

# **Birmingham City Council**

## **Planning Committee**

**05 July 2018**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	9	2017/08883/PA  Land at Lea Hall Allotments and Institute Ltd Wood Lane Handsworth Wood Birmingham B20 2AP  Redevelopment of Lea Hall allotments to provide 107 dwellings (use class C3) relocated allotment space, public open space including play area, parking, altered access from Wood Lane, landscaping and associated works.
Determine	10	2018/01365/PA  Boldmere Sports and Social Club Boldmere Road Sutton Coldfield Birmingham B73 5HQ  Variation of Condition No. 6 attached to planning application 2009/05515/PA to extend opening hours to 1000-0000 (midnight) hours Monday to Thursday, 1000-0100 hours Friday and Saturday and 1000-2300 hours on Sunday.
Approve - Conditions	11	2017/08888/PA  Land to rear of 36-40 Ebrook Road Sutton Coldfield Birmingham B72 1NY  Erection of 6 no. two storey houses with associated car parking and landscaping (Option 1)

Approve - Conditions	12	2017/08886/PA  Land to rear of 36-40 Ebrook Road Sutton Coldfield Birmingham B72 1NY  Erection of 6no. two storey houses with associated car parking and landscaping (Option 2)
Approve - Conditions	13	2018/02013/PA  Deanery Church of England Primary School 14 Fox Hollies Road Sutton Coldfield Birmingham B76 2RD  Construction of part of existing school playing field into a multi use games area (MUGA).

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Committee Date:	05/07/2018	Application Number:	2017/08883/PA
Accepted:	01/03/2018	Application Type:	Full Planning
Target Date:	31/05/2018		
Ward:	Handsworth Wood		

Land at Lea Hall Allotments and Institute Ltd, Wood Lane, Handsworth Wood, Birmingham, B20 2AP

Redevelopment of Lea Hall allotments to provide 107 dwellings (use class C3) relocated allotment space, public open space including play area, parking, altered access from Wood Lane, landscaping and associated works.

Applicant:	Countryside Properties (UK) Ltd c/o Agents
Agent:	WYG 54 Hagley Road, 3rd Floor, Edgbaston, Birmingham, B16 8PE

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Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal

1.1. Planning permission is sought for the erection of 107 dwellings, relocated allotment space, provision of public open space including play area, parking, altered access from Wood Lane and landscaping.

1.2. The proposed mix of units would comprise:

- 14 no. 2 bedroom units (13%)
- 87 no. 3 bedroom units (81%)
- 6 no. 4 bedroom units (6%)

1.3. The split of the proposed dwellings by tenure is as follows:

- 66 (62%) dwellings for open market sale
- 10 (9%) dwellings for affordable housing (shared ownership)
- 31 (29%) dwellings for private rented sector

1.4. The houses would be traditional in design and presented with a variety of gable ended and hipped roofs with varying plot widths. The layout comprises predominantly detached and semi-detached houses however there are 2 terraced blocks containing 3 units in each. The houses would be a mix of two and two and half storeys in height. A number of different house types are proposed which incorporate different design features including bay windows, brick soldier courses, brick plinths, brick window headers and cills, decorative lintels above windows and canopies above front doors. Integral garages are included on a number of the house types. Window and door reveals are framed within deep recesses.

- 1.5. The houses would be constructed using light red brick, red multi brick and buff multi brick with selected plots being partially rendered white or tile hanging with interlocking red and grey roof tiles.
- 1.6. All of the proposed 107 dwellings would meet or exceed the minimum National Space Standards of 70sqm for a two bedroom house, 84sqm for a three bedroom house and 97sqm for a four bedroom house. The two bedroom units are 93sqm, three bedroom units would range in size from 85sqm to 113sqm and the four bedroom houses would be 110sqm.
- 1.7. The internal layouts generally consist of an open planned kitchen/living/dining room, separate living room, wc/utility room at ground floor level, bedrooms, study and bathroom at first floor level and a further bedroom where a second floor is proposed.
- 1.8. The proposed development would meet or exceed the separation distance guidelines in Places for Living of 21m between building faces and 12.5m from windowed elevations to flank walls. Rear to rear separation distances would meet or exceed the 21m Places for Living guideline.
- 1.9. All but 4 of the proposed gardens would comply with the guidelines of 52sqm for two bedroom houses and 70sqm for 3/4+ bedroom dwellings in Places for Living. Two of the gardens which fall short provide 66sqm, whilst the remaining two would provide 62sqm and 69sqm respectively. The gardens are generally quite sizeable with 44% providing over 100sqm and the largest constituting 155sqm.

#### Public Open Space (POS)

- 1.10. Two areas of POS totalling 5547sqm are proposed, one wrapping around the listed Lea Hall building (2871sqm) which incorporates a children's play area (886sqm) and the other located at the entrance to the site to the south of the existing bowling green (2676sqm). Other areas such as the allotment land and attenuation basin and strip of land by the access at the front of the site have also been referred to as open space by the applicant but I have only considered the two main areas as public open space as I do not consider the other areas would be useable.

#### Reallocated Allotments

- 1.11. The reallocated allotments would amount to 5040sqm (60 plots) and would form the eastern section of the site, adjoining the rear gardens of properties off Lea Hill Road. The allotments would have gated access from the existing parking areas to the east of Lea Hall. At the northern end of the retained allotments there would be an attenuation basin and new planting, to manage surface water run off on the site and create a wildlife area adjacent to the railway line. The allotments would be implemented by the applicant however would continue to be managed by the owners of the Lea Hall Social Club which would continue to operate independently from the housing development.

#### Access and Car Parking

- 1.12. Access into the site would be shared with the Social Club and would be off Wood Lane, utilising a new access point replacing the current 'in/out' arrangement. Pedestrian access is also provided at this point. 200% car parking provision is proposed as well as most plots benefitting from integral garages.

## Boundary Treatment/landscaping

- 1.13. Boundary treatments proposed include 1.8m high acoustic close boarded fence adjacent to the railway line, 1.8m high close boarded fence on the majority of rear and side boundaries between plots and 1.8m high brick walls on plots 15, 55, 58, 65, 70, 79, 90, 91, 107. The POS would be treated with 1.1m high hooped top metal railing.
- 1.14. It is proposed to remove 17 individual trees and a group of trees forming part of TPO 1433 and TPO 1579. 120 new specimen trees are proposed as part of a detailed soft landscaping scheme for the site.
- 1.15. The application is accompanied by a Planning Statement, Design and Access Statement, Noise and Vibration Assessment, Air Quality Assessment, Heritage Assessment, Flood Risk Assessment, Ecology Assessment, Sustainable Drainage Strategy and Drainage Plan, Energy Statement, Transportation Assessment, Arboricultural Assessment, Travel Plan, Sustainable Construction Statement, Allotments and Open Space Assessment, Geo Environmental Assessment (Contaminated Land), Viability Assessment and Statement of Community Involvement.
- 1.16. The original Section 106 offer from the applicant was for an off-site financial contribution of £110,000 towards affordable housing. The Section 106 offer has been amended, resulting in 10 no. 3 bedroom affordable housing units within the development. Repairs works have also been secured to the listed Lea Hall building of £350,000 and this will be controlled through a S106 Agreement.
- 1.17. Developable area is 2.9ha and the development density would be 36 dwellings per hectare.
- 1.18. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The privately owned allotment site, measuring approximately 4.3ha in total, is roughly semi-circular in shape, and is located in a backland situation to the rear of dwelling numbers 66 to 84 on Wood Lane, Handsworth Wood. The site slopes down approximately 13m from Lea Hall to the railway line on the northern boundary.
- 2.2. Approximately 2.1ha of the allotment land is currently disused. The existing allotments have limited storage, lack of services such as standpipes for running water and no vehicular access through the site. Whilst some of the allotments appeared to be well maintained, others were overgrown with dilapidated sheds/structures. None of the trees within the allotment element of the site contain protected trees. A woodland area is located in the north eastern corner of the site.
- 2.3. Currently the site has separate ingress and egress lanes both from Wood Lane. As the site is approached from Wood Lane there is the grade II listed Lea Hall, its associated grade II listed stable block and floodlit bowling green and associated pavilion building to the south. These are not included within the red line boundary of the application site however the site forms the curtilage to the listed building. Between Wood Lane and the bowling green there is an area of unused land which contains several mature trees which are protected by a Tree Preservation Order (TPO). Further trees at the access to the site are also protected by a TPO. A third TPO is located outside the site boundary to the west of the listed Lea Hall building.

- 2.4. The surrounding area is predominantly residential with properties between 2 and 3 storeys high. There are also several large areas of public and private open space to the north and west. Perry Barr District Centre, which includes Perry Barr Railway Station and the One Stop Shopping Centre are located to the east.

2.4 [Location Plan](#)

3. [Planning History](#)

- 3.1. 01/11/2002 – 2002/04557/PA. Listed building consent for the replacement of traditional timber windows and minor repairs to Lea Hall. Approved subject to conditions.
- 3.2. 21/10/1992 - 1992/02656/PA. Erection of two lighting columns at car park. Approved subject to conditions.
- 3.3. 19/05/1988 – 11016005. Installation of sash window. Approved subject to conditions.
- 3.4. 17/12/1981 – 11016004. Erection of ground and first floor extensions to form extensions to snooker room and first floor entertainment room. Approved subject to conditions.
- 3.5. 17/12/1981 – 11016003. Erection of ground and first floor extension to the club. Approved subject to conditions.
- 3.6. 22/03/1979 - 11016002. Erection of single storey extension. Approved subject to conditions.
- 3.7. 13/06/1968 – 11016001. Toilets, Office and Store on the rear yard of Lea Hall Allotments. Approved.
- 3.8. 18/09/1952 – 11016000. Use for housing purposes. Approved.

4. [Consultation/PP Responses](#)

- 4.1. Transportation – No objections subject to conditions in relation to pedestrian and visibility splays, reinstatement of any redundant footway crossing(s) and any work relating to any street furniture and arrangement and implementation of Traffic Regulation Orders (TRO) in the vicinity of the application site and if required physical measures for conversion of Howard Rd to one-way road onto Wood Lane, prohibit waiting within the visibility splay from the proposed main access off Wood Lane and allotments institute/bowling green access and to facilitate the vehicular movements to/from these accesses.
- 4.2. Regulatory Services - No objections subject to conditions in relation to contamination remediation scheme, contaminated land verification report, noise insulation and mitigation scheme, vibration limits, vehicle charging points and construction management plan.
- 4.3. Severn Trent Water – No objection subject to condition in relation to the submission of drainage plans for the disposal of foul and surface water flows.

- 4.4. Local Lead Flood Authority – Discussions ongoing. Final comments to be reported at Planning Committee meeting.
- 4.5. Environment Agency – No objections subject to conditions in relation to ground contamination.
- 4.6. Education – Request a contribution of £756,244 for nursery, primary and secondary schools.
- 4.7. Local Services – Objection on the grounds that POS provided is too small and not located centrally enough within the development. The POS requirements for this scheme in accordance the BDP are calculated as follows; From the residential mix provided 307 people generated from the 107 residential units.  $307 \div 1000 \times 20,000$  (2 hectares per thousand of population) = 6140 square metres of POS generated. It is understood the provision of the POS space provided amounts to 2781sqm. Therefore the difference between these two figures either needs to be provided in the form of an additional 3269 sq metres of POS on site or as an off-site contribution which would be calculated as follows:  $3269 \times £65$  (average cost of laying out POS per sqm) = Total off site contribution required of £212,485. This would be spent on the provision, improvement and/or biodiversity enhancement of public open space, and the maintenance thereof at Handsworth Park within the Lozells and East Handsworth Ward.
- 4.8. Natural England – No objection and advice that based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- 4.9. West Midlands Police – No objection and recommend the following:
- Secure alleyways or recesses leading to rear gardens with an appropriate gate and lock. Where this is not possible, increased lighting should be installed by way of bulkhead lighting positioned on the adjacent dwellings.
  - Some boundary treatment should be increased to 2.1m.
  - Works should be undertaken to the standards laid out in the Secured by Design 'Homes 2016' guide.
  - Lighting should be designed in accordance with the 'Lighting Against Crime' guide.
  - Recommend that canopies of the trees adjacent to the play area be raised to a height of 2.7m to improve surveillance opportunities and reduce light spillage into the site.
  - Recommend that any play items installed, together with the fencing and gate, be treated with an anti-graffiti product.
  - Clear signage and rules for the play area should be displayed.
  - Clear maintenance plan for all aspects of the play area is recommended.
- 4.10. Fire Service – No objections and make the following comments: minimum carrying capacity of any vehicle to be 15 tonnes and suitable water supplies for firefighting should be provided.
- 4.11. Network Rail – No objections.
- 4.12. Site and Press Notices posted and Residents' Associations; Ward Members; the MP and local occupiers consulted. A second consultation was carried out as a result of a boundary change to the application site to include additional POS. Significant

representation was made and a total of 56 individual letters of objection were received raising the following issues:

- Lack of POS in the area and recommend the site is used for a community use.
- Little encouragement to use the allotments and lack of advertising by the allotment owners.
- Applications for allotments rejected and existing allotments poorly managed.
- 76% of active allotment land would be lost.
- New allotments are of an inadequate size.
- Allotment occupancy has been manipulated to appear that there is little of no demand.
- Loss of trees and woodland.
- Air quality would be adversely affected by the loss of trees.
- Alternative drainage strategy should be used.
- Plot holders informed the site would be used for development.
- Women plot holders excluded from Committee deliberations.
- Drainage issues likely on the playing fields opposite.
- Insufficient consultation with the principle stakeholders and the allotment holders.
- Physical and mental benefits of the allotments will be lost.
- Queries regarding access, removal of debris from site, start and completion dates, hours of operation for construction works, type of tenant dwellings intended for.
- Increased pressure on roads in particular Howard Road
- Presence of bats, lizards, foxes, pheasants, hedgehogs and deers on site.
- Soft fruit trees as well as bee hives will be lost.
- Local infrastructure such as schools and doctors surgeries are already full.
- S106 contributions should be honoured.
- Factories and vacant houses should be used before this type of land considered for development.
- A large sum of money has been paid by the developer who appears confident planning permission will be approved which indicates some level of corruption by BCC.
- Additional pollution.
- Build on brownfield sites, not allotments.
- Assessment of the open space is invalid.
- POS proposed is of an inadequate size.
- Aggrieved relationship between allotment holders and allotment management.
- Application has not adequately considered the possibility of using the site for alternative POS.
- Vacant plots within the planning statement are inaccurate.
- The quality of the soil at Victoria Jubilee Allotments is very poor therefore it is unfair to consider these plots as suitable alternative provision for allotment holders.
- The provision at Livingstone Road allotments is inadequate and insufficient. There is not enough alternative allotment space to meet the needs of allotment holders who will be displaced by the development.
- Security of the rear properties on Lea Hill should be maintained.
- The proposed allotments should be protected from further development and the land should be designated as Statutory Allotment Land.
- Traffic survey is inadequate.



- Area already too densely populated.
- Amendments to the scheme are insignificant.
- Development of a smaller size would be more suitable on this site.
- Outlook from surrounding sports area would be of houses rather than allotments.
- Playing fields would be overlooked by the houses.
- Security concerns – boundary treatment important on the railway line boundary.
- Possibility of water, sewage, electricity or other services passing through the adjoining playing fields.
- Disruption to the highway should be kept to a minimum throughout the construction process.
- Noise and vibration concerns for future residents.
- The proposed road and turning circle is required through the middle of the new allotments.
- Land contamination should be resolved.
- Views onto allotments will be lost.
- Safety concerns due to proximity of the houses to the railway line.
- Drainage and flooding issues.
- Dense development linked to illnesses.
- More cars will exacerbate air quality issues.
- Devalue properties in the vicinity.
- Allotments have been interfered with when carrying out the ecology report was carried out.
- Loss of important link to the woodland at Hilltop Manwoods with that at Perry Hall Playing Fields and Perry Park.

4.13. One letter of support has been received stating:

- The planning application aims to protect the future of Lea Hall Institute and Allotments. The scheme proposed will provide more allotments than those that currently exist providing extra funds for the social club, allotments and bowling green which are important community facilities.
- Considerable funds are required to repair Lea Hall which is a grade II listed building.

4.14. Councillors Paulette Hamilton, Mahmood Hussain, Hendrina Quinnen and Waseem Zaffar have objected on the following grounds:

- Inadequate consultation with allotment holders and the residents' consultation event was held on a single day in mid August. None of the Councillors were able to attend because of the timing of the event.
- Failure of the planning application to acknowledge that Khalid Mahmood MP wrote to the developer expressing concerns.
- Reduction of active allotment land by 76%.
- Plenty of disused allotment land on the site that could be used for housing.
- There should not be a net loss of active allotment land.
- Unfair for allotment holders to travel further for alternative allotment space.
- New allotments should be protected against development.
- New allotments should be managed independently by people who value them and this should be supported in the S106 Agreement.
- Sexual discrimination.
- Alternative drainage strategy should be sought.

- Loss of woodland and trees are unacceptable.
- Loss of woodland will impact on wildlife and will increase noise from the railway line.
- Loss of allotments.
- The woodland in the north-eastern corner of Lea Hall Allotments provides an important link between the woodland at Hilltop Man woods, Perry Hall Playing Fields and Perry Park which is popular with dog walkers and walkers alike.
- Woodland was not surveyed in the ecology report.
- Submission fails to report residents' opposition to the removal of the woodland that was expressed during the consultation process.
- Lack of consultation with allotment holders despite efforts being made to engage with the Lea Hall Allotment Society and the developer.
- Proposed allotments are of an insufficient size.
- Over-intensive development.
- Inequality issues within Lea Hall Allotment Society.

4.15. A petition was received from allotment holders containing 53 signatures and raising the following issues:

- The woodland in the north east corner should be preserved as it provides valuable screening of the railway line for residents of Lea Hill Road.
- The woodland is also an important habitat for birds and wildlife
- The allotments could be a valuable asset for the local community
- It is not acceptable to lose 76% of the allotment land that is currently being used.
- The proposed development is too large and more space should be allocated to allotments and advertised to local people.
- The new allotment land should be classed as 'Statutory Allotment Land by BCC to prevent it being built on in the future.
- There should be no road through the middle of the new allotments, pathways are sufficient.

4.16. A further online petition containing 116 signature has been submitted raising the following issues:

- Over saturation of flats and houses in the area which has led to an increase in crime in the area, cars being broken into.
- Dumping is an issue.
- Lack of well-maintained properties in the area.
- Increased anti-social behaviour
- Inadequate provision of school and surgeries to accommodate the proposed number of dwellings.

4.17. Birmingham and the Black Country Wildlife Trust – Raise significant concerns about the proposal and consider the proposal does not meet Policy TP7 Green Infrastructure or TP8 Biodiversity and Geodiversity. This is because:

- The development will result in loss and disturbance of semi-natural habitats including a Priority Habitat identified in the Birmingham and the Black Country (B&BC) Biodiversity Action Plan (BAP).

- This site may function as a habitat stepping stone and as a buffer and extension of the adjacent designated wildlife corridors and this function is likely to be harmed by the proposal.
- 4.18. Handsworth Wood Residents Association endorse fully the objections made by local residents.
- 4.19. Birmingham Tree People – Object for the following reasons:
- Mature trees can never be adequately replaced when they are felled.
  - BCC has signed up to be a Biophilic City Network and has a target of 40% tree canopy coverage in the city and the current rate is only 16%.
  - Natural Capital assets would be lost if this application is approved when the Council is trying to move to a net natural capital gain for the city in line with the Council's Nature Conservation Policy.
- 4.20. Allotments of Edgbaston Reservoir – No comments as the site is privately owned and therefore is not within the remit of the City Council's Allotments Services however queries what provision will be made for displaced allotment tenants.
- 4.21. Perry Barr District (interim) Neighbourhoods and Communities Division - Object on the following grounds:
- The woodland at the north eastern corner of the proposed site should be protected for the reasons stated above with the main development being elsewhere on the site with an alternative and suitable drainage system.
  - Wholly inadequate consultation has been carried out with residents, the current Allotment Plot Holders, elected members and other interested local stakeholders.
  - The land and rights of existing Allotment Plot Holders need to be considered and protected.
  - There are equalities issues within Lea Hall Allotment Society that Birmingham City Council cannot be seen to be accepting of.
- 4.22. Birchfield Neighbourhood Forum submitted 26 letters from local residents objecting for the following reasons:
- Inadequate vehicular access;
  - Suspect that the stable block will be demolished;
  - Suggest more suitable access for vehicles at the bottom of Lea Hall Road which could incorporate the drainage run off shown on the plan whilst preserving existing trees;
  - The Plans show a Public Area which could incorporate the existing valuable plots that are home to a small animal and bird sanctuary which has been maintained by a long established plot holding family who we understand are share holders but have not been properly consulted over their activity. The Forum believes this would be a valuable resource for local residents and schools to learn about animal husbandry and ecology.
  - It is understood that there are protected species of plants and animals on these plots. Our Forum area has very little "public access" land left, due to housing developments over the years and we lack space for a Communal Building, as the last one was reclaimed by the City for 2 houses

4.23. Birmingham Civic Society/Birmingham Trees for Life – Object to the proposal for the following reasons:

- Loss of woodland and trees;
- Loss of biodiversity and green space and impact on air quality;
- Recommend an emergency TPO is applied, especially to the mature trees to prevent felling by the developers.

4.24. The Ramblers - City of Birmingham Group raise the following concerns:

- Loss of mature woodland due to the proposed location of the attenuation basin;
- Loss of an important link through for birds/bats/foxes and other mammals;
- Trees should be retained as they help with the percolation of rainwater into the soil;
- Recommend an underground drainage tank is incorporated into the proposal.

## 5. Policy Context

5.1. Birmingham Development Plan (BDP); Saved Policies of the Birmingham Unitary Development Plan; NPPF; NPPG; Places for Living SPG; Affordable Housing SPG; Public Open Space in New Residential Development SPD; Car Parking Guidelines SPD; Nature Conservation Strategy for Birmingham SPG; Mature Suburbs SPD.

## 6. Planning Considerations

### POLICY

6.1. 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.

6.2. 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.

6.3. 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.

6.4. 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.

- 6.5. 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.
- 6.6. Policy TP9 of the BDP refers to Open Space, playing fields and allotments and states that allotment land should only be released for development where it can be demonstrated that the site is not required to satisfy the demand for allotments in the area, or equivalent alternative provision will be made available.
- 6.7. The Council's Public Open Space in New Residential Development SPD states that on sites of over 20 dwellings or more, provision of new public open space will normally be required within the curtilage of the development site. It goes on to state that play areas will normally be expected to be provided within 400m of all dwellings.
- 6.8. Policy TP31 of the BDP, and the Council's Affordable Housing SPG, require 35% of the total residential accommodation to be affordable. Paragraph 50 of the NPPF explains that where LPAs have identified that affordable housing is needed, they should set policies of meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified...such policies should be sufficiently flexible to take account of changing market conditions over time. Policy TP31 goes further to state "where the applicant considers that a development proposal cannot provide affordable housing in accordance with the policy requirement...the viability of the proposal will be assessed."
- 6.9. 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.
- 6.10. Paragraph 109 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.
- 6.11. Policy TP12 of the Birmingham Development Plan states that great weight will be given to the conservation of the City's heritage assets and that such features, will be valued, protected, enhanced and managed for their contribution to the character, local distinctiveness and sustainability of the City.

6.12. I consider the key planning issues to be assessed under this application are the impact of the proposed development on:

- Principle/loss of allotments
- Design and layout;
- Impact on surrounding amenity;
- Impact on heritage asset;
- Loss of trees/woodland;
- Ecology;
- Highways and parking;
- Drainage;
- Noise, vibration, air quality and ground conditions;
- Planning obligations.

#### PRINCIPLE

6.13. As stated above Policy TP9 'Open Space, playing fields and allotments' firstly requires that allotment land only be released for development where it can be demonstrated that the site is not required to satisfy the demand for allotments in the area, or equivalent alternative provision will be made available. The existing site includes 4.23 ha of allotment land of which 2.1 ha is currently in active use. Recent membership figures indicate that there are 32 allotment holders and figures provided indicate that membership has been stable in recent years. The overall number of plots currently used is circa 50. As such it can be demonstrated that none of the current members would be displaced, although it should be noted that some of the existing plots are much larger than the proposed replacement provision. This explains the replacement provision being approximately a quarter of the current provision while increasing the total number of plots. It should be noted that the large current plot sizes are claimed to be difficult to manage. The applicant has also committed to not commencing any building works until after the replacement allotments have been provided which should help avoid existing allotment holders from being displaced. As such I am satisfied that the replacement provision will meet the needs of the allotment holders.

6.14. With regards for the demand for allotments within the area the applicant has provided an analysis of allotment availability and vacancy / waiting lists for allotment sites within 2km of the application site. This demonstrates that there are 124 plots currently vacant within 2km. There are two allotment sites within this radius that have waiting lists however the evidence provided by the applicant concludes that the nature of these sites along with vacancies at other nearby allotments demonstrates that this demand is very localised. I agree with this conclusion and note that not only are there vacancies near to these two sites with waiting lists, but also that these sites with vacancies are closer to the sites with waiting lists than the application site. As such I am satisfied that the application site is not required to meet local demand, subject to the provision of the proposed 60 plots for the current allotment holders who currently use the application site.

6.15. Policy TP9 also requires the consideration of whether or not surplus allotment sites can be used for other open space requirements where there are deficiencies. To address this requirement as well as the requirement for 2ha of open space per 1,000 population and 1.2ha of playing fields per 1,000 population the applicant has undertaken an assessment of open space within 2km of the application site. The applicant concludes that there is 176ha of publically accessible open space within 2km of the site and a further 40ha of private open space, of which the majority of

open space is publicly accessible through membership or hire arrangements. The applicants have provided additional information to confirm that provision of open space would be 2.6ha per 1000 residents which is in accordance with the requirements of TP9 in terms of there being over 2ha per 1,000 residents for the area 2km from the application site which is considered to be acceptable.

- 6.16. Moving onto the provision of public open space for the new development. The applicant has demonstrated that there is currently a lack of an area of open space of more than 0.2ha and children's play facilities within 400m of the proposed properties. To address this, the applicant proposes to provide two separate areas of open space totalling 5547sqm, one of which would contain a children's play area which would be 886sqm. The Public Open Space in New Residential Development SPD confirms that children's play facilities when required should be provided as part of the overall provision of POS. As such, I am satisfied that the requirement for new public open space in policy TP9 is also met. It should be noted that the SPD requires schemes of over 50 units to provide play equipment for children up to aged 12 and this has been complied with.
- 6.17. Leisure Services have objected to the scheme as they consider the POS provided is not located centrally enough within the development nor is it of a sufficient size. The area of open space at the entrance to the site to the south of the bowling green was not included in their assessment as they considered this would be difficult to access. I have included the two main areas of POS as consider these will be accessible and useable. The two areas combined (5547sqm) fall short of the requirement (6140sqm) by 593sqm. Given the public space presence in the locality I do not consider this represents a reason for refusal.
- 6.18. Given the above I am satisfied that the principle of the redevelopment of the site is acceptable and note that it will support the requirement in policy PG1 'Planning for Growth' of the BDP to provide 51,100 additional homes over the plan period. I also note that the site is located near to Perry Barr district centre and so is accessible to jobs, shops and services by modes of transport other than car and that surrounding uses are primarily residential in nature. As such I am satisfied that the site meets the locational requirements of policy TP28 'The location of new housing'.
- 6.19. Planning Strategy initially requested further details as the open space assessment failed to relate the open space available to the local population therefore further works were carried out by the applicant which satisfied Planning Strategy who raise no objection to the proposal. Further queries were raised regarding the off-site affordable housing contribution and justification was sought as to why this couldn't be provided on site. This has since been amended and on site affordable housing forms part of the proposal.

## DESIGN AND LAYOUT

- 6.20. Policy TP27 of the BDP requires that new housing provides a wide choice of housing sizes, types and tenures. This proposal would see the site developed for 107 dwellings on a 4.41 hectare site (developable area 2.9ha). This would provide a density of 36 dwellings per hectare. Given the site's location within walking distance of Perry Barr District Centre and accessible by public transport; I consider the density proposed to be acceptable and in general accordance with policy and representative of its surrounding residential context.
- 6.21. The mix of dwelling types and sizes proposed would meet the aim of the BDP for a variety of housing. The housing mix for the development comprises:

- 14 no. 2 bedroom units (13%)
  - 87 no. 3 bedroom units (81%)
  - 6 no. 4 bedroom units (6%)
- 6.22. The houses would be traditional in design and presented with a variety of gable ended and hipped roofs with varying plot widths. The layout comprises predominantly detached and semi-detached houses however there are 2 terraced blocks containing 3 units in each. The houses would be a mix of two and two and half storeys in height. A number of different house types are proposed which incorporate different design features including bay windows, brick soldier courses, brick plinths, brick window headers and cills, decorative lintels above windows and canopies above front doors. The proposed elevations and palette of materials would add both interest and articulation to the elevations, responds to the local context and provides a variety of house types within the streetscene which is encouraged and considered as being acceptable.
- 6.23. The layout is defined by perimeter blocks on the periphery of the development with private back gardens backing onto the railway line and onto private gardens of dwellings on Wood Lane. The central block of housing as well as the housing in the north eastern area would create a successful back to back relationship providing a coherent sense of place. The development clearly defines public and private space.
- 6.24. My City Design Officer reviewed the scheme and suggested a number of changes to the layout and whilst some of the changes were integrated into the scheme, some of the alterations to the layout would have resulted in a significant loss of units and therefore was deemed unviable. This was supported by our independent financial advisors. On balance, I consider the changes that have been incorporated have improved the scheme and I do not consider the layout, density or design of the house types would constitute a reason for refusal and the overall layout and place making is therefore acceptable.
- 6.25. Separation distances have been met in all cases and rear amenity areas generally comply with the guidelines in Places for Living. 5 gardens fall slightly short of the 52/70sqm guideline however because they are only slightly below the guideline I consider this is acceptable within the context of the whole scheme.
- 6.26. All of the units would meet or exceed the national space standards for bedrooms and overall dwelling sizes, which although not yet adopted by the Council, do provide a useful benchmark to judge the adequacy of accommodation size.

#### IMPACT ON EXISTING AMENITY

- 6.27. The closest existing residential properties are those on Wood Lane and Lea Hall Road where both roads have private gardens which back onto the site. Rear gardens of the new houses would back onto the existing rear gardens of the properties on Wood Lane. The reallocated allotment space would adjoin the rear gardens of houses on Lea Hill Road. The curved northern boundary is formed by the railway line and area of open space beyond. There is no breach of the 45 degree code nor would any overlooking of private amenity space occur between the existing and the proposed.
- 6.28. I am satisfied that the proposed development demonstrates that it would have an acceptable relationship to existing properties immediately abutting the site.



## IMPACT ON HERITAGE ASSET

- 6.29. Whilst Lea Hall is located outside the site boundary the development would occupy the former curtilage of the listed building and therefore is an important consideration. Lea Hall is a 1790s Georgian mansion in what would then have been a rural landscape north of the city. It comprises a grade II listed building with a separate and slightly later (1800) stable and coach house range (independently listed grade II). Throughout the 19th and 20th centuries the building's circumstances have changed (both environmentally and socio-economically). The introduction of the railway to the city has encircled the northern side of the building during the mid-19th century and from the late-19th and early-20th century the expansion of the residential suburb has resulted in the encroachment of housing to the east, south and west. The house itself fell from residential use to leisure use and is now a combined club house for allotments that occupy the northern side of the curtilage and bowling green that occupies the southern lawn. The condition of the building has declined in line with its fortunes with its masonry and joinery visibly declining. This is particularly evident with the coach house and stable range which can now be considered to be ruinous.
- 6.30. The application submitted proposes to subdivide the plot, leaving the listed house and stable block in their present use and condition in association with the retained bowling green and reduced allotments (to the eastern side) whilst releasing the northern and western portion of the site for housing. The existing access (to the front left-hand side of the street frontage) would be altered resulting in the loss of TPO trees and would be shared with the club.
- 6.31. When the application was submitted minimal repair works were proposed to the listed building. The Conservation Officer concluded that harm would be caused to the setting of the listed building by the subdivision of the listed curtilage and the erection of houses in close proximity to the hall, in the order of 'less than substantial harm' (in terms of NPPF Paragraph 134). Concerns were also raised that the development would not deliver benefits to the listed building in terms of necessary conservation work to the building fabric.
- 6.32. Following protracted discussions with the applicant, a solution has been arrived where a sum of money of £350,000 will be ring fenced from the land sale for repair works to the listed building. This money would be held by the Council and released to an accredited practitioner from the Institute of Historic Building Conservation (IHBC) to undertake repair works to the building against a schedule of works now being drawn up, by a similar accredited practitioner. Once the schedule of works is completed it will be reviewed by the Conservation Officer and when acceptable, will form an appendix to the S106 agreement, to which the owners of the club will be a signatory. On this basis, the Conservation Officer raises no objections.
- 6.33. My Conservation Officer requested that new gates and piers were installed to mark the entrance to the listed building and that these are implemented in advance of commencement and their completion in advance of the occupation of the first house.
- 6.34. Whilst much of the curtilage to the listed building will be built on, an area of POS is strategically located to act as a buffer between the new houses and the listed building which is welcomed and would reduce the impact on the setting of the listed building. Given that the development would result in the implementation of significant and essential repair works to the listed building and this will be safeguarded by a legal agreement, I consider the benefits to the listed building

would outweigh the harm caused to the curtilage/setting of the listed building and therefore, on balance, consider the heritage impacts are acceptable.

