

Birmingham City Council

Planning Committee

30 March 2017

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>
Approve - Conditions	8	<p>2016/07550/PA</p> <p>150 - 154 Gravelly Hill North Erdington Birmingham B23 6BA</p> <p>Change of use from Bank (Use Class A2) to hot food takeaway (Use Class A5) at ground floor and 6 no. self-containing flats (Use Class C3) above, erection of second floor rear extension, installation of new shop front, ventilation and extraction equipment, air conditioning and compressor units and timber boarded fence enclosure at rear with associated external alterations.</p>
Defer – Informal Approval	9	<p>2016/09889/PA</p> <p>Land off Cooks Lane Tile Cross Birmingham B37 6NF</p> <p>Demolition of derelict outbuilding and erection of 46 dwellinghouses and flats with associated landscape and access works.</p>
Defer – Informal Approval	10	<p>2016/05616/PA</p> <p>Former 'The Greet Inn' Warwick Road Tysley Birmingham B11 2HP</p> <p>Change of use to landscape picnic / BBQ garden with child play area and the erection of a 2 storey building containing shops/kiosks and function rooms as well as a single storey caretaker's house and associated parking</p>

Fort Industrial Park
Dunlop Way
Castle Bromwich
Birmingham
B35 7RB

Minor material amendment to approval ref:
2015/09679/PA to increase in height of part of the
rear section of the renewable energy centre building
(gasification plant) to allow for internal plant to be
reconfigured internally, excavation works to section
of the building by 8 metres to allow incorporation of a
vertical gasifier, changes to configuration involving
the relocation of the delivery hall with associated
elevational alterations including amendment to
location of shutters, access door and some of the
external ancillary plant

Committee Date:	30/03/2017	Application Number:	2016/07550/PA
Accepted:	15/09/2016	Application Type:	Full Planning
Target Date:	31/03/2017		
Ward:	Stockland Green		

150 - 154 Gravelly Hill North, Erdington, Birmingham, B23 6BA

Change of use from Bank (Use Class A2) to hot food takeaway (Use Class A5) at ground floor and 6 no. self-contained flats (Use Class C3) above, erection of second floor rear extension, installation of new shop front, ventilation and extraction equipment, air conditioning and compressor units and timber boarded fence enclosure at rear with associated external alterations.

Applicant:	Professional Pizza Co Ltd
	c/o Agent
Agent:	DPP
	Sophia House, 28 Cathedral Road, Cardiff, CF11 9LJ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the change of use of 150-154 Gravelly Hill North, Erdington from a former bank (Use class A2) with ancillary offices to the first and second floors, to that of a ground floor hot food takeaway (A5) and six apartments (C3) to the first and second floors. The premises have been vacant since 31st May 2013. The proposal would also include the erection of a second floor extension. In addition, the proposal seeks the installation of air conditioning/compressor units, an extraction system/flue and a bin store. The exterior of the building would be upgraded with new windows and a re-decorated façade.
- 1.2. The proposed hot food takeaway to the ground floor would comprise a customer service area with 12 covers, kitchen, cold room, store room, washing area, manager's office and W.C, providing 122sqm of internal floor space. A proposed extraction system/flue would be located to the side elevation of the existing rear wing, out of view of the main public domain, measuring 500mm in diameter x 10.4m in height, finishing 1.07m above roof level. A dedicated refuse area would be located within the confines of the enclosed rear area. Proposed opening hours would be 1000-0000 daily. The business would employ 8 full-time and 20 part time members of staff.
- 1.3. The proposed second floor extension would be designed of a similar massing to the existing rear flat roof element of the rear wing in terms of width and height and materials would be to match the existing building. The second floor extension would allow for the formation of additional residential floor space, measuring 6.6m in depth

x 7.1m in width x 3.9m in height to rear flat roof, to a maximum height of 11.4m above ground level.

- 1.4. The proposed six apartments over the first and second floors would be accessed via an existing access doorway to the western side elevation fronting Gravelly Hill North. The apartments would consist of the following: -

First floor

- Apartment 101 – A one bedroom/one-person self-contained flat, comprising of a joint kitchen/lounge area and a single bedroom of approximately 15.5sqm with en-suite bathroom, with an overall footprint of 43.2sqm;
- Apartment 102 – A one-bedroom/two-person self-contained flat, comprising of a joint kitchen/lounge area and a double bedroom of approximately 17sqm with en-suite bathroom, with a footprint of 50.3sqm; and,
- Apartment 103 – A one bedroom/two-person self-contained flat, comprising of a joint lounge, kitchen, shower room and a double bedroom of approximately 14.5sqm, with a footprint of 53.4sqm.

Second floor

- Apartment 201 – A one-bedroom/one-person self-contained flat, comprising of a joint kitchen/lounge area and single bedroom of approximately 15.5sqm with en-suite bathroom, with an overall footprint of 43.2sqm;
 - Apartment 202 – A one-bedroom/two-person self-contained flat, comprising of a joint kitchen/lounge area and double bedroom of approximately 17sqm with en-suite bathroom, with an overall footprint of 50.3sqm; and,
 - Apartment 203 – Located partially within the proposed second floor extension. A one-bedroom/two-person self-contained flat, comprising of a lounge, kitchen, bathroom and a double bedroom of approximately 12.5sqm, with an overall footprint of 50.5sqm.
- 1.5. Externally, new aluminium powder coated grey coloured windows would be installed to the ground floor front and side elevations, along with new grey aluminium shopfront and customer entrance doorway to the front elevation, within an existing canopy area. New replacement timber framed windows would be installed to the first and second floors coloured white and, existing low level plinth and high level fascia would be re-painted in grey.
- 1.6. One air conditioning unit and one cold room compressor unit would be located to the rear of the premises, encased within acoustic housing, measuring 1.4m in height x 1.8m in width and 860mm x 1.1m.
- 1.7. The agent has confirmed that five vehicle parking spaces are to be retained within the existing rear yard area, which would be dedicated for use by residents of the proposed self-contained flats.
- 1.8. The appointed agent has submitted further information in support of the application regarding site selection, stating that the site was chosen for the following reasons: -

- Size of unit (including 3 floors) to accommodate both commercial and residential development;
- Commercial visibility of site; and
- Presence of 5 no. parking spaces to the rear.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.3. The application site is a large prominent attractive three storey stand-alone building, located adjacent to the busy six ways traffic island, to the southern end of Erdington High Street. To the rear lies an enclosed hard standing yard area bounded by 1.8m high palisade fencing.
- 2.2. The building is located on the edge of the Erdington District Centre (by approximately 30 metres). To the front of the building lies five parking bays and small grassed area, a bus stop and telephone kiosk. To the south east lies a church on Wood End Lane, to the adjacent corner of the traffic island lies a relatively new mixed commercial/residential development to the north west, a petrol filling station to the west and the Erdington District Centre adjacent to the north.
- 2.4. The surrounding area contains a mix of uses, with commercial uses to the north, east and west and residential properties to the south and beyond the commercial centre.

[Location plan](#)

3. Planning History

- 3.3. 27.07.2000. 2000/03170/PA, Display of replacement and projecting signs, approve temporary.
- 3.2. 17.03.2000. 1999/05060/PA, Installation of cooling plant to ground floor, approved
- 3.3. 13.01.1983. 26434003, Installation of cash dispensing machine (154), approved
- 3.4. 27.08.1981. 26434002, Change of use (150/152) from dental surgery to solicitors office, approved
- 3.5. 13.05.1980. 26434001, Timber clad garage (154), approved
- 3.6. Various other signage applications of no relevance to this application.

4. Consultation/PP Responses

- 4.3. Regulatory Services – No objection subject to safeguarding conditions requiring noise insulation between the proposed A5 and residential uses, noise level limits for plant and machinery, further details on refuse storage, restrictive hours for opening times and restricted delivery times.
- 4.2. Transportation Development – Awaiting response to amended parking/rear area layout scheme.

- 4.3. Severn Trent Water – No objections subject to condition requiring drainage details
- 4.4. West Midlands Police – No objection to C3 use, advocating the principles of ‘Secure by Design’. In relation to the A5 use, raise security concerns, however these can be overcome through condition for CCTV coverage and signage.
- 4.5. Site notice posted, nearby residents, residents associations, local MP and Ward Councillors notified, with the following responses received: -
- Eight letter/emails of objection from local residents/traders on the grounds that the proposal would lead to an exacerbation of hot food takeaways in the area, leading to additional traffic/congestion, highway safety issues and inconsiderate/illegal parking, competition to existing similar uses, noise/disturbance due to additional traffic, lack of parking, litter and increased crime/anti-social behaviour.

5. Policy Context

- 5.3. Birmingham Development Plan 2017 and Birmingham Unitary Development Plan 2005 (Saved Policies); SPD Shopping and Local Centres (2012) and Car Parking Guidelines (2012); SPG 45 Degree Code (2006) and Places for Living SPG (2001); DCLG Technical housing standards – nationally described space standards (2015) and National Planning Policy Framework (2012).

6. Planning Considerations

- 6.3. The main issues for considerations are whether the principle of the proposal for the creation of a mixed use scheme of residential self-contained flats and a hot food takeaway are acceptable in this location, whether the flats would provide future occupiers with a satisfactory standard of residential accommodation/amenity, visual amenity, the residential amenity of neighbouring occupiers and highway safety.
- 6.2. **Policy:** The National Planning Policy Framework (2012) contains a presumption in favour of sustainable development and seeks to deliver high quality residential homes in a sustainable location that do not harm the local character of the area. 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. It further advises in paragraph 64 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 123 states that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development.
- 6.3. Birmingham Development Plan Policy PG3 states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place, new development should reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context, create safe environments which design out crime and, make best use of existing buildings and efficient use of land in support of the overall development strategy. Policy TP27 states that new housing is expected to contribute to making sustainable places, whether it is a small infill site or the creation of a new residential neighbourhood. Policy TP28 states that new residential development should be adequately serviced by existing or new infrastructure, which should be in place

before new housing for which it is required and, be accessible to jobs, shops and services by modes of transport other than the car.

