

# **Birmingham City Council**

**Planning Committee**

**07 May 2020**

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

| <u>Recommendation</u>                       | <u>Report No.</u> | <u>Application No / Location / Proposal</u>  |
|---|-------------------|--|
| Approve – Subject to<br>106 Legal Agreement | 6                 | 2018/05801/PA<br><br>Heaton House & land adjoining Camden Street &<br>Powell Street<br>Jewellery Quarter<br>Birmingham<br>B1 3BZ<br><br>Demolition of existing buildings (apart from Heaton<br>House), erection of a part 3, 4 & 5 storey buildings<br>and refurbishment of Heaton House to provide 57<br>units, comprising 3 x 4 bed, 12 x 3 bed, 12 x 2 bed<br>and 30 x 1 bed houses and apartments and<br>401sq.m of commercial floor space for A1, A2,<br>B1(a) and/or D1 uses with associated parking and<br>landscaping. |

|                 |                          |                     |                      |
|-----------------|--------------------------|---------------------|----------------------|
| Committee Date: | 07/05/2020               | Application Number: | <b>2018/05801/PA</b> |
| Accepted:       | 23/08/2018               | Application Type:   | Full Planning        |
| Target Date:    | 01/06/2020               |                     |                      |
| Ward:           | Soho & Jewellery Quarter |                     |                      |

Heaton House & land adjoining Camden Street & Powell Street,  
Jewellery Quarter, Birmingham, B1 3BZ

Demolition of existing buildings (apart from Heaton House), erection of a part 3, 4 & 5 storey buildings and refurbishment of Heaton House to provide 57 units, comprising 3 x 4 bed, 12 x 3 bed, 12 x 2 bed and 30 x 1 bed houses and apartments and 401sq.m of commercial floor space for A1, A2, B1(a) and/or D1 uses with associated parking and landscaping.

#### Recommendation

#### **Approve Subject to a Section 106 Legal Agreement**

#### 1. Proposal

1.1 This application relates to an L shaped of 0.3 ha which has frontages to Camden Street and Powell Street within the Jewellery Quarter Conservation Area. It is occupied by a range of range of 2 and 3 storey vacant industrial buildings and hard standings which surround Heaton House an early 19<sup>th</sup> century villa. The application proposes the regeneration of the site by way of demolition, conversion and new build to provide 57 apartments and town houses and a commercial building of 401 sq.m A1, A2, B1(a) or D1 Uses. The application has been amended since originally submitted to revise the layout, building designs and uses which has reduced the number of dwellings from 73 to 57 units and introduced commercial floor space.

#### 1.2 **Demolition**

1.3 The application proposes to demolish all the existing buildings on the site apart from Heaton House, which although unlisted would be retained and refurbished. It was originally a detached villa, set back from the street frontage within substantial grounds. It has since been heavily modified and surrounded by buildings which front Camden Street and comprise a range of 2 and 3 storey vacant workshops and offices. Most are in a very poor state of repair and would be demolished. The site frontage to Powell Street contains the remnants of a brick building which would also be removed.

#### 1.4 **Conversion**

1.5 It is proposed that Heaton House would be refurbished to provide a 4 bedroom dwelling with a roof top terrace and small private split level private courtyard garden. All the original elevations would be reinstated following the removal of the modern additions and the facing brickwork would then be cleaned, new windows provided as required and non-original openings infilled. Where brick or stonework cannot be retained it is proposed that the areas be made good with corten steel to harmonise with the original brickwork and to show the recent insertions. The original portico

entrance would be reformed using folded steel with a new staircase landing in the centre of the new courtyard. The dwelling would also be provided with its own garage.



**Figure 1: Proposed courtyard view of Heaton House**

#### **1.6 New Build**

- 1.7 The application proposes the erection of three new apartment buildings on the site frontage to Camden Street with heights of 5 storeys including accommodation also proposed within the pitched roof space. The roof line of the three buildings would step down the site frontage to follow the street gradient. Building A, which would occupy the lower western end of the plot, would be separated from Blocks B and C by a wide opening to allow views to be made of the restored frontage to Heaton House and to reflect the original carriage gate entrance to the property. The opening would be marked by a steel arch and gates. Buildings B and C would occupy the remainder of the Camden Street frontage and comprise of two stepped blocks with a vehicle entrance running under Block C into a further courtyard area providing 15 (27%) car parking spaces.



**Figure 2: Proposed courtyard view and gap in Camden Street**

- 1.8 Proposed building D would occupy the site frontage to Powell Street and would be 4 storeys high with a flat roof and provide an entrance lobby onto the street to commercial floor space on the three floors above. The ground floor would also accommodate a substation and bin storage and resident's entrance to the courtyard area to the rear and cycle storage area. A further cycle store would be provided within building B proving 57 (100%) spaces.



**Figure 3: Proposed birds eye view of site**

- 1.9 The design of Blocks A-D is similar with the use of red brickwork frame and openings of diminishing proportions set within deep reveals. Large dark grey metal windows are proposed divided into smaller panes with stacked bond brick window heads, The buildings would also incorporate glazed brickwork at ground floor level and it is proposed use bespoke steel ventilation grills. The pitched roof would be of block standing seam zinc. On the gable end of blocks A and B on either side of the courtyard entrance the use of corten steel is proposed.



**Figure 4: Proposed view to Camden Street**

1.10 To the rear of blocks A and D three storey wings are proposed which would enclose the courtyard spaces on the southern and western boundaries. These would sub divided to provide 14 town houses with small private terraces to the rear. Their design is simpler but still would use a red facing brick and dark grey framed windows and have a flat roof.

1.11 The proposed mix of accommodation is as follows:-

| Type                       | Number   | Size in <u>sqm</u> |
|----------------------------|----------|--------------------|
| 1 bed x 1 person apartment | 20 (35%) | 37.7 – 48          |
| 1 bed x 2 person apartment | 10 (18%) | 50 – 63.3          |
| 2 bed apartment            | 12 (21%) | 64 - 85.6          |
| 3 bed town house           | 12 (21%) | 115- 155           |
| 4 bed town house           | 2 (3.5%) | 151                |
| Heaton House               | 1 (1.5%) | 312                |

1.12 The application has been supported by Design and Access Statement, Noise and Vibration Assessment, Air Quality Assessment, Energy/Sustainability Statement, Structural Condition Report, Heritage Statement, Sustainable Drainage Assessment, Preliminary Ecological Appraisal, Bat and Bird Assessment, Transport Assessment / Travel Plan and Ground Investigation. The applicants have also provided a Financial Viability Statement which has been assessed by the Council's consultants who have negotiated that 6 (10%) apartments would be provided as low cost units with a 25% discount on market sale values.

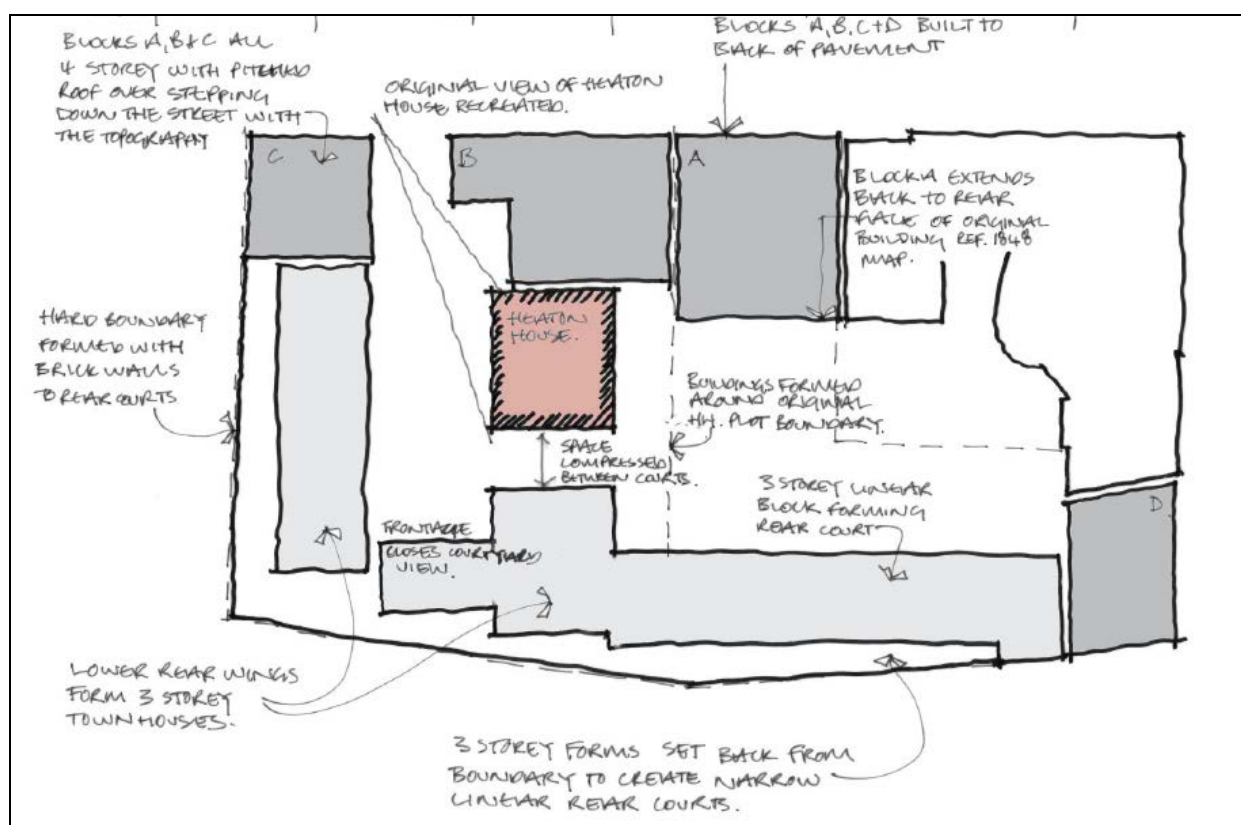


Figure 5: Proposed site layout and building heights



1.13 [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1 The application site is a roughly L shaped parcel of land that has two distinctive characters. On the Camden Street frontage and extending back into the site are a range of 2 and 3 storey commercial buildings that surround Heaton House. These comprise a row of four five commercial buildings (No's 121-137) fronting the street with workshops wings to the rear. These are all vacant, several are boarded up and others are derelict and overgrown. On the narrower site frontage to Powell Street the site has an open character comprising of hard standing and the remains of previous buildings. It has a vehicle entrance from Powell Street to allow its use for car parking. This frontage also contains the remains of a brick building with part of the front wall retained fronting the street. There is a significant difference in levels across the site and the rear boundary is marked by a retaining wall with the ground levels being up to two storeys above than those to the south.
- 2.2 The site boundaries wrap around a modern block of three and four storey apartments with ground floor commercial uses known as Altitude which occupies the corner of Camden Street and Powell Street. On the west boundary is a two storey office building which is at a lower level as is a large car parking area which abuts the rear boundary and is used in conjunction with a nearby commercial premises.
- 2.3 In the immediate area is a mix of commercial and residential properties including the Jewellery Quarter Academy School on Camden Street opposite the site and the premises of Currie and Warner on the opposite site of Powell Street.
- 2.4 The site and its surroundings are in the Jewellery Quarter Conservation Area within the designated Industrial Fringe area. There are a number of listed buildings in the vicinity although none adjoin the site.

2.5 [Site Location](#)

3. [Planning History](#)

- 3.1 12/01/07 – 2005/01959/PA - Planning permission granted at 123-137 Camden Street, for erection of 3 and 4 storey buildings and refurbishment and extension of Heaton House to provide office floor space (Class B1) and 43 apartments, access and parking.
- 3.2 12/10/06. – 2005/01961/PA. Conservation Area consent granted for demolition of existing buildings except Heaton House.
- 3.3 6/1/11 - 2010/06090/PA - Conservation Area consent granted for demolition of existing buildings except Heaton House.

4. [Consultation/PP Responses](#)

- 4.1 Transportation - No objections subject to conditions requiring a demolition and Construction Management Plan, a package of highway improvements via a S278 for alterations to the existing footway crossings and for the new access, a car parking management plan, the new gates be provided with an automatic opening mechanism and have a minimum vertical clearance, that the vehicle parking spaces be formally marked out and that secure cycle storage to be provided.

- 4.2 Lead Local Flood Authority – No objection subject to conditions to require sustainable detailed drainage scheme and its future maintenance
- 4.3 Regulatory Services – No objection subject to conditions requiring a site investigation and verification, further noise survey if the commercial floor space for D1 uses, controls on noise levels, the implementation of a noise mitigation scheme, noise insulation between the commercial and residential uses and hours of opening for the commercial uses restricted to 08.00 - 23.00 with deliveries 08.00 – 20.00 .
- 4.4 Local Services – No objection but comments that in accordance with BDP policy, the development is liable for an off-site POS contribution of £158,600 which would be spent on the provision, improvement and /or maintenance of POS in the Jewellery Quarter Cemeteries within the Soho and JQ ward.
- 4.5 Education – Requests a contribution under Section 106 for on the provision of places at local schools (subject to surplus pupil place analysis) of £190,117.40 for nursery, primary and secondary education.
- 4.6 Employment Access team – Request condition or a Section 106 Agreement to secure a construction employment plan.
- 4.7 Historic England – Has concerns on heritage grounds and has made the following comments:-
- Welcome the redevelopment of the site and repair of Heaton House which provides a welcome use for a vacant and significant building the Quarter.
  - Concerned that the scheme results in the loss of the remaining evidence of back-to-back housing on the site which is a comparatively rare survival in the area. Consider its loss would inevitably cause harm to the significance of the conservation area. This is judged as less-than-substantial harm, as described in the NPPF, and therefore should be weighed against the public benefits associated with the scheme.
  - Draw attention to the statutory duties of the local authority set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the requirements of sections 12 and 16 of the NPPF.
  - If, the council consider the principle of demolition and redevelopment acceptable recommend that the Council's expert conservation staff closely consider matters of design in the context of the conservation area.
- 4.8 Victorian Society – Acknowledge that much has been done on the redesign of the proposed new buildings but are disappointed that no further buildings are proposed for retention. They therefore continue to Object to the application on the following grounds:-
- The site lies within the Jewellery Quarter Conservation Area and comprises a group of buildings from all periods of the development history of the Quarter beginning with the early 19th century Heaton House with its associated coach house building and concluding with post war industrial buildings particularly those fronting Camden Street. Although currently in a poor state of repair, this group from different historical periods that makes up the Quarter and contributes positively to its character as a conservation area.
  - Whilst we welcome the proposed restoration of Heaton House, do not support the loss of the coach house, the removal of the other buildings of varying dates along Camden Street and particularly object to the loss of the remaining back to back houses on Camden Street.

- The former back-to-backs on Camden Street make a contribution to the streetscape through their scale and character and as with Heaton House 'tell the story' of the development of the area and are rare survivors of the courts of workers' housing that dominated the Jewellery Quarter in the late 19th century. They remind us that the Industrial Fringe contained residential dwellings of an earlier era alongside the mid-20th century purpose-built manufactories and that this was always a 'mixed use' community.
- These buildings should be repaired and brought back into use as part of the proposed development so they can make a positive contribution to the conservation area. We do not agree with the submitted Heritage Statement which justifies their removal on the basis that there are "better" examples elsewhere in the city, notably the National Trust properties in Southside. Examples of Victorian back to back houses are increasingly rare in the city and more specifically the Jewellery Quarter Conservation Area and should not be demolished.

4.9 Birmingham Civic Society has made the following comments:-

- These proposals are improved taking an approach closer to "conserve as found", but the new interventions, or reconstructed elements appear rather wilful. For example, applying black zinc to the roof where it is known slates existed. It is felt that these could easily be instated as slate in a manner which would allow the archaeological record to be read, while being sympathetic to the historic building.
- Similarly corten steel infill to represent brickwork - new brickwork could easily be used, maintaining 'scars' of previous interventions.
- Window openings are to be reinstated with metal linings – but there does not appear to be any justification for this, presumably this is so that interventions are more readily visible, but these could be new sash windows.
- We feel a quiet, sympathetic treatment, conserving as found the different phases of the building's history, or reconstructing them, again in a quiet way, would be more appropriate and no doubt of much lower cost than what is proposed.

4.10 The original proposals were reported to the Design Review Panel on 12 November 2018. The Panel made the following comments:-

- The Panel felt that the rationale for the loss of other existing buildings on site had not been clearly conveyed or justified. It was requested that the scheme is presented with this information at DRP in January.
- The development would benefit from 3D model to illustrate the big level changes with adjacent plots and the character of the courtyard spaces.
- Not clear how the development relates to the site's topography and its surroundings
- Liked the idea of retaining Heaton House in an enclosed environment. Coming into courtyard to find it there could be really interesting, but would be better if the public could experience glimpses to the house. Could there be a public route through the site or a gap provided in the street to allow public views.
- Not clear who the restored Heaton House would be aimed at it could instead be a hub in the middle of the development.
- Needs some breathing space for Heaton House – the rest of the development appears too cramped and not very sympathetic to its surroundings.
- There is not enough interest or rationale in the new collection of buildings - were not convinced by the presented scheme
- Felt there was a poor relationship and lack of connectivity between the proposed courtyards. There should be a stronger strategy for the open space – could the parking go?



- Questioned the inclusion of the glazed atrium and its design which it was felt had a poor junction with Heaton House
  - Concerns about corner apartments due to poor design and levels of light.
  - The proposed materials are questionable.
- 4.11 The updated proposals were considered at the next Design Review Panel on 14 December 2018 when the following points were made:-
- The design should build on the narrative of the site. This could be reflected in both existing buildings and new interpretations. Needs to recognise how the area has changed from formal housing to industrial. Many architectural styles also make the site interesting.
  - Are there opportunities to retain more of the existing fabric? Substantial justification should also be required for removal of remaining back to back house. Are there opportunities to reuse this as a unit?
  - Can a route be created through the site and access is provided from Camden Street in addition to Powell Street?
  - Is there an opportunity to re-use and integrate the existing carriage entrance into the site?
  - Concerns about internal living conditions due to the overdevelopment and their orientation. Removal of some residential units to south of site would improve light to courtyards and other units.
  - Concerned about large area of blank façade.
  - The external amenity space is poor.
  - Is a single residential use the most suitable use for Heaton House could it be flats accessed from different levels
  - Building heights and scale should be modified. Five storeys are unacceptable. Heights should respond to Heaton House.
  - The provision of the glass atrium was questioned and its relationship with Heaton House.
  - Query relationship of the proposals with surrounding and evolving developments
- 4.12 Jewellery Quarter Development Trust – Have not provided any detailed comments on the application but advised in respect of earlier proposals that they had significant concerns from a heritage and residents amenity perspectives. From a heritage point of view they welcome the proposals to keep Heaton House but they felt they were almost losing the house as it is being hidden from view by the massing of the new buildings. The loss of the coach house on the Camden Street frontage was unacceptable as it is inextricably linked to the main house. They also regretted the loss of the back-to-backs. From an amenity perspective the proposals are poor for the buildings around the perimeter of the site particularly those with access from Powell Street. There is also very little external space (all car park) and there are a number of single aspect apartment facing north so will hardly ever get any direct sunlight.
- 4.13 Severn Trent Water – No objections subject to a condition being imposed to require drainage plans for the disposal of foul and surface water flows.
- 4.14 West Midlands Police – No objection but has the following comments:-
- Notes there are only 17 proposed parking spaces but that there is secure cycle storage and the site in close proximity to transport links and the city centre so this should be adequate. Note there is also on street parking available.
  - Recommends that there are no shared spaces between the commercial and residential uses.

- Requests controls on operating hours of the commercial space to avoid any detrimental effect on the occupiers of the dwellings
  - Recommends a management plan for the site to control access for post, deliveries, refuse collections and control of the courtyard areas
  - Asks for clarity regarding the boundary treatments and that the gated vehicular and pedestrian access points be subject to controls
  - The doors to the bin store/plant/meter store and cycle storage should be of a suitable security standard.
  - Requests conditions to prevent crime and anti-social behaviour be added to any consent including robust and suitable access controls, all communal areas be adequately lit and subject to CCTV, the commercial units be protected by alarms and the dwellings and commercial units meet Secured by Design standards.
- 4.15 West Midlands Fire Service – The development will need to comply Part B of Schedule 1 of the Building Regulations 2010 and ensure the buildings are designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life and make reasonable provision to enable fire appliances to gain access to the building.
- 4.16 Ward Councillors, MP, residents associations, local residents and businesses notified of the original and amended application proposals, site/press notices displayed. 4 responses received in relation to the revised proposals making the following objections/comments:-
- Strongly object to the height of the development which would cause issues for residents of Altitude Apartments in terms of light and privacy.
  - The current design fundamentally contradicts the natural slope of buildings in the immediate area and disregards the design guidelines about the need for a subtle variety of roofline to preserve the character of the Jewellery Quarter.
  - The applicants refer to the development as being “four storeys – with a pitched roof.” But this is false as the pitched roof contains apartments, making the building five storeys.
  - There is a limit on building heights in the Jewellery Quarter to a maximum of 4 storeys and the proposals would interrupt this, set a precedent for heights to be exceeded.
  - There is considerable pressure for development in the Jewellery Quarter and the existing restrictions mean that new developments sets the area apart from the rest of the city, preserving its characteristic historic and industrial quality. Unless those guidelines are enforced the character of the area will be harmed.
  - The amendments made to the application have actually increased the height of the development from 15.2 to 15.4 metres,
  - The balconies of the Altitude Apartments that face the proposed development would look onto a high brick wall and have their light severely impeded due to the height of the proposed building. The balcony to my apartment has large windows facing towards the site which provide the main source of light.
  - The 10 metre separation distance between the side windows/balconies in the Altitude apartments and the proposed building is inadequate and the applicants design response has neglected to highlight the significantly shorter distance from the side of the proposed development to neighbouring apartments.
  - There are no measurements on the drawings to allow a comparison between building heights and the proposed development.
  - Do not accept the developer’s statement that the building is of comparable scale to the school building opposite the site. The school is 4 rather than 5 storeys, does not have accommodation in the roof. It is also at the top of the hill not halfway along it.

- New developments are continually gaining height, causing the Jewellery Quarter skyline to inevitably upscale as a result.
- Currie and Warner (who occupy the factory premises opposite the site on Powell Street) support the amendments to remove apartments from the Powell Street frontage which alleviate the potential noise issues previously raised.
- C&W have reservations that permitted development rights could enable a future change of use from commercial space to residential and therefore request any permitted development rights be removed so the proposed commercial spaces cannot be converted to residential use without requiring planning permission
- Concerned that the development may disrupt or damage nesting of Lesser Black Backed Gulls that using the site
- Although there are some positive aspects of the development relating to building materials and the conservation of Heaton House, the height of the development has not been revised and fails to acknowledge the adverse impact the five-storey height will have on the gradient rooflines and on the light and privacy of neighbouring properties.
- The developer must consider noise, dust and cleanliness during the building development to reduce the impact on existing residents and businesses who have suffered from the building works taking place in the area for many years.

4.17 5 letters were also received from local residents/businesses in response to previous plans. Four of the objectors have commented on the current amended plans as set out above. The other letter received in response to the original plans objected to the development on the following grounds:-

- The development would have an unacceptable relationship with our offices which sit immediately south of the development site and gain light from windows adjacent to the boundary.
- The proposals to provide a 3 storey wall immediately on the boundary only 2 metres from our windows would adversely affect the working environment for our 20 staff.
- The façade to the boundary in blank, oppressive and dominating
- The development offers little enrichment to the Jewellery Quarter would be at the expense of the quality of our existing workspace jeopardise diversity in the Quarter and is likely to hasten our relocation.
- The massing along the boundary should be reduced and employ some architectural relief.

## 5. Policy Context

5.1 Birmingham Development Plan 2017, Birmingham Unitary Development Plan 2005 (saved policies), Places for Living SPG, The Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Conservation Area Design Guide, Conservation Through Regeneration SPD; Car Parking Guidelines SPD; Public Open Space in New Residential Development SPD; Affordable Housing SPG 2001 and National Planning Policy Framework 2019.

## 6. Planning Considerations

### 6.1 **Land Use Policy**

6.2. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. The Development Plan comprises Birmingham Development Plan 2031 and the saved policies of the Birmingham Unitary Development Plan 2005. Other adopted

supplementary planning policies are also relevant such as the Jewellery Quarter Conservation Area Appraisal and Management Plan; The Jewellery Quarter Design Guide As is the National Planning Policy Framework.

- 6.3 Policy PG1 of the Birmingham Development Plan (BDP) states that significant levels of housing, employment, office and retail growth is required to meet the needs of its growing population. The BDP identifies the application site as being within the City Centre Growth Area where the focus will primarily be upon re-using existing urban land through regeneration, renewal and development. Policy GA1.3 relating to the Quarters surrounding the city centre core states that development must support and strengthen the distinctive characteristics, communities and environmental assets of each area. For the Jewellery Quarter it seeks to create an urban village supporting the areas unique heritage with the introduction of an appropriate mix of uses and radically improved connections to the City Centre Core.
- 6.4 The NPPF contains a presumption in favour of sustainable development and seeks to significantly boost the supply of homes and also to create the conditions in which businesses can invest, expand and adapt. Significant weight is to be given to the need to support economic growth and productivity, taking into account, both local business needs and wider opportunities for development. The NPPF also recognises heritage assets as an irreplaceable resource, and should be conserved in a manner appropriate to their significance.
- 6.5 The Jewellery Quarter has a Conservation Area Character Appraisal and Management Plan SPG which divides the conservation area into eight sub areas. The application site is shown as being within the Industrial Fringe locality where there is no objection in principle to residential development. Although the site has been used for employment purposes which Policy TP20 of the BDP seeks to protect, the Loss of Industrial Land to Alternative Uses SPD 2006 recognises that within the City Centre a more flexible approach to residential development is required to support regeneration initiatives. Most of the Camden Street section of the site was previously granted planning permission for 43 apartments and ground floor offices in 2007 and therefore residential development has previously been considered appropriate. The application proposals are primarily for residential accommodation but also include a four storey commercial unit on the Powell Street frontage and in principle are acceptable subject to consideration other policy requirements and material issues.
- 6.6. **Demolition**
- 6.7. The redevelopment of the application site would require the demolition of all the existing buildings apart from Heaton House. Although they are all unlisted, they are within a conservation area, where there is a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets and the Jewellery Quarter Conservation Area Appraisal and Management Plan states in para 1.1 that demolition of buildings will not normally be permitted. The NPPF requires the conservation of heritage assets in a manner appropriate to their significance. In considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation.
- 6.8 Conservation Area consent to demolish Nos 123 – 137 Camden Street apart from Heaton House was previously approved in 2006 and renewed in 2011 in connection with planning application 2005/01959/PA. The most recent demolition consent expired in 2014 and since then the BDP and NPPF have been published. Objections

to the demolition have now been raised by Historic England, the Victorian Society and Jewellery Quarter Development Trust primarily to the loss of the remains of the back to back housing and original Coach House to Heaton House. The Victorian Society also object to the loss of all the buildings on the grounds that they form part of the rich tapestry of built heritage in the Quarter. The Design Review Panel also felt that the rationale for the loss of the existing buildings on site, particularly the back to backs had not been clearly justified.

- 6.9 The applicants have submitted a Structural Report, Architectural & Archaeological Assessment and Heritage Appraisal in support of the application. These documents set out the history of the site which was originally developed around 1800 as a Gentleman's villa set back from the street within a mini parkland type setting and service wing/coach house and main carriageway drive fronting Camden Street. The site then became used as a chemical works with workshops/stores added to the house and two courts of workers houses were built at right-angles to the street around 1870. The works continued to expand so that only one pair of street front back-to-backs remains. These have been considerably altered but survive at the northern end of the site at 137 Camden Street. The remains of the narrow service wing/coach house at 123 Camden Street have been gutted to provide a ground-floor access via roller shutter doors to the rear of the site and contain the remains of an upper floor. The adjoining office building was built around 1948 and in more recent years and the former warehouse at 121 Camden Street was built in about 1973. Over the years the site has sub-divided and used for a variety of commercial and industrial uses, but is now vacant.
- 6.10 The reports conclude that Heaton House would have been a rather fine example of a gentleman's suburban residence and despite the changes made to a surprising amount of the original fixtures and fittings of the house had survived, although in a poor and deteriorating state. It is assessed as being of medium significance. For the former coach house/service wing only the form and roof remains as the interior has been totally stripped, the façade remodelled including the addition of the roller shutter and it is in a dangerous condition. It is assessed as having low significance as its original function can only be surmised, it is much altered with a damaged front elevation and its setting has been lost into the townscape. In respect of the surviving back-to-back at 137 Camden Street, it has been radically altered so that very little of its original character remains. Its significance is judged to be limited as only with 'detective work' can the original form be discerned, it is in a poor condition and no internal features remain. All the other buildings on the site are judged to be of either negligible or low significance. Although they typify the development of the Industrial Fringe of the Conservation Area in their present condition, they are judged to detract from the Conservation. Overall the reports consider the loss of the majority of the existing buildings the site constitutes less than significant harm, and any such harm is far outweighed by the retention of Heaton House and its return to economically viable use as a single residence.
- 6.11 The City's conservation officer comments that the Heritage Impact Assessment soundly sets out the evolution and development of the site and establishes values against each of the buildings present. Heaton House is itself amongst some of the earliest buildings developed across this western part of the Quarter and represents a type of building (the detached gentleman's house in grounds) all but lost in the area. The assessment identifies it to be of medium value and therefore it is retained within this proposal. Considering the rarity of this building and its survival, he would consider its value to be high, but as retention is proposed no objection is raised. The assessment considers the value of all the other buildings to be either low, negligible, limited or to detract from the significance of the site. The conservation officer

considers the back-to-back to actually be medium rather than limited significance due to the very limited survival of this housing type in the city and the role it played in this part of the Jewellery Quarter. However he considers that due to the difficulty of retaining part of what was a wider heritage asset meaningfully, its condition and finding a sound way of linking it to a bigger development, he accepts its loss. Overall the conservation officer considers that the loss of the existing buildings on the site can be outweighed by the redevelopment when applying the planning balance.

- 6.12 Although the conservation officer does not object to the demolition of the existing buildings the heritage assessment there would be some loss of significance to the conservation area. As this would be less than significant harm this needed to be weighed against the public benefits of the application proposals as set out in paragraph 196 of the NPPF. These matters are considered further below.

**6.13 Conversion of Heaton House**

- 6.14 The proposal to retain and refurbish Heaton House and convert it back to residential accommodation is welcomed. Although Design Review Panel considered it would be more suitable as apartment's officers support its use as a single dwelling, again as was originally intended. Earlier proposals for the site provided a continuous line of development on the Camden Street frontage so that it would have only been possible to see the Heaton House from within the private courtyard areas and not from the wider conservation area or public vantage points. Therefore although the retention was supported its complete enclosure with new building was considered to be of no real value. The amended plans now address this objection by providing a full height opening between buildings on the Camden Street frontage 6 metres wide to allow views of the restored frontage to Heaton House. This would be in approximately the same location as the original carriage gate entrance and although it would be enclosed with gates they can be of a railing type to ensure views into the site to be obtained from the street.

- 6.15 The proposals for the refurbishment of the building propose a light touch so that Heaton House is stripped back to retain its original fabric but with missing openings reinstated with a modern insert and recent alterations infilled with corten panels to record and illustrate the evolution of the building. Original slate pitched roofs are re-also interpreted through the use of black zinc standing seam cladding. Birmingham Civic Society express some concerns regarding this approach and feel a quiet, sympathetic treatment, conserving as found the different phases of the building's history, or reconstructing them, would be more appropriate such as reinstating slate roofs, using brickwork rather than corten steel to show previous interventions and proving replacement sash windows rather than using metal linings.

- 6.16 Although the Civic Society would prefer a more traditional renovation scheme the Conservation Officer considers the he approach to the refurbishment of Heaton House to be acceptable. He supports the proposal not to falsely reinstate missing and lost architectural detailing, but instead to deliver a basic repair which has the essence of the industrial character of the area. He considers the solutions are contemporary and the use corten steel and zinc to be honest and utilitarian. Despite this difference in opinion regard the renovation work proposed to Heaton House the more contemporary approach proposed is considered to be acceptable.

**6.17 Heights, Design and Layout**

- 6.18 Policy PG3 of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive



sense of place and safe and attractive environments. The NPPF in Para 124 states that good design is a key aspect of sustainable development and creates better places to live and work. The JQ Management Plan requires the design of new development to respect the scale, form and density of the historic pattern and form of the Jewellery Quarter. With regard to building heights it states that the Council will require new buildings to respect the height of traditional buildings within the locality and that this will normally limit new development to a maximum of 4 storeys. The Jewellery Quarter Design Guide outlines principles for good design including guidance on scale, form, grain, hierarchy and materials. New buildings are normally limited to a maximum height of 4 storeys but in some contexts it states three or even two storeys may be more appropriate.

- 6.19 The layout proposed has been designed to reflect the character of the conservation area with a series of buildings on the street frontages with further buildings arranged around two courtyard areas in the centre of the site adjacent to Heaton House. On the Camden Street frontage the new apartment buildings have been designed to have the appearance of three individual blocks with roof lines slightly stepping down the street. On the Powell Street frontage a commercial building for A1, A2, B1 (a) or D1 uses is proposed and there would be a terrace of town houses within the courtyard area to the rear.
- 6.20 The buildings proposed on Camden Street have been designed to have the appearance of 4 storeys with a doubled pitched roof. However due to the width of the blocks and provision of a flat roofed section between the pitched roofs 6 loft style apartments are proposed to be accommodated within the roof space which would be lit by roof lights and small windows in the gable ends. One of loft apartments would also have top shop style dormer on the rear elevation. In terms of design the proposals include diminishing proportions reducing in height up the building and with a taller storey at ground floor level and the facades have regular and repetitive fenestration within a red brick frame. Openings would be set back within deep reveals with stacked bond brick window heads and glazed brickwork at ground floor level. The pitched roof would be of standing seam zinc with the gable end of blocks A and B adjacent to the courtyard entrance being of corten steel.
- 6.21 Objections to the 5 storey height of the development were raised by the Design Review Panel and have also been made by local residents. They refer to the limit on building heights in the Jewellery Quarter to 4 storeys, the need for a variety of building scales and roofscape, that heights should step down the street and that they should not exceed that of Heaton House. The Civic Society also question the use of corten steel to the gable ends either side of the courtyard entrance and suggests using brickwork. The applicants however comment that the building heights reflect the eaves height of the buildings on the opposite side of Camden Street and will have the appearance of 4 storey buildings to the street. They also point out other full 5 storey height buildings nearby including within the recent St Georges Urban Village development in nearby Pope Street. Although the proposed buildings include a pitched roof this provides a more traditional appearance appropriate for the conservation area. They also advise that the use of corten steel to the gable ends is designed to reflect the areas industrial heritage whilst being tonal similar to brickwork but a contemporary material.
- 6.22 The City's conservation officer comments that the street facing buildings will appear as four-stories in height in accordance with the Jewellery Quarter Design Guide and whilst there is additional accommodation in the pitched roof spaces, he considers this can be tolerated. He notes the buildings along the Camden Street frontage are stepped to respond to the falling topography and there is a break in the position of

the houses original entrance in order to afford views through to the retained building. Also that there have been significant amendments to the design including the modelling to the brickwork with a grid of piers, double height soldier coursing as lintels to all windows and stack bonding in the secondary and tertiary planes. The zinc roof and integrated rainwater goods are supported as is the considered ventilation strategy which is a feature grill at every intersection of the piers with the floor plates. In the opening a corten steel silhouette of a traditional building profile is offered up which the conservation officer supports as it integrates with the gate detail, and has an industrial reference. Overall he considers the scheme has come a long way from early submissions and if well detailed could be a benefit to the character and appearance of the Conservation Area subject to conditions to ensure the details are provided

- 6.23 It is acknowledged that that the design of the Camden Street frontage blocks would allow 5 floors of accommodation to be provided. However from the street frontage they would appear 4 storeys high but with a pitched roof which would give a more traditional appearance. It would also add to the variety to the roof scape as a number of recent buildings nearby have flat roofs including the adjoining Altitude apartments. Camden Street is also a primary route through the Jewellery Quarter where buildings have traditionally been at a higher scale than on secondary routes thereby respecting its context. The agent also advises that any further reductions in height will make the development unviable having regard to the loss of floors space and apartment's numbers already made, the requirement for commercial floor space on Powell Street and need to retain Heaton House.
- 6.24 On the Powell Street frontage the proposed commercial building would use a similar palate of material and design features as the Camden Street buildings. It would however have a flat roof and have an overall height just below the neighbouring Altitude apartments. Two entrances would be provided at ground floor level to give activity to the street. The courtyards behind would accommodate 12 town houses as well as a parking area. The town houses would have a mews-like character to the courtyard and are three-storeys in height, responding to the building hierarchy in the conservation area. The Conservation officer considers the designs and heights follow the guidance in the JQ Design Guide which seeks lower building heights behind principal street facing buildings. He notes that contemporary proportioned windows are proposed aligned with panels of projecting brickwork and sharp and simple parapets broken up with double gables and that this would provide an appropriate and different architectural treatment to the street frontage buildings.
- 6.25 Objections were raised by Design Review Panel and have been received from a neighbouring business to the design of the development where it adjoins the boundary with neighbouring development to the south on the grounds that it is blank, oppressive and dominating and offers little enrichment to the Jewellery Quarter. Although the rear elevations of the proposed town houses would be largely blank this is to ensure that it does not prejudice the development on neighbouring sites in the future, much of which is occupied by a large car park. The external views are therefore deliberately simpler but still include brickwork detailing; articulated bays; landing windows and obscure glazing to light wells behind habitable rooms. It is however anticipated that in the future such views will be blocked by further development on adjacent sites.
- 6.26 Design Review Panel asked for a route to be created through the site to Powell Street and that opportunity is taken to re-use and integrate the existing carriage entrance into the site. A private route for occupants of the development has been created through the site between Camden Street and Powell Street and the new

gateway is in the location of the original driveway to Heaton House. The glass atrium previously proposed has now been removed from the scheme.

#### **6.27 Dwelling Mix**

- 6.28 Policy TP27 of the BDP states that new housing in Birmingham is expected to contribute to making sustainable places and demonstrate that it is meeting the requirements of creating sustainable neighbourhoods which are characterised by a wide choice of housing sizes, types and tenures to ensure balanced communities catering for all incomes and ages. Although the application proposes 30 (53%) x 1 bed apartments and 12 (21%) x 2 bed apartments it also proposes 15 (26%) 3 and 4 bed town houses including Heaton House which would form a large 4 bed dwelling of over 300 sq. metres in size. 6 apartments (10%) are also proposed to be affordable market sale properties so that overall the scheme would provide a good mix of dwelling types and sizes and the provision of town houses is particularly welcome. All would meet the nationally described space standards.

