

Birmingham City Council

Planning Committee

26 March 2020

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	9	2019/09000/PA 8 Selly Hill Road Selly Oak Birmingham B29 7DL Demolition of existing Selly Oak Ex-Servicemen's Club and 133 Dawlish Road and the erection of a part three/part five storey 178-bed student accommodation with a of a mix of cluster halls and studios, creation of new access road from Dawlish Road and associated infrastructure and facilities
Approve – Conditions	10	2019/07057/PA Land at rear of 68 Wellington Road Edgbaston Birmingham B15 2ET Erection of two detached dwellings with associated access and parking
Approve – Conditions	11	2019/10451/PA 339 Pershore Road Edgbaston Birmingham B5 7RY Change of use from residential home (Use Class C2) to 7 bedroom House In Multiple Occupation (HMO) (Sui Generis)
Approve – Conditions	12	2019/07623/PA 107 Rednal Road Kings Norton Birmingham B38 8DT Erection of a single dwelling.

Approve – Temporary

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2020/00771/PA

29 Woodgate Lane
Bartley Green
Birmingham
B32 3QU

Display of 1no. internally illuminated 48-sheet
digital advertisement hoarding

Committee Date:	26/03/2020	Application Number:	2019/09000/PA
Accepted:	06/11/2019	Application Type:	Full Planning
Target Date:	28/03/2020		
Ward:	Bournbrook & Selly Park		

8 Selly Hill Road, Selly Oak, Birmingham, B29 7DL

Demolition of existing Selly Oak Ex-Servicemen's Club and 133 Dawlish Road and the erection of a part three/part five storey 178-bed student accommodation with a of a mix of cluster halls and studios, creation of new access road from Dawlish Road and associated infrastructure and facilities

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application is for the demolition of a social club and redevelopment of the site with a purpose-built student accommodation building comprising of 178 bedspaces. The scheme varies between three and five storeys high. A 3 storey frontage is proposed on Selly Hill Road however due to the change in levels across the site 2 lower ground levels are proposed. The scheme incorporates 2 rear wings which drop down to 3 storeys in height at the rear.
- 1.2. The proposed building would be sited 0.5m from the highway. It would measure 43.8m in width and generally has a depth of 10.6m however where the rear wing is positioned the depth extends to 25m. The proposed three storey element would measure 9m in height from Selly Hill Road. The proposed student accommodation building would provide 5,755sqm of internal floorspace.
- 1.3. The proposed building would be of a contemporary design, with a flat roof. The building would be constructed of red brick broken up by sections of recessed brick work. Feature windows with cladded panels are provided above the two entrances.
- 1.4. The scheme provides a mix of clusters and studios. The studios vary in sizes between 17 and 26sqm. The clusters contain between 6 and 10 bedrooms and incorporate a shared kitchen/lounge measuring 31sqm.
- 1.5. The scheme also includes a communal lounge measuring 260sqm which opens out onto the private amenity space. A cinema/games room (70sqm) and a gym (70sqm) have also been incorporated. The landscaped communal amenity space for residents to the rear would measure approximately 430sqm.
- 1.6. The building is serviced from the rear through the demolition of No. 133 Dawlish Road. The applicant has confirmed that the rear vehicular access would only be utilised by refuse lorries, maintenance vehicles and the annual drop-off and pick up of students. 2 integral bin stores and a cycle store would be incorporated in the lowest basement level which would be accessed from the rear of the building.

- 1.7. This application is supported by a Planning Statement, Student Needs Assessment, Design and Access Statement, Noise Survey, Site Investigation Report, Travel Plan, Sustainable Drainage Assessment, Ecological Assessment, Energy Statement and Arboricultural Report.
- 1.8. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site comprises of a broadly rectangular shaped single storey building that is located in the northern part of the site with its car park located to the south. The red brick building is single storey and has a flat roof. The site was previously utilised as a social club but has been vacant for a couple of years has been secured with fencing to prevent access.
 - 2.2. Immediately adjoining the site to the south is an MOT garage, on which permission has been granted for a block of purpose built student accommodation (2019/01933/PA). Immediately adjoining the site to the west is a steep wooded embankment leading down to the properties on Dawlish Road and Lime Avenue. These are all Victorian terraced properties that are located on land that is approximately 4m lower than the application site. Immediately adjoining the site to the north are terraced residential properties on Harrow Road. Located opposite the site, on the other side of Selly Hill Road, are two storey houses.
 - 2.3. The application site is located in a predominantly residential part of Selly Oak, comprising of two storey Victorian terraced houses largely occupied by students.
 - 2.4. Parking is unrestricted and on-street along Selly Hill Road. Selly Oak District Centre is located a five minute walk to the north.
 - 2.5. [Site Location Plan](#)
3. Planning History
 - 3.1. 2017/08369/PA - Outline application for the demolition of existing building and erection of 10no. dwellings (Landscaping reserved for future consideration) – Approved subject to conditions on 14/03/2018.
4. Consultation/PP Responses
 - 4.1. Transportation Development – No objection subject to conditions requiring construction management plan, travel plan, student management plan and provision of pedestrian visibility splays.
 - 4.2. Regulatory Services – No objection
 - 4.3. West Midlands Police – No objection subject to conditions requiring CCTV and secure access system.
 - 4.4. Severn Trent Water – No objection subject to condition requiring drainage details.
 - 4.5. Lead Local Flood Authority (LLFA) – No objection subject to conditions requiring the submission of a sustainable drainage scheme and a Sustainable Drainage Operation and Maintenance Plan

- 4.6 Adjacent occupiers, Councillors, M.P. and residents associations notified and site/press notices posted. 7 letters of objection received raising the following concerns:
- Increased noise and disturbance;
 - Loss of privacy;
 - Excessive scale of development;
 - Increased pressure on public services;
 - Increased demand for parking spaces;
 - Increased traffic;
 - Already too much student accommodation provided; and
 - Harm to the character of the area
- 4.7 An objection has been received by the Community Partnership for Selly Oak (CP4SO). The following concerns have been raised:
- No need for further purpose built student accommodation;
 - Increased pressure on public services;
 - Harmful impact on character of the area;
 - Loss of privacy;
 - Only clusters should be provided;
 - Noise and disturbance; and
 - Increased traffic and greater demand for parking;
- 4.8 An objection has been received from Frederick Road and Rachel Gardens Residents Association. The following concerns have been raised:
- No need for further purpose built student accommodation;
 - Increased pressure on public services;
 - Harmful impact on character of the area;
 - Loss of privacy;
 - Only clusters should be provided;
 - Noise and disturbance; and
 - Increased traffic and greater demand for parking;
- 4.9 An objection has been received by Steve McCabe MP raising the following concerns:
- No need for further purpose built student accommodation;
 - Off-street parking is needed;
 - Disabled parking spaces are required;
 - Development harms the character of the area; and
 - Disruption for local residents

5. Policy Context

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

6. Planning Considerations

- 6.1. I consider the key planning issues in the determination of this application are; the principle of student accommodation on this site; the siting, scale and appearance of the proposed building; living conditions for prospective occupiers; impact on parking and highway safety; noise impact; impact on neighbouring residential amenity; and impact on trees and landscape;
- 6.2. Principle of Student Accommodation
- 6.3. The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that for decision making this means approving development proposals that accord with the development plan without delay. Paragraph 117 encourages the use of as much previously developed (brownfield land) as possible.
- 6.4. The Birmingham Development Plan (BDP), at Policy TP33, has a set of criteria for off-campus development which includes; a demonstrated need for development; a good location in relation to the educational establishment, local facilities and public transport; that the development would not have an adverse impact on the local neighbourhood or residential amenity; the scale, massing and architecture of the development is appropriate for the location; and that the design and layout of the accommodation would create a positive living experience.
- 6.5. The application site does not have any land use designation within the Wider Selly Oak SPD, and is located outside of the defined District Centre. The Wider Selly Oak SPD acknowledges the attractiveness of Selly Oak for student accommodation and identifies some (larger) sites for potential purpose-built provision. However, there is no policy preventing purpose built student accommodation being developed on other windfall sites within the Selly Oak Area, subject to compliance with the criteria set out at Policy TP33 of the BDP, as re-iterated in the Wider Selly Oak SPD – in particular for accommodation to be well related to the educational establishment that it serves.
- 6.6. There are high concentrations of students living in Houses in Multiple Occupation (HMOs) in Bournbrook. This puts pressure on this area and both the quality of life for existing residents and the residential environments have been adversely affected as a result. The Wider Selly Oak SPD acknowledges that whilst purpose built accommodation can still bring large numbers of students into an area, it can help minimise adverse impacts on areas that are over-populated with students by freeing up HMOs for potential reversion to family housing, thereby restoring a more balanced community and helping with certain local services such as take up of school places.
- 6.7. The application is supported by a Student Needs Accommodation Survey. The Report, using 2018 data from the Higher Education Statistics Agency (HESA) identifies that the University of Birmingham (UoB) has a total of 28,900 full time students. The total student numbers at the University of Birmingham has increased from 28,240 in 2008 to 34,915 in 2017/8, a 19% increase over the identified 9/10-year period.
- 6.8. In total only approximately 8,808 student accommodation rooms can be provided in halls of residence both on and off campus within both university and private ownership. This equates to provision for 30% of the full-time student population, leaving 70% of full-time students (approximately 20,092 students) potentially requiring alternative accommodation.

- 6.9. With additional numbers from consented sites and those awaiting a decision in the development pipeline for student accommodation taken into account, a total of approximately 11,261 bed spaces for full-time students could be potentially be delivered. This equates to an additional 8% of provision for full-time students, taking the total provision up to approximately 39%. The research demonstrates that when taking existing bed spaces available there may be up to 20,092 (69%) of full-time students who cannot find bed space within purpose-built accommodation close to the University of Birmingham, and if the 2,453 additional developments in the pipeline were taken into account 17,639 (61%) who cannot find appropriate bed space. Planning Policy have reviewed the Student needs Assessment and believe that it demonstrates an undersupply of purpose-built student accommodation to serve the University of Birmingham. I concur with this view.
- 6.10. I note local objectors' concerns regarding a purported over-supply of student accommodation (and associated impacts in creating an unbalanced community). However, I am satisfied that, existing and currently consented developments for student accommodation fall short in terms of providing sufficient residential accommodation to meet the identified need for student accommodation to serve the University of Birmingham. Even if all the current permitted schemes come forward, a significant undersupply of purpose built student accommodation in the areas serving the University of Birmingham will remain. The increasing trend in full-time students at the University, and in particular overseas students, means there is a demonstrated demand for purpose built accommodation. Bournbrook will always likely be a popular location for students to live in because of its close proximity to the University.
- 6.11. Whilst this site is not immediately adjacent to the University campus, it is an 8 minute walk from the edge of the campus, and also easily accessible by cycling or public transport. In addition, it has a similar relationship (in terms of distance) to other recently approved student schemes, such as the Birmingham Battery site. As such, I consider the application site is in a suitable location to provide for purpose built student accommodation, being a brownfield site in close proximity to the University and local services/amenities, including Selly Oak District Centre and would, consequently, achieve sustainable benefits. Current planning policy does not restrict the provision of student accommodation at this site and therefore I consider such development would be acceptable in principle, and the need for additional student accommodation has been demonstrated in accordance with Policy TP33 of the Birmingham Development Plan.
- 6.12. Siting, Scale and Appearance
- 6.13. Policy PG3 of the BDP explains that "All new development will be expected to demonstrate high design quality, contributing to a strong sense of place." It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.
- 6.14. Paragraph 124 of the NPPF states that "The creation of high quality buildings and places is fundamental to what the planning and development process should

achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities". Saved Policies 3.14-3.14D in the Birmingham UDP, Places for Living SPG and Places for All SPG also give significant weight to achieving high quality design which recognises local character and distinctiveness.

- 6.15. The existing social club building on the application site is of no particular architectural merit. It is a single storey building which is constructed of red brick, has a flat roof and is clearly in need of repair and maintenance. As such, its removal would be welcomed, as it currently appears as an incongruous feature in the streetscene. Furthermore, consent has already been granted for its demolition via the recent approval for 10 dwellings under reference 2017/08369/PA.
- 6.16. The proposed development presents a 3 storey frontage which mirrors the adjacent schemes of purpose built student accommodation which are either constructed or consented to the south of the application site.
- 6.17. The proposed building is set in line with the adjacent property, No. 81 Harrow Road maintaining a consistent building line along Harrow Road and Selly Hill Road.
- 6.18. Properties along Selly Hill Road and Harrow Road are generally two storeys in height although many have a third storey provided within the loft space. Whilst the proposed development would front the street with a three storey flat roofed design it would be similar to the height of the adjacent block of accommodation that was recently approved.
- 6.19. The use of a red brick which is broken up by recessed brick detailing gives the rhythm of a series of individual properties similar to a row of terraced houses. The use of cladded feature windows above the 2 front entrances adds visual interest and helps draw attention to the entry points of the building.
- 6.20. When viewed from Selly Hill Road the proposed development would be sympathetic to the local vernacular of surrounding Victorian houses, through utilising vertical windows and red facing brickwork. With a large number of windows on the frontage the proposed development has been designed to provide surveillance/activity to the street.
- 6.21. The scheme utilises the change in levels across the site to provide 2 levels of accommodation which are below the natural ground level on Selly Hill Road. The property is therefore effectively 5 storeys high when viewed from Dawlish Road. Importantly, the 2 rear wings which extend towards Dawlish Road reduce to a height of 3 storeys. This is similar to the height of the terraced properties on both Dawlish Road and Lime Avenue. The scheme would therefore fit comfortably within the street scene.
- 6.22. The scheme results in the demolition of No. 133 Dawlish Road. This is a traditional terraced property dating from the early 20th century which has some architectural merit. However, such properties are common place in Bournbrook and with no statutory or local listing its loss cannot be resisted in this instance.
- 6.23. In light of the above, the appearance, scale and massing of the proposal is acceptable and retains the character and appearance of the local area.
- 6.24. Living Conditions

- 6.25. The Council's Specific Needs Residential Uses SPG (1992) recommends that a single bedroom within purpose built student accommodation should measure a minimum of 6.5sqm in size. Each proposed cluster flat bedroom would have an internal floorspace of between 13sqm - 18sqm (inclusive of en-suite). The communal areas within the clusters, each being 31sqm are relatively generous, with furniture layouts provided to demonstrate the accommodation of kitchen, dining and lounge facilities. The studios are also well proportioned varying in sizes between 17 and 26sqm. The scheme also includes a communal lounge measuring 260sqm which opens out onto the private amenity space. A cinema/games room (70sqm) and a gym (70sqm) have also been incorporated.
- 6.26. A communal garden area (approximately 430sqm) is proposed to the rear of the block. This area is considered sufficient to provide a suitable setting for the building and opportunities for occupiers to take advantage of the outdoor space.
- 6.27. In light of the above, I am satisfied that the proposal meets policy requirements in terms of creating a positive living experience for future occupiers.
- 6.28. Parking and Highway Safety
- 6.29. Policy TP38 of the BDP states that "The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported." One of the criteria listed in order to deliver a sustainable transport network is ensuring that that land use planning decisions support and promote sustainable travel. Policy TP44 of BDP is concerned with traffic and congestion management. It seeks to ensure amongst other things that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.30. The NPPF highlights that decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; Safe and suitable access to the site can be achieved for all people; and Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.31. The Council's Car Parking Guidelines SPD recommends a maximum of 1 space per 5 beds and a minimum of 1 cycle space per 4 beds for purpose built student accommodation. There is no minimum parking provision requirement. The proposal provides cycle storage and no off-street car parking.
- 6.32. The site is located within a five minute walking distance of Selly Oak District Centre and the local facilities that exist here. There are bus stops located along the Bristol Road which have very frequent services into the City Centre. Selly Oak Rail Station is located approximately 570m distant from the site, and again provides frequent rail links to the City Centre. I am therefore satisfied that the site benefits from good public transport links, and is located within easy walking/cycling distance of the University of Birmingham and local facilities at Selly Oak District Centre.
- 6.33. The inclusion of rear access for servicing ensures that refuse vehicles will minimise the potential for congestion outside the site. With the drop-off and pick-up of students each year taking place within the site, this should prevent on street parking

in the surrounding streets. Transportation raise no objection to the scheme and consider that the proposed access is acceptable.

- 6.34. A Travel Plan will be required to make residents fully aware of the non-car opportunities of travel, this matter can be addressed via condition. Furthermore, it is understood that the lease agreement would prevent students from parking along local roads and within a certain distance of the site. A Student Management Plan will also be required to set out procedures for drop-off/pick up at the start/end of each term to ensure that this is carried out on a phased basis.
- 6.35. Amenity of Existing Residential Occupiers
- 6.36. The closest residential property is 81 Harrow Road which is located to the north of the application site. This traditional end terraced property has no windows on the side elevation and the proposal does not breach the 45 degree code when measured from the habitable windows on the rear of the property. The scheme therefore has no undue impact in terms of loss of light or privacy on No. 81.
- 6.37. No. 46 Selly Hill Road is located to the north of the site and is currently in used by a car repair firm (B2 use) meaning no amenity issues would arise. However, planning permission was granted under reference 2019/01933/PA for a block of student accommodation. It is important to consider the relationship with this adjoining proposed development. The side elevations of both the proposed scheme and adjacent consented scheme do not contain any habitable windows ensuring that a loss of privacy could not occur.
- 6.38. In respect of the proposed development and its relationship with properties on Lime Avenue and Dawlish Road to the west of the site, I note that the application site is located at a ground level which is 4m higher than the terraced properties in Lime Avenue and Dawlish Road. The steep embankment between the two was covered by a number of trees although these have now been removed. The closest properties are numbers 115 to 133 Dawish Road (odds) and No. 10 Lime Avenue.
- 6.39. The Council's Places for Living SPG recommends a separation distance of 21m between windowed elevations in new two storey development and windows in existing dwellings, and the separation distance increases to 27.5m where this relates to new three storey development. It also states that this standard will be more strictly applied at the rear rather than the front.
- 6.40. The wings of the proposed development contain no habitable windows in the rear elevation to ensure that a loss of privacy could not occur. The development is a minimum of 16.9m from the shared boundary with the properties on Dawlish Road and a minimum distance of 27m from the rear wing of these properties. This ensures that the proposal would not be unduly overbearing for the existing occupiers or cause a loss of privacy.
- 6.41. The development is 12.2m from the side elevation of No. 10 Lime Avenue. As the only openings in No. 10 are secondary windows at first floor level the relationship is considered to be acceptable.
- 6.42. Whilst the front to front separation between with the opposite houses on Selly Hill Road is only 17m, I consider this to be acceptable, as the proposed development block would follow an established building line, and as set out above Places for Living SPG allows more flexibility with a front to front relationship. It is important to note that the same separation distance was accepted on the adjoining sites.

- 6.43. In addition to the physical building the scheme includes the demolition of No. 133 Dawlish Road to enable the development to be serviced from the rear. This means that an access drive will be located directly adjacent to the rear gardens of No.'s 1-10 Lime Avenue. However, as the access will only be utilised by vehicles to provide weekly servicing and the annual drop-off and pick up the infrequent use will ensure that there is no undue noise and disturbance for the occupiers of these properties when they wish to utilise their private gardens.
- 6.44. In summary, the proposal will have no undue impact on amenity levels experienced by adjoining occupiers.
- 6.45. Trees and Landscaping
- 6.46. Policy TP7 of the BDP seeks to conserve and enhance Birmingham's woodland resource and states that all new development schemes should allow for new tree planting.
- 6.47. The front section of the site is covered in hardstanding and contains no landscape features. There were a number of trees within the steep embankment however these have all been removed. The submitted tree survey identifies 10 trees at the rear of the site of which 8 are category C and 2 are category B. It is proposed to retain 8 of these trees with one category B and category C tree lost. The proposed landscaping plan indicates the planting of 9 trees with further mixed shrub planting also indicated. The Council's Tree Officer raises no objection identifying that there is the opportunities for replacement planting which would lead to an enhancement in tree cover overall.
- 6.48. My Landscape Officer has raised no objection to the proposed development and I concur with his recommendation to attach conditions regarding levels, hard and soft landscaping, boundary treatments and landscape management.
- 6.49. Sustainability
- 6.50. The Birmingham Development Plan places great emphasis on improving the quality of the City's environment, ensuring sustainable development and tackling climate change. Policy TP3 seeks to secure sustainable construction and in the case of non-residential development aim to meet BREEAM standard excellent. Policy TP4 expects major development to incorporate low and zero carbon energy generation.
- 6.51. An Energy Statement has been submitted with this application. This sets out that how the building can meet the BREEAM 'excellent' standard. To ensure this is achieved a condition will be attached.
- 6.52. Other Issues
- 6.53. The City's Ecologist has raised no objection to the proposed development. She notes that the existing buildings at the site at present offer negligible opportunities for wildlife. A condition requiring ecological enhancements is also requested to deliver further benefits.
- 6.54. The development would be liable for Community Infrastructure Levy (CIL), which I calculate to be in the region of £398,450.

7. Conclusion

7.1. I consider the development of this site for purpose built student accommodation would be acceptable in principle, given this is a brownfield site in a highly sustainable location within walking distance of the University of Birmingham campus. The siting, scale and appearance of the proposed development would be acceptable and would sit comfortably in the streetscene. There would be no adverse impact on the amenity of neighbouring residential occupiers and the development would provide an acceptable living environment for future occupiers. The proposal would support the function of the University of Birmingham as a key provider of employment, culture, and learning in the City. Therefore I consider the proposal would constitute sustainable development and I recommend that planning permission is granted.

8. Recommendation

8.1. Approval subject to conditions.

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|----|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of sample materials |
| 3 | Requires the prior submission of details of bird/bat boxes |
| 4 | Requires the implementation of the submitted mitigation/enhancement plan |
| 5 | Requires the prior submission of a construction ecological mitigation plan |
| 6 | Requires the submission of hard and/or soft landscape details |
| 7 | Requires the submission of hard surfacing materials |
| 8 | Requires the prior submission of earthworks details |
| 9 | Requires the submission of boundary treatment details |
| 10 | Requires the submission of a landscape management plan |
| 11 | Requires the prior submission of level details |
| 12 | Requires the submission of a lighting scheme |
| 13 | Requires the submission of a CCTV scheme |
| 14 | Arboricultural Method Statement and Tree Protection Plan - Implementation |
| 15 | Requires the prior submission of a sustainable drainage scheme |
| 16 | Requires the prior submission of a drainage scheme |
| 17 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
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- 18 Submission of final certificate to meet BREEAM standard 'excellent'
 - 19 Submission of plans of new gable end for No. 131 Dawlish Road
 - 20 Restricted use of rear vehicular access
 - 21 Implement within 3 years (Full)
 - 22 Requires the prior submission of a construction method statement/management plan
 - 23 Requires pedestrian visibility splays to be provided
 - 24 Requires the submission of a residential travel plan
 - 25 Requires the submission of a Student Management Plan
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Case Officer: Andrew Fulford

Photo(s)



Photo 1: View from Selly Hill Road looking north west towards social club building



Photo 2: View from Selly Hill Road looking east across the application site towards properties on Lime Avenue and Dawlish Road



Photo 3: View from Dawlish Road looking west towards No. 133 Dawlish Road

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Location Plan



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Committee Date:	26/03/2020	Application Number:	2019/07057/PA
Accepted:	21/08/2019	Application Type:	Full Planning
Target Date:	26/03/2020		
Ward:	Edgbaston		

Land at rear of 68 Wellington Road, Edgbaston, Birmingham, B15 2ET

Erection of two detached dwellings with associated access and parking

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application proposes two new dwellings in the rear garden of No.68 Wellington Road facing onto Michael Drive.
- 1.2. Amended plans were received during the course of assessing this application. The revised proposal changes the initially proposed forward projecting garages to each respective house with garages integrated into the house.
- 1.3. Each plot would comprise a two-storey dwelling with basement and integral garage set within an open plan front garden and a rear garden. Internal layouts would be almost identical and the floorspace similar – Plot 1 at 325 sq. metres and plot 2 at 374sq. metres. The following accommodation would be provided:
 - Basement: games room, cinema, stores, wine cellar and shower room.
 - Ground floor: garage, utility, kitchen/breakfast/family room, living room, hallway and cloakroom.
 - First floor: 5 bedrooms (2 with en-suite bathrooms), and a family bathroom.
- 1.4. Externally, the dwellings would be of a similar type and scale to the existing 1960s properties in Michael Drive. The main roofs would be gabled. Elevations would be finished in brick and the roofs would be tiled.
- 1.5. Access to the site would be across the grass verge with a 7.4m wide access centrally positioned to serve both properties.
- 1.6. Total of 17 tree removals:
 - 3 trees: T6 – Yew – C category
T11 – Laburnum – C category
T14 – Horse Chestnut in grass verge of Michael Drive – U category
 - 2 groups: G1 – group of 8 Holly and Lawson Cypress – C category
G2 – group of 9 Beech and Lawson Cypress – C category
- 1.7. Site area: 0.09ha Density: 22dph Parking: 200%

- 1.8. The application is accompanied by a Design and Access Statement, Heritage Statement and Arboricultural Report. Also submitted are supporting letters from Preet Kaur Gill MP (Edgbaston) and a local resident both dated October 2017 and referring to a previous application 2017/05381/PA, and a petition of 73 signatures entitled 'Local Residents Who Express Their Support For The Application To Date' and dated December 2017.
- 1.9. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is located on the west side of Michael Drive with No. 68 Wellington Road to its north and No. 17 Michael Drive to its south. Wellington Road comprises large detached villas set within generous, well-landscaped plots. Michael Drive is an infill development of the 1960s and 1970s on land formerly occupied by large villas. The land slopes down into Michael Drive from Wellington Road and there is a distinct change of character between the two roads. Both roads fall within the Edgbaston Conservation Area.
 - 2.2. The application site is separated from the Michael Drive highway by a grass verge and hedgerow.
 - 2.3. [Site location plan](#)
3. Planning History
 - 3.1. 24/07/2017 - 2017/03313/PA - Erection of two new dwellings with associated access and parking – Withdrawn.
 - 3.2. 07/09/2017 - 2017/05381/PA - Erection of two residential dwelling houses with associated access – Withdrawn.
 - 3.3. 03/04/2018 - 2017/10596/PA - Erection of two new dwellings with associated access and parking – Withdrawn.
4. Consultation/PP Responses
 - 4.1. City Design: No objection.
 - 4.2. Ecology: No objection but recommend Nesting Bird Informative.
 - 4.3. Landscape Team: No objection.
 - 4.4. Transportation Development: No objection.
 - 4.5. Regulatory Services: No objection.
 - 4.6. West Midlands Police: No objection. Recommend compliance with Secured By Design standards.
 - 4.7. Severn Trent Water: No objection.