- 6.4. Saved Policy 8.7 of the Birmingham UDP states that, due to the amenity issues and impact on traffic generation, hot food takeaways, restaurants/cafes 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.
- 6.5. DCLG Technical housing standards – nationally described space standards (2015) sets out internal space standards and the requirements for gross internal (floor) areas for new residential dwellings/units.
- 6.6. **Principle:** The property is a stand-alone, large, prominent, currently vacant detached building, located to the southern corner of the busy Six Ways traffic island, directly adjacent to the south western edge of the Erdington District Centre. I consider the proposed residential use of the upper floor areas is appropriate within both in-centre and out of-centre locations and would constitute sustainable development through the re-occupation of the building, responding to site surroundings, and being located to the edge of the Erdington District Centre where shops, leisure and public transport facilities are prevalent, and within close proximity of schools. The previous use as a bank and the proposed hot food takeaway use are appropriate in-centre and edge of centre uses. The principles of the proposal can therefore be supported, subject to the assessment of the locational suitability of the A5 element as per local policy.
- 6.7. **Impact of A5 use on vitality/viability on existing centre:** Objection has been received from local residents/traders on the grounds that the proposed A5 use would lead to an exacerbation of hot food takeaways in the area and, increase competition for existing similar uses.
- 6.8. The application site falls just outside of the Erdington District Centre, but forms the end unit of an established local parade. SPD Shopping and Local Centres Policy 6 relates to local parades seeking to control the number and concentration of hot food takeaways; no more than 10% of units within a frontage shall consist of hot food takeaways. Applications for a change of use to A5 will normally be refused where this figure has, or will be, exceeded. The site is located outside of the Erdington District Centre boundary along with a large Tesco Express and three further units within the Queens Court development adjacent to the north-west, a petrol filling station on Gravelly Hill North, six commercial units at 138-148 Gravelly Hill North and a church on Wood End Land, I therefore consider it appropriate to consider the 13 units as an edge of centre commercial area/parade for the purposes of this policy. One further hot food takeaway exists at property 144 Gravelly Hill North, therefore with the proposed A5 use 15% would be A5 usage, exceeding the 10% threshold. However, the previous use of the premises before it became vacant was that of a bank (Use Class C2), therefore no loss of an A1 retail unit would occur. The unit has also been vacant for 3 years and currently makes no contribution to the vitality and viability of the area. The proposed opening hours would introduce a daytime and evening active use/frontage, adding to the vitality and viability of the area whilst also bringing back into use and up-grading a long term vacant building. Furthermore, some recent local appeal decisions for such uses have been allowed by the Planning Inspectorate, who have given significant weight to the economic health of frontages and edge of centre locations, highlighting the negative effects of vacant units on economic decline, and

the potential benefits of the re-occupation of vacant units on the overall vitality and viability of frontages/centres.

- 6.9. Consequently, it is considered that the proposal would bring back into use the whole of this prominent building to the edge of centre that has been vacant for 3 years. The proposed A5 use to the ground floor area would provide daytime opening (as well as into the evening), encouraging daytime footfall and an active frontage. In addition, the introduction of residential units to the upper floor areas would increase activity at the site improving the vitality of the area. Consequently, it is considered that the proposal would improve the vitality or viability of the site, surroundings and adjacent district centre.
- 6.10. **Design/visual amenity:** The proposed extension would be located to the second floor area, above an existing flat roof section/addition to the building, to the rear of the premises fronting onto Wood End Lane, allowing for the formation of an additional apartment. Materials would match the existing building. Externally, new aluminium windows coloured grey would be installed to the ground floor front and side elevations, along with new grey aluminium shop front and customer entrance doorway to the front elevation, within the existing canopy. New replacement timber framed windows would be installed to the first and second floors coloured white and existing low level plinth and high level fascia would be re-painted in grey. One air conditioning unit and one cold room compressor unit would be located to the rear of the premises, encased within acoustic housing.
- 6.11. Consequently, it is considered that the proposed extension to the rear of the Wood End Lane frontage would be similar in terms of design and massing to the existing building, and would not significantly alter the visual aesthetics of the building. The external alterations to the main frontage of the building would improve the visual amenity of the site, street scene and surrounding area, improving what is currently a vacant unkempt building façade. The proposed extraction unit and cold room compressor would be largely out of view of the main public domain. It is therefore considered that the proposals are acceptable in terms of design and visual amenity.
- 6.12. **Residential amenity:** In terms of internal space and the residential environment for future occupiers. The originally submitted scheme proposed eight self-contained one-bedroom/one person flats with footprints of between 36.1sqm to 37.7sqm, this was deemed over-intensive development with small footprints which would not have provided a satisfactory living environment for future occupiers. Amendments were therefore sought and received, reducing the number of proposed self-contained flats to six, allowing for footprints of between 43.2sqm to 53.4sqm. The Nationally Described Spacing Standards recommend that a one-bedroom/one-person flat provides a minimum footprint of 39sqm and a one-bedroom/two-person flat 50sqm; all six flats exceed this requirement. In terms of bedroom footprints, the guidance advocated 7.5sqm for a single bedroom and 11.5sqm for a double bedroom, all flats exceed this advocated guidance. Consequently, it is considered the proposed self-contained flats would provide a satisfactory internal living environment for future occupiers, adhering to guidance.
- 6.13. Whilst no outdoor amenity space is proposed, it is considered that in this location, directly adjacent to a district centre where similar developments exist, with sustainable transport links, leisure facilities and outdoor facilities including Rookery Park (approximately 500 metres) and Jaffray Playing Fields (approximately 400 metres) in close proximity, that the proposal is acceptable in this regard.

- 6.14. In terms of the residential amenity of neighbouring occupiers, objection has been received from local residents/traders on the grounds that the proposal would lead to additional noise/disturbance, litter and increased crime/anti-social behaviour. In response, the premises is a stand-alone detached building located to the edge of a district centre where ambient noise levels are high and uses such as that proposed would be expected to be found. The nearest residential properties are located approximately 27 metres to the south west on Gravelly Hill North, 76 metres to the south on Wood End Lane and a flatted development 43 metres to the south east on Wood End Road. To the north west, adjacent to the proposed second storey extension lies properties 148-138 Gravelly Hill North, a parade of six two-storey buildings with commercial uses to the ground floor and a mix of storage areas and flats to the first floor. Properties 148 and 146 lie at an irregular angle approximately 9m from the proposed second floor extension, the first floor areas of these properties are however in use as storage areas and no loss of residential amenity would occur and no issues arise in terms of the adopted 45-degree code.
- 6.15. Regulatory Services have assessed the proposal and raise no objections, subject to condition requiring noise insulation between the proposed A5 ground floor use and residential uses to the upper floors, noise level limits for plant and machinery, further details on refuse storage, restrictive opening hours of 1100 to 2400 daily and restricted delivery times of 1100 to 1900 Mondays to Saturdays, 1100 to 1600 Sundays. In response, it is considered that the opening hours of 1100 to 2330 would be in line with Saved Policy 8.7 of the UDP and restrictive delivery times would be unnecessary in this location. A further condition requiring details of noise/acoustic window details is also attached due to the high ambient noise levels of the location.
- 6.16. Consequently, it is considered that no significant detriment would occur to existing residential amenity and, the proposed flats/bedsits would provide a satisfactory living environment for future occupiers.
- 6.17. In terms of crime, West Midlands Police have assessed the proposal and make no objections, stating that conditions requiring CCTV coverage and signage would mitigate any concerns regarding crime and disorder. In response, the location of the premises is adjacent to the six-ways traffic island, Erdington District Centre and public transport bus stops, where vehicle and pedestrian activity is busy and natural surveillance widespread, I therefore consider the requested conditions unnecessary in this instance.
- 6.18. **Highway safety:** Objection has been received from local residents, stating that the proposal would lead to increased parking demand in an already congested area and highway safety issues due to inconsiderate/illegal parking.
- 6.19. The premises are located in an edge-of-centre location, directly adjacent to the Erdington District Centre, which has access to good public transport links. To the front of the unit lies a TRO in the form of double yellow lines, which wrap around the entirety of the buildings frontage from Wood End Lane to its junction with Gravelly Hill North which is one-way only, five limited time parking bays are located to the front of the site and unrestricted on street parking is located to the south on Wood End Lane along with a temporary car park adjacent on Wood End Lane.
- 6.20. Following consultation between Transportation and the appointed agent an amended parking/rear area layout/scheme has been submitted for the existing enclosed rear hard standing area, showing five parking spaces for use by the hot food takeaway employees/visitors only, along with six secure and lockable cycle storage units for residents and a bin storage area, accessed off the existing dropped kerb

entrance/egress to/from the site on Wood End Lane. Final comments will be reported.

- 6.21. **Other issues:** My Tree Officer has assessed the proposals and raises no objections. Severn Trent Water have assessed the proposals and raise no objections subject to condition requiring drainage details.

7. Conclusion

- 7.3. I am of the view that the premises is of a sufficient size to permit the creation of a mixed development of six apartments and a ground floor A5 use, within a very sustainable location. In addition, it is considered that the proposal would not detrimentally affect the vitality or viability of the adjacent district centre, bringing back in to use a currently long-term vacant building and, the proposed second floor extension and elevational upgrades would improve the visual aesthetics of the building, street scene and surrounding area.

8. Recommendation

- 8.3. Approve subject to the following conditions.

