

Birmingham City Council

Planning Committee

7 December 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>
Refuse	8	2017/06255/PA Land fronting Lower Loveday Street, Summer Lane and Hanley Street City Centre Birmingham B19 Demolition of existing buildings and redevelopment of site to provide a 3 - 6 storey development of 148 apartments with 118 sqm of commercial space for A1, A2, A3 or B1 use with basement parking and landscaped courtyard

Committee Date: 07/12/2017 Application Number: 2017/06255/PA
 Accepted: 20/07/2017 Application Type: Full Planning
 Target Date: 19/10/2017
 Ward: Aston

Land fronting Lower Loveday Street, Summer Lane and Hanley Street, City Centre, Birmingham, B19

Demolition of existing buildings and redevelopment of site to provide a 3 - 6 storey development of 148 apartments with 118 sqm of commercial space for A1, A2, A3 or B1 use with basement parking and landscaped courtyard

Applicant: Xian Developments Ltd
 c/o Agent
 Agent: Acanthus WSM Architects
 Studio 11, 2 King Charles Street, Leeds, LS1 6LS

Recommendation

Refuse

1. Proposal

1.1 Planning permission is sought for the redevelopment of the application site with a scheme of apartments providing 148 one, two and three bed units with associated communal facilities. A ground floor commercial unit of 118 square metres for A1, A2, A3 or B1 use is also proposed. Most of the site has previously been cleared but on the Summer Lane frontage are two commercial buildings one of which is vacant and last used for the storage of car parts and the other occupied by an ironmongers/hardware store. Both existing buildings would be demolished.

1.2 The development would be an apartment scheme comprising of the following mix:-

Accommodation Type	Number	Size in square metres	No. of Persons
One bed one person apartments	36	42 - 47	1
One bed two person and duplex apartments	21	50.3 – 57.5	2
Two bed apartments	85	62.5 – 65.5	3
Three bed apartments	6	90.6 – 92.7	5
Total	148		

- 1.3 The proposed communal facilities for residents include a reception/management suite, laundry, gym and working space/media room. These are located predominantly on the Summer Lane frontage and on the junctions with Hanley Street and Lower Loveday Street to provide active ground floor uses. At basement level a car park of 21 spaces (14% provision), racks for 130 cycles and a bike maintenance room would be provided together with a resident's storage area and refuse facility. Shared external amenity space is proposed in the form of a landscaped courtyard at ground floor level and roof terraces on the fourth and fifth floors which would also accommodate two resident's multi-function rooms. A separate commercial unit would be located on the Lower Loveday Street/Summer Lane junction set back from the pavement edge to allow an external seating area to be provided in the event the unit is used as a café or restaurant.
- 1.4 The layout for the development proposes an a U-shaped building which would be located at the back edge of the pavement along the three sites frontages to Hanley Street, Summer Lane and Lower Loveday Street. The building massing would range from three to six storeys with the tallest 6 storey elements being at the higher western end of the site adjacent to Summer Lane. Building heights would then reduce to mainly 5 storeys to Hanley Street and 4 storeys on the Lower Loveday Street frontage with a small section dropping down to 3 storeys adjacent to the locally listed building at 29-31 Lower Loveday Street. The difference in height also reflects the variation in levels as the Hanley Street frontage is about a storey lower than the Lower Loveday Street frontage.
- 1.5 Vehicular access to the development and basement car park and cycle store would be Hanley Street. A further vehicular access for occasional use such as deliveries, emergency vehicles and maintenance is proposed into the central courtyard area from Lower Loveday Street. The main entrance for pedestrians would be from the Summer Lane frontage where the main reception area would be located.
- 1.6 The building would be constructed predominantly of red multi brickwork but with elements of blue brick at ground floor level and within the courtyard elevations. Other elements included to add interest are deep brick reveals, balconies, brick piers and projecting patterns within the brickwork. At the prominent junctions on Summer Lane the building has been curved and windows arranged in a more random pattern to create a contrast between the fenestration on the other two frontages. On the Hanley Street frontage a partial basement would be provided up to 3.5 metres above street level and would have openings with fixed glazing to provide light and activity to the street. The courtyard elevations would be simpler but include projecting bays of grey anodised aluminium rain screen cladding and balconies overlooking the central amenity space.
- 1.7 A sustainability appraisal has been submitted with the application which includes an overview of the proposed sustainable design features for the scheme which includes high performance building fabric, energy efficient lighting, measures to reduce energy demand, water saving sanitary fittings and appliances and provision of biodiversity enhancement measures including green roofs.
- 1.8 The application is supported by a Planning, Design and Access Statement, Transport Statement, Ecological Report, Site Investigation Report, Archaeological and Heritage Statement, Flood Risk Assessment and Drainage Strategy, Noise Impact Assessment, Air Quality Assessment, Viability Appraisal and Sustainability Statement.
- 1.9 [Link to Documents](#)

2. Site & Surroundings

- 2.1 The application site covers approximately 0.43ha and occupies a corner plot at the junctions of Hanley Street to the north, Lower Loveday Street to the south and Summer Lane to the west. The majority of the site has been cleared and is partly being used as surface car parking. At the western end of the site fronting Summer Lane are two commercial buildings, 2 storeys high and constructed in brick with stone detailing and flat roofs. One of the building is vacant and boarded up whilst the other is occupied by an ironmongers and hardware store.
- 2.2 There is a difference in levels of about 4 metres across the site with the Lower Loveday street frontage being about a storey higher than the Hanley Street frontage. The difference in height is marked by a high brick and concrete retaining wall topped with a palisade fence. The site frontages are also enclosed with security fencing and a length of brick walling. A major sewer runs diagonally across the site from the south-west corner to the north-east corner.
- 2.3 Development in the surrounding area is predominantly of commercial character. To the north and east along Hanley Street are modern 20th Century workshops and business premises as well as several car parks, a petrol filling station and garage with a car repairs workshop. On the opposite side of Summer Lane is another car repair garage including a filling station, car wash and shop and a former 2 storey public house which is locally listed and now used as an education centre. On Lower Loveday Street opposite the site, is a three storey office building and brick boundary wall which are also locally listed as well as a recently built development of student accommodation scheme known as Canalside which has a heights of five and six storeys. Abutting the east boundary and fronting Lower Loveday Street is a two storey traditional workshop building which is also locally listed and occupied by an architectural ironmongery company.

2.4 [Site Location](#)

3. Planning History

- 3.1 21/7/17 -2017/03679/PA - Outline application withdrawn for the demolition of existing buildings and the erection of a 6 - 8 storey development to provide 200-250 apartments with approx. 500m2 of commercial space for A1, A2, A3 and B1 use with ancillary basement parking/storage facilities and landscaped courtyard.
- 3.2 1/9/11 - 2011/04919/PA – Determination made that no prior approval is required for prior demolition of 25 Summer Lane and Pace House, Hanley Street.
- 3.3. 30/4/08 - 2007/05509/PA – Planning permission granted for demolition of building & replacement with two buildings for student accommodation consisting of 311 bed spaces, 517sqm of retail floor space and new vehicle access from Hanley Street.

4. Consultation/PP Responses

- 4.1. Transportation - No objection subject to conditions to require a package of highway measures to include reinstatement of redundant footway crossings, alterations to existing crossings for the site access and details of treatment to prevent vehicles using the footway/forecourt areas on the Summer Lane frontage. Also requests conditions to ensure that the car and cycle parking areas are provided prior to

occupation. Comment that given the low level of car parking could Section 106 contributions be provided towards car-club provision.

- 4.2 Regulatory Services – Recommend refusal of the application on the grounds that the development would introduce residential development close to the nearby industrial premises and create a very serious statutory nuisance scenario, as it would introduce a sensitive receptor in an unacceptably high noise climate.
- 4.3 Local Services – No objections but as the application is for over 20 dwellings it would in generate an off-site POS contribution of £318,500. This would be spent on provision, improvement and/or biodiversity enhancement of public open space in the vicinity and Warstone Lane and Key Hill Cemeteries within the neighbouring Ladywood Ward.
- 4.4 Lead Local Flood Authority – Originally recommend refusal but following the receipt of additional information they now raise no objection subject to conditions to allow the application to progress to the next stages of design.
- 4.5 Education - Comments that the development would impact on the provision of places at local schools and requests Section 106 financial contributions £7,899.75 towards provision of Nursery places, £203,235.52 towards Primary school places and £218,741.30 towards Secondary School places.
- 4.6 Severn Trent Water – No objection subject to conditions but advise that a public sewer crosses the site which has statutory protection and may not be built close to, directly over or be diverted without their consent. The applicant has provided a further letter from Severn Trent Water confirming that they will accept a build over agreement to allow development over the sewer subject to the detailed foundation design.
- 4.7 West Midlands Police – No objections but have the following comments:-
- The work to provide the apartments should be undertaken to the standards laid out in the Secured by Design 'Homes 2016' guide.
 - A lighting plan for the site should be produced.
 - The commercial units should have intruder alarms and CCTV coverage which should also extend to all exits, any publically accessible areas and the communal areas.
 - Requests measures to secure the cycle /vehicle entrance to the undercroft parking areas and pedestrian entrances are provided.
 - Suggests a reception and management office is provided with suitable staffing levels and hours of duty.
- 4.8 West Midlands Fire Service – Comment that there does not appear to be access for a pump appliance to within 45 metres of all points within each dwelling and that vehicle access will be required within 18 metres of dry riser inlets which should be able to support 15 tonnes and have a minimum width of 3.1 metres and clear height of 4.1 metres. A fire strategy document has since been provided by the applicant to address the issues raised.
- 4.9 Ward Councillors, MP, residents associations, local residents and businesses notified of the application and site/press notices displayed. Several letter have been received from a nearby engineering company which states that they have serious concerns about the effect this development could have on the business, which has been established for over 50 years and employs over 100 people. The concerns are

that that if complaints are received regarding noise or vibration from the business any remedial action would be very difficult and the cost prohibitive for the company and could make the plant uneconomic to run and led to job losses. The detailed objections are on the following grounds:

- The proposed residential uses are totally incompatible with industrial processes operating opposite the site which includes heavy industrial presses and plant which manufactures parts for the automotive sector including Jaguar Land Rover (JLR).
- The business is a long established presswork company which uses heavy presses and numerous other machinery and plant. Presses are constantly cycling between 300 and 2000 strokes per hour emitting a bang or blow each cycle.
- They have permission to operate 24 hours a day 7 days a week which could be necessary to maintain supplies to JLR.
- Noise emanates from plant, from vehicles and from deliveries and despatches from their site entrance and service yard which is also used for tipping metals..
- The nature of press work can also produce vibrations emanating from the building
- The noise survey submitted with the application is inadequate as it did not take place when the company was working over 24 hours or at its worst scenario. It does not mention the activities being undertaken by the company, the potential adverse impacts of the heavy press cyclic noise and vibration, noise impact when resident's windows are open or give consideration to the impact of noise on outdoor amenity areas and balconies.

- 4.10 Following the receipt of this objection a further noise assessment has been undertaken which took further noise level measurements. It confirms that the operations from the nearby business premises would have the potential to give rise to a "severe adverse impact" at the proposed development and recommends a scheme of noise mitigation measures and that the external façade is designed to have sufficient sound reductions such as an appropriate brick cavity wall system.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, Birmingham Unitary Development Plan (saved polices), BIG City Plan, NPPF, Places for Living SPG, Loss of Industrial Land to Alternative Uses SPD, Places for All SPG, Places for Living SPG, Car Parking Guidelines SPD, Public Open Space in new Residential Development SPD and Affordable Housing SPG.

6. Planning Considerations

6.1. **Policy**

- 6.2 The application site lies within the Gun Quarter which forms part of the City Centre as set out in Policy GA1 of the Birmingham Development Plan. Policy GA1.1 states that the city centre will be the focus for retail, office, residential and leisure activity and new development should aim to improve the overall mix of uses. The city centre is formed of 7 quarters with the core at its heart and policy GA1.3 states that within each quarter there will be varying degrees of change which relate to the objectives of delivering growth whilst supporting the distinctive characteristics of each area. For the Gun Quarter the aim is to maintain the areas important employment role and industrial activity complemented by a mix of uses around the canal and improved connections to neighbouring areas. Policy TP28 regarding the

location of new housing states that it should not be in conflict with other BDP policies in particular those for protecting core employment areas.

- 6.3 Although most of the site is now been cleared and is partly used for car parking it was previously used as a waste treatment facility which would be classed as an industrial purposes and therefore Policy TP20 of the BDP relating to the protection of Employment Land is relevant. It states that employment land and premises will be protected where they contribute to the portfolio of employment land and are needed to meet the longer term employment land requirements. It continues that outside Core Employment Areas there may be occasions where employment land has become obsolete and can no longer make a contribution towards the portfolio of employment land. In such cases change of use proposals from employment land to other uses will be permitted where it can be demonstrated that either the site is considered a non-conforming use or is no longer attractive for employment development having been actively marketed, normally for a minimum of two years.
- 6.4 More guidance regarding the loss of employment land is set out in the “Loss of Industrial Land to Alternative Uses” SPD 2006 which sets out the information required to justify the loss of industrial land but also states that within the City Centre it is recognised that a more flexible approach towards change of use from industrial to residential is required to support regeneration initiatives. Proposals involving the loss of industrial land will be supported, but only where they lie in areas which have been identified in other approved planning policy documents as having potential for alternative uses.
- 6.5 **Principle**
- 6.6 Most of the application site has not been used for employment purposes for many years and it is understood that between 1979 and 2000 the main use was as a waste treatment facility. At the time the previous application 2007/05509/PA for student accommodation was considered at committee in November 2007 the site was predominantly derelict and with regard to the loss of employment land the reported stated that:-
- “The site is currently identified as employment land albeit predominantly undeveloped land and Policy 4.31 and adopted SPD Loss of employment land apply. However, my Strategic Planners have no objection to this application. They note that the site lies within the Gun Quarter industrial area but also lies in close proximity to the Birmingham and Fazeley Canal. The Canal Corridor Framework has supported the introduction of mixed use schemes along the canal corridor and I consider that this site would contribute to the objectives of the framework. Hanley Street does however form the boundary to where change of use will be supported. Land to the north of Hanley Street forms part of the core Gun Quarter employment area and this area will continue to be protected for employment use. I am therefore satisfied that the principle of the use is acceptable and would make a positive contribution to the mixed use character of the emerging Gun Quarter”.*
- 6.7 The previous planning application for a student accommodation on the site was therefore approved although at that time the site did not include the two small commercial buildings fronting Summer Lane. The report did however state that the “applicant has been encouraged to include this site but he has been unable to secure it”.
- 6.8 Since 2007 further policy guidance has been adopted including the BDP which continues to protect employment land with similar policies as those in the UDP. The

requirement to market industrial sites dates from 2006 and was therefore in place at the time the previous application was considered as set out in the Loss of Industrial Land SPD which is still applicable. At that time, it was considered that a marketing exercise was not required as the SPD allows exceptions to be made in circumstances where a change of use from industrial to residential supports wider regeneration initiatives as set out above. Since then the Big City Plan has set out a role for the Gun Quarter which is to support employment activities but also to create opportunities to enhance its appeal as a place to live and relax particularly utilising assets such as the canal corridor to deliver mixed and a vibrant range of activities. The BDP also confirms the employment role of the Gun Quarter but also states this will be complemented by a mix of uses around the canal.

- 6.9 As the site was previously considered to be suitable for residential accommodation and planning policies still support this, its use for housing would be acceptable in principle subject to consideration of other material issues. The development would provide an opportunity to regenerate this underused brown field site and add to the mix of uses close to the canal. However to the north of the site on the opposite side of Hanley Street existing businesses fall within the core employment area and policies require that these areas are retained in employment use and protected from alternative forms of development.

6.10 Design

- 6.11 Policy PG3 of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place and safe and attractive environments. Policy TP27 also has similar wording and seeks high design quality and states that new housing is expected to contribute to making sustainable neighbourhoods characterised by a wide choice of housing types and tenures, good accessibility to facilities and options to travel with reduced dependency on the car, to develop a strong sense of place, access to attractive open spaces and be environmentally sustainable.
- 6.12 The previous approved student scheme provided 297 student bed spaces and a ground floor commercial unit in two separate blocks ranging in height from 4-6 storeys located around the route of an existing surface water sewer which crosses the site. The current application is for a more comprehensive development that includes the land fronting Summer Lane and the applicant has also been able to reach agreement with Severn Trent Water that the existing sewer can be built over. This allows buildings to be provided on all three road frontages and for them to be arranged as perimeter blocks around a central private area of amenity space. The difference in levels across the site would also be used to create a basement parking areas and storage facilities.
- 6.13 The development would provide a commercial unit as well as a good range of communal facilities for residents at ground floor level providing activity to the street frontages as well as a mix of uses. Building heights would be predominantly 4 -6 storeys as was previously approved. Although these building heights are generally higher than the traditional buildings in the immediate vicinity it does reflect the height of more recent schemes such as the Canalside student housing scheme which lies on the opposite side of the Lower Loveday frontage and is five and six storeys tall.
- 6.14 The proposed building heights and layout are considered to be appropriate and the design which would use predominantly red brick and include features such as projecting brickwork, deep brick reveals, balconies, brick piers and double height glazing to the commercial together with a range of sustainable design features would

fit in with the local area. The mix of dwelling types and sizes has been amended since the application was originally submitted to remove 26 studio units and provide larger apartments including duplexes. This has reduced the number of units proposed from 160 to 148 and increased the number of two bed apartments from 73 (46%) to 85 (62.5%). The apartments all meet national space standards and although 36 (24%) would only be suitable for single person occupation, the majority are larger. Separation distances between windows across the central courtyard are at least 16 metres which is considered acceptable in this city centre location.

- 6.15 Overall the design of the development, apartment sizes and range of facilities provided are considered to be acceptable and to meet the requirements of BDP policies PG3 and TP27. The issues raised by West Midlands Police relating to lighting of the site, CCTV coverage and security could be addressed by imposition of appropriate conditions.

6.16 Noise

- 6.17 Although the use of the site for housing and the design of the building proposed could be supported, there are strong objections to the development from a local business and from Regulatory Services on the grounds that it would not be appropriate to locate apartments close to nearby industrial premises.

- 6.18 Regulatory Services comment that the calculations made by the applicant's noise consultant show serious breaches of statutory nuisance levels within the Hanley Street area. The officers own investigations and monitoring also show similar significant adverse impact and severe breaches of statutory nuisance criteria. Both assessments indicate breaches at noise impact levels far in excess of statutory nuisance triggers. The applicant's noise report concludes that significant mitigation is necessary, to protect residential units from excessive noise and suggests this be achieved with the use of specialist acoustic glazing and a forced ventilation system. Whilst Regulatory Services note the noise mitigation measures proposed the proposals rely on closing windows and the use of mechanical ventilation (except during 'emergency' purge ventilation scenarios) which does not comply with their guidance notes on Noise & Vibration. This states that the use of closed windows and alternative ventilation to mitigate noise from industrial and commercial uses will not normally be supported and this stance has also been upheld by Planning Inspectors in 2 recent Birmingham planning appeals. They cannot see how the façade on to Hanley Street could be redesigned to combat a current statutory nuisance levels and refusal is recommended.

- 6.19 Although planning permission was granted in 2008 for student accommodation on the site it is understood that the current owner only acquired the nearby engineering business 3 years ago. Although they were based in Walsall they required additional capacity in order to be a first tier supplier to JLR who require them to demonstrate that they have sufficient capacity to provide parts 24hrs per day seven days a week over the next ten years as any serious delay in supply could stop the whole of production at JLR. They advise that their plant and equipment is large in size and very costly to move which rules out any economic relocation to another site.

- 6.20 The land to the north of the application site including that on the opposite side of Hanley Street all falls within an allocated Core Employment Area. Policy TP19 of the BDP requires that Core Employment Areas will be retained in employment use and will be the focus of economic regeneration activities during the plan period. The uses considered to be appropriate to these areas are those falling within use classes B1b, B1c, B2 and B8 or uses appropriate for industrial areas such as waste management.

Residential development would not be acceptable unless an exceptional justification exists and nearby business are therefore likely to remain.

- 6.21 It is sometimes possible for industrial uses to coexist with residential development but in this case the nearby business premises generates noise impact levels far in excess of statutory nuisance triggers. In these circumstances it is not considered appropriate to locate residential development close by as it could threaten the survival of an existing well established business that needs to be able to operate 24 hours a day 7 days a week. Although the applicant is proposing to install specialist acoustic glazing and a forced ventilation system this would generally rely on residents keeping their windows closed which would not provide satisfactory sustainable living accommodation. This view has recently been upheld in a June 2017 appeal decision in connection with application 2016/02336/PA which proposed conversion of an existing building to 4 apartments at 206-212 Windsor Street, Nechells. The inspector concluded that the high noise levels would result in unacceptable harm to the health and quality of life of future occupants and that although mitigation was proposed he considered it would be unreasonable if future occupiers were unable to open windows to naturally ventilate their properties in order to maintain a reasonable noise environment.
- 6.22 This application proposes a number of apartments on all floors which have their only overlook onto Hanley Street and are therefore likely to be subjected to high levels of noise and disturbance. There are also roof gardens proposed on this frontage which will also not be protected from noise. Overall the development of this site for residential uses cannot be supported and it is not considered that the proposals could not be satisfactorily re- designed to address these issues.
- 6.23 **Other matters**
- 6.24 The development would provide 21 car parking spaces (14%) and 140 cycle spaces with access from the eastern end of Hanley Street. Transportation comment that the supporting Transport Assessment notes the existing car park use would generate more peak hour movements than the proposed use raise no objection to the level of car parking provision but ask whether any Section 106 contribution can be made towards car club provision. They note the site is within walking distance of significant employment areas and facilities within the City Centre and that it is also well served by multiple public transport options. There are also a number of on and off street parking options available for residents in the vicinity of the site including free parking on some street and on nearby streets between 18.00 and 08.00 hours. It is considered that the car and cycle parking provision would be acceptable.
- 6.25 Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets and applications for development affecting the significance of a designated or non-designated heritage asset will need to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or enhancing its significance and setting.
- 6.26 The application involves the demolition of two existing buildings neither of which are listed or locally listed or within a Conservation Area. The Conservation Officer raises no objection to the demolition of either building although he comments that the proposal seeks the loss of a good mid- 20th century building which is regrettable. He does however have concerns regarding the three storey scale of the proposed building where it is adjacent to the two-storey locally listed building at 29-31 Lower Loveday Street. The application has been amended so that glazed balustrading originally proposed on the roof has been removed and the design simplified so that it

does not compete with the two storey locally listed building. In addition the student scheme previously approved proposed a four storey building in this location so it is not considered that an objection can be raised to the development on these grounds.

- 6.27 The heritage statement submitted also includes an assessment of the impact of the application proposals on nearby locally listed buildings and concludes that no harm would be caused to the heritage significance of these assets as a result of changes to their settings. The Conservation Officer has raised no objection to the impact of the development on these three locally listed buildings.

6.28 Section 106/CIL

- 6.29 The site does not lie within an area where CIL is payable but as the application is for 148 dwellings policy TP31 of the BDP seeks 35% affordable housing to be provided and policy TP9 requires on site public open space or off site contributions. No on site affordable housing or public open space is proposed but the applicants have offered £370,000 towards off site provision (for both affordable housing and public open space) which has been independently assessed and agreed. However as the application is recommended for refusal the lack of any Section 106 Agreement to secure the off-site contributions is recommended as a further reason for refusal.

