

Birmingham City Council

Planning Committee

10 October 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	9	2018/08647/PA The Flapper Public House Kingston Row City Centre Birmingham B1 2NU Demolition and redevelopment of the Flapper Public House to create a part 3 and part 4 storey development comprising 27 residential apartments
1.Defer 2. Approve – Subject to 106 Legal Agreement	10	2019/04239/PA Former CEAC building corner of Jennens Road & James Watt Queensway City Centre Birmingham B4 7PS Erection of one 51 storey tower and one 15/16 storey tower containing 667 dwellings (Use Class C3) with associated ancillary spaces, landscaping and associated works

Committee Date:	10/10/2019	Application Number:	2018/08647/PA
Accepted:	15/05/2019	Application Type:	Full Planning
Target Date:	14/08/2019		
Ward:	Ladywood		

The Flapper Public House, Kingston Row, City Centre, Birmingham, B1 2NU

Demolition and redevelopment of the Flapper Public House to create a part 3 and part 4 storey development comprising 27 residential apartments

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. This is a detailed planning application for demolition of the existing Flapper PH and redevelopment of the site to create a part 3 and part 4 storey development comprising 27 residential apartments. The apartments would be made up of 4no. 3 bedroom apartments (15%), 16no. 2 bedroom apartments (59%) and 7no. 1 bedroom apartments (26%). They range in size as follows:-
 - 7 x 1 bedroom 2 person @ 46sqm - 49sqm
 - 6 x 2 bedroom 3 person @ 59sqm - 67sqm
 - 10 x 2 bedroom 4 person @ 69sqm - 84sqm
 - 3 x 3 bedroom 4 person @ 76sqm
 - 1 x 3 bedroom 6 person @ 110sqm
- 1.2. The proposed layout is linear to follow the canal wharf edge but is slightly irregular in shape as the building follows the plot boundaries at its eastern end, plus a cut back on the western end allowing retention of the historic canal crane as well as canal side views of the listed buildings along Kingston Row. The building arranged internally around two service cores, rising from three storeys at its western end where it is closest to the listed cottages on Kingston Row, to four storeys with mezzanine area at the eastern end.
- 1.3. The ground floor of the building is raised above the lowest level of Kingston Row to provide privacy to the ground floor street facing apartments, and to help with gaining level access to the entrance cores from the sloping street level.
- 1.4. The elevational materials are a simple palette of traditional brick, being a blue brick at ground floor level with red brick above. Windows are set within deep reveals to add depth to the façade, with thin aluminium framed windows within. To the rear street façade circulation cores are articulated as their own opening within the brickwork replaced with metal faced cladding. Simple glass and metal balconies are provided on the canalside elevation, taking advantage of the views over the canal wharf. The roof would be a metal standing seam construction.
- 1.5. To the Kingston Row side of the development the street rises significantly from east to west. At the western end it is proposed to construct a deck area at a level equal

with the street which will form a turning area for service vehicles, together with providing space for a bin store and two accessible car parking spaces managed by the building management company for visitors, residents and deliveries.

1.6. The western end of the site closest to the canal is proposed as a residents amenity area, which will include a mixture of hard and soft landscaping, together with seating and the retention and refurbishment of the historic canal crane as a feature. In addition a bike store with 27 spaces will be provided at the basin level gated courtyard area, in a covered secure area under the service deck.

1.7. In support of the application the following statements have been submitted:-

- Planning Statement
- Alternative Facilities Report July 2017 and Addendum
- Design and Access Statement
- Protected Species Survey Report June 2017 and Addendum
- Heritage Assessment December 2018
- Phase 1 Geo-Environmental Assessment August 2017;
- Highways Statement / Travel Plan September 2017 and Addendum
- Noise Report Revision September 2017;
- Statement of Community Involvement September 2017 and Addendum
- Drainage Report December 2018

1.8. In addition a Viability Statement has been submitted, which seeks to demonstrate that in addition to a CIL contribution of £110,325 the scheme cannot fully support contributions toward affordable housing and public open space improvements. However, the applicant is able to provide 3 affordable units, comprising 2 x 1 beds (46sq m) and 1 x 2 bed (69sq m), as low cost home ownership at a 25% discount on open market value; £30,000 toward reinstatement / refurbishment of the two historic listed cranes; and provision of an electricity supply to the canal boat moorings.

1.9. [Link to Documents](#)

2. Site & Surroundings

2.1. The development site (approximately 0.12 hectares) is located on the south western side of Birmingham City Centre and is accessed via Kingston Row from King Edwards Road and Cambridge Street to the south west. The site lies adjacent to Cambrian Wharf off the Birmingham and Fazeley Canal and is currently occupied by The Flapper Public House.

2.2. Cambrian Wharf includes moorings for about 16 canal boats, including 4 residential moorings. In addition to the listed buildings on Kingston Row there is a listed crane within the western end of the application site, a listed toll house at the top of the lock flight on the opposite side of the canal and a listed footbridge over the top lock at the mouth of the basin. In there is a listed currently in storage that was originally located to the east of the application site.

2.3. The Flapper Public House is a two storey building with a shallow paved terrace overlooking the canal basin and to either side paved areas, one used for outside customer seating. The lower ground floor bar has been altered to a live music venue with boarded-up windows overlooking the canal.

- 2.4. There is no parking with the site, and vehicle access is via Kingston Row, a dead end brick surfaced single lane. This section operates as a shared surface without separate footways. Adjacent to the site, there are bollards at the start of James Brindley Walk, a pedestrian route running alongside the canal basin. Both Kingston Row and James Brindley Walk are adopted highways with parking restrictions. To the west of the site, Kingston Row bends to the south and widens to two lanes. A turning head is provided near to this point along with footways on both sides of the road.
- 2.5. The land use immediately surrounding the site to the west, south and east is residential dwellings. To the west are 2-3 storey residential dwellings on Kingston Row. To the south and east are four tall residential buildings (the nearest being Galton Tower to the south and Norton Tower to the south-east) on Civic Close and Brindley Drive, which are surrounded by large areas of landscaped open area. On the north side of the Birmingham and Fazeley Canal are a series of office buildings off Edward Street, Louisa Street and Scotland Street. The Birmingham Arena lies approximately 150 metres to the south west of the site and is screened from the site by intervening residential buildings.

[Location Plan](#)

3. Planning History

- 3.1. My records suggest that the Flapper Public House (formally the Flapper & Firkin and before that The Longboat) was constructed in the late 1960s / early 1970s. It was considered for listing in February 2018, but not added to the list on the basis of its lack of architectural and historic interest.
- 3.2. Pre 1960's the site accommodated canal side warehouses, which were demolished after the war as part of the redevelopment of the area. The remodelling included the construction of the Cambridge Street tower blocks to the south along with the nearby St. Marks Estate development as new dwellings. James Brindley Walk was also developed as a public space for local residents.
- 3.3. Cambrian Wharf was originally part of a canal arm that led into the city centre. This arm was filled in post-war and the smaller wharf now accommodates residential and visitor moorings for the Canal & River Trust.
- 3.4. More recently in November 2017 a planning application (reference 2017/09150/PA) was submitted for demolition and redevelopment of the site of The Flapper Public House to create a part 12, part 7 and part 5 storey development comprising 66 apartments and a ground floor cafe/restaurant. This application was subsequently withdrawn from the Planning Register by the applicant in May 2018.

4. Consultation/PP Responses

- 4.1. Adjoining occupiers, residents associations, amenity societies, local ward councillors and M.P. notified. Site and Press Notices displayed. The previous application generated significant opposition including a petition objecting to the loss of the Flapper PH with 440 signatories and an online petition with over 12,500 signatories. In addition 480 letters of objection were received. In response to the current revised application 222 letters of objection have been received. The majority of objections relate to loss of The Flapper PH and its redevelopment for housing, with other issues including the impact on heritage assets and canal wharf, impact on residential amenity and canal users, parking and access.

a) Loss of the Flapper PH and Residential Redevelopment

- Part of the attraction of living in a city centre is access to culture, if everything that contributes to a city's culture is pushed out for developments such of these, there would be little left of the vitality and diversity of the city centre
- The proposals would lead to loss of an important independent live music venue, facility for canal users, tourists and community pub facility. The large outdoor area with a canal frontage provides a valuable external summer space in the city centre especially when so few modern flats have dedicated outdoor space. The venue should be considered for the status of asset of community value
- The Flapper PH is a viable business and the proposal would result in the loss of jobs in the local music industry
- Birmingham has lost a number of live music venues and already falls short of other major UK cities for independent music venues. There are few alternative independent small scale professionally equipped soundproofed live music venues of a similar capacity in the City Centre and the alternative live music venues suggested by applicant are either much larger, vastly different in musical style, or far less accessible from the city centre
- The Flapper PH is a long standing popular music venue, which is part of the social history of and adds to the vibrancy of Birmingham. People visit the venue from all over the midlands and its loss would have an impact on the quality of people's lives, social interaction and leisure opportunities. It would also result in the loss a social hub and outlet for creative talent
- It is not sustainable to demolish a perfectly good community facility with a prime canal side location when there are other brownfield sites to develop. The market is flooded with small apartments and in crisis, whereas what is needed is family housing. In addition there are 5 large developments nearby taking place providing better amenities
- Ladywood is one of the most deprived neighbourhoods in Birmingham and the proposal does not help the less wealthy or enhance the community. There is no affordable housing, the viability of the scheme appears fragile and the apartments are likely to be overpriced for young people. The public benefits do not therefore outweigh loss of the Flapper PH

b) Impact on Heritage Assets and Canal Wharf

- Access would be via James Brindley Walk, one of few remaining cobbled historic walkways in Birmingham, which could be damaged by heavy plant. Construction traffic could also damage the foundations of the Grade II listed cottages on Kingston Row
- Although the Flapper PH is not listed it is a good example of late 1960s / early 1970s pub building, that is designed as a low rise building set back

from the canal edge with minimal visual impact on the canal basin and other smaller buildings, such as the old toll booth at the top of Farmer's Bridge Lock. The proposed building would have a significant negative visual impact, obscure / enclose the canal and totally change the attractiveness of the historic Cambrian Wharf

- Whereas the application form refers to 3 and 4 storey, the building would be 5 storeys with a distorted roofspace and the height should be restricted to that of the immediately adjacent properties to maintain the pleasant open aspect and character of the area
- The building footprint does not address the unique shape of the canal inlet. The elevation of the proposed building is ugly, with the elevation facing the listed cottages having no windows, and does not match the existing character of nearby listed buildings
- The basin is a designated site of local importance for nature conservation and the scale of the development would impact on wildlife / nature around the basin
- The crane to the east of the site has been cleared away, after having fallen through lack of repair
- 250 years ago James Brindley built his first Birmingham Canal which terminated at its southern end close to Cambrian Basin. This serviced the Industrial Revolution significantly altering the course of Birmingham's future. If this site is to be developed, it should be a worthy commemoration of Brindley's genius and not merely another block of flats

c) Impact on Residential Amenity and Canal Users

- Whereas the developer is of the view that area is unloved, unused and not especially planned, this was not the opinion of inspectors of the Civic Trust Award scheme, who in 1969, after this whole area had undergone considerable redevelopment issued an award. The current state of the area is due to lack of investment from the City Council and owner of the Flapper PH
- As the site is very constrained construction would be difficult and could cause a nuisance to nearby residents from noise, dust, traffic and damage the adjoining historic buildings. Also plans to use the adjacent open space for a site compound would result in the loss of green space during construction impacting on local residents and canal boat users
- The proposal would lead to loss of views and green space and block public access to the canal. It would also overshadow / overlook green space around Galton and Norton Towers and result in the loss of light and privacy to adjacent residential properties and canal boat moorings
- Proposed apartments would be overshadowed by Norton and Galton towers, making them a poor place to live
- The canal boats have no access to mains services and so require the use of solid fuels for heating and often rely on running their engine to charge

batteries for evening lighting and entertainment. Boats are permitted to run their engines between 0800 hrs and 2000 hrs. Smoke and engine noise could annoy residents of the proposed flats. The development could therefore impact on the canal moorings, which is one of the few 14 days moorings that bring tourists in to the city

- The proposed does not enhance James Brindley Walkway as it would be adjoined by a bin store, turning facility and parking

d) Parking and Access

- Deliveries for construction materials via the narrow single track cobbled walkway would be difficult and cause a nuisance to local residents. Using the canal for construction material is also dubious
- It is unrealistic to expect every resident in the proposed development not to have a car and for the developer to provide parking vouchers in nearby car parks. If residents are to rely on cycling then more cycle parking should be provided
- Lack of parking will lead to occupants seeking to park on the narrow access road, which would cause an obstruction and block access to James Brindley Walk
- The proposed development would add to existing parking pressure on adjacent streets and further illegal parking in the area, especially when there are events at Arena Birmingham or ICC/Symphony Hall
- Access is via a narrow cobbled road with no turning facilities and it cannot be widened or altered. It would need to be used by additional vehicles, including emergency, refuse, deliveries and taxis) leading to traffic chaos. Also vehicles speed along King Edwards Road / Cambridge Street making the junction with Kingston Row dangerous
- Site plan does not show road markings and does not properly represent the movement of pedestrian and vehicles
- Site unsuitable for people with disabilities. In particular, access to the lower basin area is not convenient and not suitable for people with disabilities
- Application form refers to 4 parking spaces but Planning Statement and plans show 3 parking spaces and it is not clear whether the parking bays would be for people with disabilities

Other Matters

- Some of the supporting reports are dated 2017 and relate to the previous development for 66 apartments and are out of date. In addition, the Fleurets report is already six months old. The integrity / accuracy of the reports is also questioned
- Limited time given for residents to comment and residential moorings not consulted

- Reference is made to rainwater harvesting and potential green roof but it is not clear if the developer is committed to this
- The site notice does not reflect the true impact of the development as it does not refer to all the listed cottages in Kingston Row
- Should the application be approved then the CIL contribution should be spent locally
- There is a legal need to increase the availability of open space when permitting new apartments in the City Centre
- During discussions with the residents of Kingston Row, it was considered that the use of copper for the roof and metal panels would tie the development in with the renovation of the Arena Birmingham frontage

4.2. Bruiiful Birmingham - concerned for the future of this site is the potential to disrupt the quality of its current excellent Town Planning. Looking further down the flight of locks the danger of over development directly onto the canal banks can be seen in the tunnel/canyon effect that has been created. The site has heritage value in the number of Grade II listed buildings and machinery, and because it was the first area of the canal to be redeveloped in Birmingham, recognised by the Civic Award it received. The Flapper has unfortunately undergone a number of phases of redevelopment that have taken something away from the original design. The quality of the materials are good and it remains an interesting and carefully designed building that subtly reflects its canal side location. In our opinion it could be worthy of local listing for these reasons and because it was the first of the new purpose designed waterside pubs to be built in England.

4.3. Inland Waterways Association - the Flapper Public House provides an important community and entertainment venue for the area and adds significantly to the ambience and convenience of the canal environment. For visiting boaters ascending the Farmers Bridge locks, this area and The Flapper provide a first welcome to the city and its central canal environment. As such, it is important to display an indication of the many entertainment, eating and drinking facilities surrounding the central canal area. This application replaces such a welcome with a purely residential environment and so diminishes the current welcome to the city centre.

4.4. Music Venue Trust - the proposed development would be contrary to paragraph 92 of the NPPF, which seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. It would also be contrary to the Birmingham Development Plan – 2017 Policy TP25 which seeks to protect and promote smaller scale venues and TP24 which encourages and supports a diverse range of facilities and uses in centres. They argue that:-

- there is no evidence that the loss of The Flapper as a pub and music venue is necessary to meet the housing targets of the development plan;
- the loss of music venues is a UK wide issue and justifying the loss of one venue on the basis that there might be others in the same city provides no justification what so ever;

- the comparison of The Flapper with the other premises within the City ignores the diversity of premises that is needed to sustain the overall cultural contribution of music venues. Premises; and,
 - the alternative premises do not perform the same function as The Flapper due both to their sizes and capacity as well as their programming choices which are materially different to those of The Flapper, a grassroots music venue.
- 4.5. BCC Transportation – no objection subject to conditions to ensure that cycle and car parking spaces are provided prior to the building being occupied and a 'Demolition and Construction Management Plan' is provided prior to any works taking place on the site.
- 4.6. BCC Regulatory Services – the site is generally surrounded by residential uses so noise from the NIA is unlikely to be an issue. Suggest conditions to secure a scheme of noise insulation, a contamination remediation scheme and contaminated land verification report. Future residents of the proposed development could be disturbed by noise from the continuous operation of the engine of a canal boat (ie for several hours). As to mitigation they suggest making provision for an electricity supply, which would remove the need for the continuous operation of an engine or generator.
- 4.7. BCC School Organisation Team - request a contribution of £96,872.11 for the provision of places at local schools.
- 4.8. Canal and Rivers Trust – the previous application for redevelopment of this site would have had a far greater impact on the canal basin and network than the current proposal. There remain some important matters of detail, which could if necessary be conditioned, with regarding
- land stability and Construction
 - foul and surface water drainage
 - building materials
 - hard and soft landscaping
 - external lighting
 - signage / wayfinding
 - provision of an electricity supply to the canal basin
- 4.9. Historic England – do not need to be notified of the application.
- 4.10. Severn Trent Water - have no objections subject to a condition to secure drainage plans for the disposal of foul and surface water flows.
- 4.11. Local Lead Flood Authority – no objections subject to sustainable drainage conditions.
- 4.12. West Midlands Fire Service – no adverse comments.
5. Policy Context
- 5.1. Birmingham Development Plan 2017; Birmingham Unitary Development Plan (saved policies) 2005; Places for All SPG, Places for Living SPG,; Affordable Housing SPG; Public Open Space in New Residential Development SPD; Car Parking Guidelines

SPD; Access for People with Disabilities SPD and National Planning Policy Framework.

- 5.2. There are also Development Control Policies – DC12 Development Involving Former Public Houses and DC17 Residential Moorings, and Environmental, Design and Landscape Guidelines - ENV3 City Centre Canal Corridor Development Framework and ENV4 Birmingham Canals Action Plan.
- 5.3. Along this section of canal, there is a listed cranes within the application site. Kingston Row to the west, listed Grade II, is a terrace of Georgian style houses, dating from 1730 to 1780 associated with the opening of the Fazeley & Birmingham Canal to the north. Other listed buildings in the vicinity include the Canal Toll Office at Farmer's Bridge Lock, and the Roving Bridge over the Birmingham/Wolverhampton line immediately west of Fazeley Junction, both Grade II Listed.

6. Planning Considerations

Land Use Policy and Loss of the Flapper Public House

- 6.1. The application site is located in the City Centre Growth Area (BDP policy GA1) and specifically within the Westside wider area of change (GA1.2) and Westside and Ladywood Quarter (GA1.3).
- 6.2. The objectives for the Westside and Ladywood Quarter is set out in GA1.3 as: "Creating a vibrant mixed use area combining the visitor, cultural, commercial and residential offer into a dynamic well connected area, which supports development in the Greater Icknield Growth Area". GA1.2 states commercial led mixed use developments will be supported in the Westside wider area of change. In the context of these policies. I consider the proposed residential use to be acceptable in principle, however, the proposed development would result in the loss of the Flapper Public House, a bar and live music venue.
- 6.3. Policy TP25 of the BDP advises that proposals that reinforce and promote Birmingham's role as a centre for tourism, culture and events will be supported. It adds that this will include supporting smaller scale venues that are an important element of creating a diverse offer. Policy TP24 adds that a diverse range of uses including leisure, pubs, bars, community uses and cultural facilities will be encouraged and supported, to meet people's day to day needs. In addition, Policy TP28 states new residential development should be: outside flood zones 2 and 3a; adequately serviced accessible; capable of remediation; sympathetic to historic, cultural and natural assets and not conflict with any other specific policies in the BDP.
- 6.4. At a national level the revised NPPF advises at paragraph 92 that decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- 6.5. As per UDP saved policy DC12 and the Planning Guidelines for Development Involving Public Houses, applicants must demonstrate that there are alternative public houses to meet the needs of the local population.
- 6.6. A report and addendum on the Provision of Alternative Public Houses and Music Venues has been submitted by the applicant. It notes that the currently adopted trading style provides for a drinker's bar at upper ground floor level with the lower

ground bar used as for live rock music (with a capacity of 120 people), with performances focussed on Friday and Saturday evenings.

- 6.7. The report reviews alternative public houses, comparable to, and in the vicinity of, the Flapper and concludes “that its loss as a public house is not reasonably considered to be materially detrimental to the overall supply and choice of traditional public house amenities accessible to the local resident community” and therefore “the public house amenities enjoyed by the local community will not be materially diminished by the subject development proposal”. I concur with this Report as there are several other traditional public houses in the vicinity, including canalside pubs at the Malt House, Tap and Spile, the Canal House and The Distillery.
- 6.8. In terms of the live music element, the addendum report notes that the established custom for performances is more than local and so a review has been undertaken of live music venues in and around Birmingham’s City Centre and suburbs. This part of the review concludes that the live music facilities (stage and house pa) presently provided by the Flapper can be adequately provided by currently available alternative facilities. These include:-
- Actress and Bishop, Jewellery Quarter
 - Asylum Bar, Jewellery Quarter
 - Jam House, Jewellery Quarter
 - Mama Roux’s, Digbeth
 - O2 Academy, City Centre
 - Scruffy Murphy’s, City Centre
 - Sunflower Lounge, City Centre
 - The O2 Institute, Digbeth
 - Victoria, City Centre,
 - Wagon & Horses, Digbeth
 - Castle & Falcon, Balsall Heath
 - Dark Horse, Moseley
 - Hare & Hounds, King’s Heath
 - Prince of Wales, City Centre
- 6.9. More recently, in July 2019, the applicant reviewed the alternative and identified 8 further live music venues:-
- Glee Club, The Arcadian
 - The Mill, Digbeth
 - Digbeth Arena
 - Route 44, Acocks Green
 - White Horse, Acocks Green
 - Subside Bar, Digbeth
 - Centrala, MinervaWorks, Digbeth
 - Boxxed, Floodgate Street, Digbeth
- 6.10. However, the Castle & Falcon, Dark Horse, Hare & Hounds Route 44 and White Horse are all outside the City Centre; the O2 Academy, O2 Institute, Asylum, The Mill and Digbeth Arena are much larger venues (although they may have smaller rooms available); the Jam House, Prince of Wales, Glee Club, Boxxed and Centrala are a different music genre; and, the Wagon & Horses only holds a limited number of events.

- 6.11. Of the 22 venues identified, there are 6 realistic alternatives - the Actress & Bishop, Scruffy Murphy's, Sunflower Lounge, Mama Roux's, Victoria and Subside Bar. These venues are genuine alternatives as they provide a similar live music function to the Flapper, are of a similar size and similar music genre. I am therefore of the view that there are suitable alternative live music venues that would meet the diverse range of people's needs.
- 6.12. The scheme has generated significant local opposition and there is clearly substantial support for the Flapper, not only as a local community facility but also a live music venue for the wider area. Redevelopment of this site would lead to the loss of a canal side public house and small scale live music, which operates as a viable business. However, given that there are a number of alternative bars / live music venues, I do not consider that loss of the Flapper would significantly diminish the diversity of offer within the City Centre, or people's day to day needs. I do not therefore consider that the proposal is contrary to the revised NPPF, Birmingham Development Plan or saved policy DC12 and the Planning Guidelines for Development Involving Public Houses.

Residential Need and Quality of Accommodation

- 6.13. By 2031 Birmingham's population will increase by 156,000 people resulting in a housing need of 89,000 additional homes. The provision of a sufficient quality and quantity of housing to meet the City's growing population is therefore a central part of the strategy of the Birmingham Development Plan (BDP). It is not possible to deliver all of this additional housing within the City boundary, reflecting limited land supply. The BDP provides for 51,100 additional homes over the plan period, with the shortfall of 37,900 homes to be met by other authorities in the Greater Birmingham and Black Country Housing Market Area through the duty to co-operate. (Policy PG1 Overall Levels of Growth). PG1 does not set a ceiling for growth. Paragraph 8.13 of the explanatory text to Policy TP29 'Housing Trajectory' states that: "Whilst the trajectory sets out annual provision rates, they are not ceilings. Housing over and above that set out in the trajectory will be facilitated wherever possible".
- 6.14. BDP Policy TP27 Sustainable Neighbourhoods requires that new housing development is provided in the context of creating sustainable neighbourhoods, which contain a mix of dwellings types, sizes and tenures. Policy TP30 Housing Mix states that proposals for new housing should seek to deliver a range of dwellings to meet local needs and account will be taken of the Strategic Housing Market Assessment which sets out the appropriate proportionate city-wide housing mix.
- 6.15. The BDP strategy seeks to ensure that new housing provision is made in the context of creating sustainable neighbourhoods characterised by a choice of housing, access to facilities, convenient sustainable transport options, high design quality and environmental sustainability, and attractive, safe and multifunctional public spaces. The strategy also seeks to make the most effective use of land ensuring target densities of at least 100 dwellings per hectare in the city centre.
- 6.16. When assessed against the Strategic Housing Market Assessment, which is City wide, there is a potential projected oversupply of 1 and 2 bed dwellings and an undersupply of 3 and 4 bed dwellings. This is skewed by the high percentage of apartments under construction or consented in the City Centre.
- 6.17. Whilst a high proportion of apartments can be expected in the city centre it is important that the scale of provision proposed for any individual dwelling type and size is not so great so as to impact on the ability to create sustainable communities.

- 6.18. The scheme includes a mix of apartments including, some larger 3 bedroom apartments. The larger apartments in particular will enable the scheme to make a positive contribution to addressing the identified need for comparatively larger units in the city and support the creation of mixed and balanced communities.
- 6.19. Although the City Council has not adopted the Technical housing standards - nationally described space standard (NDS) it provides a reasonable yardstick against which to assess the proposed apartments. In summary when assessed against these standards:-
- all 1 bedroom 1 person apartments comply with the minimum standard of 39sqm
 - 3 x 2 bedroom 3 person apartments comply with the minimum standard of 61sqm, but 3 apartments fall short at 59sqm
 - 2 x 2 bedroom 4 person apartments comply with the minimum standard of 70sqm but 8 apartments fall short at 69sqm
 - all 3 bedroom 4 person apartments comply with the minimum standard of 74sqm
 - the 3 bedroom 6 person apartment complies with the minimum standard of 102sqm
- 6.20. There are no studio apartments and all 1 bedroom apartments are well above the minimum guidelines. Although 11 of the 2 bedroom apartments do not meet the minimum guidelines, the shortfall is by no more than 2sqm and furniture layouts have been submitted to show that they can function satisfactorily. In addition, all the upper floor apartments have a balcony providing an outdoor amenity space. On balance, I therefore consider that the size and layout of the apartments is satisfactory.
- 6.21. Future residents of the proposed development could be disturbed by noise from the continuous operation of the engine of a canal boat (ie for several hours). Depending on the weather conditions fumes from the engine and any solid fuel device could be an issue. Within Birmingham smokeless fuel should be used in an approved combustion device – however even if this guidance is followed it is possible the residents may be disturbed by the odour (even if there is no dark smoke). It is likely that the current situation will have an adverse impact on the amenity of the local residents. As to mitigation, as suggested by the Canal and River Trust it is proposed to make provision for an electricity supply which would remove the need for the continuous operation of an engine or generator. This would need to be secured through a S106 legal agreement. Subject to such an agreement and safeguarding conditions, I am of the view that the proposed apartments would provide a reasonable standard of living.

Building Design

- 6.22. As detailed within Places for Living, architectural responses must be informed by the character of the surrounding area, applying designs that reinforce and evolve character. Sited at Cambrian Wharf, development of the Flapper site must apply a high quality architectural form that utilises and enhances the canal side; whilst acknowledging the character of the built form enclosing the Wharf.
- 6.23. The proposed development has been designed with a number of historical led influences, focused upon canal side heritage and referencing the former canal warehousing, which once occupied the site and immediate environs.

- 6.24. Materials – the elevational materials are of traditional brick, being a blue brick at ground floor level with red brick above, whilst the roof would be a metal standing seam construction. Windows are set within deep reveals with thin aluminium framed windows within. To the rear street façade circulation cores are articulated with metal faced cladding. The simple palette of traditional building materials reflects the historic character of the area.
- 6.25. Façade – the form of the elevations is based on traditional canalside warehouse buildings, but is a contemporary interpretation of these rather than a pastiche. This is reflected in the varying height roof pitches and gables, and in the large window openings, which are stacked above one another as traditional loading bays would have been. The façade includes deep window reveals, glass and metal balconies and Juliet balconies, which add depth, variation, texture and interest to the facades.
- 6.26. Views / 360 degree – the proposed layout follows the back of the wharf edge reflecting the character of typical canal side developments. The proposed building footprint is largely linear, but is slightly irregular in shape as the building follows the plot boundaries at its eastern end, plus a cut back on the western end to ensure views are maintained from the historic listed cottages on Kingston Row over the wharf, and equally views from the wharf of the same cottages. The building rises from three storeys at its western end where it is closest to the listed cottages, to four storeys at the eastern end. The four storey element introduces a mezzanine area within the apartments to create a greater variation in height and elevational interest.
- 6.27. Animation / engagement with the canal – with the building being set parallel with the canalside, this opens up the Kingston Row street somewhat, allowing more light and a more open appearance which will result in it feeling more open and accessible. The addition of apartments and an active frontage overlooking the street will greatly improve safety along this section of Kingston Row. The ground floor of the building is raised above the lowest level of Kingston Row in order to provide privacy to the ground floor street facing apartments, and to help with gaining level access to the entrance cores from the sloping street level. Simple glass and metal balconies are provided on the canalside elevation, taking advantage of the views over the canal wharf and providing private external amenity space to residents. At the western end of the site closest to the canal is proposed as a residents amenity area, which will include a mixture of hard and soft landscaping, together with seating and the retention and refurbishment of the historic canal crane as a feature.
- 6.28. Overall, I consider that subject to safeguarding proposed building is acceptable. The design of the proposed three and four storey building, references traditional canal side warehousing. The roofline is comprised of varying pitches, arranged as gable ends facing out onto the canal. The proposed brick fabric also reflects former canal side architecture, as does the fenestration with large simple window openings in a stacked arrangement. The proposed development includes for balconies, but with a simple glass and metal design, which helps to retain a more industrial feel to the structure.

Impact on Heritage Assets

- 6.29. The BDP 2017 seek to create positive places with local distinctiveness that respond to existing characteristics and enhance the natural, social and physical environment. Policy PG3 advises that new development will be expected to demonstrate high design quality, contributing to a strong sense of place. In terms of the historic environment, Policy TP12 states that the historic environment 'will be valued, protected, enhanced and managed for its contribution to character, local

distinctiveness and sustainability and the Council will seek to manage new development in ways which will make a positive contribution to its character.' It adds that 'The historic importance of canals is acknowledged, and important groups of canal buildings and features will be protected, especially where they are listed or in a Conservation Area. Where appropriate the enhancement of canals and their settings will be secured through development proposals.' Policy TP28 also requires new residential development to be sympathetic to historic, cultural or natural assets, Whilst Policy TP30 states that in assessing new residential development full consideration will need to be given to the site and its context.

- 6.30. Saved policy 3.14D of the UDP (2005) also reinforce good design principles. SPD 'Places for Living' and SPD 'Places For All' both require new development to respond to local character, and set out principles for good design.
- 6.31. At a national level the NPPF para 193, states that great weight should be given to the conservation of heritage assets. Paragraph 200 adds that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 6.32. The basin at the top of the Farmers Bridge Lock flight is Cambrian Wharf with the element at the south-eastern end sometimes separately known as Crescent Wharf. The basin is a non designated heritage asset, which has designated heritage assets around it. These a listed crane on the south bank within the western end of the application site, a listed toll house at the top of the lock flight and a listed footbridge over the top lock at the mouth of the basin, all within the visual setting of the site and the basin. The basin sits in a stretch of canal characterised by low-medium rise development of not more than four storeys, with significantly taller urban development set back from the water and thus with much less visual impact. Thus, the character of the setting of this stretch of canal is spacious and low density. The existing building on the application site is no more than three storeys and as such contributes to this low scale open character.
- 6.33. The Flapper PH, built in the 1970's, was considered for listing in February 2018 and was not added to the list on the basis of its lack of architectural and historic interest. Its demolition would not therefore result in any adverse heritage impacts. A full setting assessment was undertaken in order to identify any potential effects on the significance of heritage assets as a result of changes to their settings. This assessment has identified that the proposed development will result in a small positive effect on the significance of:
 - the Grade II listed Cranes;
 - the Grade II listed Kingston Row Cottages immediately west of the Site; and
 - the non-designated Birmingham and Fazeley Canal.
- 6.34. In each instance, it is concluded that the heritage led design measures incorporated into the designs of the proposed development would provide a small enhancement to the legibility of the former industrial heritage of the canal side in this part of the City. The City Council's Conservation Officer has reviewed the application and has commented that:-

"I raise no objection to the application. Cotswold Archaeology have authored a Heritage Statement (December 2018). The statement is sound in its conclusions, which I can broadly concur with. The existing building is of no merit and its loss can be tolerated. The proposed building has carefully considered its location, scale and form. By placing it on the wharf edge itself it takes on the typical siting of buildings along this southern side of the canal directly on the canal edge. A photograph of the building that once occupied this site is provided in the heritage statement and justifies the approach taken. The form of the building with its saw-toothed roof speaks also of canal wharf buildings and allows the structure to respectfully slope down to the listed houses in Kingston Row.

The heritage statement soundly awards values to the surrounding listed buildings and explores the extent of their setting. The statement concludes that the development contributes positively to the setting of these listed buildings and I would consider this an accurate position as currently the setting of these buildings is disparate and only has the canal itself as a sound piece of townscape forming a continuous theme tying them together. This imaginative and responsive building will positively benefit the area over the existing buildings deleterious impact."

- 6.35. Whilst I note the objections of Brumfitt Birmingham and local residents, I consider that the proposed development would not have a harmful impact on the setting of nearby listed buildings or the character of the historic wharf. As recommended by the Canal and River Trust, safeguarding conditions are attached. In addition, the applicant has set aside £30,000 to refurbish the existing Grade II listed crane within the application and reinstate and refurbish the Grade II listed crane located to the east of the Site. These works would be secured via the S106 legal agreement.

Impact on Adjoining Residents

- 6.36. Canal Boat Moorings - Places for Living sets out distance separation standards for conventional dwellings but I consider that the objective behind the standards – to protect privacy and amenity - can also apply to residential moorings. Within the canal basin there are moorings for about 16 canal boats, of which 4 are residential moorings. With the comings and goings of passers-by along the towpath, a canal boat does not afford the same level of privacy as a conventional dwelling. Furthermore the angle of view from an apartment block down into a canal boat is likely to be restricted.
- 6.37. The orientation of the proposed building is such that it would cast a shadow over the canal basin for part of the day, however, given the modest 3 and 4 storey scale of the development, I do not consider that it would unduly dominate the canal basin.
- 6.38. Kingston Row - to the west of the application site is Kingston Row, a terrace of 2 storey houses with gardens adjoining the development site. There are no windows within the west elevation end gable wall of the proposed building that would overlook Kingston Row. Furthermore windows within the north and south elevations of the proposed development would only have limited oblique views of Kingston Row. I do not therefore consider that the proposed development would overlook the listed cottages.
- 6.39. In addition, the distance separation between the rear windowed elevation of the closest property in Kingston Row to the 3 storey flank wall of the proposed building would be 16m. By comparison the existing Flapper PH is 20m from the rear of

houses in Kingston Row, and 2/3 storeys. Although the proposed building would be closer and higher than the existing PH, the distance separation would comply with the minimum distance separation of 15.5m as set out in Places for Living SPG. I do not therefore consider that the proposed development would significantly adversely affect the amenities of Kingston Row by reason of loss of light or be overbearing.

- 6.40. Civic Close and Tower Blocks - Civic Close, Galton and Norton Towers are sited 20m, 23m (at it nearest point) and 38m, respectively from the proposed building. They are to the south and south east of the application site on ground about 3m higher. Given the orientation and distance between them and the proposed development I do not consider that they would be significantly adversely affected by loss of light or be overshadowed.
- 6.41. There are kitchen windows within the north facing elevation of Galton Tower at a distance of about 25m from the proposed development. However, the proposed development is offset and angled away from Galton Tower, such that I do not consider that there would be a significant loss of privacy or outlook to these kitchen windows. The main west facing windows of Norton Tower would have a full view of the proposed development, whilst the main west facing windows of Galton Tower would only have an oblique view. The distance separation between the these windows and the proposed development would be 38m and 30m (when measured at 45% to the building) respectively, which is greater than the minimum 27.5m distance separation guideline set out in Places for Living. The east / west main windowed elevations of Civic Close do not face the proposed development. I do not therefore consider that they would be adversely affected by loss of privacy or outlook.

Transportation Issues

- 6.42. The application seeks to provide a residential block with 27 apartments. The existing use on the site is a public house. The supporting Transport Statement notes a similar level of servicing activity which currently takes place from Kingston Row which is a narrow shared use public highway linking to King Edwards Road. The plans show two defined disabled parking spaces and a service deck including bin stores. Cycle parking is also proposed below the service deck. Once residents move in the initial higher levels of servicing for furniture deliveries would subside.
- 6.43. The low level of car parking is noted but as the site is in the City Centre all surrounding roads are subject to parking controls and the site is reasonably close to all public transport facilities. BCC Transportation have therefore raised no objections subject to safeguarding conditions. In particular, as the site is so constrained with limited access to the public highway a condition is suggested to secure a Construction Management Plan to enable existing residents and servicing to continue with limited impacts as a result of the development.
- 6.44. Whilst I appreciate the concerns of local residents, I do not consider that refusal could be justified on grounds of limited access or inadequate car parking. Moreover, the Fire Service have raised no objections to the application.

Sustainability

- 6.45. The BDP supports the Council's commitment to a 60% reduction in total carbon dioxide (CO₂) emissions produced in the city by 2027 from 1990 levels (Policy TP1) and a number of policies in the plan seek to contribute to achieving this: Policy TP2 (Adapting to climate change) requires residential schemes to demonstrate ways in which overheating is minimised; Policy TP3 (Sustainable construction) sets out a

number of criteria which should be considered to demonstrate sustainable construction and design; TP4 requires new development to incorporate low and zero carbon forms of energy generation, unless it is unviable to do so, and; TP6 requires a Sustainable Drainage Assessment and Operation and Maintenance Plan for all major developments.

- 6.46. The scheme seeks to achieve high levels of energy efficiency based upon a 'Fabric First' philosophy. This requires very high levels of insulation with the aim of minimizing demands on energy resources. The use of low carbon energy systems will also be investigated.
- 6.47. Modern methods of construction are being actively investigated as a means of reducing construction waste, increasing energy efficiency and the quality of the finished buildings, as well as minimising the number of deliveries during construction. Materials will be sourced locally and regionally wherever possible so as to reduce delivery miles and reinvest money into the local economy. The use of the canals is being explored as an option for the delivery of goods and materials, and removal of waste during the construction phase.
- 6.48. Turning to drainage, the Environment Agency flood maps show that the whole site is located within the Flood Zone 1; the area where there is less than a 1 in 1000 year (0.1%) chance of flooding from rivers in any one year. A Drainage Survey has been carried out which shows that storm and foul water from the site outfall into the public combined sewer to the south. Severn Trent Water and the Local Lead Flood Authority have raised no objection and conditions are attached to secure suitable drainage scheme.

Ecology

- 6.49. Whilst the protected species survey found no evidence of bats, the sites location next to the canal means that the development still holds the potential to impact on bat activity. The site sits within the Site of Local Importance for Nature Conservation (SLINC) Area: Birmingham and Fazeley Canal .Canal corridors serve as key foraging and commuting routes for bats, which are at risk of being disrupted if appropriate measures are not taken to reduce the light spillage on to the canal. A condition is therefore attached to secure a lighting strategy
- 6.50. The redevelopment of this site provides the opportunity to enhance the ecological value of the area and provide a biodiversity net gain. To achieve this, a condition is attached to secure ecological enhancement strategy the site. An informative for nesting birds is also attached, to ensure that the site is cleared in an appropriate manner so as not to harm any nesting birds that may nest between approval and demolition.

Affordable Housing and Community Infrastructure Levy

- 6.51. Given the number of apartments the City Councils policies for Affordable Housing and Public Open Space in New Residential Development apply. The applicant is not able to provide any affordable housing or off-site public open space contribution and has submitted a financial appraisal to justify this. The Viability Statement has been independently assessed by the City Council's assessor, who considers that in addition to the CIL payment of £110,325, the scheme can sustain 3 affordable units, comprising as low cost home ownership at a 25% discount on open market value.

- 6.52. BCC Education have requested a contribution towards the school places, however, school places are funded through CIL payments.

Procedural Matters

- 6.53. To accompany the planning application various supporting documents have been submitted, some of which were prepared for the 2017 planning application. Where necessary updated reports and / or addendums have been submitted.
- 6.54. Extensive public participation has been undertaken on the planning application, over and above the minimum legal requirement. Furthermore, I consider that the site notice, which refers to the nearest listed buildings, rather than all the listed building in the locality, is sound. I therefore consider that there has been adequate consultation with local residents on the scheme.

7. Conclusion

- 7.1. Significant opposition has been generated against loss of the Flapper PH, however, the applicant has submitted information to demonstrate that there are suitable alternative venues. I do not therefore consider that loss of the Flapper would significantly diminish the diversity of offer within the City Centre, or peoples day to day needs.
- 7.2. The scheme would provide new residential development in a sustainable location. In addition, the three and four storey scale of the proposed building is acceptable and the building is well designed with references taken from traditional canal side warehousing. Moreover, I consider that the proposal will result in a small positive effect on the significance on nearby heritage assets.
- 7.3. I note the concerns of local residents about access and parking, however, BCC Transportation Development have raised no objections subject to safeguarding condition. In particular, as the site is so constrained with limited access to the public highway a condition is suggested to secure a Construction Management Plan to enable existing residents and servicing to continue with limited impacts as a result of the development. Following construction the proposed development would likely have less of an impact on residential amenity than the existing public house.
- 7.4. I therefore consider that the application is in broad conformity to national and local planning policy and acceptable subject to safeguarding conditions and a legal agreement.

8. Recommendation

- 8.1. That consideration of application 2018/08647/PA be deferred pending the completion of a suitable legal agreement to secure the following:-
- i. Affordable housing 3 affordable units, comprising 2 x 1 beds (46sq m) and 1 x 2 bed (69sq m), as low cost home ownership at a 25% discount on open market value;
 - ii. Refurbishment of the Grade II listed Crane situated within the Site reinstatement and refurbishment of the second Grade II listed crane located to the east of the Site, up to a maximum cost of £30,000

- iii. Provision of an electrical power supply to the pontoons in the basin via the development site, and installation of such bollards to enable electric hook up to canal boats; and,
 - iv. A financial contribution of £1,500 for administration and monitoring to be paid upon completion of the legal agreement
- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority within 28 days of the date of this resolution planning permission be REFUSED for the following reasons:-
- i. In the absence of a suitable legal agreement to secure affordable housing the proposal would be contrary to TP31 of the Birmingham Development Plan and Revised National Planning Policy Framework;
 - ii. In the absence of a suitable legal agreement to secure reinstatement and refurbishment of two Grade II listed cranes the development would be contrary to Policy TP12 of the Birmingham Development Plan and Revised National Planning Policy Framework
 - iii. In the absence of a suitable legal agreement to secure an electrical power supply to the canal boat moorings the proposal would be contrary to Policy TP28 of the Birmingham Development Plan and Revised National Planning Policy Framework
- 8.3. That the Chief Solicitor be authorised to prepare, seal and complete the legal agreement.
- 8.4. That in the event of the legal agreement being completed to the satisfaction of the Local Planning Authority by within 28 days of the date of this resolution, favourable consideration be given to this application, subject to the conditions listed below.

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|---|--|
| 1 | Requires the prior submission of a programme of archaeological work |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the submission of a contaminated land verification report |
| 4 | Requires the prior submission of a sustainable drainage scheme |
| 5 | Requires the prior submission of a drainage scheme |
| 6 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 7 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 8 | Requires the submission a Noise Insulation Scheme to establish residential acoustic protection |
| 9 | Requires the submission of boundary treatment details |
-

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- 10 Requires the submission fo architectural details
 - 11 Requires the submission of sample materials
 - 12 Requires the submission of hard and/or soft landscape details
 - 13 Requires the submission of a lighting scheme
 - 14 Requires the submission of a landscape management plan
 - 15 Requires the prior submission of a construction method statement/management plan
 - 16 Requires the prior submission of a construction method statement/management plan to safeguard the canal basin
 - 17 Requires the submission of details of refuse storage
 - 18 Requires the submission of signage and wayfinding
 - 19 Requires the submission of cycle storage details
 - 20 Requires the scheme to be in accordance with the listed approved plans
 - 21 Implement within 3 years (Full)
-

Case Officer: David Wells

Photo(s)

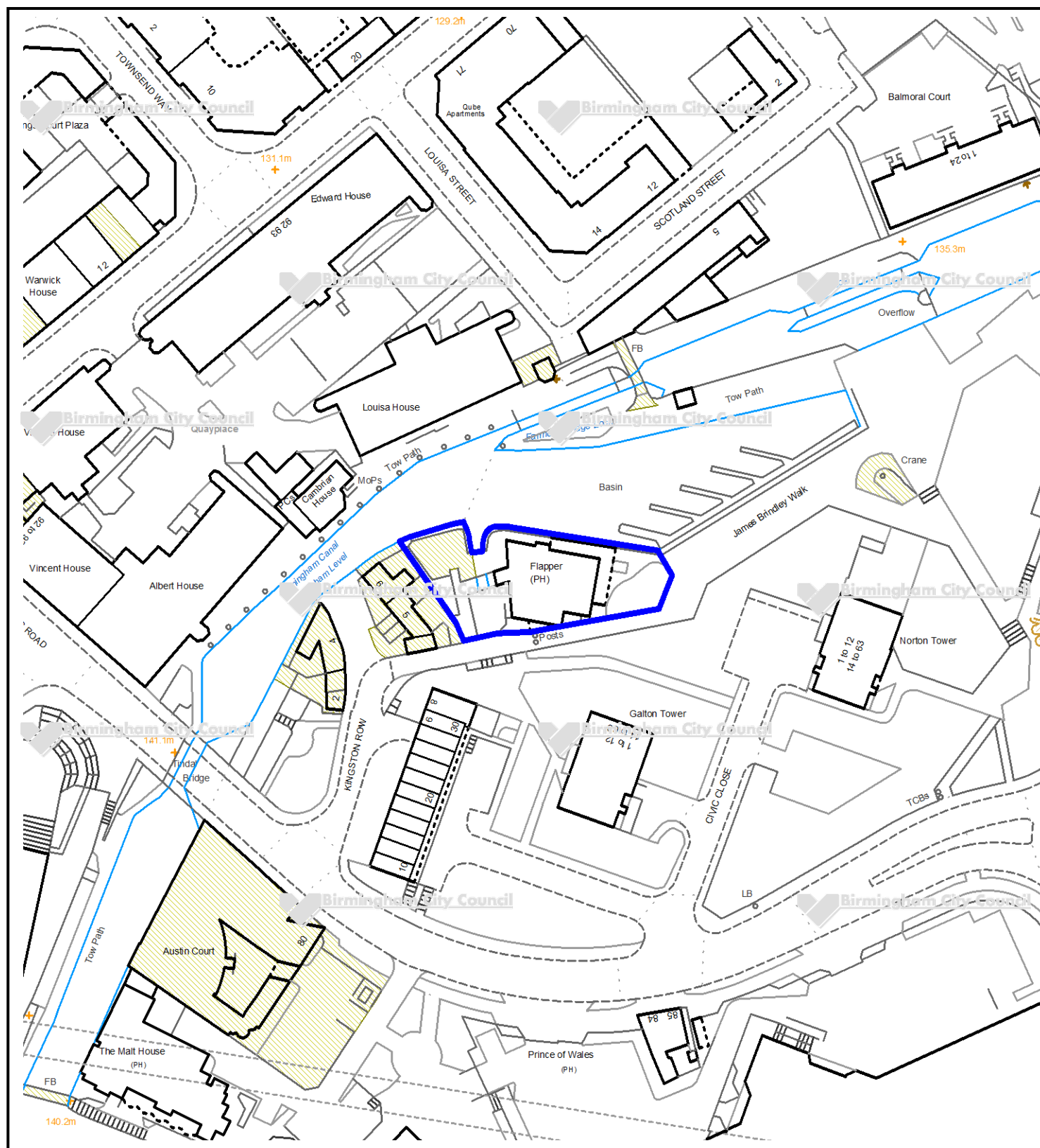


View of the Flapper PH from Cambrian Wharf



View of the Flapper PH along Kingston Row

Location Plan



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Committee Date:	10/10/2019	Application Number:	2019/04239/PA
Accepted:	30/05/2019	Application Type:	Full Planning
Target Date:	29/08/2019		
Ward:	Nechells		

Former CEAC building, corner of Jennens Road & James Watt Queensway, City Centre, Birmingham, B4 7PS

Erection of one 51 storey tower and one 15/16 storey tower containing 667 dwellings (Use Class C3) with associated ancillary spaces, landscaping and associated works

Recommendation

Defer

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. Application is for the erection of one 51 storey tower, a 15/16 storey tower and a 2 storey pavilion building on land on the corner of Jennens Road and James Watt Queensway. The development would comprise of 667 one and two bed apartments along with ancillary internal and external amenity spaces. It is proposed as a PRS development and would be operated by a single operator.
- 1.2. The towers would be of a modern but simple classic grid design. Each tower would share common detailed design features such as floor to ceiling windows, deep rectangular reveals, colonnades and tapered 'crowns'. They would be constructed using a minimalist white colour palette with Tower A clad in fluted white GRC (glass re-enforced concrete) with horizontal and vertical solid black backed glass spandrel panels whilst Tower B would comprise of pure white GRC in a square buttress style along with horizontal and vertical solid black backed glass spandrel panels. Both towers would use an aluminium window system with an opening light and PV Panels would be accommodated on the roofs. The 2 storey pavilion would be constructed using a metal framed glazed system with transparent and black opaque glass, with the metal frame colonnade finished in a ceramic green gloss. The pavilion building would also support a brown roof. Specific materials would be controlled by condition.
- 1.3. The proposed development would have a total gross floor area of 52,560 sqm – the buildings would have the following dimensions;

Tower A – 49.9m x 18.5m x 155.145m
 Tower B – 43.6m x 17.5m x 51m
 Pavillion building – 15.5m x 13.3m



Fig 1: night view from north west



Fig 2: day view from south

- 1.4. The scheme would provide 357 one bed (54%) and 310 two bed (46%) apartments, of which 527 would be accommodated in Tower A and 140 in Tower B. The flats would range in size from 38.21 sqm to 71.36 sqm and would all exceed the national standards. Internally the units would comprise one or two bedrooms, an open plan living/kitchen/dining area, 1 or 2 bathrooms and storage area.
- 1.5. A gym, cinema room, co-work spaces, meeting rooms, lounge space, roof terrace, residents' lounge, games room and private dining/kitchen area would also be provided across the three buildings for residents' use (circ 1200sq m). In excess of 3200sqm of external amenity space would also be provided in a secure courtyard garden between the two towers.
- 1.6. No car parking would be provided on site but 132 (20%) secure covered bike spaces would be provided. A service/drop off area would be provided to the west of the site via James Watt Queensway, which would be managed by the future operator.
- 1.7. Information submitted in support of the application includes; Design and Access Statement, Planning Statement, Economic Statement, Financial Viability Statement, Sustainability Statement, City Centre Housing Needs Assessment, Transport Statement and Travel Plan, Heritage Statement, Archaeology Report, Noise Assessment, Air Quality Assessment, Preliminary Ecology Report, Townscape Visual Impact Assessment (TVIA), Drainage Strategy, Aerodrome Safeguarding Assessment, Phase 1 Geo Environmental Report, Daylight and Sunlight Assessment, TV and Telecoms Assessment and Wind Microclimate and Pedestrian Wind Comfort Assessment.
- 1.8. A screening request was considered which concluded an ES was not required.
- 1.9. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site lies on the edge of the BDP defined, city core within the inner ring road of Birmingham City Centre. The site is situated on the corner of Jennens Road and James Watt Queensway. It is in close proximity to a wide mix of uses including residential, commercial (office, retail and hotels) and educational uses.
- 2.2. The site was previously occupied by a 6 storey 1970's former teaching block which formed part of a wider university/college campus which included Aston University and parts of Birmingham Metropolitan College and Birmingham City University. The site has been vacant for some time and is currently in the process of being demolished.
- 2.3. There has been significant change in this part of the city over the past decade, in part as a result of the wider 'masshouse development' and the removal of the former 'concrete collar'. The character of this area continues to evolve as the regeneration potential of this part of the city is realised supported by opportunities such as HS2.
- 2.4. [Site location](#)

3. Planning History

- 3.1. 28th February 2019 – 2019/00617/PA Application for Prior Notification for the proposed demolition of existing building and surface level car park. No Prior Approval Required.