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- | | |
|---|--|
| 1 | Requires the prior submission of noise insulation (variable) |
| 2 | Limits the noise levels for Plant and Machinery |
| 3 | Requires the prior submission of details of refuse storage |
| 4 | Limits the hours of operation to between the hours of 1100-2330 daily |
| 5 | Requires the prior submission of a drainage scheme |
| 6 | Requires the prior submission a noise study to establish residential acoustic protection |
| 7 | Requires the prior submission of window details |
| 8 | Requires the scheme to be in accordance with the listed approved plans |
| 9 | Implement within 3 years (Full) |
-

Case Officer: Keith Mellor

Photo(s)

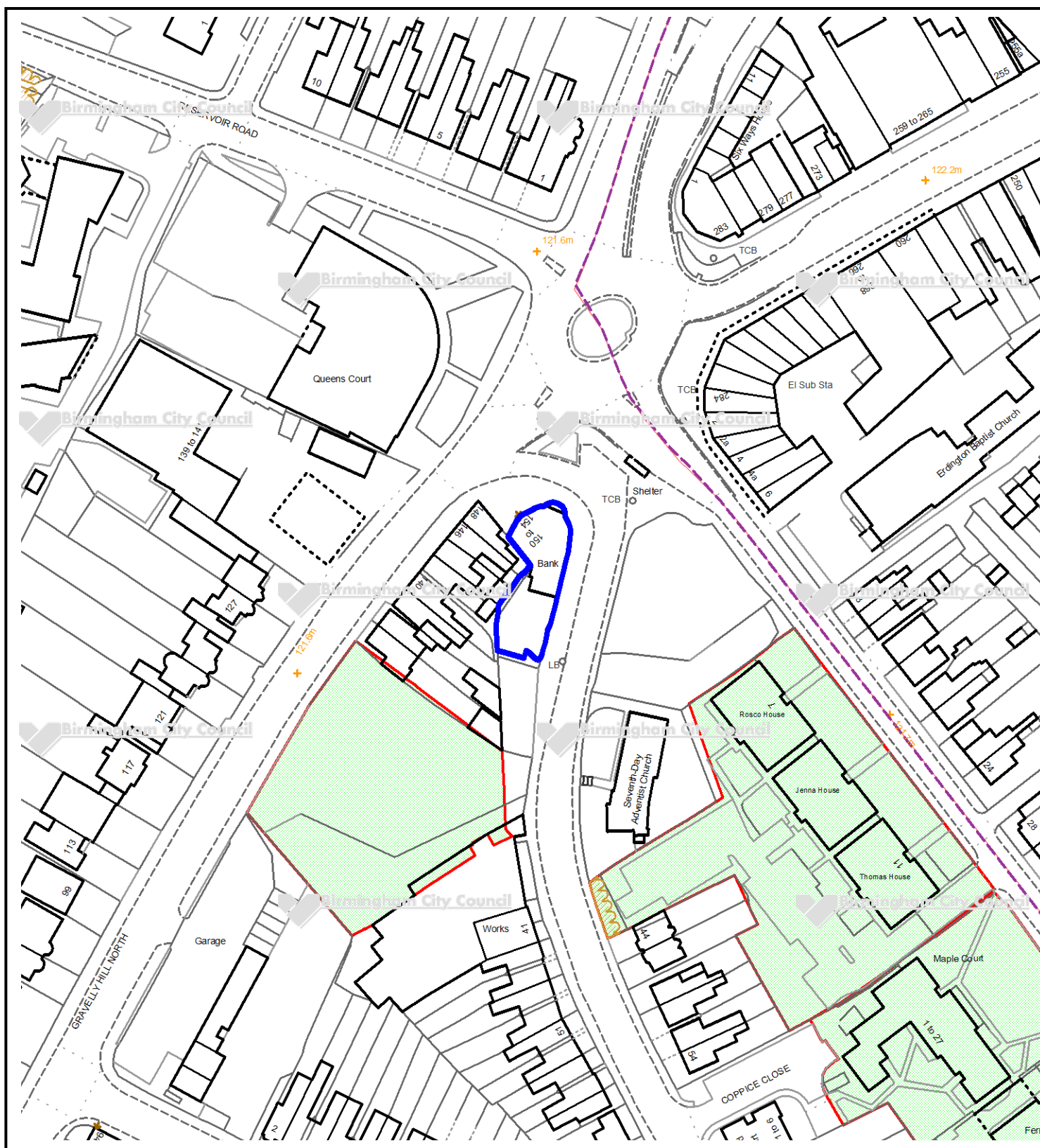


Front elevation 1



Rear view 1

Location Plan



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Committee Date:	30/03/2017	Application Number:	2016/09889/PA
Accepted:	23/02/2017	Application Type:	Full Planning
Target Date:	25/05/2017		
Ward:	Shard End		

Land off Cooks Lane, Tile Cross, Birmingham, B37 6NF

Demolition of derelict outbuilding and erection of 46 dwellinghouses and flats with associated landscape and access works.

Applicant:	Westleigh Partnerships Ltd c/o Agent
Agent:	Pegasus Group 5 The Priory, Old London Road, Canwell, Sutton Coldfield, Birmingham, B75 5SH

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This planning application relates to the proposed demolition of an existing outbuilding and the erection of 46no. dwellinghouses and flats on land at Cooks Lane, Tile Cross.
- 1.2. The application site measures 0.87 hectares, and is currently vacant with areas of hardstanding, overgrown vegetation, and building rubble from previously demolished structures. The application site is accessed off Cooks Lane, and the application proposals seek to retain this access, alongside a number of private driveways off Cooks Lane and Lark Meadow Drive. The proposed access arrangement from Cooks Lane would enable an adopted road throughout the western side of the site (south – north), with a private drive provided to the east, comprising a number of parking spaces and pedestrian link to Lark Meadow Drive.
- 1.3. The proposed dwellings and apartments blocks would address the proposed road frontages and would be designed with a simple, secure road format which loops through the development. The proposal comprises 2 storey dwellings and 3 storey flats as corner-turners to provide a focal point at the front of Cooks Lane, predominantly semi-detached format throughout the site. The scale and arrangement of units is reflective of the surrounding built context.
- 1.4. The design of the dwellings and apartments across the whole site would be built from a red brick with render elements above with a slate roof, with generous sized grey double glazed windows. The proposed houses and walk-up flats would comprise of 2 storey buildings, with a pitched roof. The proposed apartment blocks would comprise of 3 storey building with a pitched roof and Juliette balconies proposed at first and second floor, alongside a projecting gable which seek to add visual interest.

- 1.5. The flats proposed for this site would provide communal open space for its residents. The flats utilise the corner plots on the site. Parking is positioned as close to the resident's front door as possible, each unit having allocated parking space with good surveillance.
- 1.6. The proposals comprise a mix of flats and semi-detached and terraced houses to be made available for 100% affordable rent, as follows:
- 2 x four bedroom houses (107sqm)
 - 7 x three bedroom houses (82sqm)
 - 19 x two bedroom houses (70sqm approx.)
 - 18 x two bedroom flats (68.5sqm approx.)
- 1.7. Accommodation within the units varies, but generally comprises:
- 4 bed units – open-plan kitchen / dining room, living room, ground floor W.C., three double bedrooms (10.5sqm average), one single bedroom (5sqm) and first floor family bathroom one single bedroom and first floor family bathroom.
 - 3 bed units – kitchen, ground floor W.C., open-plan living / dining room, two double bedrooms (11.3sqm average), one single bedroom (5.7sqm) and first floor family bathroom.
 - 2 bed units – kitchen, ground floor W.C., open-plan living / dining room, two double bedrooms (11.25sqm average), and first floor family bathroom.
 - 2 bed flats – open-plan kitchen / living / dining room, two double bedrooms (13.5sqm average) and family bathroom.
- 1.8. The housing mix has been agreed with the applicant's Registered Provider (RP) partner Waterloo Housing Association, who is regulated by the Homes & Communities Agency (HCA) and has Investment Partner status with the HCA. The rented affordable homes would be let to local people in housing need identified through a nominations and lettings process agreed with BCC Housing Department. The rented properties will be let on an assured tenancy which is not time limited.
- 1.9. Private rear gardens are proposed to be provided to the houses, with communal external space provided to the flats. The private gardens range in floorspace from 44sqm for 2 bed units to 93sqm for 4 bed units. The communal gardens provide the equivalent of approximately 20sqm per flat. To the front of the sites, boundary enclosures are proposed in respect of railings, brick walls and close board fences, alongside elements of landscaping.
- 1.10. Low level shrubs and trees are proposed across the site to soften the boundaries and enhance the local character of the development. New soft landscaping and street trees are proposed to enhance and define the new layout. Shrubs will help enforce private areas and discourage visitors parking in inappropriate locations that could limit access to emergency and refuse vehicles. The proposal includes structured tree planting at the site that will enhance the residential street scene. All planting is planned to be easily managed, and low maintenance. These proposals have been the subject of discussions during the consideration of this planning application, with amendments to the scheme submitted during the course of the planning application.
- 1.11. The proposals comprise 68no. parking spaces, including 6no. visitor spaces. The proposed parking equates to approximately 150% provision based on 46no. dwellings. The scheme has been designed to allocate the larger 3 and 4 bedroom

units with 200% provision, and the smaller 2 bedroom units with 100% provision. The parking spaces are arranged in a mix of tandem spaces and driveway spaces. The proposals comprise parking on the Cooks Lane frontage, as well as the Lark Meadow Drive frontage, and throughout the adopted and private roads within the application site. Efforts have been made to avoid courtyard parking arrangements, with elements of landscaping provided to break up the frontages, particularly within the site.

1.12. The following documents were submitted in support of the proposal:

- Planning Statement
- Design and Access Statement
- Noise Assessment
- Tree Survey & Constraints Plan
- Ecological Report
- Built Heritage Assessment
- Housing Statement
- Transport Statement
- Drainage Strategy
- Ground Investigation Report
- Construction Environment Management Plan (inc. Waste Management Plan)
- Statement of the Sustainability Performance of the Dwellings

1.13. The Financial Viability Assessment concludes that based on the policy-compliant level of affordable housing (35%) proposed on site, the proposed development could only support a financial contribution of £50,000 towards public open space. In practice, the scheme would provide 100% affordable housing by an Housing Association.

1.14. The application proposals have been subject to extensive discussion between the applicant and the Council throughout the course of the application, which has resulted in a number of alterations to the scheme in response to comments provided, including the re-arrangement of parking spaces; re-alignment of the road to accommodate larger rear gardens; and increase in planting along exposed boundaries.

1.15. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site consists of a vacant and overgrown brownfield site, located off Cooks Lane in the Tile Cross area of Birmingham. The site, which was formerly part of Sheldon Heath Farm, measures 0.85 hectares and a single storey, pitched roof dilapidated building is located in the north-west area of the site. The most recent active use of the site was as a vehicle repair garage. The buildings associated with this use were demolished around 2009.