#### **6.29 Residential Amenity**

- 6.30 For the courtyard blocks the separation distances between the windowed elevations are generally 11 metres. This does reduce to 6.5 metres between two of the town houses and the side elevation to Heaton House but all have additional windows in other elevations for the rooms affected to ensure there would be an adequate means of light and outlook. Some of the apartments in the roof space would have a limited outlook as light is provided via roof lights however but most also have windows in the gable ends to serve living rooms or have dormers. The development provides two private courtyard areas for resident's use and although one of the courtyards is predominantly car parking the other would provide about 450 sq.m of hard and soft landscaped space. This has been enlarged since the original submission so the courtyard areas are now linked and surround Heaton House to improve its setting. It is also intended that the design of the 'garden courtyard' follows a pattern derived from the garden plan of Heaton House from an 1848 map. The town houses also have small private terraces at the rear and Heaton House would have a small walled garden and roof terrace.
- 6.31 Regulatory Services originally objected to the proposals as they included apartments in the four storey building fronting Powell Street due to the possible conflict between the residential uses and the nearby factory premises of Currie and Warner on the opposite the site on Powell Street. They now raise no objection subject to conditions including a restriction of hours for the opening hours of the commercial uses to 08.00 - 23.00 and deliveries restricted to 08.00 – 20.00 as well as implementation of the noise mitigation measures.
- 6.32 In terms of the impact of the development on neighbouring properties objections have been received from the occupants of the adjoining business premises in Powell Street and residents of the neighbouring Altitude Apartments regarding the impact the development would have on their properties due to loss of light, overbearing impact, loss of privacy and outlook and impact on their private balcony spaces.
- 6.33 The office building adjacent to the site is two storeys high and is set well back from the street frontage behind a car parking area. Although the commercial building proposed on the Powell Street frontage would be 4 storeys high, at a higher level and located fronting the street it is not considered that it would cause a loss of light to an unacceptable degree. The front elevations of the neighbouring offices are entirely glazed and the car park provides a large open area in front so that its largely open

aspect would be retained. To the rear of the commercial building three storey town houses are proposed which would lie on or within 2 metres of the shared boundary and be at a higher height. However the office building has roof lights along the length of the building which would still provide light. Although the offices also have windows in the side elevation facing the application site light to these window is already limited at ground floor level by the existing boundary wall. Overall it is not considered that the impact on the neighbouring offices would be unacceptable.

- 6.34 On the neighbouring Altitude Apartments the proposed buildings on the Camden Street and Powell Street frontages follow the footprint of the adjacent block. The town houses proposed at the rear of the site are between 17.9 – 28.8 metres from the neighbouring apartment's windows that face towards the site which provides good separation distances for a city centre location. On the Camden Street frontage two of the fourth floor apartments have balconies that face towards the application site over the flat roofs of the adjoin buildings. The distances between the closest balcony area is 12 metres and there would be 13.5 metres to the apartment window facing the site. This is illustrated on the plan below.



**Figure 6: Plan showing relationship with neighbouring development**

- 6.35 Although the development would, due to its height restrict views from the neighbouring balcony areas and may reduce light from the windows the separation distances are such that it is not considered that they would be affected to an unacceptable degree that would warrant refusal of the application. The apartments have light available from other windows and the balcony areas would still be separated from the position of the new building by the three storey flat roof section of the Altitude Apartments that adjoins the site. Planning permission has also previously been granted for a 4 storey building with a pitched roof fronting Camden Street in 2007. Although that approval did not include 121 Camden Street which immediately adjoins the neighbouring building and there was no accommodation in the roof space there has previously been consent for a large building on the site.

#### 6.36 **Impact on Heritage Assets**

- 6.37 The NPPF requires heritage assets to be conserved in a manner appropriate to their significance and requires an applicant to describe the significance of any heritage assets affected and to assess how it may be affected by a proposal. The BDP and

Jewellery Quarter SPG's also contain other guidance regarding the need for new development within the Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of the area and provides various criteria relating to siting, scale and design against which new development will be judged.

- 6.38 The paragraphs above relating to the proposed demolition and design of the new buildings have commented on their impact on the Conservation Area. It is considered that a number of aspects of the development have the potential to enhance the character and appearance of the Conservation Area such as the regeneration of the site, removal of derelict buildings and reinstatement of buildings on the Powell Street frontage. In addition Heaton House would be renovated and reused as a dwelling again satisfying the test in the NPPF which requires local planning authorities to look for opportunities for new development within conservation areas, to enhance or better reveal their significance. It is however considered that the demolition of all the existing buildings on the Camden Street frontage particularly the remaining evidence of back- to-back housing on the site would cause some harm to significance of the Conservation Area. The harm is at the lower end of less than significance and therefore needs to be weighed against the public benefits of the proposals as required by paragraph 196 of the NPPF.
- 6.39 There would be a number of public benefits as a result of the development. These include:
- Regeneration of a brown field site which is vacant and providing viable new uses.
  - The retention and refurbishment of Heaton House and allowing its original form to be reinstated and use as a single dwelling.
  - Allowing Heaton House to be appreciated from the public realm and wider Conservation Area and providing a garden courtyard and entrance based on its original plan.
  - Contributing to the history of the Jewellery Quarter by retaining an extremely rare example of an extant early 19<sup>th</sup> century villa thereby 'telling the story' of the development of the Jewellery Quarter, with the conversion of domestic properties to industrial uses.
  - Removal of several dilapidated industrial and commercial units, which currently detract from the appearance of the Conservation Area
  - Providing locally distinctive new buildings and reinstatement of enclosed courtyards.
  - Providing a new commercial building on a gap site in the existing frontage to Powell Street thereby proving a mix of uses including active frontages.
  - Provision of additional residential accommodation including apartments and larger 3 and 4 bed town houses to add to the range of property types and sizes in the Quarter.
  - Provision of 6 low cost market apartments.
  - Providing full and part time employment opportunities both during the construction and operational periods.
- 6.40 These benefits are considered to outweigh the less than substantial harm to the conservation area from the loss of the remains of the back to back and other buildings on the Camden Street frontage.
- 6.41 With regard to the impact of the development on other heritage assets there are no listed buildings directly adjacent to the site. Although the applicant's Heritage Assessment identifies the listed buildings nearby it concludes that the proposals will have no impact on the significance of the individual designated heritage assets in the

vicinity. The City Design Manager comments that the application has a negligible impact on the setting of all the nearby listed building identified and therefore Section 66 of the Planning (LB&CA) Act 1990 is satisfied.

#### **6.42 Transportation Issues**

- 6.43 The development would provide a new vehicle entrance from Camden Street to serve a small car park with 15 spaces a 27% provision, Heaton House would have its own garage and 57 cycle spaces would also be provided a ratio of 100%. Transportation raises no objection to this provision and comment that it is unlikely that the proposed development would have any significant impact in terms of highway safety and free flow. They note the site has very good level of accessibility to public transport with frequent bus services, is within easy walking distance of local facilities and parking is regulated with TROs on Camden Street as well as there being un-restricted parking spaces fronting the application site. Jewellery Quarter Midland Metro station is also located close to the application site. They request various conditions are imposed to secure a construction management plan, a package of highway improvements, a parking management plan and new gates to be provided have an automatic opening mechanism.

#### **6.44 Ecology**

- 6.45 A local resident has made comments that the development may impact on nesting birds using the site. Although the submitted ecological appraisal makes an assertion that the site is unlikely to be used by Bats and Black Redstart, the Council's ecologist advises that there are recent records of species breeding nearby and the potential presence of Bats and Black Redstart cannot be discounted. A precautionary approach to demolition is therefore recommended so that if the buildings are not demolished outside of the bird/bat breeding season a suitably experienced ecologist should carry out a pre-demolition inspection for nesting birds or bats. Conditions are also recommended for the installation of nesting boxes and provision of biodiversity roofs to the buildings in order to maximise biodiversity gains. The ecologist also comments that the detailed planting scheme should focus on the use of native species and ornamental varieties for pollinators which should be secured by conditions as recommended.

#### **6.46 Other Matters**

- 6.47 Conditions are recommended to require a lighting scheme, on site security measures and CCTV as requested by West Midland Police. The comments made by the Fire Officer would be dealt with under Building Regulations. The request for conditions to be imposed to prevent the commercial building being converted into residential use in the future are considered to be unnecessary as the current permitted development rights, even if they applied, allow noise from commercial premises to be taken into account. A condition requiring a construction management plan is recommended to help limit an impact on adjacent residents. The request for a construction employment plan can also be covered by conditions

#### **6.48 CIL and Section 106 Obligations**

- 6.49 The proposed development falls within lies within a CIL charging area and the current payment is estimated to be about £220,059. In addition the number of apartments proposed means that the City Councils policies for Affordable Housing and Public Open Space in New Residential Development apply. A Viability Statement has been submitted with the application to demonstrate that the site cannot meet the full BDP



requirements which has been independently assessed by the City Council's consultants. As a result it has been agreed that 6 (10%) low cost market sale dwellings will be provided on site at a 25% discount in the form of 3 x 1 bed and 3 x 2 bed units. Contributions have also been requested from Local Services towards off site public open space and from Education towards school places. The development however would not be viable if the £158,600 open space sum was also provided, and additional education facilities are covered by CIL. The request for onsite low cost market dwellings are considered to be a fair and justifiable and to meet the necessity tests set out in the CIL regulations.

## 7. Conclusions

- 7.1 The BDP encourages further residential development in the City Centre and the site is within the Industrial Fringe locality of the Conservation Area where further housing is acceptable in principle. The application proposals have required a careful balancing of the objections to the development and the less than significant harm caused to the JQ Conservation Area against the public benefits of the development. The proposals would allow the regeneration of this run down site, the provision of viable new uses, restoration of Heaton House in an appropriate setting and erection of high quality new buildings. A good mix of dwelling sizes would be also provided as well as on site car and cycle parking.
- 7.2 Although objections have been raised by neighbours regarding the building heights, overbearing impact, loss of light and views it is not considered the amenities of adjacent local residents would be affected to an unacceptable degree. There would also be no adverse impact on the significance of the Jewellery Quarter Conservation Area or on other listed buildings nearby. It is therefore considered that the application is acceptable and would have a positive impact on the appearance of the site and is therefore recommended for approval subject to conditions as set out below:-

## 8. Recommendation

- 8.1 That consideration of application 2018/05801/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:-
- i) The provision of 6 affordable housing units on site comprising 3 x one bed and 3 x two bed to be offered at 25% discount of the market sale values in perpetuity.
  - ii) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the affordable housing value subject to a maximum of £10,000.
- 8.2 In the absence of a planning obligation being completed to the satisfaction of the Local Planning authority by 29 May 2020 planning permission be refused for the following reason:-
- i) In the absence of a legal agreement to secure a commitment provide 6 on-site affordable housing units the proposal conflicts with Policy TP31 of the Birmingham Development Plan and the National Planning Policy Framework.
- 8.3 That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.

8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 29 May 2020 planning permission for application 2018/05801/PA be APPROVED, subject to the conditions listed below:-

- 
- 1 Requires the prior submission of a phasing plan
  - 2 Requires the prior submission of works to protect Heaton House during demolition .
  - 3 Requires details of the works to be undertaken to restore Heaton House.
  - 4 Controls when demolition can take place
  - 5 Requires the prior submission of a contamination remediation scheme
  - 6 Requires the prior submission of a construction employment plan.
  - 7 Requires the prior submission of a construction method statement and management plan
  - 8 Requires the prior submission of a sustainable drainage scheme in a phased manner
  - 9 Requires the submission of a contaminated land verification report
  - 10 Requires the submission of a Sustainable Drainage Operation and Maintenance Plan
  - 11 Requires full architectural and specification details
  - 12 Requires the submission of sample materials
  - 13 Requires the prior submission of details of any roof top plant, structures, lift overruns, machinery and/or solar panels.
  - 14 Requires the prior submission of any steps or retaining wall details
  - 15 Requires the submission of boundary treatment details
  - 16 Requires the submission of hard and/or soft landscape details
  - 17 Requires the submission of details for biodiversity roofs
  - 18 Requires the submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis
  - 19 Requires the prior submission of details of bird/bat boxes
  - 20 Requires the submission of a CCTV scheme
  - 21 Requires the submission of a lighting scheme in a phased manner
  - 22 Requires the submission and completion of works for the S278/TRO Agreement
  - 23 Requires the parking area to be laid out prior to use
  - 24 Requires the provision of cycle parking prior to occupation
-

- 
- 25 Requires gates to have an automatic opening mechanism and a minimum vertical clearance of 3.4 metres.
  - 26 Requires pedestrian visibility splays to be provided
  - 27 Requires the submission of details of means to prevent parking in the Garden Coutyard
  - 28 Requires the submission of a Noise Mitigation Scheme
  - 29 Limits the noise levels for Plant and Machinery
  - 30 Requires the prior submission of noise insulation (variable)
  - 31 Requires a further noise mitigation scheme for any D1 use
  - 32 Limits the hours of use of the commercial retail units to 08.00 - 23.00.
  - 33 Limits delivery time of goods to or from the commercial premises to 8am-8pm
  - 34 Requires the glazing at ground floor level to the commercial unit to be clear and not obstructed.
  - 35 Removes PD rights for new windows
  - 36 Requires the scheme to be in accordance with the listed approved plans
  - 37 Implement within 3 years (outline)
- 

Case Officer: Lesley Sheldrake

## Photo(s)



Photo 1: Site frontage to Camden Street



Photo 2: Site frontage to Powell Street





**Photo 4: Internal site views showing remains of Heaton House and outbuildings**



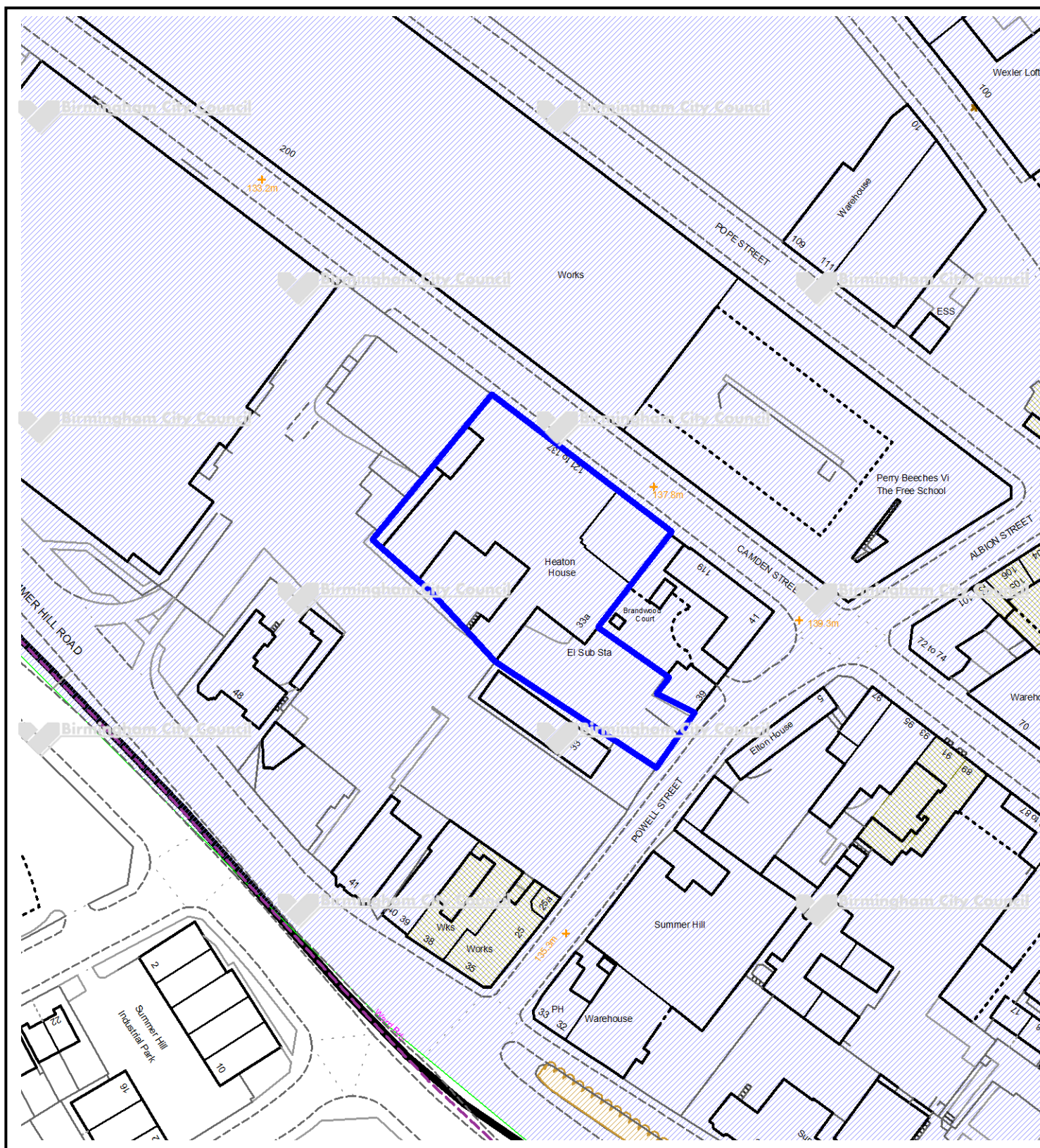
**Photo 5: Views of remains of Coach House and Back to Backs on Camden Street frontage**



**Photo 6: Views along Camden Street showing building heights and Altitude apartments**



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**07 May 2020**

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

| <u>Recommendation</u> | <u>Report No.</u> | <u>Application No / Location / Proposal</u>   |
|-----------------------|-------------------|---|
| Approve – Conditions  | 7                 | 2019/09000/PA<br><br>8 Selly Hill Road<br>Selly Oak<br>Birmingham<br>B29 7DL<br><br>Demolition of existing Selly Oak Ex-Servicemen's Club and 133 Dawlish Road and the erection of a part three/part five storey 178-bed student accommodation with a of a mix of cluster halls and studios, creation of new access road from Dawlish Road and associated infrastructure and facilities   |
| Approve – Conditions  | 8                 | 2019/07057/PA<br><br>Land at rear of 68 Wellington Road<br>Edgbaston<br>Birmingham<br>B15 2ET<br><br>Erection of two detached dwellings with associated access and parking  |
| Approve – Conditions  | 9                 | 2020/00222/PA<br><br>10 Albert Road<br>Harborne<br>Birmingham<br>B17 0AN<br><br>Demolition of existing library and residential wings of existing residential institution (Use Class C2) and retention and refurbishment of original villa. New build wings to include provision of 24 bedrooms (12 en-suite), dining room, kitchen, laundry and chapel as well as various support spaces and meeting rooms and landscape scheme including amendments to front curtilage parking arrangement |

Approve – Conditions

10

2020/01704/PA  
28 Newborough Grove  
Birmingham  
B28 0UX

Demolition of existing garage and erection of  
replacement garage

|                 |                         |                     |               |
|-----------------|-------------------------|---------------------|---------------|
| Committee Date: | 07/05/2020              | Application Number: | 2019/09000/PA |
| Accepted:       | 06/11/2019              | Application Type:   | Full Planning |
| Target Date:    | 24/04/2020              |                     |               |
| Ward:           | Bournbrook & Selly Park |                     |               |

## 8 Selly Hill Road, Selly Oak, Birmingham, B29 7DL

Demolition of existing Selly Oak Ex-Servicemen's Club and 133 Dawlish Road and the erection of a part three/part five storey 178-bed student accommodation with a of a mix of cluster halls and studios, creation of new access road from Dawlish Road and associated infrastructure and facilities

### Recommendation

### **Approve subject to Conditions**

#### 1. Proposal

- 1.1. This application is for the demolition of a social club and redevelopment of the site with a purpose-built student accommodation building comprising of 178 bedspaces. The scheme varies between three and five storeys high. A 3 storey frontage is proposed on Selly Hill Road however due to the change in levels across the site 2 lower ground levels are proposed. The scheme incorporates 2 rear wings which drop down to 3 storeys in height at the rear.
- 1.2. The proposed building would be sited 0.5m from the highway. It would measure 43.8m in width and generally has a depth of 10.6m however where the rear wing is positioned the depth extends to 25m. The proposed three storey element would measure 9m in height from Selly Hill Road and can be seen in figure 1 below. The proposed student accommodation building would provide 5,755sqm of internal floorspace.



Figure 1: Front Elevation on Selly Hill Road

- 1.3. The proposed building would be of a contemporary design, with a flat roof. The building would be constructed of red brick broken up by sections of recessed brick work. Feature windows with cladded panels are provided above the two entrances.
- 1.4. The scheme provides a mix of clusters and studios. The studios vary in sizes between 17 and 26sqm. The clusters contain between 6 and 10 bedrooms and incorporate a shared kitchen/lounge measuring 31sqm.
- 1.5. The scheme also includes a communal lounge measuring 260sqm which opens out onto the private amenity space. A cinema/games room (70sqm) and a gym (70sqm) have also been incorporated. The landscaped communal amenity space for residents to the rear would measure approximately 430sqm.
- 1.6. The building is serviced from the rear through the demolition of No. 133 Dawlish Road as shown in figure 2. The applicant has confirmed that the rear vehicular access would only be utilised by refuse lorries, maintenance vehicles and the annual drop-off and pick up of students. 2 integral bin stores and a cycle store would be incorporated in the lowest basement level which would be accessed from the rear of the building.



Figure 2: Proposed Site Plan

- 1.7. This application is supported by a Planning Statement, Student Needs Assessment, Design and Access Statement, Noise Survey, Site Investigation Report, Travel Plan, Sustainable Drainage Assessment, Ecological Assessment, Energy Statement and Arboricultural Report.
- 1.8. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site comprises of a broadly rectangular shaped single storey building that is located in the northern part of the site with its car park located to the south. The red brick building is single storey and has a flat roof. The site was previously utilised as a social club but has been vacant for a couple of years has been secured with fencing to prevent access.
- 2.2. Immediately adjoining the site to the south is an MOT garage, on which permission has been granted for a block of purpose built student accommodation (2019/01933/PA). Immediately adjoining the site to the west is a steep wooded embankment leading down to the properties on Dawlish Road and Lime Avenue. These are all Victorian terraced properties that are located on land that is approximately 4m lower than the application site. Immediately adjoining the site to the north are terraced residential properties on Harrow Road. Located opposite the site, on the other side of Selly Hill Road, are two storey houses.
- 2.3. The application site is located in a predominantly residential part of Selly Oak, comprising of two storey Victorian terraced houses largely occupied by students.
- 2.4. Parking is unrestricted and on-street along Selly Hill Road. Selly Oak District Centre is located a five minute walk to the north.

## 2.5. [Site Location Plan](#)

## 3. Planning History

- 3.1. 2017/08369/PA - Outline application for the demolition of existing building and erection of 10no. dwellings (Landscaping reserved for future consideration) – Approved subject to conditions on 14/03/2018.

## 4. Consultation/PP Responses

- 4.1 Transportation Development – No objection subject to conditions requiring construction management plan, travel plan, student management plan and provision of pedestrian visibility splays.
- 4.2 Regulatory Services – No objection
- 4.3 West Midlands Police – No objection subject to conditions requiring CCTV and secure access system.
- 4.4 Severn Trent Water – No objection subject to condition requiring drainage details.
- 4.5 Lead Local Flood Authority (LLFA) – No objection subject to conditions requiring the submission of a sustainable drainage scheme and a Sustainable Drainage Operation and Maintenance Plan
- 4.6 Adjacent occupiers, Councillors, M.P. and residents associations notified and site/press notices posted. 7 letters of objection received raising the following concerns:
- Increased noise and disturbance;
  - Loss of privacy;

- Excessive scale of development;
  - Increased pressure on public services;
  - Increased demand for parking spaces;
  - Increased traffic;
  - Already too much student accommodation provided; and
  - Harm to the character of the area
- 4.7 An objection has been received by the Community Partnership for Selly Oak (CP4SO). The following concerns have been raised:
- No need for further purpose built student accommodation;
  - Increased pressure on public services;
  - Harmful impact on character of the area;
  - Loss of privacy;
  - Only clusters should be provided;
  - Noise and disturbance; and
  - Increased traffic and greater demand for parking;
- 4.8 An objection has been received from Frederick Road and Rachel Gardens Residents Association. The following concerns have been raised:
- No need for further purpose built student accommodation;
  - Increased pressure on public services;
  - Harmful impact on character of the area;
  - Loss of privacy;
  - Only clusters should be provided;
  - Noise and disturbance; and
  - Increased traffic and greater demand for parking;
- 4.9 An objection has been received by Steve McCabe MP raising the following concerns:
- No need for further purpose built student accommodation;
  - Off-street parking is needed;
  - Disabled parking spaces are required;
  - Development harms the character of the area; and
  - Disruption for local residents

## 5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2031
  - Birmingham Unitary Development Plan (UDP) Saved Policies 2005
  - Places for Living SPG
  - Car Parking Guidelines SPD
  - 45 Degree Code
  - Wider Selly Oak SPD
- 5.2 The following national policies are applicable:
- National Planning Policy Framework (NPPF)

## 6. Planning Considerations

- 6.1. I consider the key planning issues in the determination of this application are; the principle of student accommodation on this site; the siting, scale and appearance of the proposed building; living conditions for prospective occupiers; impact on parking



and highway safety; noise impact; impact on neighbouring residential amenity; and impact on trees and landscape;

- 6.2. Principle of Student Accommodation
- 6.3. The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that for decision making this means approving development proposals that accord with the development plan without delay. Paragraph 117 encourages the use of as much previously developed (brownfield land) as possible.
- 6.4. The Birmingham Development Plan (BDP), at Policy TP33, has a set of criteria for off-campus development which includes; a demonstrated need for development; a good location in relation to the educational establishment, local facilities and public transport; that the development would not have an adverse impact on the local neighbourhood or residential amenity; the scale, massing and architecture of the development is appropriate for the location; and that the design and layout of the accommodation would create a positive living experience.
- 6.5. The application site does not have any land use designation within the Wider Selly Oak SPD, and is located outside of the defined District Centre. The Wider Selly Oak SPD acknowledges the attractiveness of Selly Oak for student accommodation and identifies some (larger) sites for potential purpose-built provision. However, there is no policy preventing purpose built student accommodation being developed on other windfall sites within the Selly Oak Area, subject to compliance with the criteria set out at Policy TP33 of the BDP, as re-iterated in the Wider Selly Oak SPD – in particular for accommodation to be well related to the educational establishment that it serves.
- 6.6. There are high concentrations of students living in Houses in Multiple Occupation (HMOs) in Bournbrook. This puts pressure on this area and both the quality of life for existing residents and the residential environments have been adversely affected as a result. The Wider Selly Oak SPD acknowledges that whilst purpose built accommodation can still bring large numbers of students into an area, it can help minimise adverse impacts on areas that are over-populated with students by freeing up HMOs for potential reversion to family housing, thereby restoring a more balanced community and helping with certain local services such as take up of school places.
- 6.7. The application is supported by a Student Needs Accommodation Survey. The Report, using 2018 data from the Higher Education Statistics Agency (HESA) identifies that the University of Birmingham (UoB) has a total of 28,900 full time students. The total student numbers at the University of Birmingham has increased from 28,240 in 2008 to 34,915 in 2017/8, a 19% increase over the identified 9/10-year period.
- 6.8. In total only approximately 8,808 student accommodation rooms can be provided in halls of residence both on and off campus within both university and private ownership. This equates to provision for 30% of the full-time student population at the University of Birmingham, leaving 70% of full-time students (approximately 20,092 students) at this institution potentially requiring alternative accommodation.
- 6.9. With additional numbers from consented sites and those awaiting a decision in the development pipeline for student accommodation taken into account, a total of approximately 11,261 bed spaces for full-time students could be potentially be

delivered. This equates to an additional 8% of provision for full-time students, taking the total provision up to approximately 39%. The research demonstrates that when taking existing bed spaces available there may be up to 20,092 (69%) of full-time students who cannot find bed space within purpose-built accommodation close to the University of Birmingham, and if the 2,453 additional developments in the pipeline were taken into account 17,639 (61%) who cannot find appropriate bed space. Planning Policy have reviewed the Student needs Assessment and emphasise that due to the University of Birmingham's expansion plans up to a further 3,000 additional rooms will be required over the next decade. They therefore believe that the Assessment demonstrates an undersupply of purpose-built student accommodation to serve the University of Birmingham. I concur with this view.

- 6.10. I note local objectors' concerns regarding a purported over-supply of student accommodation (and associated impacts in creating an unbalanced community). However, I am satisfied that, existing and currently consented developments for student accommodation fall short in terms of providing sufficient residential accommodation to meet the identified need for student accommodation to serve the University of Birmingham. Even if all the current permitted schemes come forward, a significant undersupply of purpose built student accommodation in the areas serving the University of Birmingham will remain. The increasing trend in full-time students at the University, and in particular overseas students, means there is a demonstrated demand for purpose built accommodation. Bournbrook will always likely be a popular location for students to live in because of its close proximity to the University.
- 6.11. Whilst this site is not immediately adjacent to the University campus, it is an 8 minute walk from the edge of the campus, and also easily accessible by cycling or public transport. In addition, it has a similar relationship (in terms of distance) to other recently approved student schemes, such as the Birmingham Battery site. As such, I consider the application site is in a suitable location to provide for purpose built student accommodation, being a brownfield site in close proximity to the University and local services/amenities, including Selly Oak District Centre and would, consequently, achieve sustainable benefits. Current planning policy does not restrict the provision of student accommodation at this site and therefore I consider such development would be acceptable in principle, and the need for additional student accommodation has been demonstrated in accordance with Policy TP33 of the Birmingham Development Plan.
- 6.12. Siting, Scale and Appearance
- 6.13. Policy PG3 of the BDP explains that "All new development will be expected to demonstrate high design quality, contributing to a strong sense of place." It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.
- 6.14. Paragraph 124 of the NPPF states that "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to

communities". Saved Policies 3.14-3.14D in the Birmingham UDP, Places for Living SPG and Places for All SPG also give significant weight to achieving high quality design which recognises local character and distinctiveness.

- 6.15. The existing social club building on the application site is of no particular architectural merit. It is a single storey building which is constructed of red brick, has a flat roof and is clearly in need of repair and maintenance. As such, its removal would be welcomed, as it currently appears as an incongruous feature in the streetscene. Furthermore, consent has already been granted for its demolition via the recent approval for 10 dwellings under reference 2017/08369/PA.
- 6.16. The proposed development presents a 3 storey frontage which mirrors the adjacent schemes of purpose built student accommodation which are either constructed or consented to the south of the application site.
- 6.17. The proposed building is set in line with the adjacent property, No. 81 Harrow Road maintaining a consistent building line along Harrow Road and Selly Hill Road.
- 6.18. Properties along Selly Hill Road and Harrow Road are generally two storeys in height although many have a third storey provided within the loft space. Whilst the proposed development would front the street with a three storey flat roofed design it would be similar to the height of the adjacent block of accommodation that was recently approved.
- 6.19. The use of a red brick which is broken up by recessed brick detailing gives the rhythm of a series of individual properties similar to a row of terraced houses. The use of cladded feature windows above the 2 front entrances adds visual interest and helps draw attention to the entry points of the building.
- 6.20. When viewed from Selly Hill Road the proposed development would be sympathetic to the local vernacular of surrounding Victorian houses, through utilising vertical windows and red facing brickwork. With a large number of windows on the frontage the proposed development has been designed to provide surveillance/activity to the street.
- 6.21. The scheme utilises the change in levels across the site to provide 2 levels of accommodation which are below the natural ground level on Selly Hill Road. The property is therefore effectively 5 storeys high when viewed from Dawlish Road. Importantly, the 2 rear wings which extend towards Dawlish Road reduce to a height of 3 storeys. This is similar to the height of the terraced properties on both Dawlish Road and Lime Avenue as shown in Figure 3 below. The scheme would therefore fit comfortably within the street scene.



Figure 3: Cross-section showing relationship with properties on Lime Avenue

- 6.22. The scheme results in the demolition of No. 133 Dawlish Road. This is a traditional terraced property dating from the early 20<sup>th</sup> century which has some architectural merit. However, such properties are common place in Bournbrook and with no statutory or local listing its loss cannot be resisted in this instance.
- 6.23. In light of the above, the appearance, scale and massing of the proposal is acceptable and retains the character and appearance of the local area.
- 6.24. Living Conditions
- 6.25. The Council's Specific Needs Residential Uses SPG (1992) recommends that a single bedroom within purpose built student accommodation should measure a minimum of 6.5sqm in size. Each proposed cluster flat bedroom would have an internal floorspace of between 13sqm - 18sqm (inclusive of en-suite). The communal areas within the clusters, each being 31sqm are relatively generous, with furniture layouts provided to demonstrate the accommodation of kitchen, dining and lounge facilities. The studios are also well proportioned varying in sizes between 17 and 26sqm. The scheme also includes a communal lounge measuring 260sqm which opens out onto the private amenity space. A cinema/games room (70sqm) and a gym (70sqm) have also been incorporated.
- 6.26. A communal garden area (approximately 430sqm) is proposed to the rear of the block. This area is considered sufficient to provide a suitable setting for the building and opportunities for occupiers to take advantage of the outdoor space.
- 6.27. In light of the above, I am satisfied that the proposal meets policy requirements in terms of creating a positive living experience for future occupiers.
- 6.28. Parking and Highway Safety
- 6.29. Policy TP38 of the BDP states that "The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported." One of the criteria listed in

order to deliver a sustainable transport network is ensuring that that land use planning decisions support and promote sustainable travel. Policy TP44 of BDP is concerned with traffic and congestion management. It seeks to ensure amongst other things that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.

- 6.30. The NPPF highlights that decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; Safe and suitable access to the site can be achieved for all people; and Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.31. The Council's Car Parking Guidelines SPD recommends a maximum of 1 space per 5 beds and a minimum of 1 cycle space per 4 beds for purpose built student accommodation. There is no minimum parking provision requirement. The proposal provides cycle storage and no off-street car parking.
- 6.32. The site is located within a five minute walking distance of Selly Oak District Centre and the local facilities that exist here. There are bus stops located along the Bristol Road which have very frequent services into the City Centre. Selly Oak Rail Station is located approximately 570m distant from the site, and again provides frequent rail links to the City Centre. I am therefore satisfied that the site benefits from good public transport links, and is located within easy walking/cycling distance of the University of Birmingham and local facilities at Selly Oak District Centre.
- 6.33. The inclusion of rear access for servicing ensures that refuse vehicles will minimise the potential for congestion outside the site. With the drop-off and pick-up of students each year taking place within the site, this should prevent on street parking in the surrounding streets. Transportation raise no objection to the scheme and consider that the proposed access is acceptable.
- 6.34. A Travel Plan will be required to make residents fully aware of the non-car opportunities of travel, this matter can be addressed via condition. Furthermore, it is understood that the lease agreement would prevent students from parking along local roads and within a certain distance of the site. A Student Management Plan will also be required to set out procedures for drop-off/pick up at the start/end of each term to ensure that this is carried out on a phased basis.
- 6.35. Amenity of Existing Residential Occupiers
- 6.36. The closest residential property is 81 Harrow Road which is located to the north of the application site. This traditional end terraced property has no windows on the side elevation and the proposal does not breach the 45 degree code when measured from the habitable windows on the rear of the property. The scheme therefore has no undue impact in terms of loss of light or privacy on No. 81.
- 6.37. No. 46 Selly Hill Road is located to the north of the site and is currently in used by a car repair firm (B2 use) meaning no amenity issues would arise. However, planning permission was granted under reference 2019/01933/PA for a block of student accommodation. It is important to consider the relationship with this adjoining proposed development. The side elevations of both the proposed scheme and

adjacent consented scheme do not contain any habitable windows ensuring that a loss of privacy could not occur.

- 6.38. In respect of the proposed development and its relationship with properties on Lime Avenue and Dawlish Road to the west of the site, I note that the application site is located at a ground level which is 4m higher than the terraced properties in Lime Avenue and Dawlish Road. The steep embankment between the two was covered by a number of trees although these have now been removed. The closest properties are numbers 115 to 133 Dawlish Road (odds) and No. 10 Lime Avenue.
- 6.39. The Council's Places for Living SPG recommends a separation distance of 21m between windowed elevations in new two storey development and windows in existing dwellings, and the separation distance increases to 27.5m where this relates to new three storey development. It also states that this standard will be more strictly applied at the rear rather than the front.
- 6.40. The wings of the proposed development contain no habitable windows in the rear elevation to ensure that a loss of privacy could not occur. The development is a minimum of 16.9m from the shared boundary with the properties on Dawlish Road and a minimum distance of 27m from the rear wing of these properties. This ensures that the proposal would not be unduly overbearing for the existing occupiers or cause a loss of privacy.
- 6.41. The development is 12.2m from the side elevation of No. 10 Lime Avenue. As the only openings in No. 10 are secondary windows at first floor level the relationship is considered to be acceptable.
- 6.42. Whilst the front to front separation between with the opposite houses on Selly Hill Road is only 17m, I consider this to be acceptable, as the proposed development block would follow an established building line, and as set out above Places for Living SPG allows more flexibility with a front to front relationship. It is important to note that the same separation distance was accepted on the adjoining sites.
- 6.43. In addition to the physical building the scheme includes the demolition of No. 133 Dawlish Road to enable the development to be serviced from the rear. This means that an access drive will be located directly adjacent to the rear gardens of No.'s 1-10 Lime Avenue. However, as the access will only be utilised by vehicles to provide weekly servicing and the annual drop-off and pick up the infrequent use will ensure that there is no undue noise and disturbance for the occupiers of these properties when they wish to utilise their private gardens.
- 6.44. In summary, the proposal will have no undue impact on amenity levels experienced by adjoining occupiers.
- 6.45. Trees and Landscaping
- 6.46. Policy TP7 of the BDP seeks to conserve and enhance Birmingham's woodland resource and states that all new development schemes should allow for new tree planting.
- 6.47. The front section of the site is covered in hardstanding and contains no landscape features. There were a number of trees within the steep embankment however these have all been removed. The submitted tree survey identifies 10 trees at the rear of the site of which 8 are category C and 2 are category B. It is proposed to retain 8 of these trees with one category B and category C tree lost. The proposed landscaping

plan indicates the planting of 9 trees with further mixed shrub planting also indicated. The Council's Tree Officer raises no objection identifying that there is the opportunities for replacement planting which would lead to an enhancement in tree cover overall.

6.48. My Landscape Officer has raised no objection to the proposed development and I concur with his recommendation to attach conditions regarding levels, hard and soft landscaping, boundary treatments and landscape management.

6.49. Sustainability

6.50. The Birmingham Development Plan places great emphasis on improving the quality of the City's environment, ensuring sustainable development and tackling climate change. Policy TP3 seeks to secure sustainable construction and in the case of non-residential development aim to meet BREEAM standard excellent. Policy TP4 expects major development to incorporate low and zero carbon energy generation.

6.51. An Energy Statement has been submitted with this application. This sets out that how the building can meet the BREEAM 'excellent' standard. To ensure this is achieved a condition will be attached.

6.52. Other Issues

6.53. The City's Ecologist has raised no objection to the proposed development. She notes that the existing buildings at the site at present offer negligible opportunities for wildlife. A condition requiring ecological enhancements is also requested to deliver further benefits.

6.54. The development would be liable for Community Infrastructure Levy (CIL), which I calculate to be in the region of £398,450.

## 7. Conclusion

7.1. I consider the development of this site for purpose built student accommodation would be acceptable in principle, given this is a brownfield site in a highly sustainable location within walking distance of the University of Birmingham campus. The siting, scale and appearance of the proposed development would be acceptable and would sit comfortably in the streetscene. There would be no adverse impact on the amenity of neighbouring residential occupiers and the development would provide an acceptable living environment for future occupiers. The proposal would support the function of the University of Birmingham as a key provider of employment, culture, and learning in the City. Therefore I consider the proposal would constitute sustainable development and I recommend that planning permission is granted.