4. Consultation/PP Responses

- 4.1. Access Birmingham – Note that inclusive access will be required by building regulations.
- 4.2. Birmingham Airport – Object as the information does not assess the impact of the towers or the cranes on the safeguarding zone of the formalised flightpath.
- 4.3. Education and Skills (employment) – Employment conditions required with regard construction period.
- 4.4. Education and Skills (schools) – £1,359,440.64 contribution required towards nursery/school places.
- 4.5. Lead Local Flood Authority – No objection subject to conditions to secure specific drainage detail and sustainable drainage operation and maintenance plan.
- 4.6. Leisure Services – No objections in principle, however in line with policy an off-site contribution of £1.26m for provision, improvement and or maintenance of POS within the Nechells Ward and Eastside Park is required.
- 4.7. Network Rail – Proposal would have no impact on rail infrastructure.
- 4.8. Regulatory Services – Additional information required in terms roof top plant on adjacent building but otherwise no objections subject to conditions.
- 4.9. Severn Trent – No objection subject to conditions to secure appropriate drainage for foul and surface water.

- 4.10. Sport England – Proposed development will result in demand for sporting provision and on and off-site provision should be sought. However no objections subject to financial contribution of £645,628 which should be used towards IPL swimming pool and playing field investment within the City.
- 4.11. Transportation Development – No objections subject to conditions with regard servicing and delivery management plan, S278 works and a travel plan.
- 4.12. West Midlands Police – Development needs to comply with all relevant design guidance such as Secure by Design. In addition they raise various questions with regard the proposed pavilion, staffing levels and postal delivery but they also note their support for there being no residential accommodation at ground floor and the clear demarcation of public and private spaces. They raise concerns about the lack of parking provision.
- 4.13. Local residents associations', neighbours, Ward Councillors and the MP were consulted. Press and site notices were also displayed.
- 4.14. 2 letters of objection, one from a local resident and one from a land owner, have been received and raise objections on the basis that the principle of development is not acceptable (it fails to comply with High Places), the proposal would have an unacceptable impact on visual harm, it would have an adverse impact on heritage assets, its poor quality design, that it would result in poor quality urban realm with a high security fence, there would be no retail or leisure activities at base of tower, it would have an unacceptable impact on sunlight/daylight on adjacent sites, it would have an inadequate mix of homes, it would not provide any affordable housing, it would have an unknown impact on the micro-climate impact and insufficient engagement has been undertaken with local people and business. A further letter of objection from one of the above objectors has been received following the submission of additional information by the application. This letter raises no addition issues.

5. Policy Context

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

6. Planning Considerations

- 6.1. In January 2017 the City Council adopted the Birmingham Development Plan (BDP). The BDP is intended to provide a long term strategy for the whole of the City and replaced the UDP 2005 with the exception of the saved policies in Chapter 8 of the plan.
- 6.2. Policy PG1 advises that over the plan period significant levels of housing, employment, office and retail development will be planned for and provided along with supporting infrastructure and environmental enhancements.
- 6.3. In respect of housing need the BDP states that its objectively assessed need is 89,000 across the plan period (until 2031) to meet the forecast increase in Birmingham's population of 150,000. Due to constraints across the administrative area the Plan only plans to provide 51,100.

- 6.4 The application site is located within the Eastside Quarter of the City Centre immediately adjacent a wider area of change. The site is well connected to amenities and facilities and a brownfield site. The provision of a residential development with supporting ancillary facilities would, in line with GA1.3 realise this areas “....extensive development opportunities....” and bring significant investment to this part of the City in addition to making an important contribution to the housing stock in the locality. I therefore concur with my Strategic Planning Officers who raise no objection in land use policy terms to the proposal subject to all detailed matters.

Layout, scale and design

- 6.5 Local planning policies and the revised NPPF (Feb 2019) highlight the importance of creating high quality buildings and places and that good design is a key aspect to achieving sustainable development. Policies PG3 and TP27 of the BDP state the need for all new residential development to be of the highest possible standards which reinforce and create a positive sense of place as well as a safe and attractive environment. Supplementary documents also provide further guidance for the need for good design including the City’s ‘High Places’ SPG which provides specific advice for proposals which include elements in excess of 15 storeys. It advises that, generally, tall buildings will be accommodated within the City Centre ridge zone, it also advises that tall buildings will;
- Respond positively to the local context and be of the highest quality in architectural form, detail and materials;
 - Not have an unacceptable impact in terms of shadowing and microclimate;
 - Help people on foot move around safely and easily
 - Be sustainable
 - Consider the impact on local public transport; and
 - Be lit by a well-designed lighting scheme
- 6.6 The site layout results in a staggered form with Tower B positioned to reflect and relate to the existing adjacent buildings, the pavilion building to mark the northwest corner and Tower A positioned to re-enforce the development form along James Watt Queensway and maximise the site’s prominence and site line, particularly from the south west. Site access would be via Tower A, off James Watt Queensway with additional resident’s access via the courtyard garden area off Jennen’s Road. The buildings, at all levels, would activate the street scene, particularly to James Watt Queensway and Jennens’s Road, resulting in a significant improvement on the interaction and surveillance provided by the previous building. In addition, the two storey pavilion building now proposed as an amended corner solution to Coleshill Street/James Watt Queensway, would also provide a strong modern solution which would further activate this prominent location. The proposed gym use inside the pavilion would also further support the day and night surveillance of the street.
- 6.7 The scale of the buildings range from 2 to 51 storeys, primarily comprising of two towers. The site is to the edge of the central ridge zone and principle of towers in this part of the city is therefore acceptable. The applicant has provided comprehensive supporting information within their Design and Access Statement and a Townscape Visual Impact Assessment (TVIA) which demonstrates that the proposed towers would not have an adverse impact on the street scene or the City’s longer range views. I note an objectors concern that unapproved taller buildings have been referenced within this report but do not consider this significant in the assessment of the proposal. I therefore concur with Head of City Design who considers that the scale of the development would be a positive addition to City’s

skyline. Further, the building's width compares favourably to the width of existing developments at Exchange Square, the McLaren building and the Masshouse development, and this coupled with the site layout and detailed design results in the mass of both towers being effectively broken down.

- 6.8 The Head of City Design has been intensely involved with this application and its detailed design has continued to be refined during the application process. As such the materials and design features such as the use of colonnades, deep reveals and large floor to ceiling windows are welcomed. I also note that Tower A's GRC flutes helps create the illusion of a symmetrical and vertical façade which would result in a crisp well-articulated façade, whilst the detailed design of Tower B successfully creates a simple block with its own identity which acknowledges the materiality and vertical emphasis of Tower A to maintain a clear relationship between the two. Finally I welcome design rational behind the proposed pavilion building which uses the former on-site pub as inspiration for its dimensions and the ceramic tile influence for the proposed colonnade frame colour. The colonnade frame also successfully references the façade and rhythm of the towers and ensures continuity across the site. As such I consider the design detail would result in a high quality landmark development.
- 6.9 Therefore subject to conditions to control the detailed materials and their application, I concur with the Head of City Design who considers the layout, scale and design of the proposal is acceptable and will create a distinct landmark building and enhance the City's skyline on a strategically important site.

Heritage

- 6.10 The site is not within a conservation area and there are no heritage assets within the site boundary. However a Heritage Statement has been submitted in support of the application which assesses the proposal in relation to a number of statutory listed buildings in the vicinity.
- 6.11 Paragraphs 184-202 of the NPPF identifies the importance of heritage and how local planning authorities should deal with this matter. My Conservation Officer has considered the report and accepts that the proposal will lead to less than substantial harm to the significance of any of the designated heritage assets and therefore, given the wider public benefits of re-developing a currently vacant, strategically important brownfield land for residential development which would outweigh the harm I consider the proposal would be acceptable and accord with local and national planning policy.

Amenity

Sunlight/Daylight

- 6.12 Objections have been raised with regard the developments impact on loss of sunlight/daylight in relation to the existing surrounding area, in particular residential accommodation under construction at Exchange Square and the public open space at Aston University.
- 6.13 The NPPF, paragraph 123, emphasises that local planning authorities should "...refuse applications which they consider fail to make efficient use of land..." and that when considering applications for residential use they should "... take a flexible approach in applying policies or guidance relating to daylight and sunlight....(as long

as the resulting scheme would provide acceptable living standards)” The BDP does not contain minimum standards of sunlight/daylight levels.

- 6.14 Notwithstanding this the applicant has submitted a Daylight, Sunlight and Overshadowing report in support of the application and this assesses the impact of the proposed development in relation to surrounding residential accommodation and public and private amenity spaces. The report is based on industry wide recognised Building Research Standards (BRE) which provides guidance on avoiding unacceptable daylight and sunlight impacts on existing and proposed development.
- 6.15 In terms of existing residential accommodation (including those under construction) it notes that whilst the vast majority of rooms do comply with BRE numerical guidelines there are isolated locations where these guidelines are not met, particularly in relation to the under construction development at Exchange Square. However even in these instances it considers light level alterations to be minimal and that good internal amenity would be achieved, particularly when the limitations of BRE assessments are also considered.
- 6.16 The publically accessible lakeside open space at Aston University is well used and is an important asset in the City’s green and open space infrastructure. Therefore as part of an amended BRE assessment an objective overshadowing test has been done which demonstrates that the proposed development would have a minimal impact on this area with 98% of the amenity space continuing to receive 2 hours of sunlight on the 21st March, significantly above the 50% identified by the BRE guidance.
- 6.17 The submitted information is comprehensive and I have no reason to contest its findings. Further I note the limitations of applying BRE guidelines to a dense urban development rather than a suburban context for which they were developed. I also note that natural lighting is only one of the many factors in site layout and design which has to be considered. Therefore, whilst there are instances where the BRE guidance is not met, in these instances the loss of sunlight/daylight or overshadowing is not likely to be so significant, and light levels would remain good, particularly for a dense urban site. Therefore, on balance, given the context of development, the wider regeneration benefits of the sites redevelopment and the positive contribution to the City’s housing need I consider the proposal would result in acceptable living standards for existing and future occupiers and that it would have acceptable impacts on public amenity. As such the proposal would be in line with local and national planning policy in this respect.

Overlooking

- 6.18 There are no policies that specify minimum separation distances between proposed residential and existing office accommodation. Therefore whilst the eastern side of Tower B would look onto the adjacent college the majority of the proposed building would be 23m away. Further, whilst there is a ‘pinch point’ where the distance is reduced to 7m the internal layout has been arranged to ensure a staircore and larger dual aspect units are positioned in this locality. Tower A and tower B are angled and are not positioned directly opposite each other. As such I consider the development would not adversely affect the amenities of future occupiers by virtue of overlooking.

Wind

- 6.19 A wind report has been submitted in support of the application which concludes that the impact of proposed development would be minimal and that the majority of the

surrounding areas would meet the most rigorous criteria used within such assessments. However, even where it does not the wind levels would not be so great as to have an adverse impact on pedestrians walking or resting for a short while in these localities. Further I note these areas, such as along James Watt Queensway and Coleshill Street, would not be appropriate for activities that encourage long periods of resting. On this basis therefore, I consider the proposal would not have an adverse impact on the wind environment of the built environment.

Sustainability

- 6.20 Policies TP1-TP5 of the BDP identify the need for any new development to be 'sustainable' and whilst they do not identify specific % reduction targets or require a minimum % of low/zero carbon technologies on each development they encourage developers to consider a wide range of measures to reduce Co2 emissions, promote low + zero carbon and adapt to climate change.
- 6.21 The application is supported by an energy assessment and it considers various advantages/disadvantages of a variety of 'sustainable' measures. The proposed building is identified for a fabric first approach. The residential units would be electrically heated and amenity spaces would have heating and cooling provided by highly efficient variable refrigerant volume (VRF) air source heat pump systems. Photovoltaic panels would be provided on the tower roofs and a brown roof would be provided on the pavilion. I also note the sustainable location of the site and its car parking approach and the Energy Assessment identifies that this approach would result in an 11% improvement on building fabric and 5% improvements on the overall development when considered against the Building Regulation requirements. As such I consider the proposal would satisfy the aims and objectives of both local and national planning policy.
- 6.22 The proposal includes landscaping as part of a courtyard garden and a brown roof. My Landscape Architect, Ecologist and Tree Officer largely welcome the proposals subject to conditions to secure details such as bird/bat boxes, lighting, planting plan, management plan and an ecological enhancement plan, and consider it would enhance the biodiversity of the site. However, fencing is proposed around the entire site to provide a secure garden area for future residents. The boundary would provide clear demarcation of public and private areas whilst the landscaping would be visible in the public realm. Therefore, whilst I accept the principle of a perimeter fence I consider it needs further refinement, both in design terms and height with particular reference to the southern and eastern boundaries, to ensure it does not result in an oppressive feature which would detract from the visual appearance of the street scene. I also therefore attach a condition in this respect.

Mix and need

- 6.23 Policy TP30 states that proposals for new housing should deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods. It also identifies that high density schemes will be sought in the city centre. The redevelopment of the site would deliver additional housing on a brownfield within the Eastside quarter of the City Centre which sits immediately adjacent to a wider area of change and in close proximity to the anticipated HS2 station. The proposed mix would deliver only 1 and 2 bed apartments however the application has submitted a comprehensive Housing Need Assessment in support of this application which demonstrates that the composition of the household size and future demand is markedly different to the wider strategic housing need.

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

Parking

- 6.25 Policies TP38-41 encourage development where sustainable transport networks exist and/or are enhanced. In addition to supporting sustainable transport networks the Car Parking SPD identifies the expected maximum car parking provision for each land use, dependent on the sites location, and in this instance identifies a maximum provision of 1 car parking space per dwelling.
- 6.26 The application has been supported by a Transport Assessment. A single servicing/delivery access point is identified to the west of the site. No on-site car parking is proposed. The proposed cycle parking at 20% is below the 100% provision identified within Car Parking Guidelines SPD.
- 6.27 Details have been submitted to demonstrate the acceptability of the proposed servicing arrangements. The site is a highly sustainable city centre location where sustainable transport networks already exist and the site has excellent access to tram, train, car hire and bus services in addition to access to a wide range of employment opportunities, leisure facilities and 'day to day' amenities/services, all within walking distance. I also note the proposed operator's experience of cycle parking demand at their existing PRS facilities and their commitment to review this provision and increase/improve if necessary. Finally I note that there are car parks in close proximity which future occupiers could utilise if they had a need for a car or visitors to the site travelled by car.
- 6.28 Therefore, subject to conditions to secure a servicing and delivery management plan, a S278 Agreement and a travel plan, I concur with Transportation Development who consider that that the development would be acceptable and comply with both local and national planning policy.

Planning Obligations

- 6.29 The proposed development does not attract a CIL contribution but given the level of development proposed Policy TP9, which requires new public open space to be provided in accordance with the Public Open Space in New Residential Development SPG, and Policy TP31, which requires 35% affordable housing unless it can be demonstrated that this would make the development unviable, are applicable. The NPPF also requires that 10% of any affordable housing offer should be provided on-site.
- 6.30 The application has been supported by a financial appraisal which demonstrates that the costs of the development are such that it would result in only a 10% profit on cost and a contribution towards affordable housing or public open space was not therefore proposed.

- 6.31 However, the financial appraisal has been independently appraised and whilst the City's advisor notes that the applicant's financial appraisal is largely well justified, with revenue as per the forward funding agreement and the build costs based on the appointed contactor's quotation, officers have successfully challenged a number of the assumptions made. Consequently an on-site provision of 20 affordable private rent units at 20% discount (in line with NPPF requirements), equivalent to 3%, is now proposed. The applicant has also agreed to a review mechanism being included within the S106 which would require a review of the FA, and the S106 if appropriate, should the development change from PRS to market sale scheme.
- 6.32 As a PRS scheme low yields are expected over a much longer period of time when compared to build to sell schemes and this has significant impacts on a schemes viability. Acknowledging this, and the tests that this proposal has been subjected to to ensure it is buildable and high quality landmark development on a strategically important site I concur with the independent appraiser's view that the proposed scheme would not be financially viable if a greater contribution were required. I therefore consider the offer proposed is acceptable.
- 6.33 Education have requested a financial contribution however education is identified on the CIL 123 list and it would not therefore be appropriate to request a further contribution in this instance. I also note Sport England have identified the need for a contribution, however given the schemes viability and the Council's priorities I consider it would be unreasonable to require this in this instance.

Other

- 6.34 Birmingham airport have raised an objection to the scheme due to there being insufficient information submitted to demonstrate that the cranes needed for construction would not adversely impact upon the recently formalised flightpath. The applicant continues to work with the Airport to address these concerns and have provided details of a 'saddleback' crane. Critically this would then mean the cranes would not exceed the height of the BT Tower and should not adversely impact on the safeguarding zone. Birmingham Airport is currently considering this solution. However, in order to prevent further delay to this application I consider it would be appropriate for your Committee to defer minded to approve subject to the removal of this objection. An appropriate resolution is therefore recommended.
- 6.35 Air Quality Assessment recommends that residential accommodation up to the third floor could be adversely affected by pollutants and therefore, as a precautionary approach, mitigation should be provided to include sealed units or units with purge ventilation in these locations with air filtration provided from a higher intake. The Noise Assessment submitted identifies the need for various levels of glazing but notes that this can be provided to provide satisfactory internal environments. Subject to conditions to control the mitigation proposed within these reports Regulatory Services raise no objection but they do note that plant on the roof top of the adjacent Matthew Bolton College has not been assessed. However whilst future residents above the 12th floor in Tower B would have site lines of this equipment, given the distance away I consider it unlikely that it would generate noise levels which could not be satisfactorily addressed through glazing levels. I also note this has been raised very late in the process of this application. Therefore subject to a condition requiring an additional noise survey I consider satisfactory internal noise levels could be achieved. Land contamination conditions are also recommended.

- 6.36 The Lead Local Flood Authority and Severn Trent raise no objection subject to conditions to secure specific drainage details along with a sustainable drainage operation and management plan which I attach accordingly.
- 6.37 West Midlands Police have made comments which relate to a range of matters that would be controlled by other legislation and these details have been passed on to the applicant. However conditions with regard lighting, site management and cctv are recommended.
- 6.38 Consultation was undertaken by the applicant prior to the formal submission of the application and the local planning authority has carried out consultation in excess of the statutory minimum.

7. Conclusion

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

8. Recommendation

- 8.1. That consideration of planning application 2019/04239/PA be deferred pending the removal of Birmingham Airport's objection.
- 8.2 If insufficient information is submitted to remove Birmingham Airport's objection then the application be refused for the following reason:
- a) Insufficient information has been submitted to demonstrate that the cranes needed to construct the development would not adversely impact on aviation safety contrary to High Places SPG and NPPF.
- 8.3 That consideration of planning application 2019/04239/PA be deferred pending the completion of a planning obligation agreement to secure the following:
- a) 20 one and two bed Affordable Private Rent units. The provision of these units shall be split 50/50 and pepper potted across the site. 50% of the units shall be provided by first occupation, with the remaining 50% provided by 75% occupancy. The rental cost of these units shall be retained at 20% below local market value in perpetuity.
- b) A mechanism to secure a review of the financial appraisal/contribution should the development change from a PRS scheme to market sale.
- c) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.
- 8.4 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 1st November 2019 the planning permission be refused for the following reason:

- a) In the absence of any suitable legal agreement to secure a financial contribution towards affordable housing the proposal would be contrary to TP31 of the Birmingham Development Plan and NPPF.
- 8.4 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 8.5 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 1st November 2019, favourable consideration be given to this application subject to the conditions listed below.

1	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
2	Requires the prior submission of details of bird/bat boxes
3	Requires the submission of details of green/brown roofs
4	Requires the submission of a lighting scheme
5	Requires the submission of sample materials
6	Requires the submission of a landscape management plan
7	Requires the submission of hard and/or soft landscape details
8	Requires the prior submission of a construction method statement/management plan
9	Requires the scheme to be in accordance with the listed approved plans
10	Requires the submission of a CCTV scheme
11	Requires air quality mitigation
12	Requires noise mitigation
13	Implement within 3 years (Full)
14	Requires the provision of cycle parking prior to occupation
15	Requires the submission of details of a delivery/service vehicle management scheme
16	Requires the submission and completion of works for the S278/TRO Agreement
17	Arboricultural Method Statement - Submission Required
18	Requires tree pruning protection
19	Requires the submission of hard surfacing materials
20	Requires the submission of boundary treatment details
21	Requires the submission of Architectural details

-
- 22 Requires the prior submission of a sustainable drainage scheme
 - 23 Requires the submission of a Sustainable Drainage Operation and Maintenance Plan
 - 24 Requires the prior submission of a contamination remediation scheme
 - 25 Requires the submission of a contaminated land verification report
 - 26 Requires an employment construction plan
 - 27 Requires submission of management plan
 - 28 Requires additional noise assessment
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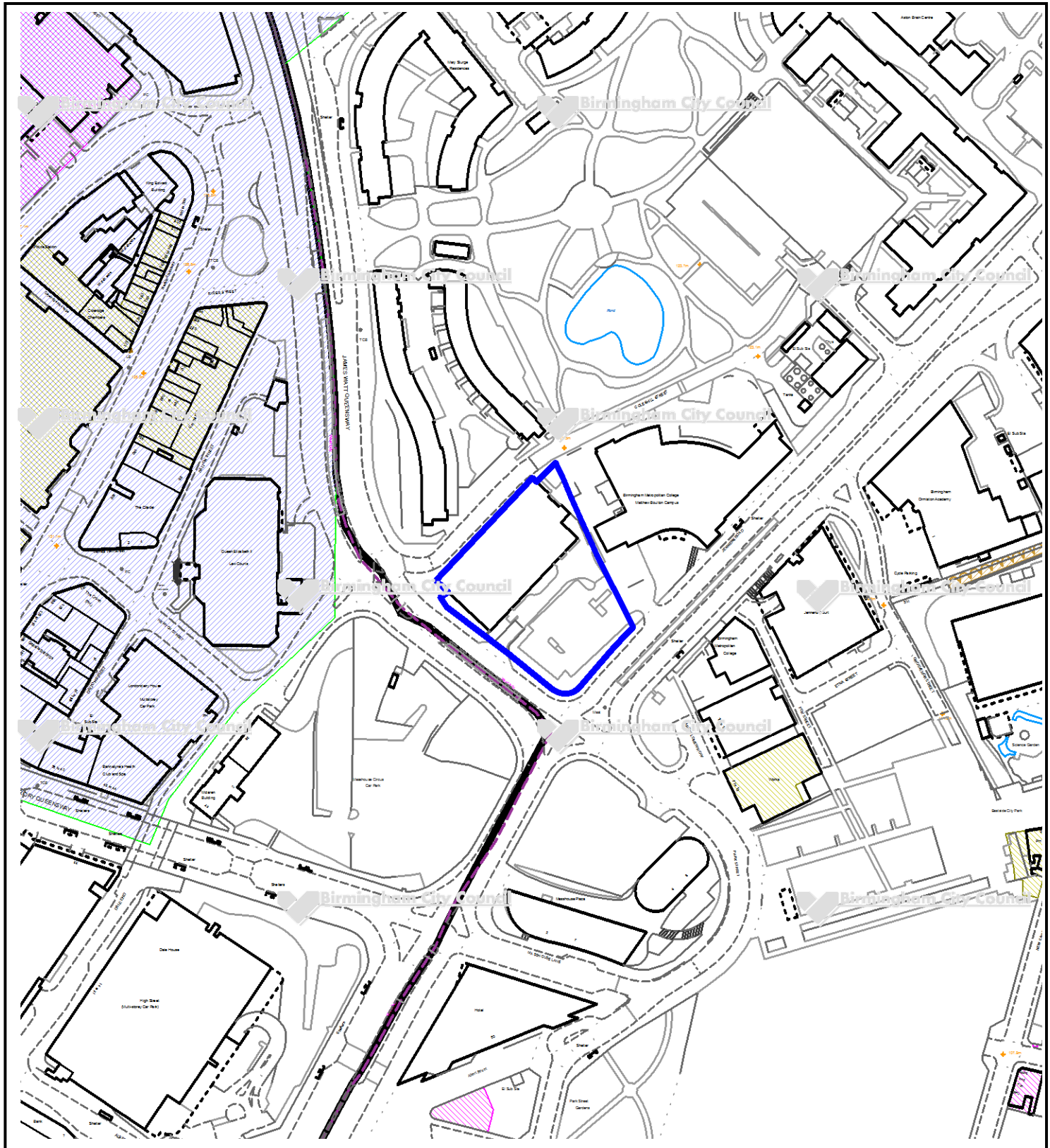
Case Officer: Joanne Todd

Photo(s)



Fig 3: Existing site

Location Plan



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Birmingham City Council

Planning Committee

10 October 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	11	2019/05048/PA 278 Birmingham Road Sutton Coldfield Birmingham B72 1DP Demolition of existing dwellinghouse and erection of new residential building to create 6 self-contained residential units (Use Class C3) and associated parking
Approve – Conditions	12	2019/06149/PA Land at rear of 38 Holbeche Road Sutton Coldfield Birmingham B75 7LL Erection of 4 no. modular houses and associated works
Approve – Conditions	13	2019/06054/PA Land fronting Aston Lane, bounded by Aston Lane to the North and Birchfield Road (A34) to the West Perry Barr Birmingham B20 3BU Demolition of existing commercial units (6-24a Aston Lane), site reclamation and erection of 2.4-metre-high boundary fencing for the formation of a temporary storage compound
Approve – Conditions	14	2019/00467/PA 6 Perry Avenue Birmingham B42 2NF Erection of two and single storey rear, single storey front and two storey side extensions.

Committee Date:	10/10/2019	Application Number:	2019/05048/PA
Accepted:	24/06/2019	Application Type:	Full Planning
Target Date:	19/08/2019		
Ward:	Sutton Wylde Green		

278 Birmingham Road, Sutton Coldfield, Birmingham, B72 1DP

Demolition of existing dwellinghouse and erection of new residential building to create 6 self-contained residential units (Use Class C3) and associated parking

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for the demolition of the existing detached dwelling and the erection of new residential detached building to create 6 self-contained residential apartments and associated parking.
- 1.2. The new detached building would have a hipped roof design with two storey forward gable features with double bay window columns and three front dormer windows. The building would be brick built with white render finish, tiled roof and white UPVC windows. The proposed new building would be positioned within the same building line as neighbouring properties.
- 1.3. The front amenity area would consist of a block paved and tarmac driveway and a predominately grassed private rear amenity area. The boundary treatment would consist of 2m close board fencing to the side and rear boundaries of the site. The submitted proposed street scene elevation drawings show part of the existing front boundary wall and planting to remain.
- 1.4. The application proposes the creation of six self-contained apartments. Apartments one, two and three would be located at ground floor level, apartments four and five would be located on the first floor level and apartment six would be located on the second floor level (within the roof-space).
- 1.5. Apartment 1 would be a 2 bedroom unit consisting of an open plan kitchen, dining and living room area, bathroom, en-suite, double bedroom and single bedroom. The apartment would have a Gross Internal Area of 65.3sqm, double bedroom would have a floor area of 21.2sqm and single bedroom 7.8sqm.
- 1.6. Apartment 2 would be a 2 bedroom unit consisting of an open plan kitchen and living room area, bathroom, en-suite, double bedroom and single bedroom. The apartment would have a Gross Internal Area of 62.7sqm, double bedroom would have a floor area of 15.2sqm and single bedroom 7.6sqm.
- 1.7. Apartment 3 would be a 2 bedroom unit consisting of an open plan kitchen, dining and living room area, bathroom, en-suite, double bedroom and single bedroom. The

apartment would have a Gross Internal Area of 65.3sqm, double bedroom would have a floor area of 18.8sqm and single bedroom 7.9sqm.

- 1.8. Apartment 4 would be a 2 bedroom unit consisting of an open plan kitchen, dining and living room area, bathroom, en-suite, double bedroom and single bedroom. The apartment would have a Gross Internal Area of 85sqm, two double bedrooms with floor areas of 19.6sqm and 18.2sqm.
- 1.9. Apartment 5 would be a 2 bedroom unit consisting of an open plan kitchen, dining and living room area, bathroom, en-suite, double bedroom, single bedroom and a dressing/study room. The apartment would have a Gross Internal Area of 65.8sqm, double bedroom would have a floor area of 16.2sqm and single bedroom 7.8sqm.
- 1.10. Apartment 6 which is located on the second floor within the roofspace would be a 2 bedroom unit consisting of an open plan kitchen, dining and living room area, study room, bathroom, en-suite, double bedroom and single bedroom. The apartment would have a Gross Internal Area of 115sqm, two double bedrooms which would have floor areas of 21.2sqm and 19.1sqm respectively.
- 1.11. The apartments can be accessed from the proposed main front entrance which leads to the communal hallway and stair cases off the lobby areas.
- 1.12. The proposal includes 9 parking spaces (150%) to the front of the building with access off a widened footway crossing located on Birmingham Road.
- 1.13. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is situated on the western side of Birmingham Road, opposite Greenhill Road and immediately to the south of a public footpath leading west to Cambridge Avenue. On the opposite side of Birmingham Road, including in surrounding streets, the character of built development is relatively varied. On the same side of Birmingham Road as the application site the general character of housing is semi-detached with detached dwellings further along Birmingham Road.
- 2.2. Aerial images indicate that there was previously extensive tree cover along the northern boundary of the site adjacent to the footpath to Cambridge Avenue, but much of that has now been removed. The front boundary of the site retains a 1m high brick wall.
- 2.3. [Site Location](#)

3. Planning History

- 3.1. 11/10/2018 - 2018/05477/PA - Demolition of existing property and erection of 2no. detached dwelling houses – Approved.
- 3.2. 03/05/2019 - 2019/00715/PA - Demolition of existing dwellinghouse and erection of new residential building to create 6 self-contained residential units (Use Class C3) and associated parking – Refused on the grounds of scale, massing and appearance, access arrangement and parking provision.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objections; amended plans submitted showing the proposed footway crossing in relation to the proposed parking spaces/vehicle manoeuvring; vehicular and pedestrian splays demonstrated and bicycle and bin storage provision shown on amended plans.
- 4.2. Regulatory Services – No objection; subject to conditions requiring the submission of noise insulation scheme and the provision of electric vehicle charging point.
- 4.3. Severn Trent Water – No objection; subject to condition requiring the submission of drainage plans for the disposal of foul and surface water flows.
- 4.4. West Midlands Police – No objection.
- 4.5. Wylde Green Neighbourhood Forum – Objections raised to the proposed development on the grounds of: 1) The site is too small and cramped for 6 residential apartments; 2) out of character with residential properties; 3) increase traffic levels on an already congested road; 4) loss of privacy and 5) space between the side of the building is not wide enough for refuse bins.
- 4.6. Adjoining residents and local ward councillors have been notified & site notice displayed – 30 individual objections have been received and a petition with 214 signatures objecting to the proposed development. Objections have been raised on the following grounds:-
 - Proposed building is out of character
 - Impact on highways, traffic and parking in the immediate vicinity
 - Inadequate parking provision. Limited parking spaces in the immediate area
 - Loss of privacy
 - Scale, height and mass of building within the plot. Highly intensive development
 - Design & appearance out of character with street scene
 - Security concerns with removal of mature trees/hedging
 - Noise pollution
 - Unsuitable location of bin store lead to litter on public right of way
 - Loss of existing landscaping and boundary treatments
 - Need for family housing not small flats. Surrounding area is mainly low density single family dwellings.
- 4.7. Councillor Alex Yip – The scale and size is inappropriate for the location and will adversely affect Birmingham Road - parking issues are inadequate for this number of flats.
- 4.8. The Planning & Highways Committee of Royal Sutton Coldfield Town Council – objection raised on grounds of lack of parking facilities and the design and mass will have an adverse impact on the street scene.

5. Policy Context

- 5.1. The following local policies are applicable:
 - Birmingham Development Plan (2017)
 - Birmingham Unitary Development Plan (2005) – Saved policies
 - Places for Living (2001)
 - 45 Degree Code (2006)

- Mature Suburbs Guide to Control Residential Intensification SPD (2008)
- Car Parking Guidelines SPD (2012)

5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2018)

6. Planning Considerations

6.1. The main issues to consider for this application are the principle of residential intensification in this location, the scale, design and appearance of the proposed building, impacts on residential amenity, and highways and parking.

Policy

6.2. The NPPF contains a presumption in favour of sustainable development and core planning principles seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

6.3. Policy PG3 of the Birmingham Development Plan (2017) expects all new development to 'reinforce or create a positive sense of place and local distinctiveness with design that responds to site conditions and the local area context' and make 'efficient use of land in support of the overall development strategy'.

6.4. Policy TP27 of the Birmingham Development Plan 2017 states 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. Sustainable neighbourhoods are characterised by a strong sense of place with high design quality so that people identify with, and feel pride in, their neighbourhood.

6.5. The Birmingham Unitary Development Plan (saved policies) resist proposals that would have an adverse effect on the quality of the built environment and emphasises that improving the quality of the built environment is one of the most important of the plan's objectives. The UDP encourages a high standard of design and policy 3.14D sets out good urban design principles.

6.6. The Places for Living SPG encourages a response to local context and to avoid any potential adverse impact on neighbouring buildings, landscape and uses. As well as promoting good design, it also identifies numerical guidelines for garden, bedroom sizes and separation distances for new residential developments.

6.7. Whilst the DCLG Technical housing standards – nationally described space standards is not currently adopted policy, given it represents government policy with respect to expected sizes for residential development, I consider it reasonable to use this as a benchmark to assess the internal dimensions of the proposed building layout.

6.8. The Council's Mature Suburbs SPD notes that national planning policy encourages the provision of new homes in the right places, and that the provision of new dwellings within existing suburbs can be beneficial by increasing the supply of housing and also using land more efficiently. However, the SPD does also note that infill development within mature suburbs can have significant impacts on local character, particularly if good design principles are not taken into account.

- 6.9. Car Parking Guidelines SPD requires a maximum of 2 car parking spaces per residential unit. Appropriate levels of car parking provision for any individual proposal will be assessed in light of maximum standards and the circumstances of the particular scheme.

The principle of development

- 6.10. Planning consent was granted at the application site for the demolition of the existing property and erection of 2no. detached dwelling houses (2018/05477/PA). It was established that the existing dwelling on the site is in a relatively poor condition, although it appears to be readily capable of refurbishment. However; it is not covered by any form of listing (statutory or local), is not located within a conservation area, and is not otherwise considered to be of any particularly noteworthy architectural character. As a result, there is no basis on which to prevent its demolition. The proposal would be in a locality where there is a mix of houses and flats. No objection is raised to the loss of this house.
- 6.11. Planning permission was recently refused at the application site for erection of new residential building to create 6 self-contained residential units (Use Class C3) and associated parking. The 3 reasons for refusal were: 1) the scale, mass and appearance of the proposed building would be out of context with surrounding properties and street scene; 2) the proposed access arrangement and parking layout was impractical and 3) not been adequately demonstrated that the proposed parking provision would not have an adverse impact on highway safety.
- 6.12. This latest application has now been submitted which has made alterations to the scale, design and appearance of the proposed building and changes made to the proposed access arrangement and parking layout at the site.
- 6.13. Amended plans have been received as part of the current application with the following changes: 1) the position of the new footpath crossing is shown together with relevant visibility splays; 2) a bin store and cycle racks are now shown in the rear garden and 3) the size of the proposed velux roof-lights to the side and rear elevations has been increased.

Scale, mass and design

- 6.14. Mature Suburbs SPD sets out the criteria against which the character of an area may be assessed, including features such as plot size, building form and massing, building siting, landscape and boundary treatment, access, design style and parking provision. Building plots should be of an appropriate size to reflect the typical form of plots in the area and the urban grain.
- 6.15. The proposed revised building in terms of its scale, mass and design is more in keeping with the existing street scene, particularly within the row of semi-detached housing on this part of Birmingham Road. The proposed building respects the building line on this part of Birmingham Road and would only be 0.4m higher than the previous approved two detached dwellings. The previous refused building for six apartments created one large bulky and dominant building within this plot which significantly detracted from the street scene. The building resulted in one large building block with three-storey forward projecting gables and hipped roofs of various heights. It is considered this revised scheme has made significant changes to the massing and appearance of the proposed building. My City Design Officer has raised no objections to this revised proposal. The proposed building is now

symmetrical in appearance, with projecting two storey gables with bay window columns either side of a more defined front door and hipped roofs above ground floor level creating strong features at the gable ends. The building proportions and architectural detailing create a visually coherent appearance that is more in keeping with local character and the street scene of this part of Birmingham Road particularly the semi-detached buildings to the south. Overall, the proposed building now respects the existing size/depth and architectural character of dwellings along this part of Birmingham Road.

Impact on Residential Amenity

- 6.16. In assessing this application, the DCLG Technical housing standards – nationally described space standard (March 2015) provides guidance although is not adopted BCC planning policy on minimum size requirements for residential units. The proposed apartments would need to comply with the following minimum gross internal standards for residential units:
- 61sqm for a 2-bedroom/3-person single storey unit;
 - 70sqm for a 2-bedroom/4-person single storey unit
 - Bedroom sizes should achieve a minimum 7.5sqm for a single bedroom and 11.5sqm for a double bedroom.
- 6.17. The proposed internal floor areas and bedroom sizes would comply with the minimum standards as stated above.
- 6.18. The adopted SPG 'Places for Living' advocates 30sqm per unit of outdoor amenity space per apartment (a minimum of 180sqm would be required in this instance); a private rear garden of 335sqm would be provided.
- 6.19. The proposal would comply with the 45 Degree Code as a result there would be no detrimental impact on neighbouring occupiers' light or outlook.
- 6.20. The neighbouring dwelling No. 280 Birmingham Road has an unusual side-facing dormer at first floor level, which is understood to serve a bedroom – because this is a habitable room, loss of light, outlook and privacy to it still need to be considered. On the previous approved (2018/05477/PA) scheme amended plans were received which included a sloping side roof on Plot 1 dwelling, at a distance of around 3.5m horizontally from the neighbour's window. The roof would slope away upwards, channelling light towards the affected window, as such it was considered neighbour's outlook and light would not be significantly affected in order to warrant a refusal on this ground. This latest application still proposes a similar roof design with the pitched roof sloping away from the neighbour's window and still maintaining a sufficient distance. As such, I consider the proposed development would not have a detrimental impact on neighbour's light or outlook to warrant a refusal on this ground.
- 6.21. The proposed development complies with the required separation distances as set out in 'Places for Living' SPG. A condition is attached for the obscure glazing of the first floor side en-suite window facing the side elevation of No. 280 Birmingham Road. The proposed roof-lights are positioned at a high-level; as such there would be no overlooking issues to neighbouring properties.
- 6.22. My Regulatory Services Officer raises no objections to the proposed development although advises to attach conditions requiring noise insulation scheme to ensure

that all windows, any other glazed areas and external doors to habitable rooms Cambridge Avenue elevations provide a weighted sound reduction index ($R_w + C_{tr}$) of at least 32dB (Birmingham Road elevations 38dB). Any ventilation on this elevation to habitable rooms shall be provided by means of acoustic vents achieving weighted element normalised level difference ($D_{n,e,w} + C_{tr}$) of at least 38dB (Birmingham Road elevations 44dB). Condition is also recommended for the provision of a vehicle charging point, which is considered acceptable.

Highways and parking

- 6.23. In regard to the concerns raised by local residents on highway safety and parking Transportation Development have assessed the proposal and have raised no concerns in regard to the proposed access arrangement and parking layout on this revised application. The existing vehicular access from Birmingham Road is to be widened to allow 2 cars to pass and the frontage of the site would be laid out as a car park to provide 9 spaces (150%) with adequate manoeuvring area. The Council's parking guidelines specify maximum parking provision of 2 spaces per residential unit (200%). Therefore, the specified maximum parking provision for the proposal would be 12 spaces. The applicant is proposing only 9 parking spaces; however it is noted that the site does have a good level of accessibility to public transport and local facilities along Birmingham Road. There are bus stops on both sides of Birmingham Road which are in close proximity to the application site. Two railway stations are within walking distance from the site at Chester Road (10mins – 0.5 miles) and Wylde Green (12mins – 0.6 miles). Wylde Green Neighbourhood Centre is some 320m to the south.
- 6.24. Details have been provided in regard to secure and covered cycle storage provision in line with minimum standards within current guidelines (minimum 1 space per unit). Bin storage is proposed to the rear of the site with a 1.1m wide access to the side of the proposed building. Overall it is considered the proposed development would have no harmful impact on highway safety.

Other issues:

- 6.25. Severn Trent Water have assessed the proposal and raise no objections subject to condition to be attached for the submission of drainage plans for the disposal of foul and surface water flows.
- 6.26. West Midlands Police have assessed the proposal and raise no objections, subject to the proposal being laid out by the principles of 'Secure by Design' and security standards.

Community Infrastructure Levy (CIL)

- 6.27. The proposed development is liable to Community Infrastructure Levy (CIL) because the application site falls within a high value residential area.

7. Conclusion

- 7.1. The design, scale, mass and layout of the proposed new residential building to create 6 self-contained apartments would be acceptable. Local residential occupiers would not be adversely affected and there would be no detrimental impact on the appearance of the street scene or highway safety.

8. Recommendation

8.1. Approval subject to the following conditions:

-
- | | |
|----|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of sample materials |
| 3 | Removes PD rights for new windows |
| 4 | Requires pedestrian visibility splays to be provided |
| 5 | Requires the submission a Noise Insulation Scheme (Cambridge Avenue) |
| 6 | Requires the submission a Noise Insulation Scheme (Birmingham Road) |
| 7 | Requires the provision of a vehicle charging point |
| 8 | Requires the submission of hard and/or soft landscape details |
| 9 | Requires the submission of boundary treatment details |
| 10 | Requires the prior submission of level details |
| 11 | Requires the prior submission of a drainage scheme (surface and foul) |
| 12 | Requires the submission details obscure glazing for specific areas of the approved building |
| 13 | Implement within 3 years (Full) |
-

Case Officer: Ricky Chima

Photo(s)

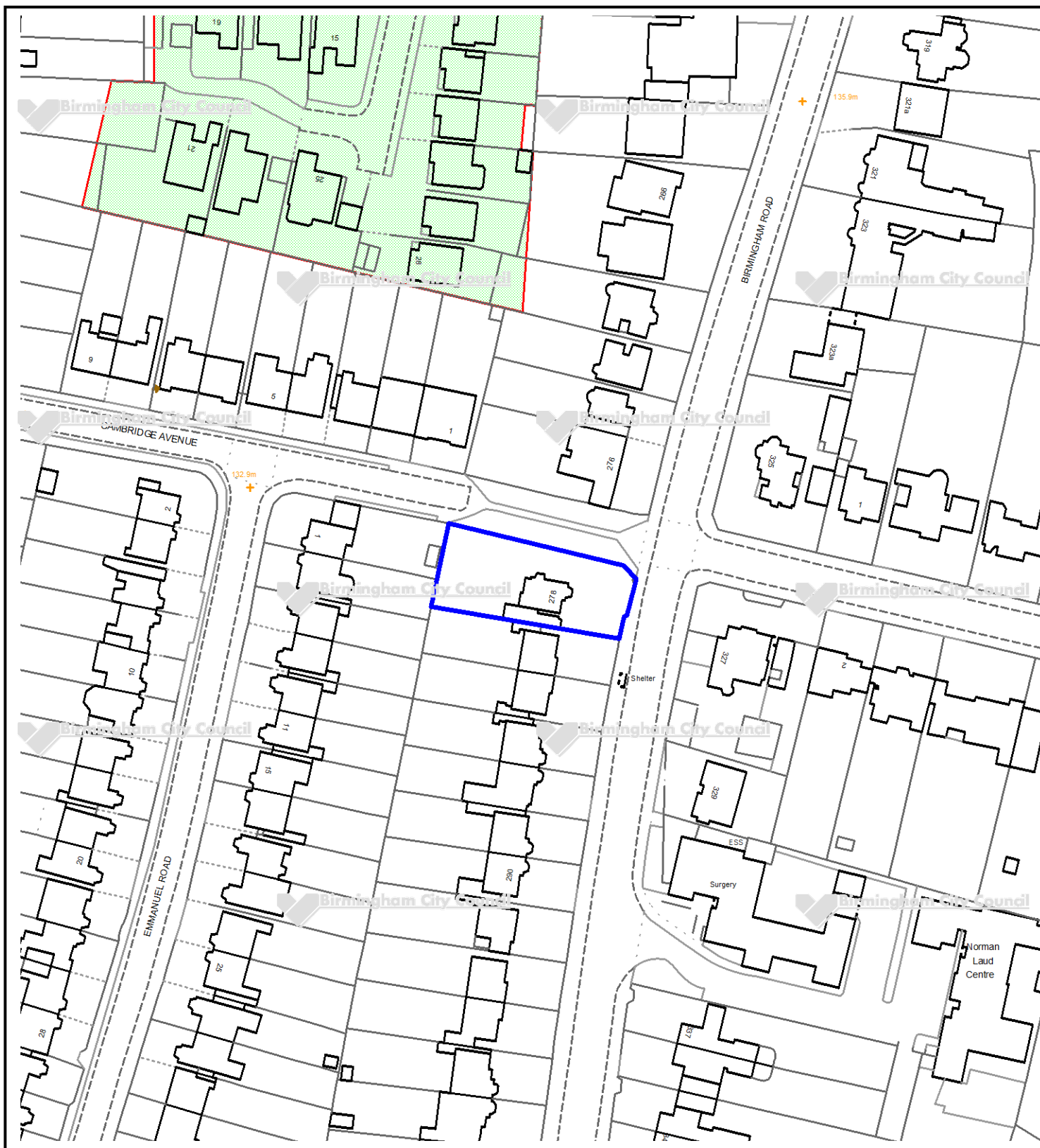


Photo 1 - Front Elevation



Photo 2 – Rear Elevation

Location Plan



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Committee Date:	10/10/2019	Application Number:	2019/06149/PA
Accepted:	26/07/2019	Application Type:	Full Planning
Target Date:	11/10/2019		
Ward:	Sutton Reddicap		

Land at rear of 38 Holbeche Road, Sutton Coldfield, Birmingham, B75 7LL

Erection of 4 no. modular houses and associated works

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The application proposes the erection of four modular affordable homes on a parcel of land to the rear of the existing houses on Holbeche Road, Sutton Coldfield. This proposal, alongside three others currently with the Council for consideration, follow from the consent for the first prototype of the Birmingham Municipal Housing Trust (BMHT) modular home at 49 Heaton Street.
- 1.2. An introduction to the BMHT Modular Housing Programme was presented to Planning Committee at the 27 September 2018 meeting. It has been developed as a unique solution for use on small sites which would be difficult to develop with conventional housing such as former garage courtyards like the application site. The use of modular dwelling types would help ensure that such underused sites could be developed economically for affordable housing thereby helping to increase supply and preventing vacant land becoming derelict and a long term nuisance to local neighbourhoods.
- 1.3. Birmingham has become one of the first cities to embrace modular construction for social housing and it is intended that the units would use good quality materials and high standards of contemporary design. They would be built to minimise their environmental impact not only in terms of energy efficiency but also by being located within existing communities close to public transport, walking and cycling facilities. The modular units would be manufactured using precision engineering in a factory environment using rolled steel, insulated cladding, aluminium framed windows and doors to provide a high quality product. They would be delivered to site in sections and fixed directly onto concrete pads.
- 1.4. The proposed dwellings on the site at Holbeche Road will be two storeys in height and measure 9.95 metres in length by 4.6 metres in width and have a mono-pitched roof with a height of 5.1 metres at its lowest point increasing to 6.4 metres. They would provide approximately 70 square metres of accommodation in the form of living room with dining area, kitchen, WC and cloak/ plant room on the ground floor with one double bedroom, a single bedroom/ office, bathroom and store/ plant room on the first floor. The external materials would be brick slips in a red multi colour to the ground floor and copper coloured aluminium composite cladding to first floor and roof. The windows and doors would be aluminium double glazed units finished in black. The unit design includes a 600mm deep two storey overhang on the front elevation which would provide a canopy over the ground floor entrance with balcony above enclosed by a glazed balustrade and feature timber cladding on the inside of the set back.

- 1.5. The dwellings on this site differ from the one built at Heaton Street in being shorter in length with a smaller second bedroom and also being clad in red brick slips and copper coloured cladding rather than grey brick and cladding.
- 1.6. The four dwellings would be sited with three in a staggered row and one at 90 degrees to the three. All four would have private rear gardens of between 34sqm and 40sqm in size and include an area of hardstanding, an area of grass, space for bin storage and a cycle store unit. The frontage to the site would be hard surfaced with paved areas to the direct front of the house and asphalt access road, parking area and turning area. The block plan shows one parking space for each dwelling.
- 1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a disused parcel of land which previously contained 18 garages. The site area is 1,130sqm (0.113 ha) and lies behind houses on Holbeche Road, Fowler Road and Cattell Drive. It is enclosed on all sides by close boarded fences and high brick walls which also serve as the rear garden boundaries to the houses around the site.
- 2.2. The immediate area comprises of two storey semi-detached and terrace houses with hipped or pitched roofs built of red brick and grey/ brown tile. To the south of the site, on the opposite side of Springfield Road is the allocated Langley Sustainable Urban Extension site.
- 2.3. [Site Location](#)

3. Planning History

- 3.1. No relevant planning history.

4. Consultation/PP Responses

- 4.1. Ward Councillors, residents associations, local residents notified of the application and site notice displayed.
- 4.2. Sutton Coldfield Town Council – Object. Committee are concerned that this is an infill development and the proposals design and density is out of character with neighbouring properties. Committee feel that there may be an impact on parking and a potential loss of green space.
- 4.3. 3 objection letters have been received raising the following concerns:
 - The site does not have a street frontage
 - No view of the site from Holbeche Road
 - Residents of the proposed development will not be integrated in the area; the scheme does not promote community cohesion.
 - The access road is only wide enough for one car, not wide enough for a car and pedestrian to pass

- The access road is 45-50 feet long and runs along the rear gardens of two houses and the side of another
- Access will not be able to accommodate fire vehicles, ambulances or construction vehicles
- Bins would need to be left at the entrance reducing the width further
- Will result in loss of privacy and security
- Addition of streetlights will affect neighbouring houses
- Potential for damage to 38 Holbeche as the side wall of the existing dwelling forms the edge of the access road
- New boundaries should be provided
- Impact on house prices
- Not all residents on Cattell Drive have been notified of the proposal
- The site should be used as allotments for residents
- No need for this housing as well as the Langley development
- Requested members visit the site

4.4. Transportation – Comments on original submission: The width of the access-drive is very narrow for refuse vehicle access. The submitted plan (94127-A-HR02) shows a refuse vehicle reversing from Holbeche Rd into the site from the south of the access i.e. from the opposite side of Holbeche Rd. It is considered that if the refuse vehicle was reversing from the north side of the access i.e. from the same side of the road as the access-point, it would not be able to manoeuvre in. It appears that the tracking has not considered the margin vehicle would need to leave on both sides to avoid any damage to the wall, fencing etc. on both sides of access-road. Therefore, the proposed servicing arrangement appears to be impractical. Therefore, amendments (e.g. bringing the bin-store closer to the public highway of Holbeche Rd so that refuse vehicle do not need to enter the site, servicing from Cattell Drive through the pedestrian path-way between the site and Cattell Drive with relocation of bin-store at that end etc.) are required. The refuse collection service/waste management services should be consulted on this proposal.

Queried where would lighting columns be erected along this narrow access-drive. Also noted that the submitted plan (94127-A-HR02) refers to the proposed widening of the access at the entrance, which is not within the red line application site. Pedestrian visibility splays are also required.

Raised concern that the level of parking may not be sufficient for residents and visitor demand.

Note: a revised plan and additional information has been received from the agent. The details are provided in the body of the report below. Updated comments are awaited from Transportation.

- 4.5. Regulatory Services – Recommend contaminated land conditions and the provision of a vehicle charging point.
- 4.6. Severn Trent Water – As the proposal has minimal impact on the public sewerage system can advise have no objections to the proposals and do not require a drainage condition to be applied.
- 4.7. West Midlands Fire Service – Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes.

There should be vehicle access for a pump appliance to within 45m of all points within each dwelling, with suitable access door not less than 750mm wide.

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 15 and “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK. The approval of Building Control will be required to Part B of the Building Regulations 2010 and early liaison should be held with West Midlands Fire Authority in relation to fixed firefighting facilities, early fire suppression and access.

- 4.8. West Midlands Police – No objection. The site is a BMHT development and a Secured by Design application.

5. Policy Context

- 5.1. The following policies are applicable:

- Birmingham Development Plan 2017
- Birmingham Unitary Development Plan (saved policies)
- Car Parking Guidelines SPD
- Affordable Housing
- Places for Living
- Mature Suburbs
- National Planning Policy Framework 2019

6. Planning Considerations

- 6.1. The site previously contained 18 garages which have all be removed and the site is currently overgrown areas of hard standing. The submitted Design and Access Statement (DAS) advises that the Council garage stock was reviewed in 2006 and any site with less than 50% occupancy were considered for redevelopment. Most of the sites have now been redevelopment but there are a number of smaller sites where standard house construction methods and layouts would not be appropriate. The Holbeche Road site is one of these.
- 6.2. The main considerations are whether the erection of a modular home of the form and design proposed would be acceptable and fit in with its surroundings; whether the access, parking and turning facilities are sufficient; the impact on the amenities of the neighbouring properties and the impact on trees and ecology.

