Delegated Date: 28/11/2017 Application Number: 2017/07064/PA

| Accepted: | 11/08/2017 | Application Type: | | Full Planning |
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| Target Date: | 30/11/2017 |  | |  |
| Ward: | Harborne | |  |  |

| Land To Rear Of Kings Arms PH, 4-22 Harborne Park Road, Harborne, Birmingham, B17 0DH |
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|  |
| Erection of 12 flats,parking associated landscaping and access from Harborne Park Road |

Applicant: Midland Properties and Finance (Birmingham) Ltd

334-340 Harborne High Street, Harborne, Birmingham, B17 9PU

Agent: Michael Edwards Associates

Unit 5 Birchy Cross Business Centre, Broad Lane, Tanworth In Arden, Solihull, B94 5DN

Recommendation

**Approve Subject To Conditions**

1. Proposal
   1. This application seeks planning permission for the erection 12no flats with associated parking, landscape and access at land to the rear of the former Huntsmans (previously The Kings Arms) Public House and fronting onto Harborne Park Road, Harborne.
   2. The scheme would be three storeys, with flat and pitched roofed dormers and gable projections providing space to the upper floor. The scheme provides parking for 8 vehicles. Access to the car park is via Harborne Park Road through an existing access to the south east of the site. There would be gates to prevent public access to the rear, set back into the site by 5.8m.
   3. The building would be set back from the front boundary of Harborne Park Road by between 1m and 1.8m. The architecture would be of a traditional design, with the building consisting of a red brick construction with some white rendered areas at ground floor. Juliette balconies would also add interest to the projecting gables.
   4. Two pedestrian accesses into the building would be provided from the front elevation on Harborne Park Road. Each access would serve six flats, two on each floor.
   5. The proposal would consist of 6 one bed and 6 two bed flats. The one bed flats being 67sqm, the two bed flats being 70sqm.
   6. An enclosed residential amenity area of approximately 180sqm would be provided to the rear.
   7. The application has been made with the support of a Design and Access Statement, Transport Statement, and Drainage Assessment.
   8. Site Area: 0.118ha Density: 101dph Car Parking: 66.6%

1.9. Plans have been amended on the advice of the Council’s Urban Design Officer; this has resulted in reduction of the number of flats from the originally proposed 13.

1. Site & Surroundings
   1. The application site is a grassed vacant site to the rear of the former Huntsman (previously The Kings Arms) Public House, which fronts onto Harborne Park Road, Harborne. The adjacent public house was gutted by fire in 2013 and was made safe by the City Council soon after. The site is now cleared of materials and consruction has begun on a new building.
   2. The application site is grassed, with a brick wall boundary behind separating it from a car park and service area that serves a parade of shops that front on to High Street to the north of the site. Also to the rear is an access to the residential units that are located within the upper floors of the retail parade.
   3. The site is close to the junction of Harborne Park Road and High Street. There is a care home and block of flats, already fronting this junction which are between three and four stories in height. Opposite is a row of terraced residential properties, with a retail parade opposite to the north west. To the immediate north/north-east of the site are ground floor commercial units with upper floor flats, including a rear access staircase, and first-floor terraces.

* 1. The site is within the Harborne District Centre boundary, but is outside of the primary shopping area.

1. Planning History

3.1. 27/02/2002 – 2002/03304/PA Installation of conveyor car washing centre. Withdrawn.

3.2. 08/12/2004 – 2004/05601/PA Erection of 6 apartments within 2/3 storey building, altered access to existing flats at first floor level above 334-344 High Street, and associated car parking. Approved subject to conditions.

3.3. 05/10/2005 – 2005/00651/PA Erection of six apartments within a 3-storey building, altered access to existing flats at first floor level above 334-344 High Street and associated parking. Approved subject to conditions.

3.4. 29/04/2010 – 2010/02320/PA Application for a new planning permission to replace an extant planning permission Ref: 2005/00651/PA in order to extend the time limit for implementation. Approve subject to conditions.

3.5. 15/11/2016 – 2016/08679/PA Pre-application enquiry for the erection of 15 apartments. Principle of development acceptable, advised to lower number of flats to 13.

*Adjacent site*

3.5. 17/02/2016 - 2016/00506/PA - Pre-application advice for demolition of former public house and redevelopment with a 4 storey residential building comprising 14 apartments – Advised proposal likely to be acceptable in principle, although absence of commercial use at ground floor would be unfortunate. Traditional architecture likely to sit more comfortably than a modern design.

3.6. 07/07/2016 – 2016/03187/PA Demolition of former public house and redevelopment of the site for 14 apartments with associated access, parking, cycle and bin storage. Approved subject to conditions.