7.0 Conclusion

- 7.1 The principle of erecting a scheme of 3-6 storey apartments on the application site could be acceptable however the plot lies adjacent to a core employment area where a nearby engineering works has a high noise impact in excess of statutory nuisance triggers. The introduce of a residential use into a high noise climate would result in unacceptable harm to the health and quality of life of future occupants and although mitigation is proposed it would be unreasonable if future occupiers were unable to open windows to naturally ventilate their properties. In addition the high local noise climate is likely to result in complaints from future residents which could lead to restrictions being placed on the operation of adjoining industrial premises and ultimately to the loss of employment activities. Refusal is therefore recommended.

8. Recommendation

- 8.1 Refuse for the following reasons:-

Reasons for Refusal

-
- | | |
|---|---|
| 1 | The proposed development of this site for residential purposes would lead to harm to the health and quality of life for future occupiers, by reason of noise and general disturbance from the nearby industrial uses and through the use of noise mitigation measures which rely on closed windows and mechanical ventilation. As such the proposal would be contrary to Policies TP2 and TP37 of the Birmingham Development Plan and the National Planning Policy Framework. |
| 2 | The proposed development would introduce a noise sensitive use on a site adjacent to a core employment area with a high noise climate in excess of statutory nuisance triggers. The proposed development would be likely to give rise to complaints about noise and disturbance leading to restrictions being placed on the operation of adjacent industrial premises and the resultant loss of employment activities. The proposal would therefore be contrary to Policies TP17 and TP19 of the Birmingham |
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Development Plan and the Loss of Industrial Land to Alternative Uses SPD.

- 3 In the absence of a legal agreement to secure contributions towards affordable housing and public open space the proposal conflicts with Policies TP9 and TP31 of Birmingham Development Plan, the Public Open Space in New Residential Development SPD and the National Planning Policy Framework.
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Case Officer: Lesley Sheldrake

Photo(s)



Figure 1: Site frontage to Lower Loveday Street



Figure 2: Site frontage to Hanley Street

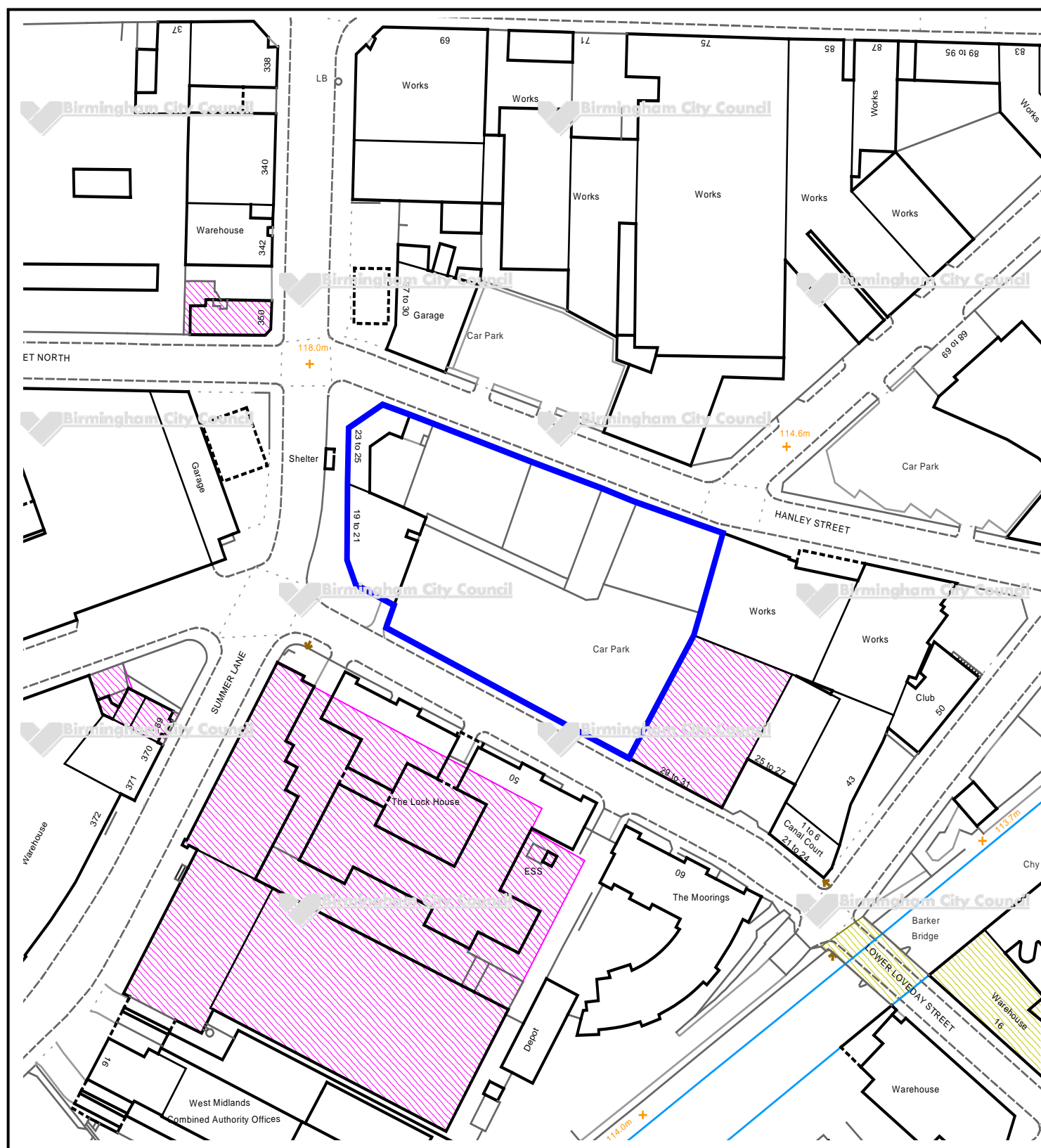


Figure 3: Site frontage to Summer Lane showing buildings to be demolished



Figure 4: Internal view across site

Location Plan



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Birmingham City Council

Planning Committee

7 December 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>
Prior Approval Required - Approve - Conditions	9	2017/06998/PA Limes Residential Home 77-79 Cartland Road Bournville Birmingham B30 2SD Application for prior notification of proposed demolition

Committee Date:	07/12/2017	Application Number:	2017/06998/PA
Accepted:	30/10/2017	Application Type:	Demolition Determination
Target Date:	08/12/2017		
Ward:	Bournville		

Limes Residential Home, 77-79 Cartland Road, Bournville, Birmingham, B30 2SD

Application for prior notification of proposed demolition

Applicant:	First Care Services Ltd 50 Ivyhouse Road, West Heath, Birmingham, B38 8JZ
Agent:	Spector Design 20 Spring Lane, Willenhall, Walsall, WV12 4JH

Recommendation

Prior Approval Required And To Approve With Conditions

1. Proposal

- 1.1. This application is made under the provisions of Part 11 of the Town and Country Planning (General Permitted Development) Order 2015 and seeks a determination as to whether prior approval is required for the method of demolition and site restoration of Nos. 77 and 79 Cartland Road, Bournville
- 1.2. The method of demolition for Nos. 77 and 79 would be 'soft-strip' and incremental demolition, i.e. by person with small-scale machinery, due to working space and proximity to site boundaries and neighbouring uses. All demolition materials would be stored in skips on site and then disposed of at off-site at local waste facilities. The brick built garages located to the rear of the site would be retained.
- 1.3. The applicant has confirmed that the restoration of the site would see the site finished at ground level, with the site maintained for future residential development. Site hoarding and signage would be erected for the duration of demolition works.
- 1.4. Redevelopment of the site is ultimately proposed, however no planning application has yet been submitted.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to the former Limes Residential Home located on Cartland Road, Bournville. The application site includes properties 77-79 (odds) Cartland Road which comprise large Edwardian, semi-detached properties, with hard standing frontages and long rear gardens. No. 75 was also a part of the now-closed care home, but given that it is one half of a pair of semi-detached properties with a different owner adjoining, I understand from the applicant that it is their intention to retain the building and convert it to a dwellinghouse use. A vehicular

access exists to the west of No.79, which leads to a small car parking area located to the rear of the site. Brick built garages are also located to the rear of the site, adjacent to the rear boundaries of Nos. 67, 71 and 73 Cartland Road. The site falls within a Tree Preservation Order of which there are two groups of protected lime trees located close to the rear boundary of the site.

- 2.2. The application site sits within a residential frontage of similar scale and design properties, the majority of which provide single family dwellinghouses. To the rear of the site is a private vehicular access separating the application site from the rear gardens belonging to properties 113-129 Newlands Roads. To the west and east the site is bound by residential properties. Cartland Road bounds the site to the north, with residential uses located beyond this.

[Site Location Map](#)

3. Planning History

- 3.1. Historical, none apparently relevant to this application, apart from a current pre-application enquiry for residential re-development.

4. Consultation/PP Responses

- 4.1. Transportation: No objection subject to condition requiring a Demolition Management Plan
- 4.2. Regulatory Services: No objection subject to a condition requiring a Demolition Management Plan
- 4.3. Requisite site notice displayed, residents associations and Ward Councillors notified. Twelve responses received from local residents and Stirchley Neighbourhood Forum, who have objected on the following grounds:
 - The proposed demolition is for financial gain with no care given to the existing residents of Cartland Road;
 - Properties should be returned to family housing to meet local need, they are a good size and character, they sell well, are in demand, are close to excellent schools, good public transport, and ample space for parking on each frontage.
 - Concern that they are not 'unfit for use'. They were occupied until April, there were no adverse comments from the Inspectors (Care Quality Commission), and one of the houses to the front of the site is being renovated. Concede that the rear extensions could be demolished.
 - Removing the attractive properties will disrupt and negatively impact the appearance of the street, need to consider impact on the landscape and respect the local history.
 - Impact future development would have on already heavily congested Cartland Road, flats will increase parking demand significantly.
 - Potential overlooking and loss of privacy from future development if residential flats are proposed.
 - No indication of replacement buildings
 - The plans misrepresent the rear of the properties as they do not accurately identify that the garages/buildings owned by 75-79 encroach onto the rear of my property. Demolition would leave the rear of my property exposed

causing loss of privacy and open access to the public. This means any redevelopment could potentially encroach into my garden, cause loss of light, and the intensity of development could in fact be over a much larger area than is originally identified.

- Should demolition go ahead, should have as little inconvenience as possible, eg working hours, minimising dust, dealing with asbestos.

4.4. One further comment was received from a local resident regarding a complaint made to Environmental Health.

5. Policy Context

5.1. The following local policies are relevant:

- The Birmingham Development Plan (BDP) 2017
- TPO 1075

5.2. The following national policies are relevant:

- National Planning Policy Framework (NPPF) 2012

6. Planning Considerations

6.1. This application seeks a determination as to whether prior approval is required for the demolition of Nos. 77 and 79 Cartland Road. The issues to be considered with this type of application are solely the method of demolition and means of restoring the site.

6.2. The proposal for this site is consistent with demolition applications approved elsewhere in the City. The method would involve the removal of demolition material from the site to ground level to leave the site in a tidy condition. It would be enclosed with appropriate hoarding and signage to secure the site, pending its future redevelopment. This would ensure that the site has an acceptable appearance taking into account the residential nature of the surrounding area.

6.3. The Applicant has submitted a preliminary roost assessment in support of the application. The City's Ecologist is satisfied that the proposed demolition would not impact on roosting bats or nesting birds subject to a condition ensuring all demolition works are carried out in accordance with the details submitted in the Bat and Bird survey.

6.4. The City's Tree Officer has requested the submission of a tree protection plan as part of any Demolition Management Plan. This is to ensure that the protected lime trees located to the rear of the site would be clear of any direct impact of demolition.

6.5. Regulatory Services and Transportation Development have raised no objection to the proposal subject to the submission of a Demolition Management Plan. Given the site's close proximity to the protected lime trees, neighbouring residential dwellings to the west, east and south and that at this point Cartland Road is a busy main road I consider the request for a Demolition Management Plan is appropriate in this instance to ensure demolition and clearance works do not have a negative impact on the site's surroundings.

6.6. I note the series of objection comments from local residents. However, as the Prior Approval application can only be determined on the matters of method of demolition

and site restoration, most of these neighbour comments cannot carry material weight. Some of the comments refer to future development, there will be an opportunity for local comment on any proposals should any proposals come forward as a formal planning application. There are some concerns about the rear garages and plan accuracy, but I note they are not proposed for demolition as part of the application.

7. Conclusion

- 7.1. The proposed methods of demolition and clearance of the site is acceptable subject to a condition for the submission of a demolition management plan.

8. Recommendation

- 8.1. Prior approval required and approved subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the prior submission of a demolition method statement |
| 2 | All demolition works must be carried out in accordance with the details submitted in the Bat and Bird Survey |
-

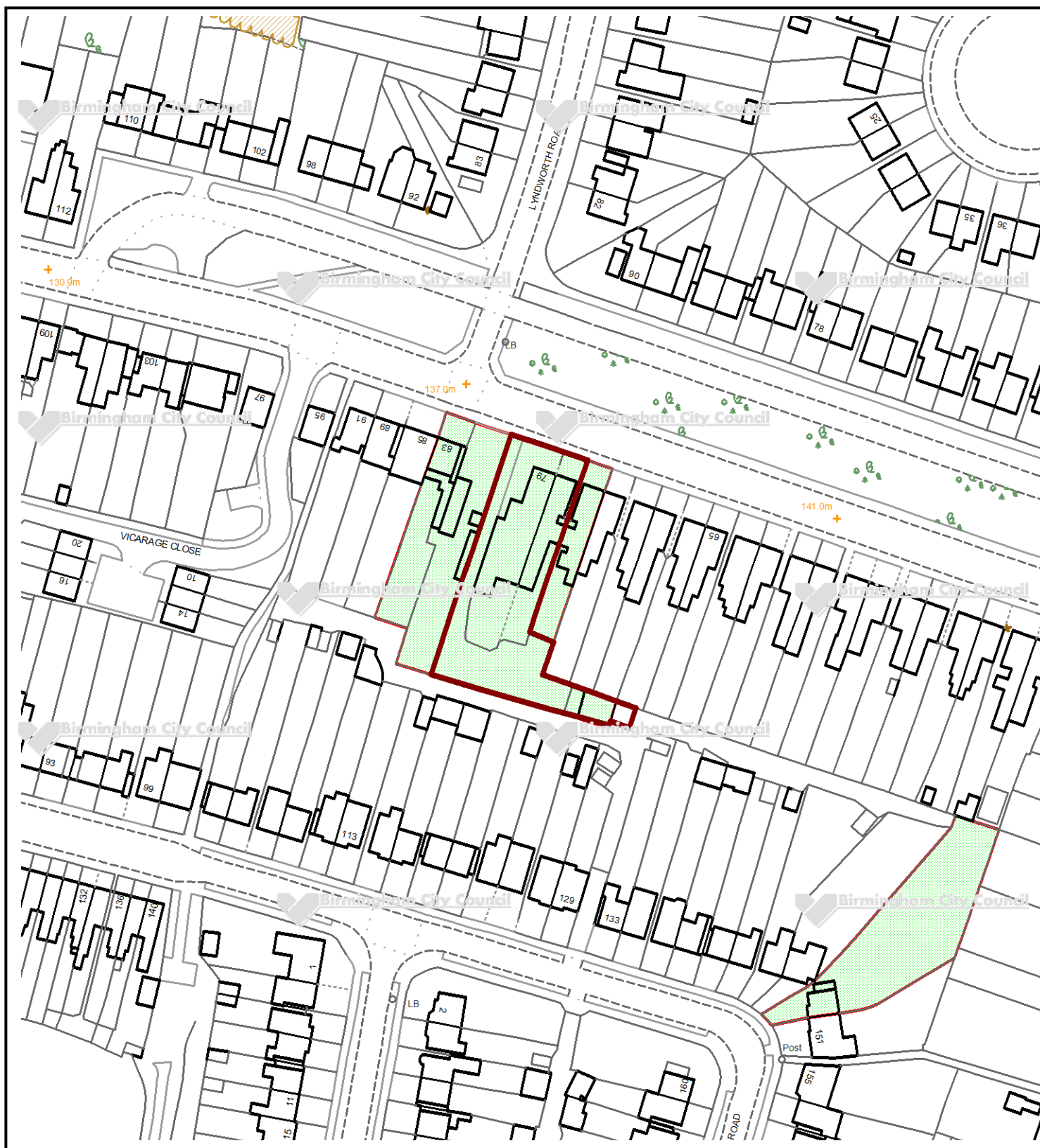
Case Officer: Abbey Edwards

Photo(s)



Photograph 1: Front of application site

Location Plan



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Birmingham City Council

Planning Committee

7 December 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	10	2017/05571/PA 101-103 Birchfield Road Lozells Birmingham B19 1LH Change of use of no. 103 Birchfield Road from residential (Use Class C3) to an education and training centre and madrassah with prayer facilities (Use Class D1) to expand existing facilities at no. 101 Birchfield Road, erection of single storey rear extension to 103 Birchfield Road and variation of condition C8 attached to 2008/03618/PA to increase the capacity of the premises to a maximum of 300 people.
Approve – Conditions	11	2017/03519/PA Land next to 31 Park Lane Minworth Sutton Coldfield Birmingham B76 9BL Erection of 11 dwellinghouses, access and parking
Approve – Conditions	12	2016/10609/PA 220 Birmingham Road Sutton Coldfield Birmingham B72 1DD Change of use from residential dwelling to 5 no. two bedroomed apartments and 1 no. three bedroom apartment, erection of two storey side and rear extensions, alterations to the roof, single storey lower ground floor extension with mono-pitched roof and associated car parking for 7 cars

Approve – Conditions	13	<p>2017/07446/PA</p> <p>68 Hall Road Handsworth Birmingham B20 2BH</p> <p>Change of use from residential dwelling (Use Class C3) to 7 bed HMO (Sui Generis)</p>
Approve – Conditions	14	<p>2017/08740/PA</p> <p>Land Adjacent to 31 Grosvenor Road Handsworth Wood Birmingham B20 3NW</p> <p>Erection of 2 no. dwellinghouses with associated landscaping and parking.</p>
Approve – Conditions	15	<p>2017/08322/PA</p> <p>Handsworth Leisure Centre Holly Road Handsworth Birmingham B20 2BY</p> <p>Erection of a single storey link corridor extension</p>

Committee Date:	07/12/2017	Application Number:	2017/05571/PA
Accepted:	27/07/2017	Application Type:	Full Planning
Target Date:	21/09/2017		
Ward:	Aston		

101-103 Birchfield Road, Lozells, Birmingham, B19 1LH

Change of use of no. 103 Birchfield Road from residential (Use Class C3) to an education and training centre and madrassah with prayer facilities (Use Class D1) to expand existing facilities at no. 101 Birchfield Road, erection of single storey rear extension to 103 Birchfield Road and variation of condition C8 attached to 2008/03618/PA to increase the capacity of the premises to a maximum of 300 people.

Applicant:	Al-Habib Trust 77 Hampton Road, Aston, Birmingham, B6 6AS
Agent:	Archi-itecture Design Studio Ltd. 17 Coleshill Road, Hodge Hill, Birmingham, B36 8DT

Recommendation
Refuse

1. Proposal
 - 1.1. The applicant proposes the change of use of a house (Use Class C3) at 103 Birchfield Road to an education and training centre and madrassah with prayer facilities (Use Class D1) together with the erection of a rear single storey 6 metre deep extension.
 - 1.2. The submitted development would see 103 Birchfield Road incorporated into the existing operational activities at the neighbouring property (101 Birchfield Road) which has permission to operate as a mosque and madrassah (to also include adult language classes). The application seeks to use the premises (101 and 103 Birchfield Road) on a combined basis and would entail the premises accommodating a total of up to 300 people at any one time. The existing approval at 101 Birchfield Road has a capacity limit of 100 persons.
 - 1.3. The submitted drawings show that the combined ground floors of 101 and 103 Birchfield Road would provide a male prayer hall and classroom, a library, store, mingling area, wash areas, disabled WC, boiler area and kitchen. The first floor would provide classrooms, store, childrens ablution area, offices and W.C. The second floor would provide classrooms, an office, female toilets and storage photocopying room.
 - 1.4. The proposed rear extension would measure 6 metres in length and be 3.5 metres high and would be used to accommodate part of the male prayer hall and classroom on the ground floor.

- 1.5. Two car parking spaces are available in the rear yard of the curtilage of the premises. The dividing wall that currently separates that rear yard which serves the existing mosque at 101 Birchfield Road will be retained with the existing rear garden of the house kept as an ancillary rear external area.
- 1.6. The proposed hours of use would be as existing at 101 Birchfield Road with the use of the premises to teach adult education restricted to between 1000 and 2130 hours Mondays to Fridays and the use of the premises as a madrassah/for teaching of supplementary education restricted to between 1000 and 1900 hours and as a mosque only between 0700 and 2230 hours.

1.7. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The application property site is currently occupied by a mosque and madrasah with training facility at 101 Birchfield Road and a vacant house at 103 Birchfield Road. The site is located at the corner of Birchfield Road and Fentham Road. There is a health centre situated across Fentham Road to the south east. The site falls outside the boundary of a local centre.

2.2. [Site location](#)

3. [Planning History](#)

- 3.1. 31.07.2015- 2015/05455/PA- Erection of 6.0 metre deep single storey rear extension. Maximum height 4.0 metres, eaves height 2.7 metres- No prior approval required.
- 3.2. 19.05.2010- 2010/02140/PA- Non-Material amendment attached to Planning Application 2008/03618/PA to allow for the change in position of the external fire escape staircase which will lead to the ground floor at the back of the property as well as a change in design of that staircase to a spiral staircase- approved.
- 3.3. 05.08.2009- 2008/03618/PA- Erection of ground and first floor rear extensions; relocation and extension of rear staircase, blocking up of corner entrance to building, extension to perimeter wall, rebuild of rear gable wall of building, creation of rear parking area, new velux roof lights, replace all windows with UPVC ones and change of use of building to a mosque and madrasah (to also include adult language classes)- approved with conditions. This relates to 101 Birchfield Road (The former Bulls Head PH).

4. [Consultation/PP Responses](#)

- 4.1. Surrounding occupiers, local councillors, local neighbourhood groups and MP notified as well as site and press notices displayed 3 letters of objection received from locals. Their objections can be summarised as follows:-
- parking,
 - issues regarding telephone reception signals
 - loss of privacy to neighbouring homes,
 - loss of light,

- undermine safety of nearby occupiers,
 - will affect house values,
 - noise,
 - people sleep overnight at the site,
 - people travel from a far to the site i.e. from other cities,
 - there are already 6 mosques run as a means of educating the community within surrounding roads,
 - have witnessed many of the local drug dealers attending
 - do not believe there is a need for another education institute.
- 4.2. 15 letters of support received. The comments can be summarised as follows:-
- a positive impact on local youth in the area
 - drastic positive change in the area such as dealing with the issue of drug dealing, loud music, crime and anti social behaviour,
 - free classes for women in English
 - need in the local area for an expansion of services,
 - provides much needed services to the local community, prison imams recommend ex-offenders to visit the mosque so that the imams can engage with them.
- 4.3. A further 3 letters of comment received from local occupiers who state:-
- extending their services in helping a local school
 - provides inspiration and advice to the sick from the mosque which benefits a local and the people they care for.
- 4.4. Transportation Development recommend refusal of the application on the basis that the car parking facilities are inadequate and would lead to additional parking nearby roads to the detriment of pedestrian and highway safety.
- 4.5. Regulatory Services- based on the current level of information, concerns are raised about the potential noise and disturbance impact of the proposed change of use and extension.
- 4.6. West Midlands Police – Express concern over the increase in vehicles and potential to cause congestion within the public highway. If minded to approve they recommend a temporary permission and also make observations on CCTV, lighting and Secured by Design.
5. Policy Context
- 5.1. BDP (2017); UDP (saved policies) 2005, SPD Car Parking Guidelines, 45 Degree Code, SPD Places for Worship, SPG Places for Living and the NPPF.
6. Planning Considerations
- 6.1. The proposed development has been considered in light of the following issues:-
- 6.2. Principle- In respect of identifying appropriate locations for places for worship that meet the need for the target worshippers, adopted SPD Places for Worship sets out in policy 5.25 “Premises should be found that can adequately serve the need. To fully assess the impacts and realistic numbers of worshippers (and resultant car parking needs/noise impacts), a calculation of the total useable floor area should be

undertaken". It then proceeds to set out criteria that would be applied to either 'local' or 'wider' need religious institutions. Therefore, in essence, in order to establish the principle of the acceptability of this use in this location we first have to determine the relative size and scale of the proposed development and its associated impacts in terms of parking and noise and disturbance, matters which are considered below. Due weight will also be given to all other relevant impacts that the development may give rise to.