Design:

- 6.3. Policy PG3 of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place and safe and attractive environments. Policy TP27 also has similar wording and seeks high design quality. The revised NPPF states that good design is a key aspect of sustainable development and creates better places to live and work but where proposed developments fail to take opportunities available for improving the character and quality of an area, they should be refused. Para 131 states that great weight should be given to innovative designs which promote high levels of sustainability or help raise the standard of design in the general area as long as they fit in with the overall form and layout of their surroundings.

- 6.4. The proposed modular home would have a bold contemporary design, utilising architectural features and modern materials that appear within innovative residential schemes. The surrounding housing is all of a similar age and design, however I consider that attempting to build houses which are of the same design as the surrounding on this site would not be appropriate. The surrounding housing has been designed as an estate with street fronting properties and a set layout. I consider the application site needs to be redeveloped and as such the BMHT modular product would be an appropriate solution to a difficult site.
- 6.5. A street drawing has been submitted with the application which shows the four new dwellings but also includes outlines of the houses to the rear of the site, on Cattell Drive. This drawing shows that the new houses will be lower in height, subservient to the surrounding built form. My City Design advisor considers that the contemporary appearance of the buildings complements and adds to the local character and considers the design and layout has respected the existing context.
- 6.6. The suggestion from residents of building bungalows would not work as single storey dwellings take a much large footprint and bungalows are normally expected with large gardens. Neither would a garage or allotments (also suggested by objectors) be the most efficient use of the land or of BMHT resources.
- 6.7. In conclusion, although I acknowledge that the design of the BMHT modular houses is not the same as the surrounding houses this does not mean that the scheme is unacceptable. The proposal will not dominate the area or any street scene, it will not interrupt the existing character of the area and will be a high quality modern addition on an appropriate backland site. The materials chosen for this site, red brick and copper coloured cladding, are of a similar colour palette to the surrounding houses and as such would help to blend the new houses with the old ones.

Access, parking and turning:

- 6.8. Within the DAS the agent advises that the existing access road is 3.8m wide. As such the minimum width required for fire vehicles noted in the response from West Midlands Fire Service is achieved. The agent has also confirmed that the modular homes are to be fitted with sprinkler systems which will significantly reduce the damage caused in the event of a fire. The buildings themselves will need to be delivered by either lifting the two halves of the building over the neighbouring buildings or by delivering the buildings in smaller sections. However this is not a planning matter and is usual practice for sites with limited access width.
- 6.9. Four parking spaces are proposed which provides one for each dwelling. My Transportation Officer has raised concerns that this will not provide for the residents and visitors, however the requirements of the Car Parking Guidelines SPD is a maximum of 2 spaces per dwelling. The SPD also allows for consideration of the size of the dwellings, the proximity of facilities, the availability of on-street parking and the availability of public transport.
- 6.10. Additional land could be provided for parking; however this would be at the detriment of the amount of gardens and shared green space. Furthermore, there are three existing access gates serving surrounding properties all of which need to be retained and unrestricted access provided across hard surfacing. The proposed dwellings are two bed, three person units, the SPD sets a maximum not minimum and there is a good amount of on-street parking available in Holbeche road which could be used by visitors. Members should note that the majority of the BMHT garage sites will not provide any parking and residents will be made aware of the level of parking available (or not) before agreeing to take on the property. The houses, and shared spaces, will

be managed by BMHT and any issues or parking disrupting existing residents will be dealt with by BMHT.

- 6.11. As such, although I note the concern of my Transportation Officer, I do not consider it is reasonable or appropriate to provide more parking within the site and that the level of parking proposed is both sufficient for the size of the dwellings and the area.
- 6.12. The submitted plan also showed space for vehicles to turn and also a bin collection point within the site. Following the concerns raised by Transportation the agent has advised that they have liaised directly with Waste Services and the Depot Manager who have both advised that a smaller vehicle could be used to service this site. It is intended that the bin collection space will be for collection day only. As noted above the gardens include space to store bins within the curtilage of each dwelling.
- 6.13. An amended plan has been received to show the visibility splays within the application site and confirm that all of this land is within the ownership of BCC Housing.
- 6.14. Members should note that the site previously accommodated 18 garages and as such, when fully occupied, the garage use of the site would have resulted in significantly greater traffic movements than the current proposal for 4 dwellings. In addition the site would have been completely hard surfaced or structures. I therefore consider that the proposed scheme will have less of an impact on traffic movements and will increase the green space and landscaping with appropriate native species. The final surface finish of the hard surfacing can be controlled by condition to ensure appropriate materials are used.

Residential amenities:

- 6.15. The site is surrounded by existing, two storey, residential properties on Holbeche Road, Fowler Road and Cattell Drive. The separation distances to the houses on Holbeche are over 24m between facing windows. There is 17m between the blank side elevation of plot 1 and the nearest houses on Fowler Road. As such the impact from overlooking and loss of light on these properties would not be unacceptable.
- 6.16. Plot 3 will be approximately 15m from the corner of number 16 Cattell Drive but at an angle and with no windows in the rear elevation of the proposed dwelling. The window in the side elevation would face over a section of the garden to the existing dwelling which sits behind a garage and also face over this area at an angle, furthermore the plans show the side windows as obscure glazed. The corner of the dwelling on plot 4 would be just under 6m from the corner of 15 Cattell Drive but, again with no windows in the rear elevation and the side window facing Holbeche Road (with over 24m separation and obscure glazed). As such, although the new houses will be close to the existing houses they will not cause unacceptable overlooking, a condition can be imposed to ensure the first floor side windows are obscure glazed and the distances are sufficient to protect the existing dwellings right to light.
- 6.17. The main impact will be on 38 Holbeche Road which abuts the side of the access road into the site. This existing house has a storeroom and the rear part of the kitchen abutting the site access. The main habitable rooms are at least 1m from the access and with the store room between. Any damage caused to the dwelling would be a civil matter between the developer/ future residents and the existing residents. There is a potential for impact from noise of vehicles on the driveway, however, as noted in the transportation section above, the site previously accommodated 18 garages. As such the impact from traffic if the garages had been fully in use would be significantly greater than the impact from traffic of the proposed 4 dwellings.

- 6.18. Objectors have concerns over the impact of street lighting and I agree that standard street lighting would not be appropriate for this site as it would cause light spillage to the rear of gardens and houses which are currently dark. However, lighting can be installed and a condition is recommended to require BMHT to submit the details of the lighting to Planning for approval.
- 6.19. I also consider that the amenities of the future residents will be acceptable. The overall dwelling size and room sizes comply with the National Space Standards and provide a good quality internal layout and space. The gardens do fall short of the recommended guidance in Places for Living SPD, however, as noted above, they are provided with external storage, paving and an area of grass. The shortfall should be balanced against the benefits of the BMHT modular homes in providing small dwellings on difficult sites. Overall I do not consider that the shortfall is such as to justify refusing the proposal.

Ecology and trees:

- 6.20. A Preliminary Ecological Appraisal has been submitted with the application. This report confirms that the consultant has carried out a desk top survey and site survey. There are no statutorily protected sites within 1km of the site and no records of protected species. The site survey notes opportunities for nesting birds and foraging and commuting habitats for bats.
- 6.21. The report recommends appropriate external lighting for bats, protection of the retained tree, ensuring any excavations are covered overnight, clearance of vegetation outside bird nesting season and removal of Cotoneaster from the site. My Ecology Officer has been consulted on the proposal but, at the time of writing this report, had not responded. Any updates will be provided verbally to members. However, conditions are recommended to ensure the ecological enhancements suggested in the applicant's report are delivered.
- 6.22. An arboricultural survey has also been undertaken and submitted with the current application. The survey recorded one Silver Birch and one plum tree within the site and several trees in neighbouring gardens around the site. The plum tree is considered to be not worthy of retention, it has stem wounds and rubs on the boundary fence. The Silver Birch is a better quality tree, noted to be a Category B tree in the survey. However, this tree would need to be removed to enable the parking and turning area to be provided. My Tree Officer has raised concerns that the loss of the Silver Birch is not being mitigated by replacement planting. I acknowledge this concern and agree that the opportunity should be taken to plant new trees to mitigate the loss of the Silver Birch and Plum. This can be dealt with through the standard landscaping condition and officers and BMHT will need to ensure that a new tree is provided in the verge that will off-set the loss of the Silver Birch.

Other matters

- 6.23. Officers confirm that not all of the residents on Cattell Drive have been notified of the scheme. The immediate neighbours to the application site have been individually notified of the application and a site notice has been put up. The site is to the rear of two houses on Cattell Drive and they have been notified. The consultation has been carried out in accordance with the requirements of legislation and the Council's adopted Statement of Community Involvement and we are not required to consult beyond the immediate neighbours. The impact on these two houses has been assessed, as detailed above, the impact on any other properties on Cattell Drive is less than the impact on the two immediate neighbours.

- 6.24. House value is not a material planning consideration. The development of this site will remove the current antisocial behaviour issues. The land is not open space by either definition within the BDP and is not green space as suggested by the Town Council. As noted above the site previously contained garages and is a difficult site to redevelop. As such I consider the BMHT modular home is appropriate.

7. Conclusion

- 7.1. The BMHT modular home is an exciting project being developed by the City Council as part of its housing programme for increasing the supply of social housing and would be used on smaller sites which would be difficult to develop with conventional housing. It represents a step change in how smaller new homes can be delivered using high quality modular units built in a controlled factory environment. It is proposed to use the application site for the erection of four modular homes.
- 7.2. The proposal would deliver an innovative design which would provide a modern addition to the existing built environment on an appropriate backland site. The scheme will not have an adverse impact on the amenities of neighbouring residents, replacement landscaping can be ensured through a condition, including replacing the Silver Birch tree, and appropriate mitigation for ecology can be provided. Taking into account the previous use of the site the access is sufficient for the scale of the proposed development, including for emergency vehicle access, and an appropriate level of parking is proposed. Accordingly the scheme complies with adopted policies in the BDP and UDP, the principles in the Council SPDs and the NPPF.

8. Recommendation

- 8.1. Approve subject to the following conditions

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- | | |
|---|--|
| 1 | Requires the submission of hard and/or soft landscape details |
| 2 | Requires the submission of sample materials |
| 3 | Requires the prior submission of a contamination remediation scheme |
| 4 | Requires the submission of a contaminated land verification report |
| 5 | Requires the implementation of tree protection |
| 6 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 7 | Requires obscure glazing for specific areas of the approved building |
| 8 | Requires the scheme to be in accordance with the listed approved plans |
| 9 | Implement within 3 years (Full) |
-

Case Officer: Karen Townend

Photo(s)



Site and rear of houses on Holbeche Road and Cattell Drive



Houses on Holbeche Road



Site



View of access from within site

Location Plan



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Committee Date:	10/10/2019	Application Number:	2019/06054/PA
Accepted:	19/07/2019	Application Type:	Full Planning
Target Date:	13/09/2019		
Ward:	Aston		

Land fronting Aston Lane, bounded by Aston Lane to the North and Birchfield Road (A34) to the West, Perry Barr, Birmingham, B20 3BU

Demolition of existing commercial units (6-24a Aston Lane), site reclamation and erection of 2.4-metre-high boundary fencing for the formation of a temporary storage compound

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for the demolition of the existing commercial units at 6-24a Aston Lane, the reclamation of the land and the erection of a 2.4m high boundary paladin fencing for the development of the temporary storage compound.
- 1.2. The site has been assembled as part of the package of measures to improve the Town Centre but also to accommodate facilities and displacement of existing uses for the Birmingham 2022 Commonwealth Games.
- 1.3. The proposed works comprise the demolition of the existing commercial units, site clearance works and remediation works and the site being used as a temporary Contractor's compound for the Games; before the erection of a temporary Jobcentre and new retail units on site, which are required due to the Compulsory Purchase Order of the existing jobcentre site at Aston Lane. The erection of the temporary Jobcentre and new retail units on site is subject to a separate planning application (2019/06576/PA).
- 1.4. The following documents have been submitted in support of this planning application:
 - Planning Statement
 - Arboricultural Report
 - Ecological Appraisal
 - Topographical Survey
 - Preliminary Reclamation Strategy
 - Phase 1 Site Investigations
 - Geo-Environmental Desk Study Report

1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site covers an area of approximately 0.48ha and is bounded by Aston Lane to the north, Birchfield Road to the west, rear boundaries of residential properties located along Bragg Road to the south and Chesterwood Gardens to the east. The eastern part of the site comprises a small parade of single storey commercial units fronting Aston Lane, with parking to the rear. The western part of the site, at the corner of Aston Lane and Birchfield Road, comprises a grassed plot which is currently overgrown with self-set vegetation and a number of trees which are not subject to a Tree Preservation Order. The plot is enclosed by an approximately 2.5m high wooden hoarding.
- 2.2. The site is located within the Primary Shopping Area of Perry Barr District Centre which has been identified in Aston, Newtown and Lozells AAP as one of the three district centres in the city for growth and development.
- 2.3. [Site Location](#)
3. [Planning History](#)
- 3.1. The application site has a long planning history in relation to the commercial units on site; none relevant to the current proposal.
- 3.2. (2019/06576/PA) – Erection of a temporary Job Centre (Use Class A2) four retail units (Use Class A1) together with a creation of new access, parking and associated landscaping and infrastructure works – current application
4. [Consultation/PP Responses](#)
- 4.1. Site notice posted and Residents' Associations; Ward Members; and local occupiers consulted. 8 individual letters of objections received from local residents raising the following issues:
- The demolition will cause people to lose jobs
 - Removal of retail shops from the area
 - High rents elsewhere to relocate business
 - Redevelopment would cause chaos and traffic in the area
- 4.2. A petition was submitted by Cllr Nagina Kauser containing 260 signatures and raising the following issues:
- It will affect the livelihood of 20+ people who will lose their jobs
 - Cannot relocate because of established business
- 4.3. Councillor John Hunt – objecting to the proposal on the grounds of reduction of the number of retail premises at this location.
- 4.4. Regulatory Services – No objections subject to conditions in relation to Contaminated Land Report and Demolition Management Plan.
- 4.5. Transportation Development – No objections subject to conditions in relation to Demolition Management Plan and pedestrian visibility splay.
5. [Policy Context](#)
- 5.1. Relevant Local planning policy:
- Birmingham Development Plan (BDP) 2017

- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
- Aston, Newtown and Lozells AAP (2012)

- 5.2. Relevant National planning policy:
- National Planning Policy Framework (NPPF) (2019)
 - National Planning Policy Guidance (NPPG)

6. Planning Considerations

Principle

- 6.1. The site is identified as being located within the Primary Shopping Area in the Perry Barr District Centre. The site is made out of 12 no. small adjoining units, consisting of 8 no. businesses in town centre uses. The proposed works comprise the demolition of these existing commercial retail units, site clearance works and remediation works and part of the site being used as a temporary storage compound for the contractors for the highways works to be carried out ahead of the Commonwealth Games to be held in 2022. The other vacant part of the site is currently subject to a separate planning application (2019/06576/PA) for the future development of the site to accommodate a temporary job centre and new retail units.
- 6.2. Policy TP21 states that centres are the preferred locations for retail, office, leisure developments and community facilities such as health centres, education, social services and religious buildings. My Strategic Advisor has assessed the proposal and raised no objections as the loss of these units would not undermine the primary retail function of Perry Barr District Centre. The proposed demolition and remediation works would allow site to be used for the future redevelopment with part of the site being used as a Contractor's compound. The principle of development accords with appropriate uses within centres as stipulated within the National Planning Policy Framework, the Birmingham Development Plan 2017 and the Aston, Newtown and Lozells AAP. I concur with this view.
- 6.3. It is noted that concerns have been raised by local residents with regards to loss of the existing commercial units. While the loss of occupied retail units within a District Centre is not ideal; it is recognised that this proposal is intrinsically linked to wider regeneration for Perry Barr, including the Commonwealth Games and the District Centre and as such significant weight is given. Furthermore, a separate application is seeking to provide a replacement Job Centre and retail units, which are appropriate in this location. As such, I consider that the principle of development is acceptable and the proposal is in conformity with the NPPF, Birmingham Development Plan and the Aston, Newtown and Lozells AAP.

Contamination

- 6.4. A Phase 1 Site Investigations, a Land Remediation Strategy and a Geo-Environmental Desk Study Report were submitted in support of this application. Supplementary investigation, however, is required to verify ground conditions in currently inaccessible areas. The submitted Remediation Strategy advises that contamination assessment has identified remedial requirements, limited to retention of materials in situ beneath cover. No protection of buildings from hazardous soil gases is required. A verification report is to follow and this will be conditioned accordingly. Regulatory Services have assessed the submitted documents and they are content that documents adequately characterise ground conditions as far as the

existing site restrictions allow and that the Preliminary Reclamation Strategy is adequate for the initial clearance and demolition on site. They raise no objections to the proposal subject to conditions in relation to a contaminated land verification report and demolition management plan. I concur with this view and the recommended conditions are attached.

Ecology/Trees

- 6.5. The submitted Ecological Appraisal notes that the row of shops present within the site are considered to provide low suitability to support roosting bats. The subsequent dawn return survey did not identify any bats roosting or foraging within the site. My Ecologist has assessed the proposal and considers that there are no foreseeable ecological impacts in developing this site as long as the vegetation clearance is undertaken outside of the bird nesting period and terrestrial mammals that may visit the site are considered. The informative with regards to nesting birds and badgers, hedgehogs and other terrestrial mammals will be attached accordingly.
- 6.6. The survey of trees at the site assessed 13 individual trees and two groups of trees, none of which are subject to Tree Preservation Order. None of the trees that were recorded have been assigned to the category A (high quality value); however, 6 no. individual trees have been assigned to category B (moderate quality) and 7 no. individual trees and 2 group of trees were assigned to the low quality and value category C. The report recommends that trees should be retained and protected where possible. The proposed plans show that all of the 13 individually surveyed trees which are Category B and C will be retained and protected. Those are located in the eastern part of the plot along the boundaries with residential properties at Bragg Road and Chesterwood Gardens. 2 no. groups of trees that had been identified as a low quality and value (Category C) would be removed as part of the proposal. My Tree Officer has assessed the proposal and raises no objections subject to conditions in relation to tree protection areas and tree pruning in order to further protect retained trees during demolition works. I concur with this view and the recommended conditions are attached.

Highways

- 6.7. The proposed demolition and remediation works will utilise the existing access on Aston Lane. Post-demolition, the site will be used as a storage compound for a temporary period of time only. Transportation Development have assessed the proposal and raise no objections subject to conditions in relation to the demolition traffic management plan, gates and pedestrian visibility splay. I concur with this view and I consider that due to the nature of the proposal and subject to the recommended conditions; the proposal would have no adverse impact on highway safety.

Visual amenity

- 6.8. The proposal includes the erection of a 2.4m high paladin fencing as well as high Wedmesh gate to secure the site during the demolition and remediation works. The proposed paladin fencing will also separate the future site plots. I consider that the proposed boundary treatment during the demolition works is acceptable and that the proposal would have no adverse impact on the visual amenity of the surrounding area.

7. Conclusion

7.1. The proposed demolition, site reclamation, formation of a temporary storage compound and the erection of boundary fencing is considered to be acceptable. The proposal is in conformity with the NPPF, the Birmingham Development Plan 2017 and the Aston, Newtown and Lozells AAP as it would contribute towards many of the AAP's objectives with regard to helping to establish sustainable neighbourhoods. In addition, the proposal covers an important strategic site to assist with the wider Council objective of the timely and successful delivery of Birmingham 2022 Commonwealth Games and its associated infrastructure and as such is acceptable subject to conditions.

8. Recommendation

8.1. Approve subject to Conditions.

-
- | | |
|---|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requirements within pre-defined tree protection areas |
| 4 | Requires tree pruning protection |
| 5 | Requires the submission of a contaminated land verification report |
| 6 | Requires the prior submission of a demolition method statement |
| 7 | Requires pedestrian visibility splays to be provided |
-

Case Officer: Lucia Hamid

Photo(s)

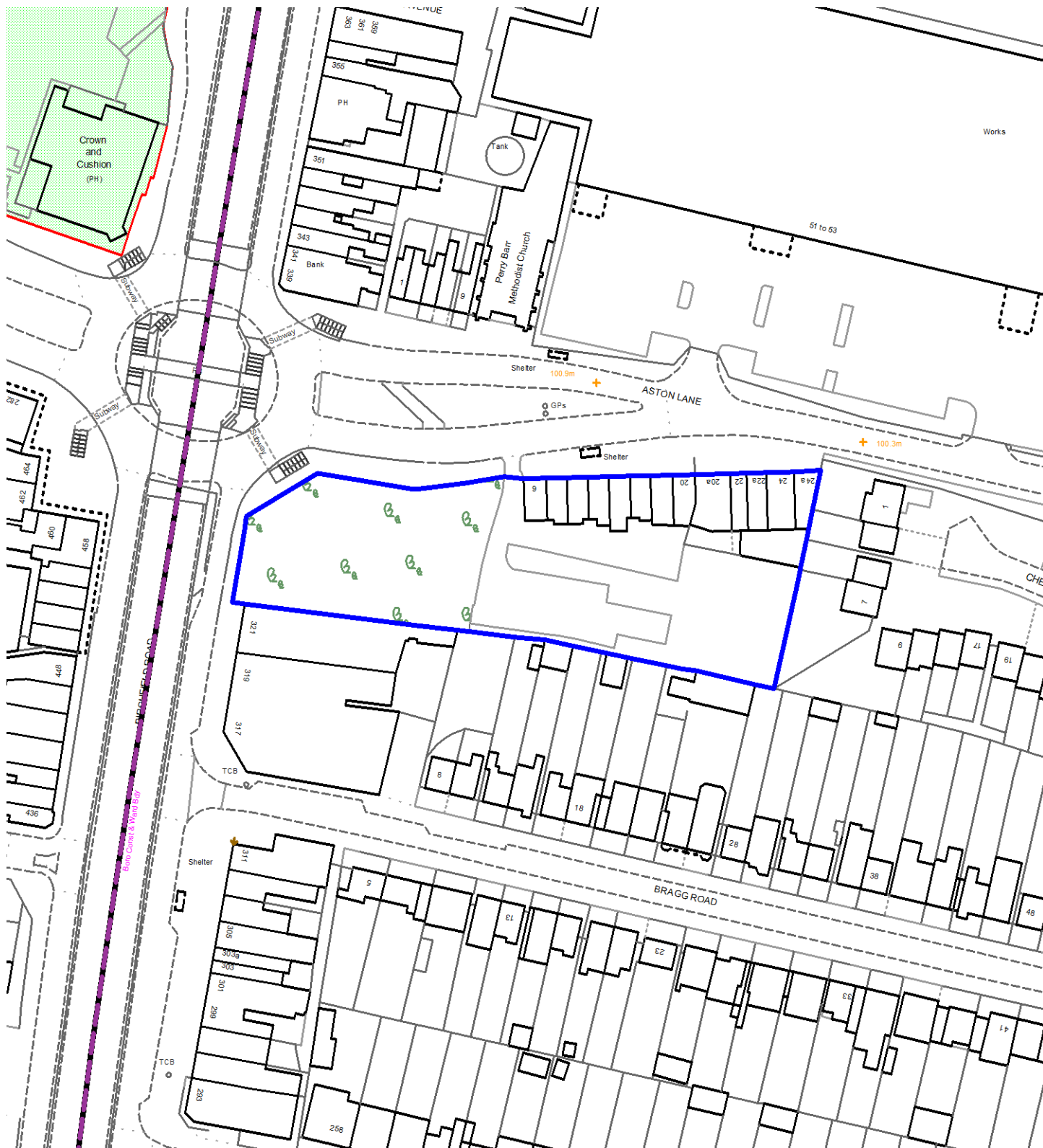


Picture 1: Existing units to be demolished



Picture 2: View towards the site from Birchfield Road

Location Plan



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Committee Date:	10/10/2019	Application Number:	2019/00467/PA
Accepted:	19/03/2019	Application Type:	Householder
Target Date:	14/05/2019		
Ward:	Perry Barr		

6 Perry Avenue, Birmingham, B42 2NF

Erection of two and single storey rear, single storey front and two storey side extensions.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Erection of two and single storey rear, single storey front and two storey side extensions at 6 Perry Avenue, Perry Barr, B42 2NF.
- 1.2. The proposed development would provide a kitchen, dining room, shower room, utility room and front porch on the ground floor and an extension to bedroom 3, family bathroom, store and en-suite bathroom to bedroom 1 on the first floor.
- 1.3. A declaration has been made that one of the applicants works for Birmingham City Council.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a two storey semi-detached dwellinghouse designed with a hipped roof, two storey bow window feature and integral garage to the front, with two storey bow window feature and conservatory to the rear. The surrounding area is primarily residential in nature and features properties of a similar age and architectural style.

2.2. [Site Location](#)

3. Planning History

- 3.1. 2018/07791/PA - Erection of 4.5 metres deep single storey rear extension. Maximum height 3.5 metres, eaves height 3.0 metres. *No Prior Approval Required.*

4. Consultation/PP Responses

- 4.1. Local councillors and the occupiers of neighbouring properties were consulted. No responses were received.

5. Policy Context

5.1. The following local policies are applicable:

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

5.2. The following national policies are applicable:

- National Planning Policy Framework (2019)

6. Planning Considerations

6.1. The main issues for consideration are the scale and design of the proposed development, as well as the impact on neighbour's amenity.

6.2. As originally submitted, the proposed development was considered unacceptable due to an inappropriate scale/design and a failure to comply with the 45 Degree Code. The scale and design was considered to be out of character with the existing house and street scene, whilst the 45 Degree Code breach would have resulted in loss of light and outlook to the neighbouring property 4 Perry Avenue. However, amended plans have now been submitted which address these concerns.

6.3. The scale and design of the proposed development as amended is acceptable and meets the general principles contained within the design guide 'Extending your Home'. The proposed extensions are subservient in scale compared to the existing house and would not form dominant or intrusive features. The two storey side and rear extensions are designed with a roof ridge line lower than the original roof, with matching roof pitch and front wall set back at first floor level. The proposed extensions as amended are now in keeping with the appearance of the original house and would cause no detrimental impact on the character of the street scene.

6.4. The proposed development as amended complies with the objectives of the 45 Degree Code in relation to both neighbouring properties. As originally submitted, the two storey rear extension would have breached the 45 Degree Code to the nearest first floor habitable window at No. 4 Perry Avenue. The amended plans include a set back at first floor level of the two storey rear extension at the side adjacent to No. 4 and as a result, the extension no longer breaches the 45 Degree Code at first floor level. Although there is still a 45 Degree Code breach to No. 4 at ground floor level, given that this breach already exists, the proposed extension is acceptable as it would not worsen the existing situation. The proposed development would therefore now cause no further issues in relation to loss of outlook and light from neighbouring properties and is therefore acceptable with regards to the impact on neighbour's amenity.

6.5. The proposed development complies with the numerical standards set out in 'Extending your Home' and 'Places for Living' and would cause no issues in relation to loss of neighbour's privacy.

7. Conclusion

7.1. The proposed development complies with the objectives of the policies set out above. I therefore recommend the application is approved 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 that the materials used match the main building |
| 3 | Implement within 3 years (Full) |
-

Case Officer: Wahid Gul

Photo(s)

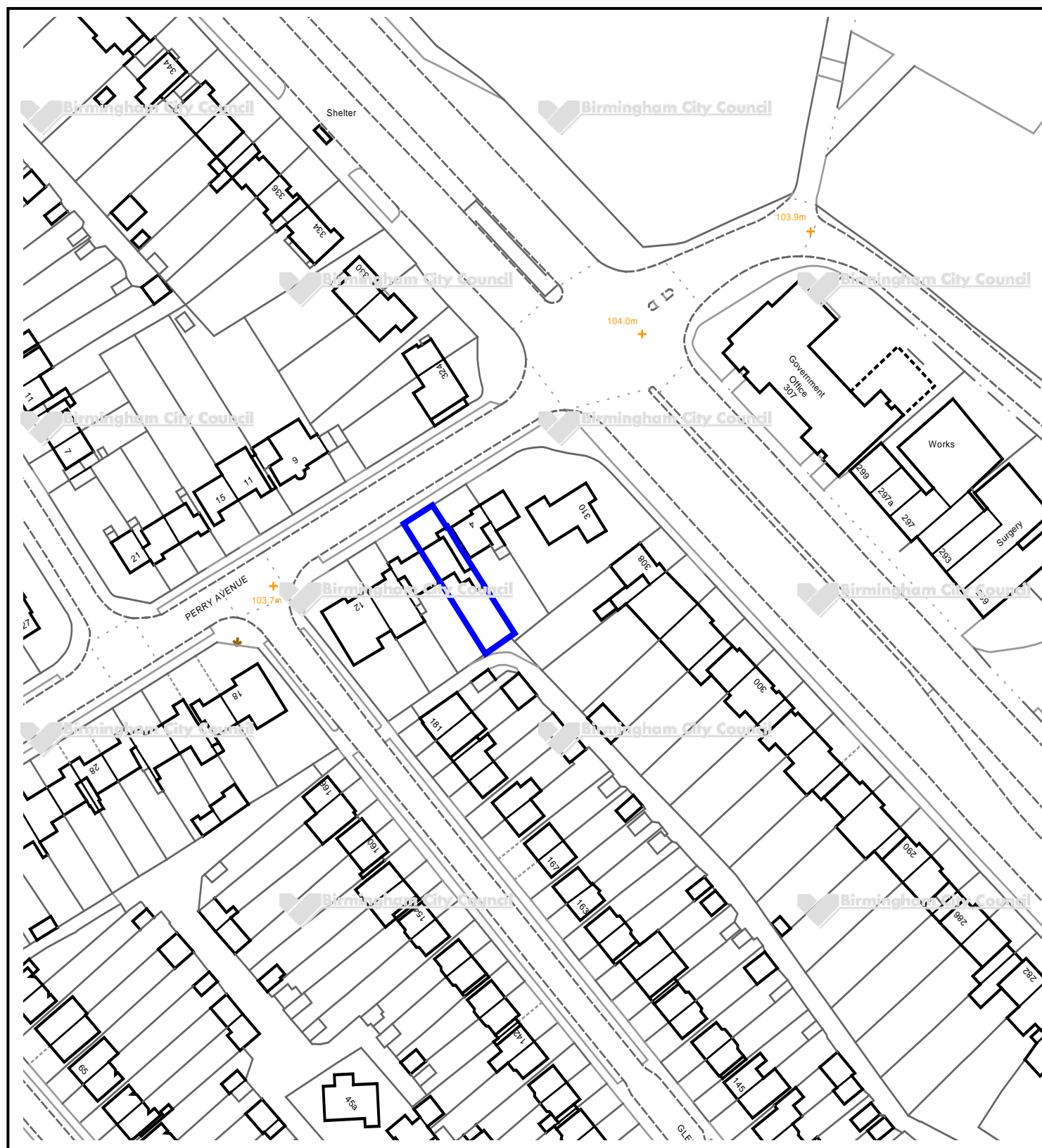


Photo 1 – Front Elevation



Photo 2 – Rear Elevation

Location Plan



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Birmingham City Council

Planning Committee

10 October 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	15	2019/02210/PA Land south of the River Tame, between Hurricane Park and Castle Bromwich Business Park Castle Vale Birmingham Construction of flood defences to include embankments, flood walls etc along the River Tame corridor between Hurricane Park and Castle Bromwich Business Park
Approve – Conditions	16	2019/04714/PA Former Ward End Ex-Services Mens Club 87 Ward End Park Road Birmingham B8 2XB Demolition of existing buildings and erection of 14no. affordable dwellings including access, landscaping and associated works
Approve – Conditions	17	2019/01042/PA Land on Kestrel Avenue Yardley Birmingham B25 8QU Erection of 4no. dwellinghouses (Use Class C3) with associated landscaping and parking.

Approve - Conditions	18	2019/06560/PA Land off Packington Avenue Rear of 1 - 5 Walsham Croft Shard End Birmingham B34 7QY Erection of two modular dwellinghouses with associated parking and landscaping
Approve – Conditions	19	2019/06150/PA Land to the rear of 37- 51 Alderpits Road Shard End Birmingham B34 7RP Erection of 9 no. modular houses and associated works
Determine	20	2019/01470/PA 3 Elmdon Road Acocks Green Birmingham B27 6LJ Change of use from residential dwellinghouse to residential institution (Use class C2)

Committee Date:	10/10/2019	Application Number:	2019/02210/PA
Accepted:	26/03/2019	Application Type:	Full Planning
Target Date:	11/10/2019		
Ward:	Bromford & Hodge Hill		

Land south of the River Tame, between Hurricane Park and Castle Bromwich Business Park, Castle Vale, Birmingham

Construction of flood defences to include embankments, flood walls etc along the River Tame corridor between Hurricane Park and Castle Bromwich Business Park

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This Planning application seeks consent for the construction of flood defences to include embankments, flood walls etc along the River Tame Corridor between Hurricane Park and Castle Bromwich Business Park. The sites of works will be situated on land to the south of the River Tame, between Hurricane Park and Castle Bromwich Business Park, Castle Vale, Birmingham.
- 1.2. The proposals are as a result of the Environment Agency published River Tame Flood Risk Management Strategy (FRMS) in 2011. This identified a number of schemes which would manage flood risk on the River Tame. The Bromford and Castle Vale FRMS is one of the projects that take forward the recommendations of the strategy.
- 1.3. The proposals aim to reduce the potential of flood risk in the area will be achieved by constructing or raising the existing floodwall along the left bank (north) of the river and by constructing an earth embankment on the right (south) bank of the river with floodwalls where space is restricted, such as behind the Severn Trent Water (STW) pumping station. When the Bromford and Castle Vale FRMS is completed it will reduce the risk of flooding to 928 residential and commercial properties and infrastructure for a flood event with a 1 in 100 (1%) chance of occurring each year. As detailed in the report, it is acknowledged that the proposals will lead to an increased level of flooding for 14 non-residential properties due to displacement caused by the proposals.
- 1.4. The whole scheme can be viewed as three sections; temporary works, permitted development works and works which require planning permission. The main components of the works comprise of the following;
 - Construction of a series of embankments from Bromford Bridge to the A452, totalling approximately 2.3 km in length. Where space is limited, for instance between pylons and the river channel and behind the Bromford Sports & Community Centre, a wall will be constructed. The total length of flood defence on the right bank of the river will be approximately 3.5 km.

- Construction of a flood wall on the left bank from where the M6 crosses the railway line to the A452.
 - Construction of flood wall along the right and the left banks of the river channel through Hurricane Park and Prologis Park.
 - Construction of approximately 220 m of low level flood wall along the left bank of the River Tame along Tameside Drive at the western edge of the Castle Bromwich business park. The height of this flood wall is approximately 0.8 m.
 - General environmental mitigation and enhancement.
- 1.5. The proposed developments aim is to reduce the risk of flooding to residential and commercial properties and infrastructure for a flood event with a 1 in 100 (1%) chance of occurring each year. The scheme is being delivered in part through the Environment Agency's rights of permitted development, and in part through the Planning Process with Birmingham City Council.
- 1.6. The proposed flood defences at Hurricane Park and Prologis Park, and along the left bank of the river will be constructed through the EA's rights of permitted development, and will not form part of the assessment.
- 1.7. A scheme of further associated work and works which are a result of the flood defences will also be created. A cycle path will be provided along the length of the right bank defence, linking the existing cycling networks at Bromford Road and Chester Road (A452). The current pedestrian routes along the right bank of the river will be replaced with an enhanced combined pedestrian and cycle route along the embankment.
- 1.8. Enhancements will also improve public open space and create habitats. The existing public recreation/play area on the right bank will be reinstated, with minor alterations made to accommodate the embankment. Environmental enhancements will be provided through the scheme. These will include planting of wildflower meadow, tree planting, and changes in grassland management that will encourage diversified flora and wet meadow vegetation.
- 1.9. [Link to Documents](#)
2. Site & Surroundings
- 2.1 The site is located south of the River Tame, between Hurricane Park in Bromford, and the Castle Bromwich business park in Castle Vale. The application area can be seen on drawings ENVIMMI001309-JEC-ZZ-DR-C-0024 - 0029 which shows the red line boundary. The red line boundary encompasses both the parts of the scheme where development will take place, and land where mitigation for any impacts will be provided.
- 2.2 Bromford and Castle Vale are urban areas in north-east Birmingham, located respectively on the right (south) and left (north) bank of the River Tame. Bromford is a densely-populated area comprising a mix of terrace housing and high rise flats. In contrast, Castle Vale is a predominantly industrial area and includes business parks and the Fort Dunlop Shopping Centre.
- 2.3. The existing areas where development will take place contains large residential areas at flood risk; elevated sections of the M6; electricity pylons; BCC composting

centre; Severn Trent Water Pumping Station along with other restrictions which have dictated the pattern of development.

3. Planning History

- 3.1. No historic Planning Application directly relevant to this application site or the proposals.

4. Consultation/PP Responses

- 4.1. Site and press notices displayed, MP, Ward Members and neighbours notified. There have been no letters of representation received regarding the application.
- 4.2. Transportation Development: No objection subject to the imposition of conditions relating to the following;
- Section 247 – Bromford Drive stopping up order
 - Section 278 Agreement
 - Siting and Design of Means of Access
 - Vehicular visibility splays
- 4.3. Local Flood Authority and Drainage Team: No objection.
- 4.4. Regulatory Services: No objection subject to the imposition of conditions relating to a pre commencement Construction Method Statement/Management Plan.
- 4.5. West Midlands Police: No objection.
- 4.6. Environment Agency: No objection subject to the imposition of conditions relating to timings/phasing and mitigation measures.
- 4.7. Severn Trent Water: No objection.
- 4.8. Canal and River Trust: No objection.
- 4.9. HS2: No objection.
- 4.10. Network Rail: No objection
- 4.11. National Grid: No objection
- 4.12. Historic England: No objection.

5. Policy Context

- 5.1 National Planning Policy Framework(2019); Birmingham Development Plan (2017); Saved policies from the Birmingham Unitary Development Plan (2005); Planning Practice Guidance (2018); Birmingham Strategic Flood Risk Assessment Level 1 (2012); River Tame Flood Risk Management Strategy (2011); Birmingham Sustainable Management of Urban Rivers and Floodplains SPD (2007); The Future of Birmingham's Parks and Open Spaces SPD (2006); Birmingham and Black

6. Planning Considerations

- 6.1. **Background** – The *River Tame Improvement Scheme* introduced some limited flood defences along the river in the 1980s. The 2011 *River Tame Flood Risk Management Strategy* produced by the Environment Agency considered the best options for increasing the river's ability to carry floodwater through the area without increasing the risk to people downstream. The water levels in the River Tame rise quickly following heavy rainfall and with the large areas of hardstanding in the surrounding built up area, meant that water quickly runs to the river, post rainfall leading to a high risk of flooding in the Bromford and Castle Vale areas.
- 6.2. Options considered included: doing nothing (to understand what the impacts of this would be); maintaining existing flood defences; or reducing the level of flood risk now and in the future by, for example, storing flood waters or building new flood walls.
- 6.3. The Environment Agency undertook extensive technical, economic and environmental studies which identified the proposed scheme as the most cost-effective option with minimal environmental impacts for Bromford and Castle Vale. This has since developed, in consultation with the local community, BCC, statutory bodies and other interested parties. The applicant prepared a business case in 2016 that secured funding and confirmed that the proposed scheme should protect Bromford and Castle Vale against a flood with a 1 in 100 (1%) chance of occurring in any given year. Consideration was given to various types of flood defences including: embankments; reinforced concrete walls; raising existing walls; raised kerbs; and piled walls. Investigation and design into how high and where the defences should be was carried out whilst identifying the environmental issues, risks and opportunities that should influence the design.

- 6.4. The approach aimed to include embankments rather than walls and set back from the river as far as possible to allow more space for water and allow a more natural environment. The line of the new structures fits, where possible, with existing footpaths and public open spaces. It also avoids/minimises tree loss wherever possible, replacing where lost, and does not create potentially “anti-social” areas. These proposals are considered as part of the proposed scheme. In addition to the main flood defence works, potential improvements to public open space, habitat creation and river improvements have been identified.
- 6.5. Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires applications to be determined in accordance with the approved development plan unless material considerations dictate otherwise.
- 6.6. A revised NPPF was published in February 2019 and updates the original NPPF, which was published in 2012. Paragraph 7 of the NPPF advises that *“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs”*.
- 6.7. The NPPF aims to ensure that planning policy guides development that contributes to achieving sustainable development, which includes three overarching objectives:
- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
 - an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimizing waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 6.8. The proposed scheme contributes to achieving sustainable development, in line with the NPPF by protecting residential and commercial properties from flooding, whilst minimising and mitigating against impact to the natural environment.
- 6.9. Paragraph 11 of the NPPF sets out how the presumption in favour of sustainable development should underpin plan making and decision taking. For decision-taking this includes approving development proposals that accord with an up-to-date development plan without delay. The submitted supporting Planning Statement outlines how the proposed scheme accords with the up to date development plan for Birmingham City Council. This includes reducing the risk of flooding, supporting the regeneration of the Bromford Estate and promoting sustainable transport systems including cycling and walking.
- 6.10. Paragraph 12 of the NPPF advises that the document *“does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan*

(including any neighbourhood plans that form part of the development plan), permission should not usually be granted". Further, the NPPF is a material consideration for determining planning applications. The development proposals are considered to comply with the relevant sections of the relevant Development Plan and the NPPF.

- 6.11. Chapter 4 of the NPPF deals with pre-application engagement and paragraph 39 advises that *"Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community"*. The Environment Agency entered into and have undertaken pre-application consultation with the public, stakeholders and BCC planning and associated departments. The applicant has detailed the consultations undertaken for the proposed scheme within their Planning Statement. Furthermore the applicant have "letter dropped" all affected properties and entered in to direct dialogue with those potentially detrimentally impacted upon.
- 6.12. Chapter 6 of the NPPF is in regard to building a strong, competitive economy and states that *"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt"*. Paragraph 81 goes on to state that planning policies should *"seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment"*. A Core Employment Area is located north of the River Tame, which includes Fort Dunlop and Gravelly Industrial Park. The proposed scheme has demonstrated that they protects commercial properties and infrastructure for a flood event with a 1% Annual Exceedance Probability (AEP) (1 in 100 chance of occurring each year).
- 6.13. Chapter 8 of the NPPF relates to the promotion of healthy and safe communities and details that decisions should aim to *"enable and support healthy lifestyles"*. Construction of the new cycle path on an embankment within the area of open space to the south of the River Tame between Bromford Bridge is considered to improve access to the general area and the facilities contained therein (including the play park, skate park and reinstated trim trail).
- 6.14. Chapter 9 of the NPPF relates to sustainable transport and in relation to this Planning Application relates to the provision/improvement of walking and cycle networks. Construction of the new cycle path will improve access to this area. It will also provide a new connection between existing formalised cycle routes on Bromford Lane to the west and along the A452 to the east.
- 6.15. Chapter 12 of the NPPF relates to design and impresses upon the importance of community engagement and should *"evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot"* In the opinion of the Local Planning Authority the proposed works required as part of the flood defences, have been designed to visually fit in with and reflect the existing environment. Further considerations, especially ecologically have been reacted too and have been incorporated into the design of the proposed scheme, in particular relating to the reduction of tree clearances and seeking to promote safe spaces. The final design has been shaped by the pre application discussions and community involvement as detailed in relation to Chapter 4 of the NPPF, as detailed above within paragraph 6.9.

- 6.16. Chapter 14 of the NPPF relates to the ongoing challenge of climate change, flooding and coastal change". This element of the NPPF is considered extremely pertinent to the overall determination of the application. The application has been supported by a Flood Risk Assessment, the general findings of which are as follows;
Modelling undertaken as part of the FRA indicates that there is a residual risk upstream and downstream as a result of building the scheme and removing floodplain. These impacts can be mitigated by construction of physical mitigation measures. HS2 will be providing compensatory works at Park Hall Farm as part of their Scheme (outlined in the Hybrid Bill). At this point of the application process, there is not yet a legal agreement in place for the works to be undertaken by HS2, and the EA has therefore developed plans for mitigation as a contingency measure.
- 6.17. The Birmingham Development Plan (BDP) is the city's statutory planning framework guiding decisions on all development and regeneration activity until 2031. The BDP sets out how and where new homes, jobs, services and infrastructure would be delivered and the type of places and environments that would be created.
- 6.18. BDP Policy P3 states that new development should "Create safe environments that design out crime and make provision for people with disabilities through carefully considered site layouts, designing buildings and open spaces that promote positive social interaction and natural surveillance". The proposed scheme has been designed to deter crime and antisocial behaviour, mainly in relation to the footpaths and access points. The new cycle path will be 3 metres wide improving accessibility of the route for cyclists and people with limited mobility, whilst installing barriers to ensure unsuitable vehicles cannot access the footpath. West Midlands Police offered no objection to the proposals.
- 6.19. Local Development Plan TP6 relates to the management of flood risk and promoting sustainable drainage systems. The most pertinent section of this policy states that "rivers and streams are liable to natural flooding and will be managed in ways which will ensure that this can take place in locations which will not place built development or sensitive uses at risk". The proposed scheme aims to reduce the flood risk to people and properties along the River Tame. When the proposed scheme is completed it will reduce the risk of flooding to 928 residential and commercial properties for a flood event with a 1 in 100 (1% Annual Exceedance Probability) chance of occurring each year. As detailed in paragraph 6.14, the proposed scheme results in a residual risk upstream and downstream, but this can be avoided by the construction of physical mitigation.
- 6.20. Local Development Plan Policy TP8, Biodiversity and Geodiversity. This Planning Policy aims to promote and enhance biodiversity and eco systems. Within the bounds of development, there is the River Thame Valley Site of Local Importance for Nature Conservation. Policy TP8 aims to prevent harm to LNRs, SINC's and SLINC's and sets out instances where such works will be permitted. As part of the preparatory works, vegetation will be cleared on both banks of the River Tame which is considered to have an impact on the existing SLINC. BCC Ecology team were consulted as part of this application and consultation response detailed within paragraph 4.5. The Environmental statement supporting the application details the ecological impacts of the proposed scheme and embedded ecological mitigation. This proposed mitigation includes implementing recognised pollution prevention measures and interception and collection of site drainage. The proposals are considered to have a neutral impact on the ecological state of the site or the surrounding area and has attracted no objection from the BCC Ecology team.

- 6.21. Local Development Plan Policy TP19 relates to Core employment areas. Although this policy relates to economic regeneration activities, as well as the improvement of operational and functional efficiency and the quality and attractiveness of these areas to investment in new employment, in this instance the policy is relevant on the basis of geography. An area to the north of the River Tame is designated as a core employment area and includes employers at Gravelly Industrial Park and Fort Dunlop. The proposed scheme aims to mitigate the increased risk of flooding to these commercial properties, however it has been acknowledged that the development will displace water to these areas as detailed in paragraph 6.32-6.36 of this report.
- 6.22. Birmingham Local Development Plan Policy TP38-TP40 relates to the promotion of sustainable transport systems including cycling and walking. The flood defence scheme, as well as creating a flooding benefit is considered to enhance the existing cycle network which enhances the access points to the route.
- 6.23. As part of the application process Transportation Department were consulted. No objection was raised in relation to the proposals. The Environment Agency have submitted extensive revisions and clarifications to the original submissions in order to address issues in relation to the gradient of the proposed ramped access into the composting site from Bromford Drive, the clearance achievable for HGV vehicles under the M6 motorway and the form and alignment of the proposed access road are considered to have been addressed and any outstanding issues are covered through the imposition of conditions.
- 6.24. The Birmingham Development Plan replaced all of the policies in the Unitary Development Plan (UDP) 2005 with the exception of those policies contained in chapter 8 and paragraphs 3.14 to 3.14D of that plan which continue to be in force until the adoption of the council's proposed Development Management Document. In relation to this application, in the opinion of the Local Planning Authority it is considered that there are elements relevant to the application. Policy 3.14 relates to high quality sustainable design. Any development must seek to ensure high quality sustainable design and take into account local character including local features such as water courses. Policy 8.36 relates to impact on archaeological remains. The proposals do not have any impact on the archaeology of the area, as ascertained at the pre application stage. The potential benefits arising as a result of the proposals include improved landscaping, greater accessible open space and an improved cycle link.
- 6.25. The Birmingham Strategic flood risk assessment level 1 relates to the proposed development area. The Level 1 Strategic Flood Risk Assessment assesses and maps all known sources of flood risk, taking into account future climate change predictions, to allow the Council to use this as an evidence base to locate future development primarily in low flood risk areas. Areas considered to be of 'high' probability of flooding are assessed as having a 1 in 100-year (or greater) chance of river flooding (>1% AEP). Land which would flood with an annual probability of 1 in 20 year (5% AEP) (or greater), or is designed to flood in an extreme (0.1% AEP) flood, should provide a starting point for consideration and discussions to identify functional floodplain. The Assessment recognises the areas this scheme is proposing to protect and states that "in Birmingham, the River Tame flows... through Witton where the catchment contains mostly commercial, industrial and residential properties, before passing underneath the "Spaghetti Junction" (M6) road network. Downstream of "Spaghetti Junction" (M6), the River Tame flows underneath the M6, through Gravelly Hill, Bromford and Castle Vale to leave Birmingham just upstream

of Water Orton with a 100 year (1% AEP) flow rate of 114.6m³/s (NRFA dataset)". If the Bromford and Castle Vale FRMS is completed it will reduce the risk of flooding to residential and commercial properties and infrastructure for a flood event with a 1% Annual Exceedance Probability (AEP) (1 in 100 chance of occurring each year).

- 6.26. The River Tame Flood risk Management strategy sets out the Environment Agency's strategic approach to flood risk management on the River Tame. The approach is based on "considering opportunities to manage flood risk across a wide area, while providing environmental benefit". The strategy states that Strategy proposals will reduce the risk of flooding from the River Tame for 2,850 residential and commercial properties and will manage flood risk to an additional 6,900 properties by maintaining/replacing existing flood defences.
- 6.27. The proposed development under consideration is covered by Reach Six which covers the Gravelly Hill and Bromford areas surrounding the River Tame. Proposals for this area outlined within the document include "propose to raise the height of the existing defence on the right bank to manage flood risk in Bromford. This will reduce the risk of flooding to a 1% probability for any given year and will be achieved by constructing new flood defences 1.8 metres high. Flood defences are also proposed to protect the area of Castle Vale on the left bank of the River Tame. These will be built to a 1% annual probability of flooding and will consist of walls between 1 metre and 2.5 metres in height and an embankment approximately 1.5 metres high. These will replace a section of old defences approximately 1 metre high and are required to ensure that the improvements proposed for Bromford do not increase flood risk to Castle Vale." The proposed development has been guided by this document and as such it is considered by the Local Planning Authority to be largely compliant.
- 6.28. The Birmingham Sustainable Management of Urban Rivers and Floodplains Supplementary Planning Document has a number of policies within it which are relevant to this application. Policy 1 of the Birmingham Sustainable Management of Urban Rivers and Floodplains (SMURF) SPD states that "Measures to improve the water quality of the river corridors should be carried out wherever possible."
- 6.29. The applicants supporting statement states that Improvements to water quality are an objective of the proposed scheme. Water quality could be improved as the water body will be more accessible for the public. This is more likely to encourage recreation and less likely to incur pollution, for example through fly tipping. This policy is supported by Policy 2 which, again relates to pollution. Policy 2 states that "Measures will be taken to prevent pollution of controlled water within the river catchment". The adoption of best practice construction management, including pollution control measures and a pollution incident response plan, will be adopted to prevent the pollution of controlled water within the river catchment. This will include use of drip trays under working plant, use of site construction materials free from contamination and provision of an incident response plan prior to construction. No objections were received in relation to pollution from Regulation Services or conditions requested to be imposed in relation to pollution control.
- 6.30. The main objective of the proposed scheme is to reduce flood risk in the area. However, in doing so Policy 5 of the SMURF SPD states that "A natural character should be maintained, or where appropriate, restored to the river channel". Policy 6 states that "Open or closed culverts should only be used where no alternative exists". The key objective of the scheme is to reduce flood risk. The character of the river will be maintained by the proposed scheme and will not be compromised as a result of the development.