- 6.35. It is noted that Lea Hall is outside the site boundary therefore a Listed Building Consent application does not accompany this application.
- 6.36. It is also noted that the social club is currently in a poor financial situation and without the sale of the land, it is highly likely it will fold resulting in the loss of the social club, bowling green and allotments, all of which provide a community benefit.

#### LOSS OF TREES/WOODLAND

- 6.37. It is noted that a number of objections have been received in relation to the loss of woodland and trees throughout the site.
- 6.38. Three TPOs apply to the site and all are listed in the Arboricultural Implications Assessment (AIA). Two of the TPOs are located within the application site, one at the entrance and the other in the area between the bowling green and Wood Lane. The third is located immediately to the west of Lea Hall.
- 6.39. To facilitate the altered access to the site, it has been claimed that it is necessary to remove 17 individuals and one group of protected trees, five further trees, seven other groups and one area of woodland.
- 6.40. The woodland on the north eastern corner is mainly young mature self set growth with a few bigger trees interspersed. They are very close grown which results in tall leggy trees and a lot of natural losses over the years from competition for light and nutrients. The benefits of such woodlands are visual from a distance (they can be difficult to walk through), and ecosystem services such as carbon sink, water retention and the water cycle. Retention of the woodland would reduce the developable area considerably; the maintenance of the trees would be more important but would be complicated due to access and responsibility. The area of POS goes some way towards mitigating for the loss of trees along with street and garden planting. Protection of the trees that are retained is vital to ensure their survival.
- 6.41. 120 new trees are proposed at various different parts of the site which would predominantly have a girth of 35-40cm and an overall height of a minimum of 4.5m. Some smaller trees would also be planted which would have a 20-25cm girth and height of 4m. 20 different trees species would be planted with front gardens consisting of ornamental trees, rear gardens and POS consisting of native trees to encourage wildlife and fruit trees around the allotment edges to minimise shade onto the allotment space. Additional planting is also proposed in the wildlife area associated with the SUDs attenuation pond on the north eastern end of the site close to the allotments.
- 6.42. The AIA recommends a full method statement is supplied and arboricultural supervision during tree sensitive operations such as clearing back existing hard surface and installation of new. My tree officer raises no objections subject to conditions in relation to tree pruning, arboricultural method statement, pre commencement tree site meeting, no dig specification and tree pruning. These conditions are attached and it is noted that detailed landscaping plans have been provided with the submission which are considered acceptable. Whilst there is regrettably a loss of trees and woodland, due to the number of replacement trees,

the variety of species and maturity of the trees proposed, I consider that on balance the loss has been adequately mitigated.

## ECOLOGY

- 6.43. An extended Phase 1 Habitat Survey (including Bat Survey) has been undertaken and confirms that the site mainly comprises allotments, areas of woodland and trees, disturbed ground, scrub, amenity and ornamental planting, buildings such as sheds and hardstandings as well as areas of Japanese Knotweed and Himalayan Balsam (both invasive species). Only the woodland/trees are considered to have any moderate habitat value.
- 6.44. The habitat study concludes that the existing habitats on the site are of low or negligible suitability for a variety of faunal species including bats, badgers, amphibians, reptiles and birds. The City's Ecologist has requested that the landscape plans include the area of POS at the frontage of the site and this has been carried out. An issue has also been raised with regard to the management of the areas of POS to ensure the long term ecological benefits of these parcels of land. This will be carried out by a private management company and will be safeguarding through the legal agreement. Bat and bird boxes will be located within trees. An information leaflet will be produced to include the maintenance of front and rear trees for future residents. On this basis the City's Ecologist raises no objections to the proposal and I concur with this view. A condition is attached in relation to bird/bat boxes.

## NOISE, VIBRATION, AIR QUALITY & GROUND CONDITIONS

- 6.45. The applicant has undertaken a noise and vibration assessment and the results showed the key contributors to the existing noise and vibration levels were noise and vibration from passing trains on the railway line, general road traffic noise on Wood Lane and Wellington Road and demolition works on nearby sites.
- 6.46. After concerns were raised, the revised noise and vibration assessment reflects layout changes and confirms the design of the acoustic treatment to the boundary with the railway. The report confirms that acceptable internal conditions can be achieved by a combination of acoustic glazing and ventilation and Table B1 in Appendix B of the WYG report details the criteria for each plot. This will be subject to a condition requiring full design specifications in due course and also proposals to ensure that the 1.8m high acoustic fence on the boundary with the railway is maintained.
- 6.47. With regards to vibration, Regulatory Services have requested that the construction of the properties adjacent to the railway line take account of the need to minimise transmission of structure-borne and airborne vibration and this will be safeguarded by condition.
- 6.48. With regards to air quality, a condition requiring compliance with the air quality mitigation work during construction and the provision of electric vehicle charging points for each dwelling has been requested by Regulatory Services. Whilst this reflects the aspirations of the BDP due to the provision of off street car parking and the ability of each home owner to alter their property to achieve vehicle charging points, I do not consider this condition is necessary.
- 6.49. With regards to ground contamination Regulatory Services raise no objections and the necessary safeguarding conditions are attached.

## DRAINAGE/FLOOD RISK

- 6.50. The application site is located within Flood Zone 1 and is considered to be at low risk of river or sea flooding and there have been no historic flood events recorded on the site. An surface level attenuation tank is proposed to deal with SUDs issues.
- 6.51. Discussions are ongoing with the Local Lead Flood Authority (LLFA) who are considering additional information the applicant submitted. A verbal update will address this matter at the Planning Committee meeting.
- 6.52. Severn Trent raise no objection subject to a condition requiring the prior approval of drainage details.

## PARKING AND TRANSPORT

- 6.53. Several objections have been raised with respect to increased pressure on local roads. 200% parking provision has been proposed as part of the scheme. Transportation Development have reviewed the proposed development, the submitted transport assessment and the likely trip generation rates. They consider that while some increase in traffic at this location will result, it is not considered this will be of a level significant enough to warrant concern.
- 6.54. Transportation Development raise no objections to the proposal subject to conditions in relation to pedestrian and visibility splays, reinstatement of any redundant footway crossing(s) and any work relating to any street furniture and arrangement and implementation of Traffic Regulation Orders (TRO) in the vicinity of the application site and, if required, physical measures for conversion of Howard Rd to one-way road onto Wood Lane, prohibit waiting within the visibility splay from the proposed main access off Wood Lane and allotments institute/bowling green access and to facilitate the vehicular movements to/from these accesses.
- 6.55. Whilst the development will undisputedly increase the traffic on the surrounding roads, I am satisfied that with the implementation of the appropriate conditions that this can be controlled. I am satisfied that the layout adequately demonstrates that an appropriate level of parking is provided.

## Section 106 & Community Infrastructure Levy (CIL)

- 6.56. With regards to Section 106 contributions a viability assessment was undertaken by the applicant to demonstrate that the scheme would not be viable with the 35% affordable housing requirement for schemes of more than 15 dwellings set by policy TP31 'Affordable Housing'. An off-site contribution of £110,000 was initially proposed however the policy includes a strong presumption in favour of affordable homes being fully integrated within the proposed development. The Section 106 offer has been amended, resulting in 10 no. 3 bedroom affordable housing units within the development. Repairs works have also been secured to the listed Lea Hall building to £350,000 and this will be controlled through a S106 Agreement. The city's independent assessor considered this reasonable in this context of the scale and nature of the development and concluded that the scheme would not be viable if any further contribution was made.

- 6.57. The site is located in a low market value area and therefore CIL does not apply to the proposed development. The education contribution request cannot be obtained through a S106 Agreement and is covered by CIL.

#### Response to objections

- 6.58. The concerns that local residents and groups have raised have been acknowledged and considered as part of this assessment. I can confirm that appropriate consultation was carried out on the planning application. Some plot holders who do not live in close proximity to the site may not have received a letter however a site notice was posted on both sides of Wood Lane and below the notice board at the allotment entrance. The level of consultation undertaken exceeds the minimum requirement set out in planning legislation. Devaluation of houses in the vicinity and the alleged aggrieved relationship between the Social Club managers and local people are not material planning considerations.
- 6.59. Other factors raised have been dealt with in the report.

#### 7. Conclusion

- 7.1. The proposal would provide sustainable residential development suitable for families close to public transport links and local facilities. 10 affordable housing units are proposed on site. The loss of allotment land and open space has been justified and 60 allotment plots are proposed as part of the scheme. POS including a play area are also proposed as part of the development. The loss of trees and woodland would be mitigated by the proposed landscaping scheme and opportunities to mitigate against any ecological implications have been integrated into the scheme where possible.
- 7.2. The development would secure much needed repair works to a listed building to a value of £350,000 which is currently in need of restoration and is about to go into administration which would result in the loss of a social club, bowling green and the existing allotments which are all important community uses. Without planning permission being granted there is a threat that these facilities would simply become redundant. As such, the proposal is supported and recommended for approval subject to conditions.

#### 8. Recommendation

- 8.1. I. That consideration of Application No. 2017/08883/PA be deferred pending the completion of a suitable Section 106 Legal Agreement to require:
- a) The provision of 10 no., 3 bedroom affordable housing units on the site subject to this application.
  - b) A financial contribution of £350,000 to facilitate works on the grade II listed Lea Hall and Coach House to enable the implementation of an agreed schedule of works.
  - c) The provision of on site POS of 5547sqm including 887sqm of play provision.
  - d) The re-provision of allotments of 5040sqm (60 plots).
  - e) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.

II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 5<sup>th</sup> September 2018 planning permission be REFUSED for the following reason:

- a) In the absence of the provision of 10 affordable housing units comprising 10 no. 3 bedroom units, of on-site public open space and play provision, of the re provision of allotments and a financial contribution of £350,000 to facilitate works on the grade II listed Lea Hall and Coach House to enable the implementation of an agreed schedule of works, the proposal conflicts with TP31, TP9 and TP12 of the Birmingham Development Plan 2017.

III. That the City Solicitor be authorised to prepare, seal and complete the appropriate Section 106 legal Agreement.

IV. That in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority on or before 5<sup>th</sup> September 2018, favourable consideration would be given to application 2017/08883/PA subject to the conditions listed below.

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1	Arboricultural Method Statement - Submission Required
2	No commencement until pre-commencement meeting held
3	Requires the implementation of tree protection
4	No-Dig Specification required
5	Requires tree pruning protection
6	Development carried out in accordance with agreed remediation strategy
7	Requires the prior submission of a contamination remediation scheme
8	Requires the prior submission of a contaminated land verification report
9	Requires the submission and implementation of a noise insulation and mitigation scheme
10	Requires vibration measures to be implemented
11	Requires the implementation of the Construction Management Plan.
12	Requires the prior submission and completion of works for the S278/TRO Agreement
13	Require the assessment of Traffic Regulation Order (TRO)
14	Requires pedestrian visibility splays to be provided at main vehicular accesses and other other vehicular acceeses providing access to more than one dwelling.
15	Requires pedestrian visibility splays to be provided on individual houses
16	Requires vehicular visibility splays to be provided

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17	Requires the prior submission of a method statement for the removal of invasive weeds
18	Requires the prior submission of details of bird/bat boxes
19	Requires the prior submission of sample materials
20	Requires the prior submission of boundary treatment details
21	Requires the prior submission of level details
22	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
23	Drainage plans for the disposal of foul and surface water (Severn Trent)
24	Removes PD rights for new windows
25	Requires the prior submission of a lighting scheme
26	Requires addendum to method statement in the event of unsuspected ground contamination (EA)
27	Requires gates to Lea Hall to be implemented prior to first occupation
28	Requires the landscaping scheme to be implemented
29	Requires the scheme to be in accordance with the listed approved plans
30	Implement within 3 years (Full)

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Case Officer: Joanne McCallion



## Photo(s)



Figure 1 Entrance to the site from Wood Lane



Figure 2 Entrance





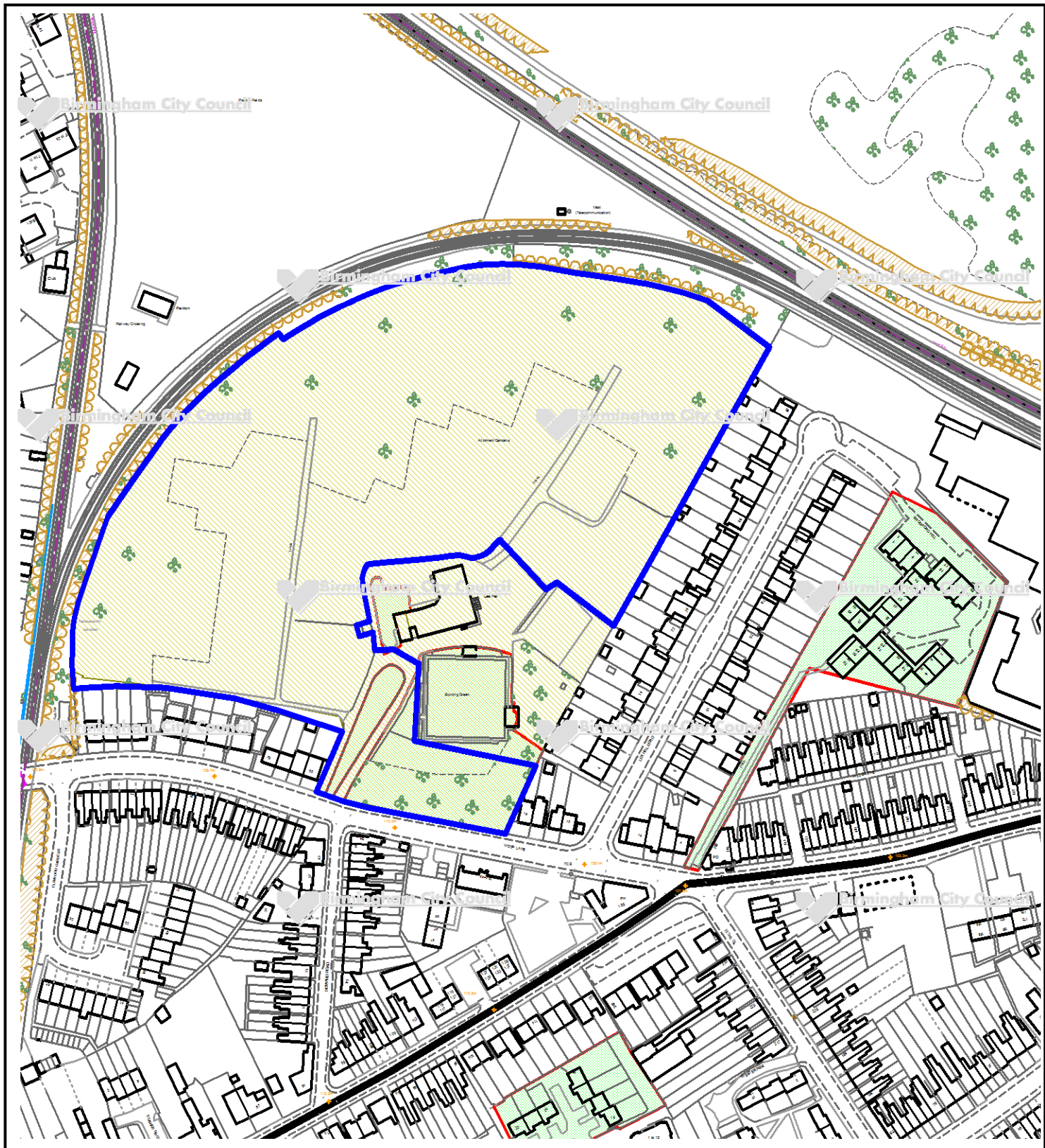
**Figure 3 – Lea Hall**



**Figure 4 North view of the allotments towards the railway line**



## Location Plan



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Committee Date:	05/07/2018	Application Number:	2018/01365/PA
Accepted:	19/02/2018	Application Type:	Variation of Condition
Target Date:	16/04/2018		
Ward:	Sutton Vesey		

**Boldmere Sports and Social Club, Boldmere Road, Sutton Coldfield, Birmingham, B73 5HQ**

Variation of Condition No. 6 attached to planning application 2009/05515/PA to extend opening hours to 1000-0000 (midnight) hours Monday to Thursday, 1000-0100 hours Friday and Saturday and 1000-2300 hours on Sunday.

Applicant: Boldmere Sports and Social Club  
Boldmere Road, Sutton Coldfield, Birmingham, B73 5HQ

Agent:

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Recommendation

**Determine**

**Report Back**

Members will recall that this application was recommended for approval at your meeting of 24<sup>th</sup> May 2018. You determined to defer the decision, requesting West Midlands Police be consulted on the application, and minded to refuse on the ground of anti-social behaviour.

West Midlands Police have now been consulted and raise no objections to the proposed variation of condition application.

In light of the above and the contents of the original report, there is no evidence that the proposal would result in anti-social behaviour that could justify a reason for refusal. The premises are an established sports and social club which hold social events running into the evening. The older club house already has a licence to open until the hours being proposed for the new club house. By allowing the new club house to have the same hours it would result in the evening events taking place in this purpose-built modern structure with superior acoustic qualities. As such the proposal has the potential to reduce any noise and disturbance compared to the current situation. Officers advise that the recommended ground for refusal is not consistent with planning policy/guidance and therefore unlikely to be defensible at a Planning Appeal. However, if Members wish the application to be refused, then the following reason for refusal is offered:

*The proposed development would result in anti-social behaviour that would adversely affect the amenities of occupiers of dwellings/premises in the vicinity. As such the proposal would be contrary to Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.*

Your committee are requested to determine the application with this additional information.

### **Original Report**

#### 1. **Proposal**

- 1.1. The application is for the variation of condition 6 attached to planning permission 2009/05515/PA to extend the opening hours to 1000-0000 (midnight) hours Monday to Thursday, 1000-0100 hours Friday and Saturday and 1000-2300 hours on Sunday.
- 1.2. Condition 6 currently reads:  
The club house, shall not be open outside the following times 10.00 to 23:00 Monday to Friday, 10:00 to 23:00 Saturday and 10:00 to 22.30 Sunday.  
Reason: In order to safeguard the amenities of the occupiers of premises / dwelling (s) in the vicinity.

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

#### 2. **Site & Surroundings**

- 2.1. The application site comprises an existing sports and social club which consists of a car park and access from Boldmere Road. Within the curtilage of the application site comprises two main buildings; an older wooden clubhouse and a newer brick built club house built in 2009 (2009/05515/PA). The main entrance to the wooden club house overlooks Blackham Drive. The main entrance to the newer clubhouse is located away from residential dwellings and overlooks an existing football pitch.
- 2.2. Parking spaces are available adjacent both club houses. The site also comprises an enclosed tennis/netball court, a bowling green with associated sheds, two junior one adult and three training football pitches.
- 2.3. The site is accessed from Boldmere Road, B-classified (B4142) road, which leads to the clubhouses and first car park. A second access from Sheffield Road leads to a gravelled car park area to the south of the junior pitches.
- 2.4. Boundary treatments consist of a variety of material; wooden fencing, chain link, metal fencing and mature shrubs to the boundary. I note the boundary treatment closest to residential dwellings adjacent to Blackham Drive consists of a 2m high metal fencing and chain link fencing with some mature planting. The site is generally flat.
- 2.5. A railway line is adjacent to the eastern boundary on a raised embankment, approximately 2m high.
- 2.6. The site is within a predominantly residential area. 15 Blackham Drive to the south of the site, is a mixed use building consisting of commercial uses.
- 2.7. [Site Plan](#)

#### 3. **Planning History**

- 3.1. 1994/01258/PA - Relocate temporary building for changing & erect temporary junior accommodation & retain temporary bowls pavilion – Approve temporary.
- 3.2. 2009/05515/PA - Proposed erection of new clubhouse and changing rooms, new artificial surface football pitch with new fencing and floodlighting, adjustment to the access (via Boldmere Road) and associated car park, adjustment to the access (via Sheffield Road) and changes to the associated parking from this access - Approved subject to conditions.
- 3.3. 2010/06313/PA - Application for a non-material amendment following a grant of planning permission 2009/05515/PA to include the phasing of the changing rooms and function room – Approve.
- 3.4. 2010/06360/PA - Application to determine the details for condition number 1 (materials), 2 (landscaping), 3 (boundary planting), 9 (weldmesh fencing), 12 (access road), 13 (noise insulation), 17 (signage) attached to approval 2009/05515/PA – Approve
- 3.5. 2011/08435/PA - Retention of extension to new changing facilities to provide pavillion for bowls club - Approve subject to Conditions.

#### 4. Consultation/PP Responses

- 4.1. Ward Councillors, Residents Associations and nearby occupiers were consulted. Site Noticed displayed. 31 objections have been received from neighbouring occupiers and local councillor Rob Pocock on grounds of:

- Parking and congestion issues
- Noise disturbance
- Anti-social behaviour
- Light pollution
- Rubbish and litter issues
- People congregating at the premises post events
- Club in close proximity to residential dwellings
- Inappropriate opening times for a sports and social club
- Taxis blocking roads
- Negative impact on health and well-being
- Negative impact on children's health and well-being

- 4.2. Transportation Development – No objection.
- 4.3. Regulatory Services – No objection.
- 4.4. Sutton Coldfield Town Council – Objection on grounds of noise and disturbance.
- 4.5. West Midlands Police – No objection.

#### 5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan (UDP) 2005 (saved policies) and National Planning Policy Framework.

#### 6. Planning Considerations

- 6.1. The main consideration for this application is whether the proposed extended opening hours would have a detrimental impact on the amenities of nearby residents.

**Policy context**

- 6.2. The National Planning Policy Framework (2012) contains a presumption in favour of sustainable development and advises within the core planning principles, that planning should always require a good standard of amenity for all existing and future occupants and to support sustainable economic development.
- 6.3. Policy PG3 of the Birmingham Development Plan (BDP) 2017 advises that all new development would be expected to demonstrate high design quality, contributing to a strong sense of place' and 'make best use of existing buildings and efficient use of land in support of the overall development strategy.

**Background Context**

- 6.4. The current opening times of the new brick built club house is restricted to operate between 10.00am-23:00pm Monday to Friday, 10:00am-23:00pm Saturday and 10:00am-22.30pm Sunday.
- 6.5. The club licence permits the opening of the old wooden building between 10.00am 00.00am Monday to Thursday, 10.00am-01.00am Friday and Saturday and 11.00am-00.00am Sunday however only permits sale of alcohol and regulated entertainment until 1 hour prior to the terminal hour.
- 6.6. The newer club house is located further away from residential properties and is a more acoustically protected building. The new room was intended to accommodate functions as sound would be better contained and there would be less potential for noise disturbance to nearby residential occupiers. The older club house is of an older design and less acoustically protected, however, due to the later opening times, functions are still being held in the old club house. Currently when functions in the new room have finished there is a possibility of people exiting the newer building and re-entering the old club house.
- 6.7. It is argued by varying the existing condition of the new building to match the older building, any noise impacts can be reduced and better managed.

**Impact on Amenity**

- 6.8. I note the nearest affected residential property is No. 8 Blackham Drive which is located approximately 37m away from the newer brick built clubhouse. The property is located approximately 28m from the older wooden clubhouse.
- 6.9. My Regulatory Services Officer has visited the site and comments the new clubhouse is a far superior design to the old building and is fitted with double glazing, non-opening windows, one main access which is shielded somewhat from most of the nearby residential use and a noise limiting device. As such, my Regulatory Services Officer does not object to the application subject to the following conditions:
- The hours of use permitted under condition 6 shall apply to opening hours of the clubhouse. Regulated entertainment as defined in the Licensing Act 2003 shall terminate at least 30 minutes prior to the times specified. This condition is not required as it is covered by Licensing Regulations.

- The clubhouse shall only be hired for regulated entertainment as defined in the Licensing Act 2003 to bona-fide Club Members. This condition is not required as it is covered by Licensing Regulations.
  - Regulated entertainment as defined in the Licensing Act 2003 shall not take place at the clubhouse if any regulated entertainment as defined in the Licensing Act 2003 is taking place at any other location within the confines of the Boldmere Sports and Social Club site, Boldmere Road. This condition was not applied previously therefore it would be inconsistent and unjustified to include this condition on the current application. In addition, conditions are attached in relation to noise insulation and a noise management plan which would safeguard any noise concerns.
  - The hours of use as detailed above shall only apply once a noise management plan has been submitted to and approved in writing by the Local Planning Authority. The noise management plan shall outline the measures to be adopted to reduce the noise impact of activities associated with the premises including music, deliveries, recycling and refuse collections, smoking areas, customers and car parks. The mitigation and management controls detailed in the approved noise management plan shall be implemented at all times.
- 6.10. I do not consider the proposed opening hours are unreasonable given that the club already operates during these times. I would however attach some of the conditions recommended by my Regulatory Services Officer to ensure effective noise management is in place as a number of objections received by nearby residents have been on grounds of noise disturbance. It is noted that some of the conditions are not necessary as covered by Licensing Regulations therefore would fail to meet the tests set out in the NPPG (necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all respects). I consider the variation of condition will ensure better management of the club as functions would be more likely to be held in the newer building which has better noise mitigating features and would reduce the need for people to travel between the buildings.
- 6.11. My Transport Officer raises no objections as it is considered that the proposed extension in opening hours during late night would be unlikely to have a significant impact with regards to highway / transportation related matters. I note a number of objections raised by nearby occupiers have been on grounds of parking and congestion, however, I consider an acceptable level of parking is being provided at the clubhouse.
- 6.12. Objections have been raised with regards to light pollution being emitted from the premises onto nearby dwellings during night time. However, this application is being assessed as a variation of condition and therefore does not constitute the formal assessment of buildings contained within the site. Objections have been raised on grounds of noise disturbance from cars parking within the site, however this can be addressed within the noise management plan. I note a number of other reasons for objections have been raised by nearby residents however these are not material planning considerations.
- 6.13. The application is not liable for CIL
7. Conclusion



7.1. The proposal to vary condition 6 attached to planning permission 2009/05515/PA to extend the opening hours to 10:00am-00:00am (midnight) hours Monday to Thursday, 10:00am-01:00am hours Friday and Saturday and 10:00am-23:00pm hours on Sunday is considered to be acceptable subject to conditions attached to the approval. It is considered the extended opening hours would not adversely affect the amenities of existing occupiers in the local area and would be in accordance with the National Planning Policy Framework and policy PG3 of the Birmingham Development Plan 2017.

8. Recommendation

8.1. Approve subject to conditions.

- 
- 1 Requires prior submission of samples materials.
  - 2 Limits the hours of use
  - 3 Requires the hard and/or soft Landscaping materials.
  - 4 Requires the additional boundary planting between the artificial pitch and the rear garden of 15 Blackham Drive.
  - 5 Limits the use of artificial pitch and associated flood lighting.
  - 6 Requires the use of a car parking marshal.
  - 7 Requires prior submission of a noise management plan.
  - 8 Requires the 'dug outs' relocation.
  - 9 Requires the storage containers removal from the site prior to the first use of the changing facilities.
  - 10 No consent for the palisade fence erected between Boldmere Drive and the caravan park.
  - 11 Requires the drainage of the car parking area to areas of soft landscaping.
  - 12 Requires the fencing around the artificial pitch.
  - 13 Requires the access road connecting Sheffield Road to car park to be laid out in tarmac.
  - 14 Requires the prior submission of a noise insulation scheme.
  - 15 Limits the use of sound reproduction or amplification equipment.
  - 16 Requires the amplifying equipment to be connected to noise limitation equipment.
  - 17 Requires the widening of access from Boldmere Road and laid out in tarmac.
  - 18 Requires any adverts along Boldmere Road entrance to be approved by the LPA.
-



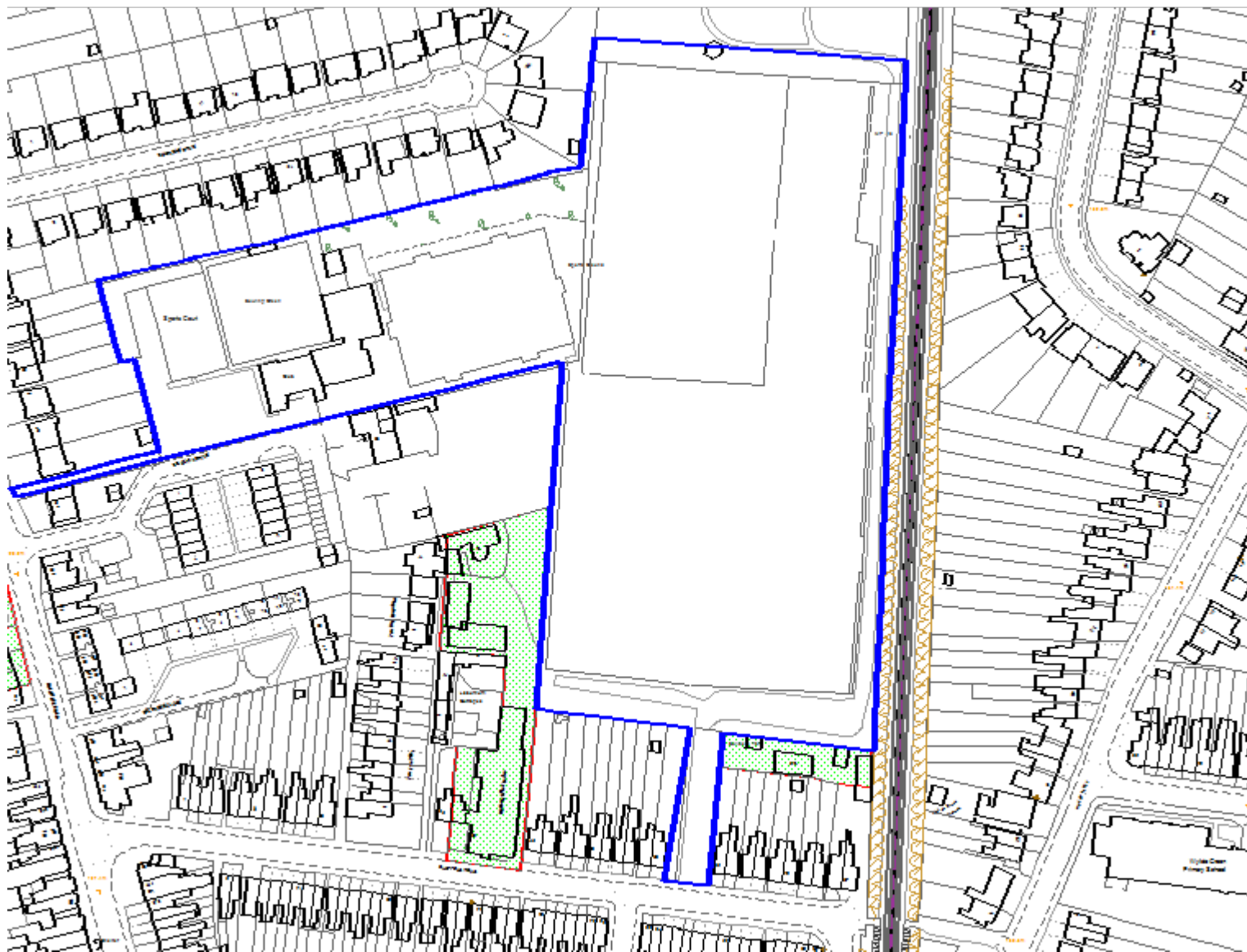
- 
- 19 Limits the use of playing fields and artificial pitch for approved use only.
  - 20 Limits the use of car park for parking vehicles only.
  - 21 Requires the development to be built in accordance with approved plans.
- 

Case Officer:         Hiteshree Kundalia

**Photo(s)**



## Location Plan



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Committee Date:	05/07/2018	Application Number:	2017/08888/PA
Accepted:	15/01/2018	Application Type:	Full Planning
Target Date:	12/03/2018		
Ward:	Sutton Trinity		

Land to rear of 36-40 Ebrook Road, Sutton Coldfield, Birmingham, B72 1NY,

Erection of 6 no. two storey houses with associated car parking and landscaping (Option 1)

Applicant:	Birmingham City Council Economy Directorate, BMHT, 1 Lancaster Circus Queensway, Birmingham, B4 7DJ,
Agent:	BM3 Architecture Ltd 28 Pickford Street, Birmingham, B5 5QH

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This application relates to the erection of 6 two storey dwelling houses with associated car parking and landscaping.
- 1.2. In terms of layout, the development would involve Plot 1 to be sited perpendicular to No. 36 Ebrook Road and would share a boundary with 36-26 Ebrook Road and 15-18 Chavasse Road. Plot 2 would share a boundary with No. 13, 14 Chavasse Road with the rear garden located directly behind the rear gardens of No. 179, 181, 183 Coles Lane. The rear gardens of Plot 3, 4 and 5 would be located directly behind No. 185-191 Coles Lane. Plot 6 would be sited perpendicular to the rear boundary of No. 38/40 Ebrook Road, sharing a boundary with No 38-48 Ebrook Road and 193 Coles Lane.
- 1.3. The proposed dwellings would be two storey with no accommodation within the roof space. The dwellings would have red multi brick elevations and grey roof tiles to a gable design. The properties will be designed with brick chimneys, brick details under the soffit and recon stone cills and grey UPVC windows.
- 1.4. Each dwelling is designed with a front amenity area comprising soft landscaping and encompassed by 900mm metal railings and a rear garden encompassed by a 1.5m high close board fencing and 0.3m trellis. Each dwelling is to have 2 car parking spaces either to the property's frontages (plot 3, 4, 5, 6) or to the side of the property (plot 1 and 2).
- 1.5. Plot 1 – internally plot 1 would have a total internal floor space of 100sq.m. The ground floor would comprise an entrance hall, living room, WC, utility and kitchen/dinner. The first floor would comprise 3 bedrooms measuring 12.05sq.m, 11.9sq.m (with an en-suite), and 7.5sq.m, store and a bathroom.