4.8. Site and press notices posted; local MP, Councillors, Residents' Associations and the occupiers of nearby properties notified of the application. 10-day re-consultation also carried out following receipt of revised plans. The following responses received to the amended proposal:

- Preet Kaur Gill MP: No comments received. Any historic representation made in 2017 relate solely to the application at that time. Considers Planning Committee best placed to debate and determine this application.
- Cllr Deirdre Alden: Object on the basis that the proposal would be too dense, out of scale with neighbouring properties, would cause a loss of privacy for No. 17 Michael Drive, cutting into the grass verge would spoil the streetscene, and would cause a loss of trees.
- Calthorpe Residents' Association: Objects to the loss of 17 trees, other landscaping, grass verge and wildlife habitat. Inadequate parking. Scale of the dwellings would be disproportionately large relative to the plot size and to neighbouring dwellings, especially due to the basement. Proposed houses would cause harm to the character and appearance of the Edgbaston Conservation Area.
- Letters from 54 local residents were received from the initial public consultation on the original scheme. 11 no. objection responses were also received by the conclusion of the 10-day re-consultation for the revised proposal. A further objection letter has also been submitted by a planning agent representing a number of local residents. To summarise, the cited grounds for objection were as follows:
 - There are no substantive differences between the existing and previous planning application proposing 2 no. dwellings at the site;
 - Scale, mass and design of the dwellings would be out of keeping with the character of the area and detrimental to the green and spacious character of the Edgbaston Conservation Area;
 - Subdivision of the existing plot would result in loss of the contribution it makes to the open and sylvan character of the area;
 - The proposal would result in the loss of the quasi-rural outlook from properties on Wellington Road;
 - Loss of neighbouring amenity (specifically No. 17 Michael Drive) by way of light and to privacy from overlooking and overshadowing;
 - The proposal would have a negative impact on No. 68 Wellington Road;
 - Unsuitable backland development out of character and scale and design;
 - Position of the dwellings in the street would affect driver visibility and therefore highway safety;
 - Inadequate off-street parking would be provided;
 - Loss of trees;
 - Loss of ecology of wildlife, flora and fauna;
 - The development would cause drainage problems; and
 - The proposal would set a precedent for further development of large plots.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (2017)

- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
- Places for Living (2001)
- The 45 Degree Code (2006)
- The Edgbaston Conservation Area Character Appraisal (ECACA)
- SPD Mature Suburbs: Guidelines to Control Residential Intensification (2008)
- Car Parking Guidelines (2012)

5.2. The following national policies are applicable:

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

6. Planning Considerations

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

Policy

- 6.2. The National Planning Policy Framework (NPPF) 2019 seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.3. Policy PG3 of the Birmingham Development Plan (BDP) states that new development should “reinforce or create a positive sense of place and local distinctiveness, with design that responds to the site conditions and the local area context, including heritage assets and appropriate use of innovation in design” and “create safe environments that design out crime”.
- 6.4. BDP policy TP12 states that “Great weight will be given to the conservation of the City’s heritage assets. Proposals for new development affecting a designated or non-designated heritage asset or its setting ...will be determined in accordance with national policy.”
- 6.5. Policy TP27 of the BDP states that new housing in Birmingham is expected to contribute to making sustainable places. All new development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods. Policy TP28 of the BDP sets out the policy for housing location in the city, noting that proposals should be accessible to jobs, shops and services by modes of transport other than the car.
- 6.6. The 45 Degree Code and ‘Places for Living’ Supplementary Planning Guidance (SPG) provide design guidance and sets standards specific for residential development to ensure all new development respects the appearance of the home and the local area and does not adversely affect neighbouring amenity.

- 6.7. The Technical Housing Standards have replaced the bedroom sizes in the Places for Living SPG and whilst have yet to be adopted by the Local Planning Authority provide a useful yardstick.
- 6.8. The main planning considerations in assessing this application are whether the principle of the development on the site is acceptable; the impact of the proposals on the significance of heritage assets and trees; the scale, siting and design of the proposed development; the impact on residential amenity; and impact on highway safety and parking.

Principle of Development

- 6.9. In respect to the location of new housing, Policy TP28 of the BDP explains that proposals for new residential development should be located in low flood risk zones; be adequately serviced by existing or new infrastructure which should be in place before the new housing is provided; be accessible to jobs, shops and services by modes of transport other than the car; be capable of land remediation; be sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP.
- 6.10. In broad terms, new dwellings in this entirely residential area would be acceptable in principle subject to the proposals impact upon several material planning considerations i.e. impact on neighbouring amenity and the significance of heritage assets. The site is sustainably located, being within walking distance of bus services on Bristol Road (400m east) and close to the city centre, and the two large family dwellings proposed would make a small contribution towards meeting the city's housing need.
- 6.11. Therefore, I consider the principle of 2 no. dwellings in this location acceptable subject to an assessment on the impact of the proposal against other material planning considerations.

Impact on Heritage Assets and Trees

- 6.12. BDP policy TP12 states that "Great weight will be given to the conservation of the City's heritage assets. Proposals for new development affecting a designated or non-designated heritage asset or its setting ...will be determined in accordance with national policy."
- 6.13. Therefore, an important source of policy in the assessment of this application is the National Planning Policy Framework (NPPF). Additionally, Council Supplementary Planning Guidance / Documents (SPG / SPD) in the form of 'Mature Suburbs: Guidelines to Control Residential Intensification' SPD and 'The Edgbaston Conservation Area Character Appraisal (ECACA)' are also of particular relevance.
- 6.14. The site is within the designated Edgbaston Conservation Area. As such, there is a requirement to assess the impact of the proposed development upon the character and appearance of these heritage assets.
- 6.15. NPPF paragraph 193 states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm."

- 6.16. NPPF paragraph 194 states that, “Any harm to, or loss of, the significance of a designated heritage asset ... should require clear and convincing justification.”
- 6.17. ‘Mature Suburbs: Guidelines to Control Residential Intensification’ is a Supplementary Planning Document (SPD) that provides guidelines on the City Council’s aspirations for development within the City’s mature suburbs and residential areas. It sets out key design issues for housing intensification and what is expected from developers and designers when submitting planning applications.
- 6.18. The Mature Suburbs SPD explains that a mature suburb is regarded as being any group, area or estate of dwellings (including other types of development that would normally be located in the suburb) that has a generally homogenous and identifiable suburban and residential character and which has been developed more in a planned rather than in an ad hoc manner. The guidance states that a mature suburb could be a neighbourhood in its own right or a number of suburbs with different characteristics that combine to create a neighbourhood. What is important is that a suburb has identifiable characteristics that distinguish it from other areas.
- 6.19. Section 4.12 of the Mature Suburbs SPD states that proposals in mature suburbs will be assessed against the following design criteria:
- Plot Size;
 - Building Form and Massing;
 - Building Siting;
 - Landscape and Boundary Treatment;
 - Plot Access;
 - Parking Provision and Traffic Impact;
 - Design Styles;
 - Public Realm;
 - Archaeology, Statutory Listed and Locally Listed Buildings;
 - Design Out Crime;
 - Renewable Energy and Climate Change; and
 - Cumulative Impact.
- 6.20. Paragraph 4.13 of the Mature Suburbs SPD goes on to explain that “The key is to ensure that a development does not harm the distinctive character and identity of an area. To ensure this is the case it is essential to understand the context of the proposal”.
- 6.21. The Edgbaston Conservation Area Character Appraisal (ECACA) sets out the significance of the Conservation Area as being of both national and local importance. Nationally, it is one of only a handful of similar estates of early planned suburban development and locally, it is the largest and most tightly controlled estate with the widest range of building style and landscapes in the City. Furthermore, the ECACA does explain that Wellington Road illustrates particularly well the deliberate policy to increase plot sizes as the townscape moves towards the heart of the Calthorpe estate at Edgbaston Hall and Church (pg.12).
- 6.22. A site visit to the application site and walk around the immediate locality was undertaken by the Planning Officer to assist in the assessment process. The guidance and policies contained within the aforementioned NPPF, ECACA and Mature Suburbs SPD have also been primary considerations. Comments have also been received from a number of statutory consultees that have also informed and

assisted in the assessment process, such as from the Council's Conservation Officer, City Designer and Tree Officer.

- 6.23. The Council's Conservation Officer was consulted on the original proposal and commented as follows:

"The application is for two new dwellings located on land to the rear of 68 Wellington Road on Michael Drive.

Wellington Road itself is an important contributor to the Edgbaston Conservation Area being one of the earliest roads laid out as part of the Calthorpe Estate development in the early 19th century. The road is predominantly characterised by large detached houses set back from the road in good sized plots. No.68 is of an age and character that contributes to the character and appearance of this part of the conversation area and is considered to make a positive contribution to the street scene.

The application site itself is to the rear of no.68 on Michael Drive which is a cul-de-sac laid out in the late 1960s/early 1970s. This street is not of high significance in terms of special architectural and historic interest however it does sit comfortably within the context of the conservation area. There are a number of these types of mid-late 20th century cul-de-sac style developments which are now firmly established in the conservation area and are considered to have a neutral impact on the surrounding historic buildings.

The view of Michael Drive from Wellington Road is pleasant enough with the south side of the street lined with mature trees. The application site is currently enclosed by trees forming the lower part of the grounds of no.68 Wellington Road and this offers a positive contribution to the street and the green, leafy character of the conservation area. There will be some tree loss as a result of this development and whilst this is regrettable I consider that the retention of a number of the more well-established trees both in the grounds of no.68 and along Michael Drive means that the overall impact of this loss on the character and appearance of the conservation area would be minimal.

The Michael Drive houses themselves are modest detached properties on approach with some larger houses further into the cul-de-sac. The proposed new buildings will follow closely the existing building line of the existing properties on the south west side of Michael Drive and will face onto other properties opposite. The houses will be set back from the road with garages set forward of the main house which is a design feature of many neighbouring properties and not uncharacteristic in this area. The scale of the new houses is acceptable within the context of the street scene and although internally larger with basements they generally follow the height and massing of several other Michael Drive properties.

Design-wise the proposals are not particularly inspiring although I appreciate the concept of them fitting in with the existing houses on Michael Drive. There a number of differing styles of house on the street as it developed from the early 1970s through to the latter part of the 20th century and there could be scope for a more contemporary interpretation of the proposed form- we are in a conservation area after all and should be looking for high quality design and materials.

Overall based on siting, form, scale and general design the introduction of these two new dwellings into Michael Drive is not thought to cause harm to the character and appearance of the conservation area and therefore can be supported."

- 6.24. The Conservation Officer also provided additional comments on the revised proposal and stated the following:

“Following previous comments updated plans have been submitted which show the garages to the properties to now be integral to the house and not projecting forward. This is an acceptable amendment and I raise no objection.”

- 6.25. The Conservation Officer has requested that any grant of planning permission include the imposition of conditions in respect to the submission of further details for windows, doors, rainwater goods and new masonry; as well as a full suite of external material samples. I consider such conditions reasonable and necessary in order to define any permission and in accordance with the six tests for conditions outlined in paragraph 55 of the NPPF.

- 6.26. The Council's Tree Officer has also been consulted on the application because the proposal would involve the removal of the following trees:

- T6 – Yew – C category
- T11 – Laburnum – C category
- G1 – group of Holly and Lawson Cypress – C category
- G2 – group of Beech and Lawson Cypress – C category
- T14 – Horse Chestnut in grass verge of Michael Drive – U category

- 6.27. The Tree Officer comments raised no objections to the proposal *“on the basis that the tree protection measures and arboricultural method statement included in the application are made a condition of development.”* I recognise and appreciate that trees make an important and positive contribution to the character and appearance of the Edgbaston Conservation Area. Nonetheless, the Tree Officer is satisfied with the recommendations of the tree survey – as the proposed losses are all low quality specimens – and with the tree protection measures set out in the Arboricultural Report.

- 6.28. There are a number of existing trees (T1-4) that are located within what would be rear private amenity space for the proposed two dwellings (particularly plot 2). It is proposed that these trees would be retained as part of the development. The Tree Officer has confirmed that as these trees are at maturity their canopy expansion is likely to be minimal over the coming years. The Tree Officer is satisfied that *“the proposed construction methods and tree protection areas should ensure that retained trees are not impacted by the development itself.”* It is acknowledged that the backs of the proposed two properties would be facing roughly south-west, which would mean that the rear of these properties would be in shadow from late afternoon in summer. However, the Tree Officer considers that *“This is a situation where I would have thought it was very much down to the purchaser – if they like the thought of a woodland garden then this would suit them – if they wanted an open garden with no shade then they shouldn't buy the property.”*

- 6.29. The Tree Officer comments did mention that *“there is foreseeability that there will be requests for tree works but this site does fall within the Edgbaston Conservation Area. The extent and visibility of the tree block that extends up behind the houses on Wellington Road is significant and would warrant a TPO if required.”* I have clarified this comment with the Tree Officer who has confirmed there is no requirement to consider affording these trees TPO status currently because any suggestion of works to the trees proposed to be retained are hypothetical. The

Edgbaston Conservation Area designation covers all trees over 7.5cm diameter at a height of 1.5m and greater above the ground. As such, a 'Notification of proposed works to trees in a conservation area' application would need to be submitted to the City Council before any works to these trees could be carried out. The Local Planning Authority would then have six weeks to make an assessment on whether to grant the affected trees TPO status. In the event of unauthorised tree works there is a mechanism available to the Council to penalise for non-compliance and/or require replacement planting.

- 6.30. The Council's Landscape Officer has also raised no objection to the proposed development subject to a number of conditions in respect to boundary treatment details and hard and / or soft landscaping details. Likewise, the Council's City Designer has also commented on the revised proposals and raised no objection on design grounds. The City Designer noted that *"The latest scheme should make the street more overlooked and active, have an appearance more in keeping with local architecture and also create better living accommodation overall."*
- 6.31. My own assessment reaches similar conclusions to that of the Conservation Officer, City Designer, Tree Officer and Landscape Officer. I share the view of the Conservation Officer that the proposal is acceptable when assessed holistically in the context of this particular site and the relationship between Wellington Road and Michael Drive. I concur with the view of the Conservation Officer that Michael Drive *"... is not of high significance in terms of special architectural and historic interest however it does sit comfortably within the context of the conservation area. There are a number of these types of mid-late 20th century cul-de-sac style developments which are now firmly established in the conservation area and are considered to have a neutral impact on the surrounding historic buildings."*
- 6.32. I am mindful that the Edgbaston Conservation Area Character Appraisal (ECACA) sets out the significance of the Conservation Area as being of both national and local importance. Nationally, it is one of only a handful of similar estates of early planned suburban development and locally, it is the largest and most tightly controlled estate with the widest range of building style and landscapes in the City. Furthermore, the ECACA does explain that Wellington Road illustrates particularly well the deliberate policy to increase plot sizes as the townscape moves towards the heart of the Calthorpe estate at Edgbaston Hall and Church (pg.12).
- 6.33. However, Wellington Road has experienced much change since it was originally cut between 1810 and 1825. While some of the early villas remain, a number of dwellings also date from the 1930s, when the initial 99 year leases were renewed, and there has been modern development at Kesteven Close, Pixall Drive, Michael Drive and at the junction with Spring Road close to Bristol Road.
- 6.34. I am of the view that the proposal also needs to be viewed in the context of Michael Drive, a significant infill development of the 1960s and 1970s, rather than in a wholly historic setting. The proposed plots for the two new dwellings would be of a similar size to others in Michael Drive, laid out in a similar manner, and with the proposed dwellings respectful to the architectural style of those houses already built in Michael Drive. The remaining rear garden area for No. 68 Wellington Road would still be generous (and exceed minimum garden sizes).
- 6.35. Given the context and characteristics of Michael Drive and Wellington Road I have assessed the proposals against the design criteria outlined in Section 4.12 of the Mature Suburbs SPD. On balance, I consider the proposed two houses at the application site would respect, reflect and accord with the objectives of these design

criteria. For example, against the Mature Suburbs SPD own design criteria I consider that the plot sizes for the two dwellings; the form and massing of the two dwellings; the design styles of the two new houses; and the landscape and boundary treatments for the proposed two dwellings to all be acceptable. I do consider this view supported by the fact the Council's City Designer, Conservation Officer, Landscape Officer and Tree Officer have all provided comments raising no objection to the proposed development.

- 6.36. I acknowledge the concerns raised by a number of local residents and other objectors. A number of existing trees would be felled as a result of this proposal. However, the Council's Tree Officer has accepted the findings of the Arboricultural Report submitted with the application that found a number of existing trees are in poor health/condition. Furthermore, the Tree Officer has also concluded that a number of other tree specimens are not of sufficient amenity value to warrant Tree Preservation Order (TPO) status. In mitigation, the proposal for two houses would include the insertion of a 1.5m high hedgerow along the Michael Drive frontage of the application site and the erection of a tree within the front garden of the each respective plot. Furthermore, the Council's Landscape Officer has not objected to the proposal and requested the attachment of conditions in respect to further details on hard and / or soft landscaping and boundary treatments.
- 6.37. I note that a number of objectors have also raised concern that the application site is an inappropriate location for residential development; harmful to the significance of the Edgbaston Conservation Area; and that the two proposed dwellings would be out-of-keeping with other properties on Michael Drive. I acknowledge such views but have formed a different view. The Council's Conservation Officer and City Designer have raised no objection to the proposal nor identified harm to the significance of the conservation area or wider street scene.
- 6.38. I am also minded by the narrative running throughout the Mature Suburbs SPD, namely, the importance of preserving positive characteristics of the mature suburb and ensuring that development proposals should be informed by the context. Section 4.14 of the Mature Suburbs SPD understandably makes clear that "Proposals that undermine and harm the positive characteristics of a mature suburb will be resisted" but the 'Design Styles' criteria within section 4.12 explains that "A high standard of design is required, although proposals are not expected to be a copy or pastiche of existing design styles in an area." With this in mind I consider the proposal for two houses on land to the rear of No. 68 Wellington Road fronting onto Michael Drive to be acceptable. On balance, I am satisfied that the proposed two houses would integrate with the surrounding built form within this mature suburb and that the proposal would respect the scale, character and appearance of existing dwellings along Michael Drive.
- 6.39. Two new dwellings would make a contribution – albeit limited – towards meeting the City's housing need. Given that the removal of 17 trees has been accepted by the Tree Officer and the proposal is supported by the Conservation Officer then I do not identify harm to the significance of heritage assets as a result of the proposed development.
- 6.40. Overall, I consider that the proposed 2 no. dwellings on land at the rear of No. 68 Wellington Road would have an acceptable impact on the character and appearance of the application site and wider streetscene whilst also preserving the character of the Edgbaston Conservation Area. As such, I am satisfied that the proposal accords with BDP and NPPF policies. The proposed development also passes the two

statutory tests under Section 66 and Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Scale, massing and design

- 6.41. In terms of scale, massing and design the amended proposal is considered acceptable. The design of the proposed 2 no. dwellings is influenced by the style of existing dwellings in Michael Drive, although on a slightly larger scale. The Conservation Officer considers the proposed development to have an acceptable impact upon the character and appearance of the streetscene and the Edgbaston Conservation Area. I concur with this assessment but do acknowledge there have been many public participation responses, a large number of which express concerns with the scale and appearance of the proposed dwellings, especially with the inclusion of a large basement in both properties.
- 6.42. The Heritage Statement includes a comparison of the dimensions of the proposed properties against a number of nearby properties. While most dimensions are a little more generous on the proposed plans, notwithstanding their more elevated position in the road I do not consider the dwellings would appear unduly large in the streetscene. While they would offer a larger floorspace than many of the surrounding neighbours, they would still be significantly smaller than the grander houses on Wellington Road and the sense of a hierarchy between the principal and subsidiary road would be maintained. A gap of 40m would be retained between the rear elevation of No. 68 Wellington Road and the side wall of Plot 2 which would provide some separation between the different phases of development. The basement space would not add visibly to the scale of the dwellings and would have no effect on the streetscene.
- 6.43. The Council's City Designer has commented on the proposed development and raised no objection on design grounds. The City Designer noted that "*The latest scheme should make the street more overlooked and active, have an appearance more in keeping with local architecture and also create better living accommodation overall.*"
- 6.44. The City Designer did request the attachment of a number of conditions in respect to hard and/or soft landscaping details, hard surfacing materials, boundary treatment details, sample materials and architectural details. I consider these conditions to meet the six tests required under paragraph 55 of the NPPF.
- 6.45. Proposed planting of beddings, hedgerows and an individual tree to the front of each proposed dwelling would lessen the visual impact of the two new dwellings and create a frontage more in-keeping with the existing street scene and wider conservation area setting. The Council's Landscape Officer recommends the imposition of a condition for landscaping, surfacing and boundary details to be attached to any grant of planning permission. I consider this condition to be reasonable and necessary in order to regulate any permission.
- 6.46. On balance, I am satisfied that the proposal would not detract from the architectural appearance of the property and would be in accordance with the principles contained within 'Places for Living' Supplementary Planning Guidance. I do not identify harm to the visual amenity of the surrounding area.
- 6.47. Overall, the development would have no significant detrimental impact on the character and setting of No. 68 Wellington Road or the wider Conservation Area sufficient to warrant a refusal.

Impact on Residential Amenity

- 6.48. The scheme complies with the 45 Degree Code and the government's Technical Housing Standards. There are single windows serving the first floor 'Bedroom 1 Ensuite' of each proposed house that would be on side elevations overlooking the rear gardens of Nos. 68 Wellington Road and 17 Michael Drive respectively. Both these windows could be obscurely glazed by condition and consequently the impact on future occupiers and on adjoining residents would be considered acceptable. Additionally, I consider it reasonable to remove Permitted Development Rights in respect to extensions, converting garages to living space and dormer windows in order to protect neighbouring amenity.

Rationale for difference between Committee Recommendation for applications 2017/10596/PA and 2019/07057/PA

- 6.49. A previous planning application – reference 2017/10596/PA – proposed the 'Erection of two residential dwelling houses with associated access' at the application site. The application was scheduled to go before Planning Committee on Thursday 29th March 2018 with an Officer Recommendation to refuse the application for the following reason:

"By virtue of the subdivision of an existing plot and the consequent loss of the contribution it makes to the open and sylvan character of the area, the proposed development would fail to preserve or enhance the character of the Edgbaston Conservation Area."

- 6.50. However, the application did not reach Planning Committee as the applicant gave an instruction to the council to withdraw the application on Wednesday 28th March 2018. The application was never heard and no decision was ever made on that application. Significant weight should not be afforded to the recommendation of the 2017/10596/PA report when considering the current application, as the contents of the report differ to the 2017/10596/PA report and no decision was made on that application.
- 6.51. A number of objectors have cited that the current proposal is very similar to the previous application and the policy background and material considerations remain the same. As such, it is contended that the application should be recommended for refusal in accordance with the Officer Recommendation on the 2017 withdrawn application.
- 6.52. It is acknowledged that the planning policy context and material considerations are not significantly changed since 2017. The 2017 proposal was also similar to the current scheme under consideration being two detached houses. The substantive difference is a revised design to the proposed dwellings to replace forward projecting garages with integral garages and the creation of additional front amenity space. At the time of the 2017 application the Conservation Officer recommended refusal. However, every application is treated on its individual merits and I have therefore made a fresh assessment of the proposed development on this basis, with full consultation with my Conservation and Tree Officers.
- 6.53. Earlier sections of this Committee Report have debated and assessed the principle of the proposal and its impact on heritage assets and trees in detail. The Committee Report for the 2017 application states that the principle of residential development on this application site is broadly acceptable. This is the same conclusion I have

reached in my assessment on the current proposals. The differences arise when assessing the impact of the respective proposals, specifically in respect to heritage assets and trees.

6.54. The 2017 application identified that the proposed introduction of two houses on land to the rear of No. 68 Wellington Road would cause harm to the character of the Edgbaston Conservation Area by virtue of subdividing the existing plot and the consequent loss of the contribution it make to the open and sylvan character of the area.

6.55. Under paragraph 6.7 of the 2017 committee report the officer set out a number of bullet points each identifying the perceived harm the proposal would cause to the character of the Edgbaston Conservation Area. For clarity and completeness these extracts are repeated below and then addressed following comments from the council's Conservation Officer.

- "Sub-division of a historic plot: The Edgbaston Conservation Area Character Appraisal (ECACA) notes that Wellington Road illustrates particularly well the deliberate policy to increase plot sizes as the townscape moves towards the heart of the Calthorpe estate at Edgbaston Hall and Church (pg.12).

'Plots at the bottom of this road on the eastern fringe of the building estate are comparatively small ... while the large detached villas built towards the top of the road in the 1830s are in plots of an acre or more.'

No. 68 is in the middle of the road and is 0.68 acres (0.27ha). With surrounding plots it plays an important role in demonstrating the carefully planned and hierarchical nature of building plots on the estate. Its subdivision would be particularly noticeable as it occupies a prominent corner position and the opposite corner has already been intensively developed.

- Loss of trees/vegetation: ... The Tree Officer is satisfied with the recommendations of the tree survey, as the proposed losses are all low quality specimens, and with the tree protection measures set out in the Arboricultural Report. However, development of the end of the garden of No. 68 would remove the space for significant tree cover which the ECACA states is *'perhaps its most definitive characteristic, drawing the diversity of building types and of architectural styles within its boundaries into a unified whole.'* (pg.13) The ECACA notes the continuing loss of tree and shrub cover and states that the overall result is a loss of unity and coherence, a more apparent diversity within the estate (due to significant architectural variations) and less distinctive character in relation to surrounding suburbs. In the case of the application site, as a corner plot the garden gives a view of the tree cover at the end of a long stretch of rear gardens. Building on this site would block that important view and fill in a gap in the building line which could be occupied by the existing trees or better quality trees in the future. Increasing the built-up nature of Michael Drive would by definition reduce the green spaciousness which is central to the character of the Conservation Area.
- Loss of the quasi-rural outlook from properties on Wellington Road: The ECACA notes the contrast between the secluded and enclosed nature of streets within the Conservation Area and the open aspect from the rear of many properties and states that,

'The quasi-rural private impression is created by the extensive garden ground which traditionally lay behind the dwelling houses and is heightened where the houses stand on a slope or the gardens back onto open land' (pg. 15).

Aerial photographs show that No.68 Wellington Road and the 13 properties to the west occupying similar sized plots all have heavily treed gardens. The land falls away from Wellington Road in a southerly direction so Nos. 54-68 sit in an elevated position with a view from rear elevations of a dense green expanse. Development beyond is far enough away and at a low enough level to be hidden. The proposed dwellings would encroach into this view, eroding the impression of a semi-rural setting from the vantage of Nos. 67a and 68 Wellington Road and possibly other nearby properties."

