

Birmingham City Council

Planning Committee

16 February 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Refuse	8	2016/09132/PA Old Horns Crescent Great Barr Birmingham B43 7HA Redevelopment of site (including cutting and filling the existing site to create a level site) to provide a Class A1 retail store with associated car parking and landscaping

Committee Date:	16/02/2017	Application Number:	2016/09132/PA
Accepted:	01/12/2016	Application Type:	Full Planning
Target Date:	02/03/2017		
Ward:	Oscott		

Old Horns Crescent, Great Barr, Birmingham, B43 7HA

Redevelopment of site (including cutting and filling the existing site to create a level site) to provide a Class A1 retail store with associated car parking and landscaping

Applicant:	Aldi Stores Limited Holly Lane, Atherstone, Warwickshire, CV9 2SQ
Agent:	STOAS Architects 216 Fort Dunlop, Fort Parkway, Erdington, Birmingham, B24 9FD

Recommendation

Refuse

1. Proposal

- 1.1. This application follows the withdrawal of a similar application 2016/04795/PA on this site in August 2016 which was recommended for refusal.
- 1.2. The main changes between the current proposal and the application that was withdrawn are:- a widening of the landscaping strip along Queslett Road; increase in tree planting from 16 to 23 (within the main upper section of the site), reduction in car parking capacity from 86 to 81 spaces, widening of footpath within the site leading from Old Horns Crescent, the provision of obscure panels along part of the Queslett Road façade and more detailed drainage information.
- 1.3. The applicant proposes the clearance of the application site then to develop the site by cutting and filling it in order to level it and then to erect a new build Use Class A1 retail store with associated car parking and landscaping.
- 1.4. The new building would be rectangular in shape and would generally follow the line of Queslett Road from which it would be separated by a retaining wall (with some intervening landscaping) measuring approximately 4 metres high. Direct pedestrian access from Queslett Road to the site would be achievable by a proposed staircase.
- 1.5. Three of the four facades of the new building would comprise coloured render other than the provision of high level windows along the north west façade and return shopfront glazing with recessed exit door (facing Queslett Road) and emergency escape doors and two other windows (which would be secured by security grilles) on two other elevations. The clear glazed shop frontage would be located on the south western elevation and would face into the site. This elevation would be largely glazed with entrance door all set under the building canopy. The main part of this glazing would be recessed to allow for trolley bays to the front of it.

- 1.6. The exterior building façade would be mainly constructed out of rendered walls interspersed with glazing, security doors and roller shutter loading bay.
- 1.7. A new vehicular access/egress would be created on Old Horns Crescent. This will act as the only entry/exit point for vehicles.
- 1.8. The total floor space to be created would equate to 1140 sq.metres.
- 1.9. The applicant states that 24 full time and 20 part time jobs would be created (equivalent to 30 full time jobs).
- 1.10. The proposed hours of use would be 0800-2200 hours Mondays to Saturdays and 1000 hours to 1600 hours on Sundays.
- 1.11. A total of 81 parking spaces would be provided.
- 1.12. The site area measures 6410 sq.metres.
- 1.13. The applicant has submitted the following supporting information:-
 - Design and Access Statement which summarises that the constraints of the site dictate the store location, parking, loading bay and tree/landscaping;
 - Heads of Terms (S106) which offers the provision of works in the adjacent nature reserve which would comprise:- log seating, hedgehog habitats, creation of new path to the lake, provision of information boards, provision of bins and provision of bat boxes.
 - Planning and Retail Statement which sets out the justification for the location of the scheme and concludes that the application proposal represents sustainable development.
 - Statement of Community Involvement- This sets out that a total of 222 responses were received of which 64.9% support, 5.4% are unsure/provide no view and 29.7% object.
 - Notable Plant Survey- this included a walkover site survey. It identifies one stand of Himalayan Contoneaster Simonsi (invasive species) at one point along the eastern site boundary. It recommends that works should not cause this to spread and that it must be removed during vegetation clearance with a method statement developed to ensure this.
 - Land Contamination Phase 1 Environmental Site Assessment- This identifies potential contamination risks associated with the proposed development and suggests further steps are undertaken to investigate site contamination further.
 - Ground Investigation Report- Considers it is unlikely that the chemical concentrations recorded will adversely impact on the underlying ground water aquifer, although it states that the comments/approval of the EA should be sought. The report also concludes that the edge of the adjacent landfill site extends into the eastern edge of the application site. It concludes that it is considered that gas protection measures will be required within all proposed new buildings introduced as part of the development.

- Preliminary Ecological Assessment- It recognises that the development will be unlikely to allow the retention of any/most existing trees due to site level changes and advises the planting of habitats to support and appropriate measures to ensure limited impact on any reptiles, amphibians and hedgehogs that may be encountered during site clearance.
- Reptile Survey- Confirms no reptiles were found during site surveys.
- FRA and SUDS- Identifies that surface water run off will be managed via on site storage and drained to the local sewer network. The site storage of water run off would be provided by way of geo cellular crates. It also concludes that the development is classified in flood risk terms as less vulnerable and that the site is located in flood zone 1 (least flood risk zone).
- Transport Assessment- It summarises that there are no highway safety issues that have a negative bearing on the acceptability of the proposal.
- Pre development Arboricultural Survey- Concludes that of the total 63 trees on site, retention of category B trees (38) should be considered as a priority due to these specimens contribution to the landscape character of the site and that category C trees (21) should be considered for retention if possible.

1.14. [Link to documents](#)

2. Site & Surroundings

- 2.1. The site appears to have historical linkages to use as a gravel pit, a tip use and other commercial uses. Though the site is currently secured by perimeter fencing, it is regenerating with woodland. It is classified as Open Space and also forms part of a SINC (Site of Important Nature Conservation) under the Birmingham Development Plan (2017). It is situated next to a nature reserve which is situated to the east. The site is uneven in that its north western, northern, eastern and southern perimeter is set at a higher level than its central section. Those outer areas comprise steep rising earth embankments supporting trees and vegetation, whilst the smaller central area is formed of remnant hard surfacing. All trees on site are covered by a TPO (1528). The site is located to the south western edge of Queslett Neighbourhood centre. There is a large ASDA superstore located immediately across Old Horns Crescent to the north west of the site. Queslett Road is a dual carriageway which adjoins the northern boundary and marks the boundary with Walsall to the north. The nearest residential dwellings are located across Queslett Road to the west in Walsall and also to the south of the site (beyond the immediate neighbouring site which is a building that is being fitted out to become a medical centre).

2.2. [Site location](#)

3. Planning History

- 3.1. 18.08.2016- 2016/04795/PA- Site clearance (including cutting and filling the existing site to create a level site) and construction of a class A1 retail store with associated car parking and landscaping- withdrawn.

4. Consultation/PP Responses

4.1. Nearby occupiers, local councillors, Neighbourhood Forum, local MP and Walsall Council notified as well as site and press notices displayed- 35 responses setting out objections and or concerns received. The objections/concerns can be summarised as follows:-

- there is currently a traffic/highway problem related to matters such as congestion which the development will make worse,
- increase in noise and air pollution,
- destruction of woodland,
- it would be an eyesore,
- adversely impact smaller shops,
- will set a precedent,
- no consideration given to how it will affect residents lives,
- need to install traffic lights,
- install a underground pedestrian link to the site,
- loss of open space and trees,
- detrimental on ecological grounds and to the neighbouring nature reserve,
- dangers from pollutants on site including gases,
- danger of subsidence,
- there are already three Aldi stores located close by,
- detrimental effect on the lives on local people,
- visually poor,
- would create a dangerous pedestrian crossing between Asda and Aldi,
- problems arising during construction which would affect locals,
- light pollution will increase,
- wild life will diminish,
- question where the access and exit point would be,
- do not need two supermarkets together,
- works with regard to new paths, sign posts, litter bins, notice board and bird and bat boxes have already been carried out by other funding not by Aldi,
- existing trees to be lost are ideal as a nesting site for buzzards,
- the development will see strong healthy mature trees felled,
- questionable if replacement trees will provide good nesting for large birds and raptors that use the wood and the development will lead to the loss of green space.
- there are already sufficient shops and supermarkets close by.
- need a filter road for the proposed development.
- though accepting it may create jobs, this will not override the negative impact of the development.

4.2. 3 petitions objecting to the proposal which contain 273 names in total have been received. The objections raised can be summarised as follows:-

- It will create more traffic congestion,
- Generate more parking problems,
- Affect the trade of small shops
- Have detrimental environmental effects on Queslett Nature Reserve
- Impact negatively on those living and working locally
- Object to the loss of green space and trees

- 4.3. An objection to the scheme has been received from Councillor Barbara Dring who objects on the grounds of highway impact and also asks for the public consultation period to be extended.
- 4.4. A response to the scheme has been received from Councillor Linnecor who states that he has great concerns that this latest application does not go far enough to allay his fears and that if agreed it would mean a great deal of tree loss/ wildlife loss and also give rise to a number of parking issues. It would also create major problems with congestion traffic in the surrounding area. He concludes by stating that these issues would need to be addressed much more.
- 4.5. Responses have been received from Councillors Karen Trench and Tristan Chatfield who raise concerns about the scheme regarding:-
- access arrangements in place for both pedestrian and vehicle access,
 - vehicle traffic potentially causing a logjam,
 - the size and number of trees do not compensate for those lost,
 - the area already has major issues with traffic,
 - a thorough traffic survey should be done (during rush hour both morning and afternoon) taking into account the opening of the doctors surgery (adjacent),
 - good to have another Aldi in the area but Queslett Road in its current layout will not be able to cope with additional traffic without causing major issues for residents and commuters in the area.
- 4.6. A response has been received from the local MP, Khalid Mahmood, who raises concerns with regard to the application. He states that he remains unsatisfied that the impact on traffic has been properly considered. The island is already severely congested at peak time and he is concerned that this development, should it be given the go ahead, would substantially increase traffic flows in the area. Secondly, he remains of the opinion that the neighbouring Queslett Nature Reserve will be negatively affected by the development. He states the reserve is extremely sensitive and the proposed changes to the boundary will degrade the existing habitat which is extremely valuable in conservation terms.
- 4.7. He also states that he is not convinced that the area requires another supermarket, local small traders are already under significant pressure and he fears that this will further undermine the viability of small independent businesses in the Great Barr area. He points to an existing Aldi store at the Scott Arms and as such he considers there is no need for yet another one so close by.
- 4.8. 10 letters of support have been received. The comments set out that:-
- the proposal would provide a choice of stores in which to shop;
 - would not need to go by car or bus to the other Aldi,
 - look forward to a choice of products, would be an asset to the area and the landscaping of the area will be greatly improved
 - and that it would offer employment opportunities.
- 4.9. Transportation Development- State that the submitted transport and highway impact related information falls short of critical analysis particularly in relation to the impact on the Queslett Road and Aldridge Road junction roundabout. The submission also lacks baseline validation of the submitted assessment and sensitivity testing.
- 4.10. Regulatory Services- Raise no objection subject to conditions.

- 4.11. Leisure Services- Object to the partial loss of the SINC, but state that development might be acceptable if mitigation proposals are deemed appropriate by the Sustainability Team (Ecologist) and the loss of the TPO trees is limited. In the event the proposal is approved, they seek the provision of £128,000 as compensation for the loss of the open space.
- 4.12. LLFA- Recommend a condition to enable the scheme to progress to the next stage of (drainage) design.
- 4.13. Walsall Council- Identify concerns with the proposal and submitted information, these are:-
- There is still a substantive loss of protected trees and with limited compensatory replacement trees proposed.
 - The development would still provide a visually poor development which would appear obtrusive in the street scene by reason of its size, mass and design.
 - The new proposed stepped pedestrian route could be wider to aid natural surveillance.
 - The design of the store limits natural surveillance.
 - The proposed lighting does appear to include the stepped access route.
 - The submitted CGI omits the stepped pedestrian access route.
 - A controlled crossing point near to the proposed stepped access route should be considered as part of a TA/Road Safety Audit.
 - The submitted Design and Access Statement does not state how the proposed layout would make the site secure by design.
 - The Old Horns Crescent elevation does not provide an attractive location for pedestrians arriving by foot.
 - Disappointing the applicant has not included even a single electric charging point, which should be incorporated into the scheme if approved.
 - Landscape plan does not show the tree planting along the Queslett Road.
 - How will the car park be controlled and managed outside store hours?
 - The store Travel Plan co-ordinator should liaise with Birmingham City Council rather than Sandwell Council as stated.
 - The Travel Plan makes reference to Worcester City Council in appendix 2. There is no reason for this.
 - Overall the above points suggest the changes to the scheme (since its withdrawal) are mostly superficial and lack any real attempt to overcome Birmingham or Walsall's previous concerns.
- 4.14. Walsall Council also state that they believe that concerns by Walsall residents raised against the previous withdrawn scheme still stand which were:-
- Residents do not want more supermarkets in the location as already well served.
 - Already Aldi at Scott Arms
 - Queslett Road is congested.
 - Traffic pollution is very high and the supermarket will make this worse.
 - The building removes/destroys existing trees on site which help manage air pollution.
 - Building will impact adjacent Nature Reserve.
 - Light pollution.

- Litter.
 - Already a problem with flooding in the immediate location and the scheme will not help this.
- 4.15. Environment Agency- no objection to the proposal subject to conditions that require any contamination discovered during construction not previously identified to be dealt with by approval of the Local Planning Authority.
- 4.16. Highways England- no objection.
- 4.17. WM Police- recommend that the development is carried out to the standards contained within Secured by Design 'Commercial 2015', that any lighting scheme follow guidelines and advice contained within Secured by Design 'Lighting Against Crime', that the scheme be the subject of an intruder alarm system and CCTV system and that access to the car park be gated.

5. Policy Context

- 5.1. Birmingham Development Plan (2017), Saved policies of the UDP (2005); Shopping and Local Centres SPD, Nature Conservation Strategy for Birmingham SPG, Places for All SPG, Car Parking Guidelines SPD, NPPF and NPPG.

6. Planning Considerations

- 6.1. The proposed development gives rise to a number of issues. These are considered below:-

6.2. Principle

The National Planning Framework (NPPF) confirms that there should be a presumption in favour of sustainable development in assessing planning applications with the three elements that comprise sustainable development being economic, social and environmental.

- 6.3. The application site falls just outside the edge of the Queslett Neighbourhood Centre. The NPPF states in part 24 that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. It further states that applications for main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. It concludes by stating applicants and Local Planning Authorities should demonstrate flexibility on issues such as format and scale.
- 6.4. The applicant has submitted a Planning and Retail Statement which details a sequential appraisal of why this site has been chosen and the lack of suitable alternatives. I can further add that the site sits immediately to the south of Queslett Neighbourhood Centre (separated only by Old Horns Crescent). Pedestrian access to and from the designated neighbourhood centre is achievable by a pedestrian crossing at the junction of Old Horns Crescent and Queslett Road. Having reviewed the submitted sequential appraisal and acknowledged that the site is easily

accessible from the existing local centre, I consider the site represents an appropriate location for such development after taking account of the sequential appraisal submitted and its accessibility. With respect to the matter of flexibility in format and scale in relation to discounting site allocation in terms of the sequential test, the applicant has provided details that confirm that the proposal accords with this aspect of the sequential test (which includes the provision of case law that acknowledges that in the consideration of alternative sites for a development, alternative sites can be discounted if they would result in the scale of the development having to be compromised). I therefore consider, based on the information submitted, the principle of establishing an edge of centre retail use on this site is acceptable from a sequential retail assessment perspective.

6.5. Loss of Open Space, Ecology and Trees

The applicant has submitted a Preliminary Ecological Assessment, Arboricultural Survey, Botanical Survey and Reptile Survey in support of this application. The applicant has also made an offer (heads of terms) to provide the following features within the remainder of the SINC that the application site forms part of (which also forms a nature reserve):- log seating, hedgehog habitats, creation of a new path to the lake within the reserve, information boards, bins and bat boxes as a means by which to mitigate the loss of this part of the SINC.

- 6.6. I therefore address the three issues above- loss of open space, ecology and trees as three separate issues in the sections of the report below, mindful always that there is an interrelationship between them, particularly centred around wider social, health and environmental impacts.

6.7. Loss of Open Space

With respect to promoting healthy communities the NPPF states in part 69 “The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities”. This is followed through in part 70 by the following “To deliver the social, recreational and cultural facilities and services the communities needs, planning policies and decisions should:- plan positively for the provision of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; - guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day to day needs; - ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and – ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”.

- 6.8. It states in part 73 “Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be robust and based on up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessment should be used to determine what open space, sports and recreational provision is required”.

- 6.9. Part 74 states “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirement; or – the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or – the development is for alternative sports and recreational provision, the need for which clearly outweighs the loss”.
- 6.10. The link between pursuing good planning outcomes and improving health outcomes is also supported by policy Policy TP37 (Health) of the adopted BDP (2017) which states “The City Council is committed to reducing health inequalities, increasing life expectancy and improving quality of life by:• Helping to tackle obesity and encourage physical activity through the provision of open space and playing fields (Policy TP9) and sports facilities (Policy TP11) accessible to all, creating and enhancing environments conducive to cycling and walking (Policy TP39 and TP40) such as the canal network, and supporting the network of local centres (Policy TP21)”.
- 6.11. Policy TP37 continues by detailing how such objectives can be achieved by stating its aims include” • Addressing climate change issues and • Making provision for open space and allotments (policy TP9)”.
- 6.12. The protection of open space and the requirement to provide evidence that such space is surplus in the context of open space provision in the ward (with the requirement to provide an equal or better provision in its place) is also set out in policy TP9 of the BDP which states “Planning permission will not normally be granted for development on open space except where:- It can be shown by an up to date assessment of need that the open space is surplus taking account of a minimum standard of 2 ha per 1,000 population and the accessibility and quality criteria listed below.- The lost site will be replaced by a similar piece of open space, at least as accessible and of similar quality and size- Where an area of open space is underused, as it has inherent problems such as poor site surveillance, physical quality or layout, which cannot be realistically dealt with, then in this case proposals that would result in the loss of part of a larger area of open space will be considered if compensation measures would result in significant improvements to the quality and recreational value of the remaining area.- The development is for alternative sport or recreational provision, the benefits of which clearly outweigh the loss”.
- 6.13. Policy TP47 (Developer contributions) of the BDP states “Development will be expected to provide, or contribute towards the provision of:
- Measures to directly mitigate its impact and make it acceptable in planning terms.
 - Physical, social and green infrastructure to meet the needs associated with the development”.
- 6.14. It is in the above policy context that it is expected that the mitigation and compensation should be secured through planning obligations that would be expected to offset the impact on the SINC and open space, including the loss of trees and ecological impact.
- 6.15. Mindful of the above policy context, I can confirm the site forms part of a wider SINC forming a green edge to the SINC's North West boundary to Queslett Road and North East boundary to Old Horns Crescent.

- 6.16. Paragraph 6.57 of the BDP (2017) defines what constitutes open space by stating “Open Space is all open land of recreational or public value, including playing fields, which primarily consists of natural elements such as trees, grass and water. It may or may not have free public access. It may or may not be used or held by the City Council for recreational purposes”. Therefore, even though the site is secured by fencing I consider that the site meets this definition of open space.
- 6.17. Therefore, the site plays an important strategic environmental, recreational and ecological role through its strategic designation within the BDP as part of a SINC and classification as open space. The aim of these classifications is to protect and enhance the ecological assets of the City whilst providing open space which aim to improve the health and wellbeing of its citizens. This beneficial impact also provides wider positive ecological and visual impacts (discussed later in this report).
- 6.18. The application site has previously been developed in part, but has since been cleared and is regenerating naturally. I do not consider that the site constitutes public open space. However, it does represent open space of public value which primarily consists of natural elements part of which is a SINC. The site does therefore fall within the definition of open space within the BDP and therefore policies relating to its loss as open space should apply to the determination of this application, as should guidance within the NPPF relating to the loss of open space.
- 6.19. Taking BDP policy TP9 and paragraph 74 of the NPPF into account, the applicants would need to demonstrate that either the open space land is surplus for all open space uses or provide compensation for its loss that is as good as or better in terms of quantity, quality and accessibility. In terms of the former, the site provides woodland as part of a SINC and provides visual amenity and environmental benefits. The applicants have not demonstrated that the land is surplus to need through the provision of an assessment. The applicant must therefore provide appropriate compensation for the loss of the open space value of the site as a SINC. My Leisure Services colleagues have requested a figure of £128,000 as compensation, which reflects the fact that the site is not public open space. I would expect those monies, in this case, to be directed towards improvements for nature conservation purposes. The applicants have made an offer for works within the adjacent SINC, but have not costed the works. In any event, my ecologist advises that the proposed works are not required and that monies from another section 106 agreement have been identified for necessary management works within the reserve. I therefore conclude that the applicants have not demonstrated compliance with BDP and NPPF policy and guidance requirements in respect of loss of open space.
- 6.20. Based on the above assessment the loss of the open space conflicts with the stated aims of the NPPF and policies TP9, TP37 and TP47 of the BDP.
- 6.21. Ecology

Turning to the NPPF's commentary on seeking the conservation and enhancement of the natural environment, part 109 states “The planning system should contribute to and enhance the natural and local environment by: - protecting and enhancing valued landscapes, geological conservation interests and soils; - recognising the wider benefits of ecosystem services; - minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the governments commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;-

preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate”.

- 6.22. Part 113 of the NPPF focuses in on the protection of wildlife and geodiversity and landscaped areas when it states “Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks”.
- 6.23. Part 114 states “Local Planning Authorities should: - set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure”.
- 6.24. Part 118 states “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:-
- if significant harm resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.
- 6.25. It further adds “- opportunities to incorporate biodiversity in and around developments should be encouraged;- planning permission should be refused for development resulting in the loss or deterioration or irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”.
- 6.26. The BDP sets out its policy with respect to protecting the green infrastructure network when it states in policy TP 7” The City Council will seek to maintain and expand a green infrastructure network throughout Birmingham. The integrity of the green infrastructure network will be protected from development and where possible opportunities will be taken to extend and enhance the network and to improve links between areas of open space. Any development proposal that would sever or significantly reduce a green infrastructure link will not be permitted. New development will be expected to address green infrastructure issues in an integrated way and to take advantage of new opportunities such as green and brown roofs. It is important that all new green infrastructure features and assets are designed to help the City adapt to a changing climate.”
- 6.27. The BDP focuses in on biodiversity and geodiversity in policy TP8 when it states “The maintenance, enhancement and restoration of sites of national and local importance of biodiversity and geology will be promoted and supported. These include Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), Local Nature Reserves (LNRs), Sites of Importance for Nature Conservation (SINCs) and Sites of Local Importance for Nature Conservation (SLINCs).....Development which directly or indirectly causes harm to local sites of

importance for biodiversity and geology (LNRs, SINCS and SLINCS), priority habitats and important geological features, species which are legally protected, in decline, are rare within Birmingham or which are identified as national or local priorities will only be permitted if it has been clearly demonstrated that:- The benefits of the proposal outweigh the need to safeguard the designated site, or important habitat, species or geological feature.- Damage is minimised and measures can be put in place to mitigate remaining impacts. – Where damage cannot be avoided or fully mitigated, appropriate compensation is secured. Development proposals which are likely to affect any designated site or important habitat, species or geological feature must be supported by adequate information to ensure that the likely impact of the proposal can be fully assessed. The integrity of wildlife corridors and ‘stepping stones’ connecting them will be protected from development which would harm their function.....All developments should, where relevant, support the enhancement of Birmingham’s natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets, such as those identified for the Birmingham and Black Country Nature Improvement Area. Biodiversity and geodiversity enhancement measures should be appropriate to the nature and scale of the development proposed. Development proposals should clearly identify how ongoing management of biodiversity and geodiversity enhancement measures will be secured”.