- 1.6. Plot 2 - internally plot 2 would have a total internal floor space of 126sq.m. The ground floor would comprise an entrance hall, living room, WC, utility and kitchen/dinner. The first floor would comprise 4 bedrooms measuring 14.8sq.m (with an en-suite), 11.5sq.m, 7.6sq.m, 7.5sq.m, a store and a bathroom.
- 1.7. Plot 3 and 4 - internally plot 3 and 4 would have a total internal floor space of 99.8sq.m. The ground floor would comprise an entrance hall, living room, WC, utility and kitchen/dinner. The first floor would comprise 3 bedrooms measuring 12.1sq.m (with an en-suite), 11.7sq.m, 7.6sq.m an airing cupboard and a bathroom.
- 1.8. Plot 5 - internally plot 5 would have a total internal floor space of 104sq.m. The ground floor would comprise an entrance hall, living room, WC, utility and kitchen/dinner. The first floor would comprise 3 bedrooms measuring 12sq.m (with an en-suite), 11.8sq.m, 7.5sq.m, two stores and a bathroom.
- 1.9. Plot 6 - internally plot 6 would have a total internal floor space of 81.2sq.m. The ground floor would comprise an entrance hall, living room, WC, store and kitchen/dinner. The first floor would comprise 2 bedrooms measuring 14.2sq.m, 14.6sq.m, an airing cupboard and a bathroom.
- 1.10. All dwellings would meet the minimum gross internal floor areas and bedroom sizes as set out in the Technical Housing Standards - Nationally Described Space Standards.
- 1.11. Two lighting columns are proposed at the Eastern and Western ends of the site. A vehicular access road is also to be created which extends from the existing access road from Ebrook Road extending through the site to plot 1 and 2 where a turning head is proposed.
- 1.12. The application is supported by a D&A (Design & Access Statement), Tree survey, Preliminary Ecological Appraisal, Phase 1 and Phase 2 contaminated land site appraisal.
- 1.13. This application has been submitted by BMHT (Birmingham Municipal Housing Trust) a Housing Development Team that sits within the Economy Directorate. The proposed housing is being developed for private sale.
- 1.14. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site relates to a former garage block site, located to the rear of residential properties fronting Ebrook Road, Coles Lane and Chavasse Road. The proposed site area measures approximately 0.24 hectares. The site is relatively flat and is currently unoccupied containing overgrown and mature landscaping. Access to the site is via an existing private access road, approximately 5 metres wide located between No. 36 and 38 Ebrook Road.
- 2.2. The surrounding area is predominantly residential in character and comprises mainly semi-detached and terraced properties of similar design, scale and plot size. The majority of houses have road frontages and are set back on a regular building line with parking to the front and small front gardens.

2.3. The site has good accessibility to public transport services with regular bus services on Coles Lane as well as Sutton Coldfield Railway Station and Town Centre within 1 mile of the application site.

2.4. The application site is identified in the SHLAA 2017 (Strategic Housing Land Availability Assessment).

2.5. [Site Plan](#)

### 3. Planning History

3.1. 2017/08886/PA - Erection of 6no. two storey houses with associated car parking and landscaping (Option 2) - Current, and can be found elsewhere on this agenda.

### 4. Consultation/PP Responses

4.1. Site Notice displayed. Ward Councillors, M.P, Residents Associations and adjoining occupiers were notified. One objection received from a local occupier, objecting on grounds of; overlooking and traffic congestion.

4.2. Transportation Development – No objections subject to conditions relating to visibility splays, gradients and highway measures.

4.3. Regulatory Services – No objections subject to Contamination Remediation Scheme and Contaminated Land Verification Report.

4.4. West Midlands Police – No objections.

4.5. West Midlands Fire Service – No objections.

4.6. Severn Trent Water – No objections subject to a drainage plan for the disposal of foul and surface water to the Local Authority.

4.7. Sutton Coldfield Town Council – Objection on grounds of highways and access impact.

### 5. Policy Context

5.1. National Planning Policy Framework (NPPF), Birmingham Unitary Development Plan saved policies; Birmingham Development Plan, Car Parking Guidelines SPD, Places for Living SPG, Mature Suburbs SPD and the 45 Degree Code SPD.

### 6. Planning Considerations

6.1. The main considerations are whether the proposed development would be acceptable in principle and whether the development would result in a detrimental impact on the local character, on residential amenity, highway safety, biodiversity and trees.

## **Principle of Development and Policy Context**

- 6.2. The National Planning Policy Framework (NPPF) requires housing applications to be considered in the context of the presumption in favour of sustainable development. It also advises within its core planning principles that planning should encourage the effective use of land by reusing land that has been previously developed, provided that it is not of environmental value. It also advises that planning should actively manage patterns of growth in order to make the fullest possible use of public transport, walking and cycling.
- 6.3. Policy PG3 for the Birmingham Development Plan (BDP) 2017 advises that all new development would be expected to demonstrate high design quality, contributing to a 'strong sense of place' and 'make best use of existing buildings and efficient use of land in support of the overall development strategy'.
- 6.4. Policy TP28 of the BDP advises that new residential developments should be located outside flood zones 2, 3a and 3b; be adequately serviced by existing or new infrastructure, which should be in place before the new housing for which it is required; be accessible to jobs, shops and services by modes of transport other than the car; be capable of remediation in the event of any serious physical constraints, such as contamination or instability, by sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP, in particular the policies for protecting core Employment Areas, open space and the revised Green Belt.
- 6.5. The application site does not fall within a high risk area for flooding and would be adequately serviced by the existing private access road, which would be altered to provide vehicular and pedestrian access. The application site is also located in an accessible location close to jobs and shops in Sutton Coldfield Town Centre, which can be accessed by regular bus services that operate along Coles Lane. I am not aware of any physical constraints, contamination issues are considered later on in this report and the site does not contain any historic or cultural assets.
- 6.6. I therefore consider that the application accords with Policy TP28 of the BDP and the NPPF and would be a suitable location for new housing in principle, subject to the following site specific considerations.

#### **Impact on local character**

- 6.7. Places for Living SPG and Mature Suburbs SPD advises that backland developments can be a useful form of infill housing such as bringing derelict land into use. However, it further notes that a high standard of design is required to overcome any constraints and that proposals for backland developments should also consider the effect on the existing street frontage and neighbouring buildings, local character, existing trees/landscaping, satisfactory access and the amenity of neighbouring occupants.
- 6.8. The proposed scheme would provide a form of backland development comprising six dwellings located to the rear of the existing properties on Ebrook Road, Coles Lane and Chavasse Road. I recognise that the proposed development would not reflect the prevailing character of the adjoining roads, which are identified primarily by frontage development. However, there are already examples of backland developments in the area that comprise one or two dwellings which are accessed by similar long and narrow access roads, for example, at 151a and 151b Coles Lane.
- 6.9. My City Design Officer raises no objections to the proposal as it is considered the layout works well and is efficient use of land taking account of site constraints. I

concur with my City Design Officer and consider the proposed dwellings would be of a scale and design that would be appropriate for this backland site and the proposed layout shows a good spatial arrangement between the dwellings and separation from neighbouring properties.

- 6.10. The development would not appear cramped or result in an over development of the site and I am satisfied that the proposed development would provide a high quality scheme that would not have a detrimental impact on the character of the local area.

#### **Impact on residential amenity**

- 6.11. Places for Living SPG sets out a number of separation distances which are applied to protect existing residential dwellings from the effects of new developments. A minimum of 21m is required between rear building faces. This distance separation is met.
- 6.12. A 5m set back per storey is also required where new developments with main windows overlook existing private amenity space. Whilst Plot 1 would comply, Plot 2, 3, 4, 5 and 6 would fail to meet the 10m separation distance required for two storey dwelling houses with habitable room windows to the first floor to the boundary of the adjoining rear garden. I note the separation distance would range from 8.5m-9m for plot 2, 3, 4 and 5 and therefore the breach would be minimal however the breach would be greater for plot 6 where the distance separation would be approximately 7m between the first floor bedroom 1 window and to the end of the garden. Given that this is a secondary bedroom window, I have attached conditions for the secondary window of bedroom 1 to the rear elevation to be obscurely glazed in order to protect the privacy of neighbouring occupiers. With regards to plot 2, 3, 4, and 5, given the length of the rear gardens at Coles Lane which measure approximately 35m, I do not consider that the proposed development would result in any adverse impact on the amenities of existing occupiers in terms of overlooking that could support a reason for refusal. I therefore consider that the proposed development would retain a good standard of amenity for existing residents, in accordance with Policy PG3 of the BDP and the National Planning Policy Framework. I have attached conditions to remove Permitted Development Rights for any future enlargements or new windows/dormers/roof lights to the proposed dwellings in order to protect the amenity of existing neighbouring occupiers.
- 6.13. The proposed development would provide acceptable living environments for future occupiers in terms of room sizes and layouts, and all gardens would comply with the minimum guidelines as set out in Places for Living SPG.
- 6.14. Regulatory Services have raised no objection subject to conditions to require appropriate mitigation against potential land contamination and to require a charging point for electric vehicles. I have attached a condition to secure a strategy for contamination remediation and a land verification report. However, I do not consider it necessary or reasonable, in this instance, to require a charging point for electric vehicles given the houses have off-street parking and residents could install a charging point if required.

#### **Impact on Highway**

- 6.15. The proposed development would provide 200% parking provision for each dwelling and the level of car parking proposed would comply with the maximum guidelines contained within the Car Parking Guidelines SPD. It is considered that the increase in traffic would unlikely to have significant impact on surrounding highways.



- 6.16. Transportation Development note that the access-drive within the initial part of Ebrook Road would be wide enough for two cars to pass each other and would be shared surface for both pedestrians and vehicles. A service/refuse vehicle would not be able to turn around within the proposed turning head within the site however Fleet Service has confirmed they can provide waste management services to the proposed site and once complete the refuse collection service would likely reverse up the proposed access road to a point and then operatives would collect the wheelie bins. The agent has provided the relevant tracking diagrams. West Midlands Fire Services have raised no objections to the proposal.
- 6.17. Transportation Development raises no objection subject to conditions.

### **Ecology and Trees**

- 6.18. The Tree Officer raises no objections and the proposed new layout would include new tree planting.
- 6.19. With regards to the impact on biodiversity, the City Ecologist has advised the preliminary ecological appraisal (PEA) and an assessment for bat roost potential identifies the site as holding a number of habitats including hardstanding, ruderal vegetation, trees and brash piles. While these habitats do have the potential to support protected species none were identified either through the site survey or via the desk top data searches. It is suggested a methodical system for site clearance such as left to right front to back. This method of working would allow options for any small mammals to escape and potentially allow discovery of and relocation of any hedgehogs on site. As such a site clearance method statement is attached as a condition as well as ecological enhancements.

### **Community Infrastructure Levy (CIL)**

- 6.20. The submitted D&A statement specifies that the proposal will see the creation of 6 new dwelling houses; creating 533.6sq.m of new residential floor space however BMHT would not be liable for a CIL contribution.

## **7. Conclusion**

- 7.1. The proposed development would make efficient use of a vacant site by providing six new dwelling houses. I recognise that the development would contribute to the city's housing supply and securing a long term use of the site. I also consider that the development would not have a significantly detrimental impact on transport related matters or on the character of the area, the amenities of existing occupiers, trees and wildlife.

## **8. Recommendation**

- 8.1. Approve, subject to the following conditions:

- 
- |   |  |
|---|--|
| 1 | Requires the prior submission of a contamination remediation scheme      |
| 2 | Requires the prior submission of a contaminated land verification report |
-

- 
- 3 Requires the prior submission of a drainage scheme
  - 4 Requires the prior submission of a construction ecological mitigation plan
  - 5 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
  - 6 Requires the prior submission of level details
  - 7 Requires the prior submission of sample materials
  - 8 Requires the prior submission of obscure glazing for specific areas of the approved building
  - 9 Requires the prior submission and completion of highway measures
  - 10 Requires the gradient of hard-standing/drive-ways not to be steeper than 1:12
  - 11 Requires pedestrian visibility splays to be provided
  - 12 Removes PD rights for new windows
  - 13 Removes PD rights for extensions
  - 14 Requires the scheme to be in accordance with the listed approved plans
  - 15 Implement within 3 years (Full)
- 

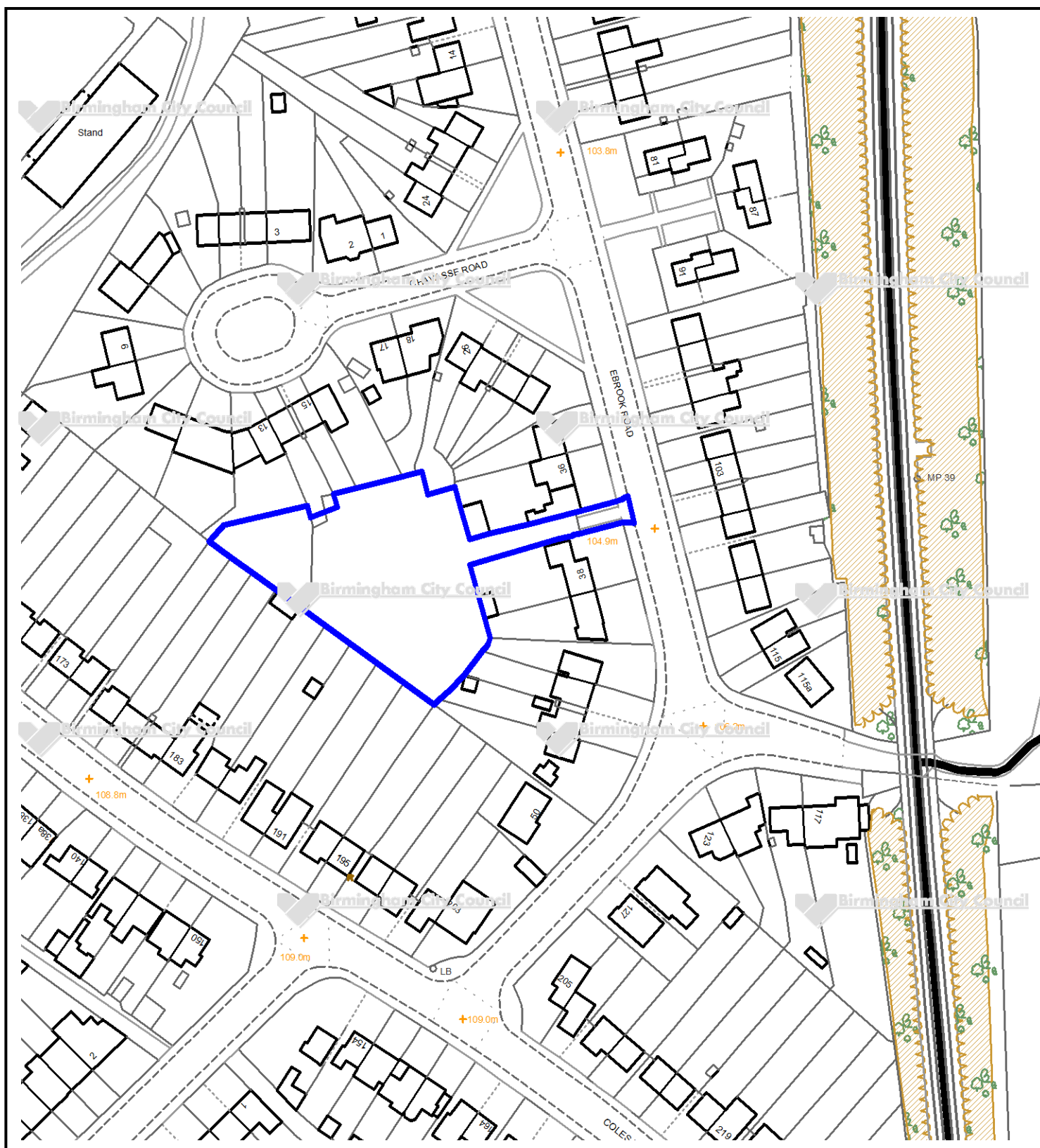
Case Officer: Hiteshree Kundalia

**Photo(s)**



Photo 1 - Land to the rear of Ebrook Road

## Location Plan



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Committee Date:	05/07/2018	Application Number:	2017/08886/PA
Accepted:	15/01/2018	Application Type:	Full Planning
Target Date:	12/03/2018		
Ward:	Sutton Trinity		

Land to rear of 36-40 Ebrook Road, Sutton Coldfield, Birmingham, B72 1NY,

Erection of 6no. two storey houses with associated car parking and landscaping (Option 2)

Applicant:	Birmingham City Council Economy Directorate, BMHT, 1 Lancaster Circus Queensway, Birmingham, B4 7DJ,
Agent:	BM3 Architecture Ltd 28 Pickford Street, Birmingham, B5 5QH

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## Recommendation

### **Approve Subject To Conditions**

#### 1. Proposal

- 1.1. This application relates to the erection of 6 two storey dwelling houses with associated car parking and landscaping.
- 1.2. In terms of layout, the development would involve Plot 1 to be sited perpendicular to No. 36 Ebrook Road and would share a boundary with 36-26 Ebrook Road and 15-18 Chavasse Road. Plot 2 would share a boundary with No. 13, 14 Chavasse Road with the rear garden located directly behind the rear gardens of No. 179, 181, 183 Coles Lane. The rear gardens of Plot 3, 4 and 5 would be located directly behind No. 185-191 Coles Lane. Plot 6 would be sited perpendicular to the rear boundary of No. 38/40 Ebrook Road, sharing a boundary with No 38-48 Ebrook Road and 193 Coles Lane.
- 1.3. The proposed dwellings would be two storey with no accommodation within the roof space. The dwellings would have red multi brick elevations and grey roof tiles to a gable design. The properties will be designed with brick chimneys, brick details under the soffit and recon stone cills and grey UPVC windows.
- 1.4. Each dwelling is designed with a front amenity area comprising soft landscaping and encompassed by 900mm metal railings and a rear garden encompassed by a 1.5m high close board fencing and 0.3m trellis. Each dwelling is to have 2 car parking spaces either to the property's frontages (plot 3, 4, 5, 6), to the side of the property (plot 1) and 2 parking spaces to the end of the turning head for plot 2.
- 1.5. Plot 1 – internally plot 1 would have a total internal floor space of 100sq.m. The ground floor would comprise an entrance hall, living room, WC, utility and kitchen/dinner. The first floor would comprise 3 bedrooms measuring 11.9sq.m (with an en-suite), 12.05sq.m and 7.5sq.m, store and a bathroom.



- 1.6. Plot 2 - internally plot 2 would have a total internal floor space of 80.8sq.m. The ground floor would comprise an entrance hall, living room, WC, store and kitchen/dinner. The first floor would comprise 2 bedrooms measuring 12.5sq.m and 11.5sq.m a store and a bathroom.
- 1.7. Plot 3, 4 and 6 - internally plot 3, 4 and 6 would have a total internal floor space of 99.8sq.m. The ground floor would comprise an entrance hall, living room, WC, utility and kitchen/dinner. The first floor would comprise 3 bedrooms measuring 12.1sq.m (with an en-suite), 11.7sq.m, 7.6sq.m an airing cupboard and a bathroom.
- 1.8. Plot 5 - internally plot 5 would have a total internal floor space of 104sq.m. The ground floor would comprise an entrance hall, living room, WC and kitchen/dinner. The first floor would comprise 3 bedrooms measuring 12sq.m (with an en-suite), 11.8sq.m, 7.5sq.m, two stores and a bathroom.
- 1.9. Plot 6 - internally plot 6 would have a total internal floor space of 81.2sq.m. The ground floor would comprise an entrance hall, living room, WC, store and kitchen/dinner. The first floor would comprise 2 bedrooms measuring 14.2sq.m, 14.6sq.m, an airing cupboard and a bathroom.
- 1.10. All dwellings would meet the minimum gross internal floor areas and bedroom sizes as set out in the Technical Housing Standards - Nationally Described Space Standards.
- 1.11. Two lighting columns are proposed at the Eastern and Western ends of the site. A vehicular access road is also to be created which extends from the existing access road from Ebrook Road extending through the site to plot 1 and 2 where a turning head is proposed.
- 1.12. The application is supported by a D&A (Design & Access Statement), Tree survey, Preliminary Ecological Appraisal, Phase 1 and Phase 2 contaminated land site appraisal.
- 1.13. This application has been submitted by BMHT (Birmingham Municipal Housing Trust) a Housing Development Team that sits within the Economy Directorate. The proposed housing is being developed for private sale.
- 1.14. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site relates to a former garage block site, located to the rear of residential properties fronting Ebrook Road, Coles Lane and Chavasse Road. The proposed site area measures approximately 0.24 hectares. The site is relatively flat and is currently unoccupied containing overgrown and mature landscaping. Access to the site is via an existing private access road, approximately 5 metres wide located between No. 36 and 38 Ebrook Road.
- 2.2. The surrounding area is predominantly residential in character and comprises mainly semi-detached and terraced properties of similar design, scale and plot size. The majority of houses have road frontages and are set back on a regular building line with parking to the front and small front gardens.

- 2.3. The site has good accessibility to public transport services with regular bus services on Coles Lane as well as Sutton Coldfield Railway Station and Town Centre within 1 mile of the application site.
- 2.4. The application site is identified in the SHLAA 2017 (Strategic Housing Land Availability Assessment).
- 2.5. [Site Plan](#)
3. Planning History
- 3.1. 2017/08888/PA - Erection of 6no. two storey houses with associated car parking and landscaping (Option 1) - Current, and can be found elsewhere on this agenda.
4. Consultation/PP Responses
- 4.1. Site Notice displayed. Ward Councillors, M.P, Residents Associations and adjoining occupiers were notified. Four objections received from local occupiers, objecting on grounds of; overlooking/privacy issues, parking and traffic congestion, narrow access road, public sewer works and construction works would cause noise disturbance to local residents, security risk to neighbouring occupiers, overdevelopment of site.
- 4.2. Transportation Development - No objections subject to conditions relating to visibility splays, gradients and highway measures.
- 4.3. Regulatory Services – No objections subject to Contamination Remediation Scheme and Contaminated Land Verification Report.
- 4.4. West Midlands Police – No objections.
- 4.5. Severn Trent Water – No objections subject to a drainage plan for the disposal of foul and surface water to the Local Authority.
- 4.6. Sutton Coldfield Town Council – Objection on grounds of highways and access impact.
5. Policy Context
- 5.1. National Planning Policy Framework (NPPF), Birmingham Unitary Development Plan saved policies; Birmingham Development Plan, Car Parking Guidelines SPD, Places for Living SPG, Mature Suburbs and the 45 Degree Code SPD.
6. Planning Considerations
- 6.1. The main considerations are whether the proposed development would acceptable in principle and whether the development would result in a detrimental impact on the local character, on residential amenity, highway safety, biodiversity and trees.
- Principle of Development and Policy Context**
- 6.2. The National Planning Policy Framework (NPPF) requires housing applications to be considered in the context of the presumption in favour of sustainable development. It

also advises within its core planning principles that planning should encourage the effective use of land by reusing land that has been previously developed, provided that it is not of environmental value. It also advises that planning should actively manage patterns of growth in order to make the fullest possible use of public transport, walking and cycling.

- 6.3. Policy PG3 for the Birmingham Development Plan (BDP) 2017 advises that all new development would be expected to demonstrate high design quality, contributing to a 'strong sense of place' and 'make best use of existing buildings and efficient use of land in support of the overall development strategy'.
- 6.4. Policy TP28 of the BDP advises that new residential developments should be located outside flood zones 2, 3a and 3b; be adequately serviced by existing or new infrastructure, which should be in place before the new housing for which it is required; be accessible to jobs, shops and services by modes of transport other than the car; be capable of remediation in the event of any serious physical constraints, such as contamination or instability, by sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP, in particular the policies for protecting core Employment Areas, open space and the revised Green Belt.
- 6.5. The application site does not fall within a high risk area for flooding and would be adequately serviced by the existing private access road, which would be altered to provide vehicular and pedestrian access. The application site is also located in an accessible location close to jobs and shops in Sutton Coldfield Town Centre, which can be accessed by regular bus services that operate along Coles Lane. I am not aware of any physical constraints, land contamination issues are considered later in this report and the site does not contain any historic or cultural assets.
- 6.6. I therefore consider that the application accords with Policy TP28 of the BDP and the NPPF and would be a suitable location for new housing in principle, subject to the following site specific considerations.

#### **Impact on local character**

- 6.7. Places for Living SPG and Mature Suburbs SPD advises that backland developments can be a useful form of infill housing such as bringing derelict land into use. However, it further notes that a high standard of design is required to overcome any constraints and that proposals for backland developments should also consider the effect on the existing street frontage and neighbouring buildings, local character, existing trees/landscaping, satisfactory access and the amenity of neighbouring occupants.
- 6.8. The proposed scheme would provide a form of backland development comprising six dwellings located to the rear of the existing properties on Ebrook Road, Coles Lane and Chavasse Road. I recognise that the proposed development would not reflect the prevailing character of the adjoining roads, which are identified primarily by frontage development. However, there are already examples of backland developments in the area that comprise one or two dwellings which are accessed by similar long and narrow access roads, for example, at 151a and 151b Coles Lane.
- 6.9. My City Design Officer raises no objections to the proposal as it is considered the layout works well and is efficient use of land taking account of site constraints. I concur with my City Design Officer and consider the proposed dwellings would be of a scale and design that would be appropriate for this backland site and the proposed



layout shows a good spatial arrangement between the dwellings and separation from neighbouring properties.

- 6.10. The development would not appear cramped or result in an over development of the site and I am satisfied that the proposed development would provide a high quality scheme that would not have a detrimental impact on the character of the local area.

#### **Impact on residential amenity**

- 6.11. Places for Living SPG sets out a number of separation distances which are applied to protect existing residential dwellings from the effects of new developments. A minimum of 21m is required between rear building faces. This distance separation is met.
- 6.12. A 5m set back per storey is also required where new developments with main windows overlook existing private amenity space. Whilst Plot 1 would comply, Plot 2, 3, 4, 5 and 6 would fail to meet the 10m separation distance required for two storey dwelling houses with habitable room windows to the first floor to the boundary of the adjoining rear garden. I note the separation distance would range from 8.5m-9m for plot 2, 3, 4 and 5 and therefore the breach would be minimal however the breach would be greater for plot 6 where the distance separation would be approximately 7m between the first floor bedroom 2 window and to the end of the garden. Given that this is a secondary bedroom window I have attached conditions for it to be obscurely glazed in order to protect the privacy of neighbouring occupiers. With regards to plot 2, 3, 4, and 5, given the length of the rear gardens at Coles Lane which measure approximately 35m, I do not consider that the proposed development would result in any adverse impact on the amenities of existing occupiers in terms of overlooking that could support a reason for refusal. I therefore consider that the proposed development would retain a good standard of amenity for existing residents, in accordance with Policy PG3 of the BDP and the National Planning Policy Framework. I have attached conditions to remove Permitted Development Rights for any future enlargements or new windows/dormers/roof lights to the proposed dwellings in order to protect the amenity of existing neighbouring occupiers.
- 6.13. The proposed development would provide acceptable living environments for future occupiers in terms of room sizes and layouts, and all gardens would comply with the minimum guidelines as set out in Places for Living SPG.
- 6.14. Regulatory Services have raised no objection subject to conditions to require appropriate mitigation against potential land contamination and to require a charging point for electric vehicles. I have attached a condition to secure a strategy for contamination remediation and a land verification report. However, I do not consider it necessary or reasonable, in this instance, to require a charging point for electric vehicles given the houses have off-street parking and residents could install a charging point if required.

#### **Impact on Highway**

- 6.15. The proposed development would provide 200% parking provision for each dwelling and the level of car parking proposed would comply with the maximum guidelines contained within the Car Parking Guidelines SPD. It is considered that the increase in traffic would unlikely to have significant impact on surrounding highways.

- 6.16. Transportation Development note that the access-drive within the initial part of Ebrook Road would be wide enough for two cars to pass each other and would be shared surface for both pedestrians and vehicles. A service/refuse vehicle would not be able to turn around within the proposed turning head within the site however Fleet Service has confirmed they can provide waste management services to the proposed site and once complete the refuse collection service would likely reverse up the proposed access road to a point and then operatives would collect the wheelie bins. The agent has provided the relevant tracking diagrams. West Midlands Fire Services have raised no objections to the proposal.
- 6.17. Transportation Development raises no objection subject to conditions.

### **Ecology and Trees**

- 6.18. The Tree Officer raises no objections and the proposed new layout would include new tree planting.
- 6.19. With regards to the impact on biodiversity, the City Ecologist has advised the preliminary ecological appraisal (PEA) and an assessment for bat roost potential identifies the site as holding a number of habitats including hardstanding, ruderal vegetation, trees and brash piles. While these habitats do have the potential to support protected species none were identified either through the site survey or via the desk top data searches. It is suggested a methodical system for site clearance such as left to right front to back. This method of working would allow options for any small mammals to escape and potentially allow discovery of and relocation of any hedgehogs on site. As such a site clearance method statement is attached as a condition as well as ecological enhancements.

### **Community Infrastructure Levy (CIL)**

- 6.20. The submitted D&A statement specifies that the proposal will see the creation of 6 new dwelling houses; creating 533.6sq.m of new residential floor space however BMHT would not be liable for a CIL contribution.

## **7. Conclusion**

- 7.1. The proposed development would make efficient use of a vacant site by providing six new dwelling houses. I recognise that the development would contribute to the city's housing supply and securing a long term use of the site. I also consider that the development would not have a significantly detrimental impact on transport related matters or on the character of the area, the amenities of existing occupiers, trees and wildlife.

## **8. Recommendation**

- 8.1. Approve, subject to the following conditions:

- 
- |   |  |
|---|--|
| 1 | Requires the prior submission of a contamination remediation scheme        |
| 2 | Requires the prior submission of a contaminated land verification report   |
| 3 | Requires the prior submission of a drainage scheme                         |
| 4 | Requires the prior submission of a construction ecological mitigation plan |
-

- 
- 5 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
  - 6 Requires the prior submission of sample materials
  - 7 Requires the prior submission of level details
  - 8 Requires the prior submission details obscure glazing for specific areas of the approved building
  - 9 Requires pedestrian visibility splays to be provided
  - 10 Requires the gradient of hard-standing/drive-ways not to be steeper than 1:12
  - 11 Requires the prior submission and completion of highway measures
  - 12 Removes PD rights for new windows
  - 13 Removes PD rights for extensions
  - 14 Requires the scheme to be in accordance with the listed approved plans
  - 15 Implement within 3 years (Full)
- 

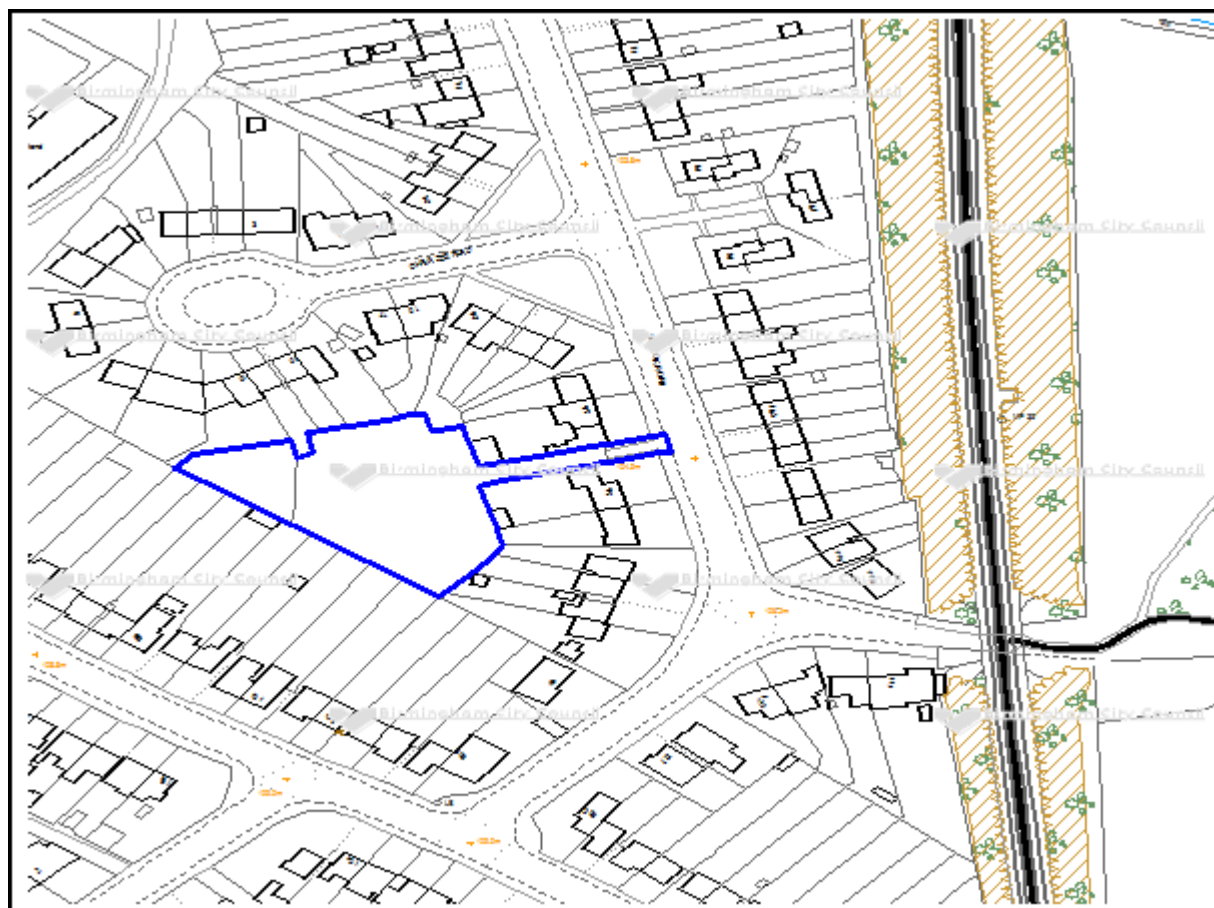
Case Officer: Hiteshree Kundalia

**Photo(s)**



Photo 1 - Land to the rear of Ebrook Road

## Location Plan



Site Plan

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Committee Date:	05/07/2018	Application Number:	2018/02013/PA
Accepted:	01/05/2018	Application Type:	Full Planning
Target Date:	26/06/2018		
Ward:	Sutton Walmley & Minworth		

Deanery Church of England Primary School, 14 Fox Hollies Road,  
Sutton Coldfield, Birmingham, B76 2RD

Construction of part of existing school playing field into a multi use  
games area (MUGA).

