Land off Nursery Road / Church Street, Lozells, Birmingham, B19

Erection of 5 no. dwellings and retention of area of public open space.

Applicant: Birmingham City Council
1 Lancaster Circus, Birmingham, B2 2GL
Agent: BM3 Architecture Ltd
28 Pickford Street, Digbeth, Birmingham, B5 5QH

Recommendation
Approve Subject To Conditions

1. **Proposal**

1.1. This application relates to a plot of land compulsorily purchased by the City Council many years ago. It is currently undeveloped but has been mounded and grassed and contains a number of well established trees.

1.2. It is now proposed to erect a terrace of five 4 bed dwellings on the site fronting Church Street. The terrace would fill most of the site frontage but a section, between 8-16 metres in width, would be retained as public open space. This would front Nursery Road and allow 3 of the existing trees to be retained. Five trees would however need to be removed to accommodate the new dwellings but a further group of five trees would be retained in rear gardens.

1.3. The proposed dwellings would have a similar appearance designed to reflect the Victorian character of existing development in the locality. They therefore would be sited at the back edge of the existing footway and use traditional materials and detailing. Although the dwellings would have a similar appearance two slightly different house types are proposed with three properties providing the fourth bedroom in the roof space lit by small roof lights. The two other properties are slightly wider as they would incorporate a shared pedestrian tunnel access to provide access into rear gardens areas. The property proposed adjacent to the open space would also have additional windows in the gable end.

1.4. No in curtilage parking would be provided and residents would need to park on street. Lay-bys for parking have previously been provided in Church Street which would be retained together with associated street tree planting.

1.5. The site has an area of 0.16ha giving a density of 31 dwellings per hectare.

*Block Plan*

*Street Scene*
2 Site & Surroundings

2.1 The application site occupies a corner plot at the Junction of Nursery Road and Church Street. It is roughly rectangular in shape with a frontage of approximately 40 metres to Church Street and 35 metres to Nursery Road. The site was originally occupied by terraced housing and a workshop which was demolished many years ago and the site used as a scrap yard between the 1970’s and late 1980’s. This lead to the site being compulsorily acquired by the City Council following which the site was cleared, grassed, mounded and planted with a number of trees.

2.2 The surrounding area comprises predominantly of Victorian terraced housing which has been the subject of environmental improvements in the past including new street paving, traffic calming features, parking lay-bys and new tree planting.

2.3 Immediately adjacent to the west boundary of the site is a single storey church building set back from the Nursery Road frontage. There is also a Junior School close by in Nursery Road and a small parade of shops.

Location Plan
Street View

3 Planning History

3.1 None Relevant

4 Consultation/PP Responses

4.1 Transportation - No objection subject to conditions. Advise that the development should not encroach onto the public highway and any works to the existing buildouts, highway trees and street furniture must be agreed with Highway Authority. If highway trees are being removed 2 replacements for each will be required and associated maintenance fees.

4.2 Regulatory Services – No objections subject to conditions. Comment that the land may be affected by contamination due to former use as a scrap metal yard and a site investigation and mitigation measures are necessary, Also request a noise survey and the site lies in an area that may need a specific acoustic glazing.

4.3 West Midlands Fire Service – No adverse comments but request suitable water supplies for fire fighting be provided.

4.4 West Midlands Police – Crime Reduction Team – Supports the development which is to be subject to a Secured by Design award. Requests some defensive planting at the side of Plot 1 to help deter any persons wishing to congregate at the open space.

4.5 Severn Trent Water – No objection subject to a drainage condition being imposed and no development taking place on or adjacent to any public sewers within the site.

4.6 Local councillors, residents associations and neighbouring occupiers notified of the application. Two letters received making the following objections:-
• There is insufficient on street parking available for existing residents and if further houses are provided it would lead to more car problems particularly as the road is busy around school hours.
• Building works would cause disruption and noise
• The land is a natural habitat used and valued by the local community.
• Concerned that the dwellings will overlook gardens and cause loss of sunlight to existing houses in Villa Street.
• Object to mature trees being lost
• The houses would be next door to the Shiloh Church and residents could be disturbed by their singing.
• The land should be kept as it is.