## 8. Recommendation

8.1. Approval subject to conditions.

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

2 Requires the submission of sample materials

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- 3 Requires the prior submission of details of bird/bat boxes
  - 4 Requires the implementation of the submitted mitigation/enhancement plan
  - 5 Requires the prior submission of a construction ecological mitigation plan
  - 6 Requires the submission of hard and/or soft landscape details
  - 7 Requires the submission of hard surfacing materials
  - 8 Requires the prior submission of earthworks details
  - 9 Requires the submission of boundary treatment details
  - 10 Requires the submission of a landscape management plan
  - 11 Requires the prior submission of level details
  - 12 Requires the submission of a lighting scheme
  - 13 Requires the submission of a CCTV scheme
  - 14 Arboricultural Method Statement and Tree Protection Plan - Implementation
  - 15 Requires the prior submission of a sustainable drainage scheme
  - 16 Requires the prior submission of a drainage scheme
  - 17 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
  - 18 Submission of final certificate to meet BREEAM standard 'excellent'
  - 19 Submission of plans of new gable end for No. 131 Dawlish Road
  
  - 20 Restricted use of rear vehicular access
  - 21 Implement within 3 years (Full)
  - 22 Requires the prior submission of a construction method statement/management plan
  - 23 Requires pedestrian visibility splays to be provided
  - 24 Requires the submission of a residential travel plan
  - 25 Requires the submission of a Student Management Plan
- 

Case Officer: Andrew Fulford



## **Photo(s)**



Photo 1: View from Selly Hill Road looking north west towards social club building



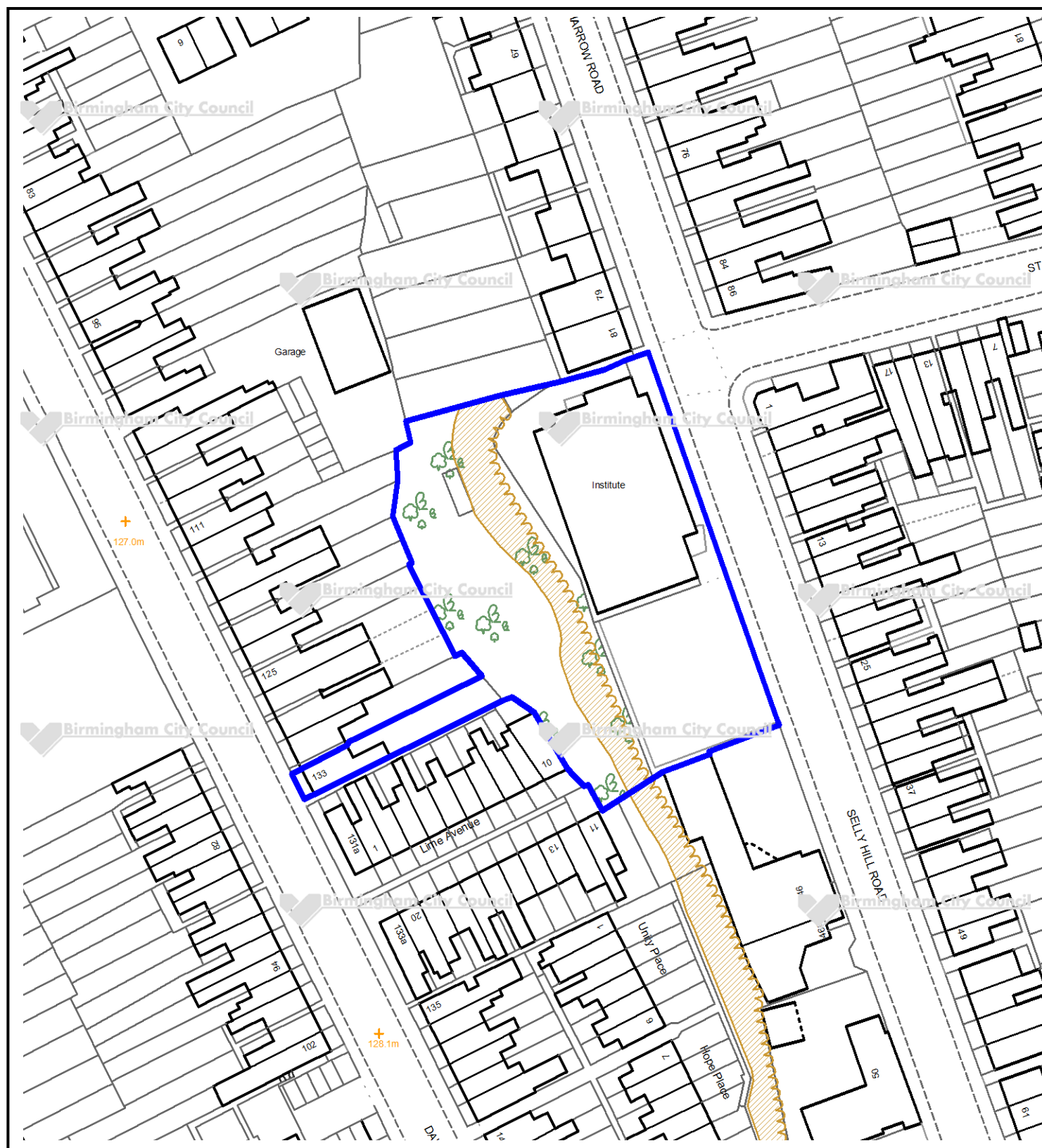
Photo 2: View from Selly Hill Road looking east across the application site towards properties on Lime Avenue and Dawlish Road



Photo 3: View from Dawlish Road looking west towards No. 133 Dawlish Road



## Location Plan



15

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|                 |            |                     |               |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 07/05/2020 | Application Number: | 2019/07057/PA |
| Accepted:       | 21/08/2019 | Application Type:   | Full Planning |
| Target Date:    | 26/03/2020 |                     |               |
| Ward:           | Edgbaston  |                     |               |

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

Erection of two detached dwellings with associated access and parking

Recommendation

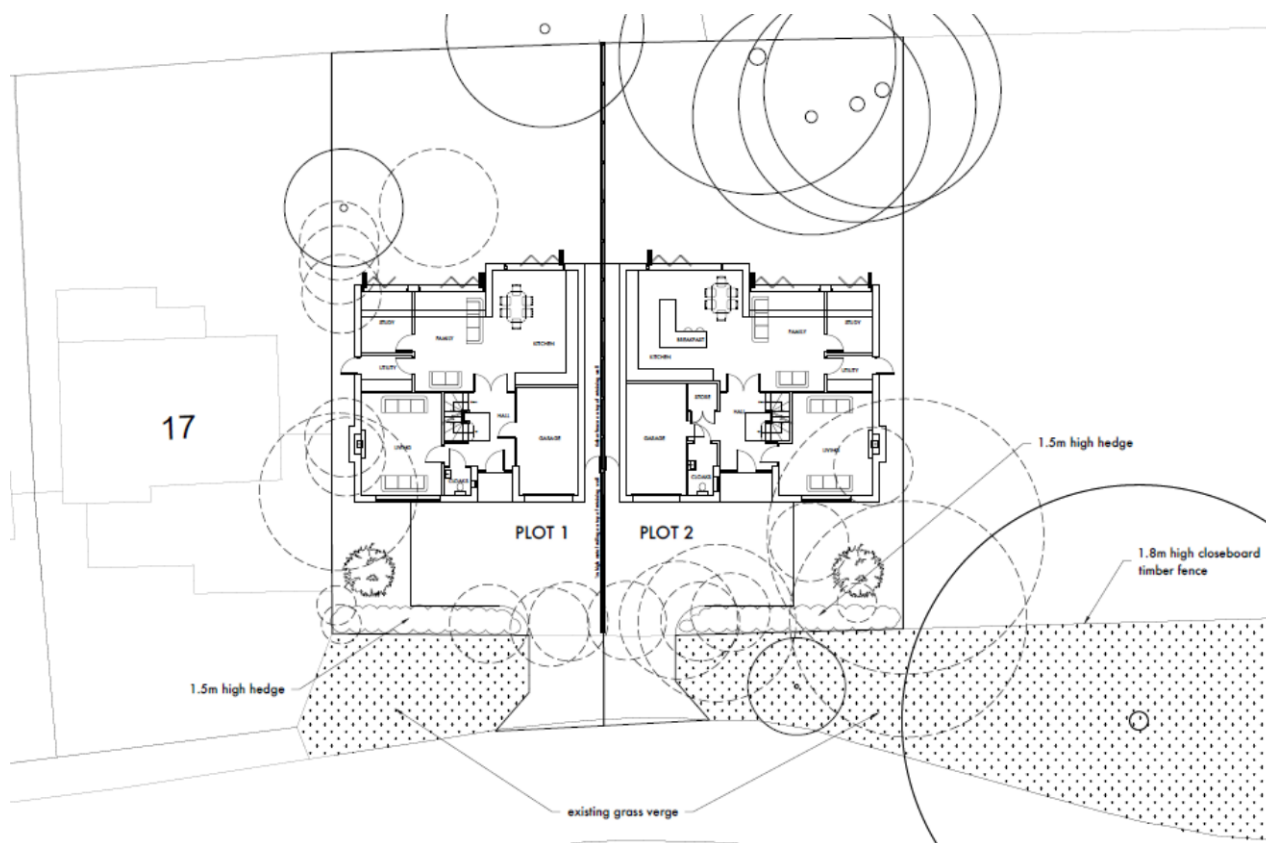
**Approve subject to Conditions**

1. Proposal

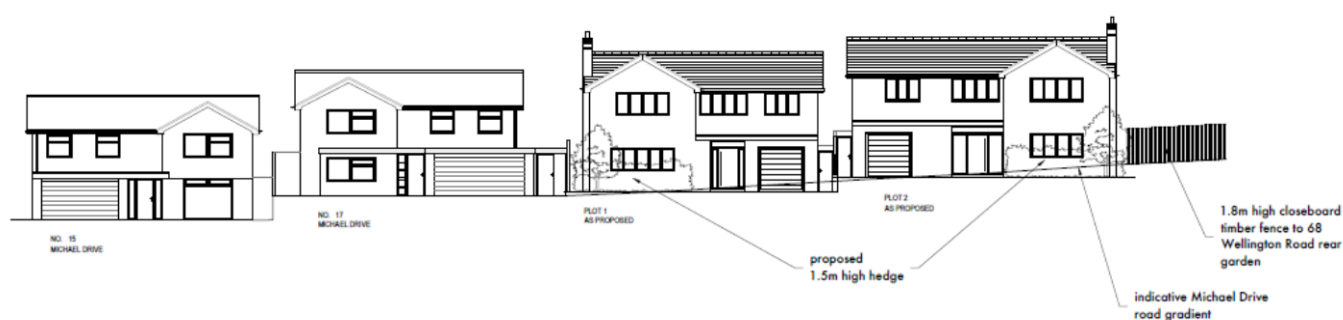
- 1.1. This application proposes two new dwellings in the rear garden of No.68 Wellington Road facing onto Michael Drive.
- 1.2. Amended plans were received during the course of assessing this application. The revised proposal changes the initially proposed forward projecting garages to each respective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

1.8. The application is accompanied by a Design and Access Statement, Heritage Statement and Arboricultural Report. Also submitted are supporting letters from Preet Kaur Gill MP (Edgbaston) and a local resident both dated October 2017 and referring to a previous application 2017/05381/PA, and a petition of 73 signatures entitled 'Local Residents Who Express Their Support For The Application To Date' and dated December 2017.

1.9. Below is the Proposed Site Layout Plan.



1.10. Below is an Indicative Proposed Street Scene Plan.



1.11. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site is located on the west side of Michael Drive with No. 68 Wellington Road to its north and No. 17 Michael Drive to its south. Wellington Road comprises large detached villas set within generous, well-landscaped plots. Michael Drive is an infill development of the 1960s and 1970s on land formerly occupied by large villas. The land slopes down into Michael Drive from Wellington Road and there is a distinct change of character between the two roads. Both roads fall within the Edgbaston Conservation Area.
- 2.2. The application site is separated from the Michael Drive highway by a grass verge and hedgerow.
- 2.3. [Site location plan](#)

## 3. Planning History

- 3.1. 24/07/2017 - 2017/03313/PA - Erection of two new dwellings with associated access and parking – Withdrawn.
- 3.2. 07/09/2017 - 2017/05381/PA - Erection of two residential dwelling houses with associated access – Withdrawn.
- 3.3. 03/04/2018 - 2017/10596/PA - Erection of two new dwellings with associated access and parking – Withdrawn.

## 4. Consultation/PP Responses

- 4.1. City Design: No objection.
- 4.2. Ecology: No objection but recommend Nesting Bird Informative.
- 4.3. Landscape Team: No objection.
- 4.4. Transportation Development: No objection.
- 4.5. Regulatory Services: No objection.
- 4.6. West Midlands Police: No objection. Recommend compliance with Secured By Design standards.
- 4.7. Severn Trent Water: No objection.
- 4.8. Site and press notices posted; local MP, Councillors, Residents' Associations and the occupiers of nearby properties notified of the application. 10-day re-consultation also carried out following receipt of revised plans. The following responses received to the amended proposal:
  - Preet Kaur Gill MP: No comments received. Any historic representation made in 2017 relate solely to the application at that time. Considers Planning Committee best placed to debate and determine this application.

- Cllr Deirdre Alden: Object on the basis that the proposal would be too dense, out of scale with neighbouring properties, would cause a loss of privacy for No. 17 Michael Drive, cutting into the grass verge would spoil the streetscene, and would cause a loss of trees.
- Calthorpe Residents' Association: Objects to the loss of 17 trees, other landscaping, grass verge and wildlife habitat. Inadequate parking. Scale of the dwellings would be disproportionately large relative to the plot size and to neighbouring dwellings, especially due to the basement. Proposed houses would cause harm to the character and appearance of the Edgbaston Conservation Area.
- Letters from 54 local residents were received from the initial public consultation on the original scheme. 11 no. objection responses were also received by the conclusion of the 10-day re-consultation for the revised proposal. A further objection letter has also been submitted by a planning agent representing a number of local residents. To summarise, the cited grounds for objection were as follows:
  - There are no substantive differences between the existing and previous planning application proposing 2 no. dwellings at the site;
  - Scale, mass and design of the dwellings would be out of keeping with the character of the area and detrimental to the green and spacious character of the Edgbaston Conservation Area;
  - Subdivision of the existing plot would result in loss of the contribution it makes to the open and sylvan character of the area;
  - The proposal would result in the loss of the quasi-rural outlook from properties on Wellington Road;
  - Loss of neighbouring amenity (specifically No. 17 Michael Drive) by way of light and to privacy from overlooking and overshadowing;
  - The proposal would have a negative impact on No. 68 Wellington Road;
  - Unsuitable backland development out of character and scale and design;
  - Position of the dwellings in the street would affect driver visibility and therefore highway safety;
  - Inadequate off-street parking would be provided;
  - Loss of trees;
  - Loss of ecology of wildlife, flora and fauna;
  - The development would cause drainage problems; and
  - The proposal would set a precedent for further development of large plots.

## 5. Policy Context

### 5.1. The following local policies are applicable:

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

### 5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2019)

- Planning (Listed Buildings and Conservation Areas) Act 1990

## 6. Planning Considerations

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

### **Policy**

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

### **Principle of Development**



- 6.9. In respect to the location of new housing, Policy TP28 of the BDP explains that proposals for new residential development should be located in low flood risk zones; be adequately serviced by existing or new infrastructure which should be in place before the new housing is provided; be accessible to jobs, shops and services by modes of transport other than the car; be capable of land remediation; be sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP.
- 6.10. In broad terms, new dwellings in this entirely residential area would be acceptable in principle subject to the proposals impact upon several material planning considerations i.e. impact on neighbouring amenity and the significance of heritage assets. The site is sustainably located, being within walking distance of bus services on Bristol Road (400m east) and close to the city centre, and the two large family dwellings proposed would make a small contribution towards meeting the city's housing need.
- 6.11. Therefore, I consider the principle of 2 no. dwellings in this location acceptable subject to an assessment on the impact of the proposal against other material planning considerations.

#### **Impact on Heritage Assets and Trees**

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

suburban and residential character and which has been developed more in a planned rather than in an ad hoc manner. The guidance states that a mature suburb could be a neighbourhood in its own right or a number of suburbs with different characteristics that combine to create a neighbourhood. What is important is that a suburb has identifiable characteristics that distinguish it from other areas.

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

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

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

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

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

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

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

*Wellington Road itself is an important contributor to the Edgbaston Conservation Area being one of the earliest roads laid out as part of the Calthorpe Estate development in the early 19<sup>th</sup> century. The road is predominantly characterised by large detached houses set back from the road in good sized plots. No.68 is of an*

*age and character that contributes to the character and appearance of this part of the conversation area and is considered to make a positive contribution to the street scene.*

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

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

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

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

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

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

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

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

define any permission and in accordance with the six tests for conditions outlined in paragraph 55 of the NPPF.

- 6.26. The Council's Tree Officer has also been consulted on the application because the proposal would involve the removal of the following trees:

- T6 – Yew – C category
- T11 – Laburnum – C category
- G1 – group of Holly and Lawson Cypress – C category
- G2 – group of Beech and Lawson Cypress – C category
- T14 – Horse Chestnut in grass verge of Michael Drive – U category

- 6.27. The Tree Officer comments raised no objections to the proposal *“on the basis that the tree protection measures and arboricultural method statement included in the application are made a condition of development.”* I recognise and appreciate that trees make an important and positive contribution to the character and appearance of the Edgbaston Conservation Area. Nonetheless, the Tree Officer is satisfied with the recommendations of the tree survey – as the proposed losses are all low quality specimens – and with the tree protection measures set out in the Arboricultural Report.

- 6.28. There are a number of existing trees (T1-4) that are located within what would be rear private amenity space for the proposed two dwellings (particularly plot 2). It is proposed that these trees would be retained as part of the development. The Tree Officer has confirmed that as these trees are at maturity their canopy expansion is likely to be minimal over the coming years. The Tree Officer is satisfied that *“the proposed construction methods and tree protection areas should ensure that retained trees are not impacted by the development itself.”* It is acknowledged that the backs of the proposed two properties would be facing roughly south-west, which would mean that the rear of these properties would be in shadow from late afternoon in summer. However, the Tree Officer considers that *“This is a situation where I would have thought it was very much down to the purchaser – if they like the thought of a woodland garden then this would suit them – if they wanted an open garden with no shade then they shouldn’t buy the property.”*

- 6.29. The Tree Officer comments did mention that *“there is foreseeability that there will be requests for tree works but this site does fall within the Edgbaston Conservation Area. The extent and visibility of the tree block that extends up behind the houses on Wellington Road is significant and would warrant a TPO if required.”* I have clarified this comment with the Tree Officer who has confirmed there is no requirement to consider affording these trees TPO status currently because any suggestion of works to the trees proposed to be retained are hypothetical. The Edgbaston Conservation Area designation covers all trees over 7.5cm diameter at a height of 1.5m and greater above the ground. As such, a ‘Notification of proposed works to trees in a conservation area’ application would need to be submitted to the City Council before any works to these trees could be carried out. The Local Planning Authority would then have six weeks to make an assessment on whether to grant the affected trees TPO status. In the event of unauthorised tree works there is a mechanism available to the Council to penalise for non-compliance and/or require replacement planting.

- 6.30. The Council's Landscape Officer has also raised no objection to the proposed development subject to a number of conditions in respect to boundary treatment details and hard and / or soft landscaping details. Likewise, the Council's City

Designer has also commented on the revised proposals and raised no objection on design grounds. The City Designer noted that *“The latest scheme should make the street more overlooked and active, have an appearance more in keeping with local architecture and also create better living accommodation overall.”*

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

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

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

### **Scale, massing and design**

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



concerns with the scale and appearance of the proposed dwellings, especially with the inclusion of a large basement in both properties.

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

#### **Impact on Residential Amenity**

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

**Rationale for difference between Committee Recommendation for applications 2017/10596/PA and 2019/07057/PA**

- 6.49. A previous planning application – reference 2017/10596/PA – proposed the ‘Erection of two residential dwelling houses with associated access’ at the application site. The application was scheduled to go before Planning Committee on Thursday 29<sup>th</sup> March 2018 with an Officer Recommendation to refuse the application for the following reason:

*“By virtue of the subdivision of an existing plot and the consequent loss of the contribution it makes to the open and sylvan character of the area, the proposed development would fail to preserve or enhance the character of the Edgbaston Conservation Area.”*

- 6.50. However, the application did not reach Planning Committee as the applicant gave an instruction to the council to withdraw the application on Wednesday 28<sup>th</sup> March 2018. The application was never heard and no decision was ever made on that application. Significant weight should not be afforded to the recommendation of the 2017/10596/PA report when considering the current application, as the contents of the report differ to the 2017/10596/PA report and no decision was made on that application.
- 6.51. A number of objectors have cited that the current proposal is very similar to the previous application and the policy background and material considerations remain the same. As such, it is contended that the application should be recommended for refusal in accordance with the Officer Recommendation on the 2017 withdrawn application.
- 6.52. It is acknowledged that the planning policy context and material considerations are not significantly changed since 2017. The 2017 proposal was also similar to the current scheme under consideration being two detached houses. The substantive difference is a revised design to the proposed dwellings to replace forward projecting garages with integral garages and the creation of additional front amenity space. At the time of the 2017 application the Conservation Officer recommended refusal. However, every application is treated on its individual merits and I have therefore made a fresh assessment of the proposed development on this basis, with full consultation with my Conservation and Tree Officers.
- 6.53. Earlier sections of this Committee Report have debated and assessed the principle of the proposal and its impact on heritage assets and trees in detail. The Committee Report for the 2017 application states that the principle of residential development on this application site is broadly acceptable. This is the same conclusion I have reached in my assessment on the current proposals. The differences arise when assessing the impact of the respective proposals, specifically in respect to heritage assets and trees.
- 6.54. The 2017 application identified that the proposed introduction of two houses on land to the rear of No. 68 Wellington Road would cause harm to the character of the Edgbaston Conservation Area by virtue of subdividing the existing plot and the consequent loss of the contribution it make to the open and sylvan character of the area.
- 6.55. Under paragraph 6.7 of the 2017 committee report the officer set out a number of bullet points each identifying the perceived harm the proposal would cause to the

character of the Edgbaston Conservation Area. For clarity and completeness these extracts are repeated below and then addressed following comments from the council's Conservation Officer.

- "Sub-division of a historic plot: The Edgbaston Conservation Area Character Appraisal (ECACA) notes that Wellington Road illustrates particularly well the deliberate policy to increase plot sizes as the townscape moves towards the heart of the Calthorpe estate at Edgbaston Hall and Church (pg.12).

*'Plots at the bottom of this road on the eastern fringe of the building estate are comparatively small ... while the large detached villas built towards the top of the road in the 1830s are in plots of an acre or more.'*

No. 68 is in the middle of the road and is 0.68 acres (0.27ha). With surrounding plots it plays an important role in demonstrating the carefully planned and hierarchical nature of building plots on the estate. Its subdivision would be particularly noticeable as it occupies a prominent corner position and the opposite corner has already been intensively developed.

- Loss of trees/vegetation: ... The Tree Officer is satisfied with the recommendations of the tree survey, as the proposed losses are all low quality specimens, and with the tree protection measures set out in the Arboricultural Report. However, development of the end of the garden of No. 68 would remove the space for significant tree cover which the ECACA states is *'perhaps its most definitive characteristic, drawing the diversity of building types and of architectural styles within its boundaries into a unified whole.'* (pg.13) The ECACA notes the continuing loss of tree and shrub cover and states that the overall result is a loss of unity and coherence, a more apparent diversity within the estate (due to significant architectural variations) and less distinctive character in relation to surrounding suburbs. In the case of the application site, as a corner plot the garden gives a view of the tree cover at the end of a long stretch of rear gardens. Building on this site would block that important view and fill in a gap in the building line which could be occupied by the existing trees or better quality trees in the future. Increasing the built-up nature of Michael Drive would by definition reduce the green spaciousness which is central to the character of the Conservation Area.
- Loss of the quasi-rural outlook from properties on Wellington Road: The ECACA notes the contrast between the secluded and enclosed nature of streets within the Conservation Area and the open aspect from the rear of many properties and states that,

*'The quasi-rural private impression is created by the extensive garden ground which traditionally lay behind the dwelling houses and is heightened where the houses stand on a slope or the gardens back onto open land'* (pg. 15).

Aerial photographs show that No.68 Wellington Road and the 13 properties to the west occupying similar sized plots all have heavily treed gardens. The land falls away from Wellington Road in a southerly direction so Nos. 54-68 sit in an elevated position with a view from rear elevations of a dense green expanse. Development beyond is far enough away and at a low enough level to be hidden. The proposed dwellings would encroach into this view, eroding the impression of a semi-rural setting from the vantage of Nos. 67a and 68 Wellington Road and possibly other nearby properties."

- 6.56. All of the aforementioned bullet points address inter-related matters, namely the impact of the proposed development on the significance of the Edgbaston Conservation Area. I concur that Wellington Road itself is an important contributor to the Edgbaston Conservation Area. I do also consider that No. 68 Wellington Road is of an age and character that contributes to the character and appearance of this part of the Conservation Area and makes a positive contribution to the street scene. However, I consider it also important to look holistically and give due consideration to the wider site context. In particular, the character of Michael Drive as well as Wellington Road because both streets are within the designated Edgbaston Conservation Area.
- 6.57. No. 70 Wellington Road is the residential property immediately on the opposite side of Michael Drive to the application site (No. 68) and also fronts onto Wellington Road. No. 70 has a rear garden that is approximately 13 metres in length. Beyond the rear boundary of No. 70 are residential properties that front onto Michael Drive. The proposed two dwellings and their respective plots would be similar in scale to existing residential properties along Michael Drive. A gap of 40 metres would be retained between the rear elevation of No. 68 Wellington Road and the side wall of proposed Plot 2 which would provide some separation between the different phases of development. Furthermore, the public verge directly at the corner of Wellington Road and Michael Drive would remain.
- 6.58. I consider that the sub-division of the application site would not harm the character of the historic plot (No. 68) nor the quasi-rural outlook from properties on Wellington Road. Page 12 of the ECACA does state that *“Wellington Road illustrates particularly well the deliberate policy to increase plot sizes as the townscape moves towards the heart of the Calthorpe estate”* but it then goes on to state that *“Variations in plot size... and the subtle shifts in the building line throughout the area lend the townscape an attractive irregularity, vital to its semi-rural character.”* (pg.12) I am satisfied that the hierarchical nature of building plots would not be undermined by the proposed development and that a clear distinction in the character and relationship of properties along Michael Drive in comparison to Wellington Road would be retained. No. 68 Wellington Road would remain noticeably larger within the streetscene than the properties along Michael Drive and I consider that the proposal would not undermine the positive characteristics of the Conservation Area in respect to variations in plot size and the semi-rural character of the Conservation Area. I share the view of the Council’s Conservation Officer who commented that *“Overall based on siting, form, scale and general design the introduction of these two new dwellings into Michael Drive is not thought to cause harm to the character and appearance of the conservation area and therefore can be supported.”*
- 6.59. In regards to loss of trees/vegetation it is important to note that the Tree Officer has commented on this application and raised no objections to the proposal *“on the basis that the tree protection measures and arboricultural method statement included in the application are made a condition of development.”* The amount of tree cover would reduce as a consequence of the proposed development. However, the Council’s Tree Officer has accepted the findings of the Arboricultural Report submitted with the application that found a number of existing trees are in poor health/condition. Furthermore, the Tree Officer has also concluded that a number of other tree specimens are not of sufficient amenity value to warrant Tree Preservation Order (TPO) status.
- 6.60. The introduction of two dwellings at the site would fill a gap in the building line and alter existing views from the public highway towards mature trees within the application site. I recognise and appreciate that trees make an important and

positive contribution to the character and appearance of the Edgbaston Conservation Area. As such, the most high value trees would be retained. The Tree Officer has confirmed that these trees are at maturity meaning their canopy expansion is likely to be minimal over the coming years. The Tree Officer is also satisfied that *“the proposed construction methods and tree protection areas should ensure that retained trees are not impacted by the development itself.”* It is acknowledged that the backs of the proposed two properties would be facing roughly south-west, which would mean that the rear of these properties would be in shadow from late afternoon in summer. However, the Tree Officer considers that *“This is a situation where I would have thought it was very much down to the purchaser – if they like the thought of a woodland garden then this would suit them – if they wanted an open garden with no shade then they shouldn’t buy the property.”*

- 6.61. The Tree Officer comments did mention that *“there is foreseeability that there will be requests for tree works but this site does fall within the Edgbaston Conservation Area. The extent and visibility of the tree block that extends up behind the houses on Wellington Road is significant and would warrant a TPO if required.”* I have clarified this comment with the Tree Officer who has confirmed there is no requirement to consider affording these trees TPO status currently because any suggestion of works to the trees proposed to be retained are hypothetical. The Edgbaston Conservation Area designation covers all trees over 7.5cm diameter at a height of 1.5m and greater above the ground. As such, a ‘Notification of proposed works to trees in a conservation area’ application would need to be submitted to the City Council before any works to these trees could be carried out. The Local Planning Authority would then have six weeks to make an assessment on whether to grant the affected trees TPO status. In the event of unauthorised tree works there is a mechanism available to the Council to penalise for non-compliance and/or require replacement planting.
- 6.62. The introduction of 2 no. dwellings would clearly alter the appearance and character of this part of the Conservation Area. The green spaciousness of the Edgbaston Conservation Area is a valued characteristic of the Conservation Area but a change to any given part of the Conservation Area prompted by new development does not necessarily equate to harm to the significance of the Edgbaston Conservation Area.
- 6.63. I do not identify harm to the significance of the Edgbaston Conservation Area as a result of the proposed development, which is a view shared by the Conservation Officer. I am satisfied that the proposed dwellings generally follows the height and massing of several other properties along Michael Drive and that the proposed development is respectful and in-keeping to the built development along Michael Drive. The plot size of No. 68 Wellington Road would remain considerably greater than the existing properties along Michael Drive and the two proposed dwellings. A gap of 40 metres would be retained between the rear elevation of No. 68 Wellington Road and the side wall of Plot 2. I am satisfied that the hierarchical nature of building plots would not be undermined by the proposed development given the clear distinction in the character and relationship of properties along Michael Drive in comparison to Wellington Road.
- 6.64. The high value trees at the application site would be retained and the public verge immediately at the corner of Michael Drive and Wellington Road would be unaffected. The proposal under consideration differs from the withdrawn 2017 application as the two dwellings would now have integral rather than forward projecting garages. This has created space for the planting of 1 no. new tree at each plot and larger front garden areas to each prospective property. Furthermore, the Council’s Landscape Officer has not objected to the proposal and requested the

attachment of conditions in respect to further details on hard and / or soft landscaping and boundary treatments.

- 6.65. On balance, I consider the proposal to be sustainable development that would integrate with the existing surrounding built form and the spacious character of the Edgbaston Conservation Area. No harm to the significance of heritage assets has been identified and I am satisfied that the proposal accords with BDP and NPPF policies.
- 6.66. There are two further paragraphs within the 2017 Committee Report that also need to be addressed given the alternative conclusions reached in the assessment on this application.
- 6.67. Paragraph 6.9 of the 2017 Committee Report states that *"In summary, while there is some merit in a development of new houses in this location, this is largely because it would be close to existing development which is already at odds with the special character of the area. Both the BDP and the NPPF acknowledge that development which is out of character should not set a precedent for further anomalous development."*
- 6.68. I have made an assessment on the impact of the proposed development on the significance of heritage assets, in particular the Edgbaston Conservation Area, and concluded that the proposed development would cause no harm. The Council's Conservation Officer also considers the proposals acceptable. Evidently, this position is contrary to that reached on application 2017/10596/PA. Wellington Road has experienced much change since it was originally cut between 1810 and 1825. While some of the early villas remain, a number of dwellings also date from the 1930s, when the initial 99 year leases were renewed, and there has been modern development at Kesteven Close, Pixall Drive, Michael Drive and at the junction with Spring Road close to Bristol Road. More modern development, such as at Michael Drive, has a distinct character and style compared to the majority of properties along Wellington Road but all are located within the Edgbaston Conservation Area. As such, the proposal needs to be assessed holistically and within the context of being a site located at the juncture of Wellington Road and Michael Drive. In this context, I do not consider that the proposed development would harm the character of No. 68 Wellington Road nor the wider character and appearance of Wellington Road. Furthermore, I consider the proposed development would be fully in-keeping with the character and appearance of Michael Drive.
- 6.69. Paragraph 6.10 of the 2017 Committee Report refers to a 2013 dismissed appeal on land at the rear of Nos. 24-25 Wellington Road (reference 2013/00941/PA). The proposal was for the erection of 1 no. dwelling at the end of the rear gardens fronting onto Charlotte Road. Charlotte Road connects to Wellington Road and is also within the Edgbaston Conservation Area. The Planning Officer refers to the fact that *"In dismissing the subsequent appeal, the Inspector agreed that subdivision of the plot would 'increase the built form and density of development across the site ... significantly eroding from the sense of spaciousness that is of significance to the Edgbaston Conservation Area.' He also noted the loss of mature trees which he considered "contribute positively to the character and appearance of the area and have high visual amenity value". In assessing harm, the Inspector concluded that there would be harm but it would be less than substantial and that there were no public benefits which would outweigh that harm, notwithstanding the sustainable location and the contribution towards housing supply."*



6.70. I have reviewed the decision to dismiss appeal 2013/00941/PA and the original Delegated Officer Report on that application to see how it relates to the proposed development on land to the rear of No. 68 Wellington Road. Some relevant matters to note are outlined below:

- The site on land to the rear of Nos. 24-25 Wellington Road is surrounded by Listed Buildings with Nos 21, 22, 23, 24 and 25 Wellington Road and Nos. 53-56 Charlotte Road all Grade II Listed Buildings.
- The prevailing character of residential properties along Charlotte Road is different to that of Michael Drive. Michael Drive is a post-1930s modern development whilst the stretch of Charlotte Road relating to the 2013 appeal dates back to the creation of the Calthorpe Estate.
- The Conservation Officer opposed application 2013/00941/PA and identified harm to the significance of Listed Buildings and the Edgbaston Conservation Area. The Conservation Officer finds the proposed development on land to the rear of No. 68 Wellington Road to be acceptable.
- The Tree Officer has raised no objection to the proposal on land to the rear of No. 68 Wellington Road. The Tree Officer for 2013/00941/PA provided no comments but this may have been because a number of trees had been felled without authorisation prior to the planning application being submitted. The Conservation Officer considered the unauthorised felling of the trees as harmful to the significance of the Conservation Area.

6.71. The matters highlighted in the bullet points above demonstrate some important differences between the application that was refused and dismissed on land at Nos. 24-25 Charlotte Road and the proposed development on land to the rear of No. 68 Wellington Road. Ultimately, the Council's Conservation Officer, Tree Officer, Landscape Officer, Ecologist and City Designer have all raised no objections to the proposed development on land to the rear of No. 68 Wellington Road, Edgbaston. I have also made my own assessment on the merits of the proposed erection of 2 no. dwellings fronting onto Michael Drive and identified no harm to the significance of heritage assets. Given that no harm has been identified there is no requirement to weigh the proposal against public benefits.

6.72. On balance, I consider the proposal to be sustainable development that would integrate with the existing surrounding built form and the spacious character of the Edgbaston Conservation Area. No harm to the significance of heritage assets has been identified and I am satisfied that the proposal accords with BDP and NPPF policies. The proposed development also passes the two statutory tests under Section 66 and Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

### **Highway Safety and Parking**

6.73. Transportation Development has no objection to the scheme. The development would provide a good level of off-street parking and is unlikely to significantly increase traffic or parking demand.

6.74. In accordance with the views of Transportation Development I consider the proposed development would not have a detrimental impact upon highway safety or car parking.

### **Other Matters**

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

## 7. Conclusion

- 7.1. This application is recommended for approval. There are no sustainable grounds upon which to recommend refusal of the proposal. I am mindful of the significant objections and the previous application but consider that the scheme is acceptable and would not cause harm to the significance of the Edgbaston Conservation Area.

## 8. Recommendation

- 8.1. Approve subject to Conditions.

- 
- |   |   |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans    |
| 2 | Requires the prior submission of further architectural details            |
| 3 | Requires the prior submission of sample materials                         |
| 4 | Arboricultural Method Statement and Tree Protection Plan - Implementation |
| 5 | Requires the submission of hard and/or soft landscape details             |
| 6 | Requires the submission of hard surfacing materials                       |
| 7 | Requires the submission of boundary treatment details                     |
| 8 | Requires obscure glazing for specific areas of the approved dwellings     |
| 9 | Removes PD rights for extensions  |
-

- 
- 10 Removes PD Rights for Garage Conversion
  - 11 Removes PD rights for new windows
  - 12 Implement within 3 years (Full)
- 

Case Officer: Richard Bergmann

**Photo(s)**



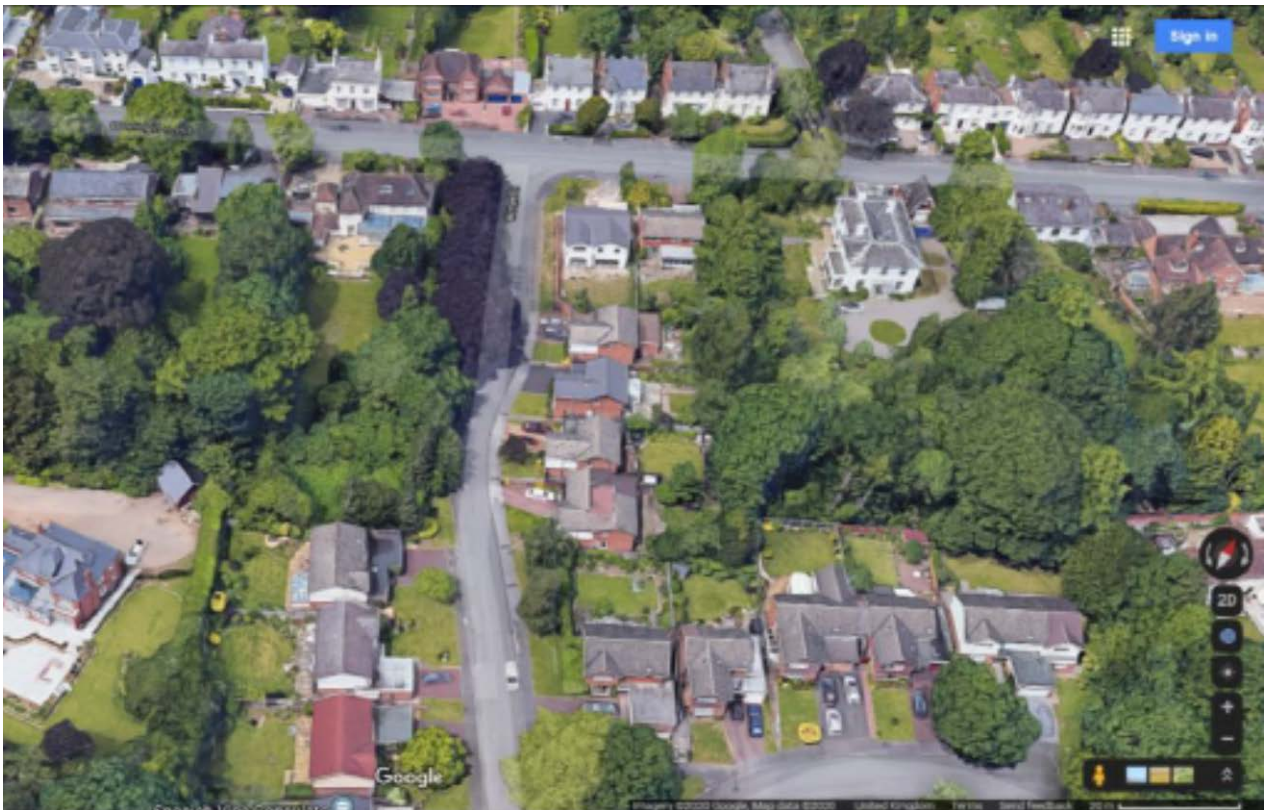
Photograph 1: Application site from south on Michael Drive. Winter view.