1. Consultation/PP Responses
   1. Transportation Development - No objection.
   2. Regulatory Services - No objections subject to a condition requiring noise insulation.
   3. West Midlands Police – No objection, recommend the proposal is developed to enhanced security standards produced by Police Crime Reduction initiative ‘Secured by Design’. Some concerns are raised regarding the location of cycle storage and consider this should be at the rear; consideration should be given so that bin stores do not hinder the controlled access gate on collection day. Crime statistics are provided stating the area was subject to 126 burglaries, 150 reported incident of anti-social behaviour and 235 vehicle crimes in the six month between January 2017 and June 2017.
   4. Severn Trent Water – No comments received.
   5. Local Lead Flood Authority - No objection subject to a condition requiring the submission of a Sustainable Drainage Operation & Maintenance Plan.
   6. Site and Press Notices posted, local MP, Councillors, Residents’ Associations and the occupiers of nearby properties notified of the application. One letter of objection has been received from nearby occupier objecting to the application on the following grounds.

* The development will be severely affected by noise from the Vine Public House.
* There is insufficient parking provided.
* Inconsiderate parking will occur on the pavement causing problems of Highway safety.

4.7. Two further letters have been received from nearby occupiers, both stating they do not object. However provide the following comments.

* Disappointment that no provision has been made for cycle parking at the flats.
* Request reasonable construction hours with work not starting before 8am.
* Request that appropriate controls be sought for contractors parking during the construction period.
* Notes that a previous application for a car wash was not acceptable on the site.

1. Policy Context
   1. Birmingham Development Plan (BDP) 2017; Unitary Development Plan (UDP) 2005 (saved policies); Car Parking Guidelines SPD; Places for Living SPD; NPPF; NPPG.
2. Planning Considerations

Principle

* 1. The NPPF defines the three dimensions of sustainable development as being economic, environmental and social. Recently the NPPF and appeal decisions have established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. There is also a strong emphasis on providing new housing, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
  2. Policy TP28 of the BDP, requires new housing to be; outside flood zones 2 and 3; served by new or existing infrastructure; accessible to jobs, shops and modes of transport other than the car; capable of remediation; sympathetic to historic, cultural or natural assets; and not in conflict with other specific policies of the plan. In summary this site is considered to be in a good location to deliver sustainable development.

Design/Places for Living

* 1. In terms of design, saved paragraph 3.14 of the UDP identifies that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It also requires developers to consider the site in context and states that to avoid problems of piecemeal and incremental development; comprehensive master plans should be prepared. Paragraph 56 of the NPPF states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
  2. Some pre-application discussion took place to improve the design of the proposed building and the Council’s Urban Design Officer has offered advice on the design submitted, which has been addressed by the applicant, with revised plans submitted. I now consider that the proposed development would make a positive contribution to the streetscene.
  3. The layout of the site reinforces the strong building line along Harborne Park Road whilst providing some defensible space for ground floor residents to the front with a 1m-1.8m setback. An active frontage is provided with front doors and windows to the ground floor flats facing onto Harborne Park Road. To the rear, space is limited due to the size and shape of the site however 180sqm of amenity space is provided and eight parking spaces are proposed. I note space for a bin store and cycle store could be provided and conditions to provide these are recommended.
  4. The scale of the development would be appropriate for this frontage. Original plans provided four stories adjacent the neighbouring public house site, however has been reduced to three stories as this would respond better to the character of 2.5 storey terrace housing that fronts the road at this point and would give the approved building on the adjacent site more prominence due to its corner location.

* 1. In terms of the detailed design, this has been amended to address Urban Design concerns. A traditional approach is proposed, which is acceptable. The design picks up on the features of the corner development, which is an appropriate response. However, it did not originally match the quality of the corner building, providing significant areas of rendering, monopitch roofs over the doors and box bay windows with a horizontal emphasis which did not match the vertical emphasis in the rest of the fenestration. The amended plans has addressed these issues, including less use of render, which is now only used at ground floor to provide a coherent, defined base to the building. In addition, the staircases are expressed more strongly externally and are more legible from the outside. I consider that the elevations are well articulated and broken up with appropriate features including the bay windows, dormer windows, Juliette balconies and a mix of render and brickwork. My Urban Design officer is content with the revised proposals.
  2. Internally, all apartments meet the Government’s *Technical Housing Standards* in terms of overall space provided and the bedroom sizes (17.sqm for the one bed flats; 14sqm and 11.8sqm for two bed flats). Although these standards are not adopted locally they provide a useful guideline in the assessment of internal space. Furniture layouts also indicate that the normal furniture could be accommodated in all rooms.
  3. All habitable room windows face either to the front and rear. To the rear there is adequate separation between the proposed development and surrounding residential development, with those flats above the retail parade to the north being at an angle to the proposed development. The existing flats’ access staircase would appear to afford some views into the new development’s rear windows, at an oblique view at a minimum of 7.6m into bedroom windows. This would be obvious to renters/purchasors before moving in, and addressed by curtains/blinds as each occupier sees fit. The existing first-floor terraces are further away (from c. 18m) and also at an angle, I do not consider either existing or proposed neighbours’ amenities would be unduly affected.
  4. To the front, there is 15m between the front of the proposed development and the front elevations of the terraced housing opposite. Whilst this is below, the 21m advocated within ‘Places for Living’ it is noted that the distance is normally more strictly applied to the rear rather than the front. In addition, this distance is characteristic of the surrounding area, the site already has a busy high street feel to it, with increased activity than a traditional suburban area and to apply the distance strictly, would result in an undevelopable brownfield site. As such, I do not consider this a matter sufficient to warrant refusal of the application in this instance.
  5. The development would not conflict with the 45 Degree Code in respect of the nearest residential properties, nor to the proposed development on the neighbouring site.
  6. It is acknowledged there is some useable amenity space for residents to the rear, at 180sqm; this would provide 15sqm per flat. I acknowledge the district centre location; whilst the size and shape shown would have limited practical use, (other than a setting to the block and a buffer to the parking area), I consider this would be offset by the proximity to shops and services within the centre, including Harborne swimming baths. I note that Grove Park is located further south along Harborne Park Road approximately 0.5km from the site.