Applicant: Deanery Church of England Primary School  
14 Fox Hollies Road, Sutton Coldfield, Birmingham, B76 2RD  
Agent:

---

Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Proposal is for the creation of a multi-use games area (MUGA) on part of a rear grassed playing field at Deanery Church of England Primary School, Fox Hollies Road, Sutton Coldfield.
- 1.2. The MUGA would be sited to the east of the site and the pitch would measure 75m in length and 44m in width.
- 1.3. The MUGA will be used primarily by the school on weekdays between 9am-6pm and occasional use at the weekends. The school grounds are also used in the summer holidays for holiday clubs operating during the day. Weekend use would be between 9am-5pm on Saturdays. The access to the MUGA will be through the school premises.
- 1.4. There would be no increase in staff or pupil numbers as a direct result of these proposed works.
- 1.5. The proposal does not include any external lighting and would be used solely for school purposes. The proposed materials and finishing of the sports pitch would be artificial turf surfacing which would be green and the running track will be red with white line markings.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located on the south side of Fox Hollies Road in close proximity to Walmley District Centre. It contains single storey school buildings, staff

and visitor car park, playground, a playing field and mature trees (TPO 309). It is bounded to the east and south by residential properties, to the west by Jones's Wood and on the opposite side of Fox Hollies Road, to the north of the site, is a vehicle repair garage and residential properties.

- 2.2. The surrounding area is predominantly residential in nature.

### [Site Location](#)

## 3. Planning History

- 3.1. 20/09/2012 - 2012/05004/PA - Erection of single storey extension to form enlarged entrance area and external covered canopy - Approved subject to conditions.
- 3.2. 28/06/2012 - 2012/02994/PA - Erection of an infill extension and cladding to create improved and enlarged teaching facilities - Approved subject to conditions.
- 3.3. 24/11/2008 - 2008/10266/PA - Changed location of rooflights – Approved.
- 3.4. 11/03/2008 - 2008/00266/PA - Erection of single storey front extension with timber fence to front - Approved-Conditions.
- 3.5. 08/06/2007 - 2007/02345/PA - Erection of 2 wooden pavilions – Approved-Temporary.
- 3.6. 30/08/2006 - 2006/04548/PA - Single storey glazed office extension for head teacher – Approved subject to conditions.
- 3.7. 02/06/2004 - 2004/02266/PA - Infilling of existing courtyard to form new library – Approved-Conditions.

## 4. Consultation/PP Responses

- 4.1. Transportation – No objections.
- 4.2. Regulatory Services – No objections subject to hours of operation condition.
- 4.3. Sport England – No objections.
- 4.4. Local ward councillors, residents associations and neighbouring properties have been consulted. A site notice has also been posted:

A response has been received from Councillor David Barrie on behalf of 10 local residents who are objecting to the proposed development and a further 7 individual objections to the proposal, summarised as follows:

- Impact on visual amenity
- Close to residential properties
- Noise and nuisance
- Out of school hours use
- Design
- Impact on existing parking/congestion on highway
- Potential floodlighting and extensions to the school



- Existing paths and trees not shown on submitted plans
- Drainage details not submitted

## 5. Policy Context

- 5.1. The following local policies are applicable:
- Places for Living (2001)
  - Birmingham Development Plan (2017)
  - Birmingham Unitary Development Plan (2005) – Saved policies
- 5.2. The following national policies are applicable:
- NPPF: National Planning Policy Framework (2012)

## 6. Planning Considerations

- 6.1. The main considerations in the determination of this application are the impact of the proposed multi-use games area (MUGA) on the visual amenity of the area, impact on residential amenities, and on highway safety.

### **Design & Visual amenity**

- 6.2. The application seeks to provide a multi-use games area which would be used only by the school to promote health and fitness within a secure and safe environment.
- 6.3. The school currently have issues with the condition of the playing field at times of inclement weather due to poor drainage that results in the school not being able to use the pitches due to them being too wet and muddy. The proposed (MUGA) would be used throughout the year and would not be enclosed with any sports fencing and will not be floodlit. Therefore it would have limited use after school hours, other than during summer months.
- 6.4. Although this multi-use games area (MUGA) takes up part of the existing playing field area, the intensified sports use that the facility would provide outweighs the loss and is supported by Sport England therefore there is no objection in principle to the development of the MUGA. Amended plans have been received which shows the proposed football pitch markings meet with the relevant FA recommended size for a mini pitch for U7-8's.
- 6.5. It is considered that the proposed artificial pitch would have no harmful impact upon the visual amenity of the local area and the design and size of the pitch is acceptable.

### **Residential amenity**

- 6.6. The proposed MUGA would be sited within the secure boundary within the school complex.
- 6.7. The proposed (MUGA) would be used exactly the same hours that the school grounds are currently used (between 7:30am – 6:00pm weekdays and occasional use at the weekends. The grounds will also be used by holiday clubs during the day in the summer holidays. The nearest residential occupier is approximately 8m metres away from the nearest corner of the pitch (No. 7 Kinver Croft) and the nearest residential occupier on Hidcote Avenue (No. 22) is approximately 24m away

from the side of the pitch. However, as it is located on an existing grassed playing area within the school grounds where sporting activity has already been taking place, I do not consider that there would be any detrimental impact to existing residents from noise or disturbance over and above that already taking place at the site. Furthermore, no objection is raised by the Regulatory Services Officer however a condition is recommended restricting use to between 7:30am – 6:00pm Weekdays and Saturdays between 9:00am – 5:00pm which I consider reasonable, given the residential surroundings.

- 6.8. Overall with the controlled use of the hours of the MUGA and with no floodlighting proposed it is considered that neighbouring amenities would not be compromised.

6.9. **Impact on Highway Safety**

- 6.10. Transportation Development have assessed the proposal and raise no objection, commenting that the installation of a MUGA at the proposed location within school grounds is unlikely to create any highway-related issues. I concur with this view.

**Other matters**

- 6.11. Surface water drainage will be disposed of by a sustainable drainage system and there will be no change to the existing foul sewerage. It is considered that the new artificial pitch would not increase surface water drainage within this area.
- 6.12. The proposal will have no harmful impact on any Tree Preservation Order (TPO) trees which are predominately located to the south-west of the site within Jones's Woodland. The Council's Tree Officer has raised no objections.

7. Conclusion

- 7.1. The proposed MUGA would have no detrimental impact on the visual amenity of the surrounding area, the amenities of neighbouring occupiers or on highway safety. As such, I consider that it accords with both national and local planning policy and would constitute sustainable development. I therefore recommended that the application be approved subject to the attached conditions.

8. Recommendation

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

- 
- |   |   |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans                              |
| 2 | Restricts the hours of use of the games area (07:30 - 18:00 Monday-Friday & 09:00 - 17:00 Saturday) |
| 3 | Implement within 3 years (Full)   |
- 

Case Officer: Ricky Chima

## Photo(s)



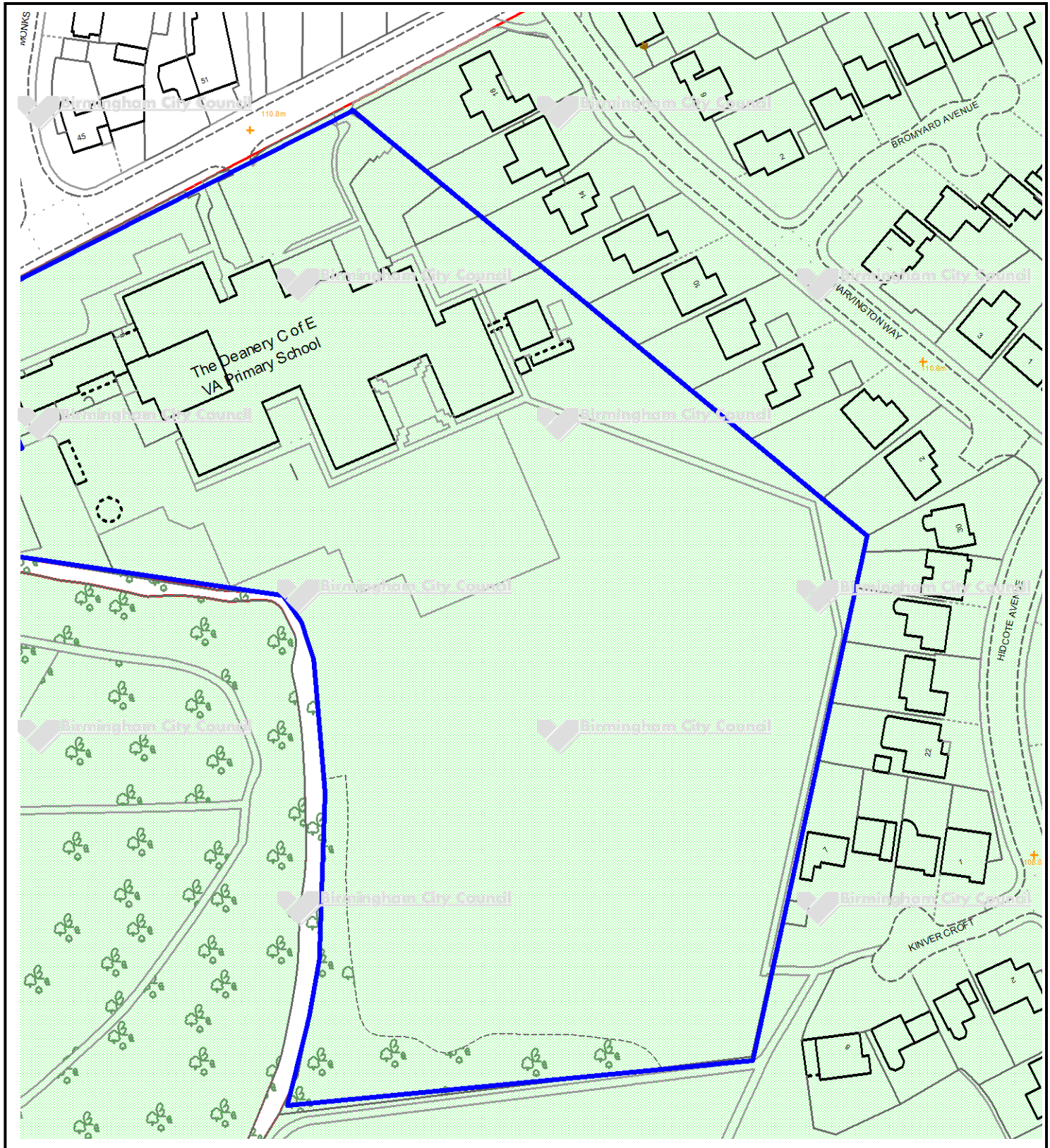
Photo 1 – Existing playing field adjacent neighbouring properties



Photo 2 – Area of playing field to be converted to multi-use pitch



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**05 July 2018**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Refuse	14	<p>2018/02294/PA</p> <p>The Clock Tower Building Former Martineau Centre 74-100 Balden Road Harborne Birmingham B32 2EH</p> <p>Change of use from offices (Use Class B1a) to 10 townhouses (Use Class C3) with minor external alterations and landscaping</p>
Defer – Informal Approval	15	<p>2017/07051/PA</p> <p>37-43 Wake Green Road Moseley Birmingham B13 9HF</p> <p>Demolition of existing buildings and erection of replacement 3-4 storey building accommodating 36 no. apartments, with associated ground level car parking, access and landscaping</p>
Endorse	16	<p>2017/02724/PA</p> <p>Former North Worcestershire Golf Club Land off Frankley Beeches Road/Hanging Lane/Elan Road/Josiah Road/Tessall Lane Northfield Birmingham B31 5LP</p> <p>Outline planning application with all matters reserved except access for the demolition of the club house and the development of up to 950 dwellings, public open space, primary school, multi use community hub, new access points and associated infrastructure</p>

Approve - Conditions	17	<p>2018/02217/PA</p> <p>Lordswood Boys Academy Hagley Road Harborne Birmingham B17 8BJ</p> <p>Erection of new school building (Use Class D1), demolition of the existing main school buildings, relocation of existing courts and playgrounds, new service yard, revision to parking layouts and associated landscape works across the site.</p>
Approve - Conditions	18	<p>2018/03874/PA</p> <p>92 Swanshurst Lane Moseley Birmingham B13 0AL</p> <p>Erection of detached outbuilding</p>

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Committee Date:	05/07/2018	Application Number:	2018/02294/PA
Accepted:	27/03/2018	Application Type:	Full Planning
Target Date:	26/06/2018		
Ward:	Quinton		

The Clock Tower Building, Former Martineau Centre, 74-100 Balden Road, Harborne, Birmingham, B32 2EH

Change of use from offices (Use Class B1a) to 10 townhouses (Use Class C3) with minor external alterations and landscaping

Applicant:	Luxury Design (Harborne) Ltd c/o Agent
Agent:	Harris Lamb Grosvenor House, 75-76 Francis Road, Edgbaston, Birmingham, B16 8SP

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Recommendation  
**Refuse**

1. Proposal

- 1.1. This application seeks planning permission for the conversion of a building from former offices to 10 dwellings.
- 1.2. The scheme would consist of;
  - 7 three storey town houses (6 x 4 beds and 1 x 3 bed)
  - 3 two storey town houses (3 x 2 bed)
- 1.3. All dwellings exceed the non-adopted National Space Standards size requirement in terms of bedroom sizes. Each dwelling would have a separate private garden to the rear and would overlook an area of public open space to the front. Garden sizes for the 3 and 4 beds range from 41 to 60sqm, the gardens of the two beds range from 57 to 106sqm.
- 1.4. The scheme includes some minor physical changes to the retained building, including the creation of new front doors (dropping existing window frames) and rendering the majority of the rear elevation, to repair the part of the building that connected to now demolished rear wings of the former quadrangle. The scheme includes the replacement of non-original windows with traditional style timber windows. Rooflights are also proposed, to the front and rear plane of the two storey and single storey roofs, to create accommodation in the roof-spaces.
- 1.5. 17 parking spaces would be provided; 200% for the 3 and 4 bed units and 100% for the 2 bed units, arranged mostly in a rear courtyard, and with some parking in front of the building (in the existing cul-de-sac head).
- 1.6. The application is supported with a Design and Access Statement, Transport Statement, Planning Statement, Drainage Strategy, Bat Survey and Tree Survey.



- 1.7. Site area 0.27ha.
- 1.8. [Link to Documents](#)
2. Site & Surroundings
  - 2.1. The building is the retained part of a quadrangle building, originally part of a 'reform'-type 'correctional' school for boys. The rest of the site was demolished to make way for a new residential estate. The surrounding residential estate is largely occupied, having been recently completed.
  - 2.2. [Site location plan](#)
3. Planning History
  - 3.1. 19/05/12. Pa no. 2011/08749/PA - hybrid application (part outline, part full application) for outline planning permission for residential development (new build houses) and full planning permission for the partial retention and conversion of part of the original quadrangle building for use as 6 flats and a community room. Withdrawn following committee site visit and concern expressed by Planning Committee.
  - 3.2. 05/09/13. Pa no. 2012/07879/PA Demolition of the majority of the existing buildings on site and residential development of 122 dwellings and associated works. Change of use of clock tower building from office (Use Class B1a) to 6 no. residential dwellings (Use Class C3) and community floor space (Use Class D1), addition of associated landscaping and two access points onto Balden Road. Refused on the basis of; loss of playing fields, inadequate S106 package, the loss of 9 TPO trees, and the loss of a community facility.
  - 3.3. 24/09/14. Pa no. 2014/05096/PA for Demolition of the majority of the existing buildings on site and residential development of 121 dwellings and associated works. Change of use of clock tower building from office (Use Class B1a) to 6 residential dwellings (Use Class C3) and community floor space (Use Class D1), addition of associated landscaping and two access points onto Balden Road (revised scheme). Approved with S106 to secure;
    - a) Affordable housing at 22.3% (27units) of new build dwellings.
    - b) Loss of Playing Field compensation of £830,000
    - c) Education contribution of £330,236.91
    - d) Public Open Space contribution of £175,520
  - 3.4. 26/05/16, Pa no. 2016/00346/PA Reconfigure and raise the density of Phase Two to replace 47 dwellings with 60 dwellings. Approved with S106 to secure the following; 4 further affordable housing units, £45,600 for off-site public open space improvements and £44,582 for education provision.
4. Consultation/PP Responses
  - 4.1. Resident, resident Associations, Councillors and MP consulted. Site notice erected and press notice made.
  - 4.2. PP Responses

- 4.3. Preet Gill MP: severe concerns, especially with respect to the commitments and expectations dating from the housing consent, for the community use of the retained buildings. The scheme would result in the over-intensive use of the clock tower block and involves going back on the commitment to provide a community facility. She asks that the original planning approval be adhered to.
- 4.4. Councillor Kate Booth - This application undermines the qualities which were the basis for the Planning Committee's support for the original application for the Community Room and apartments. This material change to the proposal is an over-intensive use of the historic Clock Tower block and represents reneging on the commitment to a Community Facility/Room. This blatant attempt to subvert the grounds for the original agreement by the planning committee is a clear attempt to change the commitment to the character of the development and retention of the Clock Tower in a sympathetic scheme, an over-intensive development of the site in this portion of the development and a clear attempt to subvert due process of the planning process. I trust you will refer to the cumulative objections to the original scheme, which (if part of the original application) would have resulted in refusal.
- 4.5. Councillor John Clancy – Objects, the proposal is fundamentally wrong and would result in a severe break down in trust between the community and in the planning system: the system would be seen to have been played by Persimmon.
- 4.6. Former Councillor Matthew Gregson - objects as residents were promised a community space at the time Persimmon were originally granted planning permission. If you grant the application that is now before you the community space will be lost to the community and instead more houses will be built. The only remaining part of the old site will also be lost.
- 4.7. 17 objections received with the following concerns;
- Highway Impact - The shared access from Martineau drive is unsafe due to the width and lack of pavement. The adjacent small cul-de-sac is far too small for constant through-traffic and will inevitably become clogged up with vehicles of visitors and residents from the townhouses, who do not have a parking space at that site.
  - Environmental disturbance - prevailing winds from the West would send car/vehicle exhaust fumes to adjoining gardens and windows of houses.
  - Loss of approved community facility - The previous approval included community space which is much needed. The community has never been alerted to this issue; it has never been raised at Ward Meetings. Twice (in 2014 and 2016) the public and planning committee were misled into thinking that a community room had been agreed. The applicant is being disingenuous at best to suggest that there has been no interest in the "Community Room" given that there has been little or no advertising of the facility and the building is and has been inaccessible for the past 2 years. Adjacent residents bought their homes on the basis that the building in question would be a community centre to serve them.
  - Density of proposal – the scheme would be for intensive town houses; encroaching on the need for development of a community use in the removal of the large multi-use facility. The Proposed scheme is for a total of 32 bedrooms; too many for the site.

- Impact on local schools and other infrastructure due to the increase of density.
- Impact on Residential Amenity - Residents to the rear have commented that they bought their properties on the understanding that they would not be overlooked and would have privacy in the evenings and at weekends.
- Construction disturbance.

#### 4.8. Consultation Responses

- 4.9. Transportation – No objection subject to a condition that the redundant footway crossing from Balden Road is replaced with a full height kerb.
- 4.10. Regulatory Services - No objection, subject to conditions to secure a noise assessment and attenuation, contamination assessment and mitigation, and vehicle charging points.
- 4.11. Local Lead Flood Authority – No objection.
- 4.12. Severn Trent - No objections to the proposals subject to a condition for drainage plans.
- 4.13. West Midlands Fire Service - Water supplies for firefighting should be in accordance with building regulation requirements.
- 4.14. West Midlands Police – No objection, but recommends that the dwellings are created in accordance with Secure by Design guidelines, for the rear access parking area to be gated (flush to the adjacent building line) and all public boundaries to the car park to be enclosed by a 2.1m fence.

#### 5. Policy Context

- 5.1. National Planning Policy Framework (2012), National Planning Policy Guidance (2014).
- 5.2. Birmingham Development Plan (2017); Birmingham UDP- saved policies (2005). Places for Living SPG. Car Parking Standards SPD.

#### 6. Planning Considerations

##### 6.1. Background

- 6.2. The application consists of the final parcel of land not yet redeveloped at the former Martineau Centre site, instigated by a planning approval of 2014. The wider site was previously owned by the City and was available to the community for educational uses, sports, swimming and social and community events. The centre was closed in 2012 as part of a rationalisation of the City's land holdings. The clock tower building was to be retained for community use and conversion to six flats.
- 6.3. As the planning history illustrates, Members were initially concerned in regard to a number of issues and following the withdrawn and then refused applications, the proposal was adjusted to an extent that satisfied Members that the scheme could be supported.

- 6.4. One such adjustment, and pertinent to this application, related to the creation/retention of some community space within the retained clock tower building. At the time the officer report stated;
- 6.5. *“...the applicants have responded to the concerns raised by local residents and have offered the retention of part of the Martineau Centre for community use. I consider that the provision of a dedicated community facility, within a retained part of the original Quadrangle school hall, would provide a useful local resource and could meet some identified local demand referred to by residents. This room would be able to accommodate 30-40 people for meetings and be used for coffee mornings or a wide range of other local functions and services. The former school hall is 143sqm, which is shown to include a small store and WC. It is recommended that a condition be attached to secure a Community Access Agreement that would set access times and associated costs for its use. It is hoped that residents make good use of this room and that enough revenue is collected to cover the ongoing costs of providing this facility. It may be such a success that the local resident group form a board and ask to purchase the space from the developer. Alternatively, if the facility is infrequently used the developer may decide that it is not covering costs and they may then apply to the Local Planning Authority to change the use to residential accommodation. It should be noted that the LPA would expect to see at least three years ‘trading’ before considering such a request”.*
- 6.6. This scheme was approved with condition 21 requiring a community access agreement, condition 35 requiring details of the internal layout of the retained building and condition 37 required the scheme to be built in accordance with the approved plans (including Site Plan P.0797\_05-1W showing the allocation of a community room). At the time it was assumed that Persimmon would undertake the work to the retained building and make the community use available in conjunction with the rest of the scheme coming forward. Instead, Persimmon ‘mothballed’ the building and disposed of it on the open market.
- 6.7. The applicants have stated that they took ownership of the site in 2017. They state that there was no planning policy reason for providing the community room and that the community room was proposed by Persimmon as a goodwill gesture. The Applicants refer to a clause in the sales contract, considering the Council’s Property Service having some form of obligation to oversee bringing the building into community use. Whatever the contents of the sales clause, that is separate to the planning consent. The key question is whether the planning consent has been complied with.
- 6.8. I do not consider the planning position is resolved. The original planning approval was given on the basis that a room (the hall) would be retained as a community resource and would be offered to the community for at least 3 years. There is no evidence that this has happened. As such, the planning balance must consider whether planning approval would have been given in 2014 *without* the community room. It seems that would not have happened. Indeed, the community room was an integral part of the approved scheme and to allow dwellings instead would be entirely contrary to the original consent.
- 6.9. Therefore it is concluded that it would be premature to agree to an alternative use for this space and to do so would be at odds with the original approval for the whole estate (which included a substantial community benefit of on-site POS, off-site contributions to POS, education and an artificial pitch and the on-site community

room). The package, as a whole, satisfied Members that the scheme would deliver significant social benefits as well as new housing.

- 6.10. The NPPF, at paragraph 7, states that the purpose of the planning system is to deliver sustainable development and that this consists of three dimensions; economic, social and environmental. The social role seeks to create vibrant communities and provide the required infrastructure to deliver this. Paragraph 17, of the NPPF, requires development to “deliver sufficient community and cultural facilities and services to meet local needs”. Paragraph 70, of the NPPF, reinforces this point and requires the delivery of social, recreational, and cultural facilities and should service the community needs should plan positively for such facilities and guard against the unnecessary loss. Furthermore, Policy TP11 of the adopted BDP, principally in regard to ‘sport facilities’ states that “The provision and availability of facilities for people to take part in formal and informal activity, that contributes to healthier lifestyles and can provide a ‘stepping stone’ into more formal sport, will be supported and promoted”. This Policy also states that “Facilities, within the City’s educational establishments that can be used by the community provide a useful contribution towards the recreational and leisure requirements of the City and this will be encouraged.” The room could be used for physical activity purposes as well as cultural activities.
- 6.11. On this basis, the divergence from the approved Masterplan, of 2014, cannot be supported due to the lack of provision of the approved community room and the scheme is consequently recommended for refusal being contrary to the Masterplan, the NPPF and Policy TP11.
- 6.12. Design and conservation
- 6.13. In terms of design and conservation, the retained building is considered to be a non-designated heritage asset. It was retained through negotiation in 2014 and originally envisaged to be converted into 6 flats and a community room. Car parking was shown to the rear and the frontage would be laid out with new POS. The rear area would have also included an area of communal amenity space for the residents.
- 6.14. The revised details show the car parking area as agreed, the communal amenity space would be split into separate gardens. The rear gardens would be small and the 3 and 4 bed units would have gardens that range from 41sqm to 60sqm. The gardens for the 2 bed units would range from 57sqm to 106sqm. Places for Living guidance requires gardens, for 3 bed plus units to be a minimum of 70sqm and 2 bed units to be 52sqm. The scheme consequently fails to meet the garden requirement for larger family units. Whilst it is recognised that the scheme would have the benefit of access to an area of public open space in front of the building and the fact that conversions often create compromises for access to external space, it is nevertheless considered that the scheme is over-intensive and would not therefore be sustainable development.
- 6.15. In terms of separation distances for facing elevations, the building would include second floor occupation, in the roof-space, a distance of at least 30m exists between the rear elevation of the building and the rear of houses facing onto Martineau Drive - Places for Living separation guidelines seek a minimum distance of 27.5m or 21m for three and two storeys respectively. Your guidance also seeks at least 5m per storey overlooking distance from windows to neighbours’ gardens, this is also complied with. Also, the scheme would meet the Technical Housing Standards for internal spaces. I am satisfied that the development would provide adequate internal space to provide a decent standard of living accommodation.

- 6.16. It is also recognised that the proposed works to the building are considered to be sensitive to the architectural heritage and that the scheme as a whole would bring the building back into active use. This, on balance, does not off-set the impact of the proposed density, in my opinion.
- 6.17. As such it is recommended that the scheme is subject to a second reason for refusal on the basis that it fails Places for Living guidance and provides inadequate private amenity space for 3 and 4 bed family accommodation.
- 6.18. Transportation
- 6.19. The scheme would provide 17 parking spaces; 200% for the 3 and 4 bed units and 100% for the 2 bed units, arranged mostly in a rear courtyard, with some parking in front of the building (in the existing cul-de-sac head).
- 6.20. I note that some local objection has been made to the use of the access in front of Martineau Drive. This short road (currently serving 7 dwellings) is admittedly relatively narrow, but is designed as a shared driveway, with pedestrians being able to walk in the carriageway, and was approved in the 2014 master-plan as the access for the rear car park behind the application site building.
- 6.21. Transportation colleagues have raised no objection subject to the redundant footway crossing on Balden Road being reinstated. They also recognise that any additional vehicles could park on the private driveway adjacent to plot 10, within the site. Transportation colleagues conclude that the proposal would not have a detrimental effect on the immediate highway network. I concur with this view.
- 6.22. Trees
- 6.23. The current frontage to the building consists of hard-standing and mature trees. The 2014 master-plan and the current application show the frontage being returned to soft landscaping and the introduction of footpaths. A footpath would run across the centre of the new public open space and a spur footpath would separate from this and connect to new pathways leading to the new front doors of the building. The scheme includes small front garden areas with defensive hedging to create pockets of enclosure to separate this from the main area of POS.
- 6.24. My tree officer notes that the proposal plan returns the area around the trees to soft landscape and the small changes to the existing kerb to new path edge would be unlikely to cause significant or insurmountable problems for the trees or implementation of the path. He recommends two conditions; for tree pruning to follow the British Standard and for the submission of an arboricultural method statement. I concur with these view, from a tree impact perspective.
- 6.25. In the event of a planning consent, the rear vehicular access could be better provided with less hard-surfacing and more landscaping.
- 6.26. Ecology
- 6.27. The submitted bat survey confirms the moderate potential for roosting bats in the building and recommends that at least two survey visits be undertaken during the optimal survey period (May – August), this work is currently being undertaken. My ecologist comments that he has no objection to the scheme but has requested that a bat survey work should ideally be undertaken prior to determination of the

application to understand the level of required mitigation. However, if a roost is discovered conditions would be required relating to the replacement of bat roost features and how and where lighting is deployed on the building. Until the survey work is undertaken he recommends that safeguarding conditions are used, as a worst case scenario, for the additional bat survey, and a lighting condition. He also concludes that if bats are present then replacement bat roosting features could be included in the scheme and remove the need to condition replacement features.

6.28. The applicants are currently undertaking survey work, I understand that the first survey has been undertaken- finding no bats, a second survey results will be available in late June. However, as the scheme is being recommended for refusal I do not consider it necessary to wait for the results of the second survey.

6.29. Response to Police comments

6.30. West Midlands Police seek accordance with Secure by Design guidelines, for the rear access parking area to be gated (flush to the adjacent building line) and all public boundaries to the car park to be enclosed by a 2.1m fence.

6.31. The applicant has responded that all the windows and doors would meet the required building regulation standard for security and they would work with the standards in Secure by Design Homes 2016. They would provide a car park gate as requested and install 2.1m fences publically accessible boundaries. I am satisfied that this would meet the requirement.

7. Conclusion

7.1. The scheme fails to provide for the community use which was an integral part of the planning consent. No effort of any sort has apparently been undertaken to ascertain what community use of the buildings could take place, amongst existing and new residents alike. As such, it would be premature and contrary to the very spirit of the consent to allow the loss of the community facility. The private amenity space is also lacking in size. As such, the scheme does not constitute sustainable development. Whilst it is recognised that the scheme would bring a vacant building back into use, and for housing, this is not, on balance, of sufficient weight to set aside the identified objections.

