

Birmingham City Council

Planning Committee

31 March 2016

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 – Temporary 1 year	8	2016/01277/PA McDonald's Restaurant College Road Kingstanding Birmingham B44 0AA Variation of condition C5 attached to planning approval 2006/06577/PA in order to modify the approved opening hours from 0630 to midnight daily to 0500 to midnight daily.
Prior App Required – Approve Cond	9	2016/01642/PA Former Concentric Works and JB Foods Priory Road Aston Birmingham B7 Application for prior notification of proposed demolition of a single and two storey industrial/commercial units

Committee Date:	31/03/2016	Application Number:	2016/01277/PA
Accepted:	17/02/2016	Application Type:	Variation of Condition
Target Date:	13/04/2016		
Ward:	Kingstanding		

McDonald's Restaurant, College Road, Kingstanding, Birmingham, B44 0AA

Variation of condition C5 attached to planning approval 2006/06577/PA in order to modify the approved opening hours from 0630 to midnight daily to 0500 to midnight daily.

Applicant:	McDonald's Restaurants Ltd c/o Agent
Agent:	Savills (UK) Limited 33 Margaret Street, London, W1G 0JD

Recommendation
Approve Temporary

1. Proposal

1.1. Planning permission is sought to vary condition C5 attached to planning approval 2006/06577/PA to allow an increase in the hours of operation of the McDonalds Restaurant located at College Road, New Oscott from 0500 to midnight daily.

1.2. The wording of condition C5 currently states:

*"The premises shall be closed for business between midnight and 0630 hours daily.
REASON: In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity".*

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site relates to the drive thru McDonalds restaurant located at College Road, Oscott. This is a two storey building that sits on the corner of College Road and Warren Farm Road and has a prominent position at this busy road junction.

2.2. The drive thru loops around towards the building in the north corner of the site with the order booths being located to the side of the building. The car parking is located to the side and front of the building.

2.3. Surrounding the site are residential properties, with some landscaping and screening provided.

2.4. The nearest public house is the Beggars Bush some 1,150m away from the site to the north-east.

2.5. [Site Location Map](#)

3. Planning History

3.1. 05/01/2016 - 2015/09407/PA - Removal of condition number C5 (The premises shall be closed for business between midnight and 0630 hours daily) attached to approval N/06577/06/FUL to enable the restaurant to trade 24 hours a day, seven days a week – Refused.

Reason for Refusal:

- The proposed 24 hour opening hours would lead to increased late-night noise and general disturbance to the detriment of the residential amenity of nearby occupiers and would be likely to lead to further incidents of crime and disorder. As such the proposal would be contrary to Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

3.2. 12/12/2014 - 2014/07221/PA - The installation of 4 no. new lamp posts (5m columns) adjacent to the drive thru lane – Approved subject to conditions.

3.3. 29/09/2014 - 2014/06567/PA - Non-material amendment attached to approval 2014/00697/PA for relocation of presenter booth window, replacement 1.8m close boarded timber fence, redecorate boarded-up windows and re-lining of car park – Approved.

3.4. 26/03/2014 - 2014/00697/PA - Reconfiguration to the drive thru lane to provide a side-by-side ordering point system and associated works - Approved subject to conditions.

3.5. 12/12/2011 - 2011/07558/PA - Application to determine the details for condition number 3 and 5 attached to approval 2011/04208/PA – Approved.

3.6. 01/11/2011 - 2011/05785/PA - Application to determine the details for condition numbers: 2, 4, 6 & 9 attached to approval 2011/04208/PA – Approved.

3.7. 25/08/2011 - 2011/04208/PA - Alterations and refurbishment to patio area including associated works, alterations to footway crossings, demolition of toilet block, boundary treatment and formation of additional car parking spaces – Approved subject to conditions.

3.8. 25/06/2008 - 2008/02465/PA - Variation of condition C4 attached to planning consent N/01435/97/FUL, to change the opening hours to 0630 - 2400 Sunday to Thursday and 0630 - 0200 Friday and Saturday – Refused.

Reason for refusal:

- The proposed extension of opening hours would lead to increased late-night noise and general disturbance to the detriment of the residential amenity of nearby occupiers and would be likely to lead to further incidents of crime and disorder. The proposal is therefore contrary to Policies 8.6 and 8.7 of the Adopted Unitary Development Plan (2005) and PPS1 and companion guide 'Safer Places'.

- 3.9. 10/01/2007 - 2006/06577/PA - Variation of condition C4 on application N/01435/97/FUL to allow opening between the hours of 6.30am and midnight seven days a week – Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Site notice displayed, surrounding occupiers, residents associations, local members and MP notified – 7 objections have been received with the following concerns:
- Residential area, not a motorway/urban area that warrants such opening hours
 - Queuing traffic/parked cars (even on drives)
 - Noise from cars and deliveries and refuse trucks at that time of day
 - Odours
 - Litter in front gardens
 - Loss of sleep from early morning noise and stress
 - Loss of privacy
 - More anti-social behaviour from longer opening hours
 - Light pollution from car lights
- 4.2. West Midlands Police – Recommend a temporary period for 12 months so that levels of crime, anti-social behaviour and calls to service can be monitored.
- 4.3. Transportation Development – No objections.
- 4.4. Regulatory Services – Recommend one year temporary approval.

5. Policy Context

- 5.1. The Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan, SPD: Shopping and Local Centres (2012), Places for All (2001), National Planning Practice Guidance (2014), National Planning Practice Guidance (2014) and the National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. The main issues for consideration in the assessment of this planning application are the impact of the extension of opening hours by 1 hour 30 minutes from 0630 opening to 0500 opening, on residential amenity and highway safety.
- 6.2. Paragraph 3.8 of the adopted Unitary Development Plan states that the City's environmental strategy is based on the need to protect and enhance what is good in the City's environment and to improve what is less good. The keynote is on quality and paragraph 3.10 of the UDP states that proposals which would have an adverse effect on the quality of the built environment will not normally be allowed.
- 6.3. Paragraphs 8.6 and 8.7 of the Unitary Development Plan (2005) contain a series of criteria to assess proposals such as this. In general such uses should be confined to shopping areas of mixed commercial development. The cumulative impact on amenity and traffic and the impact on the vitality and viability of the shopping frontage should also be considered. In assessing proposals for evening opening consideration should be given to the proximity of residential accommodation, nature and character of the shopping area and ambient noise levels. To protect residential amenity, if permission is granted, conditions may be attached requiring the premises to be closed and cleared of customers by a certain time.

- 6.4. Paragraph 123 of the NPPF requires that planning policies and decisions should aim to; “avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development” and to “mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new developments, including through the use of conditions”.
- 6.5. Further guidance on noise issues is included within the NPPG. It advises that noise needs to be considered when new developments may create additional noise and local planning authorities’ decision taking should take account of the acoustic environment and consider;
- Whether or not a significant adverse effect is likely to occur or likely to occur.
 - Whether or not an adverse effect is occurring or likely to occur; and
 - Whether or not a good standard of amenity can be achieved.
- 6.6. The NPPG further advises that the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. Various factors need to be taken into account including the source and level of noise together with the time of day it occurs. Some types of noise will cause a greater adverse effect at night as people tend to be more sensitive to noise at night if they are trying to sleep and there is less background noise at night.
- 6.7. The NPPG emphasises that some commercial developments can have particular impacts as their activities are at a peak in the evening and late at night and local planning authorities should bear in mind not only the noise that is generated within the premises but also noise that may be made by customers in the vicinity. It also advises that using planning conditions to restrict activities allowed on site at certain times can mitigate against the effects of noise.
- 6.8. Residential amenity
The Birmingham Unitary Plan 2005 states that such uses will normally be required to be closed and cleared of customers by 11.30pm; it makes no specific reference to the time of morning opening. I note that the public participation responses refer to current problems within the approved opening times, although no complaints have been received by Regulatory Services. I acknowledge that ambient noise, predominantly generated by passing traffic, would be at a lower level during the early morning hours. However, the number of customers is likely to be less between 5am and 6:30am than during the day and evening. I therefore concur with the view of Regulatory Services that a temporary consent would allow for monitoring of the situation in order to make a more informed assessment of the impact on local residents.
- 6.9. I note the concerns that have been raised in relation to potential anti-social behaviour and disturbance. I do not consider it likely that the extra opening hours proposed would result in an increase in anti-social behaviour particularly given the early morning extension rather than later into the evening after the closing time of public houses. Similarly, the Police have not raised an objection to the application, subject to a temporary consent. A number of the issues raised by local residents relate to the management of the site and are not material to the determination of the application.

- 6.10. Highway safety
Transportation Development raise no objection to the proposal. I concur with this view. The additional hours fall outside of peak traffic movement times and I consider it unlikely that a significant amount of traffic would be generated during the extra period proposed. Consequently I do not expect that highway safety would be prejudiced by the proposal.

7. Conclusion

- 7.1. I recommend the granting of a 12 month temporary consent in order that the impact on residential amenity can be monitored.

8. Recommendation

- 8.1. That temporary planning permission is granted.

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| 1 | Requires the prior submission of boundary treatment details |
| 2 | Parking and vehicular circulation areas |
| 3 | Requires the agreed mobility access to be maintained |
| 4 | Requires that the materials used match the main building |
| 5 | Requires the prior submission of hard and/or soft landscape details |
| 6 | Fencing and/or walling |
| 7 | Requires the prior submission of extraction and odour control details |
| 8 | Requires the prior submission of details of refuse storage |
| 9 | Requires the prior submission of noise insulation |
| 10 | All loading and unloading of goods to take place within the application site. |
| 11 | Requires the scheme to be in accordance with the listed approved plans |
| 12 | The areas allocated for car parking and vehicle circulation |
| 13 | Limits the maximum number of Customers/Covers |
| 14 | Requires the prior submission of cycle storage details |
| 15 | Limits delivery time of goods to or from the site to 0700-2300 daily |
| 16 | Allows opening from 0500 hours and requires the extended hours to discontinue by 31st March 2017 |
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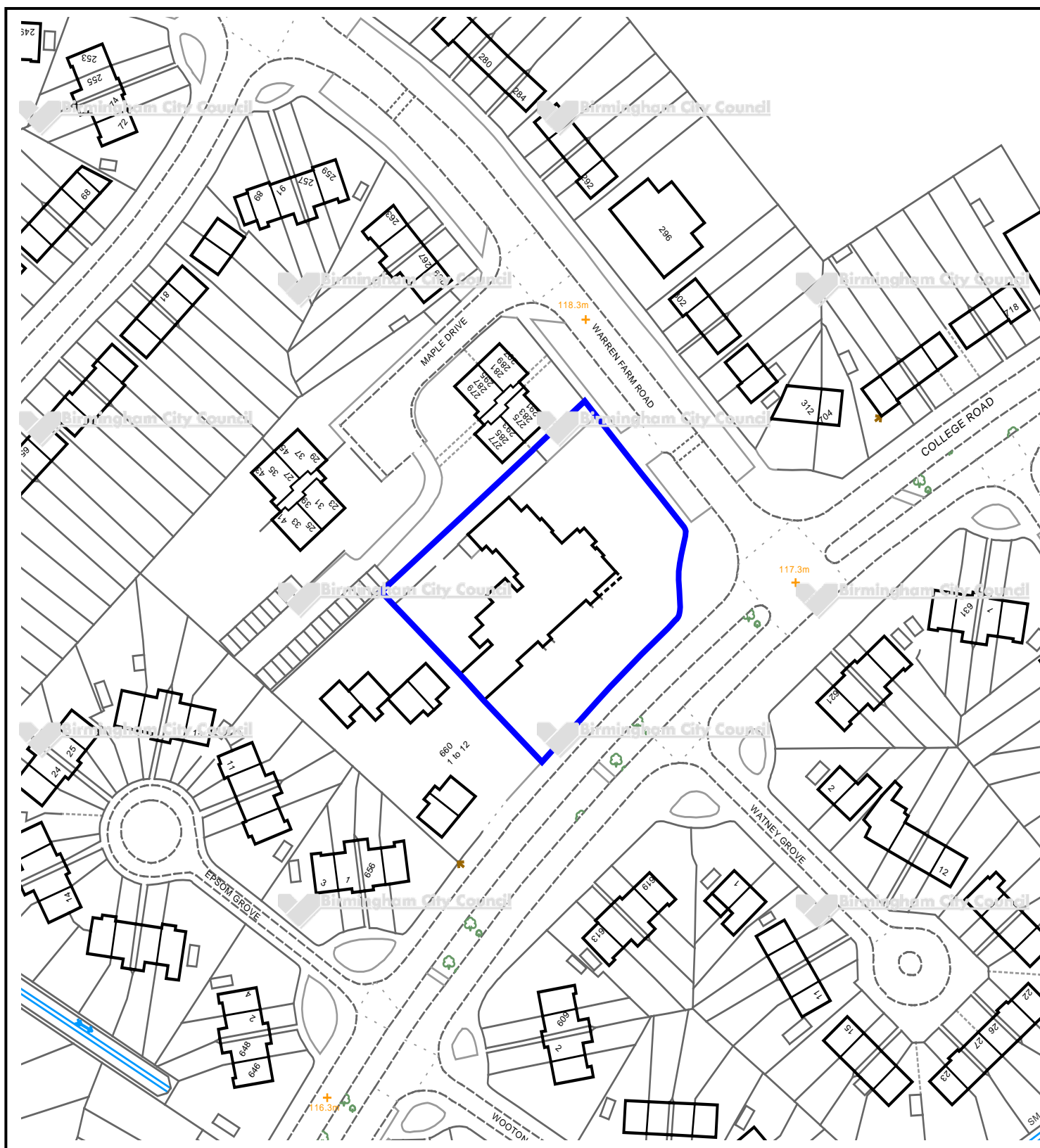
Case Officer: Stephanie Salmon

Photo(s)



Figure 1 – Application site

Location Plan



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Committee Date:	31/03/2016	Application Number:	2016/01642/PA
Accepted:	25/02/2016	Application Type:	Demolition Determination
Target Date:	31/03/2016		
Ward:	Nechells		

Former Concentric Works and JB Foods, Priory Road, Aston,
Birmingham, B7,

Application for prior notification of proposed demolition of a single and
two storey industrial/commercial units

Applicant:	Birmingham City Council Planning and Regeneration, PO Box 28, Lancaster Circus, Birmingham, B1 1TU
Agent:	Acivico P O Box 2062, 1 Lancaster Circus, Queensway, Birmingham, B4 7DY

Recommendation

Prior Approval Required And To Approve With Conditions

1. Proposal

- 1.1. This is a prior approval application for the demolition of two storey and single storey industrial buildings off Priory Road.
- 1.2. The proposal relates to the development of the site as part of the Aston Regional Investment Site (RIS), and is made by a member of staff on behalf of Planning and Regeneration, and so it is necessary to refer the application to Committee for determination.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The commercial buildings are located off Priory Road, the northern boundary of the site is adjacent to the Tame River. The western boundary is adjacent to the railway line. To the east is the new Hydraforce building, developed as part of the RIS. To the south is an area of open grass land.
- 2.2. The site is designated as part of the 20 hectare Aston Regional Investment Site, within the adopted Aston, Newtown and Lozells Area Action Plan (AAP) and the draft Birmingham Development Plan (BDP). The site is largely in Phase 1, with the western commercial buildings within Phase 2 of the scheme.
- 2.3. [Site location and street view](#)

3. Planning History

- 3.1. No relevant planning history.

4. Consultation/PP Responses

- 4.1. Transportation: No objections
- 4.2. Regulatory Services: No objections
- 4.3. Network Rail: Applicants need an agreement for demolition within 40m of the railway.
- 4.4. Western Power Distribution: Any existing electricity supplies and meters should be disconnected and removed before demolition of the properties.
- 4.5. The Canal and Rivers Trust: No comments.

5. Policy Context

- 5.1. Town and Country General Permitted Development Order 2015 Schedule 2 Part 11, Aston RIS Local Development Order.

6. Planning Considerations

- 6.1. In accordance with the provisions of the above legislation, this application has not been submitted as urgent works necessary of the interests of health and safety.
- 6.2. The application is therefore in accordance with condition A2.(b) of the regulation seeking prior approval. The correct site notice has been displayed.
- 6.3. The matters to be considered in this prior approval application are the method of demolition and the means of restoring the site. The method of demolition will be with a 360 degree mechanical machine which is considered acceptable. Where possible materials will be recycled or disposed at licensed sites. The applicant is advised that agreement of Network Rail is required given the proximity of the railway line. An informative with regards to this is considered prudent, along with an informative relating to the disconnection of power.
- 6.4. The site restoration is for the redevelopment of the site as part the advanced manufacturing industrial uses associated with the RIS, these remedial works are considered acceptable.
- 6.5. Following demolition the site will be enclosed with 1.8m high chain linked fence and the existing boundary walls and fencing to secure the site for safety purposes, this is considered acceptable.
- 6.6. The Council's ecologist has been consulted in respect of the potential impact on roosting bats. The applicant has undertaken suitable bat surveys of the buildings. These conclude that they do not provide favourable environmental conditions for roosting bats, and there are few opportunities for roosting. Where features with potential to be used by roosting bats were identified, these were inspected, and no

evidence of roosting bats was found. Based on these findings, the site is assessed as having negligible potential for roosting bats; as such demolition can proceed without the need for further survey or mitigation measures. However, as a precaution, if demolition has not occurred by September 2017, an updated building inspection should be completed before demolition takes place, to ensure there has been no change in the status of any of the buildings. I have recommended a suitable condition to this effect.

7. Conclusion

- 7.1. The proposal meets all the conditions of Part 11 and constitutes permitted development.

8. Recommendation

- 8.1. That prior approval is required and to approve subject to condition.

1	Requires an updated building inspection if the buildings are not demolished before 1st September 2017.
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Case Officer: Emma Green

Photo(s)

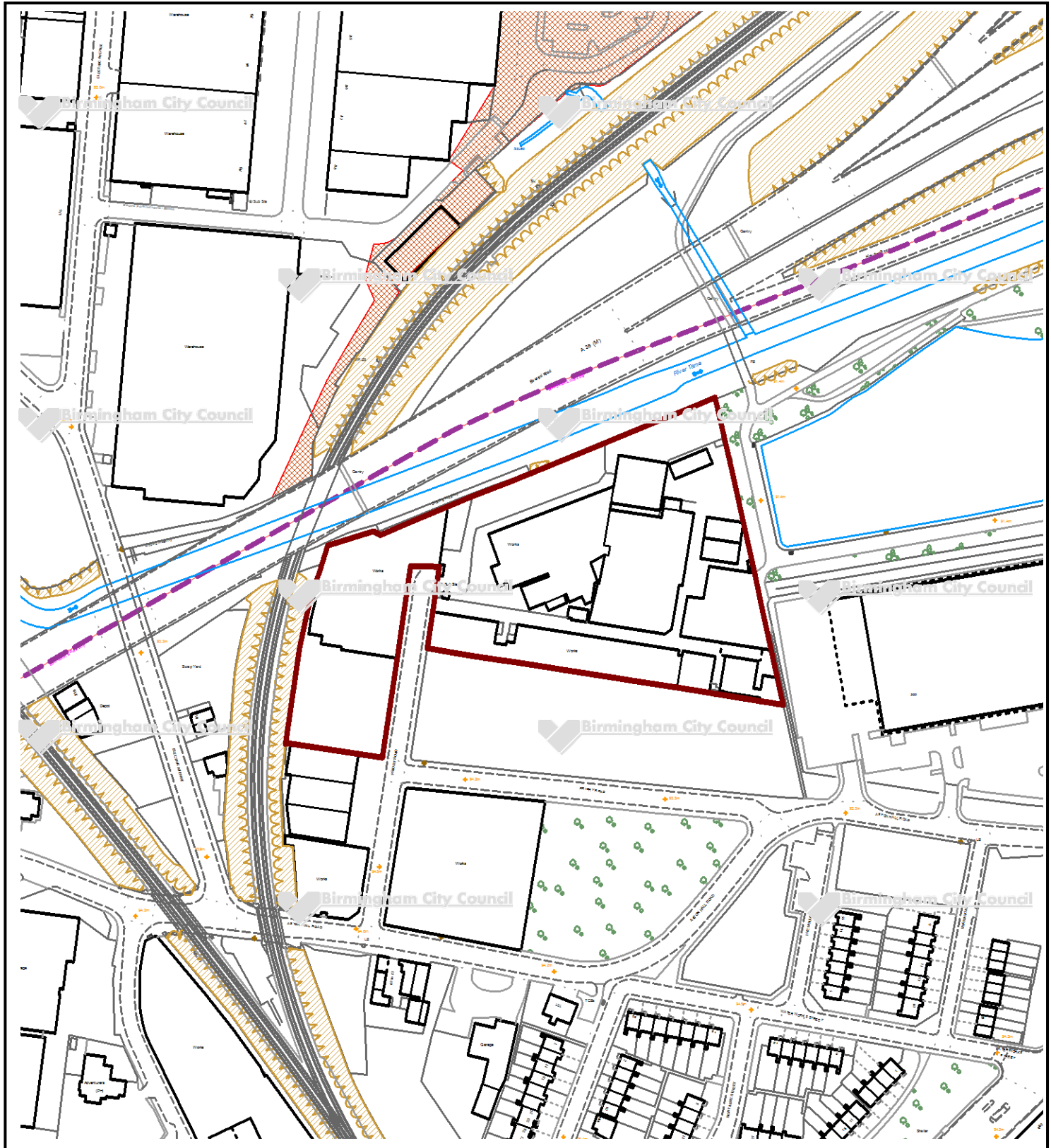


Figure 1 : JB Foods premises, Priory Road



Figure 2 : Concentric works

Location Plan



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Birmingham City Council

Planning Committee

31 March 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Determine	10	2015/09942/PA 2 Edwards Road Erdington Birmingham B24 9EP Change of use from vacant launderette (Sui Generis) to hot food takeaway (Use class A5), new shop front and extraction flue.
Approve - Conditions	11	2016/01042/PA Land adjacent 199 Northleigh Road Ward End Birmingham B8 2DH Erection of 2 dwelling houses and associated works
Approve - Conditions	12	2016/01040/PA Finsbury Grove Erdington Birmingham B23 6LF Erection of three new dwellinghouses
Approve - Conditions	13	2016/01038/PA Land between 171 and 185 Kingsbury Road Erdington Birmingham B24 8QX Erection of two new dwellinghouses

Determine

14

2015/03504/PA

8-16 High Street
Erdington
Birmingham
B23 6RH

Demolition of existing buildings and erection of a three-storey mixed use building comprising three retail stores and twenty-six apartments with associated parking and landscaping.

Committee Date:	31/03/2016	Application Number:	2015/09942/PA
Accepted:	04/12/2015	Application Type:	Full Planning
Target Date:	29/01/2016		
Ward:	Erdington		

2 Edwards Road, Erdington, Birmingham, B24 9EP

Change of use from vacant launderette (Sui Generis) to hot food takeaway (Use class A5), new shop front and extraction flue.

Applicant:	Mr Wajjad Ali 45 Anderson Road, Birmingham, B23 6NL
Agent:	Mr Gulraiz Siddique 17 Coleshill Road, Birmingham, B36 8DT

Recommendation

Determine

Report Back

Members deferred this application on 3rd March 2016 minded to refuse. Debate centred on the number of A5 uses within the locality and highway safety matters.

If Members are minded to refuse the application on these grounds the following reasons for refusal are suggested:-

Over intensification of A5 uses

- *The proposal would conflict with Policy 4 of the Shopping and Local Centres Supplementary Planning Guidance (2012) in that uses within this parade/frontage would exceed the maximum allowance of ten percent for hot food takeaways within this detached parade of 4 commercial units. This would further reduce the availability of A1 retail uses and would lead to a concentration of hot food uses which would adversely affect the vitality and viability of the frontage of which it forms part of, conflicting with Policy 8.7 of the Birmingham Unitary Development Plan (2005).*

Highway safety

- *The proposed use would increase short stay parking demand on an already congested busy narrow road, which would impinge on the safe operation of the nearby signal controlled junction and prejudice the free safe flow of traffic. As such it would be contrary to Paragraphs 3.8, 3.10 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.*

Original Report

1. Proposal

- 1.1. Planning consent is sought for the change of use of an existing vacant laundrette (Sui-Generis) to a hot food take-away (use class A5), the installation of a new shop front and extraction flue at 2 Edwards Road, Erdington.
- 1.2. The proposed hot food takeaway to the ground floor area would encompass a customer counter, serving area, kitchen/preparation area, W.C and cold room; the first floor area would be used for storage purposes incidental to the ground floor. The applicant has requested proposed hours of opening as 0800-2200 Monday to Saturday, 1000-2200 Sundays and Bank Holidays. Two off road parking spaces for parking and deliveries are provided to the front forecourt area. One full-time and 1 part-time staff would be employed.
- 1.3. The proposed shop front would comprise double entrance doors and two display windows. An existing 2.1m wide x 1.8m high display window would be retained within a single storey wing element. No details of roller shutters have been provided.
- 1.4. The proposed extraction flue would be located to the rear of the property, out of sight of the public domain to an overall height of 5.6m, 1m below the existing ridge of the building.
- 1.2. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is located within a parade/area that comprises 18 units that are predominantly within retail use but include general industrial and vacant office buildings at the junction of Orphanage Road. Edwards Road and Sutton Road. The application site is currently a vacant laundrette, being two stories in height with vehicle parking to the front concourse for two vehicles. The surrounding area encompasses the Erdington District Centre to the south, in which a variety of commercial uses are located, to the adjacent southern side of Edwards Road lies a day care centre and an industrial/warehouse use, to the west on Sutton Road lies further commercial units and the Cross Keys PH. The wider area is characterised by a mix of commercial businesses, schools and residential properties.
- 2.2. [Site location](#)
3. Planning History
 - 3.1. 03.11.1998. 19588006, Domestic garage/kitchen extension/single storey extension for domestic purposes, approved.
 - 3.2. 11.07.1963. 19588003, 10 inch diameter 26ft high chimney stack, approved.
 - 3.3. 16.05.1963. 19588002, Extension to shop, approved.
 - 3.4. 28.07.1960. 19588000, Alterations and extension, refused.
4. Consultation/PP Responses
 - 4.1. Regulatory Services - No objection, subject to conditions requiring extraction and odour control details and a restriction on opening hours.
 - 4.2. Transportation Development – No objections.

- 4.3. West Midlands Police – No objections, recommending CCTV coverage of the premises.
- 4.4. Birmingham Public Health – The application should be refused if it is within 400m of a school that has expressed concern about the impact upon the school health eating programme or if the 10% threshold for A5 uses within a local centre is exceeded.
- 4.5. Site notice posted, nearby residents, residents associations and Ward Councillors notified, with the following response received: -
- Ward Councillor Gareth Moore has requested the application be heard at planning committee due to the cumulative impact of the proposal and parking concerns.
 - Erdington Ward Committee raise objection on the grounds of the number of existing hot food takeaways in the locality, litter, noise, nuisance, anti-social behaviour, loss of a retail unit, the site is in close proximity to schools and traffic issues.
 - A neighbour raises concern regarding potential odour pollution, additional waste and litter which can attract vermin, anti-social behaviour through people congregating and that enough takeaways already exist in the surrounding area in which schools are located.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan (2005) and Draft Birmingham Development Plan (2013); Car Parking Guidelines (2012) and Shopping and Local Centres SPD (2012); Places for All (2001) SPG; National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. The main considerations in the determination of this application are the principle of the use, the impact on vitality and viability, neighbour amenity and highway implications.
- 6.2. **Principle of the use:** UDP Policy 8.7 states that, due to the amenity issues and impact on traffic generation, hot food takeaways should generally be confined to shopping areas or areas of mixed commercial development. The policy seeks to ensure that they do not cause demonstrable harm for the occupiers of nearby dwellings by giving rise to additional problems of noise and disturbance. Where a proposal involves evening opening, account will be taken of the proximity and extent of any nearby residential accommodation and ambient noise levels.
- 6.3. The premises are located within a parade/area of 18 commercial units that include retail shops/show rooms converted to shops, a vehicle garage and industrial uses. The site is located within the Erdington District Centre in which a variety of large and small scale commercial uses exist. The proposed opening times of the business are within usual daytime/evening opening hours, closing at 2200 seven days per week, which is considered reasonable for a district centre location, furthermore this type of use is to be expected within established centres. Therefore I consider that the principle of the use is acceptable.
- 6.4. **Vitality and Viability:** Objection has been received regarding the numbers of takeaways that already exist in the surrounding area, and the loss of a retail unit.

- 6.5. Whilst the application site is not within the primary shopping area, it is within the boundary of the Erdington District Centre as identified within the Shopping and Local Centres SPD. Policy 4 of the SPD states that in order to avoid an over concentration of hot food takeaways (A5), no more than 10% of units shall consist of hot food takeaways within the centre. The current use of the premises is a laundrette (Sui Generis); therefore consent is required for the change of use to that of a hot food takeaway (A5). I note concerns have been raised by Erdington Ward Committee with regards to an overconcentration of hot food uses within the locality. The premises are located within a parade of 18 units that are predominately retail. There are also former showrooms that have been converted to retail shops, which has increased the retail provision within this parade.
- 6.6. A survey of all of the uses within the centre was carried out in March 2014. With regard to the centre as a whole, there are 219 units of which 36 are vacant, 146 within A1 use (66.67%) of which 22 were vacant, 9 within A5 use (5.02%) of which 2 were vacant and, 5 within Sui Generis use (2.74%) of which 1 was vacant. The loss of this Sui Generis use would increase A5 use to 12 units (5.47%) and decrease Sui Generis use to 5 units (2.28%), A1 uses would remain at 66.67%. A1 uses within the centre exceeds the required 55% threshold for A1 uses and the proposed use of the unit within A5 use would not result in exceedance of the 10% threshold for A5 uses.
- 6.7. In regards to the loss of a retail unit, the unit is currently a vacant laundrette (Sui Generis), Policy 1 of the Shopping and Local Centres SPD would therefore not apply in this instance.
- 6.8. I therefore conclude that the change of use to a hot food takeaway is acceptable under Policy 4 of the Shopping and Local Centre SPD and that the proposal would not result in detriment to the vitality and viability of the District Centre. The change of use of the premises to an A5 hot food take away would also not result in greater than 10% of units within A5 use and no loss of retail would occur.
- 6.9. **Neighbour amenity and potential for anti-social behaviour:** The first floor of the application premises and units within the immediate parade are used as storage/office spaces. The nearest residential units are flats located above a number of commercial units to west of the site between 8 and 22 Sutton Road. Separate residential dwellings are also located approximately 120 metres to the south east on Edwards Road. Objection has been received on the grounds that the proposal would lead to odour pollution and anti-social behaviour. In response, Regulatory Services have assessed the proposal and offer no objections subject to conditions, requiring the proposed flue is increased to ridge height and restrictive opening hours to those requested. Consequently, I consider the request for extraction/odour control details and restrictive opening hours are reasonable and accordingly attach the requested conditions. In terms of anti-social behaviour, West Midlands Police raise no objections subject to a condition requiring CCTV coverage, in response it is considered that this request is unreasonable as the site is located within a centre and an area which experiences a high level of natural surveillance. Local schools have been consulted with no responses received.
- 6.10. **Highway safety:** Concerns have been raised regarding existing parking issues in the locality. Transportation Development have assessed the proposal and raise no objections, commenting that the site is within the Erdington District Centre where shared/linked trips to the commercial centre & employment uses is likely, and also having excellent accessibility to sustainable transport modes. The site does offer some parking spaces within the forecourt of the premises. There is additional parking availability to the front of the site, limited to 1 hour between the hours of 0745-1845

Monday to Saturday and a large public car park is situated to the adjacent corner of Edwards Road/ Orphanage Road. There are also restrictions in the traffic regulation orders in the form of double yellow lines on the opposite side of the road and a traffic signal junction in close proximity to the site. Consequently, it is considered that the proposal is unlikely to have any significant adverse impact on highway safety within the immediate vicinity of the site.