- 6.28. Finally, with respect to setting the policy context for assessing the ecological impact of the proposal, adopted SPG ‘Nature Conservation Strategy for Birmingham’ categorises SINCS as critical nature capital (page 15). This states in part 3.3.1 “Biodiversity (or biological diversity) is the variety of life we see around us. It includes every sort of animal, plant, fungus and microscopic life. It embraces the great variety of species, the genes those species carry, and the places where those species live. There are three distinct levels of biodiversity:- diversity between and within ecosystems and habitats- diversity of species- genetic variation within individual species”. This policy documents then states in policy one (page 10) “The City Council will seek itself and encourage others to conserve and enhance biological diversity within Birmingham and to contribute wherever possible to conservation of national and global biodiversity”.
- 6.29. Using the above policy as context to assess the ecological impact of the proposal I note that the proposal would see the entire redevelopment of the site and the resultant loss of this part of the wider SINC. The applicant has submitted various reports and surveys covering matters relating to ecology, wildlife and trees. With respect to the issue of wildlife, whilst the submitted reports identify that the site may be used as migratory routes by protected species such as bats or badgers and for foraging, there was no evidence of such animals using the site. My Ecological advisor concurs with this view and recommends conditions that would help provide protective measures on the ground during the construction period for badgers that may traverse the site and for bats after completion of the development, such as controls over lighting if planning permission is granted.
- 6.30. However, the above evaluation of the impact on protected wildlife does not diminish the significant wider adverse ecological impact the proposed redevelopment of the site is likely to have. The reasons for this include that the site forms part of a wider SINC that extends southwards and that the site measures 6410 sq.metres in total hence the clearance of this site which has an important wider ecological value in terms of its size and diversity (in terms of plants, vegetation etc. that inhabit it) would result in significant harm arising through its clearance for redevelopment. For example the site contains a substantial number of good quality trees (the impact upon which is considered in greater detail later in this report) and vegetation which

play an important role as a buffer between the built up environment to the north and west and the wider area of the SINC to the east.

- 6.31. It also acts to reduce acoustic exposure to the other part of the SINC by helping absorb noise from commercial premises and road traffic. It also acts, as mentioned earlier, as a migratory route and foraging area for badgers and bats. Therefore, the site as existing supports bio-diversity and acts as a wider ecological support with associated environmental benefits. Some of these benefits are also appreciable to the naked eye in that the site edge visually represents a green boundary to a SINC set against a mainly built up urban surrounding when viewed from the north (Old Horns Crescent) and west (Queslett Road). Its loss would also result in the encroachment of that built environment into the designated SINC and hence a degradation of that ecological asset.
- 6.32. As a result of the above impacts, the proposal is likely to have a significantly adverse impact on ecological grounds that would run counter to policies TP 7 and TP 8 of the BDP; policy guidance within the NPPF and also policy 1 of the Birmingham Nature Conservation Strategy SPG. I do not consider the offer (heads of terms) made by the applicant for compensatory features such as bat boxes and signboards to be established within the part of the SINC to the east in lieu of the loss of this ecological asset, namely 0.64 hectares of the SINC, to be an equivalent or a better provision to compensate for the loss of this SINC ecological asset. I also consider that the proposed tree planting and landscaping detailed on the submitted plans significantly falls short of acceptable ecological compensation for the loss of on site protected trees.

6.33. Trees

With respect to the matter of trees on the site, the applicant has submitted an arboricultural survey with this application. This survey identifies that the site mainly comprises B and C category trees. The best category trees, that is category B, are largely situated along the most prominent site perimeters i.e. along Queslett Road, the junction of Queslett Road and Old Horns Crescent and along Old Horns Crescent. These are the sites publicly viewable perimeters. The majority of trees on site are categorised as either young, early mature or mature whilst there is a TPO designation on the site that covers all trees on site. Mindful of this context, the proposal would entail the removal of most of the trees on site.

- 6.34. Given the importance of the trees on the site, members are reminded of the importance that the NPPF places on enhancing the quality of the built and natural environment (parts 56-108 of the NPPF discussed in detail below in the design and layout section of this report) and the conservation and protection of the natural environment as detailed in the NPPF set out earlier above.
- 6.35. Policy guidance within the NPPF does cover the need to protect and enhance ecological assets (detailed earlier in this report). Of most particular relevance, in terms of the important role that trees help play in our environment, part 17 of the NPPF sets out core planning principles which includes “contributing to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this framework”.

- 6.36. Finally, with respect to relevant policy background in relation to trees, policy TP7 of the Birmingham Development Plan states “.....The City Council will seek to conserve and enhance Birmingham’s woodland resource (collectively known as ‘The Birmingham Forest’). Particular attention will be given to protecting the City’s ancient woodlands as irreplaceable semi-natural habitats. All trees, groups, areas and woodlands will be consistently and systematically evaluated for protection and all new development schemes should allow for tree planting in both the private and public domains. The importance of street trees in promoting the character of place and strengthening existing landscape characteristics will be recognised”.
- 6.37. It is within this context the impact of the loss of the trees are assessed below.
- 6.38. Given the importance of the site in terms of its ecological and open space designation and the recognition of the particularly important role the trees play on this site and in terms of their wider visual and environmental impact, officers provided pre application advice on the previous withdrawn application. Throughout these discussions the underlying message in respect of the TPO has been that any proposal that required the removal of the majority of the protected trees could not be supported, with advice provided as to the key groups of trees that would, as a minimum, need to be protected and retained with the development expected to respect those features.
- 6.39. The current scheme still requires the removal of most of the trees on site which currently as a group represent a high value visual feature along the southern edge of the local centre and alongside the busy dual carriage way (Queslett Road). They also visually help mark the western edge of the SINC thereby providing a visual break between the built environment to the north and west of the site and the natural environment to the east. The value of the trees extends beyond simply their visual amenity, and extends to them acting as a considerable carbon sink storing approximately 2 tonnes of CO₂ per annum (calculated from latest Forestry Commission figures) next to a busy road with, at times, a lot of stationary traffic. In addition they have an important role in rainwater control on a site which is in places steeply sloping, pollutant particulate capture and oxygen manufacture. The trees are mainly self set opportunistic species such as birch, willow and other natives. The site has over 60 trees of varying sizes covering approximately 50% of the site area.
- 6.40. The proposal is to fell nearly all the trees, the equivalent to an area of 0.8 acre, with mitigation provided by the planting of 23 new trees around the upper elevated section of the site and also potentially 21 new trees along the site edge to Queslett Road. The proposed trees would not in my view adequately compensate for the loss of the nearly all the protected trees. Members are reminded that part 118 of the NPPF states “.....if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.
- 6.41. My conclusion that the proposal would have an adverse impact on the trees on site, is also identified in the applicants own arboricultural survey which indicates that 94% of the trees on site are in a good or fair condition. I also note that reference to the intrinsic value of the woodland and its potential to accommodate wildlife was set out in part 5.3 paragraph 4 of the arboricultural report that was submitted with the withdrawn planning application when it stated “The woodland is predominantly young to early mature but contains several mature specimens which are of intrinsic value. This habitat is also of notable consideration due to its potential to support an

array of wildlife and its importance as a green corridor (forming part of a larger woodland). The development will result in the loss of this woodland". I also remind members that the arboricultural report submitted with this current application identifies that most common category of tree on site as being category B trees (38) which the report comments on by stating they " should be considered as a priority (for retention) due to these specimens contribution to the landscape character of the site and that category C trees (21) should be considered for retention if possible".

6.42. Finally with respect to trees, I note the applicant is under this resubmitted application proposing a wider landscape strip along Queslett Road than was proposed under the withdrawn application. I do not consider that this would adequately compensate for the adverse visual impact that would arise as a result of the loss of nearly all the trees on the site that this development proposes. In addition, there are question marks about the practicality of being able to plant the indicated trees along that site frontage given that there runs a culvert under where the site sits at pavement level on Queslett Road. This would make tree planting difficult along that landscape strip along Queslett Road. This view is given weight by the omission of the trees on the submitted landscape drawing, where only shrubs have only been shown along that strip whereas the proposed site layout plan and 3D visuals of the Queslett Road frontage show tree planting along that site boundary.

6.43. On the basis of the above assessment, the loss of trees would conflict with NPPF policy guidance and policies PG 3 and TP7 of the BDP.

6.44. Design and layout

The NPPF contains a presumption in favour of sustainable development and core planning principles seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, the NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations. It also advises that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development, for example where development would cause harm to the local area.

6.45. The NPPF places great emphasis on design. Paragraph 59 states that LPAs: "should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally". Paragraph 60 stresses it is "proper to seek to promote or reinforce local distinctiveness".

6.46. The BDP states in policy PG3 "All new development will be expected to demonstrate high design quality contributing to a strong sense of place. New development should:- Reinforce or create a positive sense of place and local distinctiveness with design that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design.- Create safe environments that design out crime and make provision for people with disabilities through carefully considered site layouts, designing buildings and open spaces that promote positive social interaction and natural surveillance.- 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, such as green infrastructure, sustainable drainage and energy generating features.- Support the creation of sustainable

neighbourhoods.- Make best use of existing buildings and efficient use of land in support of the overall development strategy”.

- 6.47. Overall the NPPF and BDP all seek high quality design that responds to an area’s character, reinforcing and evolving positive local characteristics.
- 6.48. The site currently includes a positive visual green edge alongside a busy dual carriageway. The presence of a range of young to mature trees of mainly good to fair quality which encompass approximately half the site with large groupings alongside its perimeter edge softens the urban environment. This has a wider visual benefit through its enhancement of the image of the City as a whole due to its location adjacent a dual carriageway that also runs alongside the boundary with the neighbouring authority (Walsall). In contrast to the existing situation it is proposed to remove these key features of the site through comprehensive site clearance, including site cutting and infilling, to form a single large plateau. In the place of the largely tree occupied site which visually marks the site from the outside, a 4m high retaining wall that will be a visual and physical barrier along Queslett Road would be erected. This would be a negative step in urban design terms which would also undermine the permeability of the site whereas currently level access, for both vehicles and pedestrians, is achievable from Queslett Road.
- 6.49. With respect to the wider layout of the site, the proposed layout remains flawed in terms of good urban design. The store is inward-looking and totally car focused, turning its back to the road junction and the surrounding area and presenting largely blank elevations to streets. Despite the inclusion of pedestrian steps from Queslett Road, the site layout means that the store is unwelcoming for pedestrians, including a route from Old Horns Crescent that is not overlooked, alongside the delivery yard. The applicant appears to recognise that this part of the site could have security and safety issues by covering the small staff room and meeting room windows with security grilles. This further reinforces the impression of a development that is not pedestrian friendly or would integrate smoothly with its surrounds.
- 6.50. I acknowledge that the applicant has considered a number of alternative options in terms of the positioning of the proposed store within the site as part of the design and access statement. I also note that the applicant has made some changes to the scheme in comparison to the previous withdrawn application, such as proposing a wider landscape strip along Queslett Road. However, I remain of the view that the footprint size of the building and its position, along with the fundamental regrading of the existing site levels, results in an unacceptable urban design solution to the development of the site. This adverse visual impact is exacerbated by the elevated nature of the proposed development in comparison Queslett Road where currently the site access and centre of the site sit relatively level with Queslett Road. This conflicts with advice in the NPPF and policies within the BDP.
- 6.51. For the reasons above the proposed development would result in a visually poor development which would appear obtrusive in the street scene by reason of its size, siting and levels. For these reasons the proposal would conflict with parts 59 and 60 of the NPPF and policy PG 3 of the BDP.
- 6.52. Parking/highway issues

Policy 38 of the BDP states “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. The delivery of a sustainable

transport network will require: Reduction in the negative impact of road traffic, for example, congestion and road accidents”.

- 6.53. Policy TP44 of the draft BDP states “The efficient, effective and safe use of the existing transport network will be promoted through the following:- Ensuring the planning and location of new development supports the delivery of a sustainable transport network and development agenda.- The prevention or refusal of development on transport grounds where the residual cumulative impacts of development are severe.- A requirements for Transport Assessments/Statements and Travel Plans as necessary in line with the relevant national guidelines”.
- 6.54. Part 32 of the NPPF states “All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether: • the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; • safe and suitable access to the site can be achieved for all people; and • improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.
- 6.55. Transportation Development comment that the submitted transport and highway impact related information falls short of critical analysis particularly in relation to the impact on the Queslett Road and Aldridge Road junction roundabout. They also state that the submission also lacks baseline validation of the submitted assessment and sensitivity testing. Having discussed this matter with Transportation Development, they confirm that they cannot advise further on the acceptability of the scheme from a highway impact perspective until such information has been provided and evaluated by them. In the absence of a firm direction from Transportation Development with respect to the impact of the development on the highway network, I set out an assessment of the parking to be provided by the proposal below based on the information at hand.
- 6.56. From a strategic perspective the site is located in an edge of centre location. This reduces pressure on the use of private cars to access the site. Furthermore, the site is located within walking distance of a large residential catchment area which further reduces parking demand.
- 6.57. Car parking guidelines contained within the City’s adopted SPD Car Parking Guidelines sets out maximum parking ratios. In this instance the provision of A1 floorspace (convenience retail) in this location (zone 3) should ideally be provided with 1 car parking space per 14 sq.metres of floorspace. On this basis, this would equate to 82 car parking spaces. As the applicant has indicated the provision of 81 car parking spaces, the level of on site parking spaces is considered acceptable. With respect to the matter of cycle provision, guidance indicates that a provision of 3 spaces should be made. I consider such could be provided within the site such as through the loss of some of the parking spaces closer to the building to accommodate cycle storage. The applicant has provided within the submitted TA a swept path analysis that satisfactorily demonstrates how an articulated lorry 16.48 metres in length could access and egress the site in forward gear.
- 6.58. However, despite the above matters being acceptable, members are reminded of the assessment of the information submitted to date by my Transport Advisor who confirms that the submitted transport and highway impact related information falls

short of critical analysis particularly in relation to the impact on the Queslett Road and Aldridge Road junction roundabout. The submission also lacks baseline validation of the submitted assessment and sensitivity testing. On this basis, given the omission of such information, I am unable to satisfactorily evaluate the impact on the road network in terms of the freeflow of pedestrians and motorists and also on their safety. For these reasons, the proposal conflicts with TP 38 and 44 of the BDP and part 32 of the NPPF.

6.59. Drainage

The NPPF states in part 94 “ Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations”. This national guidance is further supplemented by ministerial statement (18th December 2014). Given the level of information provided in relation to the drainage proposals, I am content with the current proposal with respect to the matters subject to a condition that would allow the scheme to progress to the next drainage design stage. My drainage advisor (LLFA) concurs with this view.

6.60. Environmental issues

Regulatory Services raises no objection to the proposal subject to controls on the cumulative noise from all plant and machinery, controlling the type of lighting, requiring vehicle recharging points to be provided and conditions to tackle contamination encountered during site works and to deal with any gas on site or that may migrate to the site from neighbouring land (given there is a former land fill next door). I concur with this view. The proposed development would see the redevelopment of a site previously used for commercial purposes including quarrying related activity. The submitted site survey details are satisfactory and a precautionary condition is recommended to address any currently unidentified contamination that the site works may encounter. Matters regarding gas that may emanate from the site and or neighbouring land can be dealt with by condition. A lighting condition would not only help control light spill to nearby occupier but also help in protecting wildlife. In summary, subject to the safeguarding conditions mentioned, no adverse environmental impact identified.

6.61. Economic impact

Part 7 of the NPPF sets out the governments vision as to what constitutes sustainable development, namely reconciling the economic, social and environmental role that development plays. Part 8 states “These roles (environmental, economic and social) should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions”.

6.62. Bearing the above in mind, I acknowledge that the applicant states the development is expected employ up to the equivalent of 30 full time jobs. There is also likely to be greater consumer choice and perhaps more competitive pricing of goods for consumers (as the development is likely to increase competition with other local

retailers including the Asda store to the north). Despite these potential economic benefits I do not consider that this would outweigh the adverse environmental impact (as a result loss of open space, loss of ecology and loss of trees) as detailed earlier in this report as well as the potentially adverse impact of the proposal on highway safety as well as the adverse visual impact of the overall design and layout of the development.

- 6.63. Members attention is drawn to part 9 of the NPPF which immediately follows the above advice by stating “ Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):- making it easier for jobs to be created in cities, towns and villages;- moving from a net loss of bio diversity to achieving new gains for nature;- replacing poor design with better design; - improving the conditions in which people live, work, travel and take leisure; and – widening the choice of quality homes”. Part 10 continues “ Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas”.
- 6.64. On the basis of the above, I conclude that whilst the proposal would have potential economic benefits these would not outweigh the adverse impacts identified and the concerns about the lack of appropriate information to evaluate the highway impact of the proposal and the adverse visual impact the proposal would have.

6.65. CIL

This proposal does not attract a CIL charge as it proposes the establishment of less than 2,700 sq.m of retail floorspace.

7. Conclusion

- 7.1. The proposed development would have an adverse impact on the basis it would lead to the loss of open space; lead to the loss of an important ecological asset (part of a SINCE), would lead to the loss of a woodland and TPO trees and is supported by information that lacks critical information to make a satisfactory assessment of the impact of the proposal on the safety and freeflow of pedestrians and motorists. The proposal would also have an adverse visual impact as a result of its design and layout. When these impacts are viewed against the context of detailed planning policy set out through this report, I conclude that they outweigh the economic benefits and therefore that planning permission should be refused.

8. Recommendation

- 8.1. Planning permission should be refused.

Reasons for Refusal

-
- 1 The application proposes the loss of open space, part of which is a SINCE. The applicant has not demonstrated compliance with relevant policies and guidance in
-

relation to the loss of the open space and therefore the proposal is in conflict with policies TP 7, TP 8, TP 9, TP 37 and TP 47 of the Birmingham Development Plan (2017); parts 69-74, 109, 113, 114 and 118 of the NPPF and Policy 1 of the Birmingham Nature Conservation Strategy SPG.

- 2 The development would lead to the loss of almost all the trees on site, all of which are covered by a TPO (Tree Preservation Order). This would be visually harmful with wider adverse environmental and health consequences (due to the important role that trees play in reducing pollution and other adverse environmental impacts). This would conflict with the aims and guidance in the NPPF and policy TP 7 of the Birmingham Development Plan (2017).
 - 3 The proposed development would result in a visually poor development which would appear obtrusive in the street scene by reason of its size, siting and levels. For these reasons the proposal would conflict with the aims and guidance in the NPPF and adopted SPG Places for All as well as policy PG 3 of the Birmingham Development Plan (2017).
 - 4 The submitted transport and highway impact related information falls short of critical analysis particularly in relation to the impact on the Queslett Road and Aldridge Road junction roundabout. The submission also lacks baseline validation of the submitted assessment and sensitivity testing. On this basis, given the omission of such information, I am unable to satisfactorily evaluate the impact on the road network in terms of the freeflow of pedestrians and motorists and also on their safety. For these reasons, the proposal conflicts with TP 38 and 44 of the BDP and part 32 of the NPPF.
-

Case Officer: Wahid Gul

Photo(s)

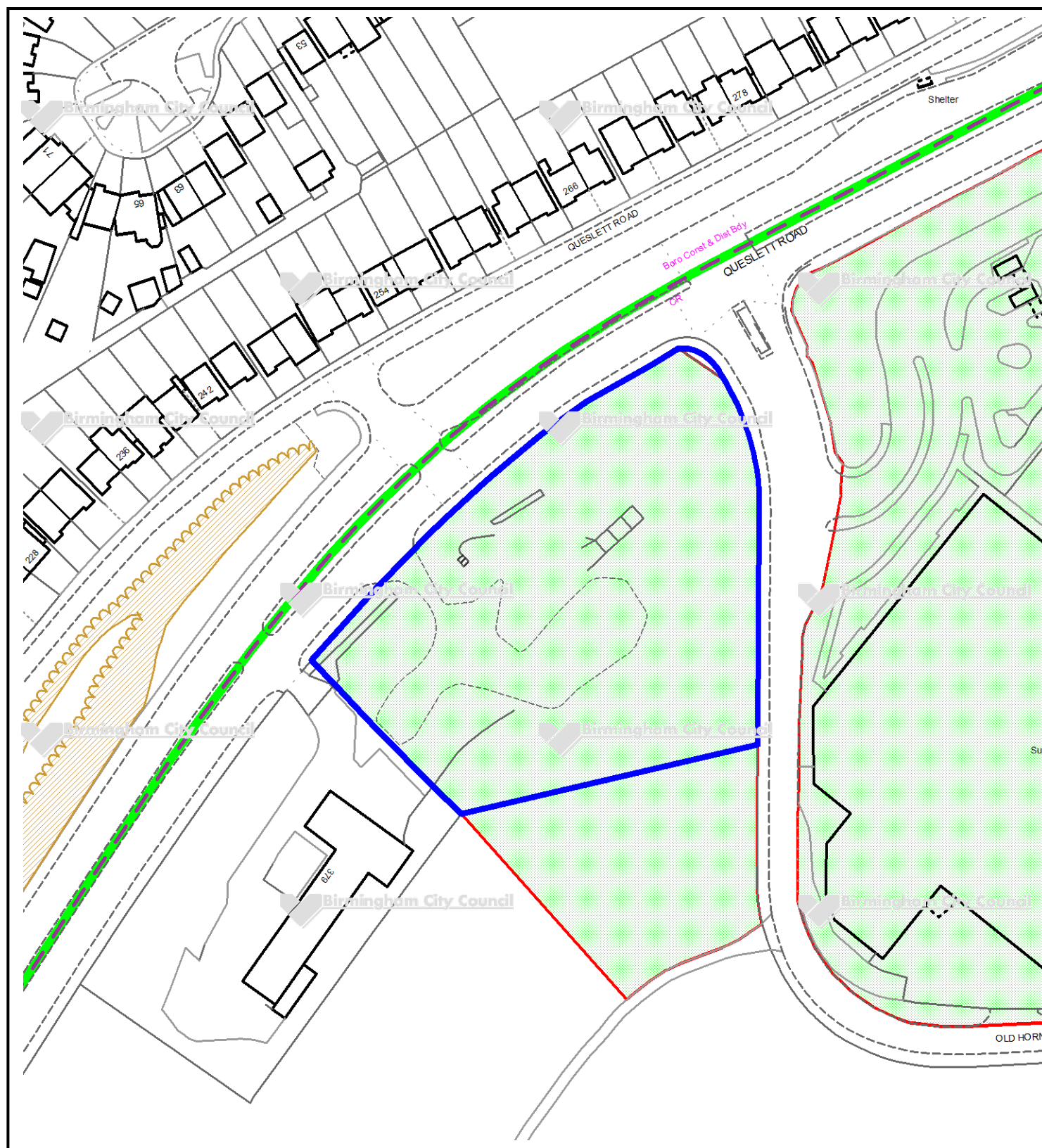


View looking at site along Old Horns Crescent



View of site along Questlett Road

Location Plan



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Birmingham City Council

Planning Committee

16 February 2017

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	9	2016/09630/PA 95 Willows Road Balsall Heath Birmingham B12 9QF Change of use from Use Class D1 (non-residential institutions) to 15 bed Sui Generis HMO.
Determine	10	2016/08791/PA 57 South Road Stockland Green Birmingham B23 6EH Removal of Condition C3 attached to planning approval 2009/01864/PA relating to use for family accommodation only and not to be used to accommodate multiple paying occupants

Committee Date:	16/02/2017	Application Number:	2016/09630/PA
Accepted:	28/11/2016	Application Type:	Full Planning
Target Date:	23/01/2017		
Ward:	Sparkbrook		

95 Willows Road, Balsall Heath, Birmingham, B12 9QF

Change of use from Use Class D1 (non-residential institutions) to 15 bed Sui Generis HMO.

Applicant:	Mr N Ghanche c/o Agent
Agent:	ACP Architects Roma Parva, Level Two, 9 Waterloo Road, Wolverhampton, WV1 4DJ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application proposal relates to the change of use from a former place of worship (Use Class D1 non-residential institution) to a 15 bedroom Sui Generis House in Multiple Occupation at 95 Willows Road.
- 1.2. The proposed HMO would comprise 15 bedrooms, with 3 bedrooms on the lower ground floor; 6 bedrooms on the ground floor, and 6 bedrooms on the first floor. These bedrooms would range in floorspace from 18sqm to 30sqm, and incorporate en-suite shower rooms and internal storage for each of the bedrooms.
- 1.3. The proposed HMO would comprise of one communal kitchen/diner (23.6sqm) on the ground floor, and one communal kitchen/diner (24.6sqm) on the first floor. Each of these kitchen/diners would provide 2 x ovens, 2x hobs, 1x 2200mm larder-style fridge/freezer, 2x kettles, 2x toasters, coffee machine, kitchenware, utensils, and a washer/dryer alongside a large dining table and chairs.
- 1.4. The application site comprises a front yard which is used as parking for 2no. vehicles and is proposed to be retained as part of the HMO. The rear garden is sizeable and it is proposed that such would be made available for the use of prospective residents of the HMO.
- 1.5. No extensions or external alterations are proposed as part of the application proposals, except for the introduction of two new windows on the south west gable elevation. These windows would be double glazed UPVC windows in white frames to match existing. The gable overlooks the garden to the adjacent day nursery, and would be fitted with obscure glass at first floor level to address this.
- 1.6. Internal alterations would be required to as part of the change of use. These are understood to be in the process of being undertaken at present. No planning permission is required for internal alterations.

