Committee Date: 06/02/2014  Application Number: 2013/08660/PA
Accepted: 10/12/2013  Application Type: Full Planning
Target Date: 11/03/2014
Ward: Lozells and East Handsworth

Rookery Road, Handsworth, Birmingham, B21 9NB

Mixed use development comprising of 3 storey building facing onto Rookery Road with ground floor A1/A2 use and 20 apartments above and 4 dwelling houses facing Alfred Road with associated parking and amenities

Applicant: Dobb Ventures
103 Wood End Road, Erdington, Birmingham, B24 8BH
Agent: detail DMC Ltd
62 Great Hampton Street, Hockley, Birmingham, B18 6EL

Recommendation
Approve Subject To A Section 106 Legal Agreement

1. Proposal
1.1. This application site fronts onto Rookery Road and Alfred Road. On the Rookery Road frontage a three storey building is proposed which would provide ground floor commercial space (to include use classes A1-A2) and space for 20 apartments above. On the Alfred Road frontage four 4-bedroom family dwelling houses are proposed.

Dwelling Houses
1.2. The four proposed dwelling houses would be constructed in a terraced row. These houses have been designed with accommodation over three floors including kitchen, living room and dining area at ground floor and two bedrooms and a bathroom on each of the floors above. A study is also proposed at first floor level. The proposed bedrooms for the houses would all exceed Places for Living SPG recommended bedroom sizes.

1.3. The main access to the proposed dwelling houses would be through a front door from Alfred Road. Rear access is also proposed directly from the proposed car parking area. The houses have been designed to include locally characteristic features including a ground floor bay window with a vertical emphasis to the front elevation including pitched roof dormer windows in front roof slope and chimneys.

1.4. A private garden area is proposed for each dwelling which would achieve 70sqm of space. There would be a shared parking area with 20 car parking spaces to serve the shops and the residential units.

1.5. These proposed dwellings would be built in line with existing neighbouring terraced houses and would follow similar plot widths to neighbouring properties.
The three storey mixed use building

1.6. The proposed three storey building would be of contemporary design constructed in facing brick work with large windows following a vertical pattern up through the building.

1.7. The ground floor of this proposed block seeks to provide two units of new commercial space with floor spaces of 190sqm and 271sqm. It is proposed that this space could be used for either A1 (retail) or A2 (financial and professional services) use. The proposed commercial units would be subdivided by a central access which would serve the proposed flats above.

1.8. The commercial space would be served by 8 display windows and each unit would have an entrance door facing onto the Rookery Road frontage. Space has been provided above display windows for any proposed future signage.

1.9. Twenty apartments are proposed within the remainder of this building. This would comprise a mix of 16 x 2-bedroom apartments and 4 x 1-bedroom apartments.

1.10. Each of the proposed apartments would be self contained. All two bedroom units would have bedrooms that accord with guidance set out in Places for Living SPG. The one bedroom units would have a bedroom marginally below the recommended first double bedroom guidance set in Places for Living SPG at 11.25sqm but a furniture plan has been submitted demonstrating how furniture can be accommodated within this space.

Parking Provision

1.11. 20 parking spaces are proposed for this site which would be situated behind the proposed buildings on Alfred Road and Rookery Road. Access to this parking provision would be from a ramped access from Alfred Road.

1.12. Cycle racks are also proposed as part of this scheme to the rear of the main three storey building.

Planning Obligations

1.15. The applicant seeks to provide one house and three apartments (2 x 2 bedroom units and 1 x one bedroom unit) as affordable housing. This equates to 16% provision of affordable housing on site.

1.16. No public open space contribution is proposed as part of this scheme.

1.17. A Financial Viability Assessment has been submitted in support of this application which sets out the viability of this scheme and seeks to justify the level of provision of planning obligations being proposed.

Supporting information

1.17 Submitted in support of this application are a Design and Access Statement; a statement to justify the loss of industrial uses at this site; and a statement on the creation of additional retail space within this location.

1.13. The site area for this proposal is 0.24ha. The proposed housing density is 100 dwellings per hectare.

Layout plan
2. Site & Surroundings

2.1. The site is currently vacant following the recent demolition of a factory building from this site. The site is located within Soho Road District Centre and is adjoined by a mix of uses including residential properties, a builder's yard and shops. The site has road frontages to both Rookery Road and Alfred Road.