8. Recommendation

8.1. That the application be refused for the following reasons;

#### Reasons for Refusal

- 
- |   |   |
|---|---|
| 1 | The proposal would result in the loss of a part of the site identified as a community room in the approved Masterplan of 2014, approved as part of a coordinated range of community benefits in association with the residential development. The loss of the allocated space for a community room would be contrary to the objectives of the NPPF; by failing to deliver the agreed social benefits of the scheme with insufficient community and cultural facilities and services to meet local needs. The scheme would also eliminate space which could contribute towards informal sporting activity and would fail to provide an otherwise useful contribution towards the recreational and leisure requirements of the City. As such, the proposal is contrary to Policy TP11 of the BDP and Paragraphs 7, 17 and 70 of the NPPF. |
|---|---|
-



- 
- 2 The scheme includes the provision of 3 and 4 bedroom dwellings that have inadequate provision of private amenity space. The scheme is therefore contrary to Policies PG3 and TP27 of the Birmingham Development Plan 2017, saved Paragraph 3.14C of the Birmingham UDP 2005, guidance in 'Places for Living' adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.
- 

Case Officer: Ben Plenty

## Photo(s)



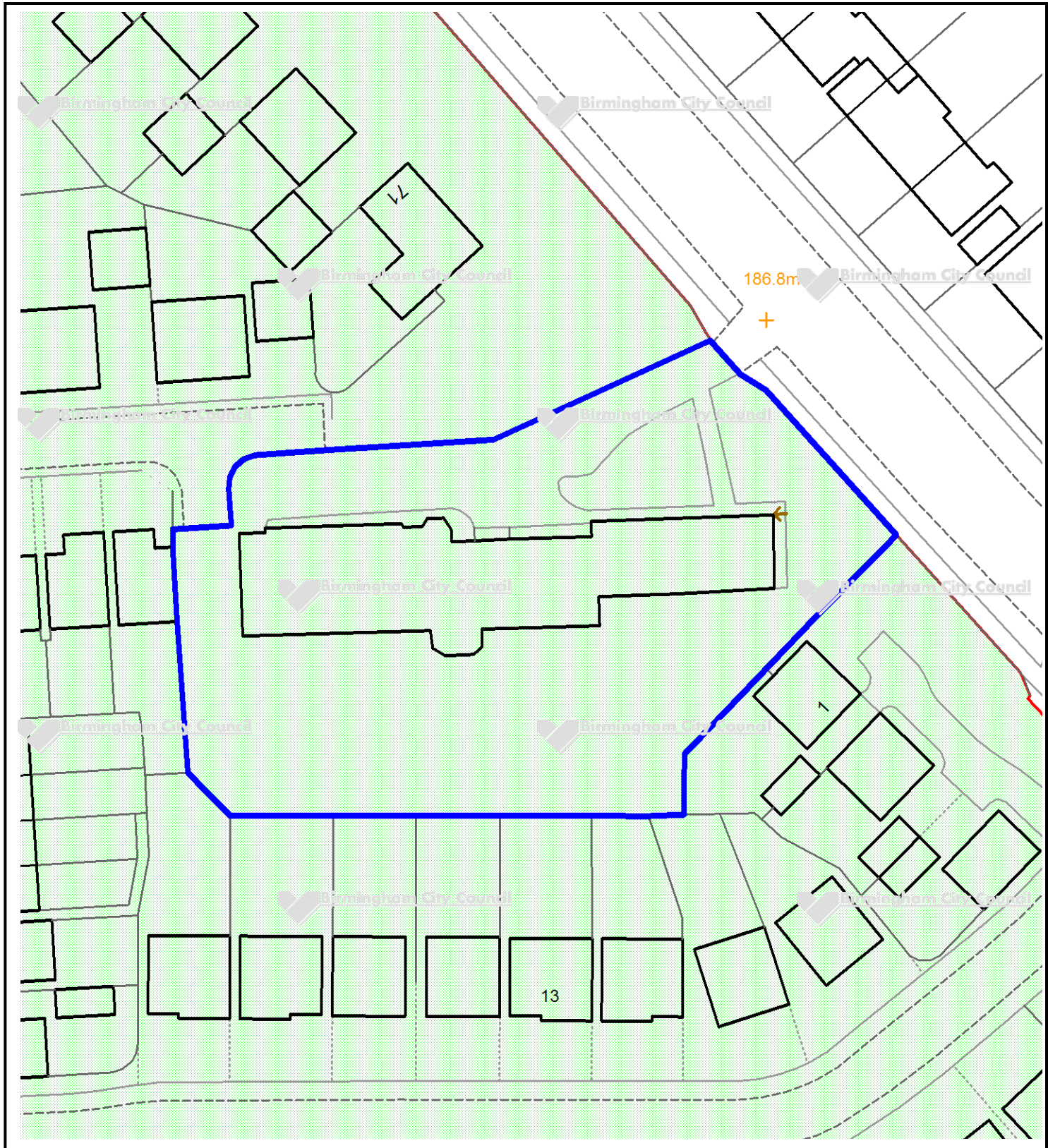
Fig 1 view of front of the clock tower, looking southwest



Fig 2 view of rear of the clock tower building, looking west



## Location Plan



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Committee Date:	05/07/2018	Application Number:	2017/07051/PA
Accepted:	16/10/2017	Application Type:	Full Planning
Target Date:	31/07/2018		
Ward:	Moseley		

**37-43 Wake Green Road, Moseley, Birmingham, B13 9HF**

**Demolition of existing buildings and erection of replacement 3-4 storey building accommodating 36 no. apartments, with associated ground level car parking, access and landscaping**

Applicant:	Allmid Ltd 222 Alcester Road, Moseley, Birmingham, B13 8EY
Agent:	Latimer Planning LLP 6 Shaw Street, Worcester, WR1 3QQ

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#### Recommendation

#### **Approve Subject To A Section 106 Legal Agreement**

##### 1. Proposal

- 1.1. Permission is sought to erect a 36 unit 'L-shaped' apartment scheme on the corner of Wake Green Road and Mayfield Road. The scheme is a mix of 2, 3 and 4 storeys in height, but mostly an effective three storey externally. It would be set back 15.7m from the Wake Green Road pavement, and 1.6m from the Mayfield Road pavement at the nearest point. The building is of a traditional red brick construction with a tiled pitch roof. There are 4 projecting gables on the Wake Green Road frontage which are 4 four storeys high and include bay windows which are of 2 storeys in height. The gable features include elements of cream coloured render and wooden panelling. The Wake Green Road elevation is broken up by two, recessed, sloping tiled sections which include shared entrance doors at ground floor level.
- 1.2. The proposal has been significantly amended since submission, with design changes and a reduction in numbers of flats, from 39 to 36.
- 1.3. The Mayfield Road frontage reduces from 4 storeys on the corner of Wake Green Road to 2 storeys adjacent to No. 52 Mayfield Road. This elevation contains a four storey projecting gable and a wider 2 storey projecting gable which at ground floor level provides the undercroft access to the rear parking court yard. Both road fronting elevations contain windows with arched brick detailing above with cills provided below. Roof lights are provided within the roof space and chimneys are also attached. The scheme consists of 36 x 2bed apartments. The scheme includes 54 parking spaces (150%) of which 15 are provided on the Wake Green Road frontage and 39 are provided to the rear accessed via Mayfield Road.
- 1.4. 20 trees are located around the periphery of the site of which most are mature and of good quality falling within categories A and B. Only 2 trees are proposed for removal, on the Mayfield Road frontage. These are horse chestnut trees that are category U and are being removed due to their poor condition. Aside from

landscaped areas to the site frontages, a rear amenity space of 422 sqm would be provided. An enclosed and flat-roofed bin store is shown at the northern end of the proposed development.

- 1.5. A Tree Report, Design and Access Statement, Transport Statement, Ground Investigation Report, Viability Assessment, Preliminary Ecological Appraisal, Structural Appraisal, Noise Report and Drainage Statement have been submitted in support of this application.

- 1.6. Site Area: 0.34 ha, 105 dwellings per hectare.

- 1.7. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site sits with a residential area on a busy route through Moseley on the corner of Wake Green Road and Mayfield Road. The application site consists of a large 3 storey building dating back to the early 20<sup>th</sup> century which was last used as a care home. There is an existing vehicular access off Wake Green Road with hardstanding to the front and a large grassed area to the rear. The building has been boarded up for the last 4 years and in recent times the site has been secured by protective fencing. To the north of the application site there is a 2 storey dwelling and to the east a 3 storey dwelling. To the south of the application site there is a 3 storey dwelling and to the west there is a 3 storey apartment building. The application site is 700m east of Moseley Local Neighbourhood Centre.

## 3. Planning History

- 3.1 26/09/2017 - 2013/03726/PA - Pre application discussions for the demolition of existing building and erection of new residential units – Principle supported but further details required
- 3.2 16/05/2014 - 2014/02890/PA - Pre-application advice for demolition of existing dwellings and replacement 39 No. 1 and 2 bed units and 40 parking spaces – Concerns raised over detailed design and scale
- 3.3 04/07/2016 - 2016/04406/PA - Pre-application enquiry for the erection of a four storey apartment block with car parking and associated works – Concerns raised over the scale and amounts of hardstanding
- 3.4 07/0/2017 - 2017/00107/PA - Pre-application enquiry for the erection of 53 apartments with associated parking facilities and amenity space. – Concerns raised over the scale and intensity of the scheme

## 4. Consultation/PP Responses

- 4.1. Education – Request contribution of £17,955.32 towards school improvements.
- 4.2. Leisure Services – Off-site contribution of £144,275 to improve Holders Lane Playing Fields and Highbury Park.
- 4.3. Transportation – No objection subject to conditions regarding pedestrian visibility splays and the widening and upgrading of the Mayfield Road footway crossing.

- 4.4. Environmental Pollution Control – No objection subject to conditions regarding the submission of a contamination remediation scheme, Contaminated Land Verification Report, noise insulation scheme and construction management plan. It is also requested that 10% of parking spaces incorporate charging points for electric vehicles.
- 4.5. Severn Trent – No objection subject to a condition regarding the submission of drainage details.
- 4.6. Lead Local Flood Authority – Content with proposed drainage strategy subject to further evidence confirming that all other SUDS features have been considered.
- 4.7. West Midlands Fire Service - No objection
- 4.8. Police – No objection
- 4.9. Local occupiers, Ward Councillors, MP and resident associations were notified. A site notice and press notice have been displayed, with 2 letters of objection received. The following concerns have been raised:
- Harmful to the character of the area, over-development of the site;
  - Greater mix of house types required;
  - Disruption for neighbours and wildlife;
  - Increased noise; and
  - Flats aren't needed
- 4.10. A letter has been received from The Moseley Society making the following comments:
- Development is very intensive;
  - More modern design would be appropriate;
  - No lifts are proposed meaning flats aren't appropriate for families or the elderly;
  - Concerns over increased traffic causing safety concerns; and
  - Affordable housing should be provided
- 4.11. The now former-Councillor Claire Spencer has submitted the following concerns:
- Development is busy and over-intensive;
  - Scheme should cater for a greater mix of household types; and
  - Focus on professional couples suggests more parking pressure on the locality

## 5. Policy Context

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



## 6. Planning Considerations

- 6.1. I consider the key planning issues to be considered are: the principle of the proposed development; the design and scale of the proposed development; the impact on residential amenity, the impacts on traffic and highway safety; the impact on trees; Planning Contributions, and security considerations.
- 6.2. The principle of the proposed development
- 6.3. The National Planning Policy Framework seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.4. Policy TP27 of the Birmingham Development Plan also states that new housing in Birmingham is expected to contribute to making sustainable places..."All new development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods". Policy TP28 of the plan sets out the proposed policy for housing location in the city, noting that proposals should be accessible to jobs, shops and services by modes of transport other than the car.
- 6.5. The site was last used as a **care home** and is therefore considered to be brownfield. The principle of redeveloping this site for residential purposes would be a positive step in line with national and local policy. The site is within an established residential area, close to public transport links and within walking distance of Moseley Centre. The proposed development would deliver 36 apartments significantly boosting housing supply in the locality. Concerns have been raised over the lack of housing mix however when considering the high proportion of family accommodation within Moseley it is considered that a scheme consisting of just 2 bedroom properties cannot be resisted.
- 6.6. The proposal has a density of 105 dwellings per hectare. Whilst this is considered to be high in comparison to some of the large 2 and 3 storey dwellings in the locality it is broadly similar to some flatted developments nearby including the adjacent Warwick Court. The site makes excellent use of an unused brownfield site to substantially boost housing supply. The impact upon the character of the area is considered below.
- 6.7. Design
- 6.8. 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.

- 6.9. Wake Green Road comprises a range of quite substantial 3 storey properties ranging from traditional 3 storey town houses to flatted developments dating from the 1960s. Four storeys of accommodation is proposed with the fourth storey within the roof space, consequently the proposed apartment building does not exceed the height of adjacent properties on Wake Green Road which are Warwick Court and 45 Wake Green Road. The Wake Green Road frontage is quite wide but has been broken up by the two recessed, sloping tiled sections which creates the impression of separate properties. The projecting gables on Wake Green Road are evenly spaced creating a good rhythm to the development. The building also closely follows the consistent building line prevalent on Wake Green Road thereby not appearing unduly prominent within the street scene.
- 6.10. The scale of the building on Mayfield Road reduces down from 4 storeys in height in stages, down to 2 storeys adjacent to No. 52 Mayfield Road. This reflects the reduced scale of many properties on this street. The proposed development does not follow the building line within Mayfield Road however it has similar footprint to the current building on site. The scale, massing and siting of the scheme is therefore considered to be appropriate for its context.
- 6.11. The building is of a traditional red brick construction with a tiled pitch roof. Cream coloured render and wooden panelling are also used within the projecting gables on both road frontages. Both road fronting elevations contain windows with arched brick detailing above with cills provided below. The scheme also includes a number of bay windows and chimneys. The detailed design clearly reflects the traditional early 20<sup>th</sup> century architecture which is evident on a number of properties within the locality. The City Design Officer is supportive of the scheme in its current form, following a number of amendments to the design. It is considered that the overall design of the proposed scheme would be acceptable and in keeping with the character of the local area.
- 6.12. Residential Amenity
- 6.13. 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.
- 6.14. The closest property to the proposed dwelling is No. 52 Mayfield Road to the north. Whilst the development extends beyond the rear of this property there would be no breach of the 45 degree guideline when measured from the nearest habitable window of No.52. This would ensure that there would be no loss of light. The side elevation of the development directly adjacent No.52 contains no windows. The windows on the north facing elevation look towards No. 52 Mayfield Road however a separation distance of 20m is retained to the shared boundary which accords with the 5m per storey required by the Places for Living SPG. The proposal will therefore cause no undue effect for privacy to No. 52.
- 6.15. The Mayfield Road elevation looks towards the side elevation No. 45 Wake Green Road. This property has windows at ground, first and second floor level on this side elevation. A minimum distance of 17.5m is retained between the side elevation of the proposed development and No. 45. This falls short of the 21m suggested by Places for Living, but that document does note that the guideline distance can be more readily relaxed at the fronts of development. Also, the existing building on site

contains windows at ground first and second floor level on this side elevation meaning that there is already a level of overlooking. On this basis the proposal would not cause a substantial of privacy to the occupiers of No.45.

- 6.16. An area of shared amenity space is provided for the occupiers of the 36 units which totals approximately 422sqm. This is substantially below the Places for Living guideline of 1080sqm if the full 30sqm per unit were provided. However, taking into account the highly sustainable location enabling good access to public open spaces, the nearby Moseley Park, and the lack of children likely to be present in this scheme for 2 bed flats the reduced level of shared amenity space is on balance considered to be acceptable.
- 6.17. The Nationally Described Space Standards 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. For 2 bedroom, 3 person apartments a minimum gross internal floor area of 61sqm is required and in the case of 2 bedroom, 4 person apartments 70sqm is required. Each double bedroom should be 11.5sqm in size. In terms of the 2 bed, 3 person flats proposed, the internal floor areas vary between 62 and 72sqm. In the case of the 2 bedroom, 4 person flats proposed, the floor areas vary between 71sqm and 86sqm. Across the various apartment types the double bedrooms meet or exceed 11.5sqm. Therefore, the scheme meets the National Standards in terms of bedroom sizes and overall accommodation space providing a quality living environment for the proposed occupiers.
- 6.18. 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.
- 6.19. Traffic and Highway Safety
- 6.20. Policy TP38 of the BDP states that “The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported.” One of the criteria listed in order to deliver a sustainable transport network is ensuring that that land use planning decisions support and promote sustainable travel. Policy TP44 of BDP is concerned with traffic and congestion management. It seeks to ensure amongst other things that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.21. The site is in a sustainable location within walking distance of Moseley Centre and in close proximity to bus routes that provide direct access to the City Centre. Provision has been made for 54 parking spaces on this 36 unit scheme. Transportation have confirmed that 150% parking provision is acceptable in this location to help prevent overspill parking onto surrounding streets. The scheme utilises the existing access off Wake Green Road and introduces a second access off Mayfield Road to serve the car park at rear. Transportation have raised no objection to the scheme subject to conditions and consequently it is considered that the proposal will not have an adverse impact on the highway network.
- 6.22. Landscape and Trees
- 6.23. 20 trees are located around the periphery of the site of which most are mature and of good quality falling within categories A and B. Only 2 trees are proposed for removal. These are horse chestnut trees that are category U and are being

removed due to their poor condition. The oak trees along the Wake Green Road frontage are covered by a TPO. The Tree Officer has confirmed that the scheme would not unduly impact on these trees. The Tree Officer raises no objection to the scheme and consequently with the implementation of an appropriate landscaping scheme the proposal will not unduly impact on the natural environment.

6.24. Ecology

6.25. The Council has a duty to consider the impact of any proposal on protected species. A Preliminary Ecological Appraisal (PEA) and nocturnal bat survey has been submitted in support of the application. There is evidence of bats using the site for foraging. Importantly the building was not used as a bat roost. The Ecologist considers that the proposal can be implemented without an undue impact on the protected species subject to a number of conditions (bat and bird boxes, lighting, and no demolition works inside bat roosting season). I attach other conditions to address tree and landscape matters, as requested by our Landscape and Tree Officers.

6.26. Planning Contributions

6.27. A scheme of this size is expected to contribute towards affordable housing (35%), and public open space. Although BCC Education have requested a contribution, this now happens via city-wide CIL monies rather than a site-specific S.106 legal agreement. No CIL monies would be yielded from this development, as it is not in a CIL-chargeable area.

6.28. The applicant originally submitted a viability appraisal indicating that the scheme could not support any on-site affordable housing, but a S106 contribution of £27,000. The appraisal has been reviewed by the Council's Consultants. Following negotiations between the applicant and the Council's consultant, a S106 contribution of £108,000 has now been agreed. It is acknowledged that there are competing demands for the money - Public Open Space, and affordable housing - however it is considered that there is a pressing need for affordable housing and therefore a legal agreement has been drafted securing the whole of the £108,000 towards off-site affordable housing in the local area. This would equate to three or four units, i.e. 8.3% or 11.1%.

7. Conclusion

7.1. The proposed development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. After significant amendment and improvement secured by officers, the scheme would now be 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 2017/07051/PA be deferred pending the completion of a planning obligation agreement to secure the following:

- a) A financial contribution of £108,000 (index-linked from date of this resolution resolution) towards the off-site provision of affordable housing.

- b) Payment of a monitoring and administration fee associated with the legal agreement of £3,780
- 8.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 26<sup>th</sup> July 2018 the planning permission be refused for the following reasons:
  - a) In the absence of any suitable legal agreement to secure a financial contribution towards off site 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 26<sup>th</sup> July 2018, 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  | Requires the prior submission of sample materials  |
| 3  | Requires the prior submission a noise study to establish residential acoustic protection |
| 4  | Requires the prior submission of a construction method statement/management plan         |
| 5  | Requires the prior submission of a contamination remediation scheme                      |
| 6  | Requires the prior submission of a contaminated land verification report                 |
| 7  | Widening of footway crossing   |
| 8  | Requires the prior submission of hard and/or soft landscape details                      |
| 9  | Requires the prior submission of boundary treatment details                              |
| 10 | Requires pedestrian visibility splays to be provided                                     |
| 11 | Provision of vehicle charging points   |
| 12 | Requires the prior submission of details of bird/bat boxes                               |
| 13 | Requires the prior submission of a lighting scheme                                       |
| 14 | Arboricultural Method Statement - Submission Required                                    |
| 15 | Requires tree pruning protection   |
| 16 | Requires the prior submission of a drainage scheme                                       |
| 17 | Requires the submission prior to occupation of the properties of a Sustainable           |
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Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan

18 Requires the prior submission of a sustainable drainage scheme

19 Implement within 3 years (Full)

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Case Officer: Andrew Fulford

## Photo(s)



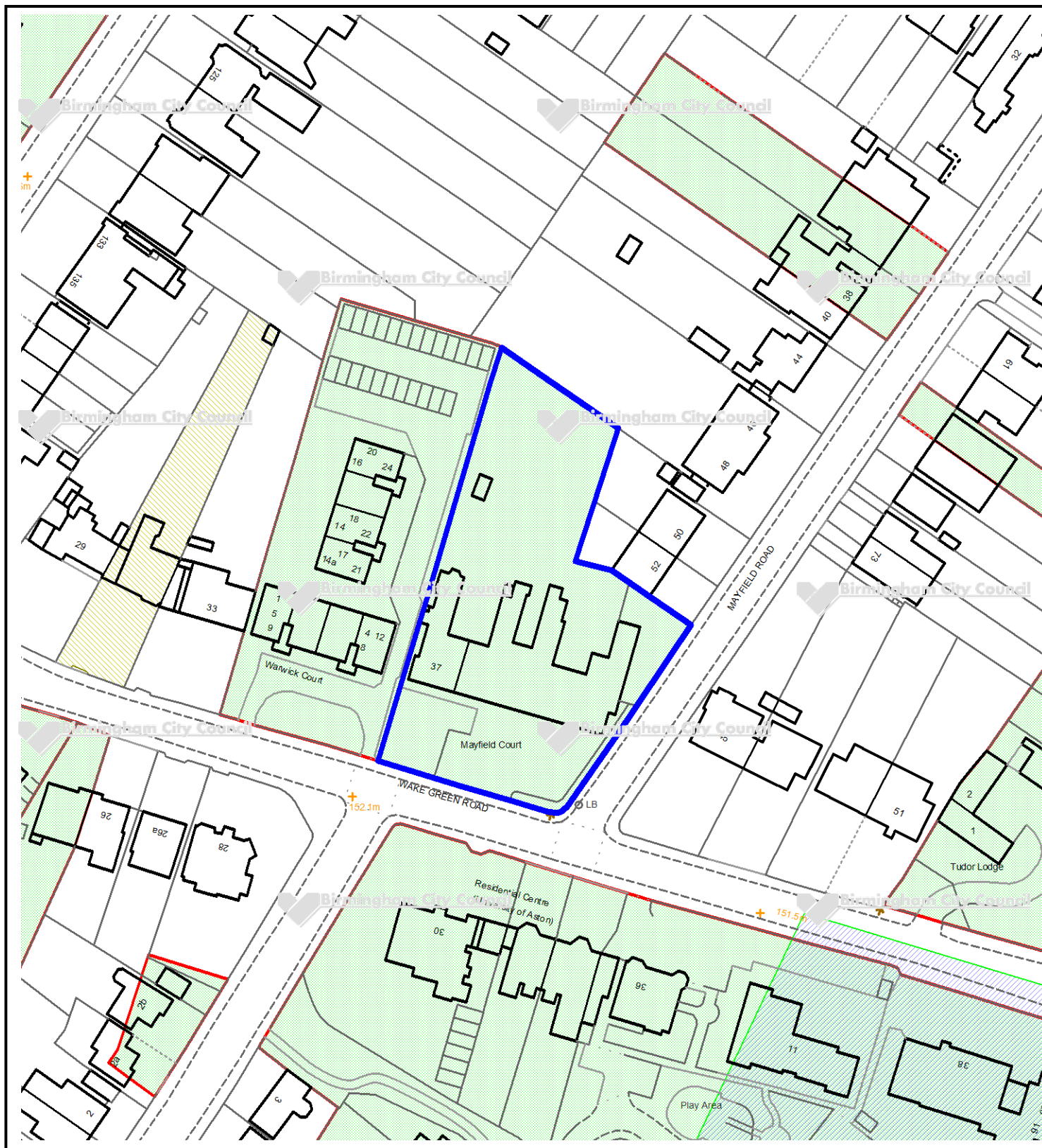
Photo 1: View looking north towards the application site at the corner of Wake Green Road and Mayfield Road



Photo 2: View looking north from Wake Green Road showing Warwick Court and the application site



## Location Plan



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## Report Back

Committee Date: 05/07/18

Application Number: 2017/02724/PA

Ward: Frankley Great Park

### North Worcestershire Golf Course

Outline planning application, with all matters reserved except access for the demolition of the club house and the development of up to 950 dwellings, public open space, primary school, multi use community hub, new access points and associated infrastructure.

Applicant: Bloor Homes Western, c/o agent

Agent: Harris Lamb, 75-76 Francis Road, Edgbaston, Birmingham, B16 8SP

### Recommendation

#### **Endorse**

1. Background
2. Members may recall that this application was considered by planning committee, on the 31<sup>st</sup> August 2017, where members supported the officers' recommendation for refusal. Following this, the applicant has lodged an appeal against this decision and a Public Inquiry is scheduled for October. The reasons for refusal were:
  - Reason 1- The application site was specifically not allocated for new housing in the recently-adopted local plan. The principle of development is unacceptable and the material considerations have failed to indicate otherwise. As such, the proposed housing represents unsustainable development and is contrary to Section 38 (6) of the Planning and Compensation Act (2004), Policy PG1 of the BDP and provisions of the NPPF (Paragraphs 2, 14-17, 47-49).
  - Reason 2- The Master Plan fails to pay sufficient regard to the identified site constraints of ecology, trees and important landscape features or the local context. As such the Master Plan, and proposed development zones, fail to properly provide a suitable balance between development areas and open space, and fail to properly consider connectivity, context (especially in regard to density) and internal layout. The Master Plan is therefore flawed and contrary to Policy PG3, TP6 and TP8 of the BDP, paragraph 3.14 to 3.14D of the (saved) UDP and contrary to fundamental design considerations as set out in paragraph 56 of the NPPF.
3. Issue
4. In the intervening period the appellant has sought to try and address refusal reason 2 prior to the Inquiry. The appellant has submitted a revised Masterplan, to the Inspectorate, which the appellant considers satisfies the concerns raised in refusal

reason two. The appellant has also written to local residents with the new plans and explaining their submission, inviting comments to be made which will be forwarded to the Inspectorate.

5. The revised Masterplan makes the following changes;

- The residential area has been reduced from 19.40 hectares to 17.90 hectares, with a corresponding increase in the total green infrastructure from 10.95 hectares to 12.45 hectares;
- The number of units has been reduced from 950 dwellings to 800 dwellings;
- The overall density of the residential areas have been reduced from 49 dwellings per hectare to 45 dwellings per hectare;
- The central green corridor has been increased from 30 metres to 50 metres in width;
- The wildlife corridor along the eastern boundary has been increased from 5 metres to between 10 metres and 33 metres in width;
- Development is now shown set back from Frankley Beeches Road and Tessall Lane to allow for landscape treatment along the site frontage. Existing vegetation of high value would be retained and reinforced with new tree and hedgerow planting;
- Additional pedestrian connections are shown indicatively between the eastern and western neighbourhoods;
- The indicative plan shows residential development fronting onto the eastern boundary in order to create a secure, positive frontage to the wildlife corridor

6. The revised Masterplan has been shared with your designer, ecologist and arborist. Their comments are summarised below;

7. Design

8. At 45 dwellings per hectare, the revised Masterplan shows an indicative layout within which my designer is much more confident that an acceptable scheme for 2-3 storey houses can be provided. She previously stated that on density grounds, 776 units would be appropriate, the revised Masterplan shows 800 dwellings rather than the refused 950. She notes that there are various local examples of residential areas of 45 dwellings per hectare, including Egghill nearby. Taking the revised density, and the amount of Green Infrastructure being retained, this revision now provides a much better green setting for the development and a greater sense of spaciousness.
9. In landscape terms, the increased Green Infrastructure is a strong benefit from an urban design and place making point of view as well as landscape / biodiversity. The revision includes a minimum of a 5m green frontage to Frankley Beeches Road, greater set back of development on Tessall Lane and space to retain existing trees and plant new ones. Also, trees would now be in the public realm on the Josiah Road boundary (rather than private ownership).
10. The reserved matters applications would need to consider further details including Sustainable Drainage; trees within the eastern neighbourhood; varying density areas; hierarchy of streets and creation of different characters within the neighbourhoods; Separation distances; extra pedestrian access points from the surrounding road

network; and parking provision and layout. Seeing those details, at a later stage, is normal and acceptable.

## 11. Ecology

12. In terms of Bats, your ecologist notes the improved habitat connectivity created through the retention of existing vegetation along Frankley Beeches Road; the increased width of the wildlife corridor along the eastern boundary and improved habitat linkage to Eco-Park; the increased width of the central green corridor and the opportunity to retain existing vegetation along the southern boundary / adjacent to Tessall Lane. She also notes the potential for increased provision of dark corridors, within the site and the increased width of the central green corridor, which would increase the availability of habitat unaffected by light spillage.
13. In terms of Badgers, she notes the improved habitat connectivity between the site and adjacent residential gardens to the east: with; an increase in width of wildlife corridor along the eastern boundary; an improved habitat linkage to Eco-Park from the eastern boundary; and an opportunity to retain existing habitat corridor along the southern boundary linking to the southern end of the central green corridor / POS. She notes that the provision of these green corridors in the public realm provides greater confidence of their long term retention and appropriate management to provide effective habitat corridors.
14. In terms of Birds, the Increase in public open space provision (from 10.95ha to 12.45ha), allows for increased opportunities to retain mature habitat features in the central green corridor and around site boundaries (all public realm). In terms of Habitats and ecological function, the amendments provide increased opportunities to retain existing valued habitats / features, create more scope to reduce disturbance to core habitat areas and improve habitat connectivity. In terms of Biodiversity, although a revised biodiversity impact calculation has not been completed, it can be inferred from the increased POS, that the scheme will deliver a biodiversity net gain of greater magnitude than the previous proposals. In terms of impacts on ecological functionality, the reduced density of residential development and increased level of green infrastructure provision, are key factors which make the revised proposals generally acceptable.
15. In summary, she considers that the reduced housing density has allowed more space for green infrastructure, therefore improving the scope for ecological impacts to be satisfactorily addressed. By increasing the width of the central green corridor and green corridors around the site boundaries, this has enhanced retained habitats in these areas and creates new habitats that should ensure habitat connectivity for key species is maintained as well as continuing to provide habitat resources for the species currently recorded on site. She also notes that careful phasing of development would be required to ensure mitigation and compensation measures, such as the creation of new badger setts, which should be delivered and demonstrated to be operating effectively before existing habitats are removed. She states that effective management of public open space / public realm green infrastructure would be essential to ensure the ecological value of retained and created habitats is sustained once development is complete and the site occupied,

with an objective to achieve a designation of 'Site of Interest in Nature Conservation' (SINC) or 'Site of Local Interest in Nature Conservation' (SLINC).

16. In conclusion, she states she is broadly supportive of the revised proposals and considers that there is sufficient scope, in the revised Masterplan, to achieve an acceptable development, subject to agreement of detailed design, mitigation measures, long-term management etc, which can be dealt with by condition / at reserved matters stage. As such she considers that a continued objection on ecological grounds cannot be sustained.

17. Arboriculture

18. Your arborist has commented that the area of the public open space (POS) has increased to allow a 50m green corridor and, in all but small detail, the residential blocks have decreased proportionally. The total number of dwellings has decreased and the density has decreased. It appears that the revision would create a greater opportunity for new trees to be planted in rear gardens. This is now more likely to be achieved, as the density has been reduced and is now similar to the nearby Balaam Wood development. He also notes that the planted boundary with Josiah Road, is now mostly retained, with an access road between the trees and the houses.

19. He comments that in terms of residential areas of land use alone, the potential for tree coverage is still estimated to be less than the average existing across the city and if this is not a benchmark for improvement for new development then the desired increase in canopy coverage and quality expressed by the BDP would not be met. Within the red line, however, and with the unusual character of this particular site, it is not possible to cleanly separate the land uses of residential and POS for individual consideration as the POS forms a very significant proportion of overall coverage. It is so significant an area it raises the percentage cover of the whole site to an estimated 25% canopy coverage and the POS will clearly be an easily accessible amenity of special quality to all of the residents. He concludes that he has no objection to the revised Masterplan subject to tree management conditions.

20. Summary

21. In the case of an outline application, such as this, the Masterplan (although indicative) is a tool used to establish how the scheme could satisfy the identified constraints in a manner that enables the phases of development (at reserved matter stage) to accommodate the constraints and interconnect to create a holistic 'place making' design solution.

22. In this case, the appellant is entitled to offer an amended indicative Masterplan, to the Inspectorate, if they are willing and consider that it would meet the concerns.

23. Counsel advice has made the following important observations;

- The revised master-plan is very likely to be accepted by the Planning Inspectorate due to the Wheatcroft principle (where relatively minor changes can be accepted, if they reduce the extent and/or effects of the proposed development), especially as Bloor have undertaken a further public consultation exercise in advance of the Inquiry.

- If the Local Planning Authority continue to try to defend reason 2, without supporting expert advice, it could fail to satisfy the Inspector that reason 2 remains defensible and this could expose the Authority to substantial cost by behaving unreasonably.
- Reason 1 is retained and has more credibility as the Authority will have shown reasonableness, where able, and sought to focus down the case in the areas where agreement can be achieved.

24. In light of the revised master-plan and the comments raised by appointed counsel and your designer, ecologist and arborist, the Local Planning Authority does not intend to defend reason 2. However, and for the avoidance of doubt, the Local Planning Authority will continue to defend reason 1 (the principle of development) at the forthcoming Inquiry.

25. Conditions will be recommended to the Inspectorate, capturing the key principles of the revised Masterplan being;

- That the revised master-plan be a guiding principle for the detailed phases and the reserved matters applications,
- That the total number of dwellings be capped at 800 dwellings,
- That the public open space be a minimum of 12.45ha, and
- That the residential zones shall not exceed 17.9ha.

#### 26. Recommendation

27. To endorse the content of this report, to not defend reason 2 at the forthcoming Inquiry.

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Committee Date:	05/07/2018	Application Number:	2018/02217/PA
Accepted:	29/03/2018	Application Type:	Full Planning
Target Date:	06/07/2018		
Ward:	Harborne		

Lordswood Boys Academy, Hagley Road, Harborne, Birmingham, B17 8BJ

Erection of new school building (Use Class D1), demolition of the existing main school buildings, relocation of existing courts and playgrounds, new service yard, revision to parking layouts and associated landscape works across the site.

