listed and locally listed buildings. Also to be considered is whether the development would prejudice the wider development of the area, parking provision and issues relating to affordable housing and public open space.

6.2 **Principle of Development**

6.3 The application site is not specifically identified for development in the UDP but paragraph 15.43 states that the Greater Convention Area has the potential to

accommodate additional mixed use development including residential. City Living is also encouraged in paragraph 5.32b as residential accommodation in the City Centre provides sustainable accommodation close to both public transport and places of work and reduces the pressure on green field sites. Other UPD policies emphasise the importance of the City's housing policies in contributing to the strategy for urban regeneration and economic revitalisation and seek to maximise the replacement rate on cleared sites subject to the provision of high quality accommodation within a high quality environment.

- 6.4 The emerging Birmingham Development Plan 2013 indicates that residential development will continue to be supported in the city centre where it provides well designed good quality living environments. New housing in Birmingham is expected to contribute to making sustainable places and should be accessible to jobs, shops and services by modes of transport other than the car and be sympathetic to historic, cultural or natural assets. Densities should respond to the site, its context and the housing need with densities of at least 100 dwellings per ha within the City Centre. The NPPF also encourages Local Authorities to approve sustainable development and to create strong, vibrant and healthy communities with a supply of housing required to meet the needs of present and future generations.
- 6.5 The application site is located within the city centre and its use for housing is therefore considered to be acceptable in principle. The site is currently underused and its redevelopment with a high density residential scheme as now proposed is considered to be appropriate and in keeping with the apartment schemes nearby. This would also comply with development plan policies, which seeks higher density schemes on sites within the city centre.
- 6.6 **Layout/Design**
- 6.7 The proposed layout has sought to provide a building that fills virtually the full width of the site frontage and lies close to the back of the footway. This would be in keeping with existing apartment schemes in the area and also reflects the historic building pattern in this area. Although the existing building on the site is only 2 storeys high it is considered to be acceptable to provide a taller building on the site having regard to the general height of buildings in the area including the 4/5 storey multi storey car park located on the opposite side of Gough Street. In addition, planning permission has been granted for a 25 storey hotel fronting Suffolk Street Queensway, to the north of the site. There is also a the current planning application for the erection of multi-storey residential buildings (487 apartments) in two adjacent blocks separated by Brownsea Drive to the south west of the site which includes an 8 storey building fronting Gough Street and a 10 storey building on the junction with Ellis Street.
- 6.8 The design of the proposed building has needed to address the difference in levels across the site frontage and that the eastern boundary adjoins the 2/3 storey locally listed Christadelphian Hall. Therefore the building would have a stepped form ascending away from the Christadelphian Hall where it would be 5 storeys high to its highest point adjacent to the Synagogue car park where it would be 10 storeys high. This is considered to be an appropriate means of addressing the steep gradient of Gough Street as well as ensuring the development respects the height of the locally listed building. Although objections have been raised to the application on the grounds that the building is too large for the site officers feel the building heights are appropriate and in keeping with the area. The concern raised by Conservation and Heritage panel that the drawings showed the relationship with the 25 storey hotel scheme which may not be built has been addressed by submission of new drawings showing the relationship of the proposals with the existing streetscape.