2.2. Previously, a grade II listed building stood on the application site. This was subject to neglect and fell into disrepair, resulting in the building being removed from the heritage list in 2010. The building was subsequently demolished, and de-listed.

2.3. The application site is generally flat in nature with frontages onto Cooks Lane and Lark Meadow Drive. The latter road is within the boundary of Solihull MBC, whilst the application site is within the authority of Birmingham City Council.

- 2.4. The application site is located within Flood Zone 1. Babbs Mill Lake and Park lies to the north east of the application site. Immediately to the north, east and west lies residential uses. To the south, the site is bounded by Cooks Lane.
- 2.5. The surrounding area is varied in form but mostly consists of 2-3 storey residential buildings developed in the 1960's and laid out in suburban estate roads and cul-de-sacs. There is also a mix of styles and design present in the surrounding area. There are also some commercial uses surrounding, in particular on the main Cooks Lane frontage, including a petrol filling station on the opposite side of the road.
- 2.6. The application site is adjoined by the rear gates of residential properties to the north (Solihull MBC) and to the northwest. Garages serving flats at the corner of Cooks Lane and Gressell Lane adjoin the sites western boundary. There are a number of trees on the site and other overgrown vegetation located along the northern boundary of the site.
- 2.7. Cooks Lane is served by a number of bus routes which serve routes between Birmingham, Solihull, Sutton Coldfield and Chelmsley Wood. The nearest local centre is located approximately 1 mile to the east, at Chelmsley Wood Town Centre.
- 2.8. [Site Location](#)

3. [Planning History](#)

- 3.1. 11.03.2008 - 2006/05854/PA - Redevelopment of the former Sheldon Heath Farm site to provide 37 new residential units and including the conversion of an existing Grade II listed barn building, associated roads, open space & hard & soft landscaping – Refused on the grounds of no affordable housing provision made as part of the development.
- 3.2. 11.03.2008 – 2006/05859/PA - Rebuilding Grade II barn building to provide 4 no. residential units & installation of walls, floors & staircases & installation of original building features – Refused due to insufficient information.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objection subject to conditions to secure a construction management plan; construction means of access; amended car park layout; siting / design of means of access; residential travel plan; cycle storage details; pedestrian visibility splays; and S278/TRO Agreements to be undertaken with both Birmingham City Council and Solihull Metropolitan Borough Council.
- 4.2. Regulatory Services – No objection subject to conditions to secure contaminated land remediation, recommendations set out within the noise survey to be endorsed and the requirement of vehicle charging points to be provided.
- 4.3. BCC Local Lead Flood Authority – No objection subject to conditions to secure a Sustainable Drainage Operation & Maintenance Plan and SUDS.
- 4.4. Leisure Services – No objection, subject to a financial contribution being provided towards public open space and play area.

- 4.5. City Ecologist – No objection subject to conditions relating to provision of bird and bat nest/ roosting boxes, and landscaping should seek to use native and/ or beneficial plant species.
- 4.6. Education and Skills Infrastructure – No comments.
- 4.7. Severn Trent Water – No objection subject to a condition to secure drainage plans for the disposal of foul and surface water flows.
- 4.8. West Midlands Police – Recommends that buildings be the subject of intruder alarm systems, and that CCTV cameras be installed to cover all exterior boundaries of the site and all entrances.
- 4.9. West Midlands Fire Service – No objection.
- 4.10. Solihull Metropolitan Borough Council – No objection.
- 4.11. Press notice published. Site notices posted. Ward Members and neighbours notified. Four letters of objection were received from local residents raising concerns in respect of the following:
- Proposed tenure mix of the development and impact on property values;
 - Impact on existing infrastructure, which is currently at capacity / over-subscribed;
 - Impact on ecology and loss of trees;
 - Impact on existing congestion levels experienced on Cooks Lane;
 - Likely overlooking from proposed dwellings into existing properties; and
 - Security of the proposed development on the grounds of large expanses of exposed fence along the proposed private drive.

5. Policy Context

- 5.1. National Planning Policy Framework (2012); Birmingham Development Plan (2017); Birmingham Unitary Development Plan (Saved Policies) (2005); Places for Living SPG (2001); Car Parking Standards SPD (2012); Technical Housing Standards – Nationally Described Space Standards (2015); Public Open Space and New Residential Development SPG (2006); Affordable Housing SPG (2001)

6. Planning Considerations

Principle of Development

- 6.1. The application site comprises a brownfield site in a sustainable location. The application site surroundings are predominantly residential, and the proposed development is broadly reflective of the residential character of the surrounding area.
- 6.2. The NPPF states at paragraph 49 that planning applications to deliver housing should be considered in the context of the presumption in favour of sustainable development (paragraph 14).

- 6.3. Policies TP27 and TP28 of the Birmingham Development Plan relate to sustainable neighbourhoods and the location of new residential development. Policy TP27 states that all new residential development will need to demonstrate that it is meeting the requirements of creating a sustainable neighbourhood, characterised by: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources; attractive, safe and multifunctional public spaces; and long-term management of buildings, public spaces, waste facilities and other infrastructure.
- 6.4. Policy TP28 goes on to state that new residential development should: be located outside flood zones 2, 3a and 3b; be adequately serviced by existing or new infrastructure which should be in place before the new housing for which it is required; be accessible to jobs, shops and services by modes of transport other than the car; be capable of remediation in the event of any serious physical constraints, such as contamination or instability; and be sympathetic to historic, cultural or natural assets.
- 6.5. The application site is located within a sustainable location with good access to public transport, and a number of public services accessible within a reasonable walking distance. The site is unconstrained in respect of flood risk and other designations, however it is anticipated that the site is contaminated given its former use associated with vehicle repair. The proposals comprise a mix of dwellings, which seek to meet a range of affordable housing needs. Furthermore, the site was identified in the 2015 Strategic Housing Land Availability Assessment as available in the medium term, and could deliver around 36 dwellings.
- 6.6. The application site was subject to a planning application for residential development in 2006. Whilst the application was refused in 2008 on the grounds of lack of affordable housing provision, the principle of the redevelopment of the site for residential purposes was acceptable.
- 6.7. Policy TP30 of the BDP indicates that new housing should be provided at a target density responding to its context. The density of the proposed development at 50 dwellings per hectare is considered acceptable on the grounds that the site is well served by public transport, with a number of bus services available within a short walking distance of the application site.
- 6.8. Policy TP30 also refers to the type and size of new housing, stating that new residential developments should seek to meet local housing needs and support the creation of sustainable neighbourhoods. The proposed housing mix is considered reasonable and appropriate in the context of the type and size of dwellings, and has been designed in such a way to address the established local needs demonstrated within the Strategic Housing Market Assessment.
- 6.9. I consider that the application proposals are acceptable in principle, being compliant with relevant adopted planning policy.

Layout and Design and Impact on Visual Amenity

- 6.10. The proposal would result in the demolition of a redundant single-storey building on site, which is not considered to be of significant visual interest architecturally. The building is not statutorily or locally listed or located within a conservation area and no

objection is therefore raised to its demolition. I consider that the redevelopment of this site would improve the appearance of the street scene and contribute to the enhancement of the City's environment.

- 6.11. The application proposals seek to deliver a traditional residential development, comprising of 16no. 2-bed flats, 21no. 2-bed houses, 7no. 3-bed houses and 2no. 4-bed houses. The proposed houses are 2-storey and there is a variety of semi-detached and terraced units, together with 3-storey buildings of flats at the prominent corner locations within the site. The dwellings are proposed to be constructed of red brick, with elements of render on the building facades. The dwellings would have grey fenestration with a pitched roof of slate roof tiles. It is considered that the scheme design would be broadly reflective of the character of the surrounding residential properties. I recommend that a condition to secure the details of the materials used in the development is attached to any planning permission granted.
- 6.12. The layout of the proposed development seeks to provide an active street frontage to Cooks Lane. The access road to be adopted through the development, shared surface and private drive, will create a safe and secure environment, encouraging low vehicular speeds. Off street parking in the form of allocated spaces is proposed throughout the development to accommodate the parking demands of prospective residents. No garages are proposed to be provided.
- 6.13. The Council's City Design Officer has reviewed the scheme and provided comments that were relayed to the applicant during the application consideration period, in order to seek to address comments and resolve the issues raised. City Design raised particular concerns regarding streets being too dominated by cars and lacked definition and green landscape to soften their appearance. Further, the garden sizes were identified as being significantly undersized.
- 6.14. Revisions were undertaken in response to these comments which saw the reconfiguration of the parking layout to reduce the extent of parking on street and allow for greater space for landscaping, to introduce some elements of parking along the side of buildings. This also incorporated the re-alignment of the access road through the development, also improving it from a part adopted road.
- 6.15. The position of the dwellings throughout the site was also rearranged in order to increase garden sizes and improve the consistency of the streetscene. The amendments also introduced a greater level of planting along the exposed boundaries to the garages on Gressel Lane, No.1 Lark Meadow Drive and No. 3 Rockmoor Close, with the intention to soften the appearance and improve separation levels between the existing and proposed properties.
- 6.16. I consider that the amendments to the layout in response to the City Design Officer's comments results in significant improvement to the proposals, with regard to the increased garden sizes, the dwelling mix throughout the site, the provision of an adoptable road throughout the site which would improve access arrangements overall, and the increased level of public landscaping throughout the site. The design and layout of the scheme is therefore considered to be reflective of the character of the surrounding residential area and would achieve a good quality residential development.
- 6.17. Regarding the streetscene, it was recommended that defensible planting and enclosures were introduced to define private space and clearly allocate parking spaces. Amendments to the scheme which were negotiated during the application

process were submitted, which introduced a more comprehensive approach to boundary treatment and the creation of defensible space. It is recommended that the detail of such boundary treatment and landscaping is secured by condition.