- 6.3. Parking- Transportation Development recommend refusal of the application on the basis that the car parking facilities are inadequate and would lead to additional parking on nearby roads to the detriment of pedestrian and highway safety. I concur with this view. The total floorspace of 103 Birchfield Road once extended would be 183 sq.m which would be added to the floorspace of the existing mosque and madrasah at 101 Birchfield Road (approx.521 sq.m). This would come to a total of 704 sq.m. Based on the adopted car parking guidelines a development serving local need would need to provide for 1 parking space per 10 sq.m. The applicant has provided details indicating many students and staff live within 500 metres of the site. No evidence has been provided with respect to the where local worshippers are drawn from, though the supporting public participation responses are from people who live in the vicinity and further afield.
- 6.4. On the assumption, that the development will serve a local need the above parking ratio would require the maximum provision of 70 parking spaces. In consideration of this parking requirement, it is acknowledged that many users of the premises would walk to the premises (with a large residential catchment area within walking distance) and that the site is located on Birchfield Road which is well served by public transport which should reduce parking pressure arising from the development. Nevertheless, it must be recognised that the parking ratio for a local need are deliberately set at a lower level than those serving a wider catchment area because of the aforementioned reasons. Therefore, such mitigating circumstances are already factored into parking ratio requirements. Mindful of the target 70 parking spaces, I note that the on-site parking provision on the submitted drawings indicate only 2 car parking spaces which is significantly short of the target parking provision. The consequences of this is considered below. However, the proposal would increase the floorspace of the existing facility by some 180 sq.m which equates to a maximum of 18 spaces.
- 6.5. The site has been visited by the planning case officer and also his commenting Transport officer. Visits were carried out during Friday afternoon, it was witnessed that the road (Fentham Road) adjacent the existing operation is subject to heavy parking. Stewards in high visibility vests were present monitoring the vehicles and people attending the site.
- 6.6. During one of the site visits it was witnessed that approximately 200 people, including children, were observed to be entering the site (which is in breach of the occupancy condition). Only a few cars (approximately 2 to 3) were noticed entering the site through the narrow access that serves the rear yard that also acts as a car parking area. The on street parking demand increased significantly during prayer time. There was no spare capacity available on Fentham Road and other side roads off Fentham Road. Car parking along the site frontage along Birchfield Road was witnessed to be heavy along a long extent of the road during this period. Despite the presence of stewards informing drivers not to park on double red TRO's when they noticed some drivers were attempting to do that, some parking associated with the prayer was witnessed as occurring on double red TRO's.

- 6.7. The existing site operation has also been observed during non Friday afternoon prayer periods, namely when the madrasah use has been operating. During that period 131 children and 14 adults were observed entering the site (again in breach of the occupancy condition associated with the planning approval that is associated with the site). A few vehicles (4 to 5) associated with the madrassah were observed dropping off children during the site visit. On street parking was observed dropping off the children during the site visit. During this period, on street parking was observed to be high on both roads (Birchfield and Fentham Road).
- 6.8. In summary, even if the site operation could be argued to serve only a local need, the overall floorspace of the development would, on the basis of adopted SPD Car Parking Guidelines, require the maximum provision of 70 car parking spaces when in fact it can only provide approximately 2 spaces. I acknowledge the applicant has in place stewards during peak periods to try and reduce any harm that may arise from parking associated with the current activity, however nevertheless it is evident that the existing use generates parking which despite such measures results in illegal and inconsiderate parking to detriment of driver and pedestrians safety. The existing use is limited to occupancy of 100 at a maximum whereas the proposed increase in occupancy would lead up to 300 people attending at any one time. If the proposal was therefore allowed, I consider that proposed development would have an adverse impact on the safety and freeflow of pedestrians and motorists.
- 6.9. Noise and disturbance- Regulatory Services state that based on the current level of information, concerns are raised about the potential noise and disturbance impact of the proposed change of use and extension. I concur with this view.
- 6.10. Though no layout drawings have been provided for the adjacent property at number 105 Birchfield Road, which is a house, from the evidence during the site visit, it is understood that the internal layout of that house reflects that for the application property (number 103 Birchfield Road) that is proposed to be converted. Therefore, this would mean that habitable rooms on all floors of 105 Birchfield Road would abut rooms within the property to be converted. In order to address noise transmission between the two properties, the applicant has indicated that the party wall between number 105 and 103 would have sound proofing insulation applied. Though he has only indicated this to the party wall of the ground floor, I considered such could be applied at all levels of the building, which subject to agreement of the details of the insulation and its implementation and maintenance thereafter should be able to address any concerns about noise transmission between party walls.
- 6.11. Despite the matter of noise between party walls being able to be addressed through noise insulation, it is considered that the overall increase in capacity of the use as already approved at 101 Birchfield Road from 100 people to up to 300 people being accommodated at any one time, would undermine the amenity of nearby occupiers by reason of noise and disturbance primarily emanate from the coming and going of patrons of the premises. Noise sources associated with the development that would be expected to undermine residential amenity would include the coming and going of patrons by foot and car and the gathering of patrons outside and nearby the premises. I consider the overall intensification in the use of the site through an increase in the number of attendees at the premises, which is set in a predominantly residential area, would undermine residential amenity. I do not consider that the site's location adjacent to Birchfield Road, where ambient noise levels are relatively high, would mitigate the adverse impact of noise and disturbance that the proposed development would expose nearby occupiers to. The reasons for this include the fact that noise levels drop along Birchfield Road during evening and early morning periods thereby any masking of noise and disturbance provided by road traffic on

Birchfield Road is reduced during those times. Furthermore, the site sits adjacent Fentham Road cul de sac and in close proximity to Hampton Road, both of which are predominantly residential roads. It is noted that the medical centre across the road from the site on Fentham Road would be closed during evening and early mornings thereby the impact of noise emanating from the patrons of the application site would even more distinct and apparent to those affected.

- 6.12. Finally, the above consideration of the noise and disturbance impact of the proposal needs to be considered in light of the approved hours of use for the existing operation which are between 0700 and 2230 hours which this expanded operation seeks to also utilise. The early and later hours within these times are considered to be the most problematic in terms when locals would be exposed to an unacceptable level of noise and disturbance from the proposed development.
- 6.13. Design- The design and appearance of the proposed rear extension is visually acceptable.
- 6.14. Loss of light/outlook- The proposed rear single storey extension would breach the 45 degree code to the rear ground floor living room window of the neighbouring house at 105 Birchfield Road by approximately 3.9 metres and as a result it would lead to an unacceptable loss of light and outlook to that room.
- 6.15. Loss of family dwelling- Policy TP35 of the adopted BDP seeks to make best use of existing dwelling stock. That policy recognises that the loss of housing to other uses (including through conversion) will only be permitted if there are good planning justifications or an identified social need for the proposed use. I consider that the applicant has identified a community need for the proposed conversion of the house at 103 Birchfield Road and therefore the proposed conversion does not conflict with policy TP35. I also note that the proposed conversion would not undermine the primary residential character of the terrace the application site is situated within.

7. Conclusion

- 7.1. The proposed development would have an adverse impact on the safety and freeflow of pedestrians and motorists; as well as an adverse impact on surrounding occupiers by reason of noise and disturbance and would lead to the loss of light and outlook to the rear ground floor habitable window of number 105 Birchfield Road. This is contrary to relevant policy and guidance and planning permission should be refused.

8. Recommendation

- 8.1. That the application is refused.

Reasons for Refusal

-
- 1 The car parking facilities proposed are inadequate and would lead to additional parking in nearby roads, to the detriment of pedestrian and highway safety. As such it would be contrary to Policies PG3 and TP44 of the Birmingham Development Plan 2017, Places for Worship SPD (2011) and the National Planning Policy Framework.
-

-
- 2 The proposed extension does not comply with the 45 Degree Code and would lead to an unacceptable loss of outlook and light to the rear ground floor habitable room within the rear main facade of number 105 Birchfield Road. As such the proposal would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14C and 8.39-8.43 of the Birmingham UDP 2005 and the National Planning Policy Framework.
 - 3 The proposed development would adversely affect the amenities of occupiers of dwellings/premises in the vicinity by reason of noise and general disturbance. As such the proposal would be contrary to Policy PG3 of the Birmingham Development Plan 2017, Places for Worship SPD (2011) and the National Planning Policy Framework.
-

Case Officer: Wahid Gul

Photo(s)

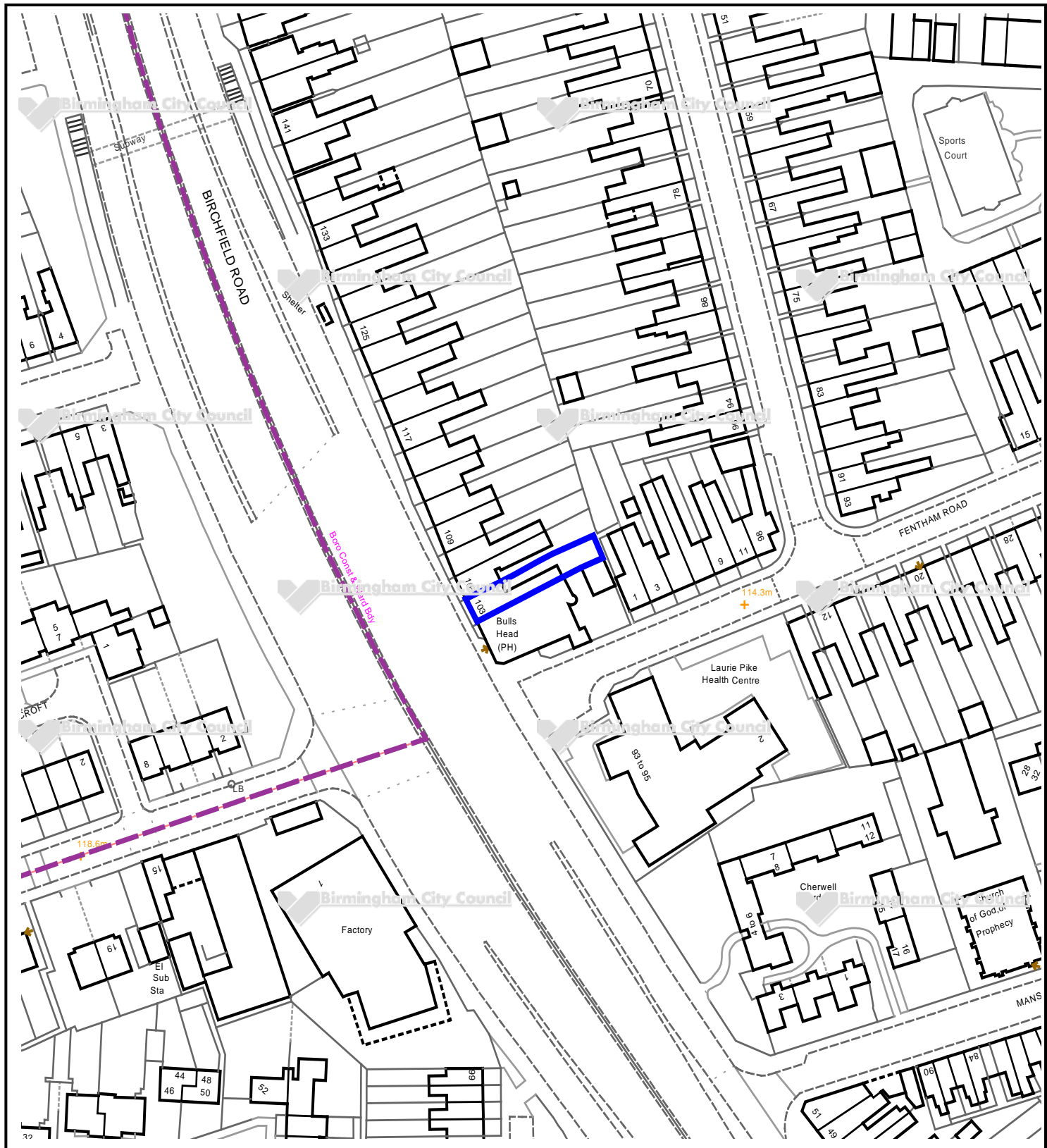


Photo 1 - View of 101 Birchfield Road along Fentham Road cul de sac



Photo 2 - View of parking on Fentham Road near existing operation at 101 Birchfield Road

Location Plan



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Committee Date:	07/12/2017	Application Number:	2017/03519/PA
Accepted:	23/05/2017	Application Type:	Full Planning
Target Date:	22/08/2017		
Ward:	Sutton New Hall		

Land next to 31 Park Lane, Minworth, Sutton Coldfield, Birmingham, B76 9BL,

Erection of 11 dwellinghouses, access and parking

Applicant:	TB01 Ltd 17a Maybrook Road, Minworth, Sutton Coldfield, Birmingham, B76 1AL
Agent:	HG Design Limited Sutton House, 4 Coles Lane, Sutton Coldfield, Birmingham, B72 1NE

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal as amended is for the erection of 11 dwellinghouses (reduced from the originally proposed 14 dwellings), access and parking comprising 5 pairs of semi-detached dwellinghouses and 1 detached dwellinghouse.
- 1.2. Plots 1-3 would be accessed off Park Lane and plots 4-11 would be accessed off a new private access road off Park Lane within the development site. Each dwellinghouse would have 2 car parking spaces with 2 replacement car parking spaces provided for no.31 Park Lane which would also be accessed off the new private access road.
- 1.3. The proposed dwellinghouses would front onto Park Lane and be of traditional design incorporating design features such as projecting double height bays on the front elevations and catslide type roofs.
- 1.4. The semi-detached properties would contain 2 double bedrooms (1 with en-suite) and a single bedroom and the detached property would contain 3 double bedrooms (1 with en-suite) and a single bedroom. House Types A, C and D would contain separate living and kitchen/breakfast areas at ground floor and House Type B would contain open plan living/kitchen/breakfast area at ground floor.
- 1.5. All private amenity areas would exceed 70sq.m.
- 1.6. Site Area 0.47 hectare. Density – 23 dwellings per hectare.
- 1.7. The application is supported by a Design and Access Statement, Transport Statement, Noise Impact Assessment, Tree Survey and Arboricultural Impact Assessment Report, Ecological Impact Assessment and Sustainable Drainage Strategy and Management Plan.

1.8. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises an area of grassed land (0.48 hectares) and 31 Park Lane, Minworth. The grassed land is fenced off and has previously been used as a paddock. It sits behind an area of highway land which is also grassed but lies beyond the fenced area.

2.2. The site is located adjacent to residential properties in Park Lane, Minworth which comprise of pairs of semi-detached properties of uniform appearance and character which were formerly Severn Trent Water workers dwellings. To the rear of the site is an access road to the rear of properties in Park Lane and beyond this is Prologis Park, comprising large B8 Storage and Distribution units.

2.3. [Site Location and Street View](#)

3. Planning History

3.1. None relevant.

4. Consultation/PP Responses

4.1. Transportation Development – No objections subject to conditions relating to the provision of pedestrian and vehicular visibility splays and details of any highway works to be submitted.

4.2. Regulatory Services – No objections subject to conditions requiring a site investigation and verification report and that glazing is installed in accordance with the noise assessment.

4.3. Severn Trent Water – No objections subject to condition requiring drainage details.

4.4. West Midlands Police – No objections, development should be designed to Secure By Design standards.

4.5. Environment Agency – No objections.

4.6. Royal Sutton Coldfield Town Council - Objection as the layout and density of the development is not in keeping with the area (comments in relation to original plans).

4.7. MP, Councillors, Residents Associations and nearby occupiers notified. Site and Press notices posted.

4.8. Councillor David Barrie objected to the original plans on the following grounds;

- One of the accesses is on a bend with a history of accidents, heavy use by HGVs and problems with speeding. Visibility appears poor.
- The development is out of keeping with the surrounding area, design being quite different from local vernacular, water board properties also having much greater areas of green space in each plot.

- Scale is inconsistent with nearby residences. The mature suburb here must be considered medium density, but the development classed of high density.
 - Concerns regarding drainage. Confirmation that the gradient, pipe size and condition of drainage at no 31 are adequate must be obtained. Residents already suffer from sewage flooding out and frequent blocks.
 - We would want confirmation that the rear lane allowing residents access to the back of their properties will not be altered or closed.
- 4.9. Councillor Barrie commented on the amended plans following discussions with local residents; the reduction in scale (from fourteen to eleven houses) and revised design to something more in keeping with the area is welcome. Nevertheless, scale was still too large for the area, and that a further reduction was required and that density should also be reduced.
- 4.10. 12 letters have been received objecting to the original plans on the following grounds;
- Traffic report incorrect, speed limit on Park Lane 20mph not 30mph
 - No traffic flow survey submitted
 - Access on hazardous blind corner where there have been accidents
 - Poplar tree on site already felled
 - Scale and density not appropriate
 - Development out of character
 - Extra traffic and air pollution
 - Increase in traffic
 - Decrease in house values
 - Sewerage system blocks regularly
 - Soakaways could lead to problems with subsidence
 - Impact on local schools and services
 - Land could be used as a play area
 - Additional noise issues during construction
 - Not enough parking
 - Brownfield sites should be considered over this greenfield site
 - Could Park lane be made a cul-de-sac
 - Nuisance from social housing
 - Loss of privacy
- 4.11. 8 further letters have been received in respect of a further consultation on the amended plans with objections on the following grounds;
- Fewer houses would be better
 - Scale and density still too high
 - Still out of character
 - Impact on sewerage system
 - Extra car traffic
 - Main access still on a bend
 - Similar proposal for 8 houses on Water Orton Lane was refused as being over intensive, 6 houses were approved (2017/06759/PA), same density should apply.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, UDP (2005), saved policies, Places for Living SPG, Mature Suburbs SPD, 45 Degree Code, NPPF (2012).
6. Planning Considerations
- 6.1. The main issues are the principle of the development, impact of the development on the character and appearance of the area, impact on the amenities of existing residents and highway impacts.
- 6.2. **Principle** – Policy TP9 of the BDP highlights that planning permission will not normally be granted for development on open space but also gives exceptions which includes where the need of the open space is surplus taking into account the minimum standard of 2ha per 1000 population.
- 6.3. I consider the principle of the proposed residential development of the site is acceptable. The site has previously been used as a private paddock and is not classed as public open space. Although not public open space I can confirm that the site is located in a ward which contains the Newhall Valley Country Park, it is close to Pye Hayes Park and access to Green Belt, all of which are highly accessible, and is in a ward where there is well in excess of the minimum required 2ha of open space per 1000 population. The site is not used by the general public, is under used and has no significant value as open space. I am therefore of the view it can be considered surplus.
- 6.3. The proposal would also provide 11 much needed dwellinghouses in an area where there is a need for this type of property of a more affordable level.
- 6.4. **Character and Appearance** – The proposal has been amended significantly following discussions with officers and the number of dwellinghouses reduced from 14 to 11. I consider the revised proposal now fits in better with the character of the area in terms of density, built form, architectural style and spatial composition.
- 6.5. Park Lane has a very uniform character comprising semi-detached properties originally constructed as workers dwellings for Severn Trent and the area can be considered as a mature suburb. The existing dwellinghouses have similar plot sizes, set-backs from the highway and general scale and appearance. I consider the proposed development of the site would appear as a natural extension to the built form on the south-western side of Park Lane and generally respecting the existing building line and form of development in the area.
- 6.6. The amended layout would include set-backs from the highway, plot sizes and spatial separation between pairs of semi's that is similar to the existing form of development in Park Lane. The architectural style of the proposed dwellinghouses has been improved and would better reflect the "cottage" type appearance of the existing dwellinghouses on Park Lane. The scale of the proposed dwellinghouses would remain slightly larger than the existing due the requirements of modern housebuilding, however, I consider this minor difference in scale to be acceptable.
- 6.7. I consider the amended proposal complies with criteria in Mature Suburbs SPD and would fit in with the character and appearance of the area.
- 6.8. **Residential Amenity** - The proposal would comply with the 45 degree code in relation to the adjoining property at 31 Park Lane. All separation distances comply with minimum guidelines in Places for Living SPG. The proposal would not have an

adverse impact on the amenities of any nearby occupiers.

- 6.9 **Standard of Accommodation for Future Occupiers** – All house types exceed minimum gross internal floor areas for that type of dwelling as outlined in the DCLG's "Technical housing standards – nationally described space standard" and contain either dedicated storage or under the stairs storage and airing cupboards. The floor areas for main double bedrooms in all dwelling types are well in excess of minimum standards although second bedroom and single bedroom sizes generally fall below the minimum by no more than 1 sq.m. I consider the standard of accommodation is acceptable.
- 6.10. All garden sizes exceed 70sq.m, the minimum guideline for dwellinghouses with 3 or more bedrooms as outlined in Places for Living SPG.
- 6.11. **Highways** – The applicants have submitted a Transport Statement and addendum (including traffic count and crash map) in support of the application. Transportation Development have considered the supporting information and raise no objections subject to conditions. Transportation Development acknowledge that the proposal is likely to increase traffic to/from the site, however, they do not consider the increase in traffic would be significant or likely to have a severe impact on surrounding highways.
- 6.12. The inclusion of the private shared surface drive off Park Lane would reduce the number of direct access points of Park Lane and is welcomed. A tracking plan submitted shows how the servicing of the site could be carried out from the proposed shared surface drive and can accommodate larger service vehicles.
- 6.13. The proposal includes 2 parking spaces per residential unit which is in accordance with current parking guidelines which specifies a maximum parking provision of 2 spaces per residential unit. There may be the possibility of some visitor parking on the private shared surface drive.
- 6.14. There is a mistake in the Transport Statement addendum and traffic count which refers to the speed limit being 30mph where the speed limit in this part of Park Lane is 20mph. This error has been noted by an objector, however, Transportation Development comment that although the speed limit is 20 mph, the Transport consultants have done a speed survey and shown the visibility splay in accordance with the observed speed, so it does not invalidate the submitted information.
- 6.15. I raise no objections on highway safety and parking grounds.
- 6.16. **Environmental** – In relation to potential contamination, Regulatory Services have recommended conditions requiring a site investigation to be submitted prior to commencement of development and a verification report submitted prior to occupation.
- 6.17. The applicants have submitted a Noise Assessment in support of the application taking into account nearby B8 uses on Prologis Park and Park Lane. The assessment demonstrates that no significant noise emanating from any nearby uses would adversely impact on potential future occupiers and that mitigation in the form of suitable glazing would be sufficient to secure a suitable noise climate for these occupiers.
- 6.18. **Trees and Ecology** – An Ecological Assessment has been submitted in support of the application and concludes that the site comprising of semi-improved grassland

has low ecological value with no structures that could be used for roosting bats. The assessment suggests a range of options for habitat creation including new tree, shrub and hedgerow planting with plants to attract butterflies and moths. The Planning Ecologist raises no objections subject to conditions requiring further details of ecological enhancements and that the site is cleared in accordance with recommendations in the ecological report.