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



## Google Aerial Views



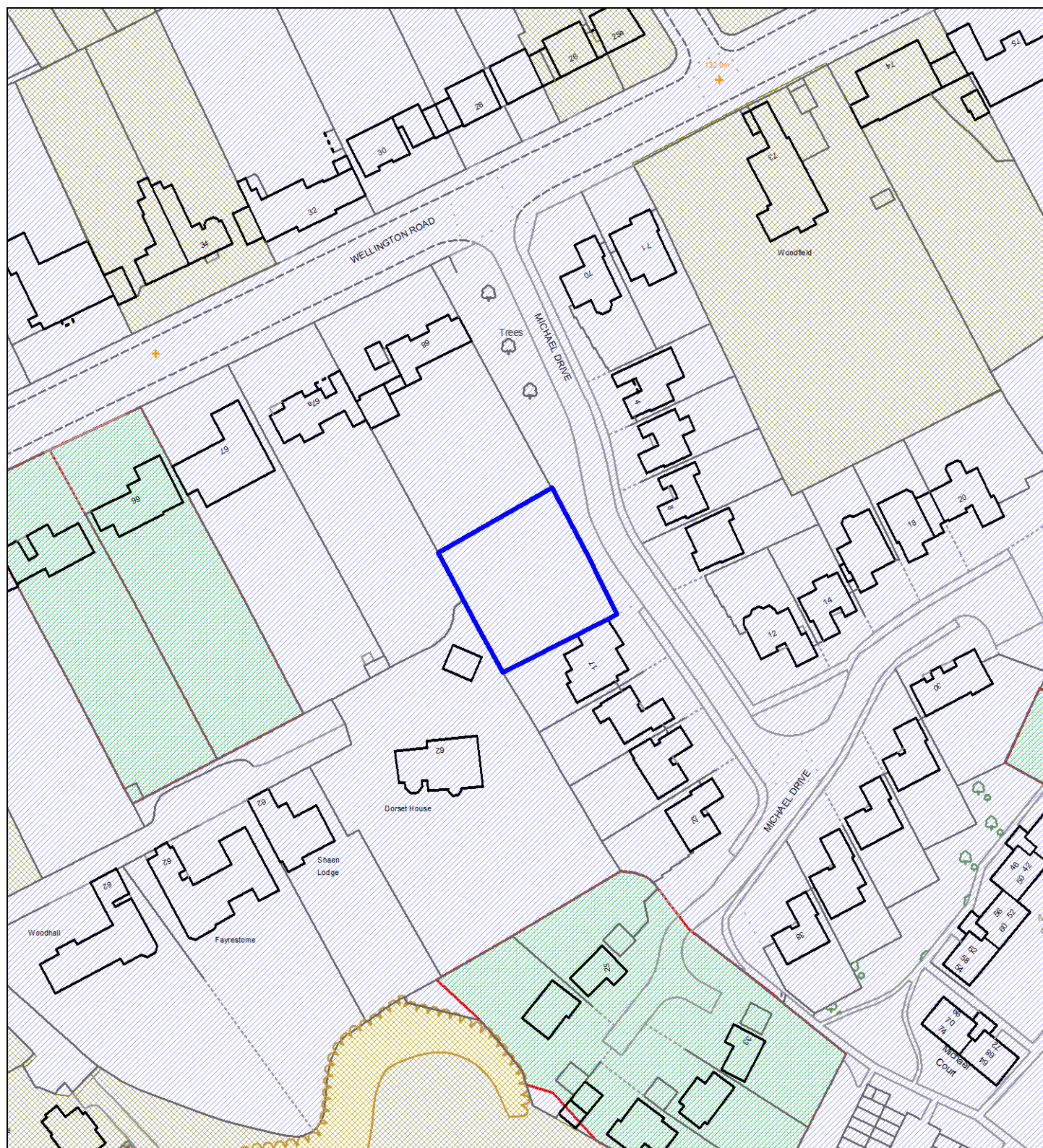
Aerial View 1: Facing northwards from Michael Drive towards Wellington Road junction.



Aerial View 2: Facing south from Wellington Road towards Michael Drive



## Location Plan



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|                 |            |                     |               |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 07/05/2020 | Application Number: | 2020/00222/PA |
| Accepted:       | 28/01/2020 | Application Type:   | Full Planning |
| Target Date:    | 08/05/2020 |                     |               |
| Ward:           | Harborne   |                     |               |

10 Albert Road, Harborne, Birmingham, B17 0AN

Demolition of existing library and residential wings of existing residential institution (Use Class C2) and retention and refurbishment of original villa. New build wings to include provision of 24 bedrooms (12 en-suite), dining room, kitchen, laundry and chapel as well as various support spaces and meeting rooms and landscape scheme including amendments to front curtilage parking arrangement

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Planning permission is sought for the demolition of the two front and the rear accommodation wings leaving the main villa, and their redevelopment with extensions to the sides of the main villa along with rear wings off the extensions to provide upgraded residential, religious and administrative facilities. A total of 24 bedrooms (the facility currently has 28); along with a new chapel and improved library, kitchen, refectory and laundry facilities would be provided within the proposed development.
- 1.2. The proposed redevelopment would improve the functionality and accessibility of the building to ensure that it would provide adequate facilities for both staff and for training novices (those under probation before taking religious vows). The development would take the form of a broad, asymmetrical 'U' shape centred on the retained villa. The proposed building would provide a series of elements comprising:
  - To the south, and on the footprint of the existing library, a single storey wing of 6 guest bedrooms and 1 accessible room.
  - A service element including kitchen, kitchen stores, laundry and staff facilities.
  - To the south of the original villa, a new single storey dining room with access to an external terrace at the rear.
  - The retention of the original villa and internally re-ordered to contain the semi-public spaces at ground floor and a relocated library and offices at first floor.
  - To the north of the original villa, a two storey element with meeting rooms and toilets at ground floor and office space at first floor. This element would also contain the building's primary stair and lift linking all the levels of the building and providing level access throughout.
  - Towards the north boundary, a purpose built chapel.
  - To the west, a residential wing comprising 12 novice rooms and 6 senior rooms, one of which would be accessible. Along the north side of this building would be toilets and showers. This element would be two storeys in



height and would step down in line with the site topography and would sit half a level below the original villa.

- 1.3. The design of the new build elements has been informed by the existing villa, which is to remain following demolition of the previous extensions, in order to restore the character and prominence of the villa within the site. As such, the proposed wings would be two storeys in height and/or sit below the height of the existing villa. The new build elements would be contemporary in design and constructed of red brick and white detailing to match the villa with glazed links between. Zinc roofs would be provided on the new build elements fronting Albert Road along with Terracotta detailing.



CGI Image of Proposed Front Elevation Facing Albert Road



CGI Image of residential block along southern boundary

- 1.4. 4 Category U trees are proposed to be removed including 2 Holly, 1 Rhododendron and Horse Chestnut. As a result of the proposed development a further 9 trees would be removed including a Category B Lime, Category C Rhododendron, Category C Sycamore, 2 Category C Yew, Category B Copper Beech, Category B Scots Pine, Category C Holly and a Category B Small Leaved Lime. A Category U group of trees comprising Sycamore and Horse Chestnut and a Category C group

comprising 4 Holly trees are also proposed for removal along with 2 Category C hedges of Laurel and Privet. 18 new trees are proposed.

- 1.5. The landscaped garden to the front would be replaced with a new formal semi-circular pedestrian access, reinstating the original historic design. Parking would be moved to the southern area of the front garden and accessed via a singular vehicular entrance. It is proposed that the car parking area would be hidden from view via a new hedgerow. 6 car parking spaces would be retained on site.
- 1.6. The application is supported by a Design and Access Statement; Sustainable Drainage Surface Water Management Statement; Sustainable Drainage Operation and Maintenance Plan; Ecology Assessment; Landscape Statement; Statement of Community Involvement; Sustainable Energy and Construction Statement; Flood Risk Assessment; Planning Statement; Ground Investigation Desk Study; Transport Statement; Arboricultural Impact Assessment and a Tree Survey.
- 1.7. The BREEAM Pre-assessment indicates that the proposed development would meet the BREEAM Excellent Criteria.
- 1.8. Site area: 0.99ha.
- 1.9. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. Manresa House is owned by the Society of Jesus, a religious order of the Catholic Church; and operates as the provincial novitiate for the UK and Ireland, where religious novices and trainees spend the early portion of their training period. This can last for around two years of the ten year training period.
- 2.2. The application site is just short of 1ha in size and comprises a building centrally located to the front of the site with parking to the front and landscaped gardens to the rear. The site broadly slopes east to west with a series of steps within the existing rear garden. The front garden slopes towards the existing front door and is formed of a mix of hardstanding parking and lawn with a row of mature lime trees along the pavement line. A rear wing of residential accommodation runs along part of the southern boundary adjacent to 18 St Peter's Road. The site is bounded by residential properties to the north, south and east. To the west, the site abuts the private War Lane Allotments.
- 2.3. The site comprises a series of connected buildings including:
  - Original Villa – built circa 1840, two storey, three bay villa and constructed from red brick with stone quoins, string courses and window surrounds with a slate roof with flat leaded central section and roof light lantern.
  - North Wing – a late Victorian small two storey extension to the north with single storey element constructed of brick with plastered scalloped cornice.
  - South Wing – a large three storey bedroom accommodation block constructed of brick with round headed windows, flat roof and parapet. At third floor level, a fire escape connects at roof level with the original villa.
  - Library – a single storey building constructed in the 1980s with buttressed brick walls and concrete tiled roof.

- 2.4. The site is located in a primarily residential area but within walking distance of Harborne District Centre which includes a leisure centre, doctors surgery, dentist surgery, post office, banks and building societies, restaurants and cafes and general shops. The site is also highly accessible by public transport with a number of bus routes passing the end of Albert Road accessing the City Centre, the Queen Elizabeth Hospital and further afield utilising the number 11 Outer Circle bus route.
- 2.5. [Site Location Plan](#)
3. [Planning History](#)
  - 3.1. 3 December 2004. 2004/05600/PA. Planning permission granted for the erection of a nursing home (24 bedrooms) with 13 car parking spaces.
  - 3.2. 22 November 1979. 15627001. Planning permission granted for an extension to existing college to house a library and room for lectures and games.
4. [Consultation/PP Responses](#)
  - 4.1. Local residents, Ward Councillors, MP and resident associations notified. Site and press notice posted. Two letters have been received. The first from Harborne Planning Watch who at their last meeting on 19 February 2020 unanimously agreed that an expression of support should be sent regarding the proposals. The retention and refurbishment of the original villa is welcome, particularly as it will mean the demolition of unsightly modern extensions. The second from a resident in St Peters Road who is in support of the proposals but raises concerns regarding noise, dust and traffic.
  - 4.2. West Midlands Fire Service – Requires Building Regulation approval.
  - 4.3. Regulatory Services – No objection subject to contaminated land conditions.
  - 4.4. Severn Trent Water – No objection subject to a drainage condition.
  - 4.5. West Midlands Police – No objection subject to conditions relating to CCTV, alarm system and lighting.
  - 4.6. Lead Local Flood Authority – No comment. The proposed redevelopment of the site only results in an additional 131sq.m of additional development floor space, and the site is at a low risk of surface water flooding.
  - 4.7. Transportation – No objection.
  - 4.8. Birmingham Allotment Service – No objection. The adjacent allotments are private and do not belong to Birmingham City Council.
5. [Policy Context](#)
  - 5.1. Birmingham Development Plan, NPPF, NPPG, National Design Guides, Car Parking Guidelines SPD, Places for All SPD.
6. [Planning Considerations](#)

- 6.1. Manresa House is a series of connected existing buildings of various date set within large garden spaces to both front and rear. The building is owned by the Society of Jesus (the Jesuits) and functions as the provincial novitiate for the UK, Ireland and the Low Countries. As a novitiate it is where novices, or trainees, spend the first two years of their training period. In total this training period can last over 10 years and at the end of which they take vows to become brothers or priests within the Society of Jesus. The building is also home to several 'senior' members for whom Manresa House is their permanent home. The existing use falls within Use Class C2 as a residential institution and the proposed development would maintain this use class and use. As such, there are no objections in policy terms to the proposed development.

#### Design, Scale and Impact on Residential Amenity

- 6.2. Policy PG3 of the BDP seeks to create a positive sense of place with design that responds to site conditions, local context, creates safe environments, provides attractive environments; make sustainable design integral, and supports the creation of sustainable neighbourhoods. Furthermore, Policy 3.14, of the UDP (saved Policies), states that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. Paragraph 124 of the NPPF states that *"Good design is a key aspect of sustainable development creates better places in which to live and work and helps make development acceptable to communities."* Places for All (SPD) sets out design principles to promote good design and highlights the importance of design in achieving places that are successful and sustainable in social, economic and environmental terms. The design principles contained within the policy states that development should reinforce and build on local characteristics that are considered positive and expresses that care should be taken not to detrimentally affect positive townscape and landscape.
- 6.3. Planning permission is sought for the demolition of the two front and the rear accommodation wings leaving the main villa and their redevelopment with extensions to the sides of the main villa along with rear wings off the extensions to provide upgraded residential, religious and administrative facilities. A total of 24 bedrooms (the facility currently has 28) along with a new chapel and improved library, kitchen, refectory and laundry facilities would be provided within the proposed development.
- 6.4. The proposed development has been the subject of significant pre-application discussions and the proposal submitted is as a result of these discussions. City Design considers that the proposed height, mass and scale is appropriate and in context with the retained building and wider townscape. The original villa remains as the formal focus of the overall development and the proposed juxtaposes the architecture subtly in a contemporary manner.
- 6.5. Whilst the proposal would see an increase in building footprint (although an increase in floor space of only 131sq.m) and plot layout; this would be set back and designed to be subordinate with the original villa and the wider streetscape. The scale, mass and height of the proposed would be cohesive to the main building and are not considered excessive to the integrity of the two storey villa.
- 6.6. I consider that the architecture proposed is contemporary and simple with a scale that is not overbearing to the host building. The proposed use of red brick, glazed links and areas of terracotta / architectural ceramics in order to highlight certain elements would ensure that the new build elements would sit comfortably with the

retained villa but would also be used collectively to create modern and striking extensions with the Chapel being a modern end stop to the building with its curved feature. The proposed residential elements would include timber cladding where the blocks face the garden and this is considered acceptable due to its low use and is proposed on elements of the scheme that would not be publicly visible.

- 6.7. As such, there are no design objections to the proposed development. I consider that the proposed demolition and new build elements would provide an improvement and enhancement to Manresa House and its facilities.
- 6.8. In terms of impact on residential amenity, 8a and 8b Albert Road (the nearest residential properties on the northern boundary) are in use as C2 Care Homes. The existing buildings at Manresa House already breach the 45 degree code from the rear of 8b Albert Road as the buildings sit behind the rear building line of 8a and 8b. The proposed chapel building would sit further forward than the existing single storey garage but would be further away from the adjacent property. A rear residential wing extending into the rear garden is also proposed behind the chapel. However, this would be of sufficient distance from and not adjacent to the care home boundary to prevent any impact on amenity or privacy of the adjacent care home.
- 6.9. On the southern boundary, adjacent to the existing three storey extension is 18 St Peters Road. This residential property has windows on all four sides and is located 1.5m off the boundary with Manresa House. The new build extension fronting Albert Road would be 6.6m from the dwelling's side elevation and would not break the 45 degree code from either the side or rear facing windows. The rear residential wing on the southern boundary would be approximately 17m from the rear windows of 18 St Peters Road and whilst technically breaking the 45 degree code is no worse than the existing rear wing and at 17m is considered to not materially impact on light to the rear windows. The proposed rear wing in this location also slopes away from the existing dwelling and as such would have less of an impact than had the land been flat. These distances are greater than at present which have a 4.5m distance to the existing side elevation of Manresa House and a 13.5m distance to the residential block. Based on these separation distances, I consider that the proposal would not materially affect access to light or privacy and as such, would not have an adverse impact on the residential amenity of the occupiers at 18 St Peters Road.

#### Highway and Transportation Issues

- 6.10. The application is supported by a Transport Statement. This identifies that the site as existing combines pedestrian and vehicular access via 2 entrances off Albert Road; one towards the northern end of the front curtilage and the other to the south. The existing driveway is a tarmac surface area and includes unmarked parking for approximately 6 vehicles. The assessment identifies that members of the Manresa House community do not generally own vehicles or use cars with any regularity. As such, most journeys take places on foot or via public transport. Occasionally, there are visitors in private vehicles but the main regular use of a car is a single member of staff.
- 6.11. The proposed changes to the front curtilage would move the existing parking from the north to the south boundary; demarcate the six parking spaces; provide a further accessible car parking space; provide an electric charging point and separate the vehicular and pedestrian access points. The proposal would reduce the number of bedrooms on site by 4 to 24. Deliveries would continue as existing with the largest expected vehicle being a long wheelbase transit van or supermarket delivery van. Tracking plans have been provided that indicate that the vehicles can turn within the

site. The Statement identifies that the travel characteristics would remain as per existing.

- 6.12. The Statement identifies that 10 bus routes run within walking distance of the site providing access to Perry Barr, West Bromwich, Dudley, Bartley Green, Selly Oak, QE Hospital, City Centre, Northfield, Aston and Quinton.
- 6.13. Transportation has raised no objection to the proposed development. A double yellow Traffic Regulation Order (TRO) is in place protecting the Albert Road/St Peters Road junction. Beyond this, a single yellow TRO directly fronts the site, with no parking Monday-Saturday 07:45-18:45. Parking on street on the opposite side of Albert Road is unrestricted. Regular buses run within reasonable walking distance throughout the day. They acknowledge that while the parking area is relocated there is no change to parking levels offered and bedroom numbers are reducing. Therefore, no notable change in traffic and parking demand associated with the site is anticipated to result from this development. I concur with this view. They have recommended safeguarding conditions relating to secure cycle storage and this condition is recommended below.

#### Drainage and Flood Risk

- 6.14. Policy TP6 of the BDP covers management of flood risk and water resources and identifies that development proposals should demonstrate that the disposal of surface water from the site would not exacerbate existing flooding and that exceedance flows will be managed.
- 6.15. The application is supported by a Flood Risk Assessment and a Drainage and Sustainable Drainage Strategy. These supporting statements identify that the site is located within Flood Zone 1 and is not at risk of river or tidal flooding. The Assessment identifies that the site is generally at very low risk of surface water flooding. The existing surface water regime consists of infiltration to soft landscaping areas; gullies connected to the combined sewer for hard surfaced car parking and rainwater from roofs connected to the combined sewer connections within the site boundary. There are currently two combined foul and surface water connections to the existing sewer in Albert Road.
- 6.16. The proposed development would maintain/reduce the current flow to the combined sewer by utilising the following measures:
- Infiltration to soft landscaping areas;
  - Infiltration via permeable paving to car parking areas;
  - Rainwater from new and existing roofs connected to the combined sewer, utilising a storm water attenuation tank; and
  - Rainwater from new and existing roof connected to a storm water attenuation tank and soakaway.
- 6.17. Severn Trent Water has raised no objection to the proposed development subject to a drainage condition and the LLFA has no comment to make as the site redevelopment results in an additional 131sq.m of additional floor space and the site is at a low risk of surface water flooding. I concur with their views and the relevant condition is recommended below.

#### Ecology

- 6.18. The application is supported by an Ecology Assessment, Landscape Statement, Tree Survey and an Arboricultural Impact Assessment. Policy TP8, of the BDP, states that *“development which directly or indirectly causes harm to...species which are legally protected, in decline or rare within Birmingham or which are identified as national or local priorities will only be permitted if it has been clearly demonstrated that; there is a strategic need that outweighs the need to safeguard, the damage is minimised and mitigation put in place, or where appropriate compensation is secured”*.
- 6.19. The Assessment identifies that a Phase 1 Habitat Survey and Preliminary Bat Roost Assessment were undertaken. The site comprises buildings and associated hardstanding, amenity grassland, shrub, scattered scrub hedgerow, scattered trees, tall ruderal vegetation and short perennial vegetation. The Assessment also identified that the site has low to moderate suitability to support roosting bats and that three active, outlier badger setts were recorded on site.
- 6.20. A landscape plan has been submitted that includes a number of ecological enhancements including the use of a native wildlife friendly planting scheme, new trees and hedgerow, creation of a wetland habitat on site and the installation of bat and bird boxes.
- 6.21. The City Ecologist has raised no objection to the proposed development subject to safeguarding conditions relating to bird/bat boxes, a further bat survey and protective fencing around the outlier badger setts. I concur with this approach and the relevant conditions are recommended below.

#### Trees

- 6.22. A tree survey and impact assessment is submitted in support of the application. This surveyed 42 individual trees and 11 groups of trees. The trees included Lime, Horse Chestnut, Corsican Pine, Oak, Hornbeam, Copper Beech, Silver Birch, Scots Pine, Yew, Sycamore, Holly and Rhododendron. They were categorised as 2 Category A, 22 Category B, 16 Category C and 4 Category U for the 42 individual trees and 1 Category A, 9 Category C and 1 Category U for the tree groups.
- 6.23. 4 Category U trees are proposed to be removed including 2 Holly, 1 Rhododendron and Horse Chestnut. As a result of the proposed development a further 9 trees would be removed including a Category B Lime, Category C Rhododendron, Category C Sycamore, 2 Category C Yew, Category B Copper Beech, Category B Scots Pine, Category C Holly and a Category B Small Leaved Lime. A Category U group of trees comprising Sycamore and Horse Chestnut and a Category C group comprising 4 Holly trees are also proposed for removal along with 2 Category C hedges of Laurel and Privet. 18 new trees are proposed.
- 6.24. My Arboricultural Officer has raised no objection to the loss of the trees and supports the proposed landscape scheme, subject to conditions relating to tree protection through a method statement. I concur with this view and the condition is recommended below.

#### Other Issues

- 6.25. I note the issues raised relating to impact on residential amenity through noise, dust/air pollution and impact of living opposite a large building site. Regulatory Services have raised no objection to the proposal subject to a condition relating to construction management. I concur with this view and consider that these issues



relate to a short term impact rather than long term and as such, relate to any development proposal adjacent to existing residential dwellings. Construction management will be key in the protection of residential amenity and as such, the requested condition from Regulatory Services is recommended below.

- 6.26. Policy TP3 on Sustainable Construction identifies that new development should be designed and constructed to maximise energy efficiency; conserve water and reduce flood risk, minimise waste and maximise recycling, be flexible and adaptable and incorporate measures to enhance biodiversity. The submitted supporting Energy and Sustainable Construction Statement includes a BREEAM Pre-Assessment which identifies that the site would meet BREEAM Excellent. The measures to be incorporated include:

- Insulation featuring U Values exceeding the minimum Building Regulation requirements.
- Low Energy LED Lighting with presence/absence detection.
- Heating and hot water generated by air source heat pumps.
- Room and radiators to have thermostats.
- Solar panels to be installed on south facing roofs.
- Water conservation devices to be installed and monitored.
- New habitat creation including a new wetland.
- Use of solar gain to residential blocks and overhangs to reduce overheating in summer months.

On this basis, I consider that the proposed development complies with the requirements of TP3.

- 6.27. The proposed development would not attract a CIL contribution.

## 7. Conclusion

- 7.1. The proposed demolition and rebuild of accommodation to support the C2 residential institution use would be in accordance with the requirements of the BDP and the NPPF policies. The design of the proposed buildings would sit comfortably with the surrounding residential and its scale, siting and design would not have an unacceptable impact on the adjacent neighbours, nor the character and appearance of the surrounding area. No highway concerns have been raised and car parking provision is to remain as existing following construction and demolition.

- 7.2. The proposed development would accord with all relevant BDP Policies in relation to design; trees, ecology and landscaping; drainage and highway issues.

- 7.3. I note that the NPPF includes the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would continue to provide economic and social benefits; would provide new modern facilities for the training novices and staff, would provide local employment during construction and does not have an environmental impact that could be regarded as significant; I consider the proposal to be sustainable development and on this basis, should be approved.

## 8. Recommendation

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

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|   |                                 |
|---|---------------------------------|
| 1 | Implement within 3 years (Full) |
|---|---------------------------------|

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- 2 Requires the scheme to be in accordance with the listed approved plans
  - 3 Requires the agreed mobility access to be maintained
  - 4 Requires the prior submission of a contamination remediation scheme
  - 5 Requires the submission of a contaminated land verification report
  - 6 Requires the prior submission of a drainage scheme
  - 7 Requires the prior submission of fencing around areas of nature conservation interest (outlier badger setts)
  - 8 Requires the prior submission of an additional bat survey on a phased basis
  - 9 Requires the prior submission of details of bird/bat boxes
  - 10 Requires the submission of hard and/or soft landscape details
  - 11 Requires the submission of boundary treatment details
  - 12 Requires the submission of a lighting scheme
  - 13 Requires the prior submission of a construction method statement/management plan
  - 14 Requires the submission of sample materials
  - 15 Requires the submission of a CCTV and Alarm scheme
  - 16 Requires the submission of PV Panel details
  - 17 Requires the submission of cycle storage details
  - 18 Arboricultural Method Statement - Submission Required
- 

Case Officer: Pam Brennan

## Photo(s)

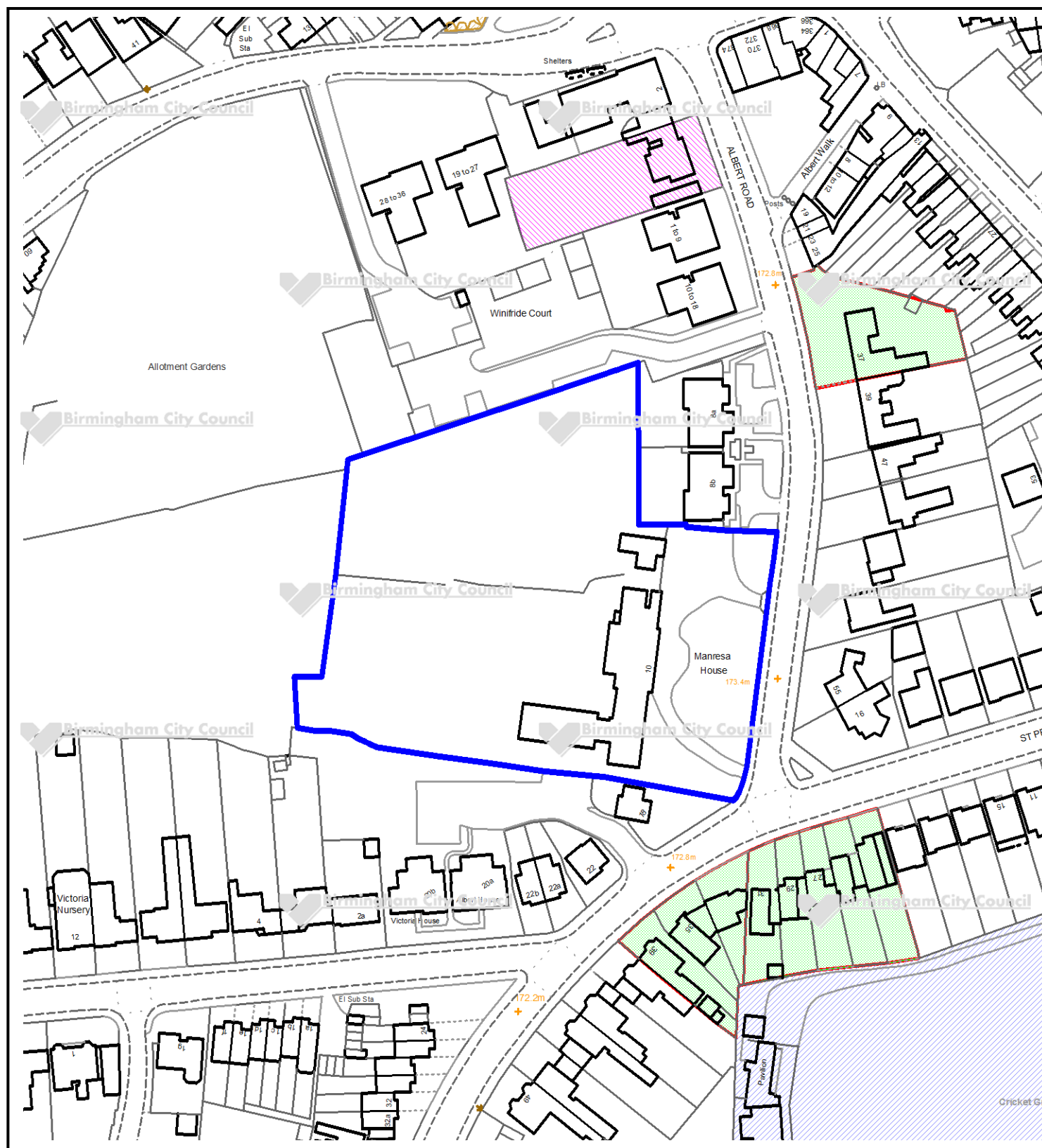


Photograph 1: Existing Front Elevation – faces east



Photograph 2: Existing Rear Elevation – faces west

## Location Plan



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|                 |                  |                     |               |
|-----------------|------------------|---------------------|---------------|
| Committee Date: | 07/05/2020       | Application Number: | 2020/01704/PA |
| Accepted:       | 03/03/2020       | Application Type:   | Householder   |
| Target Date:    | 28/04/2020       |                     |               |
| Ward:           | Hall Green South |                     |               |

28 Newborough Grove, Birmingham, B28 0UX

## Demolition of existing garage and erection of replacement garage

### Recommendation

### **Approve subject to Conditions**

#### 1. Proposal

- 1.1. Consent is sought for the demolition and replacement of an existing garage at the bottom of the garden. The existing garage measured approximately 4.8m wide and 7m deep whereas the proposed garage measures 5.8m wide and 6.9m deep. The construction of the existing garage consists of facing blockwork and a flat roof which has a height of 2.65m. The new roof design will match that of the neighbouring garage found at No.30 Newborough Grove with a tiled pitched roof which measures 4.2m high at the ridge and 3.4m at eaves. The proposed garage maintains the large roller shutters to the rear along with a door and window to the front. Rainwater pipes to the sides of the garage have been introduced to allow the drainage of surface water to nearby sewers.
- 1.2 The application is going to Planning Committee for a final decision as the applicant is an employee within the Inclusive Growth Directorate.

[Link to Documents](#)

#### 2. Site & Surroundings

- 2.1 The application property is a traditional semi-detached dwelling with a hipped roof design and a bay window column to the front elevation. The property is set back from the neighbouring property No.26 Newborough Grove and slightly elevated in position. The application property has a front driveway and a rear garden which consists of a raised patio area, grass turf and is bound by 1.8m high fencing. The existing garage is at the rear of the property which is accessed using a rear private road.
- 2.2 The application site is located in a residential area which comprises of properties of a similar character and appearance.

[Site Location Plan](#)

#### 3. Planning History

- 3.1. 20/10/2017 – 2017/09295/PA - Erection of single storey rear extension and alterations to porch at front – Approved subject to conditions.

#### 4. Consultation/PP Responses

4.1. No responses/objections received from local residents.

## 5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (2017)
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
- Places for Living (2001)
- Extending your Home (2007)

5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2019)

## 6. Planning Considerations

6.1. This application has been assessed against the objectives of the policies as set out above. The primary material considerations in the assessment of this application are the impact on residential amenity and visual amenity.

6.2. Policy PG3 of the Birmingham Development Plan (BDP) states that new development should “reinforce or create a positive sense of place and local distinctiveness, with design that responds to the site conditions and the local area context, including heritage assets and appropriate use of innovation in design” and “create safe environments that design out crime”.

6.3. The proposal includes the demolition of an existing garage and the erection of a replacement garage. The proposed garage by reason of its design, scale and siting would have limited impact on the appearance of the property and the visual amenity of the area. The development complies with the principles contained within ‘Extending your Home SPD’ which states that developments should respect the appearance of the local area and the main dwelling house. The development should not adversely affect the neighbouring properties.

6.4. ‘Extending Your Home’ also states that garages should not stand out as a prominent feature to prevent the development spoiling the character of the area. As the development reflects the scale and design of other garages visible to the rear of neighbouring dwellings, I do not consider that the development would have any detrimental impact on the appearance and character of the locality.

6.5. The development would have no detrimental impact on the amenities of neighbouring occupiers in terms of loss of light, outlook and overlooking

6.6. A condition has been attached to the approval to ensure the garage is maintained to be incidental to the enjoyment of the dwelling house and remains as such to protect the amenities of neighbouring occupiers.

## 7. Conclusion

7.1. I consider that this application complies with the policies outlined above and would not harm the residential amenities of the neighbouring occupiers, nor would the

proposal cause harm to the visual amenity of the area. I therefore recommend that this application is approved subject to conditions.

8. Recommendation

8.1. Approve subject to the following conditions:

- 
- |   |  |
|---|--|
| 1 | Implement within 3 years (Full)  |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires that the materials used match the main building               |
| 4 | Limits the use to being incidental to the dwelling                     |
- 

Case Officer:            Mohammed Abdellah

**Photo(s)**



Photograph 1: Existing garage front elevation





Photograph 2: Existing garage rear elevation.



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**07 May 2020**

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

| <u>Recommendation</u> | <u>Report No.</u> | <u>Application No / Location / Proposal</u>   |
|-----------------------|-------------------|---|
| Approve - Conditions  | 11                | 2019/07649/PA<br><br>61 (land to rear) and 63-65 Penns Lane<br>Sutton Coldfield<br>Birmingham<br>B72 1BJ<br><br>Erection of 9 detached dwellings and formation of<br>new vehicular access   |
| Approve - Conditions  | 12                | 2019/08290/PA<br><br>Former GKN Site<br>Land at Old Walsall Road<br>Hamstead<br>Birmingham<br><br>Erection of a single storey foodstore (Use Class<br>A1) with associated access, car parking and<br>landscaping works  |
| Approve - Conditions  | 13                | 2018/09513/PA<br><br>Mulberry Court<br>80 Kings Road<br>Sutton Coldfield<br>Birmingham<br>B73 5AE<br><br>Retrospective change of use from 23 apartments<br>(Use Class C3) to 18 Supported Living Apartments<br>(Sui Generis) together with minor alterations to<br>include 2 no. entrance canopies, decking to the<br>front garden and creation of new pedestrian access<br>via Leamont Drive |
| Approve - Conditions  | 14                | 2019/09810/PA<br><br>290A Lichfield Road<br>Four Oaks<br>Sutton Coldfield<br>Birmingham<br>B74 2UG<br><br>Change of use from bank premises (Use Class A2)<br>to tanning salon (Sui Generis)   |

|                      |    |  |
|----------------------|----|--|
| Approve - Conditions | 15 | <p>2018/08995/PA</p> <p>Site of Muhammed Ali Centre<br/>Icknield Street<br/>Hockley<br/>Birmingham<br/>B18 5AU</p> <p>Demolition of existing building and the erection of Community Vocational College with associated residential accommodation, enterprise employment hub and workshop units</p> |
| Approve - Temporary  | 16 | <p>2020/02190/PA</p> <p>166 Soho Road<br/>Handsworth<br/>Birmingham<br/>B21 9LP</p> <p>Display of 1 no. replacement internally illuminated digital 48 sheet advertisement hoarding.</p>  |

|                 |                    |                     |               |
|-----------------|--------------------|---------------------|---------------|
| Committee Date: | 07/05/2020         | Application Number: | 2019/07649/PA |
| Accepted:       | 04/10/2019         | Application Type:   | Full Planning |
| Target Date:    | 30/01/2020         |                     |               |
| Ward:           | Sutton Wylde Green |                     |               |

61 (land to rear) and 63-65 Penns Lane, Sutton Coldfield, Birmingham, B72 1BJ

Erection of 9 detached dwellings and formation of new vehicular access

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. This planning application seeks consent for the erection of 9 no. detached dwellings with associated on plot parking, garages and gardens and the formation of a new vehicular access from Penns Lane to serve a cul-de-sac road. The site encompasses the plots of both 63 and 65 Penns Lane (which have previously been demolished) and a portion of the rear garden of no. 61 Penns Lane.
- 1.2. The proposal comprises of 9 no. dwellings which would be erected at two storey with accommodation in the roofspace, each with private rear gardens and 200% off road parking (2 no. per plot). Each dwelling would also have either detached or integral garage parking for 1 or 2 vehicles. The proposed dwellings would comprise of 6 no. 4 bed units and 3 no. 5 bed units, ranging in floorspace from 130sq.m to 199sq.m
- 1.3. The application has been submitted with a Design and Access Statement, Tree Survey and Protection Plan, Ecological Report, CIL Form, Landscape Plan, Streetscene and House Type Elevations, Floor Plans and a Site Layout Plan.
- 1.4. Site density – 20.5 dwellings per hectare.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a cleared site (except for a small greenhouse) and is located on the north side of Penns Lane close to the junction with Beech Hill Road. The site was previously occupied by two large detached dwellinghouses, which were of a traditional design and set within spacious grounds. The site area is 0.44 hectares and the site has a frontage measuring 34 metres in width and a maximum depth of approx. 107m. It has two vehicular access points that served the two previous houses and is currently secured by a 2.4 metre high front boundary fence.
- 2.2. The site falls 0.5 metres from west to east and from front to back for the first 60 metres the site falls 0.7 metres before falling steeper, approximately 1.5 metres to the rear boundary. The site is covered by a Tree Preservation Order (TPO) and includes a protected Silver Birch tree located on the side boundary with 61 Penns Lane and a protected Acer tree located near to the rear boundary of the site. A

protected Holly tree located within the front garden of 63 Penns Lane was removed at the same time the two former dwellinghouses were demolished in 2013.

- 2.3. The surrounding area is characterised by predominantly two storey detached dwellinghouses of various styles and ages. There are large Victorian properties that have accommodation within the roof space and also a modern part two-storey, three-storey apartment block (Riland Court) on the corner of Penns Lane and Beech Hill Road. With the exception of 49 Beech Hill Road and 57, 59, 61 and 67 Penns Lane there is a lack of a defined building line along this side of Penns Lane with some houses, notably 71 and 73 Penns Lane, set closer to the road. In terms of design, the surrounding houses have characteristic pitched roof front gable features and the adjoining dwellings at 61 and 67 Penns Lane have a traditional arts and crafts design style with lower sections of roof and are articulated by an asymmetrical front gable.
- 2.4. The site has good accessibility to local shops and services within the Wylde Green Neighbourhood Centre and Walmley Neighbourhood Centre. Penns Lane has regular bus services and a cycle lane.
- 2.5. [Site Location](#)



Aerial photo with the application site outlined in red

3. [Planning History](#)
  - 3.1. 14 April 2016 – 2015/10407/PA – Erection of 60 bed residential care home (Use Class C2) together with car parking, boundary treatment and landscaping. Approved, subject to conditions.
  - 3.2. 19 December 2013 - 2013/07717/PA - Erection of 60 bed residential care home (Use Class C2) together with car parking, boundary treatment and landscaping. Withdrawn.