5.0 Policy Context


6.0 Planning Considerations

6.1 It is considered that the main issues are whether the use of the site for housing is acceptable and if so whether the layout and design of the proposed scheme is appropriate. Also to be considered is the impact on existing trees, neighbouring properties and parking in the locality.

6.2 Policy

6.3 There is no specific policy in the UDP covering the application site although paragraph 12.46 states that the Newtown/Lozells area has been the focus for considerable investment by the City Council and work on regeneration projects within the area is continuing. Other UDP policies emphasise the importance of the City’s housing policies in contributing to the strategy for urban regeneration and economic revitalisation of the City. The UDP requires that new housing developments should provide an appropriate environment, a suitable housing density and mix and be designed in accordance with good urban design principles.

6.4 There are similar policies in the Draft Birmingham Development Plan which refers to North and West Birmingham as being a major contributor to the City’s growth agenda in respect of housing. It identifies that there are key opportunities for housing and economic growth in Aston, Newtown and Lozells with the main proposals being set out in the Area Action Plan (AAP). Within the AAP, which was adopted in July 2012, the entire application site is identified for housing development with the number of dwellings to be accommodated estimated as being 7.

6.5 The AAP also provides more detailed guidance for housing development and identifies in policy H2 the need for larger family accommodation as well as the requirement for proposals to create mixed and balanced sustainable communities. It also seeks to ensure new housing in Lozells follows the character of robust grid street patterns and the architectural quality of the existing Victorian housing.

6.6 Although the application site is currently amenity open space it was originally occupied by dwellings and a workshop but acquired and cleared by the City Council many years ago to remove a scrap yard that had become established. It was then grassed and laid out as amenity open space as an interim measure pending its redevelopment. The AAP identifies the site as being suitable for residential
development on the grounds that there are other areas of open space in the vicinity of the site including Georges Park located about 90 metres to the north of the site and Burbury Park located about 150 metres to the south. Although objections have been received to the loss of the open space and its habitat value the application site is specifically allocated for residential development in a recently adopted development plan. However 5 dwellings are proposed rather than the estimate of 7 suggested in the AAP to allow a small section of the site to be retained as public open space which is considered to be a reasonable compromise. The redevelopment of the site for housing is therefore considered to be acceptable in principle.

6.7 Layout/Design

6.8 The proposed layout locates a row of five dwellings fronting Church Street in line with adjoining terraced dwellings to the north which would follow the traditional pattern of development in the area with properties located to the back of the pavement. This form of development is considered to be acceptable for the site and to reflect the character of the area. All the dwellings proposed would have 4 bedrooms reflecting the need identified in the AAP for larger family sized accommodation.

6.9 Two slightly different house types are proposed which reflects the intention to provide a fourth bedroom in the roof space for three of the dwellings. As a result 5 roof lights would be visible on the Church Street frontage and the roofs of the proposed dwellings would be slightly higher than those on neighbouring properties. Although properties in the vicinity of the site are predominantly Victorian terraces they are of several different styles and it is considered that the development proposed would fit in well and complement its surroundings. The designs include tall sash style windows with stone cills and headers, fan lights above entrance doors, a stone canopy and chimneys. Materials proposed include red bricks and a grey slate roof tile similar to the surrounding terraces and would include a brick dentil course at eaves level. Overall the designs are considered to be appropriate and in keeping.

6.10 On plot 1 the side wall of the proposed dwelling would lie adjacent to the area of public open space and therefore several windows are proposed in the gable end to add interest and overlook the area. The crime reduction officer supports the overlooking windows which he considers would provide some natural surveillance of the POS, together with that from passing vehicles and pedestrians. He has however requested that some defensive planting be provided south of the low wall at the side of Plot 1 and conditions are recommended to secure this.

6.11 The AAP comments that new dwellings should meet the Code for Sustainable Homes Level 4 from 2013. The dwellings proposed have been designed to Level 4, Lifetime Homes and Homes and Community Agency standards as well as Building for Life and Secured by Design Accreditation. All the garden and main bedroom sizes proposed would also exceed the guidance set out in Places For Living.