- 6.19. The tree survey submitted with the application confirms only 1 street tree would be Impacted by the proposal but retained. The Tree Officer has raised no objections subject to a condition detailing works to be carried out to the tree.
- 6.20. **Drainage** – A Sustainable Urban Drainage Assessment has been submitted in support of the application. The Local Lead Flood Authority considers further information is required which can be secured by an appropriate condition which is recommended. Severn Trent Water raise no objection subject to a condition requiring the submission of detailed drainage plans.
- 6.21. **CIL (Community Infrastructure Levy)** - The proposal is CIL liable. Total new gross internal floorspace would be 1,148sq.m with a CIL charge of £79,212.
- 6.22. **Other Issues** – Objectors have referred to a recent approval for 6 dwellings (2017/06759/PA) with a lower density. Whilst all application should be considered on their own merits, I note the density on the approved scheme was 29 dwellings per hectare compared to a density on this scheme of 23 dwellings per hectare.

7. Conclusion

- 7.1. I consider the proposal which has been amended significantly from the original submission is acceptable in principle with the benefits of new housing outweighing an underused piece of open space of limited value. The design of the proposed dwelling houses is acceptable and the proposal would fit in with the character of the area. The proposal would not lead to any detrimental highway impacts or adverse impacts on the amenities of existing residents in the area.
- 7.2. The proposal is in accordance with relevant local and national planning policies and is acceptable in this location.

8. Recommendation

- 8.1. Approve Subject to Conditions.

-
- 1 Requires the prior submission of a contamination remediation scheme
 - 2 Requires the prior submission of a contaminated land verification report
 - 3 Glazing to be in accordance with specifications included in the submitted Noise Assessment
 - 4 Requires the prior submission of a drainage scheme
 - 5 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable
-

Drainage Operation and Maintenance Plan

- 6 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 7 Development and site clearance to be carried out in accordance with Ecological report
 - 8 Requires the prior submission of hard and/or soft landscape details
 - 9 Requires the prior submission of hard surfacing materials
 - 10 Requires the prior submission of sample materials
 - 11 Requires the prior submission of a construction method statement/management plan
 - 12 Requires the prior submission of level details
 - 13 Requires the prior submission of details of refuse storage
 - 14 Requires vehicular visibility splays to be provided
 - 15 Requires pedestrian visibility splays to be provided
 - 16 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 17 Arboricultural Method Statement - Submission Required
 - 18 Requires the scheme to be in accordance with the listed approved plans
 - 19 Implement within 3 years (Full)
-

Case Officer: John Davies

Photo(s)

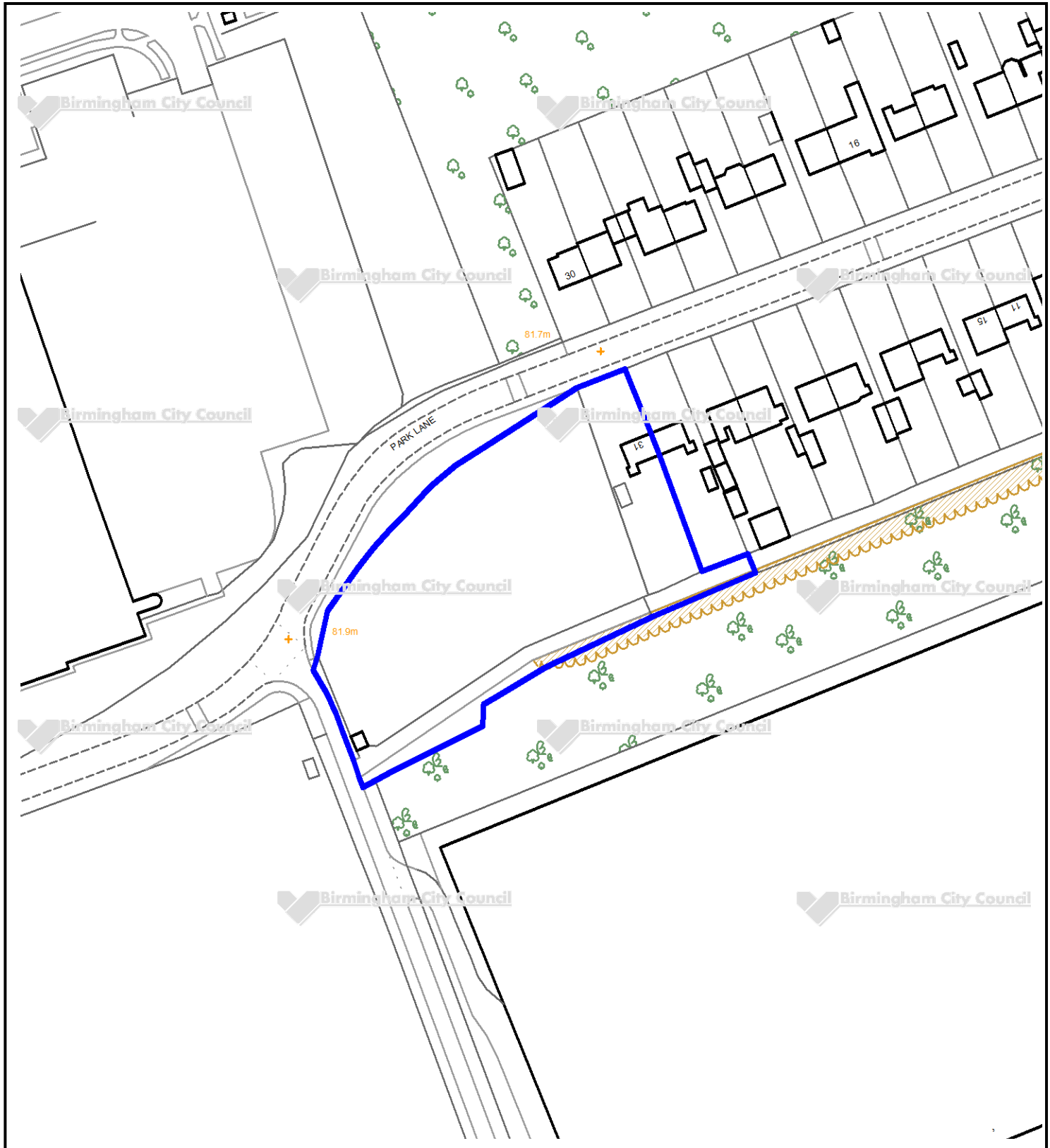


Figure 1 – View of site



Figure 2 – View across site to 31 Park Lane

Location Plan



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Committee Date:	07/12/2017	Application Number:	2016/10609/PA
Accepted:	03/01/2017	Application Type:	Full Planning
Target Date:	28/02/2017		
Ward:	Sutton New Hall		

220 Birmingham Road, Sutton Coldfield, Birmingham, B72 1DD

Change of use from residential dwelling to 5 no. two bedroomed apartments and 1 no. three bedroom apartment, erection of two storey side and rear extensions, alterations to the roof, single storey lower ground floor extension with mono-pitched roof and associated car parking for 7 cars

Applicant:	Mr & Mrs S Anam 220 Birmingham Road, Sutton Coldfield, Birmingham, B72 1DD
Agent:	Configuration Suite 9, PMJ House, Highlands Road, Shirley, Solihull, B90 4ND

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Proposal as amended includes two storey side and rear extensions to the existing property, alterations to the roof and a single storey lower ground floor extension with a shallow mono-pitched roof at the rear to allow for the conversion from a detached dwelling house to 5, two bedroom apartments in the main building and 1, three bedroom apartment in the single storey rear element.
 - 1.2. The building would be rendered with a tiled hipped roof, side gables and a front gable. A dormer and projecting bay including full height windows and Juliet balconies would be incorporated at the rear. Side facing windows would be fixed and obscure glazed.
 - 1.3. Accommodation would consist of 5, two bedroom, 3 person apartments in the main building accessed from a communal entrance at the front of the building with the rear 3 bedroom apartment accessed from the rear via a side passageway. All apartment sizes and bedroom sizes exceed minimum guidelines contained within the "Technical housing standards – nationally described space standard".
 - 1.4. The apartment at the rear would have its own private amenity area (68sq.m) with 260sq.m (52sq.m per apartment) retained for the remaining 5 apartments.
 - 1.5. 7 car parking spaces would be provided on the site frontage with additional soft landscaping and cycle parking and bin stores would be provided in the side passageway adjacent 222-224 Birmingham Road.
 - 1.6. A design statement, parking beat survey and a tree survey have been submitted in support of the application.

1.7. [Link to Documents](#)

2. Site & Surroundings

2.1. Application site comprises a detached property on the western side of Birmingham Road. Levels drop significantly to the rear where the property bounds onto properties fronting Green Lanes. No. 218 is a detached property and 222-224 known as Hollyhurst Court are flats.

2.2. This section of Birmingham Road is characterised by larger detached and semi-detached properties.

2.3. [Site Location and Street View](#)

3. Planning History

3.1. 16/12/2015. 2015/07811/PA. Erection of two storey side and rear extension with lower ground level and conversion of dwellinghouse into 5 self-contained flats with associated car parking and bin storage. Withdrawn by applicant.

3.2. 21/04/2016. 2016/01631/PA. Change of use from residential dwelling (Use class C3) to 7 no. two bedroomed apartments and 1 no. three bedroom apartment, erection of two storey side and three storey rear extensions, external staircase to rear and associated car parking for 12 cars. Withdrawn by applicant.

4. Consultation/PP Responses

4.1. Transportation Development – No objections subject to conditions requiring cycle storage details, parking area laid out prior to occupation, retention of pedestrian visibility splay and works to the footway crossing carried out at the applicants expense.

4.2. Regulatory Services – No objections subject to condition requiring noise insulation on the Birmingham Road frontage.

4.3. Severn Trent Water – No objections subject to condition requiring drainage details.

4.4. West Midlands Police – No objections.

4.5. Councillors, Residents Associations and nearby occupiers notified. Site notice posted.

4.6. Councillor Alex Yip objected to the original plans on the grounds; proposals out of character with the area, adverse impact on highway safety, impact on trees and property size to garden size ratio wrong.

4.7. Wylde Green Neighbourhood Forum objected to the original plans on the grounds; proposals out of keeping with the character of the area, loss of privacy to surrounding residents, interfere with the surrounding trees and shrubs, inadequate consideration to house waste, recycling, waste vehicles, highway safety and congestion, inadequate parking.

4.8. 38 letters have been received objecting to the original plans on the following grounds;

- Inadequate parking
- Lack of waste/bin storage facilities
- Adverse impact on road/highway/pedestrian safety
- Tree damage/loss
- Loss of residential amenity
- Overdevelopment
- Out of character, height and scale excessive
- Parking issues at nearby Highclare School
- Conflict with 45 degree code
- Loss of privacy/overlooking
- Loss of light/sunlight
- Property higher than Green Lanes and would have dominating appearance
- No disabled parking
- Create a precedent
- Disturbance from construction
- Noise/pollution
- Strain on existing infrastructure

4.9. 10 further letters have been received objecting to the amended plans on the following additional grounds;

- Parking for 7 cars inadequate
- Parking beat survey inadequate
- Loss of trees and hedges at adjoining property
- Cycle store position impractical
- Position of bin stores
- Visual appearance still out of keeping with the area
- Security of adjoining properties would be compromised
- Lower existing house values

5. Policy Context

5.1. Birmingham Development Plan 2017, UDP (2005), saved policies, Places for Living SPG, Mature Suburbs SPD, Car Parking Guidelines SPD, 45 Degree Code, NPPF (2012).

6. Planning Considerations

6.1. **Background** – Following the withdrawal of 2 previous applications, the current application has been amended significantly following discussions with officers to reduce the number of proposed apartments from 7 to 6, reduce the scale and massing, improve the design of the proposed building and the layout of the frontage parking area.

6.2. The main issues for consideration are the principle of conversion to flats, design and impact on the character of the area, standard of accommodation impact on residential amenity, parking/highway implications and impact on trees.

- 6.3. **Principle of use** – The application site is in a predominantly residential area and the adjoining property (Hollyhurst Court) at 224 Birmingham Road has been converted into apartments. I have no objection to the principle of the use as apartments.
- 6.4. **Design and character of the area** – The proposal has been amended significantly since the original submission with the scale and massing reduced by incorporating the top storey within the roofspace and reducing the number of apartments from 7 to 6. A part hipped/part gable roof has been introduced to match no.218 and the proportions and overall design improved. I consider the proposal would now fit in better with the street scene of this part of Birmingham Road and have no adverse impact on the visual amenities of the area.
- 6.5. The single storey lower ground floor element at the rear which would contain the 3 bedroom apartment takes advantage of the change in levels with the rear garden being at a lower level than the floor level of the existing dwelling house. I consider the design of this element is acceptable and would not be viewed from the public domain. An amount of excavation would be required and I have suggested a condition requiring details of any retaining structures.
- 6.6. **Standard of accommodation for future occupiers** – The 5 apartments in the main building exceed the minimum gross internal floor areas for 1 storey, 2 bedroom, three person dwellings as set out in the “Technical housing standards – nationally described space standard”. The 3 bedroom apartment would also exceed the minimum floor area for a 3 bedroom, six person dwelling. Bedroom sizes also exceed minimum requirements. All the apartments would include the required storage area.
- 6.7. Private amenity areas would exceed the minimum 30sq.m per apartment required by Places for Living SPG.
- 6.8. **Residential Amenity** – The proposed extensions have been amended to comply with the 45 degree code in respect of the dining room at no.218 Birmingham Road. The proposal would comply with all the relevant separation distances to adjoining properties as required by Places for Living SPG. The property is set at a higher level than those to the rear in Green Lanes, however, it would still be 30m from the boundary at its closest point and there is extensive screening on the rear boundary.
- 6.9. A condition has been attached requiring all side facing kitchen and bathroom windows to be obscure glazed and fitted with opening restrictors. I do not consider the proposal would result in the loss of amenity to any adjoining residents.
- 6.10. **Parking and highways** – Transportation Development acknowledge that the proposal would increase peak hour trip generation to and from the site, however, the level of increase in traffic would unlikely to have a severe impact on surrounding highways.
- 6.11. The revised scheme shows 7 car parking spaces for 6 apartments where the specified maximum in the Car Parking Guidelines SPD for this location in Area 2 would be 9 spaces. The applicants have submitted a parking beat survey at the request of Transportation Development to observe parking activities on the surrounding highways. The parking beat survey demonstrated that there was spare capacity within the vicinity of the site and within the evening period when the demand for residential parking would be highest.

- 6.12. Transportation Development raise no objections to the proposal and note the site has a good level of accessibility to public transport with frequent bus services accessible from Birmingham Road. Wylde Green railway station is also within easy walking distance from the site and the applicant is also proposing cycle parking provision. I concur with this view.
- 6.13. **Trees** – The adjoining occupier has submitted an Arboricultural report which concludes that the proposal in its current form would have a significant impact on several 3rd party trees at the front and rear and result in the loss of trees from excessive encroachment from the proposed development. The report also considers there would be future pressure to remove a highly visible tree on the site frontage which will impact have on the boundary treatment and open up views of the development.
- 6.14. The Tree Officer has considered the above Arboricultural report and also the Arboricultural report submitted by the applicant. She notes that the driveway/forecourt proposed to the front of the property is mostly in existence already and the only likely adverse effect on trees would be from the removal of the existing and resurfacing. This should therefore be avoided and any resurfacing limited to an additional layer without disturbing the existing. A condition is suggested requiring the submission of a full Arboricultural Method Statement for the works including a site specific tree protection plan and schedule of pruning work. The creation of the proposed soft landscaping area where there is currently an access drive must be done using hand tools to minimise root damage.
- 6.15. With regard to the third party trees and hedges at the rear, the Tree Officer has commented that these are not legally protected and therefore normal common law rights apply. If the trees overhang the boundary with the canopy or undermines the boundary with roots, the applicant has the common law right to prune back to the line of the boundary without the tree owners consent. This is clearly an issue for the property owners and not the council.
- 6.16. **CIL** – The proposal is CIL liable. Additional floorspace is 452sq.m with a CIL charge of £31,188.

7. Conclusion

- 7.1. I consider the proposal which has been amended significantly since the original submission by reducing the scale and massing and number of apartments would now fit in better with the street scene and have no adverse impact on the visual amenities of the area. It would not adversely impact on the residential amenities of nearby occupiers, prejudice highway safety or undermine the existing trees on the site frontage.
- 7.2. The proposal accords with relevant local and national planning policies and is acceptable.

8. Recommendation

- 8.1. Approve Subject to Conditions.

1	Requires the prior submission of a drainage scheme
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- 2 Requires the prior submission of noise insulation details
 - 3 Requires the prior submission details obscure glazing for specific areas of the approved building
 - 4 Requires the prior submission of hard and/or soft landscape details
 - 5 Requires the prior submission of hard surfacing materials
 - 6 Requires the prior submission of boundary treatment details
 - 7 Requires the prior submission of sample materials
 - 8 Requires the prior submission of level details
 - 9 Requires the prior submission of details of any retaining walls
 - 10 Requires the parking area to be laid out prior to use
 - 11 Requires the prior submission of cycle storage details
 - 12 Requires pedestrian visibility splays to be provided
 - 13 New footway crossing and reinstatement of redundant footway crossing at applicants expense
 - 14 Requires the prior submission of an Arboricultural Method Statement
 - 15 Requires the scheme to be in accordance with the listed approved plans
 - 16 Implement within 3 years (Full)
-

Case Officer: John Davies

Photo(s)

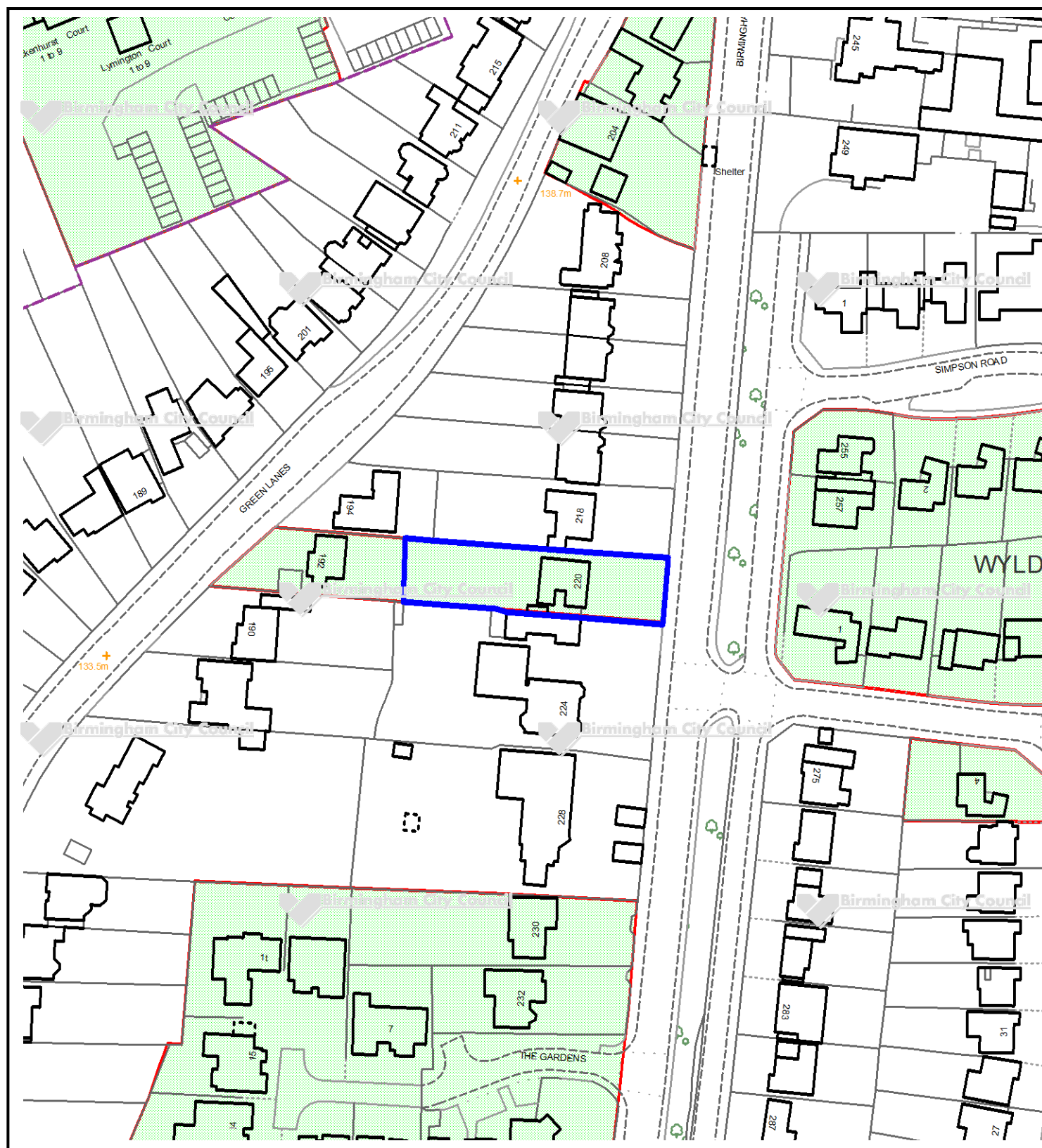


Figure 1 – Existing property



Figure 2 – Rear of existing property and garden

Location Plan



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Committee Date:	07/12/2017	Application Number:	2017/07446/PA
Accepted:	29/08/2017	Application Type:	Full Planning
Target Date:	24/10/2017		
Ward:	Lozells and East Handsworth		

68 Hall Road, Handsworth, Birmingham, B20 2BH

Change of use from residential dwelling (Use Class C3) to 7 bed HMO (Sui Generis)

Applicant: Mr Asghar Azam
68 Hall Road, Handsworth, Birmingham, B20 2BH
Agent: BSP Design
71 Finch Road, Handsworth, Birmingham, B19 1HP

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. This application is for the proposed change of use from a residential dwelling (Use Class C3) to a 7 bedroom HMO (Sui Generis). The ground floor would consist of two bedrooms (16.14m² and 12.45m²), an open plan lounge/ kitchen (19.28m²), sink and utility room. First floor would consist of three bedrooms (17.82m², 12.45m² and 7.66m²) and a bathroom. Second floor would consist of two bedrooms (10.78m² and 10.1m²) and a bathroom. Rear amenity space would be 90m².

1.2. The agent has confirmed that this HMO is for a maximum of 7 people.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site refers to a three storey terraced dwelling and is opposite King Edwards V1 Girls School. The surrounding area is predominantly residential area in character.

2.2. [Site Location](#)

3. Relevant Planning History

3.1. 12 Welford Road

3.2. 15.04.2015 2015/00912/PA Change of use from a dwellinghouse (Use Class C3) to a hostel (Sui Generis) to include access ramp, parking and landscape works. Approved with conditions.

3.3. 38 and 40 Hall Road

3.4. 16/06/77 - 45218000 Conversion into four flats. Approved with conditions.

4. Consultation/PP Responses

- 4.1. Neighbours, local Councillors and residents associations consulted and site notice displayed. 9 neighbour objections received including a petition of eight signatures, concerned about the following (in summary): anti-social behaviour, lack of parking, this should stay as a family home, will cause stress to residents and will affect health, existing problems from a nearby half way house.
- 4.2. Transportation Development – No objection.
- 4.3. Regulatory Services – No objection.
- 4.4. West Midlands Police – No objection subject to CCTV being installed, lighting and door security.