- 1.7. The application proposals have been subject to amendments following discussions with the Agent which raised concerns regarding the level of communal living space provided as part of the scheme.

1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a large, much extended 2.5 storey part detached building which has most recently been used as a place of worship and youth centre. The building comprises three first floor dormers, a large bay window, main entrance and sash windows on the front eastern elevation. The rear western elevation relates to a large extension with lower ground windows present. The building sits within relatively isolated grounds with a large rear garden, and small gated driveway to the front.

- 2.2. The surroundings relate predominantly to residential use, with a large number of semi-detached and terraced dwellings present. Adjacent to the application site lies an existing detached day nursery, at the junction of Edgbaston Road and Willows Road. A place of worship is located to the north, at the junction of Willows Road and Willows Crescent.

- 2.3. Willows Road is served by bus route 35, providing access between Moseley, Kings Heath, Hawkesley and Birmingham City Centre. There is considerable parking demand on Willows Road which frequently results in conflicts, alongside the bus route.

2.4. [Site Location](#)

3. Planning History

- 3.1. 30.04.1999 – 1998/03769/PA – Extension at existing synagogue to create third floor guest accommodation and storage area, ground floor store extension and provision of disabled lift to all floors. – Refused, appeal dismissed.
- 3.2. 18.11.1982 – 25477009 – Erection of extensions to existing youth centre (phase 2) and relocation of existing synagogue. – Approved subject to conditions.
- 3.3. 10.06.1982 – 25477008 – Continued use of premises as a synagogne and youth centre. – Approved subject to conditions.
- 3.4. 10.06.1982 – 25477007 – Erection of an extension to the side and rear of the premises comprising games and classroom lounge/library, kitchen. – Approved subject to conditions.
- 3.5. 10.02.1977 – 25477006 – Continued use as a synagogue. – Approved.
- 3.6. 10.02.1977 – 25477005 – Extensions to synagogue. – Approved.
- 3.7. 09.09.1971 – 25477003 - Synagogue on ground floor & 2 flats continued use. – Approved.

- 3.8. 04.05.1967 – 25477002 - Use as synagogue with 2 flats over. – Approved.
- 3.9. 17.03.1966 – 25477001 - Conversion for use as synagogue. – Approved.

4. Consultation/PP Responses

- 4.1. Transportation Development - No objection subject to conditions relating to Cycle Store Details.
- 4.2. Regulatory Services – No objection.
- 4.3. West Midlands Police – No objection.
- 4.4. Site Notice posted. Ward Members and neighbours notified. Nineteen letters of objection received, raising concerns regarding:
- Impact on traffic congestion;
 - Likely increase in parking demand;
 - Prospective occupants of the HMO;
 - Safeguarding of the children present at the day nursery with such a large scale HMO, of which a number of prospective residents would be likely to be short-term;
 - Overlooking of residential accommodation into the garden of the day nursery;
 - Likely appeal of the HMO to young professionals;
 - Proposals would be out of character with the surrounding family dwellings; and
 - Poor living environment for prospective residents, with limited facilities available.
- 4.5. A petition signed by 22 people has been submitted objecting to the proposals on the grounds of the proposals being out of character with the area, and likely to raise significant transportation conflicts.

5. Policy Context

- 5.1. National Planning Policy Framework (2012); Birmingham Development Plan (BDP) (2017); Birmingham Unitary Development Plan (Saved Policies) (2005); Places for Living (2001); Specific Needs Residential Uses: Houses in Multiple Occupation SPG (2006)

6. Planning Considerations

- 6.1. The application proposals relate to the change of use of a former D1 use class place of worship to a 15-bed Sui Generis House in Multiple Occupation. The key planning considerations therefore relate to the principle of the change of use, alongside the impact that the proposals would be likely to have on existing and future residential amenity and highway safety.
- 6.2. **Principle of Change of Use** – The application proposals seek permission for the operation of a large detached building as a 15-bed HMO. The location of the

application site is within a residential street which is predominated by terraced and semi-detached family dwellings.

- 6.3. Paragraph 5.19B of the Birmingham UDP indicates that where residential areas contain properties which have been converted into “institutional” uses such as hotels, hostels, day nurseries or nursing homes, subdivided into flats, or is in multiple occupation, concentrations of such uses can have an adverse effect upon the essential residential character of a particular street or area. The majority of the existing HMOs in the area would not be subject to planning control and would therefore appear and operate as a single family dwelling house, housing 6 persons and under, therefore falling under Use Class C4: Houses in multiple occupation (between 3-6 people).
- 6.4. A large number of objections raised by neighbours and interested parties refer to a safeguarding concern in respect of the day nursery located adjacent to the application site. Whilst I appreciate the concerns raised, I consider that the applicant has addressed the issue of potential loss of privacy and overlooking by proposing obscure glazing to be installed in the proposed new windows. Furthermore, West Midlands Police raise no objection to the application proposals. Regarding the general compatibility of uses, the principle of a House in Multiple Occupation, which would be of a residential character, would be acceptable.
- 6.5. I appreciate that there would be a large number of residents and that such residents may change frequently and at short notice. However, I would not consider that this safeguarding issue would be more or less severe than if the application premises were proposed to be converted to self-contained flats or dwellings.
- 6.6. The application proposals relate to the change of use of a detached building within its own grounds, and would convert a non-residential building to a form of residential use, which would arguably fortify the residential character of the area. The proposals are therefore considered to be acceptable in principle, and compliant with adopted planning policy.
- 6.7. **Impact on Residential Amenity** – Applications for change of use to Houses in Multiple Occupation need to be assessed against criteria in Paragraphs 8.23-8.25 of UDP and Specific Needs Residential Uses SPG. The criteria includes; effect of the proposal on the amenities of the surrounding area and adjoining premises, size and character of the property, floorspace standards, amount of car parking and the amount of provision in the locality.
- 6.8. The application proposal comprises 2no. communal kitchen/diner to be shared by 15no. residents. The Housing Department’s “Houses in Multiple Occupation (HMO) Property and Management Standards” refers to a minimum of 21.5sqm required for a dining kitchen to be used by up to 15 people (11.5sqm for 2-5 persons plus an additional 1sqm for every additional person thereafter). The proposed ground floor communal kitchen/diner would measure 23.6sqm floorspace whilst the proposed first floor kitchen/diner would measure 24.6sqm. Whilst the Standards do not constitute adopted planning policy, they provide useful guidance. It is my view that the provision of the two kitchens, which was the result of extended negotiations with the Agent, would provide an adequate level of residential accommodation for prospective occupiers, which would constitute an acceptable living environment.
- 6.9. The proposed bedroom sizes and indicative furniture layout provided for each of the 15 en-suite bedrooms would be acceptable in terms of minimum floorspace required for 2 room lettings as part of a HMO, as established by the guidance within Specific

Needs Residential Uses: Houses in Multiple Occupation SPG, and requiring a minimum of 15sqm floorspace.

- 6.10. The application proposals do not relate to any extensions or alterations which would have an impact on neighbouring residential amenity. A number of objections raised concerns regarding the HMO causing noise and disturbance issues for existing residents. The application property is part-detached and there is a day nursery at the property immediately adjacent. Given this, I do not consider that there would be any detrimental impact on adjoining occupiers, as a result of this change of use. Regulatory Services raise no objections to the application proposals, however given the scale of the HMO I consider that it would be likely that a degree of noise and disturbance would be generated by the proposals, by virtue of the number of residents likely to be coming and going, and the disturbance that arises alongside the practice of a large household.
- 6.11. As the proposals would be likely to have a lesser impact in terms of noise and disturbance than the permitted lawful use as a place of worship, and as the communal kitchens exceed the minimum size, I do not consider that these concerns would warrant a recommendation for refusal. Furthermore, if the application site were to remain in use as a place of worship, the site would arguably generate a greater level of noise and disturbance with a larger number of visitors to the site.
- 6.12. **Impact on Highway Safety** – The application proposals seek consent to change the use of an existing building, most recently used as a place of worship, to a 15 bedroom HMO. No parking provision is incorporated as part of the application proposals however it is understood that the two driveway parking spaces would be retained as part of the change of use. No cycle store provision is proposed.
- 6.13. A considerable level of local objection has been raised relating to the lack of parking, noting the existing parking situation in the area and the likely impact that the proposals would have upon such demand.
- 6.14. While the proposed development has potential to generate some additional parking demand in a locality where there is very high parking pressure, the lawful permitted use of the site has potential to generate higher parking demand. As such, Transportation Development does not consider that the proposed development would result in a demonstrably severe impact sufficient to sustain a recommendation of refusal. I concur with the view from Transportation Development that the site operating as its lawful permitted use would have a greater parking requirement and would outweigh the demand for parking from the proposed change of use.
- 6.15. Regarding cycle storage, it appears that there is a route from Willows Road to the rear garden area where such could be sited. Transportation Development recommends that this provision should be conditioned to any grant of planning permission.
- 6.16. **Other Matters** – Regarding the concerns raised of the HMO overlooking the day nursery, the application proposals comprise obscure glazing being installed at first floor level, which would relate to the first floor kitchen/diner. The new ground floor window is obscured by a large brick boundary wall and therefore does not require obscured glass. This element of the scheme will be secured by planning condition to protect the amenity of neighbouring properties.

- 6.17. In respect of the concerns raised in objections relating to the prospective occupants of the HMO and the likely appeal of the HMO to young professionals, this is not a planning matter and cannot be assessed further.

7. Conclusion

- 7.1. This application proposal relates to the change of use of a former place of worship to a large, 15-bed House in Multiple Occupation, with 2no. communal kitchen / diners. The proposal is compliant with adopted planning policy and acceptable in principle. West Midlands Police raise no objection to the application proposal, and the proposed obscure glazing at first floor level would mitigate any instances of potential overlooking to the adjacent Day Nursery.
- 7.2. The application proposals do not provide any car parking which are acknowledged to be likely to generate an increased level of parking demand on Willows Road which is subject to considerable existing demand. However, given the permitted lawful use of the site as a place of worship which would be likely to generate significantly more parking demand, Transportation Development raise no objection to the proposal.
- 7.3. For the reasons set out above, I recommend that the application should be approved subject to conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|---|---|
| 1 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 2 | Requires the prior submission of cycle storage details |
| 3 | No more than 15 bedrooms at the HMO |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
| 5 | Implement within 3 years (Full) |
-

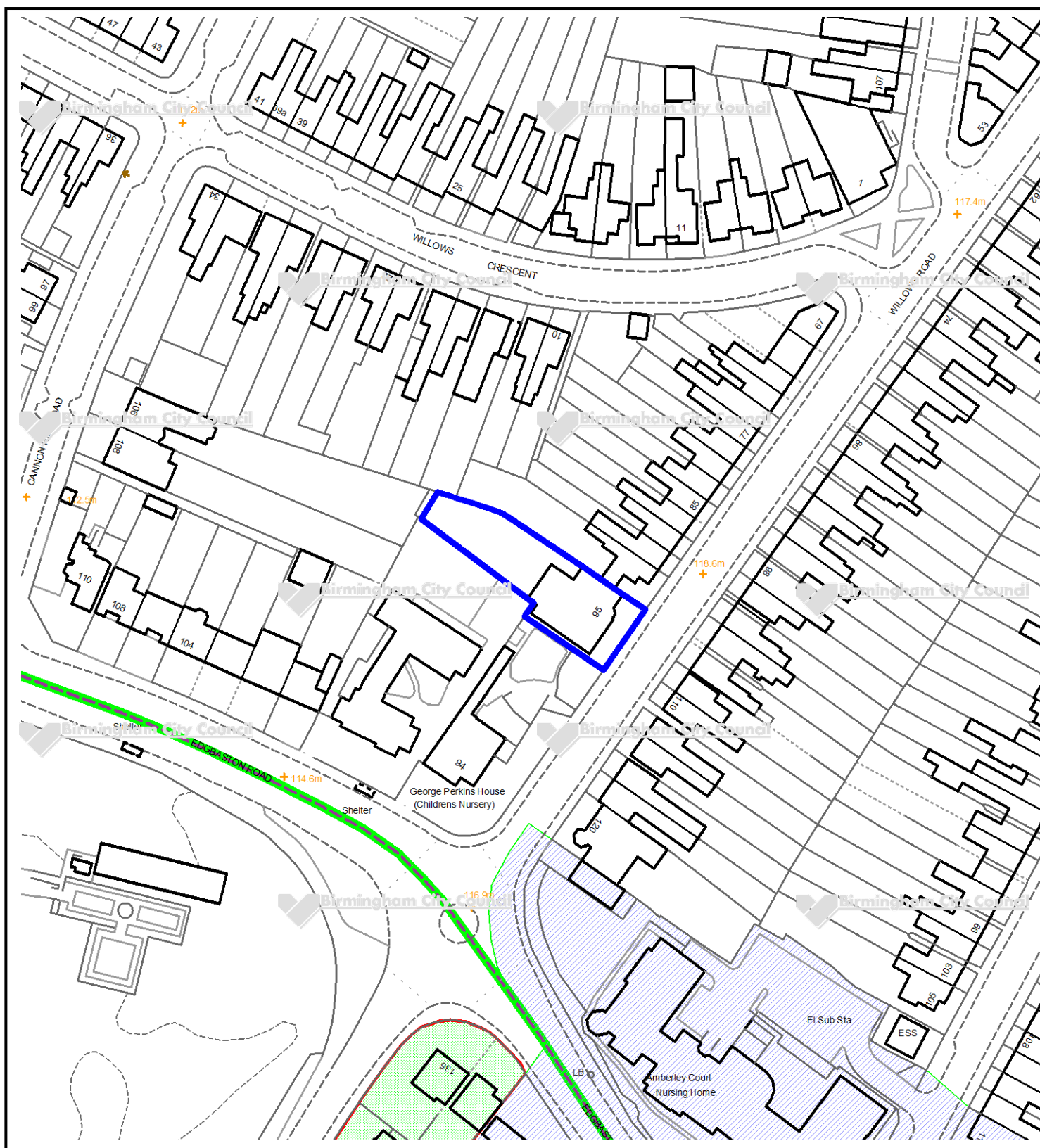
Case Officer: Claudia Clemente

Photo(s)



Figure 1: Application Site

Location Plan



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Committee Date:	16/02/2017	Application Number:	2016/08791/PA
Accepted:	25/10/2016	Application Type:	Variation of Condition
Target Date:	20/12/2016		
Ward:	Stockland Green		

57 South Road, Stockland Green, Birmingham, B23 6EH

Removal of Condition C3 attached to planning approval 2009/01864/PA relating to use for family accommodation only and not to be used to accommodate multiple paying occupants

Applicant:	Ms V Southall 104 Chester Road, Castle Bromwich, Birmingham, B36 0AL
Agent:	Spector Design Ltd 20 Spring Lane, Willenhall, WV12 4JH

Recommendation
Determine

Original Recommendation

Approve subject to conditions

Report Back

Members will recall that this application was considered at your meeting on 19th January 2017. The Committee determined to defer the decision, 'Minded to Refuse' on the grounds of anti-social behaviour, the impact of the proposal on the character of the area and the proposal creating an over-concentration of HMO's.

The sub-division of a single family dwelling to that of a small HMO for no more than six people sharing communal facilities does not require planning consent, as it is now deemed permitted development under Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015. This application requests that condition C3 of previously approved application 2009/01864/PA be removed to allow the premises the same permitted development rights as any C3 residential property currently receives.

In light of the above, officers advise that the recommended ground for refusal is not consistent with planning policy/guidance. However, if Members wish the application to be refused on the grounds suggested then the following reason for refusal is offered:

The removal of condition C3 of previously approved planning permission 2009/01864/PA would enable this C3 dwelling to change to a C4 (Small HMO) under the terms of Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015. Such a C4 use would undermine the residential character of the area and result in an over-concentration of such accommodation, due to the existing number of houses in multiple occupation in the vicinity, leading also to a potential increased effect on levels of crime, anti-social behaviour and the fear of crime to the detriment of local community cohesion. The application is therefore contrary to Policies PG3 and TP35 of the

Original report

1. Proposal

- 1.1. This application seeks the removal of condition C3 from previously approved planning permission 2009/01864/PA, which was granted permission for the change of use of the premises from off license (A1) to 1 dwelling house (C3) on the 13th July 2009.
- 1.2. Condition C3 of planning permission 2009/01864/PA stated:
 - “The hereby approved use shall be used for family accommodation only and shall not be used to accommodate multiple paying occupants. REASON: In order to safeguard the amenities of occupiers of premises within the vicinity”.
- 1.3 It is clarified that ‘condition C3’ in the description of development relates to relevant the condition numbering in the original 2009, and is distinct from ‘Use Class C3’ (dwelling house) as defined in the Town and Country Planning Use Classes Order.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a two-storey dwelling, which occupies a corner location bounded by South Road to the east and Clifton Terrace to the north. The premises were formerly a commercial off licence before being converted to a single family dwelling in 2009. The location and surroundings are wholly residential, characterised by Victorian and post war two-storey residential dwellings.

[Location plan](#)

3. Planning History

- 3.1. 13.07.2009. 2009/01864/PA, Change of use from off license (A1) to 1 dwelling house (C3), approved.
- 3.2. 07.11.2060. 2006/04475/PA, Erection of a single storey side extension, refused.

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objections
- 4.2. Transportation Development – No objection
- 4.3. West Midlands Police - Raise concerns, due to an exacerbation of HMO's in South Road and the cumulative effect that such uses cause, due to the transient nature of occupiers, which undermines community stability and cohesion, having an increased effect on levels of crime and anti-social behaviour, the fear of crime and calls to service from the police.
- 4.4. Nearby residents, residents associations and Ward Councillors notified, with the following responses received: -

- Ward Councillors Penny Holbrook, Mike Finnegan and Carol Jones raise objection, commenting that South Road and the surrounding area is well-known to have a high concentration/exacerbation of HMO's and multi let properties which leads to highway/parking issues.
- Eight emails/letters of objection from near neighbours, generally on the issues of the property changing to that of a HMO, commenting that South Road has an existing exacerbation of HMO's leading to a loss of social cohesion, lack of community care from a transient population who occupy such uses, additional noise and disturbance, litter, parking issues and anti-social behaviour.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan (2005) and Draft Birmingham Development Plan (2013); Places for Living SPG (2001); Car Parking Guidelines (2012) SPD; National Planning Policy Framework 2012 and Planning Practice Guidance (2014).
- 5.2. Town and Country Planning Act 1990 as amended, Town and Country Planning (General Permitted Development) (England) Order 2015, Town and Country Planning (Use Classes) Order 1987 (as amended).

6. Planning Considerations

- 6.1. Paragraph 206 of the National Planning Policy Framework (NPPF) advises that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 6.2. Circular 11/95 has now been replaced by the Planning Practice Guidance. Paragraph 017 of the online published Planning Practice Guidance (Use of Planning Conditions) states that:

'Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances'.
- 6.3. Planning Use Classes are the legal framework which determines what a particular property may be used for by its lawful occupants. These are set out in the Town and Country (Use Classes) Order 1987 (as amended).
- 6.4. The sub-division of a residential property (C3) to that of a small HMO for no more than six people sharing communal facilities (C4) does not require the benefit of planning consent, as it is deemed permitted development under Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 6.5. The lawful use of the premises is that of a single family dwelling, falling within Use Class C3 (Dwellinghouse). The removal of condition C3 of planning permission 2009/01864/PA would allow the premises to change use to that of a small house in multiple occupation for six people, sharing communal facilities, as now falls within Use Class C4 (Houses in Multiple Occupation) under permitted development rights as now introduced nationally.

- 6.6. The original application (2009/01864/PA) for the change of use of the premises from an off license (A1) to 1 dwelling house (C3) was approved in 2009. In light of the changes to national guidance since the determination of the original application, even more careful consideration has to be given to imposing conditions which remove permitted development rights for developments. Current guidelines lawfully permit the change of use of a residential dwelling (C3) to that of a small HMO for six people or less sharing communal facilities (C4). It is therefore considered that such a condition would not be attached to any approval if the original change of use application were assessed today. Furthermore, a change of use to a large HMO for more than six people would still need formal planning permission due to a large HMO's Sui Generis use class. Consequently, it is considered the removal of condition C3 would be acceptable in principle.
- 6.7. Eight neighbour objections and Ward Councillor objections have been received with regards to the high concentration of HMO's in the street, the loss of social cohesion and lack of community care due to the transient nature of occupants of HMO's, noise and disturbance, litter, parking issues and anti-social behaviour. Neither Transportation Development nor Regulatory Services raise objection in terms of highway or amenity issues. In terms of social/crime issues, West Midlands Police have commented that there is an over intensification of HMO's within the area and, the cumulative effect of this might have an increased effect on levels of crime and anti-social behaviour, the fear of crime and calls to service from the police. In response, whilst it is noted that the area has a high level of HMO's, nationally consent is no longer required for the change of use of a residential dwelling (C3) to small HMO not exceeding 6 people (C4), therefore it is considered that it would be unreasonable and unnecessary to refuse the current application on such grounds now. Furthermore no evidence has been provided to suggest that the change of use of this property would be any different to that of a large family occupying the premises or would be occupied by such people likely to cause harm to social cohesion.
7. Conclusion
- 7.1. In light of the introduction of the National Planning Policy Framework and Planning Practice Guidance and, alterations to permitted development rights allowing permitted change of use from C3 residential dwelling to C4 house in multiple occupation for up to six people sharing facilities, since the determination of the previous approval, I am satisfied that the removal of condition C3 from previous application 2009/01864/PA would accord with national guidance and therefore be acceptable in this instance.
8. Recommendation
- 8.1. Approve subject to condition.