- 3.3. 29 May 2014 - 2014/01482/PA - Erection of 60 bed residential care home (Use Class C2) together with car parking, boundary treatment and landscaping. Refused and subsequent appeal dismissed in December 2014.
- 3.4. 12 November 2015 - 2015/06210/PA - Erection of a 50 bed nursing home (Use Class C2) and associated car parking, boundary treatment and landscaping. Outline application with Appearance, Landscaping, Layout and Scale to be determined and Access to be reserved for later consideration. Refused.
4. Consultation/PP Responses
- 4.1. Local Ward Councillors, M.P, Residents Associations and adjoining occupiers were notified and Site Notice displayed outside site.
- 4.2. 2 no. letters of support have been received on the following points;
- In keeping with the surrounding area.
  - Land which has been derelict for some time is finally being used to build dwelling houses which are in keeping with the surrounding area.
  - This is far better and more acceptable than the previous applications for a care home.
  - There seem to be only two obviously visible houses from Penns Lane which would seemingly fit in with the character of those in the immediate area.
- 4.3. 15 no. letters of objection have been received from local residents on the following points;
- Too many houses on the site (overdevelopment).
  - 3 storey buildings not suited to the site.
  - Loss of light.
  - Plot 6 is too close to site boundary.
  - Proposed development would significantly alter the fabric of the area.
  - Insufficient information provided and inaccurate plans.
  - Insufficient parking for visitors, deliveries and service traffic.
  - Turning area is not a practical arrangement.
  - Increased traffic congestion along Penns Lane near to existing roundabout.
  - Adverse impacts upon highway safety.
  - Proposed dwellings would result in overlooking of existing dwellings.
  - Existing natural boundary treatments should remain.
  - Loss of green space.
  - Adverse impacts upon existing trees.
- 4.4. Transportation Development – No objection, subject to conditions;
- Highway works (to include pedestrian dropped kerbs, tactile paving, reinstatement of redundant parts of footway crossing with full height kerbs, relocation of the existing lamp-post & any other work relating to any street furniture) to be carried at applicant's expense to BCC specification.
  - Vehicular visibility splays.
  - Pedestrian visibility splays.
  - Driveway gradients to be no steeper than 1:12.

- 4.5. Severn Trent Water – No objection, subject to a condition to secure foul and surface water drainage details.
- 4.6. Regulatory Services – No objection, subject to conditions;
- Noise insulation.
  - Land Contamination Remediation Scheme.
  - Contaminated Land Verification Report.
  - Electric vehicle charging point conditions.
- 4.7. West Midlands Police – No objection, recommends Secured by Design.
- 4.8. West Midlands Fire Service – Advise that the applicant engages with them at an early stage during Building Regulations process.
5. Policy Context
- 5.1. Birmingham Development Plan (2017), 45 Degree Code SPD, Mature Suburbs SPD, Places For Living SPG, Car Parking Guidelines SPD, National Planning Policy Framework (NPPF).
6. Planning Considerations
- 6.1. The main considerations for this application are whether the proposed development would be acceptable in principle and whether it would have a detrimental impact on the character and appearance of the local area and on the amenities of existing and future occupiers.

*Principle of Development*

- 6.2. The National Planning Policy Framework (NPPF) requires housing applications to be considered in the context of the presumption in favour of sustainable development. It also advises within its core planning principles that planning should encourage the effective use of land by reusing land that has been previously developed, provided that it is not of environmental value. It also advises that planning should actively manage patterns of growth in order to make the fullest possible use of public transport, walking and cycling.
- 6.3. Policy PG3 for the Birmingham Development Plan (BDP) 2017 advises that all new development would be expected to demonstrate high design quality, contributing to a strong sense of place' and 'make best use of existing buildings and efficient use of land in support of the overall development strategy.
- 6.4. Policy TP28 of the BDP advises that new residential developments should be located outside flood zones 2, 3a and 3b; be adequately serviced by existing or new infrastructure, which should be in place before the new housing for which it is required; be accessible to jobs, shops and services by modes of transport other than the car; be capable of remediation in the event of any serious physical constraints, such as contamination or instability, by sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP, in particular the policies for protecting core Employment Areas, open space and the revised Green Belt.



- 6.5. The application site does not fall within a high risk area for flooding and would be adequately serviced by the existing private access road. The application site is also located in an accessible location close to jobs and shops in Sutton Coldfield Town Centre, which can be accessed by regular bus services that operate along Penns Lane and nearby Birmingham Road. I am not aware of any physical constraints and the site does not contain any historic or cultural assets. I therefore consider that the application accords with Policy TP28 of the BDP and the NPPF and would be a suitable location for new housing in principle, subject to the following site specific considerations.
- 6.6. The Council's Mature Suburbs: Guidelines to Control Residential Intensification SPD also applies to this application because the surrounding area is generally uniform in character. The SPD advises that when considering new developments within a mature suburb the key is to ensure that the development does not harm the distinctive character and identity of an area.
- 6.7. The proposed scheme would provide a form of infill development associated with the former plots of 63 and 66 and the rear portion of no. 61. It is noted that the predominant form of residential dwellings front onto main roads, such as Penns Lane and Beech Hill Road, although it is also noted that a number of cul-de-sac developments to the north of the application site are in existence where portions of rear gardens have been redeveloped into residential cul-de-sacs, albeit at what appears a greater density than that proposed in this application. As such, it is considered that the redevelopment of this previously developed land for residential development in the form proposed would not be an incongruous addition to the area in terms of layout and density sufficient to warrant refusal of planning consent, a view shared by my city design officer.
- 6.8. In principle I consider that the application site constitutes an appropriate infill site. Furthermore the site is located in a sustainable location and is adequately serviced by a number of services and facilities within walking distance of the site. As such the proposal complies with the aims of policy TP27 of the Birmingham Development Plan (BDP) (2017) with principle of residential development generally supported in this case, subject to all other material considerations being adequately dealt with.

#### *Scale, Layout and Design*

- 6.9. Places for Living SPG advise that careful design rather than a blanket application of numerical standards can often address concerns such as privacy and amenity. However the numerical standards provide a useful guide and starting point. The site has residential dwellings to all sides (other than a portion of the southern boundary which fronts Penns Lane) with the proposed dwellings to the rear of the site are of either a 2 or 2½ storey scale, some with habitable accommodation within the roofspace with rooflights facing rear elevations and dormer windows that serve habitable rooms facing into the cul-de-sac.
- 6.10. The scheme itself comprises of 9 no. detached dwellings centred around a central access road/cul-de-sac with 2 no. of those dwellings fronting onto Penns Lane and which continues the frontage development and building line found along this section of Penns Lane which is supported. The site is within a mature suburb, with the local area characterised by mainly detached houses set back from the road behind green frontages. The suburb was largely built in the 1920s-30s, although older houses immediately to the east are Victorian. There are a number of residential cul-de-sacs to the north of the site that have been developed within the large rear gardens of inter-war houses within the last 10-15 years.



Proposed layout

- 6.11. The prevailing scale of development in the area are large two storey detached and semi-detached dwellings some of which have accommodation within the roof space (i.e. attic conversions). As an example of scale, the two dwellings along the site's Penns Lane frontage, specifically no. 61 Penns Lane, is approx. 9.3m high and no. 67 Penns Lane is 8.3m high (excluding chimneys) and have pitched, hipped, tiled roofs in a similar manner to the dwellings proposed within the application site.
- 6.12. The proposed dwellings along the site's frontage mirror the building line and scale of existing dwellings within the streetscene which is welcomed and provides continuity in built form in this location. The scale of dwellings is mirrored within the site, albeit at greater height of 9.6m, and the central internal access road allows partial views of these dwellings from the public realm (Penns Lane). I am of the view that the scale of the buildings within the site would not be seen as incongruous additions in context to other dwellings in the locality.
- 6.13. It is noted that a number of comments have been received from local residents concerned that the development proposal would result in the overdevelopment of the site by increasing the number of dwellings from 2 no. to 9 no. Whilst the proposal does represent a marked increase in the number of dwellings from those which were previously demolished, the historic plots themselves are large and result in an area of approx. 0.44ha. Based upon the development proposals the scheme would result in a density of development of approx. 20.5 no. dwellings per hectare which suggests that the site would not be subject of overdevelopment in this case, particularly when compared to the minimum requirement of 40 no. dwellings per hectare as specified in policy TP30 of the Birmingham Development Plan. However, I am of the view that whilst the development proposal fails to achieve the required 40 no. dwellings per hectare, the scheme put forward has done so in order to appropriately respond to the local vernacular where larger properties positioned within sufficiently sized plots at lower densities are the norm. As such, I consider that the scheme accords with the principles of Mature Suburbs SPD in this case.

- 6.14. A number of amendments have been undertaken during the assessment of the application which has resulted in an improved scheme. Such changes comprise of a variation in materials (to include facing brickwork, render and tiled roofs) used in relation to plots 3-6 so that there is an element of variety in their appearance when viewed from the proposed access road. My city design officer feels that the design of these dwellings should have been amended further in order to more variety in terms of scale, massing and appearance to create a more informal character. However, I consider that the changes made are sufficient to support the proposal and not a sufficient reason to recommend refusal. Furthermore, plot 2 which faces both Penns Lane and the proposed access road and acts as the 'corner' dwelling, has been amended to provide additional windows at ground and first floor to the side/gable elevation facing onto the proposed access road. This is also welcome as it provides visual interest to this dwelling when viewed from the public realm and also introduces increased natural surveillance and an active frontage in this location.
- 6.15. In addition to the comments outlined in this report, my city design officer has requested the imposition of a number of planning conditions, related to hard and soft landscaping, boundary treatment details, sample materials to be used in external finishes of the dwellings along with finished site level details. I consider the imposition of such conditions to be appropriate in this case and will ensure that the finished scheme will positively impact upon the surrounding locality and result in an attractive, high quality scheme providing a positive sense of place. The development is therefore considered acceptable in this regard, in line with the NPPF, BDP and Mature Suburbs SPD.

#### *Residential Amenity*

- 6.16. The development proposal has been designed so far as is practicable to meet or exceed the minimum separation distances as outlined in Places for Living SPG. The distances between building faces (e.g. rear to rear elevations) are generally considered to meet the minimum distance of 21m. It is noted that there is a change in levels from Beech Hill Road where the site levels fall away from the high point of Beech Hill Road, down across the rear gardens (west to east) of those properties (no. 43-47 Beech Hill Road) where the level change continues across the application site with a change in levels (west to east) of between 2-2.5m. The distance separation of 21m is met between the rear of existing dwellings associated with Beech Hill Road and plots 8 and 9.
- 6.17. The proposed dwellings also meet the 5m per storey setback for habitable room windows to rear boundaries, apart from plot 8, whereby two first floor bedroom windows (bedrooms 3 and 4) to the rear elevation facing the rear garden of no. 43 Beech Hill Road and no. 3 Beech Hill Close would fall short by 1.4m (8.4m achieved instead of 10m). This shortfall would result in potential overlooking to a very small section of the bottom of the 29.6m long garden associated with no. 43 Beech Hill Road and a smaller section of garden associated with no. 3 Beech Hill Close. It is also note that there is an approx. 800mm level change between the rear of the plot 7 and the rear of no. 3 Beech Hill Close so whilst the 21m separation distance has been met (a distance of 21.4m is achieved), an additional 1.6m distance has not been achieved in this case to reflect the 0.8m change in ground levels (based on an increase in separation distance of 2m for every 1m rise inground levels between new and existing dwellings). However, both of these boundaries are well screened by mature vegetation and trees which are proposed to be retained as part of the scheme. No other windows associated with the dwellings proposed would result in overlooking due to the minimum distance thresholds not being met. Whilst the breaches outlined above are considered regrettable, on balance, I consider that the

provision of a well-designed scheme resulting in increased housing numbers outweighs the very limited harm to the rearmost garden areas associated with two adjoining dwellings.

- 6.18. It is noted that on the submitted site layout plan that it appears that the minimum distance separation of 12.5m between the rear elevation of 3 Beech Hill Close and the side elevation/flank wall of plot 6 has not been met with a distance of 7.9m proposed. However, the portion of the building associated with no. 3 Beech Hill Close is a single storey garage structure with no habitable windows within the affected rear elevation. Therefore, the minimum 12.5m separation distance does not apply in this case.
- 6.19. The internal size of the proposed dwellings exceed the minimum gross internal floor areas as set out in the Nationally Described Space Standards for 4 and 5 bed dwellings over 2 and 3 levels (minimum ranging between 124sq.m and 134sq.m). It is also noted that sufficient garden space in excess of the minimum 70sq.m as stipulated within Places for Living SPG, is proposed for the size of the dwellings proposed throughout the site and these are shown as enclosed, secure spaces which is supported.
- 6.20. Conditions to remove Permitted Development Rights are recommended for any future enlargements or new windows/dormers/rooflights to the proposed dwellings so as to maintain sufficient private amenity space on site and to ensure that residential amenity for surrounding dwellings is not adversely affected and to also remove permitted development rights to ensure that no gates or other means of enclosure are installed across the access road. Furthermore, it is considered necessary to impose a condition to secure an acceptable outdoor lighting scheme is provided to the access road that does not adversely impact upon existing and future residents.
- 6.21. Regulatory Services have raised no objection subject to conditions to require; appropriate mitigation against potential land contamination and to provide a verification report, to require a charging point for electric vehicles at each dwelling and to provide noise insulation associated with plots 1 and 2 which front onto Penns Lane. I have attached a condition to secure a strategy for contamination remediation and a land verification report along with securing appropriate noise insulations for Plots 1 and 2 fronting Penns Lane due to the noise impacts associated with this main road. While the other conditions are noted and recommended, I do not consider it necessary or reasonable, in this instance, to require a charging point for electric vehicles, given that the development is for detached units that could accommodate appropriate in-curtilage infrastructure (on driveway or in garage) if desired by future occupiers. On this basis, I therefore consider that the proposed development complies with the general principles of the National Planning Policy Framework, Policy PG3 of the Birmingham Development Plan 2017 and saved policies 3.14–3.14C of the Unitary Development Plan 2005.

#### *Highways Impact and Parking*

- 6.22. The applicant has submitted a tracking plan that shows that an appropriately sized refuse vehicle would be able to manoeuvre and turn within the site which has been reviewed by my transportation officer and is considered to be acceptable.
- 6.23. The council's adopted car parking standards and guidance suggest a maximum of 2 no. parking spaces per dwelling for this area. The proposals provide each plot with a minimum of 2 no. (200%) surface spaces on plot with the addition of a garage space

with a mixture of single and double garage provision. In total the development would provide 32 no. spaces for 9 no. units which would equate to 355% provision. Whilst this is in excess of the car parking standards as outlined in the car parking guidelines SPD, such provision would enable limited visitor parking to take place given that there is limited availability to provide on street parking within the proposed cul-de-sac or upon Penns Lane whilst such provision does not dominate the site layout. As such, I consider that such matters mitigate this provision somewhat and would help to reduce potential impacts upon the free flow of traffic both within the site and the surrounding road network, a concern raised by local residents, particularly along Penns Lane and the nearby mini-roundabout.

- 6.24. Whilst local residents have raised concerns regarding increased levels of traffic congestion and potential adverse impacts upon highway safety, with particular reference to access onto Penns Lane, my highways officer has assessed the proposal and has raised no objections in this regard subject to the imposition of a number of planning conditions, to include the provision of both pedestrian and vehicular visibility splays (both at the site access and for driveways), all highway works (including the removal/relocation of street furniture on Penns Lane) is to be submitted to the LPA for agreement and funded by the applicant and that the proposed driveways are no steeper than 1:12. Subject to such matters being addressed by condition I concur with my officer's recommendation and raise no further issues in this regard.

#### *Trees and Landscaping*

- 6.25. The application form acknowledges that the development of this site in the form proposed will result in the removal of the existing trees with the site itself covered by a tree preservation order, specifically TPO 1223. The site itself contains a number of trees, 12 no. of which are included within the TPO, with the site's interior generally cleared through the demolition of the previous dwellings. A tree survey, root protection plan and arboriculture report has therefore been submitted with the application which my tree officer has assessed in conjunction with also undertaking a site visit with the applicant and their agent and considers that such works should be undertaken in accordance with these documents and secured by condition. My tree officer has commented that the Silver birch on the site frontage (T7 in the TPO) is now in poor condition and therefore raises no objection to its removal in order to facilitate the sites access. The tree officer has requested that this tree is replaced to the front portion of the site in order to replace lost amenity provided by the existing tree and positively contribute to the streetscene.
- 6.26. My tree officer is also content that the contentions around the effect of development on those trees behind 47 and 49 Beech Hill Road (the site's western boundary adjacent to plot 8 and 9) has been satisfactorily resolved with the development proposal now set beyond the Root Protection Areas of these trees and therefore no protected trees are proposed to be removed as part of this proposal. Furthermore, my tree officer has inspected the trees first-hand and considers that some canopy management to contain their size and shading effect would be appropriate subject to a pre-commencement site meeting being undertaken with the tree officer present. Also, it is important to note that in this line of trees (along the site's western most boundary) only three trees are included in the TPO, with the rest being considered unworthy. My tree officer considers it appropriate to retain these by planning condition. Taken on balance, the proposal is now acceptable in arboricultural terms, a view supported by my tree officer subject to the imposition of planning conditions as discussed.

### *Ecological impact*

- 6.27. An ecology survey has been submitted with the application which, in summary, suggests the site has low ecological value but does have a number of habitats which have the potential to support protected species. My ecologist has assessed the proposal and the submitted information and has raised no objection to the scheme and commented that the site is now vacant with the exception of some trees and hedge boundaries but it is mostly stripped of all vegetation. They have also stated that the proposal should include the provision of enhancement measures to include bird and bat boxes, hedgehog and other small mammal passes should be installed throughout the fences. Habitat creations such as woodpile, insect boxes etc. should also be mixed throughout the site whilst it would also be preferable to have future biodiversity enhancements with a wide range of native flora in the rear gardens, as well as the front to encourage local biodiversity to forage. I consider such measures to be reasonable and proportionate to the scale of development proposed and recommend that such matters are secured by planning conditions.

### *Community Infrastructure Levy (CIL)*

- 6.28. The applicant has submitted a CIL form confirming acknowledgement of CIL liability for the site which is located within a high value residential charging area. The proposed scheme would result in an internal floorspace provision for the 9 no. dwellings of 1771sq.m. Based upon a current rate of £85.04 per sq.m of floorspace, within a CIL high value residential charging area, the scheme would equate to a CIL payment requirement of £150,605.84 based upon current figures.

## 7. Conclusion

- 7.1. The proposal amounts to the provision of residential development in a sustainable suburban location and the proposal would accord with the provisions of the Birmingham Development Plan and the NPPF. Subject to the imposition of planning conditions as discussed in this report, it is considered, appropriate to recommend that planning permission be granted.

## 8. Recommendation

- 8.1. Approve, subject to conditions.

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- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans           |
| 2 | Requires the prior submission of a construction method statement/management plan |
| 3 | Requires the submission of sample materials                                      |
| 4 | Requires the submission of architectural details                                 |
| 5 | Requires the prior submission of level details                                   |
| 6 | Requires the submission of hard and/or soft landscape details                    |
| 7 | Requires the submission of boundary treatment details                            |
| 8 | Requires the submission of a lighting scheme                                     |
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|----|--|
| 9  | Removes PD rights for new windows  |
| 10 | Removes PD rights for extensions   |
| 11 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures         |
| 12 | Requires vehicular visibility splays to be provided  |
| 13 | Prevents occupation until the access road has been constructed                               |
| 14 | Requires pedestrian visibility splays to be provided   |
| 15 | Driveway gradient to be no steeper than 1:12   |
| 16 | Requires the submission and completion of highway works at the applicants own expense        |
| 17 | Requires the prior submission of a contamination remediation scheme                          |
| 18 | Requires the submission of a contaminated land verification report                           |
| 19 | Requires the submission of a Noise Insulation Scheme   |
| 20 | No commencement until pre-commencement meeting held (working procedures and tree protection) |
| 21 | Requires tree pruning protection - Prior to Occupation                                       |
| 22 | Arboricultural Method Statement and Tree Protection Plan - Implementation                    |
| 23 | Requires the prior submission of a drainage scheme - Foul and Surface Water                  |
| 24 | Removes PD rights for boundary treatments/gates across the access road                       |
| 25 | Implement within 3 years (Full)  |
- 

Case Officer: Christopher Wentworth

## **Photo(s)**

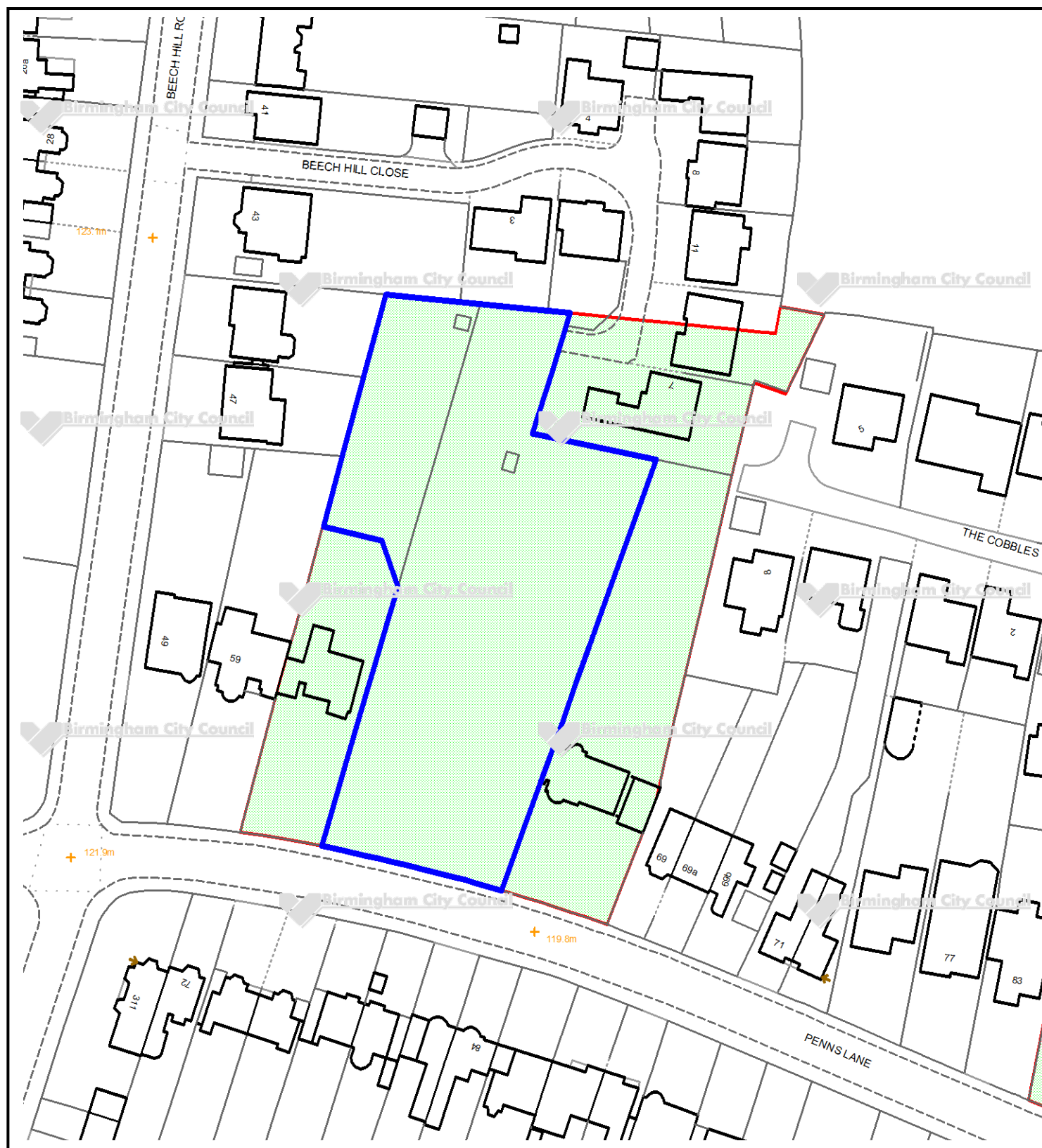


**Fig 1 – Site internal looking towards Penns Lane frontage (no. 61 to right of photo).**



**Fig 2 – Site internal looking towards rear of site towards dwellings of Beech Hill Close.**

## Location Plan



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|-----------------|-----------------|---------------------|---------------|
| Committee Date: | 07/05/2020      | Application Number: | 2019/08290/PA |
| Accepted:       | 08/10/2019      | Application Type:   | Full Planning |
| Target Date:    | 27/03/2020      |                     |               |
| Ward:           | Handsworth Wood |                     |               |

Former GKN Site, Land at Old Walsall Road, Hamstead, Birmingham

Erection of a single storey foodstore (Use Class A1) with associated access, car parking and landscaping works

Recommendation

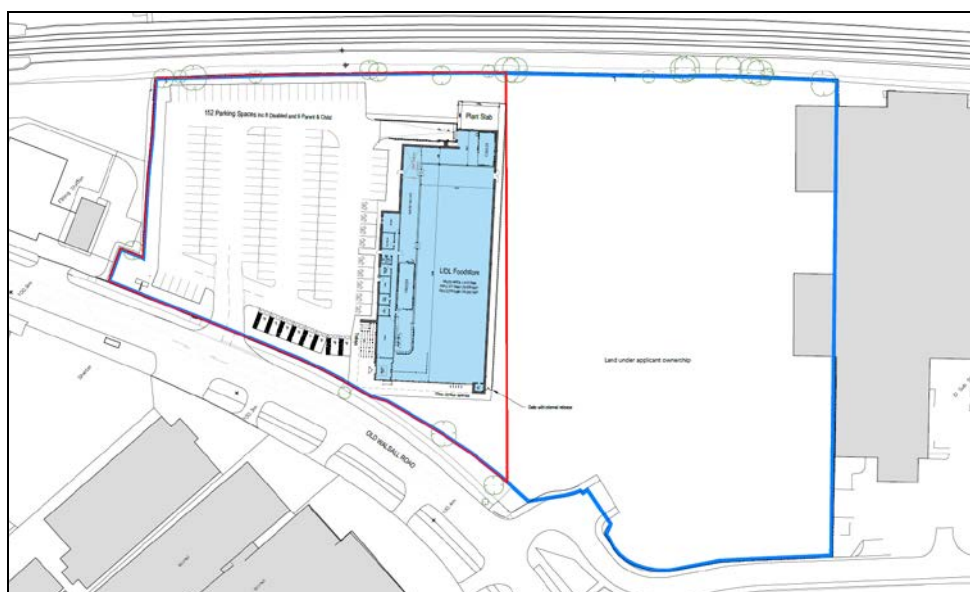
**Approve subject to Conditions**

1. Proposal

- 1.1. The application relates to a vacant area of land, sited to the eastern side of Old Walsall Road, Birmingham. Full planning consent is sought for the erection of a Lidl food-store (Use Class A1), alongside its associated new access point, which would be directly off Old Walsall Road, with ancillary car parking, servicing areas and landscaping.
- 1.2. The main food store building would be single storey in height and this would have a total sales area of 1,410sqm, with a total GIA of 2,177sqm. The main food store building itself would be located along the south-western boundary of the site, with its delivery bay sited to the north-east and car parking located to the site's north-west. A total of 152no. car parking spaces are proposed, which include 8no. disabled bays and 9no. parent and child spaces. A provisional number 10no. cycle storage racks are also proposed at this stage.
- 1.3. The building adopts a modern generic approach to the applicants' food-store, being rectangular with a mono-pitched roof with the highest point reaching 7m, facing the car park and the lowest point being 5m facing the eastern boundary. The Old Walsall Road frontage (south-west) would feature full height glazing, which would have a short return on the car park frontage (north-west). The customer entrance would be located at the building's south-western most corner, with an external area covered by a glazed canopy. Materials would consist of glazing and aluminium composite panelling for the elevations. The guttering and downpipes would consist of a natural zinc finish, with the proposed windows and openings also being proposed with a dark finished aluminium frame.
- 1.4. Landscaping is proposed throughout the site, with native hedgerow planting proposed to the site's north-western and eastern boundaries. To the site's south-western frontage, a number of trees and shrub planting are proposed in the form of a green buffer between the application site and Old Walsall Road. A large area of flowering grassland is further proposed to the site's north-eastern side boundary, adjacent to the delivery bay.
- 1.5. The application has been accompanied by:
  - Planning and Retail statement;

- Design and Access statement;
- Flood Risk Assessment and Drainage Assessment;
- Transport Assessment;
- Travel Plan;
- Ecological Appraisal;
- Arboricultural Assessment;
- Energy and Sustainability statement,
- BREEAM Assessment, and
- Lighting proposal plans.

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



Proposed site plan

## 2. Site & Surroundings

- 2.1. The application site is situated to the east of Old Walsall Road, Hamstead, Birmingham. The site is bound by a railway line to its east, with a Shell Petrol Station being sited to its north. To the site's west lie a large number of industrial buildings, which extend further to the site's southern end. The wider area remains industrial in character, with residential dwellings sited further east and west.
- 2.2. The application site is located within close proximity to an existing Lidl store (West Bromwich), which lies approximately 400m to the site's north-west; this would be closed as part of the proposals. To the far north of the site lies Hamstead Train station and there are a number of bus stops located adjacent to the site on Old Walsall Road.
- 2.3. It should be noted that the area of land which abuts the south of the site is currently vacant and remains in the ownership of the applicant. This however does not form part of the current applications boundary.

## 3. Planning History

- 3.1. 2013/01544/PA - Demolition of existing buildings and construction of new food store (5342sqm GIA) (Class A1), employment units (1674sqm GIA) (Class B1, B2, B8),

new access and associated highway works, car parking, landscaping and associated works – Approved subject to conditions – 09/08/2013.

3.2. 2014/02527/PA - Application for variation of Condition 27 attached to planning approval 2013/01544/PA to allow for a pharmacy within the store – Approve subject to conditions – 08/07/2014.

3.3. 2016/06865/PA - Application for a Certificate of Lawfulness of existing use or development in respect of laying of services in accordance with the approved plan to constitute partial implementation of planning permission 2014/02527/PA prior to expiry of planning permission – Certificate issued – 12/10/2016.

#### 4. Consultation/PP Responses

4.1. Transportation Development – Raise no objections to the development proposals, subject to a condition requiring:

- The submission of a construction method statement/Management Plan;
- Submission of site means of access;
- Pavement boundary plan;
- A parking management strategy;
- A commercial travel plan;
- The delivery and service area should be completed prior to use;
- Proposed parking areas to be constructed prior it use;
- Cycle storage details to be submitted;
- Commercial vehicle management scheme; and
- The submission/completion of section 278 works agreement.

4.2. Lead Local Flood Authority – Raise no objections to the development proposals, subject to appropriate conditions requiring the prior submission of a detailed sustainable drainage scheme and sustainable drainage operation and maintenance plan.

4.3. Employment Access Team – Raise no objections to the development proposals, subject to a condition requiring on site local employment opportunities.

4.4. Regulatory Services - Raise no objections to the development proposals, subject to conditions requiring; contaminated land, hours of operation, delivery time restrictions, plant noise and equipment, parking management, lighting scheme, demolition and construction method plan and a condition to require electric vehicle charging points.

4.5. West Midlands Police – Raise no objections to the development proposals, subject to conditions requiring; CCTV, lighting and maintenance of proposed landscaping.

4.6. Network Rail – Raise no objections to the development proposals.

4.7. Severn Trent Water - Raise no objections to the development proposals, subject to a conditions requiring; details of the foul and waste water disposal.

4.8. Local properties, residents associations Councillors and the local MP were consulted with regards to the application and a site and press notice was also posted. 1no. response was received, detailing the following areas of concern:



- Concerns around site entrance and exit points and the impact this will have upon the wider highway network; and
- Disruption to on-road parking provision.

## 5. Policy Context

- 5.1. Birmingham BDP, Places for All SPG, Shopping and Local Centres SPD, Loss of industrial land to alternative uses SPD, Car Parking Guidelines SPD and the NPPF.

## 6. Planning Considerations

### *Background*

- 6.1. In 2013, planning reference: 2013/01544/PA was granted planning consent for the: "Demolition of existing buildings and construction of new food store (5342sqm GIA) (Class A1), employment units (1674sqm GIA) (Class B1, B2, B8), new access and associated highway works, car parking, landscaping and associated works". Subsequently, in 2014, this planning consent was varied under planning reference: 2014/02527/PA and a number of details, secured by way conditions, were approved.
- 6.2. The then applicant, followed on from these works, by applying for a certificate of lawfulness, to demonstrate the implementation of planning consent: 2014/02527/PA, which was subsequently issued by the Council.
- 6.3. The current application now follows on from this and seeks consent for the erection of an A1 food-store which would be occupied by "Lidl".
- 6.4. It is worth noting that the Council's Legal Department has confirmed the lawful use of the application site, is now, by virtue of the above planning consent and certificate of lawfulness, that of A1 retail.

### *Loss of employment land*

- 6.5. The application site is a former brownfield site, which is not covered by a specific designation or allocation within the Birmingham Development Plan. This had previously been used for employment purposes, before gaining planning consent to be used as an A1 food-store, in 2013 and consequently again in 2014.
- 6.6. A Certificate of Lawful Development (2016/06865/PA), as referenced above, was then later submitted to and approved by the Council, which established that the previous planning approval for a retail use had been implemented within the application site. Thereby making the established use of this site, retail (A1), as opposed to its former employment use. As such, the proposed redevelopment of the application site, to allow for the erection of an A1 Food-store, would be considered acceptable in this instance; the proposed redevelopment is therefore considered acceptable in this regard.
- 6.7. Any such proposals would however need to be in accordance with the wider policy requirements as set out within the BDP and these are accordingly assessed below.

### *Impact on local centre*

- 6.8. Policy TP21 states that the city's network and hierarchy of centres are the preferred locations for retail development and that proposals for main town centre uses outside of these boundaries will not be permitted unless they satisfy the

requirements of national planning policy. These national requirements are set out within paragraphs 86-90 of the revised NPPF. These require a sequential assessment of the suitability and availability of more centrally located site's to be submitted as part of a planning application.

- 6.9. In this case, a sequential assessment has been included within the submitted Planning and Retail Statement. This details that the applicants have considered a number of nearby centres as part of their assessment, alongside the availability of sequentially preferable sites and premises within, or at the edge of these identified centres. The submitted statement uses an acceptable methodology and the wider assumptions that underpin this assessment appear to be appropriate. The assessment further identifies an appropriate range of centres and potentially available site's, which have been considered as part of the proposals. The assessment however identifies that there are no sequentially preferable site's that could accommodate the proposed development within the identified centre or edge of centre locations and as such, the proposals are considered to be acceptable and would thereby meet the requirement as set out within paras. 86-90 within the NPPF and relevant policies within the BPP.
- 6.10. Furthermore, as the floor-space of the proposed food store will be below 2,500 square metres, the development will not require an impact assessment as specified within Policy TP21 and paragraph 89 of the revised NPPF.
- 6.11. It is therefore considered that the development of the application for an A1 food store would be acceptable, no sequentially preferable site's have been identified which could support the proposals and given its size and scale, the development is not considered to have any undue impact upon neighbouring designated local centres. The development proposals would therefore be in accordance with the wider policy requirements as set out above within the BDP and NPPF.

#### *Sustainability*

- 6.12. Policy TP3 requires developments of a certain type and threshold to meet BREEAM (Building Research Establishment Environmental Assessment Method) Standard Excellent. The proposed development has been registered with BRE (Building Research Establishment) by a licensed BREEAM Accredited Assessor and a detailed Pre-BREEAM Assessment has been submitted as a part of the development proposal. There are various points which have been highlighted in the assessment to demonstrate on site limitations of achieving BREEAM Standard Excellent, which upon consideration are accepted. I also note that the applicants' design team, in addition to the submission, has undertaken a further exercise to evaluate whether the proposed scheme could achieve BREEAM Excellent under any circumstances. All potential additional credits were costed based on estimates from the various representatives of the design team, including those credits that were deemed to be achievable with relatively high costs or with (an unacceptable level of) uncertainty. The design team determined that these costs would render the scheme economically unviable and would still not meet the 70.0% (plus margin) required for BREEAM Excellent.
- 6.13. It is therefore considered that the applicants have managed to demonstrate their limitations with reaching the BREEAM excellent status. The pre-assessment confirms that a BREEAM Very Good rating can be achieved and confirms that credits for this rating are achieved in all key stages of the development, including demolition, construction and long-term management. A planning condition requiring final certification and the Post Construction Assessment Report to be submitted prior

to occupation of buildings, will however be required and is recommended as part of any subsequent planning consent.

- 6.14. Further to this, a detailed Energy and Sustainability Statement has been prepared in accordance with the guidance set out in the Council's Planning Guidance Note relating to Policy TP3, which looks to secure Sustainable Construction and Policy TP4, which references Low and Zero Carbon Energy Generation. The statement has demonstrated that the proposal goes beyond the requirements of policies TP3 and TP4 in terms of energy efficiency and carbon reductions. Various measures are included, including the; orientation of the building, alongside the site location, in order to make use of solar gain and reduction of energy consumption, ensuring U values are much lower than those required under Building regulations, improved fabric performance and thermal mass, natural ventilation and low energy lighting are also to be used.
- 6.15. Combined Heat and Power solutions have further been analysed and are not considered viable for this store, due to unsuitable energy consumption profiles for CHP (require high Domestic Waster Supply consumption). Alternative individual Low or Zero Carbon (LZC) technologies have been analysed as part of the proposals, however have been discounted for various reasons, which are accepted. Lidl therefore proposes a combination of photovoltaic panels and air source heat pumps, which are considered acceptable for a building of this size and scale. Actual building annual energy and carbon dioxide emissions have been calculated and detailed within the assessment, showing a reduction of 121.62% in regulated Carbon Dioxide emissions over Part L2A 2013 Building Regulations. This represents a carbon neutral building when accounting for regulated energy loads and associated emissions. The proposed energy strategy is therefore fully supported and the development is considered to represent a highly sustainable form of development, from construction through to occupation. The proposals are further considered to meet the BREEAM rating of very good and as such, the proposals would be in compliance with policies TP3 and TP4 of the BPD and the relevant sections of the NPPF.

### *Design*

- 6.16. The proposed food-store would be single storey in height, with a mono-pitched roof, measuring 7m at its highest point, facing the car park and 5m to its lowest point, backing onto the site's south-eastern side facing boundary. The building itself would have a large glazed elevation, facing the site's south-western, front facing boundary, onto Old Walsall Road, creating an active frontage. This area of curtain wall glazing would then wrap around the south-western corner of the building, to the north-western elevation, which faces onto the car park, creating a customer entrance, with a large projecting, glazed canopy. The wider north-western elevation would largely be solid in appearance, with a number of small door and window openings, alongside featuring the servicing entrance further east of the elevation. The elevation would however be broken in terms of its roof form and this would further have a staggered foot-print, helping to break up the long mass of the building. The food-store would have a total depth of 77.5m and a total width of 33m, considered acceptable for a building of this nature.
- 6.17. The elevations would be finished in aluminium composite cladding panels, finished in silver and white. A rendered plinth, finished in grey would then wrap around the bottom end of the building and aluminium framed window and doors are further proposed throughout, also finished in dark grey. A number of photovoltaic panels would be added to the south-eastern side elevation, which would be largely out of

view from the public realm. The rear elevation would face onto the railway line and would again remain out of view from the public realm.

- 6.18. The wider site would be used for on-site car parking for customers and although a large area for such parking is proposed, this is considered acceptable, given the use of the site and the proposed layout with the building facing the public realm. The car park would be bound by strong landscaping. To the site's south-eastern boundary, facing onto Old Walsall Road, a strong buffer of shrub planting is proposed, alongside the planting of a large number of trees to the building's frontage. The green buffer would wrap around the proposed site access and would further feature other forms of soft landscaping and a number of tree types are proposed, which are to be secured by way of condition. To the site's north-west, a deep native hedgerow is proposed, which would wrap around the site's north-western and north-eastern boundaries, with a large number of new trees and flowering grassland also being proposed to wrap-around the wider proposed car parking provision. To the building's south-west, a large area of shrubbery is again proposed. This level of landscaping provision is considered to enhance the site's visual amenity from the public realm and is further considered to help the site have a much softer impression within the street-scene. Full details of the proposed trees and other forms of planting will be secured by way of condition.
- 6.19. It is therefore considered that the proposed development, in its current form, layout and scale is acceptable and would enhance the visual amenity of the application site and the wider street-scene, in line with the relevant policies from within the BPD and the relevant sections of the NPPF.