Applicant:	Kier Construction Central on behalf of, Secretary of State for Education, Tungsten Building, Central Boulevard, Blythe Valley Park, Solihull, West Midlands, B90 8AU
Agent:	Maber Associates Ltd Suite 3A, 24 De Montfort Street, Leicester, LE1 7GB

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This application seeks planning permission for the erection of a new secondary school, to replace an existing school. The new building would re-locate the school on the hard-standing to the rear of the existing school (south side), adjacent to a group of trees and a large green space used as playing fields for Lordswood Boys' and Lordswood Girls' Schools allowing the existing school to remaining operational during construction.
- 1.2. The application site is 4.3ha and consists of the main school site, playing fields (for the Boys' school exclusive use) to the east and a connecting access track (between the houses of 348 and 364 Hagley Road) linking onto Hagley Road.
- 1.3. The scheme would provide a school able to accommodate 750 students, and 100 staff, and include a sixth form. The building would be located to the western side of the site and would be rectangular. In footprint, it would be 34m long (north/south) and 82m wide east/west. The main part of the building would be 12.3m high, with three stories of classroom space to its eastern end and a connected sports hall to its western end (being 9.3m high). The building would principally consist of brick cladding, with a profile metal cladding system around the top half of the sports hall (to create differentiation and add interest).



View of front of proposed school, looking southwest

- 1.4. The total floor area, of the building, would be 6,012sqm (GEA). The building would include around 34 classrooms, a sports hall, a smaller hall, kitchen, dining room, library changing rooms and associated offices and storage space. It would have three stair cores within the building.
- 1.5. Parking would be located in front (north) of the building, in two areas. The existing site provides 60 parking spaces and 47 bicycle hoops, the proposed scheme would provide 64 parking spaces and 86 bicycle hoops. The proposed car parking would be located in a similar location as the existing parking, albeit slightly enlarged; to the northwest corner (behind 329/327 Lordswood Road and 376 Hagley Road) and in the north part of the main site (at the terminus of the access track). Part of the existing footprint, of the existing building, would be laid out as 3 basketball courts and over-marked with 5-a-side football pitch.
- 1.6. It is proposed to install 2.4m high weldmesh fencing within the site, around the building, play grounds and western car park (to create a secure area). A semi-public area would be created around the first car park (next to the access track). Lighting is shown to be a combination of building down-lighters and column lighting. There would be 13 down-lighters and the 7 column lights would be 6m high. All lighting would be focussed around the building. The existing external lighting around the site, and within the second car park, would be retained as existing.
- 1.7. 18 trees are proposed for removal, consisting of 10 individual trees and a group. 18 replacement trees are proposed as part of the landscape scheme.
- 1.8. The application is supported with a Transport Statement, travel Plan, Preliminary Ecological Assessment, Drainage Strategy, Design and Access Statement, Planning Statement, statement of community involvement, noise assessment and site investigation report.
- 1.9. Discussions with Sport England has resulted in the submission by the applicant of the following further supporting information; provisional programme of works for the Artificial Grass Pitch (AGP)(showing a 16 week build period) and an email from Lordswood Girls' school with a provisional implementation of works date of the AGP being 25<sup>th</sup> June. Also provided is a copy of the title deeds showing that the two schools and land between is owned by Calthorpe Estates and is leased, on a 150



year lease (from 1950), to both schools. It is separately indicated that the playing fields and tennis courts (adjacent to Lordswood Road) are subject to a Shared Use Agreement (last being dated August 2017). The Boys' School have also illustrated the level of access currently gained to the southern playing fields showing established and comprehensive access.

- 1.10. Also, in terms of title the applicant has confirmed the Lordswood Academies Trust became owner of the Boy's school and easterly playing fields in September 2017.

- 1.11. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. Lordswood Boys' School and sixth form centre is adjacent to Lordswood Girls' school with substantial playing fields, in between, shared by both academies. There is also a playing field, within the red-lined site, for exclusive use of the boys' school; located to the east of the main building. The current Boys' school includes a small gym.

- 2.2. The site has residential properties to the north and west boundaries. These properties are large detached houses, with large rear gardens. There is a care home; Hagley Road (extra care) retirement village, located to the north of the site's playing fields

- 2.3. Vehicular access to the site is via Hagley Road, to the north. The school, however, prevent children entering from the north access and instead directs children to attend from the pedestrian access from Lordswood Road, to the west of the site. The pedestrian access is adjacent to a pedestrian crossing over Lordswood Road.

- 2.4. There are double yellow lines along Hagley Road for a substantial distance east and west of the site, being a part of the main highway network. There are limited parking restrictions on Lordswood Road apart from around the nearby pedestrian crossing and when approaching the junction of Hagley Road.

- 2.5. Many buses use both Hagley Road and Lordswood Road due to their network importance.

- 2.6. The site is generally flat, Hagley Road being approximately 1m higher to the north, and the playing fields to the south being approximately 4m lower than the site.

- 2.7. [Site Location Plan](#)

## 3. Planning History

- 3.1. No relevant planning history on site.

### 3.2. Adjacent Playing fields

- 3.3. 9<sup>th</sup> March 2017. Pa no. 2016/09701/PA. Proposed installation of an Artificial Grass Pitch (AGP) within the school grounds of Lordswood Girl's School in the centre of the playing fields. Approved.

### 3.4. Lordswood Girls' School

- 3.5. 7<sup>th</sup> December 2016. Pa no. 2016/06833/PA. Demolition of existing gym and erection of two-storey extension for new sports hall and sixth form centre, alterations and addition to car park. Approved with conditions.
4. Consultation/PP Responses
- 4.1. Residents, Resident Associations, Councillors, adjacent Local Planning Authority and MP consulted. Site Notice (x3) erected. Press Notice made. No comments have been received from the local community. A public consultation event was held by the applicants in March, 20 residents attended with mostly positive comments reported.
- 4.2. Sandwell MBC - Our Highways team are concerned that staff parking is not sufficient for the development and they have queried elements within the TA. Please relay these to your Highways team and consider them before reaching a decision on this application.
- 4.3. Transportation – No objection subject to conditions to secure a Demolition and Construction Management Plan and a Travel Plan.
- 4.4. Regulatory Services – No objection subject to conditions for details of extraction, noise levels of plant and machinery to not exceed background noise and for 10% vehicle charging points.
- 4.5. Sport England – No objection provided that the lost area of hard-standing, used when the playing fields are inaccessible, is compensated by either substantial access to the adjacent Artificial Grass Pitch or drainage is improved to the football pitch on the east playing field. Sport England recommends conditions to secure;
- Details of access to the Artificial Grass Pitch or Improved drainage for the football pitch on the east field
  - Community Access Agreement for the Sports Hall,
  - Details of the use of the sports hall, including details of; heating and ventilation, lighting, colour of internal surfaces and light reflectance values. Also a community use agreement would be required.
- 4.6. Severn Trent - No objection to the proposals subject to the inclusion a condition that requires drainage plans for the disposal of foul and surface water flows. There is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent.
- 4.7. Lead Local Flood Authority - No objection subject to conditions for a sustainable drainage plan and an operation and maintenance plan.
- 4.8. West Midlands Police – Comment that the school has been victim of several crimes in the past 12 month period including theft of motor vehicle, assaults (on teacher and on a pupil) a burglary and anti-social behaviour in the form of off road motor-bikes on school grounds. It consequently supports the proposed provision of a 2.4m perimeter fence and controlled audio access to the main entrance (although ideally this would be visually controlled also). The Police ask who would be responsible for securing the perimeter of the Multi Use Games Area (MUGA) after school hours use. In summary, the Police have no objection subject to conditions to secure; CCTV (covering communal space, access and egress points), external lighting scheme,

that an alarm be linked to an alarm receiving centre. The Police also recommend that the applicant considers 'Secured by Design' initiative.

- 4.9. West Midlands Fire Service - Water supplies for firefighting should be in accordance with "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK. The approval of Building Control will be required with regard to Part B of the Building Regulations 2010.

## 5. Policy Context

- 5.1. Birmingham Development Plan, Birmingham UDP (saved policies), Car Parking Standards SPD, Nature Conservation Strategy SPG, Places for All SPD. Barnsley Road Conservation Area (adjacent). Wildlife Corridor.

- 5.2. NPPF, NPPG.

## 6. Planning Considerations

### 6.1. Principle of use and replacement building

- 6.2. Policy TP36, of the BDP, States that "as the City's population grows there will be a need for additional Primary, Secondary and Special Needs school and college provision".

- 6.3. The application proposes the replacement of an existing secondary school with another similar but smaller school. The principle of the use is therefore established, subject to specific consideration of a range of material planning considerations including loss of playing field policy, impact on residential amenity, transport, design, impact on heritage assets, ecology and trees.

### 6.4. Loss of Playing Fields/sporting facility

- 6.5. The scheme proposes the loss of two, informal hard-surfaced, general playground areas (being 1,464sqm and 2,191sqm) and their replacement with one area of hard-standing (of 1,940sqm) marked out for multiple sports use. The scheme also includes a large sports hall, replacing an existing small gym hall. The school also owns a large playing field to the east and furthermore has shared access to a similar sized area of playing field to the south. Sport England had originally objected to the loss of playing field land, due to the reduction of hard-standing (by 1,715sqm). The applicant and your officers have resolved this objection, in discussion with Sport England to result in the removal of their objection subject to three conditions requiring; community access, details of the sports hall, and access to the adjacent AGP or if access cannot be agreed requires improved drainage to the football pitch on site.

- 6.6. I also note that the scheme proposes the creation of a new sports hall and 3 basketball courts over-marked for 5 a-side-football, which would partially off-set the loss of hard-standing. I consider that the proposed sporting provision on-site is of a greater benefit to the community than the current facilities. The scheme offers improved sport facilities to the school and local community (which would be secured with a community access agreement). I also note that school has equal access with the Girls' School, through an establish Shared Use Agreement, for the use of the playing fields, tennis courts and soon to be constructed AGP, the immediate south of the site.

6.7. Transportation

- 6.8. The scheme proposes the use of an existing vehicle access from Hagley Road and pedestrian access from Lordswood Road. The scheme provides 64 parking spaces and 86 cycle parking space. The scheme would provide a school able to accommodate 750 students, and 100 staff.
- 6.9. Policy TP36, of the BDP, states that as the city's population grows there will be a need for additional school provision. It also states that proposals for new schools, in locations where additional provision is required, will be supported subject to the following criteria;
- it should have safe access by cycle and walking and incorporate a school travel plan,
  - should have safe drop-off and pick up provision, provide outdoor facilities for sport and recreation, and
  - it should avoid conflict with adjoining uses.
- 6.10. Policy TP45, of the BDP, requires new development to support the delivery of a sustainable transport network. Policy TP38, of the BDP, requires development proposals to support and promote sustainable travel. Paragraph 32, of the NPPF, requires new development to take account of sustainable transport modes, safe and suitable access and improvements to the network that limit the impacts of the development.
- 6.11. The net capacity of the school is not proposed to increase. The existing school has a net capacity for 900 pupils but currently operates well below capacity with 376 pupils currently enrolled. There is no longer a sixth form at the school. The proposed scheme would accommodate up to 750 pupils and a total 100 staff members (a mixture of both part-time and full-time staff) in line with the school's previous Published Admission Number (PAN).
- 6.12. Therefore it is important to get a robust Travel Plan in place in anticipation of the pupil levels increasing with associated teaching staff. The applicant has provided a Framework Travel Plan document, which is considered acceptable in principle. It is recommend that Travel Plan condition is attached to revise this and enable it to be reviewed as a 'live' document.
- 6.13. Transportation colleagues have considered the comments raised by Sandwell Council, noting their concerns in regard to the potential of teachers parking on street within their boundary. Transportation colleagues have assessed the roads (in Sandwell) which are in close proximity to Lordswood Boys and the nearest unrestricted parking is 500m away and is heavily parked. It is therefore considered that off-site parking would be a significant issue due to the lack of close alternatives.
- 6.14. Access remains unchanged and an acceptable level of cycle parking and vehicle parking spaces would be provided. The existing school site access arrangements shall would remain unchanged, although widened slightly into the site from Hagley Road. It is recognised that the existing school, with no redevelopment, could increase occupancy at any time without requiring planning permission. As the number of car parking spaces on site does not increase, the impact to the highway network should remain largely unchanged. The increase in pupil numbers and

teaching staff is expected to be staggered over a 5-7 year period. The Travel Plan would be reviewed to reflect this.

- 6.15. Transportation colleagues consider that It is important that demolition and construction traffic/parking is managed well, in this location due to the busy nature of Lordswood and Hagley Road and as the school would continue to operate throughout the construction period, therefore construction plans are required by condition. I concur with the conclusions reached by Transportation colleagues.

6.16. Design

- 6.17. Policy PG3, of the BDP, seeks to create a positive sense of place with design that responds to site conditions, local context, creates safe environments, provides attractive environments, make sustainable design integral, and supports the creation of sustainable neighbourhoods. Furthermore, Policy 3.14, of the UDP (saved Policies), states that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. Paragraph 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."

- 6.18. The proposed building would be contemporary, with brick used as the principal material, to help ground it into the local vernacular, and having a flat roof to reduce its impact. I consider that the proposed school is well designed and respectful of its surroundings. I have no objection to the design of the proposal.

- 6.19. The proposed landscape scheme is acceptable in principle, including the planting of 18 new trees, further details are required to secure species type and shrub planting, this can be satisfied through a condition.

6.20. Conservation

The application site is adjacent to the rear boundary of Barnsley Road Conservation Area and the nearest site is a recently completed extra care facility. The proposal would be set further from the conservation area than the existing school and would not be visible from any public aspect of the conservation area. My conservation officer is satisfied that there would be no direct impact on the heritage asset and has raised no objection, I concur with this conclusion.

6.21. Impact on residential amenity

- 6.22. The site has residential properties to the north and west boundaries. These properties are large detached houses on large plots, rear gardens range between 42m and 50m. The proposed footprint would be set further away from existing houses on Hagley Road, by a further 61m than the existing school, creating a new separation distance of 103m. The building would effectively move 60m south from its current position, albeit slightly wider and deeper. It would be located 44m from the rear boundary of houses on Lordswood Road, which when taken their garden lengths into account would create a total separation distance of 89m.

- 6.23. The distances proposed are relatively substantial and taking into account the existing mature landscaping on the boundary and within residents' gardens I am satisfied that residential amenity would not be worsened by the proposal, in most cases the relationship would be substantially improved. I recognise that there has

been no objection raised by local residents.

6.24. Ecology

6.25. 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.

6.26. The Warley Woods/Chad Valley Wildlife Corridor bisects the site on a NW/SE axis.

6.27. From an ecological perspective the proposal would be relatively inert. The scheme maintains the existing mature boundaries and as such foraging routes would be largely unaffected. My ecologist has raised no objection to the principle of the redevelopment of the site, but has requested an assessment of the existing building to determine the presence or absence of a bat roost prior to any demolition works. He considers that the building has low bat roost potential but would like that confirmed by a roost (potential) survey. The applicants have provided a revised Preliminary Ecological Appraisal which includes a Preliminary Bat Roost Inspection. They state that a further Preliminary Bat Roost Inspection has been requested and will be carried out shortly to provide confirmation that the findings in the October 2017 are still valid due to the time of year it was carried out. If evidence of roosting bats is found then a 'First Nocturnal Emergence Survey' and a 'First Dawn Re-Entry Survey' will be undertaken. The applicants have also confirmed that an Ecological Impact Assessment would be carried out along with a Construction Ecological Management Plan over the coming weeks. My ecologist is satisfied that these matters, including the final bat survey, can be adequately dealt with by conditions.

6.28. Also, my ecologist recognises that as there would be some small loss of landscape, the site would benefit from biodiversity enhancement through a bio-diverse landscaping scheme. Additional, further replacement tree planting, to the 18 trees proposed, would be of benefit along the entrance drive and the periphery of the site to improving the ecological value further. Therefore conditions are recommended for a Preliminary Bat Roost Assessment and a Scheme for ecological biodiversity enhancement measures.

6.29. Trees

6.30. 18 trees are proposed for removal, consisting of 10 individual trees and a group. 18 replacement trees are proposed as part of the landscape scheme. The proposed tree removal consist of two within the southeast boundary line (adjacent to the playing fields) being within a group of B and C category trees including oak, apple, ash, hawthorn, willow and broom. The remaining trees proposed for removal are all category C; two are located in the access track and are proposed to be removed to widen and straighten the track, being two cherries. Further trees to be removed consist of a stags horn sumach, adjacent to the northern corner of the new building and the remaining trees are within a cluster adjacent to the first car park (next to the access track) includes the identified tree group (G13) being cherry, cypress and spruce and including, next to this group, 5 other trees; being sycamore and cherry.

6.31. My Tree officer notes “All of the trees impacted by the proposal are C or U category and should not be a constraint. The removals are almost exclusively the two trees in

the driveway access and the group of trees facing the driveway as it opens out into the site. There is adequate space for replacements in the site and this has also been indicated in the landscape proposal. There should not be any further impact from drainage except for the new attenuation tank which is close to the boundary and the conservation area. The poplars in this area have been pollarded in the past and the trees within the neighbouring Extracare site, which would have been close to the excavation, were removed in the past due to their condition. He has raised no objection subject to a condition requiring all tree works to undertaken to BS Standard.

- 6.32. The applicants have considered the implication of the attenuation tank on the adjacent trees in the area and have ensured that levels would tie into the existing levels within the root protection area of the nearest trees, being group G21. I therefore consider that the trees to be removed are of limited interest and that replacement tree planting would adequately off-set the loss.

6.33. Drainage/Flood management

- 6.34. 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 the draft 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.

- 6.35. The Lead Local Flood Authority has considered the scheme, and raised no objection subject to conditions for a drainage scheme and an operation and management plan. I have no objection to this approach.

6.36. Severn Trent Comments

- 6.37. Severn Trent has stated that it has no objection subject to drainage details, however it also advises that there is a public sewer located within this site. In response the applicant have said "we note the comment regarding the Public Sewer, our building is located away from it, however there are works to be undertaken in the vicinity of the Sewer. We have had initial discussions with Severn Trent and will continue our dialogue with Severn Trent prior to undertaking any works in the area". I am therefore satisfied that this issue has been taken into account and, in any event, these are principally a matter for separate regulation.

6.38. WM Police comments

- 6.39. The Police asked who would be responsible for securing the perimeter after use if the MUGA is used outside of school hours. In response to Police concerns the applicant has confirmed that "The perimeter will be secured by the premises officer once the activity has finished". I am satisfied with this response. The Police have raised no objection subject to conditions to secure; CCTV (covering communal space, access and egress points), external lighting scheme, that an alarm be linked to an alarm receiving centre. I am satisfied that CCTV can be secured by condition, requiring an alarm would be unreasonable for the purpose of granting consent. The proposed lighting details are set away from residential properties and would supplement the existing lighting, as such I do not consider that further details are required by condition All Police advice has been passed to the applicants to consider and take into account.



6.40. WM Fire Service comments

- 6.41. West Midlands Fire Service has commented that the scheme would need to satisfy relevant building regulations. The applicants have seen these comments and responded with “a sprinkler system is not proposed, but the building would have a fire detection system. The existing school site has two fire hydrants fed from the mains water supply, and these are to be retained. Both are within 90m of the proposed building’s main entrance door.” I am therefore satisfied that these issues have been taken into account and, in any event, are principally a matter for separate regulation.

7. Conclusion

- 7.1. The proposed secondary school would replace an existing school building on an established school site with good access to playing fields and provide sustainable transport links to the local area. The impact upon adjacent residents, in terms of overlooking and loss of privacy has been considered and is considered to be limited and acceptable. The loss of trees would be mitigated with replacement planting and this would also enhance local bio-diversity.
- 7.2. The proposal includes the provision of improved sports facilities. The scheme includes a range of sporting benefits that outweigh the loss of the on-site hard-standing with a new multi-use court area and sports hall.

8. Recommendation

- 8.1. That planning permission be granted subject to the following conditions;

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|----|--|
| 1  | Requires the prior submission of a sustainable drainage scheme   |
| 2  | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 3  | Requires the prior submission of an additional bat survey  |
| 4  | Requires the prior submission of a scheme for ecological/ biodiversity/ enhancement measures   |
| 5  | Requires the prior submission of extraction and odour control details  |
| 6  | Requires the prior submission of sample materials  |
| 7  | Requires the prior submission of level details   |
| 8  | Requires the prior submission of details of refuse storage   |
| 9  | Requires the parking area to be laid out prior to use  |
| 10 | Requires the prior submission of hard and/or soft landscape details  |
| 11 | Requires the prior submission of foul and fresh water drainage details   |
| 12 | Arboricultural Method Statement - Submission Required  |
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- 13 Requires the prior submission of a CCTV scheme
  - 14 Requires the prior submission of a community access agreement
  - 15 Requires the prior submission of sport hall details
  - 16 Limits the noise levels for Plant and Machinery
  - 17 Requires the prior submission of a commercial travel plan
  - 18 Requires the provision of cycle parking prior to occupation
  - 19 Requires the prior submission of a construction method statement/management plan
  - 20 Requires the prior submission of electric vehicle charging space details
  - 21 Requires the installation of improved drainage to the football pitch in the eastern field
  - 22 Requires the scheme to be in accordance with the listed approved plans
  - 23 Implement within 3 years (Full)
- 

Case Officer: Ben Plenty

## Photo(s)



Fig 1 Ariel view, looking north



Fig 2 front of existing school looking northeast



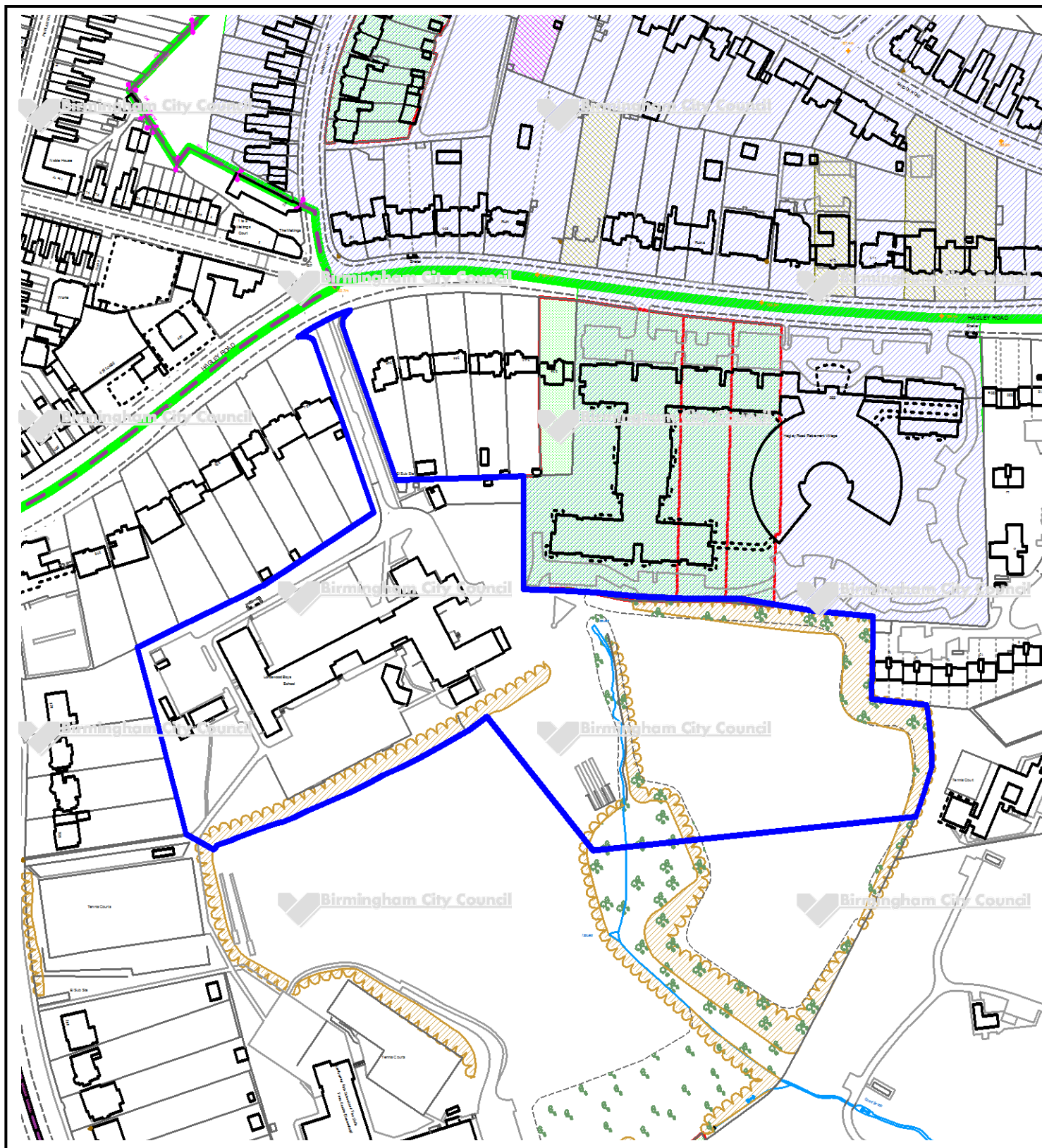
Fig 3 rear of school looking northeast



Fig 4 rear of school looking east



## Location Plan



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Committee Date:	05/07/2018	Application Number:	2018/03874/PA
Accepted:	14/05/2018	Application Type:	Householder
Target Date:	09/07/2018		
Ward:	Moseley		

92 Swanshurst Lane, Moseley, Birmingham, B13 0AL

Erection of detached outbuilding

Applicant: Mrs Nazia Nazir  
92 Swanshurst Lane, Moseley, Birmingham, B13 0AL  
Agent: Space Design Planning  
75 Drews Lane, Ward End, Birmingham, B8 2QE

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Planning consent is sought for the erection of a detached outbuilding to the rear at 92 Swanshurst Lane, Moseley.
- 1.2. The proposed outbuilding would measure 8m in length x 5.4m in width x 2.3m in height to the eaves and would be set in from the each of the two side boundaries by 0.3m. The proposed outbuilding would have a pitched tiled roof, measuring 4m in height to the ridge. There would a timber-clad canopy which projects 1.5m to the front of the outbuilding. Two roof lights would be installed within the roof on both side elevations (four in total). The walls would be of rendered blockwork.
- 1.3. The proposed outbuilding would create 38.7 sqm of floor space and would be used as a domestic office/study. There would also be space for a utility/storage area and a bathroom.
- 1.4. The application is to be determined by the Planning Committee as the Applicant is related to a member of staff of Planning & Development.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a two storey dwelling with hipped to gable loft dormer conversion and single storey rear extension. To the front of the property, there is a paved driveway which is used for off-street parking. The property is set back from the main highway.
- 2.2. To the rear, there is a long private garden area which slightly slopes down to the bottom of the garden. The rear garden is bound by wooden panel fencing and tall trees. There is an existing outbuilding located at the bottom of the garden which would be replaced by the proposed development.

- 2.3. The application property sits in a largely residential area surrounded by a mix of properties of various style and design. There are other examples of detached outbuildings.

2.4. [Site Location](#)

3. [Planning History](#)

- 3.1. 02/08/2012 - 2012/04032/PA – Erection of single storey rear extension – Approved subject to conditions.

4. [Consultation/PP Responses](#)

- 4.1. Adjoining residents, and local ward Councillors have been notified. Two objections have been received from neighbouring occupiers raising concerns regarding:
- The accuracy of the proposed plans
  - Potential uses of the building
  - Impact on privacy and overlooking

One comment has also been received from the Moseley Society requesting that a condition is attached to ensure that the outbuilding is used in conjunction with the main dwelling.

5. [Policy Context](#)

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (2017)
  - Birmingham Unitary Development Plan 2005 (saved policies 3.14-3.14D & Chapter 8).
  - Places For Living SPG (2001).
  - Extending Your Home SPD (2007).
- 5.2. The following national policies are applicable:
- The National Planning Policy Framework (2012).

6. [Planning Considerations](#)

- 6.1. The application has been assessed against the objectives of the policies as set out above and the principal matters for consideration in the determination of this application are the impact on the residential amenity of neighbouring properties, the scale, mass and design of the proposal and the impact upon visual amenity.
- 6.2. There would a separation distance of approximately 23.3m between the rear elevation of the proposed outbuilding and the rear windowed elevation of adjacent property to the north, No. 20 Meadow View. The house of No. 20 is set at a lower ground level, with steps up to its rear garden. The garden is set at the same ground level as the application site.



- 6.3. There would be a separation distance of approximately 24.1m between the side elevation of the proposed outbuilding and the rear windowed elevation of adjacent property to the east, No. 10 Meadow View. The proposal therefore complies with Council's separation distance guidelines as outlined within 'Places for Living' SPG. As such, I consider that the proposed outbuilding would not have a detrimental impact on neighbours' light, outlook or amenity. I note that there are no windows proposed in the rear or side elevation of the proposed outbuilding. As there would no overlooking to the surrounding rear gardens, I consider that the proposed outbuilding would not have an adverse impact on neighbour's privacy.
- 6.4. The scale, mass and design of the proposed outbuilding is acceptable. I consider that the proposed building would be of domestic proportions and as such would not compromise the existing character or architectural features of the property, or form an overbearing development in relation to neighbouring dwellings. The proposal would therefore be in accordance with the design principles contained within 'Extending Your Home' Supplementary Planning Document.
- 6.5. The outbuilding would be used as a domestic office/study. A condition is attached to ensure that the use of the building is maintained for purposes incidental to the enjoyment of the dwelling. I note that the proposed outbuilding could only be accessed through the front part of the property, from Swanshurst Lane.
- 6.6. There are a number of trees located in neighbouring gardens, which overhang the proposed location of the outbuilding. The City's Tree Officer has been consulted on the application and has raised no objection to the proposal but has commented that any pruning of the trees should be approached with caution and arboricultural advice sought prior to works.
- 6.7. Objections were received from neighbouring occupiers, particularly regarding the accuracy of the submitted plans. There was an error with the submitted location plan which showed the proposed outbuilding in the incorrect location. A new site plan was submitted, showing the correct location of the proposed outbuilding. All neighbours were re-consulted and paper copies were sent directly to those who raised their concerns, without further response.
- 6.8. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. This proposed development complies with the objectives of the policies as set out above. I therefore consider that the proposal would constitute sustainable development and recommend approval subject to conditions.

8. Recommendation

- 8.1. Approve subject to conditions:

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials                      |
-

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3 Limits the use to being incidental to the dwelling

4 Implement within 3 years (Full)

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Case Officer: Laura Reid

**Photo(s)**



Photo 1 – Proposed Location , to replace existing outbuilding





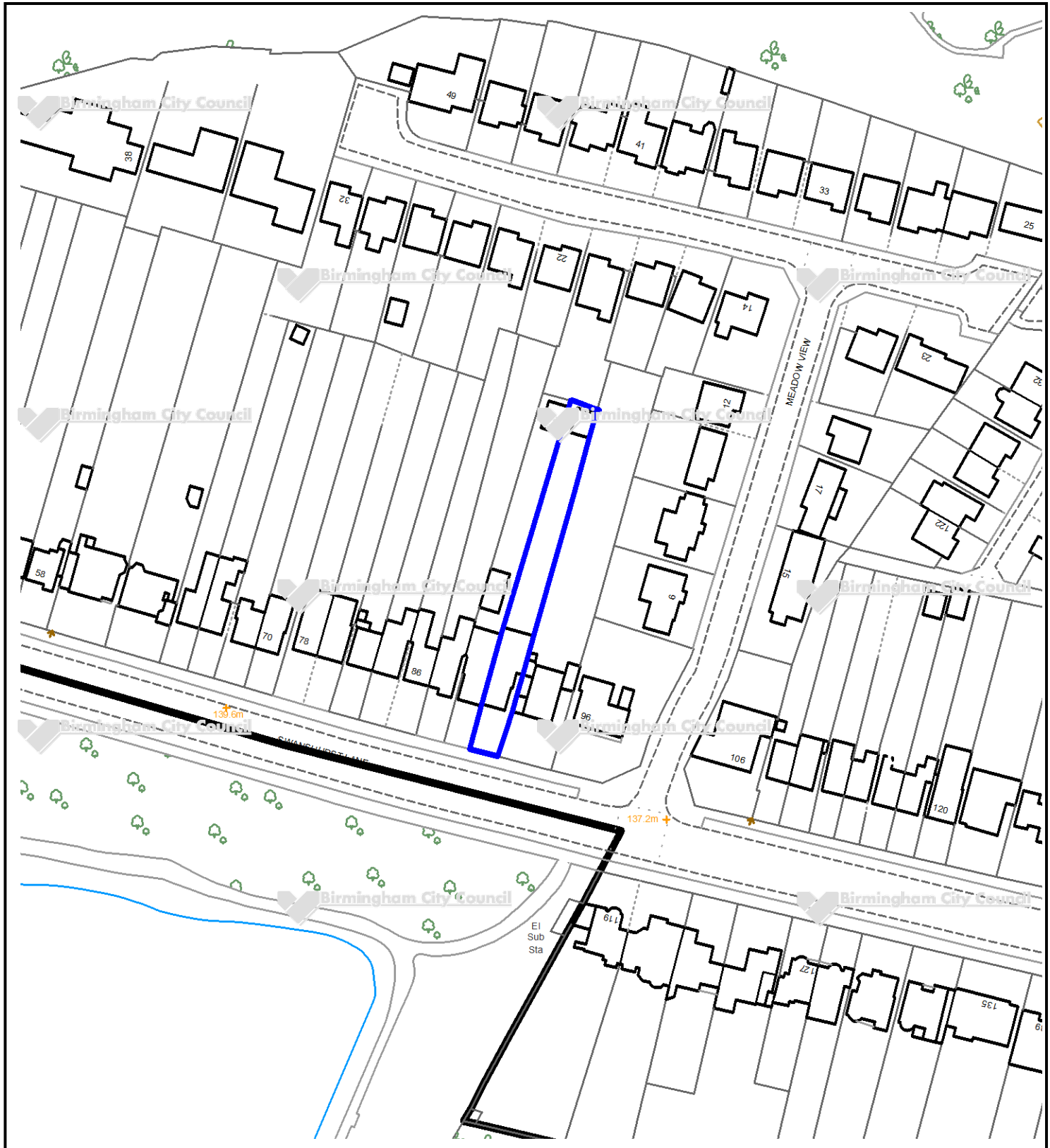
Photo 2 – Rear of No. 92 Swanshurst Lane





Photo 3 – Rear garden of No. 20 Meadow View, structure to be built on other side of end boundary.