- 6.56. All of the aforementioned bullet points address inter-related matters, namely the impact of the proposed development on the significance of the Edgbaston Conservation Area. I concur that Wellington Road itself is an important contributor to the Edgbaston Conservation Area. I do also consider that No. 68 Wellington Road is of an age and character that contributes to the character and appearance of this part of the Conservation Area and makes a positive contribution to the street scene. However, I consider it also important to look holistically and give due consideration to the wider site context. In particular, the character of Michael Drive as well as Wellington Road because both streets are within the designated Edgbaston Conservation Area.
- 6.57. No. 70 Wellington Road is the residential property immediately on the opposite side of Michael Drive to the application site (No. 68) and also fronts onto Wellington Road. No. 70 has a rear garden that is approximately 13 metres in length. Beyond the rear boundary of No. 70 are residential properties that front onto Michael Drive. The proposed two dwellings and their respective plots would be similar in scale to existing residential properties along Michael Drive. A gap of 40 metres would be retained between the rear elevation of No. 68 Wellington Road and the side wall of proposed Plot 2 which would provide some separation between the different phases of development. Furthermore, the public verge directly at the corner of Wellington Road and Michael Drive would remain.
- 6.58. I consider that the sub-division of the application site would not harm the character of the historic plot (No. 68) nor the quasi-rural outlook from properties on Wellington Road. Page 12 of the ECACA does state that *"Wellington Road illustrates particularly well the deliberate policy to increase plot sizes as the townscape moves towards the heart of the Calthorpe estate"* but it then goes on to state that *"Variations in plot size... and the subtle shifts in the building line throughout the area lend the townscape an attractive irregularity, vital to its semi-rural character."* (pg.12) I am satisfied that the hierarchical nature of building plots would not be undermined by the proposed development and that a clear distinction in the character and relationship of properties along Michael Drive in comparison to Wellington Road would be retained. No. 68 Wellington Road would remain noticeably larger within the streetscene than the properties along Michael Drive and I consider that the proposal would not undermine the positive characteristics of the Conservation Area in respect to variations in plot size and the semi-rural character of the Conservation Area. I share the view of the Council's Conservation Officer who commented that *"Overall based on siting, form, scale and general design the introduction of these two new dwellings into Michael Drive is not thought to cause harm to the character and appearance of the conservation area and therefore can be supported."*

- 6.59. In regards to loss of trees/vegetation it is important to note that the Tree Officer has commented on this application and raised no objections to the proposal *“on the basis that the tree protection measures and arboricultural method statement included in the application are made a condition of development.”* The amount of tree cover would reduce as a consequence of the proposed development. However, the Council’s Tree Officer has accepted the findings of the Arboricultural Report submitted with the application that found a number of existing trees are in poor health/condition. Furthermore, the Tree Officer has also concluded that a number of other tree specimens are not of sufficient amenity value to warrant Tree Preservation Order (TPO) status.
- 6.60. The introduction of two dwellings at the site would fill a gap in the building line and alter existing views from the public highway towards mature trees within the application site. I recognise and appreciate that trees make an important and positive contribution to the character and appearance of the Edgbaston Conservation Area. As such, the most high value trees would be retained. The Tree Officer has confirmed that these trees are at maturity meaning their canopy expansion is likely to be minimal over the coming years. The Tree Officer is also satisfied that *“the proposed construction methods and tree protection areas should ensure that retained trees are not impacted by the development itself.”* It is acknowledged that the backs of the proposed two properties would be facing roughly south-west, which would mean that the rear of these properties would be in shadow from late afternoon in summer. However, the Tree Officer considers that *“This is a situation where I would have thought it was very much down to the purchaser – if they like the thought of a woodland garden then this would suit them – if they wanted an open garden with no shade then they shouldn’t buy the property.”*
- 6.61. The Tree Officer comments did mention that *“there is foreseeability that there will be requests for tree works but this site does fall within the Edgbaston Conservation Area. The extent and visibility of the tree block that extends up behind the houses on Wellington Road is significant and would warrant a TPO if required.”* I have clarified this comment with the Tree Officer who has confirmed there is no requirement to consider affording these trees TPO status currently because any suggestion of works to the trees proposed to be retained are hypothetical. The Edgbaston Conservation Area designation covers all trees over 7.5cm diameter at a height of 1.5m and greater above the ground. As such, a ‘Notification of proposed works to trees in a conservation area’ application would need to be submitted to the City Council before any works to these trees could be carried out. The Local Planning Authority would then have six weeks to make an assessment on whether to grant the affected trees TPO status. In the event of unauthorised tree works there is a mechanism available to the Council to penalise for non-compliance and/or require replacement planting.
- 6.62. The introduction of 2 no. dwellings would clearly alter the appearance and character of this part of the Conservation Area. The green spaciousness of the Edgbaston Conservation Area is a valued characteristic of the Conservation Area but a change to any given part of the Conservation Area prompted by new development does not necessarily equate to harm to the significance of the Edgbaston Conservation Area.
- 6.63. I do not identify harm to the significance of the Edgbaston Conservation Area as a result of the proposed development, which is a view shared by the Conservation Officer. I am satisfied that the proposed dwellings generally follows the height and massing of several other properties along Michael Drive and that the proposed development is respectful and in-keeping to the built development along Michael Drive. The plot size of No. 68 Wellington Road would remain considerably greater

than the existing properties along Michael Drive and the two proposed dwellings. A gap of 40 metres would be retained between the rear elevation of No. 68 Wellington Road and the side wall of Plot 2. I am satisfied that the hierarchical nature of building plots would not be undermined by the proposed development given the clear distinction in the character and relationship of properties along Michael Drive in comparison to Wellington Road.

- 6.64. The high value trees at the application site would be retained and the public verge immediately at the corner of Michael Drive and Wellington Road would be unaffected. The proposal under consideration differs from the withdrawn 2017 application as the two dwellings would now have integral rather than forward projecting garages. This has created space for the planting of 1 no. new tree at each plot and larger front garden areas to each prospective property. Furthermore, the Council's Landscape Officer has not objected to the proposal and requested the attachment of conditions in respect to further details on hard and / or soft landscaping and boundary treatments.
- 6.65. On balance, I consider the proposal to be sustainable development that would integrate with the existing surrounding built form and the spacious character of the Edgbaston Conservation Area. No harm to the significance of heritage assets has been identified and I am satisfied that the proposal accords with BDP and NPPF policies.
- 6.66. There are two further paragraphs within the 2017 Committee Report that also need to be addressed given the alternative conclusions reached in the assessment on this application.
- 6.67. Paragraph 6.9 of the 2017 Committee Report states that *"In summary, while there is some merit in a development of new houses in this location, this is largely because it would be close to existing development which is already at odds with the special character of the area. Both the BDP and the NPPF acknowledge that development which is out of character should not set a precedent for further anomalous development."*
- 6.68. I have made an assessment on the impact of the proposed development on the significance of heritage assets, in particular the Edgbaston Conservation Area, and concluded that the proposed development would cause no harm. The Council's Conservation Officer also considers the proposals acceptable. Evidently, this position is contrary to that reached on application 2017/10596/PA. Wellington Road has experienced much change since it was originally cut between 1810 and 1825. While some of the early villas remain, a number of dwellings also date from the 1930s, when the initial 99 year leases were renewed, and there has been modern development at Kesteven Close, Pixall Drive, Michael Drive and at the junction with Spring Road close to Bristol Road. More modern development, such as at Michael Drive, has a distinct character and style compared to the majority of properties along Wellington Road but all are located within the Edgbaston Conservation Area. As such, the proposal needs to be assessed holistically and within the context of being a site located at the juncture of Wellington Road and Michael Drive. In this context, I do not consider that the proposed development would harm the character of No. 68 Wellington Road nor the wider character and appearance of Wellington Road. Furthermore, I consider the proposed development would be fully in-keeping with the character and appearance of Michael Drive.
- 6.69. Paragraph 6.10 of the 2017 Committee Report refers to a 2013 dismissed appeal on land at the rear of Nos. 24-25 Wellington Road (reference 2013/00941/PA). The

proposal was for the erection of 1 no. dwelling at the end of the rear gardens fronting onto Charlotte Road. Charlotte Road connects to Wellington Road and is also within the Edgbaston Conservation Area. The Planning Officer refers to the fact that *"In dismissing the subsequent appeal, the Inspector agreed that subdivision of the plot would 'increase the built form and density of development across the site ... significantly eroding from the sense of spaciousness that is of significance to the Edgbaston Conservation Area.' He also noted the loss of mature trees which he considered 'contribute positively to the character and appearance of the area and have high visual amenity value'. In assessing harm, the Inspector concluded that there would be harm but it would be less than substantial and that there were no public benefits which would outweigh that harm, notwithstanding the sustainable location and the contribution towards housing supply."*

6.70. I have reviewed the decision to dismiss appeal 2013/00941/PA and the original Delegated Officer Report on that application to see how it relates to the proposed development on land to the rear of No. 68 Wellington Road. Some relevant matters to note are outlined below:

- The site on land to the rear of Nos. 24-25 Wellington Road is surrounded by Listed Buildings with Nos 21, 22, 23, 24 and 25 Wellington Road and Nos. 53-56 Charlotte Road all Grade II Listed Buildings.
- The prevailing character of residential properties along Charlotte Road is different to that of Michael Drive. Michael Drive is a post-1930s modern development whilst the stretch of Charlotte Road relating to the 2013 appeal dates back to the creation of the Calthorpe Estate.
- The Conservation Officer opposed application 2013/00941/PA and identified harm to the significance of Listed Buildings and the Edgbaston Conservation Area. The Conservation Officer finds the proposed development on land to the rear of No. 68 Wellington Road to be acceptable.
- The Tree Officer has raised no objection to the proposal on land to the rear of No. 68 Wellington Road. The Tree Officer for 2013/00941/PA provided no comments but this may have been because a number of trees had been felled without authorisation prior to the planning application being submitted. The Conservation Officer considered the unauthorised felling of the trees as harmful to the significance of the Conservation Area.

6.71. The matters highlighted in the bullet points above demonstrate some important differences between the application that was refused and dismissed on land at Nos. 24-25 Charlotte Road and the proposed development on land to the rear of No. 68 Wellington Road. Ultimately, the Council's Conservation Officer, Tree Officer, Landscape Officer, Ecologist and City Designer have all raised no objections to the proposed development on land to the rear of No. 68 Wellington Road, Edgbaston. I have also made my own assessment on the merits of the proposed erection of 2 no. dwellings fronting onto Michael Drive and identified no harm to the significance of heritage assets. Given that no harm has been identified there is no requirement to weigh the proposal against public benefits.

6.72. On balance, I consider the proposal to be sustainable development that would integrate with the existing surrounding built form and the spacious character of the Edgbaston Conservation Area. No harm to the significance of heritage assets has been identified and I am satisfied that the proposal accords with BDP and NPPF policies. The proposed development also passes the two statutory tests under Section 66 and Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Highway Safety and Parking

- 6.73. Transportation Development has no objection to the scheme. The development would provide a good level of off-street parking and is unlikely to significantly increase traffic or parking demand.
- 6.74. In accordance with the views of Transportation Development I consider the proposed development would not have a detrimental impact upon highway safety or car parking.

Other Matters

- 6.75. West Midlands Police have assessed the proposal and raise no objections subject to the proposal adhering to the principles of 'Secure by Design' and security standards. I concur with this view and the agent has been advised accordingly.
- 6.76. A couple of objection comments have raised concern that the erection of two houses in this location could result in drainage problems. The application site is located within Flood Zone 1 so there is a low risk of flooding.
- 6.77. A number of objectors have cited concern that the proposed development would have an adverse ecological impact in respect to loss of wildlife, flora and fauna. The Council's Ecologist has commented on the application and noted that "*The site is located to the rear of 68 Wellington Road within the garden. The site is mainly amenity grassland with plenty of mature trees. 800m north-west is the new street to Lifford wildlife corridor and 800m east is the river Rea wildlife corridor. Approximately 600m south west of the site there is a SLINC (Beechwood Hotel) and a SINC (Edgbaston Park Golf Course). These places are all important for wildlife but are not going to be impacted by the development. Acceptable subject to Nesting Birds Informative.*" I concur with the comments of the Council Ecologist.
- 6.78. The site is within the charging zone for the Community Infrastructure Levy but would be exempt if proven to be a self-build project.

7. Conclusion

- 7.1. This application is recommended for approval. There are no sustainable grounds upon which to recommend refusal of the proposal. I am mindful of the significant objections and the previous application but consider that the scheme is acceptable and would not cause harm to the significance of the Edgbaston Conservation Area.

8. Recommendation

- 8.1. Approve subject to Conditions.

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- | | |
|---|------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of further architectural details |
| 3 | Requires the prior submission of sample materials |
-

-
- 4 Arboricultural Method Statement and Tree Protection Plan - Implementation
 - 5 Requires the submission of hard and/or soft landscape details
 - 6 Requires the submission of hard surfacing materials
 - 7 Requires the submission of boundary treatment details
 - 8 Requires obscure glazing for specific areas of the approved dwellings
 - 9 Removes PD rights for extensions
 - 10 Removes PD Rights for Garage Conversion
 - 11 Removes PD rights for new windows
 - 12 Implement within 3 years (Full)
-

Case Officer: Richard Bergmann

Photo(s)

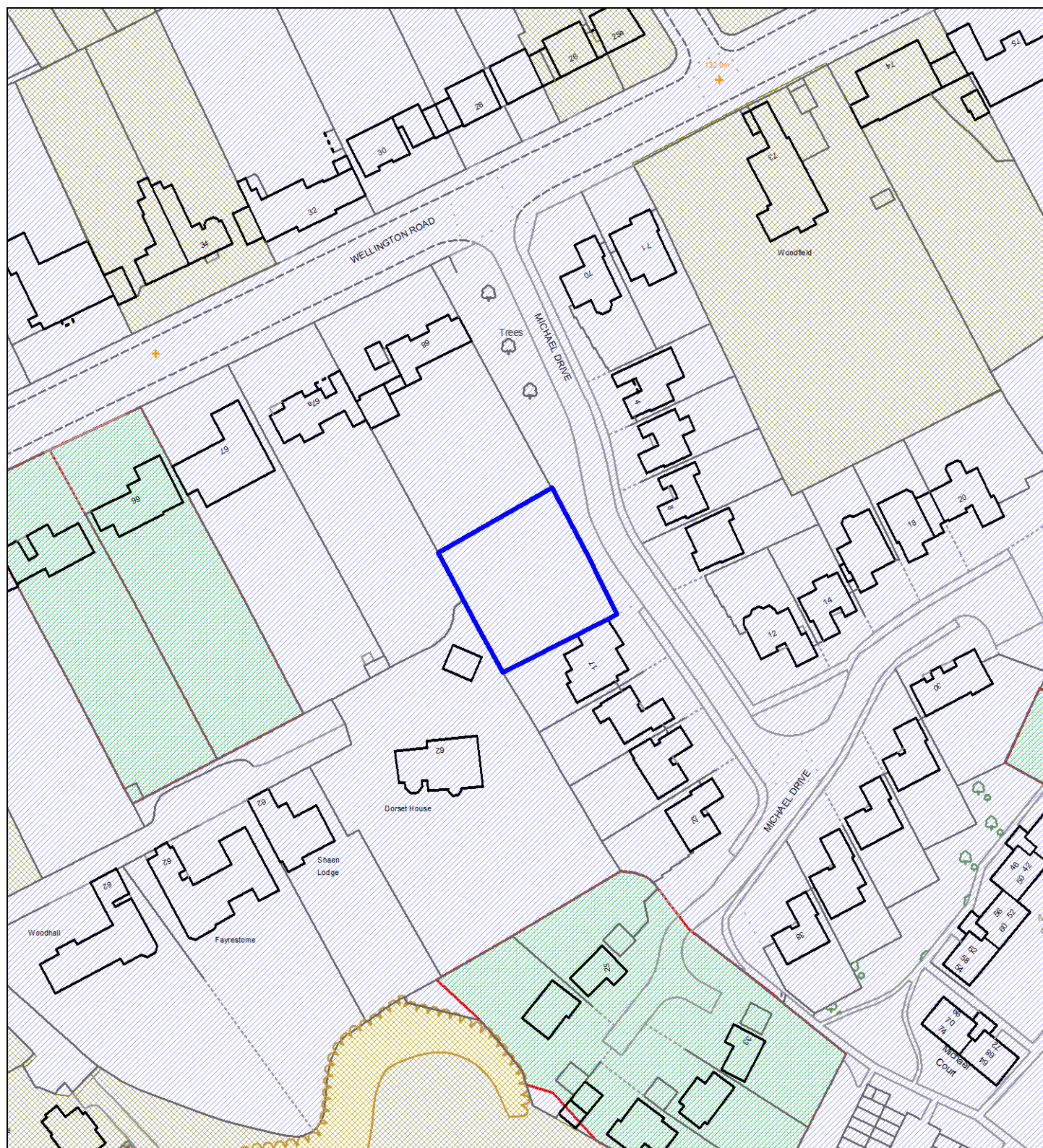


Photograph 1: Application site from south on Michael Drive. Winter view.



Photograph 2: Entrance to Michael Drive. Application site at end of row of trees. Summer view.

Location Plan



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Committee Date:	26/03/2020	Application Number:	2019/10451/PA
Accepted:	30/01/2020	Application Type:	Full Planning
Target Date:	26/03/2020		
Ward:	Edgbaston		

339 Pershore Road, Edgbaston, Birmingham, B5 7RY

Change of use from residential home (Use Class C2) to 7 bedroom House In Multiple Occupation (HMO) (Sui Generis)

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for the change of use of No. 339 Pershore Road from a residential home (Use Class C2) to a 7 bedroom house of multiple occupation (HMO) (Sui Generis).
- 1.2. The proposed layout would be as follows:
 - Ground Floor:
 - Bedrooms 1, 2 and 3 – 13.3sqm, 12.6sqm and 11.5sqm
 - Kitchen/Lounge – 28.1sqm
 - Study – 11.2sqm
 - 2no. bathrooms
 - Utility room
 - First floor
 - Bedrooms 4, 5, 6 and 7 – 9.3sqm, 13.2sqm, 9.7sqm and 15.7sqm
 - Second kitchen – 5.2sqm
 - 2no. bathrooms
- 1.3. There would be 5no. car parking spaces to the front, a cycle rack to the rear and 415sqm of private amenity space.
- 1.4. The application was originally registered with the following description: *Change of use from dwellinghouse (Use Class C3) to 8 bedroom House In Multiple Occupation (HMO) (Sui Generis)*. As the last use of the property was a Use Class C2 residential home, the description was amended to accurately describe the use of the site.
- 1.5. Amended plans have been received following assessment of the application. What was proposed as 'bedroom 3' has been turned into a 'study room' and the application has changed to a proposal for a 7 bedroom HMO. The internal walls have been rearranged so what is now 'bedroom 3' (previously 'bedroom 4') is accessed from the hallway not the kitchen/lounge. Sinks were originally proposed in 6 of the bedrooms however these have not been shown on the amended plans.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a large detached property on the western side of Pershore Road. It is set back from the road by a driveway to the front with railings and low level walling on the front boundary. There is a large garden (415sqm) to the rear which is characteristic of this part of Pershore Road. The property lies within a row of residential properties, opposite the Tally Ho grounds.
- 2.2. Consent was granted in 2019 for the change of use from a residential care home (Use Class C2) to a family dwellinghouse (Use Class C3) however this consent was never implemented.

2.3. Site Location

3. Planning History

- 3.1. 29/01/2019 – 2018/10132/PA – Application for a Lawful Development Certificate for the proposed change of use from a residential home for the mentally handicapped (Use Class C3b) to residential dwelling house (Use Class C3a) – Withdrawn.
- 3.2. 26/03/2019 – 2019/00793/PA – Change of use from residential home (Use class C2) to dwelling house (Use class C3a) – Approved subject to conditions – Not implemented.
- 3.3. 2020/0270/ENF – Enforcement case for alleged unauthorised HMO – Under Investigation.

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objection.
- 4.2. Transportation Development – No objection subject to condition for cycle storage.
- 4.3. West Midlands Police – No objection, recommend conditions for windows and doors to meet PAS24 standard, CCTV and secured by design standards to be adopted.
- 4.4. Neighbouring residents, local Ward Councillors and Residents' Associations have been consulted and a site notice displayed.
- 4.5. Councillor Deidre Alden – Objection:
- Address/previous use not clear;
 - Unsuitable premises to be turned into a HMO, it is a family house in a row of family houses and would not be in keeping;
 - There is a need for family housing in Edgbaston and wouldn't want any more to be lost;
 - Concerns it would cause traffic problems;
 - Would set a precedent for others.
- 4.6. Calthorpe Residents' Society – Objection:
- Anomalies with the application causing confusion; query why description has changed; application appears to be flawed;
 - Queries whether uses have BCC and/or Calthorpe Estates approval;
 - Consider that HMOs are not allowed on the Estate, especially around the perimeter;

- Application states work hasn't commenced however belief that it has;
- Pershore Road is busy and dangerous; new traffic from Pebble Mill Road into Pershore Road and the bus lane increase danger; 8 vehicles existing/access one property is excessive.

4.7. 5 responses received from local residents (3 objections and 2 comments) raising the following concerns:

- Character of the area – out of character; residential area and not suitable for a HMO; want to uphold family orientated area;
- Future tenants – no guarantee rooms would be rented to working professionals; could pose a risk to families and children; will attract different tenants over the years and neighbourhood won't know them; lack of information about tenants and if they are dangerous;
- Landlord – could be difficult to contact or unwilling to resolve issues;
- Noise and disturbance – increased with number of occupants arriving and leaving; more people will create more issues;
- Increased density of people occupying similar properties in area;
- Traffic concerns;
- Loss of house values nearby;
- Standard of house may deteriorate.

5. Policy Context

5.1. Relevant Local Planning Policy:

- Birmingham Development Plan (BDP)
- Birmingham Unitary Development Plan (UDP) Saved Policies
- Specific Needs Residential Uses SPG

5.2. Relevant National Planning Policy:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

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

6.2. The main issues for consideration in the determination of this application are the principle of the development, the impact on the character of the area, on residential amenity and on highway safety and parking.

Policy, principle of development and impact on the character of the area

6.3. The NPPF contains a presumption in favour of sustainable development. Chapter 5 relates to delivering a sufficient supply of homes, the need to boost housing supply and offer a wide choice of quality homes. It notes that small sites can make an important contribution to the housing requirements of an area.

6.4. The BDP builds upon the principles of the NPPF, emphasising the housing need within the city. Whilst there is not a specific policy relating to HMOs, Policy TP27 'sustainable neighbourhoods' requires new housing in Birmingham to contribute to making sustainable places, by offering a wide choice of housing sizes, types and tenures to ensure balanced communities catering for all incomes and ages. Housing should be within easy access of facilities including shops, schools, leisure and work,

conveniently located to travel by foot, bicycle or public transport and create a strong sense of place.

- 6.5. Saved policies 8.23 to 8.25 of the UDP relate specifically to houses in multiple paying occupation. Policy 8.24 states that in determining planning applications for HMOs, the following criteria are relevant; the effect on the amenities of the surrounding area and adjoining properties; the size and character of the property; the standard of accommodation; car parking facilities and local provisions. Policy 8.25 states that generally small terraced or small semi-detached properties used as HMOs will cause disturbance to the adjoining house and will be resisted. The impact of such a use would depend of the existing use of the adjoining properties and the ambient noise level in the immediate area.
- 6.6. The Specific Needs Residential Uses SPG states that the nature of occupants of a property is not a material planning consideration; the key issue in planning terms is the manner in which the property is occupied. It recognises that HMOs have a role to play in meeting the housing needs of certain groups in society. The SPG contains guidelines for internal standards for bedrooms where there is a kitchen/living room and a separate bedroom which are 6.5sqm for a single bedroom and 12.5sqm for a double bedroom.
- 6.7. The impact on the character of the area and neighbouring occupiers are key considerations in the determination of HMO applications. This part of Pershore Road is characterised by residential properties, and the HMO Licence register has been reviewed, revealing there are not any HMOs in close proximity to the site.
- 6.8. I consider that the change of use of No. 339 Pershore Road to a HMO would be fully in accordance with the objectives of the policies outlined above. The application site is a detached property which benefits from a large parking area and amenity space. This would avoid disturbance to neighbours, as there are no adjoining occupiers, whilst the parking area would be self-contained and offer ample off-street parking. I do not consider that this change of use would impact on the character of the local area, be an over-intensive use of the site nor fail to protect the mature suburbs. The proposed development is residential, in keeping with existing neighbouring uses and the nature of the wider Edgbaston area. As such, I consider that the principle of development in this location would be acceptable and would not have a detrimental impact on the character of the area.
- 6.9. The concerns about the loss of a family dwellinghouse is noted, however I must emphasise that the current use of the property is a C2 residential care home, given the 2019 application for a C3 dwellinghouse was never implemented.

Residential amenity

- 6.10. The proposal would provide 7 bedrooms, measuring between 9.3sqm and 15.7sqm; far exceeding the 6.5sqm required, and with 4 shared bathrooms. There would be a large kitchen/lounge area, a study room, utility room on the ground floor and second smaller kitchen on the first floor providing a large amount of communal living spaces, in addition to a 415sqm garden to the rear.
- 6.11. Amendments were made as 'bedroom 3' on the original plans would not have provided an occupier with adequate light and outlook, as the two side facing windows did not achieve a 12.5m separation to the side elevation of No. 341, as required by 'Places for Living'. This room was therefore changed into a 'study room'. What was previously 'bedroom 4' would have been accessed directly from the

lounge area, therefore to increase privacy, the internal layout was amended to provide an access from the hallway to the now 'bedroom 3'. In amending the plans the individual sinks from 6 of the bedrooms were removed, and whilst regrettable, I consider 4 bathrooms for 7 occupants sufficient.

- 6.12. Regulatory Services raise no objection, however recommend that if windows would be changed on the Pershore Road elevation, a noise insulation condition should be attached. This is not proposed therefore the condition is not necessary. Following the amendments that have been made, I consider that the proposal would provide adequate residential amenity to future occupiers, whilst not compromising that of neighbouring residents.

Crime

- 6.13. I note the concerns raised by neighbours, Cllr Alden and the Calthorpe Residents' Association about the presence of a HMO in this location. Whilst crime and fear of crime are planning considerations, the 'Specific Needs Residential Uses' SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration and that HMO accommodation has a role to play in providing housing for certain groups in society. It is acknowledged that the overconcentration of HMOs can impact upon residential amenity and community cohesion, however it is important to emphasise that the behavior of HMO tenants is not a matter for planning authorities. It should also be noted that this area is not characterised by HMOs, so there is no issue with over concentration. Furthermore it is also important to stress that there is no evidence that occupiers of HMOs are inherently more likely to participate in criminal and anti-social behavior. In addition West Midlands Police have not objected to the application. In light of this and the above assessment in terms of an over concentration of HMOs in the locality, it is considered that a refusal on the grounds of crime and fear of crime could not be sustained. To enhance security and safety, I recommend that a condition is attached for CCTV.

Highway safety and parking

- 6.14. The concerns raised about highway safety and parking are acknowledged and Transportation Development have been consulted. They noted that the car parking plan provided needed to be reduced to 5 spaces to ensure a sufficient manoeuvring area and allow access/egress to all spaces. Amended plans were submitted to overcome these concerns. No objection has been raised from Transportation Development subject to secure and sheltered cycle storage. They do not consider traffic and parking demand associated with the proposed use would differ notably to that of a large family dwelling or the former 7 bed sheltered accommodation. Off-street parking is available and there are good public transport links and adequate on-site parking.
- 6.15. I concur with the views of Transportation Development and consider with the recommended cycle storage condition, the proposal would not have a detrimental impact on highway safety or parking arrangements.

Other matters

- 6.16. I note the confusion created by the change of description following validation. The application was originally registered as being a dwellinghouse (Use Class C3) however as the last use of the property was a Use Class C2 residential home; the description was amended to accurately describe the current use of the site. The

description has been amended again since then to reflect the reduction in bedrooms numbers from 8 to 7.

- 6.17. The concern about a precedent being set is noted; however each planning application is assessed on its own merits. Subsequently, the concern about whether Calthorpe Estates approval has been sought is not a factor for consideration, as their process is separate to and independent from the planning process.
- 6.18. The proposal would not attract a CIL contribution.