- 6.18. I consider that the proposals would have an overwhelmingly positive impact on the visual amenity of the site, which is currently vacant and in poor condition. I consider that through introducing residential development on this site, this would improve the appearance of the application site in the context of the surrounding area and its character.
- 6.19. Although there are no built heritage assets located within the site, a former Grade II Listed Building, known as Sheldon Hall Farm Barn, was previously located within the site. This was removed from the National Heritage List in 2010 and subsequently demolished. Conservation raised no objection to this proposal.

Impact on Flood Risk

- 6.20. The application site does not fall within a flood plain and does not raise any concerns regarding flooding, given the previously developed nature of the site and the existing levels and proximity to watercourses. The application proposals also incorporate a drainage line from the west to the east of the site, along the private drive, which requires a 5m easement either side. No development is proposed in this area, except for parking spaces and landscaping.
- 6.21. A Drainage Strategy was submitted in support of the application which demonstrates how the application proposals will connect to existing facilities however conditions are recommended in order to confirm details of a Sustainable Drainage Operation & Maintenance Plan, and the prior submission of a Sustainable Drainage Plan.

Impact on Landscape and Ecology

- 6.22. The application proposals seek to incorporate areas of landscaping within the development, with areas of planting proposed on the exposed fences in the east and west of the application site to improve the appearance and soften the development scheme overall. Comments were provided by the Council's Landscape Officer which required amendments to the scheme. A revised site layout was submitted by the applicant, which introduced an increase in planting on the exposed boundary and between the proposed parking spaces. Details of planting types and species, landscape management and surfacing materials are recommended to be secured by condition.
- 6.23. The application proposals seek to retain 4no. mature B category trees on the north and eastern boundaries within the site, whilst clearing a further 13no. category B and C trees located throughout the site which would preclude the development of the application site. There are no category A trees present on the site. It is considered that alongside the landscaping proposals, the proposed development would achieve an environment reflective of the surrounding residential areas. The Council's Tree Officer has been consulted on the proposals and raised no objection, subject to a condition in relation to the requirement of an arboricultural method statement.
- 6.24. Although the application site is previously developed brownfield land, the site has been vacant for a number of years, resulting in the site becoming considerably overgrown, potentially providing a wildlife habitat. The applicant has therefore commissioned an ecological survey of the site which identified that there was

potential for nesting birds and small mammals (fox, hedgehog etc.) to be found on site. Furthermore, the site lies in close proximity to the River Cole and Babbs Mill Park and Lake to the north of the site, which is designated as a Site of Importance for Nature Conservation and Wildlife Corridor.

- 6.25. The Council's Ecologist, based on the likelihood of wildlife being identified on site, recommends that site clearance would need to be undertaken in a sensitive and methodical manner. Timing of site clearance would be most critical to avoid impact to nesting birds whilst dense areas of scrub should be cleared by hand first to check for mammals / birds before larger machinery is used, and it is recommended that this should be done under the supervision of a competent ecologist. A number of conditions are recommended to secure the appropriate mitigation of any impact on biodiversity, in accordance with Policy TP8 of the BDP. This policy states that all developments should, where relevant, support the enhancement of Birmingham's natural environment, with biodiversity enhancement measures being appropriate to the scale and nature of the development. On this basis, I consider that the recommended conditions to secure a scheme for ecological / biodiversity enhancement measures and bird boxes are reasonable and necessary.
- 6.26. Given the poor condition of the site at present, I consider that the application proposals present the opportunity to significantly enhance the landscape and ecological value of the site through planned intervention associated with the development. Overall, I consider that the development would be likely to have a positive impact on this element.

Impact on Residential Amenity

- 6.27. The application proposals relate to the erection of 46no. dwellings. The application site has been vacant since the early 2000's and occupied by a disused petrol filling station during that time. I therefore consider that by bringing an active use to the site and improving the security of the site through the redevelopment of the site for residential purposes, there would be a beneficial effect on the immediate area.
- 6.28. The proposed dwellings have been positioned in order to achieve adequate separation distances between the new scheme and existing dwellings and it appears that consideration has been given to proposed window positions and roof lines in relation to neighbouring dwellings.
- 6.29. When assessed against the Technical Housing Standards – Nationally Described Space Standard, the house types exhibit a shortfall in the required minimum gross internal floor areas. However, it is the case that the dimensions of the proposed units for this scheme are based on the Housing Quality Indicator (HQI) system, which evaluates housing schemes on the basis of design and quality, and which incorporates required design standards for affordable housing providers who receive funding through the 2008 to 2011 National Affordable Housing Programme (NAHP) and 2011 to 2015 Affordable Homes Programme (AHP). The unit sizes of the proposed scheme meet HQI requirements and are acceptable to both Waterloo Housing Association and the HCA, who are providing Grant Funding for the development.
- 6.30. It is clear from the submitted floor plans for each of the house types that, whilst there is a marginal shortfall of 1.5sqm for the flats and 10sqm for each of the houses which is regrettable, a functional layout is achievable within each of the dwellings, and I consider that these would result in an acceptable living environment which

would create an acceptable level of residential amenity. This is demonstrated by the indicative furniture layouts provided.

- 6.31. In respect of the bedroom sizes, the majority of these meet the guidance set out within the Technical Housing Standards – Nationally Described Space Standard, and indicative furniture layouts are submitted to demonstrate an adequate and functional layout. However, it is noted that the single bedrooms in the three and four bed units are considerably undersized, achieving approximately 5sqm as opposed to the minimum 7.5sqm, providing room for only a single bed and item of furniture with restricted circulation space. Whilst this bedroom size does raise concerns in terms of its impact on residential amenity, the family living spaces of the living room and dining kitchen are considered to be adequate and would be likely to achieve an acceptable living environment. On balance, I consider that the proposed dwelling types would achieve an adequate living environment overall and prospective occupiers would have a reasonable level of residential amenity. Furthermore, I consider that the redevelopment of the site would achieve good quality residential accommodation and contribute significantly towards affordable housing needs in Birmingham.
- 6.32. Each of the houses is proposed to have a private rear garden and parking to the front or side of the dwelling provided. The flats are proposed to have communal rear amenity space. The gardens vary in size from 44sqm – 64sqm for 2 bed units; 58sqm – 97sqm for 3bed units; and around 93sqm for 4 bed units. Places for Living SPG requires a minimum of 70sqm of private garden space for family dwellings (3+ bedroom), and a minimum of 52sqm of private garden space for small dwellings (1-2 bedroom). For flats, an equivalent of 30sqm of communal space should be provided. Whilst some of the gardens proposed do fall short of the guidelines within the SPG, it is considered that this, on balance, would be acceptable. The development provides pedestrian links to Lark Meadow Drive, which is within a short walking distance of high quality recreation space at Babbs Mill Park. I therefore consider that whilst the external amenity space proposed is not fully policy compliant, it is of a good quality and future occupiers would have easy access to a large, good quality park and recreation area.
- 6.33. Given the residential surroundings of the application site, I have considered the residential amenity of neighbouring properties. Comments have been received by local residents which raise concerns in respect of overlooking and loss of privacy. The proposed dwellings are located a minimum of 20m from existing dwellings (41 Coleview Crescent). Whilst Places for Living SPG recommends a distance of 21m between building faces, I consider that the shortfall is marginal and the development of dwellings 20m to the rear of the properties on Coleview Crescent would be unlikely to have an adverse impact on residential amenity. I also consider that the layout achieves good urban design principles and a reason for refusal would be difficult to defend on this basis.
- 6.34. Regarding the properties on Rockmoor Close, these are on average 23m away from the rear of the proposed dwellings. Furthermore, these existing properties benefit from mature vegetation to the rear of their gardens which would provide a screen, alongside the retention of the large Crack Willow tree in the east of the site.
- 6.35. In terms of potential overlooking from the site into the rear gardens of no 1. Lark Meadow Drive and no 3. Rockmoor Close, amendments were requested to the application proposals to improve the level of planting to the exposed boundary.

- 6.36. By regenerating the site from its current dilapidated state, I consider that the proposed scheme would contribute towards the reduction of crime and fear of crime through the removal of a derelict former commercial property and the provision of new residential accommodation will ensure natural surveillance across the site and towards Cooks Lane. I consider that in this regard, the proposals would have a positive effect on neighbouring residential amenity.
- 6.37. As the application site is subject to ground contamination, conditions are recommended by Regulatory Services for a contamination remediation scheme and a contaminated land verification report, alongside the decommissioning of utility tanks on site. I consider that these conditions are reasonable and necessary to secure adequate residential amenity for future residents of the application site.
- 6.38. I consider that the application proposals would, overall, achieve a reasonable level of residential amenity for prospective occupiers. In order to protect the sizes of the private rear gardens in the long term, I recommend that permitted development rights are removed and have attached a condition to that effect.
- 6.39. In respect of the impact on neighbours and existing properties, and their loss of privacy, I recommend that permitted development rights are removed for new windows, and have attached a condition to that effect.
- 6.40. The application proposals seek to introduce residential development on a previously developed site within a predominantly residential character. I consider that the proposed development would achieve a good quality residential environment which would have an acceptable impact on the surrounding immediate neighbours to the site, and would be a significant improvement to the currently vacant and dilapidated site. I consider the proposals would have an acceptable impact on residential amenity, subject to conditions.

Highway Safety

- 6.41. The application proposals seek to provide access throughout the site from Cooks Lane, with the site road designed to an adoptable standard, with an adoptable turning head at the northern end of the site, and on to the private drive in the eastern portion of the site. The private drive provides access to 11no. parking spaces and pedestrian access to Lark Meadow Drive. Direct access to dedicated driveways is also proposed from Cooks Lane and Lark Meadow Drive. This is broadly reflective of the situation for existing properties on Lark Meadow Drive and Cooks Lane.
- 6.42. The application proposals seek to deliver 150% parking provision. All 9 of the larger dwellings (3 and 4 bed) are allocated 200% parking, alongside 29% of the 2 bed houses. The remaining 71% of 2 bed houses and all of the 2 bed flats are allocated 100% parking. A further 6 spaces are proposed to be made available for visitors.
- 6.43. In respect of the likely traffic to be generated by the proposed development, the Transport Statement submitted in support of the planning application sets out that peak flows on Cooks Lane between 8am and 9am and also 5pm and 6pm but also generally higher flows in a northeast-bound direction. The morning and evening peak flows are comparable with approximately 2,060 vehicles in an hour. The development itself is likely to generate additional 20-25 vehicles during the peak hour flows. Based on the current situation at the application site, it is concluded that this would not have a severe impact on the traffic flows in the area.