Location plan
Street view

3. Planning History

3.1. Submitted 13.08.13 - 2013/05520/PA - Mixed use development comprising of 4 storey block with ground floor retail/professional services (Class A1/A2) and 22 no. flats above facing Rookery Road and 4 no. houses facing Alfred Road with associated parking and amenity space – Application withdrawn prior to determination.

3.2. 26.06.13 – 2013/03411/PA – Prior Approval application for the demolition of industrial building – No prior approval required.

3.3. 07.01.10 – 2009/02578/PA – Demolition of factory building and erection of 75 bed residential care home with ancillary landscaping, access and underground car park – Approved subject to conditions (consent not implemented).

4. Consultation/PP Responses

4.1. Transportation Development – No objection - The proposal is likely to increase the traffic to/from the site compared to the previous use; however it is considered that the increase in traffic is unlikely to have a material impact on the operation of surrounding highways. Parking demand for the residential element is likely to be highest during the evening periods when the retail element is likely to be closed; therefore sharing of parking provision could be possible with an appropriate car-park management scheme. The site is also close to the local centre with the possibility of some linked trips to the proposed retail element. Waiting is unrestricted along Alfred Road and parts of Rookery Road and waiting is regulated by Traffic Regulations Orders along the remaining parts of Rookery Road. The applicant is also proposing secure cycle storage and the site has a good level of accessibility to public transport with frequent bus-services accessible within walking distance from the site. Amendments are suggested to the proposed gradient of the access ramp so that the gradient is not steeper than 1:20 for the first 10 metres of the access way from Albert Road. Amendments are also recommended to widen the pedestrian route along the new access-way off Alfred Road. The satisfactory laying out and maintenance and management of the parking area should be agreed by condition.
4.2. Regulatory Services – No objection subject to conditions for land contamination, hours of use and delivery restrictions and for noise insulation.

4.3. West Midlands Police – No objection in principle but it is considered that the rear parking area has open access as detailed on the plans with limited natural surveillance. The installation of a gated system to control both vehicular and pedestrian access into the rear courtyard is strongly recommended. The applicant should adhere to the principles of Secure by Design 'New Homes 2010' and install appropriate security cameras and entrance systems to the proposed flats.

4.4. West Midlands Fire Service – No objection

4.5. Local occupier, Ward Councillors and local MP notified. Site and Press Notices displayed. 7 letters of objection have been received raising the following comments:

The area is already over populated;
There is poor drainage in this area;
This proposal would result in overlooking to existing local residents;
Would put further strain on existing local services such as schools and local health services;
Would increase high parking demand and traffic to the area;
Would lead to anti-social behaviour;
The demolition of the building at this site was carried out in an unsafe way, with cars in the nearby area being damaged, there is no confidence in the construction of this building being safe; and
What is in this for local residents? The council should concentrate on providing services it is charged with.

5. Policy Context

5.1. Birmingham Unitary Development Plan 2005; Draft Birmingham Plan; Places for Living SPG; Car parking guidelines SPD; 45-Degree Code; and the NPPF.

6. Planning Considerations

6.1. In accordance with the NPPF this proposal should be considered in terms of whether it achieves the social, economic and environmental objectives of sustainable development and whether the proposal is in accordance with the Development Plan.

Loss of industrial land

6.2. Although currently a vacant plot, the existing site is an established industrial site, as defined by the Loss of Industrial Land to Alternative Uses SPD. As such, the adopted policies within the 'Loss of Industrial Land to Alternative Uses' SPD are relevant, which includes a presumption against the loss of the industrial land to alternative uses.

6.3. Paragraph 5.2 of the SPD states that where an existing use is classed as a 'non-conforming use', then the loss of the land to alternative uses will be accepted as an exception to the policy, and that the 'active marketing' test does not apply. I consider that the existing use is a 'non-conforming use' due to the location of the site in close proximity to a predominantly residential area. Consent has also historically been granted for the erection of care home use on this site under application reference 2009/02578/PA. On these grounds I consider that the loss of industrial use from this
site has been adequately justified.

