

# **Birmingham City Council**

## **Planning Committee**

**15 June 2017**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	8	2017/02890/PA  Land off White Farm Road Sutton Coldfield Birmingham  Variation Of Condition 17 (Plans Schedule) attached to planning approval 2015/08032/PA to include amendments to hard and soft landscape, levels, boundary treatment, retaining walls and drainage.
Approve – Conditions	9	2017/03560/PA  Land adjoining 11 The Falcons off Langley Hall Road Sutton Coldfield Birmingham B75 5NG  Erection of four bungalows with parking provision and extended road access from The Falcons, and new parking and garden provision for 14 and 16 Langley Hall Road

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Committee Date:	15/06/2017	Application Number:	2017/02890/PA
Accepted:	31/03/2017	Application Type:	Variation of Condition
Target Date:	26/05/2017		
Ward:	Sutton Four Oaks		

Land off White Farm Road, Sutton Coldfield, Birmingham

Variation Of Condition 17 (Plans Schedule) attached to planning approval 2015/08032/PA to include amendments to hard and soft landscape, levels, boundary treatment, retaining walls and drainage.

Applicant:	Birmingham City Council Planning and Regeneration, Housing Regeneration & Development, 2nd Floor No. 1 Lancaster Circus, Birmingham, B2 2GL
Agent:	Birmingham City Council Landscape Practice Group, 1 Lancaster Circus, Birmingham, B4 7DJ,

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Proposal is for minor material amendments to the approved landscaping works associated with the development of the site for 5 bungalows approved under planning application 2015/08032/PA. The amendments are required following further consultation with the residents of Ensford Close elderly persons accommodation.
- 1.2. The amendments include alterations to the footpath layout, removal of a bench, increase in tree planting and minor alterations to levels, retaining structures and drainage as a result of the amended landscaping scheme. The details relating to soft and hard landscaping, boundary treatments, levels, retaining walls and drainage would supersede details approved under discharge of conditions application 2016/02119/PA in particular conditions 3 (Levels), 4 (Drainage), 7 (Landscaping), 8 (Hard Surfacing), 9 (Boundary Treatment) and 10 (Retaining Walls).
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises an area of land off White Farm Road which is currently being developed with 5 bungalows. The site backs onto Ensford Close elderly persons accommodation which is at a lower level. The surrounding area is residential in character.
- 2.2. [Site Location and Street View](#)

### 3. Planning History

- 3.1. 26/11/2015. 2015/08032/PA. Erection of five dormer bungalows with communal garden, external works, car parking, landscaping and new adopted highway and enhancement of existing public open space. Approved with conditions.
- 3.2. 09/05/2016. 2016/02119/PA. Application to determine the details of condition numbers 1 (contamination remediation scheme), 3 (level details), 4 (drainage scheme), 5 (sample materials), 6 (dormer window details), 7 (hard and soft landscaping details), 8 (hard surfacing materials details), 9 (boundary treatment), 10 (retaining wall details), and 18 (construction method statement) attached to planning approval 2015/08032/PA. Approved.

### 4. Consultation/PP Responses

- 4.1. Transportation Development – No objections.
- 4.2. West Midlands Fire Service – No objections.
- 4.3. West Midlands Police – No objections.
- 4.4. Leisure Services – No objections.
- 4.5. Councillors, Residents Associations, nearby occupiers notified. 2 letters have been received objecting to the proposal on the following grounds;
- Lack of parking for new bungalows and reduction in parking for existing residents will lead to highway safety issues.
  - Lack of space for emergency vehicles.
  - New frontage trees will shed leaves over cars.

### 5. Policy Context

- 5.1. Birmingham BDP 2017, UDP (Adopted 2005) saved policies, Places for Living SPG, NPPF.

### 6. Planning Considerations

- 6.1. Planning permission was granted in 2015 for the development of 5 dormer bungalows on the site for BMHT and the pre-commencement conditions have been discharged. The amendments have arisen from a consultation process with the residents of Ensford Close elderly persons accommodation who raised concerns about privacy and outlook as the existing elderly person units back directly onto the communal amenity area for the new bungalows and are at a lower level than the application site.
- 6.2. The amendments have been designed by the Landscape Practice Group in conjunction with advice from Landscape Officers and the layout with a revised footpath route, removal of a bench and additional tree planting is acceptable and addresses concerns of the Ensford Close residents.

6.3. I note the objections raised relating to the proposed bungalows, but the only matters for consideration relate to the revised communal garden layout.

6.4. The plans submitted with this application to vary the plans schedule condition attached to planning approval 2015/08032/PA would supersede the original approved plans and the plans approved to discharge conditions 3, 4, 7, 8, 9 and 10 attached to that approval.

7. Conclusion

7.1. I have no objections to the proposed minor amendments to the hard and soft landscaping.

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 parking area to be laid out prior to use                           |
| 3 | Removes PD rights for extensions  |
| 4 | Prevents the driveways and hardstanding footpaths from being steeper than 1:12. |
| 5 | Requires pedestrian visibility splays to be provided                            |
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Case Officer: John Davies

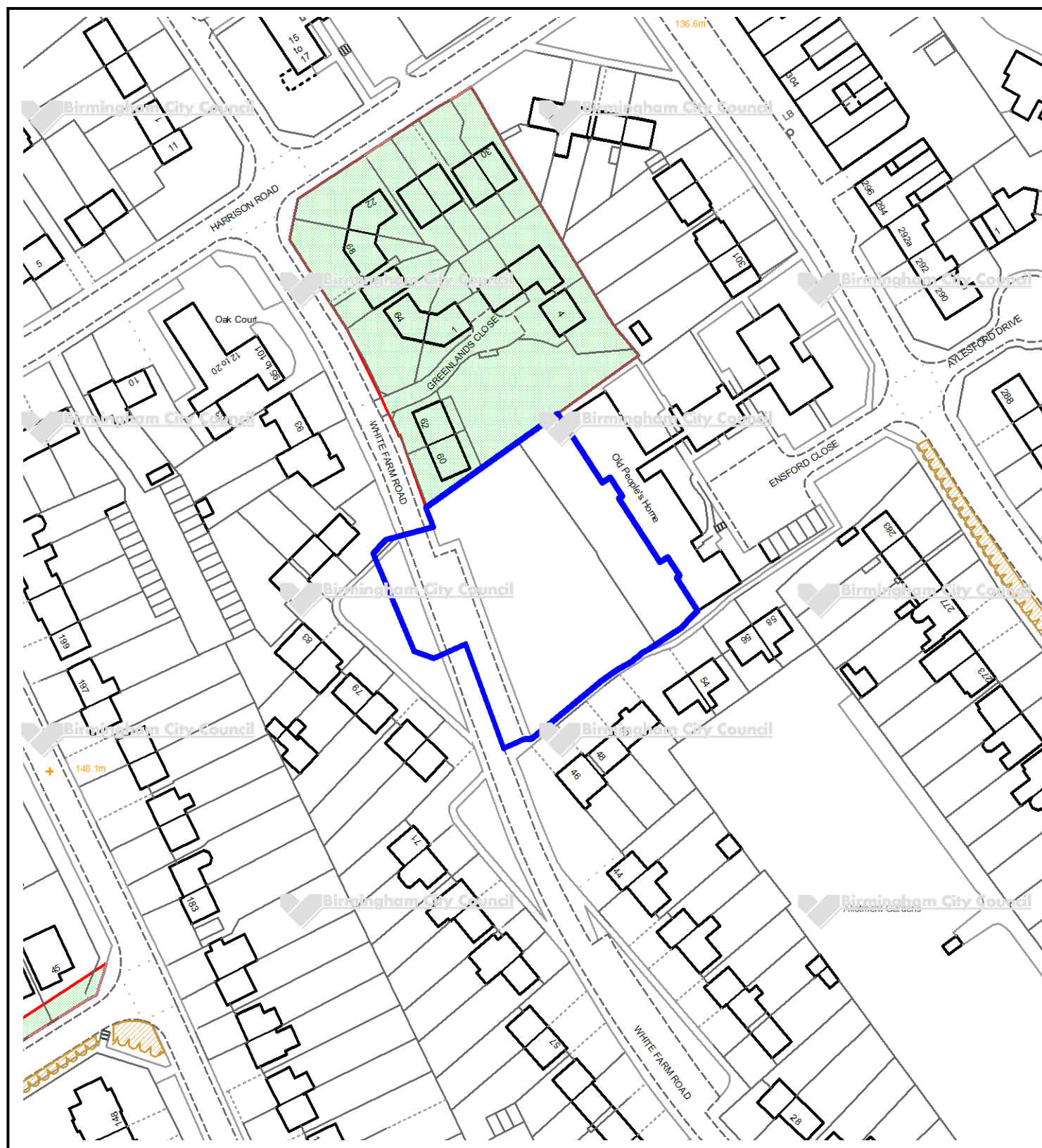
**Photo(s)**



**Figure 1 – Application site**



## Location Plan



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Committee Date:	15/06/2017	Application Number:	2017/03560/PA
Accepted:	26/04/2017	Application Type:	Full Planning
Target Date:	21/06/2017		
Ward:	Sutton Trinity		

Land adjoining 11 The Falcons, off Langley Hall Road, Sutton Coldfield, Birmingham, B75 5NG

Erection of four bungalows with parking provision and extended road access from The Falcons, and new parking and garden provision for 14 and 16 Langley Hall Road

Applicant:	Birmingham City Council Birmingham Municipal Housing Trust, 1 Lancaster Circus, Queensway, Birmingham, B4 7DG
Agent:	Acivico PO Box 17212, Louisa House, Birmingham, B2 2QA

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Planning permission is sought for the erection of four semi-detached bungalows (three with dormer windows) together with 100% parking provision, new access road off The Falcons, highway works and relocation of existing on-street parking provision and new parking and garden provision for existing bungalows at 14 and 16 Langley Hall Road.
- 1.2. The application site is owned by the City Council and the development is one of a number of schemes proposed to be developed by the established Birmingham Municipal Housing Trust (BMHT) as part of their housing programme.
- 1.3. The proposed bungalows in Plots 1, 2 and 3 would be sited on a linear building line and would face northwest towards the new access road that extends from The Falcons. They would have an identical design and footprint albeit the bungalow in Plot 3 would be handed. Architectural features would include a pitched roof dormer, bay window, feature panel of projecting contrast colour facing brick courses and timber lean-to canopy to the front. The bungalow in Plot 4 would have an L shaped footprint and would be sited slightly forward of the front building line to be formed by the bungalows in Plots 1 to 3. The main entrance door would be located on the northeast elevation and a feature panel of projecting contrasting colour facing brick courses on its side elevation would help give the bungalow visual interest. Building materials for all bungalows would consist of brown brick walls, grey concrete tile roof, grey foil UPVC windows and pastel colour foil UPVC doors.
- 1.4. Internally, the bungalows would consist of a hallway, shower room or bathroom, store room, an open plan dining/living/kitchen room and either one or two bedrooms on the ground floor. The bungalows in Plots 1, 2 and 3 would have a second

bedroom and a bathroom within the roof space and would measure 92.8sqm in gross internal floor area. The bungalow in plot 4 which does not have any living accommodation within the roof space would measure 72.3sqm in gross internal floor space. The bungalows would meet with the Nationally Described Space Standards which recommend a minimum gross internal floor area of 79sqm for two storey houses and 70sqm for one storey houses which contain two bedrooms (4 person)). Bedroom sizes would range from 12.2sqm to 17.2sqm (Nationally Described Space Standards recommend a minimum bedroom size of 11.5sqm for double bedrooms).

- 1.5. 100% parking provision is proposed for each proposed bungalow and for the existing bungalows at 14 and 16 Langley Hall Road. The site would be accessed via a new road that would be constructed from The Falcons. The section of the new road adjacent to Plot 1 would provide a private shared access to the parking space for Plot 1 and to the existing dwellinghouse at 135 Wyatt Road, which has an easement across the site. The existing four car parking spaces on The Falcons would be relocated to the rear of 8 to 12 Langley Hall Road which would serve the existing bungalows at 5 to 11 The Falcons and visitors to the proposed bungalows. Further highway works are proposed to The Falcons which would incorporate part of the side and rear garden belonging to 8 Langley Hall Road in order to widen the road and footpath.
- 1.6. 5 new trees are proposed and to facilitate the development 11 trees/tree groups would need to be removed and 2 trees would be retained.
- 1.7. Site Area: 0.16 hectares. Density: 24 dwellings per hectare.
- 1.8. The application is supported by a Design and Access Statement, Ecological Impact Assessment, Tree Survey Table/Tree Survey Assessment, Ground Investigation Report and Topographical and Utility Survey.
- 1.9. [Link to Documents](#)
2. Site & Surroundings
  - 2.1. The application site relates to a rectangular plot of land situated to the rear of residential properties to the north, east and south and includes the private vehicular access way from Langley Hall Road and the road known as 'The Falcons', which is an existing cul-de-sac off Langley Hall Road.
  - 2.2. The site previously contained 36 lock-up garages for the surrounding housing until they were demolished and the site cleared in 2002. The site now consists of hard surfacing and there are young trees and vegetation around the periphery. The site levels are relatively flat and vehicular access is gained from Langley Hall Road via a narrow private access way between two bungalows at 14 and 16 Langley Hall Road. The site is fenced off from The Falcons by a 1.8 metre high boundary fence and a vehicular gate secures the vehicular access from Langley Hall Road.
  - 2.3. The surrounding area is predominantly residential in character and comprises a mixture of bungalows and two-storey semi-detached and terraced dwellinghouses. The site has relatively good access to public shops and services, including public transport.
  - 2.4. [Site Location](#)
3. Planning History



3.1. N/A

4. Consultation/PP Responses

- 4.1. Ward Councillors, M.P, Residents Associations and nearby occupiers were notified and Site Notice displayed outside the site.
- 4.2. 1 letter of objection received from an adjoining occupier stating that the proposed development would result in loss of privacy.
- 4.3. Transportation Development - No objection subject to conditions requiring appropriate highway works; pedestrian and vehicular visibility splays to be provided; and car parking spaces to be provided prior to first occupation.
- 4.4. Regulatory Services - No objection subject to conditions requiring a contamination remediation scheme and land verification report and at least one vehicle charging point for electric cars.
- 4.5. Severn Trent Water Limited - Awaiting comments.
- 4.6. West Midlands Police - No objection.