Transportation

* 1. Policy TP38 of the BDP requires that development proposals support and promote sustainable travel and TP44 requires new development to support the delivery of a sustainable transport network.
  2. The site is within area 3, as defined by the *Car Parking Guidelines* SPD, where residential development requires a maximum of 2 parking spaces per unit. The scheme proposes 8 parking spaces to serve the 12 proposed flats. Parking on-street at this location is limited, with zig-zags along both sides of the site associated with 2 separate signal controlled pedestrian crossings. Beyond this there are double yellow parking restrictions. However, an assessment of local car parking opportunities, within the submitted Transport Statement, has detailed unrestricted parking opportunities within a short walking distance, including Ravenhurst Road and parts of Serpentine Road. Additionally, there are public car parks serving this local centre and a number of regular buses serve this location throughout the day.
  3. Transportation Development Officer raise no objection to the application, subject to a condition for cycle storage and the gates to be positioned at least 5m back from the highway to ensure vehicles entering the site do not restrict highway free flow. They note that parking levels offered are low. Officers acknowledge the site is positioned at the edge of the busy local centre of Harborne which has very good public transport links and it is expected residents would consider alternative modes of travel to the private car.
  4. On this basis, I am satisfied that the proposal would be sustainably located, within very close proximity of local services and excellent bus routes into the City and should be supported with limited on-site parking.

Noise Impact

* 1. The scheme would place a residential use into a relatively noisy location. Regulatory Services identifies noise from Harborne Park Road as the primary source and recommends glazing and trickle vents which achieve suitable sound reduction. A suitable condition is attached. Furthermore, with suitable safeguarding, I do not consider noise from the Vine public house would cause demonstrable harm to the future occupies of the development.

Drainage

* 1. Drainage information has been submitted and the Local Lead Flood Authority is satisfied with its content. They request a condition for the submission of a sustainable drainage operation and maintenance plan.

Security

* 1. With the cycle storage behind the access gates, I consider site security appropriate, and I have forwarded the Police recommendations on Secured by Design to the Applicant. Details of refuse storage will be addressed by condition.

Community Infrastructure Levy

6.18. The application site is within the residential high value market area and as such maybe liable for CIL (following its adoption on 4th January 2016). The submitted plans indicate that development would provide 960sqm GIA. This would equate to a payment of £66,240 (index linked).

1. Conclusion
   1. This application is recommended for approval; the proposal constitutes sustainable development as defined in the NPPF providing good quality residential accommodation on a derelict site in a highly sustainable location. It would make a positive contribution to the streetscene and the impact on parking and highway safety would be acceptable.
2. Recommendation
   1. Approve subject to the following conditions;