**Creation of new A1-A2 uses to Soho Road District Centre**

6.4. This site falls within the Soho Road District Centre boundary as defined within the Shopping and Local Centres SPD. UDP Policy 7.23 states that proposals for additional retail development/ redevelopment in existing centres will be encouraged provided that they are of an appropriate scale in relation to the size and function of the centre; that they are integrated into the existing shopping centre; have no significant adverse effect on the continued vitality and viability of an existing shopping centre as a whole; and help to maintain a range of shops to meet the needs of the local community within the centre. UDP policy 7.8 states that the development of vacant sites and re-use of vacant buildings will be encouraged as they both generate investment in, and enhance the attractiveness of the centre.

6.5. Shopping and Local Centres SPD also states that retail development and other town centre uses will be encouraged in centres, as these are the most sustainable locations for such investment with optimum accessibility by a range of means of travel.

6.6. This proposal seeks to deliver a total of 461sqm of A1– A2 ground floor commercial space within the Soho Road District Centre. This proposed scheme would help to maintain a range of shops or supporting local centre commercial uses that would meet the needs of the local population and would be of an appropriate scale in relation to the size and function of the Soho Road District Centre. The proposal would bring a vacant site back into use attracting investment into the centre creating potential jobs and growth within the area and as such is compliant with the policy context.

**Quality of Living Accommodation**

6.7. UDP policy 5.20 states that a good standard of design is important in all residential developments, which should create a high quality living environment. Places for Living SPG provides urban design guidance on design principles and includes numerical guidelines for bedroom sizes and garden space provision as a starting point for establishing the quality of living space to be provided, although Places for Living also specifies that it is the objectives behind these numerical guidance that is important rather than the standards themselves.

6.8. Paragraphs 1.2 and 1.10 of this report set out the bedroom size provision that this scheme would achieve. The 16 x 2-bedroom flats and the 4 proposed family dwelling houses would all achieve Places for Living guidance for bedroom space accommodation. The proposed bedroom in each of the one bedroom units would be below Places for Living guidance of 12.6sqm at 11.25sqm. A furniture layout has been submitted for each of these proposed flats which I consider demonstrates that the rooms can function satisfactorily.

6.9. Amended plans have been submitted to show that each of the 4 proposed dwelling houses would achieve a garden space of 70sqm in line with policy guideline. Whilst there is a lack of private amenity space for proposed flats, I consider that this site is within a sustainable location and that refusal on the ground of lack of private amenity space could not be substantiated.

6.10. Regulatory Services have considered this proposal and raised no objection subject to conditions for noise insulated glazing and noise mitigation between the ground floor commercial use and upper floor residential accommodation. I consider that such conditions are reasonable and would ensure that the amenity of residents would be
safeguarded.

**Impact on existing residential amenity**

6.11. Consideration should be given to the impact of this proposed development on existing local occupier’s residential amenity. Objections have been raised from local occupiers that this proposal would result in loss of light and privacy to existing residents.

6.12. Places for Living SPG provides guidance on separation distances to ensure privacy amenity to existing residential properties. This scheme would achieve a 16m separation between the rear of the proposed flats and the nearest neighbouring garden area on Alfred Road and 30m between the back of this proposed building and rear elevation of the nearest property on Alfred Road. As such this proposal meets with Places for Living separation guidance.

6.13. No proposed dwelling would breach the 45-degree code and as such I am satisfied that this proposal would not cause harm to light amenity to any existing local residential occupiers.

**Density**

6.14. This proposal seeks to provide a high density scheme which is appropriate in this location within an established centre with good access to public transport. I consider that the proposed layout and design of this scheme would ensure a good quality residential environment without harming the amenity of nearby occupiers. UDP policy 5.38 states that there is a need to provide a wide range of dwelling sizes and types to meet needs of families and to take account of market demand. This high density scheme would achieve a range of housing sizes whilst making effective use of the land.

** Overall Design**

6.15. The proposed mixed use 3 storey building would be marginally higher than neighbouring properties, however its overall form and proportions are appropriate and the proposed architecture would add interest to the character of the street scene.

6.16 The Alfred Road house types include the characteristic design features included in the traditional Victorian dwellings existing on this road. The proposed dwellings would complement the character of this street scene.

6.17. I consider that this proposal would protect and enhance the character and quality of the built environment and as such consider that this proposal meets with UDP policies 3.8 and 3.10 and with design advice in the NPPF.