5. Policy Context

- 5.1. National Planning Policy Framework 2012, Planning Practice Guidance, Technical housing standards - Nationally Described Space Standards (2015), Birmingham Development Plan 2017, Birmingham Unitary Development Plan 2005 (saved policies), Places for Living SPG, Car Parking Guidelines SPD and 45 Degree Code SPD.

6. Planning Considerations

- 6.1. I consider that the main considerations are whether the proposed development would have a detrimental impact on the character and appearance of the area, on the living conditions of both existing neighbouring residents and future occupiers of the proposed development, on highway safety, and on trees and ecology.
- 6.2. *Policy Context*
- 6.3. The National Planning Policy Framework (NPPF) 2012 contains a presumption in favour of sustainable development and within the Core Planning Principles it requires planning to always seek to secure high quality design; a good standard of amenity for all existing and future occupiers of land and buildings; and to encourage the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value. The NPPF also highlights that the Government attaches great importance to the design of the built environment (paragraph 58).
- 6.4. Policy PG3 for the Birmingham Development Plan (BDP) advises that 'all new development will 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'.

- 6.5. Policy TP27 of the BDP relates to sustainable neighbourhoods. New housing in Birmingham is expected to contribute to making sustainable places, whether it is a small infill site or the creation of a new residential neighbourhood. All new residential development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods. Policy TP28 of the BDP addresses the location of new housing, which should be located outside flood zones 2 and 3, be adequately serviced by existing or new infrastructure, be accessible to jobs, shops and services by modes of transport other than the car, and not conflict with other policies in the BDP.
- 6.6. Places for Living SPG advises that responding to the local context can ensure the unique identity of a place is not harmed as well as avoid any potential adverse impact on neighbouring buildings, landscape and uses. It identifies numerical guidelines for garden sizes and separation distances for new residential developments.
- 6.7. The Nationally Described Space Standards (2015) sets out minimum bedroom sizes and gross internal space standards for new residential accommodation.
- 6.8. *Principle of Development*
- 6.9. The application site relates to a previously developed site and was once used for lock up garages for the surrounding housing. It is now cleared of all buildings and is overgrown with self-seeded trees and vegetation. The proposals would secure the re-use of a currently disused site and would provide additional housing in an existing residential area that has relatively good accessibility to local shops and services. As such, it is considered that the principle of development is acceptable subject to the following site specific considerations.
- 6.10. *Impact on local character*
- 6.11. The proposed development is for 4 bungalows, 3 of them dormer bungalows. They would be sited in a row facing onto the new turning head for 'The Falcons' and would reflect the pattern of development in the area in terms of building type, form and design. The proposed bungalows would also be constructed in building materials to reinforce the local identity of the area and the bungalows would exhibit architectural features such as bay windows and pastel coloured doors to help give the area an uplift and would improve the visual amenity of the area. I am satisfied that the area to the front of the bungalows would not be dominated by car parking and good provision of front gardens is proposed.
- 6.12. My City Design Officer raises no objection and considers that the development would relate well and reinforce the local distinctiveness of the area. I therefore consider that the proposals would be in accordance with the NPPF, BDP Policy PG3, UDP saved policies 3.14-3.14D and Places for Living SPG, which all seek to improve the built environment. Conditions are attached to secure good quality building materials and landscaping.
- 6.13. *Impact on the amenities of existing and future occupiers*
- 6.14. The siting of the proposed bungalows would comply with the minimum separation distances from neighbouring habitable room windows, rear gardens and opposing single storey and two storey flank walls as set out in Places for Living SPG. The distance between the ground floor bedroom window in Plot 4 and the rear garden belonging to 16 Langley Hall Road would be 3.5 metres, which is less than 5 metres

as recommended by Places for Living SPG. However, the views from this bedroom window would be screened by the existing rear boundary fence and a retained tree. I therefore do not consider that the proposed development would result in overlooking of neighbouring properties.

- 6.15. I am also of the view that the low height of the proposed bungalows together with the orientation of the site would ensure there is no significant overshadowing of neighbouring houses and gardens.
- 6.16. In terms of the living environment for future occupiers, the proposed development meets with the minimum gross internal floor areas and minimum bedroom sizes as set out in the Nationally Described Space Standards for new dwellinghouses and I am satisfied that the development would provide a high quality living environment.
- 6.17. The development has been designed with front gardens to provide a defensible space between habitable rooms and the access road and the gardens would all back onto existing gardens to ensure they are private and secure. I note that the rear gardens for Plots 2 and 3 fall short of the minimum garden size guidance as set out in Places for Living SPG by 4.5sqm, however, I am of the view that these gardens would provide sufficient space for outdoor seating, landscaping, a clothes line and a garden shed. I have also attached a condition to control future enlargements of the proposed bungalows to safeguard existing occupiers from possible overlooking and to ensure satisfactory garden sizes are retained for Plots 2 and 3.
- 6.18. The proposed development would provide other benefits to the built environment including increased natural surveillance of The Falcons; improvements to the visual amenity of the area and outlook from neighbouring properties; and the gardens belonging to the existing bungalows at 14 and 16 Langley Hall Road would be enlarged. I therefore consider that the proposed development would provide a good standard of amenity for existing and future occupiers in accordance with the National Planning Policy Framework, Policies PG3 of the Birmingham Development Plan 2017 and the guidance contained within Places for Living SPG.
- 6.19. *Parking Demand and Impact on Highway Safety*
- 6.20. The proposed development would provide 100% parking provision for the four bungalows, which I consider is acceptable for two bed bungalows in this location.
- 6.21. Also, one car parking space would be provided each for the existing bungalows at 14 and 16 Langley Hall Road, which do not currently have off-street car parking and the four parking spaces on The Falcons would be retained (albeit in a different location) for the existing four bungalows at 5, 7, 9 and 11 The Falcons.
- 6.22. During this application discussions have been held with Transportation Development to ensure an accurate and practicable layout of the new access road and car parking spaces. Amended plans have now been received which demonstrates that cars and refuse vehicles will be able access the site and parking spaces without causing obstruction to the free flow of traffic or undermining highway safety. The parking space for plot 1 is now of an acceptable size and would have adequate visibility splays. Transportation Development raises no objection to the amended layout of the site.
- 6.23. I concur with this view and am satisfied that the proposed development would not result in a shortage of parking or undermine highway safety. I have attached

conditions as recommended by Transportation Development to ensure parking spaces are provided prior to occupation of the proposed bungalows and to secure appropriate highway works. A resolution is also required to stop up part of The Falcons (highway maintainable at public expense (HMPE)) which is proposed to be used as public car parking spaces via a highway agreement. This will extinguish part of the HMPE and the remaining part of The Falcons will remain as HMPE.

6.24. *Impact on Ecology and Trees*

6.25. The site is entirely hard surfaced and has remained unused since the former lock-up garages were removed in 2002. A few annual plants and moss have established in the open areas and there is bramble, trees and shrubs around the periphery which have established due to cracks and gaps between the surfacing and the boundary fences. The Ecological Impact Assessment highlighted that the site contains Wall Cotoneaster, which is an invasive plant species listed on Schedule 9 of the Wildlife & Countryside Act 1981 (as amended). It is an offence to allow the plant to spread in the wild. As such, I have attached a condition to require the removal and disposal of this plant prior to any development.

6.26. I also recognise that some of the trees and shrubs within the site have ecological value, in terms of bird foraging and nesting opportunities and for use by hedgehogs. I have therefore attached an informative as requested by my ecologist to ensure wildlife is protected during all site clearance works.

6.27. My Ecologist also notes that the submitted Ecological Impact Assessment identified a number of good enhancement measures for biodiversity, such as wildlife friendly plants; access points for hedgehogs; and new bird boxes. I have attached a accordingly to ensure these measures are implemented.

6.28. The trees identified to be removed are mostly self-seeded trees and because they are in a backland location they provide limited public amenity value. The Tree Officer agrees and raises no objection. The development would provide 5 new trees as replacements and two of these would be sited in The Falcons within the new landscaped area adjacent to the new car parking spaces.

6.29. *Community Infrastructure Levy (CIL)*

6.30. The submitted application forms specify that the floor area of the development would be 369.6sqm GIA. This would equate to a payment of £25,502.40.

7. Conclusion

7.1. I consider that the proposed development would sit comfortably within the existing pattern of development and would be in keeping with the character of the local area. It would provide an acceptable living environment for future occupiers and would maintain a good standard of amenity for existing residents. Amended drawings have been received to show adequate parking spaces for existing and proposed residents and I am satisfied that there would be no detrimental impact on highway safety. Conditions are also attached to enhance the biodiversity value of the site. I therefore consider that the proposals would provide a sustainable residential development in line with the National Planning Policy Framework, the Birmingham Development Plan 2017, and guidance contained within Places for Living SPG and Car Parking Guidelines SPD.

8. Recommendation

8.1. I. That no objection be raised to the stopping-up of The Falcons and that the Department for Transport (DFT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

8.2. II. That Planning Permission be granted subject to the following conditions;

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- |    |   |
|----|---|
| 1  | Requires the prior submission of level details  |
| 2  | Requires the prior submission of a contamination remediation scheme                   |
| 3  | Requires the prior submission of a contaminated land verification report              |
| 4  | Requires the prior submission of a drainage scheme                                    |
| 5  | Requires the prior submission of sample materials                                     |
| 6  | Requires the prior submission of hard and/or soft landscape details                   |
| 7  | Requires the prior submission of hard surfacing materials                             |
| 8  | Requires the prior submission of boundary treatment details                           |
| 9  | Requires the prior submission of details of bird/bat boxes                            |
| 10 | Requires the prior submission of a method statement for the removal of invasive weeds |
| 11 | Requires the implementation of the submitted mitigation/enhancement plan              |
| 12 | Removes PD rights for extensions  |
| 13 | Requires the prior submission and completion of works for the S278/TRO Agreement      |
| 14 | Prevents occupation until the turning and parking area has been constructed           |
| 15 | Requires pedestrian and vehicular visibility splays to be provided                    |
| 16 | Requires the scheme to be in accordance with the listed approved plans                |
| 17 | Implement within 3 years (Full)   |
- 

Case Officer:       Helen Hawkes



**Photo(s)**



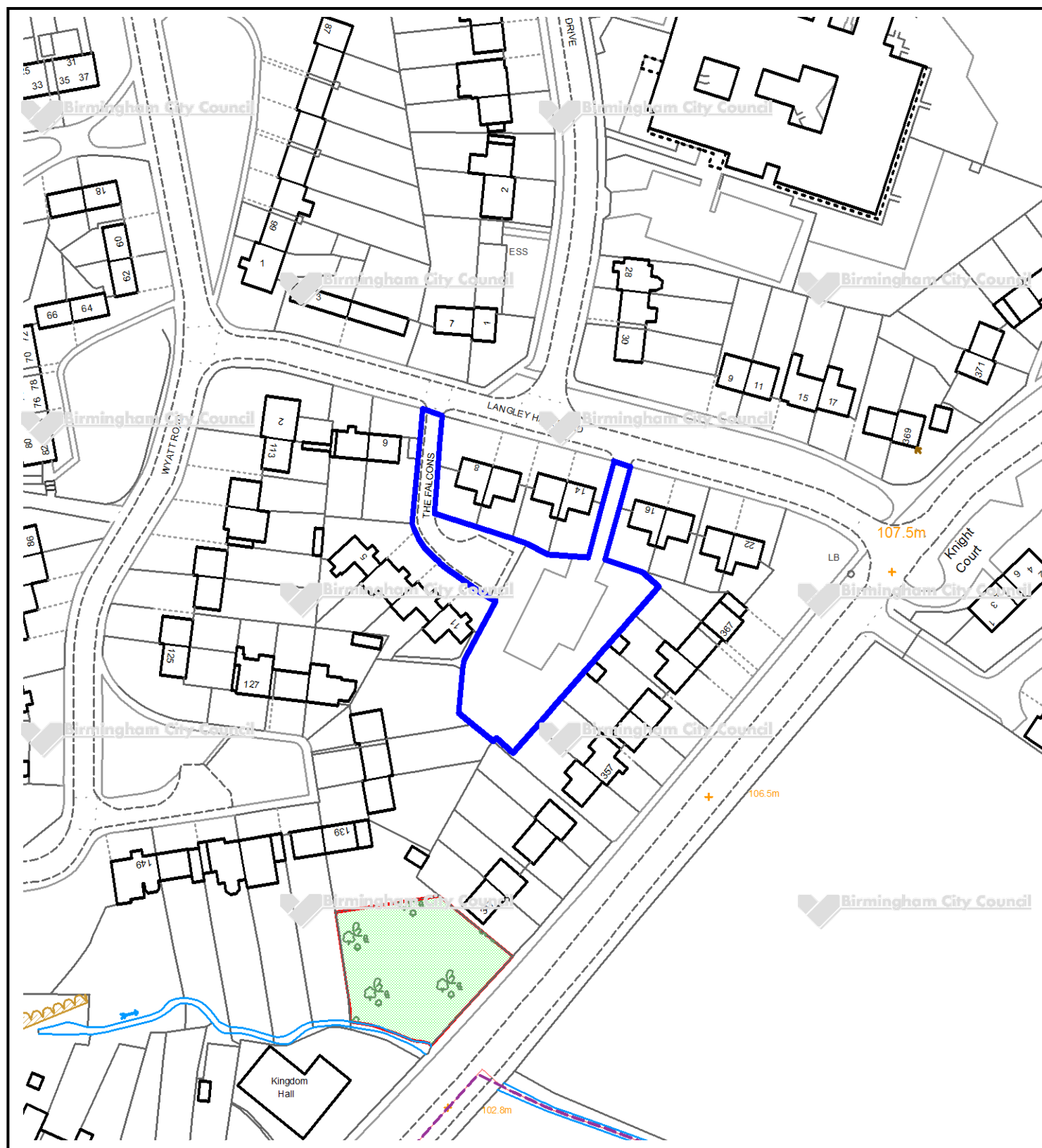
**Application Site**





**Vehicular Access from Langley Hall Road**

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**15 June 2017**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	10	2017/02722/PA  91 Fountain Road Edgbaston Birmingham B17 8NP  Change of use from residential dwelling house (Use class C3) to 7 no. bedsit house in multiple occupation (HMO) (Use class Sui Generis) with shared facilities
Approve - Conditions	11	2017/00652/PA  208 Monyhull Hall Road Kings Norton Birmingham B30 3QJ  Erection of first and second floor side extension to form 8 no. self assisted living units (Use Class C2)