6.10. **Other issues:** Objection has been received regarding potential additional waste and litter, which could attract vermin. In response, a condition requiring the provision of a litter bin to mitigate this issue in so far as the planning system can control is recommended.

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

7. Conclusion

7.5. The proposed change of use to an A5 hot food takeaway would not affect the vitality or viability of the centre and, no additional significant harm arises to either neighbour amenity or highway safety.

8. Recommendation

8.5. Approve subject to the following conditions.

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- | | |
|---|---|
| 1 | Requires the submission of extraction and odour control details |
| 2 | Requires the prior submission of a litter bin |
| 3 | Limits the hours of use to between 0800-2200 Monday to Saturday and 1000-2200 Sundays and Bank Holidays |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
| 5 | Limits the approval to 3 years (Full) |
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Case Officer: Keith Mellor

Photo(s)

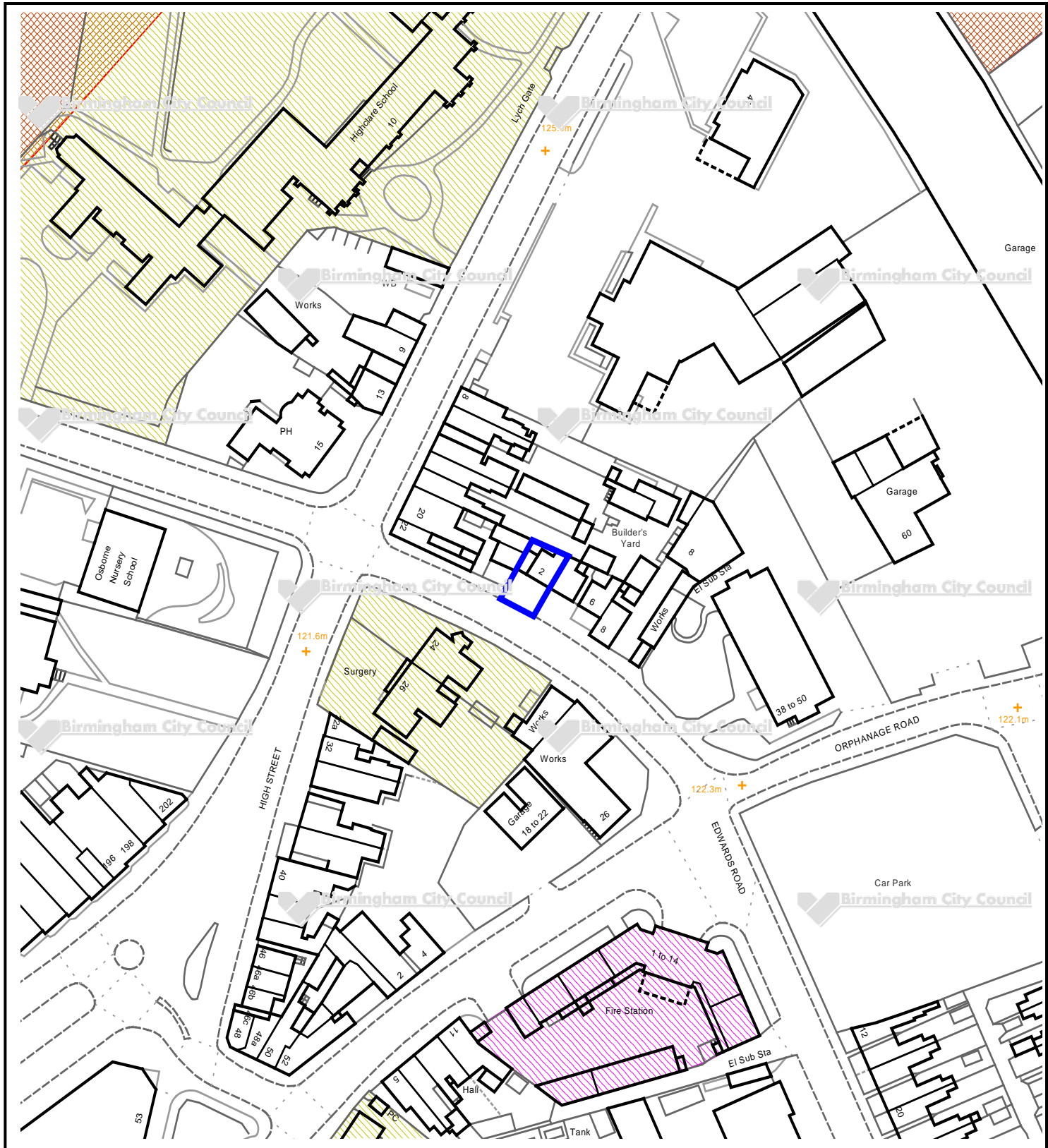


Application site 1



Parade 1

Location Plan



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Committee Date:	31/03/2016	Application Number:	2016/01042/PA
Accepted:	08/02/2016	Application Type:	Full Planning
Target Date:	04/04/2016		
Ward:	Hodge Hill		

Land adjacent 199 Northleigh Road, Ward End, Birmingham, B8 2DH

Erection of 2 dwelling houses and associated works

Applicant:	BMHT 1 Lancaster Circus, Queensway, Birmingham, B4 7DY
Agent:	Acivico 1 Lancaster Circus, Queensway, Birmingham, B4 7DG

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of 2no. two-bed semi-detached dwellings on a former garage site situated adjacent 199 Northleigh Road.
- 1.2. The proposed dwellings would comprise two semi-detached properties - 2no. two bedroom dwellinghouses. The proposed dwellinghouses would be two-storey in height. The proposed dwellings would be constructed of brickwork with hipped end roofs.
- 1.3. The internal layout would comprise lounge, open plan kitchen/ dining area and w/c at ground floor level; three bedrooms (ranging from 15 metres for a first double bedroom, 12 sq. metres for second bedroom and 7 sq. metres for smallest single bedroom (with airing cupboard) and a bathroom at first floor level. The access arrangements to the proposed dwellings would be from the Kingsbury Road frontage. The total area of the private amenity area would be 174 sq. metres and 77 sq. metres respectively. Total floor area of each of the dwellings would be approximately 93.4 sq. metres.
- 1.4. The dwellings would have between 200% (2 spaces) parking provision within the site. The existing footway crossing would be modified to create two new 4.8 metres wide footway crossings installed on the Northleigh Road frontage. The proposal would result in the felling of two trees on site.
- 1.5. Total site area is 0.051 hectares (510 sq. metres). The density of the proposed development would be 39 units per hectare.
- 1.6. This application is made by Birmingham Municipal Housing Trust (BCC) who have identified a number of sites across the city for redevelopment to provide additional social and rented housing.
- 1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is an irregular shaped piece of former garage site situated on Northleigh Road close to the junction of Wallbank Road. There are changes in ground level and there is a downhill slope from the site towards Northleigh Road.
- 2.2. The surrounding area is residential in character. The application site is bounded to the south by the rear gardens of two-storey residential dwellings that front onto Wallbank Road and to the north by two-storey residential dwellings on Northleigh Road. There is a sycamore tree protected by Tree Preservation Orders within the rear garden of no. 61 Parkview Drive.

[Location Map](#)

3. Planning History

- 3.1. No relevant planning history.

4. Consultation/PP Responses

- 4.1. Site notice displayed. Adjoining neighbours, Resident Associations, Ward Councillors and MP consulted – one response received from a neighbour, who objects on the following grounds:
 - Removal of access to the rear of no. 50 Wallbank Road, which they believe they have legal access to and have been using for the last 10 years. They are seeking legal advice on the matter.
 - Loss of light from the proximity of the side wall and height of the proposed dwelling in relation to no. 50 Wallbank Road.
 - Loss of property due to the proximity and view of this side wall facing the back of no. 50 Wallbank Road
- 4.2. Transportation Development – No objections subject to conditions to include pedestrian visibility splays and modification or extension to the existing footway crossing to be constructed at applicant's expense.
- 4.3. Regulatory Services – No objections subject to conditions to include acoustic noise insulation to glazing and ventilation, land contamination and the provision of vehicle charging points.
- 4.4. Severn Trent – No objections subject to drainage condition.
- 4.5. West Midlands Police – No objections subject to the development being built to standards set out in Secure by Design.
- 4.6. BCC Ecology – Awaiting comments

5. Policy Context

- 5.1. NPPF (2012); Adopted UDP (2005); Draft BDP (2013); SPD Car Parking Guidelines (2012); SPG Places for Living (2001), DCLG - Nationally Described Spacing Standards (2012)

6. Planning Considerations

- 6.1. The main considerations in the determination of this application are:
- 6.2. **Principle of use** – The NPPF, adopted UDP and Draft BDP supports the redevelopment of accessible brownfield sites within the urban areas for residential development providing that there is no overriding need for alternative uses. The application site is suitable for residential development on the grounds that it is a cleared garage site and located between existing residential properties to the west, east and north of the site. Consequently, the redevelopment of the site for residential purposes is therefore considered to be acceptable in principle and would comply with aspirations laid out within UDP, Draft BDP and NPPF.
- 6.3. **Design and impact on visual amenity** - The proposed layout locates two semi-detached dwellings that would follow the prevailing building line on Northleigh Road with small front gardens. There are different types of dwellings within the immediate area ranging from semi-detached to terrace dwellings to six-storey council flats (Overpool Estate). The proposed form of development is considered to be acceptable for the site and would reflect the overall character of the area. All of the dwellings proposed would have three bedrooms reflecting the need identified in the area for family sized accommodation. My City Design Officer has expressed no objections subject to materials and landscaping conditions. I concur with this view. The proposal would have a positive impact on the visual amenity of the area.
- 6.4. The proposal would result in felling of two trees situated to the northern boundary to no. 991 Northleigh Road. My Tree Officer has raised no objections subject to a condition to protect trees that are situated on the boundaries to adjacent sites. There are also two additional replacement trees proposed within the front garden, which would be conditioned as part of landscaping works.
- 6.5. **Internal layout of dwellings/ private amenity areas** – All of the bedrooms and overall sizes of both units would comply with Nationally Described Spacing Standards. The rear private amenity spaces would comply with the recommended sizes contained within Places for Living.
- 6.6. **Impact on residential amenity** – I note concerns have been raised by neighbours with regards to privacy, light and outlook. Amended plans have been provided and the nearest residential property to the proposed development is no. 48 Wallbank Road (south), where the separation distance to the rear habitable ground and first floor windows would be 12.27 metres respectively. The impact would be mitigated by the proposed sides of the dwellings being hipped end and splayed away from existing dwellings on Wallbank Road. The existing dwellings are also north facing and are situated on high ground level by approximately 0.4 metres, which would mitigate impact further and is unlikely to have adverse impact on sunlight received by them. The proposal would also exceed the minimum 12.5 metre separation distance between windowed elevation and the opposing two-storey flank wall as recommended in SPG “Places for Living” for no. 46, 50 and 52 Northleigh Road and 199 Northleigh Road. Due to the orientation and separation distances of the adjoining dwellings on Wallbank Road, there would be no loss of privacy. The proposal complies with the supplementary planning guidance contained within the 45 degree code SPG. Consequently, I consider that the proposal would not have any adverse impact on residential amenities within the immediate vicinity of the site.
- 6.7. I also consider that the Permitted Development rights should be removed to protect the amenity of neighbouring occupiers and to ensure that adequate amenity space is retained.

- 6.8. Regulatory Services have raised no objections subject to conditions. I concur with this view as the land contamination desk study report submitted recommends that further intrusive investigations are required. Acoustic noise insulation to glazing and ventilation conditions would be attached to address existing noise levels of traffic within the immediate area.
- 6.9. I also note the recommended conditions from Regulatory Services in respect of electric vehicle charging points, emissions from vehicles and prior submission of low emission for vehicle parking; I do not consider that this is justified in this case, bearing in mind that the proposal is for a small scale residential development. Emerging planning policy however will address this aspect in future, in the context of Planning Management's role in air quality control.
- 6.10. **Impact on highway safety** – I note concerns have been raised by adjoining neighbours in regards to loss of parking, increase parking and traffic congestion generated from the proposal, inconsiderate parking that currently occurs on Kingsbury Road. The application site is a former garage site. Transportation Development have raised no objections to the proposal. Amended plans have been provided that have re-sited the four parking spaces for the two units centrally within the site. There is also unrestrictive on-street parking available on Northleigh Road and all adjoining roads. Ward End Neighbourhood Centre is situated within approximately 300 metres away and within walking distance of the site that also has good public transport accessibility. Consequently, the proposal is unlikely to undermine highway or pedestrian safety within the immediate vicinity of the site.
- 6.11. **Community Infrastructure Levy** - The proposed development would not attract a CIL contribution.

7. Conclusion

- 7.1. The application site is a former garage site and the proposal would result in the redevelopment of brownfield land with residential use providing two additional dwellings. The proposed development complies with the objectives of the policy context as set out above, and is recommended for approval, subject to the attached conditions.

8. Recommendation

- 8.1. Approve subject to conditions

-
- | | |
|---|--|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the prior submission of a contaminated land verification report |
| 3 | Requires the prior submission of a drainage scheme |
| 4 | Arboricultural Method Statement - Submission Required |
| 5 | Requires the prior submission a noise study to establish residential acoustic protection |
| 6 | Requires the prior submission of hard and/or soft landscape details |
| 7 | Requires the prior submission of boundary treatment details |
-

-
- 8 Requires the prior submission of sample materials
 - 9 Requires the scheme to be in accordance with the listed approved plans
 - 10 Requires modification or extension of existing/ new footway crossing(s) details.
 - 11 Removes PD rights for extensions
 - 12 Requires pedestrian visibility splays to be provided.
 - 13 Limits the approval to 3 years (Full)
-

Case Officer: Mohammed Akram

Photo(s)

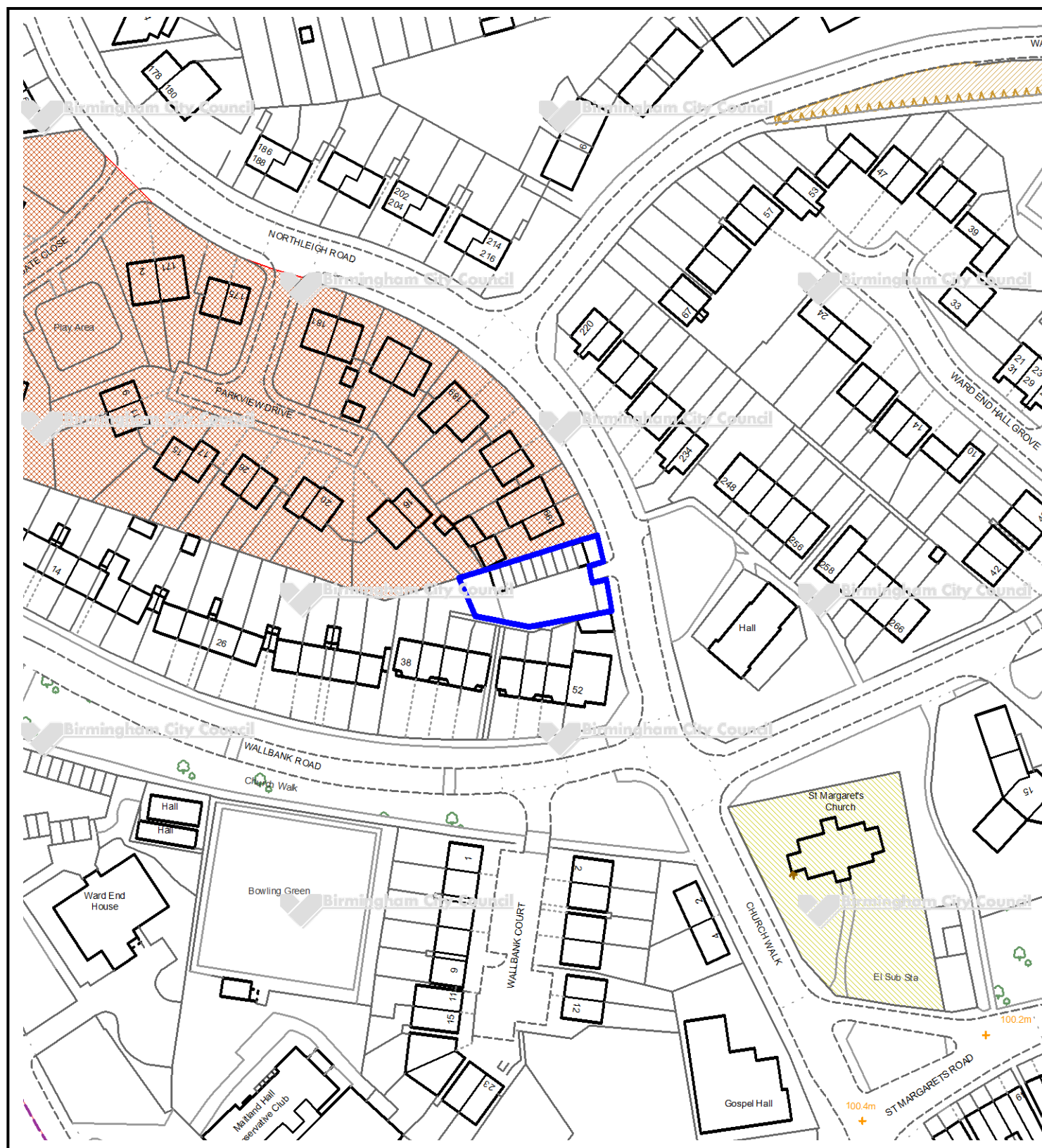


Figure 1: Application site



Figure 2: View from Northleigh Road

Location Plan



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Committee Date:	31/03/2016	Application Number:	2016/01040/PA
Accepted:	08/02/2016	Application Type:	Full Planning
Target Date:	04/04/2016		
Ward:	Erdington		

Finsbury Grove, Erdington, Birmingham, B23 6LF

Erection of three new dwellinghouses

Applicant:	BMHT 1 Lancaster Circus, Queensway, Birmingham, B4 7DY
Agent:	Acivico 1 Lancaster Circus, Queensway, Birmingham, B4 7DG

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of 3no. three-bedroom, dwellings taking the form of a detached property and one pair of semi-detached properties on a former garage site situated to the corner of Finsbury Grove and Short Heath Road.
- 1.2. The proposed development would comprise of: -
 - A pair of semi-detached properties consisting of a kitchen/dining area (18sqm), living room (16sqm), hallway (6sqm), storage cupboard (1sqm) and W.C. (2sqm) to the ground floor and three bedrooms of 8sqm (including airing cupboard), 12sqm and 15sqm and a bathroom of 5sqm to the first floor; and,
 - A detached dwelling consisting of a kitchen/dining area (18sqm), living room (16sqm), hallway (6sqm), storage cupboard (1sqm) and W.C. (2sqm) to the ground floor and three bedrooms of 7.9sqm (including airing cupboard), 12.5sqm and 14.5sqm and a bathroom of 5sqm to the first floor.
- 1.3. The proposed dwellinghouses would be two-storey in height, being constructed of brickwork with hipped end roofs with rear amenity areas of between 92sqm and 97sqm, 2 off road parking spaces (200%) would be provided per dwelling along with newly formed footway crossings to the Finsbury Grove frontage. The properties would have a footprint of 93.4sqm.
- 1.4. Total site area is 0.0720ha, providing a density of 41.6 units per hectare.
- 1.5. This application is made by Birmingham Municipal Housing Trust (BCC) who have identified a number of sites across the city for redevelopment to provide additional social and rented housing.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a 0.0720ha parcel of land which was formerly lock-up garages, situated to the corner junction of Short Heath Road and Finsbury Grove. The site has been levelled and is bounded by two storey properties to the north on Finsbury Grove and the west on Short Heath Road. Within the site lies a number of trees to the boundaries. The surrounding area is residential in character.

[Site location](#)

3. Planning History

- 3.1. No relevant planning history.

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objections subject to conditions requiring noise insulation details, a Contamination Remediation Scheme and a Contaminated Land Verification Report
- 4.2. Transportation Development – No objections subject to condition requiring pedestrian visibility splays, redundant footway crossing to be reinstated and new footway crossings to be constructed to BCC specifications.
- 4.3. Severn Trent Water – No objections subject to condition requiring drainage details. Further advisory that there may be a public sewer located within the application site
- 4.4. West Midlands Police – No objections, advocating the principles of ‘Secure by Design’
- 4.5. Site notice posted, nearby residents, residents associations, local MP and Ward Councillors notified, with the following responses received: -
- 1 near neighbour has responded, however the correspondence does not highlight any concerns.

5. Policy Context

- 5.1. NPPF (2012); Adopted UDP (2005); Draft BDP (2013); SPD Car Parking Guidelines (2012); SPG Places for Living (2001), DCLG - Nationally Described Spacing Standards (2012).

6. Planning Considerations

- 6.1. The main considerations in the determination of this application are:
- 6.2. **Principle of use:** The NPPF, adopted UDP and Draft BDP supports the redevelopment of accessible brownfield sites within urban areas for residential development providing that there is no overriding need for alternative uses. The application site is suitable for residential development on the grounds that it is a cleared garage site and located within a residential area. Consequently, the redevelopment of the site for residential purposes is therefore considered to be acceptable in principle and would comply with aspirations laid out within UDP, Draft BDP and NPPF.
- 6.3. **Design and impact on visual amenity:** The proposed layout locates a pair of semi-detached dwellings and a detached dwelling that would generally follow the existing

building line of Finsbury Grove with small front gardens and off road parking spaces. Finsbury Grove is a cul-de-sac containing a mix of bungalows and two storey maisonettes, whilst properties within the vicinity on Short Heath Road are blocks of 4 two storey town houses, the wider area encompasses a mix of different house types. Whilst the proposed properties depart from the general built form of properties within Finsbury Grove, it is considered that the proposal would introduce three well-designed dwellings on an area of unused brownfield land improving the visual amenity of the site, street scene and area in general.

- 6.4. Internal layout of dwellings/private amenity areas: All three properties would be three-bedroom with sizes ranging from 7.9sqm for a single room to 15sqm for a double bedroom, complying with the recommended bedroom sizes of 7.5sqm for a single room and 11.5sqm as advocated within the Nationally Described Spacing Standards. The rear private amenity spaces would comply with the recommended size of 70sqm for family accommodation of three bedrooms contained within Places for Living SPG.
- 6.5. The proposal would result in felling of a number of trees within the site. A Tree Survey has been submitted as part of the supporting information. Amended plans have also been provided that have modified the internal layout of the site by re-siting the dwelling (Plot 3) by approximately 0.5 metres further to the north. The proposed dwelling (Plot 3) would also be sited on the existing footprint of the former garages. My Tree Officer has raised no objections subject to a condition to protect the three cherry trees on Short Heath Road frontage.
- 6.6. **Impact on residential amenity:** The nearest residential properties adjoin the site to the north (2 and 4 Finsbury Grove) and west (235 and 237 Short Heath Road). Within the side elevation fronting the application site of adjoining properties No.2 and 4 Finsbury Grove is an entrance doorway to the ground floor and small non-habitable window to the first floor area, I consider that no significant issues arise in terms of the adopted 45 degree code. To the rear lies properties 235 and 237 Short Heath Road which are at an irregular angle to the proposed dwellings, SPG 'Places for Living' advocates a 5 metre per storey set back where new development with main windows would overlook existing private amenity space and a distance of at least 21 metres between building faces for two storey dwellings, and the proposal adheres to the above. Consequently, I consider that the proposal would not have any significant adverse impact on residential amenity in terms of nearness, height, loss of light/outlook or loss of privacy.
- 6.7. Regulatory Services have recommended conditions requiring a Contamination Remediation Scheme and a Contaminated Land Verification Report which I accordingly attach. A further condition for acoustic noise insulation to windows and doors has been requested, which I consider to be unreasonable as it would not meet the necessary test laid out within NPPF (Use of Conditions) because Finsbury Grove is a quiet residential cul-de-sac and not a main through route for traffic.
- 6.8. **Impact on highway safety:** Transportation Development have assessed the proposals and raise no objections, subject to conditions, I concur with this view. There are no TROs parking restrictions in the vicinity of the site and on-street parking is available fronting the site, accessibility of public transport is good with frequent bus services available from Short Heath Road within 250 meters of the proposed site and, that the proposed development would be likely to generate a lesser traffic generation in comparison to the existing use as a garage block, concluding that the development will fit in to the immediate area and will pose no highway safety issues.

6.9. **Community Infrastructure Levy:** The proposed development would not attract a CIL contribution.

7. Conclusion

7.1. The application site is a former garage site and the proposal would result in the redevelopment of brownfield land with residential use providing three additional dwellings. The proposed development complies with the objectives of the policy context as set out above, and is recommended for approval, subject to the attached conditions.

8. Recommendation

8.1. Approve subject to the following conditions.

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- | | |
|----|--|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the prior submission of a contaminated land verification report |
| 3 | Requires the prior submission of hard and/or soft landscape details |
| 4 | Requires the prior submission of hard surfacing materials |
| 5 | Requires the prior submission of boundary treatment details |
| 6 | Requires pedestrian visibility splays to be provided |
| 7 | Removes PD rights for extensions |
| 8 | Requires installation/reinstatement of footway crossing details. |
| 9 | Requires the prior submission of a drainage scheme |
| 10 | Requires the scheme to be in accordance with the listed approved plans |
| 11 | Arboricultural Method Statement - Submission Required |
| 12 | Limits the approval to 3 years (Full) |
-

Case Officer: Keith Mellor

Photo(s)

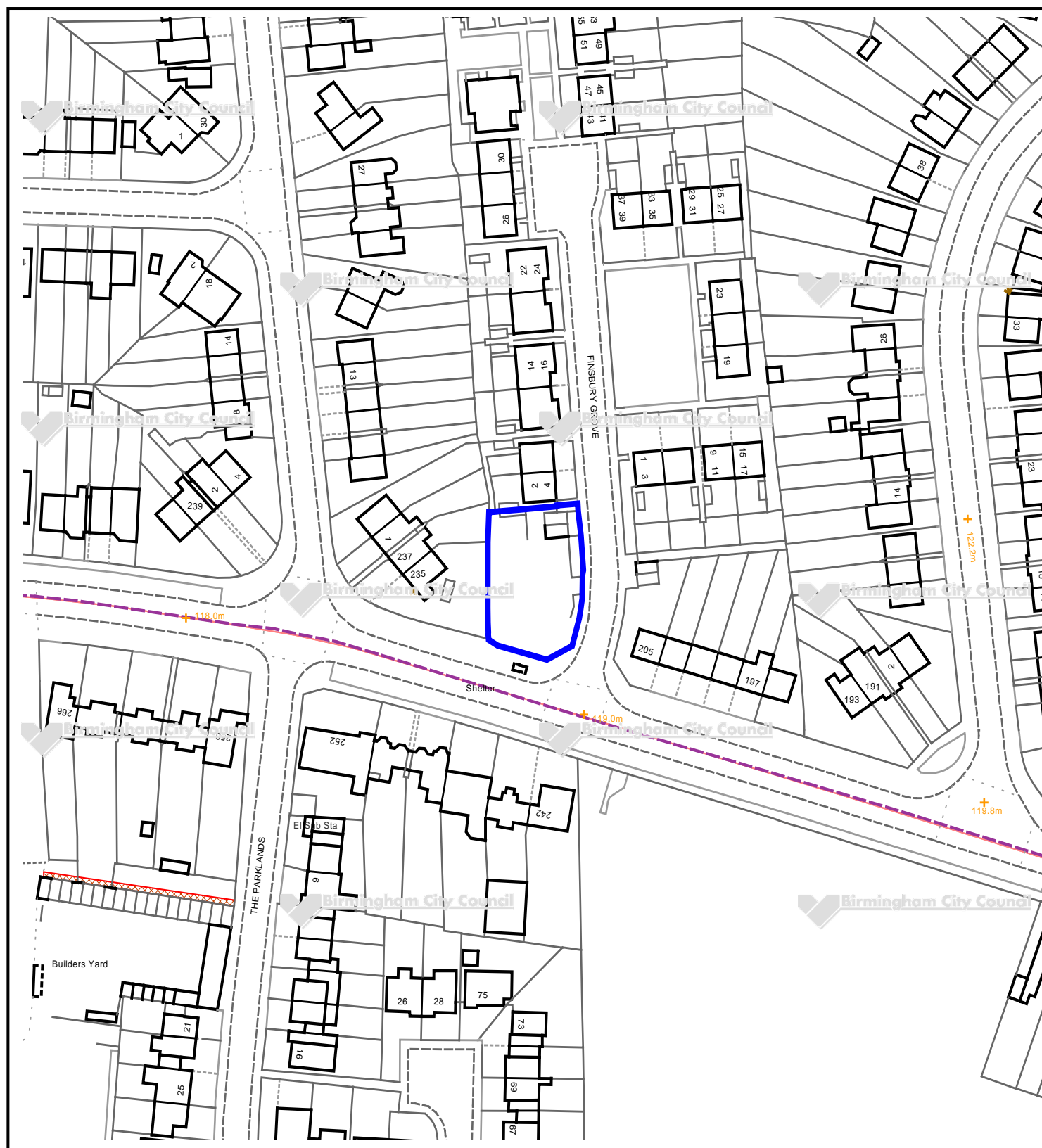


Site 1



Junction Finsbury Grove/Short Heath Road 1

Location Plan



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Committee Date:	31/03/2016	Application Number:	2016/01038/PA
Accepted:	08/02/2016	Application Type:	Full Planning
Target Date:	04/04/2016		
Ward:	Stockland Green		

Land between 171 and 185 Kingsbury Road, Erdington, Birmingham, B24 8QX

Erection of two new dwellinghouses

Applicant:	BMHT 1 Lancaster Circus, Queensway, Birmingham, B4 7DY
Agent:	Acivico 1 Lancaster Circus, Queensway, Birmingham, B4 7DG

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Planning consent is sought for the erection of 2no. two-bed semi-detached dwellings on a former garage site situated between no. 169-171 and 185 Kingsbury Road.
 - 1.2. The proposed dwellings would comprise two semi-detached properties - 2no. two bedroom dwelling houses. The proposed dwelling houses would be two-storey in height. The proposed dwellings would be constructed of brickwork with gable roofs.
 - 1.3. The internal layout would comprise lounge, open plan kitchen/ dining area and w/c at ground floor level; two bedrooms (ranging from 13.5 sq. metres for both double bedrooms) and a bathroom at first floor level. The access arrangements to the proposed dwellings would be from the Kingsbury Road frontage. The total area of the private amenity area would be 174 sq. metres and 77 sq. metres respectively. Total floor area of each of the dwelling would be approximately 80 sq. metres. There would be three trees removed within the curtilage of the site.
 - 1.4. The existing vehicle access road and footway crossing from the Kingsbury Road frontage would continue to serve the proposed site and also provide maintenance access to Kingsbury School and Sports College playing fields situated to the rear of the site. There would be one horizontal parking space allocated for each of dwellings (100%).
 - 1.5. Total site area is 0.048 hectares (480 sq. metres). The density of the proposed development would be 41 units per hectare.
 - 1.6. This application is made by Birmingham Municipal Housing Trust (BCC) who have identified a number of sites across the city for redevelopment to provide additional social and rented housing.
 - 1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a rectangular shaped hardstanding area that measures 0.048 hectares. The site was formerly a garage site, which were demolished in 2014. There are changes in ground level and there is a downhill slope from the Kingsbury Road frontage to the rear of the site.
- 2.2. The surrounding area is residential in character. The application site is bounded to the north, west and east by two-storey residential dwellings. To the south are playing fields and tennis courts associated to Kingsbury School and Sports College.

[Location Map](#)

3. Planning History

- 3.1. No relevant planning history.