- 6.31. Elements of the SPD relate to ecology. Policy 10 of the Birmingham SMURF SPD seeks the safeguarding, enhancement and restoration of the nature conservation value of the river corridor. This is also the aim of the NPPF in achieving betterment in relation to ecology. The SDP policy states that “some stretches of river are designated in the Nature Conservation Strategy for Birmingham as Sites of Local Importance for Nature Conservation (SLINCs) and as Key Wildlife Corridors. It is a priority that this policy is implemented in sections of river corridor affected by these nature conservation designations”. The stretch of the River Tame within the red line boundary of the proposed scheme is designated as a SLINC.
- 6.32. As part of the application submission, an Environmental Statement was submitted. The statement outlines that during construction there could be a negative impact on water quality resulting from the proposed scheme, however a number of proposed mitigation factors will reduce the impact to ‘not significant’, including: Implementing recognised pollution prevention measures; Interception and collection of site drainage; Barriers for vegetation removal and tree felling works, to prevent sediment laden run-off entering the flow; and Works should be undertaken during low flows to reduce the likelihood of sediment mobilisation downstream.
- 6.33. Ecology team is content with the proposals and the method statements submitted and raises no objection on the basis that the proposals outlined in the supporting information is implemented.
- 6.34. As detailed in paragraph 6.20, the Environment Agency, as part of the assessment of the proposals have undertaken a comparison of the hydraulic modelling scenarios for both pre and post development. Taking into account a standard 30 mm model tolerance the analysis shows that the proposed scheme will lead to a betterment to the local population, economy and environment by reducing flood risk to over 900 properties.
- 6.35. It is acknowledged that there will be a level of displacement of water as a result of this development, resulting in the increase of flood risk to 14 landowners. These landowners are however classified as Less Vulnerable to the effects of flooding as defined by table 2 of the National Planning Policy on flood risk and climate change. This is due to the fact that the scheme will be designed to protect against a 100 year flood, but overtopping will occur at certain locations in the critical 100 year plus climate change flood event.
- 6.36. As part of the application process, the applicants have acknowledged this and have made the relevant landowners aware on a number of occasion and have offered the opportunity for meetings and face to face discussions. The Local Planning Authority have been in dialogue with the applicant in order to assist with this and the drafting of correspondence which was sent to the affected parties.
- 6.37. In acknowledgement of this issue, it is important to detail that although compliant with a number of other documents and sections of the NPPF, the proposals are not compliant in their entirety. Due to the increase in flood risk to “Less Vulnerable” areas during an extreme event, the proposals need to be considered as not complying with the NPPF paragraph 163 which states that proposals should not increase the flood risk elsewhere.
- 6.38. Both the Local Planning Authority and the Environment Agency acknowledge this issue. However, in interpreting this issue, acknowledgement of the wider reduction in flooding, particularly to “more vulnerable” land uses due to the unique circumstances of this being a flood alleviation scheme, needs to be considered. Acknowledgement

of the comparative numbers at increased risk compared to those benefitting from reduction of risk, and the comparative vulnerability of those land uses to the effects of flooding. In the opinion of the Local Planning Authority and the Environment Agency, the real benefits when assessed against the detrimental impact, far outweighs the later.

- 6.39. The proposed scheme is supported by the NPPF (in particular Chapter 14) as it comprises development that would increase the resilience of areas of Bromford and Castle Vale against flooding and the effects of flood events. The residual risk upstream and downstream will be mitigated against, either by HS2 as part of their proposals, or by the Environment Agency.
- 6.40. BCC Highways department have not raised any objection to the proposals subject to the imposition of conditions and subject to the stopping up of Bromford Drive which will be achieved under a section 247 agreement. The revised road layout is deemed to have a neutral impact on the area generally.
- 6.41. The proposed scheme design has fully considered the key policy controls and would continue to adhere to any restrictions or planning guidance throughout the design and build process. Particular reference has been paid to the impact of the design of the proposed scheme in line with Paragraph 127 of the NPPF, which is also repeated in a number of Supplementary Planning Documents.
- 6.42. Some tree loss is an unavoidable part of the scheme however planting will form part of the mitigation strategy. The numbers of trees planted for the whole scheme will provide a replacement ratio of 3:1. It is considered that the flood risk benefits that this scheme would bring to the area would outweigh the negative impacts that the scheme would cause. The business case for the scheme identified that £320 million of damages will be avoided from implementation. Any adverse impacts would mainly occur during the construction phase and so would be temporary in nature. Mitigation measures are included in the design to reduce the negative impacts associated with the proposed scheme.
- 6.43. Other benefits - BCC has identified the Bromford Estate, situated adjacent to the proposed scheme, as a priority site for housing regeneration within the Birmingham Development Plan. The applicant has taken a collaborative approach with BCC to provide improvements to this area as part of the delivery of the proposed scheme. The proposed scheme will also enable BCC to redevelop a larger area as a result of reduced flood risk.

7. Conclusion

- 7.1. In the opinion of the Local Planning Authority, the proposed construction of flood defences along a section of the River Tame at Bromford and Castle Vale, is compliant with the majority of relevant National and Local Plan Policy and relevant supplementary Planning Guidance. The scheme would reduce the risk of flooding to 928 properties within the Bromford Estate and would fulfil the recommendations for the Bromford and Castle Vale area made in the River Tame Flood Risk Management Strategy.
- 7.2. The scheme also proposes to enhance the local area by improving the walking and cycling provision. The scheme will provide a continuous cycle/walking route along the defences which will improve the leisure facilities and improve the health of the local

population. The scheme will provide wider benefits in protecting the community and significantly improve the quality and amenity of a locally important area of the public open space along the River Tame corridor.

8. Recommendation

8.1. That no objection be raised to the stopping up of the areas of public highway within the application site and that the Department for Transport be requested to make an Order in accordance with Section 247 of the Town and Country Planning Act 1990.

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

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission and completion of works for the S278/TRO Agreement |
| 3 | Requires the submission of the siting/design of the access |
| 4 | Requires vehicular visibility splays to be provided |
| 5 | Flood risk measures/Compliance with FRA |
| 6 | Phasing of Development |
| 7 | Requires the submission of unexpected contamination details if found |
| 8 | Requires the prior submission of a construction method statement/management plan |
| 9 | Requires the submission of sample materials |
| 10 | Requires the scheme to be in accordance with the environmental statement |
| 11 | Requires the scheme to be in accordance design and access statement |
| 12 | Fencing around pumping station |
| 13 | Planting details |
| 14 | Trip rail detail |
| 15 | Submission of Employment Access Plan |
| 16 | Implement within 3 years (Full) |
-

Case Officer: Gavin Forrest

Photo(s)



PIC 1 – View eastwards across Bromford Recreation Ground at Bromford Drive.



PIC 2 –View from Chester Road Bridge to Hotel and existing floodwall to be raised.



PIC 3 – View facing west between Chillinghome Road and M6 Viaduct within the open space on the south bank

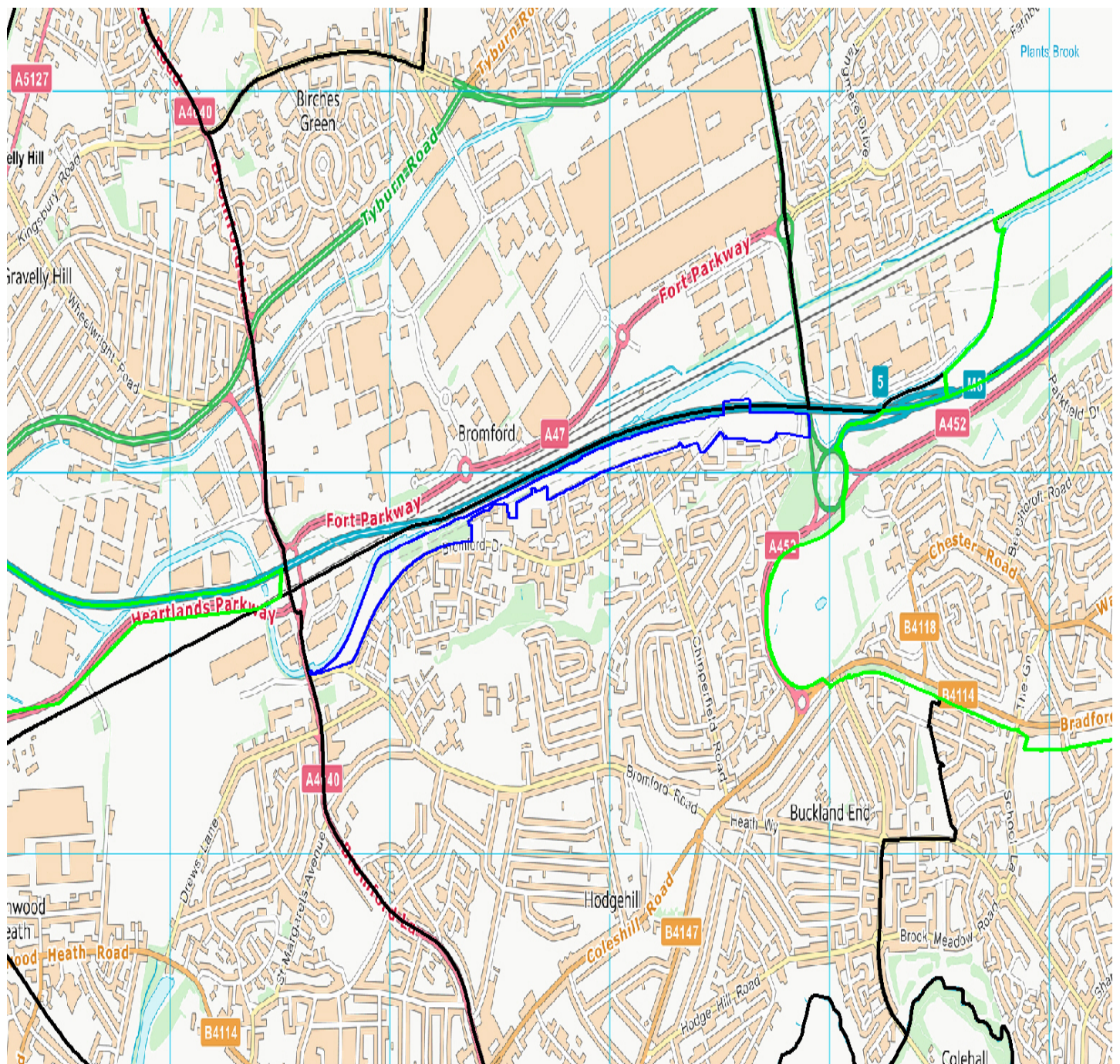


PIC 4 – View looking west from the end of Bromford Drive at junction with Hyperion Way. This area will be raised to form the new flood embankment and to provide a raised access to the Bromford Drive Compost Site.



PIC 5 – View looking north east towards the Bromford Drive Compost site access. The area will be raised to allow new access to ramp over the new flood embankment.

Location Plan



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Committee Date:	10/10/2019	Application Number:	2019/04714/PA
Accepted:	27/06/2019	Application Type:	Full Planning
Target Date:	11/10/2019		
Ward:	Ward End		

Former Ward End Ex-Services Mens Club, 87 Ward End Park Road, Birmingham, B8 2XB

Demolition of existing buildings and erection of 14no. affordable dwellings including access, landscaping and associated works

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought by Birmingham Municipal Housing Trust (BMHT) for the demolition of existing buildings and the erection of 14no. affordable dwellings including access, landscaping and associated works at the Former Ward End Ex-Services Mens Club and 87 Ward End Park Road.
- 1.2. The proposed layout would provide 14no. dwellings for affordable rent which would all be two-storeys in height and arranged along one new centrally located cul-de-sac access drive off Ward End Park Road. The access road has been designed to cater for refuse lorries to reverse into the site and leave in forward gear. Three dwellings (plot 1, 13 and 14) would be accessed off Ward End Park Road whilst the remaining plots 2 – 12 would be accessed directly from the new cul-de-sac. Each dwelling would have 2no. allocated off-road vehicle parking spaces.
- 1.3. The residential units would feature the following internal arrangements:
 - House type Northfield: The scheme consists of 3no. dwellings of house type Northfield (plot 10, 11 and 14), which would comprise of separate living room, dining, kitchen, WC and store on the ground floor with four bedrooms and bathroom on the first floor. The overall floor space of each dwelling is 123 square metres.
 - House type Highgate: There are 2no. dwellings of house type Highgate (plot 01 and 12) forming part of the scheme. They would comprise of living room, separate kitchen/diner and WC on the ground floor and three bedrooms and bathroom on the first floor. The overall floor space of this dwelling type is 94 square metres.
 - House type Harborne: There are 9no. dwellings of house type Harborne (plot 02-09 and 13) as part of the scheme. They would comprise of living room, kitchen/diner and WC on the ground floor and three bedrooms and bathroom on first floor. The overall floor space of this dwelling type is 93.8 square metres.

- 1.4. The proposed materials of all dwellings would be red facing brick with a smooth blue plinth brick. The roof would be grey concrete interlocking roof tiles. Each dwelling would have a front garden and rear amenity space which ranges from 80 square metres (plot 12) to 400 square metres (plot 08) and also provides for dedicated bin storage and cycle storage areas to the rear.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site has a size of approximately 0.51 hectares and comprises the former Ward End Ex-Services Mens Club and the adjoining vacant dwelling at 87 Ward End Park Road. The site has been vacant and increasingly derelict since the Club closed in 2005. The Club once housed a bowling green (approximately 1260 square metres in size) which has not been in use since trading ceased at the Club and is now also derelict. Over the years the premises has been subject to arson, vandalism and fly tipping. It is now in a very poor state and in urgent need of attention. To the front of the site lies the former car park and open areas to the side and rear of the dwelling are now significantly overgrown. There is a low boundary wall with railings along the boundary with the public highway.
- 2.2. The site is relatively level. The existing former Club building, located within the centre of the site, was built approximately in the 1950's and is single-storey in height. The separate residential dwelling at the southern end of the site is two-storeys in height and was built approximately in the 1930's.
- 2.3. The application site is located on the eastern side of Ward End Park Road and currently has three separate access points, two serving the Club and one to the south serving the vacant dwelling. The site is located immediately to the north of the active railway line between Aston and Stechford and there is an approximately 4-5 metre high bank leading up to the tracks. To the east of the application site is a small water course which runs along the eastern boundary of the application site and is surrounded by dense vegetation and existing trees. Beyond the vegetation line lies Ward End Park. The surrounding area to the north and west is predominantly residential in character comprising a mix of terraced and semi-detached two-storey dwellings built approximately in the 1950's. The nearest local centre is Alum Rock Road District Centre, approximately 600 metres to the south of the site.
- 2.4. The site is located in a sustainable location and benefits from good access to the strategic highway network and public transport. The nearest bus stops are located on Washwood Heath Road, approximately 300 metres to the north of the site.

[Site Location](#)

3. Planning History

- 3.1. None.

4. Consultation/PP Responses

- 4.1. Local Ward Councillors, Residents Associations and neighbouring residents consulted. Site Notice Posted. Two comments received. General support of the scheme, however, concerns are raised with regard to potential vibration issues caused to surrounding properties from works currently undertaken on site and proposed construction works. Also concerns with regard to noise and request that this is dealt with appropriately.
- 4.2. Ecology – No objections subject to conditions in relation to provision of additional bat surveys, additional reptile surveys, scheme for ecological/biodiversity/enhancement measures, provision of bat and bird boxes, a construction and ecological management plan and a lighting scheme.
- 4.3. Regulatory Services – No objections subject to conditions in relation to a contamination and remediation scheme, contaminated land verification report, provision of vehicle charging points and compliance with glazing as set out in submitted noise assessment
- 4.4. LLFA – No objections subject to conditions in relation to a sustainable drainage scheme, sustainable drainage operation and maintenance plan and to prevent works to be undertaken within river/stream bank.
- 4.5. West Midlands Fire Service – No objections.
- 4.6. Sport England – No comments. Proposal does not fall within statutory or non-statutory remit.
- 4.7. Severn Trent – No objections subject to conditions in relation to drainage plans for the disposal of foul and surface water flows and implementation in accordance with details submitted. Informs that there is a public sewer located within the site which has statutory protection and may not be built close to, directly over or be diverted without consent.
- 4.8. Network Rail – No objections. Sets out requirements which need to be met as proposal is within 10 metres of railway boundary. Applicant has been provided with comments accordingly.
- 4.9. West Midlands Police – No objections.
- 4.10. Trees – No objections, subject to conditions to provide an arboricultural method statement and tree pruning works.
- 4.11. Transportation – No objections, subject to conditions in relation to a construction management plan, measures to prevent mud on the highway, prior installation of means of access, residential travel plan, provision of details of parking layout and completion of works for the S278/TRO works.
- 4.12. Leisure Services – No objections subject to provision of compensation payment of £31,500 for an off-site contribution for the loss of the bowling green to be spent at Ward End Park.
5. Policy Context
 - 5.1. National Planning Policy Framework (2019); Birmingham Development Plan (2017); Birmingham Unitary Development Plan Saved Policies (2005); Places for Living

SPG (2001); Car Parking Guidelines SPD (2012); and Technical Housing Standards - nationally described space standards (2015).

6. Planning Considerations

- 6.1. The application has been assessed against the objectives of the policies as set out above. The main issues in the determination of the application are as follows:
- 6.2. **Principle of development** – The application site comprises a brownfield site formerly used as a social club in a sustainable location. Paragraph 92 of the NPPF 2019 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. The site was formerly in a community use, but is not listed as an asset of community value and has been vacant for a considerable amount of time, negatively impacted on by arson and fly tipping. The entire site has been an eyesore for more than 10 years, is now also overgrown and in desperate need of redevelopment. The loss of a social club is regrettable; however there are other social clubs and similar community uses within the wider area such as the Ward End Social Club and Saltley Amateur Gardeners Social Club on Washwood Heath Road and the Cotterills Lane Social Club which serve as suitable alternatives for the needs of the local community in accordance with guidance contained within NPPF 2019 and BDP 2017. In addition, it is very unlikely that the site would remain as a community use as there are significant viability issues related to the continuation of the use. It is also noted that the site is located within a predominantly residential area which is therefore the preferred use for the site which should be given weight in the assessment of the proposal.
- 6.3. In terms of the use for residential development, the NPPF states at paragraph 11 that planning applications to deliver housing should be considered in the context of the presumption in favour of sustainable development.
- 6.4. Policy TP27 and TP28 of the BDP relate to sustainable neighbourhoods and the location of new residential development. Policy TP27 states that all new residential development will need to demonstrate that it is meeting the requirements of creating a sustainable neighbourhood, characterised by: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources; attractive, safe and multi-functional public spaces; and long-term management of buildings, public spaces, waste facilities and other infrastructure.
- 6.5. Policy TP28 goes on to state that new residential development should: be located outside flood zone 2, 3a and 3b; be adequately serviced by existing or new infrastructure which should be in place before the new housing for which it is required; be accessible to jobs, shops and services by modes of transport other than the car; be capable of remediation in the event of any serious physical constraints, such as contamination or instability; and be sympathetic to historic, cultural or natural assets.
- 6.6. The application site is located within a large residential catchment area within a sustainable location with good access to the public transport network and a number of public services within a reasonable walking distance. The site is located within

flood risk zone 1 and the proposals comprise of a mix of 3- and 4 bedroom dwellings which seek to meet a range of affordable housing needs within the locality. The surrounding area is residential in nature and the proposal would fit appropriately within this residential context.

- 6.7. Policy TP30 of the BDP indicates that new housing should be provided at a target density responding to its context. The density of the proposed development at 27 dwellings per hectare is below the density target for new houses; however, I consider the scheme is acceptable on the grounds that it has been designed to take into account site-specific concerns whilst addressing a significant need within the City to deliver affordable housing. Overall it would significantly improve the currently very poor environmental conditions of this site which would make a positive impact within this existing residential area. Guidance within 'Places for Living SPG' also states that new development should provide good quality residential accommodation that builds on local character, whilst not detrimentally impacting on the character and quality of the residential environment to existing residents in the area.
- 6.8. Consequently, I consider that the loss of the former community use and the principle of residential development is acceptable on this site and would comply with the aspirations laid out within Places for Living, BDP and NPPF.
- 6.9. **Loss of Bowling Green** – Paragraph 97 of the NPPF identifies that existing open space, sports and recreational buildings and land, including playing fields, should not be built on, unless:
- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 6.10. Bowling Greens are classed by Birmingham City Council in the BDP as playing fields. Policy TP9 of the BDP sets out that playing fields will be protected and will only be considered for development where they are either shown to be surplus for playing field use, taking account of the minimum standard of 1.2 hectares per 1000 population, through a robust and up to date assessment and are not required to meet other open space deficiencies, or alternative provision is provided which is of equivalent quality, accessibility and size. The applicant has agreed to provide compensation to address the loss of the bowling green in accordance with paragraph 97 of the NPPF and policy TP9 of the BDP.
- 6.11. An assessment of the loss of the former bowling green has been submitted in support of the planning application which states that the site has been vacant and increasingly derelict for around 12 years and that the bowling green associated with the Former Ward End Ex-Services Mens Club has not been used since the Club ceased trading in 2005. It is acknowledged that the bowling green does not currently resemble a bowling green due to it being significantly neglected and overgrown over the last decade. There is no evidence of the former bowling green on site which is occupied by large piles of demolition waste and fly tipping of domestic items.
- 6.12. The assessment in terms of the bowling green identified that there are local bowling green facilities operational and available within the local area. The closest being

Maitland Hall Conservative Club on Washwood Heath Road (approx. 480 metres walking distance from the site) and Ward End Social Club on St Margaret's Road (approximately 550 metres walking distance from the site). Both sites are stated to be in good condition and available for use. The site has also been assessed as a potential use as a playing pitch, however, considering the size and location it is not considered suitable for alternative playing pitch or sporting use. The assessment concludes that capacity exists at other nearby facilities should any need arise locally and the facility has been demonstrated to be surplus. As such, it is not considered necessary to fund a replacement facility. However, on recognition of some historic use of the site for recreational purposes, a compensatory payment is offered based on the approximate area of facility. It is proposed that an off-site development contribution is provided to facilitate the provision or enhancement of open space or other sport and community facilities within the vicinity including at Ward End Park which is a key focus for leisure and community activity in the area.

- 6.13. Leisure Services have been consulted on the application proposals and confirm they raise no objections to the proposed development subject to a condition to provide an off-site compensation payment which was agreed at £31,500 and would be spent on improvements to Ward End Park. This contribution would normally be controlled through a Section 106 Agreement in order to conform to adopted planning policies. However, it is not legally possible for a Section 106 Agreement to be secured as part of this scheme as it would mean the Council entering into an agreement with itself. Therefore, a condition would be attached to any grant of planning permission to request the payment to be made prior to the occupation of the residential dwellings. Consequently, I consider that subject to the contribution payment the loss of the bowling green is acceptable and is in accordance with relevant planning policy TP9 of the BDP and the NPPF
- 6.14. **Layout and Design** – The application site currently consists of a derelict and vacant parcel of land which was formerly occupied by the Ward End Ex-Service Mens Club and a two-storey residential dwelling. The site is now in very poor condition, significantly overgrown and subject to arson, fly tipping and vandalism. Along Ward End Park Road the site previously had three separate access points and this has now changed to one centrally located cul-de-sac. In addition, three of the proposed dwellings (plot 01, 13 and 14) would front directly onto Ward End Park Road, resulting in a more open and public street frontage. The layout proposes a strong built form along the proposed cul-de-sac, with private landscaped gardens and off-street parking provision.
- 6.15. The existing residential development along Ward End Park Road is mixed in character. Whilst there are traditional Victorian terraced dwellings further to the south, the properties to the north and west are inconsistent in character with a mix of terraced and semi-detached large two-storey dwellings built around the 1950's. The proposed dwellings would be of a contemporary design using red facing brick with a smooth blue plinth brick and dark roof tiles which would improve the appearance of the road frontage and immediate surroundings. All dwellings would be two storeys in height which is in line with the existing dwellings and would not compromise the character of the streetscene. Consequently I consider that subject to the approval of materials, boundary treatment and hard/soft landscaping works, the scheme would improve the visual amenity of the area and is in accordance with adopted planning policies in terms of design, layout and scale.
- 6.16. **Residential Amenity** – The nearest residential dwellings are located to the north and west along Ward End Park Road. The separation distance from the rear of plot 1 to the flank wall of no. 109 Ward End Park Road is approximately 18.5 metres

which is in excess of the adopted 12.5 metre separation distance between windowed elevations and opposing 1 and 2 storey flank walls as set out in 'Places for Living' design guidance. The minimum distance to dwellings on the opposite side of Ward End Park Road would be approximately 25 metres, which is again in excess of adopted standards. It is therefore considered there would be no impact from the proposed development on existing residents of nearby dwellings.

- 6.17. In terms of the proposed internal arrangement, the scheme complies with the guidance set out in Nationally Described Space Standards (2015). The layout would not result in residential amenity concerns by way of overlooking, loss of privacy or outlook. The scheme complies with adopted separation distances and all garden sizes are in accordance with minimum guidelines of 70 square metres as set out in 'Places for Living'. It is therefore considered the scheme would also not have a detrimental impact on the residential amenity of future occupiers and in accordance with adopted planning policies in this regard.
- 6.18. Regulatory Services has been consulted on the application and raise no objections to the application subject to conditions in relation to a contamination remediation scheme and contaminated land verification report. In terms of noise and vibration it is requested that the scheme complies with the recommendations as set out in the submitted noise report. I concur with this view and attach conditions accordingly.
- 6.19. Regulatory Services have also requested a condition to secure vehicle charging points for the use of the development. As each of the proposed dwellings would benefit from allocated, dedicated parking to the front/side of the buildings, I would consider that provision would be in place for electric vehicles to be charged via a mains electricity source and it would therefore be unnecessary to require such a condition as parking is not provided on a communal level.
- 6.20. I note the comments received from a neighbour in relation to vibration issues from the current uses on site and concerns with proposed construction works. The existing uses on site are currently unauthorised and have been reported to the Council's Enforcement Team. In addition, if I was minded to recommend approval and works are carried out in accordance with the planning permission, the current vibration issues should discontinue. In terms of the construction works, I consider it would be appropriate to impose a condition for a construction management plan which would provide details on the proposed construction works prior to commencement of works and would ensure works are adhered to it.
- 6.21. **Landscaping and Ecology** – The application scheme provides for front and rear garden areas and proposes replacement tree planting to front gardens, together with ornamental shrubs to both sides of the new cul-de-sac. My Tree Officer has been consulted on the application and considers the implications of the layout would not have any significant impact to public amenity and the existing trees within the site. The trees on the site are not protected by a Tree Preservation Order (TPO). The only Category B group of trees located along the eastern boundary of the application site within a backdrop of canopy that would remain. The remaining existing trees are category C and Category U trees. As some works are proposed within the root protection areas of the trees, a condition is recommended for an arboricultural method statement including tree protection plan and requirement for tree pruning protection. I concur with the recommendation and attach the conditions accordingly.
- 6.22. The application is supported by a preliminary ecological appraisal, an outline bat mitigation strategy and a bat reasoned statement. The City's Ecologists have reviewed the information and raise no objections to the proposed development

subject to conditions. They request that a further bat survey and reptile survey are prepared prior to the commencement of the development. In addition, they request a scheme for ecological/biodiversity/enhancement measures, the provision of bat and bird boxes, a construction ecological management plan and a lighting design strategy for biodiversity. I concur with this view and would consider that subject to the recommended conditions the scheme would be acceptable in terms of ecology.

- 6.23. **Highway Safety** – Originally, the site was accessed from three separate access points off Ward End Park Road, two for the social club and one for the dwelling at no. 87 Ward End Park Road. The application scheme now provides one centrally located cul-de-sac to access the site and in addition, three dwellings (plot 01, 13 and 14) would be accessed directly off Ward End Park Road.
- 6.24. Car Parking Guidelines specify a maximum parking provision of 2 spaces per residential units. Each dwelling would have access to two vehicle parking spaces within the application site which therefore considered appropriate in the context of the scheme and adopted guidelines. The application is also located within a sustainable location and walking distance to the Alum Rock Local Centre and public transport facilities.
- 6.25. Transportation Development have been consulted on the application and raised no objections to the principle of the development. Initially it was requested that the turning head would be increased to allow for delivery vehicles and access and leave the site in forward gear. Amended plans have been provided and Transportation Development has been re-consulted and confirm they have no objections subject to conditions in relation to a construction management plan, prevention of mud on the highway, a residential travel plan, amended vehicle parking layout to be provided and laid out prior to occupation, prior installation of means of access and submission and completion of S278/TRO works. I concur with this view and impose the conditions accordingly.
- 6.26. **Flood Risk and Drainage** – The application site is adjoined by a small watercourse along the eastern boundary. On the Environment Agency Flood Risk Map the site is shown to be located within flood risk zone 1. However, the LLFA initially raised concerns due to the absence of a Flood Risk Assessment which was considered necessary as the potential flood risk of the watercourse was unknown. The applicant has since provided a Flood Risk Assessment and Sustainable Drainage Strategy and the LLFA has confirmed they accept the conclusions of the reports and have no objections to the planning application subject to conditions in relation to a sustainable drainage scheme, a sustainable drainage operation and maintenance plan and that any works within the river/ stream bank are prevented. I concur with this view and impose the conditions accordingly.
- 6.27. Severn Trent Water have assessed the scheme and raise no objections subject to drainage conditions. I concur with this view and the appropriate drainage condition is imposed accordingly.

7. Conclusion

- 7.1. The application complies with the objectives of the policies as set out above. It is considered the loss of the former social club and bowling green is acceptable and the site is appropriate for residential accommodation. In addition, the scheme is acceptable in terms of its layout and design, impact on residential amenity and impact on pedestrian and highway safety, ecology, landscaping and drainage. Therefore, the application is recommended for approval with a condition seeking a

£31,500 compensation payment for the loss of the bowling green towards the provision and improvement works of sports, recreation and/or community facilities and their maintenance at Ward End Park.

8. Recommendation

8.1. Approve, subject to conditions.

-
- | | |
|----|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of sample materials |
| 3 | Requires the submission of hard surfacing materials |
| 4 | Requires the submission of boundary treatment details |
| 5 | Requires the submission of hard and/or soft landscape details |
| 6 | Requires the submission of a landscape management plan |
| 7 | Requires the submission of a lighting design strategy for biodiversity |
| 8 | Requires the prior submission of an additional bat survey |
| 9 | Requires the prior submission of an additional ecological survey (reptiles) |
| 10 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 11 | Requires the prior submission of details of bird/bat boxes |
| 12 | Requires the prior submission of a construction ecological management plan |
| 13 | Requires the prior submission of a contamination remediation scheme |
| 14 | Requires the submission of a contaminated land verification report |
| 15 | Requires scheme to be in accordance with recommendations set out in noise assessment |
| 16 | Requires the prior submission of drainage plans for the disposal of foul and surface water |
| 17 | Arboricultural Method Statement - Submission Required |
| 18 | Requires tree pruning protection |
| 19 | Requires the provision of a financial contribution of £31,500 towards the provision and or improvement of sports, recreation and/or community facilities and the maintenance thereof at Ward End Park. |
| 20 | Removes PD rights for extensions |
-

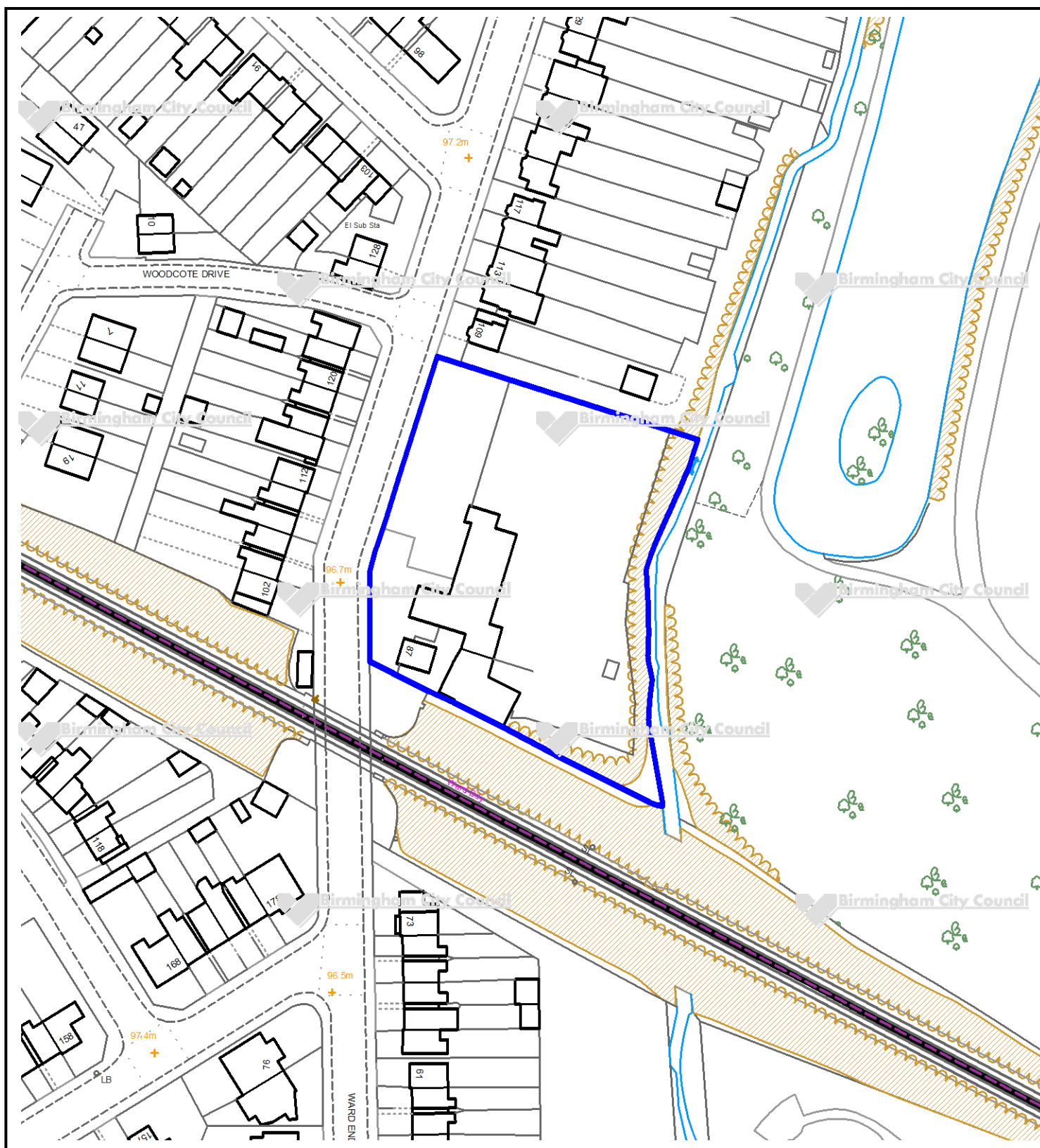
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- 21 Removes PD rights for new windows
 - 22 Requires the prior submission of a sustainable drainage scheme
 - 23 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 24 Prevents works within the river/stream bank
 - 25 Requires the prior submission of a construction method statement/management plan
 - 26 Requires the submission of details to prevent mud on the highway
 - 27 Requires the prior installation of means of access
 - 28 Requires the submission of a residential travel plan
 - 29 Requires the prior submission of vehicle parking details
 - 30 Requires the submission and completion of works for the S278/TRO Agreement
 - 31 Implement within 3 years (Full)
-

Case Officer: Laura Pohl

Photo(s)



Location Plan



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Committee Date:	10/10/2019	Application Number:	2019/01042/PA
Accepted:	06/02/2019	Application Type:	Full Planning
Target Date:	11/10/2019		
Ward:	Yardley West & Stechford		

Land on Kestrel Avenue, Yardley, Birmingham, B25 8QU

Erection of 4no. dwellinghouses (Use Class C3) with associated landscaping and parking.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The application is for the construction of 4 dwellings, the dwellings are proposed to consist of 3 x 3 bedrooms dwellings (Harbourne house type) and 1 x 4 bedroom dwelling (Lifford house type). The houses are intended to have a socially rented tenure.
- 1.2. The Lifford house type is proposed to have a total floor area of approximately 121m². The dwelling is proposed to consist of at the ground floor a kitchen, dining room, living room with a utility and WC. The first floor is proposed to consist of four bedrooms and a bathroom. Bedrooms are proposed to be the following sizes:
 - Bedroom 1 – 12.8 m²
 - Bedroom 2 – 11.5m²
 - Bedroom 3 – 11.5m²
 - Bedroom 4 – 7.5m²
- 1.3. The Harbourne house type is proposed to have a total floor area of approximately 93.8m². At the ground floor there is proposed a kitchen/dining room, a living room and a WC. At the first floor three bedrooms and a bathroom are proposed. The three bedrooms are proposed to be the following sizes:
 - Bedroom 1 – 12.8m²
 - Bedroom 2 – 11.5m²
 - Bedroom 3 – 8.2 m²
- 1.4. In addition to submitted plans the application has been supported by an ecology survey, a ground investigation report, an affordable housing statement, a design and access statement and a tree survey.
- 1.5. With regards boundary treatments, to the rear of the properties a 1.8 metre high brick wall with 0.3 m railings on top of the wall is proposed and between the properties 1.8 metre close boarded fencing is proposed. To the front of the property 900mm metal railings are proposed.

- 1.6. In terms of proposed materials the applicant proposes to construct the dwellings from red brick and grey roof tiles, windows are proposed to be of grey upvc window frames.
- 1.7. Landscaping is proposed at the front of the properties, the applicant proposes to remove one mature Sycamore tree classed as a grade A by the Council's Arboriculturist.
- 1.8. Initially as part of the application the applicant proposed to 'stop up' an existing highway/public right of way which presently runs down the west side of numbers 54 and 64 Kestrel Avenue. This part of the application has been removed and the footpath will be retained as public highway.
- 1.9. Bin stores are proposed within the rear curtilage of the proposed properties. Two car parking spaces are proposed per dwelling.
- 1.10. The application has been brought to Planning Committee as the scheme has been put forward by Birmingham Municipal Housing Trust (BMHT).

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a flat rectangular piece of land with a frontage onto Kestrel Avenue. It is within a 1970s housing development and the site is accessed via an internal estate access road. To the north of the site are the rear of two storey dwellings, to the south west are two storey apartment buildings, to the south east are two storey dwellings with their side elevation facing towards the application site. The immediate area is residential comprising of apartments, and terraced dwellings.
- 2.2. The site was previously a garage site consisting of approximately 16 garages. These garages have been demolished and the site has been fenced with security fencing.
- 2.3. The site is located within walking distance of connections for national express bus services on Hob Moor Road & Millhouse Road. (inc intersuburban 28, 36, 73 and radial 17 connecting with the city centre). The site is also ~600m from a small local parade of commercial activity at the junction of Hob Moor Road & Newbridge Road.
- 2.4. The application site is approximately 0.09 hectares in size resulting in a density of 44 dwellings per hectare.

[Site map](#)

3. Planning History

- 3.1. 2005/00003/PA - Provision of gates and security fencing to various 'lock-up' garage sites – approved 03/03/2005.

4. Consultation/PP Responses

- 4.1. Site notice displayed. Adjoining neighbours, Ward Councillors consulted – 1 Third Party Representation has been received.

- 4.2. The objection raised the following concerns:
- 4.3. Development would create parking problems in the area.
 - Building a couple of houses would be o.k but four houses would be too much.
- 4.4. Transportation Department - No Objection subject to conditions.

The Transportation department investigated the status of the footway which runs to the rear of the proposed dwellings.

Following further investigations further comments have been received as follows.

Result of this investigation being that the footpaths within the site which are proposed to be enclosed are public highways – implication being that a resolution for a stopping up order – (S247 TCPA 1990) will be required’.

The applicant has since amended the application and now no longer are proposing to stop up the footpath at the rear of the site.

- 4.5. Regulatory Services - No objection, however, recommend conditions due to the presence of contaminated land. The Ground Investigation Report (Structural Soils Ltd. Ref: 733456. August 2018) has been reviewed. The site has been found to be affected by land contamination and a clean cover system and ground gas protection measures have been recommended. No specific details of the cover system, gas protection or a verification plan are presented. As such conditions are recommended.
- 4.6. West Midlands Police - I note that the footpath by no’s 54 and 64 is being retained but stopped up. Its removal would have been preferable as it has potential for the accumulation of rubbish. However being gated will provide security.
- 4.7. Severn Trent Water -_As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

5. Policy Context

Birmingham Development Plan (BDP) 2017, Places for All SPG (2001); Places for Living SPG (2001), Car Parking Guidelines SPD (2012), Birmingham Unitary Development Plan 2005 (Saved Policies), National Planning Policy Framework (2019), Affordable Housing SPG (2001) Public Opens Space and New Residential Development SPD.

6. Planning Considerations

6.1 *Principle of development*

- 6.2 The main considerations in the determination of this application are: the principle of residential development, the impact of the design and layout of the proposal, the impact on residential amenity, highway safety, and landscape matters.

- 6.3 The application site comprises of a brownfield site in a sustainable location. The updated National Planning Policy Framework (NPPF) sets out that the purpose of the

planning system is to contribute towards achieving sustainable development and that the heart of the NPPF is a presumption in favour of sustainable development.

- 6.4 Paragraph 117 of the National Planning Policy Framework states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
- 6.5 Policy PG1 within the Birmingham Development Plan states that the Plan aims to deliver 51,100 additional homes over the plan period, in order to cater for the City's increasing population, and it is expected that a minimum of 80% of all new homes provided over the plan period will be located on previously developed land.
- 6.6 Policies TP27 & TP28 of the Birmingham Development Plan states that the location of new housing should be on previously developed land, be accessible to jobs, shops and services by other modes of transport, be sympathetic to natural assets and not conflict with other policies in relation to employment land, green belt and open space. It also states that new housing should offer a choice of type, size and tenure to create more balanced and sustainable communities.
- 6.7 It is considered in principle residential development in this location is acceptable.
- 6.8 *Residential amenity*
- 6.9 In regards to impact on future occupiers of the dwellings. The National Technical Housing Standards (NDSS 2015) sets out internal space standards and the requirements for gross internal floor areas. Although not yet adopted by the Council, the NDSS provides a useful benchmark to judge the adequacy of accommodation size. The NDSS requires the gross internal floor space of a three bedroom dwelling to be a minimum of 84m² and a four bedroom house to be a minimum of 97m². The proposed three bedroom houses would have gross internal floor area of 93.8m², the four bedroom dwelling is proposed to have a gross floor area of 121m² and would therefore comply and exceed those standards.
- 6.10 In addition, the NDSS 2015 further advocates that, a single bedroom has a floor area of at 7.5m² and is at least 2.15m wide. Moreover, in order to provide a double (or twin) bedroom a floor area of at least 11.5m² and is at least 2.75m wide needs to be provided. The proposal includes bedroom sizes ranging between 7.5m² to 12.8m². As such, all of the bedrooms would comply with the NDSS 2015 in terms of the minimum gross internal floor areas.
- 6.11 The Council have adopted minimum separation distances set down in the 'Places for Living' SPD. Whilst standards exist in order to ensure developments meet certain objectives such as privacy. It requires a minimum of 12.5 metres distance between windowed elevations and opposing 1 and 2 storey flank walls. Plots 2 and 3 comply with these standards however plot 1 is approximately 11.3 metres from the blank flank of number 64 Kestrel Avenue. Plot 4 is approximately 10.5 metres from the blank elevation of 54 Kestrel Avenue. The proposed dwellings therefore fall short of this guidance. However, the shortfall is relatively minor, in addition to this in relation to plot 4, the blank flank elevations are not directly behind the property which assists with preventing the creation of an overbearing development to the detriment of the amenities of future occupiers of the dwellings.

- 6.12 In regards to private amenity area 'Places for Living' SPD requires a minimum garden size for family accommodation of 70m². The proposed dwellings have garden sizes ranging from 85.7m² – 91.2m², acceptable amenity area would therefore be provided.
- 6.13 In regards to potential impact on adjacent dwellings, the proposed dwellings have been appropriately sited and orientated to not result in any overlooking or result in loss of light to adjacent residential dwellings. It is therefore considered the proposed development would not result in harm to the amenity of adjacent residents.
- 6.14 *Impact on Visual Amenity*
- 6.15 Policy PG3 of the BDP states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. The policy states that new development should reinforce or create a positive sense of place and local distinctiveness with design that responds to site conditions and the local area context.
- 6.16 Paragraph 127 of the NPPF states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Furthermore, developments should be sympathetic to local character and history, including the surrounding built environment and landscape. In addition the paragraph sets out that developments should also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 6.17 Places for Living SPG supports the creation of safe places, with clear definition between public and private spaces, active frontages, convenient routes, balance between the needs of cars and pedestrians and provide schemes which reflect local context.
- 6.18 The application site was previously occupied by garages, these have now been demolished (approved under 2005/00003/PA) leaving a concrete pad which is presently fenced off with security fencing. The proposed dwellings would bring the land back to a beneficial use improving the appearance of the locality.
- 6.19 The proposed dwellings are set back from the site frontage and follow a similar building line as adjacent dwellings. The proposed dwellings are appropriately designed, reflecting the scale, massing and materials of adjacent dwellings and are therefore not incongruous in the street scene. The dwellings provide a sufficient level of visual interest within the street scene to maintain a sense of place and identity in the local area.
- 6.20 It is considered that the proposal would not be out of character with the street scene and the surrounding area in terms of footprint, scale and design and would positively contribute to the appearance of the locality.
- 6.21 *Highway Matters*
- 6.22 Two car parking spaces are proposed for each dwelling, access to the site is via Kestrel Avenue. Transportation have no objections to the application and are satisfied with parking provision on site, they note the application site is well served with public transport and in a sustainable location. With regard to the comments of Transportation it is considered that the proposed use would not have any detrimental impact on the safety and free flow of traffic on the adjoining highway. The Travel Plan

and cycle store condition recommended by Transportation can be imposed on any planning approval.

6.23 *Public Footpath*

- 6.24 West Midlands Police noted that the footpath by no's 54 and 64 is being retained. Their preference was that it be removed, as it has potential for the accumulation of rubbish. However, They consider that being gated will provide security. Since submission the application, the proposals have been amended and it is no longer proposed to gate up the footpath. An alternative boundary treatment has been proposed which comprises raising the height of the rear boundary walls by approximately 300mm. The footpath would therefore remain open as an unrestricted public right of way. It would be overlooked by the rear of the proposed dwellings, as well as the existing dwellings and as such would have an improved pedestrian experience than when the site was in use as a garage block. It is considered that the proposal to retain the public right of way would not compromise public safety or harm the amenity of adjacent residents.

6.25 *Landscape matters*

- 6.26 Soft landscaping consisting of hedging, shrubs and groundcover mix are proposed at the front of the properties. This is considered appropriate in this urban residential context. Landscaping details can be secured via an appropriate condition on any approval.
- 6.27 Two significant trees are to be affected by the proposal. One is within the site and the other just outside the application area. The applicant proposes to remove one mature Sycamore tree classed as a grade A and of strong local amenity by the Council's Arboriculturist. The other tree has the foundations of plot 4 within its canopy spread and route protection area (RPA). It's noted that the existing old garage foundations and concrete slab already cover part of the RPA of the tree.
- 6.28 The applicant has detailed that it's essential to remove one of the A category trees due to the proposed route of the sewer. The applicant has stated that an alternative diversion route would make the scheme highly unviable due to the additional required 22 metre sewer pipe works and associated professional costs. No figures have been submitted to support this statement, although the applicant proposes to plant a replacement tree in compensation on the corner of the development site near the position of the removed tree.
- 6.29 The Council's Arboriculturist initially had concerns regarding the proposals due to the A category trees being present and that they hold strong local amenity value, however, on receipt of amended plans and explanations from the agent the Council's Arboriculturist has raised no objection to the application and recommended conditions in relation to replacement tree planting and tree protection.
- 6.30 Whilst the loss of the grade A tree is regrettable no objections have been received from the Council's Tree Officer and a replacement tree has been proposed. It is therefore considered, with appropriate landscape conditions attached to any approval, the proposed development is considered acceptable and would not result in long term harm to the character and appearance of the locality.

7. Conclusion

7.1. The proposed development complies with the objectives of the policy context as set out above, and is recommended for approval, subject to the attached conditions.

8. Recommendation

Approve subject to conditions

1	Implement within 3 years (Full)
2	Requires the submission of sample materials
3	Requires the scheme to be in accordance with the listed approved plans
4	Requires the submission of the siting/design of the access
5	Requires the submission of details of pavement boundary
6	Requires the parking area to be laid out prior to use
7	Requires pedestrian visibility splays to be provided
8	Requires the prior submission and completion of works to the highway by appropriate agreement.
9	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
10	Requires the prior submission of a contamination remediation scheme
11	Requires the submission of a contaminated land verification report
12	Requires the provision of a vehicle charging point
13	Requires the prior submission of level details
14	Requires the submission of boundary treatment details
15	Requires the submission of hard and/or soft landscape details
16	Requires the submission of a landscape management plan
17	Arboricultural Method Statement - Submission Required
18	Requires the implementation of tree protection
19	No-Dig Specification required
20	Arboricultural Method Statement - Submission Required

Case Officer: Kirk Denton

Photo(s)



Figure 1 – View towards tree to be removed, foreground, and side of proposed plot 1



Figure 2 – Front of site, location of proposed houses on former garage site

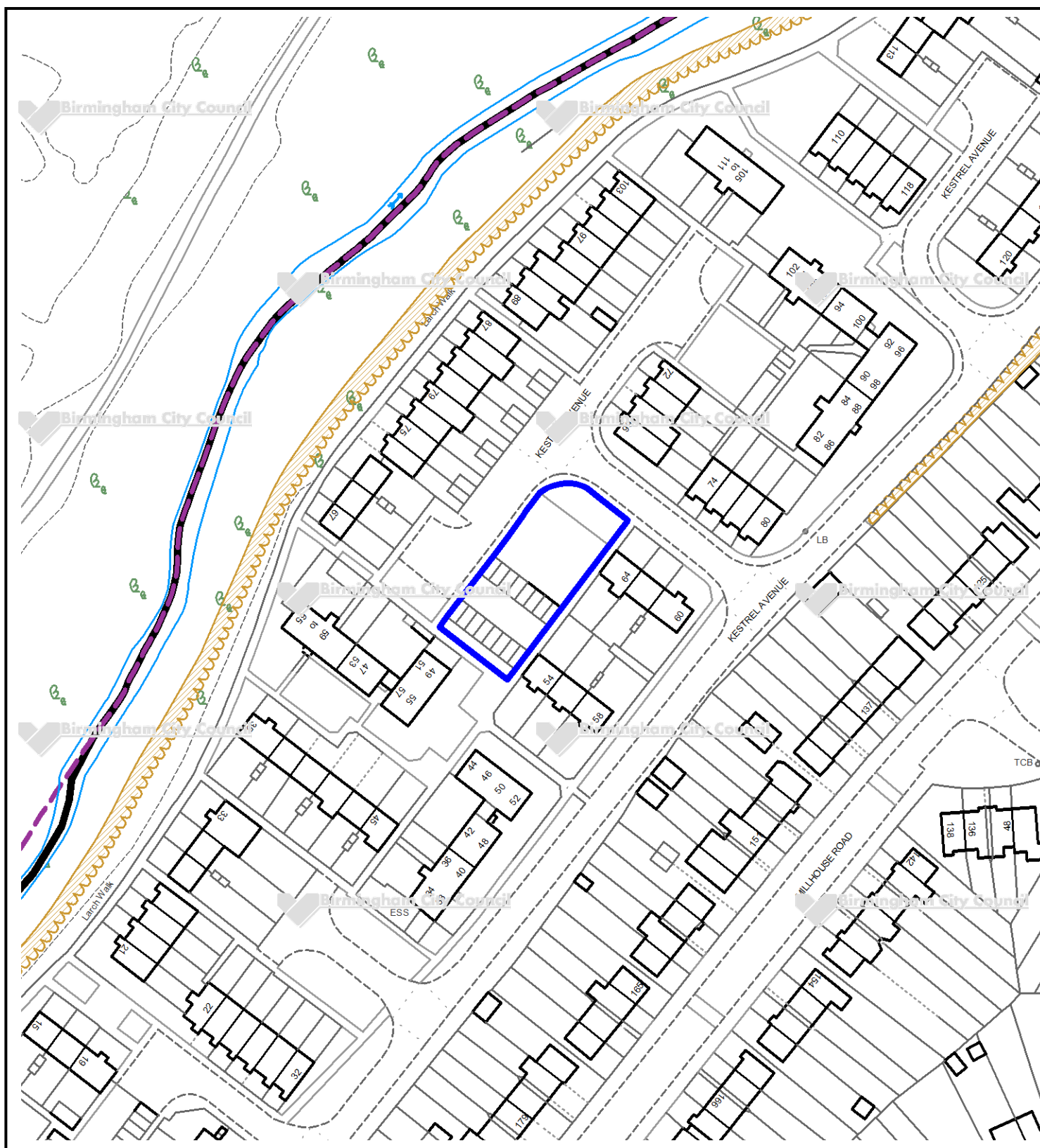


Figure 3 – View towards proposed plot 4 and alley at the rear of the proposed dwellings.



Figure 4 - View towards proposed plot 4.

Location Plan



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Committee Date:	10/10/2019	Application Number:	2019/06560/PA
Accepted:	07/08/2019	Application Type:	Full Planning
Target Date:	10/10/2019		
Ward:	Shard End		

Land off Packington Avenue, Rear of 1 - 5 Walsham Croft, Shard End, Birmingham, B34 7QY

Erection of two modular dwellinghouses with associated parking and landscaping

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The application proposes the erection of two modular affordable dwellinghouses with associated parking and landscaping on a former garage site located off Packington Avenue, Shard End, Birmingham. The site is being developed by Birmingham Municipal Housing Trust (BMHT) as part of its mainstream housing development programme for social housing.
- 1.2. An introduction to the BMHT Modular Housing Programme was presented to Planning Committee at the 27 September 2018 meeting. It has been developed as a unique solution for use on small sites which would be difficult to develop with conventional housing such as former garage courtyards like the application site. The use of modular dwelling types would help ensure that such underused sites could be developed economically for affordable housing thereby helping to increase supply and preventing vacant land becoming derelict. The proposed modular housing will complement the existing mainstream BMHT programme using traditional construction methods.
- 1.3. Birmingham has become one of the first cities to embrace modular construction for social housing and it is intended that the units would use good quality materials and high standards of contemporary design. They would be built to minimise their environmental impact not only in terms of energy efficiency but also by being located within existing communities close to public transport, walking and cycling facilities. The modular units would be manufactured using precision engineering in a factory environment. The units will be transported on an articulated vehicle in two separate ground and first floor modules and be craned into place on pre prepared serviced foundation. The two floors will be joined together on site and services connected. There will be minimum work to the units on site.
- 1.4. The proposed dwellings will be two storeys in height and measure 9.4 metres in length by 4.6 metres in width and have a mono-pitched roof with a height of 5.5 metres at its lowest point increasing to 6.7 metres. It would provide approximately 70 square metres of accommodation comprising a living room, kitchen, WC and cloak/plant room on the ground floor with one double bedroom, a single bedroom/office, bathroom and store/plant room on the first floor. The external materials would be

composed of aluminium composite with various shades of copper coated aluminium panels providing a distinctive appearance for the first floor and roof. A dark grey aluminium recessed band separates the cladding from the blue mechanical brick slips proposed to the ground floor. There would be a small projecting canopy at the front entrance of each dwelling which will also provide a discreet delivery cupboard. The fenestration to the proposed development would comprise black powder coated aluminium frames.