- 6.44. With regard to the proposed private driveway access from Cooks Lane and Lark Meadow Drive, it is noted that there have been no accidents along the route of Cooks Lane related to private access points or junctions serving the Esso petrol station and Lark Meadow Drive. It is considered that the proposed access arrangement would therefore be acceptable in terms of its likely impact on traffic flow.
- 6.45. The application site is located in a sustainable location, with good access to public transport serving Solihull Town Centre, Birmingham City Centre and various other points of interest. A large range of facilities and services are available within walking distance of the site, including schools and recreation spaces. The Metro Extension is proposed to serve Meadway, 0.6 miles to the west of the application site, which would significantly enhance public transport access from the proposed development.
- 6.46. Transportation Development has been consulted on the proposals and advise that the proposed design and layout of the development is now considered broadly satisfactory. Transportation Development is of the view that there remain some residual concerns in terms of the level of parking provision, and considers that these matters can be mitigated through conditions recommended to be attached to any grant of planning permission. I concur with this view, and have attached the relevant conditions.
- 6.47. I consider that the impact of the application proposals on highway safety would be acceptable when mitigated by the recommended conditions.

Affordable Housing and Planning Obligations

- 6.48. The development site falls within a Low Value Area Residential Zone and will therefore be subject to a nil CIL charge. However, given the scale of the proposed development, seeking to deliver more than 15 dwellings, 35% affordable housing must be delivered as part of the scheme, in accordance with Policy TP31 of the Birmingham Development Plan. In accordance with Policy TP9 of the BDP, residential schemes of 20 or more dwellings should provide on-site public open space and / or children's play provision. Developer contributions could also be used to address the demand from new residents.
- 6.49. The application proposals seek to provide all 46no. dwellings for affordable rent. In order to address the Registered Provider's financial arrangements to deliver the site, the Heads of Terms submitted alongside the application state that the development would provide 35% affordable housing in order to deliver a policy-compliant scheme, alongside a financial contribution of £50,000 towards public open space and play areas. Housing Regeneration and Development were consulted as part of the application and raised no objection subject to the Section 106 being drafted to secure 35% affordable housing.
- 6.50. A Financial Viability Assessment was submitted in support of the proposals and this has been subject to an independent appraisal. The conclusions of the appraisal found that the site location is a fairly low value residential location. The immediate surrounding locality is generally characterised by fairly typical local authority housing stock.
- 6.51. Leisure Services were consulted as part of the application proposals, and recommended that given no public open space was proposed to be provided within the site, a financial contribution would be required to the amount of £180,675. This

would be spent on the provision, improvement and or maintenance of Public Open Space and Play facilities at Tile Cross Park within the Shard End Ward.

- 6.52. The independent appraisal concludes that, based on the costs and profit margin significantly below that expected for the development of this nature, the inclusion of any additional Section 106 contributions will therefore prejudice the scheme's viability. The affordable housing offer at 35% and a financial contribution of £50,000 towards public open space is the most that can be sustained by the development without impacting on viability.
- 6.53. In terms of the impact of the proposals on education provision, no comments have been received from Education and Skills Infrastructure however any Education funding via the planning system is now derived from city-wide Community Infrastructure Levy monies (CIL).
- 6.54. Given that the development seeks to provide 100% affordable housing in practice, it is considered that the affordable housing provision alongside the financial contribution would achieve considerable benefits for the local community whilst delivering a policy compliant scheme. I consider it acceptable, on this basis, that the Section 106 Agreement is pursued to secure a 35% affordable housing requirement and a financial contribution towards the maintenance and improvement of local public open space.

Other Matters

- 6.55. Concerns from local residents in respect of the proposed tenure mix and the perceived adverse impact on existing property values do not constitute material planning considerations and are therefore not considered further.
- 6.56. West Midlands Fire Service comments that suitable water supplies for fire-fighting should be provided. This should be subject to consultation with West Midlands Fire Service once a Water Scheme plan has been produced and approved by the relevant Water Company. It is considered that this element would be addressed through the detailed design of the scheme.
- 6.57. West Midlands Police recommend that intruder alarms are installed within the buildings. This is considered to be outside the planning remit and would be addressed through the detailed design of the dwellings. The requirement of CCTV installation, as recommended by West Midlands Police, is considered to be onerous and inappropriate given that the proposed development would introduce natural surveillance on a site which is currently vacant and subject to recurrent instances of fly-tipping.
- 6.58. In response to air quality concerns generally in Birmingham, Regulatory Services recommends a condition to secure vehicle charging points for electric vehicles within the site. It is understood that electric vehicles can be charged via mains electric with the requisite power converter. Given that the majority of the proposed dwellings would have frontage parking spaces, I would expect that vehicles can be charged in this manner without the need for a dedicated vehicle charging points. I therefore consider that such a condition could only be applicable to the apartment blocks, which would be likely to operate a more informal parking allocation. I have attached this condition accordingly.

7. Conclusion

- 7.1. The application proposals relate to the residential development of 46no. dwellings on a brownfield site off Cooks Lane in Tile Cross. The site has been vacant for a number of years and is in a dilapidated condition. The application site forms part of an established residential area and the principle of residential development is acceptable on the site.
- 7.2. The proposals would have an acceptable impact on residential amenity and whilst the proposed dwellings are slightly undersized when assessed against the Technical Housing Standards – Nationally Described Space Standard, I consider that the dwellings would deliver a good quality living environment for prospective residents.
- 7.3. The proposals seek to deliver approximately 150% parking provision for the development. The applicant has demonstrated that this level of parking would be unlikely to have an adverse impact on traffic flow or lead to the creation of poor parking arrangements within the application site.
- 7.4. The proposals comprise 100% affordable housing which will address an evident need in Birmingham and particularly in Shard End Ward. For the purposes of the Section 106 Agreement, the development will deliver a 35% policy-compliant scheme alongside a financial contribution towards public open space in Tile Cross. This is considered to be an acceptable approach in the context of the proposals, and the proposed development would achieve considerable benefits for the local community.
- 7.5. For the reasons set out throughout this Committee Report, I recommend that the application should be approved subject to a Section 106 Agreement, and conditions.

8. Recommendation

- 8.1. Approve subject to a Section 106 Legal Agreement.

That consideration of application number 2016/09889/PA is deferred pending the completion of a Section 106 Legal Agreement to secure the following:

- i) 35% affordable housing (16 units) for affordable rent;
 - ii) a payment of £50,000 (index linked to construction costs from 30th March 2017 to the date on which payment is made) towards the provision improvement and / or maintenance of public open space and / or recreational facilities at Tile Cross Park and/or Tile Cross Recreation Ground within the Shard End Ward that shall be agreed in writing between the Council and the party responsible for paying the sum provided that any alternative spend purpose has been agreed by the Council's Planning Committee; and
 - iii) Payment of a monitoring and administration fee associated with the legal agreement of £1,750.
- 8.2. In the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 23rd May 2017, planning permission be REFUSED for the following reasons:
 - i) The proposal represents an unacceptable form of development as it would not achieve Section 106 Planning Obligations in the form of appropriate affordable housing and a financial contribution towards the maintenance and

improvement of local public open space. This is contrary to Policies TP9 and TP31 of the Birmingham Development Plan 2031 Affordable Housing SPG, Public Open Space and New Residential Development SPD, and paragraph 50 of the National Planning Policy Framework.

- 8.3. That the City Solicitor be authorised to prepare, complete and seal the appropriate planning obligation via an agreement under Section 106 of the Town and Country Planning Act.
- 8.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 23rd May 2017, favourable consideration be given to this application, subject to the conditions listed below:

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| 1 | Requires the prior submission of level details |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the prior submission of a contaminated land verification report |
| 4 | Requires the prior submission of a sustainable drainage scheme |
| 5 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 6 | Arboricultural Method Statement - Submission Required |
| 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 a landscape management plan |
| 10 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 11 | Requires the prior submission of details of bird/bat boxes |
| 12 | Requires glazing and ventilation to be installed as approved |
| 13 | Requires the provision of vehicle charging point |
| 14 | Requires the parking area to be laid out prior to use |
| 15 | Requires pedestrian visibility splays to be provided |
| 16 | Requires the prior installation of means of access |
| 17 | Prevents occupation until the service road has been constructed |
| 18 | Requires the prior approval of an amended car park layout |
| 19 | Requires the prior approval of the siting/design of the access |
| 20 | Requires the prior submission of a residential travel plan |
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- 21 Requires the prior submission of cycle storage details
 - 22 Requires the prior submission and completion of works for the S278/TRO Agreement (Birmingham)
 - 23 Requires the prior submission and completion of works for the S278/TRO Agreement (Solihull)
 - 24 Requires the prior submission of sample materials
 - 25 Removes PD rights for new windows
 - 26 Removes PD rights for extensions
 - 27 Requires the scheme to be in accordance with the listed approved plans
 - 28 Implement within 3 years (Full)
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Case Officer: Claudia Clemente

Photo(s)