6.12 Impact on trees

6.13 There are 8 individual trees on the site as well as a small group of 5 trees comprising of a mix of Norway Maples and Whitebeams 10-12 metres in height. A tree survey has been submitted with the application which identifies that the trees fall within category B and therefore are of moderate quality and visual amenity value and should be considered for retention. It is proposed that 5 of the individual trees would be removed leaving 3 trees within the area of public open space and the group of 5 trees within the rear gardens of plots 4 and 5.
6.14 The trees proposed for removal lie close to the Church Street frontage and it would not be possible to develop the site in an appropriate manner and retain all the existing trees. The AAP allocates the entire site for housing development which would have resulted in the loss of all the individual trees, whereas retaining an area of open space as proposed, would enable 3 trees to be retained. This is considered to be an acceptable compromise. On the Church Street frontage the two existing street trees in front of the site would also remain helping to keep the visual apperance of the street.

6.15 Impact on Neighbours/Residential amenity

6.16 The closest existing properties to the development are those on Church Street. 127 Church Street lies adjacent to the northern boundary but has a blank gable end facing the application site and no windows are proposed in the gable end of the closest proposed dwelling on plot 5. There would be a gap of 3 metres between the two properties. Opposite the site on Church Road is a row of terraced houses about 13 metres away which follows the existing front to front distances in Church Road which is considered to be acceptable.

6.17 The rear gardens of the proposed dwellings would back onto the rear gardens of existing dwellings in Villa Street and a former Salvation Army Hall building which abuts the west boundary. The back to back distance between the proposed dwellings and the Villa Street houses is in excess of 50 metres well above the 21 metre guidance set out in Places for Living. Overall it not considered that neighbouring dwellings would suffer any undue overlooking, loss of light or privacy. A neighbour also comments that residents could be disturbed by the users of the Salvation Army Hall which is used by a local church group. No objection to the development has been raised by Regulatory Services and it is not considered that a church group is likely to make an excessive noise. There would also be a distance of 20 metres between the side wall of the church building and the closest dwelling on plot 1.

6.18 Parking

6.19 The development provides no on site parking for residents and occupants of the new dwellings and/or visitors would need to park on street as is the position with existing development in the area. Although local residents express concern that there is inadequate room on street for more vehicles and the site is near a school Transportation raise no objections to the development. They note that no curtilage parking is provided and therefore the proposal is likely to increase on-street parking demand within the area. However in view of the previous historical uses on the site and that the other dwellings along Church Street are also in a similar situation without on-site parking facilities no objections are raised. They also consider the site has a good level of accessibility to public transport with frequent bus-services accessible within walking distance from the site.

6.20 Other matters

6.21 Objections have also been raised on the grounds of noise and disturbance during building works. These would be shortlived particular in view of the small scale of the development and it is not considered that planning permission could be refused on these grounds.

7.0 Conclusion
7.1 The application site is previously developed land within an existing built up area. Although the site is currently a small area of amenity space it is allocated for approximately 7 dwellings in the Aston, Newtown and Lozells Area Plan as there are other large areas of public open space close by. The development would provide additional four bedroom houses in the area to help address the shortage of larger family sized properties. The submitted scheme shows a suitable development for the site which would be in keeping with its Victorian surroundings. Although the development would result in the loss of several trees others would be retained in an area of public open space. No parking is proposed for the development but this reflects the form of existing development in the area and the site has good access to public transport.

8.0 Recommendation

8.1 Approve 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. Requires the prior submission of a drainage scheme
4. Requires the prior submission of a Landscape Scheme adjacent to Plot 1
5. Requires the prior submission of a construction method statement/management plan
6. Requires the prior submission of sample materials
7. Requires the prior submission of level details
8. Requires the prior submission of window, door and roof light details
9. Protects retained trees from removal
10. Requires the implementation of tree protection
11. Requires the prior submission of an arboricultural method statement
12. Requires the development to be built to the Code for Sustainable Homes Level 4
13. Requires the scheme to be in accordance with the listed approved plans
14. Limits the approval to 3 years (Full)

Reason for Approval

1. Birmingham City Council grants Planning Permission subject to the condition(s) listed below (if appropriate). The reason for granting permission is because the development is in accordance with:
   Policies 5.7 - 5.40 of the Birmingham Unitary Development Plan 2005; Places for Living (2001), which has been adopted as Supplementary Planning Guidance; and the National Planning Policy Framework.

Case Officer: Lesley Sheldrake
Photo(s)

View from Church Road

View from Nursery Road