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Committee Date: 17/04/2014      Application Number: 2014/00434/PA  
Accepted: 05/02/2014      Application Type: Full Planning  
Target Date: 07/05/2014  
Ward: Acocks Green

Land off Beeches Avenue/Yardley Road, Acocks Green, Birmingham  
Erection of 14 no. 4 bedroom dwelling houses with associated works

Applicant: Shakespeare Properties Ltd  
353 Warwick Road, Solihull, West Midlands, B91 1BQ  
Agent: Neil Boddison Associates  
The Studio, 19 Bird Street, Lichfield, Staffordshire, WS13 6PW

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Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal
  - 1.1 Planning consent is sought for the erection of 14 semi-detached houses with detached garages on the site that previously formed the playing field/ ground of former private school at Eastbourne House.
  - 1.2 The site would be laid out with 7 pairs of semis facing onto the street in a mirror image of the 1930's semis opposite. Although larger in scale the proposed houses are similar in design to the original houses opposite and include bay windows, canopies over the ground floor entrance door and hipped gables. Construction would be of traditional style and comprise red facing bricks and brown tiles (a mixture of Dorket Head Harwicke Lenton Dark Multi and Light Multi bricks and brown duo tile)
  - 1.3 A typical house would comprise 2 reception rooms, wc, kitchen and store at ground floor with 4 bedrooms above. All bedroom sizes either comply with or exceed the guidelines stipulated within Places for Living.
  - 1.4 Rear gardens in excess of the 70 sqm are provided for each house (the smallest being around 85sqm and the largest on the corner plots, approximately 300 sqm)
  - 1.5 Detached garages would be provided in all of the rear gardens (except on plots 10 and 11) and either one or two car parking spaces provided on the front driveways, which equates overall to 200%
  - 1.6 Site area 0.43 hectares
  - 1.7 Density 33 dwellings per hectare.

[Elevations and floor plans](#)

[Elevations and floor plans 2](#)

[Site layout plan](#)

[Visual](#)

2 Site & Surroundings

- 2.1 The site consists of open land formerly used as school playing field/play ground in connection with the private Eastbourne House School - now closed. The site is relatively level and is enclosed by fencing and hedges. TPO'd trees at the rear of the site would be retained but some smaller trees and part of a hedgerow would be removed. Houses within Beeches Avenue are 1930's semi-detached properties, some with garages within the rear gardens, set within modest, mature plots. Eastbourne House itself is an Edwardian detached building, originally built for domestic purposes but converted to a private school. The school closed several years ago. The building was added to the Local List, (grade B) in 2008 as it was considered to be of sufficient historical importance. Beeches Avenue is a narrow cul-de-sac currently with no parking restrictions. On street parking is therefore available on both sides of the street that results in congestion.

[Site location plan](#)

[Street View](#)

3 Planning History

- 3.1 14/10/2008 – 2008/01426/PA. Outline consent (all matters reserved) for residential development comprising 14 dwellings and associated garages – approved

4 Consultation/PP responses

- 4.1 Local residents, residents associations and local Councillors notified. Notices displayed on site and within the press. 14 letters of objection in total have been received, 13 from local residents and 1 from the Acocks Green Forum. Their concerns can be summarised as follows:

- \* loss of privacy/light
- \* loss of open space/playing field/view
- \* loss of wildlife habitat and trees
- \* creation of additional parking/traffic problems, particularly congestion within Beeches Avenue.
- \* Over development - Houses would be too large and uncharacteristic of the area
- \* Change in circumstances since the last approval – Eastbourne House is about to re-open as a school, there is more traffic than there was in 2008, and indiscriminate parking takes place around the retail shop on the corner of Beeches Avenue, which was not an issue in 2008.

- 4.2 Transportation Development - no objection but request the imposition of a condition requiring a Section 278 agreement to secure funding for a Traffic Regulation Order to provide double yellow lines along one side of Beeches Avenue. The developer is to liaise with the Highway Tree Officer and the District Engineer about providing replacement street trees to compensate for the removal of existing trees (and hedge)

- 4.3 Leisure Services - Loss of the school playing field is accepted; it has been confirmed that in terms of policy there have been no changes in circumstances and they have confirmed that they do not object to the proposals subject to securing £41,490 compensation in accordance with UDP policy for the provision or improvement of sports, recreational or community facilities and maintenance thereof in the Acocks Green Ward.
- 4.4 West Midlands Fire Service - no objection
- 4.5 Sport England – No objection subject to robust justification.
- 4.6 EDSI (Education) – have requested £147,869 towards the funding of school places (nursery, primary and secondary) of which there is a shortage within the ward
- 4.7 Severn Trent – no objection subject to drainage condition

## 5 Policy Context

- 5.1 NPPF, Draft BDP, UDP 2005, Places for Living and Mature Suburbs, 45 degree code and Car Parking Guidelines supplementary planning guidance/documents