7. Conclusion

- 7.1. The proposed change of use would be fully in accordance with the objectives of the policies outlined above. The objections raised are recognised and acknowledged, however the principle of development would be acceptable in this location. The application would not cause an over-concentration of HMOs within this vicinity, and with the amendments made, would have an acceptable impact upon residential amenity, highway safety and parking.
- 7.2. The accommodation would be of a good size with adequate parking provision in a detached property with good public transport links. It is considered this application should be fully supported and I therefore recommend planning permission is approved subject to conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

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- | | |
|---|------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the parking area to be laid out prior to use |
| 3 | Requires the submission of cycle storage details |
| 4 | Requires the submission of a CCTV scheme |
| 5 | Limits the number of residents to 7 people |
| 6 | Implement within 3 years (Full) |
-

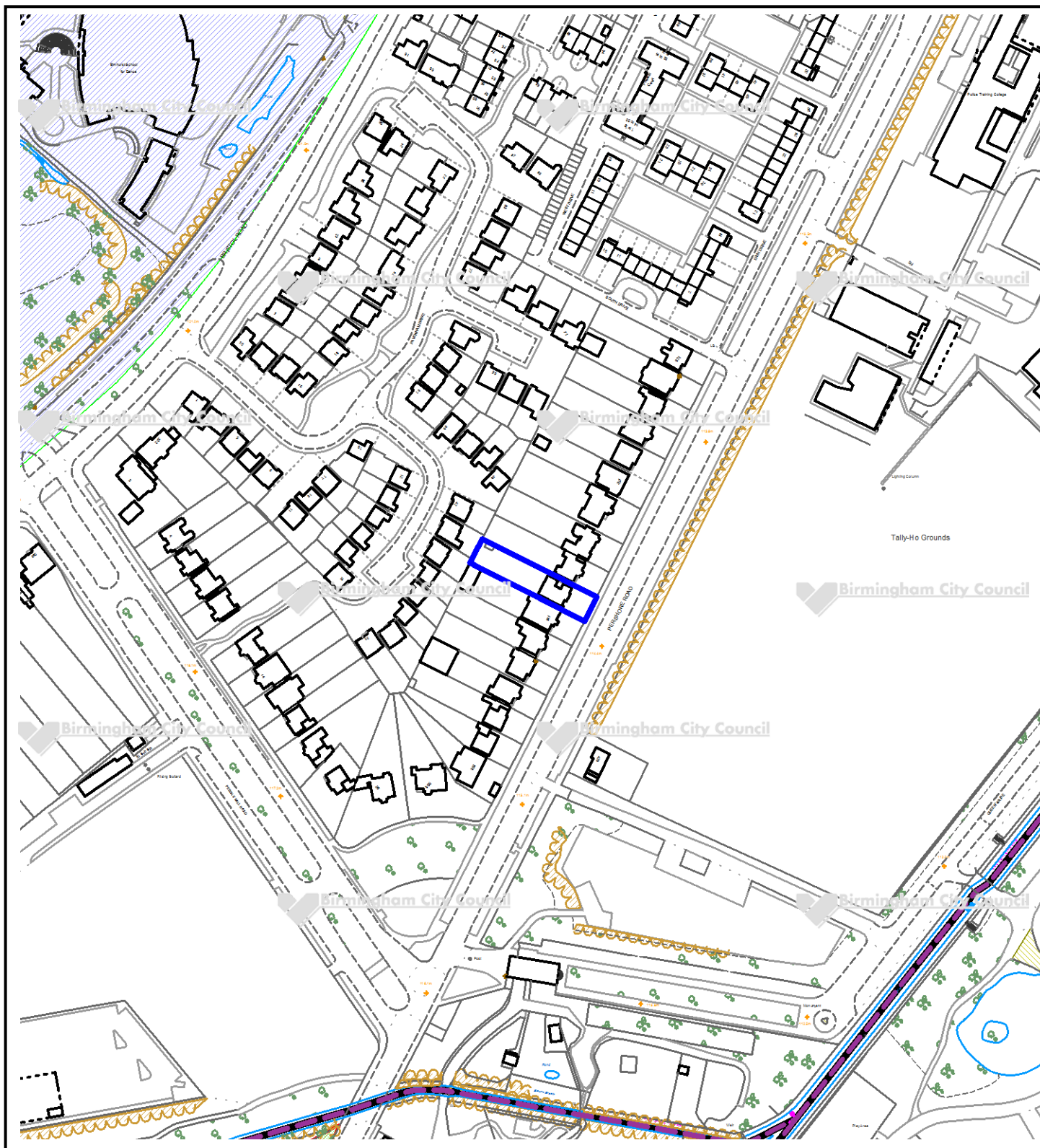
Case Officer: Caroline Featherston

Photo(s)



Photo 1: Front of No. 339 Pershore Road.

Location Plan



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Committee Date:	26/03/2020	Application Number:	2019/07623/PA
Accepted:	12/09/2019	Application Type:	Full Planning
Target Date:	07/11/2019		
Ward:	King's Norton North		

107 Rednal Road, Kings Norton, Birmingham, B38 8DT

Erection of a single dwelling.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for the erection of 1no. dwellinghouse at land to the side of No. 107 Rednal Road, Kings Norton.
- 1.2. The proposed two storey dwelling would have an integral garage, kitchen/dining/sitting area, office/snug and bedroom with en-suite bathroom at ground floor and 4 further bedrooms with en-suite bathrooms and a sitting area at first floor. The property would have a GIA of 299.4sqm and the bedrooms would achieve between 13.1sqm and 30.2sqm. The red line boundary has been amended since originally submitted to omit the area to the immediate rear of the existing property at No. 107. The proposed dwelling would have a garden area of 1200sqm and the existing property would have a garden area of 900sqm. There would be 3 car parking spaces to the front access from a new driveway extended from the existing entrance into the site.
- 1.3. The proposal would have a pitched roof design with a cat-slide on the eastern side, projecting gables on the front and rear elevations and a pitched roof dormer above the integral garage to the west. The dwelling would have rendered elevations with some boarding, a tiled roof and uPVC windows and doors. The property would be set back from the highway and in line with No. 107 Rednal Road.
- 1.4. The proposal has been amended since this application was submitted in September 2019. The original plans included a property to the front of the site, approximately 10m forward of No. 107 and a detached garage was in the centre of the site, close to the boundaries of Nos. 2 and 8 Grange Hill Road. An excessive access road was also proposed with an apparent 'dead-end' leading to the rear of No. 107. Electric gates have also been removed.
- 1.5. Site area including existing property at No. 107 Rednal Road – 0.44ha.
- 1.6. Site area not including existing property at No. 107 Rednal Road – 0.24ha.
- 1.7. Density including No. 107 Rednal Road – 4.5 dwellings per hectare.
- 1.8. Density not including No. 107 Rednal Road – 4.1 dwellings per hectare.
- 1.9. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located in a wholly residential area of Kings Norton, with the access road leading off Rednal Road. At present, there is one dwelling in the large spacious grounds at 107 Rednal Road which has a hipped roof design and brick elevations. This property has been boarded off from the application site with timber fencing.
- 2.2. The area surrounding the application site is predominantly characterised by large detached properties set on large plots. There is a coherent street pattern of properties set back from the highway with generous sized gardens to the front and rear. This part of Kings Norton constitutes a leafy and mature suburb. There has been some residential 'infill' development in this area: to the east lies Norton Gate, a cul-de-sac development of 5 properties.
- 2.3. Prior to the submission of the application; trees within the application site were felled and a street tree was also removed. The consequence of this is that the site is now more visible than previous without the screening of the trees. Land levels rise greatly upon entry to the site, with the site itself being relatively flat as it appears to have been recently levelled. Levels fall slightly from east to west.
- 2.4. The site sits close to the junction with Grange Hill Road and Beaks Hill Road and Nos. 2, 8, 12 and 16 Grange Hill Road border the eastern boundary of the site. No. 2 Grange Hill Road is a large property set on a corner plot which is orientated to face the road junction. To the south, the site shares a boundary with 149 and 151 Redditch Road.
- 2.5. [Site Location](#)

3. Planning History

- 3.1. 02/11/1972 – 36271000 – Private dwelling house & garage – Approved.
- 3.2. 11/07/1974 – 36271001 – Dwellinghouse – Refused.
- 3.3. 2019/0273/ENF – Enforcement investigation for alleged unauthorised development works – Under Investigation.
- 3.4. 14/05/2019 – 2019/02318/PA – Erection of 6 dwellings with access drive and associated parking – Refused on grounds of impact on residential amenity; being out of character with the existing pattern of development in the vicinity; and loss of trees.

Relevant planning history at nearby sites:

- 3.5. 21/03/2005 - 2005/00432/PA - Demolition of existing dwelling. Erection of 7 No. new dwelling houses with garages and access road at 42 Rednal Road - Refused on the following grounds: Would be out of character with existing pattern of development and would be detrimental to the visual amenities of the area; Impact on amenity of adjoining properties. Appeal Dismissed (APP/P4605/A/05/1181681), Inspector considered that the proposal *would be detrimental to the overall appearance of the locality and the amenities of local people.*

- 3.6. 03/08/2009 - 2009/02474/PA - Demolition of existing dwelling and erection of 6 no. detached dwelling houses, creation of access and associated works at 42 Rednal Road & rear of 46 Rednal Road - Refused on the following grounds: Would be out of character with the existing pattern of development and detrimental to visual amenity. Appeal Dismissed (APP/P4605/A/10/2121800/NWF), the Inspector considered that *the site is unsuitable for the proposed infill and backland development, because of its effect on the character of the area and the residential amenity of the neighbourhood.*
- 3.7. 10/12/2015 - 2015/07574/PA - Demolition of existing dwelling house and erection of 5 detached dwelling houses at Land adjacent to 42 Rednal Road - Refused on the following grounds: Impact on the character of the area; Impact on adjacent occupiers; Ecological grounds.
- 3.8. 25/04/2016 - 2016/01674/PA - Demolition of existing dwelling and erection of five new dwellinghouses at 42 Rednal Road - Refused on the following grounds: Being out of character with the existing pattern of development in the immediate vicinity, detrimental to visual amenities and adversely affecting the character of the existing mature residential area; Impact on amenity of neighbouring occupiers; Ecological grounds. Appeal Dismissed (APP/P4605/W/16/3153080), the Inspector considered that *the proposal would represent an undesirable form of backland development.*

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objection subject to condition for electric vehicle charging point.
- 4.2. Severn Trent Water – No objection.
- 4.3. Transportation Development – No objection.
- 4.4. West Midlands Police – No objection.
- 4.5. Neighbouring occupiers, residents associations and Ward Councillors were consulted and a site notice was displayed.
- 4.6. 8 letters of objections have been received on the following grounds:
- Residential amenity – loss of light, privacy and outlook; overlooking; height of proposal;
 - Transportation matters – safety concerns; number of vehicles entering/leaving site; located on a blind bend with traffic exceeding 30mph; congestion when residents entering/leaving properties;
 - Siting, character and appearance – break of building line; concerns about future development; out of context; eyesore; garden infills should be prevented;
 - Detached garage – concerns about first floor; odd location on site; concern it would become a separate dwelling; garages should be next to houses; size of a house; overbearing;
 - New access road – concerns would lead to further housing as previously proposed;
 - Trees, landscaping and environment – plans give false impression of screening; loss of trees prior to submission; loss of biodiversity and wildlife;

loss of Council tree at access; should be required to reinstate trees; lack of detail on plans; carbon impact; tree survey seems to have occurred after felling;

- Welcome changes from previous refusal – more sympathetic;
- Flooding and drainage concerns – loss of green space and more hard surfacing;
- Noise and disturbance from construction.

4.7. Re-consultation was carried out following the receipt of amended plans in January 2020. The following comments were made by 2 neighbouring residents (one of which had commented previous):

- Loss of trees and wildlife; trees should be reinstated;
- Loss of privacy and outlook; disturbance to neighbours;
- Impact on character of area and local context; harmful to local area; poor in urban design terms; hard surfacing not appropriate; scale and mass;
- No similar developments locally; intensification of the site; back land development;
- Change of view from neighbouring properties;
- Contrary to planning policy;
- Concerns about previously proposed detached garage on superseded plans.

5. Policy Context

5.1. Relevant Local Planning Policy:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005
- Places for Living SPG 2001
- Mature Suburbs SPD 2008
- Birmingham Parking SPD (Consultation Draft)
- 45 Degree Code

5.2. Relevant National Planning Policy:

- National Planning Policy Framework (NPPF) 2019
- Technical Housing Standards 2015

6. Planning Considerations

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

6.2. The planning considerations important in the determination of this application are the principle of development and the potential impact of the proposal on the residential amenity of existing and future residents, visual amenity, highway safety and parking and drainage, trees, ecology and landscaping.

Planning Policy

6.3. The National Planning Policy Framework 2019 contains a presumption in favour of sustainable development, comprising economic, social and environmental objectives and defined as *'meeting the needs of the present without compromising the ability of future generations to meet their own needs'* (Paragraph 7). Paragraph 70 highlights

the need for LPAs to resist inappropriate development of residential gardens where development would cause harm to the local area. It recognises that planning decisions should ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting (Paragraph 127). Whilst the NPPF supports developments that make efficient use of land, it recognises the importance of maintaining an area's prevailing character and setting, including residential gardens.

- 6.4. Policy TP27 of the BDP states that new housing in Birmingham is expected to contribute to making sustainable places, whether it is a small infill site or the creation of a new residential neighbourhood. All new residential development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods. Sustainable neighbourhoods are characterised by providing a wide choice of housing that are accessible to existing facilities by foot, bicycle, and public transport. It should provide a good sense of space, with a high design quality in order to provide people with a sense of pride over their neighbourhood. Policy TP30 of the BDP also states that there may be occasions where lower density development would be appropriate in order to preserve the character of the locality in a mature suburb.
- 6.5. The Mature Suburbs SPD contains guidelines to control residential intensification. It states that some of the City's mature suburbs face development pressure for the intensification of housing through infill plots and backland areas. Whilst this can increase housing stock, it can also have a '*significant impact on local distinctiveness by the erosion of the unique character that makes places special*'. It is therefore essential that this type of development is appropriate and makes a positive contribution to the environment and community. Paragraph 4.12 states that proposals in mature suburbs will be assessed against design criteria including:
- Plot size;
 - Building form and massing;
 - Building siting;
 - Plot access;
 - Parking provision and traffic impact;
 - Design styles;
 - Public realm
 - The cumulative impact of the development.
- The SPD in paragraph 4.14 goes on to state that "*proposals that undermine and harm the positive characteristics of a mature suburb will be resisted.*"
- 6.6. Policy PG3 of the BDP states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New development should reinforce local distinctiveness, with design that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design.
- 6.7. Paragraph 3.14 of the saved policies of the UDP recognises the importance of good urban design in new developments. It states that the City Council will have particular regard to the impact on local character including street patterns, building lines, scale and massing, and that the scale and design of new buildings should respect the surrounding area and reinforce local characteristics. Developments should be considered within their context and be of a high standard of design.

Principle of Development and Visual Amenity

- 6.8. The area is characterised by large properties located on spacious plots with strong frontages and a distinctive street scene. This character is strengthened by the mature nature of the properties and their gardens.
- 6.9. This application follows a recent refusal (2019/02318/PA) for the erection of 6 dwellings on the grounds of impact on residential amenity; being out of character with the existing pattern of development in the vicinity; and loss of trees. This new application was submitted in September 2019 and proposed 1no. dwelling, approximately 10m forward of No. 107 with a detached garage in the centre of the site, close to the boundaries of Nos. 2 and 8 Grange Hill Road. An excessive access road was also proposed with an apparent 'dead-end' leading to the rear of No. 107, as well as electric gates to the front.
- 6.10. The proposal has been amended to be set back in line with the existing property at No. 107, the detached garage omitted and an integral garage proposed within the dwelling. The design of the property has been amended to follow the topography of Rednal Road, with higher parts to the west and lower parts to the east, and minor design improvement made including removing Juliette balconies. The access road now only extends to the house and not into the rear garden with a 'dead-end' and an amended site plan has been submitted showing the land to the rear of No. 107 within the blue line, not the red line, ensuring the gardens match the pattern of development on Rednal Road more closely.
- 6.11. Following the amendments made since the refused application and the plans originally submitted with this application, I consider reason for refusal 2 on application 2019/02318/PA has been overcome. The proposal would no longer be out of character with the pattern of development nor an incongruous backland development. It would broadly follow the existing building line on Rednal Road and be in keeping with the character of the mature residential surroundings, producing a single dwelling on a large plot, with a density more in keeping with its neighbours.
- 6.12. The City's Urban Designer assessed the proposal and considered the original submission would have been contrary to policy and have a negative impact on character and raised concerns about the detached garage. Following the amendments, the Urban Designer considered the property to be acceptable. Whilst local concern is noted, I consider the principle of development is acceptable and the proposal would have an acceptable impact on the character and appearance of the locality.
- 6.13. Given the planning history at the site, and the detached garage shown on the now superseded plans, I consider it appropriate to recommend a condition is attached removing permitted development rights for outbuildings and garages within the site. The size and location of any additional structures within the grounds of the new dwelling would have to be carefully considered by the Local Planning Authority to assess the impact on the character and appearance of the site and residential amenity.

Residential Amenity

- 6.14. The 45 Degree Code and Places for Living SPG provide design guidance and set standards specific for residential development to ensure all new development does not adversely affect neighbouring amenity. The single dwelling would comply with the 45 Degree Code and numerical guidelines contained within 'Places for Living'.

The objections on residential amenity grounds are noted, however the proposal would not harm the residential amenity of any neighbouring occupiers by virtue of overlooking, or a loss of privacy, outlook or light. Reason for refusal 1 of the previous application has therefore been overcome.

- 6.15. Although not yet adopted by the Local Planning Authority, the Technical Housing Standards provide a useful guide for minimum floor areas of residential dwellings. The proposal would be a 2 storey, 5 bedroom, 10 person property achieving a GIA of 299sqm. The Technical Housing Standards do not provide guidance for properties of this size, however the guidelines for similar sized properties are far exceeded. The 1200sqm garden would also exceed the 70sqm required by 'Places for Living'. I therefore consider the proposal would provide a suitable level of residential amenity for future occupiers.

Transportation, Parking and Highway Safety

- 6.16. Transportation Development have been consulted on this application and the objections and concerns raised by neighbouring residents considered. The existing access would accommodate the two properties and be wide enough for 2 vehicles to pass, works to which have already commenced. The property would have 3 car parking spaces to the front and an integral garage within the property. The electric gates previously proposed are no longer shown on the plans. Beyond the site, on street parking is unrestricted and regular buses run within reasonable walking distance throughout the day.
- 6.17. Transportation Development raise no objection. They consider the parking provision would be adequate and the need for overspill beyond the site unlikely. The provision of 3 spaces also complies with the guidelines contained within the City's Draft Parking Supplementary Planning Document (Consultation Draft). It is not anticipated that traffic on the surrounding network will alter notably with the addition of these properties. Road safety concerns are noted with Transportation Development acknowledging that whilst the accesses of some properties along Rednal Road have limited views of oncoming traffic, this site has a good level of visibility, given the position on the outside of the bend.
- 6.18. I concur with the views of Transportation Development and consider the proposal would not harm highway safety and the site would provide an adequate level of parking.

Trees, Ecology and Landscaping

- 6.19. Prior to the submission of the previously refused planning application, the site was cleared of many trees within the garden of No. 107 Rednal Road. There were two street trees on either side of the access, which Highway records class as assets. The tree on the eastern side of the entrance has been removed without the consent of the City.
- 6.20. The trees at the site contributed to the character and appearance of the mature suburb. Consequently, their loss has had a detrimental impact on the distinctive characteristics of this setting and I do not consider that the removal of these trees would have been allowed had they not been removed prior to the submission of the application.
- 6.21. The City's Arboricultural Officer has assessed the proposal raising no objection. They note that the tree impact and protection plan submitted with this application

refers to the previous application, showing 6 dwellings rather than 1. It is still considered that this plan could be used for the current application, and the Arboriculturalist requires a condition is attached to secure the protection outlined on this plan.

- 6.22. As a significant number of trees were cleared from the site, a condition is recommended for the submission of landscaping details to secure replacement trees, in addition to hard surfacing materials and boundary treatment details. The City's Arboriculturalist considers that strong landscaping conditions requiring the replanting of trees would be acceptable in this instance to mitigate the loss of trees.
- 6.23. I note the concerns raised relating to the impact on local ecology. The City's Ecologist considered that the bulk of the ecological value in the garden has been lost, apart from the area around the existing property. The existing property could have some potential for bats, but they consider that the property is in a good state of repair and therefore limiting this potential. The lost trees, mainly fruit trees, would have been good pollinators and offered some bird forage potential, but may have been too small to offer much in the way of nesting opportunities. As such, the City's Ecologist has recommended a condition for bird boxes. The boundary treatment should allow for hedgehog movement with 150mm x 150mm gaps. This can be secured through conditions for ecological and biodiversity enhancement measures and bird boxes.
- 6.24. Whilst it is regrettable that the trees were felled prior to the submission of a planning application, and the local objection is noted, I consider that with the attachment of conditions for the implementation of the tree impact and protection plan, landscaping, surfacing, boundary treatment, ecological and biodiversity enhancement measures and bird boxes, the proposal would not have a detrimental impact on trees, ecology or landscaping.

Drainage

- 6.25. I note the concerns raised relating to drainage and flooding issues. Severn Trent Water have been consulted on the application and have no objection to the proposal and do not require a drainage condition to be applied, as the proposal would have a minimal impact on the public sewerage system. I note on the previous application STW required a for the submission of drainage plans for the disposal of foul and surface water flow, however this has not been requested on this amended proposal for 5 fewer properties. I therefore consider that the erection of 1 dwelling in this location would not impact upon flooding or drainage issues within this area.
- 6.26. STW advise that there may be a public sewer located within the application site. Although their statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals.

Other Matters

- 6.27. I note the objection relating to a loss of view. Whilst a loss of outlook, light and privacy are considered, loss of view is not a material planning consideration and therefore isn't assessed.

- 6.28. Regulatory Services have been consulted and raise no objection subject to conditions for a noise insulation scheme and for the provision of a vehicle charging point. Given the set back of the property from Rednal Road, I consider that standard double glazing would provide adequate noise insulation therefore this condition is not attached. Currently the Council does not have an adopted policy in relation to vehicle charging points on new dwellings; therefore this condition cannot be attached. Neighbour concerns about noise and disturbance from the development are acknowledged, however given the size of the development, it is not considered necessary to require a construction management condition.
- 6.29. West Midlands Police have been consulted on the application. No objection has been raise, however they recommend the proposal is developed to 'Secured by Design' standards.
- 6.30. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. The proposal would comply with the objectives of the policies outlined above. The dwelling would be in keeping with the pattern of development seen within the locality, would not harm residential amenity, visual amenity, highway safety or drainage and with the attachment of recommended conditions would have an acceptable impact on trees, ecology and landscaping.
- 7.2. I consider the revised proposal has overcome the reasons for refusal on the previous application and now constitutes sustainable development. Approval is therefore recommended subject to conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|---|--------------------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of sample materials |
| 3 | Tree Impact and Protection Plan - Implementation |
| 4 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 5 | Requires the submission of details of bird boxes |
| 6 | Requires the submission of hard and/or soft landscape details |
| 7 | Requires the submission of hard surfacing materials |
| 8 | Requires the submission of boundary treatment details |
| 9 | Removes PD rights for the erection of garages and outbuildings |
-

10	Implement within 3 years (Full)
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Case Officer: Caroline Featherston

Photo(s)



Photo 1: Site Entrance



Photo 2: Existing property at No. 107 Rednal Road

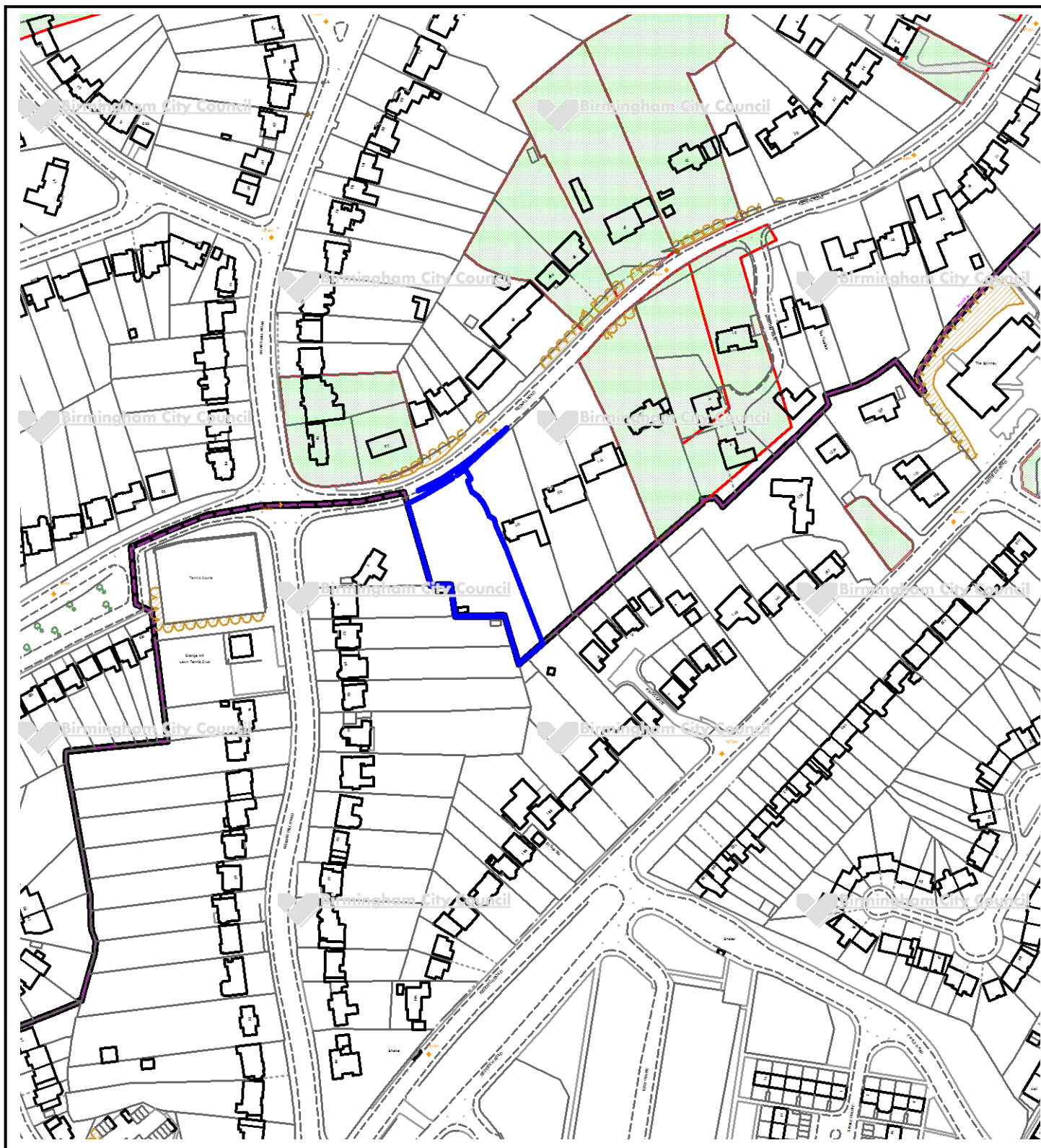


Photo 3: Proposed site location – adjacent to No. 107 Rednal Road



Photo 4: Looking west towards No. 2 Grange Hill Road

Location Plan



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Committee Date:	26/03/2020	Application Number:	2020/00771/PA
Accepted:	30/01/2020	Application Type:	Advertisement
Target Date:	26/03/2020		
Ward:	Bartley Green		

29 Woodgate Lane, Bartley Green, Birmingham, B32 3QU

Display of 1no. internally illuminated 48-sheet digital advertisement hoarding

Recommendation

Approve Temporary

1. Proposal

- 1.1. Advertisement consent is sought for the display of 1no. internally illuminated 48-sheet digital advertisement hoarding on the side elevation of 29 Woodgate Lane, Bartley Green, to replace the existing externally illuminated 48-sheet poster advertisement.
- 1.2. The screen would measure 3m in height, 6m in width, 0.25m in depth and be positioned 1.65m above ground level. The advert would be the same size as the existing externally illuminated sign and the proposed internal illumination level would be 300cd/m2.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to the northern elevation of 29 Woodgate Lane, a residential property in Bartley Green. It faces the petrol station forecourt at the junction/roundabout of Woodgate Lane and Clapgate Lane. There are residential properties to the south and west and some commercial uses to the east. There is an existing externally illuminated paper advertising sheet in situ at the location.
- 2.2. [Site Location](#)

3. Planning History

- 3.1. There is no recent planning history relevant to this application.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to the following conditions.
 - Interval between successive displays to be instantaneous (0.1 seconds).