#### *Residential amenity*

- 6.20. There are no residential dwellings sited in close proximity to the application site, which are likely to be impacted by the development proposals. Irrespective of this, due to the nature and scale of the development, Regulatory Services have recommended a number of conditions, in relation to the proposed opening hours of the site being fixed between the hours of: 07.00 - 22.00 Monday to Saturday and 10.00 - 17.00 Sundays; alongside a condition to require the deliveries to the site to also be carried out during the hours of: 07.00 - 22.00 Monday to Saturday and 10.00 - 17.00 Sunday. A further condition has also been recommended, which will control the level of background noise from any installed plant and machinery equipment on site.
- 6.21. As such, subject to the attachment of these conditions, which are included, the development proposals are considered to be acceptable in this regard.

#### *Transport*

- 6.22. The main food store would be located along the south-western boundary of the site, with its delivery bay sited to the north-east of the site and car parking located to the site's north-west. A total of 152no. car parking spaces are proposed, which include 8no. designated disability bays and 9no. parent and child spaces. A provisional number (of 10no.) cycle storage racks are also proposed at this stage. The application has been accompanied by a transportation statement, with the Transport Consultancy having confirmed that a complete Road Safety Audit process will be undertaken within the necessary S278 Technical Approval process, should planning permission be granted for the proposed development.

- 6.23. The submitted supporting documentation has been reviewed and assessed by Transportation Development, who are satisfied with the number of parking spaces proposed, alongside the site access and the wider development proposals from a transportation perspective. The scheme is thereby not considered to have an undue impact upon the wider highway network to the detriment of highway or public safety. The site is further considered to be located in a sustainable location, close to public transport, with the main access coming off from an existing well-established B-Road, Old Walsall Road.
- 6.24. Transportation Development colleagues, have however recommended a number of conditions, which look to secure S278 works and have these completed prior to the development coming into first use. Alongside conditions looking at; cycle storage, the site access, a construction method statement, parking management, a commercial travel plan, as well as conditions to monitor and control delivery vehicles on site. These conditions are recommended and subject to their attachment to any subsequent planning consent, the development proposals are considered acceptable in this regard.

#### *Trees*

- 6.25. An onsite Tree Assessment was submitted in support of the application. This has identified 24no. trees on site. 2no. of which were deemed to be of good quality, category A and a further 12no. were deemed to be in moderate condition, category B. A further 10no. were deemed to be of low quality, category C. A further 4no. clusters of tree's have also been identified 1no. of which are deemed to be of good quality, category A and 3no. of which are deemed to be of moderate quality, category B.
- 6.26. From the trees identified, only 4no. of these (Category C) would need to be removed as part of the development proposals. The removal of the identified low quality trees would allow for the wider access arrangements to take place, alongside allowing for the erection of new boundary treatments around the perimeter of the site. The Council's tree officer raises no objections to the removal of the identified trees, however recommends that necessary tree protection works be implemented within the site, throughout the duration of the approved works and conditions to secure mitigation planting be attached to any subsequent planning consent. As such, subject to appropriate mitigation planting being provided on site and the wider trees being protected during the duration of the construction works, the application proposals are considered acceptable in this regard.

#### *Ecology*

- 6.27. The site is covered by hardstanding ground, with the previously demolished buildings still evident on site and therefore this has a very low ecological value. Two wildlife corridors are however located within 50m of site, which could be enhanced through the redevelopment of the site and the opportunities such works would represent. The city ecologist had advised that future planting proposals should look to include native species of trees, which would replace lost vegetation at the site and to further create foraging and nesting opportunities for birds and bats. As such, an appropriate landscaping condition is being recommended as part of any subsequent planning consent, alongside a condition for landscaping maintenance which would ensure that the landscaping be maintained thereafter. A further condition for ecological enhancement measures is also recommended, in order to allow the site to play a wider role within this area, with regards to surrounding wildlife.

- 6.28. An additional condition for lighting details is also recommended, in order to protect the foraging habitats of bats and birds as stated in the ecological appraisal. Subject to these conditions, the development proposals are considered to enhance the site's ecological footprint within the wider area and benefit surrounding wildlife, in line with relevant policies within the BDP and the NPPF.

#### *Contaminated land and Air Quality*

- 6.29. The applicants have submitted details of a remediation strategy, which has largely been considered acceptable. However, Regulatory services have stated that a site investigation would still need to be carried out, in reference to soils present beneath the floor slabs, alongside the hardstanding which was not evaluated as part of this report. Such information will therefore be secured by way of condition, to be submitted and approved in writing by the Council, prior to works commencing on site. Regulatory Services have further reviewed the submission and raised no concerns or objection with reference to the impact that the development would have upon Air Quality. As such, subject to the above outlined condition, the application is considered acceptable in this regard.

#### *Flood risk*

- 6.30. The application site is situated within Flood Zone 2, as identified by the Environment Agency. The site is however deemed to have a very low risk of flooding and a sustainable drainage scheme has been submitted as part of the applications supporting documentation. This states that the proposed drainage strategy would reduce the overall surface water flow rate from the site, resulting in a discharge rate of 5 litres per second, into the Severn Trent Water network. Foul water is proposed to be discharge unrestricted to an existing foul water sewer system, for which the applicant will seek consent directly from Severn Trent Water. The applicant has further incorporated rain water gardens into the scheme, in order to help decontaminate rainwater, which will then infiltrate into the sewer system.
- 6.31. The Lead Local Flood Authority has raised no objections to the development proposals, based upon the submitted plans and supporting statements. They however recommended specific conditions requiring the prior submission of a sustainable drainage scheme and sustainable drainage operation and maintenance plan. I concur with this view and feel the recommended conditions are both warranted and required in order to approve the proposed scheme.
- 6.32. Severn Trent Water were also consulted on the application. STW have raised no objections to the development proposals, subject to conditions requiring the prior submission of full details for the application sites foul and waste water. Appropriate conditions are therefore included.
- 6.33. As such, subject to the addition of these conditions, the development is considered acceptable in this regard.

#### *Archaeology and Conservation*

- 6.34. The proposed development is within the setting of a nearby listed bridge, however due to the former industrial use of the site and the fact that the listed bridge is in fact screened from view by a more recent modern bridge, means that the impact of the development on its setting is negligible. As such the development proposals are considered to have a neutral impact upon the setting of this nearby designated heritage asset.



- 6.35. However, the site does have the potential for geo-archaeological remains associated with the course of the adjoining River Tame. The applicant has confirmed that they are proposing to carry out a programme of archaeological work consisting of retrieving archaeological samples from boreholes, in accordance with a written scheme of investigation, with regard to the previous approval on this site, ref: 2013/01544/PA. The Council's Conservation Officers are happy with this approach and advise for a condition to be attached to any subsequent planning consent, which requires that a scheme for archaeological investigation be submitted to and approved in writing by the Council. This condition is included and the development is considered acceptable in this regard.

#### *West Midlands Police*

- 6.36. The West Midlands Police's Secure by Design team were consulted on the application proposals and no objections have been received. Officers however recommended that a suitable CCTV condition should be applied to any subsequent planning consent, in order to safeguard the site and its future users; alongside a condition for lighting and landscaping. These recommendations are considered acceptable and relevant conditions are included.

#### *Other matters*

- 6.37. The Councils Employment Access Team were consulted on the application. The Employment Access team raise no objections to the development proposals, subject to a condition requiring the prior submission of an on-site local employment opportunities plan, for the Councils consideration. This will ensure that local people can benefit from the development proposals and gain employment opportunities. An appropriate condition has thereby been drafted and included within this recommendation. Subject to this condition, the proposals are considered acceptable in this regard.

### 7. Conclusion

- 7.1. The application has demonstrated that the existing use of the site remains that of A1 retail and have further successfully applied the sequential test and justified the site's location, outside of any designated local or edge of centre locations. The scheme would improve the character and quality of the site and its surroundings, as well as safeguard neighbour amenity and have an acceptable impact on highways. Furthermore, the building would achieve a very good BREEAM rating and therefore meet the Councils aim for its carbon reduction and sustainable construction measures. As such the application proposals, subject to conditions, are considered to be in compliance with the relevant sections of the BPD and relevant policies from within the NPPF.

### 8. Recommendation

- 8.1. Approve subject to conditions.

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1 Implement within 3 years (Full)

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

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- 3 Requires the submission of details of the sound insulation for plant/machinery
  - 4 Limits the noise levels for Plant and Machinery
  - 5 Requires the prior submission of a goods delivery strategy
  - 6 Limits delivery time of goods to or from the site to between 07:00 - 22:00 Monday to Saturday and 10:00 - 17:00 Sunday and Bank Holiday
  - 7 Requires the submission of a lighting scheme for the protection of local biodiversity
  - 8 Limits the hours of use to: 07:00 - 22:00 Monday - Saturday and 10:00 - 17:00 Sunday and Bank holidays.
  - 9 Requires the prior submission of a contamination remediation scheme
  - 10 Requires the submission of a contaminated land verification report
  - 11 Requires the submission of a CCTV scheme
  - 12 Requires the provision of vehicle charging points
  - 13 Requires low emission vehicle parking
  - 14 Implementation of a programme of archaeological work
  - 15 Requires the prior submission of a BREEAM certificate and post construction report
  - 16 Requires the prior submission of a construction employment plan
  - 17 Requires the prior submission of details relating to foul water disposal
  - 18 Requires the submission of hard and/or soft landscape details
  - 19 Requires the submission of hard surfacing materials
  - 20 Requires the submission of boundary treatment details
  - 21 Requires the submission of a landscape maintenance plan
  - 22 Requires the submission of an Arboricultural Method Statement and tree protection plan
  - 23 Requires the prior submission of a construction method statement/management plan
  - 24 Requires the submission of details to prevent mud on the highway
  - 25 Requires the prior installation of means of access
  - 26 Requires the submission of details of pavement boundary
  - 27 Requires the submission of a parking management strategy to include EV points
-

- 
- |    |  |
|----|--|
| 28 | Requires the submission of a commercial travel plan  |
| 29 | Requires the delivery and service area prior to occupation   |
| 30 | Requires the parking area to be laid out prior to use  |
| 31 | Requires the submission of cycle/motorcycle storage details  |
| 32 | Requires the submission of details of a delivery vehicle management scheme                           |
| 33 | Requires the submission of a car park management plan for disabled spaces                            |
| 34 | Requires the submission and completion of works for the S278/TRO Agreement                           |
| 35 | Requires the prior submission of a sustainable drainage scheme                                       |
| 36 | Requires the prior submission of a Submission of a Sustainable Drainage Operation & Maintenance Plan |
- 

Case Officer: Idris Gulfraz

## Photo(s)



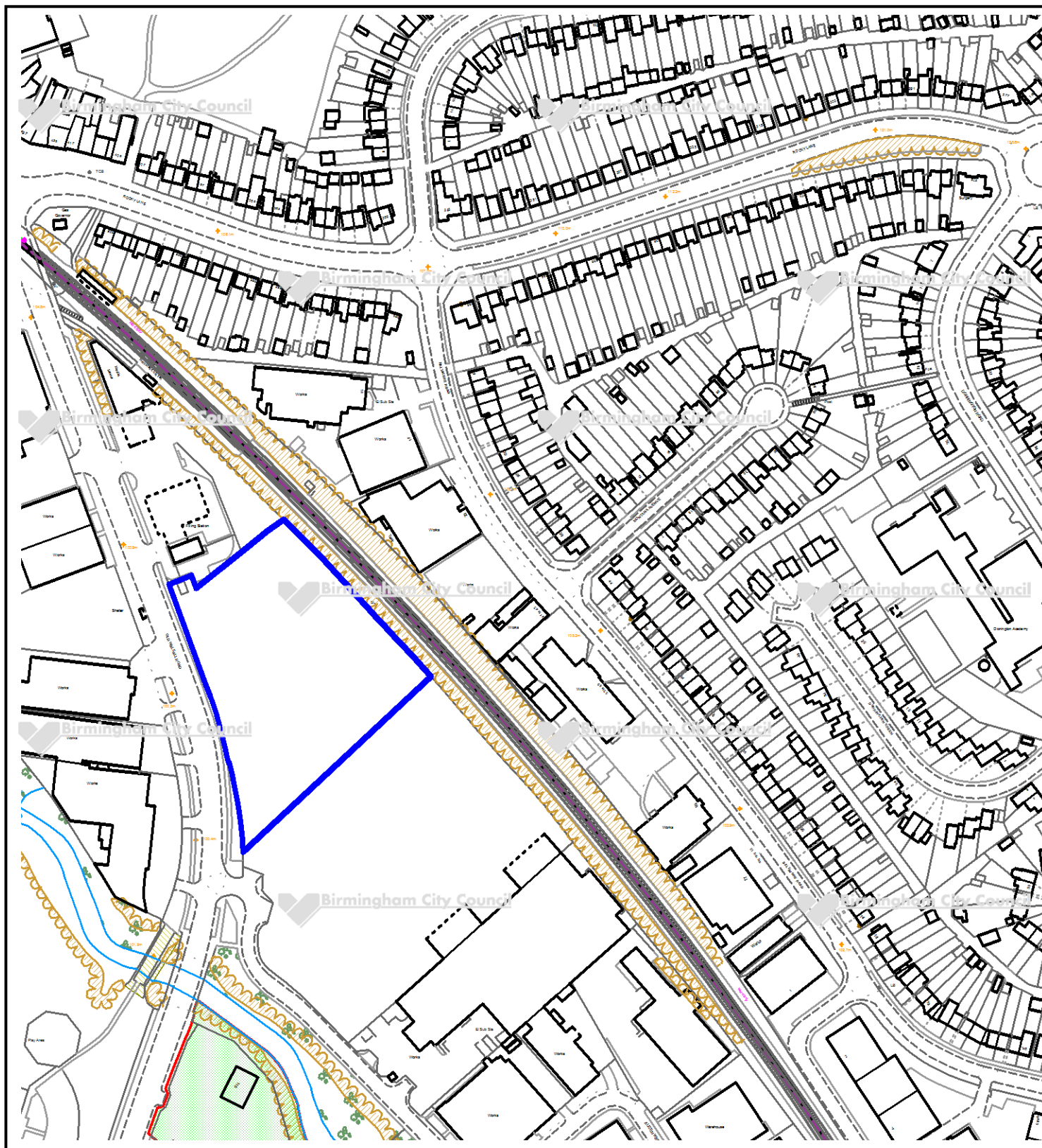
Picture 1 - Old Walsall Road – site access



Picture 2 – neighbouring vacant site – located to the application sites south



## Location Plan



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|                 |              |                     |               |
|-----------------|--------------|---------------------|---------------|
| Committee Date: | 07/05/2020   | Application Number: | 2018/09513/PA |
| Accepted:       | 15/01/2020   | Application Type:   | Full Planning |
| Target Date:    | 11/03/2020   |                     |               |
| Ward:           | Sutton Vesey |                     |               |

Mulberry Court, 80 Kings Road, Sutton Coldfield, Birmingham, B73 5AE

Retrospective change of use from 23 apartments (Use Class C3) to 18 Supported Living Apartments (Sui Generis) together with minor alterations to include 2 no. entrance canopies, decking to the front garden and creation of new pedestrian access via Leamont Drive

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Retrospective consent is sought for change of use from 23 apartments (Use Class C3) to provide 18 supported living apartments (Sui Generis) together with minor alterations to include 2 no. entrance canopies, decking to the front garden and creation of new pedestrian access via Leamont Drive.
- 1.2. The supported living accommodation provides care and support facilities for people with learning disabilities, behavioural issues and brain injuries. The site is supported by a care provider (Precious Homes) and there would be 18 full-time employment positions created / retained.
- 1.3. The existing building has been split to provide two types of care:  
*Supported Living (Mulberry Court)*
- 1.4. Residents are provided with a tenancy in their own self-contained flat. Services are there to support individuals who are largely independent and who are working towards living independently in the community over time.  
*Supported Living Plus (Elderberry Mews)*
- 1.5. Supported Living Plus provides a cluster of individual flats alongside communal space. This seeks to balance the opportunity for independence development with social interaction to reduce the risk of social isolation. Each individual would have their own tenancy and would be responsible for maintaining their tenancy with support.
- 1.6. The new internal layout largely remains as previous and includes the provision of communal spaces, meeting rooms and associated facilities for staff including offices.
- 1.7. Minor external alterations have been undertaken for the installation of two entrance canopies, garden doors to the east elevation and decking area to the front.



- 1.8. A new pedestrian access via Leamont Drive has also been provided. There is an enclosed stair case to the rear of the existing building to provide access to the basement.
- 1.9. [Link to Documents](#)
2. Site & Surroundings
  - 2.1. The application site consists of a three storey block of flats with 23 units and it is located on the corner of Kings Road and Leamont Drive. The application site block of flats has a uniform appearance with a cream render finish, brickwork and red clay tiles. The application site entrance is currently located on Kings Road and there is an existing dropped kerb and basement level car park.
  - 2.2. The application site is located within an area which is residential in nature. Adjacent to the site on Kings Road is a nursery and opposite on Leamont Drive is a public house. Leamont Drive consists of cul-de-sac with residential dwellings of a similar style and design.
  - 2.3. The boundary treatment around the application site consists of wooden fencing and high hedging along Kings Road and low level hedging and partial wooden fencing along Leamont Drive. The front curtilage of the application site on Leamont Drive has land which is on a sloping gradient towards Kings Road.
3. Planning History
  - 3.1. 2004/04432/PA – Erection of 39 flats within 2 blocks, erection of day nursery for 110 children, with 2 flats, car parking and associated works and demolition of existing dwelling houses and day nursery. Refused.
  - 3.2. 2005/06048/PA - Demolition of 3 dwellings and erection of 23 apartments, parking and associated works. Approve subject to Conditions.
4. Consultation/PP Responses
  - 4.1. Local Neighbours, Resident Association and Local Ward Councillors have been consulted and four objections from local residents have been received raising the following points:
    - Development has commenced without planning consent
    - Concerns for the safety and security of neighbouring properties
    - Noise and disruption from the building works
    - Loss of privacy and overlooking issues
    - Impact on traffic in and out of Leamont Drive including access arrangement, congestion and lack of parking with the introduction of more people, there will be no places to park
  - 4.2. Regulatory Services – No objections.
  - 4.3. Transportation Services – No objections subject to conditions: a formal car park layout should be submitted and any highway works will be at the applicant's expense.

- 4.4. Local Flood Authority and Drainage Team - Advises that the new external decking is designed to be drip through and will therefore not be positively drained. The decking is less than 1000sqm in size; therefore this is a minor development.
- 4.5. Severn Trent Water - No objections to the proposals and no drainage condition is required.
- 4.6. West Midlands Police – No objections.
5. Policy Context
- 5.1. The following local policies are applicable:
- Birmingham Development Plan (2017)
  - Birmingham Unitary Development Plan (2005) – Saved policies
  - Places for Living (2001)
  - Places for All
  - Specific Needs Residential Uses SPG
- 5.2. The following national policies are applicable:
- NPPF: National Planning Policy Framework
6. Planning Considerations
- 6.1. This application has been assessed against the objectives of the policy as set out above. The main issues for consideration in the determination of this application are the principle of the proposed development, its impact upon visual and neighbouring amenity and highway safety.

### **Principle**

- 6.2. The application premises previously consisted of 23 residential apartments (Use Class C3) and it is proposed to retain the current use as 18 supported living apartments (Sui Generis). An amended Design and Access Statement has been provided as part of this planning application, which sets out that the care provider (Precious Homes) provides care and support for people with learning disabilities, behavioural issues and brain injuries, together with a team of highly trained staff.
- 6.3. Paragraphs 8.28 to 8.30 of the saved UDP policies state that decisions on residential homes, which shares characteristics with the use as proposed (Assisted Living Accommodation), should not cause harm to residential amenity and should not impact upon the overall character of their locality. Account should therefore be taken of the number of premises in a similar use, as not to oversaturate the area and affect its residential character. In this case, the wider area remains mixed in character, with a large number of residential dwellings of a mixture of types and tenures. Within this locality, data shows no licenced HMO's can be found on Kings Road/Leamont Drive itself and there are no records of HMO's within 100m radius of the application site. The prevailing character remains that of single family dwellings, with a day nursery to the east and a public house to the west of the application site. As such, in this instance, it is not considered that the development would have a significant impact upon the character of the area, which would justify the refusal of the current application.
- 6.4. The refurbishment and re-use of the premises provides self-contained accommodation, for assisted living purposes, which would be managed by a

registered care provider. The proposed use (Sui Generis) would cater for a variety of adults with specific needs and would require a form of care and support. The site would be occupied by permanent tenants that lease the properties in their own names. No details of the minimum or maximum term of tenancy have been provided.

- 6.5. It is therefore considered that the proposals would form an appropriate form of development, in a sustainable location, which would cater to a distinctive need within the population. As such is considered to be in compliance with relevant sections of the NPPF and the relevant sections of the BDP.

### **Design and Impact on Visual Amenity**

- 6.6. There have been some minor external alterations, which include the installation of two entrance canopies, garden doors to the east elevation and decking area to the front. Other changes consisted of a new pedestrian access via Leamont Drive and an enclosed stair case to the rear of the existing building to provide access to the basement level car park. I consider that the changes do not detract from the architectural characteristics of the application site or have a detrimental impact on the general street scene. The proposed new fencing lines are also considered to be acceptable as they are in keeping with the existing boundary treatment and would not be out of character within the area.
- 6.7. Although the proposed decking is be visible from the forward street scene and is not a feature found within the area, the visual impact is, on balance, neutral.

### **Residential Amenity**

- 6.8. Several concerns have been raised regarding loss of privacy and overlooking issues. There would be a minor change in the rear elevation as a new glazed door would be provided on the ground floor. I do not consider that there would be any overlooking issues to private amenity spaces with the presence of the existing boundary treatment and the appropriate set back of 5m as recommended within Places for Living would be achieved. There are no changes proposed to upper floor windows and balcony areas would remain as existing. As such, the proposed development would not worsen the existing situation. The proposal would not have an adverse impact on neighbouring amenity by way of privacy and overlooking.

### **Standard of accommodation and quality of the living environment**

- 6.9. The specific needs residential uses SPD is clear that the nature of the type of people to occupy the premises is not a material planning consideration, and that premises which are developed with the needs of specific group mind, have a role to play in providing housing for certain groups in society. The SPD guidelines for internal standards for people letting 1 or 2 rooms and having a separate bedroom and living rooms and/or kitchens. The proposed units would need to comply with the following internal standards for residential units:
- Single bedroom 6.5 sq.m,
  - Double bedroom 12.5 sq.m
  - One Individual kitchen/living room 11.5sqm
  - Two individual kitchen/living room 15sqm
- 6.10. The existing building contains three floors with individual self-contained flats. The proposed scheme includes communal sitting rooms and laundry on the ground and

first floor and each flat is provided with 1 or 2 bedrooms, a bathroom and separate lounge and kitchen. It is therefore considered that the internal residential environment for occupiers is acceptable.

- 6.11. The adopted SPG 'Specific Needs Residential Uses' advocates that 16sqm of amenity space should be provided per resident, equating to 288sqm for 18 residents. The application premise benefits from an enclosed private rear amenity area of approximately 189sqm. It is considered that outdoor amenity space is acceptable, although the proposals would fall short of this figure, given the level of existing amenity space, alongside the site's location in close proximity to Sutton Park public open space, which is located approximately 500m away and therefore, this is considered to not represent a reason for refusal.
- 6.12. In addition, the National Technical Housing Standards (NDSS 2015) sets out internal space standards and the requirements for gross internal floor areas. Although not yet adopted by the Council, the NDSS provides a useful benchmark to judge the adequacy of accommodation size. The NDSS requires a gross internal floor space figure of 39sqm for a one-bed, one person dwelling, and 61sqm for a two bed, three person dwelling, set out over one level and the current proposals would largely comply with these standards. However, it should also be noted that submitted internal plans show units with 21 single bed spaces and these would largely comply with the bedroom standards set out within the NDSS. The current proposals are for assisted living and not independent one/two bed apartments, as such a condition is attached to restrict the number of residents to 18 at any one time. Each unit would benefit from natural light and would further provide a satisfactory level of outlook for future occupiers, alongside the fact that further shared facilities would be provided; it is considered that the proposal would provide an acceptable level of accommodation for future residents.
- 6.13. Given the above, I am therefore satisfied that the proposal would provide a good standard of amenity space and satisfactory living environment for future occupiers.

### **Highway Safety**

- 6.14. Transportation Development has been consulted and stated that the development is within the site boundary and it is unlikely that it would have a detrimental impact to the existing highway. Transportation Development has no objections to the proposed gate and pedestrian access on Leamont Drive and the site is in walking distance to public transport. Transportation Development also stated that they do not consider that the proposal would pose any highway safety issues and that traffic generation would be expected to be less than open market residential use which would be 2 spaces per C3 unit = 46 spaces compared to C2 sheltered housing of 1 space per 10 units. There is a basement level car park providing 20 car parking spaces. Consequently, I concur with this view point and consider that the proposed alterations would not have any highway safety issues or transport concerns.
- 6.15. Transportation Development has also requested a condition to be attached for a formal parking layout to be submitted. However, I do not consider that a condition for a formal car parking layout is required as the principle development has already been established and from the plans submitted the proposed car park remains unchanged from the existing.

### **Other Matters**

- 6.16. Concerns have been raised for the potential noise and disruption from the proposed development. Regulatory Services have assessed the proposal and raise no objections on noise grounds. Notwithstanding these concerns, building maintenance nature of works is small scale and unlikely to have an adverse impact during construction.
- 6.17. Further concerns relating to crime and security have been raised by local residents. West Midlands Police advise that incident reports show that the use as supported living has been in operation for some time; however, they raise no objections to this application. They have not provided any figures on crime rates within the area, and on this basis, I do not consider that recommending refusal on crime/security grounds is sustainable.
- 6.18. Several concerns have been raised regarding development already taking place before seeking planning permission. A site visit was undertaken as part of this application and it was noted that development has already begun. Therefore, this application has been changed to a retrospective application.

## 7. Conclusion

- 7.1. This application has been recommended for approval subject to conditions as it complies with the objectives of the policies set out above. The proposal would provide a sustainable form of much needed assisted living accommodation for vulnerable groups, close to public transport links and local facilities. It would provide a good standard of amenity and satisfactory living environment for future occupiers and would not result in a detrimental impact on the amenities of the neighbouring occupiers. The proposal would not have adverse impact on parking or highway safety matters.

## 8. Recommendation

- 8.1. Approve, subject to the following conditions:

- 
- |   |  |
|---|--|
| 1 | Restricts the number of residents to a maximum of 18.                  |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
- 

Case Officer: Chantel Blair

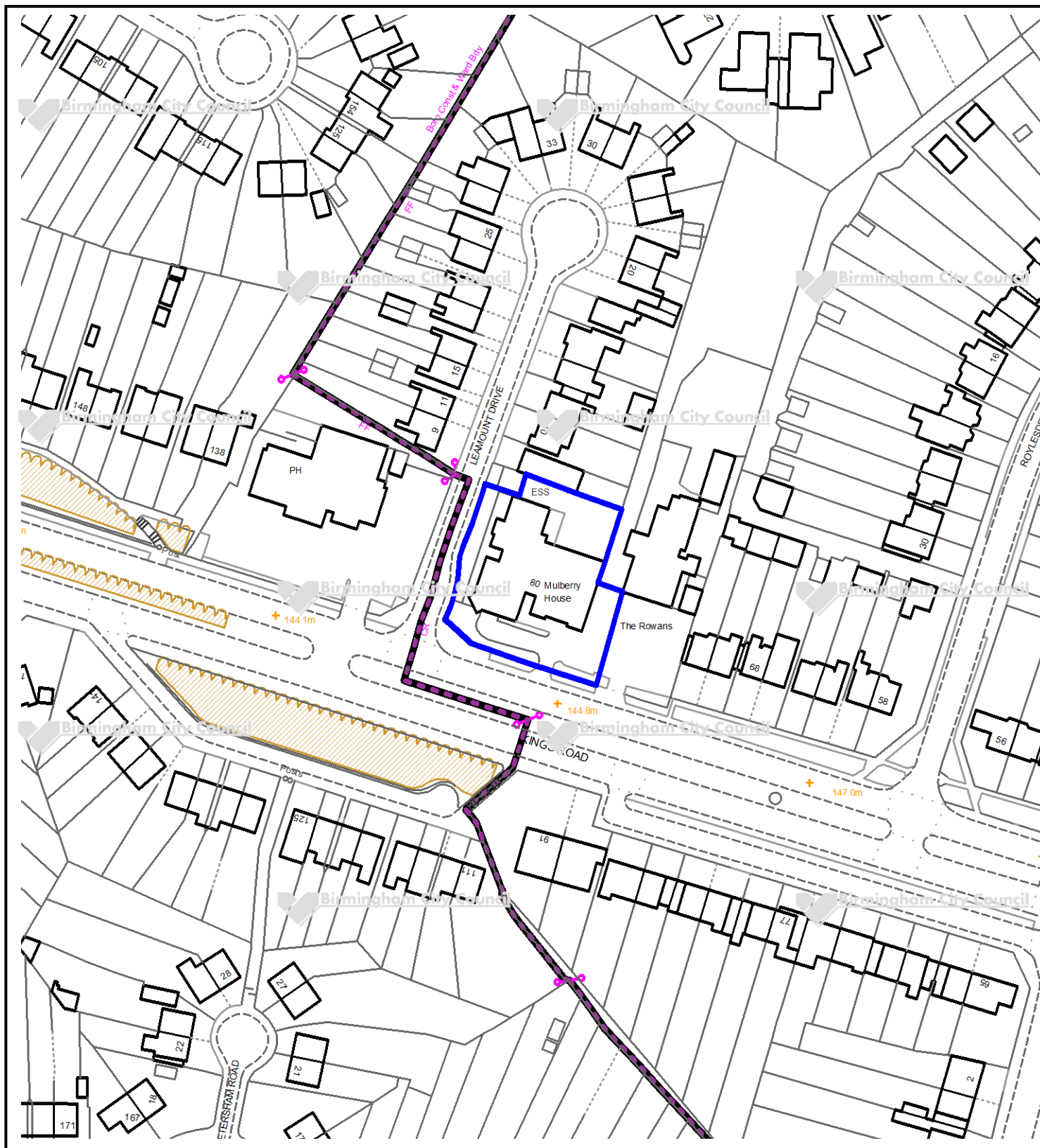
## Photo(s)



Picture 1: Kings Road View



## Location Plan



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|-----------------|-------------------|---------------------|---------------|
| Committee Date: | 07/05/2020        | Application Number: | 2019/09810/PA |
| Accepted:       | 09/12/2019        | Application Type:   | Full Planning |
| Target Date:    | 03/02/2020        |                     |               |
| Ward:           | Sutton Mere Green |                     |               |

290A Lichfield Road, Four Oaks, Sutton Coldfield, Birmingham, B74 2UG

Change of use from bank premises (Use Class A2) to tanning salon (Sui Generis)

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Planning permission is sought for the change of use of the ground floor premises (201m<sup>2</sup>) of 290A Lichfield Road from a former (now vacant) bank premises (Use Class A2) to a tanning salon (Sui Generis).
- 1.2. A ground floor plan has been submitted which shows the installation of a number of cubicle's for tanning purposes and the development of a reception area. The plans show that there will be no alterations to the rear of the unit which includes WC facilities.
- 1.3. No proposed elevation plans have been provided as there will be no external alterations.
- 1.4. It is proposed that the store will operate with 2 full-time and 2 part-time members of staff. Hours of operation will vary between 09:00 and 22:00 Monday to Friday, 09:00 and 21:00 on Saturday and 10:00 and 21:00 on Sunday. It is proposed that there will be no vehicular parking on site.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is set within a parade of shops on the east side of Lichfield Road within the Mere Green district centre. The parade is set back off Lichfield Road served by its own service road.
- 2.2. Uses surrounding the currently vacant site include a number of A1 and A2 services located within the bounds of the Mere Green District Centre and residential units directly above the application property.
- 2.3. The centre benefits from good off road parking facilities and good public transport services and routes, including a service road dedicated to providing users of the shopping parade with short term parking options.
- 2.4. [Link to Site Location](#)

### 3. Planning History

- 3.1. The most recent and relevant planning applications on the proposed development site include:

2017/07627/PA - Astor House & adjoining building: - proposed refurbishment of existing external elevations including installation of canopy and new entrance to second floor offices: Approved subject to conditions.

2018/00226/PA - Display of one internally illuminated sign, one externally illuminated sign and two digital advertising displays: Approve, temporary.

2018/05270/PA - Display of one internally illuminated menu board: Approve, temporary.

### 4. Consultation/PP Responses

- 4.1. A site notice has been displayed; local ward councillors and adjoining occupiers have also been notified. In total nine objections have been received.
- 4.2. Thematically, these nine objections relate to concerns regarding the overconcentration of similar Sui Generis uses, the associated effects of overconcentration on existing tanning salon establishments and the effects of increased traffic on highway safety in the existing parking area that serves the parade of shops.
- 4.3. Transportation development provided comments stating that the department have no objections to the proposal.
- 4.4. Regulatory Services has not objected to the principle of the development, although they recommend the addition of three conditions to limit the hours of use and noise pollution.

### 5. Policy Context

- 5.1. The relevant development planning policies pertaining to this decision include:
- Birmingham Development Plan (2017)
  - UDP 2005 (Saved Policies)
  - Car Parking Guidelines SPD
  - Shopping and Local Centres SPD (2012)
- 5.2. Other material national and local planning considerations relevant to this decision include:
- National Planning Policy Framework (2019)
  - Shopping & Local Centres SPD Monitoring Report (2019)

### 6. Planning Considerations

- 6.1. This application has been assessed against the objectives of the policies as set out above. The main considerations in the determination of this application are;

1) The principle of the proposed change-of-use in terms of non-retail use overconcentration

- 2) The impact of the change-of-use on the amenity of neighbouring occupiers and;
- 3) The impact of the proposed change-of-use on highway safety and existing parking provision.

- 6.2. It must be noted that the change of use application is the limit of this assessment and recommendation. Any proposed external signage changes to the front of the building must receive advertising consent from the local authority in writing.
- 6.3. The application site is subject to the primary retail frontage policy outlined in the adopted Shopping and Local Centres SPD. The Shopping and Local Centres SPD advises that there is a need to balance retail and non-retail uses in district centres (see Policy TP21 of the BDP) in order to prevent an over concentration of non-retail uses and to ensure that proposals resulting in a loss of retail do not have a negative impact on the viability and vitality of existing centres. Policy 1 of the Shopping and Local Centres SPD requires that 55% of all ground floor units within district centres should remain in retail (A1) use while Policy 2 seeks to avoid an over concentration of non-retail uses as to mitigate against the creation of dead frontages.
- 6.4. This commitment outlined in the Shopping and Local Centres SPD is further strengthened by relevant adopted policies in Birmingham Development Plan (2017). Policy TP21, for example, designed to protect the vitality and viability of the centres within the city-wide network and hierarchy centres, details the aspirational level of comparison retail (A1) floorspace in local centres, while Policy TP24 aims to complement the viability of the primary retail function of district centres through supporting the development of a variety of uses in district centres, including, the provision of leisure, office, restaurant, community, cultural, tourist and residential uses.
- 6.5. National planning policies included in the National Planning Policy Framework (NPPF, 2019) also supports the maintenance and production of viable and vital district retail centres. Para 85 in Section 7 of the NPPF emphasises the need to allow "district centres to grow and diversify in ways that can respond to rapid changes in the retail and leisure industries" through supporting a suitable mix of uses in such centres, whilst Para 67 stresses the need to reuse vacant buildings and units.
- 6.6. Currently 59% of the units within the Mere Green District Centre exist in retail (A1) uses. This proposed change of use, therefore, would not result in the overall percentage of retail uses reducing to, or below, the baseline of 55% as the existing use (A2) of the property already sits outside the A1 retail use class. Subsequently, it is considered that the proposed change of use (given no A1 uses will be lost as a result of this change) would not cause an overconcentration of non-A1 retail uses. Ultimately, therefore, the change of use does not conflict with adopted local and national policies as the Mere Green District Centre's vital and viable retail function will not be affected. The change-of-use would also bring into use a vacant unit. This brings the proposal in line with the guidance outlined in the Birmingham Development Plan, the National Planning Policy Framework and the Shopping and Local Centres SPD.
- 6.7. It can be considered, by measure of the adopted local and national policies, that the proposal will not result in an egregious overconcentration of sui generis tanning salon uses. There is, therefore, no evidence, within the methodologies and bounds of the policies used to assess the potential harmful effects of overconcentration, to support the objections submitted by local residents on the grounds of overconcentration.

- 6.8. Regulatory Services has not objected to the principle of the proposal but if the change of use is to be approved they recommended the addition of three conditions to protect the existing level of amenity of neighbouring occupiers. The first relates to the limiting of noise to below the 'British Standard' (levels for cumulative noise from all plant and machinery are not to exceed 5dB below the existing LA90 background levels and 10dB below the existing LAeq at any noise sensitive premise); the second precludes the opportunity to start development until a scheme of noise insulation between the commercial and residential premises has been submitted and approved by the Local Planning Authority; and the third recommendation pertains to the limiting of the hours of use to between 9am and 8pm Monday to Saturday and between 10am and 6pm on Sunday.
- 6.9. Regarding the above recommendations, the recommendations to limit noise from plant and machinery to the British standard is supported. The second recommended condition, while necessary in most planning applications when relating to schemes where residential and commercial premises are adjacent, will not be necessary, as the proposed tanning salon use is not considered to produce so much noise, above and beyond its previous commercial use, as to adversely affect the private amenity of adjoining residents. Finally it is my view that the recommendation on limiting the hours of use to the ones recommended by Regulatory Services are too restrictive for a district centre such as Mere Green, in a locality where there are other late-opening businesses. Accordingly, the applied for hours of use are recommended for approval. These recommendation for limiting noise to the British Standard in addition to the hours of use recommendations will be added as a planning condition.
- 6.10. Transportation Development has submitted no objections to the proposal. Their assessment of the application revealed no issues regarding highway safety. Furthermore, the proposals location within the Mere Green District Centre results in adequate existing public transport and pedestrian connections to the site. The same can also be said for existing vehicular access. On this basis, therefore, the local objections submitted regarding potential adverse impacts on highway safety do not carry any weight.

## 7. Conclusion

- 7.1. The local planning authority considers that the principle of the proposed change of use does not conflict with local and national planning policies. The proposal would bring into use a vacant unit, not adversely impact on highway safety and neighbouring amenity nor result in an overconcentration of non-retail uses within the Mere Green District centre. It is deemed, therefore, that appropriate decision for the local planning authority is to recommend the scheme for approval.