| 1 | Requires the scheme to be in accordance with the listed approved plansThe development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers 3935/1; 3935/2A; 3935/3A; 3935/4a and 3935/5a ('the approved plans')Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework. |
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| 2 | Requires the prior submission of a contamination remediation schemeNo development shall take place until the following components of a site assessment and, if required remediation scheme to deal with the risks associated with contamination of the site for the intended use has been submitted to and approved, in writing, by the Local Planning Authority:1) A preliminary risk assessment, which has identified:o all previous useso potential contaminants associated with those useso a conceptual model of the site indicating sources, pathways and receptorso potentially unacceptable risks arising from contamination at the site.2) A site investigation scheme, based on (1) to provide information for a detailed risk assessment of the risk to all receptors that may be affected, including those off site.3) If contamination is found present and assessed as an unacceptable risk to human health safety and the environment an options appraisal and remediation strategy shall be submitted giving full details of the remediation measures required and how they are to be undertaken, timetable of works and site management procedures.4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved and must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (and subsequent legislation) in relation to the intended use of the land after remediation.Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework. |
| 3 | Requires the prior submission of a contaminated land verification reportPrior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework |
| 4 | Requires the prior submission of a sustainable drainage schemeNo development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed and thereafter maintained.Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these in accordance with Policy TP6 of the Birmingham Development Plan 2017, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework. |
| 5 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance PlanNo building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage for the development has been completed in accordance with the approved Sustainable Drainage Schemeand a Sustainable Drainage Operation and Maintenance Plan has been submitted to, and approved in writing by the Local Planning Authority.The approved drainage system shall be operated and maintained thereafter in accordance with the approved Sustainable Drainage Operation and Maintenance Plan. ReasonTo ensure there is no increase in risk of flooding, improve and protect water quality, improve habitat and amenity, ensure that sustainable drainage principles are upheld in the design and implementation of the strategy and ensure the future operation and maintenance of the drainage system will be in accordance with the National Planning Policy Framework (including ministerial statement 18th December 2014), Policy TP6 of the Birmingham Development Plan 2017, Sustainable Drainage - Birmingham City Council Guide to Design, Adoption and Maintenance and Sustainable Management of Urban Rivers and Floodplains SPD. |
| 6 | Requires the prior submission a noise study to establish residential acoustic protectionPrior to the occupation of the dwelling(s), a scheme of noise insulation shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details to ensure that all windows, any other glazed areas and external doors to habitable rooms on the south western elevation over Harborne Park Road provide a weighted sound reduction index (Rw + Ctr) of at least 38dB. Any ventilation on this elevation to habitable rooms shall be provided by means of acoustic vents achieving weighted element normalised level difference (Dne,w + Ctr) of at least 44dB. All other glazed areas and external doors to habitable rooms should provide a weighted sound reduction index (Rw + Ctr) of at least 35dB. Any ventilation on these elevations to habitable rooms shall be provided by means of acoustic vents achieving weighted element normalised level difference (Dne,w + Ctr) of at least 41dB.Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the NPPF. |
| 7 | Requires the prior submission of hard and/or soft landscape detailsNo development shall take place until full details of hard and/or soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefacts and structures, proposed and existing functional services above and below ground, fully annotated planting plans to a scale of 1:100, showing, where used, locations of individually planted trees, shrubs, hedges, bulbs, and areas of grass. Within ornamental planting areas, plans should be sufficiently detailed to show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include planting schedules, noting species, plant sizes and proposed numbers / densities and details of the proposed planting implementation programme. All hard and/or soft landscape works shall be implemented in accordance with the approved details. The works shall be implemented prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority and thereafter maintained. Any trees or shrubs which, within a period of two years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local landscape character in accordance with Policies PG3, TP3 and TP7 of the Birmingham Development Plan 2017 and saved Paragraph 3.14 of the Birmingham UDP 2005. |
| 8 | Requires the prior submission of boundary treatment detailsNo development shall take place until full details of the proposed boundary treatment of the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include plans showing the locations of existing, retained and proposed new boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments. The approved scheme shall be implemented before occupation of the building hereby permitted and shall be retained thereafter.Reason: In order to secure the satisfactory development of the application site in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017 and the National Planning Policy Framework. |
| 9 | Requires the prior submission of a lighting schemeThe development hereby approved shall not be occupied until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including: colour, watts and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of the development and thereafter maintained.Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character in accordance with Policy PG3 of the Birmingham Development Plan 2017, saved Paragraph 3.14 of the Birmingham UDP 2005, Places for All SPG, Lighting Places SPD and the National Planning Policy Framework. |
| 10 | Requires the prior submission of sample materialsNo development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework. |
| 11 | Requires the prior submission of cycle storage detailsNo development shall take place until details of the provision for the secure, and covered storage for cycles and motorcycles have been submitted to and approved in writing by the Local Planning Authority. Provision shall thereafter be implemented and maintained in accordance with the approved details.Reason: In order to secure the satisfactory development of the application site in the interests of sustainable travel options, in accordance with Policies PG3, TP40 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework. |
| 12 | Requires the gates to be set back 5m from the highway.The gates proposed to the car parking area shall be set back 5m from the highway and shall be maintained and retained as such for the lifetime of the development.Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework. |
| 13 | Requires the prior submission of details of refuse storageNo development shall take place until details of facilities for the storage of refuse within the curtilage of building(s) approved under this permission have been submitted to and approved in writing by the Local Planning Authority. The refuse facilities shall be provided in accordance with the approved details before the buildings are first occupied and thereafter maintained.Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework. |
| 14 | Implement within 3 years (Full)The development hereby permitted shall be begun before the expiration of (3) years from the date of this permission.Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework. |

Case Officer: James Mead