## Location Plan



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# Birmingham City Council

## Planning Committee

05 July 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	19	2017/10597/PA  32 Holly Lane Erdington Birmingham B24 9JS  Conversion and extension of existing dwelling to 7no. C3 Use Class retirement apartments, and the erection of detached three-storey building to create 5 no. C3 Use Class retirement apartments with associated works
Approve - Temporary	20	2018/00464/PA  Coventry Road - Various locations (52 to 105) South Yardley Birmingham B10 0UN  Display of 38 no. non-illuminated PVC lamp post banners
No Prior Approval Required	21	2018/03586/PA  Bromford Drive Bromford Birmingham B36 8SJ  Prior notification for the installation of a 12.5m high monopole supporting 3 antennas, 2 dishes and associated equipment cabinets

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Committee Date:	05/07/2018	Application Number:	2017/10597/PA
Accepted:	15/02/2018	Application Type:	Full Planning
Target Date:	12/07/2018		
Ward:	Erdington		

32 Holly Lane, Erdington, Birmingham, B24 9JS

Conversion and extension of existing dwelling to 7no. C3 Use Class retirement apartments, and the erection of detached three-storey building to create 5 no. C3 Use Class retirement apartments with associated works

Applicant:	Mr & Mrs Malcolm McDermott 32 Holly Lane, Erdington, Birmingham, B24 9JS
Agent:	Plot Design Solutions 93 Kempson Avenue, Sutton Coldfield, Birmingham, B72 1HF

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This application proposal seeks consent for the conversion of an existing large single dwellinghouse to 7no. self-contained retirement flats, the erection of a three storey detached building which would accommodate 5no. self-contained retirement flats, and associated works to facilitate the development. An existing detached garage would be required to be demolished to facilitate the development.
- 1.2. The existing single dwellinghouse, with front and rear dormers, would be subject to a large two storey extension proposed to be located to the rear of the building. The extension would be constructed of matching materials to the existing building, comprising facing brickwork, render and plain clay tiles. To the rear, replica sash windows and French doors with projecting balconies are proposed. External alterations are proposed to the existing rear elevation to install French doors at ground and first floor and a projecting balcony at first floor. Each flat would be provided with either a balcony or private patio area. A lift is proposed to be installed within the existing building to provide access to the flats at the upper floors alongside the staircase.
- 1.3. The proposed conversion would comprise 3no. two bedroom flats and 4no. one bedroom flats. The two bedroom flats would measure between 66sqm floorspace and 100sqm floorspace (excluding low head height areas in the roof space). The bedrooms would measure between 8.32sqm and 20sqm and the flats would comprise of a kitchen, lounge and either off-suite bathrooms or a family bathroom, depending on the proposed internal layout of the flat.
- 1.4. The one bedroom flats would measure between 45sqm floorspace and 50sqm floorspace. The bedrooms would measure approximately 20sqm including en-suite bathroom facilities. The flats would also comprise an open plan kitchen and lounge.

- 1.5. The proposed new building would comprise a two and a half storey detached building designed in the Edwardian style, with a projecting front gable featuring bay windows at ground and first floor with replica casement windows proposed to the front, rear and side elevations. To the rear of the building, French doors are proposed at ground and first floor level with a balcony proposed at first floor. Access to a private patio would be provided to the ground floor flat. The building would be constructed of traditional brick and render detailing with matching bricks and matching roof pitch plain tiles. A lift is proposed to be installed to provide access to the flats at the upper floors alongside a staircase.
- 1.6. The proposed new building would comprise 5no. one bedroom flats. The proposed flats would measure between approximately 38sqm and 55sqm (including low head height areas in the roof space). The bedrooms would measure between 9sqm and 17sqm (including low head height areas in the roof space). The flats would comprise of a kitchen, lounge, bedroom and bathroom.
- 1.7. The proposals would be supported by the provision of 16no. car parking spaces, with 10no. at the front, including 2no. disabled parking spaces, and 6no. car parking spaces located to the rear of the buildings, on the eastern side of the site. The rear car parking spaces would be accessed via a 3.6m wide access drive. The existing vehicular accesses to the site from Holly Lane would be retained.
- 1.8. The proposed external amenity spaces would comprise a mix of private patios and balconies alongside communal residents' patio, a garden lawn, a summer house, and storage shed. Approximately 250sqm of external amenity space is proposed. Existing boundary treatments in the form of hedge and fence would be retained, alongside existing trees within the site and located on the boundary.
- 1.9. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site comprises a large, extended double fronted early 20th century detached seven bedroom dwellinghouse. The building is constructed of facing brickwork, detailed brickwork, render and plain clay tiles with existing sash windows throughout and two large bay windows at the ground floor on the front elevation. Existing dormer windows are located to the front and rear at roof level. The dwellinghouse benefits from a large driveway with dual access from Holly Lane. The front boundary treatment comprises a wall and hedgerow. The rear garden comprises a mix of patios and landscaped garden. There are a number of established trees in the rear garden largely located on the boundary with a few ornamental trees within the main garden area. Adjacent to the dwellinghouse is an existing detached garage.
- 2.2. The site is located within a well-established street of Edwardian and inter-war detached and semi-detached housing. Adjacent to the application site is Erdington United Reformed Church and hall.
- 2.3. [Site Location](#)

## 3. Planning History

- 3.1. 10.06.2016 - 2016/03281/PA - Erection of single storey rear extension – Approved subject to conditions.
- 3.2. 14.11.2002 - 2002/05270/PA - Erection of single storey side extension, single storey rear conservatory and installation of side and rear dormer windows – Approved subject to conditions.
- 3.3. 04.08.1992 - 1992/02554/PA - Erection of garage and 2 metre high wall and erection of canopy entrance to front elevation – Approved subject to conditions.
- 3.4. 09.05.1991 - 1991/01090/PA – Erection of detached dwellinghouse – Approved subject to conditions.
- 3.5. 19.09.1990 - 1990/02941/PA – Change of use to day nursery – Withdrawn by agent due to local opposition.
- 3.6. 25.02.1975 – 40692000 – Erection of detached bungalow – approved.

#### 4. Consultation/PP Responses

- 4.1. Transportation Development - no objection subject to conditions relating to measures to prevent mud on highway; parking management strategy; parking areas laid out prior to use; cycle storage details; and refuse storage.
- 4.2. Regulatory Services – recommend a condition to secure a noise insulation scheme for external glazing.
- 4.3. Local Lead Flood Authority – object due to insufficient information supplied to demonstrate the likely drainage impact of the proposals.
- 4.4. Severn Trent – no objection subject to condition to secure until drainage plans for the disposal of foul and surface water flows.
- 4.5. West Midlands Fire Service – no objection however recommends that water supplies for firefighting should be in accordance with “National Guidance Document on the Provision for Fire Fighting”.
- 4.6. University Hospital Birmingham NHS Foundation Trust – A contribution of £7,280 to be used for the provision of additional services and capacity to meet patient demand. The representation states that the Trust is currently operating at full capacity in the provision of acute and planned healthcare. It adds that contracts (and therefore budgets) are set based upon the previous year’s activity and due to delays in updating tariffs and costs the following year’s contract does not meet the full cost impact of the previous year’s increased activity. Considers that without such a contribution the development is not sustainable and should be refused.
- 4.7. Site notice posted. Press notice advertised. MP, Ward Members and members notified. 15 letters of objection were received, raising the following concerns:
  - Intrusive levels of noise generated as a result of the proposals;
  - Undesirable residents accommodated;
  - Out of character for the area;
  - Construction impact on surrounding properties;

- Additional demands on street parking;
  - Overlooking into adjacent residential properties;
  - Loss of trees and hedgerow would have an adverse impact on the streetscene;
  - Flats not required;
  - Loss of light; and
  - Impact on access to local services and facilities (schools).
- 4.8. A petition objecting to the application proposals on the grounds that the development would be over intensive; out of character; intrusive and would lead to the loss of a large family dwellinghouse was received, signed by 34 individuals. A second petition objection to the application proposals on the same grounds was submitted and signed by a further 54 individuals.
- 4.9. A further 5 letters were received in support of the application, raising the following points:
- The proposal is preferable to the day nursery that was previously resisted on site;
  - House is too large to be maintained in its current condition and the conversion to flats would ensure its attractive appearance is retained.
- 4.10. It is understood that the applicant undertook a public consultation event during the course of the planning application. It is understood that 13 expressions of support were made however this does not form part of the Council's public consultation.

## 5. Policy Context

- 5.1. National Planning Policy Framework (2012); Birmingham Development Plan (2017); Birmingham Unitary Development Plan Saved Policies (2005); Places for Living SPG (2001); Mature Suburbs SPD (2008); Car Parking Guidelines SPD (2012); MHCLG Technical Housing Guidance – Nationally Described Spatial Standard
- 5.2. Garage site covered by Tree Preservation Order 191.

## 6. Planning Considerations

- 6.1. **Principle of Development** – The application proposals seek to convert and extend an existing large single dwellinghouse to 7no. self-contained retirement flats and the erection of a new building to accommodate 5no. self-contained retirement flats.
- 6.2. Paragraph 50 of the National Planning Policy Framework sets out that it seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. In this context, Planning Authorities are advised that they should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community “such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes.”
- 6.3. Policy TP30 of the Birmingham Development Plan relates to the type, size and density of new housing and states that proposals for new housing should seek to

“deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods.” In the supporting text to the policy it states (paragraph 8.16) that new housing should “...cater for specific needs, such as a wider choice of housing options for people whose current home is no longer suitable for their needs.”

6.4. Saved Policy 8.27 of the Birmingham Unitary Development Plan relates to flat conversions and states that:

- Proposals should not have an unduly adverse effect on the residential amenities of adjoining occupiers. Generally, detached properties are most appropriate for flat conversions.
- Properties should be of sufficient size to permit the creation of individual dwelling units of a satisfactory size and layout. For example, favourable consideration will not normally be given to the sub-division of single dwellinghouses with 3 or less bedrooms into smaller dwelling units.
- In some parts of the City there are particular shortages of large family accommodation and the City Council will be sensitive to any such need when considering proposals for flat conversions.
- Where a proposal relates to a site in an area which already contains premises in similar use, and/or houses in multiple occupation, and/or hostels and residential care homes, and/or other non-residential uses, account will be taken of the cumulative effect of such uses upon the residential character of the area.
- Proposals should not prejudice the safety and free flow of pedestrians and traffic in the adjoining highway. Provision should generally be made for off-street car parking facilities for occupants, but the level of parking provision deemed appropriate in any particular instance will take into account the nature of the road(s) which a site adjoins, existing traffic conditions in the vicinity, the availability of alternative parking provision in the area and the importance of retaining site features which contribute to the character of the area.

6.5. The development would secure 12 retirement apartments to meet the requirements of Erdington for accommodation for those of retirement age. Moreover, it is evident that there is a significant unmet need for housing for older people.

6.6. Furthermore, two proposals for a dwelling located to the east of the large property have historically been accepted and granted planning permission for their development in 1975 and 1991. Consequently, I am of the view that the proposed development would be acceptable in principle, and am satisfied that the principle of such development has been established, although the consents were not implemented.

6.7. **Loss of Large Single Dwellinghouse** – The application proposals seek to extend and convert a large single dwellinghouse to 7no. self-contained one and two bedroom retirement flats. The application has been supported by the submission of a Planning Statement and supporting statement, covering the history of the site and the need for the development. It has been confirmed that the application site was originally constructed as a private day school for girls by the Josiah Mason Trust; it remained a school until the 1960s. The Planning Statement comments that the dwelling is unusually large and sits within in a plot that is out of character with the plots that adjoin the site. It is acknowledged on this basis that the application would not result in the loss of a purpose-built dwelling, however it is noted that the premises has been in use as a single family dwelling for around 50 years.



- 6.8. National Planning Policy Guidance (NPPG) states that “Older people have a wide range of different housing needs, ranging from suitable and appropriately located market housing through to residential institutions (Use Class C2)”. Whilst it cannot be guaranteed that any person moving into retirement flats would be a resident of Erdington and the locality, it can be assumed that this would normally free up a home. Whilst the site would result in the loss of a large single dwellinghouse, the development would help address a general need for older person’s accommodation and consequently help to free up family accommodation elsewhere in the city.
- 6.9. The Planning Statement consists of a summary of recent Local Government and Birmingham specific reports which relate to housing older people, with “Many retirees want to ‘rightsize’ and live in retirement housing in later life, but there is a chronic under-supply of high quality, affordable or desirable accommodation in the right locations.” This is noted to relate specifically to C3 Use Class retirement apartments and not C2 Use Class care homes or C3b Use Class supported living facilities, which address different needs and are not restricted to elderly care.
- 6.10. The Planning Statement also sets out that the Birmingham Housing in Later Life Market Position Statement (2015) seeks to be the catalyst to “increasing the supply of specialist housing for older people. In particular to help meet the demand for enhanced sheltered housing and housing with care” and to “shape the independent living offer – in particular to meet a growing demand for support to enable older people to remain living in a home of their own.”
- 6.11. It is acknowledged that the application proposals would result in the loss of a large single family dwellinghouse however I am of the view that the applicant has made a strong case for the need for retirement flats and appropriately sized accommodation for the elderly, and agree with their conclusion that there is a need for accommodation for elderly people in the vicinity of the site. On balance, the benefits the development would achieve in contributing to the stock of retirement accommodation outweigh the harm of losing a single, large dwellinghouse, particularly given the demonstrable and quantifiable need for such accommodation throughout Birmingham.
- 6.12. **Impact on Visual Amenity** – The front elevation of the dwellinghouse would be retained as existing. Whilst the proposed car parking provision to the front of the site would be more formalised, no alterations are proposed to the front driveway with the dual access proposed to be retained. Consequently, I consider that there would be little change to the streetscene in respect of the existing dwellinghouse. Whilst I note the objections and petition raising concerns with regards to the appearance, I am of the view that the appearance would predominantly be retained as existing.
- 6.13. With regards to the new building to the east of the existing dwellinghouse, this would replace a single storey detached garage. Whilst it is noted that the existing and proposed are of considerably different scales, the presence of built form in this location has long been established. The proposed building is of a comparable design and appearance to the many Edwardian detached dwellings located elsewhere on Holly Lane. Whilst the proposal would introduce a built form of a greater scale than that which is present currently, I consider that this would be reflective of the character of the surrounding area. I do not consider that the new building would have a significant impact on local distinctiveness, which must be assessed in accordance with the Mature Suburbs SPD, as the proposed new build is reflective of the design of existing properties within the area. Furthermore, I do not consider that there is a case for the “loss of openness” specified within objections

received given that the site already comprises built form on the site in the form of the detached garage.

- 6.14. Whilst the application building is not subject to statutory or local listing, advice has been sought from the Council's conservation officer, and express that the alterations and extension to the building are acceptable (subject to matching materials) and whilst the new build accommodates a 2.5 storey structure its form make reference to other buildings in the street. I concur with this view and consider that the proposals would have an acceptable impact on visual amenity and the character of the area.
- 6.15. **Impact on Residential Amenity** – The proposed flats would exceed the Nationally Described Space Standard for one and two bedroom flats, and I consider that the proposed internal layouts for the flats would be conducive to a good quality of residential amenity for prospective residents. The proposed installation of the lifts within the existing building and the new building would “future proof” the development to ensure that it would be maintained as an appropriate, viable option for retirement accommodation.
- 6.16. The proposed private amenity space in the form of the patio and balcony is considered sufficient alongside the proposed communal gardens, patio and summer house for use of the residents. Whilst the proposed external amenity space equates to approximately 20sqm per flat, which falls short of the 30sqm guideline set out within Places for Living SPG, given the likely demographic of the prospective residents, the proposed external amenity space would be considered to be appropriate in respect of a manageable space which would be able to be adequately maintained by residents and a management company. It is noted that an area previously occupied as garden land would be re-used as car parking for prospective residents.
- 6.17. With regards to neighbouring amenity, I note some concerns raised by local residents in terms of loss of light and loss of privacy. It is noted that the proposed new building sits approximately 30m across Holly Lane from the existing properties on the western side of the road. I am satisfied that this distance would mitigate any substantial impact on loss of light to properties opposite. With regards to any loss of privacy, it is noted that the new building and the extension do extend within the garden and could be viewed from properties on Orphanage Road, however I am satisfied that due to the proposed orientation of the development and distances between the properties (approximately 30m and 50m), this would be an unlikely occurrence.
- 6.18. The proposed extensions and new building would not breach the 45 Degree Code to no. 30 Holly Lane, by virtue of the distance between the properties (approximately 10m). The proposed summer house and storage shed would be incidental to the use of the main buildings and would not amount to any breach of the 45 Degree Code or over-development of the site. The side extension would replace an existing built structure to the side of the building, adjacent to no. 30 Holly Lane, and would not create a greater floorspace than that which is present on site currently.
- 6.19. With regards to proposed windows in the existing building, the kitchen of proposed Unit 2 would be located approximately 5m from the side elevation of no. 30 Holly Lane. Whilst there are windows in the facing elevation, these appear to be secondary and / or related to hallways and utility rooms. I note that the distance would fall short of the guidance set out within Places for Living SPG, however given the use of the room as a small kitchen, I would not consider that this shortfall would warrant grounds for refusal of planning permission. Furthermore, this would be

mitigated by the recommended conditions for boundary treatments associated with the development. I am satisfied that all other windows within the existing building would not amount to unacceptable instances of overlooking.

- 6.20. With regards to the proposed windows within the new building, I am satisfied that the proposed side windows would relate to hallways and landings on the northern elevation of the building and would overlook the flank wall of the existing church hall on the southern elevation of the building. Concerns are raised in terms of the windows and proposed balconies to the rear of the building, and the potential for overlooking gardens on Orphanage Road. I would however consider that minor amendments to the internal layout of the building and the removal of the balconies would result in a significantly reduced likelihood of overlooking. Conditions to secure these amendments have been recommended to be attached to any grant of planning permission.
- 6.21. It is noted that concerns are raised within the objections with regards to noise generated by the development. Firstly, I am not convinced that retirement flats would generate the same level of noise and disturbance as flats with unrestricted occupation. Notwithstanding this, the existing property is a large detached building set within a reasonably large plot which I do not consider would be sufficiently close to any other property to generate such noise concerns. Regulatory Services has been consulted on this proposal and raise no objection subject to a condition to secure noise insulation for prospective residents from noise generated on Holly Lane. It is however noted that such noise insulation would also ensure that noise generated within the building would amount to minimal leakage out.
- 6.22. I am satisfied that the proposals would achieve an acceptable level of residential amenity for prospective residents and would be unlikely to have an unacceptable impact on neighbouring residential amenity.
- 6.23. **Impact on Landscape and Ecology** – No objections were raised by Landscape and Ecology officers, subject to appropriately worded conditions to be attached to secure the satisfactory development of the site. A minor concern was raised by the Landscape Officer with regards to the creation of a wider landscape buffer to the front driveway however as no alterations are proposed to the driveway, I do not consider such a requirement appropriate in this instance.
- 6.24. It is noted that part of the site is covered by Tree Preservation Order 191 however the designated trees are proposed to be retained on the boundary and would not be affected by the application proposals.
- 6.25. **Impact on Drainage** – The drainage proposals comprise an infiltration system however the Local Lead Flood Authority object on the grounds that insufficient calculations have been submitted in support of the scheme. However, given the existing property proposed to be converted, and the new building to be constructed on the ground of a built structure, I am of the view that such an objection would not be sufficient as grounds for refusal and am satisfied that such details could be resolved as conditions attached to any grant of planning permission. Accordingly, I have recommended that appropriately worded conditions are attached to the decision.
- 6.26. **Impact on Highway Safety** – The application proposals seeks consent for the delivery of 12no. retirement apartments, comprising a mix of one and two bedrooms. The proposals seek to provide 16no. car parking spaces. Transportation Development have assessed the proposals and advise that this would be sufficient

to allocate 2 spaces to the larger 2 bed units and 1 space to each of the 1 bed units with a 'visitor' space retained, and would be unlikely to lead to adverse impacts on the highway. It is recommended that conditions are attached to any grant of planning permission to ensure that the car parking is laid out prior to use and appropriately managed to accommodate any visitors or support services attending the site.

- 6.27. I note that a number of objections refer to the potential that the proposed development would generate an increased amount of pressure in terms of on street parking however Transportation Development are of the view that whilst parking on Holly Lane around the site is not subject of TRO restriction and there are instances of on street parking (largely associated with the GP surgery), it is not considered that an objection could be sustained in terms of the proposed parking provision. I concur with this view on the grounds that the proposed car parking would be likely to be sufficient for the needs of the prospective residents of the development and their visitors.
- 6.28. **Other Matters** – It is noted that the application has generated a request for Section 106 contributions to support the operation of accident and emergency facilities in local hospitals. Our position is that we do not consider the request would meet the tests for such Section 106 contributions, in particular the necessity test. Discussions with the relevant Trust are continuing on this matter, in order for us to understand more fully their planned investments in the City and how we might best be able to support that.
- 6.29. The proposed refuse storage area is considered to be at odds with the proposed disabled car parking spaces. It is recommended that minor amendments of this nature be secured via an appropriately worded planning condition.

## 7. Conclusion

- 7.1. The proposals seek to extend and convert a large family dwellinghouse to 7no. self-contained flats and a two and a half storey detached building which would accommodate 5no. self-contained retirement flats, alongside associated works to facilitate the development. The proposals are acceptable in principle and whilst Housing raise an objection to the proposals, I consider that, on balance, the benefits of the proposed development outweigh the harm associated with the loss of a single family dwellinghouse.
- 7.2. The proposals are acceptable in respect of their appearance and the impact on character of the area. No concerns are raised in terms of residential amenity or highway safety. Whilst an objection is raised from the Local Lead Flood Authority in terms of drainage, I am satisfied that these matters can be resolved by appropriately worded conditions given that this would relate to the new building which is on the site of an existing structure.
- 7.3. For the reasons set out above, I recommend that the application be approved subject to conditions.

## 8. Recommendation

- 8.1. Approve subject to conditions.

- 
- 1 Requires the prior submission of amended proposed rear elevations and floorplans for the new build
  - 2 Requires the prior submission of a drainage scheme
  - 3 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
  - 4 Requires the prior submission of details of bird/bat boxes
  - 5 Requires the prior submission a noise study to establish residential acoustic protection
  - 6 Requires the prior submission of hard and/or soft landscape details
  - 7 Requires the prior submission of boundary treatment details
  - 8 Requires the prior submission of a landscape management plan
  - 9 Requires the prior submission of sample materials
  - 10 Requires the prior submission of level details
  - 11 Requires the parking area to be laid out prior to use
  - 12 Requires the prior submission of a parking management strategy
  - 13 Requires the prior submission of details of refuse storage
  - 14 Requires the scheme to be in accordance with the listed approved plans
  - 15 Implement within 3 years (Full)
- 

Case Officer: Claudia Clemente

## Photo(s)



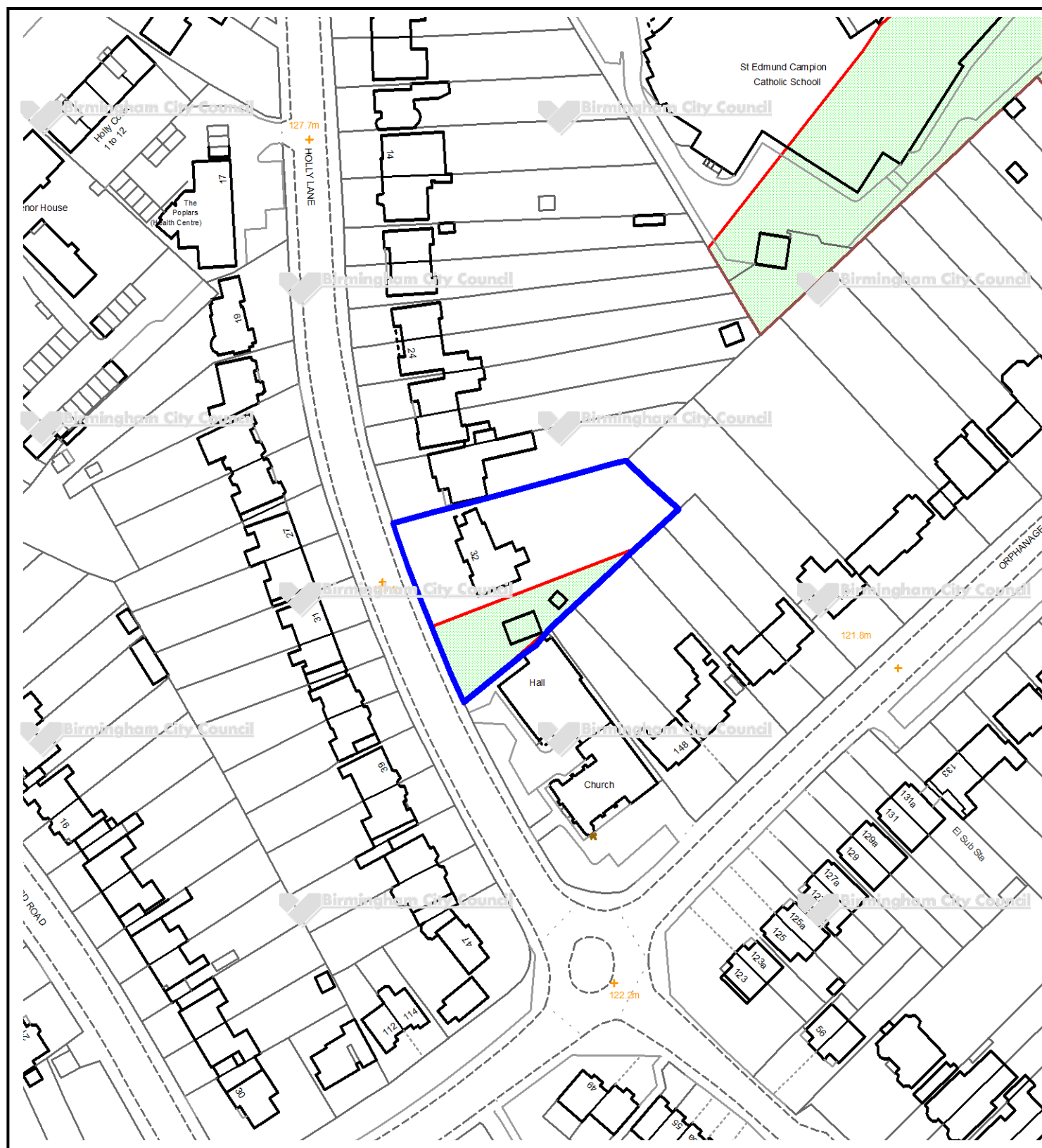
Figure 1: Existing dwellinghouse



Figure 2: Existing detached garage



## Location Plan



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Committee Date:	05/07/2018	Application Number:	2018/00464/pa
Accepted:	22/01/2018	Application Type:	Advertisement
Target Date:	04/04/2018		
Ward:	Bordesley Green		

Coventry Road - Various locations (52 to 105), South Yardley, Birmingham, B10 0UN

Display of 38 no. non-illuminated PVC lamp post banners

Applicant:	Birmingham City Council 10 Woodcock Street, Aston, Birmingham, B7 4BG
Agent:	Bay Media Limited 18-19 Deane House Studios, 27 Greenwood Place, London, NW5 1LB

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Recommendation

**Approve Temporary**

1. Proposal

1.1. This proposal seeks consent for 38 lamp post banner signs located along the stretch of Coventry Road between the junction of Grange Road in the West and Mansel Road in the East with Small Heath Park Opposite. The site locations are numbered as follows: 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67, 68, 70, 72, 74, 75A, 75B, 76A, 76B, 77B, 78B, 79B, 81A, 81B, 82A, 82B, 97, 98, 99, 100,101,102,104,105.

1.2. The banners would be non-illuminated finished in PVC. The banners would measure 2.2 x 0.785m and will be fitted at 2.8m above ground level. The banner would be mounted on a flex arm system which is retrofitted to the existing column. This flex arm would protect the columns when under forces by the wind and the advertisements are only fitted to modern columns suitable for the loading required by the banner. There is a 3 point banding system at the top in a form of damp proofing to protect the column.

1.3. The proposed adverts would be in conjunction with displays for events and commercial advertising, as agreed with Birmingham City Council under the terms of a separate Contract agreement. The advertising may vary in design but would adhere to the advertising standards, a prescribed by the Advertisement Regulations and would be subject to separate Council approvals.

1.4. [Link to Documents](#)

2. Site & Surroundings

2.1. The application sites run along a stretch of the Coventry Road. The immediate area around the site is mixed with vibrant commercial and residential properties (at first floor) has various street furniture including lighting columns, guard rails, bollards,

crossing points , road signage, and street trees. The site is within the Coventry Road District Centre and Primary Shopping area.

2.2. [Site Location](#)

3. [Planning History](#)

3.1. None.

4. [Consultation/PP Responses](#)

4.1. Transportation Development –no objections - would require highways agreements and should be no closer than 500mm away from the edge of the carriageway- Suggest conditions

5. [Policy Context](#)

- Birmingham Development Plan 2030
- Birmingham Unitary Development Plan 2005 (Saved Policies);
- National Planning Policy Framework (2012).

6. [Planning Considerations](#)

6.1. The main considerations in the determination of this proposal are:

6.2. **Policy:** Paragraph 67 of the National Planning Policy Framework 2012 indicates that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

6.3. **Visual amenity:** The proposed banners are non illuminated and would provide a provide advertisement for special events in the city/location and others agreed with the Council. Adverts are already found on street furniture (bus shelters, telephone kiosks, freestanding displays) across the City. The selected lighting columns are located within a wide pavement area along the Coventry Road and will be set at a consistent height. Given the mix of adverts and street furniture in this location I consider there to be no adverse amenity issues arising from the display of these new banners above the current situation

6.4. **Public safety:** Transportation Development have no objections to the banners subject to conditions to ensure the new banners do not interfere with the free flowing nature of the highway in this location. Given their respected location and height on the columns there will be no obscuring/obstructing of on-coming traffic/busses. Consequently, it is considered the proposal is acceptable in terms of public safety.

7. [Conclusion](#)

7.1. This proposal is acceptable as there would not be any detrimental impact on amenity or public safety and as such accords with both local and national policy.

8. [Recommendation](#)

8.1. Approve temporary

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Require banners to be situated either at 500mm from kerb or no closer to highway.
  - 3 Limits the approval to 5 years (advert)
- 

Case Officer: Sarah Willetts

## Photo(s)

### Sites 52, 53 & 54 | Coventry Road

Birmingham



Mock up of Signage proposed - Grange Road End

### Sites 81B, 82A & 82B | Coventry Road

Birmingham



Mock up of Signage proposed – Looking towards Mansell Road End



## Location Plan



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Committee Date:	05/07/2018	Application Number:	2018/03586/PA
Accepted:	02/05/2018	Application Type:	Telecommunications
Target Date:	06/07/2018		Determination
Ward:	Bromford & Hodge Hill		

Bromford Drive, Bromford, Birmingham, B36 8SJ

Prior notification for the installation of a 12.5m high monopole supporting 3 antennas, 2 dishes and associated equipment cabinets

Applicant:	CTIL & Vodafone Ltd Vodafone House, The Connection, Newbury, RG14 2FN
Agent:	Sinclair Dalby Ltd Suite H, KBF House, 55 Victoria Road, Burgess Hill, RH15 9LH

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Recommendation

**No Prior Approval Required**

1. Proposal

- 1.1. This is a prior notification application for the installation of a 12.5 metre high telecommunications monopole with 3no. shrouded antennae, 3no. associated telecommunications equipment cabinets and a meter pillar located on a grass verge.
- 1.2. The monopole with cylinder shroud would be galvanised steel and painted green (RAL6009). The cylinder shroud on top would accommodate three antennas for Vodafone and Telefonica.
- 1.3. The 3no. equipment cabinets and meter pillar would be galvanised steel and painted green. The three equipment cabinets would vary in size with the larger two cabinets on site would have a width of 0.75 metres and a depth of 0.77 metres and would measure 1.72 metres in height. The smaller cabinet would range from a width of 0.6 metres by 0.6 metres in depth by 1.6 metres in height. The cabinets would be located on concrete base.
- 1.4. The proposed development would upgrade local telecommunications to meet coverage and capacity requirements and provide multiple technology platforms for 2G, 3G and 4G by Vodafone and Telefonica.
- 1.5. The applicant has submitted a declaration that the proposal would meet the International Commission on Non-Ionizing Radiation (ICNIRP) requirements.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The proposed monopole would be located on the highway verge close to the junction of Bromford Drive and Chipperfield Road opposite an existing pedestrian crossing.