- No special visual effects of any kind to be permitted to accompany the transition between any two successive messages. Must not include fading, swiping or other animated transition methods.
- No special visual effects of any kind to be permitted during the time that any message is displayed. Must not include animated, flashing, scrolling, intermittent or video elements.
- Minimum display time of 10 seconds. The complete screen display must change instantly. There must not be any changing light patterns. Shall be limited to a two dimensional display only.
- Message sequencing must be prohibited.
- No advertisement will be allowed to emit noise, sound, smoke, smell or odours. To include a default mechanism that will freeze the sign in one position if a malfunction occurs.
- Shall not include features/equipment which would allow interactive messages/advertisements to be displayed.
- Shall be equipped with a dimmer control and a photo cell which shall constantly monitor ambient light conditions and adjust sign brightness accordingly. The brightness of the illumination shall be no greater than 300cd/m2.

4.2. No public consultation is required for advertisement applications; however 6 objections have been received on the following grounds:

- Amenity – light emissions; too bright; light pollution; impact on homes close by;
- Public Safety – collisions at Clapgate Lane and Woodgate Lane would worsen; dangerous and distracting; dazzling drivers; research shows drivers look at these more than static adverts; close to a busy and complex junction/road network;
- Environmental Impact – contrary to Council's climate emergency declaration; use as much energy as 11 homes; not 'sustainable and green' as advertised;
- Public Consultation – questioning whether residents have been informed;
- Society – promote unsustainable lifestyles; promote multinational rather than local businesses; public don't want to see advertisements all the time; not wanted by the community; bad for mental health; little control over what is being advertised;

5. Policy Context

5.1. Relevant Local Planning Policy:

- Birmingham Development Plan (BDP)
- Birmingham Unitary Development Plan (UDP) Saved Policies

5.2. Relevant National Planning Policy:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

Policy

6.1. Policy PG3 of the Birmingham Development Plan states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place, reinforcing local distinctiveness and responding to the local area context.

Policy TP12 of the BDP states that the historic environment will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness and sustainability. The City Council will seek to manage new development in ways which will make a positive contribution to its character.

- 6.2. Paragraph 3.14 of the Birmingham Unitary Development Plan (Saved Policy) emphasises that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit, and that the design and landscaping of new developments will be expected to contribute to the enhancement of the City's environment.
- 6.3. Paragraph 132 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed, and that the display of outdoor advertisements can only be controlled in the interests of '*amenity*' and '*public safety*'.

Amenity

- 6.4. The new advert would replace an existing externally illuminated advert in a mixed commercial and residential environment where such digital adverts are becoming more common. I do not consider there would be any significant greater impact on amenity than the existing sign, with the appropriate conditions attached.

Public Safety

- 6.5. Objections have been received on public safety and transportation grounds. Transportation Development raise no objection to the proposal subject to the conditions outlined in paragraph 4.1 and consider with the requested conditions the signage would be no more distracting than the sign already in place. I concur with this view and consider the proposal would not harm public safety.

Other Matters

- 6.6. Objections have been received on grounds other than amenity and public safety. Whilst these are noted, the only matters for consideration in advertisement applications are amenity and public safety. Therefore the application cannot be assessed against other points raised.

7. Conclusion

- 7.1. I consider that the proposed signage would not have an adverse impact on visual amenity or public safety. As such, I recommend that the application is approved on for a temporary period of time, subject to the conditions detailed below.

8. Recommendation

- 8.1. Approve Temporary.

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- | | |
|---|------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the use of the advert |
-

Case Officer: Caroline Featherston

Photo(s)

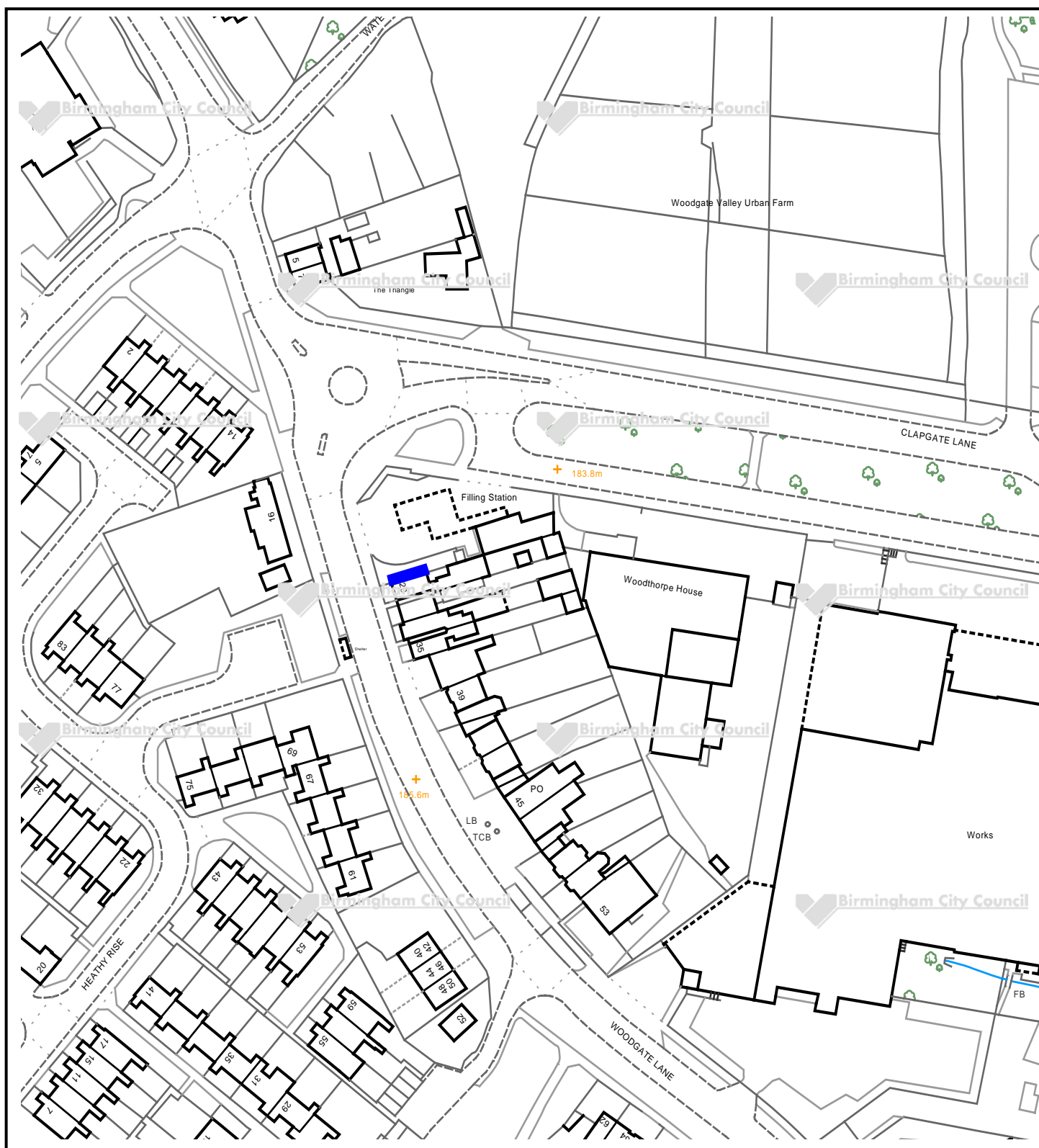


Photo 1: Existing advertisement hoarding



Photo 2: Existing advertisement hoarding from petrol station forecourt.

Location Plan



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Birmingham City Council

Planning Committee

26 March 2020

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	14	2019/07649/PA 61 (land to rear) and 63-65 Penns Lane Sutton Coldfield Birmingham B72 1BJ Erection of 9 detached dwellings and formation of new vehicular access
Approve - Conditions	15	2020/00140/PA 3 Fountain Road Edgbaston Birmingham B17 8NJ Change of use from a dwelling house (Use Class C3) to a 7-bed House in Multiple Occupation (HMO) - (Sui Generis).
Approve - Conditions	16	2019/10609/PA Land bound by Aston Lane, Wellhead Lane, North Road and a section of railway line to the North Perry Barr Birmingham B20 3BW Demolition of existing Jobcentre, IMO car wash and Leacy Motor Group Buildings and associated car parking areas, reclamation of land, removal of TPO 1397 tree and erection of 2.4 metre high boundary hoarding.
Approve - Conditions	17	2019/09773/PA 2 St Augustine's Road Edgbaston Birmingham B16 9JU Installation of gate to front and boundary fence to side

Committee Date:	26/03/2020	Application Number:	2019/07649/PA
Accepted:	04/10/2019	Application Type:	Full Planning
Target Date:	30/01/2020		
Ward:	Sutton Wylde Green		

61 (land to rear) and 63-65 Penns Lane, Sutton Coldfield, Birmingham, B72 1BJ

Erection of 9 detached dwellings and formation of new vehicular access

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This planning application seeks consent for the erection of 9 no. detached dwellings with associated on plot parking, garages and gardens and the formation of a new vehicular access from Penns Lane to serve a cul-de-sac road. The site encompasses the plots of both 63 and 65 Penns Lane (which have previously been demolished) and a portion of the rear garden of no. 61 Penns Lane.
- 1.2. The proposal comprises of 9 no. dwellings which would be erected at two storey with accommodation in the roofspace, each with private rear gardens and 200% off road parking (2 no. per plot). Each dwelling would also have either detached or integral garage parking for 1 or 2 vehicles. The proposed dwellings would comprise of 6 no. 4 bed units and 3 no. 5 bed units, ranging in floorspace from 130sq.m to 199sq.m
- 1.3. The application has been submitted with a Design and Access Statement, Tree Survey and Protection Plan, Ecological Report, CIL Form, Landscape Plan, Streetscene and House Type Elevations, Floor Plans and a Site Layout Plan.
- 1.4. Site density – 20.5 dwellings per hectare.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a cleared site (except for a small greenhouse) and is located on the north side of Penns Lane close to the junction with Beech Hill Road. The site was previously occupied by two large detached dwellinghouses, which were of a traditional design and set within spacious grounds. The site area is 0.44 hectares and the site has a frontage measuring 34 metres in width and a maximum depth of approx. 107m. It has two vehicular access points that served the two previous houses and is currently secured by a 2.4 metre high front boundary fence.
- 2.2. The site falls 0.5 metres from west to east and from front to back for the first 60 metres the site falls 0.7 metres before falling steeper, approximately 1.5 metres to the rear boundary. The site is covered by a Tree Preservation Order (TPO) and includes a protected Silver Birch tree located on the side boundary with 61 Penns Lane and a protected Acer tree located near to the rear boundary of the site. A

protected Holly tree located within the front garden of 63 Penns Lane was removed at the same time the two former dwellinghouses were demolished in 2013.

2.3. The surrounding area is characterised by predominantly two storey detached dwellinghouses of various styles and ages. There are large Victorian properties that have accommodation within the roof space and also a modern part two-storey, three-storey apartment block (Riland Court) on the corner of Penns Lane and Beech Hill Road. With the exception of 49 Beech Hill Road and 57, 59, 61 and 67 Penns Lane there is a lack of a defined building line along this side of Penns Lane with some houses, notably 71 and 73 Penns Lane, set closer to the road. In terms of design, the surrounding houses have characteristic pitched roof front gable features and the adjoining dwellings at 61 and 67 Penns Lane have a traditional arts and crafts design style with lower sections of roof and are articulated by an asymmetrical front gable.

2.4. The site has good accessibility to local shops and services within the Wylde Green Neighbourhood Centre and Walmley Neighbourhood Centre. Penns Lane has regular bus services and a cycle lane.

2.5. [Site Location](#)

3. [Planning History](#)

3.1. 14 April 2016 – 2015/10407/PA – Erection of 60 bed residential care home (Use Class C2) together with car parking, boundary treatment and landscaping. Approved, subject to conditions.

3.2. 19 December 2013 - 2013/07717/PA - Erection of 60 bed residential care home (Use Class C2) together with car parking, boundary treatment and landscaping. Withdrawn.

3.3. 29 May 2014 - 2014/01482/PA - Erection of 60 bed residential care home (Use Class C2) together with car parking, boundary treatment and landscaping. Refused and subsequent appeal dismissed in December 2014.

3.4. 12 November 2015 - 2015/06210/PA - Erection of a 50 bed nursing home (Use Class C2) and associated car parking, boundary treatment and landscaping. Outline application with Appearance, Landscaping, Layout and Scale to be determined and Access to be reserved for later consideration. Refused.

4. [Consultation/PP Responses](#)

4.1. Local Ward Councillors, M.P, Residents Associations and adjoining occupiers were notified and Site Notice displayed outside site.

4.2. 2 no. letters of support have been received on the following points;

- In keeping with the surrounding area.
- Land which has been derelict for some time is finally being used to build dwelling houses which are in keeping with the surrounding area.
- This is far better and more acceptable than the previous applications for a care home.
- There seem to be only two obviously visible houses from Penns Lane which would seemingly fit in with the character of those in the immediate area.

4.3. 15 no. letters of objection have been received from local residents on the following points;

- Too many houses on the site (overdevelopment).
- 3 storey buildings not suited to the site.
- Loss of light.
- Plot 6 is too close to site boundary.
- Proposed development would significantly alter the fabric of the area.
- Insufficient information provided and inaccurate plans.
- Insufficient parking for visitors, deliveries and service traffic.
- Turning area is not a practical arrangement.
- Increased traffic congestion along Penns Lane near to existing roundabout.
- Adverse impacts upon highway safety.
- Proposed dwellings would result in overlooking of existing dwellings.
- Existing natural boundary treatments should remain.
- Loss of green space.
- Adverse impacts upon existing trees.

4.4. Transportation Development – No objection, subject to conditions;

- Highway works (to include pedestrian dropped kerbs, tactile paving, reinstatement of redundant parts of footway crossing with full height kerbs, relocation of the existing lamp-post & any other work relating to any street furniture) to be carried at applicant's expense to BCC specification.
- Vehicular visibility splays.
- Pedestrian visibility splays.
- Driveway gradients to be no steeper than 1:12.

4.5. Severn Trent Water – No objection, subject to a condition to secure foul and surface water drainage details.

4.6. Regulatory Services – No objection, subject to conditions;

- Noise insulation.
- Land Contamination Remediation Scheme.
- Contaminated Land Verification Report.
- Electric vehicle charging point conditions.

4.7. West Midlands Police – No objection, recommends Secured by Design.

4.8. West Midlands Fire Service – Advise that the applicant engages with them at an early stage during Building Regulations process.

5. Policy Context

5.1. Birmingham Development Plan (2017), 45 Degree Code SPD, Mature Suburbs SPD, Places For Living SPG, Car Parking Guidelines SPD, National Planning Policy Framework (NPPF).

6. Planning Considerations

- 6.1. The main considerations for this application are whether the proposed development would be acceptable in principle and whether it would have a detrimental impact on the character and appearance of the local area and on the amenities of existing and future occupiers.

Principle of Development

- 6.2. The National Planning Policy Framework (NPPF) requires housing applications to be considered in the context of the presumption in favour of sustainable development. It also advises within its core planning principles that planning should encourage the effective use of land by reusing land that has been previously developed, provided that it is not of environmental value. It also advises that planning should actively manage patterns of growth in order to make the fullest possible use of public transport, walking and cycling.
- 6.3. Policy PG3 for the Birmingham Development Plan (BDP) 2017 advises that all new development would be expected to demonstrate high design quality, contributing to a strong sense of place' and 'make best use of existing buildings and efficient use of land in support of the overall development strategy.
- 6.4. Policy TP28 of the BDP advises that new residential developments should be located outside flood zones 2, 3a and 3b; be adequately serviced by existing or new infrastructure, which should be in place before the new housing for which it is required; be accessible to jobs, shops and services by modes of transport other than the car; be capable of remediation in the event of any serious physical constraints, such as contamination or instability, by sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP, in particular the policies for protecting core Employment Areas, open space and the revised Green Belt.
- 6.5. The application site does not fall within a high risk area for flooding and would be adequately serviced by the existing private access road. The application site is also located in an accessible location close to jobs and shops in Sutton Coldfield Town Centre, which can be accessed by regular bus services that operate along Penns Lane and nearby Birmingham Road. I am not aware of any physical constraints and the site does not contain any historic or cultural assets. I therefore consider that the application accords with Policy TP28 of the BDP and the NPPF and would be a suitable location for new housing in principle, subject to the following site specific considerations.
- 6.6. The Council's Mature Suburbs: Guidelines to Control Residential Intensification SPD also applies to this application because the surrounding area is generally uniform in character. The SPD advises that when considering new developments within a mature suburb the key is to ensure that the development does not harm the distinctive character and identity of an area.
- 6.7. The proposed scheme would provide a form of infill development associated with the former plots of 63 and 66 and the rear portion of no. 61. It is noted that the predominant form of residential dwellings front onto main roads, such as Penns Lane and Beech Hill Road, although it is also noted that a number of cul-de-sac developments to the north of the application site are in existence where portions of rear gardens have been redeveloped into residential cul-de-sacs, albeit at what appears a greater density than that proposed in this application. As such, it is considered that the redevelopment of this previously developed land for residential development in the form proposed would not be an incongruous addition to the area

in terms of layout and density sufficient to warrant refusal of planning consent, a view shared by my city design officer.

- 6.8. In principle I consider that the application site constitutes an appropriate infill site. Furthermore the site is located in a sustainable location and is adequately serviced by a number of services and facilities within walking distance of the site. As such the proposal complies with the aims of policy TP27 of the Birmingham Development Plan (BDP) (2017) with principle of residential development generally supported in this case, subject to all other material considerations being adequately dealt with.

Scale, Layout and Design

- 6.9. Places for Living SPG advise that careful design rather than a blanket application of numerical standards can often address concerns such as privacy and amenity. However the numerical standards provide a useful guide and starting point. The site has residential dwellings to all sides (other than a portion of the southern boundary which fronts Penns Lane) with the proposed dwellings to the rear of the site are of either a 2 or 2½ storey scale, some with habitable accommodation within the roofspace with rooflights facing rear elevations and dormer windows that serve habitable rooms facing into the cul-de-sac.
- 6.10. The scheme itself comprises of 9 no. detached dwellings centred around a central access road/cul-de-sac with 2 no. of those dwellings fronting onto Penns Lane and which continues the frontage development and building line found along this section of Penns Lane which is supported. The site is within a mature suburb, with the local area characterised by mainly detached houses set back from the road behind green frontages. The suburb was largely built in the 1920s-30s, although older houses immediately to the east are Victorian. There are a number of residential cul-de-sacs to the north of the site that have been developed within the large rear gardens of inter-war houses within the last 10-15 years.
- 6.11. The prevailing scale of development in the area are large two storey detached and semi-detached dwellings some of which have accommodation within the roof space (i.e. attic conversions). As an example of scale, the two dwellings along the site's Penns Lane frontage, specifically no. 61 Penns Lane, is approx. 9.3m high and no. 67 Penns Lane is 8.3m high (excluding chimneys) and have pitched, hipped, tiled roofs in a similar manner to the dwellings proposed within the application site.
- 6.12. The proposed dwellings along the site's frontage mirror the building line and scale of existing dwellings within the streetscene which is welcomed and provides continuity in built form in this location. The scale of dwellings is mirrored within the site, albeit at greater height of 9.6m, and the central internal access road allows partial views of these dwellings from the public realm (Penns Lane). I am of the view that the scale of the buildings within the site would not be seen as incongruous additions in context to other dwellings in the locality.
- 6.13. It is noted that a number of comments have been received from local residents concerned that the development proposal would result in the overdevelopment of the site by increasing the number of dwellings from 2 no. to 9 no. Whilst the proposal does represent a marked increase in the number of dwellings from those which were previously demolished, the historic plots themselves are large and result in an area of approx. 0.44ha. Based upon the development proposals the scheme would result in a density of development of approx. 20.5 no. dwellings per hectare which suggests that the site would not be subject of overdevelopment in this case, particularly when compared to the minimum requirement of 40 no. dwellings per

hectare as specified in policy TP30 of the Birmingham Development Plan. However, I am of the view that whilst the development proposal fails to achieve the required 40 no. dwellings per hectare, the scheme put forward has done so in order to appropriately respond to the local vernacular where larger properties positioned within sufficiently sized plots at lower densities are the norm. As such, I consider that the scheme accords with the principles of Mature Suburbs SPD in this case.

- 6.14. A number of amendments have been undertaken during the assessment of the application which has resulted in an improved scheme. Such changes comprise of a variation in materials (to include facing brickwork, render and tiled roofs) used in relation to plots 3-6 so that there is an element of variety in their appearance when viewed from the proposed access road. My city design officer feels that the design of these dwellings should have been amended further in order to more variety in terms of scale, massing and appearance to create a more informal character. However, I consider that the changes made are sufficient to support the proposal and not a sufficient reason to recommend refusal. Furthermore, plot 2 which faces both Penns Lane and the proposed access road and acts as the 'corner' dwelling, has been amended to provide additional windows at ground and first floor to the side/gable elevation facing onto the proposed access road. This is also welcome as it provides visual interest to this dwelling when viewed from the public realm and also introduces increased natural surveillance and an active frontage in this location.
- 6.15. In addition to the comments outlined in this report, my city design officer has requested the imposition of a number of planning conditions, related to hard and soft landscaping, boundary treatment details, sample materials to be used in external finishes of the dwellings along with finished site level details. I consider the imposition of such conditions to be appropriate in this case and will ensure that the finished scheme will positively impact upon the surrounding locality and result in an attractive, high quality scheme providing a positive sense of place. The development is therefore considered acceptable in this regard, in line with the NPPF, BDP and Mature Suburbs SPD.

Residential Amenity

- 6.16. The development proposal has been designed so far as is practicable to meet or exceed the minimum separation distances as outlined in Places for Living SPG. The distances between building faces (e.g. rear to rear elevations) are generally considered to meet the minimum distance of 21m. It is noted that there is a change in levels from Beech Hill Road where the site levels fall away from the high point of Beech Hill Road, down across the rear gardens (west to east) of those properties (no. 43-47 Beech Hill Road) where the level change continues across the application site with a change in levels (west to east) of between 2-2.5m. The distance separation of 21m is met between the rear of existing dwellings associated with Beech Hill Road and plots 8 and 9.
- 6.17. The proposed dwellings also meet the 5m per storey setback for habitable room windows to rear boundaries, apart from plot 8, whereby two first floor bedroom windows (bedrooms 3 and 4) to the rear elevation facing the rear garden of no. 43 Beech Hill Road and no. 3 Beech Hill Close would fall short by 1.4m (8.4m achieved instead of 10m). This shortfall would result in potential overlooking to a very small section of the bottom of the 29.6m long garden associated with no. 43 Beech Hill Road and a smaller section of garden associated with no. 3 Beech Hill Close. It is also note that there is an approx. 800mm level change between the rear of the plot 7 and the rear of no. 3 Beech Hill Close so whilst the 21m separation distance has been met (a distance of 21.4m is achieved), an additional 1.6m distance has not

been achieved in this case to reflect the 0.8m change in ground levels (based on an increase in separation distance of 2m for every 1m rise inground levels between new and existing dwellings). However, both of these boundaries are well screened by mature vegetation and trees which are proposed to be retained as part of the scheme. No other windows associated with the dwellings proposed would result in overlooking due to the minimum distance thresholds not being met. Whilst the breaches outlined above are considered regrettable, on balance, I consider that the provision of a well-designed scheme resulting in increased housing numbers outweighs the very limited harm to the rearmost garden areas associated with two adjoining dwellings.

- 6.18. It is noted that on the submitted site layout plan that it appears that the minimum distance separation of 12.5m between the rear elevation of 3 Beech Hill Close and the side elevation/flank wall of plot 6 has not been met with a distance of 7.9m proposed. However, the portion of the building associated with no. 3 Beech Hill Close is a single storey garage structure with no habitable windows within the affected rear elevation. Therefore, the minimum 12.5m separation distance does not apply in this case.
- 6.19. The internal size of the proposed dwellings exceed the minimum gross internal floor areas as set out in the Nationally Described Space Standards for 4 and 5 bed dwellings over 2 and 3 levels (minimum ranging between 124sq.m and 134sq.m). It is also noted that sufficient garden space in excess of the minimum 70sq.m as stipulated within Places for Living SPG, is proposed for the size of the dwellings proposed throughout the site and these are shown as enclosed, secure spaces which is supported.
- 6.20. Conditions to remove Permitted Development Rights are recommended for any future enlargements or new windows/dormers/rooflights to the proposed dwellings so as to maintain sufficient private amenity space on site and to ensure that residential amenity for surrounding dwellings is not adversely affected and to also remove permitted development rights to ensure that no gates or other means of enclosure are installed across the access road. Furthermore, it is considered necessary to impose a condition to secure an acceptable outdoor lighting scheme is provided to the access road that does not adversely impact upon existing and future residents.
- 6.21. Regulatory Services have raised no objection subject to conditions to require; appropriate mitigation against potential land contamination and to provide a verification report, to require a charging point for electric vehicles at each dwelling and to provide noise insulation associated with plots 1 and 2 which front onto Penns Lane. I have attached a condition to secure a strategy for contamination remediation and a land verification report along with securing appropriate noise insulations for Plots 1 and 2 fronting Penns Lane due to the noise impacts associated with this main road. While the other conditions are noted and recommended, I do not consider it necessary or reasonable, in this instance, to require a charging point for electric vehicles, given that the development is for detached units that could accommodate appropriate in-curtilage infrastructure (on driveway or in garage) if desired by future occupiers. On this basis, I therefore consider that the proposed development complies with the general principles of the National Planning Policy Framework, Policy PG3 of the Birmingham Development Plan 2017 and saved policies 3.14–3.14C of the Unitary Development Plan 2005.