1	Requires the scheme to be in accordance with the listed approved plans
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Case Officer: Keith Mellor

Photo(s)

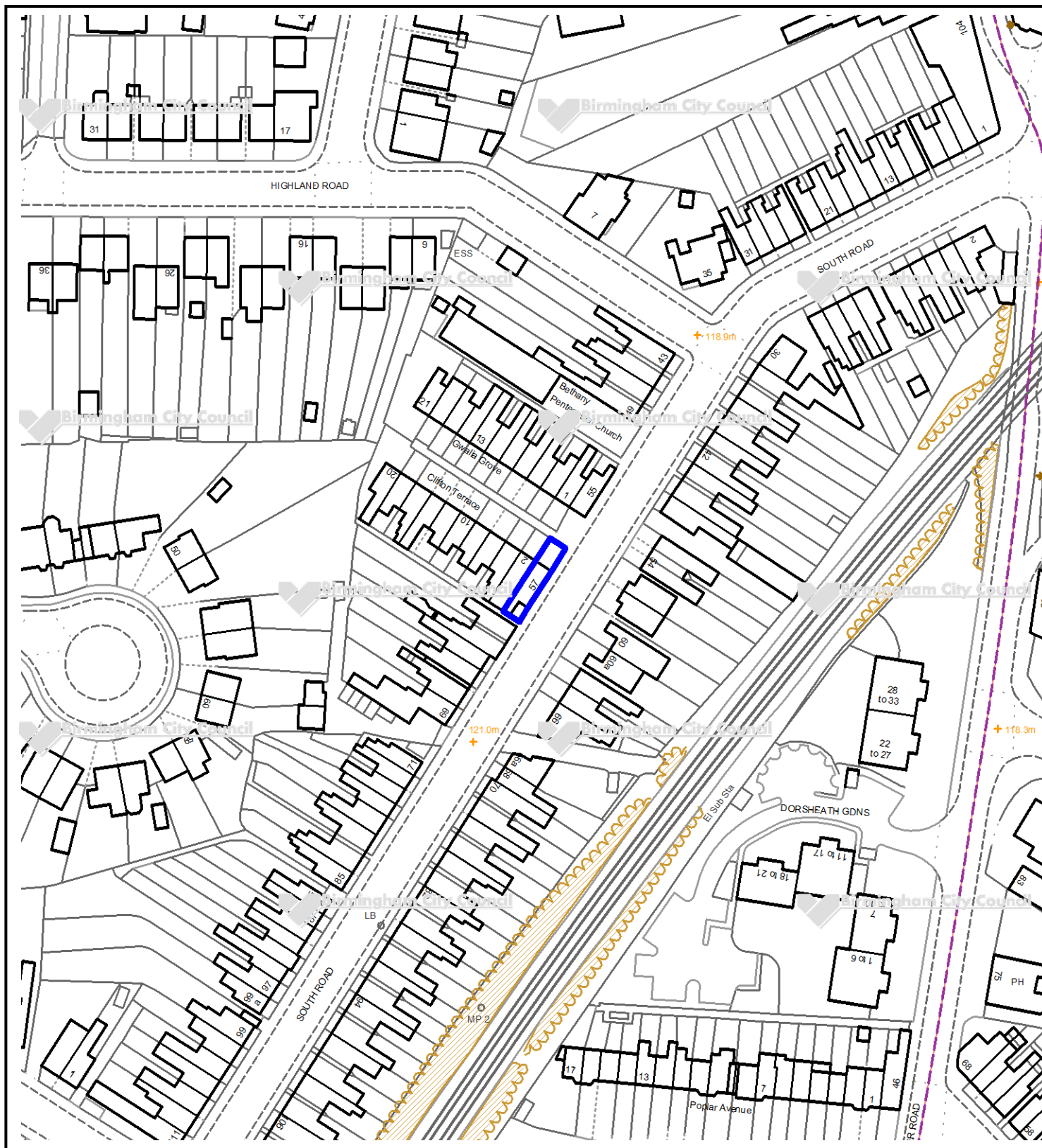


Premises 1



Eastern elevation 1

Location Plan



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Birmingham City Council

Planning Committee

16 February 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	11	2016/10140/PA King Edwards Road National Indoor Arena Birmingham B1 2AA Change of use and adaptation of existing internal parking and storage space and existing vacant commercial unit to create new class D2 leisure attraction together with ancillary retail and other facilities.
Defer – Informal Approval	12	2016/09735/PA The Axis 10 Holliday Street Birmingham B1 1TF Demolition of existing building and erection of a 9 storey building for office and retail, permanent and interim car parking and landscaping and associated works

Committee Date:	16/02/2017	Application Number:	2016/10140/PA
Accepted:	13/12/2016	Application Type:	Full Planning
Target Date:	14/03/2017		
Ward:	Ladywood		

King Edwards Road, National Indoor Arena, City Centre, Birmingham, B1 2AA

Change of use and adaptation of existing internal parking and storage space and existing vacant commercial unit to create new class D2 leisure attraction together with ancillary retail and other facilities.

Applicant:	NEC Group Ltd c/o The Agent
Agent:	CBRE 55 Temple Row, City Centre, Birmingham, B2 5LS

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. [Link to Documents](#)
 - 1.2. This application proposes the change of use of 5,470sqm of floor space within the existing envelope of the Barclaycard Arena complex to create a new family leisure attraction namely a Lego Discovery Centre. The proposed attraction would include a 4D cinema, rides, interactive Lego-themed attractions, a small café and associated retail.
 - 1.3. The proposed Lego Discovery Centre would be split over three floors within the Barclaycard Arena. The main attraction would be located within the existing basement car park (level 0), above this adjacent to the canal (level 7) a redundant service deck would be converted to create ancillary office and staff space. The main entrance/ exit to the proposed attraction would be through a vacant retail unit located on the south west elevation of the Barclaycard Arena complex which was created as part of the 2013 refurbishment works to the arena. Internally this retail unit would be refitted to provide an admissions area and ancillary retail. No external changes are proposed to the existing retail unit. Lifts and stairs would be internally fitted from the admissions area leading down to the basement and to the main attraction space.
 - 1.4. To accommodate the main attraction area within the basement 140 parking spaces would be removed from the arenas overall parking provision of 1995 spaces. These car parking spaces are currently located beneath a concrete deck which is open sided; this application proposes to enclose this space with breeze blocks which would be clad in a composite panel exterior. The existing service deck is currently fronted with a roller shutter and it is proposed that this would be removed and replaced with a brick wall in order to enclose the proposed staff/ office space.

Overall the proposal involves minimal changes to external elevations of the arena complex.

- 1.5. Signage details have not been provided at this stage and would need to be considered under the provision of a separate Advertisement Consent application.
- 1.6. This proposed visitor attraction would be aimed at families and has proposed opening hours of 1000-1800 daily, with the last entrance to the attraction being at 1600 allowing for a 2 hour visitor experience. It is projected that the Lego Discovery Centre would attract between 300-2560 visitors a day.
- 1.7. The proposed operator of the attraction is Merlin Entertainment, a major leisure operator who runs over 115 attractions globally and is the largest European entertainments company in Europe. The proposed Lego Discovery Centre seeks to employ circa 40-50 employees (approximately a quarter of employees would be part-time). The applicant has stated that it is also likely that there will be a requirement for temporary seasonal employment beyond the numbers identified here.
- 1.8. Accompanying documents submitted with this application include a Planning Statement; Flood Risk Statement; Noise Impact Assessment; Transport Statement; Geo-technical Report and Preliminary Bat Roost Assessment.

2. Site & Surroundings

2.1. [Site location](#)

- 2.2. The recently refurbished Barclaycard Arena site extends to around 3.6 hectares. The application site relates to 5,470 sqm of floor space located within the southern section of the existing envelope of the Barclaycard Arena.
- 2.3. The application site is located within the 'Westside and Ladywood' quarter of the city centre. The site is bound by Birmingham Canal to the south.
- 2.4. Symphony Court, a residential development of approximately 140 units, is located on the opposite side of the canal to the application site.
- 2.5. The mixed use development of Brindley Place dominates the area to the south east of the site, with the Sea Life Centre located directly opposite the arena building on the opposite side of the canal.

3. Planning History

- 3.1. 23/07/2015 - 2015/04052/PA – Display of 9 no. illuminated digital advertisement display panels and 1 no. digital information screen at various external locations within the Barclaycard Arena complex – Part Approved/ Part Refused.
- 3.2. 03/05/2013 - 2013/01053/PA – Minor Material Amendment attached to planning approval 2012/04742/PA for an amended facade design, amended landscaping & public realm works and associated internal reconfiguration – Approved subject to conditions and Section 106 Legal Agreement.
- 3.3. 03/10/2012 - 2012/04742/PA – Extension and refurbishment scheme to include enhanced ancillary retail areas (use classes A1, A3, A4 and A5) external façade

works, erection of 3 sky needles, landscaping and public realm – Approved subject to conditions and Section 106 legal agreement.

- 3.4. 20/04/1989 - 64990024 – Coach and car parking and hard and soft landscaping associated with National Indoor Sports Arena – Approved subject to conditions
- 3.5. 03/02/1987 - 64990017 – Construction of National Indoor Arena including access roads, parking, servicing, bridge link and landscaping – Approved subject to conditions

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection, the applicants have provided details on the car park usage demonstrating the maximum occupancy levels on every day in 2016, with a percentage level of occupancy shown for different periods during the day (before 12pm; between 12 and 3 and after 3). In 2016 there were 16 days when the level of car park use exceeded 75%, and only one occasion when this was above 90%. On the occasions where this level of car parking was achieved it was in the evening when the Lego Discovery Centre would be closed or near closing. With 1995 parking spaces available and 140 spaces being removed to provide the proposed Lego Discovery Centre this shows there is always (except one evening) parking available on the site, and the average level of parking in the afternoon period is around 20% occupied spaces, so there are in excess of 1600 spaces available which is more than sufficient for the numbers predicted to attend and seek a parking space.
- 4.2. Regulatory Services - No objection subject to conditions controlling hours of use and providing details of refuse storage.
- 4.3. Lead Local Flood Authority - No objection.
- 4.4. West Midlands Fire Service - No objection.
- 4.5. West Midlands Police- No objection in principle, proposal should include CCTV and adhere to Principles in Secure by Design.
- 4.6. City Ecologist - A bat survey was undertaken of the buildings that show there is negligible potential for bats and no need for further investigation. Bats can and do use the canal area for foraging and would be impacted by any increases in lighting levels therefore any external lighting should be low level, low UV LED type and ensure minimal light-spill onto the canal line.
- 4.7. Canal and River Trust - No objection in principle however in the interest of biodiversity the proposal should seek to limit light spillage. Opportunities to include black redstart nesting boxes on the external face of the building to boost biodiversity would also be welcomed.
- 4.8. Local occupiers; ward councillors and local MP notified. Site and press notice displayed. 2 objections received with details as follows:

Objection from the managing agents for the blocks of apartments known as Symphony Court, Brindley Place on the grounds of noise nuisance for large groups of children at the site and the impact from any potential advertisement signage.

Objection from a local resident on grounds of noise, impact of adverts, concern that

access to the NIA should only be at main entrance as other entrances are fire entrances only; lack of pre-app consultation and that the application was submitted over Christmas potentially impeding local occupier's opportunity to properly consider the proposal.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017; Birmingham Unitary Development Plan 2005 (Saved Policies) and the NPPF.

6. Planning Considerations

Principle

- 6.1. The Barclaycard Arena is a significant and well established tourist and visitor destination within the centre of Birmingham. Originally constructed in 1991 as the National Indoor Area (NIA) and recently refurbished and rebranded as the Barclaycard Arena this site is one of the busiest large scale indoor sporting and entertainment venues in the UK. Paragraph 4.14 of the BDP states that major attractions such as the National Indoor Arena (Barclaycard Arena) are vital to the City's attraction as a business and leisure tourism destination. This proposal seeks to change the use of a small section of existing floor space within the Barclaycard Arena to create a new family leisure attraction offer in addition to the facilities already available at this site.
- 6.2. Policy PG2 of the BDP states that Birmingham will be promoted as an international city supporting development, investment and other initiatives that raise the City's profile and strengthen its position nationally and internationally.
- 6.3. Policy GA1.1 of the BDP states that the City Council will continue to promote the City Centre as the focus for retail, office, residential and leisure activity within the context of the wider aspiration to provide a high quality environment and visitor experience.
- 6.4. The application site is located within the Westside and Ladywood quarter of the City Centre. Policy GA1.3 of the BDP states that the focus for this quarter is to create a vibrant mixed use area combining the visitor, cultural, commercial and residential offer into a dynamic well connected area.
- 6.5. Policy TP25 of the BDP states that proposals which reinforce and promote Birmingham's role as a centre for tourism, culture and events and as a key destination for business tourism will be supported. This will include supporting the City's existing tourist facilities and enabling new or expanded provision where it contributes to the City's continued success as a destination for visitors.
- 6.6. The NPPF outlines a presumption in favour of sustainable development and underlines the Government's commitment to securing economic growth and job creation together with high quality design.
- 6.7. This proposal represents a significant investment into the City that would reinforce and promote Birmingham's role as a centre for tourism and would add a family focused attraction to the offer of facilities available at the key visitor destination of the Barclaycard Arena. As such the proposal would fully accord with policies PG2, GA1.1, GA1.3 and TP25 of the BDP and with the NPPF. The principle of this proposal is considered acceptable.

Design

- 6.8. Externally the only alterations proposed are the insertion of a curtain walling system to contain the main attraction at basement level and the erection of a brick wall to enclose the service deck to create office/ staff space associated with this proposed use. Both proposed sections of walling would be recessed within the main envelope of the building and due to the layout of the arena these section of wall would be viewed within the context of the concrete constructed car park area located at the rear of the main building. Both sections of wall would be of a simple design and would in my view not harm the overall character or appearance of the arena complex or the area as a whole.

Impact on surrounding residents

- 6.9. Objection has been received that this proposal would result in large groups of children congregating in the area and increasing noise levels to the area. The proposal is situated on the opposite side of the canal to the nearest residential occupiers. This proposal would be enclosed within an established large entertainment venue which already attracts large crowds of people late into the evening. The proposed hours of use are limited to day time only. I do not consider that this proposal would result in a significant impact to local occupiers given the existing established use of the Barclaycard Arena.
- 6.10. A full Noise Assessment has been submitted with this application and has been considered by Regulatory Service who have raised no objection to this proposal.

Transportation

- 6.11. A Transport Statement has been submitted in support of this proposal which notes that 140 spaces are to be removed from west car park level 1. This would result in the loss of half of that floors parking and 7% of the total car parking provision in the arena complex. Based on other facilities the company operates it is estimated that between 50 and 430 visitors an hour (300 up to 2560 a day) will attend the complex. The peak capacity is only likely at weekends and during school holidays. Servicing of the site would continue as per the rest of the complex via St Vincent Street. Data from the Sealife centre notes 51% of visitors travel by car, 21% by train, 14% walk and 7% coach. The expected duration of a visit is 2 hours. The proposed day time hours of opening are unlikely to conflict with the peak evening hours of the arena and are conditioned accordingly.
- 6.12. Transportation Development have considered this proposal and assessed the level of car parking to be lost in relation to the parking needed for both the proposed leisure attraction and the parking need for the arena as a whole. From the details submitted Transportation Development have raised no objection to the proposal and are satisfied that sufficient parking would be retained on site. I concur with this view and consider that the proposal is located in a sustainable location, with excellent links to public transport. The applicant seeks to promote the use of linked trips to sister visitor attractions in the area (the Sea Life Centre) and seeks to incentivise the use of public transport and cycling to staff. This approach would be in line with the objective of policy TP1 of the BDP which seeks to promote sustainable transport systems including cycling and walking.

Signage

- 6.13. Objection has been received regarding the potential impact of new signage associated with this proposed use. No details of signage have been provided with this application. Any new signage would require the benefit of Advertisement Consent which would be assessed on its merits once submitted.

Ecology

- 6.14. A bat survey was submitted with the application and this has been considered by the City Ecologist. It is noted that the existing car park, service deck and retail unit do not offer opportunities for roosting bats, however both the City Ecologist and Canal and River Trust have noted that an increase in light pollution in this area could impact on foraging bats. This scheme does not include any proposal to externally illuminate this section of the overall complex. Any lighting proposed is likely to be associated with signage which would be considered separately.

Other

- 6.15. Objection has been received in relation to the timing of the submission of this application over the Christmas period and the impact that this may have had on the ability of local occupiers to fully consider the proposal. The Council has no control over the timing of the submission of planning applications. The applicant sent out consultation letters to local occupiers prior to submitting the application and consultation has been carried out in accordance with the Councils registration manual which is in excess of the consultation required by Planning Legislation. I am therefore satisfied that residents have been given sufficient opportunity to comment on this application.
- 6.16. Concern has been raised that the proposal would impact on fire entrances to the building. West Midlands Fire Service have considered this proposal and raised no objection as such I have no reason to consider that this proposal would conflict with fire escapes to the site.
- 6.17. West Midlands Police have raised no objection to this proposal but have recommended CCTV is fitted as part of the overall scheme. CCTV can be readily accommodated as part of this scheme without the need for further details to be submitted.

7. Conclusion

- 7.1. This proposal would reinforce and promote Birmingham's role as a centre for tourism, culture and events. The proposal would support the City's existing tourist facilities by providing a new family focused attraction which would contribute to the City's continued success as a destination for visitors. The proposal would fully accord with policies PG2, GA1.1, GA1.3 and TP25 of the BDP and the NPPF. This proposal is recommended for approval subject to a number of safeguarding conditions.

8. Recommendation

- 8.1. Approve subject to the following conditions:

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|---|--|
| 1 | Requires that the materials used match the main building |
| 2 | Limits the noise levels for Plant and Machinery |
| 3 | Limits the hours of use 0900-1900 |
| 4 | Requires the prior submission of details of refuse storage |
-

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- | | |
|---|--|
| 5 | Requires the scheme to be in accordance with the listed approved plans |
| 6 | Implement within 3 years (Full) |
-

Case Officer: Victoria Chadaway

Photo(s)



Fig 1. Existing retail unit proposed as entrance to Lego Discovery Centre



Fig. 2 Service Deck entrance with roller shutter as existing

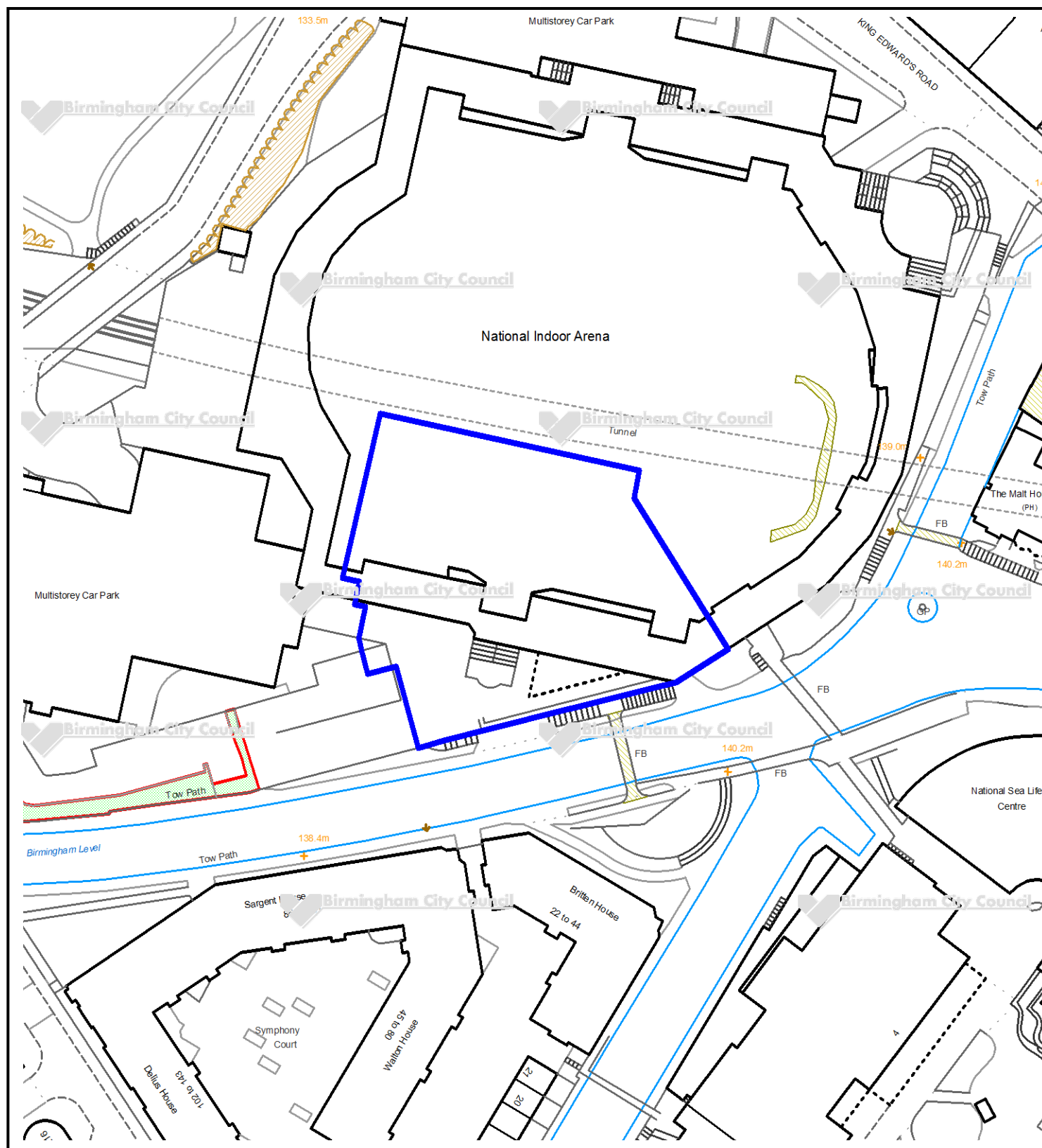


Fig 3. View of car parking to be removed from ramp adjacent to canal towpath



Fig 4. View through site out towards canal towpath. This part of the site would be contained within “box” to create basement level attraction.

Location Plan



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Committee Date:	16/02/2017	Application Number:	2016/09735/PA
Accepted:	21/11/2016	Application Type:	Full Planning
Target Date:	17/03/2017		
Ward:	Ladywood		

The Axis, 10 Holliday Street, City Centre, Birmingham, B1 1TF

Demolition of existing building and erection of a 9 storey building for office and retail, permanent and interim car parking and landscaping and associated works

Applicant:	London & Continental Railways Ltd 1 Kemble Street, London, WC2B 4AN
Agent:	Quod 2nd Floor, Ingeni Building, 17 Broadwick Street, London, W1F 0AX

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

1.1 This application is the 1st of 2 applications which would result in the redevelopment of the entire site and comprises a full application for the demolition of the existing building, erection of a 9 storey office block, interim car parking and landscaping and associated works.

1.2 **Phase 1** - The proposed building would be erected to the south-west of the site and the existing building. It would be 9 storeys and of a modern appearance. It would be constructed as a simple rectangular glazed block, 'cloaked' by ribbed terracotta panels to the south-east, south-west and north-west elevations. Large, regular window openings would be punched through which would have glazing positioned flush with simple vertical fins whilst some of the openings would be left 'open' to form recessed terraced areas. The panelling would be of a bespoke profile and would be coloured black with a soft gloss finish. The ground and first floor levels across the building would be fully glazed, as would the north eastern elevation, articulated by stainless steel mullions. Break out terraces would be positioned randomly across the elevations and there would be a terrace along both the north and south of the roof top. The southern roof terrace would have fixed and staggered planters along its boundary whilst the upper windows on this elevation (levels 6-8) would have a stainless steel modesty screen. Plant on the roof would be screened by perforated metal panels and a green/brown roof is proposed along with rooftop solar panels. It would provide 19,700sqm of new office floorspace and 216sqm of new retail space. The specific materials would be conditioned.

1.3 The existing building would be demolished after the new building has been constructed and plans submitted detail how the site, including parking and pedestrian access, would be laid out during the **construction** of the proposed building, the **demolition** of the existing building and then on an **interim** basis until the second phase of development could be brought forward.