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Committee Date:	15/06/2017	Application Number:	2017/02722/PA
Accepted:	28/03/2017	Application Type:	Full Planning
Target Date:	23/05/2017		
Ward:	Harborne		

91 Fountain Road, Edgbaston, Birmingham, B17 8NP

Change of use from residential dwelling house (Use class C3) to 7 no. bedsit house in multiple occupation (HMO) (Use class Sui Generis) with shared facilities

Applicant:	ASK Property Management 36 Hallowell Road, Edgbaston, Birmingham, B16 0LR
Agent:	ACP Architects Roma Parva, Level Two, 9 Waterloo Road, Wolverhampton, WV1 4DJ,

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Planning permission is sought for the change of use from a dwelling house (Use Class C3) to a 7 bed house in multiple occupation (Sui Generis) at 91 Fountain Road, Edgbaston.
- 1.2. The current lawful use of the property is unclear: the plans show the existing property being a three bedroom dwelling, with a separate one bedroom flat in the roof space, but there is no planning approval permitting such a use.
- 1.3. The ground floor would consist of two bedrooms (both en-suite); kitchen/dining room; bathroom and cycle store. The first floor would consist of a further three bedrooms (all en-suite) and laundry room, with a further two ensuite bedrooms within the roofspace. No external alterations are proposed.
- 1.4. To the front of the property an existing driveway would remain, with parking for one car provided.
- 1.5. A rear garden of approximately 223sqm is provided to the rear.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located on the north eastern side of Fountain Road, Edgbaston. The property is an extended semi-detached property set within a large plot, within a row of large semi-detached properties of similar architectural styles extending southwest along Fountain Road. The surrounding area has a residential



character, with predominantly family housing provided; however some flatted properties are noted, particularly to the north on City Road.

- 2.2. The property itself is brick built with white pebble dash render on its first floor frontage. A driveway to the front is enclosed by a small brick wall along the boundary with 89 Fountain Road, with hedgerow along the boundary with 93.
- 2.3. To the rear there is a large private garden area. The application premises back on to George Dixon Academy on City Road.

[Location map](#)

3. Planning History

- 3.1. 12/10/2015 - 2015/07963/PA Pre-application advice for change of use of existing dwelling to 3 no. apartments. Permission unlikely to be granted on the grounds of disturbance to adjacent occupiers and the potential for the creation of undersize rooms which would be contrary to guidance.
- 3.2. 15/04/2016 – 2016/00863/PA Conversion of single dwelling house into three self-contained flats, in conjunction with retention of existing flat. Refused; over-intensive use of the premises, affecting the amenities of surrounding residents and of prospective inhabitants of the development.
- 3.3. 15/02/2017 – 2017/00901/PA Pre-application enquiry for conversion of dwellinghouse into a seven bedroom house in multiple occupation. Could be acceptable subject to suitable layout.
- 3.4. No permission can be found for the existing second floor flat. However, as the adjacent properties have similar roof accommodation, with the same dormer windows; this would appear to be part of the original design although the subdivision may be more recent. I note that the flat occupiers have to pass-through the ground/first floor dwelling, i.e. the latter of the two units has no separate front door, thereby bringing into some question the separateness of the two 'dwellings'.

4. Consultation/PP Responses

- 4.1. Transportation – No objection, subject to cycle storage condition.
- 4.2. Regulatory Services – No objection, subject to a noise insulation condition.
- 4.3. West Midlands Police – No objection, subject to security conditions.
- 4.4. Letters of notification have been sent to surrounding occupiers; local resident's associations and local Ward Councillors. A site notice has also been posted.
- 4.5. Councillor James McKay objects to the application. He considered that the area already has a very high number of HMOs, and feels that the overall balance of the area should be supported by keeping this property as its current use.
- 4.6. Eight letters of objection have been received from surrounding occupiers, objecting to the application on the following grounds.
  - This will be detrimental to the family dwelling character of Fountain Road.
  - There will be an increase in litter

- Will help lead to a deterioration of the area and increase anti-social behaviour.
- Increase in on street parking, the existing driveway is not sufficient.
- The development would compromise the safety of local children.
- If seven separate flats, there will be 14 wheelie bins, leading to problems with waste management.
- There will be an increase in vermin
- There should be a focus on providing affordable housing.
- Impact to the local balanced community.
- The proposal is contrary to Article 4 Direction 'Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne wards'
- Questions are raised about the type of people who would occupy the property.

## 5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) 2005 (saved policies)
- Places For Living SPG (2001)
- Gillott Road Area of Restraint SPG
- Specific Needs Residential Uses SPG

5.2. The following national policies are applicable:

- National Planning Policy Framework (NPPF) (2012)

## 6. Planning Considerations

- 6.1. The National Planning Policy Framework (NPPF) 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.
- 6.2. Policy TP27 of the Birmingham Development Plan also states that new housing in Birmingham is expected to contribute to making sustainable places. All new development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods. Policy TP28 of the plan sets out the proposed policy for housing location in the city, noting that proposals should be accessible to jobs, shops and services by modes of transport other than the car.
- 6.3. Applications for change of use to Houses in Multiple Occupation need to be assessed against criteria in saved policies 8.23-8.25 of UDP and Specific Needs Residential Uses SPG. The criteria includes; effect of the proposal on the amenities of the surrounding area and adjoining premises, size and character of the property, floorspace standards, amount of car parking and the amount of provision in the locality.



**6.4. Cumulative Impact**

This is the semi-detached property and the surrounding area has a residential character, consisting of varying dwelling types from flats and traditional housing. However, in the immediate vicinity of 91 Fountain Road, family housing is the predominate tenure. Given this, I do not consider that this change of use would detrimentally impact on the character of the area, as family housing would remain the predominant residential use. Therefore, there would not be any significant cumulative impacts on the surrounding area. The site is close to local transport links and amenities and therefore the principle of changing to a house in multiple occupation is acceptable. Furthermore, despite the objectors' view that the proposal is contrary to the Article 4 Direction for 'Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne wards', I can confirm that the house does not lie in the Article 4 area.

**6.5. Visual Amenity**

There are no external changes proposed and therefore there would be no impact on the visual amenity of the area.

**6.6. Occupants' Residential Amenity**

The seven bedrooms measure between 12.8sqm and 21sqm and accord with the standards for bedroom sizes set out for Houses in Multiple Occupation within the Specific Needs SPG and those contained within the Technical housing standards – nationally described space standard produced by the DCLG, which although are not formally adopted, provide a useful benchmark. Furthermore, the applicant has demonstrated with a cross section, that the rooms in the roofspace would provide sufficient space and head height to ensure double bedrooms would be provided of an adequate size. This type of accommodation would meet the needs of people on shorter terms tenancies and therefore the proposal would offer a range of bedroom sizes. Furthermore, the internal layout as proposed (with limited intervention) would allow easier conversion back to a family dwelling, should the opportunity arise in the future. A significant area of private amenity garden is provided, and the site is within reasonable walking distance of green spaces, including Edgbaston Reservoir and Summerfield Park to the north east.

**6.7.** All bedrooms are en-suite. In addition, while there is no standard for the amount of communal space that should be provided within local planning guidance for a House in Multiple Occupation, it is noted the kitchen/dining room provided is 21sqm and would provide the appropriate amount of kitchen and communal space needed to enable occupiers to come together and socialise. A separate laundry area is also provided. The property therefore provides an appropriate level of communal space within the building.

**6.8. Neighbouring Residential Amenity**

Due to the typical layout and nature of the property (a substantial semi), it is considered that there would not be any noise disturbance to neighbouring occupiers over and above a traditional residential use. I note that my Regulatory Services Officer raises no objection and requests a noise insulation condition relating to window specification. However, I do not consider this a necessary condition to make the application acceptable in this instance.

**6.9. Highway Safety and Parking**

There are no transportation objections to the proposed change. It is not expected traffic and parking demand generated by the proposal would differ significantly to that of the existing use. In addition to the driveway space, there are unrestricted on street parking options and good public transport links along Hagley Road and City

Road. Although a cycle store is shown on the plan, this provides space for just two bicycles, therefore a condition for additional secure cycle storage is recommended to encourage this alternative form of transport.

6.10. **Other Matters**

6.11. I note the police concern regarding security of the site and the internal arrangement. However, this matter is dealt with under building regulation legislation and do not consider conditions relating to this matter relevant in this instance

6.12. Concerns have been raised regarding litter and that numerous wheelie bins would be required. As a HMO, individual wheelie bins would not be required and the normal refuse bins provided to households would be sufficient. A bins store area is shown to the side of the property, which is considered sufficient for the need of this use.

6.13. I also note the site sits within the Gillott Road Area of Restraint policy. However, this considers change of use applications to institutional use and lists these as residential care homes, hostels and day nurseries, and does not include changes to Houses in Multiple Occupation use. As such the Area of Restraint Policy cannot be employed for the determination of this application.

6.14. I am also mindful that an application for the conversion of the property to flats was refused in April 2016. This was refused on the grounds that the use of the property would result in four small residential units and an over-intensive use of the premises, which in turn would have been detrimental to the privacy of the occupiers of the proposed flats within the ground floor accommodation, and would adversely affect the amenities of adjacent occupiers by reason of noise and general disturbance.

6.15. This proposed HMO differs in that the layout provided is suitable for communal living, with appropriate bedroom sizes and circulation space, as opposed to the individual flats that did not provide sufficient space in terms of their overall size and layouts, which were below the 50sqm advocated for two person one storey flat. Furthermore, living rooms and kitchens would not be inappropriately located at first and second floor against the boundary with 1<sup>st</sup> floor bedrooms within the adjoining property as was proposed previously and therefore significantly reducing the potential for noise and disturbance to the neighbouring occupier. Finally, the nature of HMO with people living together with communal spaces, eliminates the problem associated with the privacy of occupiers of flats, as access to the garden is provided to all occupiers as one unit.

6.14. **Community Infrastructure Levy**

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

7. Conclusion

7.1. I consider the conversion of 91 Fountain Road to a 7 bed HMO would provide residential accommodation that is sustainably located, close to local facilities, and well served by public transport. The proposal would be in accordance with local and national planning policy. Adequate parking provision would be provided and acceptable living conditions provided, and there would be no adverse impact on the amenity of adjoining residential occupiers. As such I am satisfied that the proposal would constitute sustainable development and I recommend that planning permission be granted.

8. Recommendation

8.1. Approved subject to conditions

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of cycle storage details                 |
| 3 | Implement within 3 years (Full)  |
- 

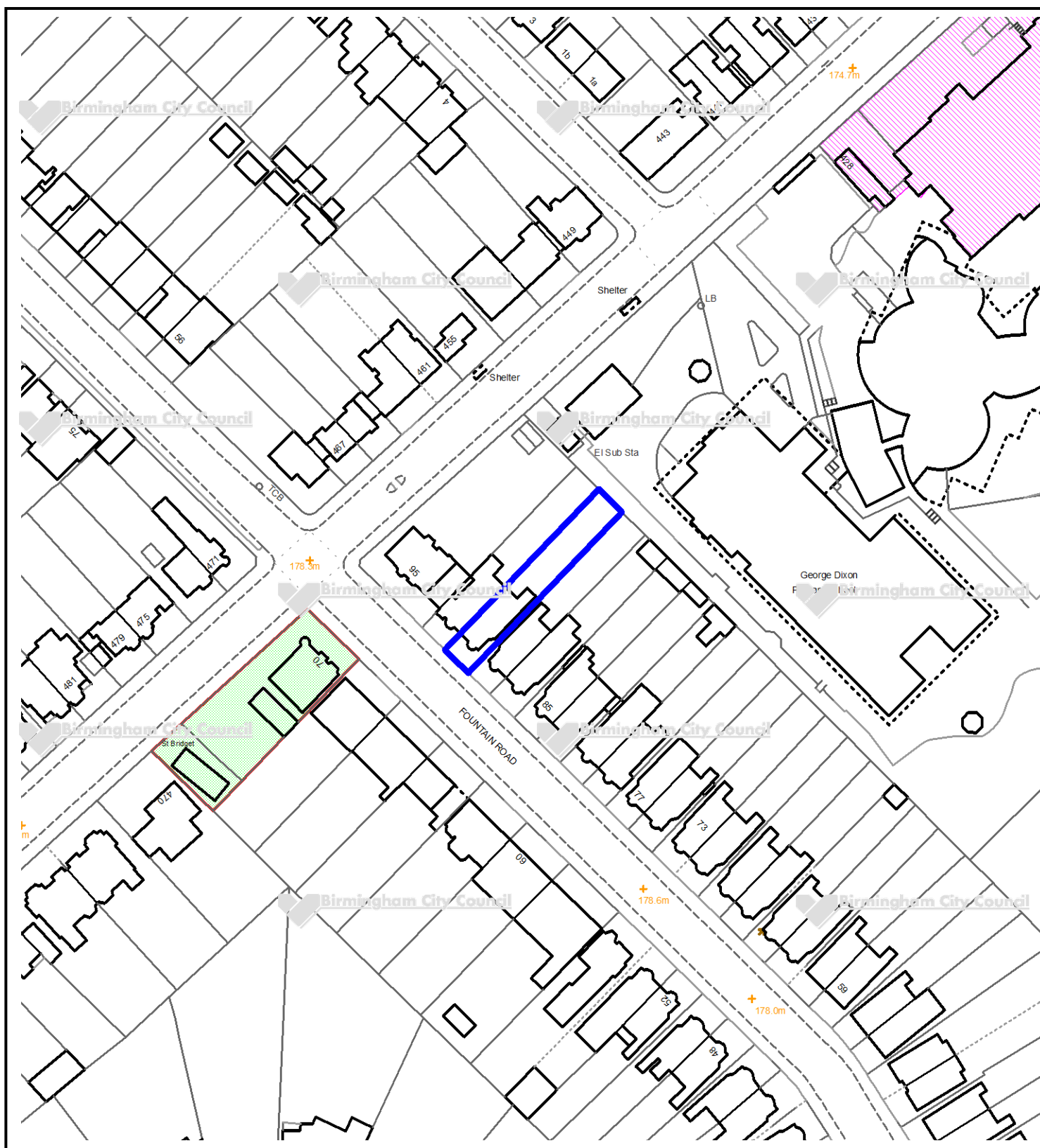
Case Officer: James Mead

**Photo(s)**



**Photograph 1: Front elevation of 91 Fountain Road**

## Location Plan



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Committee Date:	15/06/2017	Application Number:	2017/00652/PA
Accepted:	07/03/2017	Application Type:	Full Planning
Target Date:	02/05/2017		
Ward:	Brandwood		