- 2.2. The area in the immediate vicinity of the application site comprises public open space and the area is otherwise primarily residential in character.

### Location Map

### 3. Planning History

- 3.1. There is no relevant planning history.

### 4. Consultation/PP Responses

- 4.1. Site and Press notices displayed. Adjoining neighbours, Resident Associations, Ward Councillors and MP consulted. No objection from Transportation Development.
- 4.2. One neighbour objection in relation to the loss of property value, impact on health and visual appearance.
- 4.3. Two petitions have been received (one with 30 signatories and one with 39 signatories) in objection to the proposal. No reasons specified.

### 5. Policy Context

- 5.1. Birmingham Development Plan (2017); Telecommunications Development: Mobile Phone Infrastructure SPD (2008); Places for All (2001); National Planning Policy Framework (2012); The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016.

### 6. Planning Considerations

- 6.1. Policy Context - The prior approval procedure was amended in November 2016 and applies to the construction, installation, alteration or replacement of a ground based mast of up to and including 25 metres in height (or 20 metres on a highway) on unprotected land (Paragraph A.1 (1) (c) of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016. The prior approval procedure allows the local planning authority to only consider the siting and appearance of the proposal. The *only* matters which fall to be considered by the Local Authority are whether the design and siting of the proposal are acceptable.
- 6.2. Paragraphs 42-46 of the National Planning Policy Framework (NPPF) relate to the installation of telecommunications equipment. Paragraph 43 advises that local planning authorities should support the expansion of electronic communications networks but should aim to keep the numbers of telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network.
- 6.3. **BDP:** Policy PG3 (Place Making) of the BDP advises that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place, with new development reinforcing or creating a positive sense of place and local distinctiveness. The policy continues by stating that new development should ensure that private external spaces, streets and public spaces are attractive, functional and inclusive. Policy TP46 (Connectivity) of the BDP recognises that technology developments and access to digital services such as the internet are critical to Birmingham's economic, environmental and social development.

- 6.4. **UDP and SPD:** The Telecommunications Policy (Paragraphs 8.55 – 8.55C) in the Birmingham UDP (2005) and the Telecommunications Development SPD state that a modern and comprehensive telecommunications system is an essential element in the life of the local community and the economy of the City but that in assessing applications for telecommunications equipment, account will be taken of the impact of radio masts, antennae and ancillary structures on existing landscape features, buildings and the outlook from neighbouring properties. In respect of ground-based masts, The Councils SPD states that they should make the most of existing screening or backdrop to buildings and avoid open locations, that they should be mitigated by landscaping and planting, that street locations will be discouraged but where they are the only option, they should appear as an unobtrusive addition, and where possible sites should have a backdrop of trees to reduce visual contrast.

#### **Siting and appearance –**

- 6.5. The appearance of the mast would be that of simple unfussy monopole in reasonable proximity to street furniture, the design of the proposal is not considered harmful to the character of the streetscene.
- 6.6. In terms of siting, the application site is on a grass verge that contains street trees between the highway and public footpath, and in proximity to street furniture in the form of lighting columns, bus stop, etc. The applicant carried out a study of alternative sites within the area and discounted them as they did not meet the operators' requirements. The alternative site assessment is robust and the current site provides the most suitable location to provide improvements to the existing and proposed network coverage and meet capacity requirements.

#### *Impact on Public Health*

- 6.7. Paragraph 46 of the NPPF states that the Local Planning Authority must determine applications on planning grounds. The applicant has demonstrated, by way of an appropriate certificate, that the proposed installation would meet the standards of the ICNIRP for public exposure as recommended by Paragraph 46 of the NPPF and a Declaration of Conformity with ICNIRP Public Exposure Guidelines has been submitted with the application.
- 6.8. I note concerns have been raised by a neighbour with regards to appearance and health impact. The petitions received are also noted. The proposed mast is located approximately 45m from the properties on the corner of Chillinghome Road and Bromford Drive, 30m from the properties opposite on Bromford Drive, approx. 50m from those on Tipperary Close and 100m from those on Empress Drive. Therefore it is considered that the siting is appropriate in respect of the separation distances and the operative need. In terms of health impact, the applicant has completed a Declaration of Conformity with Public Exposure Guidelines (ICNIRP).

#### **7. Conclusion**

- 7.1. I consider that siting and design of the proposal is acceptable in this location and without serious detriment to residential amenity of neighbouring occupiers or the character or appearance of the locality. The proposed development would comply with NPPF (2012), TP46 of the BDP, Policy 8.55 of the Birmingham Unitary Development Plan 2005 and Telecommunications Development: Mobile Phone

Infrastructure SPD 2008, which has been adopted as a Supplementary Planning Document.

8. Recommendation

8.1. Prior Approval not required.

Case Officer: David Kelly

## Photo(s)



Figure 1: View to east



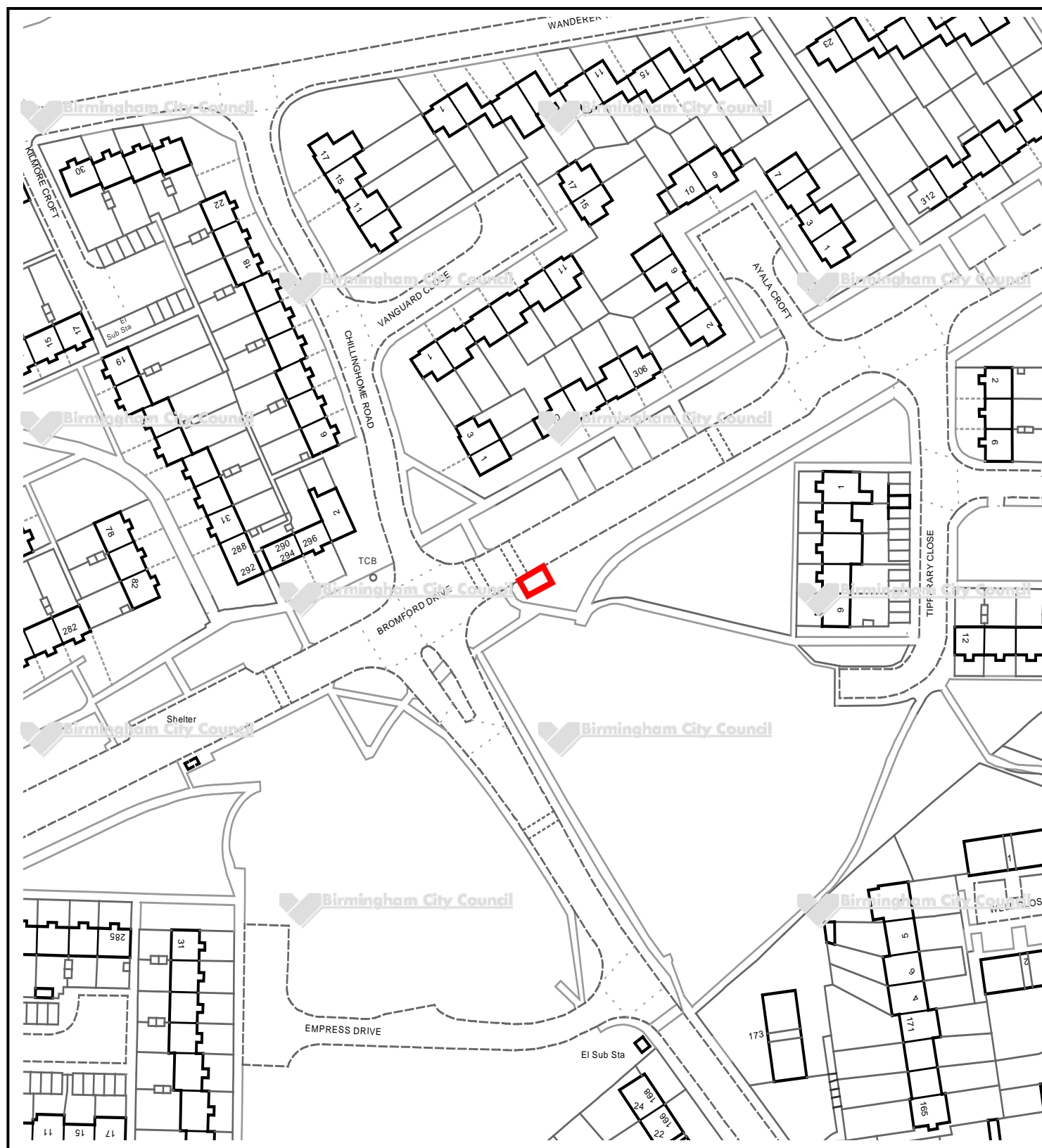
Figure 2: View to south



Fig 3: Site Notice



## Location Plan



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# **Birmingham City Council**

**Planning Committee**

**05 July 2018**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	22	2017/09468/PA  77 Wrentham Street Southside Birmingham B5 6QP  Demolition of existing building and erection of a six/seven storey building to provide 24 no. apartments and associated development

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Committee Date:	05/07/2018	Application Number:	2017/09468/PA
Accepted:	12/12/2017	Application Type:	Full Planning
Target Date:	17/07/2018		
Ward:	Bordesley & Highgate		

77 Wrentham Street, Southside, Birmingham, B5 6QP

Demolition of existing building and erection of a six/seven storey building to provide 24 no. apartments and associated development

Applicant:	Mr Lim Cho Tsang 78 York Street, London, W1H 1DP
Agent:	4D Planning 3rd Floor, 86-90 Paul Street, London, EC2A 4NE

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Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal

- 1.1. This application proposes the complete demolition of the existing karaoke club and clearance of the site and the erection of a part 6 / part 7 storey building providing a total of 24 no. apartments with associated landscaping. The Section 106 offer is for £96,000.

Demolition

- 1.2. This irregular shaped site currently accommodates a part single / part two storey building that is in use as a karaoke club, and was previously a public house. The site has a small parking forecourt area accessed directly off Wrentham Street. All structures and landscaping upon the application site would be cleared. The areas of landscaping immediately to the east and south of the site are not part of the development site.

Overview of the Proposed Replacement Development

- 1.3. It is proposed to erect a wholly residential apartment scheme that would have frontages to Wrentham Street, Southacre Avenue and Vernold's Croft. The building would be approximately rectangular in shape. The building would have three apartments at ground floor, one large apartment at sixth floor and four apartments per level on the remainder. The ground floor would include cycle (provision for 40 no. bicycles) and refuse storage. The top floor would be recessed from the Wrentham Street and Southacre frontages and benefit from an extensive private roof terrace. This level would also provide an area of green roof. All of the other apartments, except those on the ground floor, would benefit from private balconies on the corners of the building. Due to the constrained nature of the site, no on-site parking is proposed.

Detailed Proposals

- 1.4. This proposed 7 storey apartment block would have a pedestrian access at the corner of Wrentham Street and Southacre Avenue, with an element of the building cantilevered above this entrance area. There would be a sole circulation core accessed directly off the entrance lobby approximately at the centre of the building. The back of house facilities such as cycle storage and refuse storage would all be provided at the ground floor level, with a refuse access onto Southacre Avenue.
- 1.5. Overall the proposed development would provide 24 no. apartments with the following breakdown:

Type	Number	Percentage	Min. Size	Max. Size
1 Bedroom 2 Person	12	50%	50 sq.m	56 sq.m
2 Bedroom 4 Person	11	46%	70 sq.m	78 sq.m
3 Bedroom 6 Person	1	4%	104 sq.m	N/A

*Figure 1 – Table of proposed accommodation*

- 1.6. Architecturally this flat roofed building would have a simple rational approach to the elevations having large metal framed windows with the lower portion of the glass obscured to provide privacy. The building would generally have a distinct approach to its top, middle and bottom. The ground floor element fronting the street, in addition to the entrance feature, would have a large glazed entrance lobby and larger windows to Southacre Avenue. The bin store would be set within an area of lightweight concrete cladding with a hidden door. Above this level the building is defined by a grid of brick panelling with a column of chamfered brick detail on each elevation. Corner balconies are recessed within the frame of the building. The recessed top floor includes part of the brickwork grid continuing up to this high level to provide a framework around the roof terrace.
- 1.7. Brickwork would be white/grey in colour, with dark metal window frames.
- 1.8. This application is accompanied by detailed plans; a Design and Access Statement; Preliminary Bat Roost and Nesting Bird Assessment; Contamination Report; Noise Assessment; Sustainable Urban Drainage Report; and a Financial Viability Appraisal. The applicant's original Viability Appraisal concludes that the development could not support a Section 106 contribution and be financially viable.
- 1.9. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. This irregular shaped site, totalling 0.04ha currently contains a karaoke bar with associated parking. The plot has frontages to Wrentham Street and Southacre Avenue and is adjoined by areas of landscaping to the rear and east.
- 2.2. The building is surrounded by a variety of uses and building forms. To the north lies a collection of industrial/commercial buildings currently in a variety of uses including a car repair workshop, restaurant and place of worship. To the west is the nine storey Highgate House tower block with maisonettes beyond. Further maisonettes, a

tower block and two storey dwellings are situated to the south (forming Southacre Avenue, Hodnet Grove and Vernold's Croft). Four storey maisonettes are situated to the east, fronting Wrentham Street. Wrentham Street provides a key east/west connection from Bristol Street towards Highgate/Digbeth.

- 2.3. The site is close to the southern boundary of the Southern Gateway allocation set out in the Birmingham Development Plan, which envisages large scale development of this part of the city centre with the redevelopment of the wholesale market site the catalyst. This will effectively grow the city core towards the south east of its current location.

#### 2.4. [Site Location](#)

### 3. [Planning History](#)

- 3.1. 10.10.1973 – 15687/002 – Approval – Erection of licensed premises with residential accommodation
- 3.2. 14.02.2013 – 2012/08377/PA – Approval - Change of use to restaurant and karaoke club (sui generis), erection of external staircase to side and installation of safety barrier to existing flat roof

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

- 4.1. Transportation Development – Raise no objection subject to conditions requiring a S278/highways agreement to reinstate the redundant footway crossings and associated footway alterations and that the cycle parking is provided prior to occupation.
- 4.2. Regulatory Services – Raises no objection subject to conditions requiring a scheme of noise insulation for habitable windows and doors and a detailed contamination remediation scheme and verification report.
- 4.3. BCC Drainage Team – Raises no objection subject to conditions requiring the submission of further drainage details.
- 4.4. Leisure Services – No objection and request a contribution towards public open space of £48,100 to be spent on the provision/enhancement of public open space, and the maintenance of Calthorpe Park.
- 4.5. Heart of England Foundation Trust – A contribution of £1,493 to be used for the provision of additional services and capacity to meet patient demand. The representation states that the Trust is currently operating at full capacity in the provision of acute and planned healthcare. It adds that contracts (and therefore budgets) are set based upon the previous year's activity and due to delays in updating tariffs and costs the following year's contract does not meet the full cost impact of the previous year's increased activity. Considers that without such a contribution the development is not sustainable and should be refused.
- 4.6. West Midlands Fire Service – Notes that due to the building's height certain measures will need to be built into the design of the building, such as a fire main and firefighting stairs/lobby. The applicant has confirmed that these measures are incorporated and the detailed designs will be progressed at Building Regulations stage.

- 4.7. West Midlands Police – Recommends that the development follows Secured by Design principles, and makes specific recommendations including CCTV, refuse storage management plan and security measures at access points. Supports the defensible space proposed for ground floor apartments fronting onto the street.
- 4.8. Severn Trent Water – No objection subject to conditions requiring the prior approval of drainage details and that the development is carried out in accordance with any approved details.
- 4.9. Site and Press Notices posted and Residents' Associations; Ward Members; the MP and local occupiers consulted without response.

## 5. Policy Context

- 5.1. Birmingham Unitary Development Plan (saved policies) 2005; Birmingham Development Plan 2017; Places for Living SPG; Car Parking Guidelines SPD; and the National Planning Policy Framework 2012. Also the Big City Plan.

## 6. Planning Considerations

### POLICY

#### Local

- 6.1. The application site is close to the Southern Gateway Area of Transformation as set out in the Big City Plan and enshrined in the BDP. The Southern Gateway seeks to expand the City Core southwards catalysed by the redevelopment of the wholesale markets which would provide an opportunity for creating a new destination in Birmingham. The redevelopment of the wider markets site is set out in the Smithfield Masterplan. A range of uses are envisaged across the wider Southern Gateway area which is identified in the BDP as one of five strategic allocations for the city centre with the Smithfield Masterplan acting as a centerpiece. The plan states that new investment in office, retail, cultural and residential provision will be supported.
- 6.2. The Big City Plan, referenced in the BDP, sets out the aspirations for development within the City Centre. The BDP establishes the scale of need (51,100 to be delivered in the city over the plan period), location and type of new housing and connectivity issues. The approach to developer contributions is set out in policy TP47, with Policy TP31 setting out that in developments of 15 or more dwellings a contribution of 35% of the scheme as affordable housing will be sought. Policy PG3 sets out the requirement for place making, providing the key considerations that contribute to a successful place. Policy TP7 underlines the importance of green infrastructure and seeks to grow this resource across the city.
- 6.3. Relevant Saved Policies of the Birmingham UDP, comprising of Chapter 8 and Policy 3.14, emphasise the need to secure high quality design and lists the circumstances when Planning Obligations may be sought.

#### National

- 6.4. Sustainable Development is at the heart of the National Planning Policy Framework (NPPF), which establishes a presumption in favour of such development. Development is required to address the three key aspects of sustainability



(economic, social and environmental) in order to constitute sustainable development. The NPPF breaks development down to key themes and provides guidance on each, with those key to this application explored in more detail below.

- 6.5. Chapter 6 of the NPPF sets out the need to deliver a wide choice of high quality homes. Chapter 7 puts good design at the heart of the definition of sustainable development.
- 6.6. Key issues for consideration are therefore the principle of the development, design, residential amenity, arboricultural impact, drainage, highway impact, and viability/S106 issues.

## PRINCIPLE

- 6.7. I raise no objection to the principle of the loss of either the existing use or the existing building, which is of little architectural merit and is surrounded on three sides by established residential uses. There are no specific BDP policies that protect uses such as restaurants/karaoke bars.
- 6.8. In respect of housing need the BDP seeks to provide 51,100 homes, with 12,800 earmarked for the city centre. Considering housing mix, the BDP sets the following targets for market dwellings: 1-bedroom 13%, 2-bedroom 24%, 3-bedroom 28%, and 35% 4-bedroom. By comparison the proposed housing mix for this small 24 apartment scheme would be 50% (12 no.) 1-bedroom, 45.8% (11 no) two bedroom and a single 3 bedroom apartment (4.2%). Although these targets are not ceilings, given the city's overall housing requirement, there is a need to ensure that the right type and mix is provided in the city as a whole. It is accepted that in the city centre a higher percentage of one and two bedroom apartments are going to be delivered. Although the development comprises a significant proportion of 1 bedroom units, given the overall housing needs of the city and the limited scale of the overall development it is considered acceptable, particularly given the site's location. I note that the 1 bedroom units meet the national standards for 2 person occupancy, which is positive.
- 6.9. The proposed development is consistent with the broad policy context outlined above. The scheme would deliver residential accommodation in a sustainable city centre location and represents a continuation of other consented and completed apartment schemes within the wider locality. The residential use would fit in with existing residential uses on either side and to the south. The proposal would result in the redevelopment of a building with little architectural merit. Therefore, subject to more detailed considerations explored below, I raise no objection to the principle of the proposals.

## DESIGN

- 6.10. Both through the pre-application and application determination process officers have sought to ensure that the scale and design of the proposed development has a positive relationship with the existing context. In terms of architecture, the proposal follows a simple restrained approach which is appropriate to its context. The use of deep modelling to the front façade, including chamfered brick panels, inset corner balconies and the cantilevered entrance all provide architectural interest.

- 6.11. The proposed six/seven storey scale represents a transition between the nine storey tower block (Highgate House) and the four storey maisonettes immediately to the east. Whilst the building would be taller than the two storey dwellings to the rear, the proposed scale is satisfactory and strikes an appropriate balance between providing sufficient scale onto the street frontage and not being overly dominant to the dwellings behind.
- 6.12. The use of brickwork as the primary facing material is supported, as this is a traditional material for this part of the city, and the dark metal framed windows are satisfactory.
- 6.13. Subject to appropriate safeguarding conditions to ensure an appropriate design quality is secured I raise no design based objections and this conclusion is supported by my City Design Officer.

#### AMENITY

- 6.14. Following on site monitoring and a noise modelling exercise, the Noise Assessment submitted with this application concludes that the provision of suitable double glazing and ventilation specification is sufficient to provide an adequate noise environment.
- 6.15. Regulatory Services raise no objection subject to safeguarding conditions, including that the glazing and ventilation specification is carried out in accordance with the recommendations of the submitted report. I therefore conclude that an adequate noise environment can be created subject to suitable safeguarding conditions.
- 6.16. Following the findings of the desktop report, which acknowledges the past industrial use in the area and the amount of made ground, a further condition requiring an intrusive contamination study is recommended.
- 6.17. Whilst there is no adopted local policy, the proposed dwellings are in accordance with the Nationally Described Space Standards. One bedroom units would range from 50 – 56 sq.m (all meeting the standard for two person occupancy), two bedroom units would be between 70 sq.m and 78 sq.m (all meeting the standard for four person occupancy), and the three bedroom unit is 104 sq.m (suitable for 6 person occupancy). I therefore raise no objection to the proposed unit sizes.
- 6.18. I am satisfied that the proposed development will have access to adequate levels of light and outlook. All but the ground floor apartments would have balconies.
- 6.19. The scheme would not materially impact upon the amenity of occupiers of dwellings within the vicinity. The dwellings to the rear face east/west and present a blank two-storey gable to the development. The proposed building would be off-set from the tower block to the west, with the closest distance approximately 18m (corner to corner) away. The maisonettes to the east are approximately 16m away with limited-sized windows facing the development.
- 6.20. Subject to the aforementioned conditions I raise no amenity-based objections.

#### ARBORICULTURAL IMPACT

- 6.21. Whilst there are no trees of note on the development site, there are a number on the city-owned incidental landscaping areas to the west and south, a number of which are in close proximity to the proposed building. The supporting tree report identifies 5 trees, of which one is classified as in 'C' condition, with the remaining four as 'U'. Of the four U category trees, one has significant decay and the other three are self-seeded and in contact with the wall or railings. Therefore, whilst not on the application site, their removal is recommended. The remaining C category tree, a 14m high Hornbeam, currently conflicts with overhead utilities and the existing building and has a life expectancy of 10-20 years.
- 6.22. Whilst the trees are on city owned land there are no objections from the city's Tree Officers regarding their loss. A CAVAT (Capital Asset value for Amenity Trees) assessment, which is a standardised approach to valuing the trees, including their amenity value, has been undertaken by the city's officers which generates a total contribution of £42,390. This total must be considered in the context of the overall scheme's viability and the competing demands on the site. This is considered further below.
- 6.23. I concur with the recommendations of the report and consider that the removal and replacement of the trees in more appropriate locations is desirable. I therefore recommend that adequate financial compensation is secured via a legal agreement to allow replacements to be provided.

#### HIGHWAY IMPACT

- 6.24. Transportation Development notes that the Car Parking Guidelines stipulates a maximum of 100% parking in this location, however there is no minimum. The on street parking controls in the area such as double yellow lines and on-street parking bays are noted. They conclude that given the site's sustainable location, there are no objections to the proposals. The on-site cycle store (with space for 40 cycles) is noted.
- 6.25. I concur with this conclusion. Whilst no on-site parking is proposed, surrounding roads are protected by various restrictions to safeguard against inconsiderate parking. The site is within easy walking distance of Bristol Street and the Queensway and the city core with its amenity and wider transport connections are within walkable distance for most with New Street Station a 12 minute walk and the Bullring a 15 minute walk.
- 6.26. Transportation Development recommends safeguarding conditions requiring the redundant dropped kerbs to be reinstated and the provision of the cycle storage before occupation. I concur with this conclusion and appropriate conditions are recommended.

#### ECOLOGICAL IMPACT

- 6.27. The City's Ecologist notes that the accompanying statement identifies the site as having potential for bats and as such a further survey prior to demolition/development is required. In addition conditions recommending that further detail of the green roof, provision of bat boxes and soft landscaping are recommended. I concur with this conclusion and suitable conditions are attached.

## DRAINAGE / FLOODING

- 6.28. The supporting Drainage Strategy states that the green roof, landscaped area (rain garden), permeable pavement, and an underground attenuation tank will all work to slow water down when travelling to the mains drainage.
- 6.29. Severn Trent and the BCC Lead Local Flood Authority raise no objection subject to a condition requiring the prior approval of further drainage details. I concur with these recommendations/conclusions and appropriate conditions are recommended.

## SECTION 106 / FINANCIAL VIABILITY

- 6.30. The applicant's original Viability Assessment concluded that the development would not be financially viable if any affordable housing/contribution was to be provided. Following the detailed independent assessment of the applicant's Financial Appraisal the applicant has agreed to provide a sum of £96,000. The City's independent assessor considers this reasonable in the context of the scale and nature of the development.
- 6.31. I consider that to meet policy objectives it is appropriate to split this sum between off-site affordable housing and a contribution towards the provision of replacement trees within the wider locality. The loss of the existing trees, whilst of a low category, would represent a loss of wider public amenity. I therefore consider that securing a sum to provide replacements appropriate. In addition, the development generates a requirement for affordable housing, which is an important objective as set out in local and national policy. I therefore consider it appropriate to divide the sum such that £16,000 would be provided for replacement trees and £80,000 would be secured for off-site affordable housing.
- 6.32. In addition, I consider it appropriate to secure a clause that provides employment opportunities for the construction of the development.
- 6.33. I note the request received from the NHS Trust, for a sum of £1,493. Members are reminded of the verbal update provided to Planning Committee on 24th May, on this matter. Our position is that we do not consider the request would meet the tests for such Section 106 contributions, in particular the necessity test. Discussions with the relevant Trust are continuing on this matter, in order for us to understand more fully their planned investments in the City and how we might best be able to support that.
- 6.34. I consider that the above are consistent with CIL legislation. The development would not attract a CIL contribution.

## 7. Conclusion

- 7.1. The proposed development offers a high quality residential scheme close to the Southern Gateway Area of Transformation and represents a sustainable brownfield development. The proposal will have a satisfactory relationship to the surrounding context. I consider that the proposals constitute sustainable development in NPPF terms and therefore conclude that this application should be supported subject to appropriate safeguarding conditions and Section 106 Agreement.

## 8. Recommendation

- 8.1. That consideration of application 2017/09468/PA be deferred pending the completion of a Section 106 Legal Agreement to secure the following:
- i) a financial contribution of **£16,000** (index linked to construction costs from the date of this resolution to the date on which payment is made) towards the provision of new trees in Southside, Highgate and/or Digbeth localities;
  - ii) a financial contribution of **£80,000** (index linked to construction costs from the date of this resolution to the date on which payment is made), towards off site affordable housing to be paid prior to first occupation of the development;
  - iii) a commitment to local employment and training during the construction of the development; and
  - iv) £3,360 for the administration and monitoring of this deed to be paid upon completion of the legal agreement.
- 8.2 In the absence of a planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 13<sup>th</sup> July 2018, planning permission be refused for the following reason:-
- i) In the absence of a legal agreement to secure a commitment to local employment / training the proposal conflicts with policy TP26 of the Birmingham Development Plan 2017
  - ii) In the absence of a legal agreement to secure a contribution towards replacement trees the proposal conflicts with policy 3.14 of the Birmingham Unitary Development Plan (Saved Policies) 2005 and policies PG3 and TP7 of the Birmingham Development Plan 2017
  - iii) In the absence of a legal agreement to secure an offsite contribution towards the provision of affordable housing the proposal conflicts with Policies 8.50-8.54 of the Birmingham Unitary Development Plan (saved policies) 2005 and policy TP31 of the Birmingham Development Plan 2017
- 8.3 That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 13<sup>th</sup> July 2018 favourable consideration be given to this application, subject to the conditions listed below.

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1	Requires the prior submission of a contamination remediation scheme
2	Requires the prior submission of a contaminated land verification report
3	Requires the prior submission of a sustainable drainage scheme
4	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
5	Requires the prior submission a noise study to establish residential acoustic protection

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6	Requires the prior submission of an additional bat survey
7	Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
8	Requires the prior submission of details of bird/bat boxes
9	Requires the prior submission of hard and/or soft landscape details
10	Requires the prior submission of level details
11	Requires the prior submission of sample materials
12	Requires the prior submission of balcony details
13	Requires the prior submission of a CCTV scheme
14	Requires the prior submission of boundary treatment and railing details
15	Requires the prior submission of details of green roofs
16	Requires the provision of cycle parking prior to occupation
17	Requires the prior submission and completion of works for the S278/TRO Agreement
18	Removes PD rights for telecom equipment
19	Requires the scheme to be in accordance with the listed approved plans
20	Implement within 3 years (Full)

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Case Officer: Nicholas Jackson



## Photo(s)



*Figure 2 – Application site from Wrentham Street*



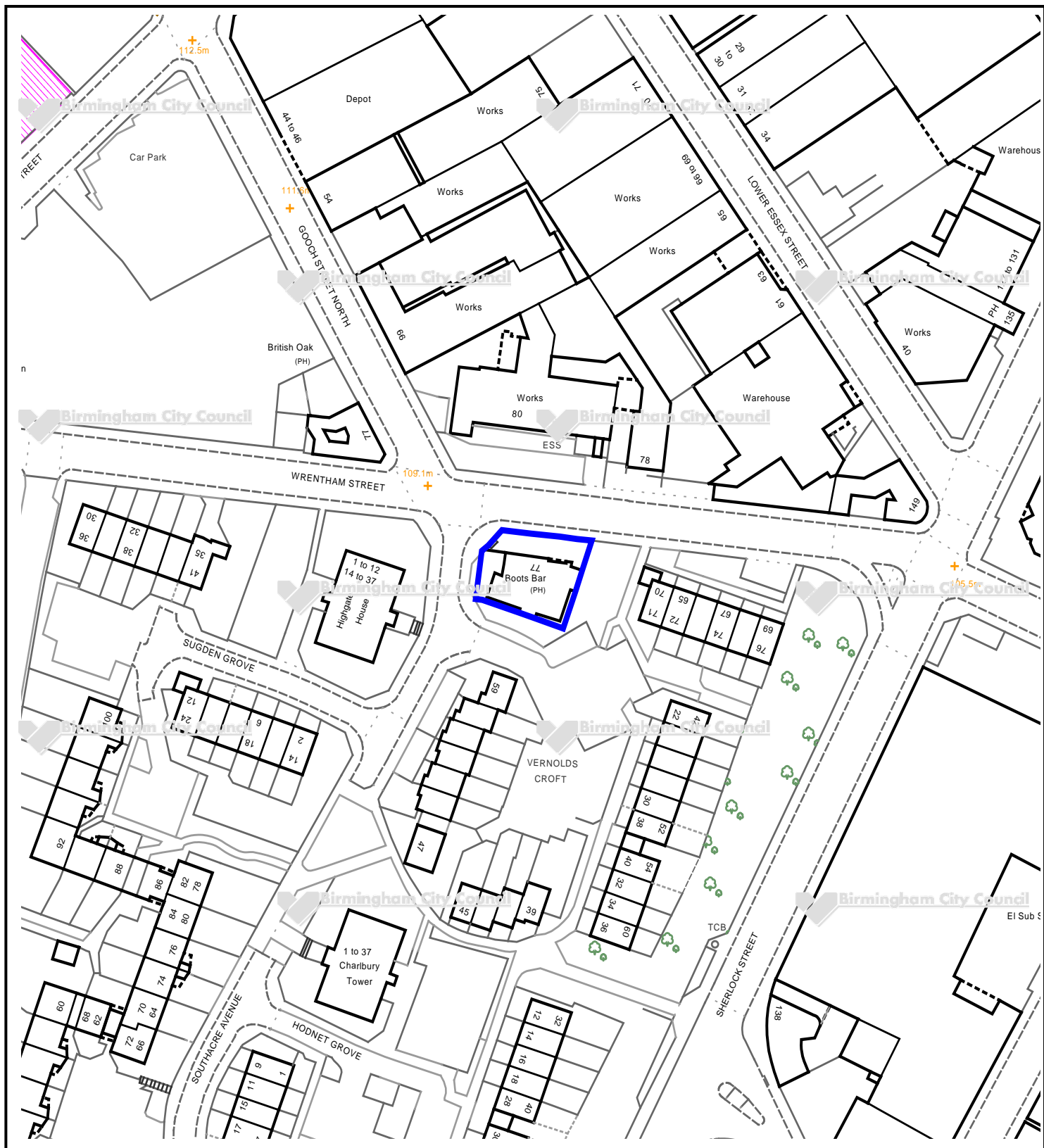
*Figure 3 – Application Site from Wrentham Street*





*Figure 4 – Gap between the application site and 70/71 Wrentham Street (looking north)*

## Location Plan



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