- 1.4 122 car parking spaces would be provided during the construction period, 92 car parking spaces would be provided during the demolition period and 132 spaces provided as part of the interim solution. The car parking would be primarily provided at surface level, via the existing access off Holliday Street. As part of the interim solution 19 spaces would be provided underground, via a proposed new access off Holliday Street, along with 200 cycle spaces, changing facilities, showers and storage.
- 1.5 2 protected trees and 42 non protected trees would be removed. Full landscaping plans have been provided for each part of phase 1 (construction, demolition and interim) resulting in an additional 32 specimen trees, 55 understorey trees, meadow planting, shade garden and species rich lawn being provided across the site. A lighting plan has also been provided which includes bollard lighting along the main pedestrian route as well as spot lighting and building lighting.
- 1.6 **Phase 2** - An outline application for the 2nd phase is expected later this year. Indicative plans submitted with this application show how a further 3 buildings could be provided around the edge of the site with a new, centralised, public square. Indicative plans also show how the site could be landscaped following the completion of phase 2 and how this could utilise planting from the interim scheme.
- 1.7 A Planning Statement (including an Economic Statement), Design and Access Statement, Statement of Community Involvement, Transport Assessment, Travel Plan, Tree Survey, Flood Risk Assessment, Contaminated Land Desktop Study, Phase 1 Ecology Report, Archaeology and Built Heritage Assessment, Daylight, Sunlight and Overshadowing Report, Wind Survey, Energy Statement, BREEAM pre-assessment Report, Sustainability Statement, Townscape and Visual Impact Assessment and Construction Environmental Management Plan have been submitted in support of the application.
- 1.8 The application has been screened at pre-application stage where it was concluded that the development would not be EIA development requiring the provision of an Environmental Statement.
- 1.9 [Link to Documents](#)
2. [Site & Surroundings](#)
 - 2.1 The site is approx. 1.68 ha and currently comprises of a centrally located 11 storey 'T' shaped building with associated car parking and landscaping which provides 16,095 sqm of office space and accommodates approx. 2000 employees. The site is privately owned and although pedestrians regularly cross the site there is no public right of way across it.
 - 2.2 The site is bounded by Holliday Street to the north, the elevated Suffolk Street Queensway to the east and the Mailbox development to the south. It is within the Westside and Ladywood part of the city centre and surrounded by a wide range of uses, including residential. The site is highly accessible by foot and bike and close to train, bus and tram stops.
 - 2.3 The site has a natural incline, which falls from north to south, creating a steep slope and there is a TPO which covers some of the trees to the northern part of the site.
 - 2.4 [Site location](#)

3. Planning History
 - 3.1. None relevant to the current submission.
4. Consultation/PP Responses
 - 4.1. Lead Local Flood Agency – information not acceptable, revised plans required.
 - 4.2. Severn Trent – no objection subject to conditions.
 - 4.3. Transportation Development – no objections subject to conditions for S278, travel plan, cycle parking, parking prior to use and a construction management plan.
 - 4.4. Regulatory Services – no objections subject to conditions with regard land contamination, plant and machinery, refuse storage and vehicle emissions.
 - 4.5. West Midlands Police – no objections subject to various recommendations with regards lighting, cctv, internal access control, access barrier for basement car parking and they also note that works should be carried out to their recognised standards i.e. as identified within Secured by Design Commercial 2015 guide and Lighting Against Crime.
 - 4.6. CABE – Consulted as part of the pre-app process and although more interested in the wider site proposals they welcomed the environmental credentials, landscaping proposals and improved biodiversity proposed as part of phase 1.
 - 4.6. Local Residents' Associations, neighbours, Ward Councillors and the MP have been notified.
 - 4.7. 2 letters of comment have been received noting that the existing building is a good example of its time and it does not need to be demolished but if it is, a well-designed, high quality building should replace it, not a generic one. In addition they comment that the existing green space is of good quality and that the new proposal should include a replacement green lawn. Further, as the site is used daily to access New Street a safe pedestrian route should be secured as part of the new development.
 - 4.8. 1 letter of support on the basis that the proposal will revitalise the area and increase the value of properties.
 - 4.9. 1 letter noting the positive impact the proposed redevelopment of the Axis site would have on visitors to the Mailbox and this part of the City but expressing concern over the proximity of the proposed building to the Mailbox itself, particularly in relation to the residential residents of the Mailbox and the impact the proposed building would have on their amenities by virtue of overlooking from the upper terrace. Concern also raised about potential noise from the roof top plant and by office users in areas such as the Shade Garden and terraces (more clarification about the hours of use required). Finally, concern expressed over the demolition and construction stage and that this should not adversely impact on existing residents/visitors of existing nearby buildings.
 - 4.10. 4 letters of objection raising objections on the basis that the proposed building would be too close to existing boundaries resulting in an overcrowded over intense and inhumane development, loss of privacy, loss of light, loss of trees which currently have a positive impact on the surrounding environment, increase in traffic, poor and inadequate design and the fact that it would adversely affect the resident's outlook.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (saved policies), Places for All (SPG), Places for Living (SPG), Car Parking Guidelines (SPD), Access for People with disabilities (SPD), NPPF and NPPG.

6. Planning Considerations

Principle

- 6.1. The Birmingham Development Plan 2017 was adopted at Full Council Tuesday 11th January 2017 and now forms the basis of the statutory planning framework. It contains policies to support the City's vision of growth and development across the plan period with policy GA1 identifying that the City Centre will be the focus for retail, office, residential and leisure activity. Policy PG1 goes on to set out overall levels of growth for the City whilst policy TP21 identifies specific growth targets for the City Centre of 160,000sqm comparison retail floorspace and 700,000 sqm of office floorspace.
- 6.2. The application site is located in the Westside and Ladywood quarter close to the City Centre core area but within the City Centre Growth Area. The proposal is for the redevelopment of the site and phase 1, of 2, would result in a small net increase in office floor space along with a modest amount of retail floor space. Therefore in land use terms the proposal would accord with policy making a positive contribution to the office targets within the BDP whilst the level of retail proposed would complement it as a mixed use redevelopment of the site.
- 6.3. The existing building is a T-shaped, 11 storey, concrete framed building with a façade system comprising pre-cast concrete panels with inset glazing, constructed in the 1970s. It is dated and no longer meets modern office occupier requirements. Local residents have expressed a view that they consider that the existing building should be retained as a good example of 'its time'. However, it is neither locally or statutorily listed nor is it in a conservation area and I therefore consider there would be insufficient reasons to object to its demolition.

Design

- 6.4. The building would be of a simple rectangular form positioned to the south west of the plot which would allow for further future development (phase 2) and a much more efficient use of the site. At 9 storeys it would be a lower height than the existing Axis building and slightly higher than the adjacent Mailbox with the 9th floor and plant level recessed to ensure that the buildings scale and mass is not over dominant. The profile of the cladding has been designed specifically for this building and would result in a texture unique to the building. Therefore, whilst the specific materials would be controlled by condition the applicant has indicated that the profiled terracotta cladding would be black in colour with a soft gloss finish and this along with the use of high quality glazing and stainless steel mullions and fins would help create a distinct building. Further, the materials proposed, the large regular window openings and the extent of glazing across the building would result in a high open/solid ratio to ensure the buildings mass would be broken up and well-articulated.

- 6.5 My City Design Officer considers that the design has been well considered and that the proposal would result in an appropriately scaled development which would be well-articulated, functional, secure and sustainable. I concur with this view and welcome the development which would be in accordance with local and national policies.

Impact on residents

- 6.6 The adjacent Mailbox is a mixed use development which includes residential accommodation on the upper floors with habitable windows and private terraces to the north. Local residents have therefore expressed concerns about the proximity of the proposed building and the adverse impact this would have on their amenity by virtue of loss of light, overlooking and noise.
- 6.7 There are no policies that specify minimum separation distances between proposed office accommodation and existing residential accommodation. However, Places for Living provides guidance for existing and proposed new residential accommodation and suggests that there should be a separation distance of 27.5 m between facing elevations for 3 storeys and above and 5m per storey set back to prevent overlooking to private amenity space.
- 6.8 The proposed building would be between 26m and 29.6m from the residential facing elevations in the Mailbox and I note that both the scale and mass of the building has been reduced in size and moved away from the boundary since pre-application discussions. Further, there would be 17m between the proposed new build and the end of the external terraces, in excess of the 15m required by Places for Living. Overlooking from the rooftop terrace would be prevented by the positioning of fixed planters along the boundary. Privacy screens on the office windows are also proposed on floors 6-8 on the southern elevation to angle views out, reducing further the opportunity for overlooking and the perception of overlooking from these windows. I also note that the distance separation achieved is comparable to many other City Centre developments.
- 6.9 A Daylight, Sunlight and Overshadowing report has been submitted in support of the application which assesses the impact of the development in relation to the surrounding residential accommodation in relation to BRE Guidelines. It considered the impact of the development in relation to Centenary Plaza, 26 Bridge Street, 24 Bridge Street, The Orion Building, Plot G Arena Central and the Mailbox, concluding that only the Mailbox would be affected. However, the report notes that even in the Mailbox there would only be 6% of rooms where sunlight/daylight provision would neither meet BRE Guidelines or be considered good given the sites urban location. Notwithstanding this the report goes on to note that even in these locations the retained levels of sunlight/daylight are similar too, or better than, the light level loss experienced by other residential properties following other developments within the City. The report therefore concludes that with the exception of an isolated number of rooms within the Mailbox building, the effect of the development upon the daylight and sunlight amenity of the surrounding residential properties and areas of amenity space is considered to be negligible to the extent that the occupiers and users of these rooms and spaces will not notice any alteration to the levels of amenity that they currently enjoy. I am therefore satisfied that the impacts on residential amenity will be acceptable.
- 6.10 Regulatory Services raise no objection to the proposal in terms of noise.

- 6.11 Therefore, whilst I acknowledge that there will be a marked change in outlook for the residential occupiers of the Mailbox, on balance I consider that the siting and design of the building and its City Centre locality would not cause demonstrable harm to the amenities of residents, by virtue of loss of light or overlooking, sufficient to warrant refusal of the scheme. Furthermore, given the nature of the proposed use and the comparatively limited external terrace areas, I consider it unlikely that the proposal would give rise to noise levels which would adversely affect existing residents, particularly given the background noise levels of the area in this urbanised city centre location

Trees/landscaping

- 6.12 There are currently 100 individual trees and 4 small groups of trees on the site. It is proposed that 2 protected trees and 42 non protected trees would be removed to facilitate the development. The 2 protected trees are to be removed to create a new vehicle access. The new access would be used initially for construction vehicles and upon completion of construction and demolition it would provide access to the basement parking. Indicative plans show that this new access would become the sole access off Holliday Street with the existing vehicular access being removed when phase 2 is brought forward. An additional 87 new trees would be provided along with hard and soft landscaping across the site as part of the interim proposal.
- 6.13 My Tree Officer notes that the non-protected trees could be removed at any point and that there are a number of trees to the rear of the site that do not provide a significant contribution to the public view. The supporting information is comprehensive and provides a well-reasoned justification for the removal of the 2 protected trees, one of which is damaged. My Tree Officer therefore raises no objection to their removal subject to conditions. He also welcomes the significant provision of additional trees. My Landscape Officer also welcomes the hard and soft landscaping proposed, as it would not only improve the sites appearance but improve its diversity and thereby its resilience to disease and its landscape longevity. I concur with these views and consider that the active, and continued, management of the proposed landscaping, including trees, would enhance the sites contribution to the character and visual amenity of the area and recommend conditions to secure this accordingly.
- 6.14 In addition, my Ecologist agrees with the preliminary ecological appraisal which concludes that the existing site habitat is of negligible ecological value. Furthermore, he welcomes the retention of the mature trees and considers that the ecological enhancements proposed, which include the provision of bird and bat boxes, a living roof and use of native/species, would significantly improve the bio diversity value of the site in line with both local and national planning policy.

Transportation

- 6.15 There are currently 206 car parking spaces, 30 cycle spaces and 2 disabled spaces available on the existing site. During the build out of phase 1 the car parking would be reduced to between 92 and 122 surface parking spaces with the new building ultimately being provided with a total of 132 car parking spaces (19 underground), 22 motorcycle spaces and 200 cycles spaces along with showers, changing facilities and storage. Servicing would be via the basement car park.
- 6.16 Adopted policy would allow for the provision of up to 443 car parking spaces for this development. However, this would be a maximum provision rather than a minimum provision. The site is excellently located for public transport close to bus, tram and

train stops/stations within the City Centre as well as being close to a number of existing public car parks. I therefore concur with Transportation Development who raise no objection to the proposal subject to conditions, including a travel plan and cycle parking prior to occupation, which I attach accordingly.

Planning obligations

- 6.17 Local policies require that new development should be built to a high design and contribute to a strong sense of place within attractive and safe environments and that financial contributions may be required to meet the needs associated with the development.
- 6.18 The site is in close proximity to New Street, accessed via Navigation Street. However Navigation Street does not currently meet the City's vision for a high quality, clear and legible street and the applicant has therefore agreed to make a financial contribution of £300,000 towards the 'Navigation Street - Making Connections project' which seeks to improve the City's connectivity. This contribution would accord with policy and comply with the CIL Regulations 2010.
- 6.19 The CIL charging schedule was introduced in January 2016 however as a rate of £0 is applied to both B1 office and A1 retail below 2,700sqm, this development would not be subject to a CIL charge

Other considerations

- 6.20 A local resident has raised concern over the noise and dust during the construction period. Whilst this is largely controlled by other legislation the applicant has included details of construction hours within a Management Plan which Regulatory Services have seen and raised no concerns.
- 6.21 The Employment Access Team have requested that the developer commits to engage with the City Council and other agencies in relation to local training and employment opportunities during construction of the development. Given the size of the development and policies within the BDP I consider this is a reasonable request and that this can be secured by way of a condition which is attached accordingly.
- 6.22 Regulatory Services have raised no objections to the proposal subject to conditions which I recommend with the exception of the specific requirements on car emissions and car park charging as I do not consider these relevant to this development.
- 6.23 The Police's comments have been passed on to the applicant and conditions with regard lighting and cctv have been attached.
- 6.24 A Wind Report has been undertaken which concludes that the development is not expected to have any significant impact on the pedestrian level wind conditions within the surrounding area.
- 6.25 The proposed building would be constructed to a minimum level of BREEAM good and, as an overall package, given its location; facilities and landscaping would have a positive impact on sustainability.

7. Conclusion

- 7.1. The proposal would result in a modern replacement office building within the Westside and Ladywood part of the City Centre. It would be well designed, set within good landscaping and have an adequate level of car parking provision which would be in situ until the second phase of development could be progressed. The proposal would accord with both local and national planning policies and should therefore be approved.

8. Recommendation

- 8.1. That consideration of planning application 2016/09735/PA be deferred pending the completion of a planning obligation agreement to secure the following:-
- a) A financial contribution of £300,000 (index linked from date of resolution) towards public realm enhancement (Making connections project, Navigation Street).
 - b) Payment of a monitoring and administration fee associated with the legal agreement of 1.5% of the public realm contribution subject to a maximum of £10,000.
- 8.2 In the absence of the suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority by 17th March 2017 that planning permission be refused for the following reason(s):
- a) In the absence of any suitable legal agreement to secure a financial contribution towards off site public realm the proposal would be contrary to policy PG3, TP39 and TP47 of the Birmingham Development Plan 2017 and National Planning Policy Framework.
- 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 by 17th March 2017, favourable consideration be given to this application, subject to the conditions listed below.

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| 1 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 2 | Requires the prior submission of a commercial travel plan |
| 3 | Requires the provision of cycle parking prior to occupation |
| 4 | Requires the parking area to be laid out prior to use |
| 5 | Requires the prior submission of details of green/brown roofs |
| 6 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 7 | Arboricultural Method Statement - Submission Required |
| 8 | Requires the prior submission of a contamination remediation scheme |
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| 9 | Requires the prior submission of a contaminated land verification report |
| 10 | Requires the prior submission of extraction and odour control details |
| 11 | Requires the prior submission of details of refuse storage |
| 12 | Limits the noise levels for Plant and Machinery |
| 13 | Requires the implementation of the Flood Risk Assessment |
| 14 | Requires the prior submission of hard and/or soft landscape details |
| 15 | Requires the prior submission of a landscape management plan |
| 16 | Requires the prior submission of a lighting scheme |
| 17 | Requires the prior submission of sample materials |
| 18 | Requires the prior submission of level details |
| 19 | Requires the scheme to be in accordance design and access statement |
| 20 | Requires the scheme to be in accordance with the listed approved plans |
| 21 | Non Standard Condition Require planter detail |
| 22 | Requires the prior submission of hard and/or soft landscape details |
| 23 | Requires the prior submission of hard surfacing materials |
| 24 | Requires the prior submission of earthworks details |
| 25 | Requires the prior submission of boundary treatment details |
| 26 | Requires the prior submission of a landscape management plan |
| 27 | Requires the prior submission of sample materials |
| 28 | Secure an employment policy |
| 29 | Requires the prior submission of a CCTV scheme |
| 30 | Requires stage 3 landscaping |
| 31 | Secure interim landscaping |
| 32 | Requires the prior submission of window/modesty screens |
| 33 | Require the provision of a vehicle charging point |
| 34 | Requires details of internal modesty screens |
| 35 | Implement within 3 years (Full) |
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Case Officer: Joanne Todd

Photo(s)

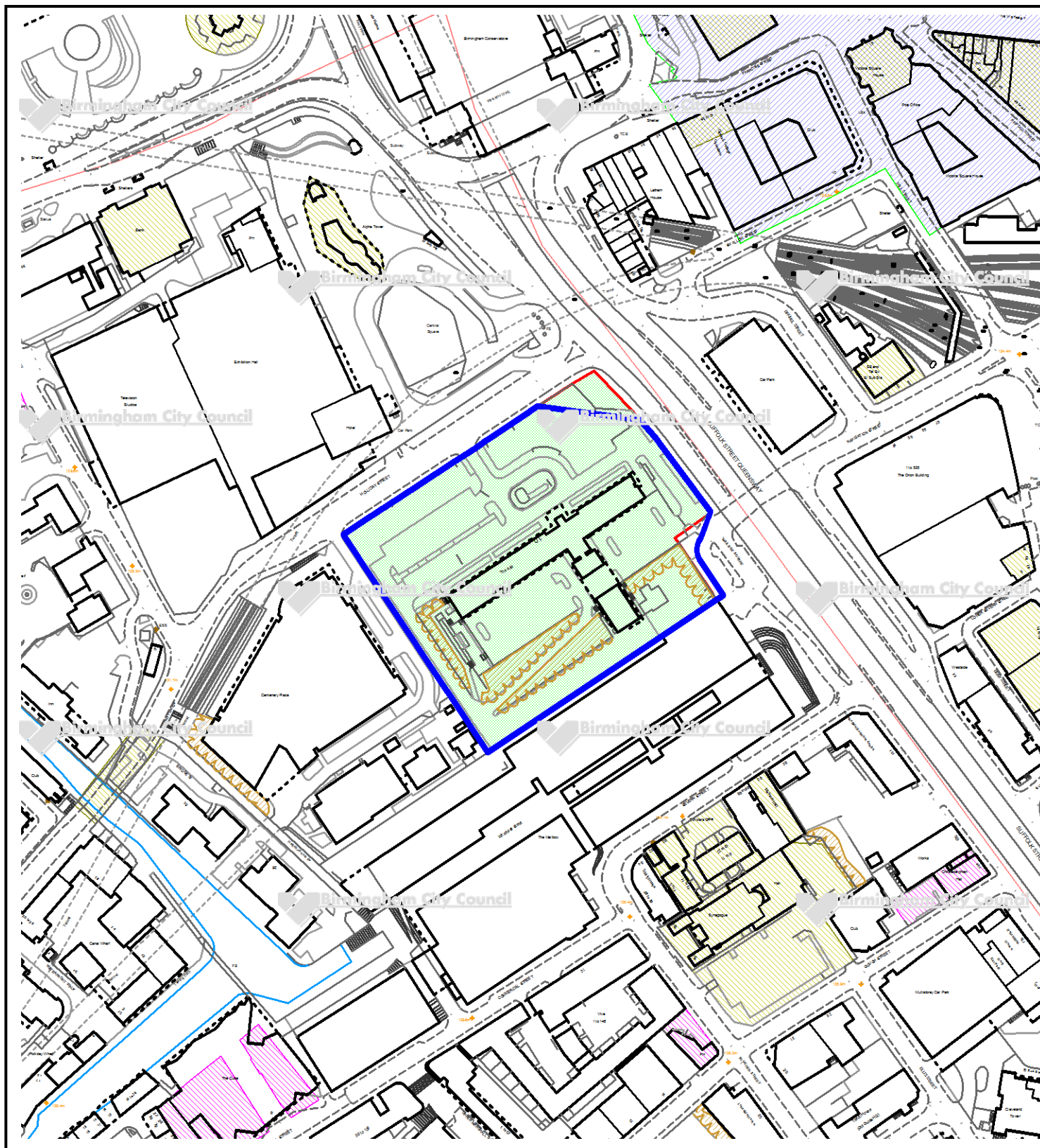


Photo 1 – Existing building from corner of Suffolk Street Queensway and Holliday Street



Photo 2 – Wider ariel view of the existing building and its context

Location Plan



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Birmingham City Council

Planning Committee

16 February 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	13	2016/10554/PA 11 Holders Lane Moseley Birmingham B13 8NL Demolition of existing dwelling and erection of new three storey building containing nine apartments with associated new parking and landscaping
Approve - Conditions	14	2016/09377/PA King Edward VI Camp Hill School Vicarage Road Kings Heath Birmingham B14 7QJ Demolition of music block and the erection of two storey extension

Committee Date:	16/02/2017	Application Number:	2016/10554/PA
Accepted:	03/01/2017	Application Type:	Full Planning
Target Date:	28/02/2017		
Ward:	Moseley and Kings Heath		

11 Holders Lane, Moseley, Birmingham, B13 8NL

Demolition of existing dwelling and erection of new three storey building containing nine apartments with associated new parking and landscaping

Applicant:	Venture Consultants Ltd
	The Chambers, The Square, Petersfield, Hampshire, GU32 3HJ
Agent:	Marson Rathbone Taylor Architects
	Windsor Court, Greenhill Street, Stratford Upon Avon, Warwickshire, CV37 6GG

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal is for the demolition of the existing 5-bed dwellinghouse at No. 11 and its replacement with a new three storey block accommodating a total of nine apartments (three 1-bed, five 2-bed and one 3-bed apartment). A car parking area would be provided to the frontage, and new landscaping on the site.
- 1.2. The proposed apartment block would measure 20m in length, 18m in width, and 8.7m in height to the roof ridge of the second floor. It would have a square footprint and would be set back from the highway by 17m. The block would be flat roofed, with the second floor set back 2.4m from the floors below and incorporating a projecting zinc canopy to its roof. The facades of the building would be finished in white render, with blue brick infill panels incorporated between large, grey powdercoated, aluminium framed, windows.
- 1.3. The ground floor of the proposed apartment block would accommodate four apartments, each apartment having an internal floor area that ranges in size from 60sqm for a 1-bed apartment to 81sqm for a 2-bed apartment. Each apartment would accommodate an open plan living/dining/kitchen area, a hallway, a bathroom, one or two double bedrooms ranging from between 10.3sqm-18.8sqm in size (with one of the bedrooms in a 2-bed apartment having an en-suite) and storage space. Individual external terraced areas are proposed for each apartment. All apartments would be accessed via the front door of the building, which leads into a communal hallway and centrally located staircase enabling access to the first and second floors. The proposed first floor would have a similar internal layout to the ground floor.
- 1.4. The proposed 3-bed apartment to be accommodated on the second floor would have an internal floor area of 166sqm. It would accommodate an open plan

living/dining/kitchen area, three double bedrooms (two with en-suite) ranging in size from between 14.3sqm-21.1sqm, a bathroom and storage space. It would have a rooftop terrace area around its perimeter.

- 1.5. The proposal would involve the removal of four trees on the site frontage – Two Category B trees which are a Fir (T3) and a Cut Leaf Birch (T4), and two Category C trees which are a Cherry (T2) and a Magnolia (T6). Five new trees are proposed to be planted on the site.
- 1.6. The proposal would provide 520sqm of amenity space in the form of a communal rear garden, plus individual private amenity space as referred to above in the form of ground floor terraces, and a rooftop terrace for the second floor apartment.
- 1.7. The proposed frontage car parking area would utilise the existing property's access off Holders Lane. It would accommodate 15 parking spaces, which would equate to 167% on-site parking provision.
- 1.8. The site area is 0.14ha in size, and the density of development would be 64 dwellings per hectare.
- 1.9. A Tree Survey, Bat Survey and Design and Access Statement have been submitted in support of the proposed development.
- 1.10. The proposed development would not attract a CIL contribution.
- 1.11. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a large plot located at the end of Holders Lane, a short, narrow residential road that is not adopted as highway. No. 11 Holders Lane, a two storey, white rendered, five bed, single family dwellinghouse is located towards the centre of the site, with a single storey garage block located forward of this and adjoining the northern site boundary. No. 11 was originally a small farmhouse, but has been significantly extended and unsympathetically altered over the years. There are a number of mature trees on the site. The site itself is relatively level, but land is banked up to the south.
- 2.2. Immediately adjoining the site to the north, west and east are Moor Green Allotments – a 30 acre allotment site, which is gated at the end of Holders Lane. The part of the allotments which immediately adjoins the north and west site boundaries is heavily tree'd. Immediately adjoining the site to the south is a pedestrian footpath linking through to Cannon Hill Park to the west. Beyond the footpath is a wide tree'd verge, with trees here protected under a Tree Preservation Order.
- 2.3. The surrounding area is leafy, residential and suburban in character. The surrounding area predominantly comprises of single family dwellinghouses of differing ages and architectural styles. The five houses fronting the north side of Holders Lane are historic properties, generally following an Arts and Crafts style, but to the north east and south of the site are more modern styled 1970s properties fronting Mapperley Gardens and Holders Gardens respectively. When entering Holders Lane from the busier Moor Green Lane the road narrows as it approaches the site before turning a corner and leading on to Moor Green Allotments.