4. Consultation/PP Responses

- 4.1. Site notices displayed. Adjoining neighbours, Ward Councillors and MP consulted – two letters of objection received from adjoining neighbours, who object on the following grounds:
 - Exacerbate existing parking problems within the area
 - Loss of approximately 10 off-road parking spaces for the community
 - Accidents and vandalism with some cars written off as they were parked on the road and extra cost to residents
 - Damage to cars and extra cost to residents that damage the vehicles by mounting onto kerb during inclement weather
 - Inconsiderate parking occurring within the area that results in blocking access arrangements to the garages, driveways and alleyways that is used for emergency fire access
 - Loss of privacy
 - Loss of light and outlook
 - Devalue of property prices
- 4.2. Transportation Development – No objections subject to conditions to include maintaining existing visibility splays at the Kingsbury Road junction and to provide satisfactory pedestrian visibility splays to be incorporated/ maintained at the Kingsbury Road junction.
- 4.3. Regulatory Services – No objections subject to conditions to include acoustic windows and doors noise insulation scheme and land contamination.
- 4.4. Severn Trent – No objections subject to drainage condition.
- 4.5. West Midlands Police – No objections subject to the development being built to standards set out by Secure by Design.

5. Policy Context

- 5.1. NPPF (2012); Adopted UDP (2005); Draft BDP (2013); SPD Car Parking Guidelines (2012); SPG Places for Living (2001)

6. Planning Considerations

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

6.2. **Principle of use** – The NPPF, adopted UDP and Draft BDP supports the redevelopment of accessible brownfield sites within the urban areas for residential development providing that there is no overriding need for alternative uses. The application site is suitable for residential development on the grounds that it is a cleared site and located between existing residential properties to the west, east and north of the site. Consequently, the redevelopment of the site for residential purposes is therefore considered to be acceptable in principle and would comply with aspirations laid out within UDP, Draft BDP and NPPF.

6.3. **Design and impact on visual amenity** - The proposed layout locates two semi-detached dwellings that would follow the prevailing building line on Kingsbury Road with small front gardens. There are different types of dwellings within the area ranging from Victorian terraces, 1930's semi-detached dwellings to modern gable roofed former council housing. The proposed form of development is considered to be acceptable for the site and would reflect the overall character of the area. The dwellings proposed would have two bedrooms reflecting the need identified in the area for small family sized accommodation. My City Design and Tree Officer have expressed no objections subject to materials and landscaping conditions to include a replacement tree within the front garden that would complement existing street trees on Kingsbury Road. I concur with this view. The proposal would have a positive impact on the visual amenity of the area. Landscaping and boundary treatment conditions are attached in order to protect the visual amenity of the area.

6.4. **Internal layout of dwellings/ private amenity areas** – All of the bedrooms (13.5 sq. metres) and overall sizes of both units (80 sq. metres) would comply with Nationally Described Spacing Standards. The rear private amenity spaces would comply with the recommended sizes contained within Places for Living.

6.5. **Impact on residential amenity** – I note concerns have been raised by neighbours with regards to privacy, light and outlook grounds. The nearest residential properties to the proposed development are maisonettes no. 169-171 Kingsbury Road (west) that are accessed from the side elevation and have non-habitable or secondary side windows (w/c or landing or small secondary bedroom) at ground and first floor level. In terms of the adjoining residential dwelling no. 185 Kingsbury Road to the east, the separation distance to the side habitable ground and first floor windows would be 18.5 metres, thereby exceeding the 12.5 metre separation distance between windowed elevation and opposing two-storey flank wall as recommended in SPG "Places for Living". The proposal complies with the supplementary planning guidance contained within the 45 degree code SPG and distance separation guidelines set out in Places for Living. Consequently, I consider that the proposal would not have any adverse impact on residential amenities in terms of nearness, height, loss of light/ outlook or loss of privacy.

6.6. I also consider that the Permitted Development rights should be removed to protect the amenity of neighbouring occupiers and to ensure that adequate amenity space is retained.

6.7. Regulatory Services have raised no objections subject to conditions. I concur with this view as the land contamination desk study report submitted recommends that further intrusive investigations are required. Acoustic glazing and ventilation condition would be attached to address existing noise levels from Kingsbury Road.

- 6.8. **Impact on highway safety** – I note concerns have been raised by adjoining neighbours in regards to loss of parking, increase parking and traffic congestion generated from the proposal, and inconsiderate parking that currently occurs on Kingsbury Road. The application site is a former garage site that would retain existing access arrangements to Kingsbury School and Sport College situated to the rear of the site. Transportation Development has raised no objections to the proposal subject to conditions. Amended plans have been provided that show existing pedestrian visibility splay at Kingsbury Road is maintained, which would be conditioned accordingly. The proposal would provide one parking space for each of the dwellings. There is unrestricted on-street parking available on Kingsbury Road and all adjoining roads. The site has a good level of accessibility to public transport with frequent train from Gravelly Hill and bus services accessible within walking distance from the site. Erdington District Centre is also situated within approximately 600 metres away and within walking distance of the site. Consequently, the proposal is unlikely to undermine highway or pedestrian safety within the immediate vicinity of the site.
- 6.9. **Other concerns** - I note that the neighbours have raised concerns to the proposed scheme of works devaluing their property. This matter is not a material planning consideration and cannot be assessed in the determination of this application.
- 6.10. **Community Infrastructure Levy** - The proposed development would not attract a CIL contribution.
7. Conclusion
- 7.1. The application site is a former garage site and the proposal would result in the redevelopment of brownfield land with residential use providing two additional dwellings. The proposed development complies with the objectives of the policy context as set out above, and is recommended for approval, subject to the attached conditions.
8. Recommendation
- 8.1. Approve subject to conditions

-
- | | |
|---|--|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the prior submission of a contaminated land verification report |
| 3 | Requires the prior submission of sample materials |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
| 5 | Requires existing pedestrian visibility splays to be maintained. |
| 6 | Removes PD rights for extensions |
| 7 | Requires the prior submission of a drainage scheme |
| 8 | Requires acoustically specified glazing and ventilation. |
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- | | |
|----|---|
| 9 | Requires the prior submission of hard and/or soft landscape details |
| 10 | Requires the prior submission of hard surfacing materials |
| 11 | Requires the prior submission of boundary treatment details |
| 12 | Limits the approval to 3 years (Full) |
-

Case Officer: Mohammed Akram

Photo(s)

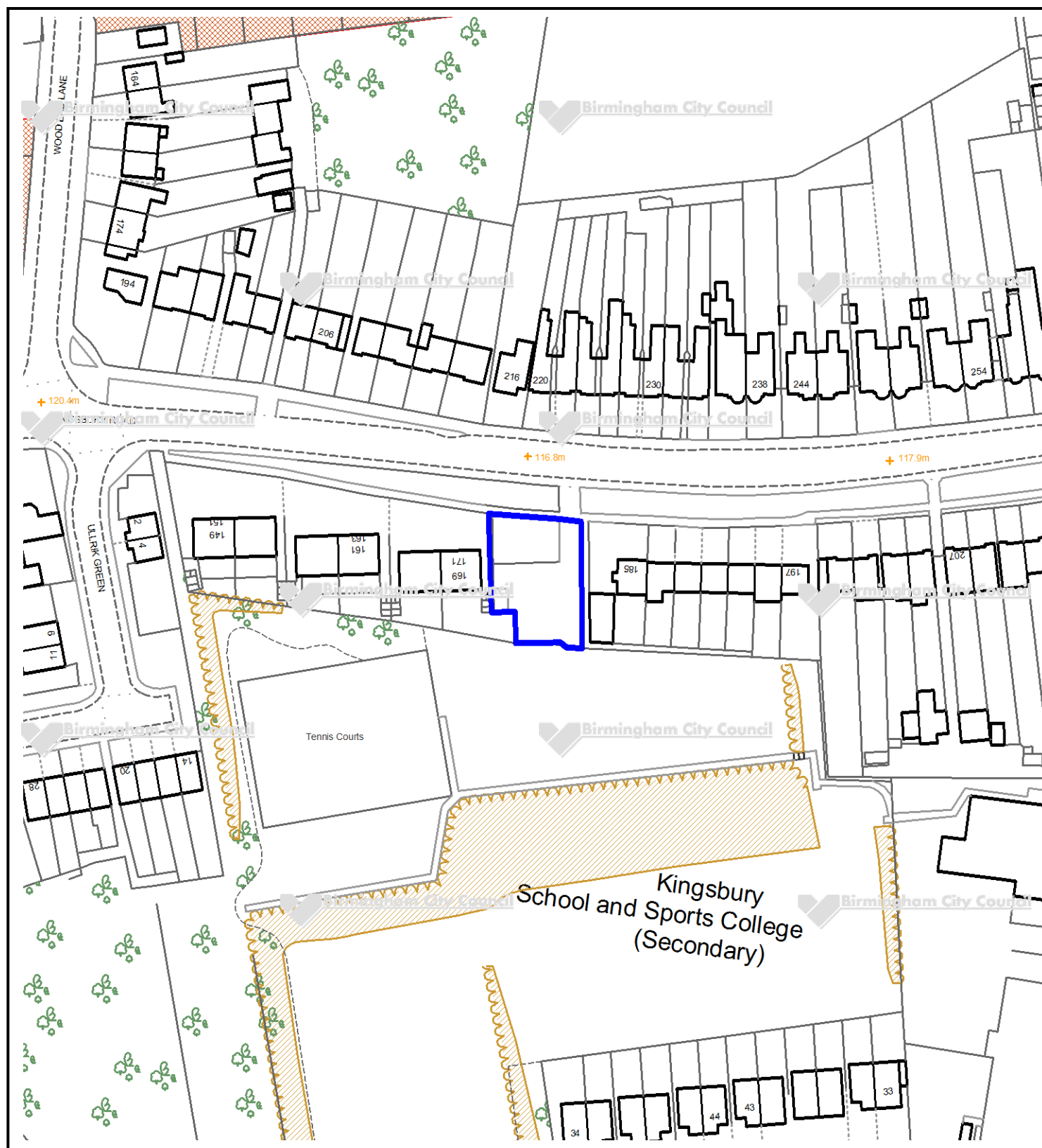


Figure 1: Application Site



Figure 2: Application Site

Location Plan



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Committee Date:	31/03/2016	Application Number:	2015/03504/PA
Accepted:	15/06/2015	Application Type:	Full Planning
Target Date:	05/02/2016		
Ward:	Erdington		

8-16 High Street, Erdington, Birmingham, B23 6RH

Demolition of existing buildings and erection of a three-storey mixed use building comprising three retail stores and twenty-six apartments with associated parking and landscaping.

Applicant: MADE Architecture Ltd
Dutch Barn, Shadowbrook Court, Shadowbrook Lane, Hampton-in-Arden, West Midlands, B92 0DL

Agent:

Recommendation
Determine

1. Report Back

- 1.1 On the 3rd of March 2016 additional information and visualisations were presented to your Committee. Notwithstanding this information it was resolved to defer the application minded to refuse on the basis of the impact of the design of the proposal and the impact of the loss of the existing buildings on the character of the area.
- 1.2 I therefore attach the following reason for refusal in accordance with this resolution for consideration:

The loss of the existing building as a non-designated heritage asset, together with the massing, materials and design of the proposed development would be detrimental to the visual amenity and character of the area and fails to preserve the setting of designated heritage assets within the vicinity contrary to policies 3.8, 3.10, 3.14, 3.20, 3.22, 3.23 of the Birmingham Unitary Development Plan 2005; Paragraph 3.22 and Policies PG3 and TP 26 of the draft Birmingham Development Plan 2031; and the National Planning Policy Framework.

Report Back (3rd March 2016)

- 1.3 On the 7th January your Committee deferred this application in order to afford the applicant the opportunity to amend the proposal taking into account Members' concerns regarding their desire to retain the existing buildings and/or responding to the character of the existing and surrounding buildings.
- 1.4 The scheme has not been amended since the previous committee, however the applicant has provided a further report justifying the approach taken and provided further visualisations in support of the proposals. A summary of the applicant's justification follows.

Viability

- 1.5 The report states that the architectural practice has extensive experience with the reuse of existing buildings. Due to their dilapidated state, in order to bring the existing building back into use the report notes that existing walls would require underpinning, the structure stripping back to bare walls, removal of all floor construction, removal of the roof structure and coverings would all be required to meet or exceed the thermal and acoustic properties required by current legislation.
- 1.6 This results in the reuse of the existing buildings not being commercially viable for the applicant. The developer has confirmed that the property as existing is not commercially viable and therefore without committing to wholesale redevelopment the condition of the properties will worsen.

Existing Condition/Layout

- 1.7 Due to the evolution of the use of the property over time much of the internal historic significance of this building has been lost, with many internal partitions leading to a further reduction in character.
- 1.8 The current layout of the property by virtue of its inefficient internal arrangement of narrow corridors and varying floor levels makes compliance with UK Building Regulations extremely difficult.
- 1.9 The existing building would not allow for good quality spaces to be created.

Design Analysis

- 1.10 The report acknowledges the mixed use nature of the area, the accessibility via public transport and the importance of frontage development. Whilst the retention of the existing buildings could achieve this aspiration, it argues that it would be impossible to provide a good quality living environment within the inflexible existing spaces.
- 1.11 The report also notes that the current building makes inefficient use of its floorspace, whereas the proposal makes full use of this space within the same scale.
- 1.12 The narrow access road would prevent the use of the rear area for parking associated with the development, whereas the proposals show a revised (wider) arrangement.
- 1.13 Due to the varying levels the conversion of the existing buildings would not be readily accessible by all.
- 1.14 In terms of the external environment, the proposal presents an active frontage with well-lit shop fronts and access to the residential units.
- 1.15 Additional points raised in the report include reference to the shortfall in housing supply in Birmingham; and that the reuse of existing buildings would not allow environmental improvements of within residential areas and along roads as referenced in Policy 12.16 of the UDP.
- 1.16 The proposed development does not attract a CIL contribution.

Conclusion

- 1.17 The applicant has provided further justification for the redevelopment of the site, elaborating on the points previously made. The retention of the existing buildings was initially considered but has been found to be impractical for a number of aforementioned reasons. They also remain un-listed and outside any conservation area.
- 1.18 As per my previous report to you, the recommendation remains to approve the application subject to the previously recommended conditions below.

Additional Visualisations





Original Report

2. Proposal

- 2.1 The proposed development consists of the demolition and clearance of the existing buildings on site and the erection of a 'u' shaped mixed use development consisting of retail at ground floor level onto High Street with residential apartments above and to the rear.

QUANTUM

- 2.2 The residential element of the proposal consists of twenty six apartments of which 13 would have one bedroom with the remaining 13 having two bedrooms. The smallest one bedroom apartment measures 41.34 sq.m GIA and the smallest two bedroom unit would measure 64.24 sq.m. This represents a development density of 167 dwellings per hectare.
- 2.3 Three commercial units providing approximately 50 sq.m of (A1) retail floor space also forms part of the proposals.

DESIGN / LAYOUT

- 2.4 Vehicular and pedestrian access would be afforded directly from High Street with a modern style gated 'cartway' entrance providing vehicular access to a retail servicing and residential parking area providing 20 spaces including a designated loading bay/space for the retail units. A separate pedestrian access would be provided from the street and through the building together with a dedicated refuse store and internal cycle storage.

- 2.5 The proposed building would be built to back of pavement and extend along the site's northern edge bounding the former 'Colliers' site that benefits from detailed consent for the erection of a retail superstore with outline consent for residential development immediately adjacent to the application site.
- 2.6 Beyond the easternmost element of the building there would be a private residential amenity area measuring 284.8 sq.m.
- 2.7 The proposed building would be three storeys high with retail stores provided either side of the curved entrance to the car park. The proposed building would be of a modern design with a flat roof, large shop fronts with large windows for the residential apartments above incorporating Juliette balconies. The principal facing material proposed would be brick. The rear elevation of the second floor would be cut back providing a contrast with the more rectilinear form of the levels below and there would be a cantilevered element within the courtyard.
- 2.8 Within the courtyard area some of the parking would be provided beneath the apartments at the northern edge of the site. The residential apartments would be served by two circulation cores with roof lights above.
- 2.9 At 19 spaces, the residential parking provision is at 73%.
- 2.10 Since the application's submission amended/further plans have been submitted that show deep window reveals and a parapet detail together with confirmation that curved glass (not faceted) is proposed adjacent to the vehicular entrance.
- 2.11 In addition to detailed plans and elevations a Design and Access Statement; an Archaeological Assessment; Heritage Statement; Noise Report; Transport Statement; Flood Risk Assessment and Financial Viability Assessment have been submitted in support of this application. The Transport Statement has been updated in response to comments made by officers and the amended layout plans.

2.12 [Link to Documents](#)

3 Site & Surroundings

- 3.1 The application site is currently occupied by three storey (two plus attic) late Victorian buildings and various outbuildings to the rear. The principal building consists of a terrace of five properties constructed as shops with domestic accommodation above. Whilst in a poor state of repair the existing buildings retain much of their visual interest with timber clad projecting upper floor gables, first floor bays and other period details such as a stone detail above the historic cartway entrance. The ground floor units are occupied by retail uses (hot food takeaway and a convenience store) with the remaining three units vacant. The upper floors are also currently vacant.
- 3.2 Buildings to the rear consists of a combination of a derelict two storey Victorian structure and single storey structures associated with a previous builder's merchants. The very rear-most part of the site (eastern end) is very overgrown.
- 3.3 In addition to the vacant former Colliers car showroom site to the north two storey commercial buildings share boundaries with the site (to the south).
- 3.4 The site is situated at the High Street's very northern end with the District Centre situated to the south. Designated heritage assets in the form of Highclare School

(Grade II listed), the Abbey and Abbey Hall (Grade II listed) and 24-26 High Street (Grade II listed) are situated within close proximity.

3.5 Site Location

4 Planning History

4.1 None relevant.

Former Colliers 'Sainsbury's' Site

4.2 25.07.2012 – Approval - 2011/08251/PA - Hybrid planning application (Part Full and Part Outline) comprising: 1) - Full planning application for a retail superstore (Class A1), 3 no. retail units (Class A1, A2 & A3), cash point (ATM's), car parking, public realm works, landscaping and associated works 2) - Outline planning application for approximately 15 residential units and 3) - Demolition of existing buildings

4.3 03.07.2015 & 06.08.2015 – Approval - 2015/03618/PA, 2015/03616/PA, 2015/03617/PA and 2015/03619/PA - Temporary change of use of former car showrooms (Sui Generis) to retail (Use Class A1) and food bank use for a period of 2 years

4.4 16.11.2015 – Approval – 2015/06560/PA - Application for a Lawful Development Certificate to confirm the full element of planning consent 2011/08251/PA has been implemented within the required time period

5 Consultation/PP Responses

5.1 Transportation Development – Transportation Development raises concerns regarding the impact of the proposal on the safety and free flow of the public highway. They consider that the proposed site access is unlikely to allow two-way traffic due to its width, question the practicality of the parking layout (consider there to be a conflict between manoeuvring servicing vehicles and spaces), note that the Transport Statement refers to the public parking on Hart Road which is likely to be lost when a new leisure centre is developed, that the practicality of the 27 cycle spaces needs to be demonstrated and that the proposal would impact upon the existing bus stop.

5.2 Regulatory Services – If committee are minded to approve, advise that the recommendations of the submitted amended noise report are followed and that sealed units and mechanical ventilation would be necessary to avoid noise issues. Also recommend conditions requiring prior approval of a land remediation scheme, provision of an electric vehicle charging point, noise insulation scheme and restriction of the operating hours for the proposed retail uses (08:00 – 20:00 Monday to Saturday and 09:00 -18:00 Sundays).

5.3 BCC Drainage Team – No objection subject to a condition requiring drainage details. Notes the SUDS information provided with this application, however considers that further detail is required regarding site conditions in order to determine the most sustainable drainage method.

5.4 Children, Young People and Families – No objection.

5.5 Leisure Services – A contribution of £81,200 should be provided towards provision/improvement of public open space and children's play facilities

- 5.6 Severn Trent Water – Raise no objection subject to the imposition of a condition requiring prior approval of drainage details. Notes that there is a public sewer crossing the site, and that the applicant should contact them about this issue.
- 5.7 West Midlands Fire Service – Initially objected as not all parts of the building could be reached within 45m of a fire engine parked on High Street. The applicant has now incorporated sprinklers into the design and on this basis have lifted their objection.
- 5.8 Site and Press Notices displayed. Neighbouring occupiers and Ward Members consulted with 8 objections from local occupiers received raising the following concerns:
- Development is unnecessary / no need for further flats in the Erdington area
 - Existing buildings should be retained and renovated / proposals are detrimental to the character of the area
 - Impact upon the setting of listed buildings nearby
 - Insufficient parking, and highway safety issues including proximity to junction and local schools
 - Inadequate policing for additional properties
 - Density and design
 - Negative impact on air pollution
 - Not in a sustainable location
- 5.9 Councillor Gareth Moore has requested that the application be heard at Planning Committee as it is out of character with the local area.
- 5.10 Councillor Robert Alden has objected to the scheme and has submitted a petition containing 102 signatures objecting to the proposals for the following reasons:
- Loss of buildings with historical significance and its detrimental impact on the character of the area
 - No further flatted accommodation is needed in the Erdington Area
 - Existing parking and litter problems with the existing units which are likely to continue should a hot food takeaway be included in the proposals
 - Existing buildings should be restored
 - Lack of parking, no demand for flats locally, loss of retail units, increased noise and traffic at a very busy junction

6 Policy Context

- 6.1 Birmingham Unitary Development Plan 2005; the submission draft Birmingham Development Plan; 'Places for All' SPG (2001); Places for Living SPG (2001); Car Parking Guidelines SPD (2012); Shopping and Local Centres SPD (2012); and the National Planning Policy Framework 2012.

7 Planning Considerations

POLICY

- 7.1 Policy 11.22 of the UDP recognises the importance of Erdington shopping centre to the area but notes the deficiency in car parking. Policy 11.23 recognises the good accessibility of the centre.

- 7.2 The site is beyond the defined boundary of the Erdington District Centre (Shopping and Local Centres SPD), although I note that it has previously been accepted that the Sainsbury's supermarket consent effectively extends the centre boundary north.
- 7.3 Chapter 2 of the NPPF seeks to ensure the vitality of town centres. It requires local authorities to recognise that residential development can play an important role in ensure the vitality of centres. Chapter 7 places good design at the heart of the NPPF's definition of sustainable development – for which there is a presumption in favour. The policy adds that proposals must respond to local character and history, provide safe and accessible environments and be visually attractive as a result of good architecture and appropriate landscaping.
- 7.4 Chapter 12 sets out policies in relation to the historic environment. It clarifies that local authorities should consider the significance of both designated and non-designated heritage assets and the desirability of sustaining and enhancing them by putting them into viable uses consistent with their conservation. It adds that where there is evidence of deliberate neglect or damage to a heritage asset, the deteriorated state of the asset should not be taken into account in any decision. It adds that account should be taken of the positive contribution that heritage assets can make and the desirability of new development making a positive contribution to local character and distinctiveness. Finally it adds that when considering a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Local authorities should not permit loss of whole...of a heritage asset without taking steps to ensure the new development will proceed after the loss has occurred.
- 7.5 The key material considerations for this application are the principle of the development design and heritage impact, amenity implications, viability and highway matters.

PRINCIPLE / HERITAGE

- 7.6 The principle of a mixed use scheme consisting of ground floor retail with residential above is appropriate to this location and therefore supported. The retail would provide an active frontage whilst the residential accommodation would secure occupancy of the upper floors. Whilst the site is edge of centre it currently accommodates residential use above retail.
- 7.7 The site is neither a listed building nor within a Conservation Area. I note that the applicant's supporting statement concludes that the existing buildings cannot be considered as heritage assets. My Conservation Officer considers that the buildings, despite their condition and undergoing various levels of alteration have merit and make a positive contribution to the streetscape and local distinctiveness of the High Street as surviving historic buildings of architectural interest. He adds that they make a positive contribution to the setting of nearby listed buildings and would prefer for them to be retained. Finally he adds that the existing buildings should be considered as non-designated heritage assets.
- 7.8 I concur with my Conservation Officer's conclusion that the buildings should be considered as non-designated heritage assets. I consider that the acceptability of their loss should be determined by the merits of the scheme proposed balanced against the impact of the complete loss of this non-designated heritage asset.
- 7.9 I consider that the amended scheme, with additional details securing a high level of design quality including deep reveals, curved glass and a parapet detail, represents a

modern, simple and elegant architectural approach to this site. The benefits of removing dereliction/vacancy and securing ongoing use and occupation of the site must be considered in the planning balance. The existing site is also constrained by the narrow site access and poor vehicular visibility. Finally the significant level of investment to bring the existing building back into use, and the viability issues that this is likely to present must also be given weight. I conclude that, on balance, the proposed scheme justifies the loss of this non-designated heritage asset and would have a neutral impact upon the setting of the listed buildings opposite and to the south. I therefore raise no objection in principle.

DESIGN

- 7.10 As concluded above, I consider that the proposal represents a modern and simple approach relying on fewer but well executed details such as the curved glass and window reveals. The use of brick as the principal facing material is supported. The 'U' shaped format is appropriate and makes best use of this rectangular site. I therefore raise no design-based objections subject to appropriate conditions safeguarding architectural quality.

AMENITY

- 7.11 The proposed apartments are of acceptable proportions, all exceeding the Nationally Described Space Standard. Apartments benefit from an acceptable outlook.
- 7.12 I consider the provision of a private amenity area of 284.8 sq.m acceptable and note that whilst that this area is distant from a number of units (particularly those at the front of the proposed development); it is in excess of the space typically achieved at in / edge of centre locations.
- 7.13 At 17.8-19.3m the distance between windowed elevations within the courtyard is short of the 27.5m guideline separation distance set out in Places for Living. I consider that as this distance is between new apartments that are part of the development, this is acceptable. The proposed development density is appropriate given the site's edge of centre location and makes the best use of previously developed land.
- 7.14 A condition is recommended to ensure that opportunities for landscaping are maximised within the proposed parking area to ensure that a safe and pleasant environment is created for future residents.
- 7.15 The site is subject to raised noise levels due to the busy road and entertainment noise from the public house opposite. Regulatory Services conclude that an acceptable acoustic environment could be provided in this location subject to those units on the High Street elevation having sealed windows and mechanical ventilation. I consider this represents a reasonable solution for these 6 no. units. I note the permitted use of the existing upper floors for residential purposes.
- 7.16 Additional conditions recommended by Regulatory Services are attached including a condition requiring an electric vehicle charging point. The proposed opening hours for the retail units are reasonable and would be less extensive than other commercial uses in the area (such as the Cross Keys public house obliquely opposite).
- 7.17 There are no overlooking, overshadowing or other material amenity implications for residential uses within the vicinity.

- 7.18 The detailed layout of the outline scheme to the north has yet to be established, however the previous proposals show a blank wall to this elevation and therefore the proposals would not prejudice the delivery of this scheme. The upper floor use of the adjacent properties fronting High Street is unclear, however I am satisfied that should there be any residential use here the proposals would not prejudice the amenity of these units. There is a dilapidated structure that would prevent any overlooking of this unit.
- 7.19 I therefore raise no amenity-based objections to the proposals.

HIGHWAY MATTERS

- 7.20 Transportation Development raises concerns regarding the impact of the proposal on the safety and free flow of the public highway. They consider that the proposed access is unlikely to allow two-way traffic due to its width, question the practicality of the parking layout (consider there to be a conflict between manoeuvring servicing vehicles and spaces), note that the Transport Statement refers to the public parking on Hart Road which is likely to be lost when a new leisure centre is developed, that the practicality of the 27 cycle spaces needs to be demonstrated and that the proposal would impact upon the existing bus stop.
- 7.21 In terms of the width of the access, I note that the proposal shows a much wider access way than the existing cartway on site and incorporates curved edges to improve visibility. I therefore consider this a safer layout to the existing site condition. I also note that the access is only around 11m long from the bell mouth to the car park area and that vehicles using the access will have a good level of forward visibility. Finally, the car park provides a total of 20 spaces and therefore the likelihood of vehicles coming into conflict is limited.
- 7.22 The amended Transport Statement demonstrates that the tracking for vehicles accessing the service bay within the rear parking area is satisfactory.
- 7.23 The Transport Statement has subsequently been amended to remove the reference to Hart Road. I do not consider that the loss of this pay and display facility would have a material impact upon the proposed development as it would be unlikely to form a viable long term solution for future residents to rely on for day-to-day use. The proposed replacement retail stores would be unlikely to generate any change in parking demand over the existing retail uses on the site. I also note the accessible nature of this edge-of-centre location and the availability of other publically accessible car parks such as to the rear of the High Street off Mason Road and the central reservation parking on Sutton New Road.
- 7.24 The proposed cycle parking facility comprises of a 12.6 sq.m room integrated into the development behind the retail store. There are opportunities for the installation of a cycle storage system that would maximise this space. In order to ensure that this space is effectively used I recommend a condition requiring the submission of details of this facility.
- 7.25 I note the impact upon the existing bus stop, with the proposed access conflicting with the existing marked out box. Amended plans showing this relocated to the north have been provided which may be feasible. Alternatively the stop could be relocated to another location further along High Street. I recommend a condition requiring a new location to be agreed prior to the commencement of the development.

- 7.26 I consider that in this location the on-site residential parking provision of 73% is appropriate and note that the site is close to a centre that is accessible via public transport. This level of provision would enable all two bedroom units to benefit from a parking space together with six of the single bedroom units. I am satisfied that, subject to suitable safeguarding conditions, the amended proposals would not prejudice the safety and free flow of the highway network and that the concerns raised by Transportation Development would not be sufficient to warrant refusal of the application.

S106 / FINANCIAL VIABILITY

- 7.27 This application triggers the threshold for affordable housing provision (35%) and public open space / children's play. I note that CYPF have not requested an education contribution from the development.
- 7.28 A Financial Statement has been submitted in support of the applicant's claim that any contribution would render the development unviable and therefore all Section 106 requirements should be waived in the interests of enabling the scheme to be delivered. This application has been the subject of robust independent appraisal and multiple revisions. The agreed report demonstrates that the scheme, without any Section 106 contribution, is marginal and produces only a very modest level of profit. Retaining the existing buildings in their current form is also unlikely to be financially viable in the longer term. Therefore whilst the scheme is unlikely to attract a commercial developer the scheme is likely to be the best long-term solution to this site for the current owner. I therefore concur with the report's conclusions that the scheme would not be viable in the event of any Section 106 contributions being sought.
- 7.29 It should be noted that the scheme is not in a 'high value' residential area and therefore would not attract a Community Infrastructure Levy Contribution following its implementation on the 4th January 2016.

PUBLIC CONSULTATION

- 7.30 In addition to the points discussed in detail above, I conclude the following in response to the comments raised through the consultation process. In respect of a lack of demand for / overprovision of flats in the area, the development contains an appropriate balance of smaller and larger types of accommodation in this edge of centre location and there the developer is not required to demonstrate a need for the development providing the principle of the proposals is in accordance with adopted policy. In terms of air pollution, this needs to be considered in the context of the existing permitted uses of the site, which include retail, residential and a builder's merchant. I therefore do not consider there to be a material impact upon air quality.
- 7.31 I do not consider that the proposal would impact upon litter in a material way and note that only A1 retail, not A5 is proposed. An A5 takeaway currently operates from the site.

8 Conclusion

- 8.1 I consider that whilst the existing buildings have historic and architectural merit the proposals, on balance, are acceptable and this application should be approved subject to appropriate safeguarding conditions.