208 Monyhull Hall Road, Kings Norton, Birmingham, B30 3QJ

Erection of first and second floor side extension to form 8 no. self assisted living units (Use Class C2)

Applicant:	Hebe Healthcare Limited 208 Monyhull Hall Road, Kings Norton, Birmingham, B30 3QJ
Agent:	Staien A + P Lucci House The Old Tennis Courts, Tennal Grove, Harborne, Birmingham, B32 2HP

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. The proposal is for the erection of a first and second floor side extension, over an existing ground floor side extension to No. 208, to accommodate eight self-assisted living units (Use Class C2). This would be in addition to the eight self-assisted living units operating within the main building of No. 208, and three approved living units on the ground floor of the extension (a proposed total of 19 living units on the site).
- 1.2. The proposed extension would measure a maximum of 14.7m in depth, 10m in width and including the ground floor a total of 8.9m in height. It would follow the footprint of the existing ground floor extension, but with its eastern corner angled away at first and second floors from the adjoining property No. 204. The proposed extension would have a flat roof with white rendered facades. The front façade of the existing ground floor extension would also be altered externally and rendered in white to match the proposed floors above. The front elevation is set back 1m from the 'parent' building of no. 208.
- 1.3. The front elevation of the enlarged extension would incorporate double height, shallow, bay window features at ground and first floor with vertical tile hanging surrounds. The windows would be recessed by 0.5m within their surrounds. A new entrance canopy would highlight the centrally located front door, above which would be a vertical stairwell window. At second floor there would be two smaller front windows, each with projecting contrasting rendered surrounds.
- 1.4. The rear elevation of the proposed extension would accommodate four windows each at first floor and second floor (including right angled windows within the angled rear section), each pair with vertical hanging tile sections between. The three existing ground floor windows are proposed to be retained on the rear elevation. No windows would be incorporated on side elevations.



- 1.5. The existing ground floor extension would be remodelled internally to accommodate an entrance lobby and hallway, reception and three self assisted living units. Each self assisted living unit would accommodate a bedroom area with single bed, a kitchenette/diner, and a wet room, and each unit would measure between 23-26sqm in size. The proposed first and second floor extensions would have similar layouts on each floor – each floor accommodating a hallway and four self assisted living units, each unit measuring between 24-28sqm in size. The proposed 8 self assisted living units within the enlarged extension would also have the use of the existing multi-use kitchen and communal lounge in the main building.
- 1.6. The facility would be operated by the Applicant, Hebe Healthcare, a registered provider specialising in the delivery of supportive care (in association with Birmingham Social Services). As per the existing accommodation, residents would be aged between 18-65 years and the Applicant is registered with the Care Quality Commission to care for residents with learning disabilities, sensory loss, physical disability, or acquired brain injury – autistic spectrum disorders. Residents would be encouraged to live as independently as possible within the realms of a Registered Care Quality Commissioned provision. The Applicant has confirmed that the individual self assisted living units would not be for sale or placed on the open market, rather each occupant would be offered a tenancy agreement for their own living unit.
- 1.7. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site comprises of a single storey, predominantly flat roofed, side extension to No. 208, which is a late Victorian three storey villa. No. 208 is located on the south east side of Monyhull Hall Road and is set well back from the highway with frontage parking and landscaping between. No. 208 has also been extended to its other side (west) in the form of a single storey extension. Given the position of No. 208 within this plot I suspect it originally benefited from larger grounds but the area around it has since been developed and now comprises Broadmeadow Junior and Infant Schools to the south west, Broadmeadow Health Centre to the south east and Meadow Court, a flatted development, to the north east. The surrounding area is predominantly residential consisting of properties of a range of ages including 1930s semi-detached dwellings and 1950s/60s terraces. The site is generally level, but there is a steep drop in level immediately beyond its rear boundary.

### 2.2. [Site Location Map](#)

## 3. Planning History

- 3.1. 12 December 2012 - 2012/07072/PA - Outline application for the demolition of existing clinic building and erection of 6 dwellings (all matters reserved) – Approved-conditions
- 3.2. 6 December 2016 - 2015/09968/PA - Change of use from non-residential health institution (Use Class D1) to 9 no. assisted living units (Use Class C2) – Approved-conditions

- 3.3. 22 August 2016 - 2016/05266/PA - Change of use from non-residential health institution (Use Class D1) to 3 no. assisted living units (Use Class C2) – Approved-conditions

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection – Subject to condition requiring widened access be constructed prior to occupation
- 4.2. Regulatory Services – No objection – Subject to conditions requiring noise insulation to windows and doors on Monyhull Hall Road facade; provision of vehicle charging point; extraction and odour control details; and restriction on cumulative noise levels for plant and machinery
- 4.3. West Midlands Police – No objection
- 4.4. Local residents, Ward Councillors and Residents Associations notified – One letter of objection received from an occupier of No. 204 raising concerns over loss of light to kitchen and lounge windows on side elevation

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017
  - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
  - Places for Living SPG
  - Car Parking Guidelines SPD
  - Specific Needs Residential Uses SPG
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF)

6. Planning Considerations

- 6.1. The key considerations in the determination of this application are the principle of extending this use at the site; the scale and appearance of the proposed extension; living conditions for future occupiers; its impact on residential amenity; and its impact on traffic and parking.

*Principle of Use*

- 6.2. The principle of providing assisted living units (Use Class C2) within the main building and side extension was recently established under 2015/09968/PA and 2016/05266/PA respectively. The former consent has been implemented. The proposed development would replace the latter consent which gave permission for three assisted living units to be accommodated within the single storey side extension.
- 6.3. The NPPF promotes sustainable forms of urban development. The application site is located within an existing, predominantly residential, urban area and is within easy

access of local amenities (including a health centre and shops) and public transport links, including 3 bus routes.

- 6.4. Saved Paragraphs 8.28-8.30 of the UDP, provides guidance for consideration of applications for residential homes, reflecting policy advice within the City's adopted 'Specific Needs Residential Uses' SPD. In dealing with planning applications 2015/09968/PA and 2016/05266/PA the principle of assisted living units (Use Class C2) at the site was established and deemed to comply with this policy. The current application simply proposes an extension to the approved use and therefore further consideration of the use is not required.

#### *Scale and Appearance*

- 6.5. 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.
- 6.6. Amended plans have been submitted during the course of the application in order to improve the design of the proposed extension in line with Officer comments. The proposed extension, although relatively large in terms of new floorspace created, would not create any additional building footprint. Whilst the resulting extension would be three storeys in height, its roof would be noticeably lower than that of the main building (and together with its front façade set back 1m from the front façade of the main building) I consider it would appear subservient in scale to the main building.
- 6.7. The proposed extension would be designed in a contemporary style, utilising a simple palette of materials. I consider this solution, with the proposed extension largely clad in white render, would ensure that it appears as a distinguishable contemporary extension to the main building that does not try to compete with, or make less legible, the grander Victorian architecture of the main building. However, in order to have some common architectural language between the proposed extension and the main building, the proposed extension would incorporate shallow, contemporary styled, double height, bay windows on its front façade (to imitate those on the main building), and use a similar coloured vertical hanging tile to those used on the front gable of the main building in order to detail these bay window surrounds. Smaller windows and contrasting rendered surrounds would be used on the front elevation at second floor, in order to replicate the window hierarchy of the main building, which has smaller roof windows at second floor. I consider that the appearance of the proposed extension would successfully imitate the verticality of the main building and incorporate elements of the local vernacular.
- 6.8. Given the simple architectural form of the proposed extension I consider it would be necessary to attach conditions to any consent requiring submission of material samples, window details (I am unconvinced that UPVC windows would be appropriate in the context of the contemporary design), and a detailed cross section through the front façade, in order to ensure that the design of the proposed extension is executed in a high quality manner.

### *Living Conditions*

- 6.9. The indicative furniture layout drawing demonstrates that each living unit would provide adequate space for its occupant, with the added ability for occupants to use the communal lounge and kitchen within the main building. Three of the units would be fully wheelchair accessible.
- 6.10. Saved Paragraph 8.29 of the Birmingham UDP recommends provision of outdoor amenity space of 16sqm per resident. A small garden is provided at the rear of the building (105sqm). Whilst this amenity space is below the recommended size guideline of 304sqm for 19 units I do not consider the shortfall to be sufficient to warrant refusal of the application and note the availability of public open space in the vicinity, including King's Norton Park, playing fields and recreation ground.
- 6.11. Regulatory Services have recommended a condition be attached to any consent requiring an appropriate scheme of noise insulation to windows on the Monyhull Hall Road elevation of the proposed extension. They have also requested cooking/odour control equipment details, a restriction on plant/machinery noise levels and provision of electric vehicle charging points. However, these latter requests are not relevant to the proposed extension.

### *Impact on Residential Amenity*

- 6.12. The adjoining block of flats at No. 204 contains five habitable room windows on its side elevation at ground floor, four habitable room windows on its side elevation at first floor, and two habitable room windows on its side elevation at second floor - all facing on to the application site. At both ground and first floor, the windows on the side elevation of No. 204 would serve the respective living rooms and kitchens of Flats 5 and 10, and the respective bedrooms of Flats 4 and 9 (from front to back). At second floor the two small windows on the side elevation of No. 204 would serve living/kitchen areas for Flats 14 and 15 respectively.
- 6.13. Outlook: The proposed extension would be positioned out of direct line of sight from the majority of habitable room windows on the side elevation of No. 204 and so outlook would not be unduly affected as a result. The only window whereby outlook would be adversely affected is the living room window of Flat 4 which would look out immediately on to the flank wall of the proposed extension. However, this is a very small secondary window to the living room of the flat, with its main French window positioned on the rear elevation of No. 204.
- 6.14. Daylight and sunlight: I consider that the proposed extension would result in some loss of daylight and sunlight to the kitchens of Flats 5 and 10, and to the bedrooms of Flats 4 and 9 during the day as a result of the proposed extension being orientated to the south of these already small windows and also casting some shadow over them. However, there would still be a gap of 3.2m between buildings to allow some light to these windows and, on balance, I do not consider the scheme could be refused on loss of light to these windows. I do not consider the lounge/kitchen areas for Flats 14 and 15 (second floor), nor the living rooms for Flats 5 and 10 (ground and first floor), would be adversely affected through loss of light, given these rooms are served by an additional window on the front/rear elevations of No. 204.

- 6.15. The proposed extension has been designed to be angled away from the nearest habitable room windows on the rear elevation of No. 204 and I am satisfied that the proposed development would comply with the Council's 45 Degree Code in relation to these existing ground, first, and second floor habitable room windows which serve the living rooms of Flats 4, 9 and 14 respectively. As such there would be no undue effect on light to these windows.
- 6.16. The first floor and second floor windows on the angled rear section of the proposed extension would be right angled windows. In order to ensure that there would be no overlooking to the communal rear amenity space of No. 204 I recommend attaching a condition to any consent to ensure that obscure glazing is used for that half of the window which faces directly on to the neighbouring amenity space.
- 6.17. The Council's Places for Living SPG recommends a separation distance of 15.5m between new three storey flanks and existing windowed elevations. The ground, first and second floor living room/kitchen windows of Flats 3, 8 and 13 (positioned on the south west elevation of the rear wing of No. 204) would be located 15m from the flank wall of the proposed extension. Whilst there would be a very minor shortfall in the recommended distance separation I do not consider the amenity of the occupiers of these existing flats would be so adversely affected as a result of loss of light or outlook.

#### *Traffic and Parking*

- 6.18. 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.
- 6.19. As part of the previous approval, 2015/09968/PA, the access was agreed to be widened in order to allow for two vehicles to pass. However, the Applicant has yet to carry this out. Transportation Development advise that a condition should be attached to any consent requiring that the widening of the access, required as part of the previously approved schemes, be constructed prior to occupation.
- 6.20. The proposal would retain five in-curtilage parking spaces for staff only. Beyond the site, parking on street at this location is unrestricted. The regular Nos. 18 & 35 bus services run along Monyhull Hall Road throughout the day. Transportation Development have raised no objection to the proposed extension, given the car parking spaces would be for staff use only, with residents not driving. Given this, they advise that it is not expected traffic and parking demand further to this development would differ notably to that of the already approved units. They note that there are off-site parking options in the vicinity, along with good public transport links.