2.4. [Site Location Map](#)

3. [Planning History](#)

- 3.1. 13.07.2001 - 2001/02688/PA - Erection of two storey extensions to provide lounge bedrooms and bathrooms and double detached garage – Approved-Conditions
- 3.2. 16.07.2001 - 2001/02281/PA - Two storey extension to provide lounge, bedrooms and bathrooms and detached garage – Approved-Conditions
- 3.3. 05.03.2002 – 2002/00565/PA - Erection of two storey extension – Approved-Conditions
- 3.4. 09.05.2008 - 2008/01994/PA - Erection of single storey side extension with balcony and terracing to side and rear – Refused (on grounds of scale, mass and design detracting from architectural appearance of property and adversely affecting visual amenity)

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objection – Subject to cycle storage condition
- 4.2. Regulatory Services – No objection – Subject to conditions requiring noise insulation for windows/doors and requirement for a vehicle charging point
- 4.3. Allotments - Given the number of vehicular movements during demolition/construction and after completion, an easement and maintenance agreement will need to be made for this access arrangement to continue. Also, the new development must have its own separate water supply installed. Unless these comments are built into any planning permission we would formally object.
- 4.4. Severn Trent Water – No objection – Subject to drainage condition. Advise that there is a public sewer located within this site and the Applicant should contact Severn Trent to discuss the proposals
- 4.5. West Midlands Police – No objection
- 4.6. Local residents, Ward Councillors, M.P. and Residents Associations notified. Advertised by site notice – 12 letters of objection received from local residents, one letter of objection received from the Moseley Society, one letter of objection received from Moor Green Residents Association, one letter of objection received from Moseley Community Development Trust, and one letter of objection received from Russell Road Residents Association. All raising the following relevant planning concerns as summarised:
- Building would not be in keeping with other properties along Holders Lane (e.g. family houses, Arts and Crafts design)
 - Massing and height of building much greater than existing small cottage standing within green area – would dominate skyline
 - Question longevity of white render surrounded by mature trees

- Should be compliant with Moseley SPD and Places for Living SPG and make positive contribution to character of area
- Existing building should be preserved as one of oldest in area and in good condition
- Layout and density of existing building has increased substantially over past decade
- Over-intensive development of site – quiet residential lane
- Overlooking and loss of privacy to neighbouring houses
- Considerable amount of traffic would be added to Holders Lane – not suitable as narrow and used by dog walkers, pedestrians and cyclists
- 15 parking spaces insufficient for 9 flats – would lead to overspill parking along Holders Lane and create highway safety issues/difficulties for residents accessing their driveways
- Construction traffic may damage surface of Holders Lane, which is not adopted highway
- Significant number of trees would have to be removed, including T9 and T2
- Adverse impact on local wildlife e.g. bats
- Increased noise levels would harm residential amenity in quiet, peaceful area
- Lighting in car park would significantly impact on area of low light pollution and possible local wildlife
- Would increase flooding elsewhere

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
- Places for Living SPG
- Mature Suburbs SPD
- Car Parking Guidelines SPD
- Moseley SPD

5.2. The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

Background

6.1. Pre-application discussions have been held with the Applicant and the scheme has subsequently been modified through reduction in its building footprint and omission of one flat to reflect officer concerns.

6.2. The main planning considerations in the determination of this application are: the principle of residential development on the site; the design of the proposed building i.e. its siting, scale, appearance, and living conditions for future occupiers; and its impact on traffic and parking; existing trees; ecology; and residential amenity of neighbours.

Principle of Residential

- 6.3. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Paragraph 17 promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising previously developed land and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling.
- 6.4. The Government's ambition is to *"boost significantly the supply of housing"* as stated at the beginning of Paragraph 47 of the NPPF. The BDP identifies that a figure of around 51,100 dwellings needs to be found within Birmingham during the Plan period (ending 2031).
- 6.5. Policy TP27 of the BDP states that *"New housing in Birmingham is expected to contribute to making sustainable places, whether it is a small infill site or the creation of a new residential neighbourhood. All new residential development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods."* It goes on to explain that sustainable neighbourhoods are characterised by: 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 so that people identify with, and feel pride in, their neighbourhood; environmental sustainability and climate proofing measures; attractive, safe and multifunctional public spaces such as squares, parks and other green spaces for social activities, recreation and wildlife; and effective long-term management of buildings, public spaces, waste facilities and other infrastructure.
- 6.6. With respect to the location of new housing, Policy TP28 of the BDP explains that proposals for new residential development should be located in low flood risk zones; be adequately serviced by existing or new infrastructure which should be in place before the new housing is provided; be accessible to jobs, shops and services by modes of transport other than the car; be capable of land remediation; be sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP.
- 6.7. Whilst appreciating that some sections of No. 11 incorporate the original farmhouse, the property has been unsympathetically extended and altered to such an extent over the years that there is little in the way of architectural value that is now worth preserving. Therefore I consider its demolition and replacement with a new residential building on this sustainable, brownfield site, located within an established residential area, to be acceptable in principle, subject to all other considerations. The development of the application site for residential use would help to meet the City's housing requirement over the Plan period.
- 6.8. I note the concerns of local residents that apartments at this location would be out of keeping with the predominant single family dwellinghouse character of the area. However, the plot is larger in size than most, and is isolated from other residential properties. This means that the development of apartments in this location could not be refused in principle – particularly given there are nearby examples of larger buildings accommodating apartments at Pitmaston Court and Britannic Park.
- 6.9. Policy TP30 of the BDP seeks to secure a density of at least 40 dwellings per hectare in this location. It explains that in assessing the suitability of new residential development full consideration will need to be given to the site and its context. I note the concerns of local residents in respect of the proposal being an over-

intensive use of the site. However, at 64 dwellings per hectare, I do not consider this to be over-intensive development, and as Places for Living SPG explains the key is to create good places and provide the best design solution for the site and the character of the area, with the density figure used as a check. As shall be explained below I consider the proposal constitutes good design which would be in keeping the character of the area.

Design

- 6.10. 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.
- 6.11. Saved Paragraphs 3.14D-E of the UDP explain that new housing development should be designed in accordance with good urban design principles. 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. In addition, the Council's Mature Suburbs SPD seeks to control residential intensification and backland development of residential gardens. Whilst being less relevant to this particular application, which does not seek to alter the existing plot, it does provide useful design criteria for assessing any application in a mature suburb. Such criteria includes: building siting, building form and massing, and design style amongst other things.
- 6.12. Policy UD5 of the Moseley SPD explains that *“Density and design of new housing should respond to the local context and build on the unique character of Moseley. In particular, building plots should be of an appropriate size to reflect the typical form in the area. The frontage width, depth, height and massing, should be in keeping, and new buildings should respect established building lines. The importance of vistas is also to be acknowledged, where appropriate.”* Policy UD7 goes on to explain *“All developments will be required to conform to the Mature Suburbs policy and Places for Living SPG. Where it does not make a positive contribution to the character of the area, or where the principles of good quality urban design are not met, back-land development will be resisted.”*

Siting

- 6.13. The proposed building would have a similar sized footprint to No. 11 and its garage in terms of built development on this plot. The proposed building would be sited a similar set back distance from the highway as No. 11. Therefore I am satisfied with the siting of the proposed development.

Scale and Massing

- 6.14. Existing buildings in the vicinity of the site are generally two storeys in height. The proposed development in contrast would incorporate a second floor. However, this would be both set back from the rest of the building by 2.4m and designed to appear

as a lightweight roof addition, thus reducing the scale and massing of the building. This, together with the fact that the site is isolated from other dwellings and not viewed in the same context as these other dwellings, means that there is scope for a bespoke design on this site that would not detract from the leafy, suburban character of the surrounding area.

- 6.15. Whilst the proposed building does have a greater massing than the existing building on the site, I consider the massing has been successfully reduced by accentuating the horizontality of the building through the brick infill panels, setting back of the rooftop element, and articulation of facades through window and infill panel reveals.
- 6.16. Local residents have raised concerns that the proposed building would appear dominant in views down Holders Lane, which I concur has an unusually pleasant and semi-rural feel to it. However, given that the site would still be surrounded by wooded areas (including that on the southern side of Holders Lane) and existing trees on the site I consider the visual impact of the proposed building, as sited, would be softened to a large extent by this vegetation.
- 6.17. Therefore whilst the proposed building would have a greater scale and massing than surrounding properties it would be sited on a larger plot than most, not viewed in the context of other buildings, and screened/softened by surrounding trees. As such I consider it would not detract from the character and appearance of the surrounding area.

Appearance

- 6.18. The proposed building would have a contemporary appearance/architectural style, with a limited material palette, an approach which I consider best allows it to sit quietly within its landscaped surroundings. This architectural treatment is acceptable given its isolation from other nearby dwellings, and the range of architectural styles in the vicinity. Revised elevations have been submitted during the course of the application following the advice of my City Design Officer and I am satisfied that the building now has a more coherent design style, and a lighter, simpler façade treatment, with more horizontal emphasis.
- 6.19. I note local residents concerns that the proposed building does not reflect the Arts and Crafts architectural style of the five existing houses along Holders Lane, but these five houses are only one style within an area where there are a range of different styles (the existing property on the application site does not even currently reflect the style of other properties along Holders Lane). To mimic this style in a pastiche would be contrary to guidance in the NPPF which explains that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform, to certain development forms or styles. (Paragraph 60). As explained earlier the proposed building would not be viewed in the same context as the existing properties on Holders Lane, which are physically separated from the site.

Living Conditions

- 6.20. The gross internal floor area of all but one of the proposed 2-bed, 4-person apartments, ranging in size from between 69sqm-81sqm, would exceed the minimum gross internal floor area of 70sqm per apartment as recommended in the Government's Nationally Described Space Standard (NDSS) document. Given that the NDSS has not yet been adopted as planning policy by the Council, the slight

shortfall of 1sqm for one of these apartments would not be a material issue. The gross internal floor area of each proposed 1-bed, 2-person apartment, at 60sqm in size, would exceed the minimum gross internal floor area of 50sqm per apartment as also recommended in the document. The gross internal floor area of the 3-bed, 6 person apartment, at 166sqm, would far exceed the minimum gross internal floor area of 95sqm as recommended in the NDSS. Double bedroom sizes and second double bedroom sizes in all proposed apartments would exceed the minimum bedroom size guidelines in the NDSS. The only exception would be the second double bedroom in two of the flats, which at 10.3sqm in size would fall slightly under the 11.5sqm recommended. Again, I do not consider this to be a material issue.

- 6.21. The proposed development would provide both private and communal amenity space, which far exceeds the minimum communal amenity space of 30sqm per apartment as recommended in the Council's Places for Living SPG.
- 6.22. Given the above, I am satisfied that the proposed development would provide acceptable living conditions for future occupiers.

Residential Amenity

- 6.23. I note the concerns of local objectors in respect of loss of privacy and overlooking as a result of the proposed development. However, windows and balconies on the proposed building would far exceed the minimum separation distances and set back distances to neighbouring gardens and windows, as specified in the Council's Places for Living SPG. As such I am satisfied that there would be no harm to residential amenity in terms of loss of privacy.
- 6.24. Regulatory Services have raised no objection to the proposed development and I do not consider the additional persons accommodated on the site would have a material adverse impact on existing residential amenity in terms of noise and disturbance, particularly as the site is located away from other existing dwellings and offers large apartments suited to professional persons.

Traffic and Parking

- 6.25. Paragraph 32 of the NPPF advises that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.26. 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.
- 6.27. Policy T1 of the Moseley SPD advises that new development will be expected to demonstrate how it supports measures to increase the use of public transport,

encourage walking across the neighbourhood, and contribute towards the implementation of the Birmingham Cycling Strategy.

- 6.28. The Council's Car Parking Guidelines SPD recommends a maximum of two parking spaces per dwelling in this location. The proposal would comply with the SPD, providing 1.6 spaces per dwelling, or 167% parking provision.
- 6.29. Transportation Development note that access to public transport at this location is poor - the nearest bus stops being located over 1km walk away. As such the proposal does not comply with policy, which requires the location of new residential development be well served by public transport. However, whilst a cause for concern they do not consider that this alone would be sufficient reason to refuse the proposed scheme and as such have raised no objection to the proposal. They consider that parking provided at the site would be at an acceptable level, being 167%. They recommend a condition be attached to any consent requiring sheltered and secure cycle provision on the site of at least one cycle space per apartment (in order to comply with the Council's Car Parking Guidelines SPD).
- 6.30. Whilst I note the concerns of local residents that the proposal would result in a large increase in traffic and parking demand along this private road I concur with Transportation Development that the level of traffic associated with nine apartments would not be expected to be significant, and parking offered within the site would be policy compliant (with one space per apartment, along with a further six spaces) and overspill parking is unlikely to occur along Holders Lane. Given the narrowness of Holders Lane it is unlikely that any motorist would park their car on the road outside of the laybys (where it is safe to park and does not cause obstruction). I therefore do not consider that the proposal would result in any greater degree of conflict or highway safety issues between cars and pedestrians/cyclists whom would continue to share use of Holders Lane. Similarly, arrangements for refuse, emergency or delivery vehicles to the site would remain unchanged.
- 6.31. I note concerns raised with regard to construction traffic impacting on the road surface of this private road and issues raised regarding easement and maintenance agreement will need to be made for this access arrangement to continue. However, I consider these are private matters to be agreed outside the planning process with the relevant owners of the private drive.

Trees

- 6.32. Policy TP7 of the BDP seeks to conserve and enhance Birmingham's woodland resource and states that all new development schemes should allow for new tree planting.
- 6.33. The proposed development would result in the loss of four mature trees on the site frontage, but retention of the remaining 10 trees on the site. The City's Arboricultural Officer has raised no objection to the proposal. He notes that the two Category C trees proposed to be removed (T2 and T6) should not be a constraint to any proposal. Whilst he would prefer the retention of the two Category B trees (T3 and T4), he advises that the degree of public amenity these provide would not support refusal in favour of a Tree Protection Order. He advises that some pruning to clear the building elevation would be required for the Category B Ash (T9) but that this would not be extensive, and that the proposed building foundations would avoid the root protection area of this tree.

- 6.34. I am satisfied that there would not be significant tree loss on the site, and that the five new trees proposed to be planted on the site would mitigate any loss. I concur with the City's Arboricultural Officer that a condition be attached to any consent requiring submission of an arboricultural method statement and tree protection details for existing trees.

Ecology

- 6.35. Policy TP8 of the BDP seeks to secure that all development should, where relevant, support the enhancement of Birmingham's natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets.
- 6.36. Policies L3 and L6 of the Moseley SPD advise that new development should not cause the loss of wildlife habitat but should improve biodiversity, and that new developments should contain landscape proposals that preserve, contribute to, or expand the green infrastructure, and that green infrastructure such as street trees, front and rear gardens, hedges, etc. should be encouraged in new developments.
- 6.37. Whilst no Ecological Appraisal has been submitted, the site is isolated and small in size at only 0.14ha in size, most trees on the site are being retained, the site has no ecological designations nor is it located near to any such designated sites, and should any protected species be found on the site they would be protected under separate wildlife legislation.
- 6.38. The submitted Bat Survey found no bat roosts or potential for bat roosts within the existing building and garage block.
- 6.39. The City's Ecologist has raised no objection to the proposal. He notes that whilst the Bat Survey revealed that there was negligible opportunities for bats within the building itself there is scope within the proposal to incorporate built in boxes on the south or west aspects. He also advises that the few trees identified for removal do not seem to include features that would provide roosting places for bats. He advises that the site's proximity to woodland and the Allotments does make this a particularly good area for bat foraging and he recommends a condition requiring details of ecological enhancement measures. The retention of much of the trees and shrubs would provide the continuity of forage areas, but he advises that external lighting would need to be carefully considered so as not to impact upon the surrounding habitats (e.g. where external lighting is to be used it should be of a low level, directional and low lux style). He advises that through a soft landscaping condition there is an opportunity to utilise plant species that are both lower maintenance and of benefit to local wildlife.

Other Matters

- 6.40. The application site and surrounding land is located within Flood Zone 1 and is at the lowest risk of flooding. There is no evidence to suggest that development on this brownfield site would lead to flooding elsewhere. If anything, installation of modern drainage infrastructure on the site, including SuDs, could improve local drainage. Severn Trent Water have raised no objection to the proposed development, subject to a condition being attached to any consent requiring details of foul and surface water drainage. They also advise that there is a public sewer located on the site and I have advised the Applicant of this. I note the concerns of Allotments in respect of requiring the proposed building to have its own water supply. However, I do not

consider this is a planning issue, rather an issue to be resolved between the Applicant, Severn Trent Water and Allotments.

- 6.41. I note the concerns of local residents in respect of light pollution occurring from the frontage parking proposed. I therefore recommend attaching a condition requiring details of new lighting to be submitted for the scheme to ensure that light levels are appropriate for this location.
- 6.42. I concur with Regulatory Services that a condition should be attached to any consent requiring the proposed building to have an electric vehicle charging point, given that this would help with sustainability and carbon reduction objectives.

7. Conclusion

- 7.1. I consider that the proposed development would positively assist in meeting the City's housing needs. The proposed development would be sustainably located within an established residential neighbourhood. I consider that the siting, scale and appearance of the proposed development would not detract from the character and appearance of the surrounding area. It could be accommodated without adverse impacts on the amenity of existing residents, the local highway network, drainage, ecology or trees. As such I consider the proposal would constitute sustainable development and I recommend that planning permission is granted.

8. Recommendation

- 8.1. Approve Subject to Conditions

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- | | |
|----|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | Arboricultural Method Statement - Submission Required |
| 4 | Requires the prior submission of a drainage scheme |
| 5 | Requires the prior submission of cycle storage details |
| 6 | Requires the provision of vehicle charging point |
| 7 | Requires the prior submission of level details |
| 8 | Requires the prior submission of hard and/or soft landscape details |
| 9 | Requires the prior submission of boundary treatment details |
| 10 | Requires the prior submission of a lighting scheme |
| 11 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
-

-
- 12 Requires the prior submission of details of bird/bat boxes
 - 13 Requires the prior submission of cross section drawings through front facade
 - 14 Implement within 3 years (Full)
-

Case Officer: Andrew Conroy

Photo(s)

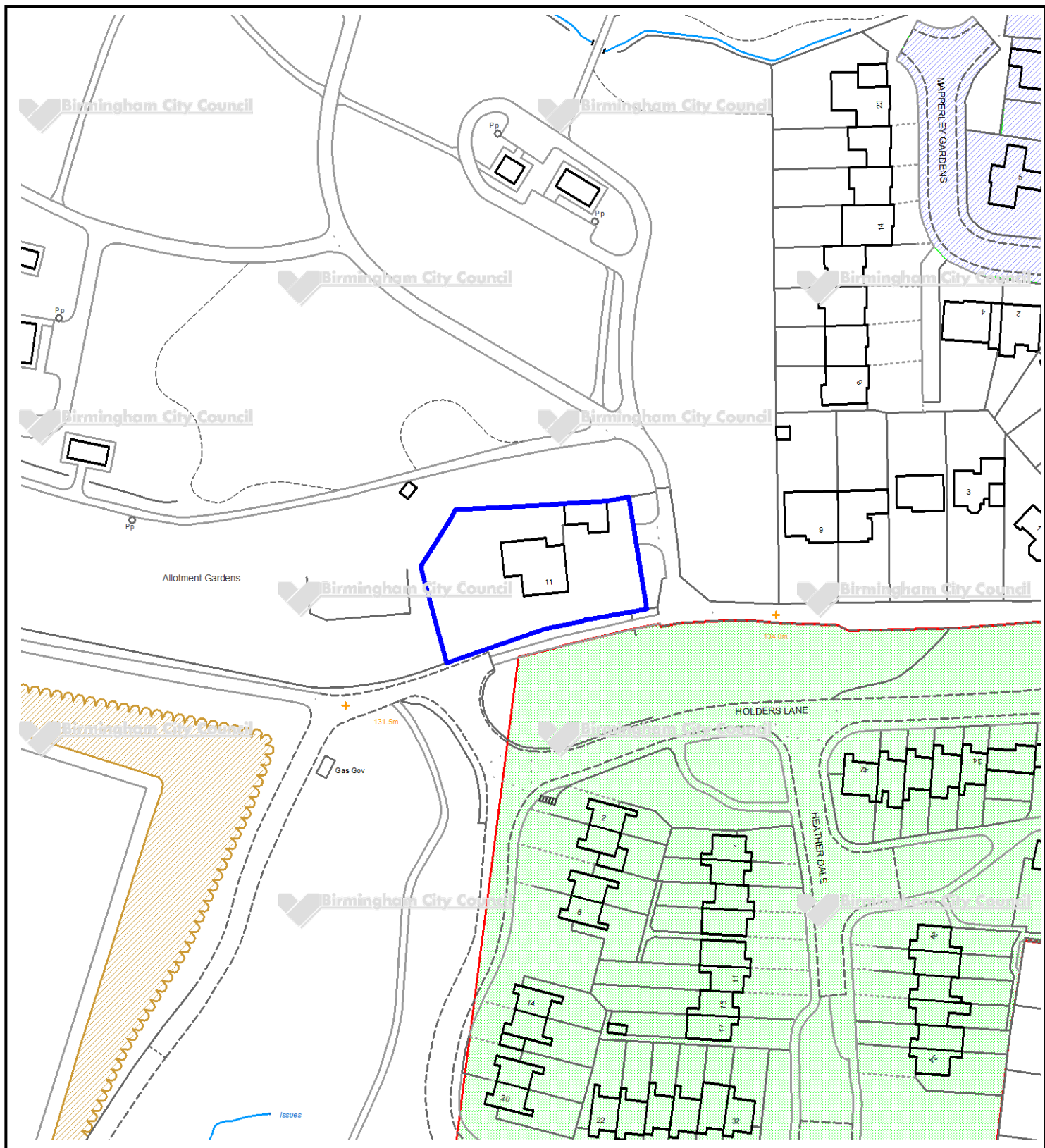


Figure 1 – Looking NW to site frontage, at end of Holders Lane



Figure 2 – Looking west down public footpath from end of Holders Lane (application site on right)

Location Plan



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Committee Date:	16/02/2017	Application Number:	2016/09377/PA
Accepted:	24/11/2016	Application Type:	Full Planning
Target Date:	23/02/2017		
Ward:	Moseley and Kings Heath		

King Edward VI Camp Hill School, Vicarage Road, Kings Heath, Birmingham, B14 7QJ

Demolition of music block and the erection of two storey extension

Applicant:	King Edward VI Camp Hill School Vicarage Road, Kings Heath, Birmingham, B14 7QJ
Agent:	Stride Treglown 350 Bournville Lane, Bournville, Birmingham, B30 1QY

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the demolition of the existing music block (of 287sqm) and the conjoining of the swimming pool building and existing sixth form building into a single building with a two storey extension, at King Edward VI Camp Hill School, Vicarage Road, Kings Heath.
- 1.2. The proposed extension would measure approximately 69m in length, with a maximum width of 34m and a maximum height of 7.9m.
- 1.3. The proposed extension would provide additional teaching accommodation for the sixth form college, a new music and computer science block and additional WC facilities. In addition, there would be an atrium though the centre of the building which would provide a refectory with linked food preparation spaces.
- 1.4. The proposed extension would be flat roofed. White render would be used to the class room areas and attendant ground floor spaces. The music and computer science accommodation would be clad in timber. A full height glazed atrium would be located on the south east elevation. Windows would be aluminium framed and configured in horizontal strip formation.
- 1.5. The proposed extension would be to accommodate existing pupils and would not result in a net increase in the number of pupils or staff.
- 1.6. A Design and Access Statement and a Sustainable Drainage Assessment have been submitted with the application.
- 1.7. The site area is 0.48ha. The proposed development does not attract a CIL contribution.
- 1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The School is located on the northern side of Vicarage Road, set back from the road behind sports pitches. The main school building is located on the northern part of the site and is made up of a number of linked, flat roof buildings of varying heights and designs.
- 2.2. The application site, comprising of the existing music block, swimming pool and sixth form block, is separate to the main building and is located on the northern edge of the site. To the north of the application site is King's Heath Park, with the Horticultural Training Centre and associated greenhouses located up to the boundary with the school. To the west of the site are sports pitches associated with the school. To the south and east of the application site is the main car park for the school.
- 2.3. The surrounding area is mainly residential in character and the school shares boundaries with properties on Pineapple Road and Cartland Road.

2.4. [Site Location Plan](#)

3. Planning History

- 3.1. There is an extensive planning history relating to the site and the wider school but none are relevant in the determination of this application.