9 Recommendation

9.1 Approval subject to the following conditions:

-
- 1 Requires the prior submission of a contamination remediation scheme
 - 2 Requires the prior submission of a contaminated land verification report
 - 3 Parking Management Strategy including an electric vehicle parking space
 - 4 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 5 Requires the prior submission of a drainage scheme
 - 6 Requires the prior submission of noise insulation (variable)
 - 7 Requires the prior submission of hard and/or soft landscape details
 - 8 Requires the prior submission of boundary treatment details
 - 9 Requires the prior submission of sample materials
 - 10 Requires the prior submission of a lighting scheme
 - 11 Requires the prior submission of level details
 - 12 Requires the prior submission of residential sprinkler details
 - 13 Requires the prior submission of curved glass, balcony and reveal details
 - 14 Requires the prior approval of the siting/design of the access
 - 15 Requires the prior submission of cycle storage details
 - 16 Requires gates to be set back
 - 17 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 18 Limits the hours of use of retail to 08:00 - 20:00 Monday to Saturday and 09:00 - 18:00 Sundays
 - 19 Prevents the retail use from changing use class
 - 20 Requires the scheme to be in accordance with the listed approved plans
 - 21 No obstruction, displays or signage fitted to shop front.
 - 22 Limits the approval to 3 years (Full)
-

Case Officer: Nicholas Jackson

Photo(s)

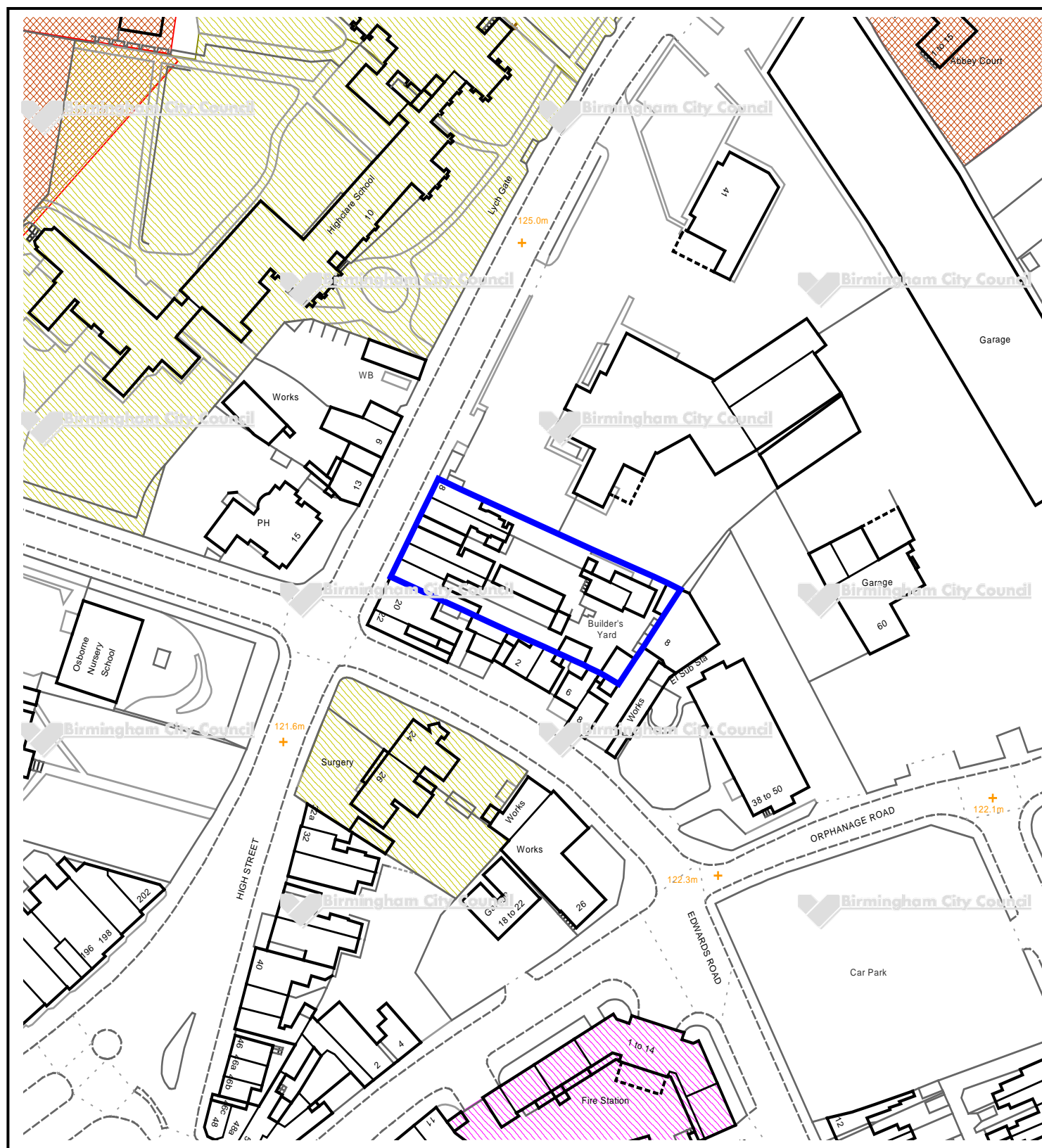


Figure 1 – Application site



Figure 2 – Adjacent Site

Location Plan



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Birmingham City Council

Planning Committee

31 March 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	15	2015/09050/PA Corner of Whittall Street and St Mary's Row City Centre Birmingham B4 6DH Hybrid planning application (part full and part outline) comprising 1. Construction of a four storey building for new clinical accommodation with associated support facilities and plant; and 2. Outline planning application for an extension to proposed building for D1 uses with approval sought for layout and scale and all other matters reserved.
Defer – Informal Approval	16	2015/08644/PA 30-33 Sherborne Street Edgbaston Birmingham B16 8DE Construction of part four and part five storey building to provide 21 apartments, means of access and associated car parking
Approve - Conditions	17	2015/09288/PA 93-99 Holloway Head Birmingham B1 1QP Change of use from warehouse (Use Class B8) to indoor sports and recreation (Use Class D2)
Approve - Temporary	18	2016/00234/PA Bromsgrove Street/Bristol Street City Birmingham B5 Installation of double-sided digital advertising totem

Committee Date:	31/03/2016	Application Number:	2015/09050/PA
Accepted:	23/02/2016	Application Type:	Full Planning
Target Date:	24/05/2016		
Ward:	Ladywood		

Corner of Whittall Street and St Mary's Row, City Centre, Birmingham, B4 6DH

Hybrid planning application (part full and part outline) comprising 1. Construction of a four storey building for new clinical accommodation with associated support facilities and plant; and 2. Outline planning application for an extension to proposed building for D1 uses with approval sought for layout and scale and all other matters reserved.

Applicant:	Birmingham Childrens Hospital NHS Foundation Trust
	Steelhouse Lane, Birmingham, B4 6DH
Agent:	BDP
	1 North Bank, Sheffield, South Yorkshire, S3 8JY

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1 A hybrid application has been submitted comprising a full application for the construction of a four storey building containing clinical accommodation that would link at ground floor to the existing adjacent hospital building and an outline application for the potential future expansion of the proposed building, with approval sought for layout and scale and all other matters reserved for determination at a later stage.
- 1.2 The proposed building is required to provide two functions. The first is to increase capacity and improve clinical efficiency to healthcare in the short to medium term (i.e. 3-10 years). The second is to provide a flexible building that would be adaptive to future requirements including the potential to remain as a stand alone clinic facility should Birmingham Children's Hospital (BCH) relocate out of the city centre. Hence the building has been described as the next generation building or the 'legacy' building as it would be the lasting legacy of the BCH on this site. It is however beyond the scope of this project to confirm the potential relocation of the Children's Hospital.
- 1.3 In terms of the short to medium healthcare function it is proposed that the building would provide the following:
 - Specialist blood bone and cancer inpatient facilities including single bedroom wards and a teenage cancer unit with an anticipated 12,621 occupied bed days;

- Specialist blood bone and cancer outpatient facilities including chemotherapy, stem cell transplant and haemoglobinopathy with an anticipated 10,441 day case attendances per year;
 - A new pioneering rare diseases unit with an anticipated 14,000 attendances per year; and
 - Three new ambulatory operating theatres providing 6,822 day surgery operations per year.
- 1.4 The application site is located at the corner of Whittall Street and St Mary's Row and previously accommodated a multi storey car park of 300 spaces serving the Hospital. The site is currently vacant after the car park was demolished last year and has an area of approximately 0.32 hectares.
- 1.5 The proposed building would be rectangular in shape set around an internal courtyard with the main entrance prominently sited to face Whittall Street. There would also be a secondary internal ground floor connection to the existing main hospital. This link would facilitate the short to medium term requirement to provide a clinical link for the new operating theatres and critical care unit, facilities management, staff and visitor connectivity. The four storey building, proposed within the full application, would measure approximately 40m by 59m at its widest points. Thereafter at the outline stage there is the possibility that the building be extended by another 15m to the rear. The proposed extension would be two storeys in height measuring a maximum height of approximately 9m above ground level.
- 1.6 A theme for the Legacy building has been developed drawing inspiration from Birmingham's canal network chosen as an analogy of the city's life blood, with strong accent colours drawn from traditional narrow boats notably to identify the key internal spaces externally on the facades. As part of the Children's Hospital it is proposed to be open, bright and welcoming
- 1.7 The proposed main entrance is the most dramatic element to the building stepping back from the pavement to provide public space around the entrance point. A cantilevered entrance is proposed to represent a cascade of water or a series of descending locks. It would be clad in an aluminium rainscreen with panels of three different shades of aquamarine / blue and an additional mirror finish panel to provide some reflection. The entrance would also accommodate a random pattern of vertical LED luminaires adding to the vertical linear effect, visual interest and ambient illumination.
- 1.8 Other than the aquamarine rainscreen the proposed materials would comprise of a dark blue brickwork plinth with grey fibre cement cladding above with the key internal spaces such as the play spaces plus the reception and waiting areas given prominence on the façade via the use of projecting bays expressed externally with simplified versions of the cascading rainscreen water feature.
- 1.9 The proposed brick plinth would also have bands of sawtooth brickwork between the windows and a scattering of blue ceramic glazed bricks to provide a flash of colour and interest.
- 1.10 Internally the building would have a pragmatic form that would maximise the efficiency of the available site to provide optimum clinical departmental and room adjacencies. The site levels drop by approximately 3m from Whittall Street to the

Dental Hospital to the rear to provide a basement to the rear of the building. The proposed floorspace would total 7,649 square metres over five floors as follows:

- Lower ground floor (level-01) – plant rooms
- Ground floor (level 00) – main entrance, rare diseases, office zone and staff changing facilities;
- First floor (level 01) - blood bone and cancer elective ambulatory patients and outpatient department;
- Second floor (level 02) - blood bone and cancer inpatient zone including teenage cancer and bone marrow transplant/stem cell transplant unit;
- Third floor (level 03) – theatre department and day case beds; and
- Roof top plant is also proposed including a ventilation fan reaching a height of 3 metres above the finished roof level. Part of this proposed plant would be behind a screen.

1.11 It should also be noted that the internal layout has been designed to enable the building to adapt to alternative future outpatient and/or surgical uses within minimal future intervention depending on the long term use of the building.

1.12 The proposed building would replace a previous 300 space multi storey car park. No specific or additional parking provision is proposed as part of the current scheme. Two or three vehicle drop off spaces and a dedicated ambulance bay are proposed on the street directly outside the entrance to facilitate easy access for patients and visitors.

1.13 The application has been submitted with the following supporting documents:

- Historic Environment Desk Based Assessment
- Flood Risk Assessment
- Travel Action Plan
- Site Investigation Report
- Extended Phase 1 Habitat Survey
- Air Quality Assessment Waiver
- Sustainable Drainage Assessment and Maintenance Plan
- Stage 2 Acoustic Report

1.14 [Link to Documents](#)

2. Site & Surroundings

2.1. The site sits at the junction of Whittall Street and St. Mary's Row in the north west corner of the main hospital campus. It has a boundary to the north east defined by the A38 St. Chad's Causeway, whilst to the south the campus is partly located within the Steelhouse Conservation Area and a number of Grade A locally listed red brick hospital buildings lie to the south east of the application site.

2.2. The nine storey dental hospital building lies to the east of the application site, the two storey Whittall Street clinic building and the seven storey Ronald McDonald House are both located to the north east between the application site and St. Chad's Queensway.

- 2.3 The campus accommodates an eclectic mix of building styles including historic locally listed buildings. The application site lies on the site of the previous St. Mary's Church and churchyard that occupied the site between 1774 and 1925 when it was demolished to enable the expansion of the, as then, General Hospital site. The original hospital opened in Steelhouse Lane in 1862 but then moved out of the city centre only to return in 1998.
- 2.4 The application site is also located within the Snow Masterplan area that provides a detailed framework for the future development of the area.
- 2.5 [Link to Site Location](#)
3. Planning History
- 3.1. 2015/00967/PA - Application for Prior Notification of proposed demolition of multi-storey car park
4. Consultation/PP Responses
- 4.1 BCC Transportation Development - No objection subject to the following conditions:
- agreement to a package of highway measures to remove the redundant footway crossings on Whittall Street with a footway and full height kerbs and to possibly amend the existing Traffic Regulation Order to provide defined ambulance bays for drop-off and pick-up activity
 - to provide details of the provision for the secure, and where appropriate, covered storage for cycles and motorcycles; and
 - to submit a construction travel plan to define the intended period of development activity, parking for site staff/operatives and delivery strategy.
- 4.2 BCC Regulatory Services - No objection to grant of this application subject to the inclusion of a condition to restrict noise from plant and machinery.
- 4.3 Local Lead Flood Authority (LLFA) – The implementation of SuDS on all developments is actively encouraged and the LLFA feel there are opportunities for inclusion of SuDS within the proposed courtyard in the centre of the development (permeable paving, rain gardens, filter drains etc.). It is noted however that there is limited potential to accommodate the required attenuation above ground in green/traditional SuDS features. The proposed attenuation volume noted to be between 99 and 141cu.m is acceptable, in principle, to the LLFA. Submission of the proposed drainage layout plan is required, including proposed attenuation volumes, SuDS features and discharge locations. Calculations are required, including proposed discharge rates, storage requirements and performance of the proposed drainage network (for all events up to and including the 100yr plus climate change event). Finally, while it is noted that some consideration has been given to the Operation and Management of the proposed surface water features further information is required. It is recommended to apply conditions to require the prior submission of a sustainable drainage scheme and a sustainable drainage operation and maintenance plan.
- 4.4 BCC Ecology – No objections subject to a condition to require biodiversity benefits.

- 4.5 Police - Any work should be carried out to the standards laid out in the Secured by Design 'Hospital 2005' guide. It is also recommended that a lighting plan for the site be produced and it should follow the guidelines and standards as indicated in 'Lighting Against Crime' guide.
- 4.6 Severn Trent Water –No objections to the proposals subject to the inclusion of as condition to require the submission of a foul and surface water drainage scheme.
- 4.7 Birmingham City Centre Management, Birmingham Civic Society, Employment Access Team, City Design Team, Local Action Groups, Community and Neighbourhood Forums, Local Councillors, the MP, Birmingham Public Health and Business Rates have also been consulted, neighbours have also been notified and a site notice and press notice have been posted however no responses have been received.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005, Draft Birmingham Development Plan 2013 and National Planning Policy Framework, Snow Hill Masterplan (2015), Steelhouse Conservation Area Character Appraisal.

6. Planning Considerations

The Principle of the Proposed Facility at this Location

- 6.1 The proposed building would provide additional modern, safe clinical facilities to supplement the existing BCH, and it is necessary for these facilities to be linked physically at ground floor to the adjacent hospital building. Therefore it is eminently sensible to site the building at this location.
- 6.2 It is however recognised that the inpatient, outpatient and surgical uses proposed within the short term (3-10 years) may move to another site out of the city centre at some point in the future and should this happen the building requirements would thereafter change to provide a different model of care. At present it is suggested that this would be an ambulatory outpatient or day case model of care potentially with a high volume of patients and low patient dependency. Considering the potential longer term aspirations it is still maintained that the City Centre would provide an appropriate location for this remaining healthcare facility.

Proposed Siting, Layout and Design

- 6.3 The submitted street scene for the full application indicates that there would be a stepped rise in the height of the existing buildings fronting Whittall Street towards the proposed building located at the corner of Whittall Street and St Mary's Row. The proposed siting of the building would be set in from the rear boundary facing the Dental Hospital by approximately 12m to 15m due an existing oxygen tank enclosure and accompanying service ducting leading to the main hospital buildings that must remain functional in the short term. Stand by generators are proposed to the rear of the proposed building in the vicinity of the existing stand-by generator serving the existing estate.
- 6.4 The main entrance with its cascading water design is proposed to the southern corner to provide maximum visibility towards the key arrival points from the city centre. It is the most clearly pronounced part of the building clad with the aquamarine aluminium rainscreen panels reaching a height of approximately 19.5m.

- 6.5 The proposed windows would be simple punched square openings with consistent head and sill levels placed in randomised positions dictated by the internal arrangement, with the key internal spaces such as receptions, waiting areas and play spaces given prominence on the façade via the use of colourful projecting bays. These would be given the same external treatment as the proposed cascading water feature at the entrance, with the projecting bays protruding by 2.3m to 3.3m from the external elevations.
- 6.6 A significant amount of plant and machinery is necessary to serve the building including extract ventilation fans for the eight isolation patient rooms that would rise 3m above the finished roof level. Part of the roof top equipment would be screened by dark grey panels with the exception of the front elevation where the equipment is set back behind a proposed brown roof.
- 6.7 It is considered that the siting and height of the proposed building is appropriate to its context with an exciting design and materials to accentuate the key elements and to announce the contrasting dramatic entrance.
- 6.8 The proposed detailed design of the potential extension within the outline application is reserved for determination at a later stage as the long term use of the building is not as yet confirmed. The siting of the potential extension has however been chosen to pay regard to the Snow Hill Masterplan as explained below.

Snow Hill Masterplan

- 6.9 The adopted Masterplan presents a short (2014-18) and medium to long term (2013-31) strategy for the Steelhouse Lane area. The aim of the Masterplan is to maximise the development of the Snow Hill district and transform its environmental quality. It seeks to provide a clear urban design framework for the redevelopment of the area, improve connectivity via public transport, walking and cycling and transform the public realm.
- 6.10 It is necessary to ensure that the proposed legacy building acknowledges the Snow Hill Masterplan in the short and long term and would not compromise its aims. It is however complicated as the proposed building has a short to medium term and a medium to long term purpose, with the medium to long term purpose as yet unconfirmed. From the outset it is recognised that the proposed footprint of the building could conflict with the indicative layout plans within the Snow Hill Masterplan, as it would dissect and cover half of a proposed new area of open space identified as St. Mary's Place.
- 6.11 In the short to medium term the proposed Legacy building would sit within the existing hospital estate to provide enhanced clinical capacity and efficiency to the hospital, and this is presented in the full part of the hybrid application. The proposed south east elevation shows how the building would address a re-orientated St. Mary's Place.
- 6.12 In the medium to long term the purpose of the building would change according to the location of the hospital. Firstly should BCH move to another location the building would fulfil a legacy function and would be retained to provide a standalone clinical presence within the city centre. This would require an extension to provide additional staff welfare, waste and catering facilities for staff and visitors, and the potential for this extension is acknowledged within the outline part of the current application. Acknowledging the potential conflict between the proposed siting of the Legacy building and the siting of proposed St. Mary's Place within the Masterplan

the applicants have provided drawings to demonstrate how the potential two storey extension could provide an active frontage to a re-orientated St. Mary's Place. These drawings acknowledge that the possible extension could provide a new restaurant or café for use by staff and visitors.

- 6.13 Secondly in the alternative scenario BCH would remain at its current Steelhouse Lane location, and therefore the proposed building would need to fit into a phased new build solution to the hospital's future needs. Again illustrations have been submitted to suggest how the Legacy building could develop under these circumstances to fit in with the Snow Hill Masterplan objectives. Such a scenario may not require an extension, as indicated within the outline application, whilst the proposed open space layout within the Masterplan could be re-configured to provide St. Mary's Place in an alternative position directly linking to another proposed area of open space identified fronting Printing House Street.
- 6.14 Regardless of the long term use of the proposed Legacy building it would create a high quality and active BCH presence on Whittall Street that would define the north east corner to the Printing House Street open space. It is also considered that the application provides sufficient comfort to illustrate how the proposals would respect the aspirations of the Masterplan in the longer term.

Highways

- 6.15 Following the closure of the 300 space multi storey car park on the application site (260 staff / 40 visitor spaces) there are now only 51 parking spaces within the campus, and the eligibility criteria for car park passes has been re-visited. From July 2015 NCP became the prime car park provider for the Hospital, providing 135 essential staff parking spaces in the nearby NCP Royal Angus or Londonerry House.
- 6.16 However whilst the capacity, efficiency and quality of accommodation is proposed to be improved staff numbers would remain unchanged and the number of primary journeys to and from the overall site would likewise be unaffected.
- 6.17 There are 15 public and private car parks within 500m walking distance of the application site providing a total in excess of 3650 spaces. Colleagues in Transportation acknowledge that a Travel Plan has been developed and BCH participates in the Smart Network Smarter Choices project implemented by Centro and Birmingham City Council. The aim of the project is to assist West Midlands employers to promote sustainable travel to their employees. It is also recognised that the existing footways and pedestrian routes are sufficiently wide to accommodate an increase in pedestrian movements whilst the site is well located to give access to public transport services and public car parking provision.
- 6.18 The applicants are seeking to change the parking controls on Whittall Street to provide an ambulance space as well as space for two or three other vehicles to drop-off and pick-up. No objections have been raised with respect to the loss of parking or to the use of Whittall Street as a drop off zone subject to conditions to secure a package of highway measures regarding Whittall Street, to provide details of storage for cycles and motorcycles and to submit a construction travel plan. These conditions have been attached.

Impact upon Heritage Assets

- 6.19 It is acknowledged that the application site lies close to the Steelhouse Conservation Area and the red brick and terracotta locally listed buildings that also form part of

BCH. Since its original submission the design of the proposed building has been amended to show a range of alternative materials, and whilst it is acknowledged that it would be of a contemporary design it is considered that would not harm the significance of these heritage assets and my conservation officer concurs.

- 6.20 A desk based archaeological assessment has also been submitted that concludes that taking into consideration the substantial past impacts within the proposed development site, the potential for the survival of below ground archaeological deposits from any period would be low. My Conservation Officer agrees and therefore no archaeological conditions are required.

Other Environmental Matters

- 6.21 The submitted air quality report acknowledges that the application site lies within the Birmingham Air Quality Management Area, and therefore in order to mitigate the potential harmful effects of air pollutants the building would be fully mechanically ventilated and would have no opening windows. Regulatory Services have raised no objections to this approach subject to a condition to restrict noise from the proposed plant and machinery.
- 6.22 No objections have been raised with respect to land contamination and BCC Regulatory Services have confirmed that there is no need for any further site investigation.
- 6.23 The site is located in Flood Zone 1, the zone assessed as having a less than 1 in 100 annual probability of flooding in any one year. In terms of drainage it is proposed that storm drainage flows are attenuated on site below the ground within the courtyard area, however the fine detail of the drainage scheme and its future maintenance are not known at this time. Therefore in accordance with the advice from the LLFA and Severn Trent Water conditions to require further details are attached.
- 6.24 The submitted habitat survey advises that the site currently offers very little value to wildlife and that there should be no impact on biodiversity. However whilst there are no records of protected species on the site there are a significant number of records of Black Redstart and a number of peregrine falcon sightings recorded around the site.
- 6.25 In accordance with the original advice offered by my colleagues in ecology the revised plans includes two areas of brown roofing that would be beneficial to Black Redstarts and pollinator insects. Therefore a condition to secure their design, implementation and retention is attached.

7. Conclusion

- 7.1. The proposed application would provide a much needed clinical facility within the BCH campus. It is of an eye catching design that would not only provide an active and attractive frontage to Whittall Street but acknowledges the aspirations of the Masterplan through the outline application demonstrating that the scheme could, in the longer term, maintain a network of re-configured open spaces through the Masterplan area.

8. Recommendation

- 8.1. Approve subject to conditions.

1	Limits the approval to 3 years (Full part of application)
2	Requires the scheme to be in accordance with the listed approved plans
3	Requires the prior submission of sample materials (Full part of application)
4	Requires the prior submission of window details (Full part of application)
5	Requires the prior submission of screening to generators (Full application)
6	Limits the noise levels for Plant and Machinery (Full and outline part of application)
7	Requires the prior submission and completion of works for the S278/TRO Agreement (Full application site)
8	Requires the prior submission of cycle storage details (Full application site)
9	Requires the prior submission of a construction method statement/management plan (Full application site)
10	Requires the prior submission of a sustainable drainage scheme (Full and outline application)
11	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
12	Requires the prior submission of details of green/brown roofs (full application site)
13	Prior submission of lighting scheme (full application site)
14	Limits the approval to 3 years (outline approval)
15	Requires the submission of reserved matter details following an outline approval
16	Details of closure of Ground Floor Link

Case Officer: Julia Summerfield

Photo(s)

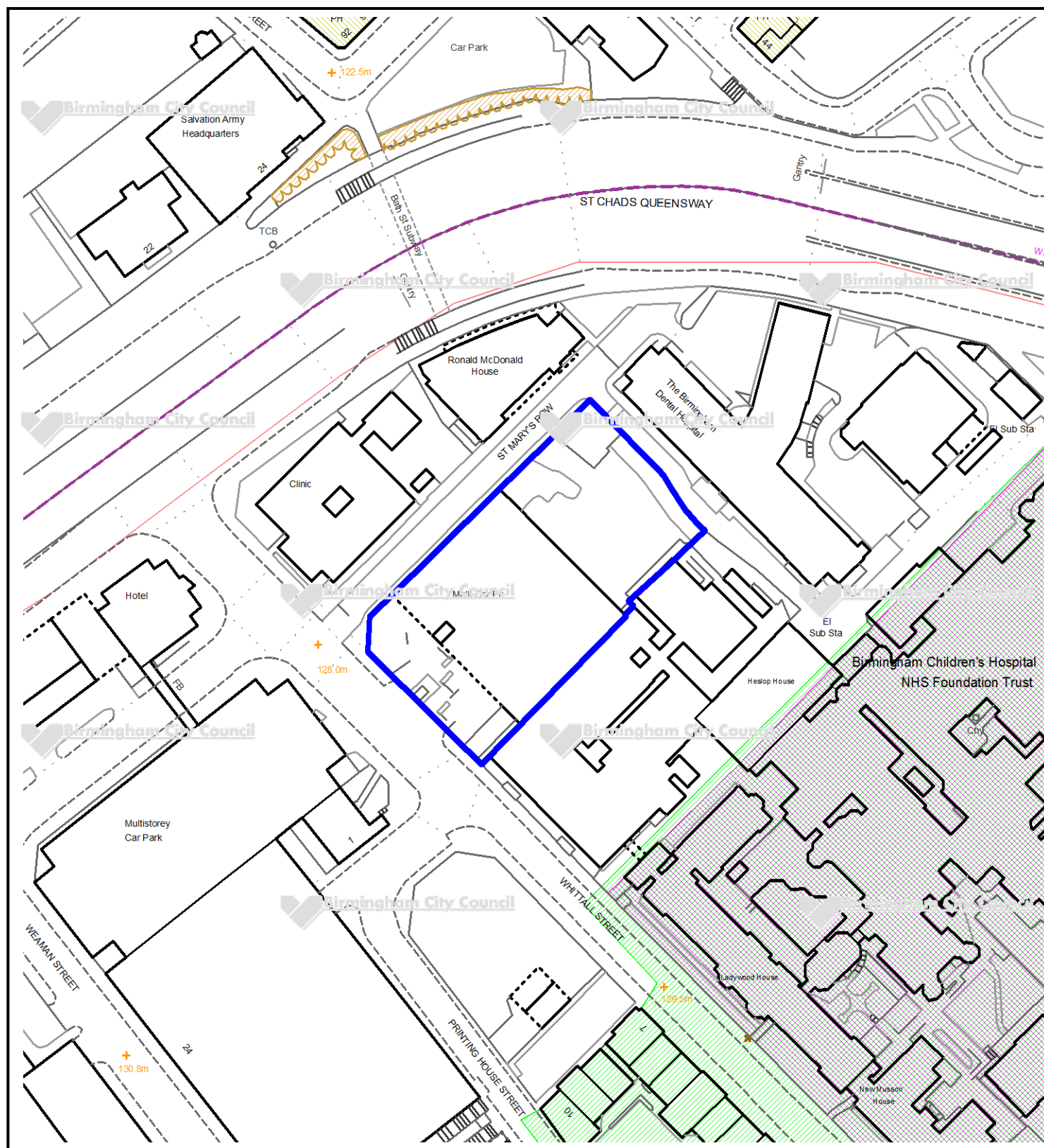


Looking into the site from multi storey car park on Whittall Street



Looking into the site from multi storey car park on Whittall Street

Location Plan



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Committee Date:	31/03/2016	Application Number:	2015/08644/PA
Accepted:	20/11/2015	Application Type:	Full Planning
Target Date:	19/02/2016		
Ward:	Ladywood		

30-33 Sherborne Street, Edgbaston, Birmingham, B16 8DE

Construction of part four and part five storey building to provide 21 apartments, means of access and associated car parking

Applicant:	Inland Limited Decimal Place, Chiltern Avenue, Amersham, Buckinghamshire, HP6 5FG
Agent:	Mr Richard Brown 18 Redwood, Burnham, Buckinghamshire, SL1 8JN

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1 The current application seeks consent for the construction of 21 apartments comprising a mix of eight one bed and 13 two bed units within a single building. The proposed development fronting Sherborne Street would be four storeys in height with a five storey block recessed from the front. The application site is currently vacant except for a row of parking at the front of the site and has an area of approximately 0.12 hectares giving a proposed density of 175 dwellings per hectare.
- 1.2 The proposed site plan indicates the provision of a building in the centre of the broadly rectangular shaped site orientated south west/north east, set back from Sherborne Street by approximately 2.6m. The predominant material within the scheme would be brick with timber cladding introduced to the stepped back fifth storey element wrapping around the south elevation of the building.
- 1.3 The proposed apartments would be accessed via a single corridor with the majority of proposed habitable windows facing the existing residential development to the north. The one bedroom units would range in size from 47 to 58 sqm with the two bedroom units ranging from 63 to 71 sqm. The two bedroom fourth floor apartment is an exception and would provide 91 sqm of gross internal floorspace.
- 1.4 Five of the units at first floor would have access to individual areas of private amenity space adjoining the north elevation ranging from 17 to 46 sq.m. in area whilst a separate area of private amenity space for unit 21 located on the fourth floor would have a roof terrace of 26sq.m.
- 1.5 Vehicle access is proposed off Sherborne Street to the south of the building leading to a total of 22 spaces inside of the building at ground floor level and a single space located at the end of the private driveway. An area at ground floor inside the building illustrates the provision of 21 covered cycle stands.