**Parking**

6.18. Objection has been raised to this proposal on the grounds of parking and traffic congestion to this area. Transportation Development have considered this proposal and raised no objections stating that although the proposal is likely to increase traffic to/from the site compared to the previous use, it is considered that the increase in traffic is unlikely to be significant and have a material impact on operation of surrounding highways.

6.19. This site is in a sustainable location with opportunity to travel to the site by public transport and shared trips are therefore likely within the Soho Road District Centre. There is parking available within a nearby car park and on street within walking distance of the site to serve the proposed shops. Taking into account the size and
number of residential units proposed, I concur with Transportation’s view that this proposal would be unlikely to result in harm to the free and safe flow of traffic along the highway network.

6.20. Transportation Development have recommended a number of planning conditions to ensure the satisfactory development of this site including a requirement for a parking management plan. A parking management plan would ensure that the parking provision at this site is managed ensuring residential parking in the evenings and space for deliveries or customers during the daytime when there is less demand for residential parking. I consider that the imposition of this condition along with the package of conditions recommended by transportation would ensure the satisfactory development of the car park.

S106 Contributions

6.21. This application is for more than 15 units and as such the City Councils Affordable Housing policy applies.

6.22. The applicant seeks to provide a 16% affordable housing offer to include 1 dwelling house, 2 x 2 bedroom flats and 1 x 1 bedroom flat. My Housing Officer has considered this proposal and commented that given the proposed mix of housing proposed in the offer that this level of offer is acceptable. It is proposed that the tenure is left open so that it can be social or affordable rent or shared ownership.

6.23. UDP policy 5.20C sets out a requirement for public open space contribution for housing schemes of 20 dwellings of more. No public open space contribution is proposed as part of this scheme and I consider that sufficient evidence has been submitted with the application to demonstrate that this scheme would not be viable if public open space contributions were insisted upon.

6.24. My Education Officers have also considered this proposal and commented that any scheme of three houses or more would have an impact on the need for school places and as such education contributions should be sought. No education contribution is proposed as part of this scheme. I do not consider that such a small number of houses and flats are likely to attract a significant need for new school places in this area. I consider that an education contribution as part of this scheme could not be justified.

7. Conclusion

7.1. This proposal would result in the sustainable redevelopment of this site for mixed use proposal including a mixture of housing sizes. The proposal in consistent with adopted policy and is therefore recommended for approval.

8. Recommendation

8.1. That consideration of Application No: 2013/08660/PA be deferred pending the completion of planning obligations via Section 106 of the Town and Country Planning Act to secure the following:-

i) The provision of 1x4-bed house; 2x 2-bed flats and 1 x 1-bed flat for social or affordable rent or shared ownership.
ii) Payment of a monitoring and administration fee associated with the legal agreement of up to £10,000.

8.2. In the absence of the completion of a suitable planning obligation to the satisfaction of the Local Planning Authority by the 10th March 2014, planning permission be REFUSED for the following reason:

In the absence of any suitable planning obligation to secure affordable housing that the proposed development conflicts with paragraphs, 5.20 A-D 5.37-5.37G, 8.50-8.54 of the adopted UDP 2005

8.3. That the Director of Legal and Democratic Services be authorised to prepare, complete and seal the appropriate planning obligation under Section 106 of the Town and Country Planning Act.

8.4. That in the event of the Section 106 Agreement being completed to the satisfaction of the Local Planning Authority by the 10th March 2014, favourable consideration will be given to the application subject to the conditions listed below:

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<td>Limits the noise levels for Plant and Machinery</td>
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<td>Requires the prior submission a noise study to establish residential acoustic protection</td>
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<td>Requires the prior submission of boundary treatment details</td>
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<td>10</td>
<td>Requires the provision of cycle parking prior to occupation</td>
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<td>Requires the parking area to be laid out prior to use</td>
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<td>Requires the prior submission of details of turning, loading and parking</td>
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<td>Requires the prior submission of details of gates to be provided at all access to parking area.</td>
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<td>Limits the hours of use</td>
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<td>Requires the scheme to be in accordance with the listed approved plans</td>
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<td>Limits the approval to 3 years (Full)</td>
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Case Officer: Victoria Chadaway
Fig 1. Rookery Road site frontage and context with neighbouring building.
Fig2. Alfred Road access