4. Consultation/PP Responses

- 4.1. Transportation Development- No objection.
- 4.2. Regulatory Services- No objection.
- 4.3. Local Lead Flood Authority- No objection subject to a condition requiring the submission of a sustainable drainage scheme for the site.
- 4.4. Severn Trent Water- No response received
- 4.5. West Midlands Police- No objection.
- 4.6. Local Ward Councillors, Residents Associations, M.P and Neighbouring Occupiers notified and a Site Notice and Press Notice displayed- One letter of support received from Councillor Spencer supporting the enhancement of the facilities and accessibility for the students.

5. Policy Context

- 5.1. Relevant National Planning Policies:
 - NPPF (2012)
- 5.2. Relevant Local Planning Policies:
 - Birmingham Development Plan (BDP) 2017,
 - Birmingham UDP 2005 (Saved Policies),
 - Places for All SPG

6. Planning Considerations

- 6.1. The National Planning Policy Framework seeks a presumption in favour of sustainable development. One of the core planning principles set out in Paragraph 17 is that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.
- 6.2. Paragraph 72 of the NPPF puts significant importance on ensuring that a sufficient choice of school places is available to meet the needs of both existing and new communities. It encourages Local Planning Authorities to take a positive approach to applications for development that widen choice in education, and Local Planning Authorities should “give great weight to the need to create, expand or alter schools”.
- 6.3. Policy TP36 of the Birmingham Development Plan states that ‘the upgrading and expansion of existing school and development of new schools in locations where additional provision is required will be supported’.
- 6.4. The main considerations in the determination of this application are: the impact on visual amenity, the impact on residential amenity, the impact on highway and parking, and the impact on drainage.

Visual Amenity

- 6.5. Policy PG3 of the Birmingham Development Plan puts significant on the need for high design quality, contributing to a strong sense of place.
- 6.6. The application site is set back significantly from the street scene and is not visible from the public realm. I consider the demolition of the existing music block to be acceptable, given this building has no particular architectural merit. I consider that the design of the development would be simple and contemporary in style, complementing the existing school buildings on the site. The scale and mass of the proposed building would be appropriate – the parapet level of the new build element matching that of the existing Sixth Form Centre.
- 6.7. The proposed material palette would differentiate the functionality of the spaces behind. The horizontal timber cladding would sail over the glazing whilst becoming ‘hit and miss.’ This approach would give a greater depth to the façade, provides shading whilst maintaining ventilation and appropriate light levels. The ground floor windows to the refectory have slim powder-coated frames and are taken down to floor level to maximise daylight and views out. The first floor windows’ to the classrooms are arranged as a continuous strip emphasising the horizontal nature of the design.
- 6.8. As such, I consider that the proposal is well designed and would not have an adverse impact on the visual amenity of the surrounding area.

Residential Amenity

- 6.9. The proposed development would be located on the northern edge of the school site, which shares a boundary with King’s Heath Park. The closest residential accommodation is located in the flat above the Horticultural Training School within the grounds of King’s Heath Park – some 70m to the east. The proposed development would be set back behind the existing swimming pool block and would

therefore not bring the new building any closer to the adjoining boundary with the Horticultural Training School and associated flat. I do not consider that the development would result in a detrimental impact by virtue of a loss of outlook or privacy to neighbouring occupiers. Regulatory Services have no objection to the application.

Impact on Highway and Parking

- 6.10. 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.
- 6.11. The proposed development is to improve facilities for existing pupils and would not result in an increase in the number of staff or students on the site. The majority of new floorspace proposed would not be in the form of classroom space, rather dining and non-teaching spaces. Transportation Development have raised no objection to this proposal and consider that there would not be any notable change in existing levels of traffic or parking demand in this location. I concur with this view and consider that the development would not have an impact on parking and congestion.

Drainage

- 6.12. Policy TP6 of the BDP requires that as part of their 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.
- 6.13. The site is located within Flood Zone 1 and is at lowest risk of flooding. The submitted Sustainable Drainage Assessment confirms that the proposal would use an underground attenuation storage tank with a flow control device, and a conveyance swale. Other SuDS features would include the use of permeable paving.
- 6.14. The Local Lead Flood Authority has raised no objection to the development subject to a condition requiring the submission of a detailed sustainable drainage scheme for the site. I concur with this view and have attached the condition accordingly.

Other Issues

- 6.15. The City's Landscape Officer has raised no objection to the proposal subject to a condition requiring the submission of landscaping details. I concur with the need for a landscaping condition and have attached accordingly.

7. Conclusion

- 7.1. I consider the proposed development would comply with relevant national and local policy and would constitute sustainable development. I recommend that the application be approved subject to conditions.

8. Recommendation

8.1. Approve subject to conditions.

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- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | Requires the prior submission of a sustainable drainage scheme |
| 4 | Requires the prior submission of hard and/or soft landscape details |
| 5 | Implement within 3 years (Full) |
-

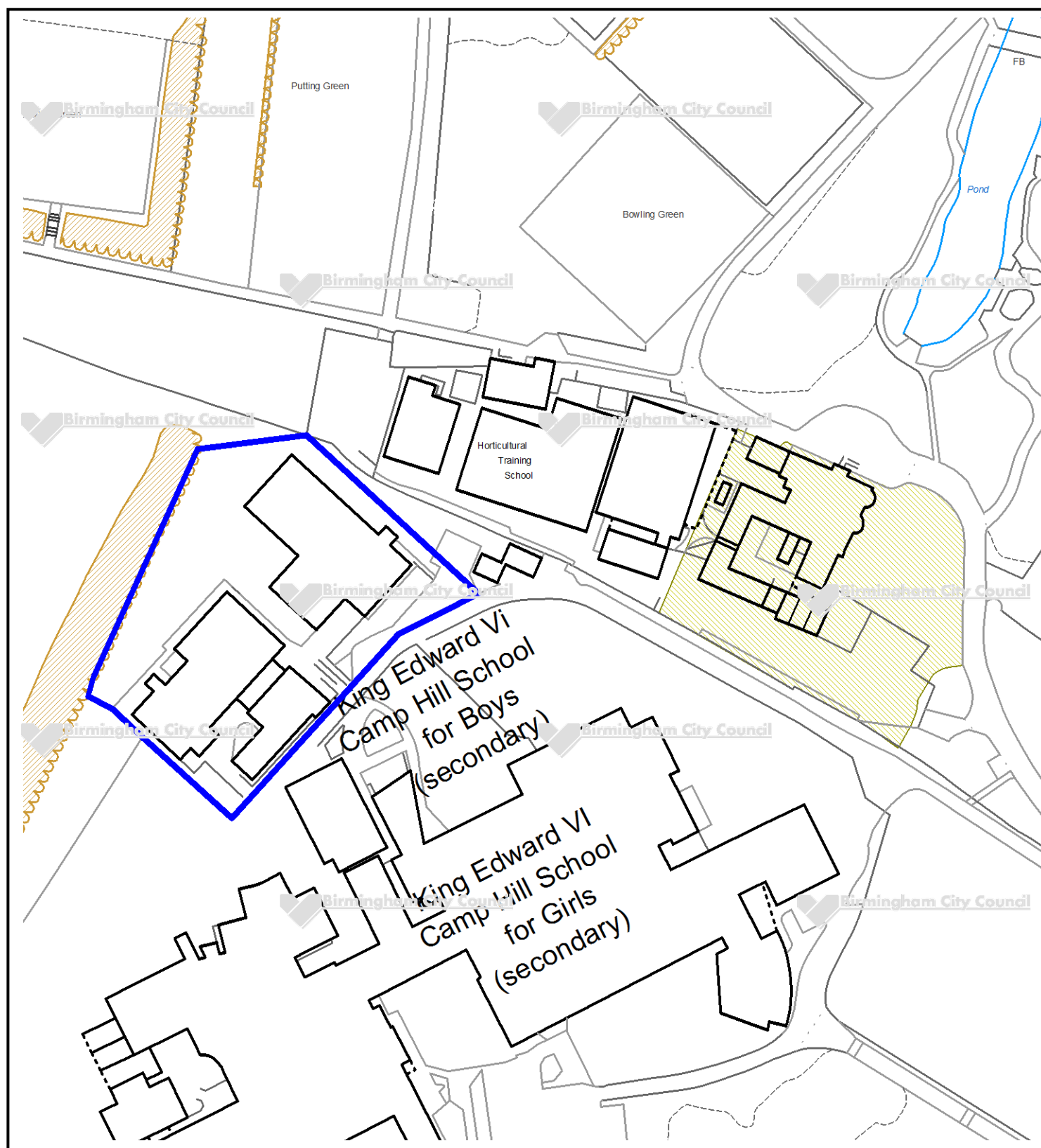
Case Officer: Sophie Long

Photo(s)



Figure 1- Existing Music Block and Sixth Form Block

Location Plan



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**Report back following
Site Visit 09 February 2017**

Committee Date:	02/02/2017	Application Number:	2016/08023/PA
Accepted:	23/09/2016	Application Type:	Full Planning
Target Date:	03/02/2017		
Ward:	Sutton Four Oaks		

11-15 Sherifoot Lane, Sutton Coldfield, Birmingham, B75 5DR

Demolition of the two existing bungalows and erection of five detached dwellings, new access road and landscaping

Applicant:	Arcadia Land Ltd c/o Agent
Agent:	Cerda Planning Vesey House, 5-7 High Street, Sutton Coldfield, Birmingham, B72 1XH

Recommendation

Approve Subject To Conditions

1. Proposal
- 1.1. Planning permission is sought for the demolition of two existing bungalows and erection of 5 five-bedroom dwellinghouses, including new private access road and landscaping.
- 1.2. The proposed development has been amended during this application from six to five dwellinghouses. There have also been amendments to the scale, siting and building form of the dwellinghouses; the siting of the bin store collection point; the width and alignment of the access road; the parking arrangements; and the landscaping scheme. These amendments have been made to address remaining Officers issues of concern and the reasons for refusal in the previous refused application (2015/06900/PA) for a similar development for six dwellinghouses, which was subsequently dismissed at appeal in April 2016.
- 1.3. The development would consist of three dwellinghouses set back between 6.4 and 8.0 metres from the back of the footpath to Sherifoot Lane and two dwellinghouses sited behind, approximately 41 metres from Sherifoot Lane, that would be accessed from a new private access road between plots 2 and 5.
- 1.4. The dwellinghouses would be two-storeys high and the dwellinghouses to the front of the site would include rooms within their roof space. The dwellinghouses would be of traditional design with hipped roofs and pitched roof front gables, bay windows, chimney breasts and the dwellinghouses in plots 1, 2, 4 and 5 would have integral garages. Plot 3 would have a double garage sited 2.9 metres to the southeast of the dwellinghouse. The dwellinghouses would be finished in part render/part brickwork with a tiled roof and windows in gun metal grey powder coated aluminium.
- 1.5. Internally, the dwellings would comprise a lounge, study, WC, family area, utility room and kitchen/dining room on the ground floor. At first floor there would be 4 bedrooms (two with en-suites) and a bathroom. The dwellinghouses in plots 3 and 4

would include a separate dining room on the ground floor and only one en-suite at first floor, but with dressing rooms to either one or two bedrooms. The dwellinghouse in plot 4 would also have a study room at first floor compared to the other dwellinghouses which would have a ground floor study room. All bedrooms would comply with the minimum bedroom sizes set out in Places for Living SPG.

- 1.6. Plots 1, 2, 4 and 5 would have integral garages and Plot 3 would have a detached double garage. Parking provision would be 200% for the dwellinghouses to the front of the site and 300% for the dwellinghouses to the rear of the site.
- 1.7. A bin collection point within 25 metres of Sherifoot Lane would be provided adjacent to the access road alongside the side boundary to plot 5.
- 1.8. Site Area: 0.28 hectares. Density: 18 dwellings per hectare.
- 1.9. A Planning Statement, Arboricultural Constraints Report and a Bat Assessment were submitted in support of this application. It was recommended in the Tree Survey that a Cherry tree should be removed for arboricultural reasons and all other trees can be retained, subject to adequate tree protection during construction works.
- 1.10. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is located on the north side of Sherifoot Lane, approximately 70 metres to the northwest of the road junction with Hill Village Road. The site measures 0.28 hectares and is rectangular in shape with a wide road frontage measuring 42 metres. It currently contains two large bungalows set back from the road and with separate vehicular access points to Sherifoot Lane. The rear gardens to both properties are relatively long and contain mature trees. Trees within the rear gardens of the bungalows in Crockford Drive that overhang the rear boundary of the site are covered by Tree Preservation Order (TPO 115). The site levels are relatively flat.
 - 2.2. The surrounding area is predominantly residential in character and contains a mixture of house designs and types. Adjoining the site to the west are two, two-storey dwellinghouses that were granted planning in 2006 under application 2006/04115/PA on a site that previously contained a bungalow. To the east is a two-storey late 1940s dwellinghouse that was originally a bungalow and has been extended, and includes a recently constructed detached garage/workshop (that was granted planning permission in 2015 under application 2015/06368/PA). To the rear of the site are bungalows that front onto Crockford Drive. To the south of the site, on the opposite side of Sherifoot Lane, are two-storey detached dwellings and a bungalow. To the southwest and around the road junction with Hill Village Road is a three storey block of flats, and to the southeast of the site is a housing development comprising 13 two-bedroom retirement homes situated around a courtyard and private access road (known as The Dovecotes).
 - 2.3. The site is located approximately 380 metres from Mere Green District Centre and has good accessibility to public transport services, including regular bus service on Hill Village Road and Sherifoot Lane.
 - 2.4. [Site Location](#)
3. Planning History

- 3.1. 19 October 2015 - 2015/06900/PA - Refused planning permission for demolition of the two existing bungalows and erection of 6 detached dwellings including new access road, boundary treatment and landscaping. The application was refused on the grounds of the proposal being out of character in terms of its cramped appearance, small plot sizes, inadequate space between the dwellinghouse and the siting of the dwellinghouses to the front of the site being forward of the established building line. It was also considered that the proposed development would lead to loss of privacy for future and existing residents and result in an overbearing impact on the adjoining residents at 9A Sherifoot Lane.
- 3.2. Subsequent appeal (APP/P4605/W/3139948) dismissed on 15 April 2016.
- 3.3. Related Planning History at 9 Sherifoot Lane - 24 August 2006 - 2006/04115/PA - Planning permission granted for erection of two detached dwellinghouses and demolition of existing bungalow, subject to conditions.
- 3.4. Related Planning History at 17 Sherifoot Lane - 24 August 2015 - 2015/06368/PA - Planning permission granted for erection of single storey detached garage/workshop to side/forward of property, subject to conditions.
4. Consultation/PP Responses
 - 4.1. Ward Councillors, M.P, Residents Associations and nearby occupiers were notified and Site Notice displayed outside site.
 - 4.2. Councillor Meirion Jenkins - Objects to the application and supports local residents in objecting to this application. Councillor Meirion Jenkins advises that the proposed development would not be in keeping with the area and that there has already been a similar application to redevelop this site for 6 new houses which was refused by the Council and dismissed at appeal.
 - 4.3. Two letters of objection have been received from the Sherifoot Lane / Hill Village Road and Districts Residents Association. They advise that it would not be possible to build 5 large houses and garages on this small site and provide safe and adequate access for sufficient cars and emergency vehicles etc. They consider that building any properties to the rear of the site would affect the privacy of all surrounding properties, in particular the bungalows in Crockford Drive, which have short gardens. They further consider that the development would lead to additional on-street parking demand and a new road access close to the junction with Gibbons Road and Tower Road; the severe bend in the road; the access to The Dovecotes (which is an intensive development); and on an already busy road with a regular bus route. The Residents Association conclude that the site is not suitable for back land development and that it should only be used for houses with frontages onto Sherifoot Lane.
 - 4.4. The first consultation relating to the original scheme for six dwellinghouses received 17 letters of objection from nearby occupiers including a letter from GW Planning on behalf of a nearby resident. The reasons for objecting can be summarised as:
 - Out of character due to encroachment of front building line, disregard to set backs and street scape, poor design, backland form of development, over-intensive, cramped appearance, loss of green space, high density and would set a precedent for other developments that are out of character.
 - The development would fail to reflect the coherent and legible building line that is respected by 9, 9A Sherifoot Lane and the development to the north-

east of the site. Although not considered an issue by the Inspector in the previous appeal, it is considered that if there was a new appeal for this proposal the Inspector may take a fresh view about the impact on local character.

- Back garden developments should not be allowed when it directly impacts neighbouring properties.
- Over intensive, overdevelopment, visually intrusive and over prominent.
- Limited area for soft landscaping, which would be detrimental to the character of the area, in terms of its open and green aspect, the ecological resource it provides and the amenity value these large gardens afford the adjoining neighbours.
- Harm the amenity of existing occupiers in terms of loss of outlook, views, privacy and daylight.
- Proposal is oppressive and not sustainable, as due to permitted development, future extensions to the proposed dwellinghouses would massively impact further in a negative manner on existing views, natural light, privacy, quality of life and reduce enjoyment of neighbouring residents living spaces both internally and externally.
- Car parking, especially to the dwellinghouses to the rear of the site, would cause noise, light pollution, fumes to neighbouring residents.
- The new road access would reduce the safety of surrounding houses increasing the risk of burglary and if street lights were erected in the road this would cause unwanted light pollution.
- Impact the wellbeing and established enjoyment of life of existing residents.
- Contrary to the minimum separation distances outlined in Places for Living SPG and neighbouring properties have permitted development rights to extend out at the rear which would further reduce the separation distance and cause overlooking.
- Contrary to NPPF, NPPG, policies 3.8, 3.10 and 5.20 of the UDP 2005, PG3 of the BDP 2017, Places for Living SPG, the 45 Degree Code SPG and the Mature Suburbs SPD.
- Loss of two beautiful bungalows that are in fantastic condition.
- Loss of garden space would have a serious environmental impact and significantly harm the animal population.
- Loss of trees prior to this application has been detrimental to both the outlook and character of the area and the proposed scheme leaves no room for future planting of mature trees.
- New tree planting would cause overshadowing problems.
- Impact on ecological resources and the environment.
- Inadequate car parking provision with very limited allocated space for visitors, and any increase in on-street parking would hinder the flow of traffic; impact the local bus service and lead to inadequate access for emergency and service vehicles (this would certainly increase the risk of loss of life and property in the event of a fire).
- Increase traffic congestion and impact highway safety.
- Access off the site is off an already busy road and would lead to a possible road accident waiting to happen.
- Increase pressure on resources, facilities and amenities, in particular on local school and nursery places.
- Bin site is a considerable distance from plots 3, 4 and 5, and in a prominent location which would be contrary to NPPF as it would be poor design and potentially a hazard at the entrance.
- The applicant has not consulted local residents.

- Two trees are not shown in the correct location and their root protection area is not drawn correctly. Other trees within neighbouring properties have been identified incorrectly in the submitted tree survey report and the proposed development would damage these existing trees.
- The backland developments referred to by the applicant have a different form and are located in a different context. Also, 3 of the 4 examples quoted predate the adoption of 'Places for Living Supplementary Planning Guidance' by Birmingham City Council in March 2001. Moreover, it is understood that, in all instances, the original application was amended in terms of the total number and type of dwellings permitted and the building line maintained.
- The proposed development has not overcome the reasons given in the previous dismissed appeal.
- The neighbouring property at 17 Sherifoot Lane has pulled their garage back to conform with the building line compared to the proposed development.
- The development would have approximately 50% of the street frontage for driveway access and access road, and as such there would be limited opportunity to recreate high levels of hedgerows and shrubs.
- There are acceptable alternatives that would create enough profit for the developer, for example 4 or 5 houses to the along the front of the site or a number of small bungalows.
- The development does not alleviate the shortage of affordable housing - a policy the Local Authority should be supporting.
- Devalues residences in the area.

4.5. The second consultation relating to the amended scheme for 5 dwellinghouses received 13 letters of objection including: 1 from the Sherifoot Lane / Hill Village Road and Districts Residents Association; 11 from surrounding residents and GW GW Planning who have already commented; and 1 from a nearby resident who has not made previous comments. The new comments that have not been expressed in the 1st consultation are:

- The reduction in house numbers, the slight re-orientation of the dwellings on plots 3 and 4 has gone some way to relieve the very oppressive built form of the original scheme, however, it would still destroy the privacy and amenity of neighbouring residents and bring car movements closer to adjoining rear gardens.
- The existing local grain of private back gardens and residential amenity would be disrupted by the incongruous island of built form created by the two dwellinghouses to the rear of the site.
- Amended scheme has not changed the impact on local character or loss of privacy to neighbouring properties.
- Dwellinghouses are still poorly designed; the access road is unsafe; and there is no clear definition between public fronts and private backs.
- Loss of green/eco habitats.
- No evidence of sustainable drainage.
- No evidence of the use of sustainable materials with a low carbon footprint.
- The gardens to the proposed dwellinghouses would be overshadowed because of their limited depth and north-west orientation.
- A tree in the rear garden of 17 Sherifoot Lane overhangs the site and should not be lost;
- Proposed dwellinghouses and tree planting would overshadow the bungalows and their gardens, especially during the winter months when the sun is low in the sky;

- Tree planting would also be a nuisance during leaf fall and would encourage moss growth and other well-known problems with trees;
 - Council needs to take the opinion of local residents more importantly than a developer trying to make a quick profit and who doesn't live in the area;
 - Demolition of two bungalows would imbalance the population density of the neighbourhood with pressure on resources and facilities;
 - Bin storage is a considerable distance from plots 3 and 4;
 - Drawings show incorrect measurements of plot sizes and incorrect location of two trees and their root protection area;
 - Lack of space for the access road, pavements, bin store and gaps between buildings;
 - Request Planning Committee to make a site visit;
 - The development does not fulfil local and national housing requirements for single persons and small family housing.
- 4.6. Regulatory Services - No objection subject to a condition to require a charging point for electric vehicles.
- 4.7. Transportation Development - No objection subject to conditions to secure a package of highway works; appropriate vehicular and pedestrian visibility spays; a construction plan; and measures to prevent mud on the adjoining highway.
- 4.8. Severn Trent Water - No objection subject to a condition to require suitable drainage of the site. They also advise that there may be a public sewer located within the application site.
- 4.9. West Midlands Fire Service - No objection.
- 4.10. West Midlands Police - No objection.
5. Policy Context
- 5.1. National Planning Policy Framework 2012, Technical housing standards nationally described space standard 2015, Birmingham Development Plan 2017, Birmingham Unitary Development Plan 2005 (saved policies), Places for Living SPG, Car Parking Guidelines SPD, 45 Degree Code SPD and Tree Preservation Order (TPO) 115.
6. Planning Considerations
- 6.1. The determining issues for this application are whether the amended proposed scheme has overcome the previous reasons for refusal in terms of its impact on local character and on the amenities of adjoining residents taking into account the previous dismissed appeal. I have also considered the impacts on highway safety, trees and ecology.
- 6.2. *Policy Context*
- 6.3. The National Planning Policy Framework (NPPF) advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 58 highlights that the Government attaches great importance to the design of the built environment. Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the

way it functions. Paragraph 53 also states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

- 6.4. Birmingham Unitary Development Plan (UDP) 2005 within the saved policy 3.14 states that the design and landscaping of new development will be expected to contribute to the enhancement of the City's environment. Good design may also help to promote and secure sustainable forms of development.
- 6.5. Policy PG3 for the Birmingham Development Plan (BDP) advises that 'all new development will be expected to demonstrate high design quality, contributing to a strong sense of place' and 'make best use of existing buildings and efficient use of land in support of the overall development strategy'.
- 6.6. Places for Living SPG advises that responding to the local context can ensure the unique identity of a place is not harmed as well as avoid any potential adverse impact on neighbouring buildings, landscape and uses. It identifies numerical guidelines for garden, bedroom sizes and separation distances for new residential developments
- 6.7. *Principle of Development*
- 6.8. The application site relates to a previously developed site and is located within an established residential area with good access to local shops, services and facilities within Mere Green. The site is not located within an area of flood risk and Severn Trent Water raise no objection subject to a condition requiring suitable drainage of the site, which I have attached accordingly. I also do not consider that the proposed development for five houses would result in a significant pressure on local amenities, including school places and doctor surgeries. The proposed development would encourage the most efficient use of land in sustainable locations and the principle of a backland form of development was considered acceptable in the previous refused planning application and was not raised as an issue of concern by the Inspector in the dismissed appeal. I therefore consider that the principle of development is acceptable subject to the following site specific considerations.
- 6.9. *Impact on local character*
- 6.10. The application site is situated within an attractive residential environment and is currently occupied by two bungalows. The surrounding area is characterised by a mixture of detached and semi-detached two-storey dwellinghouses, bungalows and three storey and two storey blocks of flats. There is a wide variety of plot sizes in the immediate area and there is no coherent front building line, in particular to the west of the application site and around the road junction with Hill Village Road. I acknowledge that there are a number of properties that follow a linear pattern of development facing towards the highway. However, there are also properties that are sited behind the front building line and are accessed from a private access road. Such as the dwellinghouse at 49 Hill Village Road and the courtyard development comprising 13 retirement properties located on the corner of Sherifoot Lane and Tower Road.
- 6.11. The previous application (2015/06900/PA) for six dwellinghouses was refused in October 2015 on the grounds that the proposed development would be out of character in terms of its cramped appearance, small plot sizes, inadequate space

between the dwellinghouse and the siting of the dwellinghouses to the front of the site being forward of the established building line.