- 1.6 The application is accompanied by the following documents:
- Design and Access Statement;
 - Transport Assessment;
 - Archaeological Desk Based Assessment;
 - Heritage Assessment;
 - Planning Statement;
 - Flood Risk Assessment;
 - Statement of Community Involvement;
 - Construction Dust Assessment;
 - Air Quality Screening Report;
 - Noise Assessment Report;
 - Biodiversity Report;
 - Foul Sewage Assessment;
 - Phase 1 Environmental Report (land contamination)
 - Review of Scheme Viability;
- 1.7 In addition the applicant has submitted a financial appraisal to justify not fully meeting the planning obligation policies but has offered a financial contribution of £70,000.
- 1.8 [Link to Documents](#)
2. Site and Surroundings
- 2.1 The broadly rectangular shaped site has a frontage of approximately 25.4m to Sherborne Street. The application site has a depth extending from approximately 39 to 50m where at the rear of the site an existing warehouse building is located, beyond which is Sherborne Wharf leading to the Sherborne Canal Loop. A five storey residential development at 128 Morville Street, also known as Jupiter 1 lies to the north west whilst residential developments known as Jupiter 4, 3 and 2 lie on the opposite side of Sherborne Street reaching six and seven storeys in height. A part single part two storey residential property lies at 1 Sherborne Gate to the south east of the site.
- 2.2 [Link to Site Location](#)
- 3 Planning History
- 30 – 33 Sherborne Street
- 3.1 2011/00640/PA – Outline planning application for the erection of 7, three storey dwellings in two terraced groups with ancillary parking and access – Approved 28/03/2011
- 3.2 C/04640/07/RES – reserved matters pursuant to application C/03550/02/OUT for the siting, design, external appearance and means of access for the erection of 21 unit residential scheme of apartments with associated car parking at 30-33 Sherborne Street – Approved 09/12/2005
- 3.3 C/05884/06/RES – reserved matters for 24 unit residential scheme at 30-33 Sherborne Street – Refused 22/12/2006

- 3.4 C/02484/05/FUL – Variation of condition on application C/03550/02/OUT for submission of reserved matters from 2 to 4 years and commencement of development from 3 to 5 years - Approved 15/06/2005
- 3.5 C/03550/02/OUT – Residential development at 30/33 Sherborne Street subject to a Section 106 Agreement requiring affordable dwellings to be provided as the development is for 25 or more units and that a contribution of £800 per bedroom be paid for environmental improvements in lieu of public open space – Outline application approved 26/06/2003
- Sherborne Street Depot
- 3.6 2015/07052/PA - Reserved matters application for landscaping in connection with application 2012/04442/PA for erection of 31 x 3 bedroom and 4 x 2 bedroom townhouses with associated parking. Approved 13/11/2015
- 3.7 2012/04442/PA - Outline application with details of access, appearance, layout and scale for determination and landscaping reserved, for the construction of 31 x 3 bedroom and 4 x 2 bedroom town houses with associated parking. Application approved 26 September 2012 subject to a Section 106 Agreement to secure six shared ownership units, a contribution towards public realm improvements or public open space and the availability of a pedestrian route for public use in the future being secured by lockable gates until a time when the adjoining land at Sherborne Wharf is redeveloped.C/04027/00/FUL – Refurbishment of Sherborne Mill and new buildings to provide 114 apartments, art gallery and commercial unit falling within A1, A2 and A3 – Approved 20/06/2001
- 1 Sherborne Gate
- 3.8 C/06186/01/FUL – Conversion of offices to dwellinghouse at 1 Sherborne Gate – Approved 28/02/2002

4 Consultation/PP Responses

- 4.1 BCC Transportation – No objections subject to the following conditions:
- No development shall take place until a package of highway measures have been agreed with the Local Planning Authority and all necessary consents, licenses, permits or agreements have been completed or obtained in respect of such measures. The package of measures shall include the new site access, reinstatement of the redundant crossing, and the removal of build-out with Traffic Regulation Order (TRO) alterations. The alterations are to be carried out at the applicants' expense to Birmingham City Council specification.
 - The building shall not be occupied until vehicle parking has been constructed, surfaced and marked out in accordance with the approved details and that area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles.
 - The covered bicycle/motorcycle storage spaces shown on the approved drawing titled 'Proposed Ground Floor Plan' shall be provided before occupation of any apartment on the site and shall thereafter be retained.
- 4.2 BCC Leisure Services – In accordance with the Development Plan this scheme of over 20 residential units would be liable for an off-site Public Open Space (POS)

contribution. An off-site play area contribution would not be applicable as this scheme is within the city centre and therefore not regarded as family accommodation. It is likely that the contribution be spent on the provision, improvement and/or maintenance of Ledsam Street and Ryland Street POS within the Ladywood Ward.

- 4.3 Severn Trent Water –No objections to the proposals subject to the inclusion of a condition to require the submission of and agreement to drainage plans for the disposal of foul and surface water flows prior to the commencement of development. The agreed plans should be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

It is advised that there may be a public sewer located within the application site and the applicant is encouraged to investigate this. The applicants should note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water to discuss the proposals who will seek to assist in obtaining a solution which protects both the public sewer and the building.

- 4.4 West Midlands Police - It is noted that the application would provide 22 secure parking spaces and a reasonable cycle storage provision for the development. This provision would appear to be appropriate. It is also recommended that:
- Each individual flat is treated as a separate dwelling for the purpose of the standards of door security;
 - Any work relating to the dwellings is undertaken to the standards laid out in the Secured by Design 'New Homes 2014' guide;
 - a lighting plan for the site is produced, particularly around the cycle storage facilities, the parking areas and the entrances to the residences. Any lighting scheme should follow the guidelines and standards as indicated in the 'Lighting Against Crime' guide;
 - a suitable access control system is installed throughout the site, one which restricts entry to the parts of the building to those residents that need it, i.e. to the area of the floor they reside in, and to any communal areas only;
 - CCTV cameras are installed to cover all exterior boundaries of the site, all entrances, the car parking areas, cycle storage areas and an internal image showing anyone entering the site through any of the entrances / doors. Any images should be securely held for a minimum of 31 days. Any system should be to Home Office approved standards;
 - Clarification is also sought as to the proposed boundary treatment between the south-eastern corner of car park and the alleyway that leads to Sherborne Street. The Proposed Ground Floor Plan Drawing appears to show the alleyway as being open.

- The design of the entrance, and lobbies, to the site will effectively allow an air-lock effect to be created, which could assist in making legitimate users more aware of offenders attempting to tailgate. This is, obviously, supported.

- 4.5 Local Lead Flood Authority (LLFA) - The proposed discharge rate of 5 litres per second is acceptable. The LLFA actively promote and encourage the implementation of sustainable urban drainage schemes (SuDS) on all developments, and require evidence of the use of sustainable drainage principles and exploration of suitable SuDS to achieve the three key principles of SuDS quantity control, biodiversity and amenity value. The proposed use of a green roof and permeable paving is, in principle, acceptable to the LLFA.

Infiltration testing is required to determine if there is potential for infiltration on this site, should infiltration be proven to be viable revision of the drainage system may be required.

Proposed finished floor levels should be designed to mitigate the risk of flooding to people and property. The LLFA recommend that all property Finished Floor Levels (FFLs) should be set to a minimum of 150mm above surrounding ground levels, as noted in the Flood Risk Assessment. A plan showing proposed FFLs and surrounding ground levels is required.

Consideration should be given to exceedance flows (greater than 1 in 100 year plus climate change rainfall events). Evidence (layout/flow plans, calculations and/or simulation results) should be provided with all applications, to ensure that the surface water flood risk associated with exceedance events has been mitigated on- and off-site. Typical details/cross-sections with regard to the proposed surface water features (permeable paving, green roof) have not been included and are required. Calculations are required, including proposed discharge rates, storage requirements and performance of the proposed drainage network (for all events up to and including the 100yr plus climate change event). An operation and maintenance plan is required, which should include:

Therefore it may be appropriate to object to this application as the information provided does not meet the requirements for Sustainable Drainage, alternatively a condition requiring the necessary details and agreement could be applied.

- 4.6 BCC Ecology – The site has few ecological restrictions in terms of development beyond the need to either remove the existing vegetation outside of the main nesting period (March to Sept inclusive) or have a pre clearance check carried out by a suitably experienced ecologist if site clearance is outside of this period. A condition should be attached to require an Ecological Enhancement Strategy scheme for the provision of biodiversity / brown roofs.
- 4.7 BCC Regulatory Services – The site is a medium category for air quality impact and no objections are raised with respect to the potential impact of noise from road traffic, activities at Sherborne Wharf and nearby entertainment venues. There are however some concerns over the noise report and its recommendations. For example:
- noise levels measured over different periods have been arithmetically averaged. The values of LAeq between these periods are quite different. A longer term LAeq might be very different to the arithmetic average of these measurements.
 - a measurement between 21:50 and 23:00 is not considered representative of daytime noise levels at position 2.

- there are no details of the break in calculations. From the table in Appendix B it is not straightforward to determine which facades are those that should provide an overall insulation of 49 dB as suggested however there is no data to show the suggested glazing specifications would provide 49 dB Rw+Ctr.

The following conditions should be attached:

- Submission of a contamination remediation scheme and verification report;
- Maximum Noise Levels for plant and machinery;
- Glazing and ventilation to habitable areas shall be installed as specified in Appendix B of Wardell Armstrong noise assessment reference 11046 of October 2015;
- provision of a vehicle charging point;
- Car parking charges shall not be permitted until details of a differential charging scheme based on vehicle emissions have been submitted to and approved in writing by the Local Planning Authority. The approved charging scheme shall be implemented for any parking charges at the development and thereafter maintained;
- details of designated parking spaces for low emission vehicles;
- travel plan to discourage use of high emissions vehicles and encourage a modal shift including cycling/walking/uptake of low emission fuels and technologies.

4.8 Canal and Rivers Trust - The proposed development of a five storey residential building is characteristic of the surrounding area. We note that a similar development was approved in 2007 and we do not object to a development of this type in this location. We would welcome a watching brief by an archaeologist as the site fronts on to what is now a basin. We can confirm that the applicant has held discussion with the Trust and the discharge of surface water into the canal is acceptable in principle. We would like the applicant to consider incorporating some bee friendly species with the landscaping proposals in accordance with the Trusts wider theme in this part of the Birmingham. Any external lighting should be friendly and non-intrusive with no light spill onto the waterway. Informatives are recommended to ensure that any necessary consents are obtained from the Trust.

4.9 MP, Ward Councillors, Birmingham Civic Society, Birmingham City Centre Management, Birmingham Public Health, Housing Department, Employment Access Team, Business Rates, Education, Trafalgar Area Action Group, Gas Street Resident Groups and Central Ladywood Neighbourhood Forum, Central Ladywood Community Forum, City Centre Neighbourhood Forum, Warwickshire Gardens Trust, Sandwell & West Birmingham Clinical Commissioning Group, Inland Waterways Association have also been consulted but no responses received.

4.10 In response to the site notice, press notice and neighbour notification procedure a total of 27 letters have been received. One letter in support and 25 objecting to the scheme, although 7 neighbours have written twice or more.

4.11 The neighbour in support makes the following comments:

- The current site is an eye-sore and the ideal solution would be for it to be landscaped and turned into a public green space;
- The long-term benefit of having the site developed far outweighs a couple of years of inconvenience from noise and disruption;
- Pleased to see that the scheme will provide roughly 1 cycle parking space per apartment. The separate entrance for cycles is a nice design feature too.
- This new apartment will not make the current parking situation any worse and there is going to be a residents' parking scheme that will solve the issue. There is little need to use a car for residents living on this street, and many residents do not have a car.

4.12 The neighbours objecting to the proposals raise the following concerns that have been summarised below:

IMPACT UPON NEIGHBOURS

- It will have an adverse effect and is unacceptable in terms of overlooking, loss of privacy and loss of view;
- The entire side of the building of 128 Morville Street (Jupiter 1) has near floor to ceiling windows, and balconies facing the proposed development and therefore all light into the adjacent apartments come from this side and as such a tall building would block this completely;
- The proposed building sits so close to the apartment building (Jupiter 1) that any windows facing would be able to overlook from just a few metres away. In order to avoid residents being able to see straight into each other's apartments there would have to be either no windows on the wall backing onto 128 Morville Street (Jupiter 1), or frosted glass throughout. Is this something incorporated into the plans?;
- Planting proposed provides inadequate screening for all but the very lower levels; even that is limited and does not address the issue;
- There is little reference to finished levels and it is not possible to compare against Jupiter 4 levels but it appears a person standing on the proposed development roof terrace will have direct sight to the penthouses' bedroom windows in Jupiter 4 and 1;
- The Daylight & Sunlight report fails to recognise the total/correct number of floors in Jupiter 1 and 4, and no assessment is given to the top floors in either, and as such the report is incomplete. Whilst the proposed development is said to be one storey less than Jupiter 4, as there are no comparative levels given it cannot be ruled out there will not be an issue without further evidence given;
- The outline planning permission for 7 townhouses on this site would have had a lesser impact on neighbouring properties and the street
- The development would be 3m away from the adjacent property (1 Sherborne Gate) whereby there is hardly any room to open both doors of a car;

- The neighbour from the adjacent property (1 Sherborne Gate) will be faced with cars and headlights on a constant basis and the associated noise from such a narrow canyon besides my home;
- The applicant has appeared to use the 2007 as a benchmark but has increased the height of the building; also the proposed development would be closer to adjacent property (1 Sherborne Gate) in terms of the bedroom window, the balcony window, the garden boundary, the skylights in the conservatory and closer to the pavement alongside Sherborne Street. All of this creates an even greater impact;
- The windows in the proposed south elevation would not be opaque and would interfere with the privacy of my home and my garden. The application should be amended to remove any windows facing 1 Sherborne Gate;
- The Authority has issued a guidance document Places for Living which I understand can vary but I maintain there is no precedent in the vicinity to have such short distances. The Jupiter development opposite has a minimum of 10m between facing windows, in my case I will be facing a 15.5m building 3m away in some areas;
- What benefit will this bring to the city? This is a block of 21 flats and therefore no Section 106 contribution. The block would provide 1 and 2 bedrooms small in size therefore likely to go for the buy to let market and would not cater for families but transient population only;
- The development should be curtailed in terms of units and height so that it sits within the existing built environment, complimenting it instead of destroying it. A maximum of 3 storeys should be allowed and the building should be set back some 10m from Sherborne Street frontage with a minimum distance of 12 metres from the end of my conservatory with a distance of 17.5m maintained between the development and the first floor windows to 1 Sherborne Gate;

NOISE & DUST

- The existing balconies, roof gardens and terrace outdoor spaces are not recognised in the noise survey or the construction dust report. Stating *"Contractors will be obliged to sign up to the Considerate Contractors Scheme"* does not go far enough;
- The Council must insist on property management of the site during the construction period including covering the site to keep dust from blowing out onto Sherborne Street;
- What times will they be working from and to? Will they be making noise outside of the traditional working hours? Will they be working during the weekends?;
- There are obvious concerns with regards to noise, pollution and dust during construction;
- Their sound review does not reflect true life and needs to be reviews at a realistic time of day, not when everybody is at work;

LOSS OF GREEN SPACE

- There is loss of green space and the proposed development has insufficient landscaping to counterbalance this loss;

HIGHWAYS & PARKING

- There is inadequate parking proposed along a street already having a serious parking issue with particular congestion between the hours of 7 – 9:30, 4:30pm to 6:30pm. Carrying out a review at 10:45am does not provide a realistic picture;
- With only having one parking space per apartment, despite the fact some of the proposed apartments are to be two-bed, plus the fact many one-bed apartments will have two car owners, combined with the fact that the currently available parking for around a dozen or so vehicles would be removed, have they considered creating more parking within the development to address this issue?;
- There is no visitor parking;
- It is not demonstrated how construction traffic will be managed with construction traffic parked/blocking the road, rather than being able to go onto site;
- The area is currently blighted by parking issues that the City Council are seeking to solve, there is a huge issue associated with a very high population density with another 31 homes approved within 50m of this site. This has already caused issues with access for emergency vehicles and council vehicles and fatal accidents have occurred;
- Why was only a Road Safety Audit (RSA) stage 1 undertaken and not a RSA 2? The RSA includes conflicting designs for the entry and egress for the development. It is based on an isolated visit;

OTHER

- Potential loss of property value for neighbouring apartment owners;
- This site is not in the UDP or other development plans;
- Unconvinced that the local electricity, water and sewage systems are adequate to support the new apartments;
- Most apartments are not owner occupied and tenants are likely to be apathetic to long term issues hence the response will be low and the timescale for a response unfortunately did not allow the board of developments to convene a meeting thus it is doubtful that a true response is gained from neighbours;
- The neighbour has a right to pass and repass over part of the application site which makes it quite impossible for the building to occur;
- The pedestrian gate shown to the existing passageway to the rear of the site could not be attached to the adjoining property as it does not allow for free and uninterrupted access along the passageway and sufficient maintenance space;
- The height of the proposed development would affect my prescriptive rights to unhindered rights of light and air; and
- The proposal results in a loss of canal view.

5 Policy Context

- 5.1 The Birmingham Plan (2005), The Birmingham Plan (2031), Sherborne Street Development Brief SPG (2000); Places for Living (2001), Places For All (2001), Public Open Space in New Residential Development (2007), Affordable Housing SPG (2001), Car Parking Guidelines SPD (2012), the National Planning Policy Framework (NPPF).

6 Planning Considerations

The Principle of a Residential Use on the Site

- 6.1 The planning history reveals that the site has received reserved matters approval for 21 apartments in 2008 and outline consent for seven three storey dwellings in 2011 both of which have since expired. Therefore the principle of residential development has been accepted previously.
- 6.2 Reference has been made previously to paragraph 15.49A of the Adopted Development Plan where residential development should make use of the opportunities presented by canalside locations and the Sherborne Loop is noted.
- 6.3 The Sherborne Street Development Brief SPG remains extant and endorses the principle of further residential development particularly adjacent the canal.
- 6.4 Since the date of the last approval in 2011 the Government has introduced the NPPF. This national planning guidance states that housing applications should be considered in the context of the presumption in favour of sustainable development, and it encourages the effective use of land by reusing land that has been previously developed.
- 6.5 Again since the date of the last approval the City Council has produced the emerging Birmingham Development Plan 2031, which has significant weight. One the Plan's objectives is to make provision for a significant increase in the City's population with the redevelopment of brownfield sites seen as a priority. Policy GA.1.1 promotes the City Centre and Westside and Ladywood as the focus for retail, office, residential and leisure activity. Furthermore the site lies outside but close to the Greater Icknield area of growth where Policy GA2 supports the provision of 3000 new homes.
- 6.6 It is therefore considered that there continues to be in principle support for redeveloping the site for residential development. There are however more detailed matters including the height and scale of the development and the impact upon neighbouring properties.

Proposed Height and Scale of the Proposed Development

- 6.7 The Sherborne Street Development Brief SPG states that development should demonstrate a sensitive relationship and scale to the surrounding housing area and should define the street, be built up to the back of pavement, create a strong sense of presence, respect the surrounding area in terms of scale, character and design and be of appropriate height generally indicated as 3-4 storeys.
- 6.8 Since the SPG was adopted much of the area surrounding the site has been redeveloped with apartments ranging in height from four to seven storeys, therefore exceeding the heights recommended in the SPG. Specifically the adjoining site to the north west known as Sherborne Mill or 128 Morville Street or Jupiter 1 was

originally a four storey building but has since been extended and converted to form a five storey residential development. Again on the opposite side of Sherborne Street there are buildings ranging from three to seven storeys. Plus last year approval was granted for four storey townhouses on the Council Depot site, also fronting Sherborne Street.

- 6.9 There are however original buildings that lie close to the site including the two storey building at Sherborne Wharf that adjoins the north east boundary of the site and the residential dwelling at 1 Sherborne Gate that shares a common boundary to the south west of the application site.
- 6.10 The height of the proposed development as indicated on the amended plans is the same or slightly lower than the scheme submitted for 21 apartments in 2007, with the proposed four storey part reaching a height of approximately 12.1m and the five storey element reaching an overall height of approximately 15.35m (although this height includes the plant associated with the lift).
- 6.11 In terms of building heights it is maintained, as explained in respect of the 2007 proposal, that the height of the proposed building is not considered to be out of character with Sherborne Mill (Jupiter 1) or the apartments on the opposite side of the street (Jupiter 2, 3 and 4). It is acknowledged that unit number 21 would be positioned at the fifth floor level however this part of the development would be set back from the front elevation and would be constructed of contrasting timber cladding to reduce its impact. The remainder of the scheme would be four storeys apart from the five storey staircase/lift tower on the south east elevation, which again is set back from the front elevation and Sherborne Street.
- 6.12 Replicating the 2007 scheme the proposed building would be set away from the boundaries with the neighbouring properties to reduce its impact. Although the SPG requires buildings to be positioned at the back of pavement a set back distance of 2.6m is proposed, the same distance as approved previously. It is maintained that the set back would improve the relationship with neighbouring properties and it would also allow planting to the front and side boundaries to soften its impact and appearance. Seven small leaved lime trees are proposed to the Sherborne Street frontage, nine Norway maple trees are proposed to the boundary with Sherborne Mill and a single Norway Maple is shown to the common boundary with 1 Sherborne Gate. The planting to the front of the building would be enclosed by railings to help define the street and provide a defensible space adjoining the ground floor apartment. As previously an objector has requested that the building be set back 10 metres from the street frontage, however it is considered that this would be out of keeping with the existing development which abuts the road frontage and would appear at odds with the tight urban grain in the area.
- 6.13 Again as per the previous 2007 proposal it is considered that whilst the proposed development would be higher than the building heights detailed with the SPG, the context of the site has changed from that originally envisaged and has been informed by the development of significantly greater heights, massing and scale of the other more recent developments approved in the area. Plus it should be acknowledged that the NPPF encourages the effective re-use of land and, according to Policy TP20 of the Birmingham Plan 2031, which has significant weight, whilst responding to the site, its context and housing need new housing should be provided at a target density of at least 100 dwellings per hectare. The previously approved outline application for 7 dwellings in 2011 corresponds to a density of approximately 58 dwellings per hectare.

6.14 The proposed scheme includes a mix of 1 and 2 bedroom apartments varying in size from approximately 47 sqm to 71 sqm with the penthouse fourth floor apartment providing 91 sqm. When compared to the recently published National Technical Housing Standards which we have not yet adopted:-

- all the one bedroom apartments would comply with the minimum guideline of 39 sqm for 1 person and but seven of the eight would not the minimum requirement of 50 sqm for 2 persons;
- all the two bedroom apartments comply with the minimum guideline of 61 sqm for 3 persons and some comply with the minimum guideline of 70 sqm for 4 persons;
- all of the apartments have one or more double bedrooms that comply with the minimum standard of 11.5 sqm (and the 6 bedrooms that fall short of this standard are all second bedrooms); and
- all second bedrooms comply with the minimum guideline of 7.5 sqm;

6.15 It is acknowledged that since 2007 outline approval has been given for three storey townhouses on this site. It is however considered that there is not sufficient reason to insist on three storeys and since the approval of the previous scheme for 21 apartments there has been no material change in planning policy to arrive at a different conclusion with respect to the proposed building height. Furthermore it is considered that, having assessed the sizes of the proposed apartments the number and density is acceptable on site site.

Impact on Neighbouring Properties

6.16 Of particular concern with the current and previous applications and the current scheme is the height and position of the proposed building in relation to its neighbours. Sherborne Mill (Jupiter 1) is at a lower level and has a number of main windows and balconies facing the application site. No.1 Sherborne Gate also has a number of windows and a balcony facing the site and a courtyard garden adjacent to the boundary.

Siting

6.17 Like the previous scheme submitted in 2007 the proposed building would be set back approximately 2.6m from the back of pavement and the separation distances have been maintained or slightly increased between the existing and the proposed buildings. A separation distance of approximately 9m has been maintained to the balconies on the corner of Sherborne Mill and 17.8m to most of the side facing windows at first floor and above, in comparison to the previous 17.5m.

6.18 In respect of No.1 Sherborne Gate the four storey portion of the building at the front of the site, the five storey element in the middle of the building and the four storey residential floorspace to the rear are no closer than previously agreed. A separation distance of approximately 7.3m is shown between the first, second and third floor side facing corridor windows and the boundary to the neighbouring property, whilst window to window distances at first floor level range from approximately 11.4m to 12.8m. It should however be acknowledged that none of the proposed windows facing No.1 Sherborne Gate would serve habitable accommodation, solely lobby areas. Furthermore all of them would be high level and obscurely glazed.

- 6.19 All of the above separation distances are less than those recommended in the Places for Living SPG. With respect to 1 Sherborne Gate the guidance advises distances of at least 15.5m between the windowed elevations and three storey flank walls and an increase in these separation distances where the flank wall is situated at a higher level. The distances were however considered acceptable previously and this opinion is maintained with the current scheme. This is because whilst reduced, there is more flexibility in an urban situation such as this and the distances reflect the gaps between other buildings in the vicinity. Furthermore the Places for Living SPG is guidance rather than a statutory requirement and the document states that careful design rather than a blanket application of numerical standards can often address concerns such as privacy and amenity. As previously, the application of standards also needs to be viewed in the context of a city centre location where high density living accommodation continues to replace previous industrial sites and premises. Separation distances are therefore often less in the City Centre than in more suburban locations.
- 6.20 It was previously acknowledged that should the distances between neighbouring developments be increased it would be to the detriment of urban design principles within the Sherborne Street Development Brief SPG, which seeks to provide buildings across the full street frontage and on the back edge of the footpath. Previously the proposed gaps were considered to be an acceptable compromise. The SPG still remains extant and it is considered that there is no subsequent material planning guidance to come to an alternative conclusion. Furthermore the gaps in the street frontage are broadly similar to the townhouse scheme approved on this site in 2011, although it should also be acknowledged that the siting of the properties and their design was not agreed at the outline stage.

Light

- 6.21 Neighbouring occupiers on the adjoining sites have raised concerns regarding the loss of light to their properties, and in response the applicants have submitted a Daylight and Sunlight Report that provides a detailed study of the impact of the proposed development on the habitable rooms within the neighbouring properties at 1 Sherborne Gate, 128 Morville Street (Jupiter 1) and opposite at 49-51 Sherborne Street (Jupiter 4). The report generally considers the impact of the proposed development based on Building Research Establishment (BRE) guidelines that cover amenity requirements for sunlight and daylight to buildings around any development site as well as the quality of daylight within a proposed habitable development.
- 6.22 Turning first to 1 Sherborne Gate, the occupier has expressed concern at the loss of light to the rooflights in her conservatory and garden at ground floor and her bedroom and balcony at first floor. The rear elevation to her property faces the application site and a number of the windows to the rear at first floor originally looked onto the roofs associated with the workshops that previously stood on the application site. One of these workshops has been retained as part of 1 Sherborne Gate following planning consent for its conversion in 2002 and is now used as ancillary accommodation / a conservatory complete with rooflights that run the length of the room providing natural light. It was previously considered that the conservatory would still receive sufficient light from the sky as a result of the development. Plus it was considered that the garden would not be affected by the proposed development to an unacceptable degree as it was already enclosed by the site boundary fencing and would adjoin the vehicle pedestrian entrance to the development rather than a new building. In the current scheme the proposed height of the building would not exceed that previously approved and the position of the building within the site and its relationship to 1 Sherborne Gate would remain unchanged. Furthermore the occupier of 1 Sherborne

Gate has confirmed that no significant changes have occurred to the internal arrangement of her property. Therefore it is considered that the previous conclusions remain valid and the impact upon the loss of light is acceptable.

- 6.23 There are further concerns raised with respect to the loss of light to the first floor rear and balcony windows. Most of the rooms affected are double aspect being served by other windows in the front elevation whereby the submitted Daylight and Sunlight Report concludes that they would not suffer at all from the presence of the scheme. The rooms that would be most affected by the development are those that are single aspect and where the windows are not impacted upon by the existing conservatory roof thereby giving a more open aspect. These serve a breakfast area and a small bedroom. The previously submitted Daylight and Sunlight Report in respect of the 2007 submission acknowledged that whilst there would be some loss of light, average daylight factor would still be high, and therefore the potential for loss of light to these windows was deemed to be acceptable. In the current scheme the proposed height does not exceed that previously approved and the position of the building within the site and its relationship to 1 Sherborne Gate would remain unchanged. Furthermore the occupier of 1 Sherborne Gate has confirmed that no significant changes have occurred to the internal arrangement of her property. Therefore it is considered that the previous conclusions remain valid and the impact upon the loss of light is acceptable.
- 6.24 Moving onto Sherborne Mill (Jupiter 1) the Daylight and Sunlight report previously submitted indicated that although there would be some loss of light to the ground floor and first floor windows facing the site the average daylight factors for all of the affected rooms would be above the minimum requirements set out in the BRE guidelines. One window on Jupiter 4 opposite the site would not meet the BRE guideline although the impact upon all the other windows opposite would be acceptable.
- 6.25 The Daylight and Sunlight report submitted in respect of the 2007 application was independently assessed previously by consultants who confirmed the calculations but advised that full compliance with primary standards were not met for every habitable room around the site. However with regard to Sherborne Mill (Jupiter 1) the consultant agreed that the results were acceptable as standards were met for all rooms apart from the one first floor window serving a bedroom that was built with an unusually small window. Although there would be some loss of winter sun the consultant concludes that this situation would be no different from neighbouring blocks such as Jupiter 4. The consultant considered the impact to be acceptable in the context of the overall development.
- 6.26 For Jupiter 4, which lies opposite the site the consultant reached a similar conclusion insofar as there is one window in the large block where the minimum standards are not met. With regards to the 2007 it was considered that this did not warrant refusal of the application, as this is not an uncommon situation in a high density city centre location where tall buildings are located on either side of the road or pedestrian walkway. In the current scheme the proposed height does not exceed that previously approved and its position within the site and its relationship to Jupiter 4 remain unchanged. There does not appear to have been any significant changes to the building and therefore it is considered that the previous conclusions remain valid.
- 6.27 With regard to 1 Sherborne Gate the consultant previously concluded that the results showed that there would be a noticeable reduction in light to the existing windows in the rear elevation, however given the double aspect nature of most of the rooms and balancing levels of daylight from the front elevation the rooms would still be left with

good levels of light. The exception would be the small bedroom and balcony window closest to Sherborne Street where the windows would be more affected but would still have adequate amenity and natural daylighting for normal purposes. In the current scheme the proposed height does not exceed that previously approved and the position of the building within the site and its relationship to 1 Sherborne Gate would remain unchanged. Furthermore the occupier of 1 Sherborne Gate has confirmed that no significant changes have occurred to the internal arrangement of her property. Therefore it is considered that the previous conclusions remain valid and the impact upon the loss of light is acceptable.

- 6.28 A neighbour has raised a concern that the current Daylight and Sunlight report makes no reference to the upper floors of Sherborne Mill (Jupiter 1) and Jupiter 4. In response the applicant has advised that it is generally accepted that the daylight and sunlight values to the upper floors above would only improve as the view of sky increases. It follows therefore that if the figures are deemed to be acceptable at the lower floors the impact upon the upper floor would also be acceptable.

Outlook

- 6.29 With respect to outlook it was previously considered that planning policy supports the redevelopment of the site and that even if the Sherborne Street Development Brief SPG was adhered to, a development of up to four storeys could have been expected. It was previously acknowledged that the distances as set out in Places for Living have not been met and this must be balanced against the fact that the site lies within a City Centre redevelopment area and judged against the character and scale of the development already approved. The consultant previously advised that the rooms within 1 Sherborne Gate would be left with sufficient levels of daylight such that the building will still have practical use as residential accommodation. Since the previous approval there has been no shift in policy stance although there has been the approval of 35 townhouses on the former Council depot site to the east of 1 Sherborne Street in 2015. This granted consent for a row of townhouses sited along the street frontage, although the gable wall to the townhouse closest to 1 Sherborne Gate would provide a separation distance of approximately 21m. Notwithstanding this more recent planning consent it is considered that the proposed development would allow sufficient outlook to his adjacent property.
- 6.30 The outlook from a number of the neighbouring apartments as well as 1 Sherborne Gate would be affected in some way by the proposed development as they currently overlook a vacant site, however its redevelopment has been promoted for a number of years since the adoption of the Sherborne Street development Brief SPG and the current proposals are considered to represent an appropriate form and design of development that reflects other developments within the vicinity. It was previously considered that the scheme would not affect outlook from the existing dwellings in the vicinity of the site to such a degree that it would warrant refusal of the application. It is considered that the policies under which this consideration was made remain up to date and therefore the same conclusion with respect to outlook is drawn.

Overlooking

- 6.31 In terms of overlooking, the window at ground floor level in the elevation of the proposed building facing towards 1 Sherborne Gate serves an entrance lobby area, whilst the upper floor windows would serve a corridor. Furthermore the upper floor windows would be glazed with opaque glass and are positioned to be high level. It is therefore considered there would be no significant loss of privacy as a result of overlooking.