## **7. Conclusion**

- 7.1. I consider that the proposed development would provide suitable residential accommodation, within a sustainable location, as part of an existing use offering care for people with disabilities. The scale and appearance of the proposed

development would be acceptable, and there would be no undue/unacceptable impacts on the amenity of adjoining residential occupiers or traffic/parking. I therefore consider that the proposal would constitute sustainable development and I recommend that planning permission is granted, subject to conditions.

8. Recommendation

8.1. Approve Subject to Conditions

- 
- |    |   |
|----|---|
| 1  | Requires the scheme to be in accordance with the listed approved plans                            |
| 2  | Requires the prior submission of sample materials   |
| 3  | Requires the prior submission a noise study to establish residential acoustic protection          |
| 4  | Requires the widened access to be constructed prior to occupation                                 |
| 5  | Requires the prior submission of dormer window/window frame details                               |
| 6  | Requires the prior submission of external doors   |
| 7  | Removes PD rights for new windows   |
| 8  | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 9  | Requires the prior submission of cross section drawings through front facade                      |
| 10 | Implement within 3 years (Full)   |
- 

Case Officer:        Andrew Conroy



**Photo(s)**

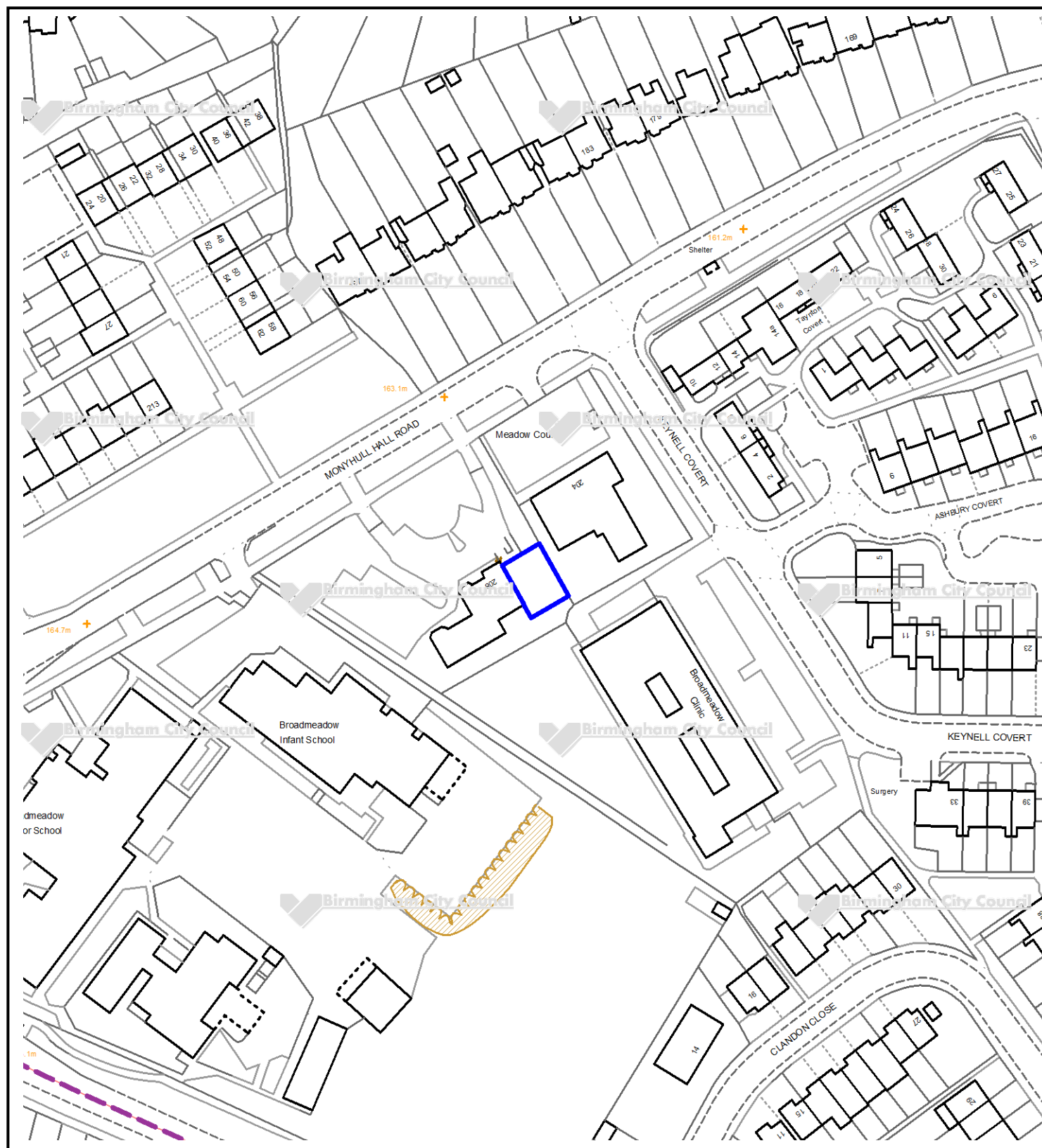


Figure 1 – Front elevation of application premises (right) and side windows to No. 204 (left)



Figure 2 – Rear elevation of application premises (left) and No. 204 (right)

## Location Plan



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**Birmingham City Council  
Planning Committee 15 June 2017**

**Appeal Decisions Received from the Planning Inspectorate in May 2017**

<b><u>CATEGORY</u></b>	<b><u>ADDRESS</u></b>	<b><u>USE</u></b>	<b><u>DECISION</u></b>	<b><u>TYPE</u></b>	<b><u>PROCEDURE</u></b>
<b>Enforcement</b>	129 Bushmore Road, Hall Green	Without planning permission the construction of a dormer enlargement to the side and rear of the roof of the property and the creation of a gable roof. 2015/0458/ENF	Dismissed	Enf	Written Representations
<b>Householder</b>	129 Baldwins Lane, Hall Green	Erection of single storey rear extension. 2016/09175/PA	Dismissed	Delegated	Written Representations
<b>Residential</b>	Ladywood Court, 38 Hartopp Road, Sutton Coldfield	Erection of dwelling house and garage. 2016/08108/PA	Dismissed	Delegated	Written Representations
<b>Residential</b>	345 College Road, Kingstanding	Erection of one dwelling house. 2016/07560/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	8 Sarehole Mill Gardens, Moseley	Application to vary Condition 6 (removal of Permitted Development rights) attached to approval 2015/10029/PA to allow roof light(s). 2016/04289/PA	Allowed (see note 1 attached)	Delegated	Written Representations

**Total - 5 Decisions: 4 Dismissed (80%), 1 Allowed**

**Cumulative total from 1 April 2017 - 14 Decisions: 11 Dismissed (79%), 3 Allowed**

## **Notes relating to appeal decisions received in May 2017**

### **Note 1: (8 Sarehole Mill Gardens)**

**Application refused** because: 1) the proposal would allow rear roof light(s), which would allow overlooking of the adjacent residential property, adversely affecting the occupiers' amenity. 2) The proposal may require internal re-arrangements to provide access to the roof space, which could adversely affect living space/arrangements for the already very small dwelling.

**Appeal allowed** because: 1) the Inspector considered that any view from a roof window in the bungalow would be an oblique rather than a direct view and the separation distance of 11m between the bungalow and the rear garden to No.65 Trafalgar Road would be sufficient to minimise any risk of a loss of privacy. 2) The Inspector considered that the removal of the normal rights to install roof lights is unnecessary to protect the living conditions of the occupiers of that dwelling and places an unreasonable restriction on the appellant. A new permission should be granted with suitably amended conditions which reinstate permitted development rights in relation to the installation of roof lights in the front elevation of the bungalow.



**BIRMINGHAM CITY COUNCIL**

**REPORT OF CORPORATE DIRECTOR, ECONOMY  
PLANNING COMMITTEE – 15th JUNE 2017**

**DRAFT SIMPLIFIED PLANNING ZONE  
KINGS NORTON BUSINESS CENTRE, BIRMINGHAM**

**1. Subject and Brief Summary of Proposals**

- 1.1 This report advises your Committee of a proposal to continue the Simplified Planning Zone (SPZ) at Kings Norton Business Centre.
- 1.2 SPZ's are areas in which planning permission is granted in advance for defined types of development (in this case, Class B1 Business Use, Class B2 General Industrial Use, and Class B8 Storage or Distribution Use). The details and relevant conditions are set out in the SPZ document, and the designation lasts for a 10 year fixed period.
- 1.3 Two SPZ designations have been in operation in this location over the past 20 years. The first SPZ scheme was effective between November 1998 and 2008. Due to the success of the original SPZ, both the City Council and the owners of the site agreed to review and extend the SPZ for a second ten year period, which expires on 4th October 2017.
- 1.4 A request was recently received from the owners of the Business Centre to extend the SPZ for a further 10 year period, until 4<sup>th</sup> October 2027.
- 1.5 A draft revised SPZ document has been prepared to include reference to the relevant Birmingham Development Plan (BDP) 2017 policies. The main details and operation of the SPZ are unchanged, however the relevant planning conditions and other information has been streamlined and updated. The two plans within the document have also been refined to provide greater clarity on the location, boundaries and constraint areas.
- 1.6 A copy of the draft revised SPZ document is attached to this report as Appendix 1, and a draft equalities assessment at Appendix 2.

**2. Recommendations**

- 2.1 That the draft SPZ document is approved for statutory consultation in accordance with Section 28 and Schedule 5 of the Planning and Compensation Act, 1991.
- 2.2 That the outcome of the consultations, and any necessary amendments to the SPZ document, are reported back to a future Planning Committee, with a view to adopting the SPZ for a further 10 year period commencing on 4<sup>th</sup> October 2017.

**3. Contact Officer**

Keith Watson, Planning and Regeneration  
Tel: 0121 303 9868  
Email: keith.a.watson@birmingham.gov.uk

#### **4. Background**

- 4.1 The legal basis for the creation of an SPZ is found at Sections 82 to 87 of the Town and Country Planning Act 1990. The adoption procedures were streamlined by Section 28 and Schedule 5 of the Planning and Compensation Act, 1991, which came into force in November 1992.
- 4.2 Section 83 of the Town and Country Planning Act requires local planning authorities to consider whether part or parts of their area will benefit from designation of an SPZ, to prepare schemes and to keep the matter under review. Any person can request the Local Planning Authority to make or alter an adopted SPZ.
- 4.3 There has now been a 20 year history of the Kings Norton SPZ. During that time, the owners have invested in new and refurbished premises, and have managed the estate to a high standard. Extending the designation will facilitate continuing investment in Kings Norton Business Centre for the next 10 years.
- 4.3 Formal consultation has to be undertaken on the draft SPZ, for which authorisation is now being sought. The following actions are required:
- Press Notice,
  - Site Notices displayed around the SPZ area,
  - Notification letters sent to all land owners and occupiers of premises within and adjacent to the SPZ area,
  - Consultation letters to statutory consultees as defined by Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015,
  - Website with information and opportunity to comment online via BeHeard,
  - Copies of the relevant documents made available for inspection during normal office hours,
  - A period of six weeks must be allowed for responses.
- 4.4 Following the statutory consultation period, a further report will be brought to committee, detailing the consultation responses and any necessary alterations to the SPZ document. The report will also seek adoption of the updated SPZ for a 10 year period.

#### **5. Conclusion**

- 5.1 With the revisions detailed above it is considered that the SPZ achieves an appropriate balance between streamlining the planning system and promoting economic growth in this area, in line with the aspirations of the Birmingham Development Plan, whilst maintaining or improving the character and quality of the area and protecting public and highway safety, residential amenity, and environmental assets.





# Kings Norton Business Centre

## Simplified Planning Zone (SPZ)

draft revision (05) 24 May 2017

**Contact**

Planning and Regeneration  
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Birmingham City Council

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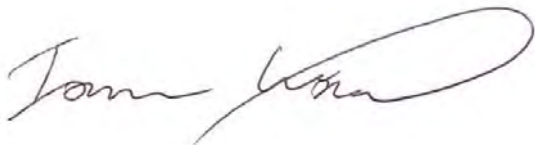


# Foreword

The Kings Norton Business Centre is an important employment location in the south of the City. As part of our strategy for economic growth, it is important to ensure that we have high quality employment sites that meet the needs of the market. This is an important location for growing businesses, stimulating inward investment and generating much needed employment opportunities for both local communities and the wider region.

Our commitment to the Kings Norton Business Centre has seen a Simplified Planning Zone (SPZ) in place for twenty years, facilitating regeneration and improvements to maintain the success of the centre and its quality environment. Renewing the SPZ for a further 10 year period reflects the desire to continue with a rolling refurbishment/redevelopment of the estate, assisted by an expedited planning process. This gives certainty for future investment in local business and ultimately leads to the creation of new employment opportunities in this important location.

This document will continue an established approach to investment in the Kings Norton Business Centre, securing an attractive business environment for both new and existing businesses, to the benefit of the wider community.



**Councillor Ian Ward**  
Deputy Leader  
Birmingham City Council



# Introduction

This document sets out the terms governing the implementation of a Simplified Planning Zone (SPZ) for Kings Norton Business Centre. The first SPZ scheme was effective between 5th November 1998 and 2008. Due to the success of the original SPZ, both the City Council and the owners of the site agreed to review and extend the SPZ for a second ten year period until October 2017. This is the third generation of the SPZ, intended to operate for another ten years, until 2027.

It is located approximately 9.7km (6 miles) to the south of Birmingham City Centre. Access to the City Centre and the M42/M40 (to the south) is provided by Pershore Road South (A441), Kings Norton Railway Station is located to the west of the site, see Plan 1.