## 8. Recommendation

- 8.1. Approve, subject to the following conditions:

- 
- |   |   |
|---|---|
| 1 | Implement within 3 years (Full)   |
| 2 | Requires the scheme to be in accordance with the listed approved plans                            |
| 3 | Limits the hours of operation (0900-2200 Monday to Friday, 0900-2100 Saturday & 1000-2100 Sunday) |
-

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#### 4 Limits the noise levels for Plant and Machinery

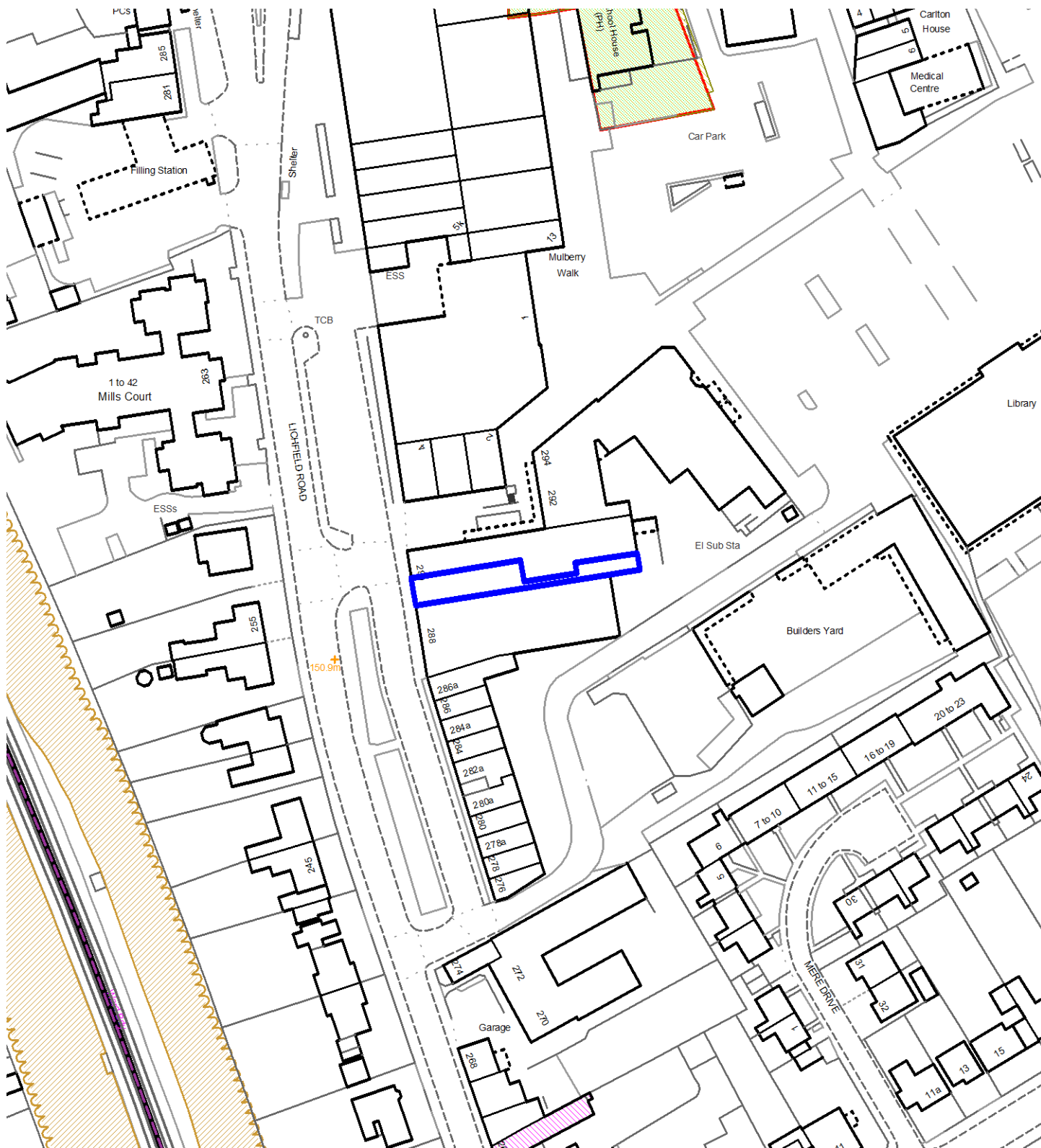
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Case Officer: Matthew Beresford



## A photograph of a three-story brick building with a Poundland store on the ground floor. The building has several windows and a 'TO LET' sign. A black car is parked in front of the store, and a green bush is in the foreground.

## Location Plan



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|-----------------|--------------------------|---------------------|---------------|
| Committee Date: | 07/05/2020               | Application Number: | 2018/08995/PA |
| Accepted:       | 19/11/2018               | Application Type:   | Full Planning |
| Target Date:    | 07/05/2020               |                     |               |
| Ward:           | Soho & Jewellery Quarter |                     |               |

Site of Muhammed Ali Centre, Icknield Street, Hockley, Birmingham, B18 5AU

Demolition of existing building and the erection of Community Vocational College with associated residential accommodation, enterprise employment hub and workshop units

#### Recommendation

#### **Approve subject to Conditions**

#### **1 Proposal**

- 1.1 Consent is sought for demolition of the existing building and the erection of a community vocational college with associated residential accommodation, enterprise employment hub and workshop units at the site of the former Muhammad Ali Centre, Icknield Street, Hockley.
- 1.2 The proposal centres on a new community vocational college to accommodate 300 students and 32 staff for the Kajans Institute. The college will focus on empowering local people with skills in the hospitality, health and social care and business sectors, providing employment placement opportunities by engaging them with local businesses. Students between the ages of 14 to 29 will attend for both short and longer term courses, in some cases as part of apprenticeship arrangements with local businesses. Kajans will also continue to operate their successful existing activities based at Albert Hall in Witton.
- 1.3 The College will operate in close conjunction with an Enterprise Employment Hub and 7 enterprise units. With a total floorspace of 1139 sq. m these facilities will provide a multi-use display and meetings space and 7 enterprise units which will be available on relatively short term leases to local start-up and other businesses relating to and helping to inspire those training at the site.
- 1.4 Residential accommodation is proposed above the Enterprise/ Employment Hub and Units. This will comprise 41 one bedroom and 11 two bedroom flats (63 bedrooms in total) targeted at attendees and occupants at the community vocational college and enterprise units. The units will be operated as Community Led Social Housing and designed to meet Homes England space standards. The agents have stated that in the initial stages the residential accommodation will be operated by an established existing registered social landlord partner (Nehemiah United Churches Housing Association Ltd) supporting Kajans to ensure and define management and allocations policies for the community-led social housing accommodation.
- 1.5 The open central 'square' at the heart of the scheme offers a 1555 sq. m area which can be used for daytime parking and for occasional community events. The multi-purpose main hall within the college will provide potential for community events at



weekends, and the enterprise employment hub will be inviting for visitors throughout the week as a focus for local pride, arts and culture, as well as business and employment engagement.

- 1.6 The proposed development is a modern outlook spread over a maximum of 5 storeys high. The scale and brick material of the new building will be close to the listed school and it has been designed with reflection of this approach and such the modern approach to the design will respect the Victorian setting of the listed school in its scale and materials.
- 1.7 [Link to Documents](#)
- 1.8 3D images of proposed building a) from the Hockley flyover; b) from beside the flyover (at the lower ground level):



## 2 **Site & Surroundings**

- 2.1 The application site is 0.47 hectares, close to Birmingham City Centre lying outside but close to the Ring Road (A4540) and the Jewellery Quarter. Vehicular access to the site is from Icknield Street which mainly serves industrial and warehouse premises. The site adjoins one of the slip roads leading from the Hockley flyover down to Hockley Circus.
- 2.2 A community sports building, the Muhammad Centre, operated on the site from 1983. The building was the subject of a severe fire in 2002 and has remained derelict ever

since. The site is immediately opposite Icknield Street School, a statutorily listed building (grade II\*).

- 2.3 The adjacent B4100 (Hockley Hill/ Soho Road) has frequent bus services between the City Centre and Handsworth with stops within 100m of the site. The site can be accessed mostly by local and sustainable modes of travel by its local user communities.

2.4 [Site Location](#)



Aerial photo with the application site outlined in red

3 **Planning History**

- 3.1 2003/06946/PA - Demolition & associated works – Withdrawn

4 **Consultation/PP Responses**

- 4.1 Transportation Development – No objections, subject to stopping up order of highway land, travel plan and with regards to TRO package of measures.
- 4.2 Regulatory Services – No objections subject to conditions including demolition method statement, construction method statement, and noise and contaminated land schemes.
- 4.3 Severn Trent Water – No objections.
- 4.4 LLFA – No objections subject to SUDS and Drainage plans.
- 4.5 West Midlands Police – No objections.

- 4.6 West Midlands Fire – No objections.
- 4.7 Employment – No objections subject to a condition requiring construction employment and local employment post construction.
- 4.8 Historic England – No objections.
- 4.9 Leisure Services – No objections. It is difficult to ascertain from the application the exact status of the residential accommodation proposed. If it can be classed as institutional type student accommodation purely linked to the proposed hub it would not be subject to any off site POS contributions. If on the other hand it is deemed as regular residential accommodation it would be subject (being over 20no dwellings) to off site contributions in accordance with the BDP.
- 4.10 Neighbouring properties, residents groups and Councillors consulted with site notice posted. 1 objection raising the following issues: noise pollution and odours. Following reconsultation and further works done by the applicants in this regard, the objection was rescinded.
- 4.11 10 letters of support raising the following points: Kajans empowering women, being a local asset to the community, a well needed community service to empower young people.

## **5 Policy Context**

- 5.1 National Planning Policy Framework (2019)  
Planning Practice Guidance (NPPG)
- 5.2 The following local policies are applicable:
- Birmingham Development Plan (2017)
  - Birmingham UDP (saved policies) (2005)
  - Places for Living (adopted SPG 2001)
  - Places for All (adopted SPG 2001)
  - 45 Degree Code
  - Places of Worship and Faith Related Community and Educational Uses (2011)
  - A41 Soho Road Framework

## **6 Planning Considerations**

- 6.1 The NPPF identifies that within the planning system there lies a presumption in favour of sustainable development, where development proposals accord with the development plan. Sustainable development is identified as having three dimensions: an economic role; a social role and an environmental role.
- 6.2 The Planning System is required to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It should also encourage the effective use of land by reusing land that has been previously developed and focus development in locations that are sustainable and can make the fullest use of public transport; walking and cycling.
- 6.3 The Birmingham Development Plan emphasises the importance of the City's housing policies in contributing to the strategy for urban regeneration and economic



revitalisation, and states that one of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City.

- 6.4 Policy TP26 of the BDP encourages local training and employment and this is considered to be relevant to the Kajan's scheme as the proposal will include facilities bridging between providing training, local businesses and start-ups. Policy TP36 sets out a supportive stance for education developments (including college developments) recognising that additional educational facilities will be necessary to meeting increasing needs within the city. The proposed development will seek to empower younger people within the Kajans support group for further education and vocational skills whilst also providing a living environment which seeks to provide positive resilience within the community.
- 6.5 Notwithstanding the above, Places of Worship and Faith related Community and Educational SPD aims to ensure consistency in the approach to determining planning applications not only for places of worship but also faith-related community and educational uses. In terms of community and educational uses this policy will apply only to faith-related community and educational uses where the proposals are linked to the use/function of an existing or proposed place of worship. Therefore proposals for general education, day nurseries or community provision will not be assessed against the criteria set out in this document, but by other policies within the Unitary Development Plan (UDP) or the emerging Core Strategy.

#### **Principle of Development**

- 6.6 The proposal is for a new community vocational college to accommodate 300 students and 32 staff focusing on training local people with skills in the hospitality, health and social care and business sectors, providing employment placement opportunities and engaging them with local businesses. It also includes 7 Enterprise units for new business start-ups closely relating to the college activities and accommodation above the enterprise employment hub and units to provide 52 one and two bedroom flats (63 bedrooms in total) targeted at older current students and recent graduates associated with the college and business start-up units.
- 6.7 The accommodation proposed within the application will be operated as Community Led Social Housing and designed to meet Homes England space standards. The residential accommodation will be allocated in relation to local need and to supporting those undertaking training and engaged with enterprises supported at the site. From that point of view the development supports the provisions of Policy TP31 (Affordable Housing). Furthermore, I recommend that the occupation of the accommodation is restricted to students partaking in education at the premises, graduates of the premises or those working/ employed within the start-up units. As such the accommodation is restricted and no leisure contribution would be required.
- 6.8 The BDP supports the Council's commitment to a 60% reduction in total carbon dioxide (CO2) emissions produced in the city by 2027 from 1990 levels (Policy TP1) and a number of policies in the plan seek to contribute to achieving this: Policy TP2 (Adapting to climate change) requires development schemes to demonstrate ways in which overheating is minimised; Policy TP3 (Sustainable construction) sets out a number of criteria which should be considered to demonstrate sustainable construction and design; TP4 requires new development to incorporate low and zero carbon forms of energy generation, unless it is unviable to do so, and; TP6 requires a Sustainable Drainage Assessment and Operation and Maintenance Plan for all major developments. Both solar PV and ground source heat pump systems have been explored by the development within the submitted energy statement by Encraft. It has

been concluded that a PV arrangement alone is most appropriate due to affordability and low maintenance for a community initiative. Moreover Planning and Growth Strategy have not objected to these measures.

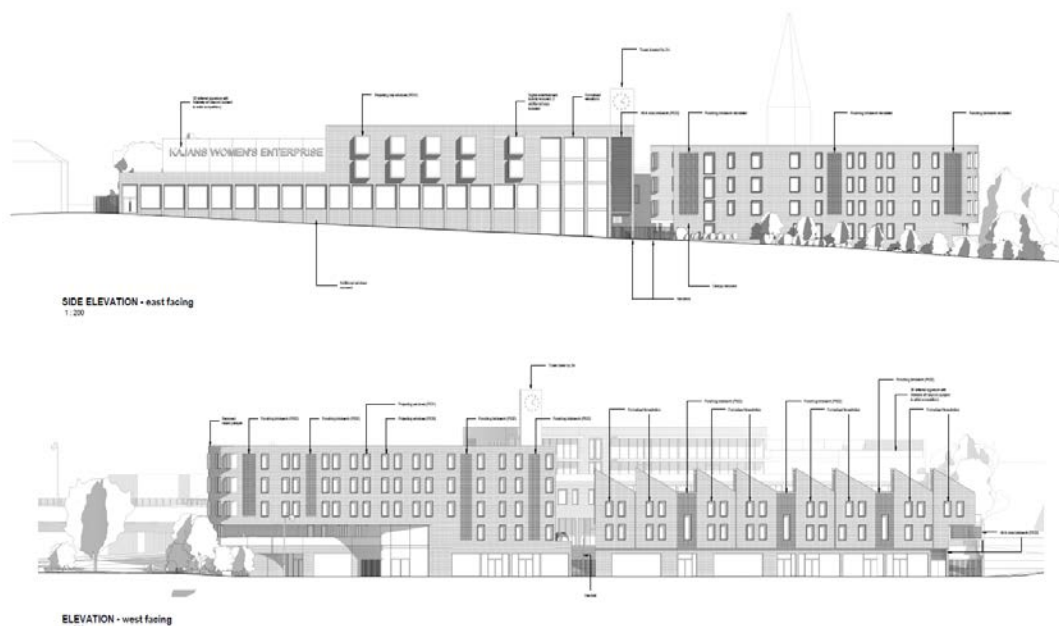
- 6.9 The site is allocated as Development Opportunity site No. 16 in the A41 Soho Road Framework (2015) where high quality development is encouraged and community, leisure, employment, training, and educational uses are recognised as appropriate. I consider that the principle of the development is therefore acceptable in planning policy terms as it also conforms to BDP policies on Local Employment (Policy TP26).

### **Impact on the Character of the Area**

- 6.10 Policy GP3 of the BDP Plan 2017 states all new development will be expected to demonstrate a high standard of design quality, contributing to a strong sense of place. New development in the City is expected to (inter alia):
- Reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design.
  - Make best use of existing buildings and efficient use of land in support of the overall development strategy.
- 6.11 Saved Paragraphs 3.14-3.14D of the adopted UPD 2015 reinforce a high standard of design for continued improvement of Birmingham, as a desirable place to live, work and visit. Further paragraphs in the UDP state that applications for new development will be expected to demonstrate that the scheme has been considered as part of its context.
- 6.12 The above policies are reinforced with the City Council's 'Places for Living' SPG which advocates for high quality design which reflects its local context and responds to its surrounding environs. In particular the document states that all proposals will be judged on their own merits. Proposals that follow the spirit of the guidance will be received positively. Conversely poor quality proposals that ignore the issues and the requirements will be unlikely to gain consent with a particular emphasis on considering their immediate and far wider context and not only the application site itself.
- 6.13 The site lies adjacent to (directly north of) Albion Place at 51-54 Hockley Hill which is grade II listed and comprises a symmetrical terrace of 1830's stucco rendered housing, now used as a hotel. It is also opposite Icknield Street School (grade II\*) and 303 Icknield Street (also grade II\*) comprising the master's house to the school. Both date to 1883 and are by Martin and Chamberlain in the gothic revival style and now used as a Hindu temple.
- 6.14 Other than these listed buildings the main feature in the immediate townscape is the 1970's flyover that connects Hockley through to Lozells and Soho Hill and monumentally bridges the valley between the two areas. The application site effectively fronts directly onto the north bound exit slip and comprises little more than an area of banked wasteland that drops north to south (with the slip road), but also east to west (down to the school). It contains some areas of hardstanding and hosts a 1970s community centre building known as the Muhammed Ali Centre.
- 6.15 Each block, of the proposed scheme, has a separate identity with the Hockley Hill frontage drawing reference from post-war civic and education structures in the modernist tradition, with a clock tower and expressed frame. It is considered that the development successfully explores many of the aspects of that period of architecture

including panels of staggered brickwork relief and projecting windows. This is the buildings true front, fronting a slip road, facing the supporting structure of the flyover proper and very little footfall. The building beds into the topography of the street resulting in the ground floor being partially sunken into the ground which is considered to improve legibility and permeability around the site on the western elevation of the site.

- 6.16 The business start-up units have been located to face towards the school with roof detailing mirroring the approach on the adjacent Grade II\* listed building. The proposed development has also introduced larger windows to the kitchens and a bar area, providing a sense of greater 'opening up' to the main streetscene to the east. The upper floors largely provide circulation, however the architect has offered substantial glazing to open up the façade. The clock tower and its delivery, function and maintenance in the long term are legible following the reduced scale of this from the streetscene.
- 6.17 The residential corner block steps up in scale to five floors, however due to the significant fall in topography the structure largely sits lower than the aforementioned block. A gap between the two blocks offers a main entrance to the site and views through into the central courtyard. This block is typical of flatted residential accommodation in the city and other than the curved plan, is characterised by organised windows with projecting frames. It also incorporates a secondary access from Icknield Street. The kick up of the buildings parapet towards the corner has been amended in the design process and therefore it is considered to be a positive impact to the surrounding setting, without overly competing against it, and, together with projecting brick bonding, has been introduced to help liven up the architecture.



Elevations to Hockley Hill and Icknield Street

- 6.18 It is considered that the scale of development as proposed responds to the different frontages of the site, achieving good proportions around the central square, and marking the site within street and skyline contexts. Moreover it is considered that the new college and its associated activities being grouped around a central open square provide a positive environment for future occupiers.

- 6.19 The Council's City Design Officer has reviewed the scheme and provided comments both at pre-application and current application stage regarding the proposal in relation to elevational detailing, material finish, clock tower and signage through delivering Kajan's message of empowering women and communities throughout the building. Revisions have been undertaken in response to these comments which has resulted in rearrangement of the window detailing, elevational materials and to improve the consistency of the building to the streetscene.
- 6.20 Conditions were recommended by City Design and Conservation Officers to ensure that the details of the materials and the features of the building are submitted. In addition conditions were discussed to require the submission of a Public Art Strategy and to ensure that any public art, including the artistic cladding on the external elevations of the building, is designed and carried out to a high quality and to require the details of any additional art work, not shown on the plans, to be submitted for approval. The approval process should also include the Council's Public Art Group (PAG) alongside Planning.
- 6.21 I consider that the amendments to the proposal, in response to the City Design Officer's comments, results in significant improvements with regard to the increased window detailing and signage integrated into the overall building. The amendments also improve the legible public landscaping to the north of the site and the horizontal and vertical emphasis of the building responds to the overall character of the area. The proposals would have an overwhelmingly positive impact on the visual amenity of the site, which is currently vacant and in poor condition and that the introduction of mixed-use college and business start-ups, in conjunction with residential development, on this site would help to further regenerate both the application site and surrounding area and its character.

### **Impact on Heritage Assets**

- 6.22 Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As part of the evolution of the design, the Council's Design and Conservation requested a view showing the development on the approach from the front of the adjacent listed buildings and it was garnered that from this perspective the proposed building is to be set slightly higher than those buildings.
- 6.23 However with regards to this relationship, the building sits along back of pavement and whilst it sits higher than the listed buildings, the Council's Conservation Officer has stated this relationship is tolerable in scale. The site is not within the Jewellery Quarter, but is close to it and shares many of its characteristics. Within the Jewellery Quarter development up to four-storeys in height is considered appropriate and therefore in this context it is not considered to be inappropriate.
- 6.24 The development serves a purpose of reintroducing a built townscape to the side of these buildings and therefore it enhances the setting of them. Whilst the scale may be considered to be at the upper limits of what can be tolerated, the Council's Design and Conservation Officers are of the opinion that should the development be any smaller, it would fail to have a street prominence in relationship to the flyover and would be dwarfed by this over engineered road infrastructure. As such, it is considered that the development therefore helps reinforce the street scene of the listed building.

- 6.25 With regards to the impact on Icknield Street School, the setting of the school and house was originally defined by low scale but high density housing. Due to the original position of Hockley Hill, its width and the lining of both sides of the street with buildings, the listed buildings would not have been easily visible from this route. The removal of the buildings and the erection of the flyover introduced a new prominent route into the city and views of the school complex.
- 6.26 The Council's Conservation Officer adds that whilst these are modern views of the building, this does not lessen their significance. The building sits in stark isolation to the land around it, in a degraded townscape, lacking sound context. The erection of a building along Hockley Hill will block views of most of the school building from the flyover. Only a view with trees in full leaf was originally offered to illustrate what this perspective on the approach from the north would look like and the view is in too closer a perspective. That said, substantially blocking the school can be tolerated as the tower would still play a role on the city skyline from the west. A three or four-storey structure would block the school completely from this view from the flyover, but it would be unreasonable for any development in this location to consider a structure that sat only beneath the flyover.



View of the site travelling north along Hockley Hill



View of the site travelling south along Hockley Hill

- 6.27 Views from the school along with its immediate context and setting is also very important and having a building of this scale that will block out the flyover must be considered as a positive benefit to its setting. The block of development along Icknield Street is the same scale as the main body of the school and therefore the scale of the newly instated east side of the street will have a very positive impact on the school.

- 6.28 The school is registered by Historic England as being 'at risk' due to its condition and the substantial vacancy in many areas of the building. Its roof is failing, its community are disadvantaged and struggling to keep the building weather tight and it has been the subject of vandalism from external parties. The erection of a multi-use residential education facility would generate a 24-hour community on this buildings doorstep in a way that does not turn its back on the school and will generate surveillance, activity and business continually. In this light can only be seen to positively support the regeneration of the area and the building prosperity and I support this view.
- 6.29 I concur with the Council's Conservation Officer's comments and it is considered that the development causes 'less than substantial harm' in line with paragraph 196 of the NPPF. Its harm is largely due to the scale of the development to the northern corner on the grade II\* listed school building by virtue of blocking the tower and competing with it. The impact on this aspect of the setting has limited harm when one considers the benefits of introducing much needed development around the school to re-establish an urban context (which is not simply 20<sup>th</sup> century industry), generating surveillance and blocking views of the flyover. The test set out in paragraph 196 (to weigh public benefit against harm) is therefore satisfied and the development can be supported in principle.

#### **Impact on Neighbouring Amenity**

- 6.30 The application site has been vacant since the early 2000's due to fire damage and is unkempt and overgrown having also been the subject of anti-social behaviour. It is therefore considered that bringing an active use to the site and improving the security of the site through redevelopment for mixed-use purposes would be beneficial to the immediate area. The proposed buildings have been positioned in order to achieve adequate separation distances between the new scheme and existing properties on Hockley Road and consideration has been given to proposed window positions and roof lines in relation to neighbouring listed buildings and the adjoining highways.
- 6.31 When assessed against the Technical Housing Standards – Nationally Described Space Standard, the gross floor area for the residential units vary between minimum of 55sqm for 1 bed and 62sqm for 2 bedroom flats and given the temporary nature of accommodation for students, it is considered to be acceptable.
- 6.32 It is clear from the submitted floor plans that, a functional, well designed layout is achieved within each of the unit types and I consider that these would result in an acceptable living environment and residential amenity for future occupiers given the fact that it is not intended that students would reside in the units more than 2 years. In respect of the bedroom sizes, the majority of these meet the guidance set out within the Technical Housing Standards – Nationally Described Space Standard, and indicative furniture layouts are submitted to demonstrate an adequate and functional layout. It is noted that the single bedrooms in the two bedroom units achieve approximately 9.9sqm as opposed to the minimum 6.5sqm, providing room for a single bed and item of furniture with generous circulation space.
- 6.33 The living spaces of the living room and dining kitchen are considered to be adequate and would likely achieve an acceptable living environment. On balance, I consider that the proposed dwelling types would achieve an adequate living environment and prospective occupiers would have a reasonable level of residential amenity. Furthermore, I consider that the redevelopment of the site would achieve



good quality residential accommodation for the users of the college and enterprise employment hub.

- 6.34 As previously stated, the accommodation and buildings associated with the development are grouped around a central open square providing a positive environment for future occupiers. The Places for Living SPD stipulates that there should be 30sq.m of amenity space per apartment. The development provides some 1,555 sq. m area of amenity space which results in a shortfall below Places for Living recommendation. Whilst the applicants have stated that this space will be used for parking during weekend community events, which would take away the amenity offering, on balance and with further transportation development considerations, this is considered to be acceptable.
- 6.35 The application has been supported by a Phase I contaminated land assessment prepared by Georisk Management reference 17266/1 dated March 2018, an updated noise assessment produced by IDIBRI dated 20 February 2019 and an updated air quality assessment prepared by Miller Goodall reference 101969v2 dated 18 February 2018. In respect of the contaminated land assessment, the Phase I report has highlighted risks from potential contaminants and ground gases and has recommended an intrusive Phase II investigation which is supported, and Regulatory Services proposes conditions to address this. I concur with the view.
- 6.36 In respect of air quality, the revised Miller Goodall report reference 101969v2 has included an odour assessment. The report has assessed the potential air quality impacts of the development and in Appendix G included recommended measures to mitigate demolition air quality impact. The primary concern with air quality is introduction of potential new receptors into an environment where the air quality poses a risk to health. Whilst there are technical concerns over the modelling itself, the recommendations that the development will not lead to exposure of new receptors to air quality in exceedance of limits is accepted. In respect of the odour assessment this has been based on a coarse IAQM screening tool and again Regulatory Services have technical concerns over the suitability of this assessment – it has however predicted no adverse impact. I concur with this view.
- 6.37 The revised noise assessment produced by IDIBRI dated 20 February 2019 has included a limited assessment of industrial noise but still fails to carry out a BS4142 assessment and instead relies on predicted internal rating levels. Whilst there are a number of technical concerns relating to the method and assessment of traffic noise, Regulatory Services are content that road traffic noise, off-site commercial noise and adequate separation between commercial and residential uses on site can be secured by condition. A further assessment including measurement of night-time data to enable an effective noise mitigation scheme is required, however it is considered that this can be suitably conditioned.

### **Landscape, Trees, Ecology**

- 6.38 The application proposals seek to incorporate areas of landscaping within the development, with areas of planting proposed predominantly to the north of the application site to improve the appearance and soften the development scheme overall. The revised site layout has been submitted by the applicant, which has introduced an increase in planting on the exposed boundary to the north of the site. Details of planting types and species throughout the site have been provided within a soft landscaping scheme which is considered to adequately address any landscaping concerns given that the site fills out the plot in almost its entirety.

- 6.39 The length of Icknield Street is currently benefited by trees within the proposal site and it would have been preferable to see a layout that provided more outward facing green landscape. The existing tree group at the north point of the site is cramped by the building and internal/boundary trees are not retained. There will, however, be certain aspects where internal green landscape and tree canopy will be visible and moderate new planting is proposed alongside the elevation closest to Hockley Circus. Some of the trees given a 'B' category in the survey are only just above 'C'. Overall, a tree preservation order would not be suitable for the existing trees within the site and so the application would not warrant a refusal on arboricultural grounds that could be reasonably defended. For the retained tree the arboricultural assessment is effectively an impact assessment and does not fully define a tree protection plan however it is considered that this can be suitably conditioned.
- 6.40 The applicant has commissioned an ecological survey of the site which identified potential for nesting birds and small mammals (fox, hedgehog etc.) although none were observed during the survey. The Council's Ecologist considers that the use of small broad-leaved tree and shrub species within structural planting will offer replacement opportunities for foraging and nesting birds. Further mitigation for breeding birds should include the installation of three bird boxes integrated into new buildings. Bird boxes should be installed facing between north and east avoiding strong sunlight and winds. Given the unlikely presence of a bat roost there are no timing constraints for the proposed demolition works, however, in line with the precautionary approach proposed it is recommended by the Council's Ecologist that the buildings should be demolished between March and October. I concur with this view.

### **Highway Safety & Drainage**

- 6.41 Car Parking Guidelines SPD requires a maximum of 2 car parking spaces per dwelling. Appropriate levels of car parking provision for any individual proposal will be assessed in light of maximum standards and the circumstances of the particular scheme.
- 6.42 The application site is located in a sustainable location, with good access to public transport serving the local neighbourhood centre and the wider Birmingham area with a large range of facilities and services available within walking distance of the site, including schools and recreation spaces.
- 6.43 Transportation Development has been consulted on the proposals both at pre-application stage and during the life of the current planning application and have advised that the proposed design and layout of the development is considered broadly acceptable. The officer concludes that a satisfactory level of development and minimal impacts to the highway network can be achieved through the provision of planning conditions related to a stopping up order of highway land through the conditioning of plan ref: P033 Highways Works plan. Moreover Transportation have requested conditions pertaining to Travel Plans and with regards to TRO in that the development shall not be occupied until a package of highway measures has been approved by the Local Planning Authority and the approved measures have been substantially completed. I concur with this view.
- 6.44 A Drainage Strategy has been submitted in support of the application which demonstrates how the additional infrastructure would connect to existing facilities and how surface water drainage would be dealt with. The Lead Local Flood and Drainage Officer (LLFA) has been consulted on the proposal and engaged in discussions with the applicant during the life of the application and has raised no objections to the

scheme subject to the provision of a planning condition to secure a Sustainable Drainage Operation & Maintenance Plan and the prior submission of a Sustainable Drainage Plan. I concur with this view.

## **7 Conclusion**

- 7.1 The proposed development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. After amendments in relation to the elevations, signage and improvements secured by officers, the scheme would now be acceptable in terms of its design, amenity and highway considerations. It would contribute towards sustainable development principles. Therefore the proposal would constitute sustainable development and it is recommended that planning permission is granted.

## **8 Recommendation**

- 8.1 That planning permission be approved subject to conditions.
- 8.2 That no objection be raised to the stopping-up of any sections of public highway required to enable the development and that the Department for Transport (DFT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

- 
- |    |  |
|----|--|
| 1  | Implement within 3 years (Full)  |
| 2  | Requires the scheme to be in accordance with the listed approved plans                                 |
| 3  | Requires the prior submission of materials   |
| 4  | Requires the submission of hard surfacing materials  |
| 5  | Requires the submission of boundary treatment details  |
| 6  | Requires the prior submission of level details   |
| 7  | Requires submission of details for windows, doors, rainwater goods, masonry, steps, parapets and roofs |
| 8  | Requires the submission of a lighting scheme   |
| 9  | Requires the submission of an arts strategy  |
| 10 | Requires the submission of an arts plan  |
| 11 | Demolition method statement required prior to demolition works   |
| 12 | Construction method statement required prior to construction works                                     |
| 13 | Noise assessment required prior to development except demolition                                       |
| 14 | Noise Mitigation Scheme required prior to commencement   |
| 15 | Requires the submission of extraction and odour control details  |
-

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- 16 Limits the noise levels for Plant and Machinery
  - 17 Prevents the use of amplification equipment
  - 18 Requires the prior submission of a scheme of noise insulation between commercial and residential premises
  - 19 Limits the hours of operation of the college and business uses (08:00-20:00)
  - 20 Limits delivery time of goods to or from the site (08:00-20:00)
  - 21 Requires the prior submission of a contamination remediation scheme
  - 22 Requires the submission of a contaminated land verification report
  - 23 Requires the provision of a vehicle charging point
  - 24 Requires low emission vehicle parking
  - 25 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
  - 26 Requires the prior submission of details of bird/bat boxes
  - 27 Requires the prior submission of a sustainable drainage scheme
  - 28 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
  - 29 Requires the submission of a travel plan
  - 30 Requires the submission and completion of works for the S278/TRO Agreement
  - 31 Requires the submission of details of refuse storage
  - 32 Arboricultural Method Statement - Submission Required
  - 33 Limits the occupation of the residential development
  - 34 Requires the prior submission of a construction employment plan.
  - 35 Requires the prior submission of a drainage scheme
  - 36 Requires the submission of cycle storage details
  - 37 Requires vehicular visibility splays to be provided
- 

Case Officer: Omar Sharif

## **Photo(s)**

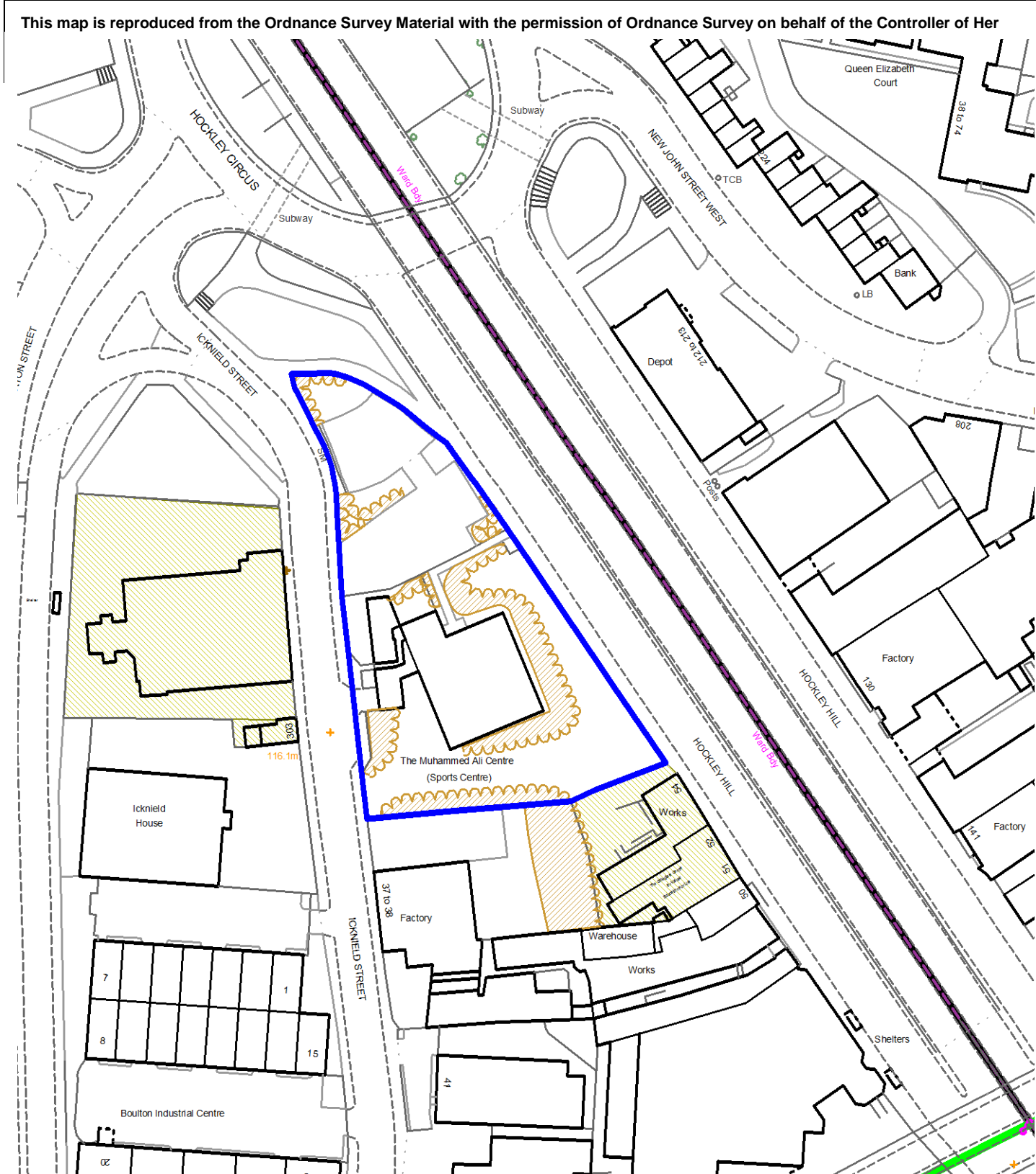
View 1 and 2 of the application site from Icknield Street looking towards the Hockley flyover and looking south towards the Jewellery Quarter





Location Plan

This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her





|                 |            |                     |               |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 07/05/2020 | Application Number: | 2020/02190/PA |
| Accepted:       | 17/03/2020 | Application Type:   | Advertisement |
| Target Date:    | 12/05/2020 |                     |               |
| Ward:           | Handsworth |                     |               |

166 Soho Road, Handsworth, Birmingham, B21 9LP

Display of 1 no. replacement internally illuminated digital 48 sheet advertisement hoarding.

Recommendation

**Approve Temporary**

1. Proposal

1.1. Advertisement consent is sought for the display of 1 no. internally illuminated digital advertisement screen at 166 Soho Road, to replace the existing advertisement screen on site.

1.2. The proposed advertisement screen will measure 6m in width x 3m in height with the maximum projection of 0.32m and would be mounted to the wall at approximately 5m above ground level. The proposed advert would be of the same size, proportion and orientation as the existing advertisement screen currently on site. It would comprise a pressed metal and reinforced plastic frame which would enclose a digital display. The maximum internal illumination level would be 600cd/m<sup>2</sup> with the display limited to 300cd/m<sup>2</sup> between dusk and dawn. The proposed advert would be oriented to direct displays to pedestrians and vehicles approaching from east bound directions of Soho Road.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises a retail shop on the corner of Soho Road and Grove Lane which is located within the Soho Road District Centre and is within a Primary Shopping Area. The surrounding area is a mixed use with retail and commercial buildings located along Soho Road and Thri Guru Ravidass Temple located further north along Grove Lane.

2.2. [Site Location](#)

3. Planning History

3.1. 2019/03696/PA – Display of 3 no. internally illuminated fascia signs – Approved temporary – 25/06/2019

3.2. 2019/01502/PA – Installation of replacement shopfront and roller shutter – Approved subject to conditions – 18/04/2019

4. Consultation/PP Responses

- 4.1. Transportation Development – No objections subject to the following conditions;
- Interval between successive displays to be instantaneous (0.1 seconds).
  - No special visual effects of any kind to be permitted to accompany the transition between any two successive messages. Must not include fading, swiping or other animated transition methods.
  - No special visual effects of any kind to be permitted during the time that any message is displayed. Must not include animated, flashing, scrolling, intermittent or video elements. - Minimum display time of 8 seconds. The complete screen display must change instantly. There must not be any changing light patterns. Shall be limited to a two dimensional display only.
  - Message sequencing must be prohibited.
  - No advertisement will be allowed to emit noise, sound, smoke, smell or odours. To include a default mechanism that will freeze the sign in one position if a malfunction occurs.
  - Shall not include features/equipment which would allow interactive messages/advertisements to be displayed
  - Shall be equipped with a dimmer control and a photo cell which shall constantly monitor ambient light conditions and adjust sign brightness accordingly.
  - The brightness of the illumination shall be no greater than 600cd/m<sup>2</sup> in the daylight hours and no greater than 300cd/m<sup>2</sup> at night.
- 4.2. No public consultation is required for advertisement applications. However, 6 no. objections have been received from the residents on the following grounds;
- Public safety – impact of advertisement on motorists, the proximity to a busy road, distraction to drivers, increase in accidents, research shows drivers look at these more than static adverts, dazzling drivers, drivers also more often overlook road signs and tend to forget to signal when distracted by adverts, there have been 20+ accidents at this locations in the last 5 years, billboards are designed to catch drivers
  - Visual amenity – unsightly, detrimental effect on the visual landscape
  - Environmental Impact - digital boards use the equivalent annual power cost of 4 homes, ongoing energy cost, it goes against climate emergency, light pollution
  - No need for advertisement, they don't want it, they don't benefit local businesses, the mental health and wellbeing impact of anyone coming into contact with them

## 5. Policy Context

- 5.1. National Planning Policy Framework (2019); Birmingham Development Plan (2017); Birmingham Unitary Development Plan (UDP) Saved Policies, Location of Advertisement Hoardings SPG 1998, The Town and Planning (Control of Advertisements)(England) Regulations 2007.