5. Policy Context

- 5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) 2005 (saved policies)
- Places For Living SPG (2001)
- Specific Needs Residential Uses SPG
- Car Parking Guidelines (SPD)
- Handsworth, Sandwell and Soho: Area of Restraint (SPG)

- 5.2. The following national policies and technical guidance are applicable:

- National Planning Policy Framework (NPPF) (2012)
- DCLG Technical housing standards – nationally described space standard

6. Planning Considerations

- 6.1. The main considerations are whether this proposal would be acceptable development in principle and whether any harm would be caused to neighbouring occupiers, surrounding amenity or highway safety.
- 6.2. Applications for change of use to Houses in Multiple Occupation need to be assessed against criteria in saved policies 8.23-8.25 of UDP and Specific Needs Residential Uses SPG. The criteria includes; effect of the proposal on the amenities of the surrounding area and adjoining premises, size and character of the property, floorspace standards, amount of car parking and the amount of provision in the locality.
- 6.3. The surrounding area is predominantly residential in character, consisting of three storey terraced family dwellings, with a school opposite the site. A survey of 58 properties which are within the triangular shaped land along Hall Road, Welford Road and Broughton Road identified that two properties have been converted in to four flats (38 and 40 Hall Road). There is one hostel at 12 Welford Road and a licensed HMO at 44 Hall Road. I am satisfied that site does not fall within the identified Area of Restraint (SPG) and that there is not an over concentration of HMO uses within the location surveyed and this proposal would be acceptable.

6.4. Residential amenity

6.5. The proposed 7 bed HMO occupies three floors, with each single bedroom ranging in size from 7.66m² to 17.82m². The bedrooms would have shared communal facilities with an open plan lounge and kitchen and two bathrooms. It is considered that the overall provision within the context of the nature of the accommodation proposed is acceptable. In terms of bedroom sizes, the DCLG Technical housing standards – nationally described space standard states that a single bedroom should be a minimum of 7.5m² and a double bedroom should be 11.5m². The bedroom sizes are also acceptable within the context of the Specific Needs Residential Uses SPG. It is recommended that a condition is imposed to restrict the number of persons living within the building to a maximum of 7. This will ensure that the use does not become over-intensive and would provide a satisfactory level of internal living space and accommodation for its occupiers.

6.6. Impact on amenity

6.7. Regulatory Services have assessed this proposal and raise no objection and I am satisfied that this HMO use is unlikely to cause any unacceptable harm to neighbouring occupiers in terms of noise and disturbance.

6.8. West Midlands Police have assessed this proposal and raise no objection, subject to a package of security measures (including details of CCTV, lighting, door and building security) for the purpose of this application. I am not convinced that these measures are necessary on this terraced property and the security of the building is a matter for the landlord of the premises.

6.9. Highway safety

6.10. Transportation Development have assessed this proposal and raised no objections. I am satisfied that this proposal would not prejudice highway or public safety and is acceptable.

7. Conclusion

7.1. The proposal is an appropriate use within this residential area. It would provide residential accommodation with no adverse impact on neighbour amenity or highway safety. Subject to conditions being imposed, I am satisfied that this proposal would comply with local and national planning policy and approval is recommended.

8. Recommendation

8.1. Approve with conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Restricts the number of residents to a maximum of 7. |
| 3 | Implement within 3 years (Full) |
-

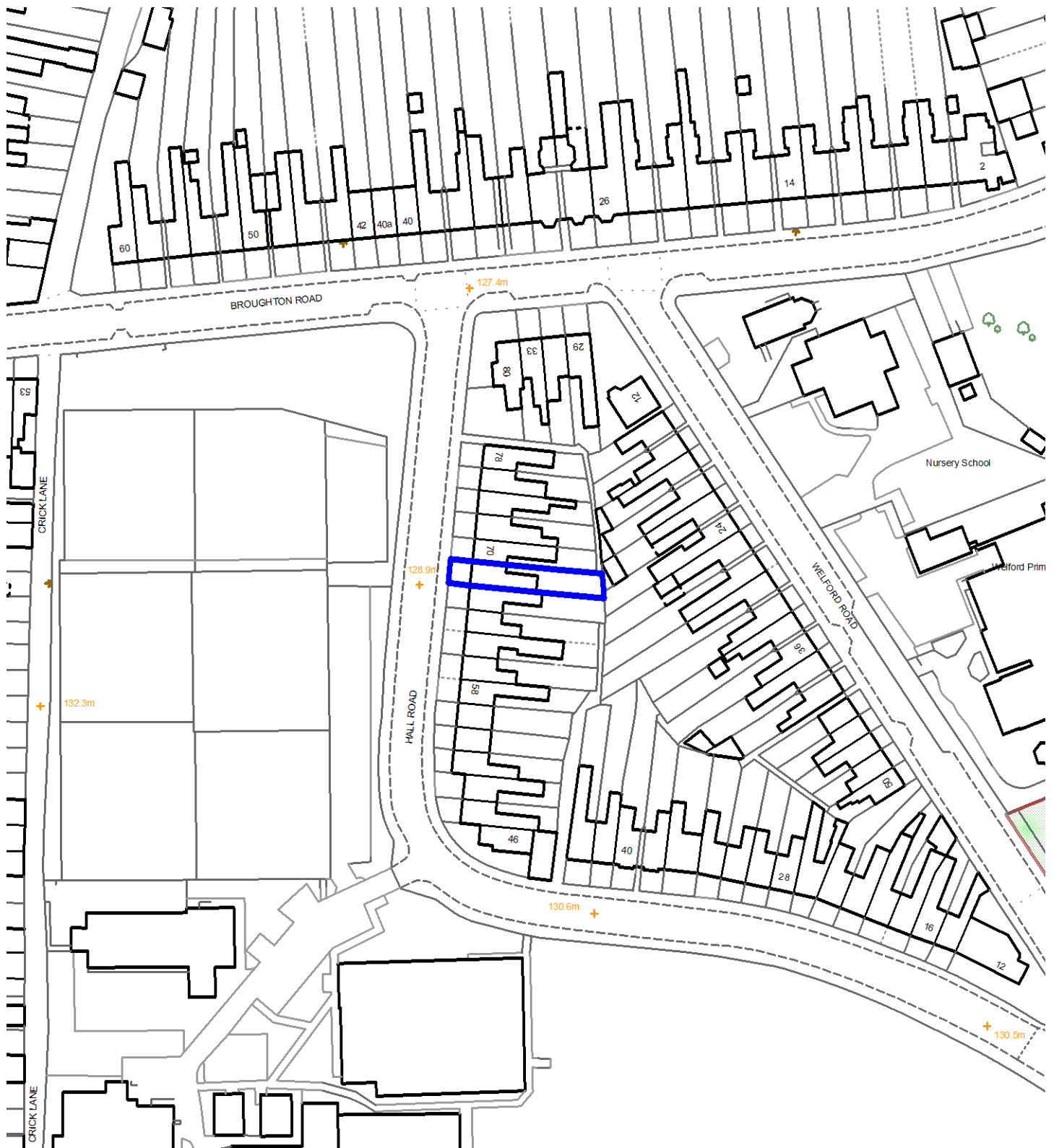
Case Officer: Daniel Illott

Photo(s)



Figure 1 Front of site

Location Plan



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Committee Date:	07/12/2017	Application Number:	2017/08740/PA
Accepted:	17/10/2017	Application Type:	Full Planning
Target Date:	12/12/2017		
Ward:	Lozells and East Handsworth		

Land Adjacent to, 31 Grosvenor Road, Handsworth Wood, Birmingham, B20 3NW

Erection of 2 no. dwellinghouses with associated landscaping and parking.

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

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Consent is sought for the erection of 2 dwelling houses, with associated car parking and landscaping works at land adjacent to 31 Grosvenor Road, Handsworth Wood. The proposal would be provided by BMHT for affordable rent.
 - 1.2. The proposed development would provide 2 x five bedroom dwellings and would be part two and part three storeys in height. The properties would be positioned to reflect the street's building line. Each dwelling would be provided with two off-street parking spaces to the front.
 - 1.3. The proposed dwellings would comprise living room, kitchen, utility and W.C, store and dining room on the ground floor. There would be four bedrooms (7.4 m², 7.7 m², 11.8 m² and 12.1 m²), bathroom and store at first floor level and a further bedroom (16.7 m²), store and shower room at second floor. The internal useable space would be 142.5m². The external finishes would be brickwork with tile pitched roof
 - 1.4. The private amenity space provided would range between approx. 307.9 m² and 291.4 m².
 - 1.5. A Design and Access Statement, Affordable Housing Statement, Preliminary Ecological Appraisal (PEA) and Site Appraisal have been submitted with this application.
 - 1.6. Site Area: 0.090Ha.
 - 1.7. Density: approx. 22 dwellings per ha.
 - 1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is currently a vacant piece of land which historically accommodated residential dwelling houses that were demolished around 1994. The application site is currently overgrown with vegetation and is enclosed by a 1.8m high close boarded fence. The site is relatively flat and there are a number of trees within the application site. The surrounding area is predominantly residential in nature, comprising two and three storey high residential dwelling houses as well as residential tower blocks and maisonettes.
- 2.2. The neighbouring property No. 31 Grosvenor Road is a 2.5 storey end-terraced dwelling house and No. 43 Grosvenor Road is a two storey semi-detached dwelling house with a side facing dormer window. To the rear is Westminster Court and rear gardens to residential properties along Wellington Road are approx. 55m away from the application site boundary.

2.3. Site Location

3. Planning History

- 3.1. 14/07/1994 - 1994/01911/PA - Demolition of existing dwellings and redevelopment for residential purposes with formation of new access - Approved with conditions.
- 3.2. 11/05/2005 - 2005/00944/PA - Erection of 7 dwelling houses, construction of access road and car parking spaces, with associated works – Approved with conditions.

4. Consultation/PP Responses

- 4.1. Khalid Mahmood MP, Ward Members, Resident Associations and local residents consulted, and site notice displayed – No responses have been received.
- 4.2. Regulatory Services – No objections, subject to a condition for vehicle charging points to be provided.
- 4.3. Transportation Development – No objections, subject to conditions relating to a construction management plan, a package of highway measures and pedestrian visibility splays.
- 4.4. West Midlands Police – Recommend that the proposed dwellings are laid out to the Secured by Design 'New Homes' 2016 standards.

5. Policy Context

- 5.1. Relevant National Planning Policies:
- National Planning Policy Framework;
 - Technical housing standards – nationally described space standard (2015).
- 5.2. Relevant Local Planning Policies:
- Birmingham Development Plan (2017);
 - UDP (Saved Policies) (2005);

- Places for Living – SPG (2001);
- Car Parking Guidelines – SPD (2012);
- Mature Suburbs – SPD (2008)

6. Planning Considerations

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

6.2. **Principle of Development** – The application site is a vacant piece of land which historically accommodated residential dwelling houses that were demolished around 1994. The application site is currently overgrown with vegetation and is therefore classed as brownfield land. The application site is also identified within the SHLAA 2016 (N342).

6.3. The application site is located with a large residential catchment area within a sustainable location that has good access to public transport networks, and a number of public services accessible within a reasonable walking distance. The proposals comprise 2 x five bedroom dwellings, which seek to meet a range of affordable housing needs within the locality. The surrounding area is predominantly residential in nature and the proposal would fit appropriately within this residential context. Consequently, I consider that the proposal is acceptable in principle.

6.4. Policy TP30 of the BDP indicates that new housing should be provided at a target density responding to its context. The density of the proposed development at 22 dwellings per hectare is below the density target for new houses. However, the proposed dwellings would address the significant larger home requirements within the City and deliver housing for affordable rent. The proposed development overall would improve the existing environment which is in poor condition at present. Consequently, I consider that the proposal would have an overwhelmingly positive impact on the quality of the environment and would make effective use of this vacant site.

6.5. **Layout and Design** – The proposed dwellings would front onto Grosvenor Road and would maintain a strong built form within the existing residential street. The position, scale and form of the proposed buildings have been carefully considered so that the buildings fit well within this context, including providing low brick boundary wall and gardens on the street frontage with private landscaped gardens and off- street parking provisions.

6.6. Residential properties along Grosvenor Road are attractive, well detailed and visually interesting Victorian and inter-war houses, as well as residential tower blocks and maisonettes. The proposed dwellings would be of a traditional design and would have a uniform appearance, providing higher ceilings in order to achieve window proportions similar to the character and appearance of residential styles of the wider area. The proposed development would not compromise the existing character or have a detrimental impact on the general street scene. Consequently, I consider that, subject to approval of materials, landscaping and boundary treatments, the proposal would be an improvement to the visual amenity of the area, particularly when compared to its current use as a vacant piece of land.

6.7. **Landscape and Ecology** – The application site is currently overgrown with vegetation and mature trees, particularly to the rear of the site. The proposal would remove trees mainly from the front of the site to form the proposed dwellings. The application proposals would include two new street trees along the frontage. A

Preliminary Ecological Appraisal (PEA) has been submitted in support of the application. The City Ecologist and my Tree Officer raise no objections, subject to conditions relating to tree protection of retained trees during construction, as well as mitigation and enhancement measures. I concur with these views and consider them to be appropriate in the context of the scheme.

- 6.8. **Residential Amenity** – The proposed dwellings would comply with the Nationally Described Space Standards, exceeding the minimum floor spaces for each dwelling and meeting the bedroom standards set out within the document. The indicative layout of the dwellings includes furniture layouts that would be functional and would be conducive to the creation of a good living environment and an acceptable standard of residential amenity.
- 6.9. The proposed garden sizes exceed the guidelines set out within Places for Living SPG of a minimum of 70sqm for larger dwellings. Each dwelling would be provided with bin store space and a shed.
- 6.10. Places for Living SPG sets out the recommended separation distances between residential dwellings, requiring 12.5m between windowed elevations and flank walls. It is acknowledged that the neighbouring residential dwelling house No. 43 Grosvenor Road has a side facing dormer window which would be approx. 7m away from the new flank gable of the residential dwelling house; however, I do not consider that there would be any significant adverse impact upon the neighbouring occupier's outlook to warrant refusal on this basis as the impact of the gable and associated pitched roof would be limited.
- 6.11. The proposed development would comply with the 45 Degree Code to the existing residential properties. The proposed development would not have an adverse impact on outlook, overlooking or loss of privacy.
- 6.12. **Highway Safety** – Car Parking Guidelines SPD specify a maximum parking provision of 2 spaces per residential unit. The proposed dwellings would have 200% parking provision and this is considered to be appropriate in the context of the scheme.
- 6.13. Transportation Development have assessed the scheme and raise no objections, subject to conditions for a construction management plan during the demolition period, a package of highway measures and pedestrian visibility splays. I largely concur with this view; however, I consider that it is unreasonable to impose a condition for a construction management plan as the proposed development would not involve any demolition work and the proposal is relatively small scale within well sized plots.
- 6.14. **Other Matters** – The proposal does not generate a CIL contribution.
- 6.15. Regulatory Services recommend a condition to secure electric vehicle charging points for the use of the development. As each of the proposed dwellings would benefit from off-street, dedicated parking to the front of the premises. I consider that provisions would be in place for electric vehicles to be charged via the mains electricity source from the dwellings and it would therefore be unnecessary to require such a condition.

7. Conclusion

- 7.1. The application proposals seek to secure the provision of 2no. dwelling houses available for affordable rent through the Birmingham Municipal Housing Trust programme. The proposals are acceptable in principle and would result good quality residential living accommodation that would make a positive contribution to visual amenity with no adverse impact on neighbour amenities or highway safety.
- 7.2. For the reasons set out above, the application is recommended to be approved subject to conditions.
8. Recommendation
- 8.1. Approve with conditions

-
- | | |
|----|--|
| 1 | Requires the prior submission of level details |
| 2 | Drainage plans for the disposal of foul and surface water |
| 3 | Requires the prior submission of sample materials |
| 4 | Requires the prior submission of hard and/or soft landscape details |
| 5 | Requires the prior submission of hard surfacing materials |
| 6 | Requires the prior submission of boundary treatment details |
| 7 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 8 | Requires pedestrian visibility splays to be provided |
| 9 | Requires the prior submission of a construction ecological mitigation plan |
| 10 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 11 | Requires the implementation of tree protection |
| 12 | Requires the scheme to be in accordance with the listed approved plans |
| 13 | Implement within 3 years (Full) |
-

Case Officer: Chantel Blair

Photo(s)

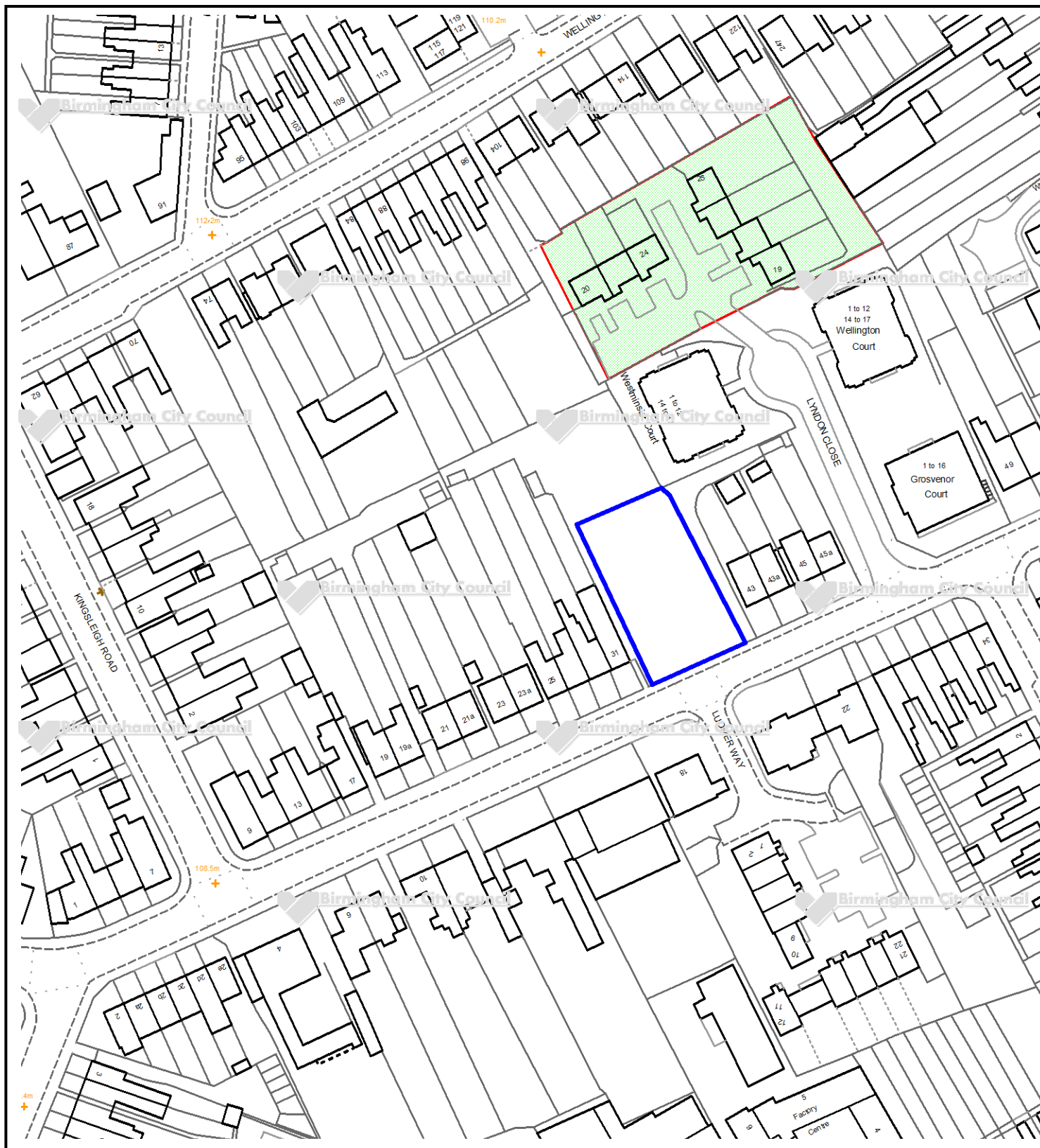
Figure 1: Application Site



Figure 2: Street frontage



Location Plan



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Committee Date:	07/12/2017	Application Number:	2017/08322/PA
Accepted:	27/09/2017	Application Type:	Full Planning
Target Date:	22/11/2017		
Ward:	Lozells and East Handsworth		

Handsworth Leisure Centre, Holly Road, Handsworth, Birmingham, B20 2BY

Erection of a single storey link corridor extension

Applicant:	Corporate Director, Economy Birmingham Property Services, PO Box 16255, 10 Woodcock Street, Birmingham, B2 2WT
Agent:	Acivico Ltd PO Box 17211, Louisa House, 92-93 Edward Street, Birmingham, B2 2ZH

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Planning consent is sought for the erection of a single storey link corridor extension at Handsworth Leisure Centre, Holly Road.
 - 1.2. The proposed corridor link will extend 5.9m across the front elevation of the building and would provide a link between the existing changing area and main activity space. The erection of the corridor link would result in the removal of an external metal stair case. The proposal also includes internal alterations on the first floor to accommodate a new corridor creating access from the ground floor to a new multi-purpose room.
 - 1.3. The extension would be constructed from block work with a rendered finish.
 - 1.4. The proposed corridor link will provide an additional 10.83 sq.m of floor space.

[Link to Documents](#)

2. Site & Surroundings
 - 2.1. The application site comprises Handsworth Leisure Centre located in the south western corner of Grade II listed Handsworth Park.
 - 2.2. The leisure centre is set back from Holly Road by approximately 65m with car parking and a children's playground located between the centre and the highway.
 - 2.3. The leisure centre has a double height appearance with a centrally located main entrance and reception area.

- 2.4. The external finishes of the leisure centre are facing blockwork, render and metal sheeting.

[Site Location Map](#)

3. Planning History

- 3.1. 07/04/2014 - 2014/01083/PA – Erection of a single storey link corridor extension. Approved.

4. Consultation/PP Responses

- 4.1. Neighbours, local Councillor's and residents associations consulted and site notice displayed. No response received.
- 4.2. Transportation Development – No objection.
- 4.3. Regulatory Services – No objection.
- 4.4. Leisure Services – No objection.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF) 2012

6. Planning Considerations

- 6.1. The NPPF advises that local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Significance of heritage assets (such as listed buildings and registered parks and gardens) can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 6.2. Policy PG3 for the Birmingham Development Plan (BDP) 2017 states that all new development would be expected to demonstrate high design quality, contributing to a strong sense of place and to make best use of existing buildings and efficient use of land in support of the overall development strategy
- 6.3. This proposal has been assessed against the objectives of the policy context set out above.
- 6.4. The main issues for consideration of this application are whether this proposal would be acceptable in terms of design and siting, whether any harm would be caused to surrounding amenity and the impact on highway safety/car parking.

Design and Siting

- 6.5. The proposed corridor link would be modest in size and in terms of design would be in keeping with the design and external appearance of the existing building. The link would improve internal circulation space from the main reception to the main activity at the western end of the building. The proposed corridor link in terms of scale, form, and design is acceptable and would not adversely affect visual amenity.
- 6.6. The City's Conservation Officer has raised no objection to the proposal. The proposal would not cause substantial harm to Grade II listed Handsworth Park. I concur with this view. The link extension would front existing areas of the car park; I therefore consider that the link extension would preserve the appearance of Handsworth Park.

Impact on Amenity

- 6.7. The proposed extension will be located on the western side of the leisure centre and located a significant distance from any surrounding residential properties. Given this, I consider that there would be no impact on the amenities of any adjacent residential occupiers.