- 1.5. The two dwellings would be sited in a perpendicular position with respect to Packington Avenue in a similar manner to the adjoining dwellings on Walsham Croft. The dwellings would have private rear gardens of approximately 79sqm (Plot 1) and 111sqm (Plot 2) in size and include an area of hardstanding, an area of grass and space for bin storage. There would be one parking space for each of the dwellings provided at the entrance to the site with a pedestrian walkway provided to the front of each of the dwellings. A refuse collection point has also been allocated near the entrance, for collection once a week.
- 1.6. The application is accompanied by an Ecological Appraisal, Ground Investigation Survey Utilities Search, Tree Survey and Topographical Survey.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a vacant parcel of land which previously contained 19 garages. The site area is 1,054sqm (0.054ha) and is bordered by two storey residential properties on Walsham Croft to the north and Packington Avenue to the west. The site comprises hardstanding surrounded by a palisade fence. Cole Valley Public Open Space is located to the east and south of the site and has been identified as a SINC (Site of Importance for Nature Conservation).
- 2.2. The immediate area comprises two storey semi-detached and terraced houses with hipped or pitched roofs built of red brick and grey/ brown tile. Shard End Local Centre is located approximately 400m to the north west of the site.

[Site Location](#)

3. Planning History

- 3.1. No relevant planning history.

4. Consultation/PP Responses

- 4.1. Ward Councillors, MP, Residents Associations, Local Residents notified of the application and site notice displayed. 3 comments received citing the following concerns:
 - Separation distances between the proposal and the properties adjoining on Walsham Croft.
 - The fenestration details to the rear of the proposed properties are unclear.

- Loss of view
 - Increased noise and disturbance especially during construction
 - Loss of privacy and no compensation.
 - Council repairs required to existing properties have not been carried out.
 - Aluminium copper coloured cladding does not match anything or compliment any of the existing housing in the area.
- 4.2. Transportation – No objection subject to conditions in relation to a construction management plan, pedestrian visibility splays and the new footway crossing to be constructed to BCC standard specification.
- 4.3. Regulatory Services – No objection subject to noise insulation, contaminated land conditions and the provision of a vehicle charging points.
- 4.4. Severn Trent Water – No objection and no requirement for a drainage condition.
- 4.5. West Midlands Fire Service – Views awaited.
- 4.6. West Midlands Police – Views awaited.
5. Policy Context
- 5.1. Birmingham Development Plan 2017, Birmingham Unitary Development Plan (saved polices), Car Parking Guidelines SPD, Affordable Housing, Places for Living, Mature Suburbs and the National Planning Policy Framework (The Framework) 2019.
6. Planning Considerations
- 6.1. The site previously contained 19 garages. The submitted Design and Access Statement (DAS) advises that the whole of the Council garage stock was reviewed in 2006 and any site with less than 50% occupancy were considered for redevelopment. Most of the sites have now been redevelopment but there are a number of smaller sites where standard house construction methods and layouts would not be appropriate.
- 6.2. The main considerations are the principle of development, whether the erection of a modular home of the form and design proposed would be acceptable and fit in with its surroundings; whether the access, parking and turning facilities are sufficient; the impact on the amenities of the neighbouring properties and any other matters including drainage and ecology.
- Principle*
- 6.3. The proposal relates to the provision of two additional residential dwellings in a sustainable location. The National Planning Policy Framework (NPPF) sets out that the purpose of the planning system is to contribute towards achieving sustainable development and that the heart of the NPPF is a presumption in favour of sustainable development (paragraphs 10 - 11). Paragraph 117 of the National Planning Policy Framework states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and

improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of land and resources.

- 6.4. Policy PG1 within the Birmingham Development Plan states that the Plan aims to deliver 51,100 additional homes over the plan period, in order to cater for the City's increasing population, and it is expected that a minimum of 80% of all new homes provided over the plan period will be located on previously developed land such as the application site.
- 6.5. Policies TP27 & TP28 of the Birmingham Development Plan states that new housing should offer a choice of type, size and tenure to create more balanced and sustainable communities. The benefits of providing additional affordable housing carry considerable weight. The scale of the proposed dwellings at 70sqm would meet the requirements of the Technical Housing Standards – Nationally Described Space Standard for a two bedroom two storey dwelling and the proposed bedroom sizes all exceed the minimum standard of 11.5sqm and 7.5sqm for a single bedroom. It is considered that the principle of additional residential accommodation at this location is acceptable and accords with the provisions of the BDP and the NPPF.

Design and Layout

- 6.6. Policies PG3 and TP27 of the BDP state that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place and safe and attractive environments. Para 131 of the NPPF states that great weight should be given to innovative designs which promote high levels of sustainability or help raise the standard of design in the general area as long as they fit in with the overall form and layout of their surroundings.
- 6.7. The proposed modular homes have a contemporary design, particularly in terms of form and materials. There are a mix of housing types, ages and designs in the immediate area with older properties on Walsham Croft to the north and newer properties on the opposite side of Packington Avenue, all of which are of conventional design and construction. The layout of the proposed development with gable ends facing Packington Avenue replicates the pattern on Walsham Croft. In terms of the design and given the mix of housing in the immediate area with no particular urban design code, I consider that the site is suitable for an innovative housing proposal.
- 6.8. The representation received in respect of the design of the proposal is noted. Whilst it is acknowledged that the design of the BMHT modular houses would be different to that of the houses in the immediate vicinity, there are a mix of dwellings within Shard End and I do not consider that site could not accommodate an innovative design. There is history of innovate housing provision in Shard End. The Framework makes it clear that Local Planning Authorities should not seek to restrict or stymie innovative development proposals. The proposal is modest in scale and height utilising previously developed land in an optimum way, according with the development plan and the Framework.

Impact on Residential Amenity

- 6.9. The representations received in respect of the impact of the proposal on the adjoining dwellings is noted. The rear of the proposed dwellings would be separated by 19.5m from the rear of the properties to the north on Walsham Croft. There proposed rear elevation contains a single first floor window serving a landing and therefore, the lack of fenestration on this elevation would ensure that there would not

be any loss of residential amenity. There are no properties to the front of the proposal and the properties to the west on the opposite side of Packington Avenue are located 33m away. There is an unusual relationship between plot 2 and No. 7 Walsham Croft which has had a conservatory extension. The proposal would breach the 45 degree code with respect to the conservatory but it is noted that no windows are included on the elevation of the proposal and the dwellings would replace the built development of the garages on the site. On balance it is not considered that the impact is of such significance that permission should be refused. In terms of private amenity space, the gardens would be 79sqm (Plot 1) and 111sqm (Plot 2) which would comply with the advice of 'Places for Living'. It is considered that the noise and disturbance arising during construction would be temporary and minimal given the construction modal and the loss of a view is not a material planning consideration.

Highway matters

- 6.10. One parking space are would be provided for each dwelling. The submitted plan also shows space for vehicles to turn and also a bin collection point. The views of Transportation are noted. The site is considered to amount to a sustainable location in terms of access to public transport and the adjoining highways have the capacity to accommodate the additional trip generation. Appropriate conditions have been attached. The request for a construction management plan condition is not considered reasonable given that construction largely takes place off site with final assembly occurring on site over a very limited period.

Ecology and trees

- 6.11. A Preliminary Ecological Appraisal and Tree Survey have been submitted with the application. This report confirms that the site is of low ecological value but is it noted that the Cole Valley to the south is identified as a SINC (Site of Importance for Nature Conservation). The report does not require any further survey work to be carried out and makes a number of recommendations for ecological enhancement including the provision of badger passes and bird nesting boxes. An appropriate condition has been attached. There are no trees on the application site and the matter is not a material planning consideration.

Drainage

- 6.12. The site is located within Flood Zone 1(Low Risk) and there is no objection to the proposal from Severn Trent. It is noted that the considerable reduction in the area of hardstanding would be of benefit in respect of surface water drainage.

7. Conclusion

- 7.1. The BMHT modular home is an innovative project being developed by the City Council as part of its housing programme for increasing the supply of social housing and would be used on smaller sites which would be difficult to develop with traditional construction techniques. The proposal would deliver an innovative design which would provide a modern addition to the existing built environment on a sustainably located brownfield site. The scheme has been assessed in terms of visual impact, impact on the amenities of neighbouring residential properties and on highway safety. The proposal is considered to comply with the adopted policies in the Birmingham Development Plan and with the saved policies of the Unitary Development Plan, Supplementary Planning Documents and the NPPF.

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 a contamination remediation scheme
 - 3 Requires the submission of a contaminated land verification report
 - 4 Requires pedestrian visibility splays to be provided
 - 5 Requires the prior installation of means of access
 - 6 Requires the implementation of the submitted mitigation/enhancement plan
 - 7 Requires the submission of hard surfacing materials
 - 8 Requires the submission of boundary treatment details
 - 9 Requires the submission of a landscape management plan
 - 10 Implement within 3 years (Full)
-

Case Officer: David Kelly

Photo(s)

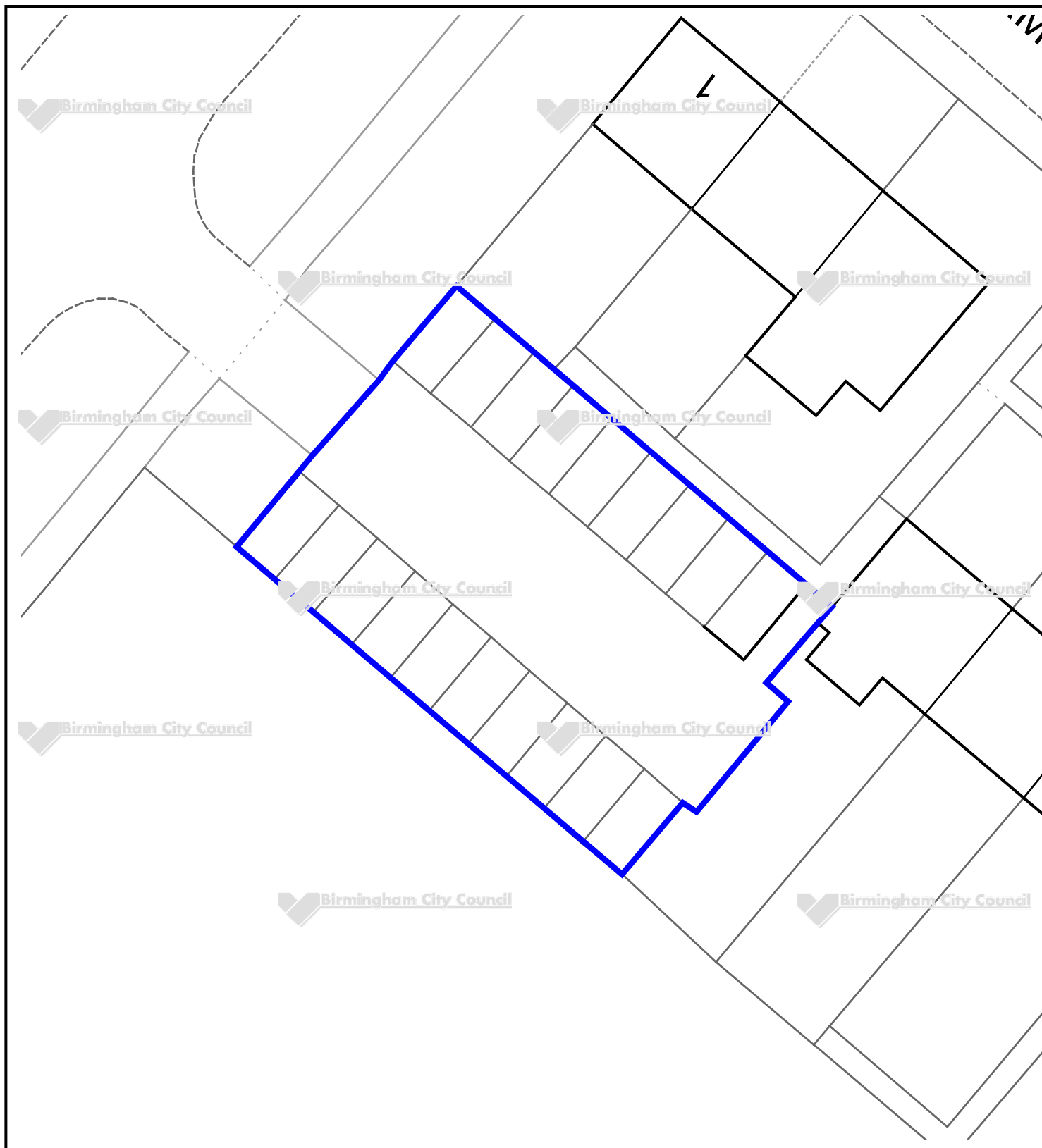


View south from proposed site entrance



Site context

Location Plan



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Committee Date:	10/10/2019	Application Number:	2019/06150/PA
Accepted:	29/07/2019	Application Type:	Full Planning
Target Date:	11/10/2019		
Ward:	Shard End		

Land to the rear of 37- 51 Alderpits Road, Shard End, Birmingham, B34 7RP

Erection of 9 no. modular houses and associated works

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The application seeks planning permission for the erection of 9no. modular affordable homes on land to the rear of the existing houses at 37 to 51 Alderpits Road, Shard End. This proposal, alongside a number of others currently with the Local Authority for consideration, follows on from the permission granted for the first prototype of the Birmingham modular home at 49 Heaton Street (reference 2018/08051/PA). The site is being developed by Birmingham Municipal Housing Trust (BMHT) as part of its mainstream housing development programme for social housing.
- 1.2. An introduction to the BMHT Modular Housing Programme was presented to Planning Committee at the 27th September 2018 meeting. It has been developed as a unique solution for use on small sites which would be difficult to develop with conventional housing such as former garage courtyards. The use of modular dwelling types would help ensure that such underused sites could be developed economically for affordable housing thereby helping to increase supply and preventing vacant land becoming derelict and a long term nuisance to local neighbourhoods.
- 1.3. Birmingham has become one of the first cities to embrace modular construction for social housing and it is intended that the units would use good quality materials and high standards of contemporary design. They would be built to minimise their environmental impact not only in terms of energy efficiency but also by being located within existing communities close to public transport, walking and cycling facilities. The modular units would be manufactured using precision engineering in a factory environment using rolled steel, insulated cladding, aluminium framed windows and doors to provide a high quality product. They would be delivered to site in two sections, ground floor and first floor, and fixed directly onto concrete pads.
- 1.4. The proposed modular homes on the site at Alderpits Road would be two storeys in height and measure 9.95 metres in length by 4.6 metres in width and have a mono-pitched roof with a height of 5.1 metres at its lowest point increasing to 6.4 metres. They would provide approximately 70 square metres of accommodation in the form of living room with dining area, kitchen, WC and cloak/ plant room on the ground floor with one double bedroom, a single bedroom/ office, bathroom and store/ plant room on the first floor. The external materials would be brick slips in a red multi

colour to the ground floor and copper coloured aluminium composite cladding to first floor and roof. The windows and doors would be aluminium double glazed units finished in black. The unit design includes a 600mm deep two storey overhang on the front elevation which would provide a canopy over the ground floor entrance with balcony above enclosed by a glazed balustrade and feature timber cladding on the inside of the set back.

- 1.5. The nine dwellings would be sited off a new cul-de-sac, accessed off an existing access, adjacent to the south-east of no. 51 Alderpits Road. One modular home would be located parallel to the access road, on a slightly set back building line to no. 51 Alderpits Road. Overall four units would be located perpendicular to the access road and a further four dwellings would be situated at the end of the cul-de-sac. All dwellings would have private rear amenity space provided at a size between approximately 35 and 75 square metres which includes areas of hardstanding, grass, space for bins and cycle storage. There are also additional communal landscaped areas, mainly consisting of grass, proposed within the site. The access into the site would be hardsurfaced, with paved areas to the direct frontage of the homes, an asphalt paved access road, parking and turning areas. The submitted plans show that one vehicle parking space would be provided for each dwelling.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is an overgrown and disused garage site located to the rear of existing dwellings along Alderpits Road, Brookbank Avenue, Bradley Road and Timberley Croft. There is an existing access into the site, located to the south-east of no. 51 Alderpits Road. In addition, there is a secondary access from between the properties nos. 41 - 43 Alderpits Road, however, it is understood this is in private ownership leading to existing garages/outbuildings at the rear. The site area is approximately 0.18 hectares in size and all sides are enclosed by fencing from the rear gardens of existing properties around the site.
- 2.2. The immediate surrounding area is predominantly residential in character and comprises a mix of detached and semi-detached dwellings predominantly two-storeys in height. There is also a three-storey apartment building located on Bradley Road to the south and an electric sub-station, partly single and two-storey in height located immediately to the west of the site's boundary and accessed off Bradley Road.

[Site Location](#)

3. Planning History

- 3.1. No relevant planning history.

4. Consultation/PP Responses

- 4.1. Ward Councillors, residents associations and local residents notified of the application. Site Notice displayed.
- 4.2. One letter of objection has been received, stating the following concerns:

- Requests that pedestrian walkway should be provided between nos. 41 and 43 Alderpits Road from the application to Alderpits Road
 - Concerns with regard to overlooking and privacy
 - Feel that look of properties is very ugly and not in keeping with surrounding dwellings
 - Site could become potential eyesore
 - Would like to understand value of dwellings
 - Concerns about parking problems
 - Concerned about existing wildlife within the site.
- 4.3. Transportation – No objections subject to conditions in relation to a construction management plan, alterations to the existing footway crossing at the applicant's expense, pedestrian visibility splays, vehicle parking to be designed in accordance with manual for streets and to standard size, and turning areas to be kept free at all times.
- 4.4. Regulatory Services – No objections subject to conditions in relation to a contamination remediation scheme, contaminated land verification report and provision of vehicle charging points.
- 4.5. Severn Trent Water – No objections subject to condition in relation to drainage plans for the disposal of foul and surface water flows.
- 4.6. West Midlands Fire Service – No objections in principle. Comments received in relation to specific fire services matters which will be subject to Building Control approval.
- 4.7. West Midlands Police – No objections.
- 4.8. Ecology – No objections subject to conditions in relation to a scheme for ecological/biodiversity/enhancement measures and implementation of mitigation/enhancement measures.
5. Policy Context
- 5.1. Birmingham Development Plan 2017, Birmingham Unitary Development Plan (saved policies), Car Parking Guidelines SPD, Affordable Housing, Places for Living, Mature Suburbs and the National Planning Policy Framework 2019.
6. Planning Considerations
- 6.1. The application site is a vacant brownfield site but was previously occupied by garages which have since been demolished. The submitted Design and Access Statement (DAS) advises that the whole of the Council's garage stock was reviewed in 2006 and any site with less than 50% occupancy were considered for redevelopment. Most of the sites have now been redeveloped but there are a number of smaller sites where standard house construction methods and layouts would be difficult. The application site to the rear of 37-51 Alderpits Road is one of those sites.
- 6.2. The application has been assessed against the objectives of the policies as set out above. The main considerations in the assessment of the application are whether the erection of the modular homes of the form and design proposed would be

acceptable on this site and fit in with their surroundings, whether the access, parking and turning facilities are acceptable; the potential impact on the amenities of neighbouring properties and the impact on existing trees and ecology.

- 6.3. **Principle of Use:** The application site is located within an existing built up area and is surrounded by existing residential development to all four sides. The site has previously been used for parking, however, this use has ceased and the area is now fenced off and overgrown. The proposal would be consistent with the guidance set out within Policy TP27 (Sustainable Neighbourhoods) and TP28 (The location of new housing) of the BDP. Therefore, it is considered that the principle of residential development would be acceptable on this site, subject to satisfying other matters, as discussed below.
- 6.4. **Design and Visual Amenity:** Policy PG3 (Place Making) of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place and safe and attractive environments. Policy TP27 (Sustainable Neighbourhoods) also has similar wording and seeks high design quality. The revised NPPF states that good design is a key aspect of sustainable development and creates better places to live and work but where proposed developments fail to take opportunities available for improving the character and quality of an area, they should be refused. Para 131 states that great weight should be given to innovative designs which promote high levels of sustainability or help raise the standard of design in the general area as long as they fit in with the overall form and layout of their surroundings.
- 6.5. The proposed modular homes would have a bold, contemporary design, utilising architectural features and modern materials that appear within innovative residential schemes. The residential character of the surrounding area is of similar age and design, however, it is considered that attempting to build houses of the same design as established within the surrounding area would not be achievable or appropriate on this site due to the size. The site is currently overgrown and was previously used for fly tipping and has since been fence off. It therefore would benefit from redevelopment and as such I consider the BMHT modular homes scheme to be a reasonable solution for this constrained site.
- 6.6. The proposed layout makes best use of the narrow strip of land available. The majority of dwellings in the vicinity are two-storey in height, but there are also bungalow style dwellings and a three-storey apartment building surrounding the site. The new modular homes would generally be lower in height and appear subservient to the surrounding built form. Plot 9 would be constructed towards the Alderpits Road frontage, adjoining the end-of terrace dwelling at no. 51 Alderpits Road, whilst plot 1-8 would be located to the rear of existing dwellings. Therefore, only one of the modular homes would be located on the Alderpits Road frontage, however, due to existing mature trees to the frontage which would be kept as part of the scheme, the new dwellings would not be immediately visible within the streetscene.
- 6.7. I note comments received from a neighbour in relation to the proposed design which is considered not to be in keeping with the surrounding areas. However, whilst it is acknowledged that the design of the BMHT modular homes scheme is different to the surrounding houses, this does not make the scheme unacceptable. The proposed scheme would make use of high quality materials and the majority of the modular homes would be located to the rear of existing dwellings, therefore not dominating the existing streetscene. They would also not interrupt the character of the area and would result in a modern addition to the residential housing stock of the area on this overgrown and vacant site which is considered appropriate.

- 6.8. A further comment has been received in relation to a request for a separate pedestrian access between existing properties no. 41 and 43 Alderpits Road; however, the access is not in the ownership of the applicant and therefore they are unable to include a footpath within the application scheme. In addition, there are likely to be additional safety, security and maintenance concerns with a separate pedestrian access.
- 6.9. **Residential amenity** - The site is surrounded by existing residential development with the majority being two-storey in height. There are also some bungalows, predominantly on the corner plots and a three-storey apartment building located to the south of the site. There is also an electrical substation located to the rear of the application boundary to the west.
- 6.10. The minimum separation distances to the dwellings along Bradley Road to the south is approximately 19 metres between the rear of plot 2 and the rear of 50 Bradley Road which is an end-of-terrace bungalow. The minimum separation distance from the three-storey element of the apartment building on Bradley Road to the flank rear wall of the modular homes is approximately 25.5 metres and the distance between 36 Bradley Road and the side elevation of plot 5 is approximately 24 metres. In terms of the dwellings along Alderpits Road, the separation distance between no. 41 Alderpits Road and the side wall of plot 8 is approximately 33 metres whilst the separation distance between the front of plot 1 and rear of 51 Alderpits Road is approximately 28.5 metres. The nearest dwelling at Brookbank Avenue is no. 12, which has a minimum separation distance of 35 metres to the flank wall of plot 1. The required separation distances as set out in 'Places for Living' design guidance is 21 metres for two storey buildings facing each other at the front or back and 27.5 metres for three-storey buildings. In addition, 12.5 metre minimum separation distance is required for windowed elevations and opposing one and two storey flank walls. The modular homes have no windows proposed within the rear elevation, therefore complying with adopted separation distances in this regard. It is acknowledged that windows are proposed within the side elevation on both ground and first floor level which, in some cases, would be short of the required 5 metre minimum set back where new development with main windows overlooks private spaces. However, the proposed ground floor side window is a secondary window to the main lounge window and therefore would not have an unacceptable impact on outlook. In addition, the likely presence of an approximately 1.8 metre high close boarded fence along the boundary would further minimise any potential overlooking concerns. The proposed side windows on first floor serving a bathroom, landing and second bedroom/office would be obscure glazed in order to minimise any potential overlooking concerns with adjoining residential dwellings. The rear bedrooms/offices on the first floor would also have a roof light which would allow for additional natural light into the modular homes. Therefore, it is considered the scheme would not result in a detrimental impact on existing residents living around the site.
- 6.11. I note an objection from a neighbour in relation to concerns with regard to overlooking and privacy; however, as detailed above, the scheme complies with the separation distances to existing surrounding dwellings and therefore is in accordance with the adopted policies in this regard.
- 6.12. In terms of the internal arrangement, all modular homes would comply with the national described spacing standards (2015). It is noted that the separation distance from modular homes plots 5-8 to the flank wall of the electrical substation to the rear is approximately 6 metres which is somewhat short of the 12.5 metre separation distance as set out in 'Places for Living'. However, there are no windows proposed

within the first floor rear elevation and I consider that the individual design of the dwellings providing affordable living accommodation on this difficult and constrained site would outweigh any potential harm to residential amenity for future occupiers and would be appropriate considering each dwelling has its own private residential amenity space of between 35 and 75 square metres and the main views from the homes are single-aspect towards the front. Whilst it is acknowledged the private external amenity is slightly below the requirements as set out in supporting guidance document 'Places for Living' of 50 square metres for two bedroom dwellings, it is noted that the scheme seeks to include larger areas of public open space within the site, overall increasing the provision of amenity space for each resident which is considered acceptable. Therefore, I conclude that the proposed development for affordable dwellings would on balance not have an unacceptable impact on the living conditions of future occupiers.

- 6.13. **Pedestrian and highway safety** – The application scheme is located within an existing residential area providing access to sustainable modes of transport and other residential amenity. Access into the site would be provided via a new cul-de-sac utilising the existing access to the south-east of no. 51 Alderpits Road near the corner junction with Brookbank Avenue. Transportation Development have been consulted on the application and raise no objections subject to conditions in relation to a construction management plan, alterations to the existing footway crossing at the applicant's expense, pedestrian visibility splays, vehicle parking to be designed in accordance with manual for streets and to standard size, turning areas to be kept free at all times.
- 6.14. A comment from a neighbour has been received stating existing parking problems which would exacerbate with the proposed development. However, parking is provided for each dwelling within the site and having visited the site and local area, I consider there is sufficient on-street parking for visitors available. In addition, Transportation Development raise no objections to the proposal on pedestrian or highway safety.
- 6.15. **Ecology and Trees** – The site is currently overgrown and dominated by hardstanding and dense scrub. A preliminary ecological appraisal has been submitted with the application. This report confirms that a desk top survey and site survey have been carried out and there are no statutorily protected sites within 1km of the site and no records of protected species. The site survey notes opportunities for nesting birds and foraging and commuting habitats for bats. It is noted, there is a group of trees protected by a TPO on the corner of Alderpits Road and Brookbank Avenue covering a small part of the site, however, there are no protected trees located within the application site and no mature trees are proposed for removal or are impacted on. The two mature trees to the site's frontage on Alderpits Road and adjoining the access road would be retained as part of the scheme. The City's Ecologist has reviewed the application and raises no objection to the proposed scheme subject to conditions in relation to a scheme for ecological/biodiversity/enhancement measures and implementation of mitigation/enhancement measures in accordance with the details submitted. I concur with this view and impose the conditions accordingly.
- 6.16. Concerns have been raised by neighbours about existing wildlife on site. The site site predominantly comprised of hardstanding and dense scrubs and having consulted the Council's Ecologist on the proposed development who raises no objection to the proposal subject to conditions, I am satisfied that the scheme appropriately addresses such matters.

6.17. **Other matters** – Severn Trent has been consulted on the application and raise no objections to the proposed development subject to conditions in relation to drainage plans for the disposal of foul and surface water. I concur with this view and attach the condition accordingly.

6.18. Neighbouring comments have been received they would like to understand proposed house values and that the site has potential to become an eyesore. However, house value is not a material planning consideration. The site would be managed by BMHT and we are assessing the existing situation on site and assumptions of matters that might occur in the future are not of relevance in the assessment.

7. Conclusion

7.1. The BMHT modular homes are an exciting project being developed by the City Council as part of its housing programme for increasing the supply of social housing and would be used on smaller sites which would be difficult to develop with conventional housing. It represents a step change in how smaller new homes can be delivered using high quality modular units built in a controlled factory environment. It is proposed to use the application site for the erection of nine modular homes.

7.2. The proposal would deliver an innovative design which would provide a modern addition to the existing built environment on an appropriate backland site. The scheme will be of an appropriate design, would not have an adverse impact on the amenities of existing neighbouring residents and is considered acceptable in highway terms. Accordingly the scheme complies with adopted policies in the BDP and UDP, the principles in the Council SPDs and the NPPF and is recommended for approval.

8. Recommendation

8.1. Approve, subject to conditions.

-
- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of hard surfacing materials |
| 3 | Requires the submission of boundary treatment details |
| 4 | Requires the planting scheme to be in accordance with submitted details |
| 5 | Requires the prior submission of planter details |
| 6 | Requires the prior submission of a construction method statement/management plan |
| 7 | Requires pedestrian visibility splays to be provided |
| 8 | Requires the prior submission of amended vehicle parking details |
| 9 | Requires vehicular circulation areas not to be used for any other purpose and kept free at all times. |
-

-
- 10 Requires the prior submission of a contamination remediation scheme
 - 11 Requires the submission of a contaminated land verification report
 - 12 Requires the prior submission of a drainage scheme
 - 13 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 14 Requires the implementation of the submitted mitigation/enhancement plan
 - 15 Requires the submission and completion of works for the S278/TRO Agreement
 - 16 Implement within 3 years (Full)
 - 17 Requires the windows in the first floor side elevation to be obscure glazed
-

Case Officer: Laura Pohl

Photo(s)

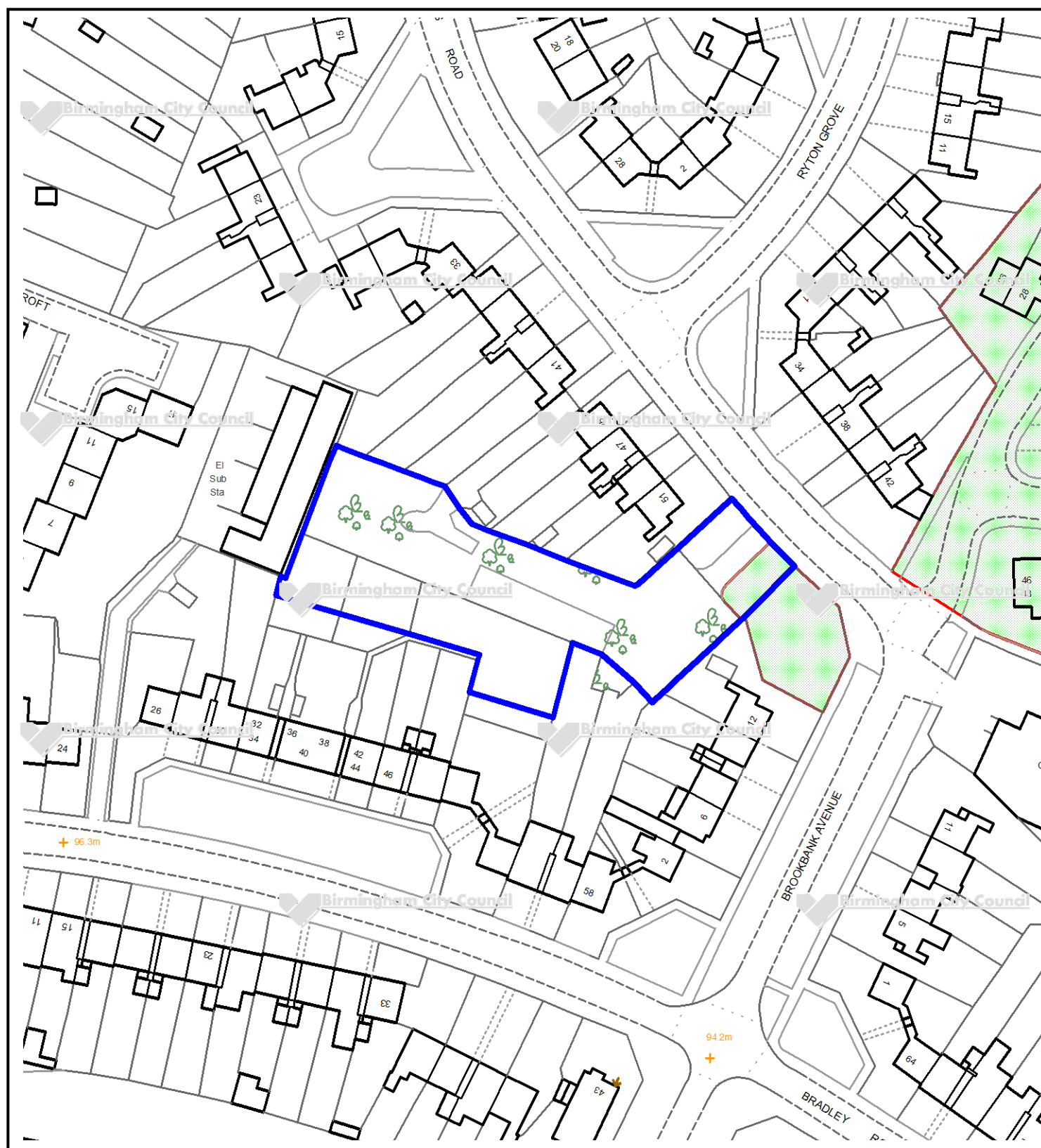


Figure 1: View towards access from Alderpits Road



Figure 2: View through application site

Location Plan



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Committee Date:	10/10/2019	Application Number:	2019/01470/pa
Accepted:	27/03/2019	Application Type:	Full Planning
Target Date:	11/10/2019		
Ward:	Acocks Green		

3 Elmdon Road, Acocks Green, Birmingham, B27 6LJ

Change of use from residential dwellinghouse to residential institution
(Use class C2)

Recommendation
Determine

Report Back

- 1.1. Members will recall that this application was presented to Planning Committee on the 29th August 2019 with a recommendation to approve the application subject to a number of conditions.
- 1.2. At determination members will recall that the application was deferred pending further correspondence with West Midlands Police due to potential discrepancies with comments made.
- 1.3. Further correspondence has taken place with West Midlands Police. The Designing Out Crime Officer has been in contact with the local Police team and confirms that the position of no objection remains the official response of West Midlands Police.
- 1.4. In order to address concerns raised regarding noise issues a condition is recommended requiring a noise insulation scheme. The following condition is recommended:

Requires the prior submission of noise insulation (variable)

Prior to the occupation of the development hereby approved a scheme of internal noise insulation between the application site and the adjacent property number 5 Elmdon Road shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of the building and thereafter maintained.

Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of the adjacent dwelling in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the NPPF.

Original Report

1. Proposal
 - 1.1. The application is to change the use of the existing semi-detached dwelling to a residential institution (use class C2). Information from the applicants details that the

previous owners of the site (Trustees of the Charity of the Roman Catholic Church) had bought the building in December 1994 and had used the property as 'St Anne's' Convent occupied by five nuns. The applicants have purchased the building in January 2019 and now propose to use the building as a children's home to accommodate four children.

- 1.2. The young people at the property will be aged between 11 and 18 years old. The children's home is proposed to be used with children who are not physically or mentally disabled but have challenging behaviours. The property will require Ofsted registration to operate. The applicants have stated that the facility would provide a caring and nurturing environment for young people and shall operate the way a family home does with care staff supporting the young people to become positive members of the community and take pride in their interactions both in and out of the home. The character of the building will remain residential in use. The house will operate like a 'normal' family home with domestic living areas such as bedrooms, living rooms, kitchen etc.
- 1.3. The applicant has stated that each proposed admission to the home will be subject to a risk assessment and matching process to ensure that their individual needs can be met and that any existing Young People placed would not be impinged by their admission. Additionally, the risk assessment takes account of the environment and the local community which will ensure that any Young Person placed has a plan of integration which causes minimal disruptions to the local community.
- 1.4. The home is proposed to be staffed by two members of staff who will be on site 24 hours a day. A registered manager will also be on site between 09:00 – 17:00 Monday to Friday and on call when required.
- 1.5. Shift patterns of day staff are 07:30 – 22:30 with one staff member sleeping on site from 22:30 – 08:00.
- 1.6. No external alterations are proposed.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located on Elmdon Road, a tree lined largely residential area made up of a variety of house types and eras set back from the highway. The dwelling is approximately 30 metres east of the Yardley Neighbourhood Centre.
- 2.2. Opposite the application site are two hotels, Atholl Lodge and Elmdon Lodge Hotel.
- 2.3. Adjoining to the east is number 5 Elmdon Road, a residential dwelling, to the west is number 1C another residential dwelling.

[Site map](#)

3. Planning History

- 3.1. 1991/02889/PA- Retention of guest house and formation of car park – approved 10/10/1991

- 3.2. 1991/05213/PA - Vary condition no.16 attached to E/02889/91/FUL to permit a period of 9 months from original permission for rear parking - approved - 23/1/1992
- 3.3. 1994/03483/PA – Change of use from guest house (Class C1) to single dwelling house (class C3)– approved – 10/10/1994
- 3.4. 2005/06564/PA - Proposed Garage Conversion – withdrawn – 11/11/2005

4. Consultation/PP Responses

- 4.1. Site notice displayed. Adjoining neighbours, Ward Councillors consulted – 9 Third Party Representations received.
- 4.2. Objections raised the following concerns
- The cumulative effect of properties converted into self-contained flats, residential and non- residential care homes,
 - Insufficient on-site parking,
 - Development would cause disruption to the street,
 - Enough care facilities in the area,
 - Proposal would result in an increase in noise.
- 4.3. Councillor John O'shea - I have had concerns raised by residents about car parking, which is already at a premium on this road. The local Police neighbourhood team have raised concerns (to Councillor John O'shea) about additional workload. We already have a number of supported housing facilities within Acocks Green, mostly in the larger properties in this area and elsewhere in the area around the Warwick Road and to the north of it. We contacted the operating company and asked them to come and visit Acocks Green and to consult with local residents, but they did not do so.
- 4.4. West Midlands Police – No objections to the application.
- 4.5. Regulatory Services - No objection.
- 4.6. Transportation Development - No objection, The site has an excellent level of public transport accessibility and is located within close proximity to local facilities within Yardley Road Neighbourhood Centre. Whilst there are noted to be existing local parking issues on Elmdon Road, it is considered that there would not be any justification to resist the development on grounds of material impact from parking demand associated with the use, particularly considering previous and current permitted use scenarios. Recommend conditions requiring cycle storage provision and a commercial travel plan.

5. Policy Context

Birmingham Development Plan (BDP) 2017, Places for All SPG (2001), Places for Living SPG (2001), Car Parking Guidelines SPD (2012), Birmingham Unitary Development Plan 2005 (Saved Policies), National Planning Policy Framework (2019), Specific Needs Residential Uses SPG.

6. Planning Considerations

- 6.1 The guidance set out in Paragraph 8.29 of the Saved 2005 UDP and the Specific Needs Residential Uses SPG is of paramount relevance in the assessment of planning applications for proposed residential care uses. Paragraph 8.29 sets out several criteria against which a proposal should be addressed:
- 6.1. *Residential amenity*
- 6.2. The development of residential care homes in semi-detached houses will not be acceptable unless adjoining occupiers can be safeguarded against loss of amenity due to undue noise and disturbance.
- 6.3. It is not considered that the proposed use, for four young people, would be so intensive so as to result in undue noise disturbance over and above that of a large family home. In addition, Regulatory Services have raised no objection to the application.
- 6.4. The site lies on a busy road and is in close proximity to a local centre, noise from activities associated with the proposed use, for example the comings and goings of staff members, would to some extent be screened by the existing noise climate within the area and as in this respect would not be so harmful to amenity as to warrant refusal of the application.
- 6.5. In regards to surrounding development number 9 Elmdon Road has planning history of being used as a HMO (e.g 2010/03334/PA), number 30 received a lawful development certificate in 1999 for the existing use of 2 flats and 4 bedsits (1999/01775/PA). There are no properties on the road on the HMO Public Register and searches have not revealed any other C2 uses on the road. Due to the low presence of such uses in the vicinity it is considered the proposed development would not result in harm to the residential character and appearance of the area.
- 6.6. *Highway Matters*
- 6.7. Transportation Development note the application site is well served with public transport and in a sustainable location. With regard to the comments of Transportation it is considered that the proposed use would not have any detrimental impact on the safety and free flow of traffic on the adjoining highway. A cycle store condition as recommended by Transportation can be imposed on any planning approval. It is considered that a Commercial Travel Plan condition would be unnecessary and unreasonable for such a small residential institution.
- 6.8. Visual impact
- 6.9. The development does not propose any external alteration, therefore it is considered the proposed development would not have an adverse impact upon the character and appearance of the existing building or the surrounding area.
- 6.10. *Amenity space*
- 6.11. The garden area at the site exceeds the SPG requirement for outdoor amenity space of 16 sq.m per occupant. An acceptable living environment would therefore be provided.
7. Conclusion

- 7.1 Paragraph 59 of the NPPF stresses the importance of addressing the needs of groups with specific housing requirements. The proposed development meets these aims and complies with the specific criteria for assessment set out in the Saved 2005 UDP and the Specific Needs Residential Uses SPG.
- 7.2 No objections have been received from Regulatory Services, Transportation or West Midlands Police. Whilst concerns have been raised by local residents it is considered that the small scale of the proposed development would not have an adverse impact upon the amenity of adjacent residents or change the residential character and appearance of the area.

8. Recommendation

- 8.1 Approve subject to conditions

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of cycle storage details |
| 3 | Implement within 3 years (Full) |
| 4 | Limit no. of children to maximum of 4 |
-

Case Officer: Kirk Denton

Photo(s)



Fig.1: Front of the property



Fig.2: Front of the property

Location Plan



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Birmingham City Council

Planning Committee

10 October 2019

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 – Subject to 106 Legal Agreement	21	2018/05638/PA Warwickshire County Cricket Ground Land east of Pershore Road and north of Edgbaston Road Edgbaston B5 Full planning application for the demolition of existing buildings and the development of a residential-led mixed use building containing 375 residential apartments (Use Class C3), ground floor retail units (Use Classes A1, A2, A3, A4 and A5), a gym (Use Class D2), plan, storage, residential amenity areas, site access, car parking, cycle parking, hard and soft landscaping and associated works, including reconfiguration of existing stadium car parking, security fence-line and spectator entrances, site access and hard and soft landscaping.residential amenity areas, site access, car parking, cycle parking, hard and soft landscaping and associated works, including reconfiguration of existing stadium car parking, security fence-line and spectator entrances, site access and hard and soft landscaping.
Determine	22	2019/03026/PA Land off Kings Road Kings Heath Birmingham B14 Proposed development for the erection of 47 residential units, new vehicular access, landscaping and other associated infrastructure works.

Approve – Conditions	23	2019/01089/PA Land adjacent 4 Vicarage Road Kings Heath Birmingham B14 7RA Erection of three residential dwelling houses and associated works
Approve – Conditions	24	2019/03417/PA YMCA Northfield 200 Bunbury Road Northfield Birmingham B31 2DL Demolition of redundant building and construction of a four storey building to provide 27 self-contained 'move on' accommodation units (Sui Generis), extension and internal refurbishment of existing sports hall building to provide a new entrance and disabled lift access, plus provision of associated on-site parking and infrastructure

Committee Date:	10/10/2019	Application Number:	2018/05638/PA
Accepted:	12/07/2018	Application Type:	Full Planning
Target Date:	10/12/2018		
Ward:	Edgbaston		

Warwickshire County Cricket Ground, Land east of Pershore Road, and north of Edgbaston Road, Edgbaston, B5

Full planning application for the demolition of existing buildings and the development of a residential-led mixed use building containing 375 residential apartments (Use Class C3), ground floor retail units (Use Classes A1, A2, A3, A4 and A5), a gym (Use Class D2), plan, storage, residential amenity areas, site access, car parking, cycle parking, hard and soft landscaping and associated works, including reconfiguration of existing stadium car parking, security fence-line and spectator entrances, site access and hard and soft landscaping.residential amenity areas, site access, car parking, cycle parking, hard and soft landscaping and associated works, including reconfiguration of existing stadium car parking, security fence-line and spectator entrances, site access and hard and soft landscaping. AMENDED DESCRIPTION

Recommendation

Approve Subject to a Section 106 Legal Agreement

REPORT BACK

1.1 Members will recall considering this application at your meeting on 14th March 2019 on the basis of the original report below. The Addendum Report (also copied immediately below) additionally set out in Section 2.2 that Officers were continuing to investigate with the applicant potential additional elements of the Section 106 including any need for a viability review mechanism if any of the PRS units are sold on the open market in the future. The inclusion of that clause is listed in the current Section 106 resolution within the Committee Minutes for this application.

1.2 I can inform Members that considerable investigation has been undertaken on any need for a Viability Review Mechanism for this particular scheme, including comparison with our approach on other PRS schemes within the City. Updated policy advice in the NPPG is clear that review mechanisms can be appropriate in multi-phased, long term developments where the market conditions may well change over the timeframe of the development. The NPPG is also clear that if on-site affordable rent units are sold on the private market, a claw back mechanism should be used. This scheme however is not a large development which is to be built out in multiple phases over a longer timeframe – “The Residences” will be built out in a single phase over a typical construction timeframe. Additionally there is no on-site affordable rent to be secured within this proposal as affordable housing is to be secured as an off-site commuted sum to support the Council’s current BMHT building programme for affordable housing, some £825,000.

1.3 More fundamentally further input has been sought from the Council's Viability Consultants who have confirmed that they considered both open market sale and PRS scenarios when assessing the application's submitted viability information, and it is the current PRS model that produces a larger Section 106 contribution in this instance. Their advice is that the Council is getting the maximum return from the PRS model as proposed.

1.4 Accordingly it is recommended that a Viability Review Mechanism is unnecessary for this scheme and that this clause can be safely removed from the Section 106 resolution – Members endorsement of this approach is sought.

2. Recommendation:

2.1 That 2018/05638/PA be resolved to be approved subject to the satisfactory completion of a Section 106 legal agreement and conditions as recommended within both the original Committee report and as amended within the Addendum Report, and thereafter, but without a Viability Review Mechanism within the Section 106 legal agreement.

ADDENDUM REPORT

Addendum Report to Item 9

Committee Date: 14/03/2019 Application Number: 2018/05638/PA

Ward: Edgbaston

Application Type: Major

Site Address: Warwickshire County Cricket Ground, Land east of Pershore Road and north of Edgbaston Road, Edgbaston, B5

Proposal: Full planning application for the demolition of existing buildings and the development of a residential-led mixed use building containing 375 residential apartments (Use Class C3), ground floor retail units (Use Classes A1, A2, A3, A4 and A5), a gym (Use Class D2), plan, storage, residential amenity areas, site access, car parking, cycle parking, hard and soft landscaping and associated works, including reconfiguration of existing stadium car parking, security fence-line and spectator entrances, site access and hard and soft landscaping, residential amenity areas, site access, car parking, cycle parking, hard and soft landscaping and associated works, including reconfiguration of existing stadium car parking, security fence-line and spectator entrances, site access and hard and soft landscaping. AMENDED DESCRIPTION

Agent: Turley, 9 Colmore Row, Birmingham, B3 2BJ

1.0. Background

1.1. Members will note that Item 9 refers to the Officer's Committee report for Warwickshire County Cricket Club. Since publication of the report Officers have been liaising with the applicant's agent in relation to various aspects of planning condition wording and Section 106 Heads of Terms. This Addendum Report provides Members with relevant updates in relation to those matters and any other matters of content clarification as set out in the Officer's original Committee report.

2.0. Updates to the Planning Committee report

2.1. In relation to clarification of matters within the report:-

- Site Notices and Press Notices were placed for both consultation exercises
- It is clarified that two groundsmen houses would be demolished as part of the redevelopment proposals
- I note the request received from the NHS Trust, for a sum of £12,215.00. It is clarified that Education sums can be secured through CIL but sums towards healthcare services are not. Our position is that we do not consider the request would meet the tests for such Section 106 contributions in particular the necessity test (Regulation 122.(2)(a) necessary to make the development acceptable in planning terms). We believe the interval from approval to occupation of the proposed development, along with published information (such as the BDP and SHLAA), gives sufficient information to plan for population growth. Discussions with the relevant Trust are continuing on this matter in order for us to understand more fully their planned investments in the City and how we might best be able to support that.
- In relation to Paragraph 6.22 the applicant clarifies that cricket club staff will use Area 1 (within the clubs 355 dedicated spaces). The cricket club will also only require access to the shared spaces in exceptional circumstances during 'peak events', so potentially only a handful of times during a year.

2.2. In relation to the Section 106 resolution Members are advised that discussion is ongoing in relation to completion of payments in relation to the Section 106 attached to the original redevelopment consent, and also any need for a viability review mechanism if any of the PRS units are sold on the open market in the future. Members are requested to allow Officers to continue investigation of these matters as part of detailed Section 106 drafting, and resolve in full consultation with Legal Officers. These negotiations will also include the suitability of any phasing of contributions within the build period(s) and appropriate trigger points.

Notwithstanding these matters index linking and wording clarification also needs to be added to the current Section 106 resolution as follows:-

"Recommendation:

That consideration of application 2018/05638/PA be deferred pending the completion of a Section 106 legal agreement to secure:

- a) £825,000 (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) as an off-site commuted sum to support the Council's current BMHT building programme for affordable housing within Birmingham City Council's administrative area
- b) £130,000 (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) towards the provision, improvement and maintenance of Public Open Space/play space within Cannon Hill Park that shall be agreed in writing between the Council and the party responsible for paying the sum provided any alternative spend purpose has been agreed by the Council's Planning Committee
- c) £70,000 (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) towards transport-related works locally (specifically a £20,000 contribution for TRO's/highway modifications, pre-development surveys on roads within 1km of the site, and post-development base surveys on a 6 monthly basis for 3 years following full occupation of the residential units, and £50,000 towards the junction and

highway improvement scheme for the Pershore Road/Bristol Road/Edgbaston Road junction.)

d) Local Employment and Skills Agreement

e) Payment of a £10,000 monitoring and administration fee associated with the legal agreement.