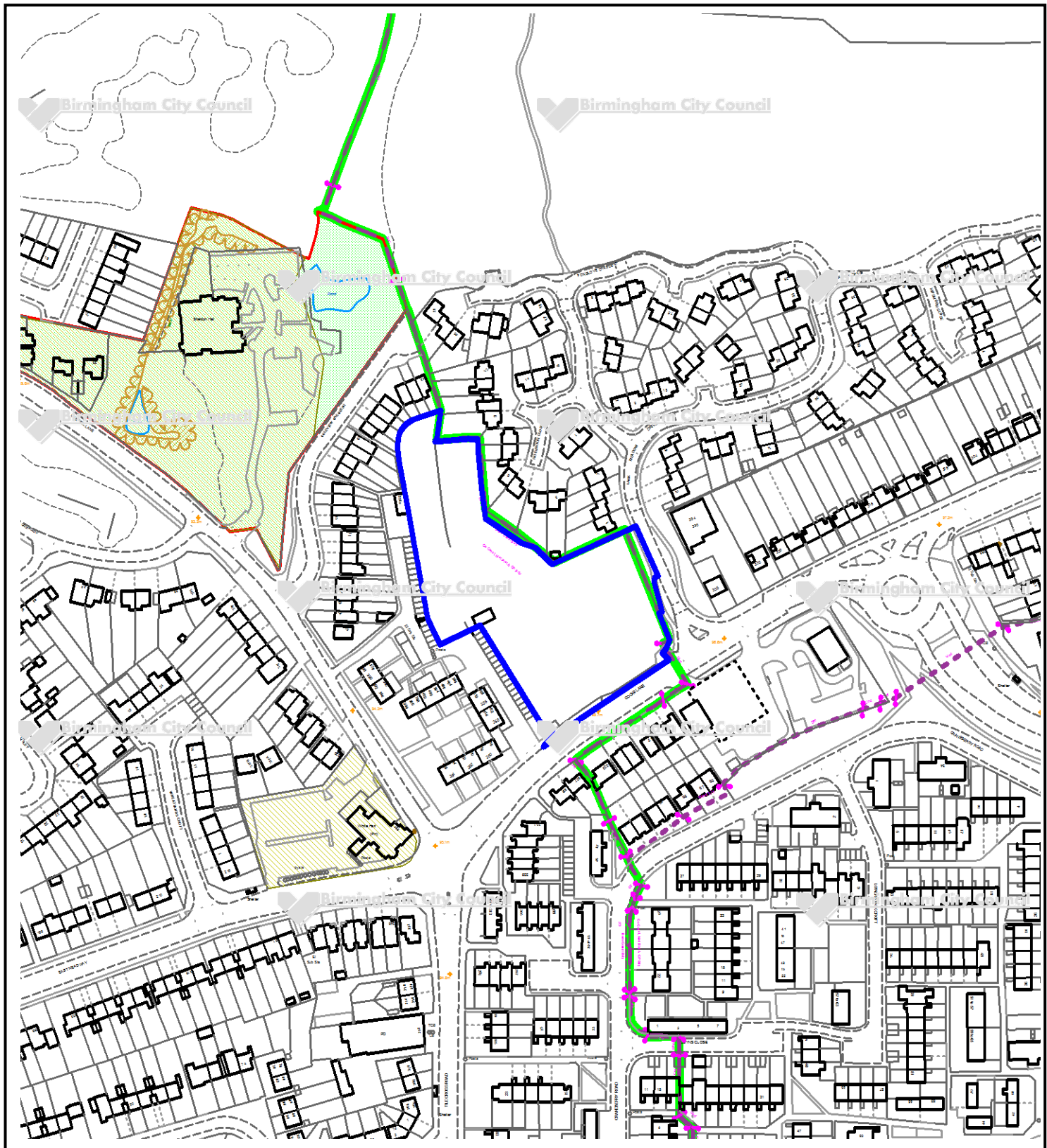


Figure 1: Application Site from Cooks Lane



Figure 2: Application Site from Lark Meadow Drive

Location Plan



Committee Date:	30/03/2017	Application Number:	2016/05616/PA
Accepted:	02/09/2016	Application Type:	Full Planning
Target Date:	28/04/2017		
Ward:	South Yardley		

Former 'The Greet Inn', Warwick Road, Tyseley, Birmingham, B11 2HP

Change of use to landscape picnic / BBQ garden with child play area and the erection of a 2 storey building containing shops/kiosks and function rooms as well as a single storey caretaker's house and associated parking (sui generis use)

Applicant:	Mushtaq Sweet Centre 451-459 Stratford Road, Sparkhill, Birmingham, B11 4LD
Agent:	Spectrum Management & Services Ltd 84 Palace Road, Bordesley Green, Birmingham, B9 5ER

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. The application is for the change of use of a cleared site, which used to be occupied by 'The Greet Inn' and its associated bowling green, to landscaped picnic gardens including BBQ grills within a BBQ shed structure located in the centre of the site, 16 no. gazebos dotted across the picnic area and a children play area to the northeast corner of the site are also proposed.
- 1.2. There would also be a 2-storey structure to the site's eastern boundary, containing at ground floor level 4no. small shops/kiosks for coffee/tea, desserts & cakes, ice cream and sandwiches & cold snacks, toilet facilities as well as a 1-bedroom caretaker's house with separate living room, kitchen, bathroom, bedroom/store as well as an admin office and management office. To the first floor / mezzanine level via external stairs and a balcony, there would be a luxury lounge & cafeteria, seating room and indoor child play room. This building would be a flat roof structure clad in vertical timber boarding with black coloured aluminium windows and doors.
- 1.3. The former vehicular access to The Greet Inn off Manor Farm Road would become the new pedestrian entrance and a new vehicular access would be created to the western end of the site's frontage to Manor Farm Road. 14 parking spaces, including 1 disabled space would be provided.
- 1.4. The applicant anticipates up to 60 users for the gazebos, whilst the first/mezzanine floor could accommodate 30-35 people.
- 1.5. Proposed opening hours are 0800-2200hours Monday to Saturday and 0900-2000hours Sunday and Bank Holidays.

- 1.6. The applicant has also confirmed that a financial compensatory figure of £48,300 would be paid for the loss of the bowling green.
- 1.7. There are a number of elements of the proposal that have already commenced, including much of the landscaping within the picnic areas, erection of the gazebos, reception shed and the new pedestrian access as well as the steel framework to the 2-storey building, the latter of which has subsequently been dismantled. Furthermore, palisade fencing has been erected along the site's boundaries with Manor Farm Road and Warwick Road. The applicant advises that this had to be put up at short notice under instruction of the Council's Environmental Health Department to secure the site. The application proposes to alter this to a paladin fence. Furthermore the existing advertisement hoardings that face the Warwick Road and Manor Farm Road junction would be removed.
- 1.8. There have been a number of amendments to the application since it was originally submitted including relocating the 2-storey building some 5m away from the eastern boundary and moving the new vehicular access from the eastern end of the site's Manor Farm Road frontage to its western end.
- 1.9. The application has been supported by an arboricultural impact assessment, flood risk assessment and archaeological evaluation assessment.
- 1.10. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The 0.35ha site is roughly triangular in shape, was previously occupied by The Greet Inn PH and has been a cleared site since 2006. The disused bowling green is to the south east corner of the site. A Tree Protection Order (TPO 562) covers trees predominantly along the northern and southern boundaries to Manor Farm Road and Warwick Road respectively. The site also falls within Flood Zones 2 and 3.
 - 2.2. There are industrial and commercial premises to the north to the opposite side of Manor Farm Road and the River Cole beyond. To the east are further industrial and commercial units with traditional terrace housing beyond that. To the south, on the opposite side of Warwick Road is a parade of retail units with some residential accommodation above and to the south west and west, also to the opposite side of Warwick Road, are larger modern industrial units. Vehicular access to the site is off Manor Farm Road, which has no parking restrictions. The section of Warwick Road fronting the application site is covered by a Red Route.
 - 2.3. A number of elements associated with the current proposal have already been implemented and are unauthorised. These include the steel frame to the 2-storey building as well as the perimeter security fencing. Other elements such as the landscaping that has taken place on the site do not require planning permission.
 - 2.4. [Site location](#)
3. Planning History
 - 3.1. 12/07/07 - 2007/02365/PA. Erection of class A1 retail food store at ground floor with independent office accommodation above and associated parking, servicing area and landscaping on the site of the former Greet Public House and associated bowling green. Approved.

- 3.2. 09/09/10 - 2010/03315/PA. Extension of time for the implementation of 2007/02365/PA. Approved.
- 3.3. 25/09/13 – 2013/04535/PA. Application for extension of time for the implementation of planning permission 2007/02365/PA (for erection of class A1 retail foodstore at ground floor with independent office accommodation above and associated parking, servicing area and landscaping). Approved.
- 3.4. 2016/0747/ENF. Alleged unauthorised operational development and change of use. Current investigation.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to conditions restricting capacity to 100 persons, cycle storage, highway measures, access details, provision of parking layout and pedestrian visibility
- 4.2. Regulatory Services – No objection subject to the caretaker's house remaining associated to the commercial use of the premises, the lounge/seating/playing area on the mezzanine level being ancillary to the main picnic area and not used as a separate function facility, noise survey to identify the level of any mitigation measures to the caretakers house and hours of use.
- 4.3. Leisure Services – No objection subject to compensatory sum for the loss of the bowling green. The £75,000 compensatory sum should be spent towards sports, recreation and/or community facilities and the maintenance thereof at either Greet Recreation ground and/or Acocks Green Recreation ground. Both of these sites are in neighbouring wards but are mostly in need within the vicinity of the application site.
- 4.4. Environment Agency – No objection subject to conditions relating to the implementation of the FRA and the mitigation measures including finished floor levels
- 4.5. Severn Trent Water – No objection subject to a condition relating to the disposal of foul and surface water flows.
- 4.6. West Midlands Police – Note that significant unauthorised work has been undertaken.
- 4.7. Neighbouring properties, residents groups, Ward Councillors and MP consulted with site notice posted.
- 4.8. 4 representations have been received objecting to the application on the following grounds:
- Unauthorised works have taken place.
 - Concern over the standard and quality of the building works.
 - Inadequate parking.
 - Loss of trees.
 - Noise pollution.
 - No disabled access facilities.