- 6.9 Due to the steep gradient of the street the scheme includes a semi basement at the lower end of the building which would provide plant/cycle and bin storage areas and a further semi basement area at the upper end of the building to be used for parking. There has been some criticism of this arrangement by the Conservation and Heritage Panel as at the eastern end of the building the living accommodation would be raised above street level providing a blank brick wall up to 4 metres high along the street frontage. The plans have therefore been amended to show more articulation to this part of the façade by adding recessed panels, and windows to the bin and cycle stores.
- 6.10 There is also an objection to the materials proposed and that the front elevation should include features to break it up, such as balconies. The materials proposed are a dark blue/grey brick for the podium and lift and stair core to and a brown/oatmeal coloured brick for the main body of the building. Although the locally listed Christadelphian Hall and adjacent Grade 2* Singer Hill Synagogue are of a red/orange it was felt a contrast would provide a more satisfactory appearance that would not compete with the historic buildings either side of the site. A lighter coloured brickwork has therefore been chosen which would also help lift the appearance of the building. Although no balconies are proposed on the Gough Street façade interest to this elevation is provided by sub-dividing the building into a series of brick frames with inset windows and providing contrasting recessed brickwork adjacent to the windows. Balconies are proposed at the east and west ends of the building where the building form is stepped and the brick frame arrangement would continue onto these ends to the building. It is considered that the proposed treatment of the façades would provide sufficient interest to the streetscene.
- 6.11 The sizes of the proposed apartments are considered to be acceptable and all the main bedrooms meet the guidance in Places for Living. The provision of the shared amenity area at the rear of the site would also be a positive element of the development providing space and an attractive outlook to the apartments at the rear of the site. Several apartments would also have to have a small private terrace. With regard to the comments raised by West Midlands Police the applicants have advised that gates and entrance doors would have integrated electronic access control systems and CCTV would be installed to main access points and circulation areas. The design of the cycle store area has now been amended so that it is separate from the bin storage area and the rear access gate has been relocated closer to Gough St to minimise the dead end which was causing concern.
- 6.12 Comments have also been received requesting that the green roofs proposed on the stepped sections of the building be extended to cover the top floor of the building and or solar panels be provided to increase the sustainability of the development. The applicant has responded that green roofs are proposed to the four steps in the form of the building to aid biodiversity, the appearance of the building and rainwater runoff amelioration. These roofs will be most visible to surrounding buildings. They have a SUD's strategy which includes these green roofs, pervious landscaping materials, rain water harvesting and onsite attenuation. Although photovoltaic panels on the roof were considered the quantity needed to service the buildings apartments far exceeded the available roof space and their high capital cost versus sustainable benefit makes their use unviable. It was therefore decided to use CHP plant to serve the building as proposed which would also address the sustainability requirements of the development.
- 6.13 **Impact on Heritage Assets**

- 6.14 The statutory test for development involving listed buildings is that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. The UDP and BDP policies on listed buildings seek to ensure their protection and that any external or internal alterations do not adversely affect their architectural or historic interest. National planning policies as set out in NPPF seek to protect heritage assets and to prevent any loss which would harm their significance.
- 6.15 A Heritage Statement has been submitted with the application which assesses the impact of the application proposals on the historic significance of a number of buildings in the vicinity of the site including the Grade 2* listed Singer Hill Synagogue, the locally listed Christadelphian Hall, the Craven Arms Public House on Upper Gough Street, the British School, its listed caretakers house and the listed Masonic Hall on Severn Street.
- 6.16 The Heritage statement concludes that although the proposed building is taller than its immediate neighbour, the Christadelphian Hall and in relation to the Craven Arms and Singers Hill Synagogue, (the two latter are some distance away) the new development reduces in height towards the Hall end to lessen its physical impact. It also notes that there are many much taller, buildings in the immediate vicinity, notably Cleveland Tower, Clydesdale Tower and the Holloway Circus Tower and consent has been granted for a 25 storey hotel on land adjoining to the north. It considers that amongst these modern buildings the deep red brick and terracotta Christadelphian Hall stands out as a landmark 'jewel' on its prominent corner site. Its heritage significance as a place of worship, a point of reference, and an architectural landmark along Queensway would not be diminished by the construction of a pale-coloured multi-storey building to the rear.
- 6.16 In terms of the impact the development would have on the Synagogue it concludes that it would improve its immediate environment by removing the unsightly and poorly-maintained former night club building and its 'shanty town' of additions to its rear. In terms of the wider setting it considers the height of the building will merge with the other taller structures in the vicinity when viewed from the front of the building which is onto Blucher Street or from the car park. In terms of heritage significance, the assessment states that architectural importance of the Synagogue lies mostly in the interior of the prayer hall and the development would have no impact on this. Although externally the front elevation and entrance courtyard are also important they would also be unaffected by the development, which would form part of the distant urban backdrop. Overall the assessment concludes that the historic and communal significance of the Synagogue would not be will be unaffected by the scheme.
- 6.17 The statement also concludes that there would be no impact on the setting of the Craven Arms public house, the British School, its listed caretaker's house and the listed Masonic Hall on Severn Street. It does however recommend that because the proposed building is slightly set back from the frontage and a slither of the side wall of the Christadelphian Hall would be seen it be rendered with a through tone breathable render in dark terracotta red if possible. The report also recommends that the landscaping proposals for the residents' courtyard be developed to indicate how the site was developed as courts of dwellings in the late nineteenth century and details such as historic kerbstones and street signs be retained. Conditions are recommended to cover these matters.
- 6.18 The conservation officer supports the findings of the Heritage Statement and considers it justifies fully the height and scale of the building and how the significance