Highways Impact and Parking

- 6.22. The applicant has submitted a tracking plan that shows that an appropriately sized refuse vehicle would be able to manoeuvre and turn within the site which has been reviewed by my transportation officer and is considered to be acceptable.
- 6.23. The council's adopted car parking standards and guidance suggest a maximum of 2 no. parking spaces per dwelling for this area. The proposals provide each plot with a minimum of 2 no. (200%) surface spaces on plot with the addition of a garage space with a mixture of single and double garage provision. In total the development would provide 32 no. spaces for 9 no. units which would equate to 355% provision. Whilst this is in excess of the car parking standards as outlined in the car parking guidelines SPD, such provision would enable limited visitor parking to take place given that there is limited availability to provide on street parking within the proposed cul-de-sac or upon Penns Lane whilst such provision does not dominate the site layout. As such, I consider that such matters mitigate this provision somewhat and would help to reduce potential impacts upon the free flow of traffic both within the site and the surrounding road network, a concern raised by local residents, particularly along Penns Lane and the nearby mini-roundabout.
- 6.24. Whilst local residents have raised concerns regarding increased levels of traffic congestion and potential adverse impacts upon highway safety, with particular reference to access onto Penns Lane, my highways officer has assessed the proposal and has raised no objections in this regard subject to the imposition of a number of planning conditions, to include the provision of both pedestrian and vehicular visibility splays (both at the site access and for driveways), all highway works (including the removal/relocation of street furniture on Penns Lane) is to be submitted to the LPA for agreement and funded by the applicant and that the proposed driveways are no steeper than 1:12. Subject to such matters being addressed by condition I concur with my officer's recommendation and raise no further issues in this regard.

Trees and Landscaping

- 6.25. The application form acknowledges that the development of this site in the form proposed will result in the removal of the existing trees with the site itself covered by a tree preservation order, specifically TPO 1223. The site itself contains a number of trees, 12 no. of which are included within the TPO, with the site's interior generally cleared through the demolition of the previous dwellings. A tree survey, root protection plan and arboriculture report has therefore been submitted with the application which my tree officer has assessed in conjunction with also undertaking a site visit with the applicant and their agent and considers that such works should be undertaken in accordance with these documents and secured by condition. My tree officer has commented that the Silver birch on the site frontage (T7 in the TPO) is now in poor condition and therefore raises no objection to its removal in order to facilitate the site's access. The tree officer has requested that this tree is replaced to the front portion of the site in order to replace lost amenity provided by the existing tree and positively contribute to the streetscene.
- 6.26. My tree officer is also content that the contentions around the effect of development on those trees behind 47 and 49 Beech Hill Road (the site's western boundary adjacent to plot 8 and 9) has been satisfactorily resolved with the development proposal now set beyond the Root Protection Areas of these trees and therefore no protected trees are proposed to be removed as part of this proposal. Furthermore, my tree officer has inspected the trees first-hand and considers that some canopy management to contain their size and shading effect would be appropriate subject to a pre-commencement site meeting being undertaken with the tree officer present.

Also, it is important to note that in this line of trees (along the site's western most boundary) only three trees are included in the TPO, with the rest being considered unworthy. My tree officer considers it appropriate to retain these by planning condition. Taken on balance, the proposal is now acceptable in arboricultural terms, a view supported by my tree officer subject to the imposition of planning conditions as discussed.

Ecological impact

- 6.27. An ecology survey has been submitted with the application which, in summary, suggests the site has low ecological value but does have a number of habitats which have the potential to support protected species. My ecologist has assessed the proposal and the submitted information and has raised no objection to the scheme and commented that the site is now vacant with the exception of some trees and hedge boundaries but it is mostly stripped of all vegetation. They have also stated that the proposal should include the provision of enhancement measures to include bird and bat boxes, hedgehog and other small mammal passes should be installed throughout the fences. Habitat creations such as woodpile, insect boxes etc. should also be mixed throughout the site whilst it would also be preferable to have future biodiversity enhancements with a wide range of native flora in the rear gardens, as well as the front to encourage local biodiversity to forage. I consider such measures to be reasonable and proportionate to the scale of development proposed and recommend that such matters are secured by planning conditions.

Community Infrastructure Levy (CIL)

- 6.28. The applicant has submitted a CIL form confirming acknowledgement of CIL liability for the site which is located within a high value residential charging area. The proposed scheme would result in an internal floorspace provision for the 9 no. dwellings of 1771sq.m. Based upon a current rate of £85.04 per sq.m of floorspace, within a CIL high value residential charging area, the scheme would equate to a CIL payment requirement of £150,605.84 based upon current figures.

7. Conclusion

- 7.1. The proposal amounts to the provision of residential development in a sustainable suburban location and the proposal would accord with the provisions of the Birmingham Development Plan and the NPPF. Subject to the imposition of planning conditions as discussed in this report, it is considered, appropriate to recommend that planning permission be granted.

8. Recommendation

- 8.1. Approve, subject to conditions.

-
- | | |
|---|----------------------------------------------------------------------------------|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the prior submission of a construction method statement/management plan |
| 4 | Requires the submission of sample materials |
| 5 | Requires the submission of architectural details |
-

-
- 6 Requires the prior submission of level details
 - 7 Requires the submission of hard and/or soft landscape details
 - 8 Requires the submission of boundary treatment details
 - 9 Requires the submission of a lighting scheme
 - 10 Removes PD rights for new windows
 - 11 Removes PD rights for extensions
 - 12 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 13 Requires vehicular visibility splays to be provided
 - 14 Prevents occupation until the access road has been constructed
 - 15 Requires pedestrian visibility splays to be provided
 - 16 Driveway gradient to be no steeper than 1:12
 - 17 Requires the submission and completion of highway works at the applicants own expense
 - 18 Requires the prior submission of a contamination remediation scheme
 - 19 Requires the submission of a contaminated land verification report
 - 20 Requires the submission of a Noise Insulation Scheme
 - 21 No commencement until pre-commencement meeting held (working procedures and tree protection)
 - 22 Requires tree pruning protection - Prior to Occupation
 - 23 Arboricultural Method Statement and Tree Protection Plan - Implementation
 - 24 Requires the prior submission of a drainage scheme - Foul and Surface Water
 - 25 Removes PD rights for boundary treatments/gates across the access road
-

Case Officer: Christopher Wentworth

Photo(s)

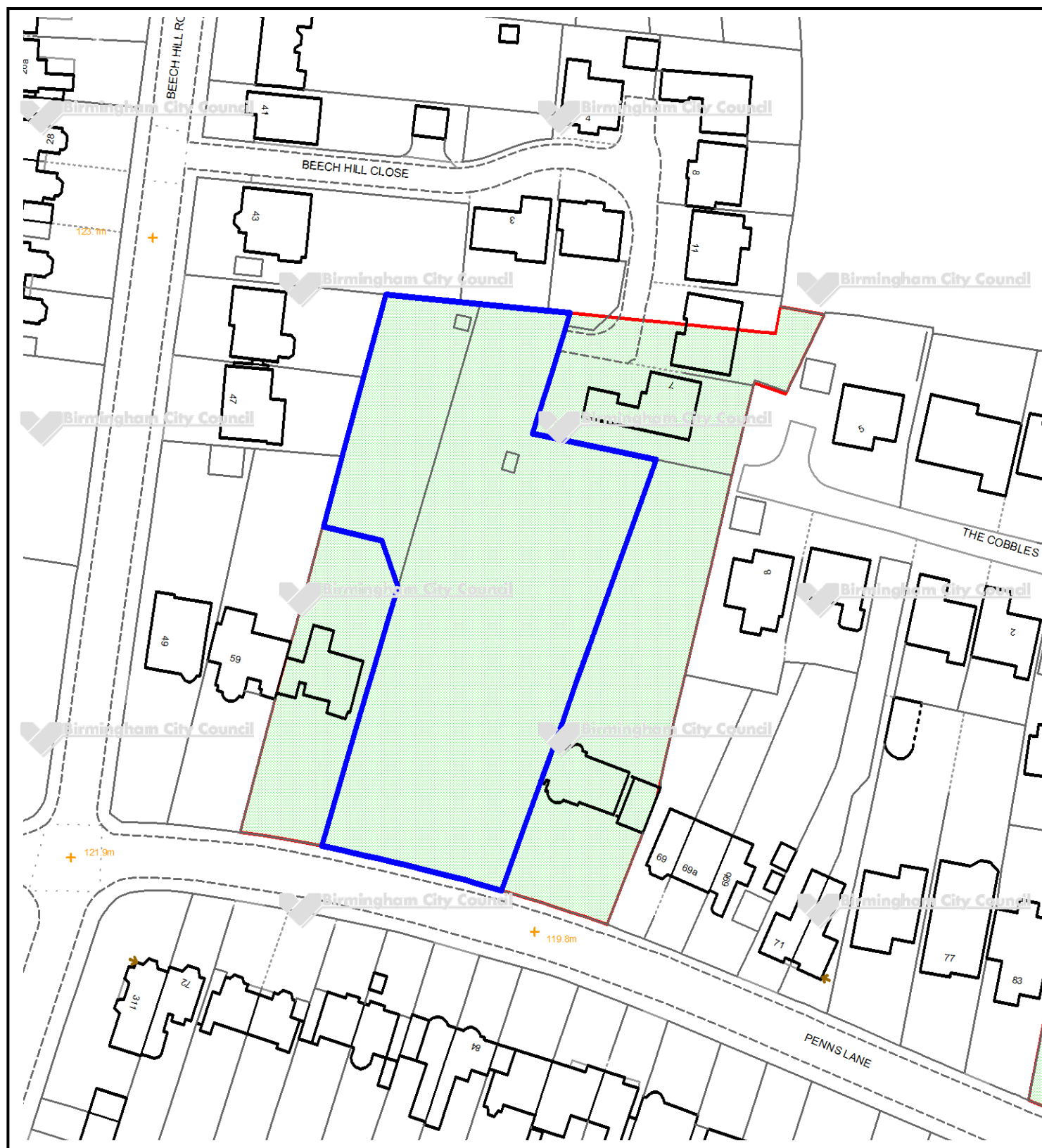


Fig 1 – Site internal looking towards Penns Lane frontage (no. 61 to right of photo).



Fig 2 – Site internal looking towards rear of site towards dwellings of Beech Hill Close.

Location Plan



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Committee Date:	26/03/2020	Application Number:	2020/00140/PA
Accepted:	16/01/2020	Application Type:	Full Planning
Target Date:	12/03/2020		
Ward:	North Edgbaston		

3 Fountain Road, Edgbaston, Birmingham, B17 8NJ

Change of use from a dwelling house (Use Class C3) to a 7-bed House in Multiple Occupation (HMO) - (Sui Generis).

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application proposes the change of use from a dwellinghouse (Use Class C3) to a 7-bedroom House of Multiple Occupation (HMO) (Use Class Sui Generis).
- 1.2. The ground floor would comprise 4 en-suite bedrooms (8.5sqm, 9.1sqm, 10.2sqm and 12sqm) and kitchen/dining room (22.3sqm). The first floor would comprise 3 bedrooms (2 en-suites) (6.9sqm, 11.3sqm and 11.3sqm) and bathroom.
- 1.3. A communal amenity space comprising 48sqm would be provided to the rear.
- 1.4. No external alterations to the building or alterations to access/parking are proposed.

1.5. [Link to Documents.](#)

2. Site & Surroundings

- 2.1. The application site consists of a traditional semi-detached dwellinghouse, designed with a hipped roof, two storey bay window feature and single storey side/rear extension. The front of the house features a tarmac driveway and there is a small paved garden space to the rear.
- 2.2. Fountain Road and the surrounding area is primarily residential in nature and features a mix of single family dwellinghouses, self-contained flats, HMO's, hotels and care homes. The site is in close proximity to a section of Hagley Road which comprises a small parade of shops. The site is located within the Gillott Road Area of Restraint.

2.3. [Site Location.](#)

3. Planning History

- 3.1. No planning history.

4. Consultation/PP Responses

4.1. A site notice was posted and ward members, residents associations and local residents were consulted. 8 letters of objections were received which raised the following concerns:

- Proposed works already completed;
- Property isn't large enough to accommodate 7 people.
- Impact of approving retrospective planning applications;
- Recent extensions to the property do not comply with permitted development;
- High concentration of HMO's in this area;
- Impact on residential character of the area;
- Loss of family housing;
- HMO's attract short term tenants and lead to a transient population;
- Impact on local services;
- Increased demand for parking;;
- Overflowing bins contravening refuse regulations;
- Drug dealing and anti-social behaviour;

4.2. An objection from Councillor Carl Rice was received, raising the following concerns:

- High proportion of privately rented properties in this area;
- Loss of traditional family housing to HMO's and self-contained flats;
- Increase in parking demand where off-street parking is already limited;
- HMO's attract a transient population and impacts community cohesion;
- Anti-social behaviour and crime.

4.3. An objection from the Fountain Road Residents Association was received, raising the following concerns:

- Proposed works have already been completed;
- Recent extensions to the property do not comply with permitted development;
- High concentration of HMO's and impact on residential character of the area;
- Loss of family housing;
- HMO's attract short term tenants and lead to a transient population;
- Impact on local services.

4.4. Regulatory Services – no objection and no conditions required.

4.5. Transportation Development – no objection, subject to a condition in relation to the provision of cycle storage.

4.6. West Midlands Police – raise an objection based on the potential increase in crime and the fear of crime within the area, as a result of the development proposals coming forward.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) (2017).
- Birmingham Unitary Development Plan (UDP) (Saved Policies) (2005)
- Places For Living SPG (2001)
- Specific Needs Residential Uses SPG
- Car Parking Guidelines SPD (2012)

- Gillott Road Areas of Restraint SPG

5.2. The following national policy is applicable:

- National Planning Policy Framework (NPPF) (2019).

6. Planning Considerations

- 6.1. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development in appropriate locations and sets out principles for creating sustainable communities. The NPPF promotes high quality design and good standard of amenity for all existing and future occupants of land and buildings. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.2. Whilst the Birmingham Development Plan (BDP) 2017 contains no policies directly relating to HMO use, policy TP27 relates to sustainable neighbourhoods. This policy requires development to have a wide choice of housing sizes, types and tenures to ensure a balanced community for all ages and incomes. Policy TP30 states that proposals for new housing should seek to deliver a range of dwellings to meet local needs and support the creation of balanced and sustainable neighbourhoods.
- 6.3. Saved Birmingham UDP policies 8.23 to 8.25 contain guidance relating specifically to proposals for HMO's. These policies set out the criteria to assess proposals for HMO's which includes the effect on amenities of adjoining properties and the surrounding area, size and character of the property, floorspace standards, car parking facilities and the amount of provision in the locality. Where a proposal relates to a site in an area which already contains premises in similar use, account will be taken of the cumulative effect of such uses on the residential character and appearance of the area.
- 6.4. The Specific Needs Residential Uses SPG states that HMO's have a role to play in providing housing for certain groups in society and is clear that the type of people to occupy the premises is not a material planning consideration. The SPG provides guidelines in relation to internal floorspace and amenity space standards, as follows:
- 6.5. Where a HMO provides a shared kitchen/living room and separate bedrooms, single bedrooms (one individual) should comprise an area of 6.5sqm and double bedrooms (two individuals) should comprise an area of 12.5sqm.
- 6.6. Where a HMO provides a separate kitchen and living/sleeping rooms, single living/sleeping rooms (one individual) should comprise an area of 12.5sqm and double living/sleeping rooms (two individuals) should comprise an area of 18sqm.
- 6.7. The Gillott Road Area of Restraint SPG seeks to manage the concentration of residential institution uses, including care homes, nursing homes and hostels (Use Class C1 and C2), and day nurseries (Use Class D1) within the Gillott Road area of Edgbaston and Ladywood constituencies. The SPG identifies a high proportion of properties converted to flats and HMO's in the area bounded by Fountain Road, Hagley Road and Barnsley Road, including the Fountain Road frontage.

Principle of Development / Cumulative Impact

- 6.8. The application site comprises a traditional semi-detached dwellinghouse (Use Class C3). The site is located in an area with excellent public transport connections in close walking distance, which provide access to jobs, shops and services, and is thus considered a sustainable location.
- 6.9. The surrounding area is primarily residential in nature and comprises a mix of single family dwellinghouses, as well as more intensive residential uses, such as care homes, hotels, student accommodation, flats and HMO's. An assessment of the area indicates that there are 60 properties within a 100m radius of the site. The latest records available to the City Council indicate that there are 9 HMO's (including the application site) within the 100m radius, which equates to a total of 15% of properties in HMO use. Taking into account all residential uses within the 100m radius; the latest records indicate that in addition to HMO's, there are 13 properties in use as self-contained flats, 4 in use as care homes, 3 in use as student accommodation and 2 in use as hotels. This means that in total, 51.6% of properties within 100m of the site are in residential uses other than single family dwellinghouse use.
- 6.10. In this location, planning permission is not currently required to change the use of the property from a dwellinghouse (Use Class C3) to a small scale HMO (Use Class C4). Therefore, the current permitted fall back use of the property is as a 6 bedroom HMO, and considerable weight should be given to this fall-back position. It is further noted that given the property already has a HMO licence in place for 7 residents, it is likely that the property is already in use as a HMO and would not result in the loss of housing currently in single family use. There is no reason to doubt that if this application is refused, the applicant would revert to the fall-back position and continue to use the property as a 6-bedroom HMO. Given these circumstances, I do not consider that the addition of 1 occupant would have a noticeable and harmful impact on the character of the area or amenities of local residents, over and above the 6 occupants which could be accommodated at the property through the permitted development fall-back position
- 6.11. Taking all of the issues above into consideration, I therefore consider that the principle of the proposed change of use of the site from a dwellinghouse (Use Class C3) to a large HMO (Use Class Sui Generis) is acceptable in this location, subject to complying with other material planning considerations within the BDP.

Standard of Accommodation

- 6.12. The existing building contains two floors with individual bedrooms at ground and first floor level and communal kitchen/dining room at ground floor level. All of the bedrooms would exceed the recommended floorspace standards of 6.5sqm for separate bedrooms, as specified in the 'Specific Needs Residential Uses' SPG. The communal kitchen/dining room provided at 22.3sqm is considered an acceptable size and is adequate for 7 residents.
- 6.13. The 'Specific Needs Residential Uses' SPG advocates that an area of 16sqm per resident of communal amenity space should be provided for residents of this type of accommodation. This would equate to a total of 112sqm. The application site provides only 48sqm of communal amenity space, falling short of the 112sqm standard. However, the 48sqm also falls short of the 70sqm standard for family homes, as specified in 'Places for Living' SPG. Therefore, the shortfall of communal amenity space provided does not worsen the existing situation with regards to amenity space and a refusal of planning permission could not be sustained on these grounds.

- 6.14. I am therefore satisfied that the standard of accommodation provided would be of an acceptable standard of accommodation for future occupiers of the proposed HMO.

Residential Amenity

- 6.15. With respect to the standard of residential amenity provided by the proposed HMO, all windows to habitable rooms meet the distance separation guidelines contained in 'Places for Living' SPG and would provide an acceptable provision of outlook and daylight for future occupiers. The HMO would contain no windows overlooking neighbour's private space and would not cause a loss of neighbour's privacy. Furthermore, the City Council's Regulatory Services officers were consulted and have raised no objection to the proposed development by virtue of noise and disturbance to the occupiers of neighbouring properties.
- 6.16. I am therefore satisfied that the proposed HMO would provide an acceptable level of residential amenity for future occupiers, and would cause no detrimental impact on the residential amenity of neighbouring occupiers.

Highways Safety and Parking

- 6.17. The application site is located on Fountain Road, an unclassified road maintainable at public expense. The site is located within close proximity of excellent public transport connections on Hagley Road (A456) and there are no traffic regulation orders (TRO's) enforced at or around the site. The site is served with an existing drive off the Fountain Road large enough to accommodate 3 to 4 vehicles.
- 6.18. Transportation officers were consulted and have raised no objection to the proposal, subject to a condition in relation to the provision of cycle storage. The parking is considered acceptable as it is deemed that residents of this type of accommodation are less likely to be vehicle owners and as such, the proposal would not cause a significant impact on the local highway network.
- 6.19. I agree with this assessment and consider that the proposed development is acceptable in relation to highways safety and parking issues, subject to the cycle storage condition attached.

Anti-Social Behaviour and Crime

- 6.20. West Midlands Police were consulted and have objected to the proposal on the grounds of the potential for crime and the fear of crime. This site is policed by the Harborne Neighbourhood Team and calls for service are high in this area. The Police add that HMO's provide accommodation for a transient local population that has the potential to undermine community stability and cohesion. Furthermore, the potential for 7 strangers living in close proximity to one another and sharing basic amenities can be a recipe for discord and can offer the opportunity for crime and disorder.
- 6.21. In this respect, whilst it is noted that crime and the fear of crime are planning considerations, the 'Specific Needs Residential Uses' SPG is clear that the nature and types of people who occupy premises, are not material planning considerations. HMO accommodation further have a role to play in providing housing for certain groups in society and as such cannot be prejudiced on this basis. It is also important to stress that the behaviour of HMO tenants are not a matter for planning authorities to consider and there is no control over whom may end up living within the premises.

Furthermore, it is important to stress that there is no evidence that occupiers of HMOs are inherently more likely to participate in criminal and anti-social behaviour and as such, the application should be determined upon its planning merits alone.

- 6.22. In light of this, and the above assessment, a robust reason for refusal on crime and fear of crime could not be sustained or substantiated. I therefore consider that the proposed development is acceptable in relation to anti-social behaviour and crime

7. Conclusion

- 7.1. The application complies with the policies set out above and is therefore recommended for approval, subject to conditions.

8. Recommendation

- 8.1. Approve Subject to Conditions.

-
- | | |
|---|------------------------------------------------------------------------|
| 1 | Limits the number of residents to 7 people |
| 2 | Requires the submission of cycle storage details |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
| 4 | Implement within 3 years (Full) |
-

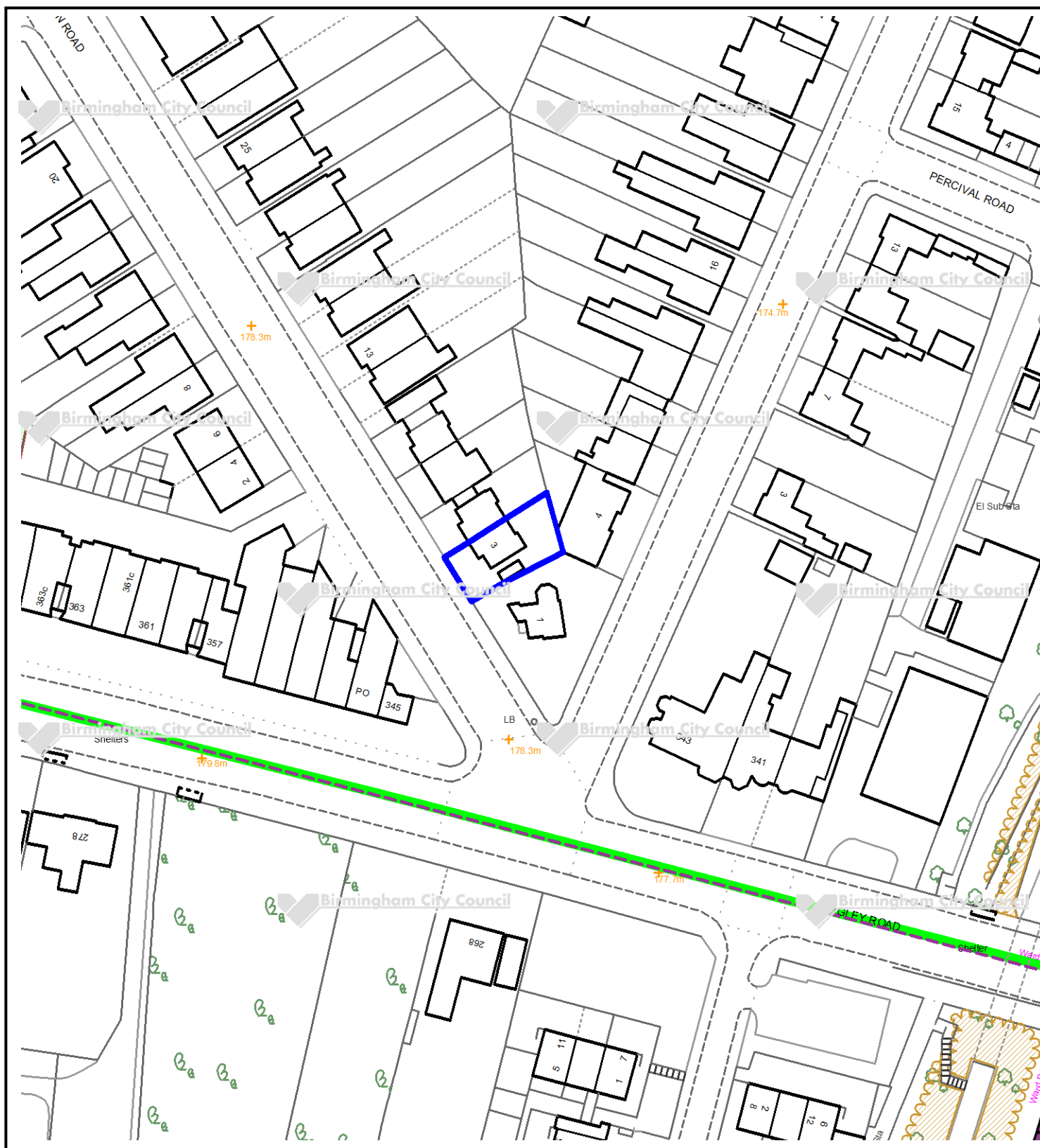
Case Officer: Thomas Morris

Photo(s)



Photo 1: Front Elevation

Location Plan



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Committee Date:	26/03/2020	Application Number:	2019/10609/PA
Accepted:	27/12/2019	Application Type:	Full Planning
Target Date:	27/03/2020		
Ward:	Aston		

Land bound by Aston Lane, Wellhead Lane, North Road and, a section of railway line to the North, Perry Barr, Birmingham, B20 3BW

Demolition of existing Jobcentre, IMO car wash and Leacy Motor Group Buildings and associated car parking areas, reclamation of land, removal of TPO 1397 tree and erection of 2.4 metre high boundary hoarding.

Recommendation

Approve subject to Conditions

1. Proposal

1.1. Planning permission is sought for the demolition of the existing Jobcentre, IMO car wash and Leacy Motor Group buildings and associated car parking areas, reclamation of land, removal of TPO 1397 tree and the erection of a 2.4m high boundary hoarding at land bound by Aston Lane, Wellhead Lane, North Road and a section of railway line to the north, Perry Barr.

1.2. The site has been assembled as part of the package of measures to deliver a regeneration scheme for the Commonwealth Games in 2022, and is subject to the Compulsory Purchase Order. Following the demolition and remediation; the site will be secured, before a separate planning application is submitted to develop the site for the new National Express Bus Depot/Garage. The existing Bus Depot/Garage has to be re-located from its current site on Wellhead Lane, due to the Compulsory Purchase Order.