- 6.32 It is was previously considered that the separation distances combined with the proposed landscaping would provide sufficient mitigation against significant overlooking of the occupiers at 128 Morville Street (Jupiter 1). It is acknowledged that there are changes to the number and size of the window openings facing 128 Morville Street between the 2007 approved scheme and the current proposals, however the proposed windows would still serve habitable rooms whether they be living/dining rooms or bedrooms and it is considered that there would be no significant greater impact upon the adjacent occupiers in terms of overlooking than previously approved.
- 6.33 The occupier of 1 Sherborne Gate has also referred to her prescriptive rights to unhindered rights of light and air. This is considered to be a separate private issue between the objector and the developers.
- 6.34 The current scheme also proposes a roof terrace to apartment no. 21 on the fourth floor. Whilst this would be closer to Jupiter 4 on the opposite side of Sherborne Street than the facing windows of the approved scheme it is still maintained that there is a sufficient separation distance (measured at approximately 17.4m) to mitigate against a substantial loss of amenity due to overlooking.

Highway Considerations

- 6.35 The 21 proposed apartments would be served by a total of 22 on site parking spaces, and the ground floor plan shows provision for 21 covered cycle stands. The application has been submitted together with a Transport Assessment (TA) that explains the existing site conditions including the current local pedestrian, cycle and public transport network and goes on to consider the impact of the development in terms of the level of vehicular traffic generated by the proposal. The TA also includes a Road Safety Audit (RSA) Stage 1 of the proposed works to the highway comprising the removal of the existing build out in front of the site and the proposed replacement with a table junction incorporating the access to the site.
- 6.36 The Adopted Car Parking SPD advises that there should be a maximum provision of 1.5 spaces per dwelling but that the level of parking provision appropriate to any individual proposal will take into account the size of the dwellings, the proximity of facilities such as schools, shops or an employment area, the availability of on street and off street public car parking, the width of the highway, the likelihood that any existing on-street parking problems would be made worse adding to congestion and the availability of public transport.
- 6.37 The maximum provision advised by the SPD would therefore be 31 spaces, however taking the guidance into account BCC Transportation Development have raised no objections, and it is considered that the provision of 1 space per unit is acceptable at this City Centre location.
- 6.38 In addition to the concerns regarding the lack of parking provision neighbours have also raised concerns at the existing congestion causing problems for access by emergency vehicles, and with respect to the potential congestion as a result of construction traffic. A query has been raised as to why the applicants have only submitted a Stage 1 (RSA) as opposed to a more detailed RSA Stage 2.
- 6.39 On the basis that it is considered that there is sufficient parking provision on site it is considered that the potential obstruction to emergency vehicles is not a reason that could be sustained. Concerns regarding construction traffic could be controlled via a planning condition that requires details of the parking of construction vehicles, the

location of the loading and unloading of plant and materials and the proposed hours of construction. A RSA Stage 1 is also considered sufficient at this time prior to the determination of the current application.

- 6.40 BCC Transportation Development has also advised conditions to require the implementation of the parking spaces and cycle spaces and to ensure that the necessary legal agreements are in place to alter the existing access into the site off Sherborne Street. These have all been attached.

Environmental Matters

- 6.41 The application has been submitted together with a noise assessment, an air quality screening report, a construction dust assessment, a flood risk assessment, a biodiversity report and a land contamination report.
- 6.42 Neighbours have raised concern at the potential for noise during construction and the content of the submitted noise assessment with respect to the timing of the surveys undertaken. Notwithstanding the queries raised by BCC Regulatory Services there is no objections raised subject to conditions to restrict the maximum noise levels from plant and machinery and to require the glazing of the proposed apartments to meet the specifications as set out the noise assessment. The proposed condition to require a construction management plan would secure the hours of construction.
- 6.43 The air quality screening report advises that the site is not located in an area of air quality concern, however due to the proximity of existing residential development an additional report has also been submitted to assess the impact of dust during construction. The report advises the submission of a best practice dust mitigation plan to ensure that that the effects would not be significant. It is however considered that dust during the construction phase would be regulated under the Environmental Protection Act and therefore a condition to require the implementation of a dust mitigation plan would duplicate other legislation and therefore would not be necessary.
- 6.44 Regulatory Services also advise conditions to provide a vehicle charging point and to encourage the use of low emission vehicles and less reliance on the private car. Whilst the former could be attached as a condition it is considered that a scheme to require and then implement differential parking charges based on vehicle emissions and details of designated parking spaces for low emission vehicles could not be enforced.
- 6.45 The application has been submitted with an accompanying land contamination report that recommends an intrusive site investigation. Such a report and verification report are proposed to be attached as conditions.
- 6.46 The submitted Extended Phase 1 Habitat Survey indicates that for the immediate site there is little of significant biodiversity value however the site offers opportunities for pollinator insects and foraging for insectivorous and seed eating birds.
- 6.47 The plans submitted indicate a visual amenity garden at first floor. This is to be a private area of open space that would not be available for use by the future occupiers of the apartments. Furthermore there is a section of roof set aside as a “green roof” above the entrance to the car park. Colleagues in ecology have advised that the site would offer some suitable foraging opportunities once redeveloped and therefore it is proposed to attach a condition to secure ecological enhancements that could focus

upon the visual amenity garden and the green roof for the provision of biodiversity and opportunities for pollinator insects.

- 6.48 The Flood Risk and Drainage Report concludes that the risk of flooding to the site from fluvial flooding, surface water, groundwater, sewers and artificial sources is low and that mitigation measures would not be required. Furthermore due to the previous hardstanding and use of the site it is likely that there would be an increase in permeable ground on site again reducing the potential for flooding. The LLFA and Severn Trent Water advise the submission of a sustainable urban drainage schemes (SuDS) to control surface water drainage discharge and this is considered to be reasonable.
- 6.49 A neighbour has raised concern at the potential for light pollution as a result of car head lights, it is however considered that due to the position of the driveway and parking area and the absence of windows at ground floor of the adjacent site at 1 Sherborne Gate this potential impact upon amenity would not be so significant as to warrant refusal.

Impact upon Heritage Assets

- 6.50 The submitted Heritage Assessment identifies that there are six grade II listed buildings to the north and west of the site with the closest, the New Union Flour Mill at 17 to 23 Grosvenor Street West, lying at a distance of approximately 113m. The Jewellery Quarter Conservation Area lies at a distance of approximately 660m. The Assessment concludes that there would be no harm caused to the significance of these heritage assets.
- 6.51 With respect to archaeology the Desk Based Assessment advises that the site has low to moderate potential for remains of post-medieval date. It therefore recommends a watching brief be undertaken during the ground investigations to identify the extent of previous disturbance and the survival of possible archaeological deposits.
- 6.52 My Conservation Officers concur with the conclusions of these reports and therefore a condition to require an archaeological watching brief is attached.

Other

- 6.53 A neighbour has objected due to the loss of open space, however it is not designated as such within the emerging Development Plan and it has not been in use as public open space.
- 6.54 Another objection refers to the loss of a view. Whilst the matters of outlook and light have been considered the loss of a view is not a material planning consideration and neither is the devaluation of property.
- 6.55 The adjoining neighbour has also referred to her private right of access across the site. However this is a private issue between the developer and the neighbour. Furthermore the latest amended plans have sought to remove this objection by indicating that the length of the proposed building has been reduced by 1.2m to provide a clear space alongside the eastern boundary.
- 6.56 Another neighbour has raised concern that the local electricity, water and sewage systems would not be adequate to support the proposed development. The submitted Foul Drainage and Utilities Assessment explains that the site can be

served in terms of the need for electricity, gas, potable water and telecoms without the need for any off-site reinforcement of the statutory undertakers' utility networks. In addition it confirms that a new foul water drainage system would be designed and constructed to adoptable standards and offered up for adoption and Severn Trent Water have raised no objections.

Planning Obligations and Community Infrastructure Levy (CIL)

- 6.57 Neighbours have also questioned what community benefit the redevelopment of this site would offer. Given the number of proposed apartments the City Council's policies for affordable housing and public open space in new residential development apply.
- 6.58 The applicant has submitted a financial appraisal to justify not meeting these obligations in full but has offered £70,000. The financial appraisal has been independently reviewed and the assessment concludes that this figure is reasonable.
- 6.59 The various requests for S106 monies have been noted and it is suggested that the full public open space contribution is secured with the balance put toward off-site affordable housing.
- 6.60 The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1 The principle of the redevelopment of this site has been established previously and it is considered that in principle the proposed use for residential apartments continues to be in accordance with current local and national guidance
- 7.2 It is acknowledged that the proposed development would be of a greater scale than envisaged within the Sherborne Street Development brief SPG however it is considered that the proposed scheme would be of a design that would be appropriate to its context taking into account the scale of the adjacent developments whilst not having an unacceptable harm upon the privacy, amount of light and outlook currently enjoyed by the adjacent residential occupiers.
- 7.3 Taking into account all of the supporting information submitted the proposed development is considered to be consistent with local and national planning policy and is therefore acceptable subject to safeguarding conditions and the completion of a S106 agreement to secure a financial contribution of £70,000 towards affordable housing and public open space improvements.

8. Recommendation

- 8.1 That consideration of the application be deferred pending the completion of a suitable legal agreement to secure:-
 - a) A financial contribution of £42,800 (index linked from the date of this resolution) toward off site affordable housing to be paid prior to first occupation;
 - b) A financial contribution of £27,200 (index linked from the date of this resolution) towards the provision, improvement and or maintenance of Ledsam Street and Ryland Street Public Open Space within the Ladywood Ward; and,

- c) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the affordable housing and public open space sum, subject to a maximum of £10,000.
- 8.2 That, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 7th April 2016, planning permission be refused for the followings reason(s):
- a) In the absence of any suitable legal agreement to secure a financial contribution towards off site affordable housing the proposal conflicts with 5.37 A-D of the Birmingham Unitary Development Plan 2005, Affordable Housing SPG and Policy TP30 of the Draft Birmingham Plan 2031; and,
 - b) In the absence of any suitable legal agreement to secure a financial contribution towards off site public open space the proposal conflicts with 3.53B of the Birmingham Unitary Development Plan 2005, Public Open Space in New Residential Development SPD and Policy TP9 of the Draft Birmingham Plan 2031.
- 8.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 7th April 2016, favourable consideration be given to this application, subject to the conditions listed below.

1	Limits the approval to 3 years (Full)
2	Requires the scheme to be in accordance with the listed approved plans
3	Requires the prior submission of sample materials
4	Requires the prior submission of boundary treatment details
5	Requires the prior submission of a lighting scheme
6	Requires the prior submission of a construction method statement/management plan
7	Requires the implementation of the approved hard and soft landscape details
8	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
9	Requires the prior submission of investigation for archaeological observation and recording
10	Requires the prior submission and completion of works for the S278/TRO Agreement
11	Prevents occupation until the turning and parking area has been constructed
12	Requires the provision of cycle parking prior to occupation
13	Clearance outside of bird nesting season

-
- 14 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 15 Requires the prior submission of a contamination remediation scheme
 - 16 Requires the prior submission of a contaminated land verification report
 - 17 Limits the noise levels for Plant and Machinery
 - 18 Glazing and ventilation to habitable areas in accordance with submitted details
 - 19 Requires the provision of a vehicle charging point
 - 20 Visual amenity garden not to be used as amenity or garden area by occupiers
 - 21 Requires the prior submission of details of obscure glazing for specific areas of the approved building
-

Case Officer: Julia Summerfield

Photo(s)

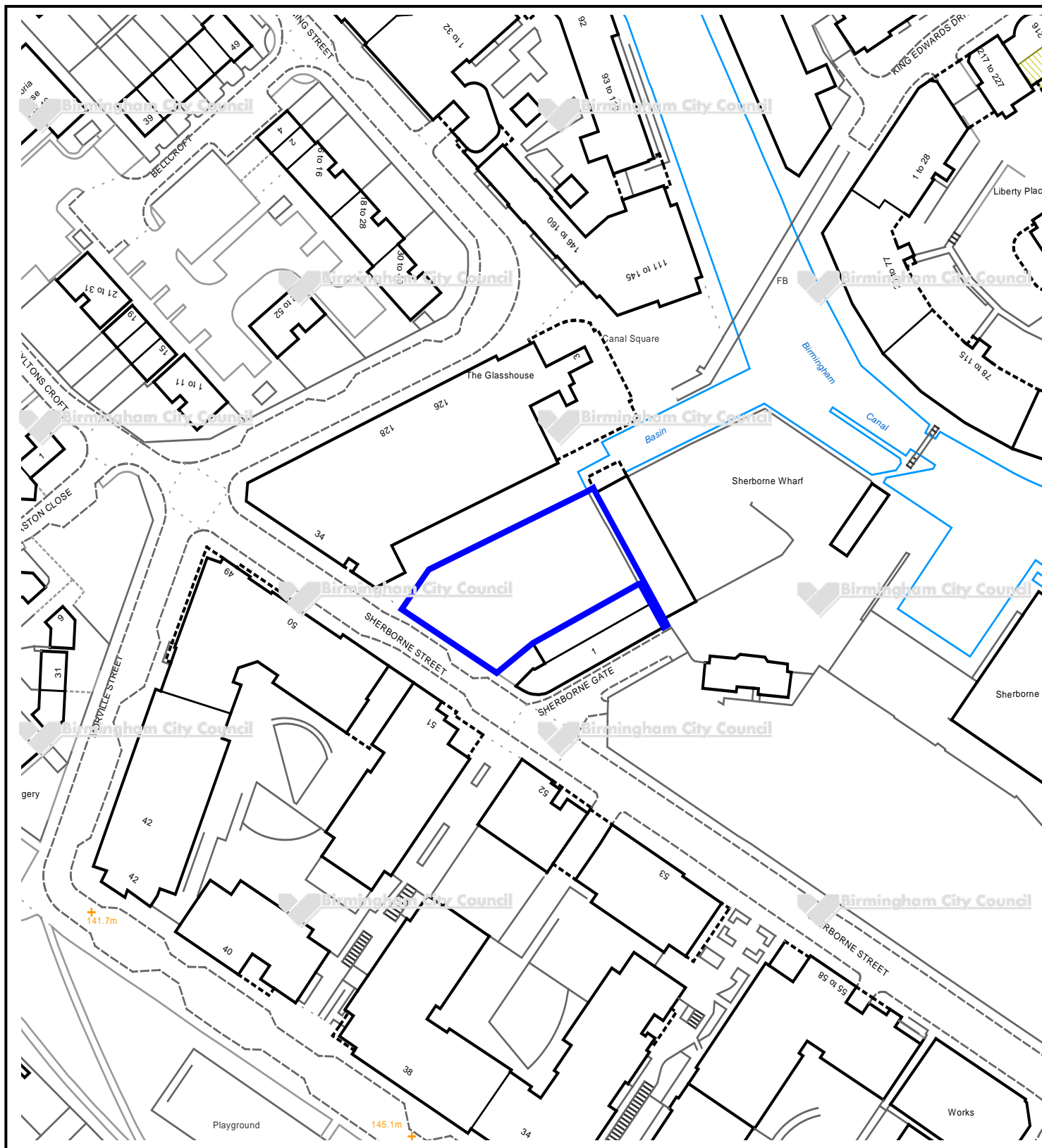


Looking northwards towards site



Looking eastwards towards 1 Sherborne Gate

Location Plan



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Committee Date:	31/03/2016	Application Number:	2015/09288/PA
Accepted:	18/11/2015	Application Type:	Full Planning
Target Date:	31/03/2016		
Ward:	Ladywood		

93-99 Holloway Head, City Centre, Birmingham, B1 1QP

Change of use from warehouse (Use Class B8) to indoor sports and recreation (Use Class D2)

Applicant: Mr Jim Sephton
Frogmore Grange, Frog Lane, Balsall Common, West Midlands, CV7 7FP

Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks permission for a change of use from warehouse (use class B8) to indoor sports and recreation use (use class D2) at 93-99 Holloway Head.
- 1.2. The proposal is for indoor sports and recreation uses including archery tag, immersive experiences and live gaming experiences targeted at hobbyists, for corporate team building, parties, stag and hen groups with a capacity of 400 people. The proposed hours of use are 0800-2300. The floorspace is 6762sqm. There would be 6 full time and 6 part time employees.
- 1.3. There is parking for up to 20 vehicles within the premises, accessed through the large roller shutter entrance on Marshall Street.
- 1.4. The proposal would include an area where coffee/tea with a selection of chocolate bars, crisps and soft drinks are sold.
- 1.5. No external alterations to the building are proposed.
- 1.6. The application is supported by a Transport Assessment and a Noise Assessment.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a vacant 6 storey building including basement and ground floor, last used as a warehouse fronting onto Holloway Head with a vehicular access via roller shutter door on Marshall Street. The surrounding area is relatively mixed. Adjacent on the corner of Holloway Head and Marshall Street is a restaurant/sheesha/karaoke use and apartments beyond. To the south west is a Customer Service centre. Opposite the site on Holloway Head is a restaurant and supermarket.

Site Location

3. Planning History

3.1. None relevant.

4. Consultation/PP Responses

4.1. MP, Local Councillors, Birmingham City Centre Management, residents associations and nearby occupiers notified. Press and Site notice posted. 1 letter of objection has been received by a local resident on the grounds that there is no explanation about the actual D2 use. The concerns relate to noise, smell, privacy and car parking.

4.2. Drainage – Sustainable Drainage is not required on this development.

4.3. Regulatory Services – No objections subject to conditions restricting opening hours, permitted change within use class D2, temporary approval, no provision of amplified sound at the site and a noise insulation scheme

4.4. Transportation Development – No objections subject to condition for car park layout plan to confirm number of space available and car park management plan and restrict to a personal consent to this user

5. Policy Context

5.1. The Birmingham Plan 2005, Draft Birmingham Plan 2031, National Planning Policy Framework

6. Planning Considerations

6.1. Paragraph 3.8 of the adopted Unitary Development Plan states that the City's environmental strategy is based on the need to protect and enhance what is good in the City's environment and to improve what is less good. The keynote is on quality and paragraph 3.10 of the UDP states that proposals which would have an adverse effect on the quality of the built environment will not normally be allowed.

6.2. There is no specific policy guidance for this type of D2 use, however policy 7.32 states the City Council is keen to encourage diversity of uses within centres, and recognises the important role which leisure and entertainment uses can play in achieving this. Leisure and entertainment uses will therefore be encouraged to locate in existing centres and particularly the City Centre.

6.3. Policy GA1 of the Draft Birmingham Development Plan states that new development should make a positive contribution to improving the vitality of the City Centre and aim to improve the overall mix of uses. New leisure uses will be promoted within and on the edge of the retail core to support the diversification of the City's offer as a top visitor destination. Policy TP23 encourages and supports a diverse range of facilities and uses including leisure uses.

6.4. The proposed D2 use is considered suitable for this building that was previously used as a warehouse and would bring the premises back into use. In addition the application site is within a relatively mixed area. Due to these locational factors, it is

considered the proposed leisure facility would not harm the amenity of surrounding premises.

- 6.5. The objection from a nearby occupier has been noted. Following comments from Regulatory Services, a noise assessment was submitted. As such, no objections have been raised subject to conditions restricting the opening hours until 2300, no permitted change within use class D2, temporary approval, no provision of amplified sound at the site and noise insulation scheme. I concur that the use is acceptable in principle given that the premises are located within a predominantly commercial area of the City Centre. Given that there are residential apartments nearby I consider it appropriate to attach conditions restricting opening hours, no provision of amplified sound and noise insulation scheme. However, temporary approval is considered to be unreasonable and has not been attached and I do not consider other uses in Class D2 would cause demonstrable harm.
- 6.6. Transportation Development considers that it is likely that many of those attending would arrive on foot, those coming by car need to know where the car parking area is located, a plan is required to show these spaces and a management plan of how they are made available to customers as needed. As such, given the proximity to the City Centre, parking controls and regular enforcement of parking, no objections have been raised subject to conditions for a car park layout to confirm the number of spaces available and a car park management plan to define how these can be used by customers, with any building signage to show the car park area on Marshall Street and restrict D2 use to a personal consent. I have attached conditions for a car park layout plan and car park management plan but do not consider a personal consent is reasonable.

7. Conclusion

- 7.1. The proposal would bring the premises back into use and would be acceptable in this location subject to safeguarding conditions.

8. Recommendation

8.1. Approval Subject to Conditions

-
- | | |
|---|--|
| 1 | Limits the hours of use 0800-2300 daily |
| 2 | No amplified sound |
| 3 | Requires the prior approval of noise insulation details |
| 4 | Requires the prior approval of a car park layout |
| 5 | Requires the prior submission of a car park management plan |
| 6 | Requires the scheme to be in accordance with the listed approved plans |
| 7 | Limits the approval to 3 years (Full) |
-

Case Officer: Anh Do

Photo(s)

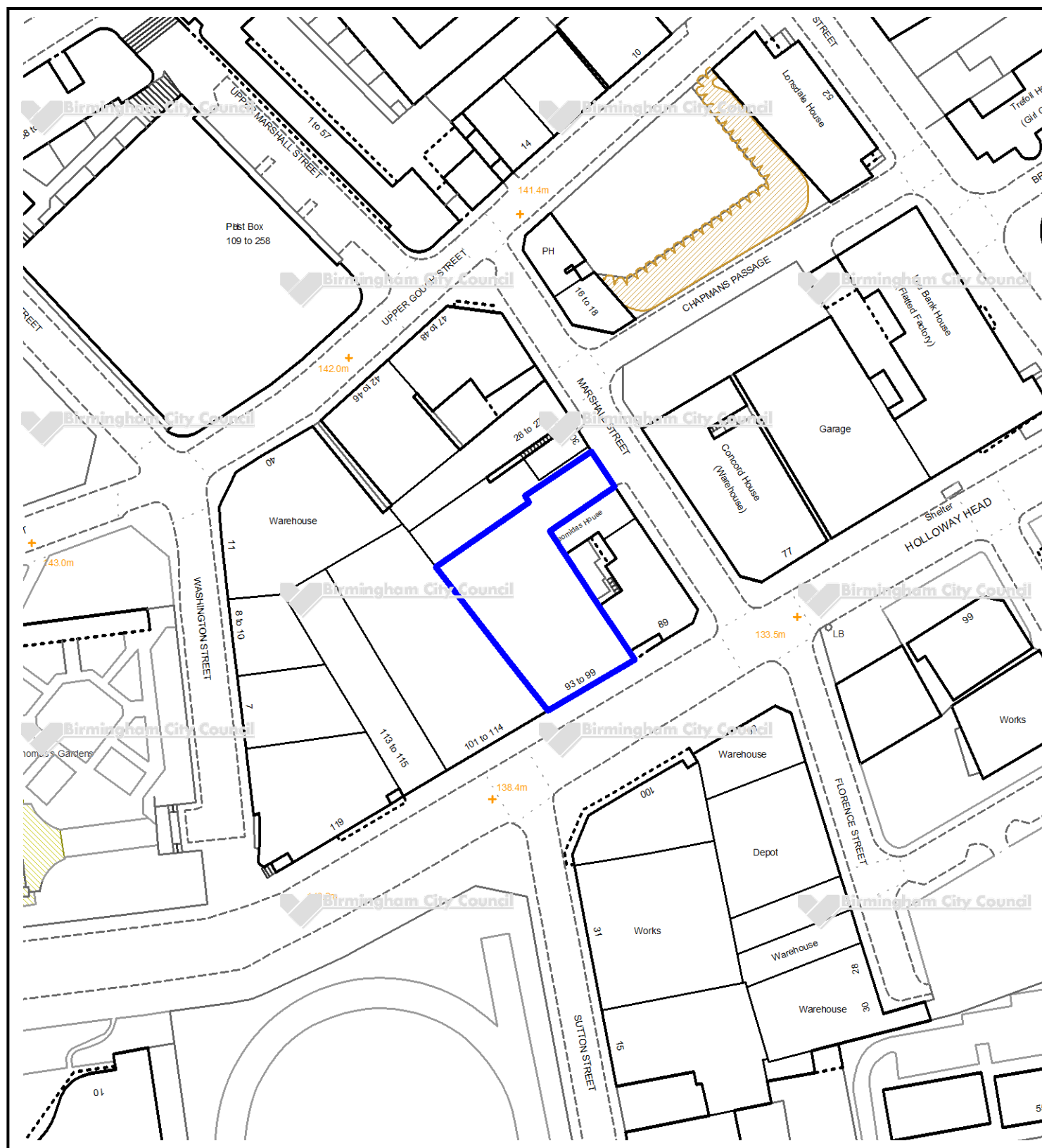


Marshall Street Elevation



Holloway Head Elevation

Location Plan



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Committee Date:	31/03/2016	Application Number:	2016/00234/PA
Accepted:	07/03/2016	Application Type:	Advertisement
Target Date:	02/05/2016		
Ward:	Nechells		

Bromsgrove Street/Bristol Street, City Centre, Birmingham, B5

Installation of double-sided digital advertising totem

Applicant: Birmingham City Council
Commercial Development, Room 237 Council House, Victoria Square, Birmingham, B1 1BB

Agent:

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application seeks advertisement consent for the installation 1 no. internally illuminated double sided freestanding advertising unit on Bromsgrove Street/Bristol Street.
- 1.2. The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1m (w). The unit would be digital matrix and stainless steel and would be internally illuminated at 300cd/m. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre.
- 1.3. The proposed advert unit is part of a contract with the City.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a pavement on Bristol Street near to a parade of commercial properties. To the west of the site is Catholic Church of St Catherine of Siena. There is a large high level advertisement on the south facing elevation of 48 Bristol Street.

[Site Location](#)

3. Planning History

- 3.1. None relevant.

4. Consultation/PP Responses

- 4.1. Birmingham City Centre Management and Southside Business Improvement District notified. No response received.
- 4.2. Transportation Development – No objections subject to conditions that intervals between successive displays are instantaneous, no special visual effects, no fading, swiping or other animated transition methods, no special visual effects, no animated, flashing, scrolling, intermittent or video elements, minimum display time of 8 seconds, the complete screen display must change instantly, there must not be change in light patterns, limited to two dimensional display, must not display messages, emit noise, sound, smoke, smell or odours, default mechanism, not include interactive messages, the advert should include a dimmer control and photo cell to constantly monitor ambient light conditions and adjust sign brightness and illumination shall be no greater than 300 candelas.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005, Draft Birmingham Plan 2031 and National Planning Policy Framework

6. Planning Considerations

- 6.1. The National Planning Policy Framework states that advertisements should be subject to control only in the interests of amenity and public safety.

AMENITY

- 6.2. The proposed advertisement unit would be new. The surrounding area is predominantly commercial with a number of signage evident, it is therefore considered the proposal would fit in with the surrounding area and be acceptable in this location. In addition, it is considered the proposal would not result in a concentration of advertisements within the surrounding area. On balance, it is considered the proposal would not result in unacceptable clutter and would be acceptable in this location.

PUBLIC SAFETY

- 6.3. Transportation Development have noted that the proposed advertisement would be located close to the railings on a wide footway. It would sit clear of required visibility splays and therefore raises no highway concerns. As such no objections have been raised subject to conditions. It has been advised to attach a condition to require the necessary highway agreements to be in place prior to the construction of the advertisement on site. It is however considered that such a condition would duplicate other controls and would therefore be unreasonable. Therefore an informative is proposed to advise as such.

7. Conclusion

- 7.1. I consider the proposal to be acceptable.

8. Recommendation

- 8.1. Approve Temporary

-
- 1 Limits the use of advert
 - 2 Limits length of the display of advert
 - 3 Limits the control of the intensity of the illumination
 - 4 Power Supply and Making Good of Damage
 - 5 Requires the scheme to be in accordance with the listed approved plans
 - 6 Limits the approval to 5 years (advert)
-

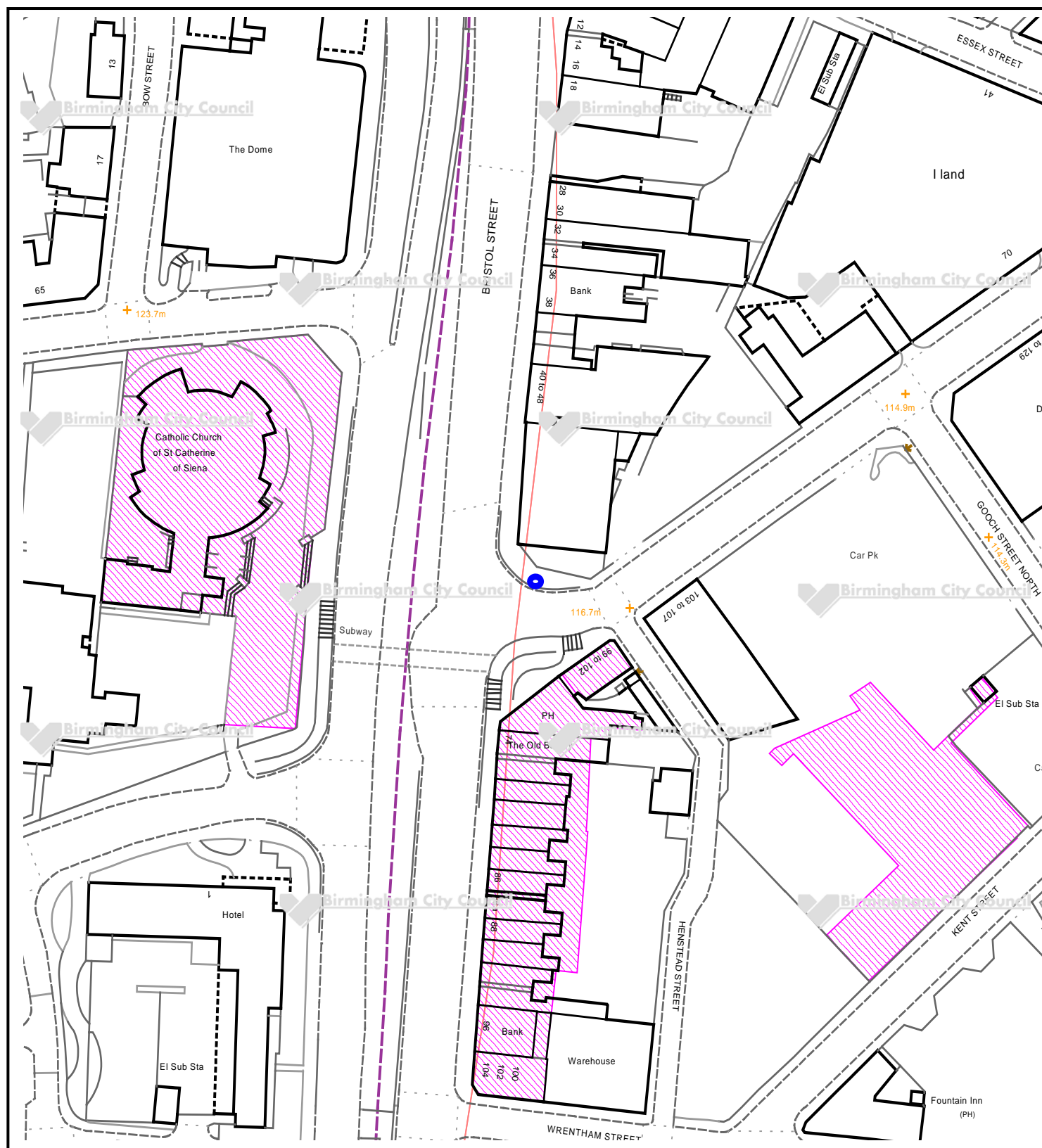
Case Officer: Anh Do

Photo(s)



View East

Location Plan



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Birmingham City Council

Planning Committee

31 March 2016

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	19	2015/08603/PA Land adjacent to 44 Meadow Road Quinton Birmingham B32 1BA Demolition of outbuilding, Erection of two detached houses and two detached bungalows.
Approve - Conditions	20	2016/00125/PA 5 Lodge Hill Road Selly Oak Birmingham B29 6NU Demolition of existing extension and erection of single and two storey extension to side and rear; change of use from family dwelling (use class C3) to eight bed house in Multiple Occupation (Sui Generis)
Approve - Conditions	21	2015/10124/PA 46 Stirling Road Edgbaston Birmingham B16 9BL Retrospective application for change of use from dwelling (Use Class C3) to multiple occupation for 8 persons and erection of single storey rear extension

Groveley Lane
Former Community Centre
Longbridge
Birmingham
B31 4QG

Removal of condition no.18 attached to application ref:- 2013/09400/PA relating to the requirement for the units to be affordable and instead replace it with a Section 106 agreement as an alternative method to secure the affordable homes provision.