of the local built heritage is respected. He comments that although the architectural language used is in sharp contrast with the surrounding buildings it works well with the very steep topography of the area and the immediate relationship with the Locally Listed Building fronting Suffolk Street. Therefore although an objection has been received which disputes the conclusions of the applicant's Heritage Report and considers that there will be negative impact on Singers Hill Synagogue this objection is not supported by Officers.

6.19 Impact on future development of the area

6.20 Two letters have been received on behalf of the congregation of the adjacent Synagogue which comment that that draft feasibility proposals are being prepared for a new building on the Synagogue site that would extend to the corner of their car park adjacent to the application site boundary. They therefore object to the windows proposed on the South West gable end of the proposed building, on the grounds that the presence of these windows could prejudice their redevelopment proposals. The comment that their objections could be easily resolved by the removal of the side windows as the apartments affected already have windows on the front façade.

6.20 The side windows as originally proposed in the gable end of the new building were to provide additional light into an open plan kitchen/living/dining area serving the end corner two bed flat on each floor of the proposed building. Three side windows were proposed comprising of a small window to the kitchen area and two floor to ceiling windows for the living area. These would be additional windows as there are also living room windows on the front elevation of the building and most other apartments proposed would not have side windows.

6.21 The architect added these additional windows to the gable end of the building to add interest to this elevation of the building which will be a prominent feature in the street scene as the west boundary of the site currently adjoins Synagogue car park area and associated access which front Gough Street. Following the objection from the Synagogue the applicants removed one of the floor to ceiling windows to the living room but wish to keep the other windows although they are prepared to accept a condition that these be glazed with obscure glass.

6.22 There is no planning permission for development on the Synagogue car park and there is no guarantee that permission would be granted for a new building. Therefore it is possible that the car park area would remain open and the gable end of the proposed building would be prominent in the street scene. Therefore the additional fenestration to the end of the building would help add interest. As the side windows are secondary, the living area would have other sources of light and it is recommended that the windows be glazed with obscured glass it is not considered that their presence would unduly affect any proposals for development on the Synagogue car park. The side windows are located approximately 2 metres from the shared boundary so there would be at least a small gap between buildings if development on the car park was ever approved.

6.23 Parking provision

6.24 The application proposals would 17 car parking spaces, a 23% provision and space for 76 bicycles a 104% provision. Transportation raises no objection to this level of provision, given the location in the City Centre and the controlled parking around the local area. Conditions are recommended to require a residents travel plan and parking management plan. Comments have been received requesting that the cycle parking is re-located to avoid the need to use the internal staircase or lift. This cannot

be achieved but a condition is recommended to require a few short-term cycle spaces are provided directly in front of the building.