## 6. Planning Considerations

- 6.1. Paragraph 132 of the NPPF 2019 states that 'the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective'. In addition, the NPPF advises that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

- 6.2. Location of Advertisement Hoardings SPG states that hoardings should not affect the image of the City along an important main approach, should respect the scale of adjacent buildings and that hoardings should have an immediate backdrop.
- 6.3. The Town and Planning (Control of Advertisements)(England) Regulations 2007 states that a Local Planning Authority shall exercise its powers under these regulations in the interest of amenity and public safety, taking account of:
- (a) the provisions of the Development Plan, so far as they are material;
  - (b) any other relevant factors.
- 6.4. Factors relevant to amenity include the general characteristics of the locality, including the presence of any features of historic, architectural, cultural or similar interests. Factors relevant to public safety include the safety of persons using any highway.

#### *Visual amenity*

- 6.5. The proposed advertisement would replace the existing advertisement screen on site with the existing building acting as an immediate backdrop to the advert. Given that the surrounding area is in mixed use and the existing screen on the site is of the same size; I consider that the proposal would not have greater impact on the visual amenity of the area than the existing situation.

#### *Public safety*

- 6.6. It is noted that objections have been received on public safety and transportation grounds. Transportation development have assessed the proposal and raise no objections. The proposed advert will be oriented to direct displays to pedestrians and vehicles approaching from east bound directions of Soho Road. The proposed digital sign would be seen for approx. 140 metres which Transportation Development consider to be a suitable distance. It is also considered that the proposed advert would not hinder the view of any traffic signal head on the adjacent pedestrian crossing facility or highway signage. In addition, as per submitted Planning Statement, the applicant has stated, the display would be limited to 300cd/m<sup>2</sup> between dusk and dawn. This would therefore accord with the Institute of Lighting Professionals best practice guidance; The Brightness of Illuminated Advertisements PLG05 2015.
- 6.7. As such, Transportation Development raise no objections to the proposal on public safety grounds subject to conditions outlined in paragraph 4.1 of the report. I concur with this view and I consider that subject to the recommended conditions the proposal would have no adverse impact in terms of public or highway safety.

#### *Other matters*

- 6.8. It is noted that objections have been received on grounds other than amenity and public safety. Whilst these are noted; the NPPF and the Town and Planning (Control of Advertisements)(England) Regulations 2007 state that advertisements should be subject to control only in the interests of amenity and public safety. As such, the application cannot be assessed against other points raised.

#### 7. Conclusion

7.1. I consider that the proposed signage would not have an adverse impact on visual amenity or public safety. As such, I recommend that the application is approved for a temporary period of time, subject to the conditions detailed below.

8. Recommendation

8.1. Approve temporary subject to Conditions.

- 
- |   |  |
|---|--|
| 1 | Requires permission be obtained for siting the advertisement           |
| 2 | Advertisement not to hinder road signage and use                       |
| 3 | Advertisement condition to be maintained                               |
| 4 | Advertisement condition not to endanger public                         |
| 5 | Maintain condition of site after advertisement removal                 |
| 6 | Limits the features of the digital advertising panel                   |
| 7 | Limits the approval to 5 years (advert)                                |
| 8 | Requires the scheme to be in accordance with the listed approved plans |
- 

Case Officer: Lucia Hamid

## Photo(s)



Picture 1: Existing advertisement hoarding

[illegible]

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# **Birmingham City Council**

## **Planning Committee**

**07 May 2020**

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

| <u>Recommendation</u>                       | <u>Report No.</u> | <u>Application No / Location / Proposal</u>  |
|---|-------------------|--|
| Approve – Subject to<br>106 Legal Agreement | 17                | 2019/04890/PA<br><br>Land at junction of<br>Hansons Bridge Road & Waterside Close<br>Birmingham<br>B24 0NZ<br><br>Outline planning application with all matters reserved<br>except access for the development of 20 residential<br>dwellings |
| Approve – Conditions                        | 18                | 2019/05489/PA<br><br>Willclare Sports and Social Club<br>Willclare Road<br>Sheldon<br>Birmingham<br>B26 2NX<br><br>Change of use of existing hardstanding area to an<br>overspill car park with 25 parking bays                              |

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|                 |            |                     |               |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 07/05/2020 | Application Number: | 2019/04890/PA |
| Accepted:       | 11/06/2019 | Application Type:   | Outline       |
| Target Date:    | 07/05/2020 |                     |               |
| Ward:           | Pype Hayes |                     |               |

Land at junction of, Hansons Bridge Road & Waterside Close,  
Birmingham, B24 0NZ

Outline planning application with all matters reserved except access for  
the development of 20 No.residential dwellings

Recommendation

**Approve Subject to a Section 106 Legal Agreement**

1. Proposal

- 1.1. The proposal is an outline planning application for the development of 20 residential dwellings.
- 1.2. The matter of access to the site is being considered at outline stage and the detailed layout, appearance, scale and landscaping of the proposal will be considered at a later date. There is an indicative layout plan provided to demonstrate that the site could reasonably accommodate the development proposed.



- 1.3. The indicative layout plan shows that the 20 dwellings would comprise 8 one bedroom apartments, 6 two bedroom houses and 6 three bedroom houses. The applicant has confirmed that the scheme would amount to 100% affordable housing providing 7 shared ownership and 13 affordable rented units.
- 1.4. The site area amounts to 0.41Ha resulting in a density of 50 dwellings per hectare.

- 1.5. The application is accompanied by a Flood Risk Assessment and Outline Surface Water Drainage Strategy, a Transport Statement, Planning Design and Access Statement, Noise Impact Assessment, Viability Assessment Summary and Phase 1 Geo Environmental Assessment.

- 1.6. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site is currently vacant and was formerly occupied by a two-storey and part single-storey industrial building occupied by Monk Metal Windows (Use Class B2). The building has since been demolished. The application site has been acquired by adjoining occupier (Eley Ltd.). The site is surrounded by a 2m high palisade fence.

- 2.2. The surrounding area is mixed residential and commercial in character. To the north is characterised by residential development that fronts onto Waterside Close, Hanson Bridge Road and Woodlands Farm Road. There is a large storage unit adjoining the site to the south on the opposite side of Hansons Bridge Road. Beyond the existing Eley site boundary on Hansons Bridge Road there is a pedestrian footbridge crossing facility over the Birmingham and Fazeley Canal to Kingsbury Road (A38). Pye Hayes Park is located in close proximity to the site, approximately 550m to the west.

- 2.3. The application site is within consultation zones for Licenced Explosive sites, including the Eley Ltd premises adjoining the application site. Eley Hawk Ltd. also has an explosives licence that operates on their Selco Way premises. Adjoining the site to the east is Plantsbrook Nature Reserve and Dragonfly Pool, which are a Site of Importance for Nature Conservation (SINC)

- 2.4. [Site Location Plan](#)

## 3. Planning History

- 3.1. 14.09.2019. 2018/08133/PA - Outline application with all matters reserved except access for the erection of 14 no. dwellings. Withdrawn.
- 3.2. 26.01.2016. 2015/05460/PA - Demolition of existing and erection of replacement two storey building for general industrial and shooting range centre uses with associated infrastructure works. Approved subject to conditions.
- 3.3. 23.12.2013. 2013/09154/PA – Application for a non-material amendment to planning approval 2013/07751/PA for alterations to canopy roof – Approved.
- 3.4. 29.11.2013. 2013/07751/PA – Erection of storage buildings and enclosures (relocation of existing plant within the site). Approved subject to conditions.
- 3.5. 14.11.2011. 2011/03932/PA – Erection of chimney stack – Approved subject to conditions.
- 3.6. 05.01.2004. 2003/06458/PA – Erection of 2.4 metre tall palisade fencing, and new gates on Hanson's Bridge Road frontage – Approved subject to conditions

- 3.7. 15.05.2003. 2003/02186/PA – Relocation and erection of test firing range facility, erection of an amenity building, employee rest room and amended car parking layout. Approved subject to conditions.
- 3.8. 19.09.2002. 2002/04081/PA – Minor building alterations to existing premises, erection of small ancillary buildings, structures, walls/fences/gates, revised access arrangements and engineering works to be used in conjunction with the reoccupation of property for class B2 (general industrial) use (assembly and manufacturing of sporting cartridges). Approved subject to conditions.
- 3.9. 14.05.1996. 1996/00968/PA - Erection of single-storey office. Approved subject to conditions.
- 3.10. 24.03.1994 – 1994/00424/PA. Change of use from Class B2 to Class B6 (Paint manufacturing) – Approved subject to conditions.
- 3.11. 21.02.1991 – 1990/05172/PA Change of use from Class B2 (Industrial) to Class B8 (Warehouse and distribution) with ancillary offices – Approved subject to conditions.

#### 4. Consultation/PP Responses

- 4.1. Site and press notices displayed. MP, Ward Councillors and adjoining occupiers consulted. No comments received.
- 4.2. West Midlands Police – No objection.
- 4.3. Health and Safety Executive – The HSE has no comments to make provided that the buildings are not of vulnerable construction. Any change in the layouts of Plots 13 - 20 might result in buildings being within the relevant separation distance and impact on the license held by Eley Ltd. A vulnerable building is defined as:
  - (a) A building of more than three storeys above ground or 12m in height constructed with continuous non load bearing curtain walling with individual glazed or frangible panels larger than 1.5sqm or extending over more than 50% or 120sqm of the surface of any elevation
  - (b) A building of more than three storeys above ground or 12m in height with solid walls and individual glass panes larger than 1.5sqm and extending over at least 50% of any elevation
  - (c) A building of more than 400sqm plan area with continuous or individual glazing panes larger than 1.5sqm extending at least over 50% of the plan area or
  - (d) Any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse
- 4.4. Regulatory Services - No objections subject to conditions to include:
  - Contamination Remediation Scheme & Contaminated Land Verification Report in respect of contaminated land.
  - Electric vehicle charging points.

The noise impact in respect of the adjoining commercial premises is considered acceptable as set out in the Noise Technical Note, received on 29/10/2019.

- 4.5. Transportation Development – No objections subject to conditions to include construction management/ plan and existing visibility splays maintained at junctions.
- 4.6. Local Lead Flood Authority - No objections subject to conditions requiring a Sustainable Drainage Assessment and Operation and Maintenance Plan.
- 4.7. Environment Agency – the proposal is considered low environmental risk. Therefore, no comments to make.
- 4.8. Leisure Services – Taking the current residential mix as a guide the POS contribution would be £114,375. This would be directed towards the provision, improvement and/or biodiversity enhancement of POS and play at Pye Hayes Park and Plantsbrook Nature Reserve within the Pye Hayes Ward.
- 4.9. City Ecologist – No objections - it would be good to include bat / bird boxes integrated into the buildings and a general ecological enhancement strategy for the site.
- 4.10. Education School Places. No comments or objections from School Organisation Team.
- 4.11. Strategic Housing - Based on the proposed development of 20 units, we should secure 7 units as affordable housing and this should include some of the 2 and 3 bed houses.
- 4.12. Transportation – No objection subject to conditions.

## 5. Policy Context

- 5.1. Birmingham Development Plan (2017), Saved policies within adopted UDP (2005), Places for Living SPG (2001), Mature Suburbs SPD (2006), Car Parking Guidelines SPD (2012), The 45 Degree Code (2006) National Planning Policy Framework (2019).

## 6. Planning Considerations

- 6.1. The application is in outline form with the matters of layout, appearance, scale and landscaping reserved for future determination. The main considerations in the determination of this application are: the principle of residential development of the site, the impact of the existing industrial uses on the amenity of future occupiers and the highway impact of the proposal.
- 6.2. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Paragraph 124 promotes high quality design which is grounded in an understanding and evaluation of each area's defining characteristics. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The BDP similarly supports a more sustainable pattern of development by re-using brownfield sites in suitable locations.

- 6.3. The NPPF, at paragraph 145 seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

*Principle*

- 6.4. The site has been in employment use prior to the demolition of the factory which was previously occupied by Monks Windows. Policy TP20 of the Birmingham Development Plan states that employment land and premises are a valuable resource to the economy and will be protected where they contribute to the portfolio of employment land and are needed to meet the longer term employment requirements of the City.
- 6.5. The site is not identified as Core Employment Land in the BDP. In these circumstances the loss of employment land to alternative uses will be permitted where it can be demonstrated that either the site is considered a non-conforming use or is no longer attractive for employment development having been actively marketed normally for a minimum of two years at a reasonable price level. In cases where it is argued that commercial redevelopment would be unviable, the application would need to be accompanied by a viability assessment to demonstrate this.
- 6.6. The site is adjoined to the south east by the existing Eley Ltd facility and to the south west by commercial storage premises. There are residential properties to the south (Woodlands Farm Road) and to the west (Waterside Close). Given the presence of existing commercial uses in the vicinity, the site is not considered non-conforming use.
- 6.7. Members should note that planning permission was granted in 2016 (under 2015/05460/PA) *for the demolition of the existing building and the erection of replacement two storey building for general industrial and shooting range centre uses with associated infrastructure works*. This scheme has not been implemented and the applicant has provided a Position Statement and Loss of Employment Evidence and Viability Assessment Summary in respect of the requirements of policy TP20 of the BDP. The site has a number of constraints in respect of access and the proximity of the existing Eley facility and attendant HSE consultation zone classification. The report concludes that a commercial redevelopment of the site would generate a deficit of £303,208 when compared to the site value benchmark and is therefore significantly challenged in viability terms. The Viability Assessment has been independently assessed and it is concluded that the property does not offer a viable opportunity as an employment site. In summary, the loss of employment land has been justified in this circumstance as a result of the constraints of the site and the limited commercial viability of redevelopment. The views of Planning and Growth Strategy are noted and the proposal would fulfil the requirements of Policy TP20.

*Impact of the existing industrial uses*

- 6.8. There are a number of commercial uses in proximity to the site and the existing Eley factory is located to the south east of the site. The application is accompanied by a Noise Impact Assessment. Regulatory Services initially raised concerns that the noise report (Tables 4.1 and 4.2) suggested that the operation of the Eley plant will have a significant adverse impact on the amenity of future residents.
- 6.9. Subsequently, the applicant entered into dialogue with Officers in order to identify the potential noise sources at the Eley plant. It was confirmed that the item of fixed plant and the related vent outlet was the dominant source of noise on the proposed development site. It was agreed that this vent would be blocked up and a further



noise assessment was conducted. The revised noise assessment concludes that the noise levels on the site are considered acceptable from a residential amenity perspective and there is no further objection from Regulatory Services. The comments received from the Health and Safety Executive are noted and the proposal would not fall into the 'vulnerable building' category as defined in the HSE response.

*Indicative design*

- 6.10. It should be noted that the application is in outline form and the matters of scale design and landscaping are reserved matters. However, the indicative site layout provided demonstrates that the proposed dwellings would be adequately separated from the adjoining dwellings on Waterside Close and Woodlands Farm Road. The indicative layout would also achieve adequate separation distances between the proposed dwellings in the scheme and the garden sizes are also adequate to comply with the requirements of Places for Living adopted as Supplementary Planning Guidance.

*Contaminated Land*

- 6.11. The application is accompanied by a Phase 1 Geo-Environmental Assessment to assess the ground conditions at the site. The report recommends that an intrusive ground investigation be undertaken to assess the ground conditions and potential pollutant linkages. There are no objections raised from Regulatory Services and appropriate conditions have been attached.

*Ecology*

- 6.12. The application is accompanied by a Preliminary Ecological Appraisal. Plantsbrook Local Nature Reserve is located to the north of the site. There are no objections from the City Ecologist subject to appropriate conditions.

*Drainage and Flood Risk*

- 6.13. The application is accompanied by a Flood Risk Assessment (FRA) and Outline Surface Water Drainage Strategy which confirms that the site is located within Flood Zone 1 (Low probability). There are no objections from the Local Flood Authority and Drainage Team subject to conditions.

*Highways*

- 6.14. The application is accompanied by a Transport Statement and the proposal will abandon an existing vehicular access and create a new (bellmouth) junction. In order to ensure adequate visibility at/practicality of the proposed site access, a TRO would be required in order to prohibit on-street parking. It is also recommended that a road safety audit on Hanson's Bridge Road is carried out because of the proximity of existing junctions to the proposed access. It is noted that the internal layout may be subject to change. There are no objections from Transportation subject to conditions.

*Affordable Housing*

- 6.15. Policy TP31 of the BDP states that the Council will seek 35% affordable homes on developments of 15 dwellings or more and these dwellings should be provided and fully integrated with the proposed development. In the event that the applicant considers that the above proportion of affordable housing cannot be delivered for viability reasons, a viability appraisal of the proposal will be required. In this instance the application would provide for 100% affordable housing.
- 6.16. The application is accompanied by a Financial Viability Appraisal and the Council has independently assessed the appraisal and it is considered that the assumptions

are robust and appropriate in the context of the current market. It is concluded that the scheme can viably deliver 35% affordable housing. In the revised context of the scheme providing 100% affordable housing in a mixture of shared ownership and affordable rented tenure, there is no objection from Strategic Housing.

- 6.17. The comments received from Leisure Services are noted and an off-site contribution of £114,375 has been sought for the improvement of public open space and play facilities at Pype Hayes Park and Plantsbrook Nature Reserve. Upon assessment of the viability of the scheme, it's evident that the provision of an off-site contribution would not viably enable the affordable housing to be delivered.

*Other Matters*

- 6.18. The comments received from Planning Policy are noted in relation to environmental sustainability and the requirements of policies TP3 and TP4. In particular, the requirement of Policy TP4 for smaller residential development schemes (less than 200 dwellings) to connect to a District Heating Scheme where this would be practical and viable. There is no District Heating Scheme within reasonable proximity of the site.
- 6.19. Policy TP3 encourages developers to embrace sustainable construction and incorporate measures to maximise energy efficiency and reduce water use. The applicant has confirmed that the policy will be addressed through the provision of solar PV panels, dual flush toilets, cellular storage for water attenuation, use of timber from sustainable sources, construction management plan which incorporates waste separation on site, wheelchair accessibility and facilities for stair lift installation.

7. Conclusion

- 7.1. The proposal amounts to the provision of residential development in a sustainable urban location and the proposal would accord with policies PG1, TP27 and TP28 of the Birmingham Development Plan and the NPPF. The detailed design of the proposal will be considered in a reserved matters application.

8. Recommendation

- 8.1 Approve subject to conditions and s106 Legal Agreement

That consideration of application number 2019/04890/PA is deferred pending the completion of a Section 106 Legal Agreement to secure the following:

- i) To secure 20 affordable dwellings with 7 shared ownership and 13 affordable rented units on site and their retention as such in perpetuity
  - iii) Payment of a monitoring and administration fee associated with the legal agreement of £1500.00
- 8.2. In the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 23<sup>rd</sup> May 2020, planning permission be REFUSED for the following reason;
- i) The proposal represents an unacceptable form of development as it would not achieve Section 106 Planning Obligations in the form of appropriate affordable housing. This is contrary to Policies TP9 and TP47 of the Birmingham Development

Plan 2017, Affordable Housing SPG, and the National Planning Policy Framework (2019).

- 8.3. That the City Solicitor be authorised to prepare, complete and seal the appropriate planning obligation via an agreement under Section 106 of the Town and Country Planning Act.
- 8.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 23<sup>rd</sup> May 2020, favourable consideration be given to this application, subject to the conditions listed below. That subject to the signing of a S106 agreement that planning permission is granted subject to conditions. In the event of this agreement not being signed by then permission is refused.

- 
- |    |  |
|----|--|
| 1  | Implement within 3 years (outline)   |
| 2  | Requires the submission of reserved matter details following an outline approval     |
| 3  | Requires the prior submission of a contamination remediation scheme                  |
| 4  | Requires the submission of a contaminated land verification report                   |
| 5  | Requires the prior submission of a sustainable drainage scheme                       |
| 6  | Implementation of sustainable drainage scheme  |
| 7  | Requires the provision of a vehicle charging point                                   |
| 8  | No-Dig Specification required  |
| 9  | Requires the submission of hard and/or soft landscape details                        |
| 10 | Requires the submission of a landscape management plan                               |
| 11 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 12 | Incorporation of sustainability measures   |
| 13 | Requires the prior submission of level details                                       |
| 14 | Requires the submission of sample materials  |
| 15 | Requires the submission and completion of works for the S278/TRO Agreement           |
| 16 | Requires the prior submission of a construction method statement/management plan     |
| 17 | Requires the submission of details to prevent mud on the highway                     |
| 18 | Requires the prior installation of means of access                                   |
| 19 | Prevents occupation until the service road has been constructed                      |
-

- 
- 20 Requires the submission of the siting/design of the access
  - 21 Requires the submission of vehicle parking and turning details
  - 22 Requires the submission of details of pavement boundary
  - 23 Requires the submission of details of parking
  - 24 Requires the submission of a residential travel plan
  - 25 Requires the submission of cycle storage details
  - 26 Removes PD rights for extensions
  - 27 Removes PD rights for the erection of garages
  - 28 Restrictions on the development of vulnerable buildings on the application site
- 

Case Officer: David Kelly

## Photo(s)

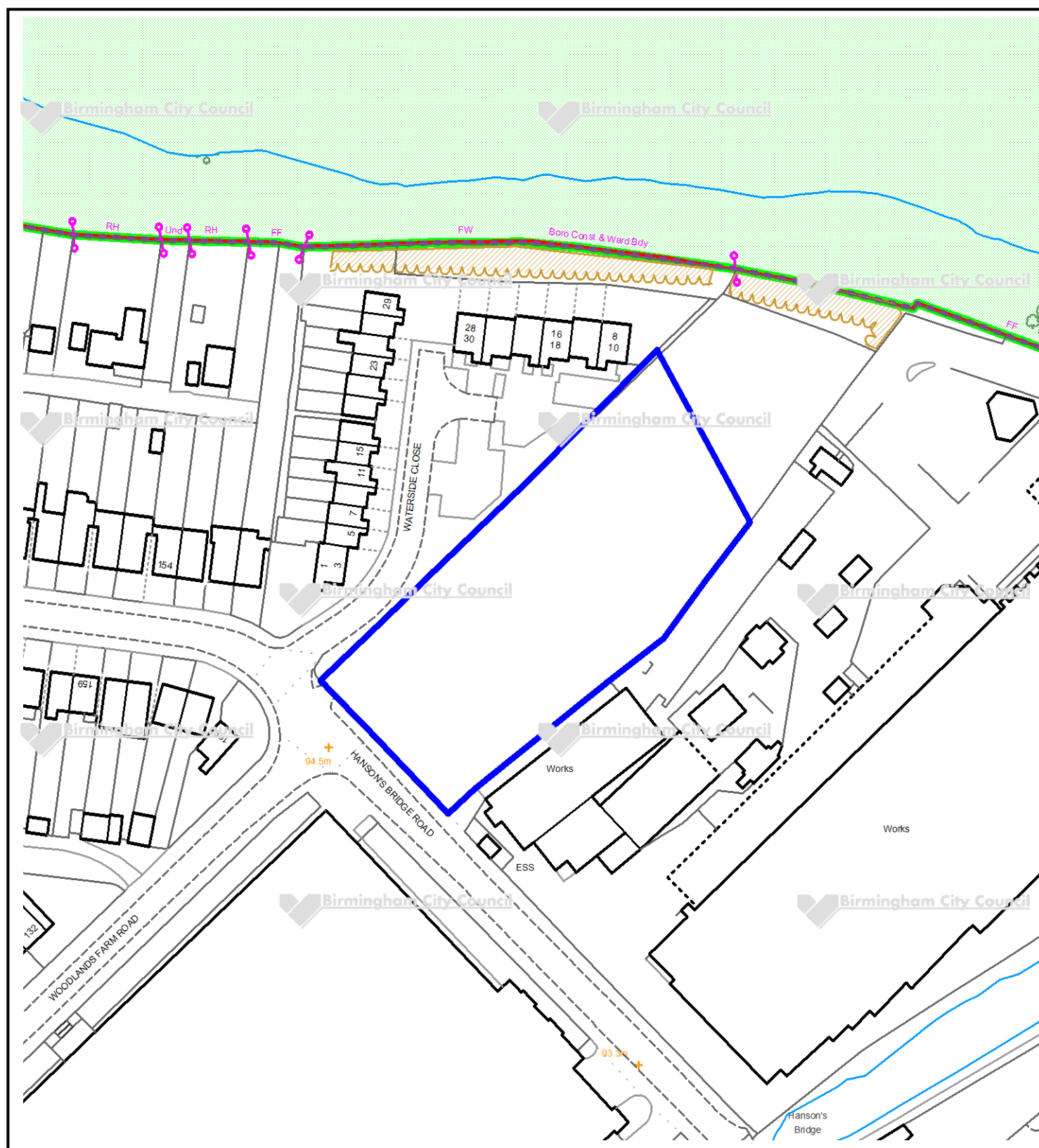


Front of site



Adjoining residential development

## Location Plan



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|                 |            |                     |               |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 07/05/2020 | Application Number: | 2019/05489/PA |
| Accepted:       | 05/08/2019 | Application Type:   | Full Planning |
| Target Date:    | 14/02/2020 |                     |               |
| Ward:           | Sheldon    |                     |               |

Willclare Sports and Social Club, Willclare Road, Sheldon, Birmingham, B26 2NX

Change of use of existing hardstanding area to an overspill car park with 25 parking bays

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Consent is sought for the retention of a change of use and hard surfacing for parking of vehicles using the existing sports facility (Retrospective).
- 1.2. The new parking area (engineering operation of gavel surface) will in effect provide roughly 25 additional parking bays, approx. 67 in total. (6 of the spaces are disability spaces along with 8 cycle spaces).
- 1.3. Originally no supporting statement had been received in connection with this proposal and only a location plan and site plan provided. However, a supporting/ parking statement has now been received by way of justification of the parking overspill and a brief outline of how the club operates.
- 1.4. The application is supported by way of the following documents:
- 1.5. Location plan 1:1250
- 1.6. Site plan 1:500
- 1.7. Brief justification for overflow parking
- 1.8. It is understood that works to change the use of the land and creation of the car parking/hardstanding has already taken place and this work is retrospective.
- 1.9. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a well-established sports and social club situated parallel to the houses in Willclare Road. The Social club buildings face onto the playing fields with the car park running off around the side widening to the entrance towards the indoor gym and sports hall.

- 2.2. This area has a tarmac surface with parking spaces marked out with accessible spaces nearest the club house. To the side of the sports hall is an area of hard core which appears to have extended the current parking area and is the focus of this application. At the time of the visit this area was chained off from the main car park. To the boundary is an area of protected trees that sit between the houses in Palmvale Croft (north) and Benedon Road (east).
- 2.3. The Club serves the local community along with its own sports ground with the surrounding area predominantly residential in character, with residential properties on Willclare Road, Palmvale Croft and Benedon Road in close proximity.
- 2.4. The nearest residential properties are located on the edge of Palmvale Croft and Benedon Road. Vehicular entrance to the clubhouse, sports hall/gym, playing fields and car park is made between two properties on Willclare Road.
- 2.5. [Site Location](#)

### 3. Planning History

- 3.1. 20.10.1983. 64582000. Extension to social clubhouse – Approved with conditions.
- 3.2. 08.09.1990. 1990/03154/PA. – Erection of a new sports hall and additional parking - Approved with conditions.
- 3.3. 30.06.1994. 1994/00880/PA. – Erection of a sports hall and car park (Outline) – Approved with conditions.
- 3.4. 29.04.1994. 1994/02011/PA. – Erection of new sports centre and car park (2m further away from Palmvale Croft and 1m from Benedon Road) – Approved with conditions.
- 3.5. 29.1.1995. 1997/02314/PA. - Provision of perimeter fencing – Approved with conditions.
- 3.6. 28.08.1997. 1997/02314/PA. 6m fencing Variation of conditions 1 and 7 with regard to retention of 6m fencing - Approved with conditions.

### 4. Consultation/PP Responses

- 4.1. Transportation Development – Originally requested further justification over the levels of parking to understand why the area is required. It is noted that a Supporting Statement has now been submitted in order to address the points raised. No objections subject to conditions (Car Park Management Plan).
- 4.2. Regulatory Services – No objections subject to conditions.
- 4.3. West Midlands police- No objections.
- 4.4. Neighbouring residents and Local Ward Members have been notified.
- 4.5. Site notice posted.

- 4.6. 3 Individual/detailed objections have been received in terms of the works undertaken.
- 4.7. Objections relate to the loss of amenity by way of noise and disturbance from motor vehicles using this area for car parking.
- 4.8. Further comments relate to the issue that the proposal is retrospective and proximity to houses and the previous management arrangements of the club and the area being used at night despite complaints.
- 4.9. Visual impact of the proposal and potential drainage issues caused.
- 4.10. Councillor Ward is concerned about impact on neighbours and loss of open space and requests that this matter be considered by planning committee.

5. Policy Context

- Birmingham Development Plan (BDP) 2017,
- Birmingham Unitary Development Plan 2005 (Saved Policies),
- Places for All SPG (2001)
- National Planning Policy Framework 2019
- Car Parking Guidelines

6. Planning Considerations

- 6.1. The application has been assessed against the objectives of the policies as set out above.
- 6.2. I consider the main issues in the determination of this application are to consider the principle of the works, to consider the impact of the proposal on the character of the surrounding area, assess impacts on highway safety and the implications for residential amenity.

*Principle/use and Impact on character of the surrounding area*

- 6.3. The NPPF considers any application should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.4. This is an existing sports club and associated facilities of football/cricket etc. This also includes an existing club house and parking. The application proposal describes the development as a change of use of part of the existing land and resurfacing the area with hard core. The original submission had little supporting information with regard to survey of before and after or any kind supporting statement from the applicant to understand why this engineering works were proposed.
- 6.5. Subsequently, the club has provided information with regard to the use of the new area as an overspill facility during peak times. This overspill is on Sundays when the junior football teams play on the grounds. This leads to additional traffic bringing these children to play when the indoor gym is open. Outside these hours the exiting car park is adequate for the parking requirements for the club.

- 6.6. Concerns have been raised in regard to the loss of open space, however the land was not designated as Public Open Space, it was left over land, which was grassed over and landscaped, following construction of the adjoining gym. The play pitches and current sporting facilities would be left unchanged by the proposal and the overflow parking purely used to serve the use of the pitches/sports facilities at the greatest times of demand, i.e. Sunday mornings.
- 6.7. For these reasons I find that sufficient information has been provided to justify the proposal to comply with policies TP11 and PG3 of the Birmingham Plan 2017 of the provisions of the NPPF 2018.

#### *Design and Appearance*

- 6.8. The new area is located to the rear of one of the sports buildings. At the time of the visit the area was chained off and vehicular access was not possible. The area is fairly level. It is understood that the area was originally grassed, along with a planted border to the boundary. This area has been cleared and the surface has been replaced with hard surfacing materials, namely hard core.
- 6.9. Whilst visually different than the previous appearance of the land, it remains open. It is accepted that it is different in terms of appearance, it is not considered harmful to warrant a refusal based on its appearance and therefore it still accords with policy PG3 of the Birmingham Plan 2017.

#### *Access and Parking*

- 6.10. The site is accessed by an existing dedicated access route from Willclare Road (west). This route provides access to the two main buildings which are the clubhouse and the gym along with the sport fields. The entrance allows access to these areas and includes parking and the proposed overflow.
- 6.11. The new parking area will provide approx. 25 additional parking bays, approx. 67 in total. The justification for the additional spaces is related to the popularity of junior age group football, which takes place on Sunday mornings when the gym is open.
- 6.12. It is acknowledged that 'Junior age group' football would be considered likely to generate additional levels of trips in comparison to senior 11-a-side football, given that junior age groups typically use smaller sized pitches, therefore a single adult sized 11-a-side pitch would be likely to accommodate several junior games simultaneously. In addition, junior club training sessions can also attract large numbers of players plus parents etc.
- 6.13. It is also agreed that demand for gym / fitness uses at the site is likely to be at a high level on Sunday mornings, at the same time when junior level football events are taking place.
- 6.14. For this reason, it is considered that there is sufficient justification for the requirement of the additional parking facilities, particularly when taking into account that Willclare Road itself (from which the site is accessed) does indeed have a narrow carriageway width and significant proportions of kerb lengths incorporate footway crossings to dwellings.
- 6.15. As such, it is agreed that there is fairly low capacity available for Willclare Rd itself to accommodate overspill parking demand from such activities as junior football.

- 6.16. Transportation Development are now satisfied with the layout and the parking and access details as provided and consider that there will not be any adverse impacts on the adjacent highway and confirm the development complies with policy TP44 of the Birmingham Plan.
- 6.17. In this instance given the comments from Transportation Development and the irregular need for use of the area for parking, it is recommended that a condition is attached to any consent to restrict the use of the overspill parking facility to Sundays only, given that the existing provision within the site is stated to be adequate for demand at all other times and this can be achieved via a car park management plan.

#### *Trees*

- 6.18. The new parking area directly abuts an area of trees that are protected by a Tree Preservation Order (TPO1363). The Council's Tree Officer has commented on the application and has not raised any objections as the trees are not within the applicant's ownership. Any works to trees, if any when required, would be made via a separate application for 'Works to Trees'.
- 6.19. Furthermore, the Tree officer is satisfied with the proposals and has stated that the materials have not compacted the root protection area of these trees and drainage is acceptable.

#### *Amenity*

- 6.20. It is considered that the proposal will not be readily visible from the majority of properties on Willclare Road or Palmcroft Avenue. However, concerns have been raised in connection with visual intrusion and potential noise and disturbance. Whilst the development itself is adjacent to homes the use of the land is not on a regular basis and any noise impacts would be kept to a minimum. If the car park is restricted to Sundays only (when the gym and junior football are scheduled together), then the car park would not be in use at night when vehicle lights could potentially be a nuisance. Also, no lighting of the area is proposed as it will only be used during the day time.
- 6.21. It is considered that conditions to require details to restrict the use of the area (ie Sundays only) and a car park management plan will ensure that the development can be adequately managed. As such, subject to conditions, it is considered that the development is acceptable.

#### *Other issues*

- 6.22. Drainage issues have been raised in terms of the development as submitted and whilst the surface materials have been changed and altered the surface is permeable (gravel/hard-core) and water would be able to drain away without detriment to neighbouring properties. The Tree officer is satisfied that adequate drainage exists for the adjacent trees with the surface in place.

### 7. Conclusion

- 7.1. There is now adequate supporting evidence in terms of the facility. The additional parking provided at the site is considered acceptable in principle subject to conditions. There are sustainable and justified grounds upon which to recommend approval of the application.

8. Recommendation

8.1. That the application be recommended for Approval subject to conditions.

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- |   |   |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans                          |
| 2 | Requires the submission of a parking management strategy  |
| 3 | Restrictions to Sundays only between 09:00 - 16:00 hours in accordance with the Management Plan |
- 

Case Officer: Sarah Willetts



## Photo(s)

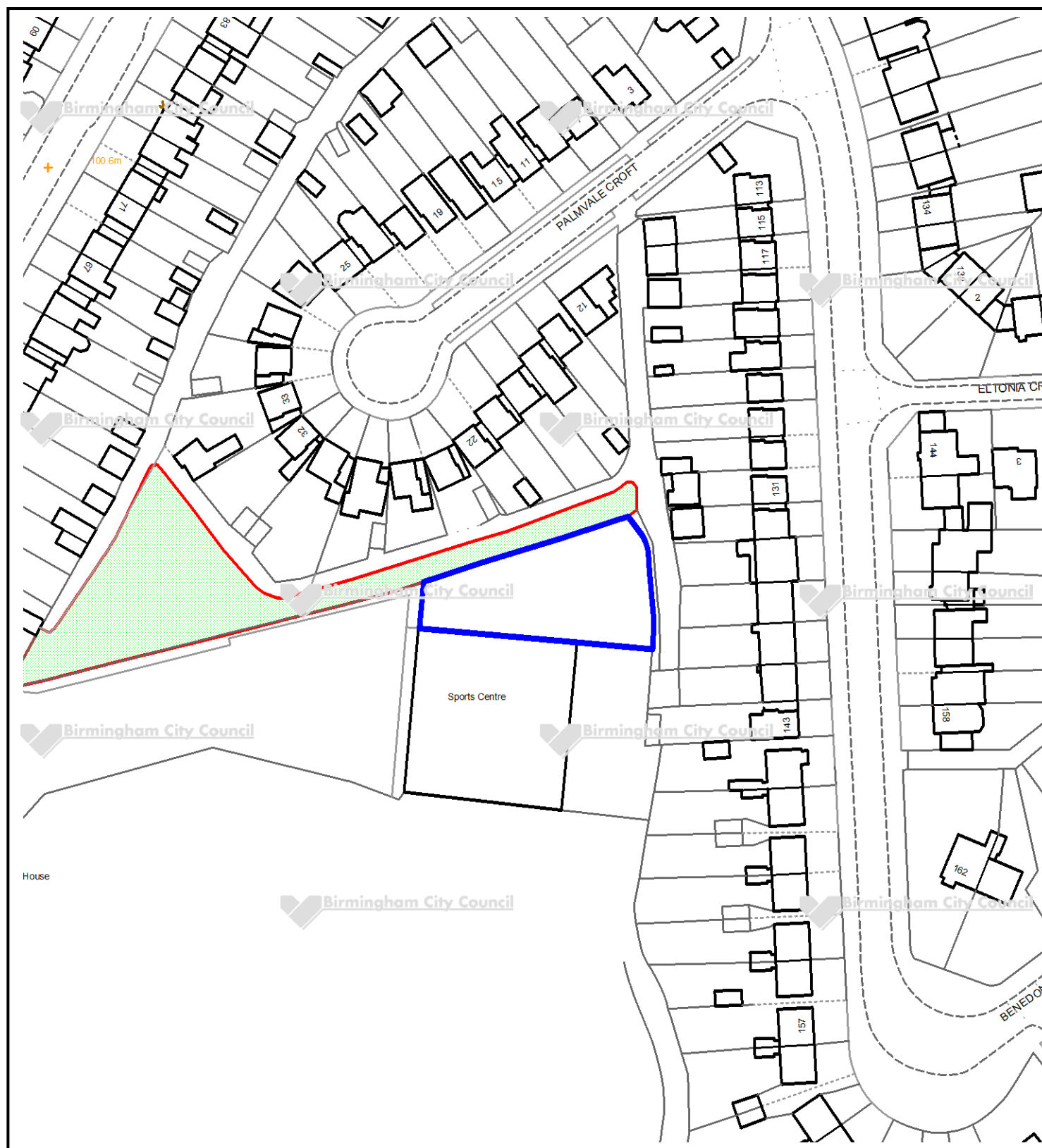


View 1: Existing car park entrance (unchanged) looking back at Willclare Road



View 2: View of overflow car park with chained off restriction in place

## Location Plan



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