Kings Norton Business Centre comprises an industrial and business estate of approximately 23.5 ha (58 acres) in the single ownership of HEREF Merlin Kings Norton Ltd. At present the Business Centre contains a total built floor area of approximately 74,570 square metres (802,373 sq ft), 13% of which was constructed before 1960. More recently significant new development has taken place. The renewal of this SPZ will ensure this process of regeneration continues.

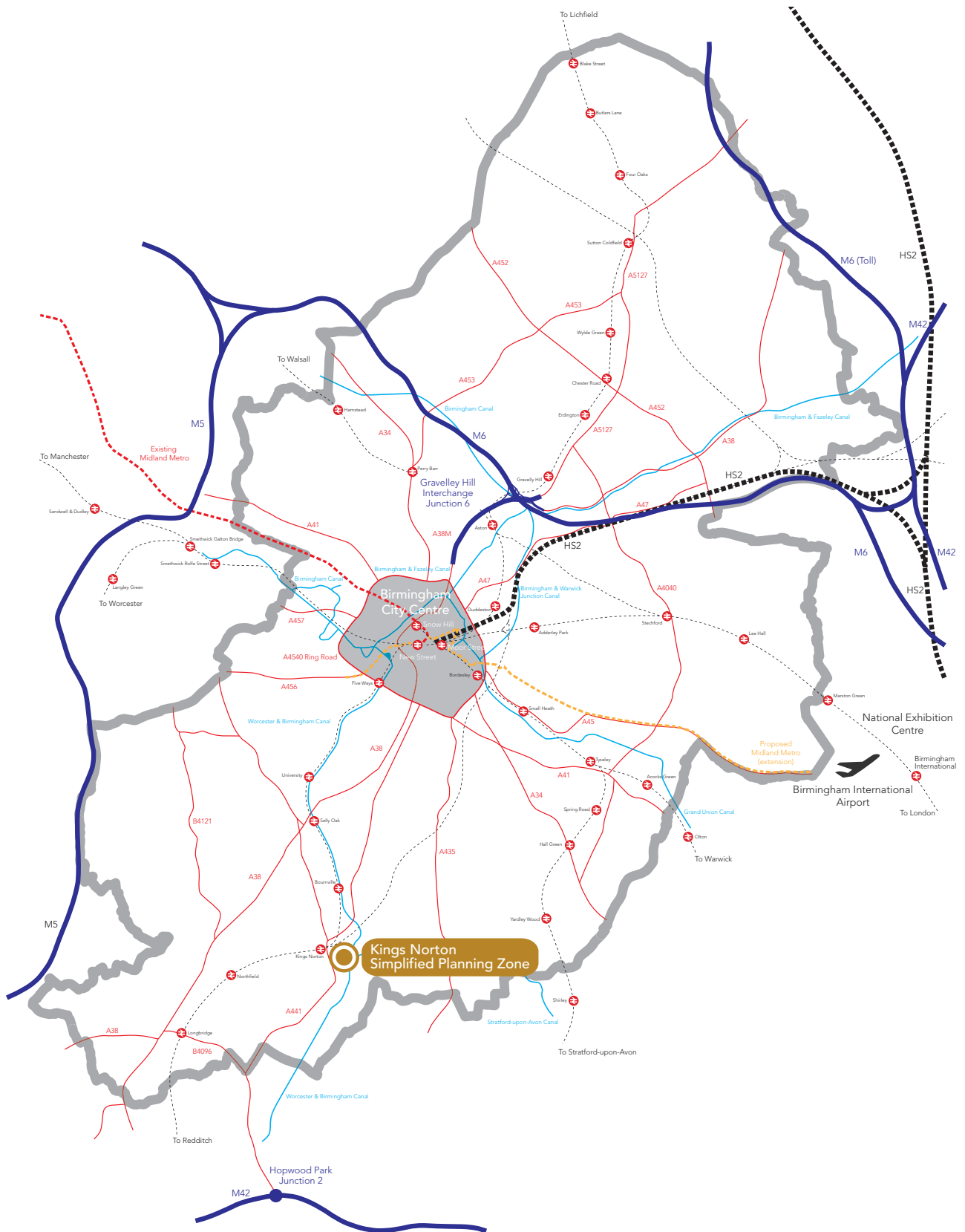
The SPZ boundary is largely defined by the railway to the north, the Worcester and Birmingham Canal and River Rea to the south, Pershore Road South to the west and Lifford Lane to the east. Vehicular access is taken from Pershore Road South and Lifford Lane.

Plan 2 defines the extent of the SPZ; the planning permission described on pages 10-11 applies within this designated area. The revised SPZ scheme, for Kings Norton Business Centre comes into effect on 4th October 2017 and will be in operation for a ten year period, ending on 4th October 2027.



Kings Norton Business Centre





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# Context

## Legal Basis

The legal basis for the creation of an SPZ is found at Paragraph 82 of the Town and Country Planning Act 1990. The adoption procedures were streamlined by Section 28 of the Planning and Compensation Act, 1991, which came into force in November 1992.

## Key Features of the SPZ Scheme

SPZ's are areas in which planning permission is granted in advance for defined types of development. Provided the development proposed complies with the SPZ scheme, there is no need to obtain planning permission in the normal way.

The Planning legislation requires local planning authorities to consider whether part or parts of their area will benefit from designation of an SPZ, to prepare schemes and to keep the matter under review. Any person can request the local planning authority to make or alter an adopted SPZ.

The original SPZ at Kings Norton has four major advantages as far as the owner and the occupiers of the estate are concerned, which continue to remain relevant. These are:

- Flexibility – subject to compliance with SPZ scheme, the owner is in a position to respond quickly and effectively to changes in market demands and tenants' requirements;
- Certainty – the SPZ clarifies the types of development acceptable to the City Council and provided the proposal accords with the scheme, detailed planning approval will not be required. This helps foster confidence in investment at the Business Centre;

- Speed – the developer does not have to obtain individual planning permissions for compliant proposals, thus reducing administrative burdens and assisting the overall redevelopment of the Business Centre; and
- Marketability – the SPZ has enhanced the marketability and perception of southern Birmingham as a focus for business and employment investment.

The City Council and the owners believe that a new SPZ at Kings Norton will help continue to attract new investment and job opportunities and encourage greater business confidence in the area.

The SPZ scheme comprises this Written Statement and Proposals Map. The Written Statement specifies the types of development for which permission is granted. The Map shows the area covered and describes the scheme proposals including the sub zones and other features.

The SPZ has conditions and sub-zones imposed to take account of local factors. These may, for example, to protect a residential area from nuisance, or reserve an area for tree planting.

If a type of development is proposed, which does not fall within the SPZ permission, planning consent is required in the normal way.

The details of the proposed SPZ scheme are set out on pages 10-11. Only those uses indicated are permissible and these are subject to the various conditions and sub-zone restrictions described on pages 12-14. Further information on the operation of the SPZ can be found on page 16.

The appendices outline a range of requirements and guidance on landscape and highway matters, and from statutory undertakers and other agencies with respect to development in the SPZ.

The owner will be expected to have regard to these when considering new development at the Business Centre.

It is important to note that the restrictions imposed under the SPZ scheme only relate to development implemented as a result of the scheme following its adoption. The SPZ only grants planning permission; all other legislative controls will remain and must be complied with.

At the end of the ten year operation period the scheme will cease to have effect except for development that has already commenced.

## Planning background

The City Council adopted its Unitary Development Plan in July 1993, with alterations approved on 11th October 2005. It was superseded as the statutory land use plan for the City in January 2017, with the adoption of the Birmingham Development Plan (BDP).











The BDP (Policy TP19) identifies Kings Norton Business Centre as a Core Employment Area, which

*"will be retained in employment use and will be the focus of economic regeneration activities and additional development opportunities".*

It goes on to say that *"Measures to improve the operational and functional efficiency and the quality and attractiveness of these areas to investment in new employment will be supported."*



### Key

	SPZ Boundary		Landscape sub-zone		Site of local Interest for Nature Conservation (SLINC)
	Business use sub-zone		Sensitive boundary sub-zone A		Site of interest for nature Conservation (SINC)
	Industrial use sub-zone		Sensitive boundary sub-zone B		Landscaped frontage
					Canal frontage height restriction



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# Details of the scheme

## The Spz Boundary

The boundary of the SPZ and the sub-zones are delineated on the Proposals Plan (Plan 2).

The permission granted by the SPZ relates to this area only.

## Period Of Operation

The SPZ Scheme was adopted on 4th October 2017 and is in operation for a ten year period ending on 4th October 2027. Further information on the operation of the SPZ Scheme is contained in page 16.

## The Planning Permission

Planning permission is granted by the SPZ scheme for certain types of development as defined in The Town and Country Planning (Use Classes) Order 1987 SI No.764 (as amended by the Town and Country Planning (Use Classes) (Amendment) Orders 1992, 1995 and 2015).

Planning permission is granted by the SPZ scheme for the following development (including the erection of buildings and the use of land) subject to the conditions and sub-zone provisions set out below:-

### 1. Business Use (Class B1)

Use for all or any of the following purposes:-

- B1(a): An office (excluding offices for the provision of financial or professional services as defined by Class A2 of the Use Classes Order);
- B1(b): Research and development of products or processes; or
- B1(c): Any industrial process, being a use which can be carried out in a residential area without detriment to amenity of that area by reasons of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

### 2. General Industrial Use (Class B2)

A use for the carrying on of an industrial process, other than one falling within Class B1 above.

### 3. Storage or Distribution Use (Class B8)

Use for storage or as a distribution centre.

## Use Of Sub-Zones Within The Business Centre

The SPZ is subject to the provision of four types of sub-zones which modify the general planning permission granted in certain areas to take account of specific factors. Their location and extent is defined on the Proposals Plan (Plan 2).

These are as follows:-

**1. Business Use Sub-Zone** This is located in the western part of the Business Centre largely fronting Pershore Road South. The area is shown coloured yellow on Plan 2. In this sub-zone planning permission is granted for BUSINESS (CLASS B1); GENERAL INDUSTRY (CLASS B2) AND STORAGE AND DISTRIBUTION PROPOSES (CLASS B8), subject to the relevant planning conditions set out in this document.

**2. Industrial Use Sub-Zone** This covers most of the estate and is shown uncoloured on Plan 2. In this sub-zone, planning permission is granted for RESEARCH AND DEVELOPMENT (CLASS B1(b)); LIGHT INDUSTRY (CLASS B1(c)); GENERAL INDUSTRY (CLASS B2) AND STORAGE AND DISTRIBUTION PURPOSES (CLASS B8), subject to the relevant planning conditions set out in this document. Independent offices falling with B1(a) would require separate planning permission if proposed in this sub-zone unless the development comprises a



Quality office environment

change of use that is permitted under the Town and Country Planning (General Permitted Development Order 2015).

**3. Sensitive Boundary Sub-Zones "A" and "B"** Development in these areas adjacent to the railway line is restricted by additional controls to minimise potential nuisance to residential areas to the north. These sub-zones are shown coloured red and blue and distinguished by the notations "A" and "B" on Plan 2.

In these sub-zones planning permission is granted for BUSINESS CLASS B1); GENERAL INDUSTRY (CLASS B2) AND STORAGE AND DISTRIBUTION PURPOSES (CLASS B8), subject to specific planning conditions imposed to protect the amenity of local residents which supplement those which apply throughout the whole of the SPZ area.

**4. Landscape Sub-Zones** The SPZ scheme identifies several distinct Landscape Sub-Zones on the periphery of the Business Centre within which there are general landscape requirements.

The Council also requires the developer to provide, on redevelopment, appropriate landscape treatment to all development sites with particular attention paid to the frontages of sites abutting Melchett Road. The latter proposal is indicated by a green dotted line on Plan 2.

All developments permitted by the SPZ scheme should take account of the Landscape Guidance Note contained in Appendix 1. This covers the following matters:-

- Landscape requirements in the Landscape Sub-Zones and SPZ generally;

- Landscape design considerations;
- Retention of existing trees;
- Replacement of mature trees and planting of new trees generally;
- Management of trees within the estate;
- Landscape maintenance;
- Statutory undertakers services and plant; and
- Design standards and reference documents.

For avoidance of doubt, any development permitted in the sub-zones by the SPZ scheme is also subject to specific conditions described in the following section, together with those general conditions which apply throughout the whole of the SPZ area. Further details in relation to these conditions can be found on pages 12 to 15.



Quality landscape buffer to frontage



# Planning conditions within the SPZ

## General Conditions

**All development is subject to the following conditions:-**

1. Adequate provision shall be made for off-street parking, manoeuvring and loading and unloading in relation to all vehicles within the curtilage of each new building. These areas should be provided before the buildings/sites are occupied.
2. All vehicular accesses to an adopted highway, or highway that the developer proposes for adoption, are designed and located in accordance with the current Local Highway Authority design guidelines. In general terms the spacing and layout of accesses, including sight lines, should accord with these standards and should incorporate suitable pedestrian facilities for all necessary movements.  
  
Except by agreement in writing with the Local Planning Authority in consultation with the Local Highway Authority, no alterations to an existing vehicular access to an adopted highway shall be undertaken other than in accordance with these guidelines.
3. Redundant accesses shall be fully reinstated to footway.
4. Vehicular access to the Business Centre shall only be via the Melchett Road/Pershore Road South (A441) and Melchett Road/Lifford Lane junctions.
5. All parking, servicing and vehicular circulation areas shall be laid out, paved with a suitable hard impervious material and drained, such areas to be provided before the building(s)/land is/are occupied.

6. The site coverage by new buildings to be erected (the "footprint" for the buildings) including any extension to the original building that requires planning permission, shall not exceed 45% of the total site area of any individual development plot.

(For avoidance of doubt this condition would not restrict existing Permitted Development rights granted by the Town and Country Planning (General Permitted Development) (England) Order (2015) SI 2015 596, (as amended in 2016 SI 2016 332), or any subsequent re-enactment thereof).

Alterations and extensions of existing building entrances shall not exceed the height of the existing building so as to materially affect the appearance of the building.