Impact on Highway Safety/Car Parking

- 6.8. Transportation Development raises no objection to the proposed development. I concur with this view. The proposed development would be located well within the boundary of the site and as such would pose no highway safety issues. Whilst the proposal will provide 10.8 sqm of floor space, it is unlikely that this will generate any additional trips compared to the existing use. Therefore, I deem the proposal to have no detrimental impact on highway safety or car parking.

7. Conclusion

- 7.1. The proposed extension would respect the scale and character of the existing building and would not have a detrimental impact on amenity or highway safety. As such, the proposed development complies with the Birmingham Development Plan, Unitary Development Plan (saved policies) and the National Planning Policy Framework.

8. Recommendation

- 8.1. Approve subject to the following conditions:

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

Case Officer: Laura Reid

Photo(s)

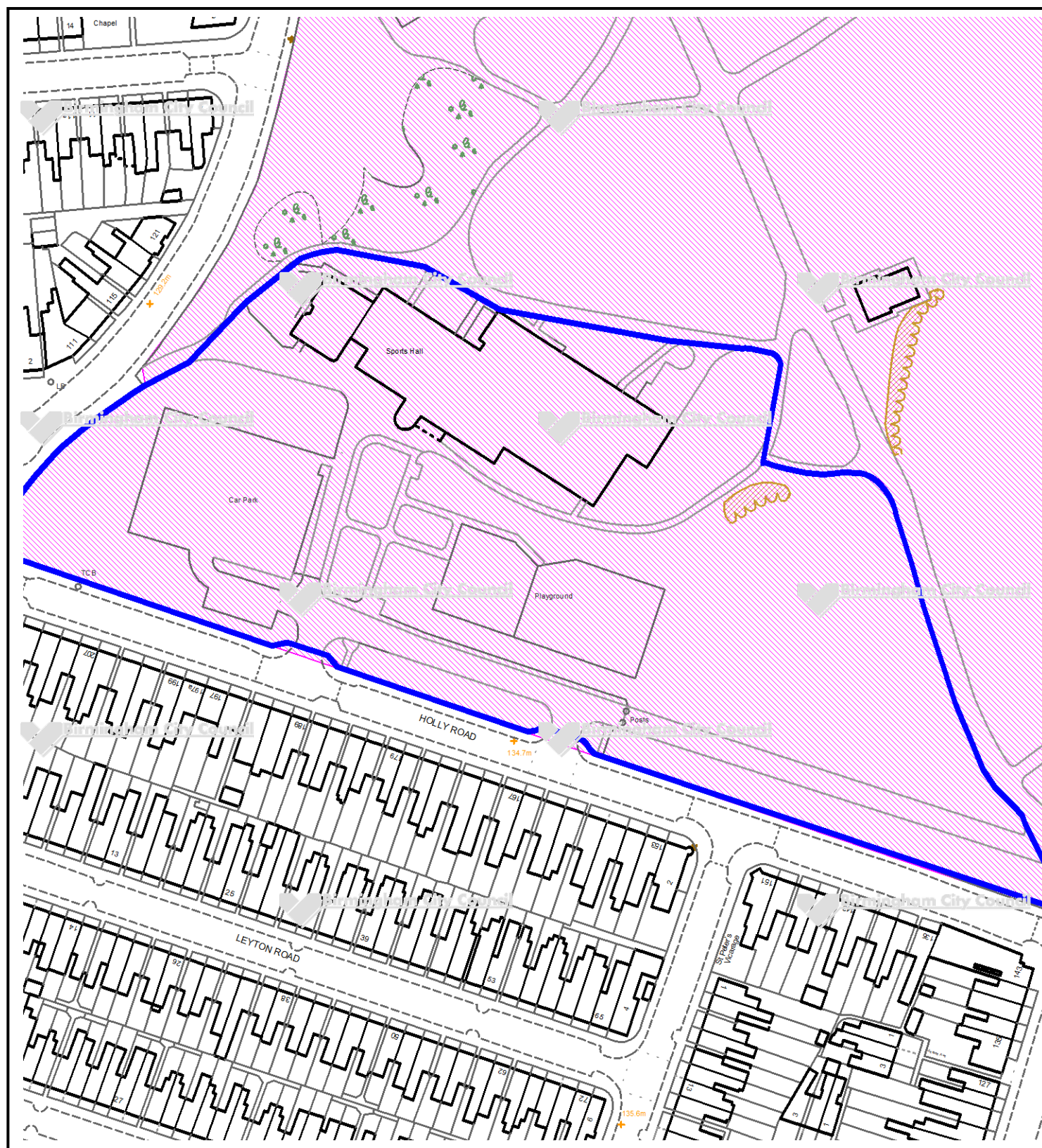


Fig. 1 - Front Elevation



Fig. 2 – Proposed location of extension

Location Plan



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Birmingham City Council

Planning Committee

7 December 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	16	2017/06642/PA 385 Ladypool Road Sparkbrook Birmingham B12 8LA Change of use from retail shop (Use Class A1) to restaurant (Use Class A3), erection of single storey rear extension, alterations to shop front, creation of rear patio area and installation of extraction flue to rear
Prior Approval Required - Approve-Conditions	17	2017/08693/PA 38-50 Orphanage Road Erdington Birmingham B24 9HN Prior Approval for change of use from office (Use Class B1[a]) at ground and upper floors to 85 Residential units (Use Class C3)
Approve - Conditions	18	2017/08068/PA 654 Church Road Yardley Birmingham B33 8HB Erection of two storey side and first floor rear extensions and single storey front, side and rear extensions.
Section 191/192 Not Required	19	2017/08067/PA 654 Church Road Yardley Birmingham B33 8HB Application for a Lawful Development Certificate for proposed rear dormer and roof alterations

Committee Date:	07/12/2017	Application Number:	2017/06642/PA
Accepted:	26/07/2017	Application Type:	Full Planning
Target Date:	20/09/2017		
Ward:	Sparkbrook		

385 Ladypool Road, Sparkbrook, Birmingham, B12 8LA

Change of use from retail shop (Use Class A1) to restaurant (Use Class A3), erection of single storey rear extension, alterations to shop front, creation of rear patio area and installation of extraction flue to rear

Applicant:	Mr Safdar Zaman 385 Ladypool Road, Sparkbrook, Birmingham, B12 8LA
Agent:	Design House 580 Moseley Road, Moseley, Birmingham, B12 9AA

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought to change of use from retail unit (Use Class A1) to restaurant (Use Class A3), erection of single storey rear extension, alterations to shop front, creation of rear patio area and installation of extraction flue to rear of 385 Ladypool Road, Sparkhill.
- 1.2. The proposed development includes the erection of a single storey rear extension to facilitate the change of use of the premises. The proposed extension would be designed with a flat roof and would be constructed out of brickwork. There are also alterations proposed to the display windows in the front elevation to incorporate a separate access to the existing first floor flat.
- 1.3. The proposed opening hours would be 1100 hours to 2300 hours daily. The total number of seated covers proposed would be 86. There would be 6 full-time staff and 6 part-time employment positions created.
- 1.4. The proposed internal floor plans show a restaurant area of 38 covers, WC facilities, kitchen, preparation and wash up area and a private function room comprising 24 covers on the ground floor. An outdoor patio area would provide a further 24 seated covers to the rear of the application premise.
- 1.5. The first and second floor would be retained in residential use.
- 1.6. No off-road parking provision is proposed.
- 1.7. The application as submitted shows that an extraction flue would be located to the rear and the discharge terminal would be 1.5m above eaves level.

1.8. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The application premise is a mid-terraced retail unit (Use Class A1) in operation as an optician's with residential accommodation above. The application site is located on the western side of Ladypool Road, within the Primary Shopping Area of Ladypool Road Neighbourhood Centre. The application site frontage is subject to TRO's in the form of zig-zag lines associated with a nearby pelican crossing to the south. There are also on-street parking availability to the south of this frontage.
- 2.2. The application premise is located within a commercial frontage with residential properties above adjoining commercial and to the rear of the application site, along Newport Road. The neighbouring properties comprise a doctor's surgery (Use Class D1) to the south (1 Newport Road) and a retail shop to the north (No. 383 Ladypool Road).
- 2.3. This frontage of 16 units between Newport Road and Brighton Road, consists of the following A3/A5 uses:
- Fargo's Food Factory – 377/379 Ladypool Road (Class A3)
 - Heavenly Desserts – 371/373 Ladypool Road (A3)
 - TRU Burger – 369 Ladypool Road (A3)
 - Toro's Steakhouse - 365/367 Ladypool Road (A3)
 - Ice Stone Gelato - 353/355 Ladypool Road (A3)
 - Roti Mahal – 351 Ladypool Road (A5)
 - Fish Bar – 343 Ladypool Road (A5)
- 2.4. The following sites are also relevant:
- 357 - 363 Ladypool Road (planning ref: 2015/04949/PA) was approved as a restaurant in August 2015 which is currently under construction.
 - 341 Ladypool Road - (planning ref: 2014/03915/PA) was approved as a restaurant in July 2014 which is currently under construction.

2.5. [Site Location](#)

3. [Planning History](#)

- 3.1. No planning history.

4. [Consultation/PP Responses](#)

- 4.1. Local Ward Members, Resident Associations and local residents consulted – One response has been received from Access Birmingham who suggests that the applicants adapt one of proposed toilets to a disabled/multi use toilet and may want to consider at least one table layout which could be easily used by disabled people such features could help compliance with Equality act 2010.

- 4.2. Transportation Development – No objections, subject to conditions to prevent A5 sales and delivery services.
- 4.3. Regulatory Services – Advise that they have concerns with the proposed 24 covers to be used in the rear patio area and they recommend this area is only used for lunch time meals. They also recommend conditions to restrict hours of operation, details of extraction and odour equipment, noise insulation between residential and commercial premises to be provided and for the residential accommodation above to be solely used in conjunction with the ground floor use as a restaurant.
- 4.4. West Midlands Police – No objections.

5. Policy Context

- 5.1. Relevant National Planning Policies:
- National Planning Policy Framework.
- 5.2. Relevant Local Planning Policies:
- Birmingham Development Plan (2017);
 - UDP (saved policies) (2005);
 - Places for All – SPG (2001);
 - Car Parking Guidelines – SPD (2012);
 - Shopping and Local Centres SPD (2012).
 - Shop Fronts Design Guide
 - 45 Degree Code SPG

6. Planning Considerations

- 6.1. The main considerations in the determination of this planning application are the principle of the proposal in this location, the impact on the vitality and viability of the centre, the effect upon residential amenity, highway implications, and design and appearance.

Policy

- 6.2. Policy TP21 (the network and hierarchy of town centres) identifies Ladypool Road as a Local Centre and as a preferred location for retail and office development. Proposals which will make a positive contribution to the diversity and vitality of these centres will be encouraged, particularly where they can help bring vacant building back into positive use.
- 6.3. Policy TP24 (promotion of diversity of uses within centres) encourages a mixture of uses in centres which includes restaurant uses. However, it also stipulates the importance of maintaining the retail function of a centre, so that it is not undermined by an over concentration of non-A1 uses.
- 6.4. Saved Policies 8.6 and 8.7 of the UDP states the criteria to be used when deciding where new hot food shops, restaurants and cafes can acceptably be located and, states that the City Council will use those criteria when considering planning applications for such development. The criteria stated in Policy 8.7 includes the following:

- Due to amenity issues usually associated with such development (late night opening, noise, disturbance, smell and litter) and their impact on traffic generation, hot food shops and cafes/restaurants should be generally confined to shopping areas of mixed commercial development.
- Within such areas and wherever similar facilities exist, account will be taken of the cumulative impact of such development particularly in terms of impact on the amenity of the area and traffic generation. Where concentrations of facilities exist that are already causing such problems planning consent may well be refused if the additional use causes further demonstrable harm.
- When considering a proposal, and particularly the change of use from an existing shop, account will be taken of the impact that it will have on the viability and vitality of the frontage and centre which it forms part. Where a primary retail frontage has been identified within a shopping centre, the change of use of existing retail premises to a hot food shop/restaurant or café will not be permitted. Elsewhere, within shopping areas or areas of mixed commercial development, a proposal will be considered on its merits with account being taken of the character and prosperity of the centre (e.g. as evidenced by the number of vacant units) and subject to the other specified criteria.
- The availability of public transport, convenient on/off street car and cycle parking provision and impact on highway safety will be important considerations. Where insufficient car parking or likely traffic movement are such as to create a traffic hazard planning consent is likely to be refused.

6.5. Shopping and Local Centres Supplementary Planning Document (2012) is consistent with the NPPF and identifies and defines Birmingham's Town, District and Neighbourhood centres and the Primary Shopping Area within these centres. Retail development and other town centre uses, including those that generate significant numbers of people will be encouraged in centres. These include: shops, offices, assembly and leisure, health, religious building, restaurants, pubs and hot food takeaways.

6.6. Policy 1 of this SPD states that within a Primary Shopping Area at least 50% of all ground floor units in the Neighbourhood Centre should be retained in retail (Class A1) use. Applications for change of use out of A1 will normally be refused if approval would have led to these thresholds being lowered, unless exceptional circumstances can be demonstrated in line with policy 3. Policy 3 allows applicants in some cases to demonstrate that exceptional circumstances merit the change of use of an A1 property; for example the property has remained vacant despite being continuously marketed for retail purposes and is no longer viable for retail purposes.

6.7. Policy 2 – In considering applications for a change of use from retail (Class A1) to non-shopping uses in the Primary Shopping Area, regard will also be had to the following factors:

- The need to avoid an over concentration or clustering of non-retail uses such as to create a dead frontage.
- The type and characteristics of other uses in proximity to the application site.
- The size and type of unit. For example, the retention of larger retail units would be encouraged.
- The impact of the proposal on the character and function of the centre including; opening hours, window displays, and footfall generated.

- 6.8. Policy 5 states that applications for new A3, A4 and A5 uses are encouraged within the Centre Boundary of Town, District and Neighbourhood Centres, subject to avoiding an over concentration or clustering of these uses that would lead to an adverse impact on residential amenity. Some exceptions to this policy may be permitted in centres that have a recognised tourism role such as the Balti Triangle (within which Ladypool Road falls). Account will also be taken of other factors including the type and characteristics of other uses within proximity to the application site, the size and type of unit and the proximity of the site to dwelling houses and the impact on any upper floor restaurant or pub uses.
- 6.9. Policies 4 and 6 refer to considerations in relation to hot food takeaway (Class A5) uses.

Principle of Use

- 6.10. The application site is located within the Primary Shopping Area of Ladypool Road Neighbourhood Centre. Consequently, I consider that the proposed use may be acceptable in principle, subject to detailed assessment of impact on the vitality and viability of the centre.

Impact on vitality and viability of the centre

- 6.11. The 'Shopping and Local Centres' SPD Policy 1 & 2, advocates that 50% of all ground floor units within the Neighbourhood Centre should be retained in retail (Use Class A1) and the need to avoid an over concentration or clustering of non-retail uses to ensure that proposals resulting in the loss of retail uses do not have a negative impact on the viability and vitality of existing centres. The application site is located within the linear Ladypool Road Neighbourhood Centre and I note that survey data (2016/2017) identifies 180 units within the Primary Shopping Area of this Neighbourhood Centre as a whole and there are 113 units (62.8%) retained within retail (Use Class A1) including vacant units. It is also acknowledged that the primary retail frontage extends for a considerable distance along both sides of the road and offers a diverse range of goods and services to the local community. The proposed change of use would result in the loss of an A1 retail unit, representing 62.2% of retail units retained in A1 use which is compliant with the required threshold advocated within Policy 1 of the SPD.
- 6.12. Policy 2 of the Shopping and Local Centres SPD states that when considering applications for change of use from retail (Class A1) to non-shopping uses in the Primary Shopping Area, account will also be taken of other factors, which includes the type and characteristics of other uses within proximity to the application site. There are a total of 16 units out of which there would be 5 units (approximately 31.25%) retained within retail use (Class A1) within this frontage, between Newport Road and Brighton Road. This frontage already contains a number of A3/A5 uses, which include the following sites to the north of the application premise:
- Fargo's Food Factory – 377/379 Ladypool Road (Class A3)
 - Heavenly Desserts – 371/373 Ladypool Road (A3)
 - TRU Burger – 369 Ladypool Road (A3)
 - Toro's Steakhouse - 365/367 Ladypool Road (A3)
 - Ice Stone Gelato - 353/355 Ladypool Road (A3)
 - Roti Mahal – 351 Ladypool Road (A5)
 - Fish Bar – 343 Ladypool Road (A5)
- 6.13. The following sites are also relevant:

- 357 - 363 Ladypool Road (planning ref: 2015/04949/PA) was approved as a restaurant in August 2015 which is currently under construction.
- 341 Ladypool Road - (planning ref: 2014/03915/PA) was approved as a restaurant in July 2014 which is currently under construction.

6.14. The cumulative impact of the proposal is acknowledged but Policy 5 of the 'Shopping and Local Centres' SPD allows exceptions and recognises the Balti Triangle (Ladypool Road) as playing a tourism role within the City. The proposal would constitute an appropriate exception as part of the 'Balti Triangle' and this approach accords with a very recent allowed appeal at 254 Ladypool Road on 1st November 2017.

Impact on Residential Amenity

6.15 The proposed development as submitted shows that an extraction flue would be located to the rear and the discharge terminal would be located to the rear at a height of 1.5m above eaves level. Regulatory Services advised that they had concerns with the 24 covers to be in the rear patio area and the applicant has now deleted this element from the proposal. They also recommend conditions to restrict hours of operation, details of extraction and odour equipment, noise insulation between residential and commercial premises to be provided and for the residential accommodation above to be solely used in conjunction with the ground floor use as a restaurant. I consider that subject to the use of conditions such as details of extraction and odour control details, restrictions on the hours of operation and details of noise insulation, the proposal is unlikely to have an adverse impact upon the amenity of residential occupiers and other commercial uses within the immediate vicinity of the site above and beyond that as existing. Given the requirement for intervening sound insulation it is not necessary to additionally require only ancillary occupation of the upper floor residential accommodation.

Impact on Highway Safety

6.16 Transportation Development have assessed the scheme and raised no objections subject to preventing A5 sales. I concur with this view, acknowledging that the application only seeks an A3 use consent. On balance, the proposal would not result in demonstrable harm to the operation of surrounding highways and the safety of highway users. The application site is located within the Primary Shopping Area of Ladypool Road Neighbourhood Centre that is well-served by public transport networks and there are nearby side roads which offer some unrestricted parking opportunities within close proximity to the application premise, although it is acknowledged these are subject to high demand.

Design and Appearance

6.17 The rear extension is sizable but not located where it can be viewed from the public domain and is both single storey and flat roofed in nature. It adjoins commercial uses and no adverse 45 Degree Code issues arise. Subject to the use of matching materials, to be required by planning condition, the extension is acceptable. The new shopfront would similarly accord with prevailing shop front designs within the locality and acceptably provides independent access to the upper floor residential uses.

7. Conclusion

7.1. The proposal is an acceptable exception within the Balti Triangle subject to the appropriate range of amenity and highway-safety related conditions.

8. Recommendation

8.1. Approve subject to conditions.

-
- 1 Limits the hours of use to 11:00-23:00 daily.
 - 2 Prevents food to be sold for off-site consumption
 - 3 Requires the prior submission of extraction and odour control details.
 - 4 Requires the prior submission of noise insulation (variable)
 - 5 Requires that the materials used match the main building
 - 6 Requires the scheme to be in accordance with the listed approved plans
 - 7 No consent for rear external seating area.
 - 8 Implement within 3 years (Full)
-

Case Officer: Chantel Blair

Photo(s)

Figure 1: Application Site



Figure 2: Rear view



Location Plan



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Committee Date:	07/12/2017	Application Number:	2017/08693/PA
Accepted:	04/10/2017	Application Type:	Permitted Development
Target Date:	08/12/2017		Changes After May 2013
Ward:	Erdington		

38-50 Orphanage Road, Erdington, Birmingham, B24 9HN

Prior Approval for change of use from office (Use Class B1[a]) at ground and upper floors to 85 Residential units (Use Class C3)

Applicant: Seven Capital (Erdington) Limited
112 Colmore Row, Birmingham, B3 3AG
Agent: WYG
54 Hagley Road, Edgbaston, Birmingham, B16 8PE

Recommendation

Prior Approval Required And To Approve With Conditions

1. Background/ Proposal

- 1.1. The application site (Honeywell House - office tower block) formed part of the approved consent Ref: 2011/08251/PA for the demolition of existing building and erection of a retail superstore (Class A1), 3 no. retail units and associated works. Subsequently, there was a Lawful Development Certificate ref: 2015/06560/PA granted for the "full" element of planning consent 2011/08251/PA being implemented within the required time period. The implemented works as part of Lawful Development Certificate ref: 2015/06560/PA comprise a single manhole and connecting pipework which forms the final manhole within the site boundary, before it connects to the public sewer on Orphanage Road. However, commercial circumstances have changed within the retail sector and the owners of the site (Sainsbury's) disposed of the site including the application site (Honeywell House). Honeywell House and the wider Colliers site that comprises car showrooms, workshop etc. has recently been acquired by Seven Capital, the company that is behind a number of city centre apartment projects. The building has remained as vacant business offices (Use Class B1a) since it was acquired from the Council back in 2010.
- 1.2. This current prior notification application was made under the provisions of Class O, Schedule 2, part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2016 (As Amended) for the change of use of the building from a vacant office building (Use Class B1a) to 85 apartments (Use Class C3).
- 1.3. The above Statutory Order as amended by the Town and Country Planning (General Permitted Development) (England) Order 2016 requires assessment only under the following issues: noise emanating from commercial premises, impacts related to flood risk, land contamination and the highway impacts arising from the proposal.
- 1.4. The existing floor area of offices is 4,241 sq. metres. Internal layout plans have been provided that show 69no. one-bed apartments and 16no. two-bed apartments.

- 1.5. Details with respect to the parking layout, access and servicing arrangements have been accompanied by a Transportation Statement that shows 20 parking spaces (to include 2 disabled parking spaces and 2 vehicle charging bays) and 86 cycle parking spaces within the curtilage of the site. A noise assessment report has also been submitted as part of supporting documents towards this application.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is occupied by a vacant nine-storey office building known as Honeywell House that is situated at the junction of Edward Road and Orphanage Road. There is an existing footway crossing from Orphanage Road that would be retained with access gates to the car park set back at a distance of 7.5 metres from the back of pavement edge. There are a number of purpose-built car showrooms, workshops etc. within the adjoining Collier site to the rear that are either vacant or currently occupied by a bulky goods retailers', food bank, storage or workshop use where renewal of 2 years temporary consents were granted in 2017. Prior to that, the wider site including the application site (Honeywell House - former Council offices) and former car showrooms that formed part of planning consent ref: 2011/08251/PA that was granted and implemented in anticipation of the new Sainsbury's redevelopment. Due to commercial circumstances, the owners of the site (Sainsbury's) decided to dispose of the wider site.
- 2.2. The surrounding properties are in a mixture of uses. The application site is situated just beyond the Erdington District Centre which lies to the southeast. Erdington Leisure Centre, Fire Station, College, library and retail parades are situated to the south and east of the site. The new Erdington leisure centre and swimming pool occupies the former Hart Road pay and display car park. There is a retail parade to the northwest at the junction of Edward Road and Sutton Road, beyond on the opposite side of Sutton Road is Cross Keys PH (not listed), Highclare School and Erdington Abbey (both Statutory Listed Grade II). There is also a pair of semi-detached properties that are Grade II Listed Buildings that are currently in use as a training centre situated at the junction of Edward Road and High Street.