1.3. The following documents have been submitted in support of this application:

- Planning Statement
- Topographical Survey
- Construction Method Statement
- Euro Foods Phase 1 Desk Study
- Geo-Environmental Desk Study
- Ground Investigation Report
- Ecology Appraisal
- Phase 1 Environmental Report
- Arboricultural Statement
- Preliminary Reclamation Strategy
- Demolition Environmental Management Plan
- Traffic Management Plan

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site covers an area of approximately 2.56ha and is bounded by Aston Lane to the south, a section of railway line to the north, rear boundaries of residential properties located along North Road to the east and Wellhead Lane to the west. The site comprises of the Jobcentre building with associated parking, IMO car wash and Leacy Motor Group buildings with associated parking. The western part of the site consists of the art deco style gateposts, lanterns, gates and walls along Wellhead Lane. The area to the north and west encompasses a cleared land, which was formerly the Perry Barr Switchgear Works, and includes scattered trees, dense and scattered scrub, ruderal vegetation, one small stand of Japanese knotweed and rubble piles. The site also features a sycamore tree which is subject to a Tree Preservation Order 1397.
- 2.2. The surrounding area is residential and commercial in nature with residential properties located along Aston Lane and North Road and commercial units along Aston Lane and Wellhead Lane. Eden Boy's School as well as Birmingham Wholesale Market are located further north, behind the railway line with Broadway Academy located further south off Aston Lane. The site is located within the Aston, Newtown and Lozells Area Action Plan.
- 2.3. [Site Location](#)
3. [Planning History](#)
Relevant planning history
 - 3.1. 2015/01779/PA – Outline application for residential development with details of proposed access and with all matters reserved – Refused – 03/09/2015 – Appeal dismissed – 28/10/2016
 - 3.2. 2007/06426/PA - Erection of warehouse and use of site for storage of building materials to include sales to trade only (Sui Generis Use) – Approved subject to conditions – 18/01/2008
 - 3.3. 1997/04172/PA – Construction of warehouse with ancillary car restoration and MOT bay, associated offices and trade counter with car parking (Class B8 – storage and distribution) – Approved – 12/02/1998
 - 3.4. 1992/03846/PA – Formation of car park and security fence – Approved – 22/10/1992
 - 3.5. 1990/01431/PA – B1 business estate with associated roads, access to Aston lane – Approved – 23/08/1990
 - 3.6. 03300037 – Erection of petrol filling station together with associated shop/control room and car wash – Approved – 02/11/1989
4. [Consultation/PP Responses](#)
 - 4.1. Site notice posted and Residents' Associations; Ward Members; and local occupiers consulted. 1 letter received from Broadway Academy requesting clarification as to the proposed future use of the land following the demolition.
 - 4.2. Transportation Development – No objections subject to a condition in relation to gates at the vehicular access.

- 4.3. Regulatory Services – No objections subject to conditions in relation to a demolition/construction management plan, contamination remediation scheme, unexpected contamination and contaminated land verification report.
- 4.4. West Midlands Police – No objections.
- 4.5. Employment Access Team - Requested a condition or S106 to require a construction employment plan.
- 4.6. Environmental Agency – No objections subject to a condition in relation to a future unidentified contamination.
- 4.7. Severn Trent Water – No objections and no drainage condition required.
- 4.8. Network Rail – No objections.

5. Policy Context

- 5.1. Relevant Local planning policy:
 - Birmingham Development Plan (BDP) 2017
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
 - Aston, Newtown and Lozells AAP (2012)
 - Town and Country Planning (Tree Preservation) (England) Regulations 2012
- 5.2. Relevant National planning policy:
 - National Planning Policy Framework (NPPF) (2019)
 - National Planning Policy Guidance (NPPG)

6. Planning Considerations

Contamination

- 6.1. A Construction/Demolition Statement, Phase 1 Contaminated Land Desk Studies, a Phase 2 Intrusive Investigation, a Preliminary Reclamation Strategy and the Demolition Environmental Management Plan were submitted in support of this application.
- 6.2. The submitted reports advise that the site is contaminated with copper, zinc, Polyphenol, formaldehydes and asbestos. The scope of the Construction/Demolition Statement includes break up and removal of ground slabs, footings, foundations, made ground and other below ground obstructions to a depth of 3m below the lowest site level; turning over of all made ground; removal of any below ground contaminants which exceed the specified remediation criteria during excavation works; validation of excavated hotspot areas and any contaminated materials post treatment. A verification report is to follow and this will be conditioned accordingly. A Preliminary Reclamation Strategy also advises that there will be the need for further assessment following the demolition of the buildings.
- 6.3. Regulatory Services have assessed the proposal and raised no objections subject to conditions in relation to unexpected contamination, contaminated land verification report, contamination remediation scheme and that all demolition and construction works shall be carried out in accordance with the submitted Construction Method Statement and that a further detailed method statement is submitted and approved

prior to any demolition. I concur with this view and the recommended conditions are attached.

- 6.4. The Environment Agency have assessed the proposal and raised no objections subject to a condition in relation to any future unidentified contamination. It is considered that although the area is sensitive from a Controlled Waters perspective; it does not seem to be contaminated to the extent that specific remediation to protect Controlled Waters is required.

Visual amenity

- 6.5. The site comprises three commercial buildings with frontages to Aston Lane. There are also art deco style gateposts, lanterns, gates and walls along Wellhead Lane, which match those at the entrance of the Tufnol site opposite. The buildings within the site are proposed for demolition and the proposal also includes the erection of 2.4m high hoardings to secure the site during the demolition and remediation works. The proposed hoarding would be made of Plywood Panels and supported by timber posts. A new access wedmesh gate is also being proposed which would measure 6m in width and 2.4m in height with 4 point barbed wire on top of the gate. I consider that the proposed boundary treatment during the demolition works is acceptable and that the proposal would have no adverse impact on the visual amenity of the surrounding area.
- 6.6. City Design have assessed the proposal and raised no objections subject to a condition that the existing gateposts, lanterns, gates and walls along Wellhead Lane site boundary should be retained and protected on site, since they contribute to the local character and streetscape. I concur with this view and the recommended condition is attached. It is also considered that should the future development on site require alterations to this entrance; options for retention or removal and reuse of these features can be considered at the relevant time.

Conservation and Archaeology

- 6.7. The application site is bounded by Wellhead Lane to the west which follows the alignment of Ryknild Street Roman Road. There is the potential for the Roman period archaeological remains on the application site; since remains of the Roman Road and Bronze Age occupation has recently been found a short distance further north of the site near Holford Lane. No archaeological desk-based assessment, however, has been submitted with this application. My Conservation Officer has assessed the proposal and raised no objections subject to a condition for a written scheme of investigation for a programme of archaeological works and that the existing gateposts, lanterns, gates and walls along Wellhead Lane site boundary are retained. I concur with this view and the recommended conditions are attached.

Ecology

- 6.8. Extended Phase 1 habitat surveys of the site were completed in April and July 2019. Although the site provides habitat opportunities for nesting and foraging birds and roosting bats, badgers, common invertebrates and reptiles; no evidence of badgers was recorded during the site surveys. A Preliminary Roost Assessment of trees and buildings was also carried out as well as a dusk emergence survey of the JobCentre. The surveys found that the Jobcentre building has a low suitability for roosting bats with the other two buildings on site having negligible suitability. None of the trees on site were found to have features that are suitable for roosting bats.

- 6.9. The submitted Ecology Appraisal made a number of recommendation including; pollution control measures, retention of trees along the northern boundary, building demolition and vegetation clearance to be undertaken outside of the bird nesting season, buildings to be demolished or made unsuitable for bats in the next 12 months, an updated badger survey to be undertaken within six months of works commencing and an identified stand of Japanese Knotweed to be removed by a specialist contractor.
- 6.10. The City Ecologist has assessed the proposal and raised no objections subject to conditions in relation to invasive weeds on site, a further bat survey if demolition has not commenced by 1st July 2020 and a submission of a construction ecological management plan. In addition, it is considered that a precautionary approach to demolition and remediation is required to minimise the risk of harm to protected and notable species. As such, the City Ecologist recommended that the implementation of recommendations within the submitted Ecology Appraisal should be secured by conditions. I concur with this view and the recommended conditions are attached.
- 6.11. The submitted Ecology Appraisal also includes recommendations relating to the future development proposal such as; lightning scheme that is sympathetic to wildlife, biodiversity enhancements such as bat boxes, bird boxes, wildlife attracting plant species and native seed/fruit bearing plant species. Given that the current application is for the demolition and remediation works only; the implementation of these recommendations can be secured by a way of conditions at the later date, once a separate planning application is submitted to develop the site for the new National Express Bus Depot/Garage.

Trees

- 6.12. The Arboricultural Statement has been submitted in support of this application. The trees included within this survey comprised of 4 individual trees and 7 tree groups. One sycamore tree which is located in the south west corner of the application site is subject to a Tree Preservation Order (TPO) 1397. None of the survey trees have been assigned to category A (high quality value). The large sycamore tree which is covered by a TPO 1397 is very close to the adjacent Jobcentre building and it lacks the higher quality required to achieve category A. As such, it was classified as Category B (moderate quality). Three individual trees were classified as category C (low quality) and seven tree groups were also classified as a low quality value category C.
- 6.13. My Tree officer has assessed the proposal and considered that there are two problems with the large sycamore tree which is under a TPO 1397. Firstly, there is proximity of the tree to the existing Jobcentre building and the fact that it has grown against the retaining wall. Secondly, the ground investigation report confirms that the site is contaminated with copper, zinc, Polyphenol, formaldehydes and asbestos. As such, full site remediation and excavation to a depth of 3 metres is necessary. Because of the risk of tree transferring contamination to the soil surface via root uptake; my Tree officer considers that it is not feasible to retain this large sycamore tree and recommends that the tree is removed. I concur with this view and I consider that although the removal of this TPO 1397 tree is regrettable, it is, on balance, acceptable.

Highways

- 6.14. The proposed demolition and remediation works will utilise the existing access from Aston Lane. The Traffic Management Plan has been submitted in support of this

application. Transportation Development have assessed the proposal and the submitted Traffic Management Plan and raise no objections subject to a condition that any gates at the vehicular access are to be set back at minimum of 16.5m into the site. In addition, they provided information in relation to traffic management services of highways which has been attached as an informative.

Other matters

- 6.15. Severn Trent Water have assessed the proposal and raised no objections. The proposal would have minimal impact on the public sewerage system and as such, no drainage condition would be required.
- 6.16. West Midlands Police have assessed the proposal and raised no objections.
- 6.17. With regards to employment obligations as requested by the Employment Team; the proposal is for the demolition and reclamation of the land only, not for a construction, and as such is not considered appropriate
- 6.18. Network Rail have assessed the proposal and raised no objections. They provided comments and advice in relation to railway tracks and railway boundary, encroachment, scaffolding, vibro-impact machinery, drainage, excavation and earthworks, trees, fencing. The applicant and their agent had been advised accordingly and informative has also been attached.
- 6.19. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. I consider that the proposed demolition, removal of TPO 1397 tree and the erection of a 2.4m high boundary treatment are acceptable and will, through a future planning application, enable redevelopment of this site. The proposal is in conformity with the Birmingham Development Plan 2017, saved policies in the Unitary Development Plan, the Aston, Newtown and Lozells AAP and the guidance in the National Planning Policy Framework. In addition, the proposal covers an important strategic site to assist with the wider Council objective of the timely and successful delivery of Birmingham 2022 Commonwealth Games and its associated infrastructure and as such is acceptable subject to conditions.

8. Recommendation

- 8.1. Approve subject to Conditions.

1	Implement within 3 years (Full)
2	Requires the scheme to be in accordance with the listed approved plans
3	Construction Method Statement/Management Plan
4	Unexpected Contamination
5	Contamination Remediation Scheme

-
- 6 Contaminated Land Verification Report
 - 7 Requires the prior submission of a programme of archaeological work
 - 8 Requires the existing gates, pillars, walls and lanterns to be retained.
 - 9 Requires the prior submission of an additional bat survey if demolition has not commenced by 1/7/20
 - 10 Requires the prior submission of a method statement for the removal of invasive weeds
 - 11 Requires the prior submission of a construction ecological mitigation plan
 - 12 Implementation of the Ecological Appraisal
 - 13 Requires gates to be set back
-

Case Officer: Lucia Hamid

Photo(s)

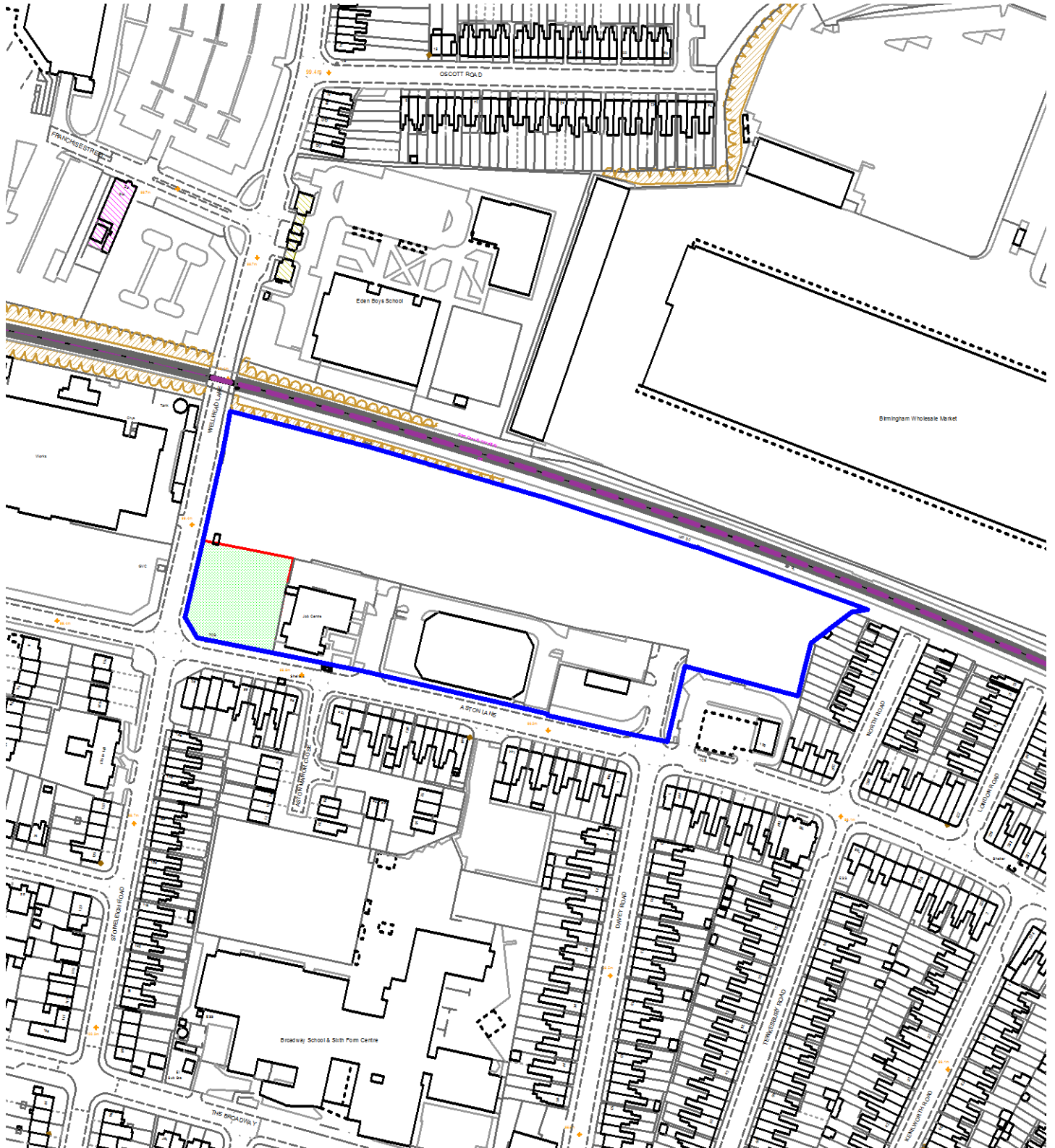


Picture 1: View towards the site from Aston Lane



Picture 2: View towards the site from Wellhead Lane showing the existing gateposts, lanterns, gates.

Location Plan



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Committee Date: 26/03/2020 Application Number: 2019/09773/PA

Accepted: 08/01/2020 Application Type: Householder

Target Date: 26/03/2020

Ward: North Edgbaston

2 St Augustines Road, Birmingham, B16 9JU

Installation of gate to front and boundary fence to side

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning Permission is sought for the installation of gates to the front and a boundary wall fence to the side.
- 1.2. During the application process amended plans were received which amended the side boundary fence to include a permeable section to allow visibility to the neighbouring property, the height of the gates was also reduced from 1.6m to 1.3m in line with comments from the transportation officer.
- 1.3. The application will be determined at planning committee because the applicant is employed by BCC.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is comprised of a large Victorian semi- detached family dwelling located within the St Augustine's Conservation Area. The dwelling has a gable roof design and a forward gable feature with associated bay window.
- 2.2. The dwelling has an existing single storey rear extension and single storey side extension.
- 2.3. To the front of the application site is a paved driveway with a low brick boundary wall around the front curtilage with an opening into the driveway.
- 2.4. The surrounding area is predominantly residential; the surrounding properties are of a similar style and age to the application property. There is a residential block of flats adjacent to the application site.

[Site Location](#)

3. Planning History

- 3.1. 2002/00769/PA- Conversion of 5 bedsits into 2 self-contained flats- Approved subject to conditions
- 3.2. 2019/03391/PA- Erection of single storey side extension- Approved subject to conditions
4. Consultation/PP Responses
 - 4.1. Neighbours and Local Ward Councillors were consulted and a statutory site notice was erected. No PP responses were received.
 - 4.2. Conservation: No objections to the development subject to conditions in relation to full architectural and specification details (at scale 1:10) being submitted to and approved in writing by the local planning authority. Details must be provided for the Gates: overall design, dimensions, materials, finish, opening mechanism, handles, latches and locks and for Fencing: dimensions, materials and finish.
 - 4.3. Transportation: No objections.
 - 4.4. Trees: No objections.
5. Policy Context
 - 5.1. Planning (listed Buildings and Conservation Areas) Act 1990.
 - Section 66 (Development to a listed building or in its setting).
 - Section 72 (Development of buildings or land in a conservation area).
 - 5.2. National Planning Policy Framework (NPPF) (2019) section 16: Conserving and enhancing the historic environment.
 - Paragraph 189-202.
 - 5.3. Historic Environment Good Practice Advice in Planning Note 2: managing Significance in Decision Taking in the Historic Environment- Historic England (2015).
 - 5.4. Good Practice Advice Note 3: the setting of Heritage Assets- Historic England (2017).
 - 5.5. Birmingham Unitary Development Plan (Saved Policies 2008).
 - 5.6. Birmingham Development Plan (2017).
 - Policy TP12 (Historic England).
6. Planning Considerations

- 6.1. The material planning considerations relevant to the proposal is the impact on the visual amenity of the area including the character and appearance of the Conservation Area and highway safety.
- 6.2. I consider the scale and design of the proposed gates and boundary fence to be acceptable. It is acknowledged that there are no other gates within the street scene however; I consider the proposal would not be visually harmful to the character and appearance of the application dwelling, the surrounding street scene or the wider Conservation Area.
- 6.3. Conservation Officer raised no objections to the proposal. Discussions were had before the submission of the application between the applicant and the Conservation Officer to ensure that no harm would be caused to the heritage asset.
- 6.4. Transportation Development raised no objections as amendments were made to the proposal to reduce the height of the gates and to introduce a visually permeable section to the fence. As the site entrance is served by an existing footway crossing, the transportation officer considered the proposal holds no highway safety issues.
7. Conclusion
- 7.1. The application is recommended for approval as the proposed development complies with the objectives of the policies that have been set out above.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Requires the submission of sample materials |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Implement within 3 years (Full) |
| 4 | Requires the prior submission of further details in relation to the submission of full architectural and specification details (at a scale of 1:10) |
-

Case Officer: Megan Stewart

Photo(s)

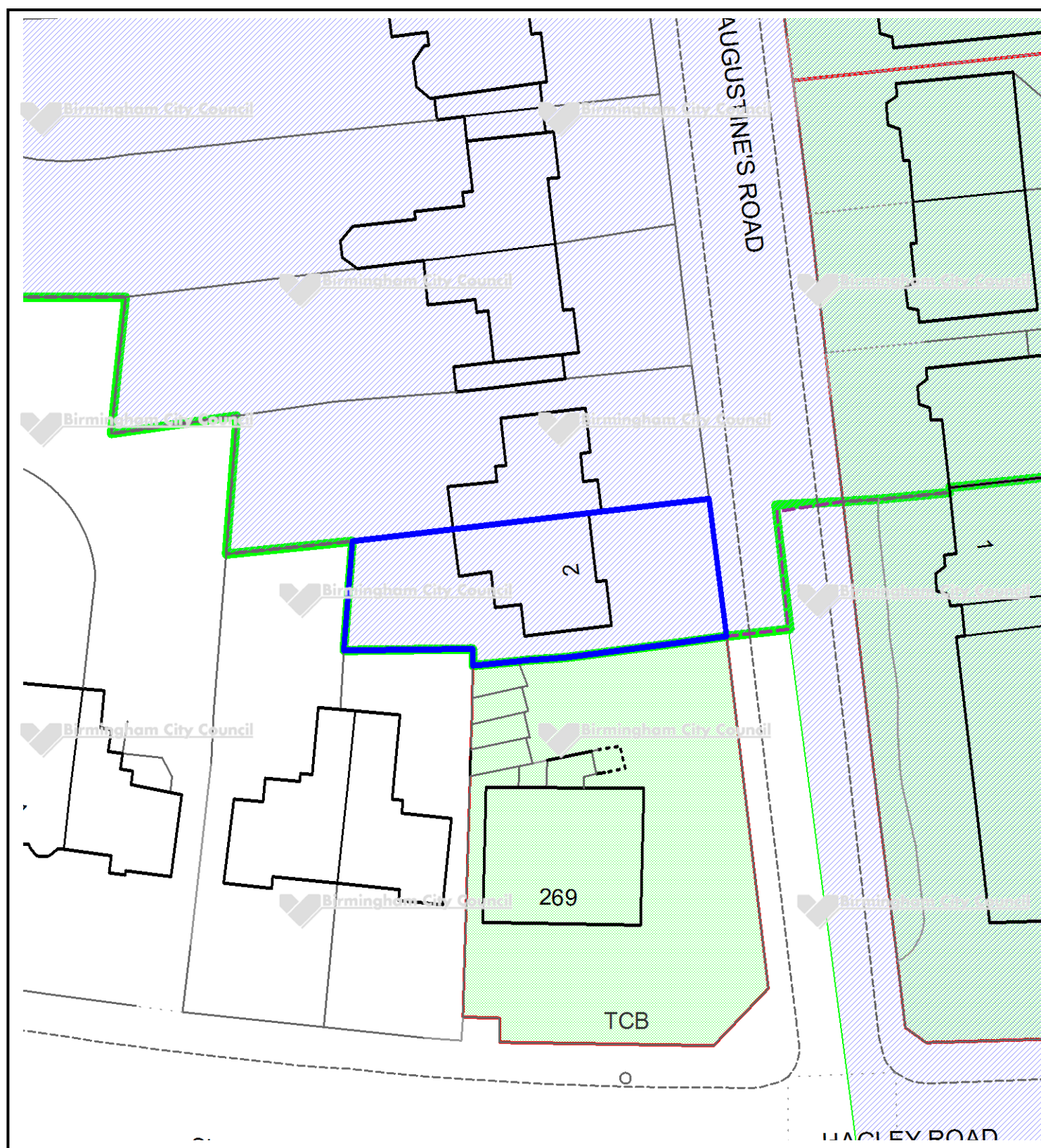


Figure 1: Front of property



Figure 2: Front of property

Location Plan



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Birmingham City Council

Planning Committee

26 March 2020

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	18	2019/07304/PA Land fronting Bradford Street, Lombard Street and Cheapside Digbeth Birmingham B12 0QP Construction of part 5 part 6 storey building to accommodate 194 no. apartments with associated access from Cheapside

Committee Date: 26/03/2020 Application Number: 2019/07304/PA

Accepted: 04/12/2019 Application Type: Full Planning

Target Date: 07/05/2020

Ward: Bordesley & Highgate

Land fronting Bradford Street, Lombard Street and Cheapside, Digbeth, Birmingham, B12 0QP

Construction of part 5 part 6 storey building to accommodate 194 no. apartments with associated access from Cheapside

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1 The application seeks planning permission for a total of 194 apartments within a single block of 5 and 6 storeys, with units ranging in size from 1 to 3 beds in accordance with the table below.

Unit Type	Quantum	% of housing mix
Studios (1bed 1 person)	14	7%
1 Bed	129	66%
2 Bed	50	26%
3 Bed	1	1%
TOTAL	194	100

- 1.2 The site has three frontages, to Bradford Street, Lombard Street and Cheapside with the block arranged in a 'C' shaped formation. Access is proposed from Cheapside to a car park at ground floor that would accommodate 36 spaces. Three cycle storage areas are proposed at the ground floor to provide 194 cycle spaces.
- 1.3 The proposals follow permission for a mixed use scheme comprising a commercial unit at ground floor (Use Classes A1 and D1) plus 170 apartments. This extant permission is being implemented, with the current scheme increasing the development by 24 units. This would be achieved by adding 6 units on part of the roof top, removing the previously approved commercial unit at ground floor and re-arranging the floorplans of the lower floors.
- 1.4 The implementation of the approved development had commenced on site but then stalled, and the application site has since changed ownership. Since this change in ownership the external appearance of the building has been recently amended via a non material amendment. The current application retains these design changes but

adds the aforementioned roof top extension and the proposals have been brought about by the new owners to meet their requirements.

1.5 The sizes of the units are as follows:

1 bed 1 person apartments	39 – 48sqm
1 bed 2 person apartments	54 - 59sqm
2 bed 3 person apartments	69 – 109sqm
3 bed 4 person apartment	123sqm

1.4 [Link to Documents](#)

2. Site & Surroundings

- 2.1 The application site lies to the south of Digbeth High Street, and occupies approximately half of a block, the remainder of which accommodates the locally listed St Anne's Church and a number of small commercial units that front Alcester Street. The block to the west, formerly known as the Harrison Drape site has recently been redeveloped to provide 313 apartments within a part 6, part 5 residential development.
- 2.2 Cheapside lies to the south and comprises a mixture of 2-3 storey commercial units.
- 2.3 Historically the wider area has been associated with a mixture of light industrial and commercial uses however a number of applications for residential developments are awaiting determination or have received permission and are currently being implemented.

2 Planning History

- 3.1 2015/05172/PA - the erection of a 5 storey building for 170 residential dwellings, a ground floor retail unit, car parking and associated landscaping. Approved 05/10/2015 (currently being implemented).
- 3.2 2019/08927/PA Non Material Amendment to planning approval 2015/05172/PA regarding alteration of brick material to external elevations; changes to window design; removal of Trespa window film; changes to balconies on Lombard Street and alteration from curtain wall to punched windows to approved corner splays. Approved 13/01/2020
- 3.3 Former Harrison Drape Site – 2014/00452/PA – Application for the part demolition, refurbishment, conversion and extension to the former Harrison Drape building and the erection of 3 new buildings to provide a total of 313 residential dwellings and a

retail unit Use Class A1) with associated infrastructure, parking and landscaping.
Approved

3 Consultation/PP Responses

- 4.1 BCC Transportation - No objection subject to conditions that were previously applied to consent 2015/05172/PA to require:
- The applicants to enter into a Section 278/TRO to alter the existing footway crossing, and reinstate redundant at the applicant's expense to Birmingham City Council specification;
 - The submission of a car parking management and allocation management plan;
 - The Construction Management Plan to be implemented in accordance with the submitted Construction Environmental Management Plan (CEMP);
 - any gates provided to the development be subject of an automatic opening mechanism; and
 - the proposed cycle storage be provided prior to the development being occupied.
- 4.2 BCC Education School Places - The School Organisation Team request a contribution under Section 106 for any potential development that is for at least 20 dwellings and would impact on the provision of places at local schools. The total contribution is an estimated £298,397.72 (Nursery £6,579.89, Primary £169,279.71, Secondary £122,538.12)
- 4.3 BCC Employment Access Team – no objections subject to a condition to require the submission of a construction employment plan.
- 4.4 Birmingham Civic Society - The proposed development is rudimentary in design terms, responding to the examples shown in the Design Statement to poor new precedents for design, rather than the rich context provided by historic buildings in Digbeth. It is felt it is possible to respond to this context positively and creatively, in a manner which will enhance the area.