- 6.12. The current amended scheme has reduced the number of dwellinghouses from six to five to provide a more spacious layout to the rear of the site and reduce the impact on the amenities of adjoining occupiers.
- 6.13. To achieve the minimum separation distances as set out in Places for Living SPG between building faces within the development and with neighbouring properties, the amended scheme has repositioned the three dwellinghouses to the front of the site closer to Sherifoot Lane. The dwellinghouses would now be sited 8.2, 6.2 and 6.8 metres from Sherifoot Lane (respectively) and would have a similar set back from the highway as the dwellinghouses at 5, 7, 14 and 16 Sherifoot Lane. I acknowledge the point raised by one resident that the proposed dwellinghouses would be inconsistent with the deep front building line established by the existing two bungalows, as well as the existing dwellinghouses at 9 and 9A Sherifoot Lane and the dwellinghouses to the east of the application site. However, I note that the front building line varies considerably to the west of the application site and the Inspector in the previous dismissed appeal advised that "... there is no clearly discernible building line". I am therefore of the view that the siting of the three dwellinghouses to the front of the site would not appear over prominent in the street scene or have a detrimental impact on the character and appearance of the area.
- 6.14. The proposed dwellinghouses to the rear of the site would be in a backland location. The Inspector in the previous dismissed appeal did not contend that backland development of the rear gardens of 11 and 15 Sherifoot Lane would be out of character. The Inspector advised that "By virtue of their siting well away from the road, I find that their visual impact from the public realm would be limited". The Inspector continued by stating that "... the proposal would protect the character and appearance of the area, it would remain a relatively low density form of development within an established residential area where development has largely occurred on an ad hoc basis over time".
- 6.15. I also agree that the siting of the dwellinghouses in plots 3 and 4 would be acceptable and would have a negligible impact on the character and appearance of the area. I note that one of the main principles outlined in Places for Living SPG is to create safe and attractive places with a clear division between public and private space, and I am of the view that this development would achieve this principle given that the five dwellinghouses would have good spatial separation from one another and the adequate landscaping would be provided to the rear boundaries of plots 1, 2 and 5 to ensure their rear gardens are safe, secure and private. The orientation and siting of the dwellinghouse in plot 4 would also help to provide natural surveillance of the access road and provide a visual connection with Sherifoot Lane.
- 6.16. The proposed dwellinghouses would have a good design with traditional features that would reflect the characteristics of existing dwellinghouses in the area. The height of the dwellinghouses and choice of building materials would also be in keeping with the adjoining dwellinghouse at 9A Sherifoot Lane and the two-storey dwellinghouses located on the opposite side of the road. I therefore consider that the proposed development would sit comfortably in relation to the existing pattern of development and would not have a detrimental impact on the character and appearance of the local area, in accordance with policy PG3 of the BDP and the NPPF. Conditions are recommended to secure appropriate building materials, landscaping, boundary treatment and hard surfacing.

- 6.17. I note the concerns expressed by nearby occupiers about garden grabbing and the view that this development would set a precedent for future backland developments. However, the NPPF sets out a need to boost significantly the supply of housing and garden land is not exempt from development where no adverse impacts would result. I also do not consider that the development would set a precedent for future developments as all applications are considered on their own merits. Furthermore, I do not consider that the application site does not fall within a mature suburb as defined by the Council's Mature Suburbs SPD because the surrounding area, in particular the pattern of development to the west of the site has not been planned in a consistent or homogenous nature.
- 6.18. *Impact on the amenities of existing and future occupiers*
- 6.19. The previous refused scheme included three large two storey dwellinghouses with rooms within the roof space that were sited in a linear arrangement to the rear of the site, with narrow gaps of less than 2 metres between the buildings and from the adjoining rear gardens to 9A and 17 Sherifoot Lane.
- 6.20. The Inspector in the previous dismissed appeal advised that "Notwithstanding the fact that the new dwellings would be detached, existing residents would be faced with an almost continuous wall of two and a half storey built form (including habitable room windows), in relative close proximity to their rear garden boundaries. Consequently, I consider that by virtue of the overall scale of these buildings proposed, in terms of width, height and number, that the development would represent an over prominent form of development in the rear garden environment of the occupants of those dwellings within Crockford Drive".
- 6.21. The current amended scheme has reduced the number of dwellinghouses to the rear of the site from three to two, which has improved the spacious layout of the site and provided greater gaps between the buildings (5.3 metres) and a greater separation from the adjoining rear gardens belonging to 9A and 17 Sherifoot Lane (over 4 metres).
- 6.22. The two dwellinghouses have also been reduced in ridge height by one metre (now measuring 8.3 metres); the rooms within the roof space have been omitted; and single storey side elements have been incorporated into the design of the dwellinghouses to help break up the mass and bulk of the dwellinghouses. I am now satisfied that the previous concern about the continuous built form of development to the rear of the site has been overcome by the current amended scheme and that the proposed development would not appear overbearing or oppressive when viewed from the rear of 18 and 20 Crockford Drive.
- 6.23. In addition, there are mature trees along the rear boundary of the site which provide an effective screen for 20 Crockford Drive and some of these trees are protected by a Tree Preservation Order (TPO 115). The layout of the proposed development would retain these trees. The submitted layout plan also shows new tree planting along the rear boundary shared with 18 Crockford Drive. Therefore, the proposed development would be less prominent when viewed from 18 and 20 Crockford Drive given the level of tree screening along the rear boundary of the site.
- 6.24. Local residents have raised concern that the proposed development and potentially the new tree planting would result in overshadowing of the south facing rear gardens to 18 and 20 Crockford Drive. I note that the rear gardens to 18 and 20 Crockford Drive are already partially overshadowed by the existing trees and that the application site only extends along one half of the rear boundary shared with 18

Crockford Drive. I also consider that the use of hipped roofs and the good separation between the proposed dwellinghouses and the rear gardens to 18 and 20 Crockford Drive would ensure there is no significant reduction in direct sunlight reaching the rear gardens of 18 and 20 Crockford Drive.

- 6.25. The Inspector considered that the appeal proposal would have a harmful effect upon the living conditions of 9A Sherifoot Lane and 18 and 20 Crockford Drive, by virtue of a material loss of privacy. The application site is generally flat and the current amended scheme would achieve the minimum separation distances between the proposed dwellinghouses to the rear of the site and the bungalows at 18 and 20 Crockford Drive, and between the proposed dwellinghouse in plot 3 and the rear elevation of 9A Sherifoot Lane in accordance with the guidelines set out in Places for Living SPG. Also, the proposed dwellinghouses in plots 3 and 4 would be set back a sufficient distance from the existing rear gardens belonging to 18 and 20 Crockford Drive in order to comply with the minimum guidelines contained within Places for Living SPG. I therefore do not consider that the proposed development would result in loss of privacy to 9A Sherifoot Lane and 18 and 20 Crockford Drive.
- 6.26. Although the Inspector did not raise concern about loss of privacy to 17 Sherifoot Lane, I note that the occupiers of 17 Sherifoot Lane have raised concern about overlooking from the rear facing windows of the proposed dwellinghouse in plot 5; loss of views; and impact from vehicles using the access road and driveway to plot 4 in terms of noise, disturbance from car head lights and car fumes. From planning history, it appears that historically the plots at 11 and 15 Sherifoot Lane formed part of the garden to 17 Sherifoot Lane, which is designed with its principle habitable room windows on the west elevation facing the application site. A garage with a room in the roof space has recently been built at 17 Sherifoot Lane which would provide some screening of the proposed dwellinghouse in plot 5. I also note that the existing side boundary treatment between 15 and 17 Sherifoot Lane is relatively low in height (approximately 1.5 metres) and allows complete views of the side facing living room window of 17 Sherifoot Lane from the rear gardens of 11 and 15 Sherifoot Lane.
- 6.27. In respect of the impact of the proposed development, the dwellinghouse in plot 5 would be sited over the footprint of the existing bungalow to be demolished and would not come any close to the side boundary shared with 17 Sherifoot Lane. The proposed dwellinghouse would have first floor rear facing bedroom windows, however, the view from these windows to the side facing habitable room windows at 17 Sherifoot Lane would be at an oblique angle and any views into these rooms would be limited. I have recommended a condition to ensure the side facing bathroom window in the dwellinghouse on plot 5 is installed with obscure glazing to prevent overlooking. I also note that there are no side facing windows proposed in the dwellinghouse in plot 4.
- 6.28. The rear garden to plot 5 would be sited alongside the main habitable room windows to 17 Sherifoot Lane and additional tree planting would be provided along the side boundary to ensure any disturbance from the use of the driveway to plot 4 would be negligible. I also do not consider that the access road would result in unacceptable noise disturbance to existing and future residents given the low level of traffic that would be generated by two dwellinghouses. I have attached a condition to secure an appropriate lighting scheme for the access road to protect residential amenity. Subject to this condition, I do not consider that the proposed development would have a detrimental impact on the amenities of the existing occupiers of 17 Sherifoot Lane in terms of overlooking, noise and disturbance.

- 6.29. Given the close proximity of the site with existing dwellinghouses and their gardens, I consider it necessary to withdraw permitted development rights in respect of extensions and outbuildings and new windows to ensure the amenities of existing occupiers are safeguarded.
- 6.30. The proposed development would comply with the 45 Degree Code SPG in relation to the adjoining dwellinghouses at 9A and 17 Sherifoot Lane and would therefore not result in any loss of sunlight or daylight to these properties.
- 6.31. I note that concern has been raised about the potential risk to security of the adjoining rear gardens from the private access road. The proposed development would not expose any of the adjoining rear gardens and additional landscaping would be provided to reinforce the boundaries. As such, there would be no increased security risk to the adjoining properties.
- 6.32. I also note that there have been concerns to property values but this is not a material planning consideration.
- 6.33. *Living environment for future occupiers*
- 6.34. The proposed development would provide an acceptable living environment in terms of internal layouts and all internal spaces would comply with the Technical housing standards nationally described space standard 2015. The layout of the site would provide adequate family garden sizes for all dwellinghouses ranging between 135 and 263sqm in area, which exceeds the minimum guidelines contained in Places for Living SPG.
- 6.35. The separation distances between building faces and between the rear elevations of the dwellinghouses in plots 1, 2 and 5 and the front elevations of the dwellinghouses in plots 3 and 4 would comply with the minimum separation guidelines as set out in Places for Living SPG.
- 6.36. The first floor habitable room windows in the front elevation of the dwellinghouse in plot 3 would be 10 metres away from the rear gardens to plots 1 and 2 and would therefore comply with the minimum guidelines set out in Places for Living SPG. Appropriate landscaping would also improve the level of privacy for these two rear gardens. I therefore consider that the proposed development would provide a high quality living environment for future occupiers.
- 6.37. Regulatory Services also raises no objection to the proposed development, subject to a condition to require a vehicle charging point for electric vehicles. I do not consider that this requirement is necessary or reasonable given the low number of dwellinghouses proposed.
- 6.38. *Impact on Highway Safety*
- 6.39. Local residents have raised concern about the impact of the proposed development in terms of the increase in traffic and parking pressure on the existing free flow of traffic on Sherifoot Lane and increase in traffic congestion at the road junction with Lichfield Road. However, Transportation Development raise no objection to the proposed development and advise that the increase in traffic that would be generated by five dwellinghouses in comparison to the existing use of the site for two bungalows would not be significantly greater to cause a detrimental impact on the free flow of traffic or upon highway safety. I further note that West Midlands Fire Service raise no objection to the application. I concur with these views and do not

consider that the proposed development would result in unacceptable risks to highway or pedestrian safety in the adjoining highway or pose a safety risk to future occupiers as it would provide access for emergency vehicles.

- 6.40. I note that the parking provision exceeds the maximum car parking standards outlined in the Car Parking Guidelines Supplementary Planning Document, however, the proposed development is for relatively large family dwellinghouses and due to the backland location of two of the dwellinghouses it is considered that the parking provision is acceptable in this instance.
- 6.41. I have recommended the conditions suggested by Transportation Development to require a Bell mouth access is provided at the junction with Sherifoot Lane and to ensure satisfactory vehicular and pedestrian visibility splays can be achieved at the access points. I consider that conditions requiring a construction method statement/management plan and measures to prevent mud on the highway are not necessary for a development that is for a relatively small housing scheme.
- 6.42. *Impact on Trees and Ecology*
- 6.43. From my Officer's site visit, it was observed that a number of trees had been felled prior to the submission of the previous refused application. The Council's Tree Officer advised that the trees that have been felled did have an element of public amenity value seen over the existing bungalows and replacement trees are therefore required to compensate for the loss of these trees. The Tree Officer further advises that appropriate tree protection measures would need to be implemented as indicated in the submitted Tree Survey Report to safeguard all retained trees. I concur with this view and have attached conditions accordingly.
- 6.44. The application was submitted with a Daytime Bat Survey which concluded that there are no suitable features or evidence of bats in the bungalow at 11 Sherifoot Lane and limited features in the bungalow at 15 Sherifoot Lane. The limited features found in 15 Sherifoot Lane were considered to be not suitable for bats. The trees within the site were also inspected and found to have no potential for bats. The Council's Ecologist agrees with the findings of the Bat Survey however has recommended a condition to require ecological enhancements given the recent loss of trees and proposed loss of gardens. I concur with this view and have attached a condition accordingly.
- 6.45. *Community Infrastructure Levy (CIL)*
- 6.46. The development may now be liable for CIL. The submitted application forms specify that the floor area of the development would be 957.7sqm GIA (specify 284.4 sqm existing floorspace/1242.1 sqm new floorspace). This would equate to a payment of £66,081.
7. Conclusion
- 7.1. I consider that the proposed development would provide a strong sense of place and an acceptable living environment for future occupiers. It would sit comfortably within the existing streetscene and no objection was raised to the principle of backland development by the Inspector in the previous dismissed appeal. I therefore do not consider that the proposed development would have a detrimental impact on the character and appearance of the area.

7.2. The development would not give rise to any overlooking, overshadowing or other adverse impacts on existing occupiers of neighbouring properties and conditions are attached to remove permitted development rights for any future changes to the proposed dwellinghouses. The development would provide appropriate parking provision for this site and would not have a detrimental impact on highway safety. I therefore consider that the proposed development would accord with policies set out in the Birmingham Development Plan 2017, Places for Living SPG, the 45 Degree Code SPD, Car Parking Guidelines SPD and the National Planning Policy Framework.

8. Recommendation

8.1. I recommend approval subject to the following conditions:

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| 1 | Requires the prior submission of level details |
| 2 | Requires the prior submission of hard and/or soft landscape details |
| 3 | Requires the prior submission of hard surfacing materials |
| 4 | Requires the prior submission of boundary treatment details |
| 5 | Requires the prior submission of sample materials |
| 6 | Requires the prior submission of a lighting scheme for the private access road and driveways to plots 3 and 4 |
| 7 | Requires vehicular visibility splays to be provided |
| 8 | Requires pedestrian visibility splays to be provided |
| 9 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 10 | Requires the prior submission of details of obscure glazing for the first floor bathroom window in the east facing (side) elevation of the dwellinghouse in plot 5 and the first floor bathroom and en-suite windows in the west facing (side) elevation of the dwellinghouse in plot 1 |
| 11 | Removes PD rights for new windows |
| 12 | Removes PD Rights for hard surfacing of front garden |
| 13 | Removes PD rights for extensions |
| 14 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 15 | Prevents gates being installed to the development access road. |
| 16 | Requires the scheme to be in accordance with the listed approved plans |
| 17 | Implement within 3 years (Full) |
-

Case Officer: Helen Hawkes

Photo(s)



11 Sherifoot Lane



15 Sherifoot Lane

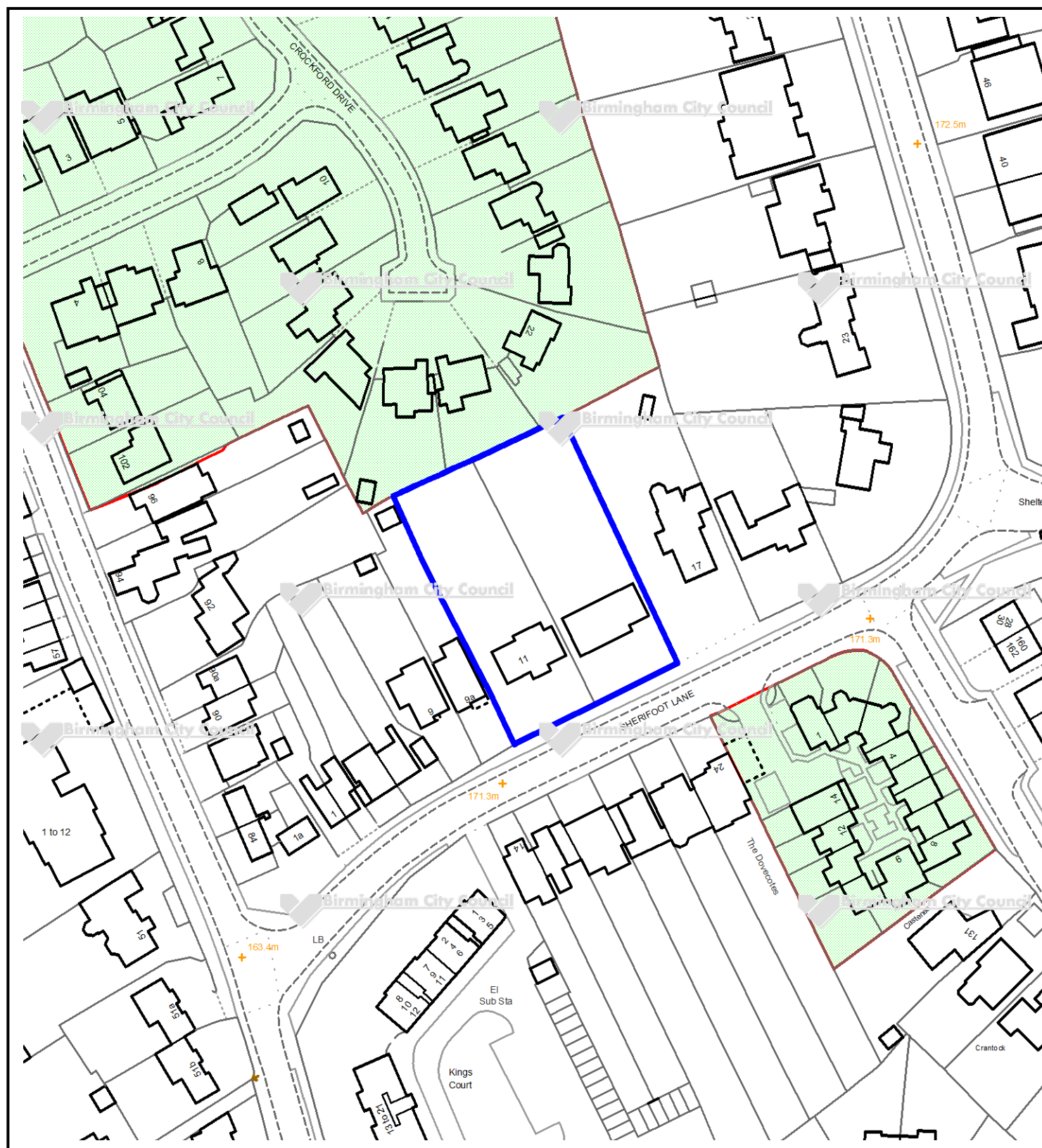


Side (west) elevation of 17 Sherifoot Lane



Bungalows to rear of site at 18 and 20 Crockford Drive

Location Plan



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Birmingham City Council
Planning Committee 16 February 2017

Appeal Decisions Received from the Planning Inspectorate in January 2017

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Enforcement	27 Hallowell Road, Edgbaston	Erection of single storey rear extension and rear single storey detached structure. 2015/0009/ENF	Allowed (see note 1 attached)	Enf	Written Representations
Enforcement	1 Knowle Road, Sparkhill	Without planning permission, the construction of a dormer enlargement to the roof of premises. 2015/0222/ENF	Dismissed	Enf	Written Representations
Householder	12 Hazeley Close, Harborne	Erection of single storey rear extension, increase in roof height and installation of dormer window to rear, alterations to porch roof and erection of detached outbuilding to rear. 2016/03792/PA	Part Allowed (see note 2 attached)	Delegated	Written Representations
Householder	2 North Gate, Harborne	Erection of single storey side and single storey rear extensions. 2016/06683/PA	Allowed (see note 3 attached)	Delegated	Written Representations
Advertisement	1 Swallow Street, City	Display of 1 non-illuminated PVC banner. 2016/05755/PA	Dismissed	Delegated	Written Representations
A3/A5	640 Bristol Road, Selly Oak	Prior Approval for change of use from Retail (Use Class A1) to Cafe (Use Class A3) 2016/01084/PA	Dismissed	Delegated	Written Representations
Retail	8-6 High Street, Erdington	Demolition of existing buildings and erection of a three storey mixed use building comprising three retail stores and twenty six apartments with associated parking and landscaping. 2015/03504/PA	Dismissed (see note 4 attached)	Committee	Written Representations

Total - 7 Decisions: 4 Dismissed (57%), 2 Allowed, 1 Part Allowed

**Birmingham City Council
Planning Committee 16 February 2017**

Appeal Decisions Received from the Planning Inspectorate in January 2017

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
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Cumulative total from 1 April 2016 - 82 Decisions: 55 Dismissed (67%), 24 Allowed, 3 Part Allowed

Notes relating to appeal decisions received in January 2017

Note 1 (27 Hallewell Road)

Enforcement Notice issued because: 1) The single storey rear extension does not comply with the 45 Degree Code for House Extensions and leads to a loss of outlook and light to No.29 Hallewell Road. 2) The design of the single storey rear extension is out of keeping with the design, character and appearance of the existing house. 3) The size of the single storey rear extension is out of scale with the existing house and dominates its appearance. 4) The Local Planning Authority does not consider that this single storey rear detached structure is required for an incidental purpose and/or that its size is greater than could be reasonably required for an incidental purpose.

Appeal allowed because: 1) The Inspector considered that the impact of the single-storey rear extension is acceptable and does not have a materially harmful effect on neighbours' living conditions.

2) The Inspector considered that precise evidence has been provided to show that the outbuilding is genuinely and reasonably required and is on a scale that is incidental to the enjoyment of the dwelling house.

The Appellant's application for costs was refused.

Note 2 (12 Hazeley Close)

Application refused because: 1) The design of the proposed extension would be out of keeping with the design, character and appearance of the existing house. 2) The size of the proposed extension would be out of scale with the existing house and would dominate its appearance/the street scene. 3) The erection of the proposed detached outbuilding, by reason of its scale and form would be out of context with the surrounding properties and would be unduly dominant.

Appeal allowed insofar as it relates to the erection of a single-storey rear extension and alterations to the front porch because the Inspector agreed with the Council that those elements of the appeal scheme are acceptable.

Appeal dismissed insofar as it relates to the erection of a rear dormer, a detached rear outbuilding and an increase of roof height.

Note 3 (2 North Gate)

Application refused because the site is within the Moor Pool Conservation Area and the proposed development would have a detrimental impact upon the architectural appearance of the dwelling and be incompatible with the character and appearance of that area.

Appeal allowed because the Inspector considered that the new extensions would complement the architectural style of the existing dwelling with appropriate fenestration that would respect the composition of the house. The sense of openness and the verdant quality in the street scene would be retained and the character and appearance of the Conservation Area would be preserved.

Note 4 (8-6 High Street)

The appellant's application for costs was refused.