In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 30th April 2019, planning permission be refused for the following reasons:

In the absence of a legal agreement to secure off-site contributions towards affordable housing, POS/play space, transport-related improvements, and provision of a Local Employment and Skill Agreement the proposal conflicts with Policies TP47 (Developer contributions), TP31 (Affordable housing), TP9 (Open space, playing field and allotments), TP44 (Traffic and congestion management), and TP26 (Local employment) of the Birmingham Development Plan 2017, the Affordable Housing SPG, Public Open Space in New Residential Development SPD, and the NPPF

That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by 30th April 2019, planning permission be APPROVED subject to the conditions listed below:-“

2.3. In relation to planning conditions the following formats and phasing are considered appropriate:

- 1 Requires the scheme to be in accordance with the listed approved plans
- 2 Requires the prior submission of Palaeoenvironmental/Dendrochronological Archaeological Work (pre-commencement and phased implementation)
- 3 Requires the prior submission of a contamination remediation scheme (pre-commencement and phased implementation)
- 4 Requires the prior submission of a contaminated land verification report (prior to occupation/use and phased)
- 5 Requires the submission of unexpected contamination details if found (on a phased basis)
- 6 Shop Front Design details for The Residences commercial units (prior to construction)
- 7 Limits the hours of use for The Residences commercial units from 08:00-23:00 Sundays to Thursdays and 07:00-24:00 Fridays and Saturdays
- 8 Limits delivery and collection times to or from The Residences commercial units to not be outside the hours of 08:00-19:00 Mondays to Saturdays or 09:00-19:00 on Sundays
- 9 Requires the prior submission of a sustainable drainage scheme (pre commencement)

- 10 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan for the whole site
- 11 Drainage plans for the disposal of foul water flows (pre commencement on a phased basis)
- 12 Development in accordance with the approved Flood Risk Assessment and finished floor level mitigation measures (on a phased basis)
- 13 Requires the submission of a scheme for ecological/biodiversity/enhancement measures in accordance with the submitted report (prior to occupation/use on a phased basis)
- 14 Requires the submission of extraction and odour control details for The Residences commercial units (prior to installation)
- 15 Noise assessment for noise and vibration levels to habitable rooms at The Residences (pre commencement)
- 16 Requires the prior submission of noise insulation details for The Residences (pre commencement)
- 17 Requires the prior submission of hard and/or soft landscape details and tree pit design (pre commencement on a phased basis)
- 18 Requires the submission of hard surfacing materials and permeable paving (prior to occupation/use on a phased basis)
- 19 Requires the submission of boundary treatment details (prior to installation on a phased basis)
- 20 Requires the submission of a landscape management plan (prior to occupation/use on a phased basis)
- 21 Requires the prior submission of new lighting scheme details prior to installation (on a phased basis)
- 22 Requires the submission of a further assessment of floodlighting impact and mitigation measure details (prior to installation on a phased basis)
- 23 Details of suicide prevention measures to the roof terrace of The Residences (prior to occupation)
- 24 Details of Hostile Vehicle Mitigation Measures (prior to installation on a phased basis)
- 25 Details of noise prevention and boundary treatment measures to the Operations Compound (prior to installation)
- 26 Requires the prior submission of a materials sample panel (pre-commencement on a phased basis)
- 27 Requires the prior submission of a CCTV and security measures scheme (prior to occupation/use on a phased basis)

- 28 Requires the prior submission of details of refuse storage (prior to occupation/use on a phased basis)
- 29 Requires the submission of a parking management strategy for the shared parking facilities (prior to occupation/use)
- 30 Requires the prior submission of a residential travel plan for The Residences
- 31 Requires the parking areas to be laid out prior to use (on a phased basis)
- 32 Requires the submission and completion of works for the S278/TRO Agreement (prior to occupation/use)
- 33 Requires the provision of vehicle charging points within the dedicated parking (on a phased basis)
- 34 Requires the submission of cycle storage details (prior to use/occupation on a phased basis)
- 35 No residential units on the ground floor of The Residences
- 36 Requires the prior submission of a Demolition and Construction Method Statement/Management Plan (pre commencement on a phased basis)
- 37 Requires the prior submission levels details (pre commencement on a phased basis)
- 38 Requires the prior submission of a phasing plan (pre commencement)
- 39 Provision of solar panels and sustainability measures in accordance to submitted details (prior to occupation/use on a phased basis)
- 40 Requires the replacement of any trees removed during construction (on a phased basis)
- 41 Requires the implementation of tree protection measures during construction (on a phased basis)
- 42 Demolition pre-commencement check for bats/protected species
- 43 Implement within 3 years (Full)

2.4. Conclusion

2.5. The updates provided in this Addendum Report are not considered to alter the recommendation provided in the original Committee Report

3.0. Recommendation

3.1. That 2018/05638/PA be resolved to be approved subject to the satisfactory completion of a Section 106 legal agreement and conditions as recommended within both the original Committee report and as amended within this Addendum Report.

ORIGINAL REPORT

1. Proposal

1.1. [Link to Documents](#)

1.1. This application seeks planning permission for a mixed use scheme consisting of the erection of 375 private sector rented flats, with commercial retail and gym and ancillary residential elements at the ground floor, and a broader reconfiguring of the public areas of the cricket ground. The scheme initially comprised 374 flats and the design, height configuration of the blocks and fenestration pattern and materials detailing has been revised in light of feedback from the Conservation and Heritage Panel, wider stakeholder engagement, and detailed advice from Urban Design Officers.

1.2. In detail the scheme now consists of two main components: a mixed use block on the corner of Edgbaston Road and Pershore Road and a landscape/public realm scheme for the car parks and public space at the main Cricket Club.

1.3. Mixed Use Block

1.4. The mixed use block would consist of 375 flats and commercial (Class A and D2) uses at ground floor. Parking for 75 residents only cars would be provided in the centre of the ground floor (in an under-croft), with a mezzanine deck above at the first floor 'podium' level which comprises a courtyard garden. 36 further residents-only parking spaces would be provided on the north side of the block within a service road leading from the dedicated access from Pershore Road, and 21 visitor spaces would be provided on Area 5 adjacent to the development. Additionally 229 shared spaces within the Northern Car park (Area 4) are provided for residents, residents visitors, retail/commercial and gym users, and WCCC at certain times of the year in accordance with a Car Parking Management Plan.

1.5. The block would range in height from 5 to 17 storeys and the highest section would be on the corner of Pershore Road and Edgbaston Road. The principal material would be brick, using three different colours to break up the massing of the building. The architectural style is contemporary with bold windows and deep reveals.

1.6. The 375 flats would consist of 94 studios, 95 one-bed units, 169 two-bed units and 17 three-bed units. The studio flat size measures 37.7sqm and the one-bed units measure 53.7sqm with a bedroom size of 12.1sqm. The two-bed units measure 68.5 sqm with bedroom sizes of 12.5 and 13.2sqm, and the three-bed units measure 85.3 sqm with bedroom sizes of 13.9, 13.8 and 8.6sqm. All flats would meet the National Technical Housing Standards for unit sizes and bedroom areas. Amenity space would be provided in the form a roof garden (265sqm) and the courtyard garden at the podium level respectively (1,935sqm), creating a total area of 2,200sqm.

1.7. The ground floor commercial uses would consist of up to five open speculative retail/commercial units totalling 1,805 sqm including shops, professional services, restaurants, public houses and hot food takeaways (being A1, A2, A3, A4 and A5 uses) and also a gym (Use Class D2). These commercial units would be located around the external areas of the building, and have active frontages to their external elevations. The ground floor would also include the main residential entry and concierge/management suite area, secondary residential entry, refuse areas, plant

areas, cycle storage and residential storage areas, and the vehicle access into the centre of the building to reach the 75 space car park area (2334 sqm).

1.8. Landscape Scheme/car park rationalisation

- 1.9. This second element of the scheme consists of public space, new roadways, marked out and corralled car parking zones, green infrastructure and new pavilion access gates into the secure parts of the cricket ground. A public square would be reconfigured in front of the main doors of the cricket ground, adjacent to Edgbaston Road, to act as an arrival space and to be used for festival space on major match days. Adjacent to this public realm would be two new pavilion gates, consisting of large open-sided canopies with turnstiles and space for bag searches within. These would act as entrance features to channel crowds to the access doors into the ground on major match days.
- 1.10. Behind the public realm would be a series of car parks. This would provide a total of 355 spaces for the cricket club set out in Areas 1, 2 and 3. 229 spaces within the Northern car park (Area 4) would be shared by the club and the mixed use scheme (residents, resident's visitors and retail/gym users). Use of these spaces would vary in accordance with a Car Park Management Plan which reflect up to 15 peak events (joint County match and conference days) and up to 15 Major Match days (Test/One Day and T20 events) per year. Tree and shrub planting would be located within and on the edge of the car parks and a new footpath would be created linking the car parks to the pavilions. An operations compound would also be located at the northern end of the car parks.
- 1.11. The applicant has submitted a viability appraisal with this scheme which, after further negotiation with the Council's appointed Viability consultants, has led to the offer of £1,025,000 which is proposed to be split between a £825,000 off-site affordable housing contribution for local BMHT scheme delivery, £130,000 off-site POS/play space contribution (to be directed towards Cannon Hill Park), and £70,000 for traffic-related contributions in the form of £20,000 towards localised TRO's/highway modifications and associated pre-development and post-development base surveys and £50,000 towards the junction and highway improvement scheme for the Pershore Road/Bristol Road/Edgbaston Road junction. The Section 106 would also include an Employment and Skills Agreement.
- 1.12. The red edge site area is 3.5 hectares, of which the residential development measures 0.92 hectares. This gives rise to a residential density of 408 dwellings per hectare.
- 1.13. The application is supported by a planning statement, statement of community engagement, design and access statement (and amendments), supplementary design notes, financial appraisal, heritage statement, archaeological assessment, transport assessment, framework travel plan, light impact assessment, landscape strategy, arboricultural impact assessment, air quality assessment, acoustic design statement, below ground drainage strategy, supplementary intrusive ground investigation, sustainable design and construction statement, wind comfort desk study, flood risk assessment, energy statement, and a preliminary ecological appraisal.
- 1.14. The application has been screened for EIA and it has been concluded that due to the characteristics of the development, the relative insensitivity of the proposed location, and the rendering of only local significance for its environmental effects a formal EIA is not required.

2. Site & Surroundings

- 2.1. The application site consists of an area of open land to the west of the cricket ground. It is bounded by Edgbaston Road to the south, Pershore Road to the west, the cricket ground stadium to the east and residential development to the north. The site excludes the training centre, but includes a caretaker's house which would be demolished.
- 2.2. The cricket ground consists of the stadium, the Indoor Cricket School, tarmac parking areas, informal grassed open space, two vacant groundsman's houses, and a practice wicket. The site is accessed from Edgbaston Road, Pershore Road and Constance Road. Land is generally flat, with the River Rea to the immediate east.
- 2.3. The wider area is predominantly residential. Houses on Raglan Road and Constance Road adjoin the site to the north, while others are close by on Eastwood Road and Willows Crescent to the east, and a variety of houses and flats are opposite to the west on the Pershore Road. Hunters Court student accommodation is next to part of the site's western boundary. Opposite on Edgbaston Road to the south is a mixed-use site (called Edgbaston Mill), with flats up to eight storeys high and a new supermarket, and planning consent for a hotel, health and fitness facility, cafe, restaurant. The Tally Ho! police centre is to the south-west and local shops and a pub are opposite the Pershore Road access at Sir Harry's Parade. St Ambrose Grade II Listed Church is to the north-west, on the junction of Constance and Pershore Roads and Cannon Hill Park, a Grade II* registered park and garden, is also located to the southeast of the site.

3. Planning History

- 3.1. The site has long-standing history for mixed use and cricket-related development. Most recent and relevant applications are referenced below:-
- 3.2. 14/5/09 - 2008/05827/PA. New stand incorporating spectator seating, player, media and visitor facilities, museum & library, club shop & offices, conferencing, banqueting & exhibition facilities. Erection of five floodlighting columns & lights. Demolition of two dwelling-houses at the cricket club, & twelve dwelling-houses on Pershore Road. Erection of a mixed-use development (Outline with all matters reserved) comprising;
 - Residential - 21,450sqm (103 flats, 152 family housing)
 - Offices (Use Classes B1(a) and (b) - 13,990sqm
 - Hotel (200 bed) (Use Class C1) - 5,830sqm
 - Retail (Use Class A1) - 1,100sqm
 - Restaurants/Cafes (Use Class A3) and Pubs/Bars (A4) - 4,515sqm
 - Surface, basement & multi-storey parking - 33,070sqm (1219 spaces)

Approved subject to a S106 to secure: £90,000 towards the provision and/or improvement of Public Open Space and/or children's play facilities at Cannon Hill

Park, a minimum of £1,403,836 (rising in line with development profit) towards the provision of affordable housing on the application site or off-site, a financial contribution of £250,000 towards the provision of public transport facilities, cycling route facilities, road markings and signage, and an Employment and Skills Agreement.

- 3.3. 07/10/2010 - 2010/04627/PA. Application for non-material amendments to the design of the five floodlighting columns and lights approved under application 2008/05827/PA, consisting of minor changes to the dimensions of the mast columns and heads, including removal of rectangular head frames, steel access ladders and walkways, and redistribution of the number of floodlight lamps between Type 1 and Type 2 floodlights. Approved.
- 3.4. 08/02/2012 - 2011/05161/PA. Reserved Matters submission seeking approval for Layout, Scale, Appearance, Landscaping and Access for the first phase of mixed-use development following the Outline consent of application 2008/05827/PA: erection of 133 flats, 79 dwelling-houses and 1,005 sqm Class A1/A3/A4 floor-space, provided within flatted blocks of up to ten storeys, and houses of two, three and four storeys, approved subject to conditions.
- 3.5. 12/01/2012 - 2011/ 05878/PA. Erection of two storey decked structure to create a first floor food court to provide food and drink for the cricket club's major match days. Approved subject to conditions.
- 3.6. 08/02/2012 - 2011/07269/PA. Variation of Condition C15 (to allow vehicular access to serve 31 dwellings) and Condition C18 (to enable the proposed undercroft car parking to be included within the overall car parking restriction specified in this condition) attached to approval 2008/05827/PA. Approved with conditions and a Deed of Variation.
- 3.7. 28/03/2013 - 2012/08542/PA. Variation of Condition C8 attached to planning consent 2008/05827/PA, to allow daytime use of the floodlights on more than 15 occasions per year, with evening floodlight use to remain restricted to no more than the existing 15 occasions per year. Approved subject to conditions.
- 3.8. There have also been a significant number of discharge of condition applications for the main 2008 and 2011 variation consents and several applications and notifications for telecommunication works and cricket-related operational development.

4. Consultation/PP Responses

4.1. Public Participation

- 4.2. Residents, Resident Associations, Councillors in Edgbaston, Moseley and Balsall Heath consulted and the local MP were consulted.
- 4.3. 10 objections received to the initial scheme on the following grounds:-
 - additional pollution from cars
 - noise pollution, during construction and thereafter at peak times, and associated health implications
 - need for tree screening for existing residential neighbours

- need for improved cycling and pedestrian routes/infrastructure from the proposed development across main roads (Priory Road, Pershore Road and Edgbaston Road.)
- additional traffic congestion, particularly at peak events
- insufficient parking provision
- need for improved access arrangements to the cricket club
- need more recreation and green space instead
- need for family dwellings instead
- need for a multi-storey car park
- need for improved pedestrian crossings over Pershore Road
- poor design
- inadequate infrastructure to support the development (schools, doctors surgeries etc.)
- residential tower is too high and out of keeping with the area
- how affordable will the units actually be?
- worried about on-going management arrangements and long-term appearance of the site
- need to honour previous Section 106 commitments
- adverse impact on existing leisure and commercial facilities nearby

4 further/repeat objections made to the revised scheme on grounds already listed above.

2 representations of support received to the initial scheme on the following grounds:-

- An efficient and attractive use of a prominent site, and S106 money should be used to provide a segregated cycle route along Prior Road/Edgbaston Road
 - Improved facilities for spectators and a dedicated pedestrian area outside the ground will improve the match day experience
- 4.4. Councillor Deirdre Alden – objects on grounds of density, pedestrian and vehicle traffic conflict, insufficient proposed residential parking, loss of existing cricket club parking, too many flats and would prefer family houses with gardens, and loss of view from Wicket Tower
- 4.5. Councillor Matt Bennett – objects on grounds of insufficient parking, object to flats in preference to family housing, and adverse traffic congestion and junction hazards
- 4.6. Preet Kaur Gill MP – inadequate parking provision and need for underground parking to cater for all flats. To the revised scheme she re-iterates parking and traffic congestion scheme concerns, absence of affordable housing, and need for developer contribution to local highway improvement schemes.
- 4.7. The Moseley Society:
1. We are extremely concerned about the implications for traffic and congestion when this intensive development, with so few parking spaces, is erected. Pershore, Priory and Edgbaston Roads are already congestion hot-spots. We believe there are plans to improve safety for pedestrians and cyclists at the junction of these roads – we think it essential that that is done before this development takes place. We would prefer a much less intensive development.
 2. We were not impressed by the design – particularly of the two large blocks. Tower blocks like that are being demolished in other parts of the city. We will be

very interested to hear the opinion of the City's Conservation and Design Review Panel. We thought the towers might be mistaken for correctional institutions – mainly because of the windows.

3. As the television cameras pan round to show views of the city while the players in televised cricket matches are taking tea, we would like to think they will be able to show that these buildings are illustrative of the high quality of design and materials used in some of our city's fine buildings. We hope these plans can be improved and that the materials used will impress the television viewers from all over the world for many years to come.

To the revised scheme they comment that the height reconfiguration of the two blocks is an improvement, whilst maintaining concerns as to overall scale, mass and appearance. They are also concerned at ground level wind strengths causing problems for pedestrians and cyclists, and request green walls be provided.

- 4.8. Balsall Heath Forum – object to excessive height and scale of the development in the local area, and raise concerns with the loss of cricket club parking and additional traffic generation especially on major match days
- 4.9. Calthorpe Resident's Society - Although the density is overwhelming, there are two main concerns: 1. the width of the pavement between the building line and the road. Is drivers' visibility restricted? If there are cafes/retail is there sufficient room for pedestrians? 2. This is already an extremely dangerous crossing. Although there are plans for a safe pedestrian crossing, immediate action should be taken to extend the time allowed for pedestrians to cross as an interim measure. It is currently less than 30 secs. With construction and increased activity the danger will increase.
- 4.10. Edgbaston Ward Forum – state that “parking remains a massive concern for local people as well as ensuring the ‘right type of people’ would be living in the apartments should the application be approved”. Also raise questions regarding parking provision, accommodation of match day parking, market rent details and need identification, management arrangements, and restrictions on future flat sales, adverse proximity, sound insulation, materials, proximity to neighbouring blocks and rights to light, strain on resources, query Patrizia's knowledge of property development and the local community, and preference for family housing.
- 4.11. Consultation Responses
- 4.12. Transportation – seek amendments in respect of the proposed cycle route at the Edgbaston Road/Priory Road junction, and additional cycle parking provision. No objections subject to £20,000 contribution (for TRO's/highway modifications, pre-development and post development base surveys) and £50,000 towards the junction and highway improvement scheme for the Pershore Road/Bristol Road/Edgbaston Road junction. Also require conditions for a Section 278 agreement, cycle storage, parking area provision, Parking Management Strategy, Demolition and Construction Management Plan, and electric car charging points. (Revised scheme – maintain previous comments)
- 4.13. Centro – no comments received
- 4.14. Regulatory Services – comments received in relation to further submissions on noise, air quality, lighting and land contamination and request conditions in relation to a Construction Method Statement and Management Plan, detailed lighting

scheme, roof level ventilation extraction scheme, restriction on residential units at the ground floor, contaminated land assessment and remediation scheme, contamination verification report, refuse storage details, noise output restrictions from plant and machinery, commercial unit opening hours restrictions, noise and vibration assessments, and a scheme for noise insulation

- 4.15. The Gardens Trust – no comments received
- 4.16. Local Services – “The Parks Service do not object to the proposed development in terms of the loss of public open space as the development site is within privately enclosed land that is not publicly accessible. The development of 374 residential dwellings however requires the provision of on-site public open space and junior children's play facilities in accordance with BDP policy. The development is made up of 187 x 1 bed, 170 x 2 bed and 17 x 3 bed homes generating 578 persons. At 2 ha per 1000 persons, the standard provision necessary, this equates to the need for 11,560m² of POS. The development is unable to provide this on site so an off-site contribution is necessary. The area of 1,225 m² (the size of a junior play area) is deducted from the overall area leaving 10,335m². The rate for creating new POS is £65 per sqm and therefor the POS contribution is £671,775. The cost of a children's junior play area (£110,000) is also required giving an overall contribution of £781,775 to be directed towards the provision, improvement and maintenance of public open space and children's play facilities in Cannon Hill Park in Moseley Ward.” (Revised scheme – reiterates previous comments and emphasises that contributions towards Cannon Hill Park infrastructure enhancement should be given precedence over other S106 claims.)
- 4.17. Housing Development Team – from other 100% PRS schemes they have sought a commuted sum equivalent to 35% affordable housing, which based on the original 374 units of various 1 and 2 bed sizes equates to a total of £6,500,750. Sums to be staged on occupation and directed through BMHT schemes local to Edgbaston. (Revised scheme – no added comments received)
- 4.18. Historic England - On the basis of the information available to date, do not wish to offer any comments. They suggest views from BCC's specialist conservation and archaeological advisers should be sought, as relevant. No further reconsultation with them is required.
- 4.19. Conservation Heritage Panel - The Panel raised concerns about the height of the tallest part of the scheme. The Panel requested that key CGI views are produced to assess impact of the proposed development on the Grade II* listed Registered Park and Garden and from the wider Edgbaston Conservation Area. The Panel discussed the form of the tower. The Panel advised that the stepping of the two towers at higher level is not successful. It was suggested that the form would be improved if one part were higher and one were lower, emphasising the slenderness of the taller vertical element. The Panel also offered comments on brick colour palettes, active frontages to Pershore Road, and landscaping.
- 4.20. Lead Local Flood Authority – No objection subject to conditions for drainage and a Sustainable Drainage Operation and Maintenance Plan. (Revised scheme – maintain previous requests for conditions)
- 4.21. Environment Agency - no objections subject to planning conditions relating to compliance with the submitted FRA in terms of finished floor levels, and investigation and mitigation of any unsuspected ground contamination. (Revised scheme – no further comments)

- 4.22. West Midlands Fire Service - Water supplies for firefighting should be in accordance with "National Guidance Document on the Provision for Fire Fighting". Also provide guidance on vehicular access design, fire mains and sprinkler provision, and the need to meet Part B of the Building Regulations (revised scheme – no additional comments and provide the same advice)
- 4.23. BCC Education Infrastructure Team – request a total contribution of £1,023,465.34 (estimated breakdown as Nursery: £18,808.00, Primary £483,870.32 and Secondary £520,787.02).(Revised scheme – no further comments received)
- 4.24. West Midlands Police – make comments on glazing standards, landscaping maintenance, aspects of Secured by Design compliance, and Hostile Vehicle Management Plan details. Support for parking ratios, controlled entry, alarms and CCTV coverage for commercial units, 24 hour concierge service, appropriate anti-suicide measures for the roof terraces, bin storage area protection, and lighting. (Revised scheme – reiterate previous comments).
- 4.25. Severn Trent - No objection subject to a condition for details of foul and surface water flows and contact advice in relation to public sewers crossing the site. Revised scheme – no further comments received)
- 4.26. NHS – request a contribution of £12,215 to provide additional services and capacity to meet patient demand on the basis of the revised scheme

5. Policy Context

- 5.1. National Planning Policy Framework (2012), National Planning Policy Guidance (2014). Historic England guidance for 'The setting of Heritage Assets' (2015).
- 5.2. Birmingham Development Plan (2017); Birmingham UDP- saved policies (2005). Car Parking Guidelines SPD, Places for Living SPG, Places for All SPG, High Places SPG, Lighting Places SPG, Conservation through Regeneration SDP, Public Open Space in New Residential Development SPD, and Affordable Housing SPG.

6. Planning Considerations

6.1. Principle of development

- 6.2. Policy TP27 of the BDP requires all new development to demonstrate that it is meeting the requirement of creating sustainable neighbourhoods. This is characterised by a wide choice of housing types, access to facilities (being shops, schools, leisure and work), access to sustainable travel, a strong sense of place with a high design quality, and promoting environmental sustainability. Policy TP3 of the BDP requires new development to be designed and constructed to sustainable standards which maximise energy efficiency, conserve water and reduce flood risk, consider the source of materials, minimise waste and maximise recycling during construction, have flexible and adaptable spaces and enhance biodiversity.
- 6.3. In terms of principle, the site is partly a result of a Compulsory Purchase Order and is identified in the SHLAA for residential use. Furthermore, the site has been subject to planning approvals for mixed use, the most recent approval (partially

implemented) following approval in 2012 and 22 dwellings have been built to the rear (north) of the site.

- 6.4. I therefore consider the principle of residential and commercial use to be established. I also note that the current scheme is smaller in commercial floor space terms than the approved scheme, and focusses more comprehensively on the Private Rented Sector (PRS) housing model with the proposed level of supporting ancillary and commercial development. As such I consider that the principle of development is acceptable subject to no material considerations indicating otherwise, as discussed below. Planning Strategy colleagues endorse this view, noting its absence of formal BDP allocation and outline designation for housing purposes within the SHLAA. They also acknowledge the need for the scheme to abide by policies PG3 (Place making), TP30 (type size and density of housing), TP31 (affordable housing), TP9 (open space), and the sustainability policies TP2, TP3, TP4, and TP6 in relation to adapting to climate change, sustainable construction, low and zero carbon energy generation and the management of flood risk, and in light of submissions raise no objections thereto.
- 6.5. The scheme raises material considerations with regard to design and appearance, crime prevention, sustainable construction, traffic impact, ecology impact, heritage impact, impact on residential amenity, drainage and flood risk and compliance with planning obligations.
- 6.6. Design and appearance
- 6.7. Part 117 of the NPPF states “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions”.
- 6.8. Part 122 of the NPPF states “Planning policies and decisions should support development that makes efficient use of land, taking into account:
e) the importance of securing well-designed, attractive and healthy places”.
- 6.9. Policy 127 of the NPPF states “Planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.

- 6.10. Paragraph 130 of the NPPF states “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)”.
- 6.11. Policy PG3 of the BDP seeks to create a positive sense of place with designs that respond to site conditions, local context, creates safe environments, provides attractive environments, make sustainable design integral, and supports the creation of sustainable neighbourhoods. Furthermore Policy 3.14 of the UDP (Saved Policies) states that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It also requires developers to consider the site in context and states that to avoid problems of piecemeal and incremental development, comprehensive master plans should be prepared. Paragraph 56 of the NPPF states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 6.12. The scheme has undergone various amendments at pre-application stage and during the life of the application, notably in response to feedback from CHP and City Urban Designers. A revised scheme was formally submitted which has altered the massing of the scheme to increase the height of the tallest tower element by two floors (from 15 to 17 floors) to improve its visual slenderness. The lower tower has been reduced by one storey to provide a stronger step in the building’s massing and improve the visual balance of the two height elements of the overall building. Changes were also made to the brick detailing and horizontal banding, window patterns, and additional glazing along the Pershore Road frontage. This scheme has undergone formal internal and external reconsultation.
- 6.13. In response to further feedback from Urban Designers on the revised scheme further alterations to the elevations have been submitted to incorporate additional glazing in the grey block and confirming opaque glazing in the cycle store. The following matters are suggested by the applicants for planning conditions: sample brickwork panels, northern elevation door and cladding details, detailed drawings of metal cladding at ground floor level alongside the Pershore Road, car park entrance gates and undercroft gate. My Urban Designer has considered the further submissions and raised no further objections although the brick tones to be used remain an issue for further clarification and consideration. He is content for this to be done via planning condition.
- 6.14. In relation to crime prevention West Midlands Police have made various comments on glazing standards, landscaping maintenance, aspects of Secured by Design compliance, and Hostile Vehicle Management Plan details. They express support for

parking ratios, controlled entry, alarms and CCTV coverage for commercial units, the 24 hour concierge service, appropriate anti-suicide measures for the roof terrace, bin storage area protection, and lighting. It is anticipated that the details of these matters can be variously addressed by planning conditions, advisories and compliance with the Building Regulations.

- 6.15. In relation to landscaping matters the Landscape Officer comments, in relation to the Plaza, Car Parks and Public Realm, that the duality of grids that focus on both building and entrance pavilion remains contradictory. He has no objections to the number of trees proposed but the Pyrus needs replacing with something larger-growing in height and width and all trees need planting in enhanced tree pits and not planters. Planting beds need to be a minimum of 1.8m wide and permanent tree protection will be needed around the more vulnerable trees within car parks. Enhanced maintenance and replacement planting (when needed) will be essential if planting is to survive and thrive and detailed planting plans and schedules will be needed.
- 6.16. In relation to "The Residences" he comments although there are no objections to the conceptual landscaping proposals (subject to detailed planting plans and schedules) there is opportunity and need for really significant specimen tree planting on the Pershore / Edgbaston Roads corner forward of the proposed avenue trees. Additionally planting in tree pits (not planters) is again required. He recommends the applicants consider lighting that supports plant growth in shady courtyards. Overall both elements of the proposed development should be subject to planning conditions for landscaping scheme details, landscape management, boundary treatments, surfacing, and levels.
- 6.17. Housing mix
- 6.18. Policy TP30 states that proposals for new housing should deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods. It also identifies that new housing should be provided at a target density responding to the site, its context and housing need. The redevelopment of the site would deliver additional housing on a brownfield site which is identified in the SHLAA and which benefits from a previous wide-ranging mixed use development consent including part flatted housing. The proposal is identified as a PRS scheme and, although this isn't recognised within the BDP as being different to traditional C3 housing, the overall concept proposes a mix of unit sizes which would enable residents to move and stay within the development as their needs change and to facilitate and create a sense of community. Ancillary service development, parking, private amenity and storage space and supporting commercial development would also foster this.
- 6.19. The City's housing evidence base indicates that there is a need for larger properties but this is with reference to Birmingham's strategic housing area as a whole. The proposed density is high but examples of high density, and high rise, development exist in the immediate locality. The scheme proposes a range of studio, one, two and three bed units which exceed the National Space Standards. It is also noted that policies PG1 and TP29 identify the importance of housing need/delivery, and it is considered that this scheme would positively contribute towards the achievement of these aims. The proposal is therefore considered acceptable in line with housing mix policy, noting Planning Strategy colleagues also raise no objections to the scheme.
- 6.20. Transportation matters

- 6.21. Policy TP44 of the BDP seeks the City to make optimum use of infrastructure across all modes and managing travel through a number of measures including the availability and pricing of car parking and ensuring the delivery of a sustainable transport network. The application has been supported initially by a Transport Assessment with site plan (DR-A-003), a Stage 1 Road Safety Audit and designer's response, and a Framework Travel Plan.
- 6.22. Transportation Development note that the scheme proposes a new vehicle access onto Pershore Road and plaza alterations with modifications to the Edgbaston Road vehicle access. Dedicated parking provision for the residential development is 111 spaces for 375 one to three bedroom units. This equates to 30% parking provision. They note the shared use car park for the Cricket Club is in part available for residents to use but this car park is used on a daily basis by staff, and on a temporary basis by visitors to the club for matches and conferences and events that appear to take place around 70 days a year. This would allow 229 shared spaces to be available outside those events.
- 6.23. The vehicle access works are reduced in scale from the previously consented development and remove the new access sought on Edgbaston Road that would have required signalisation, and retains the priority junction on Pershore Road. This access is gated so access is limited to residents and servicing vehicles only. A Stage 1 Road Safety Audit has been carried out and a designer's response provided which notes no significant problems, and capacity assessment that shows the highway to operate with no significant detriment.
- 6.24. In traffic generation terms Transportation observe that this proposal has much less impact than the previous consented scheme due to its proportionate reduction in scale and parking provision. Traffic counts were undertaken on the Pershore Road and Edgbaston Road junction as a comparison with historic counts and this shows no significant alteration in network flows.
- 6.25. They note a large number of public objections to the levels of car parking being offered, and this is balanced against residents having access to another 229 parking spaces on non-match and event days which will be resolved through the Car Park Management Plan. Based on the 111 spaces and its potential effects on surrounding roads, this has been considered in the Transport Assessment with a review of available parking on roads within 250m of the site, noting a number of which are already protected by parking restrictions. Census data shows an average 0.96 car ownership across Edgbaston, and 0.69 in Sparkbrook which borders the site to the north. It also notes 37% of households have no car in Edgbaston and 47% in Sparkbrook. As a local comparison the Hemosphere development to the south has 344 apartments with 220 spaces which equates to 63% provision.
- 6.26. As part of the application a briefing paper has been submitted to summarise how the operation and maintenance of the car parking areas and estate roads would be managed and controlled within the Car Park Management Plan (CPMP) for both the Cricket Club and The Residences. A framework CPMP has been prepared and full occupation of the development would be conditioned upon agreement of a final CPMP between the developers and the Club. In summary:
- The developers (Patrizia) would be responsible for maintaining the Residences access road from Pershore Road, the surface parking along it, the undercroft parking at The Residences, and the Northern Car Park (Area 4). The Club would be responsible for all remaining car parking spaces and estates roads.

- Residents-only parking would comprise 75 spaces within the undercroft and 36 spaces along the access road. 21 spaces for visitors on the would be available on the service road adjacent of the development (labelled Area 5).
 - 229 spaces shared spaces would be available within the Northern Car Park (Area 4) for residents, resident visitors, visitors to the retail and gym uses, and by the Club at certain times of the year. Visitors will need to pay additional charges.
 - Parking spaces would be available for lease to residents as an additional charge to leasing their apartment.
 - 355 spaces laid out within Areas 1, 2 and 3 would be for sole use by the Club.
 - Specific management arrangements will be put in place between the developers and the Club to manage the Northern Car Park (Area 4) during Peak Events (County matches and conferences occurring at the same time – anticipated at 15 per year) and Major Match Days (Test, One Day and T20 events – also anticipated at 15 per year), and provide advance warning of those events to Patrizia (of between 1 and 3 months).
- 6.27. Transportation also requested amendments to secure a layout plan which reflects the public highway boundary around the Edgbaston Road and Pershore Road junction, plans for which are being developed for the provision of a cycle route defined within the wide footway area. They further advised that BCC guidelines seek 100% cycle parking provision and currently the application refers to 188 spaces provided which equates to only 50%. The provision needs to be increased with double height stacking or other systems to enable this additional provision, which can be secured by planning condition. Conditions are also necessary covering the following matters – Section 278/TRO Agreement, cycle storage details, parking areas laid out, Parking Management Strategy, Demolition and Construction Management Plan, and electric vehicle charging points.
- 6.28. By way of Section 106 contribution Transportation requests a sum of money secured in a bond for potential future parking control measures, with parking reviews undertaken by the applicants to assess any impacts of the development. A sum of £20,000 is sought for possible future measures such as Traffic Regulation Orders and highway modifications, pre-development base surveys undertaken on roads within 1km of the site, and post-development surveys undertaken on a six monthly basis for three years following full occupation of the residential development.
- 6.29. They also seek a sum towards the junction and highway improvement scheme being proposed for Pershore Road/Bristol Road/Edgbaston Road junction. The development is sought given reduced car parking provision levels so a greater number of trips will be made by sustainable modes, which this scheme is seeking to improve. In devising this figure they noted that the previously consented development on the site had a much greater floor area and therefore agreed a larger S106 sum of £350,000. However to reflect the reduced level of development now proposed they suggest a suitable sum of £50,000 should be sought to go towards the junction improvement scheme.
- 6.30. Subject to the provision of these Section 106 sums and appropriate conditions Transportation raise no objections and the development is therefore considered to accord with Policy TP44 of the BDP.
- 6.31. Ecology Impact
- 6.32. Policy TP8 of the BDP states that “development which directly or indirectly causes harm to...species which are legally protected, in decline or rare within Birmingham

or which are identified as national or local priorities will only be permitted if it has been clearly demonstrated that; there is a strategic need that outweighs the need to safeguard, the damage is minimised and mitigation put in place, or where appropriate compensation is secured". This is also reinforced at paragraph 118 of the NPPF.

- 6.33. The City Ecologist/Arboriculturalist advises that the ecology issues raised by this site are fairly straightforward. None of the trees identified for removal hold bat roost potential (although will be of some benefit to birds). Two buildings have been identified for demolition which have low-negligible potential for roosting bats and some limited potential for nesting birds. These will require a pre-commencement check no more than 5 days prior to demolition should this occur within the bird nesting season.
- 6.34. A recommendation made in the ecology report for replacement bat and bird boxes , located on retained mature trees (in lower lit areas) or potentially integrated into suitable aspects of the new build should be implemented to mitigate for lost habitat. No evidence is noted for badgers but a hedgehog was recorded (on camera trap) utilising the scrub and trees along the northern boundary. A recommendation made in the ecology report (aside from working methods) to retain/reinstate some low level shrubs along this boundary should be taken into account with a broader bed, or by incorporating step-outs between blocks of parking bays. Hedgehogs are a rapidly declining species and have been heavily affected by the expansion of hard landscaped areas and impenetrable barriers to movement such as the security fencing. Installation of 150mmx150mm gaps at the base of the fence at strategic locations will aid their movement around the wider site.
- 6.35. The flat roofs of the buildings while identified as locations for plant and PV's could also include elements of bio-diverse roofing – the type that utilises granular substrate with low growing annual flowering plants. These have been successfully used in conjunction with PV panels to provide valuable pollinator and bird foraging. Within formal landscaping details opportunity should be taken for using species beneficial to wildlife as part of an integrated approach; reference should be made to resources such as the RHS 'Perfect for Pollinators' list.
- 6.36. While the overall tree species suggested will provide biodiversity value it is limited in its resilience to climate change and current and future P&D, best practice would suggest that for an idealised tree population that no more than 30% of a family, 20% of a genus, 10% of a species be used. He suggests that there is ample opportunity to broaden the species choice while maintaining the biodiversity value.
- 6.37. He also notes that some of the species chosen are of a more upright form but are used in locations where species with broader crowns could be used (such as ornamental Pear). Trees planted in the hardscape need suitable access to moisture and gaseous exchange, while the tree pit details cover the basics (each to be sized according to the tree's requirements) he feels there is a missed opportunity to include SUDS into the tree planting locations thereby dealing with attenuation of water run-off and providing a greater potential for access to moisture. Trees in hard landscaping also require air vents to allow gas exchange. In summary he recommends appropriate tree protection, landscaping and tree scheme, tree pit design, and no levels changes planning conditions. These conditions can be added in compliance with Policy TP8 although it is noted that the additional roof planting has already been declined by the applicant. This is not considered a sufficient reason for refusal alone.

6.38. Heritage Impact

- 6.39. Policy TP12 of the BDP states that in regard to the historic environment “the Council will seek to manage new development in ways which will make a positive contribution to its character”. In terms of development that affects the significance of a designated or non-designated heritage asset or its setting will be determined “in accordance with national policy” and “will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset’s conservation whilst protecting or where appropriate enhancing its setting.”
- 6.40. Cannon Hill Park, a Grade II* registered park and garden, is located to the southeast of the site (beyond the cricket ground). In terms of impact on the setting of the park, the Heritage Assessment concluded that there was no harmful impact on any heritage assets and my Conservation Officer concurs with this in broad terms, however he was less convinced by the discussions around the impact of the tower on Cannon Hill Park and without a visualisation of some kind from the park towards the tower this seems assumed rather than demonstrated. Additional visualisations have now been provided which show the proposed development in the context of adjoining high rise development, upon which Officers conclude that the proposal would not materially alter impact on those heritage assets beyond current levels. The Gardens Trust have not commented on either scheme iteration and Historic England have advised they are content to leave the consideration of heritage asset impacts to the Council to consider.
- 6.41. In terms of Archaeology, the site overlies the former course of the River Rea which is a known focal point for prehistoric and medieval activity and my Conservation Officer was initially disappointed that this was dismissed as having very low potential so easily. He acknowledges that an earlier borehole assessment some distance away found very little but does not think it can be concluded that there will be nothing further solely by extrapolating the results from 300m away. Accordingly he recommends that a condition is attached for an archaeological investigation. This can be appended in compliance with the aims of Policy TP12.

6.42. Impact on Residential Amenity

- 6.43. The existing residential uses are located to the north, northwest and northeast of the site. The northern part of the site is proposed to be laid out as new and rationalised car parking with the addition of new landscaping and also an operations compound. In assessment of impact on residential amenity the application is supported by a light impact assessment, air quality assessment, acoustic design statement, supplementary intrusive ground investigation, and a wind comfort desk study.
- 6.44. In terms of the impact of the tower and residential blocks on residential amenity impact has been considered on the nearest off-site residential uses to the south and west of the site. These notably include a three storey student halls of residence to the south and the residential Wicket Tower to the west of the block and dwellings in Wyatt Close. Having considered the distance and being opposite the site over major roads (Edgbaston Road and Pershore Road) I do not anticipate substantial impact on the amenity of residents living in these off-site blocks that could warrant a refusal on residential amenity impact grounds. The submitted daylight/sunlight assessment acknowledges that there will some impact on neighbouring buildings in the morning when shadows cross Pershore Road but this effect dissipates throughout the afternoon and early evening as the sun tracks round. Overall, I do not consider that their residential amenity would be materially affected by the proposed scheme sufficient to warrant refusal.

- 6.45. The submitted Wind Comfort Desk Study also concludes that the development at street level will be suitable for general outdoor recreation. The development will be at its windiest along the Edgbaston and Pershore Road boundaries but the development will provide shelter across the stadium plaza. The overall development is not anticipated to have an adverse effect on the wind climate of the surrounding area, and areas to the east outside the commercial units would benefit from trees, planters or screens to increase prolonged sitting out opportunities in the summer. The rooftop terrace will be more windy but still suitable for sitting out in warmer summer months.
- 6.46. The impact on the residential amenity of dwellings to the north of the overall site, and on future occupiers of the proposed flats also needs to be considered. In light of initial queries and concerns from Regulatory Services regarding aspects of the supporting studies further submissions have been made. In relation to lighting impact further lux diagrams are still required however this can be achieved as part of a lighting scheme condition. In relation to the control of noise some further details of methodology are needed but this can also be addressed by a condition for a further noise and vibration assessment as well as planning conditions in relation to noise rating levels from plant and machinery, noise insulation specifications, and hours restrictions to the commercial uses and delivery times. Boundary treatment details particularly adjacent to existing dwelling boundaries along the Cricket Grounds northeast and northwest boundaries will be important in terms of reducing noise and light pollution from proposed car parking activities and the operations compound on adjoining residential amenity.
- 6.47. Regarding air quality Regulatory Services are satisfied with the further submissions received provided the ground floor uses are conditioned to prevent their use for residential purposes, and the termination of any extraction/ventilation flues at roof level. The applicant advises that flues could be achieved within the riser for Block A to enable roof level termination and this can be developed further at detailed architectural design stage. Lastly in relation to contaminated land issues further discussion is underway between Regulatory Services and the applicant's consultants on aspects of submitted data in relation to gas protection. However these issues are of a significance that can also be satisfactorily dealt with by appropriate conditions for further site assessment and a remediation scheme and a verification report. Finally Regulatory Services also request conditions for refuse storage details and a Construction Management Plan for wider noise control reasons.
- 6.48. As discussed elsewhere in this report amenity space is provided within the Podium courtyard and roof terrace totalling 2,200sqm. A gym is also proposed within the ground floor commercial units. Given the flatted PRS nature of the development this range of provision is considered appropriate and the close proximity of Cannon Hill Park is also noted. Furthermore a viability-assessed contribution towards POS/play space enhancement at Cannon Hill Park will also be secured within the Section 106 legal agreement. The flat units and bedroom sizes also meet the National Technical Space Standards. Subject to conditions and further details the development is considered satisfactory in terms of impact on the amenity of nearby residents and future occupiers.
- 6.49. Sustainable construction
- 6.50. BDP Policies TP2 (Adapting to climate change), TP3 (Sustainable construction), TP4 (Low and zero carbon energy generation), TP5 (low carbon economy) and TP8

(Biodiversity and geodiversity) set out the Council's sustainability expectations. The submitted Sustainable Design and Construction Statement and Energy Statement set out how the construction will use the fabric-first approach to exceed the minimum requirements of the Building Regulations in the form of materials and construction techniques, glazing choices, orientation to maximise solar gain, natural daylight and ventilation, the use of high efficiency lighting and electric panel heaters, solar panels, water metering, permeable parking surfaces, construction waste management, operational waste management and recycling, cycle parking and electric vehicle charging. Provided these measures are conditioned and achieved accordingly the development is considered to meet the broad policy objectives for sustainability.

6.51. Drainage and flood risk

6.52. Policy TP3 of the BDP states that new development should be designed and built to sustainability standards which include conserving water and minimising flood risk. Furthermore Policy TP6 of BDP states that developers must demonstrate how surface water drainage would not exacerbate existing flooding and seeks a minimum of 20% reduction in peak flows between the existing and proposed water flows. It is also a core principle of the NPPF (paragraph 7) to take full account of flooding issues in decision making.

6.53. The Lead Local Flood Authority agrees in principle with the information provided in the Flood Risk Assessment and associated Below Ground Drainage Strategy. They will require information in relation to layout plans and cross-section, discharge rates, detailed calculations, exceedance flows, and maintenance information in any forthcoming Discharge of Condition application in order to discharge the recommended conditions, and appropriate conditions for drainage and a Sustainable Drainage Operation and Maintenance Plan can be appended in compliance with Policy TP3. Severn Trent also has no objection subject to a condition for details of foul and surface water flows and contact advice in relation to public sewers crossing the site. The Environment Agency similarly raises no objections subject to planning conditions relating to compliance with the submitted FRA in terms of finished floor levels, and investigation and mitigation of any unsuspected ground contamination.

6.54. Compliance with planning obligations

6.55. Policies 8.50-8.54, of the UDP (Saved Policies) relates to the use of Planning Obligations and states that the Council will take all appropriate opportunities to negotiate planning obligations and will determine the type, scale and mix based on several factors including Policy, local commentary and any specific local needs as does. Policy TP47 of the BDP also relates to developer contributions and provision to make a development acceptable in planning terms, mitigate its impact, and provide for physical, social and green infrastructure to meet the needs associated with the development. Furthermore Paragraph 56 of the NPPF states that Planning Obligations should be sought when they meet the following tests;

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

6.56. The proposal generates a Policy requirement for the provision of Public Open Space (Policy TP9), Affordable Housing (Policy TP31) and transport-related improvements (TP44).

- 6.57. In terms of Public Open Space (POS), the scheme includes the provision of general areas of public realm, and specifically a private courtyard garden and roof terrace which amount to 2,200sqm. The scheme proposes the provision of 375 dwellings, and colleagues in Local Services have calculated that this generates the requirement for 11,560sqm of POS. There is no scope to provide all of this on-site and an off-site provision would therefore be required. Local Services have indicated that to provide this level of POS would generate a sum of £781,775, they advise that this would be spent on improvements at the provision, improvement and maintenance of public open space and children's play facilities in Cannon Hill Park.
- 6.58. In terms of Affordable Housing (AH), the Policy requires a provision of 35% affordable housing. However, the applicants are unable to provide this on site as it relates to a development for the Private Rented Sector. As such an off-site provision is sought, which also accords with Housing colleagues' preference for contributions towards BMHT scheme delivery locally which directly help towards reducing housing waiting lists. Housing Strategy colleagues have calculated that an on-site subsidy would convert to an off-site sum of £6.5M.
- 6.59. Transportation colleagues are also requesting £70,000 towards transport-related works locally (specifically a £20,000 contribution for TRO's/highway modifications, pre-development and post-development base surveys and £50,000 towards the junction and highway improvement scheme for the Pershore Road/Bristol Road/Edgbaston Road junction.
- 6.60. The applicant has provided a Financial Appraisal. This has illustrated that the scheme cannot afford to make a full Policy-compliant provision of S106 requirements. The City's appointed assessors have commented that the scheme cannot tolerate a provision of any section 106 with a typical 10% developers return at cost. Following considerable negotiation Lambert Smith Hampton have recommended the Council accept a final offer now made of £1,025,000 (which equates to a 9% affordable housing provision). Given competing infrastructure demands it is recommended that this is split into the following components:-
- £825,000 off-site contribution towards affordable housing (BMHT schemes in the locality)
 - £130,000 off-site POS/play space contribution (to be directed towards Cannon Hill Park)
 - £70,000 towards transport-related works locally (specifically a £20,000 contribution for TRO's/highway modifications, pre-development surveys on roads within 1km of the site, and post-development base surveys on a 6 monthly basis for 3 years following full occupation of the residential units, and £50,000 towards the junction and highway improvement scheme for the Pershore Road/Bristol Road/Edgbaston Road junction.
- 6.61. I am therefore satisfied that to achieve a viable scheme the S106 requirement should be adjusted to the sums listed above. I recommend that a S106 is drafted to secure these sums.
- 6.62. It is noted that the previous scheme S106 also contained an Employment and Skills Agreement which is recommended for replication to accord with the Employment Team's renewed request in this application for local employment provision via either Section 106 or planning condition. Such a provision would accord with the requirements of Policy TP26 in relation to local employment.

- 6.63. In terms of the Community Infrastructure Levy, the site is within an area defined as 'low' residential value meaning that a zero charge is set. With respect to the request for funding towards education and the NHS, these are covered by the Community Infrastructure Levy (CIL). The proposal is a non-CIL liable development and as such does not attract a CIL contribution.

7. Conclusion

- 7.1. The scheme constitutes sustainable development which has undergone amendment in relation to design and appearance and which would contribute to housing delivery on a site identified in the SHLAA as suitable for housing purposes. Subject to suitable details and conditional controls the development will not have an adverse impact on highway safety, ecology, heritage assets, residential amenity for existing neighbours or future occupiers, drainage or flood risk. In light of detailed viability analysis a package of deliverable contributions to achieve off-site affordable housing, off-site POS/play space, off-site highway works, and local employment and skills provision is also proposed. The proposal is therefore in accordance with the aims and objectives of both local and national planning policy and should be approved subject to conditions and a legal agreement.

8. Recommendation

- 8.1. That consideration of application 2018/05638/PA be deferred pending the completion of a Section 106 legal agreement to secure:
- 8.2. a) £825,000 off-site contribution towards affordable housing (BMHT schemes in the locality)
- 8.3. b) £130,000 off-site POS/play space contribution (to be directed towards Cannon Hill Park)
- 8.4. c) £70,000 towards transport-related works locally (specifically a £20,000 contribution for TRO's/highway modifications, pre-development surveys on roads within 1km of the site, and post-development base surveys on a 6 monthly basis for 3 years following full occupation of the residential units, and £50,000 towards the junction and highway improvement scheme for the Pershore Road/Bristol Road/Edgbaston Road junction.)
- 8.5. d) Local Employment and Skills Agreement
- 8.6. e) Payment of a £10,000 monitoring and administration fee associated with the legal agreement.
- 8.7. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 30th April 2019, planning permission be refused for the following reasons:
- 8.8. In the absence of a legal agreement to secure off-site contributions towards affordable housing, POS/play space, transport-related improvements, and provision of a Local Employment and Skill Agreement the proposal conflicts with Policies TP47 (Developer contributions), TP31 (Affordable housing), TP9 (Open space, playing field and allotments), TP44 (Traffic and congestion management), and TP26 (Local employment) of the Birmingham Development Plan 2017, the Affordable

Housing SPG, Public Open Space in New Residential Development SPD, and the NPPF

- 8.9. That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
- 8.10. That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by 30th April 2019, planning permission be APPROVED subject to the conditions listed below:-

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- | | |
|----|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of Palaeoenviromental/Dendrochronological Archaeological Work on a phased basis. |
| 3 | Requires the prior submission of a contamination remediation scheme on a phased basis. |
| 4 | Requires the prior submission of a contaminated land verification report on a phased basis. |
| 5 | Requires the submission of unexpected contamination details if found, on a phased basis. |
| 6 | Shop Front Design details for The Residences commercial units prior to construction. |
| 7 | Limits the hours of use for The Residences commercial units from 08:00-23:00 Sundays to Thursdays and 07:00-24:00 Fridays and Saturdays |
| 8 | |
| 9 | Requires the prior submission of a sustainable drainage scheme on a phased basis |
| 10 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan on a phased basis. |
| 11 | Requires the prior submission of a foul water drainage scheme on a phased basis. |
| 12 | Development in accordance with the approved Flood Risk Assessment and finished floor level mitigation measures on a phased basis. |
| 13 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis |
| 14 | Requires the submission of extraction and odour control details for The Residences commercial units |
| 15 | Noise assessment for noise and vibration levels to habitable rooms at The Residences |
| 16 | Requires the prior submission of noise insulation details for The Residences |
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- 17 Requires the prior submission of hard and/or soft landscape details on a phased basis
 - 18 Requires the submission of hard surfacing materials and permeable paving on a phased basis.
 - 19 Requires the submission of boundary treatment details on a phased basis.
 - 20 Requires the submission of a landscape management plan on a phased basis.
 - 21 Requires the prior submission of a lighting scheme on a phased basis.
 - 22 Requires the submission of details of floodlighting impact and mitigation measures for The Residences. The Residences hereby approved shall not be occupied or any use within it commenced until a detailed flood lighting impact assessment and mitigation scheme has been submitted to and approved in writing by the Local Planning Authority for The Residences. The detailed lighting impact assessment shall include site annotated plans showing existing floodlighting positions/impact in relation to external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the existing floodlighting fittings including: colour, watts and periods of illumination, and measures for mitigating adverse impact. All lighting mitigation works shall be implemented in accordance with the approved details and shall be completed prior to first residential occupation or commencement of use within The Residences and thereafter maintained.
 - 23 Details of suicide prevention measures to the roof terrace of The Residences. The roof terrace of The Residences shall not be brought into use before the installation of suicide prevention measures as shall be submitted to and approved in writing by the Local Planning Authority.
 - 24 Details of Hostile Vehicle Mitigation Measures to the Cricket Club . The reconfigured spectator plaza, car parking areas and spectator entrances shall not be brought into use before the installation of Hostile Vehicle Mitigation measures as shall be submitted to and approved in writing by the Local Planning Authority.
 - 25 Details of noise prevention and boundary treatment measures to the Cricket Club Operations Compound.
 - 26 Requires the prior submission of a materials sample panel on a phased basis.
 - 27 Requires the prior submission of a CCTV and security measures scheme on a phased basis.
 - 28 Provision of refuse storage facilities at The Residences
 - 29 Requires the prior submission of details of refuse storage facilities for the Cricket Club phase of development
 - 30 Requires the submission of a parking management strategy for the shared parking facilities prior to occupation or commencement of use.
 - 31 Requires the prior submission of a residential travel plan for The Residences
 - 32 Requires the parking area to be laid out prior to use on a phased basis
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- 33 Requires the submission and completion of works for the S278/TRO Agreement
 - 34 Requires the provision of vehicle charging points within The Residences
 - 35 Requires the submission of cycle storage details prior to use/occupation on a phased basis
 - 36 No residential units on the ground floor of The Residences
 - 37 Requires the prior submission of a Demolition and Construction Method Statement/Management Plan on a phased basis
 - 38 Requires the prior submission levels details in a phased manner
 - 39 Requires the prior submission of a phasing plan
 - 40 Provision of solar panels and sustainability measures at The Residences in accordance with submitted details on a phased basis.
 - 41 Requires the replacement of any trees removed during construction on a phased basis
 - 42 Requires the implementation of tree protection measures during construction on a phased basis
 - 43 Demolition pre-commencement check for bats/birds
 - 44 Implement within 3 years (Full)
-

Case Officer: Tracy Humphreys

Photo(s)



Photo 1 – Current main entrance to WCCC on Edgbaston Road



Photo 2 – View of site facing westwards



Photo 3 – View of site facing westwards



Photo 4 – View of site from Edgbaston Road/Pershore Road/Priory Road junction

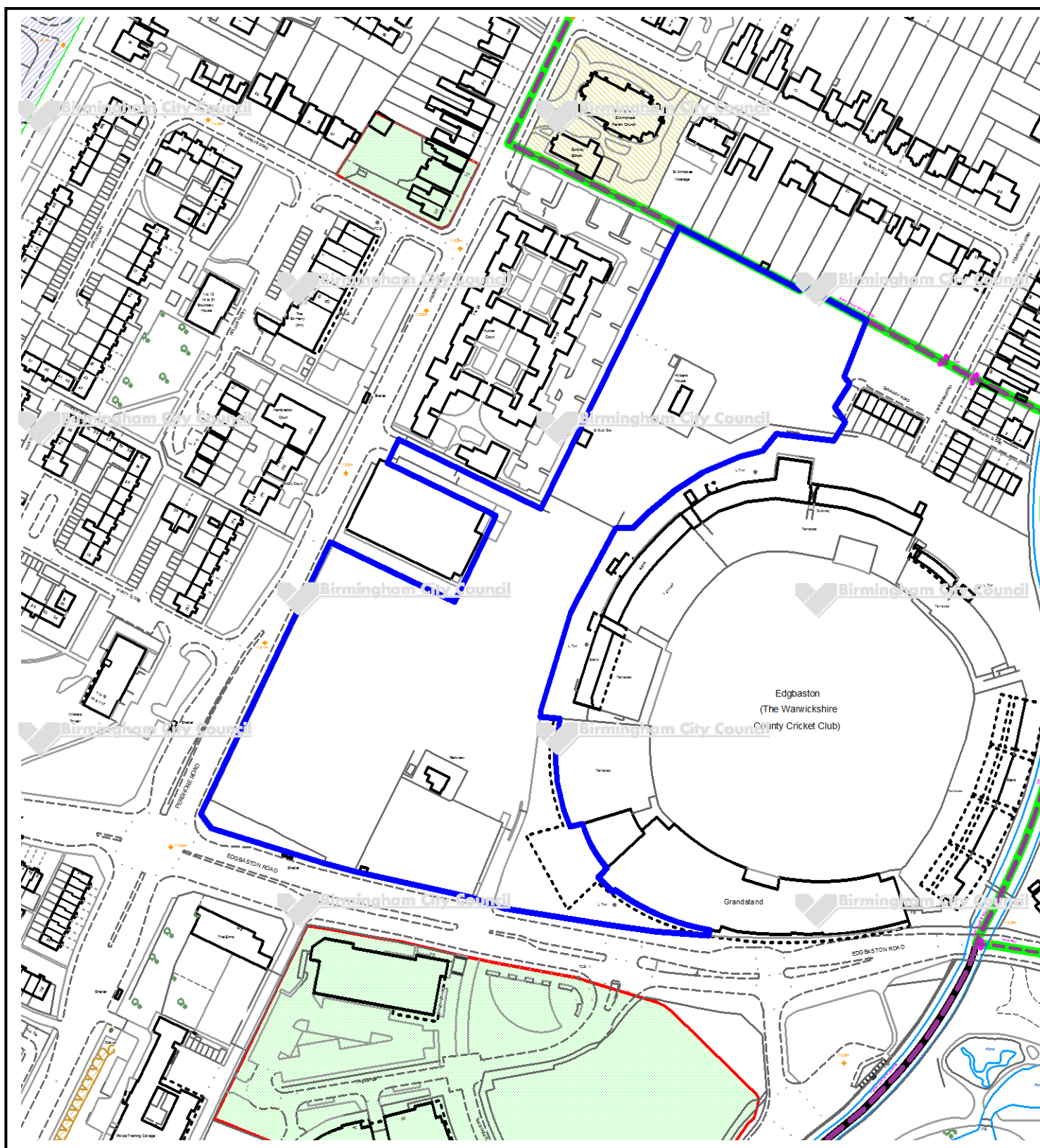


Photo 5 – View of site eastwards from Priory Road



Photo 6 – View across site from North

Location Plan



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Committee Date:	10/10/2019	Application Number:	2019/03026/PA
Accepted:	25/04/2019	Application Type:	Full Planning
Target Date:	13/09/2019		
Ward:	Brandwood & King's Heath		

Land off Kings Road, Kings Heath, Birmingham, B14

Proposed development for the erection of 47 residential units, new vehicular access, landscaping and other associated infrastructure works.