Committee Date:	31/03/2016	Application Number:	2015/08603/PA
Accepted:	18/02/2016	Application Type:	Full Planning
Target Date:	14/04/2016		
Ward:	Quinton		

Land Adjacent to 44 Meadow Road, Quinton, Birmingham, B32 1BA

Demolition of outbuilding, Erection of two detached houses and two detached bungalows.

Applicant: John and Katherine Cooper
44 Meadow Road, Quinton, Birmingham, B32 1BA
Agent: PBC Architecture
173 Lower High Street, Stourbridge, West Midlands, DY8 1TG

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application proposes the erection of 4 dwellings on land adjacent to No. 44 Meadow Road.
- 1.2. The site is owned by the occupiers of No. 44 Meadow Road and forms an extension of their garden. A garage/outbuilding is located at the centre of the site and vehicular access is off The Green via a short informal track.
- 1.3. The application proposes the demolition of the outbuilding, the creation of an access into the site and the erection of 2 bungalows and 2 two-storey dwellings in a row across the centre of the site all facing northwest. Plots 1 and 4 would be bungalows, both at the edges of the site while Plots 2 and 3 would be two-storey dwellings at the centre of the row. Plot 1 would have its own garage in front of the bungalow and the remaining plots would share a garage block positioned at the northwest corner of the site. There is space in front of all of the garages for a second car to park. The frontage would have an open plan feel, although each property would have its own landscaped area to the front, and private gardens would be marked out to the rear.
- 1.4. Elevations would be traditional in style with facing brickwork and tiled roofs. Brick soldier courses would be used to add interest to the elevations.
- 1.5. Plot 1: Bungalow comprising hallway, living room leading into a conservatory, kitchen/diner, 3 bedrooms (13.8sqm plus ensuite shower room, 10.49sqm and 7.1sqm) and a bathroom. Rear garden: 152sqm.
- 1.6. Plots 2 and 3: Two-storey dwelling comprising porch, living room, WC, study and kitchen/diner on the ground floor and 4 bedrooms (13.7sqm plus second floor ensuite shower room, 10.39sqm, 7.5sqm and 6.68sqm) and a bathroom on the first floor. Rear garden: 89sqm.
- 1.7. Plot 4: Bungalow comprising lobby, living room, kitchen, 3 bedrooms (13.7sqm plus ensuite bathroom, 10.4sqm and 7.1sqm) and a bathroom. Rear garden: 98sqm.

- 1.8. Site area: 0.14ha Density: 28dph Car parking: 200%
- 1.9. The proposal includes the removal of three trees and two mixed hedges.
- 1.10. The application is supported by a Design and Access Statement and a Tree Survey and Arboricultural Implications Assessment.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a broadly square parcel of land bounded by The Green, Meadow Road and Ridgeacre Road. To the east is a wide grass verge accommodating mature trees at the boundary with the application site. The site is largely level but slopes down slightly towards Meadow Road. It is grassed with a single storey outbuilding at the centre. It is well-maintained and has neat hedging at the perimeter.
- 2.2. The surrounding area is residential with properties of a mix of age and style. Development is mostly two storey but there is a bungalow opposite the site on Meadow Road (no. 33). The Green is a narrow, single width carriageway which joins Ridgeacre Road West and Meadow Road.
- 2.3. 497 Ridgeacre Road West which is approximately 40m northeast of the application site is a Grade II Listed dwelling. The Cottage and Quinton Outhouse are archaeological sites at the same location at the current 497 Ridgeacre Road West and are the remains of an older dwelling probably 17th century in origin.

[Location Plan](#)

3. Planning History

- 3.1. 10/06/2015 - 2015/03576/PA - Pre-application advice for the erection of 4 detached dwellinghouses – Discussed various layouts which faced into the site rather than addressing road frontages. Final advice recommended a layout which directly faced The Green in order to better address public space and reinforce as far as possible the perimeter block arrangement of existing development.

4. Consultation/PP Responses

- 4.1. Transportation Development: Awaiting a formal written response but verbal confirmation has been given that there is no objection to the proposal.
- 4.2. Regulatory Services: No objection subject to a condition requiring provision of a vehicle charging point.
- 4.3. West Midlands Fire Service: No objection.
- 4.4. West Midlands Police: No objection.
- 4.5. Severn Trent Water: No response received.
- 4.6. Local MP, Councillors, Residents' Associations and the occupiers of nearby properties notified of the application: responses received as follows:

2 letters from Gisela Stuart MP forwarding comments from 2 local residents, and 11 letters from local addresses objecting on the following grounds:

- No more houses are needed in Old Quinton; lots of new houses have already been built on Meadow Road making it busier and adding traffic.
- There are existing parking problems on Meadow Road and Ridgeacre Road West and the roads are narrow.
- Inadequate parking provision is proposed for dwellings of up to 4 bedrooms.
- The Green should not be classed as a road, it is more of an alleyway and should not be used to access the new properties.
- Objection to the interference to Tree 2 as identified on the Arboricultural Implications Assessment which is of significant stature and visual value. If it is felled it should be replaced as it would be the second lost to this area.
- Loss of historic fabric from the remains of old cottages on the site. The City Archaeologist should visit the site to ensure an accurate historical record is made of them.
- Loss of privacy.
- Loss of outlook for surrounding properties.
- Proposal would cause overcrowding of the area.
- Design lacks imagination and the drawings are poor quality. Little thought has been given to making the best use of the land available; four dwellings may be too many.
- The garage blocks are potentially an eyesore.
- No clear indication of the building in relation to the existing road.
- Proposal should respect existing building lines.
- Existing recent development, Quinton Village Mews, has resulted in multi-occupancy creating parking problems and a transient population with lack of care for the environment.
- No need for new dwellings as other new properties in the area are often vacant.
- Concern that the development would result in Meadow Road becoming one way.
- Disruption during construction.
- Existing drainage problems would be exacerbated.

5. Policy Context

- 5.1. UDP 2005; Draft BDP; SPG Places for Living 2001; SPD Mature Suburbs – Guidelines to Control Residential Intensification 2006; SPD Car Parking Guidelines 2012; NPPF; NPPG; Technical Housing Standards –Nationally Described Space Standard.

6. Planning Considerations

Policy/principle

- 6.1. The site is currently used as garden land in association with No. 44 Meadow Road and it is located within a residential area. It is not allocated in the UDP for any other purpose and its use for new dwellings would accord with the nature of the area and would be acceptable in principle. The UDP and NPPF support the re-use of previously developed land for new housing and at paragraph 5.38 the UDP sets out appropriate densities to encourage efficient use of land. In this area a density of 40dph would be appropriate. The proposed development of 4 dwellings would have a density of 28dph which is low but, taking account of the constraints of the site such as its shape and accessibility, I consider this to be acceptable.

Site layout and design

- 6.2. The layout of the dwellings was the subject of extensive pre-application discussions with officers. The site is constrained by the road layout, the presence of mature trees beyond its east boundary and the position of existing dwellings. Several layouts were considered and the layout now proposed accords with officer advice to face one of the road frontages. In plan form, the layout fills a gap in the perimeter block formed by properties on Meadow Road, Jackson Way and Ridgeacre Road West. Plots 1-3 could achieve this alone but the resulting development would have a density of only 21dph and would leave a large area of the site undeveloped. The proposed dwelling at plot 4 would sit in front of the Meadow Road building line but being a bungalow it would not impact as significantly on the streetscene as a two storey dwelling would; it would be lower level than Nos. 44-60 Meadow Road; windows on the side elevation would enliven the Meadow Road façade; and the open plan frontage would give a view across the front of the site allowing it to turn the corner into The Green. The boundary treatment along the Meadow Road frontage would be low level until the rear elevation of the property where a 1.8m wall would enclose the rear garden. It is noted that No. 62 Meadow Road is built very close to the back of the pavement, as are properties on the east side of Meadow Road, including the bungalow at No.35 Meadow Road and the proposal would replicate this.
- 6.3. The proposed garage block serving Plots 2-4 is not ideally positioned at the most exposed corner of the site, however, adding a garage to each plot would produce unsatisfactorily wide plots. The block has been designed to be as low level as possible and would be partly screened by the proposed boundary wall and hedging with only the uppermost 1.7m of wall and roof being visible.
- 6.4. The design of dwellings in the area is very mixed due to the variety of age of property and there is no single style which new dwellings would need to accord with. The general scale of the proposed development would accord with the scale of existing development and the traditional style of the elevations would not appear out of place in what is a mixed but conventional residential area.

Residential amenity for prospective occupiers

- 6.5. Although not yet formally adopted, the national Technical Housing Standards serve as a useful guideline for the assessment of internal space in proposed dwellings. Plots 1, 2 and 3 exceed the minimum gross internal floor areas recommended; Plot 4 is approximately 11sqm short of the 86sqm recommended for a 3 bedroom/5 person dwelling with one storey. Partial furniture layouts are provided which demonstrate that the internal space would not be unreasonably cramped and would be capable of accommodating the usual items of furniture and on this basis I see no reason to object to the shortfall. The proposed rear gardens all exceed the recommended 70sqm for family sized accommodation in Places for Living.

Residential amenity for existing neighbours

- 6.6. In respect of separation distances as set out in Places for Living, the proposal complies in all but two areas. Firstly, in respect of Plot 1 and the distance between the ground floor rear-facing living room window and the boundary with the rear garden at No. 424 Ridgacre Road West which is 3m rather than the recommended 5m. A 1.8m high fence on the boundary would be sufficient to prevent overlooking and could be secured through a boundary treatment condition. Secondly, at Plot 4 the distance between the proposed side elevation and the front elevation of No. 33 Meadow Road does not achieve the 12.5m recommended in Places for Living, instead there would be a 7m gap. Notwithstanding this shortfall, I do not consider there would be a significant loss of outlook to No. 33 as the proposed dwelling is a bungalow and No. 33 sits at a slight angle in relation to the road and would not

directly face the bungalow. For privacy, no. 33 already fronts the road so has a commensurate degree of public overlooking that the new bungalow's facing bedroom window would little affect.

Parking and highway safety

- 6.7. The proposed 200% parking provision accords with the maximum standards contained in the Car Parking Guidelines SPD and would be acceptable. The site is already accessible by vehicles, and post-development vehicles would be able to turn into The Green travelling in either direction. The proposal would slightly increase the volume of traffic using The Green, which is a particularly narrow road, and public participation comments concerning highway safety are noted. Comments from Transportation Development are awaited however I would expect vehicles to be travelling relatively slowly given the narrowness of the roads, the addition of 4 dwellings at the application site is unlikely to add significantly to traffic flow, and visibility would be improved by changes to the boundary treatment. Consequently, I would not expect the proposed development to adversely affect highway safety at this location.

Other issues

- 6.8. Trees: None of the trees in or around the site are subject to a Tree Preservation Order (TPO) however most of the nearby trees are in the Council's ownership. The Tree Survey submitted identifies three mature trees and two mature hedges for removal:

T8 - Hawthorn tree – Category B1

T9 – Hawthorn tree – Category U

T12 – Apple tree – Category B1

T6 – mixed hedge – Category B2

T10 – mixed conifer hedge – Category B2

- 6.9. The Tree Officer advises that the proposal is reasonable as the trees and hedges to be removed are small and internal to the site so their public amenity value is limited. There is some scope for replacement in the area of the shared garaging and gardens, this should be considered as part of a wider landscaping scheme to be secured by condition. The public participation comment regarding interference with tree T2 is noted; this is a Council-owned, large Sycamore, on the adjacent grass verge which is not proposed to be removed, although its poor quality and structure is noted in the tree survey. There is likely to be a small encroachment into the tree's Root Protection Area (RPA) but this would not exceed 20% of the RPA and would not jeopardise the health of the tree. A condition is attached requiring an Arboricultural Method Statement to ensure appropriate protection for retained trees.
- 6.10. Archaeology: The Conservation Officer has considered the loss of what appears to be some historic fabric within the walls of the outbuilding on the site and concluded that none is worthy of retention. A section of wall at the northwest corner of the site would be retained and built into the perimeter wall around the front of the site.

Community Infrastructure Levy (CIL)

- 6.11. This development is not liable for a CIL contribution.

7. Conclusion

- 7.1. This application is recommended for approval because it would make efficient use of land for housing without adversely affecting the character of the area, highway safety or residential amenity. It would comply with the threefold definition of

sustainable development as set out in the NPPF, which takes account of the economic, social and environmental impacts of development, and should consequently be approved.

8. Recommendation

8.1. Approve subject to conditions

-
- | | |
|----|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | Requires the prior submission of hard and/or soft landscape details |
| 4 | Requires the prior submission of boundary treatment details |
| 5 | Requires the prior submission of level details |
| 6 | Requires the prior submission of a sustainable drainage scheme |
| 7 | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 8 | Arboricultural Method Statement - Submission Required |
| 9 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 10 | Requires pedestrian visibility splays to be provided |
| 11 | Limits the approval to 3 years (Full) |
-

Case Officer: Amy Stevenson

Photo(s)



Photo 1: Entrance to site off The Green, viewed from Ridgacre Road West

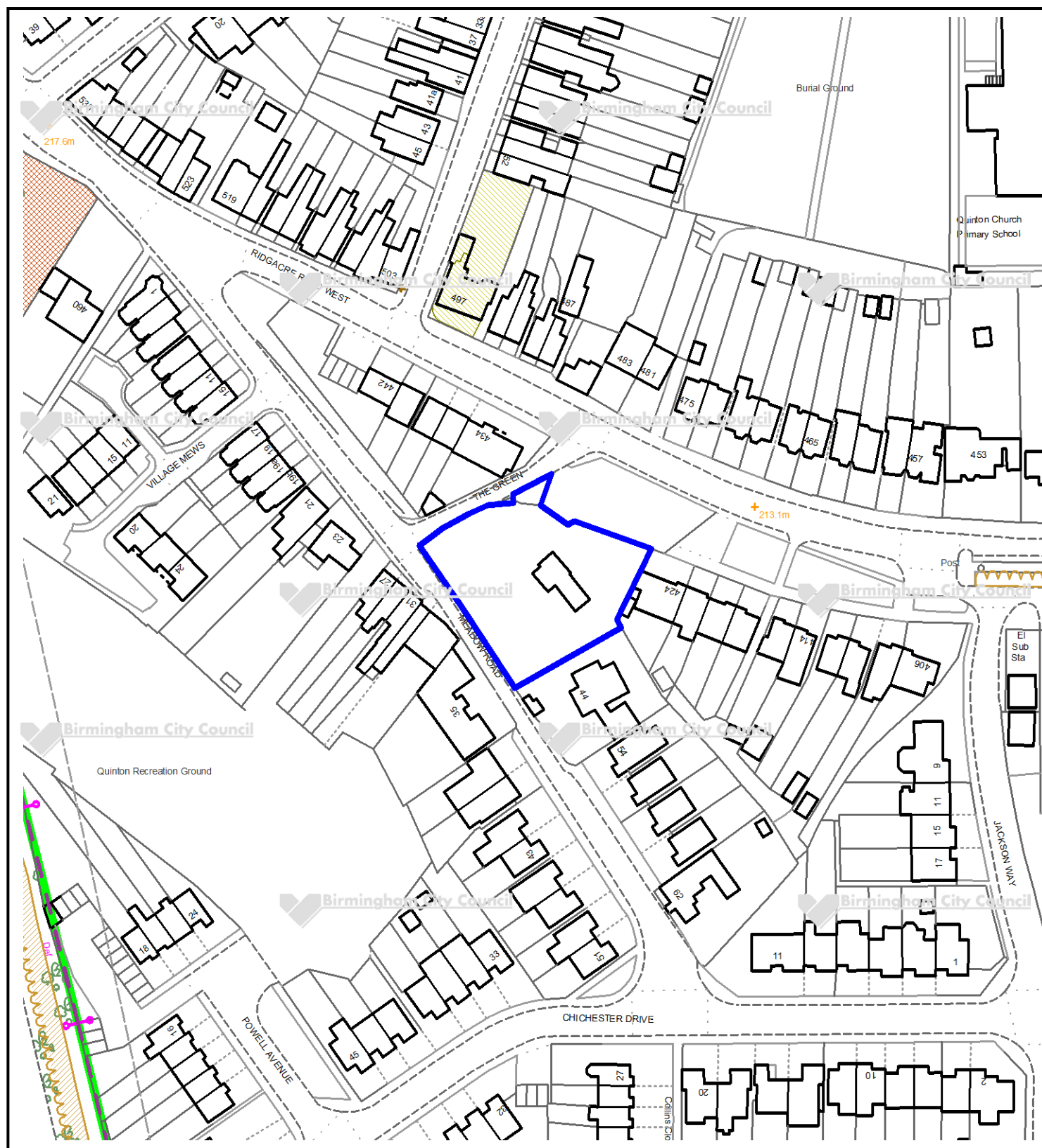


Photo 2: Within site looking west



Photo 3: Meadow Road, looking north, with the site's western boundary marked by the wooden fence in the distance. No. 44 is the dwelling on the right.

Location Plan



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Committee Date:	31/03/2016	Application Number:	2016/00125/PA
Accepted:	04/02/2016	Application Type:	Full Planning
Target Date:	31/03/2016		
Ward:	Selly Oak		

5 Lodge Hill Road, Selly Oak, Birmingham, B29 6NU

Demolition of existing extension and erection of single and two storey extension to side and rear; change of use from family dwelling (use class C3) to eight bed house in Multiple Occupation (Sui Generis)

Applicant:	Mr Alan Earp 5 Lodge Hill Road, Selly Oak, Birmingham, B29 6NU
Agent:	Archi-Tekt Partnership 21c Victoria Works, Graham Street, Birmingham, B1 3JR

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is for the change of use of 5 Lodge Hill Road, Selly Oak to an eight bed house in multiple occupation (Sui Generis).
- 1.2. To facilitate the change of use an existing single storey garage to the side and rear would be demolished and a new single and two storey extension is proposed to the side and rear.
- 1.3. From the front the two storey extension to the side would have a width of 3m and height of 8m, with its ridge set down 300mm from the existing roof ridge. It would have a total depth of 7.5m matching the depth of the existing house. A single storey element would extend from the side and rear of the proposed two storey extension. It would extend at an angle to the rear and wrap around the existing rear of the property, with a minimum width of 3m and maximum 7.3m. It would have the same footprint as the existing extension it would replace, and be attached to an existing single storey conservatory extension at the rear, of the same depth. The single storey extension would have a parapet roof to a total height of 3.1m. The extension would be constructed with materials to match the existing building, i.e. render elevations and tiled roof.
- 1.4. Internally the property would provide four en-suite bedrooms, lounge, kitchen/dining room and WC on the ground floor and four bedrooms (all with en-suite facilities) at first floor.
- 1.5. To the front of the property two parking spaces would be provided on an existing driveway.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to the property of 5 Lodge Hill Road, Selly Oak. This is a two storey semi-detached property with driveway to the front and private garden to the rear. The property has been extended to the side and rear with single storey additions.
- 2.2. The property has a pitched roof with two storey bay windows and canopy to the front door. This is a uniform design that is copied on neighbouring properties.
- 2.3. The surrounding area is predominately residential in character with housing to the north of the site along Frederick Road and extending west along Lodge Hill Road. Adjoining the site to the east is the Bear and Staff Public House. Further to the east is Bristol Road which has a commercial character.

[Location map](#)

3. Planning History

- 3.1. There is no relevant planning history associated with this site.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection, subject to a condition for secure cycle storage to be provided.
- 4.2. Regulatory Services – No objection.
- 4.3. West Midlands Police – No objection.
- 4.4. Letters of notification have been sent to surrounding occupiers; local residents associations, Selly Oak Ward Councillors and the MP for Selly Oak. A site notice has also been posted.
- 4.5. Steve McCabe MP - Objects to the application, stating that an 8 bedroom HMO student house is 'not appropriate to the setting of Lodge Hill Road'. The site is within the Article 4 Direction area which is designed to limit the growth of HMO's in residential areas. It is also opposite Langleys Road which has issues relating to unscrupulous landlords that attempted to convert a family home to a HMO. There is a concern that such behaviour could be replicated on Lodge Hill Road. In addition the extensions are likely to affect the privacy and light to neighbouring properties and the resulting use is not in keeping with the residential character of Lodge Hill Road.
- 4.6. Community Partnership for Selly Oak - Object to the application. This property is within the Selly Oak Article 4. We suspect that the locality is already close to the 10% HMO threshold for rejecting applications. We note that there are many HMO properties on Lodge Hill Road, Langleys Road and Frederick Road some of which are unregistered and some are not operated as domestic properties such as those used as the offices for the Christian Life Centre and therefore should be excluded from the domestic property counts. We also note that similar Large HMO conversions on Langleys Road have recently been declined. Creating a large HMO in this location will signify the spread of such properties from Bournbrook. We do not consider large HMO conversions to be appropriate in any part of Selly Oak. In

terms of design we note that an oddly shaped ground floor extension is proposed which will create a very oddly shaped bedroom. Further the provision of en-suite bathrooms for every bedroom will strain the local water supply and sewage systems.

4.7. In addition to the above, four additional letters of objection have been received from surrounding occupiers, objecting to the application on the following grounds;

- Loss of another family home in Selly Oak.
- There are already numerous multi occupancy properties in the area including opposite at Townsend Gardens which holds 30 residents.
- Impact on drains and sewers to cope with this increase.
- Increase in litter and problems of refuse collection lead to health and safety concerns.
- There is no 'free' car parking as mentioned in the design statement. Parking is available on the road. The car park adjoining the property is for the public house.
- The extension will block views.
- The extension will overlook surrounding properties.
- There will be an increase in noise and anti-social behaviour.
- Decline in property prices.
- The development contravenes Article 4 relating to HMOs.
- The development is not necessary.
- Issues raised relating to the accuracy of the submitted Design and Access Statement. The 'hotel' is a public house; spaces marked for residents parking are on the road; and the car park is not available to residents.
- Parking is difficult on Lodge Hill road due to close proximity of the school.
- Safeguarding issue with bedroom overlooking the school.

5. Policy Context

5.1. The following national policy is relevant

- The National Planning Policy Framework (2012)

5.2. The following local policy is relevant.

- The Birmingham Unitary Development Plan (2005)
- Draft Birmingham Development Plan
- Places for Living SPG (2001)
- Specific Needs Residential Uses SPG
- Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne Wards (2014)
- Car Parking Guidelines SPD (2012)

6. Planning Considerations

6.1. The main considerations in the determination of this application are the impact of the proposal on residential amenity, visual amenity, highway safety and parking and whether the principle of the proposal is in accordance with policies of the Development Plan and the adopted policy on HMOs within the Article 4 area.

6.2. **Principle**

Applications for change of use to Sui Generis Houses in Multiple Occupation need to be assessed against criteria in Paragraphs 8.23-8.25 of the UDP and Specific Needs Residential Uses SPG. The criteria includes; effect of the proposal on the amenities of the surrounding area and adjoining premises, size and character of the property, floorspace standards, amount of car parking and the amount of provision in the locality.

- 6.3. Where a proposal relates to a site in an area which already contains premises in a similar use account should be taken of the cumulative effect of such uses upon the residential character. If a site is within an area of restraint permission may be refused on the grounds that further development of such uses would adversely affect the character of the area.
- 6.4. The property lies within the area covered by the Article 4 Direction and accompanying Planning Policy Document, within which Policy HMO1 states the conversion of C3 family housing to HMOs will not be permitted where there is already an over concentration of HMO accommodation (C4 or Sui Generis) or where it would result in an over concentration. An over-concentration would occur when 10% or more of the houses, within a 100m radius of the application site, would not be in use as a single family dwelling (C3 use). The city council will resist those schemes that breach this on the basis that it would lead to an overconcentration of such uses.
- 6.5. In this instance, it is noted that the property is semi-detached and fronting onto a residential road next to a public house. The site is within a predominantly residential area largely consisting of family dwellings and has a typically residential character. It is noted that there is a school in close proximity and a women's refuge opposite.
- 6.6. Applying the policy's agreed monitoring criteria, i.e. the most robust data available to the Local Planning Authority: Council Tax records, Planning Consents and HMO Licensing information, it is revealed that within 100m of 5 Lodge Hill Road there are 106 residential properties. Of these properties and including the application site, 7 are identified as being HMO's, (both C4 and Sui Generis) equating to 6.6%. this figure would increase to 7.5%. As such, the policy threshold would not be exceeded and it is considered that there would not be an over-concentration of HMO's in this particular area.
- 6.7. **Visual Amenity**
Policy 3.8 of the UDP recognises the need to protect and enhance what is good in the city's environment and improve what is less good. Policy 3.10 states proposals which would have an adverse impact on the quality of the environment will not normally be allowed.
- 6.8. In this instance, the size and scale of the extension to the side and rear of the property is considered acceptable. It is subservient to the existing and is slightly set back from the front of the house at first floor level. Windows are in alignment with the existing and are of the same size and proportions. There would not be any impact on the residential amenities of the neighbouring occupier in terms of overlooking as windows at ground floor and first floor meet the required set back distance of 5m and 10m respectively as advocated by 'Places for Living'. Being the last property in the row, the rhythm of gaps that currently occur between the semi-detached properties allowing views through between houses would not be altered. In addition, there would be no overshadowing or loss of light to neighbouring occupiers given the extensions' position and distance from neighbouring residential properties and it

being set no further back than the existing conservatory along the boundary with number 7 Lodge Hill Road. The extension would accord with the 45 degree code.

- 6.9. The parapet nature of the roof of the single storey addition is not consistent with the design of the existing house. However, I do not consider this a matter to warrant concern in this instance. The extension is not prominent in the public realm and the existing extension has a similar roof design and as such would not have a materially different impact to the existing. It is recommended that a condition of approval be that the materials used match those of the existing house.
- 6.10. As such I consider that the proposed extensions would not have any detrimental impact on the visual or residential amenities of the surrounding area.

6.11. Residential Amenity

7. Including for bedrooms sizes, the 'Technical Housing Standards' are nationally-described standards and although not yet adopted by Birmingham City Council, and are applicable to new dwellings rather than HMOs, they are nevertheless a useful yardstick. Proposed bedrooms measure between 8.7sq.m and 14.4sq.m and would comply with these national standards. In addition, all bedrooms are en-suite and significant communal/shared facilities are provided. The 'oddly-shaped bedroom' referred to by objectors would be 11.48sqm and a furniture layout has been submitted to demonstrate that it could accommodate an appropriate level of storage, as well as a desk and en-suite.
- 7.1. A large rear garden is provided (maximum dimensions of 15m long by 10m wide). I note that the property is semi-detached. Given the large kitchen-dining-living room to the party wall, I consider it reasonable to attach a condition requiring noise insulation be installed, to protect the neighbour's amenity. I note no objection from Regulatory Services.

7.2. Highway Safety and Parking

Two parking spaces are provided to the front of the property, within a driveway area. Although traffic and parking demand may increase slightly this is unlikely to have a significant impact in this location. Cycle parking is required and a condition to secure this is recommended, which will encourage an alternative form of transport. There is also some unrestricted on street parking in the vicinity and excellent public transport links, with bus stops near to the property. Given this, no objection is raised by my Transportation Development Officer, a view with which I concur.

6.14 Other Matters

Local residents have expressed concern regarding the impact of the use on local drainage and sewers. The proposed use intends to utilise the existing supply and connections and no works to drains or sewers are required to facilitate the development. In this instance, the use is unlikely to have any material implications to the existing drainage system.

- 6.15. Concerns regarding safeguarding due to the addition of extra bedrooms overlooking the nearby school are raised. In this instance, the existing house is orientated so there is little outlook over the school site which itself is over 60m from the application site. The extension is to the eastern side of the property, the school to the west; as such I do not consider there should be any concerns in this respect.

6.16. Residents also raise concern about factual information made within the Design and Access statement. I acknowledge residents' comments, however, I am satisfied that the information is sufficient to be considered in the context of my own observations.

6.17. Community Infrastructure Levy

This development is not liable for a CIL contribution.

8. Conclusion

8.1. I consider that the proposed use of the property as a Large House in Multiple Occupation would be acceptable in principle, with your policy threshold not being breached. I do not consider the proposed scheme would have a detrimental impact on the character of the area, or upon the amenities of adjoining residents and highway safety. I note the site's sustainable location: close to the University of Birmingham, excellent public transport links, and the local centre with all its amenities and facilities.

9. Recommendation

9.1. Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of cycle storage details |
| 3 | Requires that the materials used match the main building |
| 4 | Requires the prior submission of a scheme of noise insulation along the ground floor party wall. |
| 5 | Limits the approval to 3 years (Full) |
-

Case Officer: James Mead

Photo(s)

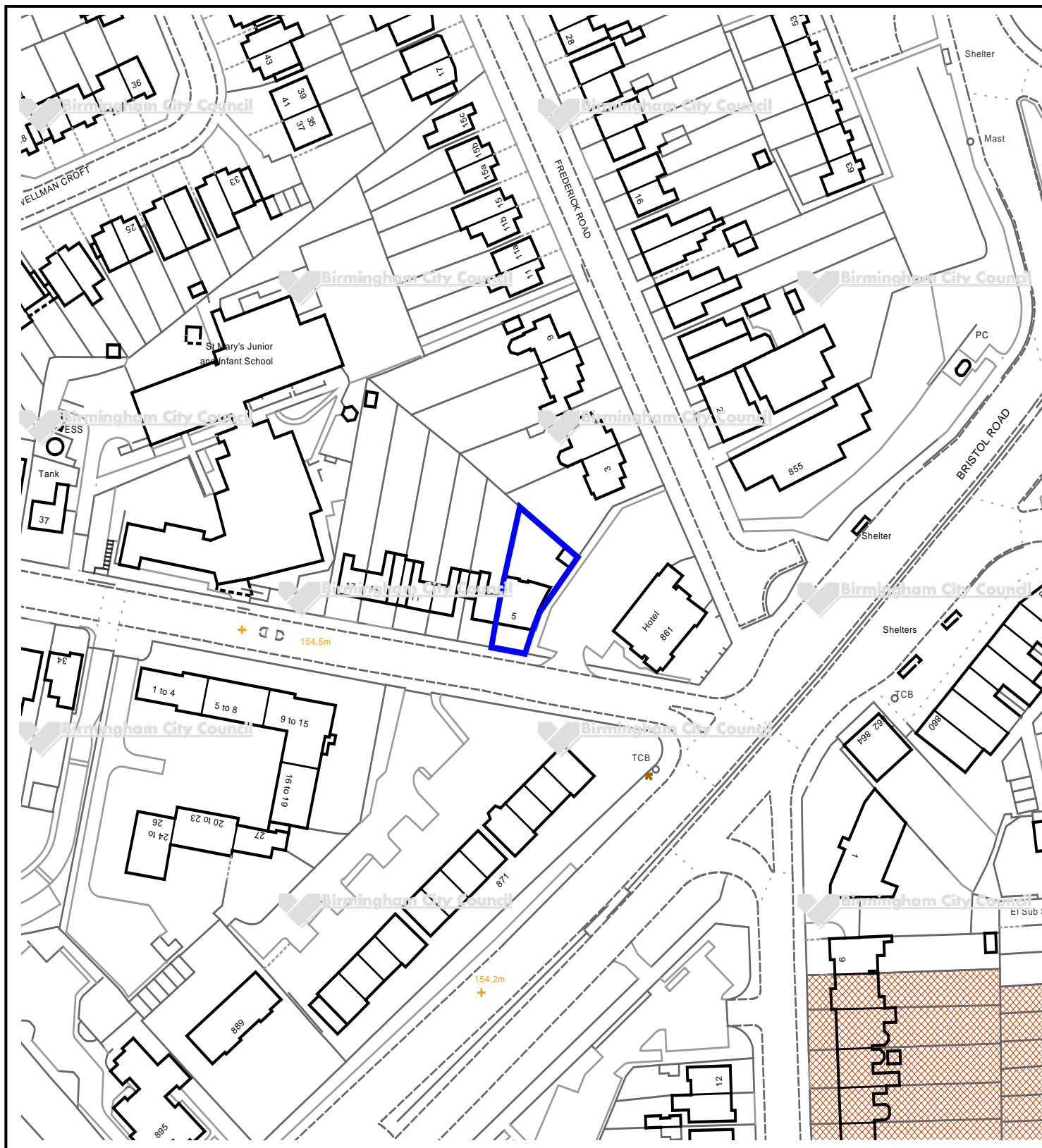


Photograph 1: Front elevation of 5 Lodge Hill Road.