7. The total height of development (including plant and machinery) should not exceed 15 metres above ground level, except in the case of development of the boundary to the Worcester and Birmingham canal. Development abutting this frontage (indicated by the blue dashed line on Plan 2 – the Proposals Map) shall not exceed 8 metres in height (including plant and machinery). In all cases the height of development shall be measured by reference to the adjacent ground level within the Business Centre boundary.
8. No permission is granted for development activities which may give rise to the presence of a controlled quantity of a hazardous substance (as specified in the Planning (Hazardous Substances) Regulations 2015 (SI No. 2015 627), nor land used for the laying or construction of a notifiable pipeline.



Off-road car parking provision



9. No permission is granted for development which requires an environmental assessment as defined by the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (SI No. 119) (as amended).
10. All new buildings permitted by the SPZ scheme (including parking areas) must be suitable for use for people with disabilities.
11. Except by agreement in writing with the Local Planning Authority no development shall be undertaken on any land lying between the River Rea and a line measured at a horizontal distance of 7 metres from, and parallel to, the top edge of the northern bank of the river channel.
12. No building work is to be carried out until the owner or their tenants have carried out appropriate consultations with statutory undertakers and other relevant organisations.
13. Walls up to 2 metres in height and all other means of enclosure up to a height of 3 metres are permitted under the SPZ scheme if they are to be undertaken in conjunction with other major building works granted by the SPZ scheme.
14. Except in agreement in writing with the Local Planning Authority there is to be no open storage or open working within the curtilage of individual development sites.
15. No refuse or other waste shall be disposed of by burning.
16. Landscaping within the SPZ should comply with the principles outlined in the Landscape Guidance Note (Appendix 1).



Appropriate landscaping

17. Before the development of new buildings granted permission under the SPZ scheme commences on site, a soil survey to establish the extent to which the site may be contaminated by toxic or other noxious materials, shall be undertaken and the results provided to the Local Planning Authority. The survey shall include a desktop study of historic uses and be undertaken to a minimum standard equivalent to BS 10175: 2011 Code of practice for investigation of potentially contaminated sites.
18. Before the development of new buildings permitted under the SPZ scheme commences on site a scheme for remediating contamination of the site, including the amelioration or removal of any contamination shall be submitted to and approved by the Local Planning Authority in writing.
19. The remediation scheme as approved in accordance with condition number (18) shall be fully implemented and completed before any building permitted by the SPZ scheme is first occupied.
20. Before the development of new buildings granted permission under the SPZ scheme commences, a scheme for the provision of surface water drainage works shall be approved by the Local Planning Authority. Such a scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is occupied/ brought into use.

## Specific Conditions Applied In The Sub-Zones

1. Within the Business Use Sub-Zone and Sensitive Boundary Sub-Zones, independent B1(a) offices are permitted by the SPZ consent. Within the Industrial Sub-Zone only offices ancillary to the main use are permitted. For the avoidance of doubt this condition would not restrict existing Permitted Development rights granted by the Town and Country Planning (General Permitted Development) (England) Order (2015) SI 2015 596, (as amended in 2016 SI 2016 332), or any subsequent re-enactment thereof.
2. In Sensitive Boundary Sub-Zone "A" Storage and Distribution (Class B8) development is subject to the following restrictions:
  - a) No deliveries or collections of goods to or from the premises shall take place, at any time on Sundays, or on any other day between 2200 hours and 0700 hours, unless otherwise agreed in writing with the Local Planning Authority.
  - b) Development shall not include the storage or cutting of metal unless otherwise agreed in writing with the Local Planning Authority.
3. In Sensitive Boundary Sub-Zone "A" General Industrial (Class B2) development is subject to the following restrictions:
  - a) Except with the approval in writing of the Local Planning Authority, no General Industrial development (Class B2) shall be occupied until the following details have been submitted to and approved by, the Local Planning Authority showing:
    - adequate provision for the sound-proofing of development
    - the provision of adequate facilities for the treatment and extraction of fumes; and

- the siting and method of installation of plant and machinery within the curtilage of any building

b) The premises shall be closed for business and there shall be no deliveries or collections of goods to or from the premises at any time on Sundays, or on any other day between 2200 hours and 0700 hours (Operations outside these hours would require the consent of the Local Planning Authority. The mode of operation and adequacy of sound-proofing of the building will be taken into account in determining these proposals).

4. In Sensitive Boundary Sub-Zone "A" Business (Class B1) development is subject to a restriction requiring that no deliveries or collection of goods to or from the premises shall take place at any time on Sundays, or any other day between 2200 hours and 0700 hours, unless otherwise agreed in writing with the Local Planning Authority.
5. In Sensitive Boundary Sub-Zone "B" Business (Class B1), General Industrial (Class B2) and Storage and Distribution (Class B8) development is subject to a restriction requiring that no deliveries or collections of goods to or from the premises shall take place, nor any external materials handling, at any time on Sundays, or on any other day between 2200 hours and 0700 hours, unless otherwise agreed in writing with the Local Planning Authority.

### Normal Planning Procedures

Planning Applications are required for development proposals which fall outside the terms of the planning permission granted by this SPZ scheme.

## Other Permissions and Licences

The SPZ scheme grants planning permission only. It remains necessary for the development proposals within the SPZ area to comply with all relevant licences, permits and controls required under other legislation. These include the following:

- The statutory provisions and standards relating to health and safety, nuisance and pollution;
- Consent for stopping up or diversion of an adopted highway or footpath
- Approvals under the Building Regulations
- Consent from the statutory undertakers where their plant or equipment may be affected
- Approval, as appropriate, from the Environment Agency pursuant to the requirements of the Land Drainage Act 1991 and other relevant legislation
- Consent to display advertisements where required by the Town and Country Planning Act (Control of Advertisements) Regulations 1989
- Activities requiring consent under the Town and Country Planning (Hazardous Substances) Act, 1990
- Land Drainage Bye-Laws
- Building on and adjacent to public sewers
- At the date of publication, there were no listed buildings, scheduled ancient monuments, conservation areas or Tree Preservation Orders located within the SPZ





Premises sited in well maintained environment

kings norton simplified planning zone/planning conditions within the SPZ

# Operation of the SPZ

1. When development is proposed the responsibility to contact statutory undertakers and other relevant bodies now falls to the owner or their tenants. This should be undertaken before building work commences.
2. Under Section 69 of the Town and Country Planning Act 1990, as required by Article 25(7) of the Town and Country Planning (General Development Procedure) Order, 1995 (SI 1995/419), the City Council will maintain a register containing brief particulars of all SPZ's in its area, including information on all proposals for the preparation and alteration of SPZ's and a map showing the definitive boundary of any operative or proposed SPZ schemes.
3. The owner or their tenants will supply the City Council with details of all works to be carried out in on the estate which would fall within the SPZ consent. This approach would help the City Council to monitor development progress and make this information available to the public in place of the Planning Register. Meetings will also be held with the City Council on an appropriate regular basis to discuss progress on development undertaken under the SPZ scheme and any future proposals.
4. The developer should note that the only legal means of determining if individual development proposals comply with the SPZ permission is to apply to the City Council for the Certificate of Lawful Use or Development under Section 192 of the Town and Country Planning Act 1990, as inserted by Section 10 of the Planning and Compensation Act 1991. There is a fee payable.
5. Any planning permission granted by the SPZ must be started within ten years of the date of adoption of the SPZ scheme. At the end of the ten year period the SPZ ceases to have effect except for the development that has already commenced (Section 56 of the Town and Country Planning Act 1990 clarifies when development in an SPZ is considered to have commenced). In relation to unfinished schemes, the Local Planning Authority may serve a Completion Notice, (subject to confirmation by the Secretary of State for the Environment, Transport and the Regions) stating that the planning permission granted by the SPZ will cease to have effect after a further specified period of not less than 12 months.
6. For avoidance of doubt the term "developer" as used in the SPZ scheme includes any person or organisation who, in the case of a normal planning application, would be referred to as the applicant.
7. Development permitted under the SPZ scheme is not exempt from enforcement action. If any development fails to comply with the restrictions or conditions set out in the SPZ scheme the City Council has the power to instigate enforcement procedures in the normal way.
8. If a developer or occupier does not wish to comply with the terms of a particular condition laid down in the SPZ scheme they will have to submit a planning application to the City Council for the removal or variation of that condition. The Council will endeavour to deal promptly with such applications.





Quality buildings within SPZ

## Appendix 1: Landscape guidance note

Detailed landscape proposals normally required as part of any planning approval for industrial or commercial development are not required within the SPZ due to the nature of the general planning permission that covers the Kings Norton Business Centre SPZ. Therefore, with the exception of the landscape sub-zones described below, landscape design is left to the discretion of the developer subject to advice contained within this Guidance Note.

Competent, qualified, landscape designers should be employed from the outset through to implementation and establishment to ensure good quality landscape design (and its associated costs) that not only complements and reinforces the landscape sub-zones described above but also enhances and reinforces the landscape character of the greater area.

Landscape works and materials shall be to the reasonable satisfaction of a qualified landscape designer (appointed for each redevelopment site) and implemented in accordance with good Horticultural Practice, and the relevant, British Standards, European Standards, and Codes of Practice.

### Landscape Sub-Zones

The SPZ incorporates a number of different landscape sub-zones within, and around, them. These are shown on the Proposals Plan (Plan 2) and include:

#### i. The Pershore Road South Frontage

- 6-10% of the gross development site area along this frontage should be set aside for well-designed soft landscaping to ensure an attractive landscape setting for buildings.

#### ii. Adjoining the North Bank of The River Rea

- Drainage Bye-Laws restricts the planting of trees or shrubs within 7 metres of the top edge of the bank of the River Rea to accommodate maintenance access. However existing trees should be retained where possible but be cut as appropriate to permit maintenance when needed (see section on existing trees).

#### iii. The Lifford Lane and Melchett Road Frontages at the Eastern End of the Business Centre

- Planting along these frontages should be retained, maintained, and reinforced with appropriate, robust, reliable, long term: shrub; feature shrub; and tree; planting where possible.

#### iv. Land Adjoining the Railway

- Planting within this linear strip should be retained, maintained, and reinforced where possible.

### Landscape Requirements For Development Sites Within The SPZ

- a. All redevelopment sites should incorporate a good level of high quality planting complemented with good quality hard paved areas. Melchett Road (dotted green line on Plan 2) sites will be particularly important.
- b. Frontages should not be enclosed by fencing, railings, or walling.
- c. Planting should incorporate a good mix of formally and informally planted, robust, reliable, long term: shrub; feature shrub; and tree; species that give year round interest and which will significantly contribute to the overall SPZ/development as it matures.

- d. Indigenous and wildlife friendly species should be included where appropriate.

- e. All redevelopment proposals should retain existing trees where possible which in turn should inform landscape structure planting where appropriate. Where existing trees are considered not worthy of retention, suitable replacements should be provided.

- f. A good level and variety of new (including replacement) mixed tree planting is required along with space for it, particularly around frontages. This tree planting should range from more informally grouped trees in more naturalistic areas, through to more formal planted trees adjacent to building entrances.

- g. The choice and position of tree planting needs to take into account such things as tolerance to pollution, proximity to buildings and windows, ultimate sizes, design intentions, etc. Individual specimen trees for instance will require more space around them than those planted in groups.

- h. Planting proposals should concentrate on robust, reliable, long living species that can tolerate 'economical' maintenance.

- i. Plant failures (due to vandalism, poor maintenance, natural causes, etc.) should be replaced within the next available autumn - spring planting season.

- j. Planting within visibility splays shall be kept below 600mm.

- k. Direction signs and street lighting should not be obscured by planting.



- l. Trees and large shrubs with aggressive root growth shall not be planted within one metre of footpaths or within statutory undertaker's easements (for further guidance contact Transportation / service providers).

- m. Planting within service easements shall be in accordance with service providers' guidance.

### Existing trees

For all tree owners, particularly those who own and manage many trees in a large site, it is strongly advised that arboricultural surveys are carried out regularly. Five years is recommended as the maximum period between surveys and that any advised works are carried out within the recommended periods depending on the urgency.

A base survey to BS5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations' will provide a tree works schedule for routine management and a plan of the constraints around the existing trees (the Root Protection Areas and canopy spreads.) This will inform plans for development within the site. Wherever development works, changes to levels, trenching or resurfacing, are considered, the constraints plan will be an essential tool to inform the approach and to highlight instances where further arboricultural advice may be required. A survey will also provide retention categories for the trees so that better quality trees can be kept in the design of a scheme and well informed decisions can be taken when trees are compromised by necessary changes.

The use of routine arboricultural surveying is recommended for management efficiency, the control of liability and to achieve a high quality of landscape within Kings Norton Business Centre.

For general works, particularly for the routing of utilities near trees, The National Joint Utilities Group (NJUG) Publication 10 should guide the works in the absence of more site specific arboricultural methods.

All arboricultural works should be carried out in accordance with BS3998:2010 'Tree Works – Recommendations.'

Tree canopies should be crown lifted to comply with the clearance for vehicular traffic. Branches should clear the highway by approximately 5.2m (17'0") and footpaths by 2.4m (8'0").

Wherever trees are found to be declining or need to be removed, a programme of planned replacement is encouraged to sustain and improve the environment within the Kings Norton Business Centre. Careful thought should be given to the tree species to be used, bearing in mind the position in relation to buildings, the mature size of the tree and the rooting volume that is available.

## Appendix 2: Highways and Parking

### Highway Design Guidelines

Previous SPZs have required highway design to be in accordance with the Council publication "The Design of New Streets – Industrial Areas" (January 2005). However, it is recognised that practical requirements can change over time, and it is now more appropriate to set out the basic requirements, which should be agreed with the Highway authority prior to development commencing. For example:

- New roads should be constructed to adoptable standards, particularly in respect of carriageway widths, footpaths, curvatures and vehicle paths. This is to ensure safety and to satisfy any requirements under S38 of the Highways Act.
- Development adjoining the public highway may require a S278 Agreement.
- The impact of any development proposals on the local highway network will also need to be understood, particularly in terms of traffic generation.