## 6 Planning Considerations

### 6.1 Policy

- 6.2 The NPPF and UDP encourage the more efficient use of previously developed land but with respect for and response to the context. The environment chapter of the UDP requires proposals for new development to respect the character of the area in which they would be located and respond in a positive way. Proposals which would have an adverse effect on the environment will not normally be allowed. UDP policy places a great emphasis upon good design and sets out a series of good urban design principles against which proposals are assessed. Further reference to good design is made within the Housing chapter that states that proposals for new residential developments should be carefully designed so that they do not detract from the character of the surrounding area. To ensure this, all proposals are expected to be designed in accordance with your Committee's supplementary planning guidance Places for Living.
- 6.3 Mature Suburbs Guidelines seek to provide advice on new residential development in Birmingham's mature suburbs. This document seeks to protect high quality residential areas that generally date from Victorian, Edwardian and other inter-war period areas. The guidelines seek to point out that proposals can easily appear unrelated to a mature suburb and it is important that developments do not harm the distinctive character of an area. Proposals that undermine and harm the positive characteristic of a mature suburb would be resisted.
- 6.4 In accordance with the NPPF, the UDP seeks to protect open space from development in order to develop an integrated and linked network that provides a range of recreational facilities accessible to all and enabling the natural wildlife of the countryside to penetrate deep into the urban areas. It is stated at paragraph 3.52a that proposals which would result in the loss of open space will only be permitted in exceptional circumstances. In determining whether exceptional circumstances exist, account can be taken of the availability of public open space nearby, its quality, and how well it meets local needs. In addition to this the UDP specifically protects playing

fields including private playing fields. Again, justification for allowing development on such land is required and if exceptional circumstances proven, an appropriate level of compensation is required to provide or improve or maintain existing recreational or community facilities within the area.

6.5 Previous approval/principle of use/exceptional circumstances in relation to loss of open space.

6.6 The previous approval granted in 2008 was issued following lengthy discussions with the agents about the redevelopment of the site. During this time the principle of development on the site was assessed in light of UDP policies on loss of open space and whether or not the land constituted a playing field/sports pitch. Discussions took place between colleagues from Strategy and Leisure Services that concluded that exceptional circumstances for the loss of playing field could be demonstrated for the following reasons:

The school grounds (the application site) have only ever been used for school purposes. Access to them has always been via Eastbourne House; there is no separate access. There are no changing rooms or other facilities for users of the land. In addition to this, the whole of the site is 0.43 of a hectare with only 2700 sqm ever having been used as a play area for children - the remainder is tarmac "playground". Colleagues in Leisure Services have confirmed that the site would not be purchased by the City or maintained by it for use as a sports field/pitch/playground due to its size and location within a residential area (children's play area for example would make rear gardens of the houses within Cedars Avenue vulnerable to intruders and attract youths late at night).

6.7 In terms of exceptional circumstances regarding the loss of open space, Officers have taken a pragmatic approach: views over onto the site would at most provide amenity benefit for 20 houses within Beeches Avenue, this is not considered significant enough to resist on visual amenity grounds alone. There is no public access and Leisure Services would not be prepared to maintain the land for open space, as a local park with benches for example, to enable it to become accessible to the public. It is their preferred option to use S106 contributions towards the improvement of existing sports/open space facilities within the Ward in accordance with UDP policy and the NPPF.

6.8 I do not consider in policy terms (regarding UDP open space policy) that there has been any change in circumstances; colleagues in Strategy and Leisure concur with this view and Sport England accept the justification made as being exceptional and sufficient to accept.

6.9 It was on this basis that the current agents were advised that a compensatory financial sum should be offered in order to fund the provision or improvement of sports, recreational or community facilities and maintenance thereof in the Acocks Green Ward. This was agreed and £41,490 has been offered and a draft legal agreement drawn up to that effect. I consider this to be in full compliance with the UDP policy and that in principle therefore the proposals are policy compliant.

6.10 Accepting the loss of the open space for the reasons above, I consider the proposed use of the site for residential purposes to be acceptable in principle and in compliance with both the NPPF and the UDP.

6.11 Impact on Character

6.12 The proposals would result in the "completion" of Beeches Avenue that is a cul-de-sac. I consider the proposed siting of 14 houses on the site as indicated on the drawings is acceptable. The layout would comply with Council guidelines contained within Places for Living in terms of separation distances and garden sizes. The proposed plot sizes are slightly larger than the 1930's houses within the locality but accommodate larger houses to cater for modern families and I consider their appearance (that emulates a 1930's traditional semi-detached house) to be sympathetic to local character.