[Site Map](#)

3. Planning History

Application site to include showrooms within the wider site

- 3.1. 25/07/2012 – Approval - 2011/08251/PA - Hybrid planning application (Part Full and Part Outline) comprising: 1) - Full planning application for a retail superstore (Class A1), 3 no. retail units (Class A1, A2 & A3), cash point (ATM's), car parking, public realm works, landscaping and associated works 2) - Outline planning application for approximately 15 residential units and 3) - Demolition of existing buildings – Approved subject to conditions
- 3.2. 03/07/2015 - 2015/03616/PA - Temporary change of use of former car showrooms (Sui Generis) to retail (Use Class A1) for a period of 2 years (Site 03 – Building 1 – former Land Rover car showroom) – Temporary Approval

- 3.3. 03/07/2015 - 2015/03617/PA - Temporary change of use of former car showrooms (Sui Generis) to retail (Use Class A1) for a period of 2 years (Site 02 - Building 2 - former Honda car showroom) – Temporary Approval
- 3.4. 03/07/2015 - 2015/03618/PA - Temporary change of use of former car showrooms (Sui Generis) to retail (Use Class A1) for a period of 2 years (Site 04 - Building 4 - former Mazda car showroom) – Temporary Approval
- 3.5. 06/08/2015 - 2015/03619/PA - Temporary change of use of former car showrooms (Sui Generis) to retail (Use Class A1) and workshop for use as a foodbank (Sui Generis) for a period of 2 years (Site 01 - Buildings 3 and 10) – Temporary Approval
- 3.6. 16/11/2015 - 2015/06560/PA - Application for a Lawful Development Certificate to confirm the full element of planning consent 2011/08251/PA has been implemented within the required time period – Permission not required and certificate issued.
- 3.7. 10/07/2017 - 2017/03761/PA - Renewal of planning permission ref: 2015/03618/PA for the change of use of former car showrooms (Sui Generis) to retail (Use Class A1) for a period of 2 years (Site 04 -Building 4 - former Mazda car showroom) – Temporary Approval.
- 3.8. 11/07/2017 - 2017/03776/PA - Renewal of planning permission ref: 2015/03617/PA for the change of use of former car showrooms (Sui Generis) to retail (Use Class A1) for a period of 2 years (Site 02 - Building 2 - former Honda car showroom) – Temporary Approval.
- 3.9. 10/07/2017 - 2017/03777/PA - Renewal of planning permission ref: 2015/03616/PA for the change of use of former car showrooms (Sui Generis) to retail (Use Class A1) for a period of 2 years (Site 03 - Building 1 - former Land Rover car showroom) – Temporary Approval.
- 3.10. 02/08/2017 - 2017/03759/PA - Renewal of planning permission ref: 2015/03619/PA for the change of use of former car showrooms (Sui Generis) to retail (Use Class A1) and part workshop for use as foodbank (Sui Generis). Part change of workshop as temporary storage/distribution (Use Class B8) for Site 01 (Buildings 3 and 10) – Temporary Approval (2 years).

Hart Road/ Edwards Road and Orphanage Road pay and display car park

- 3.11. 14-04-2016 – 2015/10064/PA – Erection of two-storey fitness centre and swimming pool building with associated infrastructure works, access, parking and landscaping – Approved subject to conditions

4. Consultation/PP Responses

- 4.1. Site notices displayed- Councillor Gareth Moore has requested that the application be determined at Planning Committee on highway safety and character of area grounds.
- 4.2. A petition has been submitted by Councillor Robert Alden comprising 195 signatures, seven responses were also received from Councillor Robert Alden and adjoining neighbours objecting on the following grounds:

Proposed use

- Object to the use of tower for residential purposes on over intensification grounds based on the number of units proposed.
- No specification for social and/ or disability housing needs within the submitted plans.
- Oversupply of flats within the area that undermines infrastructure and local services such as school places, green spaces and car parks.
- Erdington continue to decline with bedsits and flat proposals.
- Building was never intended to be used as residential as there is clear distinction between people who live in an area and people who work in an area.
- Support residential use but suggest all are two-bed and are owner occupied.

Parking, highway and loss of Hart Road car park

- Inadequate parking facilities for the number of units proposed on site.
- The applicant's failure to provide sufficient parking to mitigate any loss of parking.
- The new leisure centre and swimming pool has been developed on former council car park that was associated to the office building (Honeywell House).
- Loss of car parks within the area such as college park on Edward Road and Hart Road car park. Cumulative and inconsiderate parking associated with leisure centre, three primary schools, two secondary schools, day nursery, shops within Erdington District Centre and proposed flats on application site would result in detrimental impact on pedestrian safety and poor visibility.
- Exacerbate existing parking situation
- Traffic congestion as Orphanage Road and Edward Road cross road is already traffic intensive leading to long delays. There would be increased traffic flows from the proposed use and pedestrian safety would be compromised as the site is situated on a very busy and dangerous junction of Edward Road and Orphanage Road and the existing car park is accessed by a blind turning.
- Pedestrian safety and emergency vehicles safety compromised as the site is situated at junction, where coaches park to the adjacent Leisure Centre and Fire Station on opposite side of the road that needs access at all times.
- Emergency vehicles from the Fire station have to use this already congested junction.
- Unable to sell property as there is lack of parking on Hart Road
- Question – where will disabled spaces be located?

Residential amenity

- Internal spacing standard is below suitable standards leading to poor housing and potential safety issues.
- If below internal standards – what type of people will live there? Erdington needs to raise standards.
- One-bed flats would attract single men occupying these flats and this type of accommodation is not suitable adjacent to the leisure centre.
- The current building is in poor condition and can't see how the development is going to result in high quality residential accommodation.

Design and character

- Out of character with the surrounding area and does not meet requirements of SPD "mature suburbs – guidelines to control residential intensification".
- The premises are out of character for the Erdington community and contrary to mature suburbs policy objective of protecting suburbs.

Noise, land contamination and fire safety

- Contamination risks on site as the building should be demolished.
- Building is classed unfit for human habitation –check needs to be made 1960-70 asbestos within the building.
- Increased noise and disturbance from road traffic, leisure centre, local businesses and plant associated to leisure centre. Noise report does not include impact from Glenfab factory on the opposite side of Edwards Road.
- Increased noise from commercial premises on the intended occupiers from both machine processes and deliveries. These businesses are local employers and jobs are threatened if approval is granted.
- Permission should be refused as mitigation measures within the noise report are insufficient as noise impact would worsen within the area.
- Intrusive on neighbours leading to excessive noise as well as damaging public amenity.
- No mention within noise report to highlight impact on existing residents from additional noise pollution
- Sustained building noise from the construction of leisure centre and this site if approved.
- Lack of details to ensure that they are fire safety compliant in light of the recent incident at Grenfell Tower.
- Inadequate details to demonstrate that proposed flats are fire safety compliant.
- Increase in litter and vermin

Existing permission, demolition and future uses

- Any development needs to be part of an integral planning development of the former Collier site.
- Approval would jeopardise the ability for sustainable development on Colliers site.
- Ugly tower should be demolished as Council was in favour of approved Sainsbury's scheme and the Council should uphold to its words.
- The building was sold by the council on the grounds that it would be demolished.
- Suggest that the site should be developed for housing with green space around them together with parking.
- Suggest that the site should be developed as a retail outlet and the proposed flats would undermine it.
- Suggest that whole site developed for mixed housing park development.
- Suggest whole site used as private and social low rise housing

4.3. Transportation Development– No objections subject to conditions to include residential travel plan, parking areas laid out, implementation of cycle storage details, delivery vehicle management scheme and car park management plan.

4.4. Regulatory Services- No objections subject to condition to ensure that acoustic glazing is implemented in accordance with the approved plans and noise assessment report.

5. Policy Context

5.1. The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015 & 2016.

6. Planning Considerations

- 6.1. The application for prior approval is submitted under Class O of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016, the provisions of which explain that the development is permitted subject to the condition that before beginning the development, the developer must apply to the LPA for a determination as to whether the prior approval of the authority will be required as to:
- Transport and highway impacts of the development;
 - Contamination risks within the site;
 - Flooding risks within the site and
 - Impacts of noise from commercial premises on the intended occupiers of the development.
- 6.2 In this case the LPA can only assess the application on the four subject matters outlined above and there is no scope within the current application to address any other concerns raised, such as those raised through the consultation process.
- 6.3 Members also need to be made aware that permitted development rights for conversion of B1a offices to residential use introduced by the Government to increase housing delivery nationally and to boost supply of homes by making the use of existing buildings and promoting brownfield regeneration. The permitted development rights were made permanent in October 2015 by the Government. The proposal as submitted under prior approval would re-use this vacant office building and provide housing through the promotion of sustainable development.
- 6.4 **Flooding risks** - The proposed prior approval scheme does not include the provision of any external works or ground works that could impact upon drainage or surface water runoff. The site falls within flood zone 1 and has a low probability of flooding and is not shown to be at risk from surface water flooding. Consequently, there are no significant risks from flooding from the proposed change of use which would result in internal modifications to change the layout of each floor within the building.
- 6.5 **Contamination risks** - The proposal should not give rise to any contamination issues as no works are proposed to the external surface of the site, which is hard surfacing to the rear and a landscaped area to the front that includes trees. Regulatory Services have raised no objections to the proposal with regards to land contamination. The building's previous use as purpose-built office accommodation located within an established urban area does not fall within the required consultation with the Environment Agency.
- 6.7 **Noise impact from commercial premises** - A noise assessment report has been submitted as part of supporting documentation this prior approval application. The document concludes that enhanced glazing is required for all facades of the development to include adjoining sensitive spaces. Supporting statements also confirm that passive ventilation will be provided to ensure that relevant noise levels are met. They also confirm that ventilations will be designed to meet relevant requirements of Part L of the Building Regulations. Regulatory Services raise no objection to the proposal subject to imposition of a condition to require acoustic glazing in accordance with the noise assessment report, supporting letter and approved plans. Consequently, I consider that subject to imposition of an enhanced glazing condition, the noise exposure directly from the nearest commercial and non-residential premises is considered to be limited and unlikely to have an adverse impact on the amenity of future occupiers of the development.

- 6.8 **Transport and highway impacts** - Concerns have also been raised by Ward Members and neighbours with regards to inadequate parking, traffic congestion, pedestrian safety and safe use/ access for emergency vehicles and safe use of Fire Station on the opposite junction of Edward Road and Orphanage Road.
- 6.9 The proposal would convert 4,241 sq. metres of permitted office use (Use Class B1a) to 85 residential flats (69no. one-bed and 16no. two-bed flats). The permitted use is offices (Use Class B1a). Paragraph 10(b.) of the Order requires the Local Planning Authorities to “have regard to the National Planning Policy Framework ...so far as relevant to the subject matter of the prior approval, as if the application were a planning application. Section 4 of the NPPF (Promoting sustainable transport) must relate to considerations involving the transport and highway impacts of the schemes. It also advises that transport policies have an important role to play in facilitating sustainable development (para. 29); that the transport system needs to be balanced in favour of sustainable transport modes (para. 29); that plans and decisions should support a pattern of development which where reasonable) facilitate the use of sustainable mode transport (para. 34); that (where appropriate) the opportunities for sustainable transport modes have been taken up; and that the aim should be to encourage people to minimise journey lengths for employment, shopping, leisure, education and other activities (para. 37).
- 6.10 Policy TP38 and TP44 of the BDP and SPD Car Parking Guidelines requires that all new development supports the delivery of a sustainable transport network and development agenda.
- 6.11 The proposed use is appropriate in its current format with 20 parking spaces (to include 2 disabled bays and 2 bays for electric vehicle charging points) given the site’s location on the edge of Erdington District Centre as defined by Shopping and Local Centres SPD. It is in close proximity and walking distances that would minimise journey lengths for shops, identified green space, schools/ education institutions, health centres, community centres/ public house, etc. The site, being situated within a highly accessible and sustainable location, offers choice for walking, use of public transport such as train station within 500 metres and bus transport links to the wider city area and reduces reliance upon the car. The parking behaviours associated with residential uses is likely to be long stay, repetitive in similar locations etc. are such that it is unlikely that the parking would be inconsiderate, obstructive or inherently unsafe. The proposal as amended also offers 86 cycle parking spaces within the lit rear ground floor of the building. The amended plans show each unit provided with one cycle storage space within the building which is considered to be sufficient and offers an alternative to car ownership.
- 6.12 The application site is also located in an area covered by a potential residents parking permit scheme that is at its final consultation stage (maybe subject to change) for implementation in early 2018. The controlled parking zone would implement a mix of ‘resident permit holders’ and ‘all permit holders only bays’ on Hart Road, Edwards Road and part of the currently unrestricted section of Orphanage Road. This would allow residents to apply for permits but would not guarantee residents a parking space on street outside their home and within immediate vicinity of the site. The permit scheme would be subject to appropriate enforcement (when in operation) that would not only discourage private car ownership but would again make it very difficult for any non-permit holders of finding parking spaces when Controlled Parking Zone restrictions are fully in operation.
- 6.13 Concerns have been raised by Ward Member and residents on inadequate parking grounds as the associated car park to the office block at Hart Road has already been

developed by the new Erdington Swimming Pool. The loss of the car park has been subject to extensive consultation and agreed disposal for new swimming pool and leisure centre at democratic process at District/ Ward Committee.

- 6.14 Transportation Development based on background and fall-back position, it is considered that the impact on transportation grounds would be significant enough to warrant refusal. Transportation Development have recommended imposition of conditions in relation to residential travel plan, implementation of cycle storage details and car park management plan and delivery vehicle management scheme. I concur with this view and consider that the residential travel plan would encourage alternative sustainable mode of transport to car ownership. Consequently, it is considered that prior approval is required on transportation grounds but granted subject to imposition of conditions would ensure that the proposed use in this sustainable location.
- 6.15 **Other Matters** – A detailed landscape scheme has been submitted as part of supporting information, which cannot be considered as part of this prior approval application. The installation of 2.2 metre boundary wall, railings and fencing to be installed at the car park entrance would be subject to a further planning application as it exceeds the permitted development allowances under Part 2 (Minor Operations) of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015.
- 6.16 A number of local residents and Ward Councillors have objected to the prior approval application for the change of use of the office block into residential accommodation on inadequate size and quality of housing units. This would not apply to a permitted development scheme in this case as the Council is not able to assess the quality of such schemes in terms of occupiers' amenities, floor space sizes or garden areas.
- 6.17 Concerns were also raised by neighbours with regards to fire safety. Should a prior approval be permitted, the applicant is still required to seek Building Regulations Approval, which deals with issues such as means of escape in case of fire etc. The process involves assessing the proposed plans, consulting with the Fire Officer on buildings where there are shared staircases, inspecting the work at various stages and issuing a completion certificate. I also note that there are no external alterations (e.g. exterior cladding) proposed as part of this prior approval application.
- 6.18 Concerns have also been raised by neighbours with regards to the building being unfit for human habitation and asbestos grounds. There would be health and safety risk assessment carried out that is requirement for all business premises to assess any hazard or risk and would include asbestos (if any) within the building in order to comply with the Health and Safety Executive's guidelines. Supporting statements confirm that a full Asbestos Survey will be undertaken in advance of any works. In any event, the health and safety risk assessment to deal with any hazard or risk to include asbestos would be dealt by separate Health and Safety Executive or Building Regulation regimes.
- 6.19 The devaluation of existing property, flats to be occupied by particular groups, over-concentration of flats within the area and design/ character are not material considerations and as such cannot be considered as part of this prior approval application.
- 6.20 **Community Infrastructure Levy** - The proposed development would not attract a CIL contribution.

7. Conclusion

- 7.1. The provisions of the General Permitted Development Order only allow the current scheme to be considered on the four subject matters as outlined above. Paragraph W13 of the GPDO states that prior approval may be granted subject to conditions reasonably related to the subject matter of the prior approval. I consider that subject to imposition of conditions, the proposal would not result in unacceptable noise from commercial premises or adverse highway safety implications. Therefore it is considered that prior approval is required and that approval be given subject to conditions.

8. Recommendation

- 8.1. Prior approval required and approved with conditions

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- | | |
|---|--|
| 1 | Requires the noise study to establish residential acoustic protection to be implemented in accordance to approve details prior to occupation |
| 2 | Requires the provision of cycle parking prior to occupation |
| 3 | Requires the parking area to be laid out prior to use |
| 4 | Requires the prior submission of a residential travel plan |
| 5 | Requires the prior submission of a parking management strategy |
| 6 | Requires the prior submission of details of a delivery vehicle management scheme |
-

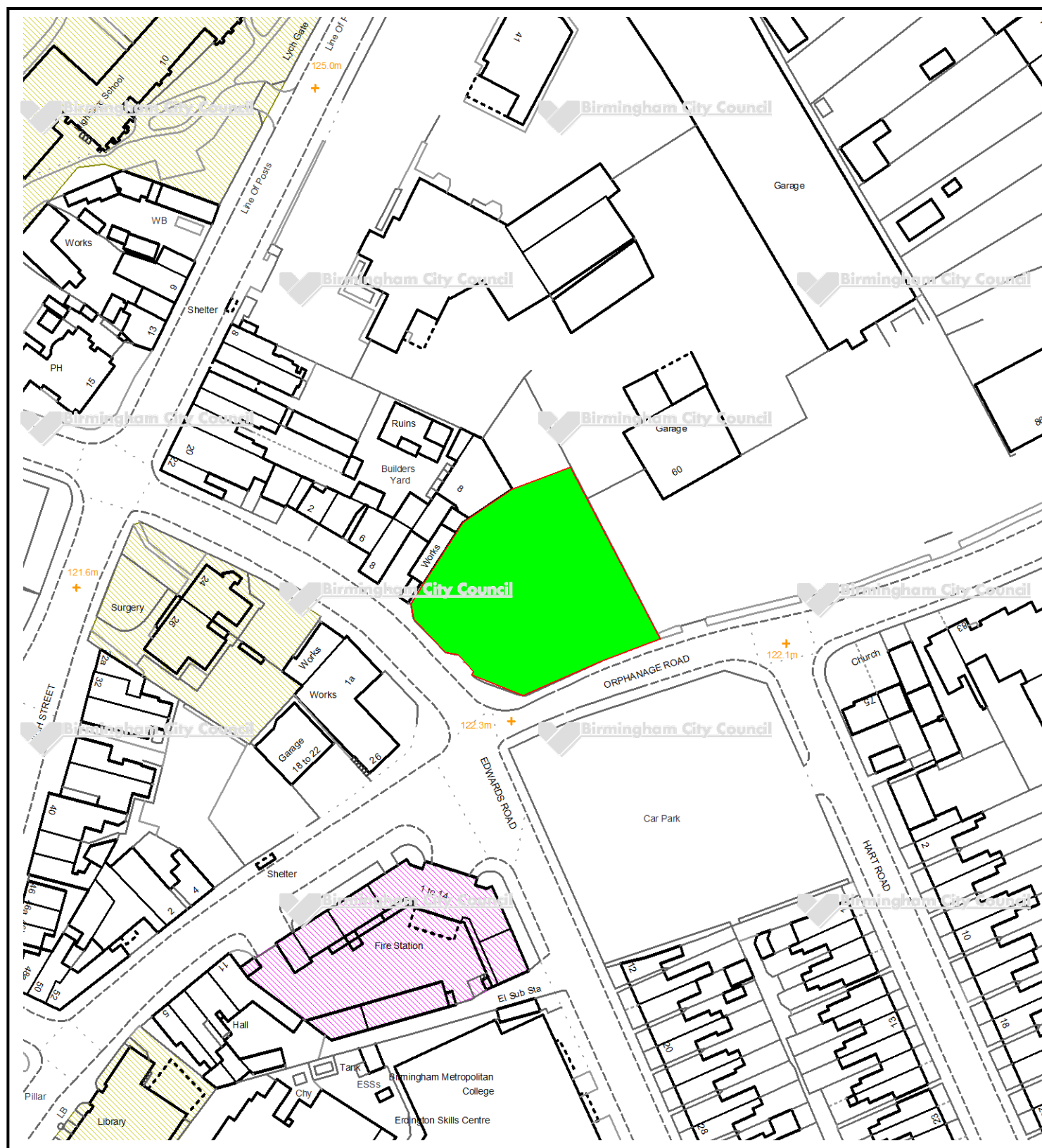
Case Officer: Mohammed Akram

Photo(s)



Figure 1: Application site

Location Plan



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Committee Date:	07/12/2017	Application Number:	2017/08068/PA
Accepted:	18/09/2017	Application Type:	Householder
Target Date:	13/11/2017		
Ward:	Stechford and Yardley North		

654 Church Road, Yardley, Birmingham, B33 8HB

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

Applicant: Mr Imran Nazir
654 Church Road, Yardley, Birmingham, B33 8HB
Agent: Planning Design & Build Ltd.
864 Washwood Heath Road, Ward End, Birmingham, B8 2NG

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a two storey side extension, first floor rear extensions, a single storey front, side and rear extensions.
- 1.2. The proposed extension would approximately measure a maximum of 8m width, 7.4m length and 8m height. The proposed extension would be set back from the main front wall of the property by 0.2m and would be set down from the existing roof by 0.5m.
- 1.3. The two storey side extension would comprise of a lounge and kitchen extension at ground floor and a bedroom with a wardrobe at first floor level. The first floor rear extension would comprise of a bathroom and ensuite extension. The single storey rear extension would comprise of a kitchen extension. The single storey front extension would comprise of a lounge, porch and toilet extension.
- 1.4. Amended plans have been submitted to illustrate that the nearest ground floor rear window of the neighbouring dwelling, No. 656 Church Rd, as a utility room.
- 1.5. It is noted that is noted that a single storey rear extension comprising of a dining room has been substantially completed under permitted development.
- 1.6. The application is requested for determination at Planning Committee by Councillor Eustace.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located in a residential area comprising of predominantly residential dwellings. The application property is set back from the adjacent main highway off Church Road and comprises of a semi-detached property with a hipped

roof design with a first floor extension which has a flat roof. The property has also been extended with a modest single storey extension to the rear. The front amenity area comprises of a tarmacked driveway and a grassed landscaping area. The rear garden is grassed. The boundary treatment to the neighbouring dwellings No. 656 and 652 Church Road consists of 1.8m high close board fencing along the rear and side boundary.

- 2.2. No.656 is a similar styled semi that is set at an angle to that of the application dwelling and has a rear garden that is set down from the ground level of the application site at a lower than the garden to the application site. The property has been extended with a two storey side extension.
- 2.3. No.652 is the adjoining semi that has been extended with a single storey rear conservatory extension.

[Site Location](#)

3. Planning History

- 3.1. 2017/08067/PA: Application for a Lawful Development Certificate for proposed rear dormer and roof alterations: Under consideration.
- 3.2. 2017/04222/PA: Erection of single storey side extension, part first floor and part two storey rear extension, single storey forward extension and alterations to roof. (Amended Description): Withdrawn: 23/06/2017.
- 3.3. 2017/01801/PA: Erection of two storey side and rear and single storey forward extensions and dormers to rear: Withdrawn: 19/04/2017.