6.25 Affordable Housing/Public Open Space Provision

- 6.26 As the development proposes more than 15 dwellings the UDP and SPD guidance on affordable housing and public open space apply. No affordable dwellings are proposed and the amenity open space on the site is for the benefit of residents of the development only and would not be available for public use. The SPD guidance on public open space for residential development allows an off-site contribution to be made in lieu of on-site provision. Using the calculations set out in the SPD this would require an off-site contribution of £82,400 which the applicants have agreed to provide. Local Services request that this be spent to be spent on the provision, improvement and/or maintenance of St Thomas's Peace garden and burial ground which are located nearby on Bath Row.
- 6.27 Whilst the applicants have offered the full open space contribution they have submitted a financial appraisal to show that the development would not be viable if any further contributions were paid. The viability appraisal has been independently assessed and it is accepted that the development would not be able to afford to provide the full policy complaint requirements for affordable housing. However following negotiations an off-site contribution of £55,000 has been offered which is considered to be acceptable and would accord with policy and the CIL Regulations. This would give a total Section 106 contribution of £137,400. This is slightly below the scale of contributions recently achieved on other apartment schemes in the city centre which is partly due to higher build costs associated with building on a steeply sloping site and as ground rents cannot be included as a source of income as the applicant has acquired a long leasehold interest in the site as opposed to the freehold and will therefore not benefit from a capitalised ground rent sale in the future. It is recommended that this contribution be equally split between off site affordable housing and public open space provision/improvements which is acceptable to the applicant.
- 6.28 Although School Places have also requested an off-site contribution of £158,431.17 towards school/nursery places the scheme could not afford a further contribution. As the development is for one and two bed flats where the number of occupants with children is likely to be low it is considered more appropriate that the contribution is used for off-site affordable housing and public open space

7. Conclusion

- 7.1 The application site is a brownfield land within the city centre in an area where former commercial buildings are increasingly being redeveloped for high density housing. The erection of a scheme of apartments on the site is therefore considered to be acceptable in principle. The scale of the development, layout and design of the new building are considered to be appropriate for the location and it is not considered that there would be any adverse impact on further redevelopment in the area or on the setting of the nearby listed and locally listed buildings. The parking provision is considered to be adequate for the site which occupies a sustainable and accessible city centre location.
- 7.2. It is therefore considered that the application is acceptable subject to conditions and completion of a Section 106 agreement to secure a financial contribution of £137,400 towards off-site affordable housing and the provision, improvement and/or maintenance of St Thomas's Peace garden and burial ground on Bath Row.

8. Recommendation

- 8.1. That consideration of planning application 2015/05554/PA be deferred pending the completion of a suitable Section 106 legal agreement to secure the following:
- a) A financial contribution of £68,700 towards off-site affordable housing (index linked from the date of this resolution)
 - b) A financial contribution of £68,700 towards the provision and/or the provision, improvement and/or maintenance of St Thomas's Peace garden and burial ground on Bath Row. (index linked from the date of this resolution)
 - c) The payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the financial contribution sum, subject to a maximum of £10,000.
- 8.2 In the absence of the suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 15th November 2015 then 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 provision of affordable housing the proposal conflicts with Policies 5.37 A-D of the Birmingham Unitary Development Plan 2005, Affordable Housing SPG, Policy TP30 of the draft Birmingham Development Plan 2031 and NPPF.
 - b) In the absence of any suitable legal agreement to secure a financial contribution towards off site public open space the proposal conflicts with Policies 8.51 and 8.52 of the Birmingham Unitary Development Plan.
- 8.3 That the Director of Legal and Democratic Services 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 by 15th November 2015, favourable consideration be given to this application, subject to the conditions listed below.

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| 1 | Requires the implementation prior to occupation of the properties of the Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 2 | Requires the prior submission of a drainage scheme |
| 3 | Requires the submission of unexpected contamination details if found |
| 4 | Requires the prior submission of a method statement for the removal of invasive weeds |
| 5 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 6 | Requires the prior submission of retaining walls and step details |
| 7 | Requires the prior submission of details of balconies |
| 8 | Requires the prior submission of sample window frames |
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| 9 | Requires the prior submission a noise study to establish residential acoustic protection |
| 10 | Requires the prior submission of hard and/or soft landscape details |
| 11 | Requires the prior submission of boundary treatment details |
| 12 | Requires the prior submission of details of green/brown roofs |
| 13 | Requires the prior submission of a construction method statement/management plan |
| 14 | Requires the prior submission of sample materials |
| 15 | Requires the prior submission of level details |
| 16 | Requires the prior submission of a residential travel plan |
| 17 | Requires the prior submission of a parking management strategy |
| 18 | Requires the prior submission of cycle storage details |
| 19 | Requires the provision of cycle parking prior to occupation |
| 20 | Requires retention/improvement of historic features. |
| 21 | Requires the prior submission of a lighting scheme |
| 22 | Requires the provsion of an automatic system for the car park entrance doors. |
| 23 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 24 | Requires the scheme to be in accordance with the listed approved plans |
| 25 | Limits the approval to 3 years (Full) |
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Case Officer: Lesley Sheldrake