The application does not appear to consider impacts on historic buildings, including the Grade II listed White Swan public house, but more importantly the undesignated heritage asset, St Anne's RC Church. The Victorian Society should be consulted on the impact upon this building.

The ground floor of the proposed development, with apartments facing directly onto Bradford Street cannot be a positive environment in which to live without the benefit of some separating defensible space.

It is doubtful that the communal areas, including the courtyard which appears to consist of limited landscaping besides the extensive car parking, will provide sufficient amenity.

It is noted that the mix of apartments has been improved, with two apartments now providing three bedrooms. This does not appear a significant improvement.

In summary, this area of Digbeth is changing quickly, and it is felt that this is another example of a rather cynical development, providing poor accommodation of a low architectural quality which will ensure that this area remains unpleasant to live in, with a transient disconnected population and therefore will not create cohesive multi-generational communities. For this and the reasons above we object to this proposal.

- 4.5 BCC Regulatory Services – No objections subject to conditions:
- Prior to occupation submission of a scheme of acoustic glazing and ventilation
 - No fewer than one charging point for electric vehicles shall be provided at each residential unit with dedicated parking. No fewer than 10% of non-dedicated parking spaces shall be provided with electric vehicle charging points;
 - Submission of a contamination Remediation Scheme; and
 - Submission of a contaminated Land Verification Report.
- 4.6 Local Flood Authority and Drainage – Objection. The Sustainable Drainage Assessment and Operation & Maintenance plans fail to meet the minimum requirements of Policy TP6. The drainage strategy is dated June 2016 and fails to provide all of the information required to support a full application as required by Policy TP6.
- 4.7 Fire Service – The development should be implemented in accordance with Approved Document B, Volume 1, Dwelling-houses, 2019 and Part B of Schedule 1 to the Building Regulations 2010
- 4.8 Severn Trent Water - no objections to the proposals subject to a condition to require the submission and implementation of an agreed drainage plan for the disposal of foul and surface water flows.
- 4.9 Police – No objections. Looking at crime statistics since January 2019 for Lombard Street, Bradford Street and Cheapside alone there have been 165 recorded crimes, including 40 vehicle crimes (theft from, or damage to) 9 burglaries and 11 robberies. Query regarding whether the vehicular access will be gated and be subject of access control? There is no defensible space between the public highway on Lombard Street or Cheapside. Any accessible opening windows should have restrictors to prevent burglary and theft. What does the boundary treatment consist of around the shared outdoor amenity space and the car parking spaces in the central ‘courtyard’ area? How will post be delivered in to the building? Would there be a post room? There is no mention of a concierge or staff that can accept deliveries during the day so are postal workers/delivery drivers to be given unlimited access to the whole building when attempting to make deliveries? The doors to the refuse store, cycle stores and sub-station should be of a suitably secure standard. Is there a management plan in place? Will residents be responsible for the refuse collection for example? The Juliet balconies and roof terraces will provide external space and add natural surveillance to the development. Have the heights of the balustrades been considered to prevent accidental and non-accidental falling? Access to all floors should be restricted to the residents that live there (residents who live on the 1st floor will not require access to the 5th floor for example and access to lifts/stairwells should

reflect this).

Request the following planning conditions:

- Details of lighting to the external communal amenity space (garden, cycle racks, walkways and car parking spaces;
- Details of CCTV to the car park, outdoor communal space, entrance/egress, lifts and stairwells and cycle storage; and
- The communal access doors should be subject of robust access control (preferably video controlled) for the safety and protection of the residents.

4.10 BCC Leisure Services - no objection subject to a Section 106 contribution towards public open space. The 194 apartments would provide accommodation for 243 persons based on the no. of beds provided and this would generate the need for 4,860m² of public open space. As there is no on-site public open space provided a S106 contribution of 4,860x £65 = £315,900 is required to be directed towards the provision and/or improvement of public open space at Highgate Park, Bordesley and Highgate Ward and the maintenance thereof.

4.11 The application has been advertised in the press, a site notice has been posted and neighbours notified. Two letters of objection have been received raising the following:

- The development will dominate the adjacent historic St Anne's church, which is highly important to Birmingham's Irish community. The existing plans already give some concerns and the additional floor proposed exacerbate the problem, rather than ameliorate;
- the additional height will cause us issues with light and our ability to generate solar electricity;
- If the developers have any issue with financial viability, then this should have been dealt with when the site was purchased from the former owners, with the existing planning application approved;
- This development has been in process for several years now, causing ongoing noise, vibration and access issues, which have affected ours and our neighbours businesses;
- The top floor exclusively having balconies just looks odd! It is clearly just an afterthought and disrupts the facade. More specifically from a design perspective the balconies just don't look right as it creates a 'crown' of the top floor and this type of design is just plain tacky! You tend to see this sort of design in Eastern Europe. Either balconies need to be peppered across all floors (and perhaps not overlooking the street), or juliet windows need to be used. Ideally the top floor needs to step back and have terraces like the Abacus Building. The balconies as proposed do not fit in with any of the other proposals for the area so the building will look a bit weird (*officer comment – plans since amended to remove top floor balconies*).

5. Policy Context

5.1 Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), Car Parking Guidelines SPD (2012), Public Open Space in New Residential Development SPD (2007), Affordable Housing SPG (2001), Places

for Living SPG (2001), Places for All SPG (2001), Big City Plan (2011), City Centre Retail Strategy (2015) Draft Rea Valley Quarter SPD (2019) and the revised National Planning Policy Framework.

6. Planning Considerations

Principle of Residential Uses at this Site

6.1 The principle of a residential use at this site has been established by the consent for 170 apartments, approved in 2015, which is currently being implemented. Notwithstanding the existing part implemented consent the site lies within the Southern Gateway Wider Area of Change where, according to Policy GA1.2 residential uses are supported as part of the future mix of uses. Plus the Draft Rea Valley Quarter SPD supports the transformation of this area by creating new residential neighbourhoods. Finally the application site is recognised on the 2018 SHLAA register as a residential opportunity.

6.2 In contrast to the approved scheme the current proposals seek approval for the removal of the 275sqm commercial unit at ground floor (use class A1 or D1). Whilst this is unfortunate it is considered that there are other existing and consented commercial uses within this part of the City Centre to support the residential accommodation and insufficient policy restriction to retain the previously approved small area of commercial floorspace.

Proposed Massing

6.3 This is as approved in 2015 with the exception of an additional storey on part of the roof sited at the junction of Lombard Street and Cheapside. Considering the context of the site, adjacent to Fabrick Square (the redevelopment of the former Harrison Drape site), which ranges between 6 and 7 storeys, the addition of a sixth storey is considered acceptable. Furthermore the provision of a sixth storey would accord with the emerging Draft Rea Valley Quarter SPD that indicates 5 to 8 storeys on this site.

Residential Amenity

6.4 Increasing the height along part of the frontages to Lombard Street and Cheapside would have a greater impact upon the outlook and light to the adjacent properties. An objection has been raised by the occupiers located in Cheapside on the basis that it would restrict the potential for solar panels.

6.5 The residential apartments of Fabrick Square face the development along Lombard Street, however the separation distances have already been established by virtue of the 2015 consent and it is considered that the addition of an additional sixth storey opposite part of this frontage would not significantly adversely affect the outlook and light to these apartments. Moreover with respect to Cheapside the development lies opposite commercial rather than residential uses where there is no policy guidance regarding separation distances between these two uses in terms of light and outlook. Notwithstanding this there is a distance of at least 15m across the road and in the context of this high density City Centre location this is considered appropriate.

Proposed Mix and Density

- 6.6 The current proposals show a dominance of 1 bed apartments (73%) in contrast to 2 and 3 bed apartments (27% combined). Whilst this is at odds with the Council's BDP requirement for a dominance of larger units it is an improved mix when compared to the current planning approval that permitted an 85%/15% split without any 3 beds. The current planning approval is a material planning consideration and, taking this into account, the improved mix is therefore considered acceptable.
- 6.7 The proposed density would equate to 485 dwellings per hectare to meet the guidance in Policy TP30 which requires in excess of 100 dwellings per hectare.

Proposed Layout

- 6.8 The proposed perimeter block layout, with an internal courtyard is retained from the 2015 consent, maintaining an efficient way of developing the site. It also has the advantage of providing natural surveillance of the courtyard, allowing greater separation and space around St. Anne's Church that lies to the west of the site and allows light to the rose window within its rear elevation.

Proposed External Appearance

- 6.09 Policy PG3 advises that all new development should demonstrate high quality design. In addition the Draft Rea Valley Quarter SPD (2019) reiterates the desire for exemplar development with a high standard of architecture, detailing and materials.
- 6.10 When the 2015 application was reported to committee the proposed development was described as simple and contemporary. Considering this approved design five years later it is acknowledged that whilst it is agreed that the design is simple the proposed design does not live up to current expectations in terms of the detail of the elevational treatment. The 2015 approved external elevations are rigidly structured with brick columns defining a simple grid like appearance with a vertical emphasis. However the columns are poorly articulated and the windows show only a slight recess that present a flat finish to the development. Also some of the windows included an amber coloured spandrel panel.



2015/05172/PA - Approved Elevation to Cheapside

- 6.11 Since acquiring the site ongoing discussions have been held with the new applicants to try and improve the detailing of the elevations to produce a higher quality design. The applicants have already secured some improvements via a non-material amendment approved at the end of last year. Rather than the approved blue brick a red brick has been agreed that is considered more fitting with the local vernacular. The window design has been amended, introducing transoms so that they appear less domestic in character. The approved cladding within some of the windows has been removed to give more light to the affected apartments and the timber Juliet balconies on Lombard Street have been replaced with metal balconies.
- 6.12 Further improvements have also been negotiated by officers since the current application has been submitted in the form of removing the previously proposed top floor protruding balconies which were considered would be over prominent in the streetscene and uncharacteristic of such developments. This would resolve the design objection raised by a neighbour. Plus the construction of the building, using the agreed red brick, would be implemented using an English garden wall bond with brick header courses above the windows.



CGI of current application – Elevations to Lombard Street and Cheapside

- 6.13 Therefore officers are satisfied that the proposed amendments represent an uplift of the overall design quality of the building when compared to the extant consent.

Heritage

- 6.14 The application site has a common boundary to St. Anne's Church and associated supported both of which are locally listed. Policy TP12 seeks to ensure that historic assets and their settings are protected. The proximity of the proposals to St Anne's church would inevitably change the view of the buildings from the surrounding streets. However the six additional apartments sited on part of the rooftop fronting Lombard Street and Cheapside would be positioned so as not to disrupt views of the

church and its rose window significantly more than the part implemented 2015 consent.

- 6.17 The Civic Society has raised concern regarding the impact upon the White Swan public house. This Grade II listed building is however located at a distance of approximately 110m from the application site and it is considered that there would be no harm to its setting. Neither is the development considered to adversely the setting of the locally listed building at No.27 Alcester Street. The Victorian Society has been consulted and any comments will be reported verbally at the meeting.
- 6.18 The weighting exercise between the harm to the heritage assets and the public benefits of the development was a consideration at the time of determining the previous consent, prior to the revised NPPF. Previously more weight was given to the public benefits, such as the effective use of a vacant brownfield site and the provision of needed housing. The current proposals would not increase this less than substantial harm to the locally listed church buildings and therefore it is still maintained that any less than substantial harm would be outweighed by the public benefits. The development is therefore considered to comply with NPPF policy.

Highways

- 6.19 The number of parking spaces would be reduced from 57 spaces to serve 170 apartments to 36 spaces to serve 194 apartments. The level of parking provision is however considered appropriate at this sustainable City Centre location in close proximity to key bus, rail and future tram connections, as well as benefitting from excellent pedestrian connectivity.
- 6.20 BCC Transportation have raised no objections subject to conditions listed at paragraph 4.1 of the report and these are attached.

Drainage

- 6.21 The agent has responded to the objection from the LLFA by submitting drainage calculations and plans and they have confirmed that STW has already provided technical approval to connect to the public drains based on the proposed 194 unit scheme and this connection has been made. Notably the LLFA did not object to the 2015 application, although it is acknowledged that their previous comments were made prior to the adoption of the current BDP and its Policy TP6. Further comments from the LLFA are awaited and will be reported verbally.

Air Quality and Noise

- 6.22 An accompanying acoustics survey and air quality assessment have been submitted. Regulatory Services have raised no objections subject to conditions. The list of conditions below take account of those already discharged.

Sustainable construction and Low and Zero Carbon Energy Generation

- 6.23 The application has been submitted alongside an Energy plus Sustainable Construction Statements. These explain that the applicants are following a fabric first

approach and that the development would exceed building regulations requirements for boiler efficiency, fuel use and insulation. Double glazed windows are proposed as is LED lighting with sensors and dimming controls, together with energy efficient mechanical ventilation. Utilising the above there is a calculation of the potential reduction in energy demand and carbon emissions if compared to a building of the same size and shape constructed to only minimum requirements. The report concludes that in terms of energy consumption there would be a reduction of 10,292 (kWh/yr) and in terms of carbon emissions there would be a reduction of 5,341 (Kg/CO2/yr).

- 6.24 In response it is acknowledged that the reduction in energy demand and carbon emissions would not meet the policy requirement for low or zero carbon energy generation set out in TP4 of the BDP. However in this particular case the additional development comprises six roof top apartments over and above the approved floorspace, or an increase of only 499sqm. Plus the applicants have demonstrated that the current scheme incorporates features to ensure that the building exceeds minimum building regulation requirements in terms of its energy performance. Officers are also aware that the structural details associated with the previous permission physically restrict the addition of some low carbon technologies. Therefore, considering the fall-back position the proposals are considered acceptable.

Other

- 6.25 The police have made certain recommendations, while most are considered to be management issues regarding the internal layout in order to be consistent with the previous approval conditions are attached to require details of lighting and CCTV.
- 6.26 The employment team have requested a construction employment plan, as per the previous permission this is attached.

Planning Obligations

- 6.27 The applicants have to date paid £80,000 for off site affordable housing and £73,000 for upgrading the public realm within Lombard Street and Cheapside in connection with the approved 2015 scheme. Following an independent assessment of the current proposals for 194 apartments there is agreement to secure an additional 5 units of affordable housing on site in the form of discount market housing (at 25% discount). This would equate to 21% of the additional units (3 x 1 bed and 2 x 2 bed).
- 6.28 Whilst comments from consultees have requested contributions towards education and public open space on the basis of the dominance of 1 bed apartments and the proximity of Highgate Park the priority is considered to be affordable housing.

7. Conclusion/

- 7.1 The principle of building a residential development of 170 apartments has already been established and is currently being implemented. This is a material planning consideration. The addition to the approved scale of the building via the construction

of 6 apartments on part of the roof top is considered to be acceptable in terms of its massing within the frontages to Bradford Street, Lombard Street and Cheapside, with no significant adverse impact upon the amenity enjoyed by existing occupiers by virtue of loss of outlook or light. It is considered that there would less than substantial harm to the setting of St. Anne's Church and its associated buildings with public benefit to outweigh this harm. The proposals achieve an improved housing mix, some on site affordable homes and design improvements.

8. Recommendation

- 8.1 That application 2019/07304/PA be APPROVED subject to the completion of a Section 106 agreement to secure:
- a) 5 units of discount market affordable housing on site (3 x 1 bed and 2 x 2 bed);
 - b) The payment of a monitoring and administration fee associated with the legal/ agreement, subject to a maximum of £10,000.
- 8.2 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 26th May 2020, favourable consideration be given to this application, subject to the conditions listed below
- 8.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 8.4 That, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 26th May 2020, planning permission be refused for the followings reason:
- 8.5 In the absence of any suitable legal agreement to secure the provision of affordable housing the proposal conflicts with Policy TP31 of the Birmingham Development Plan, the Affordable Housing SPG and the NPPF.

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|---|-----------------------------------------------------------------------------------------------------------------------------------|
| 1 | Requires the submission and completion of works for the S278/TRO Agreement |
| 2 | Requires the submission of a parking management strategy prior to first occupation |
| 3 | Construction Management Plan to be implemented in accordance with the submitted Construction Environmental Management Plan (CEMP) |
| 4 | Gates to be subject of an automatic opening mechanism |
| 5 | Cycle storage to be provided prior to the development being occupied |
| 6 | External Materials Implemented in accordance with agreed details |
| 7 | English Garden Wall Bond to All External Elevations |
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|----|----------------------------------------------------------------------------------------------------------|
| 8 | Requires the prior submission of a construction employment plan within 3 months of the date of approval. |
| 9 | Prior to Occupation Submission of Noise Insulation Scheme: |
| 10 | Requires the provision of a vehicle charging point |
| 11 | Requires the submission of a contaminated land verification report |
| 12 | Drainage to be implemented in accordance with the approved details |
| 13 | Requires the submission prior to occupation of a Sustainable Drainage Operation and Maintenance Plan |
| 14 | Requires the submission of a CCTV scheme |
| 15 | Prior submission of lighting scheme |
| 16 | Requires the scheme to be in accordance with the listed approved plans |
| 17 | Implement within 3 years (Full) |
-

Case Officer: Julia Summerfield

Photo(s)



Bradford Street Looking Eastwards towards St Anne's Church



Bradford Street Looking West towards Fabrick Square (Former Harrison Drape site)

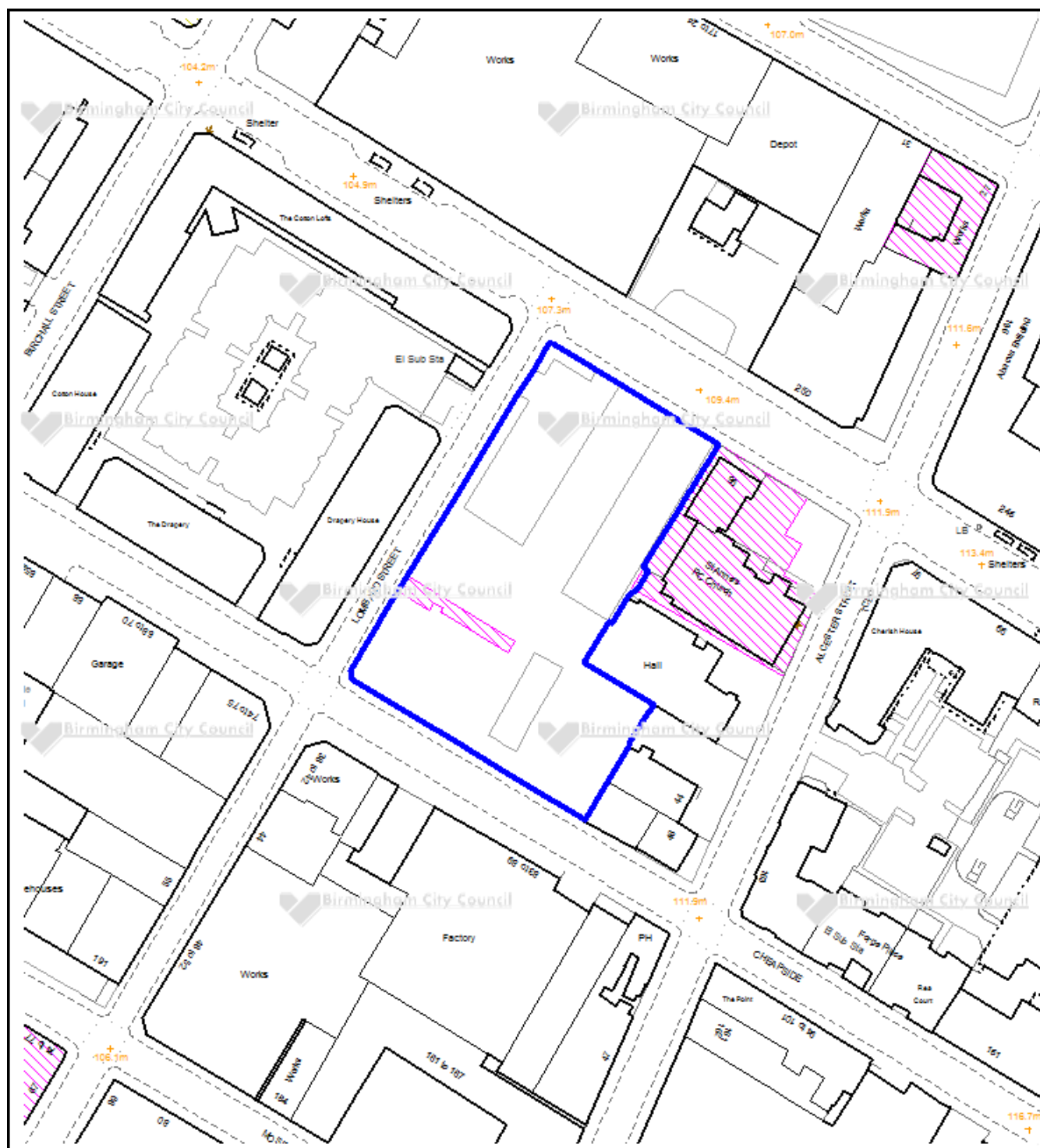


Cheapside Looking West towards Fabrick Square (Former Harrison Drape site)



Junction of Lombard Street & Cheapside Looking Eastwards towards St Anne's Church

Location Plan



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Birmingham City Council
Planning Committee 26 March 2020

Appeal Decisions Received from the Planning Inspectorate in February 2020

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Householder	114 Northfield Road, Harborne	Erection of detached outbuilding to side. 2019/06420/PA	Dismissed	Delegated	Written Representations
Householder	2 Beech Avenue, Quinton	Erection of two storey side and rear and single storey rear extensions and installation of porch to front. 2019/07897/PA	Dismissed	Delegated	Written Representations
Advertisement	Expressway Industrial Estate, Bracebridge Street, Aston	Display of 1 internally illuminated hoarding sign. 2019/07471/PA	Dismissed	Delegated	Written Representations
Telecommunications	Coleshill Road, Ward End	Installation of telecommunications upgrade to include installation of Phase 7 monopole, equipment cabinet and associated works. 2019/04469/PA	Allowed (see note 1 attached)	Delegated	Written Representations
Telecommunications	Glebe Farm Road, Kitts Green	Installation of proposed phase 7 monopole wraparound cabinet at base and associated works. 2019/05350/PA	Dismissed	Delegated	Written Representations
Residential	Western Business Park, Great Western Close, Winson Green	Outline application (with appearance and landscaping reserved) for the erection of 6 blocks between 3 and 7 storeys comprising up to 296 residential units (Use Class C3) together with day nursery (use class D1) (88sqm) and gymnasium (use class D2) (88sqm) and associated car parking. 2018/06134/PA	Dismissed (see note 2 attached)	Committee	Written Representations
Residential	Land rear of 62 Brecon Road, Handsworth	Erection of dwelling house and associated parking. 2019/01006/PA	Allowed (see note 3 attached)	Delegated	Written Representations

Birmingham City Council
Planning Committee 26 March 2020

Appeal Decisions Received from the Planning Inspectorate in February 2020

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Other	61 Gravelly Hill North, Erdington	Change of use from existing 3 no. self contained flats to 1no. flat and 8 bed HMO (Sui Generis) and retrospective erection of single storey rear extension. 2018/10286/PA	Allowed (see note 4 attached)	Committee	Written Representations
Other	Outside 100 Broad Street, City Centre	Application for Prior Notification for installation of solar powered telephone kiosk. 2018/09048/PA	Dismissed	Delegated	Written Representations
Other	Outside Pit Stop, 193-194 Broad Street, City Centre	Application for Prior Notification for installation of solar powered telephone kiosk. 2018/09048/PA	Dismissed	Delegated	Written Representations
Other	2a Bond Street, Hockley	Erection of single storey rear extension and change of use from storage (Use Class B8) to Office (Use Class B1). 2019/04725/PA	Dismissed	Delegated	Written Representations
Other	38 Carlyle Road, Edgbaston	Application for a Certificate of Lawfulness for the existing use as an HMO (Sui Generis) in excess of 10 years. 2018/04777/PA	Dismissed	Delegated	Written Representations
Other	19 Twynning Road, Edgbaston	Change of use from dwelling (Use Class C3) to 7 bedroom House in Multiple Occupation (HMO) (Sui Generis). 2019/03978/PA	Allowed (see note 5 attached)	Delegated	Written Representations

**Birmingham City Council
Planning Committee 26 March 2020**

Appeal Decisions Received from the Planning Inspectorate in February 2020

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Other	166 Park Hill Road, Harborne	Change of use from single family dwelling (Use Class C3) to 8 bedroom HMO (Sui-Generis), erection of two storey and single storey extension to rear and installation of dormer window to rear. 2018/10383/PA	Dismissed	Delegated	Written Representations
Other	Land rear of 314-320 Tile Cross Road, Tile Cross	Use of land for the stationing of caravans for residential purposes and erection of single storey detached building. 2018/05865/PA	Allowed (see note 6 attached)	Delegated	Hearing

Total - 15 Decisions: 10 Dismissed (67%), 5 Allowed

Cumulative total from 1 April 2019 - 184 Decisions: 150 Dismissed (82%), 30 Allowed, 4 Part Allowed

Notes relating to appeal decisions received in February 2020

Note 1: (Coleshill Road)

Application refused because the proposed development, by reason of its siting, height and bulk, constitutes a dominant and incongruous feature within the streetscape surrounding the site which would be harmful to the character and appearance of the area.

Appeal allowed because the Inspector concluded that the proposed development would not harm the street scene or character and appearance of the area, with particular regard to siting and size.

Note 2: (Western Business Park)

The Appellant was granted a partial award of costs against the Council.

Note 3: (62 Brecon Road)

Application refused because 1) The proposed development, by virtue of its siting, design, appearance and the shape and depth of the plot, would adversely affect the character of the existing residential area. It would introduce a cramped and contrived form of development into the street scene that would be at odds and harmful to local character. 2) It has not been adequately demonstrated that the proposal would not have an adverse impact on existing street trees, which make a positive contribution to the character of the existing residential area.

Appeal allowed because the Inspector concluded that the proposal would not have an unacceptable effect on the character and appearance of the area, nor would it have an unacceptable effect on the amenity value of the existing street trees.

Note 4: (61 Gravelly Hill North)

Application refused because the use of the building as an HMO constitutes a further erosion of the prevailing character of the wider area resulting from the conversion of large family homes to multi-occupation use. The cumulative effect of those conversions has detrimentally affected the character of the area.

Appeal allowed because the Inspector considered that one additional HMO would barely alter, and therefore not harm, the character of the area.

Note 5: (19 Twynning Road)

Application refused because the conversion of this property to a 7 bed HMO (Sui Generis) would occur in an area which already contains a high number of premises in non-single family housing uses and the cumulative effect would have an adverse impact on the residential character and appearance of the area as well as not contribute to a balanced community and sustainable neighbourhood.

Appeal allowed because the Inspector concluded that the development would cause no significant harm to the character and appearance of the area and would not result in an imbalanced community.

Note 6: (314-320 Tile Cross Road)

Application refused because 1) The proposed development by virtue of its design, size, layout and position within the site would adversely affect the character of the existing residential area. 2) The proposed development by virtue of its location is considered backland development and would adversely affect the character of the existing residential area. 3) The proposed development site is not identified or allocated to provide accommodation for Gypsies or Travellers

Appeal allowed because the Inspector concluded that the development would not significantly harm the character of the area.

The Appellant was granted a partial award of costs against the Council.