Early discussions with Birmingham City Councils Highways Section will be essential to discuss technical requirements.

### Parking Guidelines

The City Council requires car and cycle parking in accordance with the Parking Guidelines Supplementary Planning Document. A copy can be downloaded from [https://www.birmingham.gov.uk/downloads/file/1021/car\\_parking\\_guidelines\\_supplementary\\_planning\\_document](https://www.birmingham.gov.uk/downloads/file/1021/car_parking_guidelines_supplementary_planning_document)





## Appendix 3: Additional information - Consultation with Statutory Undertakers and other interested bodies

In order to ensure that all necessary consultation is carried out in individual development proposals the responsibility for consultation with statutory undertakers will fall to the owner or their tenants. Where necessary the following bodies will be contacted.

This list is not exhaustive:-

Central Networks  
British Telecom  
Mercury Communications  
Birmingham Cable Ltd  
British Gas  
Railtrack  
Severn Trent Water Ltd  
The Environment Agency  
Local Highways Authority  
British Waterways  
Police Architectural Liaison Officer  
English Nature

**NOTE: These will be revised following consultations.**

In addition to the Local Authority, there are a range of statutory undertakers and other agencies that place requirements and publish guidance with respect to new development. This section highlights some of the key areas covered by this guidance. All development permitted under the SPZ scheme should also take into account the following:

1. The adoption of the SPZ scheme does not prevent the City Council from taking action under relevant environmental health legislation to prevent environmental nuisance from activities within the Business Centre.

2. Environment Agency:  
Midland Region  
Sentinel House  
Wellington Crescent  
Fradley Park  
Lichfield  
Staffordshire  
WS13 8RR  
Tel: 01543 404808  
Email: midscentralplanning@environment-agency.gov.uk  
Contact:  
Martin Ross, Planning Advisor

(Insert Environment Agency requirements here following consultations)

3. Network Rail:  
Town Planning Team – LNW  
1st Floor, Square One  
4 Travis Street  
Manchester  
M2 2NY  
Tel: 0161 880 3598  
E-mail: townplanning.lnw@networkrail.co.uk

(Insert Network Rail requirements here following consultations)

4. Western Power:  
Wayleaves and Property Department  
Pegasus Business Park  
Castle Donington  
Derbyshire  
DE74 2TU  
Tel: 02476 195723  
E-mail: wpdwayleavesmidlands@westernpower.co.uk

(Insert Western Power requirements here following consultations)

5. Severn Trent Water:  
Network Development Manager  
Severn Trent Water Limited  
Regis Road  
Tettenhall  
Wolverhampton  
WV6 8RU  
Tel: 01902 793883  
Email: planningapwest@severntrent.co.uk  
Contact:  
Rhiannon Thomas, Network Development Manager

(Insert Severn Trent requirements here following consultations)

6. Lead Local Flood Authority:  
4th Floor  
1 Lancaster Circus  
Queensway  
Birmingham  
B4 7DJ  
Email: llfa@birmingham.gov.uk

(Insert Lead Local Flood Authority requirements here following consultations)

7. Canal & River Trust:  
National Spatial Planning Team  
Peel's Wharf  
Lichfield Street  
Fazeley  
Tamworth  
B78 3QZ  
Tel: 01827 252067  
Email: planning@canalandrivertrust.org.uk

(Insert Canal & River Trust requirements here following consultations)

8. National Grid:  
Plant Protection  
Brick Kiln Street  
Hinckley  
Leicestershire  
LE10 0NA  
Tel: 01455 233790  
Email: plantprotection@  
uk.ngrid.com

(Insert National Grid requirements  
here following consultations)

9. If new development involves  
the demolition of existing  
buildings, attention is drawn to  
Section 80 of the Building Act  
1984. This requires notification  
specifying the building(s) and  
works of demolition intended  
to be carried out and this  
should be given in advance for  
any demolition work. Contact  
for further information:

Building Consultancy  
PO Box 17211  
Louisa House  
Quay Place  
92-93 Edward Street  
Birmingham  
B2 2AQ  
Email: buildingconsultancy@  
acivico.co.uk

10. Enquiries on the issue of  
suitable facilities for storage  
and collection of refuse should  
be made to:

Waste Management Operations  
Ladbroke House  
Bordesley Street  
Birmingham  
B5 5BL  
Tel: 0121 303 1112

11. West Midlands Police:  
Email: Birmingham-cpda@west-  
midlands.pnn.police.uk

(Insert West Midlands Police  
requirements here following  
consultations)





Aerial oblique of Kings Norton Business Centre





kings norton simplified planning zone/aerial oblique





## **Appendix 2**

### **Kings Norton Simplified Planning Zone (SPZ) – Equalities Analysis**

#### **Background – Kings Norton**

Kings Norton is located within the Longbridge Constituency and the population trends, as per the 2011 census data are as follows:

- 101,422 residents;
  - 86% of residents are white (British, Irish and Other);
  - 3% of residents are mixed/multiple ethnicity;
  - 5% of residents are Asian (including Indian, Pakistani, Bangladeshi or Other);
  - 5% of residents are Black African (African, Caribbean or Other);
  - 1% are within Other Ethnic Groups.
- 
- 64,000 residents of working age;
  - 22% of residents are aged between 0-15, 63% are aged between 16-64 and 15% are aged between 65+;
  - 74% of residents are aged between 16-64 are economically active;
  - 64% of residents are in either full or part time employment;
  - 5.4% are classed as unemployed (2014), compared to an unemployment rate of 6.3% for Birmingham as a whole and 5% for England.

#### **Kings Norton Business Centre**

The Kings Norton Business Centre is recognised as an important industrial location in south-west Birmingham. It covers 23.5 hectares of traditional industrial and employment land, containing over 80 businesses occupying around 74,500 sq.m. of floorspace. Recently, significant new development has taken place, but 13% of the properties were constructed before 1960 and continued investment in the physical environment is required to maintain and improve the quality of the estate.

The Birmingham Development Plan (Policy TP19) identifies Kings Norton Business Centre as a Core Employment Area, which “will be retained in employment use and will be the focus of economic regeneration activities and additional development opportunities”. It goes on to say that “Measures to improve the operational and functional efficiency and the quality and attractiveness of these areas to investment in new employment will be supported.”

#### **Simplified Planning Zone (SPZ)**

The aim of the SPZ is to help to provide the conditions to stimulate new economic development by providing certainty for potential developers and businesses through a simplified planning process.

The development permitted by the SPZ will be subject to conditions as set out in the SPZ document. Furthermore, the local and wider population will benefit from new job opportunities created by any development permitted by the SPZ.

#### **Consultation Methodology**

Statutory consultations are to be undertaken in accordance with the requirements of Section 28 and Schedule 5 of the Planning and Compensation Act, 1991. This will include:

- Press Notice,
- Site Notices displayed around the SPZ area,
- Notification letters sent to all land owners and occupiers of premises within and adjacent to the SPZ area,
- Consultation letters to statutory consultees as defined by Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015,
- Website with information and opportunity to comment online via BeHeard,
- Copies of the relevant documents made available for inspection during normal office hours,
- A period of six weeks must be allowed for responses.

### **Conclusion**

The Kings Norton SPZ will support equality of opportunity in an area of relatively high unemployment by encouraging development and creating the conditions for private sector job creation.

From the initial analysis it is felt that the SPZ will not disproportionately affect one protected group over another and will contribute to equality of opportunity by providing the conditions for development and further employment. This assumption will be tested through the consultation process which will ensure that all members of the local community have opportunity to respond to the SPZ proposals and will be assessed through ongoing monitoring of the SPZ.



## REPORT OF STRATEGIC DIRECTOR

To : Planning Committee

Date : 15<sup>th</sup> June 2017

Subject : Acivico (Building Consultancy) Ltd - Annual (Year End) Performance Overview

Period : Financial Year (April 2016 – March 2017 inclusive)

### **Background**

Birmingham City Council established its wholly owned company Acivico on 2<sup>nd</sup> April 2012 of which Acivico (Building Consultancy) Ltd was an integral part. This report focuses upon Building Consultancy's performance data for the financial year 2016/2017.

The contractual obligations between Birmingham City Council and Acivico (Building Consultancy) Ltd require that performance is monitored and reported on a quarterly basis to a Performance Management and Monitoring Board (PMMB). This is comprised of the Council's Statutory Functions Officer (CSFO) with support from the Contract Management and Performance Team (CMaP). There is an additional ongoing requirement to report performance annually to Planning Committee.

### **Performance Context**

The services provided by Acivico (Building Consultancy) Ltd are statutory and therefore delivered on behalf of the Council with whom the relevant delegated powers reside. All statutory notices associated with the delivery of the function are authorised by The Council's Statutory Functions Officer (CFSO) operating on behalf of the Strategic Director of Major Projects.

For many years Acivico (Building Consultancy) Ltd has been extremely successful in focussing service delivery around clients and performance. Contractual requirements are in place to ensure that it's Customer Service Excellence (formerly Charter Mark) and International Quality standard ISO9001:2008 statuses are maintained.

To support this objective Acivico (Building Consultancy) Ltd has been subject to an annual external assessment for ISO9001:2008 in January 2017 and found to be fully compliant with all elements. A separate external assessment for Customer Service Excellence was undertaken in December 2016 and also confirmed full compliance with the standard, widely regarded as the benchmark for service delivery within the public sector.

### **Key Performance Indicators (KPIs)**

Each of Building Consultancy's KPI targets are reviewed annually by the Performance Monitoring and Management Board with any changes reflected in the contract. For the year 2016-2017 there were seven contractual KPIs two of which had been newly introduced to focus upon the service's roles with regard to safety at sports grounds.

### **Safety at Sports Grounds**

The Council has an ongoing statutory responsibility to oversee Safety at Sports Grounds. There are presently three designated sports stadia and a number of regulated stands across the City accommodating upwards of one million spectators annually. Acting on behalf of the Council Building Consultancy has the responsibility to review/issue annual safety certificates for each of the relevant venues. To support this objective officers attend safety advisory group meetings, match day inspections and provide specialised advice regarding crowd safety, movement and systems.

Safety Certification Review Target 100%	<b>Actual 100%</b>
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Match attendance (matches identified and attended) Target 100%	<b>Actual 100%</b>
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### **Decision Speed**

Birmingham City Council has a statutory responsibility to issue Building Regulation decisions on Building Regulation applications within twenty five (working) days.

Application decisions issued with 25 days Target 100%	<b>Actual 100%</b>
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Trend Analysis (Previous five years performance)

2011/12	2012/13	2013/14	2014/15	2015/16
100%	100%	100%	99%	100%

### **Approval Rate**

Acivico (Building Consultancy) Ltd has a performance objective to ensure that a high percentage of first time application decisions are approved or conditionally approved. The ability to 'approve' is dependent upon the technical quality of the plans submitted along with a number of associated legislative factors.

Target 95%	<b>Actual 97%</b>
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Trend Analysis (Previous year end performance)

2011/12	2012/13	2013/14	2014/15	2015/16
72%	93%	93%	96%	96%

### **Customer Satisfaction**

This indicator complements the quantitative KPIs to ensure that the quality of service is maintained at an appropriate level. The KPI target requires that at least 90% of clients select 'satisfactory' or above in an end of service questionnaire.

Target 90%	<b>Actual 96%</b>
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Analysis of the end of service questionnaires for this period has also identified that;

- **88%** of customers indicated that the service represented good value for money.
- **93%** found the building surveyor helpful/willing to offer solutions to the issues encountered on site.
- **86%** indicated that the Building Regulations had been effective in protecting the wider community issues of health, sustainability, access and safety.

### **Dangerous Structures (Response Times)**

Reports concerning dangerous structures are received from a variety of sources including, councillors, officers, emergency services and members of the public. Incident severity is assessed from the information available to determine the target level of deployment of an officer. There are presently three levels of response;

Category A (immediate danger) – response on site within 2 hours

Category B (moderate danger) – response on site within 6 hours

Category C (low risk) – response on site by the end of the next working day.

In addition to the working hours service Acivico also provides a 24/7 365 day a year out of hours service responding to requests (primarily from the emergency services) through the Council's emergency contact centre.

During the final (fourth) quarter of this period Building Consultancy officers were called to an unusually large number of incidents in the wake of Storm Doris resulting in substantial levels of damage to roofs, chimneys and structures across the City.

Category A - Target 100%	Actual 100%
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Category B+C - Target 95%	Actual 98%
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*N.B. categories B/C are not measured as a KPI but closely monitored for contractual purposes due to the prolific nature of the service provided.*

### **Complaint Response Times**

In keeping with the Council's aims and objectives Acivico (Building Consultancy) Ltd has a performance objective to ensure that all expressions of dissatisfaction are appropriately, investigated and responded to within a reasonable time period. Transparency and responsiveness are both integral elements of both Customer Service Excellence and ISO9001.

Substantive response within 15 working days - Target 100%	Actual 100%
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### **Additional activities**

Building Consultancy is also responsible for delivering a number of associated technical roles to support the Council in the discharge of its statutory responsibilities. Although these are not formally embraced by contractual KPIs they are subject to scrutiny and review by the Performance Monitoring and Management Board's through quarterly reporting.

### **Implications for Priorities**

#### **A Modern and Successful City**

An effective Building Control service is integral to the development process ensuring that buildings achieve the required standards of health, safety and welfare for those who own or use them.

### **Recommendation**

That this report be noted.

Paul Dransfield  
Strategic Director

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Tel. No: 0121 303 4151  
E-Mail: richard.goulborn@birmingham.gov.uk

Contact Officer Mr M Crump Operations Manager Acivico Building Consultancy Ltd  
Tel. No. 0121-303-6897  
Email: marc.crump@acivico.co.uk