Photo(s)



Figure 1: Site view looking up Gough Street



Figure 2: Site view looking down Gough Street

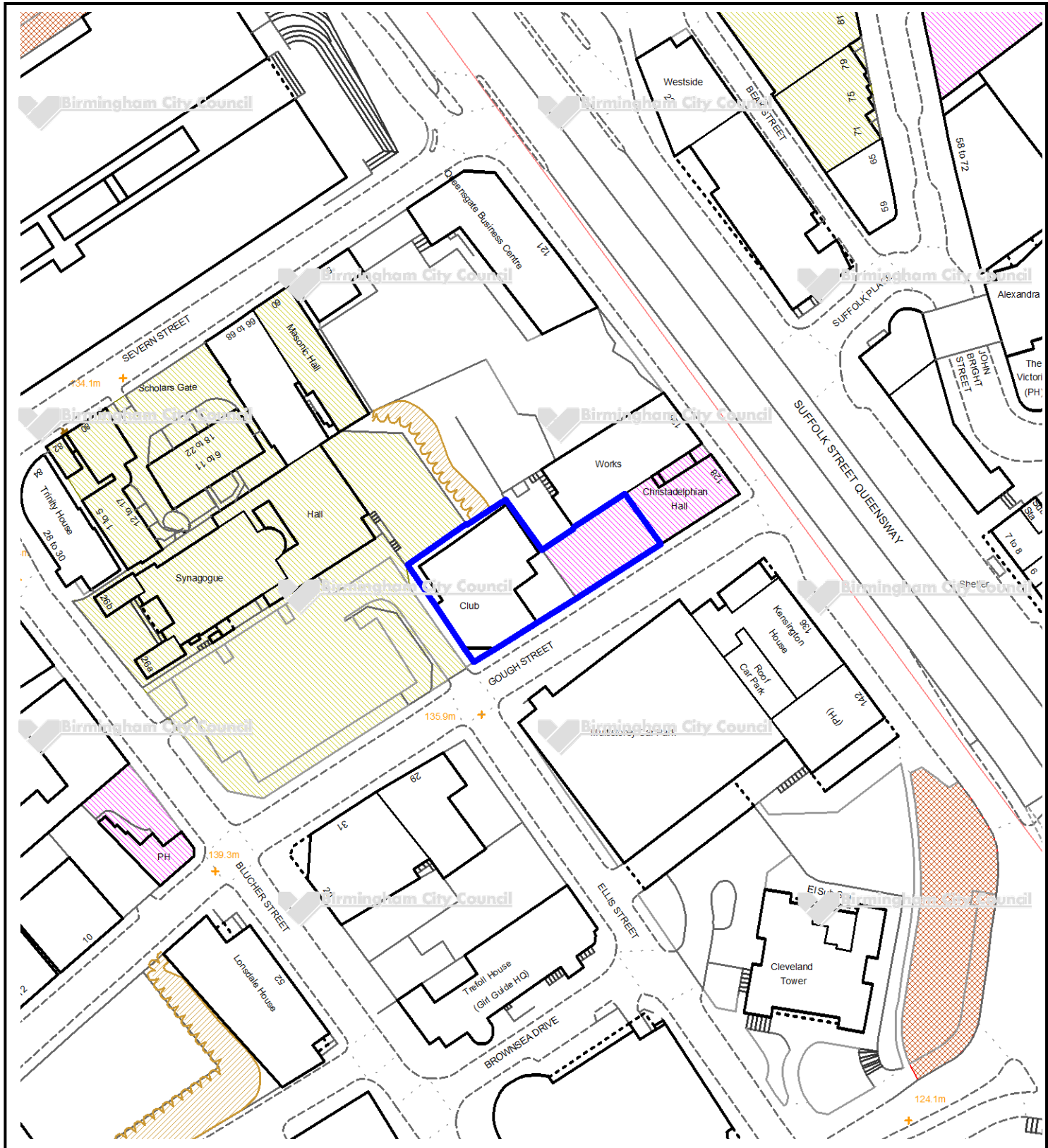


Figure 3: Relationship of site with adjacent listed Synagogue



Figure 4: Internal site view

Location Plan



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Birmingham City Council
Planning Committee 15 October 2015