Recommendation
Determine

Report Back

- 1.1. Members will recall that this application was presented to Planning Committee on 12th September 2019. At that Committee, Members deferred the application, minded to refuse planning permission on the grounds of the increase in traffic, excessive density and the failure to meet the Nationally Described Space Standards.
- 1.2. **Applicant's Response**
- 1.3. On September 26th the applicant submitted a detailed statement in response to each of the refusal reasons which is summarised below:
- 1.4. *Transportation*
 - *The proposals have been subject to a detailed Traffic Assessment (TA) undertaken by a reputable highway consultant and in direct liaison with Birmingham City Council's Highways Officers.*
 - *the National Planning Policy Framework (NPPF) sets out at Paragraph 109 that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe'.*
 - *The supporting TA concluded that in accordance with the provisions of the NPPF that the proposed development would have no unacceptable impact on highway safety or the road network, with the level of traffic generated by the development not considered to have any impact on queuing and congestion at the Kings Road and Vicarage Road junction.*
 - *At planning committee it was emphasised by the Council's Highway Officer that the proposals would not have any adverse impact on the existing parking situation and would instead benefit Kings Road.*
 - *The site access has been carefully designed to ensure adequate visibility for all vehicles (including refuse vehicles), entering and exiting the site, but also for those vehicles travelling along Kings Road to ensure the development does not result in any adverse impact on highway safety.*
 - *The proposed development will introduce a gap along the existing stretch of parked vehicles along Kings Road, which will improve visibility and the flow of traffic along Kings Road. In addition to the benefits offered by the proposed development, the existing traffic calming measures along Kings Road means that the movement of traffic is characteristic of lower speeds.*

- Although the proposed access arrangements will displace existing on-street parking along Kings Road this will not effect on-street parking immediately to the front of existing neighbouring terraced properties residents.
- The level of parking provided has been agreed with Planning and Highways Officers and accords with the Council's parking standards.
- It is a highly sustainable urban location which is well connected to a range of services and facilities and in close walking distance to excellent bus services and with a view to minimise car ownership and in turn traffic movements to and from the site.
- The access arrangements proposed as part of this current application is consistent with earlier refused schemes where the Council raised no concerns in relation to highway impact.
- Overall, the application is considered to be entirely acceptable in relation to highway impact and safety and should not therefore be prevented or refused on highway grounds in line with the provisions of Paragraph 109 of the NPPF.

1.5. Density

- At a density of 55 dwellings per hectare, the planning application meets with the provisions of Policy TP30 of the Development Plan which sets out that new housing should be provided at a target of at least 50 dwellings per hectare in areas well served by public transport. It was not disagreed by members that the site is in a sustainable location which is well served by public transport.
- The density of the proposed development is entirely in character with the site's highly sustainable urban context, which is characteristic of terraced properties along Kings Road. In accordance with the NPPF the proposed development has made the most effective use of the application site whilst ensuring safe and healthy living conditions.
- The development has been carefully designed to ensure it is of an appropriate density, scale and massing to that of the immediate residential context whilst also meeting with the numerical standards cited within the Council's Places for Living SPD in relation to overlooking and amenity and introducing a net gain in quality landscaping and biodiversity enhancement.
- The scheme was revised to address comments by the Council's Design Officer and previous appeal decisions on the site by replacing larger detached properties along the sites frontage with semi-detached properties to ensure the rhythm of the proposed built form was more akin with the properties along Kings Road.
- Three storey development was originally proposed at the rear of the site but was removed following Officer advice during pre-applications meaning only two storey development is proposed across the site. This ensures the amenities of neighbouring residents are not impacted upon by the scheme. These design changes reduced the number of units from 50 to 47.

1.6. Nationally Described Space Standards (NDSS)

- Whilst some proposed house types fall short of NDSS it is important to note that a number of the properties exceed NDSS.
- The National Planning Practice Guidance (NPPG) states that the NDSS are optional and can only be introduced when there is evidence to justify the case. The Council currently have no adopted policy which requires NDSS to be met.
- The NDSS are proposed as part of the emerging Development Management in Birmingham Development Plan Document (under Policy DM11) however this is currently at the early stages of consultation. As part of the recent consultation, representations were submitted to the Council highlighting the shortfalls in the NDSS

policy, particularly in relation to affordable housing and a lack of viability grounds for requiring 100% affordable housing schemes in particular to deliver NDSS.

- *This scheme along with the majority of (if not all) 100% affordable housing schemes are only able to come forward with the support of funding from Homes England. This funding model is not based on NDSS standards, but Homes England do pay reference to size standards and this scheme complies with their size standards for affordable dwellings. Midland Heart have confirmed Homes England funding is in place for this scheme and it has the full support of Birmingham City Council's Housing Strategy Manager. Funding is key to the overall viability of the scheme and is factored into the overall development costs.*
- *If the scheme is required to meet NDSS standards, then this will inevitably mean the loss of units and/or a change in housing mix. The insistence on NDSS would jeopardise the scheme financially, particularly given the scheme has already been reduced from 50 to 47 units to take account of Officers comments in relation to design.*
- *There is a significant shortfall in affordable housing delivery in Birmingham. Insisting on the provision of NDSS would reduce the range of affordable housing offered and would exacerbate the problem of affordable housing delivery across the City where over occupancy and increased homelessness is evident. The insistence of NDSS for the application scheme would, in particular, impact on the delivery of family homes.*
- *The emphasis should be on whether an acceptable and safe living environment is provided for future residents. It has been demonstrated as part of the application that the proposed affordable housing scheme will provide a high-quality living environment for future residents.*
- *The scheme is a positive and comprehensive remediation and redevelopment of an underused parcel of urban scrubland, which will deliver much needed affordable housing for the local area whilst delivering s106 contributions in line with Birmingham's Open Space SPD, contributing positively to enhancing existing public open spaces found within the immediate locality of the site for the benefit of the whole community.*

1.7. Officer Response

- 1.8. Members are reminded that any reasons for refusal must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 1.9. I have carefully considered the detailed statement provided by the applicant and agree with many of the arguments presented.
- 1.10. With regards to the issue of traffic; paragraph 109 NPPF sets out that permission should only be refused where the impacts on the road network would be severe. Similar wording has also been utilised in Policy TP44 of the BDP where it states that development will be refused where the cumulative impacts of the development are severe. In an urban environment where there would be a maximum of one additional vehicular movement every 2-3 minutes at peak times it would be difficult to suggest that these additional vehicular movements would have a severe impact on the local highway network. Once complete it is considered that the impact on the local roads would not be discernible. Furthermore the Council's own Transportation Officers raises no objection to the scheme.
- 1.11. Without the backing of Transportation I think would be very difficult to argue that the cumulative impact of 47 dwellings would be severe. When assessed against the above relevant policy context and the advice of the Transportation Officer I consider that a refusal on the grounds of increased traffic would not be defensible. Should an

appeal be lodged by the applicant I consider that a Planning Inspector would not support the City Council and would likely grant planning permission with a likely award of costs due to unreasonable behaviour. This is because the City Council has no policy basis on which to refuse permission.

- 1.12. In relation to the refusal reason of density it is important to consider the local policy context. Policy TP30 of the BDP requires densities of at least 50dph in areas well served by public transport and at least 40dph elsewhere. The policy goes on to explain that there may be areas e.g. mature suburbs or conservation areas where lower densities may be accepted to retain the character of the area.
- 1.13. There are bus stops on the A4040 which are a 2minute walk from the application site. These bus stops are used by the 11C and 35 which are both regular services (both approximately every 10minutes). In addition the new Hazelwell train station will be on Cartland Road which is a 9 minute walk from the application site. Based on the above it is reasonable to conclude that the site is well served by public transport and therefore the higher minimum threshold of 50dph should be applied.
- 1.14. In this case the density of the proposed scheme is 55dph. This figure is only marginally above the minimum policy requirement and therefore it is unreasonable to suggest that 55dph is too high. In addition the area is characterised by terraced properties on small plots with high density so there is not a character argument that could be presented to suggest a lower density is needed in this instance.
- 1.15. The density proposed is considered to be in full accordance with Policy TP30 of the BDP. I therefore consider that this reason for refusal would not survive scrutiny by a Planning Inspector at an appeal and would leave the City Council exposed for a costs claim by the applicant, which I consider would also succeed.
- 1.16. The final proposed reason for refusal relates to the failure of most of the dwellings to achieve the Nationally Described Space Standard (NDSS). It is accepted by Officers that 42 of the 47 properties do not meet the NDSS with shortfalls of between 4 and 11sqm however the NDSS have not yet been adopted as policy by the Council. It would therefore be unreasonable for the Council to strictly enforce the standards at the current time bearing in mind that they are referred to as optional within the NPPG.
- 1.17. As detailed within the Officer report; the unit sizes are based on the Housing Quality indicator, which incorporates required design standards that providers must meet to receive funding. Smaller units of accommodation have been accepted on other 100% affordable housing schemes in the City in recent years therefore Officers consider that it is inconsistent to reach a different outcome here particularly as the scheme would deliver much needed affordable housing.
- 1.18. The standard of accommodation provided accords with all adopted local and national policies and enforcing the NDSS will reduce the number of affordable homes delivered and potentially impact on the viability of the scheme as indicated by the applicant. I therefore consider that this reason for refusal would not survive scrutiny by a Planning Inspector at an appeal and would leave the City Council exposed for a costs claim by the applicant, which I consider would also succeed.
- 1.19. In conclusion, I do not believe that any of the proposed reasons for refusal put forward by Members can be articulated into defensible reasons for refusal that would have realistic chance of success at appeal. Most pertinently, there is a risk that the applicant may make a costs claim which I consider would have a good chance of success as the Council's behaviour could be considered to be unreasonable. On that

basis, I am not able to present any reasons for refusal to the Committee. I consider that your Committee should re-consider the application in light of this advice and the original report and recommendation. I consider that the original recommendation to approve subject to a S106 agreement remains the correct recommendation.

Original Report

1. Proposal

1.1. Planning permission is sought for erection of 47 residential units consisting of the following mix:

- 19 x 3 bedroom, 5 person houses;
- 18 x 2 bedroom, 4 person houses; and
- 10 x 1 bed, 2 person flats

1.2. The scheme is a 100% affordable housing scheme with all properties available for affordable rent. The properties include semi-detached and terraced houses and also maisonettes. All properties are 2 storeys in height and are of traditional red brick and tile construction. Although some properties include elements of render at first floor level. The properties have a mix of hipped and gable end roofs.

1.3. A single access is proposed off Kings Road. A total 68 parking spaces are proposed with each property having a minimum of one space. Of the 68 spaces 13 would be designated as visitor spaces.

1.4. This application is supported by a Planning Statement, Design and Access Statement, Transport Assessment, Energy Statement, Preliminary Ecological Appraisal, Sustainable Drainage Assessment and Arboricultural Report.

1.5. Site area: 0.85 ha. Density 55.03 units per hectare.

1.6. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site consists of a T-shaped area of scrubland that is relatively flat, sloping at a gentle gradient from west to east. The site is surrounded by primarily residential development. Terraced properties on Kings Road are located to the west and terraced properties on Sycamore Terrace are located to the north of the application site. To the east there are flats and 3 storey supported living accommodation and to the south there is a more recent infill residential development (Mercia Drive) and a children's play area.

2.2. [Site Location Plan](#)

3. Planning History

3.1. 1991/03515/PA - Erection of 16 dwelling houses construction of parking areas, access road and means of access to highway – withdrawn

3.2. 2001/01503/PA - Extension of public open space, erection of 12 dwelling houses and construction of garages, parking areas, access road and means of access to highway – Refused on 21/06/2001

- 3.3. 2000/04409/PA - Extension of public open space, erection of 12 dwellinghouses and construction of garages, parking areas, access road and means of access to highway – dismissed on appeal on 21/08/2001
- 3.4. 2007/07726/PA - Construction of 25 dwellinghouses, 19 apartments, garages, parking areas and means of access to highway – Refused on 11/03/2008 on the grounds that it would prejudice the comprehensive development of the whole site, a failure to deliver any affordable housing or provide open space.
4. Consultation/PP Responses
- 4.1. Regulatory Services – No objections subject to conditions regarding the submission of, contamination remediation scheme and contaminated land verification report and the provision of a vehicle charging point.
- 4.2. Transportation Development – No objections subject to conditions requiring submission of a construction management plan, completion of S278 works, provision of pedestrian visibility splays and secure and sheltered cycle storage.
- 4.3. West Midlands Police – No objection
- 4.4. Severn Trent Water – No objection subject to condition for scheme of foul and service water drainage.
- 4.5. Fire Service – No objection
- 4.6. Lead Local Flood Authority – No objection subject to condition requiring sustainable drainage scheme and an operations and maintenance plan
- 4.7. Education Services – A contribution of £188,452.22 is required to improve local schools
- 4.8. Leisure Services – Off-site public open space requirement of £183,275 required.
- 4.9. Housing – No objection to the mix and tenure of units proposed.
- 4.10. Site notice posted, local MP, Councillors, Residents' Associations and the occupiers of nearby properties notified of the application. 41 objections have been received raising the following matters:
- Loss of privacy;
 - Increased traffic;
 - Ecology damaged prior to the submission of the planning application;
 - Removal of further trees and hedgerows;
 - Insufficient parking is proposed and much need on street parking on Kings Road will be lost thereby increasing parking on Kings Road;
 - Kings Road is used a 'rat run' and proposal will only increase highway safety concerns;
 - Development does not take into account additional parking that will occur in Kings Road once the new train stations on the Camp Hill Line are open;
 - Cars parked on Kings Road regularly get 'clipped' this will increase in the future;
 - Further increase in road rage incidents;
 - Better traffic management needed on Kings Road;
 - Increased risk of flooding;

- Negative impact on house prices;
 - Increased noise and air pollution;
 - Increased crime and anti-social behaviour;
 - Harmful impact on the elderly residents within Pineapple Place;
 - No capacity for additional children in local schools;
 - Proposal amounts to an over-development of the site;
 - Further tree and hedge planting should be proposed; and
 - Disruption during building phase with increase mud, dust and debris;
 - Impact on existing boundary treatments; and
 - Previous houses on the site were demolished due to subsidence
- 4.11. A petition has been submitted by Councillor Mike Leddy which has been signed by 33 local residents. This raises objections on the following grounds:
- Reduced privacy for the residents of Pineapple Place;
 - Vulnerable residents will be at greater risk of crime and anti-social behaviour; and
 - Damage to valuable amenity that is Pineapple Place and older people in the local area
- 4.12. Comments have been submitted jointly by Councillors Mike Leddy and Lisa Trickett raising the following matters:
- Insufficient consultation;
 - Difficulty accessing information on the Council website;
 - Concerns over parking provision;
 - Construction traffic is a major worry for local residents; and
 - Need for further housing is acknowledged;

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan 2005 (Saved Policies)
 - Birmingham Development Plan (2017)
 - Places for Living (Adopted Supplementary Planning Guidance 2001)
 - The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
 - Car Parking Standards SPG
- 5.2. The following national policy is applicable:
- NPPF – National Planning Policy Framework (2019)

6. Planning Considerations

- 6.1. Principle
- 6.2. The NPPF defines the three dimensions of sustainable development as being economic, environmental and social. The NPPF and appeal decisions have established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. There is also a strong emphasis on providing new housing, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF 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 seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

- 6.3. Policy TP28 of the BDP, requires new housing to be; outside flood zones 2 and 3 (unless effective mitigation measures can be demonstrated); served by new or existing infrastructure; accessible to jobs, shops and modes of transport other than the car; capable of remediation; sympathetic to historic, cultural or natural assets; and not in conflict with other specific policies of the plan. In summary the site is in a good location to deliver sustainable development and substantially boost the supply of housing. The site has also been identified as suitable for housing within the Strategic Housing Land Availability Assessment (SHLAA).
- 6.4. Design
- 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. Kings Road is a residential area generally consisting of mainly terraced properties but a greater mix of house types is found on the surrounding streets. A single access is proposed into the site with a pair of semi-detached dwellings fronting onto Kings Road either side of the access. The proposed dwellings on Kings Road are a similar scale and design to that of surrounding properties. The corner properties (units 2 and 3) have windows at ground and first floor level on their side elevations to provide visual interest within the cul de sac. Therefore the creation of this cul de sac will integrate into the street scene once complete.
- 6.7. The dwellings within the cul-de-sac are all two storey properties but are a mix of terraces, semi-detached houses and maisonettes. The dwellings have a mix of hipped and gable end roofs. The designs of the brick and tile properties are relatively simple however I consider that the scheme pays sufficient regard to the site’s context to sit comfortably within its surroundings. No objection is raised to the scheme by the City Design Officer.
- 6.8. In summary it is considered that the overall design of the proposed scheme would be acceptable and in keeping with the character of the local area.
- 6.9. Residential Amenity
- 6.10. The Places for Living SPG sets out a number of numerical standards which help to ensure that acceptable amenity standards are provided for the occupiers of new dwellings and retained for the occupiers of adjacent properties.
- 6.11. The proposal is surrounded by residential development on all sides. The closest properties are No’s 17 and 39 Kings Road which are located either side of the

proposed dwellings fronting onto Kings Road. Plots 1-4 sit broadly in line with No's 17 and 39 ensuring that there is no breach of the 45 degree code. The side elevations of plots 1 and 4 contain no windows to prevent a loss of privacy occurring. Plots 5 and 6 (maisonettes) are within 4.7m of the rear garden of No. 17 however the facing elevation contains no windows ensuring that a loss of privacy cannot occur. Adjacent plots 7 and 8 do contain windows on the elevation looking towards plot 17. However, the existing boundary treatments will ensure that no issues arise from the ground floor windows. The nearest first floor window has been obscurely glazed and from the other window the angle is considered to be fairly oblique meaning the garden of No. 17 is not substantially affected. Plot 47 retains a distance of 6m from the boundary with the rear garden of number 39 however the proposed dwelling is angled away from No. 39 preventing direct overlooking from occurring.

- 6.12. The rear elevation of plots 18, 19 and 20 look towards the side elevation of No. 13 Kings Terrace. No. 13 has a single small window on the side elevation at second floor level serving the loft space which is utilised as a study which is not considered to be a main habitable room. In addition as plots 18, 19 and 20 do not have windows above first floor level there would not be clear views between the proposed development and the side window in No. 13. The rear elevation of plots 21 and 22 retain a distance of 12.5m from the boundary with No. 13 ensuring that the garden is not overlooked.
- 6.13. Blocks of maisonettes and an elderly care facility (Pineapple Place) are located to the east of the application site on Hambury Drive. However No.'s 35 and 37 Hambury Road have blank side elevations ensuring that no loss of privacy can occur. A distance of 19m is retained between the rear elevation of the care facility and rear facing elevation plot 27. It is acknowledged that there is a shortfall against the guidance within the Places for Living SPG which is 21m. However, as the shortfall is minor the harm arising from the single dwelling is not significant in the context of this major scheme.
- 6.14. Plots 28 has a blank side elevation facing the care facility ensuring that the private amenity space is not overlooked. A distance of 13m is retained from the blank side elevation of the property to the rear elevation of Pineapple Place ensuring that the development would not appear over-bearing.
- 6.15. Plot 37 is located directly adjacent to No. 18 Hazelwell Drive. As the building line within Hazelwell Drive has been followed no breach of the 45 degree code would occur. The rear of plots 37-41 face the rear of No.'s 37 – 47 Kings Road (odds). A minimum distance of 21m is retained between the facing rear windows of these properties ensuring that the Proposal complies with the distances within the Places for Living SPG. The proposed dwellings have rear gardens of at least 10m in depth ensuring that the gardens of the Kings Road properties are not overlooked.
- 6.16. There are many examples on the edge of the site of proposed two storey dwellings having back gardens which are 10m deep. If rear dormers were added to these properties overlooking would occur as the 15m separation would not be achieved. It is therefore recommend that permitted development rights that allow alterations and extensions to the roof are removed.
- 6.17. As set out within the Places for Living SPG flats require 30sqm of amenity space whilst 2 and 3 bedroom houses require 52 and 70sqm respectively. Of the 37 dwellings only 6 fall short of the relevant requirement. Of these 6 dwellings 2 are 2 bedroom properties and the shortfall is a maximum of 2sqm which is insignificant. The 4 No. 3 bedroom properties have shortfalls of 1, 4, 6 and 12sqm. It is clear that

a garden of 58sqm is fairly modest for a 3 bedroom property (plot 3) however the garden could only be increased in size through the loss of a parking space which would be undesirable when parking concerns have been raised by a number of contributors. On balance this shortfall is considered to be acceptable.

- 6.18. For the 10 flats a private amenity space of 300sqm should be provided. In this instance 160sqm has been provided. However, taking account of the close proximity and accessibility of open spaces at Kings Heath Park, Hazelwell Park and the play area adjacent to the site on Hazelwell Drive this is considered to be acceptable.
- 6.19. Concerns have been raised over the potential for crime and anti-social behaviour. The introduction of 47 dwellings on a vacant parcel of land provides increased activity and natural surveillance which greatly reduces the vulnerability of the rear gardens that share a boundary with the application. Importantly West Midlands Police have no objection to the scheme.
- 6.20. The Nationally Described Space Standards (NDSS) are not yet adopted in Birmingham but they do provide a good yardstick against which to judge proposals, to ensure that the accommodation is of sufficient space to provide a comfortable living environment for the intended occupiers. The table below sets out how each house type compares to the NDSS.

House Type & No. of Units	Number of bed spaces (persons)	Proposed Internal Floor Area (square metres)	Minimum Floor Area (Nationally Described Space Standards)	Shortfall (square metres)
2 x Blackthorn (Ground)	1b 2p	47	50	-3
2 x Blackthorn (First)	1b 2p	54	50	+4
3 x Hazel (Ground)	1b 2p	46	50	-4
3 x Hazel (First)	1b 2p	58	50	+8
1 x Chestnut	2b 4p	75	79	-4
17 x Ivy	2b 4p	68	79	-11
19 x Cedar	3b 5p	82	93	-11

- 6.21. As can be seen in the table above the majority of house types fall short of the NDSS however the Planning Statement confirms that the sizes for all the housing units are based on the Housing Quality Indicator (HQI), which incorporates required design standards for affordable housing providers who receive funding through different programmes. These slightly smaller homes have been accepted on a range of other affordable housing schemes across the city including Land at former International School (2016/07628/PA) and Land off Cooks Lane (2016/09889/PA). It would be inconsistent to reach a different outcome in this case and therefore the size of the accommodation is therefore on balance acceptable.

- 6.22. In summary, the proposal does not have an undue amenity impact on the occupiers of adjacent properties and creates an acceptable living environment for the proposed occupiers.
- 6.23. Transportation
- 6.24. Policy TP38 of the BDP requires that development proposals support and promote sustainable travel and TP44 requires new development to support the delivery of a sustainable transport network.
- 6.25. Each unit has been provided with a minimum of one parking spaces with a total of 68 spaces provided for the 47 properties, which amounts to an overall provision of 144%. Whilst concerns have been raised regarding overspill parking, the site is in a sustainable location close to the centre of Kings Heath where frequent bus services are available.
- 6.26. Concerns have also been raised regarding traffic flow and highway safety within Kings Road currently with many believing that development would greatly worsen the situation. Transportation have highlighted that the supporting Transport Statement concludes that 20-25 two way trips would be expected during peak hours. This works out as a movement every 2.4-3 minutes during the busiest periods. This impact would not be significant upon the surrounding highway network. It also important to add that planning conditions and legal agreements should utilised to address harm arising from a particular scheme and not existing issues. The Transportation Officer raises no objection subject to the completion of S278 works. The package of works would include the creation of bellmouth, tying in of pedestrian route and reinstatement of any redundant footway crossings. Further conditions have been requested requiring the submission of a construction management plan, provision of pedestrian visibility splays and secure and sheltered cycle storage. These conditions should help to minimise the impact of the development during the construction phase and encourage travel by sustainable modes. In summary there are no reasons to resist the proposal on transportation grounds.
- 6.27. Ecology
- 6.28. The Council has a duty to consider the impact of any proposal on protected species. A Preliminary Ecological Appraisal was undertaken by the applicant which identified the potential for badgers to have utilised the site historically. A detailed badger survey was therefore undertaken but there was no evidence of any active badger setts on the site. The Council's Ecologist raises no objection to the scheme subject to the provision of bat and bird boxes. The landscape plans submitted show the provision of 12 bat/bird boxes which satisfy this requirement.
- 6.29. Landscape and Trees
- 6.30. Prior to the submission of the application much of the vegetation was cleared from the site. As no trees on the site were covered by a TPO the applicant was entitled to undertake such works. The remaining trees consist of 7 category C trees, 2 grouping of small category C trees and a single category B tree (wellingtonia). These are all located on the boundary or adjacent to the boundary of the site. The trees are not of the highest quality and consequently the Tree Officer considers that they are not a constraint to the development. The 2 small groupings of category C trees plus 3 further category C trees are to be removed. The category B tree is shown to be retained. The Tree Officer has raised no objection subject to a condition requiring the submission of arboricultural method statement. A detailed landscaping scheme has been provided that shows a mix of native trees, shrubs and hedgerows within the site. In total 39 trees are to be planted which results in the net

again above the current situation. The scheme is therefore acceptable from a trees and landscaping perspective.

6.31. Financial Contributions

6.32. Due to the size of the scheme contributions towards both affordable housing and public open space are required. A 100% affordable housing scheme is proposed which comfortably exceeds the 35% requirement within Policy TP31 of the BDP. A contribution of £183,275 has been requested by Leisure Services to improve and maintain open space facilities at Kings Terrace Play Area and Kings Heath Park. These contributions have been agreed with the applicant and will be secured in a S106 agreement.

6.33. The site does not fall within a high value area and therefore CIL payments are not required.

6.34. The development is therefore making a substantial contribution to local infrastructure and services.

6.35. Other Considerations

6.36. Concerns have been raised over the impact of the development on house prices however this is not a material planning consideration.

6.37. Some adjoining occupiers have raised concerns over the impact on their existing boundary treatment. Where such boundaries are in the ownership of adjoining homeowners, the developer would require consent from the owner before altering such boundary treatments. Appropriate boundary treatments have been proposed around the periphery of the site to secure privacy and create a safe environment.

7. Conclusion

7.1. The proposed development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. The scheme is acceptable in terms of its design, amenity, highways, landscape and ecology considerations. It would contribute towards the city's housing requirements. Therefore the proposal would constitute sustainable development and it is recommended that planning permission is granted.

8. Recommendation

8.1. That consideration of planning application 2019/03026/PA be deferred pending the completion of a planning obligation agreement to secure the following:

- a) The on-site provision of a minimum of 35% affordable housing, all of which will be affordable rent;
- b) Off-site open space contribution of £183,275 to improve and maintain facilities at Kings Terrace Play Area and Kings Heath Park; and
- c) Payment of a monitoring and administration fee associated with the legal agreement of £6414.65

8.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 3rd October 2019 the planning permission be refused for the following reasons:

- a) In the absence of any suitable legal agreement to secure a financial contribution towards off site affordable housing the proposal would be contrary to TP31 of the Birmingham Development Plan and NPPF.
- 8.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 3rd October 2019, favourable consideration be given to this application subject to the conditions listed below agreement.

1	Requires the scheme to be in accordance with the listed approved plans
2	materials to be used in accordance with materials plan
3	Requires the prior submission of a sustainable drainage scheme
4	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
5	Requires the implementation of hard and soft landscape details
6	Requires the prior submission of a construction method statement/management plan
7	Requires the submission and completion of works for the S278/TRO Agreement
8	Requires the provision of cycle storage
9	Requires pedestrian visibility splays to be provided
10	Requires the implemetation of a landscape management plan
11	Requires the prior submission of a contamination remediation scheme
12	Requires the submission of a contaminated land verification report
13	Removes PD rights for roof additions and alterations
14	Implement within 3 years (Full)
15	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
16	Arboricultural Method Statement and Tree Protection Plan - Implementation

Case Officer: Andrew Fulford

Photo(s)

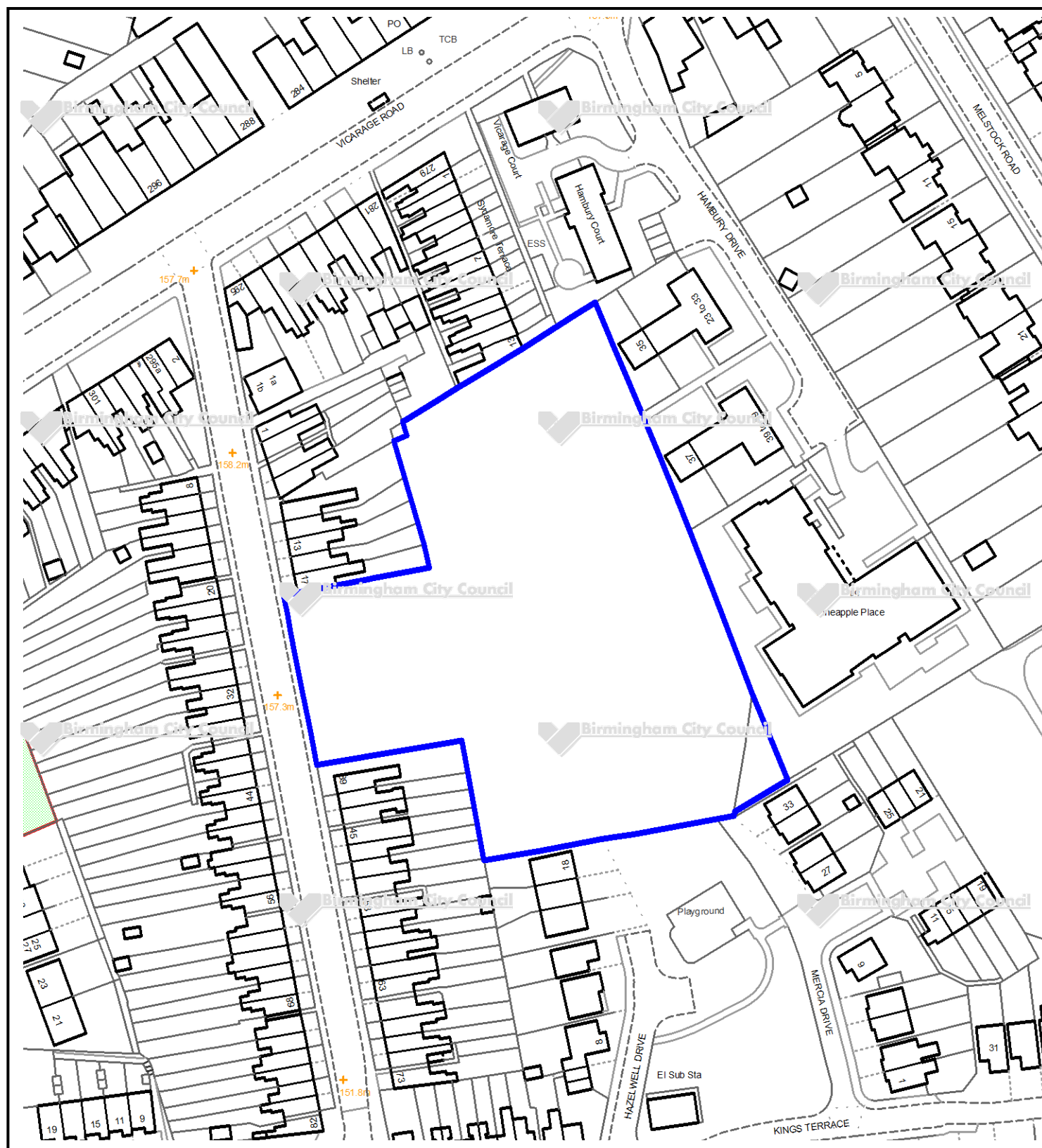


Photo 1: View east into application site from Kings Road



Photo 2: View from Sycamore Terrace looking south across the application site

Location Plan



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Committee Date:	10/10/2019	Application Number:	2019/01089/PA
Accepted:	12/02/2019	Application Type:	Full Planning
Target Date:	11/10/2019		
Ward:	Brandwood & King's Heath		

Land adjacent 4 Vicarage Road, Kings Heath, Birmingham, B14 7RA

Erection of three residential dwelling houses and associated works

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning Permission is sought for the erection of a terraced development consisting of three dwellings with associated works on land adjacent to no.4 Vicarage Road, Kings Heath.
- 1.2. The proposed four bedroom dwellings would be arranged fronting onto Vicarage Road. The proposed dwellings would be constructed of red facing brickwork and slate roof.
- 1.3. The layout of the dwellings would consist of the following:
 - Plot 1 - Would measure 5m in width x 11m in depth x 9.8m in height to ridge and 7m in height to eaves. The plot would accommodate a kitchen/dining room (16.4sqm), sitting room (11.9sqm), utility, cloakroom at ground floor; master bedroom (13.6sqm) with en-suite, single bedroom (11sqm), home office and bathroom at first floor and two additional bedrooms (16.4 and 16.4 sqm) with en-suite at second floor. Externally, a rear amenity/garden area of 97sqm would be provided.
 - Plot 2 – Would measure 5m in width x 11m in depth x 9.8m in height to ridge and 7m in height to eaves. The plot would accommodate a kitchen/dining room (16.4sqm), sitting room (11.9sqm), utility, cloakroom at ground floor; master bedroom (13.6sqm) with en-suite, single bedroom (11sqm), home office and bathroom at first floor and two additional bedrooms (16.4 and 16.4 sqm) with en-suite at second floor. Externally, a rear amenity/garden area of 94sqm would be provided.
 - Plot 3 - Would measure 5m in width x 11m in depth x 9.8m in height to ridge and 7m in height to eaves. The plot would accommodate a kitchen/dining room (16.4sqm), sitting room (11.9sqm), utility, cloakroom at ground floor; master bedroom (13.6sqm) with en-suite, single bedroom (11sqm), home office and bathroom at first floor and two additional bedrooms (16.4 and 16.4 sqm) with en-suite at second floor. Externally, a rear amenity/garden area of 100sqm would be provided.
- 1.4. The original scheme proposed 6 parking spaces located to the rear of the site. These parking spaces were to be accessed via the existing driveway belonging to All Saints Medical Centre. Once it was established that the applicant did not have consent to use the existing access driveway, all on-site parking was omitted from the proposal.

- 1.5. The site area equates to 0.0663ha representing a development density of 45 dwellings per hectare.
- 1.6. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is located on land adjacent to no.4 Vicarage Road, Kings Heath. The site has served as an overflow car park for All Saints Medical Centre in the past but is currently vacant. The perimeter boundary comprises of 1.8 metre high closeboard fencing across the north-west, north-east and south-east boundaries and approximately 5 metre high vegetation across the south-west boundary.
 - 2.2. The application site is adjoined to the south-west by a traditional two storey semi-detached property with dormer window to front and two storey rear wing and a single storey garage building located against the boundary with the application site. To the north-east of the site is the All Saints Centre with medical centre and community hall. Further to north, situated on Alcester Road South is the grade II listed All Saints Church further to the north. To the north-west of the site is a car park that serves the medical centre and the hall. The church hall to the rear of the development site which is now occupied by CircusMASH. CircusMASH is a venue that provides circus skills training, workshops, corporate events and parties and uses amplified music to accompany instruction and performances. The residential properties on Vicarage Road are all relatively similar in terms of style and design but are a mixture of terraced, semi-detached and detached properties.
 - 2.3. [Site Location Plan](#)
3. Relevant Planning History
 - 3.1. None
4. Consultation/PP Responses
 - 4.1. Transportation Development – No objection
 - 4.2. West Midlands Fire Service – No objection. Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 15 and National Guidance Document on the Provision for Fire Fighting.
 - 4.3. West Midlands Police – No objection. Development to be built to the standards laid out in the enhanced security standards produced by Police Crime Reduction initiative 'Secured by Design'.
 - 4.4. Severn Trent Water - No objections as the proposal has minimal impact on the public sewerage system.
 - 4.5. Regulatory Services – Raise concerns over the potential noise disturbance from what was the church hall to the rear of the development site which is now occupied by CircusMASH. Conditions requiring the submission of a Contamination Remediation Scheme, a Contaminated Land Verification Report, Noise Insulation Scheme and the provision of a vehicular charging point at each residential unit should be attached to any permission granted.

- 4.6. Local Councillors, Residents Associations, Neighbourhood Forums and Neighbouring Residents notified. Site notice displayed (22/02/2019).
- 4.7. The application received 19 responses in objection to the application from neighbouring residents, All Saints Medical Centre, All Saints Youth Project and The Robin Centre in relation to the following:
- The development would not be in-keeping with the surrounding area as the adjacent dwellings are predominantly large family units. The site is only large enough for one property that is similar to, and in keeping with, the properties that already exist along Vicarage Road.
 - The height proposed dwellings would severely reduce the amount of sunlight that the All Saints Centre is able to receive which would have a detrimental impact upon staff and patients.
 - The proposed windows and balconies on the side and rear elevations would overlook the centre and car park which compromise patient and staff privacy.
 - No access route to the parking areas is shown on the plan. The road that is shown on the plans is the access road to the All Saints Community Development site parking areas. It is not an existing access for the proposed development.
 - There is already intense pressure on traffic flows and parking within the Medical Centre site and the proposed development would exacerbate these issues.
 - The development would result in the loss of greatly needed car parking space for the medical centre.
 - The development would detrimentally impact upon the access and egress of emergency vehicles to the medical centre.
 - Increased traffic on the access road would negatively impact on the safety of patients, particularly patients with disabilities, while entering and exiting the medical centre.
 - The proposed development would make it difficult for visitors to manoeuvre within the Medical Centre site.
 - There is a heavily used bus stop located close to the junction and increased traffic at this junction would detrimentally impact upon pedestrian safety.
 - There is no agreement in place to enable any non-Centre related vehicular movement on the access road.
 - No route for construction vehicles to access the site.
 - Parking spaces should be located to the front of the properties.
 - The proposed plans and heritage statement are contradicting, inaccurate and misleading.
 - The proposed dwellings would not be affordable to first-time buyers.
 - Concerns over the effects upon the viability of service providers located on the All Saints site during the construction period in addition to the potential for accidents involving site traffic.
 - Noise and traffic disruptions caused to nearby residents and patients during the construction period.
 - The reason that no mature trees will be removed as a result of the application is because the mature trees within the site were removed last year.
 - Concerns that future occupants would object to events in the village square.
 - The development would negatively impact upon surrounding property values.
 - Why have the applicants name and address been redacted?
 - The land would be better used to provide more facilities for local people.

5. Policy Context

- 5.1. Birmingham Development Plan 2017; Birmingham Unitary Development Plan 2005 (Saved Policies); Places for Living (2001); 45-Degree Code SPG; Car Parking Guidelines (2012); Planning (Listed Buildings and Conservation Areas) Act 1990; Good Practice Advice Note 3: the setting of Heritage Assets – Historic England (2017); Nationally Described Space Standards (2015) and NPPF (2019).

6. Planning Considerations

- 6.1. The main issues in the determination of this application are:

Policy

- 6.2. Birmingham Development Plan Policy PG3 states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place, new development should reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context, create safe environments which design out crime and, make best use of existing buildings and efficient use of land in support of the overall development strategy. Policy TP27 states that new housing is expected to contribute to making sustainable places, whether it is a small infill site or the creation of a new residential neighbourhood. Policy TP28 states that new residential development should be adequately serviced by existing or new infrastructure, which should be in place before new housing for which it is required and, be accessible to jobs, shops and services by modes of transport other than the car.
- 6.3. 'Places for Living' SPG encourages good quality accommodation in attractive environments. It contains a series of urban design principles and distance separation standards, with emphasis to assessing context and responding positively to local character.
- 6.4. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It encourages the effective use of land by utilising brown-field sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It also advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.5. DCLG Technical Housing Standards – Nationally Described Space Standards (2015) sets out internal space standards and the requirements for gross internal (floor) areas.

Principle

- 6.6. The application site is a brownfield site. The site is located within a residential area adjacent to All Saints Centre. The site falls within the District Centre boundary of Kings Heath but is in close proximity to other residential development on Vicarage Road. The site appears to have been used informally as a carpark for a number of years. The proposal would thereby not result in the loss of retail or commercial floor space. In a District Centre a range of uses could be acceptable. Bearing in mind the

sites peripheral location within the District Centre and the close proximity of residential development the principle of a residential use appears to be acceptable.

- 6.7. Given the above, it is considered the development of the plot to provide three dwellings would constitute sustainable development, constituting an efficient use of land, responding to site conditions and the local area context, within a sustainable location that is close to schools, shops and public transport facilities. The proposal therefore complies with the aspirations as laid out within the NPPF and the Birmingham Development Plan. The area is residential in nature/character and a further three dwellings would fit appropriately within this context. Consequently, it is considered that the proposal is acceptable in principle subject to the siting, design and layout of the proposed properties being acceptable.

Layout, design, scale and massing

- 6.8. The application site is surrounded by traditional two storey dwellings to the south and south-west, by the two storey All Saints Medical Centre building to the north-east and by the single storey church hall building to the north. The proposed terrace development would be of a traditional design which would be in-keeping with the character and appearance of the existing residential properties on Vicarage Road. Following amendments to reduce the height of the proposed terrace development it is considered that the size, scale and massing of the proposed development appropriately proportionate to the size of the site and would be less visually prominent from Vicarage Road. The proposed gable roof design with small pitched roof dormer and bay window to front would be in-keeping in appearance with the adjoining residential property no.4 Vicarage Road.
- 6.9. The proposed dwellings would adhere to guidance in terms of bedroom sizes and gross internal floor area in accordance with Nationally Described Space Standards for four bedroom, seven person properties. The plots would have an amenity space of 94sqm, 97sqm and 100sqm respectively, adhering to guidance contained within the SPG 'Places for Living' for family dwellings. Given the above, the proposal is considered acceptable in terms of layout, design, scale and massing subject to the imposition of a condition requiring samples of materials.

Impact on setting of grade II listed church

- 6.10. The application site is situated within the setting of the Grade II listed All Saints church which dates back to 1859. The Council's Conservation Officer has commented on the application stating that the proposed development would interrupt an incidental view of the church spire on the approach into Kings Heath centre from Vicarage Road. The land of the application site historically formed part of the historic curtilage of the church and it's now lost Vicarage which sat to the rear of the application site near to where the present day community hall now sits. The application site itself is currently a surface level car park with poor landscaping and as such appears harmful to the appearance of the area. The Council's Conservation Officer supports the principle of town houses in this location subject to a more contemporary design as opposed to the dated pastiche solution that is currently proposed.
- 6.11. The proposed dwellings would be sited approximately 67 metres from the Grade II listed All Saints church. While it is acknowledged that the proposed development would interrupt an incidental view of the church spire on the approach into Kings Heath Centre from Vicarage Road, given the separation distance between proposed development and the church spire and given the proposed dwellings would be not

be overly large in height, Officers consider that no harm would be caused to the significance of the Grade II listed All Saints Church. It is considered that the setting of the church would not be harmed as the proposed new houses would be viewed as part of Vicarage Road street scene and not as the wider curtilage of the church. While the Council's Conservation Officer preferred a more contemporary design as opposed to the traditional pastiche design that is proposed, given the proposed dwellings would be in-keeping with the style and appearance of the existing residential properties on Vicarage Road, Officers consider the proposal's design is acceptable in this instance.

Impact on neighbouring amenity

- 6.12. The proposed development would comply with the Council's 45 Degree Code to all neighbouring residential properties and all suggested separation distance guidelines contained within the SPG 'Places for Living' would be adhered to. The proposed dwellings would be relatively modest in scale and raise no concerns in relation to overlooking, overbearingness and loss of light/outlook caused to the adjoining plots.

Impact on existing residential amenity

- 6.13. Regulatory Services have commented on the application raising concerns over the potential noise disturbance from what was the church hall to the rear of the development site which is now occupied by CircusMASH. CircusMASH is a venue that provides circus skills training, workshops, corporate events and parties and uses amplified music to accompany instruction and performances. Regulatory Services are not aware if the building is suitably robust to adequately mitigate noise from this use. In addition, the application site presents contaminated land concerns as the gravel surface on the site is riddled with large dips, mounds and some significant potholes (where water collects). Given the above, it is considered reasonably necessary to attach conditions requiring the submission of a contamination remediation scheme, a contaminated verification report and a noise insulation scheme ensuring that all windows, glazed areas and external doors to habitable rooms on the Vicarage Road elevation provide a weighted sound reduction index (Rw + Ctr) of at least 35dB.
- 6.14. Public Participation comments were received over concerns that future occupants would object to events in the village square. However, given the separation distance between the proposed dwellings and the village square and given that there are other residential properties that are within a similar distance which have not detrimentally influenced the existing activities on the village square, it is therefore considered unreasonable to refuse the application on this basis.

Highway Safety and Parking

- 6.15. The application has received number public participation responses in relation to the proposed parking spaces to the rear of the site and the proposed use of the existing access which serves All Saints Medical Centre included in the original scheme. After distinguishing that the applicant does not have rights to use the existing access associated with All Saints Medical Centre, the proposed on-site parking and use of the existing access have since been omitted from the scheme.
- 6.16. The application site is located in a sustainable location that is close to schools, shops and public transport facilities. Therefore, it is considered that the provision of on-site car parking is not required in this location and there is sufficient nearby roadside parking available. Transportation Development have raised no objection to

the application and the proposal is considered acceptable in terms of highway safety and parking.

Other matters

- 6.17. No boundary treatment or landscaping details have been submitted with the application. It is therefore necessary to attach conditions requiring the submission of these details.
- 6.18. Officers acknowledge that mature trees within the site were removed last year. However, given the application site is not located within a designated Conservation Area and given that the trees removed were not protected, planning permission was not required for the removal of these trees.
- 6.19. Concerns have been made in relation to noise and disturbance during the construction works and whilst any disruption is likely to be very short-term within the lifespan of the development, the scale and nature of the development is relatively small scale and as such any impact is likely to reflect this.
- 6.20. The developments potential to impact upon surrounding property values does not constitute a material planning consideration.
- 6.21. The applicants name and address been redacted in accordance with the Data Protection Act 2018

7. Conclusion

- 7.1. The proposed dwellings are of an appropriate size, scale, massing and design which would be in-keeping with the existing context of the surrounding area, providing a satisfactory internal and external environment for future occupiers. The proposal is also considered acceptable in terms of its impacts upon residential amenity and highway safety/parking.