4. Consultation/PP Responses

- 4.1. Neighbours and local Ward Councillors have been notified. Four responses have been received from adjoining occupiers on the following grounds:
 - Loss of light.
 - Privacy
 - Overshadowing
 - Loss of rear garden area
 - Out of character and scale with surrounding properties
 - Question if rear extension is PD (due to size and materials)
 - Rear extension has a live enforcement notice which should be addressed and so should not be included in this proposal.
 - Rear extension is incomplete
 - Rear ground floor extension breaches 45 degree code to neighbouring dwellings and creates a tunnelling effect.
 - Front extension is out of character and set forward of principle elevation.
 - Proposal would set a dangerous precedent
- 4.2. Councillor Eustace has objected on the following grounds:
 - Over intensive.
 - Proposals size effects adjacent properties
 - Damage to rear amenity of neighbours.
 - Poor materials and design

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan 2005 (Saved Policies)
- Birmingham Development Plan (BDP) (2017).
- Places For Living (Adopted Supplementary Planning Guidance 2001).
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996).
- Extending your Home (Supplementary Planning Document 2007).

5.2. The following national policies are applicable:

- NPPF- Delivering Sustainable Development (2012).

6. Planning Considerations

6.1. The application has been assessed against the policies outlined above. The principal matters for consideration are whether the proposals would safeguard the visual character and appearance of the original property, the visual amenity of the surrounding street scene, and the amenities of neighbouring occupiers.

6.2. I consider that the design, mass and scale of the proposed development is acceptable and would enhance the character of the dwelling by replacing the existing first floor flat roof extension. The proposal would not compromise the existing character or architectural features of the property, or have a detrimental impact on the general street scene. The proposal would be in accordance with the general principles contained within 'Extending Your Home' (SPD).

6.3. The extension would comply with your Committee's 45 Degree Code and the distance separation guidelines as outlined within 'Places for Living' (Supplementary Planning Guidance) and 'Extending Your Home' (SPD) would be met. The 45 degree code does not apply to the ground floor extension which has been substantially completed under "permitted development" limits. Therefore there would be no adverse impact on the amenities of the occupiers of the adjacent properties by virtue of loss of light or outlook.

6.4. The proposed first floor bathroom and ensuite window would be fitted with obscurely glazed windows to protect the amenity of the neighbouring occupiers. It is noted that the nearest ground floor window of the neighbouring dwelling, No. 656 Church Road, is a non-habitable utility room. I consider that there would be no unacceptable detriment caused to the neighbouring occupiers in terms of light, outlook, overshadowing, amenity or noise.

6.5. Although the proposal would provide a two storey development alongside the neighbour's side boundary, it is considered that a satisfactory gap between these two dwellings at first floor level would remain. I do not consider the extension would be of such a scale and position to affect light, shadow and outlook to such an extent to warrant a refusal.

6.6. A condition is attached to restrict any further windows being added and for the proposed first floor bathroom window to be installed with obscure glazing in order to maintain privacy to neighbouring occupiers.

6.7. Other Issues

6.8. In response to the objections received, it is considered that an acceptable rear garden amenity area would remain. The rear extension is Permitted Development and measures 2.99m (L), 2.74m (H) to eaves and a maximum of 3.5m (H) and is substantially complete. The proposed materials are acceptable. The front extension is subservient to the existing dwelling and respects the character of surrounding dwellings. Therefore, the proposal would not set a dangerous precedent by virtue of siting, scale, design and materials.

7. Conclusion

7.1. The application is recommended for approval as the proposal complies with the objectives of the policies as set out above.

8. Recommendation

8.1. That planning permission be approved subject to conditions.

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- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires that the materials used match the main building |
| 3 | Removes PD rights for new windows |
| 4 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 5 | Implement within 3 years (Full) |
-

Case Officer: Harjap Rajwanshi

Photo(s)



Figure 1 Front Elevation



Figure 2 Rear Elevation

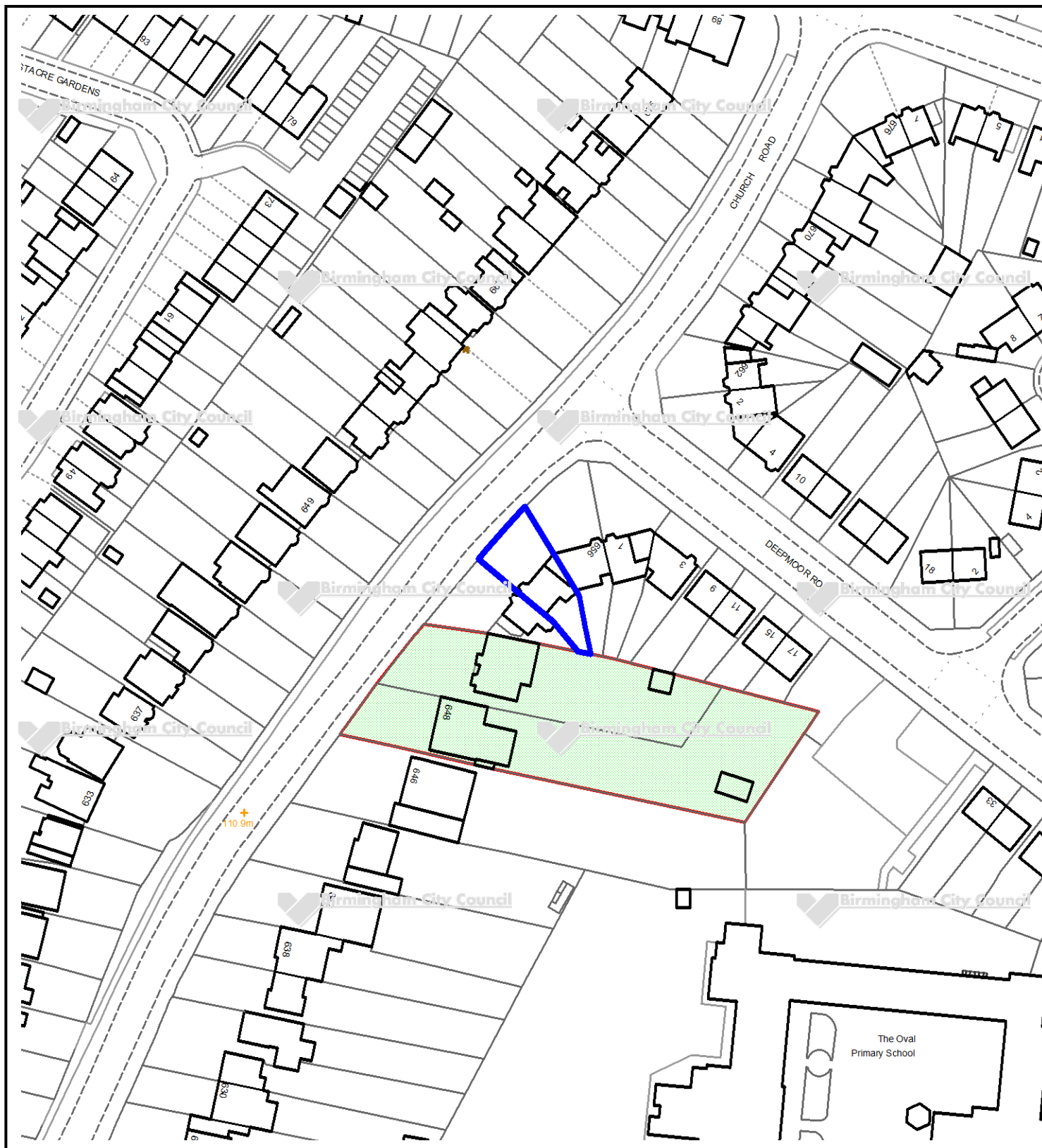


Figure 3 Rear Elevation of 6565 Church Road



Figure 4 Rear Elevation of 652 Church Road

Location Plan



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Committee Date:	07/12/2017	Application Number:	2017/08067/PA
Accepted:	18/09/2017	Application Type:	Proposed Lawful Use/Development
Target Date:	13/11/2017		
Ward:	Stechford and Yardley North		

654 Church Road, Yardley, Birmingham, B33 8HB

Application for a Lawful Development Certificate for proposed rear dormer and roof alterations

Applicant: Mr Imran Nazir
654 Church Road, Yardley, Birmingham, B33 8HB
Agent: Planning, Design & Build Ltd
864 Washwood Heath Road, Ward End, Birmingham, B8 2NG

Recommendation

Section 191 / 192 Permission Not Required (Certificate Issued)

1. Proposal

- 1.1. The proposal seeks a Certificate of Lawful Development for the installation of a hip to gable roof alteration with two dormer windows to the rear of a traditional styled semi-detached property. The proposed roof alterations would form a bedroom with an ensuite.
- 1.2. The proposed hip to gable roof alteration would project 4.4m out from the main ridge of the roof, would be 7.8m in depth, and would have a maximum height of 2.5m. The roof alterations will be finished with matching roof tiles to the front and rear roof slopes and facing brick to the gable to match the materials of the main roof
- 1.3. Additional plans have been submitted to illustrate the floor plan of the proposed bedroom and ensuite.
- 1.4. The application is requested for determination at Planning Committee by Councillor Eustace.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located in a residential area comprising of predominantly residential dwellings. The application property is set back from the adjacent main highway off Church Road and comprises of a semi-detached property with a hipped roof design with a first floor extension which has a flat roof. The property has also been extended with a modest single storey extension to the rear. The front amenity area comprises of a tarmacked driveway and a grassed landscaping area. The rear garden is grassed. The boundary treatment to the neighbouring dwellings No. 656 and 652 Church Road consists of 1.8m high close board fencing along the rear and side boundary.

- 2.2. No.656 is a similar styled semi that is set at an angle to that of the application dwelling and has a rear garden that is set down from the ground level of the application site at a lower than the garden to the application site. The property has been extended with a two storey side extension.
- 2.3. No.652 is the adjoining semi that has been extended with a single storey rear conservatory extension.

[Site Location](#)

3. Planning History

- 3.1. 2017/08068/PA: Erection of two storey side and first floor rear extensions and single storey front, side and rear extensions: Under consideration.
- 3.2. 2017/04222/PA: Erection of single storey side extension, part first floor and part two storey rear extension, single storey forward extension and alterations to roof. (Amended Description): Withdrawn: 23/06/2017.
- 3.3. 2017/01801/PA: Erection of two storey side and rear and single storey forward extensions and dormers to rear: Withdrawn: 19/04/2017.

4. Consultation/PP Responses

- 4.1. No consultation required.

5. Policy Context

- 5.1. Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

6. Planning Considerations

- 6.1. In order for a Certificate of Lawfulness to be issued the proposed development must fall within the limits of "permitted development" as defined in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The relevant parts of the GPDO for the proposed roof alterations are Schedule 2, Part 1 Class B (The enlargement of a dwellinghouse consisting of an addition or alteration to its roof).
- 6.2. In order for the proposal to be determined as permitted development under Part 1, Class B of Schedule 2 of the GPDO, the works proposed should comply with the following tests:
- B1 (a) - Would not consist of a dwellinghouse if its permitted use was granted by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use).
 - B1 (b) - Would not exceed the height of the highest part of the roof.
 - B1 (c) - Would not extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.
 - B1 (d) - Would not exceed the cubic content of the original roof space by more than 50 cubic metres (in the case of a semi-detached dwelling);

- B1 (e (i) and (ii)) - Would not consist of or include the construction or provision of a verandah, balcony or raised platform, or includes the installation, alteration or replacement of a chimney, flue or soil and vent pipe.
- B1 (f) - The dwellinghouse is not on Article 2(3) land (Conservation Area).
- B2 (a) - The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
- B2 (b (i) (aa) and (bb)) - The dormer enlargement, excluding a hip to gable alterations, would be constructed so that the eaves of the original roof are maintained or reinstated; and the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves as measured along the roof slope from the outside edge of the eaves.
- B2 (b (ii)) - Would not extend beyond the outside face of any external wall of the original dwellinghouse.

6.3. The proposed roof additions and alterations would comply with the criteria as outlined above and therefore would be classed as "permitted development" as defined by Part 1, Class B of Schedule 2 of the GPDO 2015 (as amended). As such, planning permission is not required and a Certificate of Lawful Development can be issued in this instance.

7. Conclusion

7.1. The development meets the criteria set out above and a certificate of lawfulness can be issued.

8. Recommendation

8.1. That a Certificate of Lawful Development is granted.

Case Officer: Harjap Rajwanshi

Photo(s)

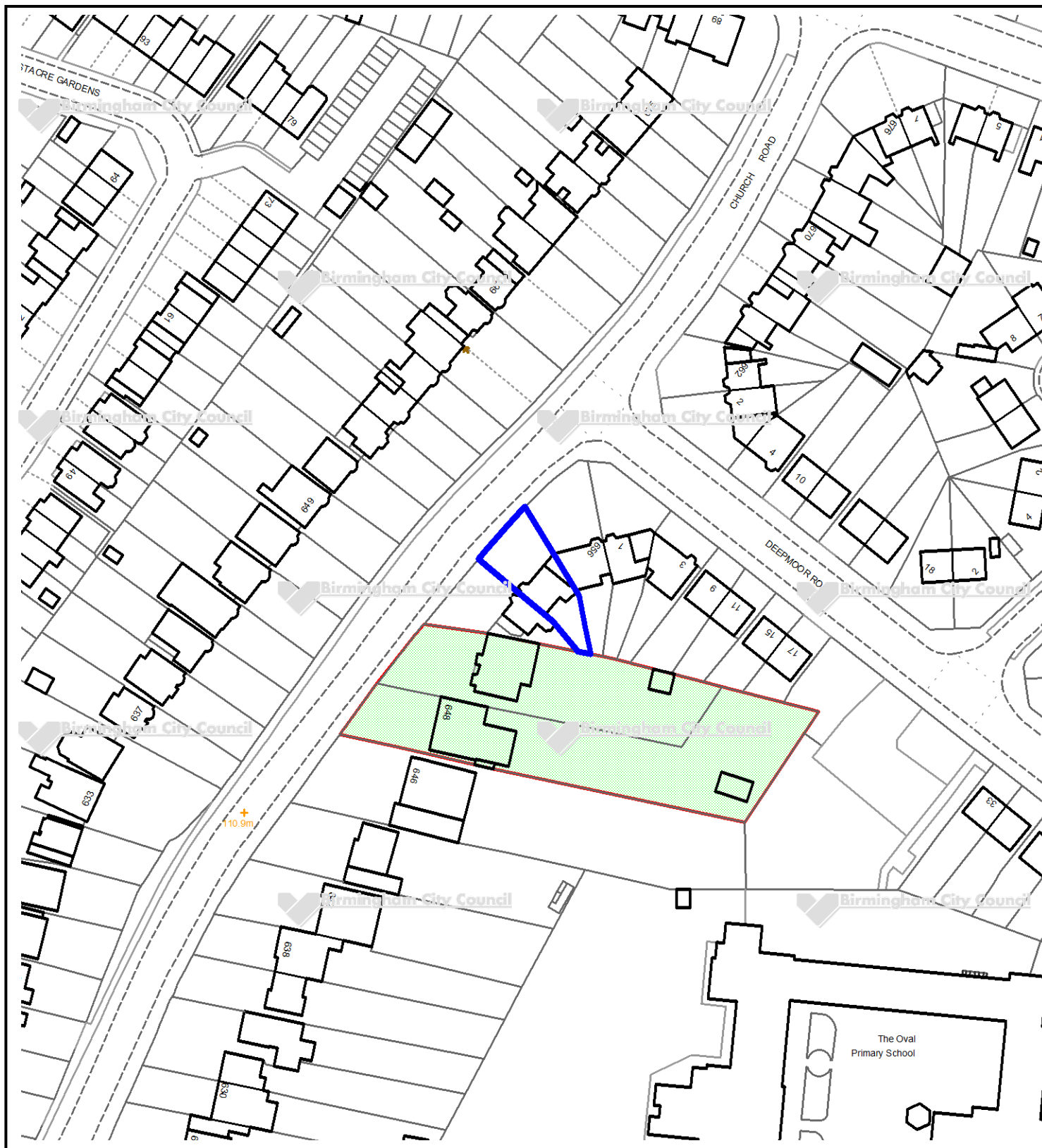


Figure 1 Front Elevation



Figure 2 Rear Elevation

Location Plan



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BIRMINGHAM CITY COUNCIL

REPORT OF CORPORATE DIRECTOR, ECONOMY

PLANNING COMMITTEE 7th December 2017

WARD: SHARD END

**The Birmingham (land adjacent to 12 Brookbank Avenue, Shard End)
Tree Preservation Order 2017**

1. Subject And Brief Summary Of The Proposals

Consideration of the Tree Preservation Order at the above location in respect of which one objection has been received.

2. Recommendation

That the Birmingham (land adjacent 12 Brookbank Avenue, Shard End) Tree Preservation Order 2017 be confirmed without modification.

3. Contact Officer

Julie Sadler – Principal Arboricultural Officer – Planning (North)

Tel: 0121 303 4172

Email: julie.sadler@birmingham.gov.uk

4. Background

4.1 The order protects one maple tree located to the north of 12 Brookbank Avenue on land owned by Birmingham City Council.

4.2 We were informed by our Clearance, Land and Property section that the owner of 12 Brookbank Avenue had shown interest in purchasing the area of public open space (approx 431 sq m) to the north of his tenanted property. In 2016 a pre-application enquiry (2016/03695/PA) was received in respect of a 4 bedroom property which would have required the purchase of a smaller area of land. This application did not acknowledge the presence of the tree which most definitely would have been affected. The response to the applicant was that whilst the building 'may be feasible' attention had to be given to the 'mature tree to the front/side of the site'.

The Clearance, Land and Property Team have since decided not to sell any of the land and support the serving of the TPO as does the Trees and Contracts Manager who is responsible for maintaining the tree on behalf of the City.

4.3 The TEMPO systematic evaluation of the trees included in the order returned a score of 15 = TPO defensible.

5. Objection to the TPO

- 5.1 The objection to the order has been received from the neighbouring property owner, Mr Michael Adams:

'A – Report by Matt Rogers that illustrates the care and attention that will be put into the proposed project and thus makes a TPO unnecessary.

B – I feel that the issue has been handled by the City Design and Conservation Group in a rather heavy handed way i.e. large regional council versus small property owner; almost like taking a machine-gun to swat a fly.'

Mr Adams is also concerned that the trees' canopy overhangs his property and the roots undermine the driveway and he is concerned about future responsibility for the tree.

6. Response to the Objection

- 6.1 The objection is based on the observations and information that Mr Adams has submitted with his objection and seems to imply that he would not be granted planning permission. Clearly this is not the case as no planning application has been received to be considered.
- 6.2 In respect of his reference to a heavy handed approach it should be noted that the presence of a TPO does not imply that any development that would affect protected trees is out of the question. Rather an order is served to ensure that valuable landscape trees are given due consideration, protection and management (including mitigation) through the planning and development process and beyond.

When considering any tree, group, woodland or area of trees for legal protection through a tree preservation order (TPO) the Council has for many years used the systematic evaluation system devised specifically for the purpose. This system is known as Tree Evaluation Method for Preservation Orders or TEMPO, it is used by many local authorities across the country. (<http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf>) The system is based on a numerical score. Part 1 deals with the amenity assessment. It makes no attempt to qualify 'amenity' but in general the definition is the contribution the trees make to the landscape, their potential remaining life span and their condition. It is not a requirement of the Town and Country Planning Act 1990 for the Local Planning Authority (LPA) to carry out a condition inspection of the trees to ascertain this. Part 2 addresses expediency. The system gives a score on three levels based on threat to the trees i.e. immediate, foreseeable or perceived but where none of these apply there is a score for precautionary only. The highest immediate threat scores 5, the precautionary assessment scores 1. Part 3 is the decision. Scores totalling up to 11 would not merit TPO. Scores of 12+ indicate that TPO is defensible and appropriate. The LPA is not obliged to use this system nor to disclose it when serving an order.

The City Council has undertaken to protect trees where it considers appropriate in policy TP7 of the Birmingham Development Plan :-

The City Council will also 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.

- 6.3 In respect of his concerns for the maintenance of the tree the presence of the TPO doesn't alter this in any way, it is still the responsibility of the owners in this instance the City Council.

7. Financial Implications

None

8. Implications for policy priorities

8.1 Strategic Themes

Birmingham Development Plan TP7.

8.2 Implications for Women, People with Disabilities, Black and Minority Ethnic People and Race Relations

None

9. BACKGROUND PAPERS

9.1 Letter and attachments from Michael Adams

9.2 Copy of TEMPO for the Order



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Corporate Director, Economy

BIRMINGHAM CITY COUNCIL

REPORT OF THE CORPORATE DIRECTOR, ECONOMY

PLANNING COMMITTEE 7th December 2017

WARD: LADYWOOD

**The Birmingham (land adjacent to the Synagogue, Blucher Street)
Tree Preservation Order 2017**

1. Subject And Brief Summary Of The Proposals

Consideration of the Tree Preservation Order at the above location in respect of which one objection has been received.

2. Recommendation

That the Birmingham (land adjacent to the Synagogue, Blucher Street) Tree Preservation Order 2017 be confirmed without modification.

3. Contact Officer

Julie Sadler – Principal Arboricultural Officer – Planning (North)

Tel: 0121 303 4172

Email: julie.sadler@birmingham.gov.uk

4. Background

- 4.1 The order protects nine London plane trees, three other trees on the site (two birch and one cupressus) are not included.
- 4.2 The trees are located around the perimeter of the car park adjacent to the Synagogue.
- 4.3 The City Design and Conservation Team were asked by a private firm of architects if the trees around the Synagogue formed part of the Listed Building entry for the building. They do not, neither is there Conservation Area protection. The fact that the enquiry was made suggests that some sort of development may be under consideration.
- 4.4 No on-site inspection of the trees has yet taken place however the TEMPO systematic evaluation of the trees included in the order returned a score of 14 = TPO defensible.

5. Objection to the TPO

- 5.1 The objection to the order received from GVA Grimley Ltd on behalf of the owners of the property can be summarised as follows:

5.1.1 'The failure of the Council to justify its conclusions in relation to the amenity value of the trees and to explain why it is expedient to make the Order, we conclude that the Order is deficient.'

6. Response to the Objection

- 6.1 When considering any tree, group, woodland or area of trees for legal protection through a tree preservation order (TPO) the Council has for many years used the systematic evaluation system devised specifically for the purpose. This system is known as Tree Evaluation Method for Preservation Orders or TEMPO, it is used by many local authorities across the country. (<http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf>) The system is based on a numerical score. Part 1 deals with the amenity assessment. It makes no attempt to qualify 'amenity' but in general the definition is the contribution the trees make to the landscape, their potential remaining life span and their condition. It is not a requirement of the Town and Country Planning Act 1990 for the Local Planning Authority (LPA) to carry out a condition inspection of the trees to ascertain this. Part 2 addresses expediency. The system gives a score on three levels based on threat to the trees i.e. immediate, foreseeable or perceived but where none of these apply there is a score for precautionary only. The highest immediate threat scores 5, the precautionary assessment scores 1. Part 3 is the decision. Scores totalling up to 11 would not merit TPO. Scores of 12+ indicate that TPO is defensible and appropriate.

The LPA is not obliged to use this system nor to disclose it when serving an order. However the score for the trees included in the order awarding 1 (precautionary) for the expediency test the London plane scored 14 = TPO defensible. The trees not included in the order scored 10 = do not merit TPO.

The City Council has undertaken to protect trees where it considers appropriate in policy TP7 of the Birmingham Development Plan :-

The City Council will also 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.

It should be noted that the presence of a TPO does not imply that any development that would affect protected trees is out of the question. Rather an order is served to ensure that valuable landscape trees are given due consideration, protection and management (including mitigation) through the planning and development process and beyond.

7. Financial Implications

None

8. Implications for policy priorities

8.1 Strategic Themes

Birmingham Development Plan TP7.

8.2 Implications for Women, People with Disabilities, Black and Minority Ethnic People and Race Relations

None

9. BACKGROUND PAPERS

9.1 Letter from GVA

9.2 Copy of TEMPO for the Order



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Corporate Director, Economy