Appeal Decisions Received from the Planning Inspectorate in September 2015

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Enforcement	17 St David's Grove, Handsworth	Erection of a first floor rear extension, including a covered balcony on a flat roof to the rear of the property. 2012/1535/ENF	Part Allowed (see note 1 attached)	Enf	Written Representations
Enforcement	22 North Road, Selly Oak	Erection of single storey rear extension and extension to the roof (appeal by Baibir Kaur) 2014/0818/ENF	Dismissed	Enf	Written Representations
Enforcement	22 North Road, Selly Oak	Erection of single storey rear extension and extension to the roof (appeal by Ms Ha Lee) 2014/0818/ENF	Dismissed	Enf	Written Representations
Enforcement	22 North Road, Selly Oak	Erection of single storey rear extension and extension to the roof (appeal by Ms Ming Lee) 2014/0818/ENF	Dismissed	Enf	Written Representations
Enforcement	42 North Road, Selly Oak	Erection of single storey rear extension and roof extension (appeal by Mr Jasbir Singh) 2014/0819/ENF	Dismissed	Enf	Written Representations
Enforcement	42 North Road, Selly Oak	Erection of single storey rear extension and roof extension (appeal by Mr Mark Pringle) 2014/0819/ENF	Dismissed	Enf	Written Representations
Householder	58 Shirestone Road, Tile Cross	Erection of single storey garage to front. 2015/01096/PA	Dismissed	Delegated	Written Representations
Householder	35 Second Avenue, Selly Park	Retention of rear dormer window and roof light to front. 2015/01427/PA	Allowed (see note 2 attached)	Delegated	Written Representations

Birmingham City Council
Planning Committee 15 October 2015

Appeal Decisions Received from the Planning Inspectorate in September 2015

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Advertisement	Land at Loveday Street, St Chads Queensway	Display of one premiere 450 display advertisement. 2015/00565/PA	Dismissed	Delegated	Written Representations
Advertisement	Beneficial Building, 28 Paradise Circus Queensway	Display of externally illuminated advertisement banner. 2015/00708/PA	Dismissed	Delegated	Written Representations
Advertisement	McLaren Building, Dale End	Display of 1no externally illuminated display banner. 2015/01269/PA	Allowed (see note 3 attached)	Delegated	Written Representations
Advertisement	1 Hubert Street, Aston	Display of one externally illuminated freestanding LED totem sign. 2015/02318/PA	Allowed (see note 4 attached)	Delegated	Written Representations
Advertisement	Digbeth Court, 164 High Street, Deritend	Display of 1 x 48 sheet digital advertisement hoarding and 1 x 48 sheet internally illuminated advertisement hoarding. 2014/09461/PA	Dismissed	Delegated	Written Representations
A3 / A5	61 Alum Rock Road, Saltley	Change of use of existing retail shop (A1) to hot food take away (A5) with eat in facility and installation of metal flue. 2015/01108/PA	Allowed (see note 5 attached)	Delegated	Written Representations
A3 / A5	596 Bristol Road, Selly Oak	Variation of condition number 4 attached to planning approval 1994/02926/PA to allow for extended opening hours until 0300 hours daily. 2014/09552/PA	Dismissed	Delegated	Written Representations
Residential	Land rear of 94 Sandford Road, Moseley	Erection of a detached three bedroom dormer bungalow. 2014/04723/PA	Dismissed	Delegated	Written Representations