6.13 Existing trees and hedging would be retained where possible but it is acknowledged that some street trees, and in all likelihood most of the hawthorn hedge along Beeches Avenue would have to be removed to accommodate the new houses, the applicant is willing to work with the Highways Engineers and Amey to provide a scheme of replacement trees within the street to compensate for those lost and with my Landscape Adviser to devise and plant a suitable landscaping scheme.

6.14 Whilst from a visual point of view, appearance of the street would change forever; the open land itself is uncharacteristic of the general area and was not deliberately planned as open space. My Ecology and Arboriculture advisers have not raised objection to the proposals as the layout allows for the retention of TPO'd trees and the amended layout has removed garages from the root protection areas of those protected trees, and the trees and hedgerow do not provide habitat to protected species. My Ecology Adviser has stipulated that the hedging and trees should be removed after the bird nesting season to minimise disruption; if this is not possible, then works should be supervised by a qualified Ecologist. I concur with this view and have attached a condition accordingly.

6.15 Impact on residential amenity

6.16 The loss of the land to a residential use has been accepted as explained above and whilst it is appreciated that the views and outlook of local residents would change, I do not consider that the impact on residential amenity would be so significant to refuse on these grounds. The layout as indicated complies with numerical separation guidelines within Places for Living and the layout has been amended to re-position the garage on plot 14 away from the shared boundary with 56 Beeches Avenue to remedy an original breach of the 45 degree code.

6.17 Transportation issues

6.18 Transportation raise no objection to the proposals. It is acknowledged that Beeches Road is narrow and used by commercial traffic using the adjoining local centre and for parents picking up/dropping children to nearby schools. It is also noted that at the time of the site visit, Beeches Avenue was heavily parked and that vehicles had illegally parked on the footpaths directly outside of the application site. It is noted that the proposed scheme that would result in over 200% parking provision; some houses would have 2 car parking spaces and a garage space, others would have two car parking spaces and a garage space, others would have one plus a garage space and this would not exacerbate the existing situation. The creation of seven new access points into the site would reduce the current ability to park on Beeches Avenue without blocking access to one of the dwellings. The planting of replacement street trees could also provide the opportunity to strategically place trees (ie in between footpath crossings) to prevent on street parking. Transportation also recommend that a section 278 agreement for highway works be drawn up to require the developer to

provide/pay for double yellow lines along Beeches Avenue which would also secure the provision of new street trees. The proposed extension of the turning head at the end of Beeches Avenue is supported and would improve manoeuvring for refuse collection and deliveries.

#### 6.19 Other Matters

6.20 Since the original approval in 2008, the funding of education places across the City has become a priority. My Education Adviser has advised that there is a shortfall of education places within Acocks Green in nursery, primary and secondary schools, and they have therefore requested the developer to make a financial contribution of £147,869, based upon their own formula. The developer cannot afford to provide the full amount and has undertaken a financial appraisal to show that in addition to the highway works required, the financial contribution for loss of playing field (as required by UDP policy) but he could provide a further £18,000 towards education infrastructure. I am satisfied that the sum offered, in addition to the sum for loss of open space and highway works is acceptable in this instance.

#### 7 Conclusion

7.1 The proposals would result in the provision of 14 new family homes on a brownfield site. The loss of playing field/open space has previously been accepted by your Committee and I consider that there have been no changes in policy or circumstances in and around Beeches Avenue to warrant a refusal of the proposals. The design of the houses complements those opposite and due to the parking provision that would be created for the dwellings, I do not consider that the proposal would exacerbate the existing parking congestion problems to justify refusal on highway grounds. Adequate S106 sums have also been offered in light of scheme viability.

#### 8 Recommendation

- (i) That consideration of 2014/00434/PA be deferred pending the completion of a S106 planning obligation to secure the following:-
  1. A financial contribution of £41,490 to be paid upon implementation (indexed linked to construction costs from the date of the committee resolution to the date on which payment is made) to provide for funding towards the provision improvement of sports, recreational or community facilities and maintenance thereof in the Acocks Green Ward.
  2. A financial contribution of £18,000 to be paid on implementation (indexed linked to the construction costs from the date of the committee resolution to the date on which payment is made) to provide school places within the Acocks Green Ward.
  3. A commitment to engage with the City Council and other agencies to enter into a local training and employment scheme for the construction of the development to a target of 60% of posts created for the employment of local people.
  4. Payment of a monitoring and administration fee associated with the legal agreement of £2082.
- (ii) That in the event of the legal agreement not being completed by 6th May 2014 planning permission be refused for the following reason:

1. In the absence of a suitable legal agreement to secure a contribution to the improvement of sports, recreational or community facilities and school places, the proposal conflicts with the policy 3.57 and 8.50-8.54 of the adopted Unitary Development Plan 2005.
- (iii) That the Director of Legal Services be authorise to prepare, seal and complete the planning obligation.
- (iv) That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by 6<sup>th</sup> May 2014, favourable consideration be given to this application, subject to the conditions listed below:

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1	Requires the prior submission of a scheme for compensatory habitat creation
2	Requires the prior submission of a construction method statement/management plan
3	Requires the scheme to be in accordance with the listed approved plans
4	Removes PD Rights for Garage Conversion
5	Removes PD Rights for hard surfacing of front garden
6	Requires the prior submission of a sustainable drainage scheme
7	Requires the prior submission and completion of works for the S278/TRO Agreement
8	Protects retained trees from removal
9	Requires tree protection during construction
10	Requires pedestrian visibility splays to be provided
11	Limits the approval to 3 years (Full)

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Case Officer:           Debbie Farrington



**Photo(s)**



**site and views up Beeches Ave 1**



**Front driveways 1**



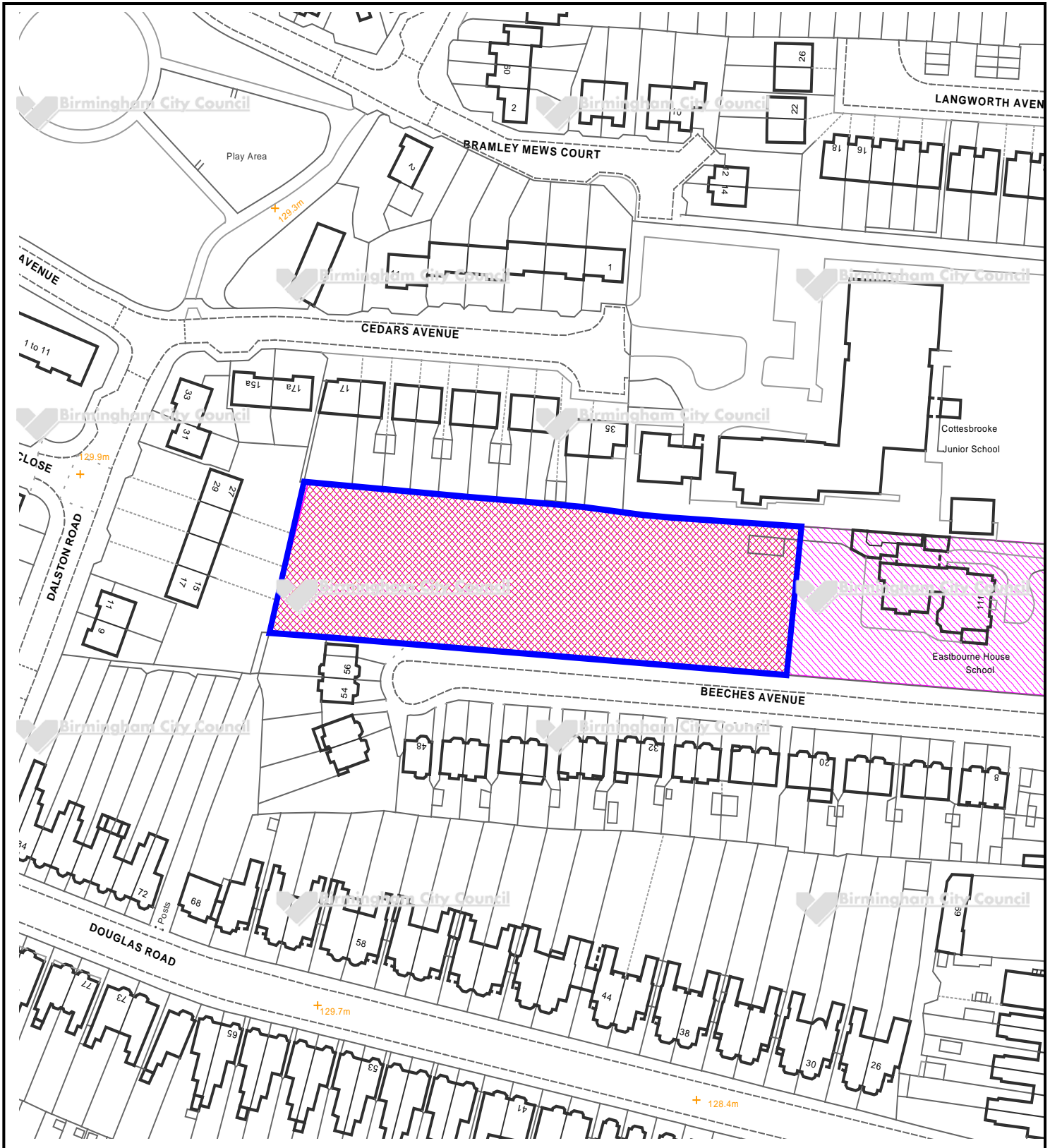


**gaps between houses 1**



**End of cul de sac 1**

# Location Plan



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