Photograph 2: Side elevation of 5 Lodge Hill Road

Location Plan



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Committee Date:	31/03/2016	Application Number:	2015/10124/PA
Accepted:	11/12/2015	Application Type:	Full Planning
Target Date:	05/02/2016		
Ward:	Edgbaston		

46 Stirling Road, Edgbaston, Birmingham, B16 9BL

Retrospective application for change of use from dwelling (Use Class C3) to multiple occupation for 8 persons and erection of single storey rear extension

Applicant:	Mr N Ghanchi
	46 Stirling Road, Edgbaston, Birmingham, B16 9BL
Agent:	S Ahmed
	269 Somerville Road, Small Heath, Birmingham, B10 9DL

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The application is for the retention of the use of the property as an eight bedroom *sui generis* "large" House in Multiple Occupation (HMO), along with the erection of a single storey rear extension.
- 1.2. Internally, on the ground floor two bedrooms would be provided along with a kitchen. Within the proposed extension, a new dining room and shower room would be provided. At first floor there would be four bedrooms, a shower room, bathroom and WC and to the second floor a further two bedrooms would be provided. Bedroom sizes would range from 7.5 sqm to 15.1 sqm and private amenity space of 22.1 sqm per resident would be provided at the rear.
- 1.3. A single storey rear extension is proposed which would be constructed of materials to match the existing building and would have a mono pitched roof. It would be 8.1m deep, 3.9m in height (2.8m to eaves) and would be 3.4m in width.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is a two storey red brick semi-detached dwelling house with a tarmac front garden. No TRO's are in place on Stirling Road with on street parking available albeit heavily used.
- 2.2. The context of the local area is heavily leaning towards HMO use and Flats which is noted as a characteristic of this part of Edgbaston. Within the part of Stirling Road in which the application property sits are high levels of properties providing shared accommodation, with at least 16 of the properties in use as flats. It is further evident

that this is supplemented by properties which have been converted to operate as a shared house. The adjoining semi at no. 48 is converted into flats, while no. 44 is an HMO.

[Site Location Map](#)

3. [Planning History](#)

- 3.1. 2015/1006/ENF - Change of use to house in multiple occupation
Under Investigation – Application requested

4. [Consultation/PP Responses](#)

- 4.1. Regulatory Services – No objection
- 4.2. Transportation – No objection subject to a condition requiring the installation of cycle shelter.
- 4.3. West Midlands Police - Object to the application due to a high level of police attendance on Stirling Road and the potential for neighbour disputes over parking that result from additional accommodation provision.
- 4.4. Local occupiers, Ward Councillors, and Residents/Traders Associations notified, Site Notice displayed.
- 4.5. Four letters from local residents have been received objecting to the proposal on the following grounds.
- Too many House in Multiple Occupation
 - Rubbish and unwanted household items left on the street
 - Resultant neglect of the area as a result of the transient population
 - Increased traffic demand
 - Social and criminal problems locally (drugs/prostitution)
- 4.6. Gisela Stuart MP added her endorsement to the issues expressed by local residents and noted that the proposal could result in these problems being exacerbated.

5. [Policy Context](#)

- 5.1. The following local policies are applicable:

- Birmingham UDP (2005)
- Draft Birmingham Development Plan
- Specific Needs Residential Uses SPG
- 45 Degree Code

The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. [Planning Considerations](#)

- 6.1. The National Planning Policy Framework seeks a presumption in favour of sustainable development. One of the core planning principles set out in Paragraph 17 is that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”
- 6.2. Paragraph 8.23 and 8.24 of the Birmingham UDP states that HMOs should consider:
- The effect of the proposal on the amenities of the surrounding area, and on adjoining premises;
 - The amount of provision in the locality;
 - The size and character of the property;
 - The floor space standards of the accommodation;
 - The facilities available for car parking.
- 6.3. Paragraph 8.25 of the Birmingham UDP states that “the use of small terraced or semi-detached houses for multiple paying occupation will cause disturbance to adjoining houses and will be resisted”. It further states where properties are located within other similar uses these will be taken into account and the cumulative impact assessed.

The effect of the proposal on the amenities of the surrounding area and on adjoining properties

- 6.4. The property is currently an unlawful HMO, with all 8 bedrooms occupied, having been converted from a dwelling house (C3). I consider that given the location of the site on a road which has been heavily focused on shared accommodation no material additional disturbance is likely to local residents from the lawful use as a single dwelling. I am therefore satisfied that by the size and nature of this property no disturbance would be caused to nearby residents.
- 6.5. I do not consider the nearest adjacent neighbours would be adversely affected by this proposal with both 44 and 48 Stirling Road being in use as flats/HMO. I note that the bedrooms are located away from the party wall with 48 Stirling Road to reduce potential noise disturbance between the two properties.

The amount of provision in the locality

- 6.6. I note from my site visit that visually the street scene still generally appears as single dwellings in so much as front garden areas have mostly been maintained. Should the housing demand change in the future, a return to single dwelling houses could be easily be achieved without alterations to the frontages.
- 6.7. A survey of the local area revealed that out of the 41 properties (including the application site) located in this part of Stirling Road, only 8 appear to be in use as class C3 single dwellings. Of the remaining 33, I note that 16 are in use as flats (of which 6 appear to be operating without the benefit of planning permission), and the remaining 17 would appear to be in use as shared accommodation. It is unclear whether these 17 fall within the Large HMO use (Sui Generis) or under the Small HMO (C4).
- 6.8. I therefore recognise that the site is located within an area which has a high level of flats and shared accommodation, with only 19.5% of the properties surveyed in use as single dwellings. While approving the proposed HMO use would result in the loss of another Class C3 house, I consider the ‘family dwelling character’ of the area has

mostly been lost already, and so it would be unreasonable to resist the proposal in principle. Externally, the property would remain as an attractive feature in the street, and internally it could be de-converted in the future.

The size and character of the property

- 6.9. The building is a good sized semi-detached, two storey dwelling house. I am satisfied that the applicant has successfully demonstrated that the site can provide an acceptable level of accommodation and space for 8 residents and I further note that the proposed extension offers increased communal space for residents living in this shared house.

The floor space standards of the accommodation

- 6.10. The 'Technical Housing Standards' are nationally-described standards. Although not yet adopted by Birmingham City Council, and applicable to new dwellings rather than HMOs, they are nevertheless a useful yardstick. Proposed bedroom sizes would comply with these national standards, with rooms ranging from 7.5 sqm to 15.1 sqm. No bedrooms offer en-suite facilities and residents would make use of the shared facilities provided.
- 6.11. Having visited the site and having seen the rooms fully laid out and occupied I am satisfied that the rooms result in an acceptable level of accommodation and provide sufficient space for tenants.
- 6.12. I note that the Specific Needs Residential Uses SPG recognises that dwellings intended for multiple paying occupations have a role to play in meeting the housing needs of certain groups in society.

The facilities available for car parking

- 6.13. My Transportation Development Officer raises no objection to the proposal. It is not considered traffic and parking demand would increase notably to that generated as a C3 house. It is noted that on street parking is available albeit heavily used. In addition there are regular bus services available nearby throughout the day serving the City Centre along Hagley Road.
- 6.14. Transportation Development have further requested a condition which requires the provision of secure cycle storage. I consider that such a condition is reasonable from such a use and having discussed this with the applicant, it is agreed such a provision could be made. Therefore a condition is attached.

General Alterations

- 6.15. The application proposes a single storey extension to the rear of the property; I note that the extension would in part replace a partially demolished outbuilding and would accommodate a new communal dining area and shower room. The City's 45 Degree Code has been given due consideration however given that no ground floor end-of-wing windows are located to the rear of 48 Stirling Road, I do not consider this to be a relevant consideration on this application. In conclusion, I consider that the appearance of the extension would be acceptable with no adverse impact on the visual or residential amenity of the area.

Response to other Objections

Crime

- 6.16. I note that objections have been received, from the Police and residents, which concern the potential for increased criminal activities as a result of the use. The Police note their high level of attendance on Stirling Road, and the potential for neighbour disputes over parking that result from additional accommodation provision. For parking, the Transportation officer raises no objection, considering parking demand would not increase notably to that generated as a C3 house. I concur. Having considered the crime data provided by the Police, it is evident that the majority of incidents are centred on 3 nearby HMO premises. These 3 properties have attracted criminal/anti-social behaviour activity, but this alone does not illustrate that all HMO's lead to such behaviour. Indeed, there are many other HMOs in the road that have not lead to Police attendance. As such, I do not consider the Police's argument would be able to be used as evidence at any appeal that such a use is inherently likely to lead to increased crime or anti-social behaviour. I do not consider that the proposed HMO use would automatically be linked to criminal activities and as such this would not be a reason to withhold consent.

Rubbish

- 6.17. I noted from my site visit that the road in general is well provisioned with "Wheelie Bins" it was evident that these were well used and there was not an excessive level of street litter apparent within the area. I am therefore satisfied that sufficient refuse facilities exist to contain any litter generated by the use.

7. Conclusion

- 7.1. I consider that the retention of 46 Stirling Road as an HMO is acceptable. I acknowledge a high number of flats/HMO's in this location but as such I consider a further property in HMO use is unlikely to result in further material harm to this residential area. Acceptable living conditions would be provided and I am satisfied there would be no adverse impact on the amenity of adjoining residential occupiers. The property is located close to City Centre facilities and well served by public transport. The proposal would be in accordance with local and national planning policy. As such I consider that the proposal would constitute sustainable development and I recommend that planning permission be granted.

8. Recommendation

- 8.1. Approve with conditions

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- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires that the materials used for the extension shall match the main building |
| 3 | Requires the prior submission of cycle storage details |
| 4 | Limits the approval to 3 years (Full) |
-

Case Officer: Martin Mackay

Photo(s)

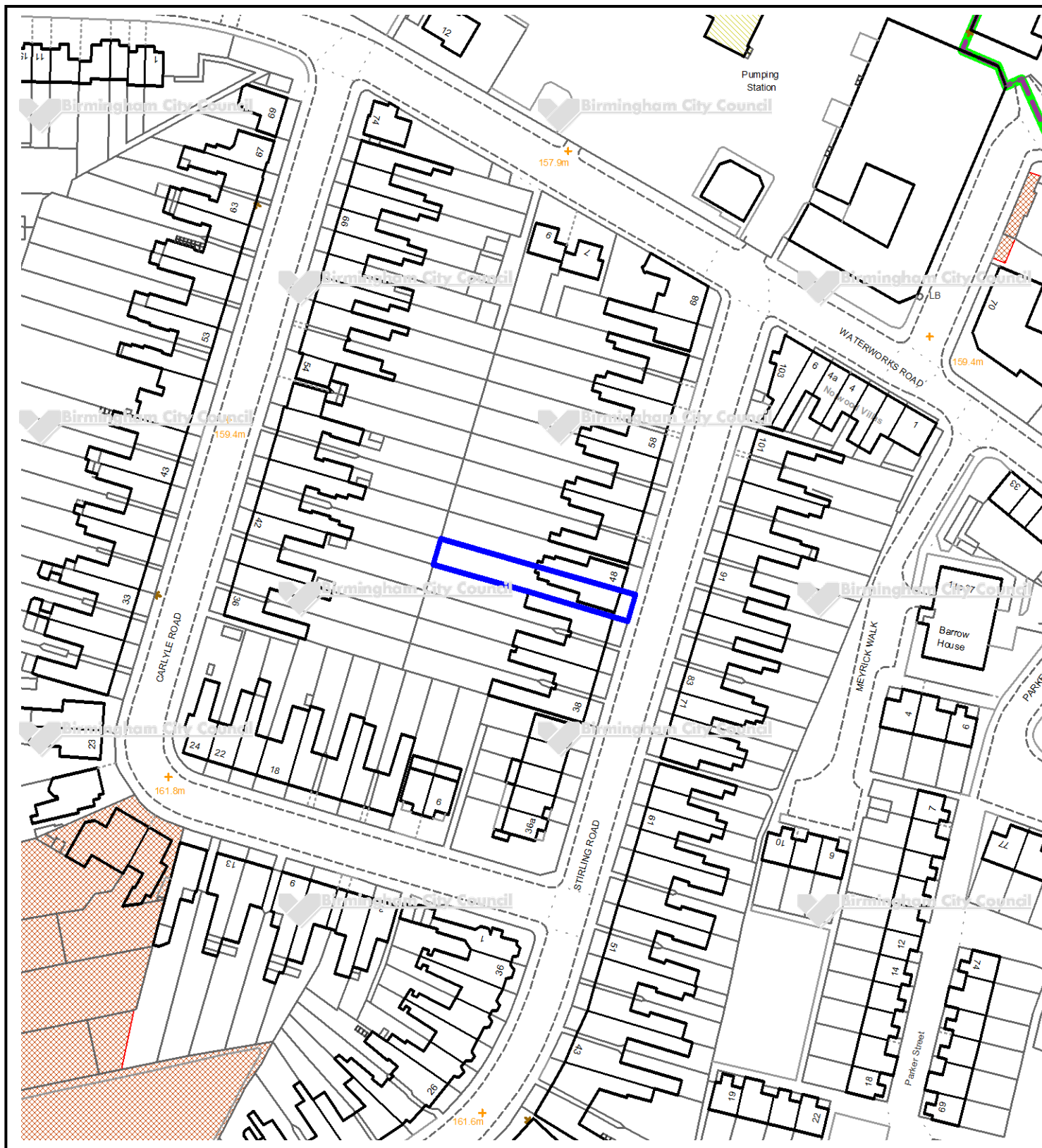


Front Elevation of 46 Stirling Road



Rear of 46 Stirling Road

Location Plan



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Committee Date:	31/03/2016	Application Number:	2016/00059/PA
Accepted:	08/01/2016	Application Type:	Variation of Condition
Target Date:	08/04/2016		
Ward:	Northfield		

Groveley Lane, Former Community Centre, Longbridge, Birmingham, B31 4QG

Removal of condition no.18 attached to application ref:- 2013/09400/PA relating to the requirement for the units to be affordable and instead replace it with a Section 106 agreement as an alternative method to secure the affordable homes provision.

Applicant:	M J Fitzpatrick Ltd 35 Copperfield Court, 239 Dickens Heath Road, Solihull, West Midlands, B90 1QD
Agent:	Oakley Architects Ltd 2b Hillwood Road, Sutton Coldfield, Birmingham, B75 5QL

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. Planning permission was granted by your Committee on the 20 March 2014 (2013/09400/PA) for the redevelopment of this cleared site with 14 no. 2 storey houses - 10 no. 2 bed and 4 no. 3 bed properties. At the time permission was granted Local Services had sought a contribution of £40,000 as compensation for the loss of public open space and Education had requested a contribution of £60,000 towards primary provision at local schools. However, notwithstanding this, the applicants requested that consideration be given to an alternative approach in that the requested contributions towards education/public open space be waived in order to allow the proposed houses to be provided as affordable units for Waterloo Housing Association instead. This was accepted by your Committee and approval was granted subject to condition 18 which stated:

"The properties hereby approved shall be provided as affordable homes and shall meet the definition of Affordable Housing as set out in Annex 2 of the NPPF or any future guidance that replaces it.

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 8.50-8.53 of the Birmingham UDP 2005 and the National Planning Policy Framework."

- 1.2. Permission is now sought for the deletion of this condition as the RSL (Registered Social Landlord), Waterloo Housing have been unable to secure funding for the development as the condition attached to the original planning permission does not have the same detailed clauses within it that a Section 106 Agreement has. It is these clauses that funding lenders require. As such, the applicant has confirmed that the units will be provided as affordable by Waterloo Housing but a Section 106 agreement rather than condition will be necessary.

- 1.3. The development would remain as per the previous approval with access provided from Groveley Lane, which would be improved and extended to create a private drive running the length of the site on its south side. This would terminate in a 'courtyard' area at the north-east end of the site, which 10 no. of the proposed houses would front onto. The other 4 no. houses would back onto these units, accessed directly from the extended access road at the west end, adjacent to an adopted turning head. The houses would be set perpendicular to the long (west and east) site boundaries. The units adjacent to the new access drive would incorporate additional openings within gables fronting the road, in order to address the public realm. The houses would have defined front garden areas, with 200% frontage parking provision. All garden sizes, bedroom sizes and separation distances would continue to comply with the guidelines in Places for Living, as per the previous approval.
- 1.4. The existing public pedestrian right of way running alongside the site's south-west boundary would be maintained in an improved setting, i.e. new lower railings to the site edge, with landscaping adjacent. Access would also be maintained to an existing sub-station in the south-west corner of the site from the adopted road.
- 1.5. Site area: 0.46 hectares. Density: 30.4 dwellings per hectare.
- 1.6. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application relates to a cleared site to the rear of houses on the north side of Groveley Lane, Longbridge.
 - 2.2. The site was previously occupied by Cofton Common Community Hall, (built in the 1950s) which was demolished some time ago (10 to 12 years). It is now cleared and comprises a large tarmac area (the site of the former building and associated car park) and rough grassland to the northern part.
 - 2.3. The site is approximately 0.46 hectares and is a narrow, rectangular shape which tapers along part of the southern boundary. Access to the site is via a driveway from Groveley Lane (currently gated off).
 - 2.4. There is a public footpath which links Groveley Lane and Kingswood Road (to the north), which runs adjacent to the south-western boundary of the site. An electricity sub-station is located in the site's south-west corner. The site slopes down towards Kingswood Road, and also from the north-east end down towards the public footpath.
 - 2.5. Surrounding the site is residential development and it is bordered to the north, east and west by the rear gardens of residential dwellings on Groveley Lane, Marden Grove and Kingswood Road. The site boundary is established by fencing and hedges/dense planting. There are a number of trees around the edges of the site.
 - 2.6. The local area is characterised by a mix of semi-detached and terraced 2 storey houses, built in brick and render with pitched tiled roofs. The houses generally follow a consistent pattern, laid out along wide streets following a clear building line and set behind walled or fenced front gardens, with private gardens to the rear.

2.7. [Site Location Map](#)

3. [Planning History](#)

- 3.1. 23rd August 2012. 2012/02611/PA. Pre-application discussion for a residential development.
- 3.2. 17th September 2012. 2012/05159/PA Pre-application advice for residential development.
- 3.3. 28th October 2013. 2013/07129/PA. Pre-application advice for proposed residential development.
- 3.4. 20 March 2014. 2013/09400/PA. Planning permission granted for the erection of 14 no. two-bed & three-bed dwelling houses and associated works.
- 3.5. 10 November 2015. 2015/06624/PA. Removal of condition no.18 (requires the units to be affordable) attached to approval 2013/09400/PA. Application withdrawn.

4. [Consultation/PP Responses](#)

- 4.1. Local residents, Ward Councillors, Resident Associations and MP notified. Press and Site Notice posted. One letter of support received from a resident opposite the site and three letters of objection received from neighbouring occupiers. The objections are based on the following grounds:
- Should be refused as enough private housing being built in Longbridge.
 - Site not suitable due to emergency access.
 - Any Section 106 monies should only be spent on improving the area.
 - Waving affordable housing shows the Council's lack of thought towards the community.
 - Land has long history of flooding.
 - Loss of privacy to adjacent homes.
 - Why has permission previously been granted on this site (greenfield) when a small town is being built up the road at Longbridge on brownfield land?
- 4.2. Regulatory Services – no objection.

5. [Policy Context](#)

- 5.1. UDP; Draft Birmingham Development Plan; Places for Living SPG; Car Parking Guidelines SPD; Mature Suburbs - Guidelines to control residential intensification SPD; NPPF.

6. [Planning Considerations](#)

- 6.1. Planning permission was granted by your Committee on the 20 March 2014 (2013/09400/PA) for the redevelopment of this cleared site with 14 no. 2 storey houses. At the time permission was granted Local Services had sought a contribution of £40,000 as compensation for the loss of public open space and Education had requested a contribution of £60,000 towards primary provision at local schools. However, notwithstanding this, the applicants requested that consideration be given to an alternative approach in that the requested contributions

towards education/public open space be waived in order to allow the proposed houses to be provided as affordable units for Waterloo Housing Association instead. This was accepted by your Committee and approval was granted subject to condition 18 which stated:

"The properties hereby approved shall be provided as affordable homes and shall meet the definition of Affordable Housing as set out in Annex 2 of the NPPF or any future guidance that replaces it.

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 8.50-8.53 of the Birmingham UDP 2005 and the National Planning Policy Framework."

- 6.2. Permission is now sought for the deletion of this condition as the RSL (Registered Social Landlord), Waterloo Housing have been unable to secure funding for the development as the condition attached to the original planning permission does not have the same detailed clauses within it that a Section 106 Agreement has. It is these clauses that funding lenders require. As such, the applicant has confirmed that the units will be provided as affordable by Waterloo Housing but a Section 106 agreement rather than condition will be necessary.
- 6.3. The site was previously occupied by Cofton Common Community Hall and associated recreational space. The building was demolished some 10 to 12 years ago, sufficiently long enough for it to no longer count as a current or recent loss to the community. The site has been cleared and comprises of a large tarmac area (the site of the former building and associated car park) and rough grassland to the northern part.
- 6.4. Birmingham City Council sold the site in September 2013. An Open Space Assessment was undertaken to inform the disposal of the land and this demonstrated the conditions for exceptional circumstances in accordance with the UDP could be met:
 - Provision of public open space in this and the surrounding wards is above the target of 2 hectares per 1,000 population (at 2.27 hectares).
 - The size and shape, and lack of road frontage or natural surveillance are not desirable. It is unsuitable to fill the only identified gaps in provision (small open spaces/facilities for children).
 - The site has no active recreation or public value within the open space network.In reflection of the above, Local Services raised no objection to the disposal and redevelopment for residential purposes and agreed that a contribution of £40,000 would be acceptable as compensation for the loss of public open space on the previous planning approval.
- 6.5. There remains no requirement for new public open space or children's play facilities within the proposed development as the proposal remains less than the policy threshold of 20 dwellings.
- 6.6. In addition, Education had previously requested a contribution of £60,000 towards primary provision at local schools based on an analysis of the surplus levels in Northfield.
- 6.7. As previously agreed, the requirement for financial contributions towards public open space (as compensation for the loss of the community facility) and education has been waived subject to the provision of the site for affordable housing. The applicant has secured an RSL, Waterloo Housing, to deliver the site as affordable housing in accordance with the previous planning permission. However, Waterloo Housing has

been unable to secure financial funding for the site due to the lack of detail in Condition 18. As such, the applicant seeks to delete condition 18 and secure the provision of the site as affordable housing through the use of a Section 106 Agreement.

- 6.8. The legal agreement would need to secure the provision of the 14 units as affordable. These have been identified as four, two bedroom properties as shared ownership and the remainder as affordable rent. However, if in the event that the legal agreement to secure the affordable housing is not completed, the application would then need to be refused on the basis of the education and public open space contributions not being secured.
- 6.9. I consider the deletion of the condition and its replacement with a Section 106 Agreement to be acceptable. The proposal would continue to meet policy objectives in the delivery of new homes in a sustainable location.
- 6.10. I note the three letters of objection from local residents. One was lodged due to the unavailability of layout, site and elevation plans online - all layout and design issues were agreed during the 2013 application and are not proposed to be altered through this Section 73 application. As such, no elevations or layout plans were required or submitted with this application. In response to the other objections; the deletion of the condition and its replacement with a legal agreement would ensure the development of the site for affordable housing rather than removing the requirement as objected to; flooding, privacy and access have all previously been assessed and no changes are proposed to the original approval, apart from the deletion of condition 18 and permission was previously granted because the site is previously developed land (brownfield) that is suitable for residential development irrespective of new housing being built close by.
- 6.11. Our Planning Ecologist has requested attaching the previous conditions relating to ecology.
- 6.12. With regards to Community Infrastructure Levy, the proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. The proposal, with the deletion of the affordable housing condition and its replacement with a Section 106 Agreement would continue to meet policy objectives and criteria set out in the Birmingham UDP and the NPPF. The revised submission would continue to provide new affordable housing within the City boundary.
- 7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would continue to provide economic and social benefits; would provide local employment during construction and does not have an environmental impact that could be regarded as significant; I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

- 8.1. That consideration of application number 2016/00059/PA is deferred pending the completion of a suitable legal agreement to secure the following:

- a) The provision of 14 affordable housing units comprising 10, 2 bedroom properties and 4, 3 bedroom properties with four of the two bedroom units being shared ownership and the remainder being for affordable rent.
 - b) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.
- 8.2. That the City Solicitor be authorised to prepare, seal and complete the appropriate agreement.
- 8.3. That in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority, on or before 5 April 2016, planning permission be refused for the following reasons:
 - a) In the absence of any suitable planning obligation to secure a financial contribution of £60,000 (index linked from the date of this planning committee) towards the provision of further primary school places and school improvements at Cofton Primary School, Wootton Road, Northfield and £40,000 (index linked from the date of this planning committee) towards the provision and enhancement of site security and wildlife corridor enhancement at Fairfax Road Public Open Space Northfield; the proposed development conflicts with Paragraphs 3.52a and 8.50-8.54 including Figure 8.1 of the Birmingham UDP, the draft BDP and the NPPF.
- 8.4. That in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority on or before 5 April 2016, favourable consideration would be given to application 2016/00059/PA subject to the conditions listed below.

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|----|---|
| 1 | Requires the prior submission of a sustainable drainage scheme |
| 2 | Requires the prior submission of an assessment of the culverted watercourse |
| 3 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 4 | Requires the prior submission of hard and/or soft landscape details |
| 5 | Requires the prior submission of hard surfacing materials |
| 6 | Requires the prior submission of boundary treatment details |
| 7 | Requires the prior submission of a lighting scheme |
| 8 | Requires the prior submission of sample materials |
| 9 | Requires the prior submission of level details |
| 10 | Removes PD rights for new windows |
| 11 | Requires tree protection measures |
| 12 | Requires the prior submission of a contamination remediation scheme |
| 13 | Requires the prior submission of a contaminated land verification report |
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- 14 Prevents occupation until the service road has been constructed
 - 15 Prevents occupation until the turning and parking area has been constructed
 - 16 Requires pedestrian visibility splays to be provided
 - 17 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 18 Removes PD rights for extensions
 - 19 Subject to the period until tree removal, requires an additional bat survey
 - 20 Requires the removal of the existing railings to the footpath
 - 21 Requires the prior submission of details of bird/bat boxes
 - 22 Requires the scheme to be in accordance with the listed approved plans
 - 23 Limits the approval to 21 March 2017
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Case Officer: Pam Brennan

Photo(s)



View of site entrance and adjacent public footpath looking north

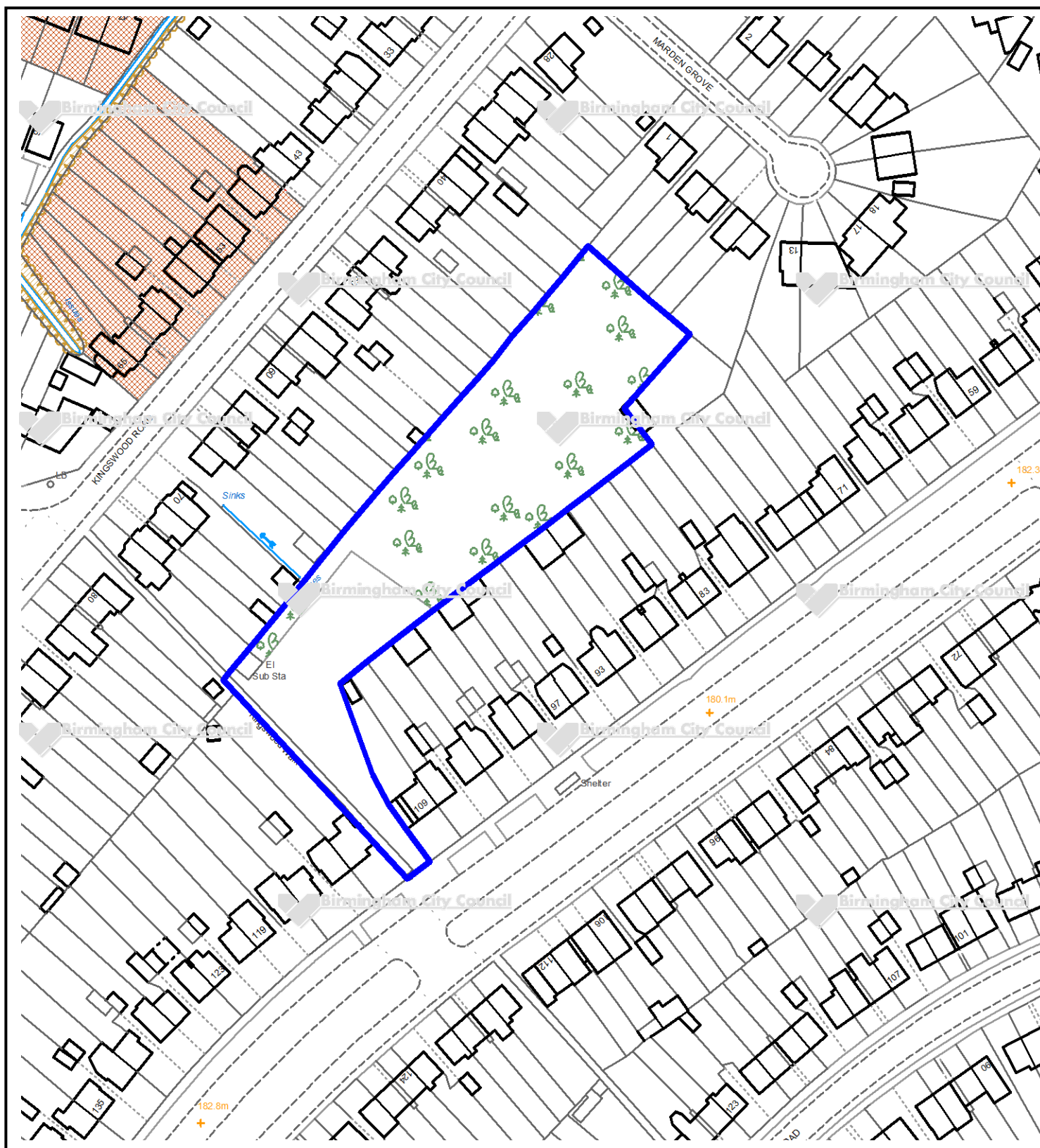


View of site looking north east



View of footpath, application site and rear of houses in Groveley Lane looking south

Location Plan



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