8. Recommendation

- 8.1. Approve subject to the following conditions

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the submission of sample materials
 - 3 Requires the prior submission of a contamination remediation scheme
 - 4 Requires the submission of a contaminated land verification report
 - 5 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
 - 6 Requires the submission of boundary treatment details
 - 7 Requires the submission of hard and/or soft landscape details
 - 8 Requires the submission details obscure glazing for specific areas of the approved
-

building

9 Requires the prior submission of a construction method statement/management plan

10 Implement within 3 years (Full)

Case Officer: James Herd

Photo(s)



Figure 1: View of application site looking north-west from Vicarage Road



Figure 2: View of application site (left) and All Saints Centre (right)

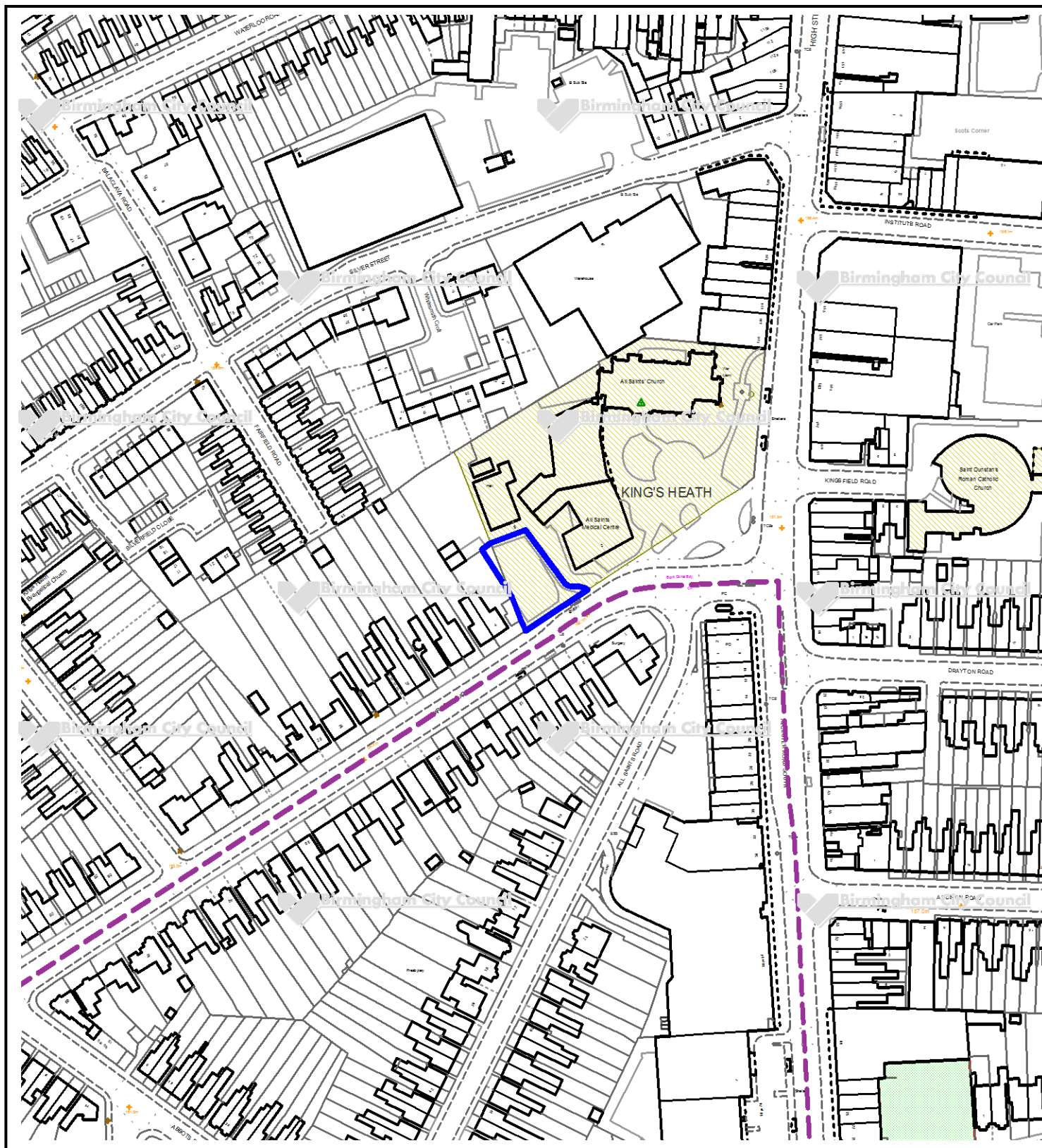


Figure 3: View of application site looking north-east from Vicarage Road with All Saints Centre and grade II listed All Saints Church in the background



Figure 4: View of street scene from Vicarage Road

Location Plan



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Committee Date:	10/10/2019	Application Number:	2019/03417/PA
Accepted:	23/04/2019	Application Type:	Full Planning
Target Date:	26/09/2019		
Ward:	Northfield		

YMCA Northfield, 200 Bunbury Road, Northfield, Birmingham, B31 2DL

Demolition of redundant building and construction of a four storey building to provide 27 self-contained 'move on' accommodation units (Sui Generis), extension and internal refurbishment of existing sports hall building to provide a new entrance and disabled lift access, plus provision of associated on-site parking and infrastructure

Recommendation

Approve subject to Conditions

1. Proposal

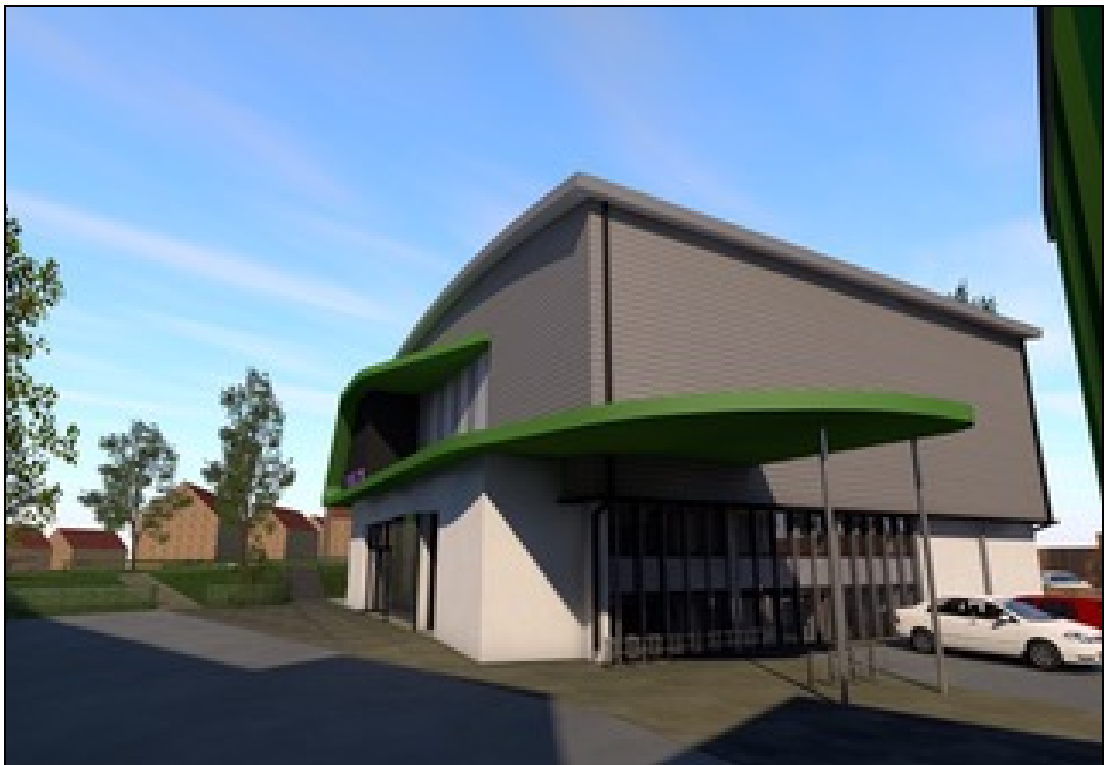
- 1.1. Planning permission is sought for the demolition of existing squash court building; construction of a four storey building comprising 27 self-contained residential 'move-on' accommodation units; extension and internal refurbishment of existing sports hall to provide new entrance and disabled lift access and new on-site car parking.
- 1.2. The 27 move-on units would be provided within a single building with dedicated access, with the accommodation totalling 1,039sq.m (gross internal floor area). The new accommodation would replace the existing squash court building. Each unit would be self-contained with a shower room and WC; kitchen; living area and bedroom. They would be a mix of 8 one-bedroom and 19 studio apartments all measuring 28sq.m. Rent levels would be set at Social Rent/Affordable Rent levels. A laundry area would be provided on the ground floor for use by all residents. Tenancies are expected to run between 6 months and 2 years, by which time tenants would be expected to move into permanent housing. In the event that tenants experience difficulties, they would be able to move back into the main building with the option of returning to the move-on accommodation when ready, so that repeat homelessness is avoided.
- 1.3. Tenants of the move-on accommodation would still have full access to all of the other facilities on site including communal kitchens and dining areas; communal lounge and games room with TV, pool and table tennis tables; on-site support team; training suite (including employment assistance, budget advice and living independently assistance); health suite (including drug and alcohol support, sexual health clinic and mental health support) along with access to the sports facilities including sports hall/courts, dance studio and yoga studio.
- 1.4. Entrance to the residential units would be through a central deck access enclosed in polycarbonate panels with varying degrees of translucency. The building would have a central three storey high space, with deck access to each of the floors, allowing natural daylight through the space. Translucent corridor end panels would allow

natural light through to the corridor spaces whilst preventing overlooking of adjacent properties.

- 1.5. The building would be orientated, particularly on its north and east sides, to minimise overlooking. On these elevations, the number of windows is also minimised and the fourth floor has a reduced floorplate when compared to the lower floors proposed. At its widest, the building would measure 17m in width (with its angled east elevation), 19m in depth and 12m in height. Materials would include red/brown brickwork, stone white and stone grey render and grey cladding alongside the opaque and semi-clear translucent cladding proposed.



- 1.6. The sports hall refurbishment and extension would provide access and facilities for disabled users, which are currently absent. The new entrance extension would provide a new foyer and reception area and a lift providing access to the first floor facilities. The proposed internal refurbishment would enhance the spaces by upgrading the décor, lighting, heating and ventilation and ensuring the supporting facilities are co-located within the building to support users (including toilets and changing rooms).



- 1.7. Demolition of the garage, shipping container and plant outbuildings is also proposed with a new bin store/plant room proposed with a footprint of 42sq.m and measuring 3.5m in depth, 11m in width and 2.6m in height. The bin store would be located in the north eastern corner of the site adjacent to the boundaries with the adjacent infant school and 196 Bunbury Road rear garden.
- 1.8. The proposed development would utilise the existing site entrance/exit off Bunbury Road, which would also provide access for construction traffic. The secondary access that currently provides controlled (barrier) emergency access to the site via Heath Road South will also provide an exit only for 6 overflow staff parking spaces

which are proposed within the parking spaces to the north of the sports hall. Access via this barrier would be pin-pad controlled. Overall, the rearrangement of the rear car park would formalise parking provision and create an additional 17 parking spaces, including 2 disabled spaces. Enhanced cycle parking is also proposed with a total of 23 covered spaces.

- 1.9. The proposed development would result in the removal of 1 tree and 1 hedgerow, both surveyed as Category C.
- 1.10. The renovation of the sports and community would see the creation of 2 full time equivalent jobs whilst a further 2 full time equivalent posts would be created to support the proposed 'move-on' accommodation.
- 1.11. The application is supported by a Design and Access Statement, Planning Statement, Transport Technical Note, Preliminary Ecological Appraisal with Preliminary Roost Assessment, Bat Survey, Arboricultural Survey and Impact Assessment, Flood Risk Assessment and Drainage Strategy and a Demolition Survey.
- 1.12. Site area: 0.5Ha.
- 1.13. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a two storey/three storey residential facility for the YMCA located at the junction of Bunbury Road, Church Road and Heath Road South. The property occupies a prominent position within the road and has a linear layout that projects along Bunbury Road. The site is accessed via a pedestrian entrance directly from Bunbury Road, adjacent to which is a dedicated access to a limited number of parking spaces to the front. The main vehicular access is via a dedicated entrance also off Bunbury Road, at the eastern edge of the site, which provides access to the car park and all existing buildings on site. An emergency only controlled access is provided to the north eastern corner of the site via Heath Road South, a residential cul-de-sac. The site provides direct-access accommodation that is staffed 24 hours a day, along with shared kitchens and living spaces and laundry facilities. Office and reception accommodation is also provided within the main accommodation block, along with a health and training suite.
- 2.2. To the north of the main building is a detached sports hall and squash courts that form part of the YMCA facilities. The sports hall, at ground floor level, currently provides a central multi-purpose area surrounded by a number of rooms including an office and kitchen area, plus rooms for meetings and training. At first floor level is a single indoor sports hall with mezzanine viewing platform, with changing facilities provided on a mezzanine level between the two floors. All floors are currently accessed via a single staircase. The sports hall is available for use by residents and staff of the YMCA and to members of the public. Immediately to the rear of the two-storey western section of the main accommodation block, is the squash court building. This two storey building comprises two squash courts at ground floor level with toilet areas at ground and first floor.
- 2.3. Existing parking provision within the site comprises 25 parking spaces, 18 of which are located within the car park to the rear of the site, with a further 7 spaces

available within a small parking area immediately to the front of the main accommodation block.

- 2.4. The surrounding is largely residential, with St Laurence Church Infant School adjoining the northern boundary of the site. To the east and west of the site, and facing the site on the south side of Bunbury Road are a variety of residential properties comprising bungalows on Heath Road South, with two-storey houses and two and three storey blocks of flats along Bunbury Road.
- 2.5. The YMCA acquired the site from Bournville Village Trust in the 1960s, following which the main accommodation block was built, providing hostel accommodation for young men seeking work in the City. The sports hall building to the north of the site was built around the same time, providing supporting facilities for the YMCA and the local community. A squash court building was later constructed in the 1970s, which provided 2 squash courts. The courts were used by the YMCA and available to members of the public for a period of time, but given the lack of appropriate changing facilities available within the building and its significantly deteriorated condition, the courts have been redundant for a number of years.
- 2.6. By the later 1990s the use of the site changed to reflect the need to provide supported living accommodation for predominantly homeless young people unable to access conventional forms of residential accommodation.
- 2.7. More recent works within the YMCA site have included the replacement of the sports hall roof and over the last two years the major refurbishment of the main accommodation block comprising the conversion of the direct access accommodation into 64 en-suite rooms clustered around several new kitchen/living rooms.
- 2.8. [Site Location Plan](#)

3. Planning History

- 3.1. 16 April 1999. 1999/00997/PA. Planning permission granted for the renewal of roof structure and cladding and treatment to external walls.
- 3.2. 02 March 2000. 1999/03449/PA. Planning permission granted for the change of use of dining area to community cafe/information centre.
- 3.3. 10 March 2000. 1999/10997/PA. Planning permission granted for the removal of clerestory glazed band and replacement with wall cladding.
- 3.4. 10 April 2017. 2017/01280/PA. Planning permission granted for external alterations to include the installation and replacement of windows, external cladding, rendering, a new doorway to the main building, and a new window to the existing Sports Hall.
- 3.5. 1 September 2017. 2017/05897/PA. Planning permission granted for the removal of Condition 3 (Noise Study and Acoustic Protection) attached to planning approval 2017/01280/PA.

4. Consultation/PP Responses

- 4.1. Local residents, Ward Councillors, Resident Associations and MP notified. Site and press notices posted. Two letters of objection from local residents and one letter of

comment received from St Laurence Church Infant School. The objections are based on the following issues:

- Privacy issues re new 4-storey development -overlooking of adjoining boundary with the YMCA.
- A 4-storey development, with the usage proposed, is not in keeping with the current residential area.
- Any increase in traffic, due to more residents / less on-site parking, will create an even more hazardous traffic situation at an already very difficult spot - re the local schools, traffic lights, bus stop, drive entrances, pedestrians, etc.
- Overlooking of adjacent infant school – child safety issues.
- The 'YMCA' has always been a supported accommodation homeless project. It has had extensive work completed on the outside and is currently empty. How many rooms is this now and is it the same as before? When will people be moving back into here? Is it a direct access hostel? Will it be staffed 24 hours? If yes, is this sleep in staff, concierge or security staff? Are there any exclusions to the client group? e.g. offenders, current drug users not stable and accessing support? Registered sex offenders? How long is length of stay? Who now owns the original YMCA building? Is this the same people who will own and lead on the support of the new building for 22 people? Will security cameras be added to the outside of any of the premises to offer reassurance to local residents?

- 4.2. The letter of comment received from St Laurence Church Infant School stated that discussions had taken place between the school and the YMCA and concerns were raised regarding overlooking of the playground. The submitted plans try to address this.
- 4.3. West Midlands Fire Service – No objection.
- 4.4. Transportation – No objection. This application relates to the existing YMCA site fronting to Bunbury Road, at the junction with Church Road, close to the centre of Northfield. The demolition of redundant squash court building and construction of a four storey building to provide 27 self-contained 'move on' accommodation units (Sui Generis), extension and internal refurbishment of existing sports hall building to provide a new entrance and disabled lift access, plus provision of associated on-site parking and infrastructure is proposed. There are 27 existing parking spaces within the site, increasing to 43 spaces as part of this scheme, being an additional 16 spaces. Regular buses serve this location throughout the day. There are no objections to the proposed additional residential units within this site. It is explained this 'move on' accommodation is a transition between homeless hostels & independent living. Supporting information states 'YMCA's experience of such accommodation indicates that car ownership amongst residents is typically low (only 20%) and accordingly the level of corresponding trip generation will also be low as a result. It is considered the expanded car park should be adequate to cater for the new use in addition to the existing demand at the site. A 12 hour weekday survey of the site revealed the highest level of parking reached within the site was 18 cars. 27 covered cycle parking spaces are to be installed and the good public transport links serving this location are acknowledged.
- 4.5. Severn Trent Water – No objection subject to the inclusion of a drainage condition.
- 4.6. Lead Local Flood Authority – No objection subject to sustainable drainage conditions.

- 4.7. West Midlands Police – No objection. The site is policed by Northfield Neighbourhood team and calls for service are high. On Bunbury Road alone in the past 12 months there have been 114 calls to the emergency services. Of these calls there were 35 recorded crimes, including 2 criminal damage, 4 vehicle crimes, 5 assaults and 3 burglaries. It has become evident that by their very nature, such developments have provided accommodation for a transient local population that has undermined community stability and cohesion. Residents tend to stay in the ward for approximately 6 months, often leading to a lack of engagement. The fact that strangers are going to live in such close proximity and share some basic amenities can be a recipe for discord and can offer opportunity for crime and disorder. With the intended communal activities (yoga etc.) and help for residents this can hopefully be avoided and this is supported. Boundary treatment will be robust and will clearly define public and private spaces. Any external furniture (including the bin store and pergola) should be of a fire retardant material, coated with anti-graffiti paint and should be positioned so as not to create a climbing aid. All outdoor amenity space, including car park and cycle storage should be subject of a lighting scheme. I note that there will be 43 car parking spaces and 23 bicycle storage spaces; these should be covered by a CCTV system. Internal communal areas should also be subject of a robust access control system (for staff areas) and covered by CCTV.
- 4.8. Regulatory Services – Awaiting response.
- 4.9. Sport England – No objection. The site is not considered to form part of, or constitute a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No.595), therefore Sport England has considered this a non-statutory consultation. As I understand it, the proposal involves the loss of an existing block containing 2 squash courts; however this facility is understood to have been closed since around 2011 due to its condition.

I understand that the existing sports hall was originally constructed in 1964 and was refurbished in 2002, so it's likely that the facility is now in need of further refurbishment. I understand that the facility plays a role as part of the supply of sports halls that are accessible to the general public on a pay and play basis in the local area. Like many of the City's sports halls, Sport England's Facilities Planning Model indicates that the facility is likely to be operating at 100% capacity, notwithstanding its age (which can then impact on the attractiveness to users). In practice, this is likely to mean that the facility is already above comfortable capacity and that it's difficult to access a court at peak times. In this context, there would be a case for seeking a section 106 contribution for investment in replacement provision to mitigate the loss of the squash courts.

However, given that Birmingham does not currently have an assessment of demand and supply of sports halls (i.e. A Built Sports Facilities Strategy), and I'm not aware of any specific programme within Birmingham at this time to invest in its sports hall stock (unlike swimming pools where there has been significant investment, including within Northfield), unless there are any specific local priorities for the Council, it may be that a suitable project for investment in sports hall provision could not be identified at this time.

The proposals to improve disabled access, and to undertake other improvements to the quality of the existing facilities are positive, and so Sport England is be generally supportive of measures that help improve the experience for existing users.

- 4.10. Local Services – No objections to the application. This accommodation would qualify as social / supported type housing and therefore would not be subject to any off-site contributions.

5. Policy Context

- 5.1. BDP; Saved Policies of the UDP, NPPF, NPPG, Affordable Housing SPG, Places for Living SPG, Specific Needs Residential Uses SPG; Car Parking Guidelines SPD.

6. Planning Considerations

Background

- 6.1. Since 1849, YMCA Birmingham has been serving local people in locations across the City including providing over 250 units of supported and 'move-on' accommodation to people who have been homeless, helping them to live independently. It also provides training for disadvantaged people and for businesses, three children's nurseries and community facilities for hire (including sports provision).
- 6.2. The YMCA provides a range of types of accommodation – emergency accommodation for people experiencing a crisis; supported accommodation for those who could benefit from a bit of extra support; and move-on accommodation for those people who need an affordable place to live, but are capable of living independently.

Policy Context

- 6.3. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Paragraph 17 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 BDP similarly supports a more sustainable pattern of development by re-using brownfield sites in suitable locations.
- 6.4. The NPPF, at Paragraphs 47-50, 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.
- 6.5. Policy TP27 of the BDP explains that new housing in Birmingham is expected to contribute to making sustainable places by offering: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities within easy reach; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources and the use of green infrastructure; attractive, safe and multifunctional public spaces for social activities, recreation and wildlife; and effective long-term management of buildings, public spaces, waste facilities and other infrastructure.
- 6.6. With respect to the location of new housing, Policy TP28 of the BDP explains that proposals for new residential development should be located in low flood risk zones; be adequately serviced by existing or new infrastructure which should be in place

before the new housing is provided; be accessible to jobs, shops and services by modes of transport other than the car; be capable of land remediation; be sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP. Policy TP31 seeks the provision of 35% affordable housing on schemes that provide 15 or more residential units.

- 6.7. Paragraphs 3.14D-E of the Saved Policies of the UDP explain that new housing development should be designed in accordance with good urban design principles. Policies PG3 and TP27 of the BDP also confirm the importance of place making and creation of sustainable neighbourhoods. Policy TP30 details density requirements and states that in areas well served by public transport developments should achieve at least 50 dwellings per hectare and elsewhere a minimum of 40 dwellings per hectare. The Council's Places for Living SPG encourages good quality residential accommodation in attractive environments. It contains a series of urban design principles with emphasis to assessing context and responding positively to local character.
- 6.8. Policy TP6 of the BDP requires that as part of their Flood Risk Assessment (FRA) and Sustainable Drainage Assessment developers should demonstrate that the disposal of surface water from the site will not exacerbate existing flooding and that exceedance flows will be managed. Sustainable Urban Drainage Systems (SuDS) should also be utilised in order to minimise flood risk.
- 6.9. Policy TP11 relates to sports facilities and identifies that they will be protected from development unless it can be demonstrated that they are surplus to requirements. Proposals for new facilities or the expansion/enhancement of existing facilities will be supported.
- 6.10. Paragraph 170 of the NPPF states that the planning system should recognise the wider benefits of ecosystem services, minimise impacts on biodiversity, provide net gains in biodiversity where possible and contribute to the Government's commitment to halt the overall decline in biodiversity (including by establishing coherent ecological networks that are more resilient to current and future pressures). Policy TP8 of the BDP similarly identifies that all development should, where relevant, contribute to enhancing Birmingham's natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets.

Principle

- 6.11. The proposed development would see the improvement of an existing sports facility, the loss of an existing sports facility (addressed below) and the construction of 27 self-contained move-on residential apartments to be operated as part of the wider YMCA facility on Bunbury Road. The site is located within walking distance of Northfield District Centre and is located in a primarily residential area. The units would be available for Social/Affordable Rent offering a further mix to the local housing supply. The accommodation would also continue to address homelessness as an issue within the City and assist in alleviating its occurrence/reoccurrence. As such, I consider the principle of the move-on accommodation in this location to be acceptable and in accordance with both planning policy. The works to sports facilities are welcomed.

Design, Layout and Scale

- 6.12. The proposed move-on accommodation block would be visible from Bunbury Road however due to the existing site levels being lower to the rear of the site, and the existing building screening the rear of the site, the majority of the residential block would be screened from Bunbury Road. It would however be seen from the neighbouring school to the north of the site. Despite this, the height of the proposed block would not be incongruous to its surroundings.
- 6.13. The residential block has been designed to sit comfortably within its surroundings. The proposed easterly units are angled to reduce any overlooking impact to adjacent properties. The north-east facing units have also been angled so that views across the school grounds are limited. The building would be lower than the adjacent sports hall building and only slightly higher than the fourth storey of the existing residential block.
- 6.14. City Design consider that the design incorporates positive architectural solutions' such as the entrance to the residential units through a central, deck access door, which would allow for security and safety measures. The central three-storey high space is considered an encouraging feature allowing natural daylight to enter the space and forming a positive living environment. Although the angled element of the exterior of the new accommodation is not ideal it is understood this is necessary to mitigate the overlooking issues with the neighbouring properties at Bunbury Road. Whilst this architectural solution is usually discouraged, when considering the siting and location of the building (being lower than the sports hall) and limited views to the rear of this part of the site; it is considered acceptable to reduce the issue of overlooking.
- 6.15. As such, I consider the scale and design of the proposed new residential block to be acceptable. I also consider the design of the external works to the existing sports block to be acceptable.
- 6.16. The proposed accommodation would see a mix of studios and one-bedroom apartments that would all be 28sq.m in size. This would fall below the 37sq.m required by the Technical Housing Standards for C3 uses, albeit that these would fall under a sui generis use. However, these have not been adopted by the Local Planning Authority but provide a useful guide. They would however, exceed the internal standards outlined in the Specific Needs Residential Uses SPG whereby the studios would require a minimum floor area of 15sq.m. In this instance, the accommodation remains of a temporary tenure. Each resident would have been 'moved-on' from existing YMCA accommodation when they are considered able to live independently following a period of homelessness and moved into the proposed YMCA 'move-on' accommodation. The applicant identifies that tenants would likely stay between 6 months and two years. As such, the accommodation is still provided on a temporary nature, as per the existing YMCA accommodation. The units would provide necessary accommodation in the form of a shower room/WC; kitchen, bedroom area and living area. All other facilities including laundry are provided centrally either within the new block or within the existing YMCA facility. Existing facilities include communal kitchen, dining room, lounge and games room (with TV, pool and table tennis tables) and the sports facilities; alongside the existing support facilities that are offered by the YMCA. On this basis, I consider that the standard and size of the accommodation to be provided is acceptable on the provision that they are only occupied by YMCA residents and operated/managed by the YMCA. A safeguarding condition to secure this is recommended below. The accommodation is a necessary requirement in assisting in the reduction of homelessness within the City.

Impact on Existing Occupiers

- 6.17. The proposed move-on accommodation would have windows in both the north and east elevations that would subsequently face the infant and junior school to the north and 196 Bunbury Road garden to the east. The north facing windows would be obscurely glazed and would relate to a kitchen window in the studio apartments and to the bedroom window in the one-bedroom apartments. Both of the rooms to which these windows relate have other light sources/windows that do not require obscure glazing. A 10-12m separation distance to the boundary with the school from these windows is achieved. This falls below the 5m per storey guideline in Places for Living. These windows have been obscurely glazed to prevent overlooking of the adjacent school and this issue has been addressed by the applicant following discussions regarding their proposal with the school.
- 6.18. In relation to an impact on the adjacent property at 196 Bunbury Road, the residential block would be sited approximately 13m from the site boundary to the east. Therefore, in terms of shadowing, the proposed development may shadow part of the rear garden in the evening when the setting sun would be in the west. In terms of overlooking, the east elevation windows would be located approximately 12-14m from the site boundary. These windows are small side facing windows and although not proposed to be obscurely glazed, I recommend a condition securing this where they fall below the distance separation.
- 6.19. On the basis of the design and the use of obscure glazing; I consider the proposal to be acceptable and that it would have limited impact on adjacent residential amenity. In terms of overlooking of the adjacent school; the design and orientation has limited overlooking as much as possible and a minimum of 10m separation to the boundary would be provided. The adjacent school does not object to the proposal and acknowledges that their initial concerns have been taken into consideration. On this basis, I consider the proposal to be acceptable and have limited impact on the adjacent school.

Sports Facilities

- 6.20. Policy TP11 identifies that sports facilities will be protected from development unless it can be demonstrated that they are surplus to requirements. Proposals for new facilities or the expansion/enhancement of existing facilities will be supported. The proposed development would see the loss of two squash courts that have not been used since 2011 as they are no longer fit for purpose along with the upgrade of the existing sports hall facility to enable disabled access along with changing facilities.
- 6.21. Sport England, in this instance, as a non-statutory consultee, identify that the 2 squash courts have been closed since around 2011 due to their condition and that the sports hall was originally constructed in 1964 and was refurbished in 2002, so it's likely that the facility is now in need of further refurbishment. The facility plays a role as part of the supply of sports halls that are accessible to the general public on a pay and play basis in the local area. Like many of the City's sports halls, the facility is likely to be operating at 100% capacity, notwithstanding its age (which can then impact on the attractiveness to users). In practice, this is likely to mean that the facility is already above comfortable capacity and that it's difficult to access a court at peak times. In this context, Sport England consider that there would be a case for seeking a section 106 contribution for investment in replacement provision to mitigate the loss of the squash courts. However, as the City Council does not currently have an assessment of demand and supply of sports halls and there is not a specific programme at this time to invest in the Birmingham sports hall stock it is

unlikely that a suitable project for investment in sports hall provision can be identified at this time.

- 6.22. As such, Sport England raise no objections to the demolition and loss of the two squash courts and are supportive of the proposals to improve disabled access, and to undertake other improvements to the quality of the existing facilities. Local Services raise no objection regarding the loss and as such, I consider that the improvements proposed are necessary, required and will significantly improve the existing facilities. The loss of the squash courts is regrettable but, on the basis that a financial contribution to mitigate their loss has not been sought by Local Services and no strategic plan exists for the improvement of existing City facilities, I consider that the proposal accords with policy and that no financial contribution is required.

Ecology/Trees

- 6.23. The application is supported by a Preliminary Ecological Appraisal, Bat Survey and an Arboricultural Survey and Impact Assessment. These identify that the site is dominated by buildings and hardstanding. Vegetated habitats comprise areas of amenity and poor semi-improved grassland, mature boundary trees, species-poor hedges and areas of ornamental shrubs.
- 6.24. The squash court was assessed as having low suitability for roosting bats due to the presence of multiple gaps where hanging tiles are missing. Other built structures were assessed as having negligible suitability for roosting bats, although a damaged fascia board (heavily cobwebbed) was noted around the garage (building B1). No evidence of bats was noted during the daytime inspection of buildings. Due to its assessment as having low suitability for roosting bats, the squash court was subject to a single dusk emergence survey in June 2019. No bats were recorded emerging from this building during this survey, but low levels of foraging and commuting activity by common pipistrelles were detected around the north-eastern/eastern boundary of the site. The City Ecologist has determined that no further bat surveys are required in support of the application, but demolition should proceed with caution, and the squash court's roof materials should be dismantled by hand.
- 6.25. Two mature turkey oaks (identified as G2 in the Preliminary Ecological Appraisal and T16 and T17 in the tree survey) were assessed as having moderate suitability for roosting bats due to the presence of cavities in the trees' trunks. These trees would be retained as part of the proposals.
- 6.26. The City Ecologist raises no objection to the proposed development subject to safeguarding conditions relating to implementation of recommendations made in both the bat survey and the preliminary ecological appraisal; installation of bird and bat boxes and biodiversity enhancement. I concur with their view and the relevant safeguarding conditions are recommended below.
- 6.27. The application is supported by an Arboricultural Survey and Impact Assessment. This surveyed 19 individual trees, 3 hedgerows and 1 group. These included 1 Category A, 13 Category B and 4 Category C trees; 3 Category C hedgerows, and 1 Category C tree group. The proposal would see the removal of a small section of a Category C Beech hedge and a Category C Silver Birch.
- 6.28. The Arboricultural Officer has no objection to the proposed removal of the small section of Beech hedging or the Silver Birch as identified in the tree survey and constraints plan. The hedge is of low amenity value and is not retainable within the proposal. The birch is also of lower value and its removal allows retention of better

quality trees. They do however raise a concern regarding the proposed additional car parking within the root protection area of the Category A Turkey Oak. This significant sized tree already has approximately 90% of its root protection area covered by hardstanding and it is competing for resource with the adjacent Category B Turkey Oak. The proposed area of additional car parking for 6 cars, while proposed to be of a no dig construction, comes too close to the trunk and as such, they consider that two spaces should be removed from the proposal and retained as soft landscape. I consider this to be an acceptable compromise regarding the impact on the Category A tree and a condition is recommended below relating to the removal of the proposed two car parking spaces.

Highway Impacts, Access and Parking

- 6.29. A transport technical note was submitted in support of the application. This identifies that the proposed development would have modest traffic generation and the access to the site would remain as existing. The proposals would see the reconfiguration of the existing car parking arrangements, which are currently largely ad-hoc. There are currently 27 existing parking spaces within the site, increasing to 43 spaces as part of this scheme. Regular buses serve this location throughout the day.
- 6.30. Transportation raises no objections to the proposed additional residential units within this site. The proposed 'move on' accommodation is a transition between homeless hostels & independent living. Supporting information states 'YMCA's experience of such accommodation indicates that car ownership amongst residents is typically low (only 20%) and accordingly the level of corresponding trip generation will also be low as a result.' Transportation considers that the expanded car park should be adequate to cater for the new use in addition to the existing demand at the site. A 12 hour weekday survey of the site revealed the highest level of parking reached within the site was 18 cars. 27 covered cycle parking spaces are to be installed and the good public transport links serving this location are acknowledged.
- 6.31. Following further discussion regarding the loss of two spaces relating to the impact on the Category A Turkey Oak tree, Transportation considers this to be acceptable. I concur with this view. This would ultimately see the provision of car parking on site increase to 41 rather than the 43 as proposed.
- 6.32. I note the objection raised regarding the potential increase in traffic and less on site car parking provision that would result from the proposed development. Due to the nature of the use proposed, it has already been determined that the use as existing and proposed would generate a very low number of trips and the residents themselves do not own cars thereby having no impact on existing traffic. The proposal also seeks to increase the parking provision on site rather than reduce it. As such, I consider the proposal acceptable and that the objection raised on highway/parking grounds to have limited merit in the determination of the application.

Other Issues

Flooding

- 6.33. The application is supported by a Flood Risk Assessment and Drainage Strategy which identifies that the proposal would increase the foul water discharge from the site utilising the existing 225mm sewer however, the existing system has sufficient capacity for this. It assessment also identifies that the proposed development would increase the hard standing on site to approximately 440sq.m and permeable paving is proposed. The site is located within Flood Zone 1.

- 6.34. No objection to the proposed development is raised by the Lead Local Flood Authority subject to a number of sustainable drainage conditions. Severn Trent Water has also raised no objection subject to a detailed drainage condition. I concur with their views and the relevant drainage safeguarding conditions are recommended below.

Affordable Housing

- 6.35. Policy TP31 of the BDP seeks the provision of 35% affordable housing on schemes proposing 15 units or more where residential developments would fall within the C3 residential Use Class. The application seeks planning permission for 'move-on' accommodation provided and operated by the YMCA in association within the existing YMCA. The YMCA provides supported housing across the Country for people who are unable to live independently and require accommodation and support. The YMCA supports those who are homeless, vulnerable, care-leavers, ex-offenders or have young children. The proposed 'move-on' accommodation would provide housing for people who have previously been accommodated within the main YMCA building and are ready to move forward and become more independent whilst still being able to utilise the support provided on site. This would also include support for the City's homeless young people to try and assist in reducing the reoccurrence of being homeless. Whilst the proposed development would technically provide self-contained accommodation within the C3 Use Class, its provision and operation by the YMCA alongside the support and assistance that would still be provided to the occupants of the accommodation would also technically place the proposed accommodation as supported accommodation within the sui generis use class (for which planning permission is sought). As such, I consider that no affordable housing provision would be required to be provided in this instance.

Community Infrastructure Levy

- 6.36. The proposed development does not attract a CIL contribution.

Objections Raised

- 6.37. I note in Paragraph 4.1 above that objections received included a number of questions. These have been discussed with the applicant and the issues raised are addressed below. The YMCA do not intend to hold further consultation meetings on the basis that all consultation responses received in relation to the planning application had been responded to and revised information submitted to address this. The consultation flyers circulated to local neighbours confirmed that comments would be welcomed and this could be either directly via the YMCA or through the formal consultation on the application. The scheme manager was provided with a set of drawings should members of the public have requested to see them.
- 6.38. The 'YMCA' is a supported accommodation homeless project. It has had extensive work completed on the outside and inside. The project is not empty, although affected rooms were obviously emptied temporarily whilst the refurbishment – internal as well as external - took place. It is now fully occupied, and the number of bedrooms has been reduced from 72 prior to the refurbishment to 64 now. The existing building now serves a similar client group as prior to the refurbishment, with most residents referred by Birmingham City Council. A minority were previously rough sleeping. All residents are subject to a needs and risk assessment to protect all concerned. The new building will not be accessed directly, but is intended for people currently living in the existing building or similar supported housing projects who have proved themselves to be responsible and considerate. The existing

building will continue to be staffed 24 hours with a concierge who stays awake all night monitoring CCTV and making regular patrols of the building and site. The concierge will also monitor CCTV in the new building and patrol the site regularly.

- 6.39. The YMCA excludes those people from accessing the service that are deemed to be a risk to the public, including serious offenders such as arsonists, sex offenders and drug/alcohol users who are not accessing and engaging with support. Possession and use of drugs on site is strictly forbidden. The same exclusions would apply to the new building, although it should be noted that the new accommodation is for those who have previously lived at the YMCA or similar supported housing for several months who have proven themselves to be responsible and considerate of others. In the main building, length of stay is typically 3-12 months. We expect the length of stay in the new building to be approximately 1-2 years, by which time tenants should be capable of living completely independently. The original building continues to be owned by YMCA Birmingham, who will also own the new building. The whole site is already covered by CCTV, and additional cameras will be added to ensure there are no “blind spots” created by the new building. A condition requiring details of CCTV is recommended below.

7. Conclusion

- 7.1. The development of the site for supported ‘move-on’ accommodation accords with both national and local planning policy. The proposed development would provide residential accommodation within the City boundary provided and operated by the YMCA to assist in reducing homelessness within the City; would not have an adverse impact on the adjacent residential/school amenity and would have a beneficial impact on the character and amenity of the surrounding area.
- 7.2. I note that key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three principle stems of economic, social and environmental. The proposal would see the provision of 27 supported housing ‘move-on’ units set at affordable/social rent levels which, would in turn, provide economic and social benefits and assist in reducing homelessness. The proposal would also see the refurbishment of existing sports/community facilities to enable them to be accessed by all members of the community. The development would support the provision of local employment in construction and operation and would not have an adverse environmental impact. As such, I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

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

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the agreed mobility access to be maintained |
| 3 | Requires the submission of unexpected contamination details if found |
| 4 | Requires the prior submission of a sustainable drainage scheme |
| 5 | Requires the prior submission of a drainage scheme |
| 6 | Requires the submission prior to occupation of the properties of a Sustainable |
-

	Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
7	Development in Accordance with Preliminary Ecological Appraisal and Preliminary Roost Assessment.
8	Requirement for Further Bat Survey if Work Not Commenced by Jun 2020.
9	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
10	Requires the prior submission of details of bird/bat boxes
11	Limits the noise levels for Plant and Machinery
12	Requires obscure glazing for specific areas of the approved building
13	Requires the submission of hard and/or soft landscape details
14	Requires the submission of a landscape management plan
15	Requires the submission of a lighting scheme
16	Requires the prior submission of a construction method statement/management plan
17	Requires the submission of sample materials
18	Requires the submission of a CCTV scheme
19	The development shall only be operated by the YMCA.
20	Requires the prior submission of a construction employment plan.
21	No consent granted for two parking spaces within the root protection area of T17
22	Requires the submission of cycle storage details
23	Requires the Submission of a Revised Tree Protection Plan
24	Requires the implementation of tree protection
25	No-Dig Specification required
26	Implement within 3 years (Full)

Case Officer: Pam Brennan

Photo(s)



Photograph 1: Existing YMCA building fronting Bunbury Road



Photograph 2: Existing squash court building – east elevation

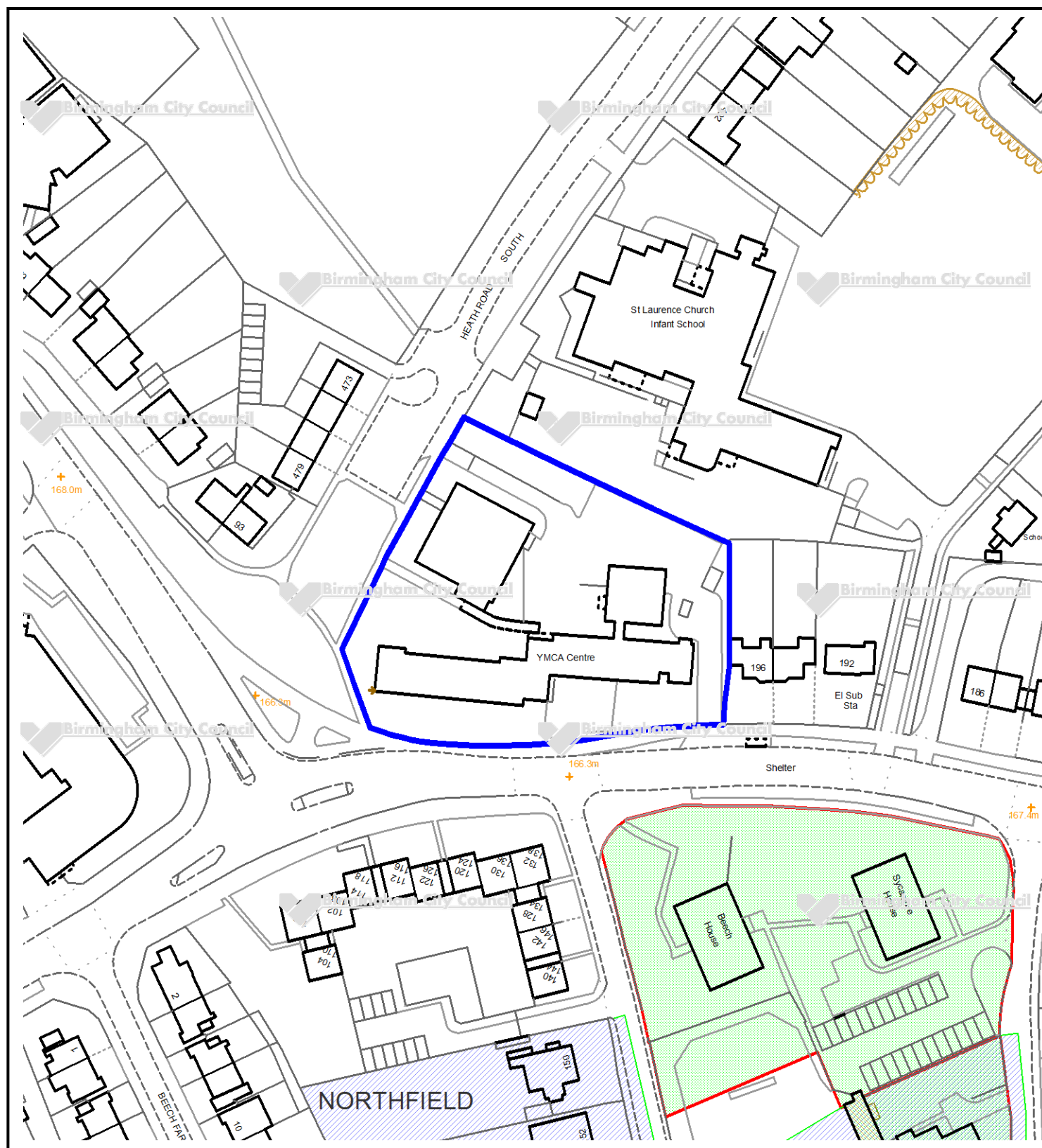


Photograph 3: Existing Squash Court Building – West Elevation and rear of YMCA



Photograph 4: Existing Sports Hall Building – East and North Elevations

Location Plan



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Report back following Site Visit 03 October 2019

Committee Date:	26/09/2019	Application Number:	2019/04459/PA
Accepted:	03/06/2019	Application Type:	Householder
Target Date:	26/09/2019		
Ward:	Edgbaston		

7 Pakenham Road, Edgbaston, Birmingham, B15 2NE

Erection of single storey rear extension.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Permission is sought for the erection of a single-storey rear extension.
- 1.2. The proposed rear extension would span the entire width of the house (approximately 17 metres) and be 'staggered' in terms of depth. At its greatest extent the length (depth) of the rear extension would be approximately 15 metres. It would be single-storey with a ridge height of approximately 3.2 metres. The proposed rear extension would facilitate the creation of an indoor swimming pool, 1no. bedroom with ensuite, gym and large sitting area.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site contains a late 19th Century detached residential dwelling located within a residential area comprising properties of varying size and architectural styles.
- 2.2. The application property is a not listed but forms part of the setting of a number of listed buildings along Pakenham Road and Gough Road (that is to the rear of the application site). For instance, immediate neighbouring properties Nos. 6 and 8 Pakenham Road are both Grade II Listed Buildings. The application site is within the designated Edgbaston Conservation Area.
- 2.3. [Site Location Plan](#)

3. Planning History

- 3.1. No planning history

4. Consultation/PP Responses

- 4.1. Site and press notice displayed. Neighbours and local councillors consulted. A total of 7 objections received during the public consultation period. To summarise, the cited grounds for objection are as follows:

- Proposed rear extension would be out-of-keeping with the conservation area and neighbouring listed buildings.
- The proposed rear extension would lead to unacceptable loss of light and outlook to the living rooms at the rear of neighbouring No. 6 Pakenham Road.
- The proposed rear extension would adversely impact the enjoyment of an existing rear patio area for the occupant(s) at No. 6 Pakenham Road.
- A rear extension of this size and design will be detrimental to the character of the surrounding homes and the conservation area. It would amount to an over-development of the application site.
- Existing outbuildings at the application property should be retained.
- Party wall issues and adverse impact on neighbouring property values.
- Badminton Court would risks disturbance to wildlife and could adversely affect existing trees.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (2017)
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
- Places for Living (2001)
- Extending your Home (2007)
- The Edgbaston Conservation Area Character Appraisal (ECACA)
- The 45 Degree Code (1996)

5.2. The following national policies are applicable:

- Planning (Listed Buildings and Conservation Areas) Act 1990
- NPPF: National Planning Policy Framework (2019)

6. Planning Considerations

6.1. This application has been assessed against the objectives of the policies as set out above.

6.2. Amended plans were supplied during the course of assessing this application to alter the size, design and appearance of the proposed rear extension. This followed Officer concerns that the initial proposal would have an adverse impact on neighbouring amenity. The initial submission also included proposals to alter the front porch of the house and lay a badminton court in the rear garden. These have now been withdrawn from this application so do not form part of this assessment.

6.3. **Policy:**

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

6.5. BDP policy TP12 states that “Great weight will be given to the conservation of the City’s heritage assets. Proposals for new development affecting a designated or

non-designated heritage asset or its setting ...will be determined in accordance with national policy.”

- 6.6. NPPF paragraph 193 states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.”

- 6.7. NPPF paragraph 194 states that, “Any harm to, or loss of, the significance of a designated heritage asset ... should require clear and convincing justification.”

6.8. Impact on Heritage Assets:

- 6.9. The site is within the designated Edgbaston Conservation Area and the setting of several listed buildings including neighbouring Nos. 6 and 8 Pakenham Road. As such, there is a requirement to assess the impact of the proposed development upon the character and appearance of these heritage assets.

- 6.10. The Council’s Conservation Officer has been consulted on this application. Initial Conservation Officer comments raised concerns with the originally proposed replacement front porch and badminton court in the rear garden. However, after discussions these proposed works were withdrawn from the application.

- 6.11. In respect to the proposed rear extension the Conservation Officer noted:

“The majority of the proposed works are to the rear of the property and therefore will have little visual impact on the overall character and appearance of the conservation area. However, although this building is not listed it is surrounded by listed buildings to the sides and rear and therefore forms part of the setting of these buildings making the application site more sensitive. A number of the neighbouring listed properties also have rear extensions, some of which are two-storey and although this extension is quite large in both depth and width, it is single storey which reduces the impact on the setting of the listed buildings. Taking account of this I consider that this extension could be tolerated.”

- 6.12. I share the view of the Conservation Officer that the proposed rear extension is acceptable. The proposed extension is substantial in scale but it would be subordinate to the main house and not visible from public vantage points. The Conservation Officer considers that there would not be harm to the setting of nearby listed buildings or to the character and appearance of the Edgbaston Conservation Officer. I am satisfied that the scale, massing and appearance of the amended proposal respects the style and design form of the main house and would not harm the character of the streetscene of significance of the conservation area.

- 6.13. The Conservation Officer has recommended that any grant of planning permission impose conditions requiring the applicant to submit to the Council sample materials and full architectural and specification details for the proposed works. I am satisfied that these conditions would pass the six tests for conditions outlined within the NPP.

6.14. Scale, massing, layout and design:

- 6.15. In terms of scale, massing, layout and design the revised proposal is considered acceptable. The rear extension would be single-storey and subservient to the main house. The materials chosen would be respectful to the main house. I do not identify harm to the architectural appearance of the dwelling nor the visual amenity

of the surrounding area. As such, the proposed development is in accordance with 'Extending Your Home' and 'Places for Living'.

6.16. Impact on Neighbouring Amenity:

6.17. The proposed development complies with the 45 Degree Code and the numerical guidelines contained within 'Places For Living' and 'Extending Your Home.' The rear extension complies with the 21.5m separation distance between facing buildings and leaves over 70sq.m. of private amenity space. Therefore, I am satisfied there will be an acceptable impact on neighbouring amenity.

6.18. Other Matters:

6.19. A number of objectors have raised potential party wall issues and concerns that the proposal would have a harmful impact on local property values. I sympathise with such concerns but these are not material planning considerations.

6.20. Several respondents have also raised concern that the originally proposed badminton court could have a detrimental impact on existing trees and local wildlife i.e. badgers. Proposals for a badminton court were ultimately withdrawn from this application. However, provided certain size thresholds and materials criteria are abided by then the applicant could lay a badminton court under Permitted Development Rights.

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

7. Conclusion

7.1. This application is recommended for approval. There are no sustainable grounds upon which to recommend refusal of the proposal.

8. Recommendation

8.1. Approval subject to the following conditions:

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires that the materials used are in accordance with the submitted application form and approved plans. |
| 3 | Requires the prior submission of further details |
| 4 | Requires the prior submission of materials |
| 5 | Implement within 3 years (Full) |
-

Case Officer: Richard Bergmann

Photo(s)



Photo 1. View towards rear elevation of application property.

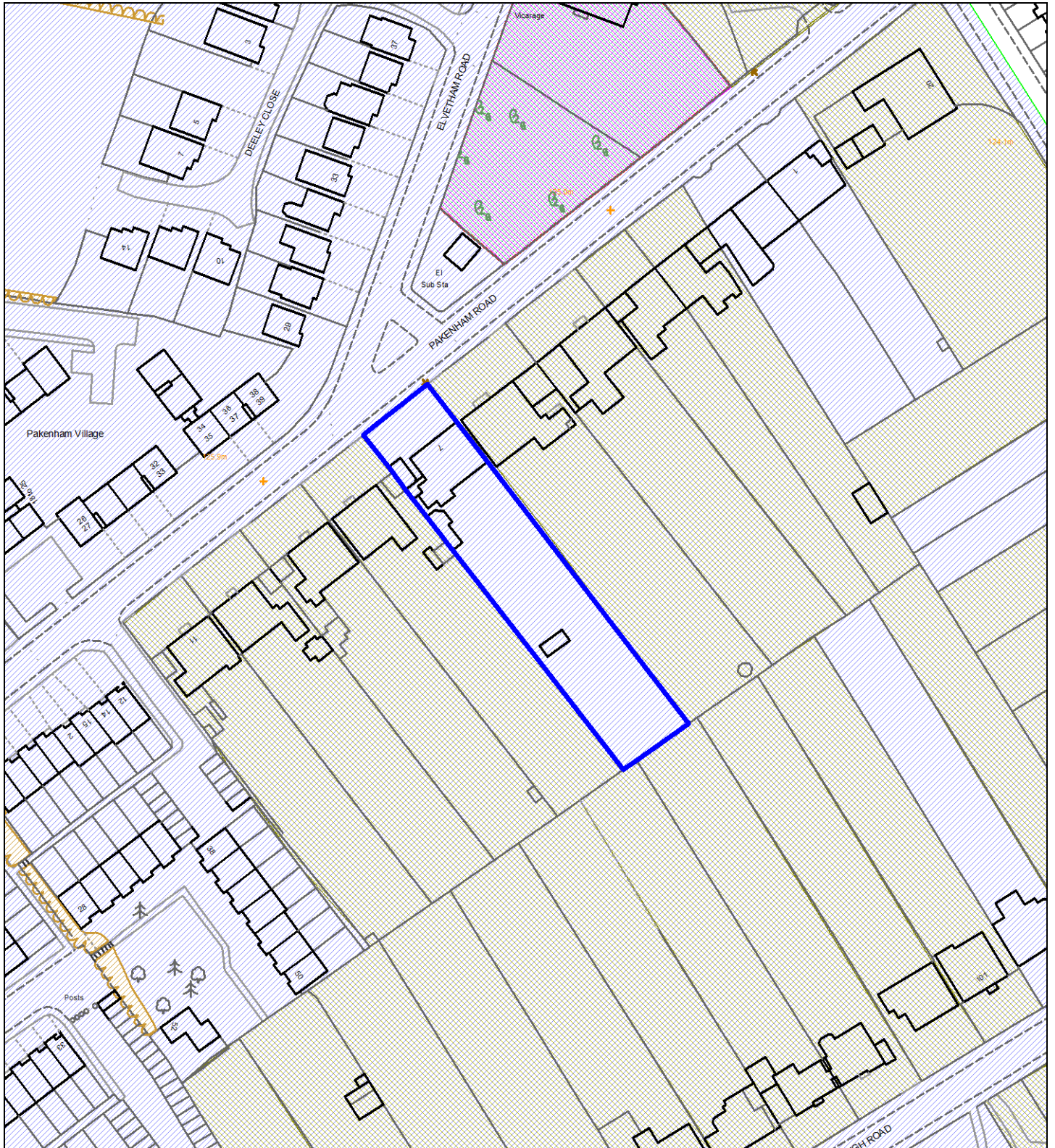


Photo 2. View towards No. 8 Pakenham Road from rear garden of application property.



Photo 3. View towards No. 6 Pakenham Road from rear garden of application property.

Location Plan



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