**Birmingham City Council
Planning Committee 15 October 2015**

**Appeal Decisions Received from the Planning Inspectorate in September
2015**

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Places of Worship	219-221 Alexander Road, Acocks Green	Change of use of No. 219 from a dwelling house (Use Class C3) to a place of worship with ancillary faith-based educational institution and Imam's flat (Use Class D1) to be used in conjunction with existing place of worship at No. 221. 2014/09159/PA	Allowed (see note 6 attached)	Committee	Written Representations

Total - 17 Decisions: 11 Dismissed (65%), 5 Allowed, 1 Part Allowed

Cumulative total from 1 April 2015 - 60 Decisions: 48 Dismissed (80%), 10 Allowed, 2 Part Allowed

Notes relating to appeal decisions received in September 2015

Note 1: (17 St David's Grove)

Appeal dismissed insofar as it concerns the covered balcony area.

Appeal allowed insofar as it relates to the remaining element of the rear first floor extension (namely the first floor rear extension excluding the covered balcony and the access thereto). This element had largely been approved as part of an earlier planning application, with only slight deviations.

Note 2 (35 Second Avenue)

Application refused because 1) The design of the rear dormer window is out of keeping with the design/character/appearance of the original house 2) The size of the rear dormer window is out of scale with the original house and dominates its appearance. 3) The site is within the Selly Park Avenues Conservation Area and the dormer window is incompatible with the character and appearance of that area.

Appeal allowed because the Inspector considered the dormer window is not readily visible except from the property's own rear garden and other adjacent gardens in the immediate vicinity. It is not visible from the front of the property and trees to the rear provide a strong screen to views from houses on Third Avenue. Overall, the Inspector did not consider the dormer to be an overly dominant feature in the roofscape, nor would it have an adverse effect on the Conservation Area.

Note 3 (McLaren Building)

Application refused because 1) The advertisement display would present an unduly obtrusive feature in the general street scene, adversely affecting the visual amenity of the area. 2) The advertisement display would result in overloading the area with advertisements, adversely affecting the visual amenity of the area.

Appeal allowed because the Inspector considered that the proposed advertisement would not appear obtrusive or otherwise out of place in the surrounding area, despite its large size and elevated position, because it would be displayed with a considerable expanse of the building's façade remaining uncovered both above and below the sign and it would be seen in a commercial setting wherein large-scale illuminated advertisements are evident and are not an unexpected feature.

Note 4 (1 Hubert Street)

Application refused because the proposed advertisement(s) by reason of the number of existing advertisements in the vicinity would result in a cumulative adverse visual impact on the area.

Appeal allowed because the Inspector considered that although the proposal would result in a sizeable, repetitive feature within the local street scene, it would not result in any strong sense of visual clutter or an excessive advertisement display.

Note 5 (61 Alum Rock Road)

Application refused because the proposal would exceed the maximum allowance of ten percent for hot food takeaways within this retail parade. This would further reduce

the availability of A1 retail uses and would lead to a concentration of hot food uses which would adversely affect the vitality and viability of the frontage.

Appeal allowed because although the Inspector acknowledged that 2 out of 20 units in the parade have an existing A5 use, he considered there is not an over-concentration of hot food takeaways within the centre and the loss of one more retail unit in this parade would not significantly compromise the supply of retail premises or limit future retail opportunities.

Note 6 (219-221 Alexander Road)

Application refused because 1) the proposed development would adversely affect the amenities of occupiers of dwellings in the vicinity from noise and general disturbance arising from comings and goings at the application premises. 2) Use of the nearby bingo hall car park has not been adequately secured as part of this planning application and as such the proposed development would lead to additional parking in nearby roads, to the detriment of pedestrian and highway safety.

Appeal allowed because the Inspector was not persuaded that the additional noise and general disturbance to local residents from such activities would necessarily be greater than from people that currently attend no. 221 as a place of worship and learning and the use would not operate in the mid to late evening or at weekends when local residents are more likely to be at home.

The bingo hall operator has confirmed in writing that the car parking arrangement is acceptable and although their policy towards the use of the car park could change, this over-spill parking facility would be available for the foreseeable future. Concerns about the long term use of the car park must be balanced against the fact that prayers that attract significant numbers of people take place once a week and last for a short period of time.