5. Policy Context

- 5.1. Birmingham UDP 2005 (Saved Policies), Birmingham Development Plan 2017, Places for All SPG, Car Parking Guidelines SPD, TPO 562 and the NPPF 2012.
6. Planning Considerations
- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005 and the Birmingham Development Plan 2017. The NPPF is also a material consideration.
- 6.2. Principle:
- 6.3. Whilst the proposed use does not fall within a specific use class, and is therefore considered to be a sui generis use, it shares many characteristics with a restaurant in terms of the services on offer. Therefore, it could be argued to constitute a main town centre use within the context of the NPPF. The application site falls outside a defined centre and as such subject to a sequential test, whereby main town centre uses are located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. Furthermore, the NPPF advises that preference should be given to accessible sites that are well connected to the town centre when considering edge of centre and out of centre sites.
- 6.4. The application site is located outside any established centre and a sequential test has not been submitted in support of the application in relation to potentially appropriate sites within defined centres. However it is recognised that the proposed use is less typical and not a conventional main town centre use. In addition the more 'open' and 'unbuilt' nature of the proposed use is likely to make finding suitable sites within more built-up town centres more challenging. The previous use of the site as a large public house, which is a main town centre use, and can be family-orientated and offer food, is also a material consideration. In light of the site's previous use as a public house, its mixed industrial and commercial context and siting on the Warwick Road it is considered that on balance the application can be assessed without the need of a sequential test and the proposed use is acceptable and would not undermine the vitality and viability of nearby local centres, the closest being Sparkhill, Springfield and Tyseley Neighbourhood Centres. Planning and Growth Strategy raise no strategic objection.
- 6.5. Loss of bowling green:
- 6.6. The NPPF identifies that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 6.7. Bowling Greens are classed as open space and the Birmingham Development Plan defines open space as all open land of recreational or public value. Policy TP9 advises that the development of open space will not normally be allowed except where it is surplus or compensated for.
- 6.8. A Bowling Green Assessment has not been submitted in support of the application, though the principle of the loss of the bowling green on the site has been established as part of the previous approvals for retail redevelopment on the site. In considering the original application in 2007 (also given an extension of time in 2010), it was noted that the bowling green was leased to the Greet Bowling Club for 20 years prior to July 2005 when the public house ceased business. The Greet Bowling Club relocated to the bowling green at the rear of The Maggie's PH in Hall Green. In light of these factors it is considered that a fresh Bowling Green Assessment is not required.
- 6.9. It is recognised that a bowling green in isolation is highly unlikely to be useable or practicable to serve another open space function. Therefore, in accordance with policy, a compensatory sum is proposed for the loss of the bowling green, which Leisure Services consider should be used towards sports, recreation and/or community facilities and the maintenance thereof at either Greet Recreation ground and/or Acocks Green Recreation ground. The compensatory sum for the loss of a bowling green has recently risen to £75,000. However, negotiations began with the applicant about the redevelopment of the site 2 years ago, where the previous figure of £48,300 was given. The applicant is offering £48,300 which under the circumstances identified above is considered appropriate. Whilst the application site falls within the South Yardley Ward, it is on the border of Springfield Ward and in close proximity to Acocks Green Ward. Greet Recreation Ground and Acocks Green Recreation Ground are some 600m and 1.6km respectively from the application site. In light of the needs in the wider locality it is considered that the money should be spent at either Greet Recreation Ground and/or Acocks Green Recreation Ground. Planning Strategy and Leisure Services raise no objection to the application. This approach would comply with the requirements of relevant policies relating to loss of open space.
- 6.10. Visual amenity:
- 6.11. The NPPF, Birmingham Development Plan 2017 and Places for All SPG all require high quality development that responds to its context and takes the opportunity to improve the quality and character of the area. Since the demolition of the former PH building, the site has been vacant and subject to, on occasions, anti-social behaviour such as fly-tipping. The surrounding area is varied consisting of workshops, storage yards, a petrol filling station as well as, to the opposite side of Warwick Road, a parade of 2.5-storey shops with residential accommodation above and modern industrial units set within more spacious and landscaped grounds.
- 6.12. There are a number of protected mature trees to the site's boundaries with Manor Farm Road and Warwick Road, and this is a positive characteristic to the site and its wider setting. The dominant trees would be retained and the open landscaped nature of the proposal would complement these. The larger 2-storey building would be set near to the site's eastern boundary against the backdrop of the side elevation of an adjoining workshop that is of a similar height. Currently the site is enclosed by unauthorised galvanised palisade fencing as well as advertisement hoardings to the

southeast and southwest corners of the site. These detract from the visual amenity of the area and the applicant has agreed to replace the palisade fencing with paladine mesh fencing and remove the advertisement hoardings. These would dramatically improve the appearance of the site and enhance the development and the locality. Your Tree Officer has considered the proposal and agrees that it could be implemented with the successful retention of significant trees in the site. The areas of affected by the proposed child play area and reception building would require particular attention but given the site's previous surfacing and ground conditions, the Tree Officer considers that this should be feasible and raises no objection subject to conditions.

- 6.13. Residential amenity
- 6.14. The application site is located within a busy industrial and commercial location adjacent to the heavily trafficked Warwick Road. Background noise levels are high and the introduction of the proposed use between the hours of 0800-2200hours Monday to Saturday and 0900-2000hours Sunday and Bank Holidays would be unlikely to have an adverse impact on neighbour amenity. The previous use of the premises as a public house with large beer garden and bowling green had the potential to generate some noise and disturbance.
- 6.15. Regulatory Services have raised some concern on the residential amenity of the occupier of the caretaker's house due to the proximity of nearby commercial uses. Whilst this would not represent an appropriate location for conventional residential accommodation it is considered that the unique circumstances of a caretaker's accommodation would mean that the occupier would be aware of living on a commercial site opened until 2200hours Monday to Saturday and 2000hours on Sunday and Bank Holidays with non-residential neighbours. This arrangement is not dissimilar to the landlord accommodation found above the former public house on the site. Subject to restricting the caretaker's accommodation to being occupied solely in conjunction with the proposal it is considered that it could not represent a justified reason for refusal. The Caretaker's house would measure some 53sqm in total with a 13sqm double bedroom which accords with the nationally described space standards.
- 6.16. Highway safety:
- 6.17. Transportation Development has been engaged during the negotiations resulting in the proposal subject to this application and now raises no objection subject to conditions. The location of the access to the car park its layout has been amended in response to Transportation Development's recommendations. The provision of approximately 90 seated covers to the outdoor gazebo areas and the mezzanine is considered appropriate for the proposed parking provision in this location and unlikely to have a severe impact on the local road network in terms of parking demand and free flow of traffic. Transportation Development has requested that the premises are limited to 100 persons. However, this is considered unnecessary and fails to meet the six tests for conditions including enforceability.
- 6.18. Other matters
- 6.19. An archaeological evaluation, desk-based assessment and trial trenching has been submitted in support of the application which is within the Greet Settlement Archaeological Site. It concludes that there is no evidence of Medieval Greet, which is consistent with the previous application on the site for retail development.

- 6.20. Parts of the application site falls within Flood Zone 2 and 3 and a Flood Risk Assessment has been submitted in support of the application. It considers that the proposal is categorised as 'less vulnerable' in accordance with the NPPF and as such an appropriate type of development within Flood Zone 3. The proposal would also incorporate suitable flood resilient / resistant measures including a raised floor level to the caretaker's house and a new drainage strategy incorporating SUDS (permeable and porous areas with underground storage). The Environment Agency raises no objection to the application subject to the implementation of the submitted Flood Risk Assessment including finished floor levels being 600mm above the 1in1000year flooding event.

7. Conclusion

- 7.1. The proposal is an appropriate alternative use on this former public house location in a sustainable location. The amended scheme would safeguard existing protected trees, whilst the proposal landscape and open nature of the site would complement the site and wider visual amenity. Subject to safeguarding conditions it would have no adverse impact on neighbour amenity or highway safety. Subject to a legal agreement to secure a compensatory sum for the loss of the bowling green, the proposal is in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation

- 8.1. Approve subject to a Section 106 Legal Agreement

- 8.2. I. That application 2016/05616/PA be deferred pending the completion of a suitable Section 106 Planning Obligation to require:

- a) A financial contribution of £48,300 (index-linked to construction costs from the date of the committee resolution to the date on which payments are made) to be spent towards sports, recreation and/or community facilities and the maintenance thereof at Greet Recreation Ground and/or Acocks Green Recreation Ground to be paid prior to first occupation of the approved use.
- b) Payment of a monitoring and administration fee of £1,500 associated with the legal agreement. To be paid prior to the completion of the S106 Agreement.

II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 27th April 2017 planning permission be REFUSED for the following reason;

- a) In the absence of a financial contribution towards sports, recreation and/or community facilities and the maintenance thereof at Greet Recreation Ground and/or Acocks Green Recreation Ground the proposal conflicts with Policy TP9 of the Birmingham Development Plan 2017 and with paragraphs 73 and 74 of the National Planning Policy Framework 2012.

III. That the City Solicitor be authorised to prepare, seal and complete the appropriate Section 106 planning obligation.

IV. In the event of the Section 106 Agreement being completed to the satisfaction of the Local Planning Authority on or before 27th April 2017, favourable consideration be given to Application Number 2016/05616/PA, subject to the conditions listed below;

-
- 1 Requires the prior submission of an Arboricultural Method Statement and Tree Protection Plan
 - 2 Requires tree pruning protection
 - 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 cycle storage details
 - 6 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 7 Requires the prior approval of the siting/design of the access
 - 8 Requires the parking area to be laid out prior to use
 - 9 Requires pedestrian visibility splays to be provided
 - 10 Requires the prior submission of replacement boundary treatment details
 - 11 Requires the prior submission of sample materials
 - 12 Requires the prior submission of details of refuse storage
 - 13 Requires the prior submission a noise study to establish residential acoustic protection for the caretaker's house
 - 14 Limits the hours of use (0800-2200hours Monday to Saturday and 0900-2000hours Sunday and Bank Holidays)
 - 15 Requires the removal of the existing advertisement hoardings
 - 16 Requires the caretaker's house to only be occupied in a manner associated with the commercial business
 - 17 Prevents the use of amplification equipment
 - 18 Requires the implementation of the Flood Risk Assessment
 - 19 Requires that lounge/seating/indoor child play room to be incidental to the picnic / BBQ garden use
 - 20 Requires the scheme to be in accordance with the listed approved plans
-

Case Officer: Peter Barton

Photo(s)



Figure 1- Site's frontage to the Warwick Road / Manor Farm Road junction



Figure 2 – Site's frontage to Manor Farm Road

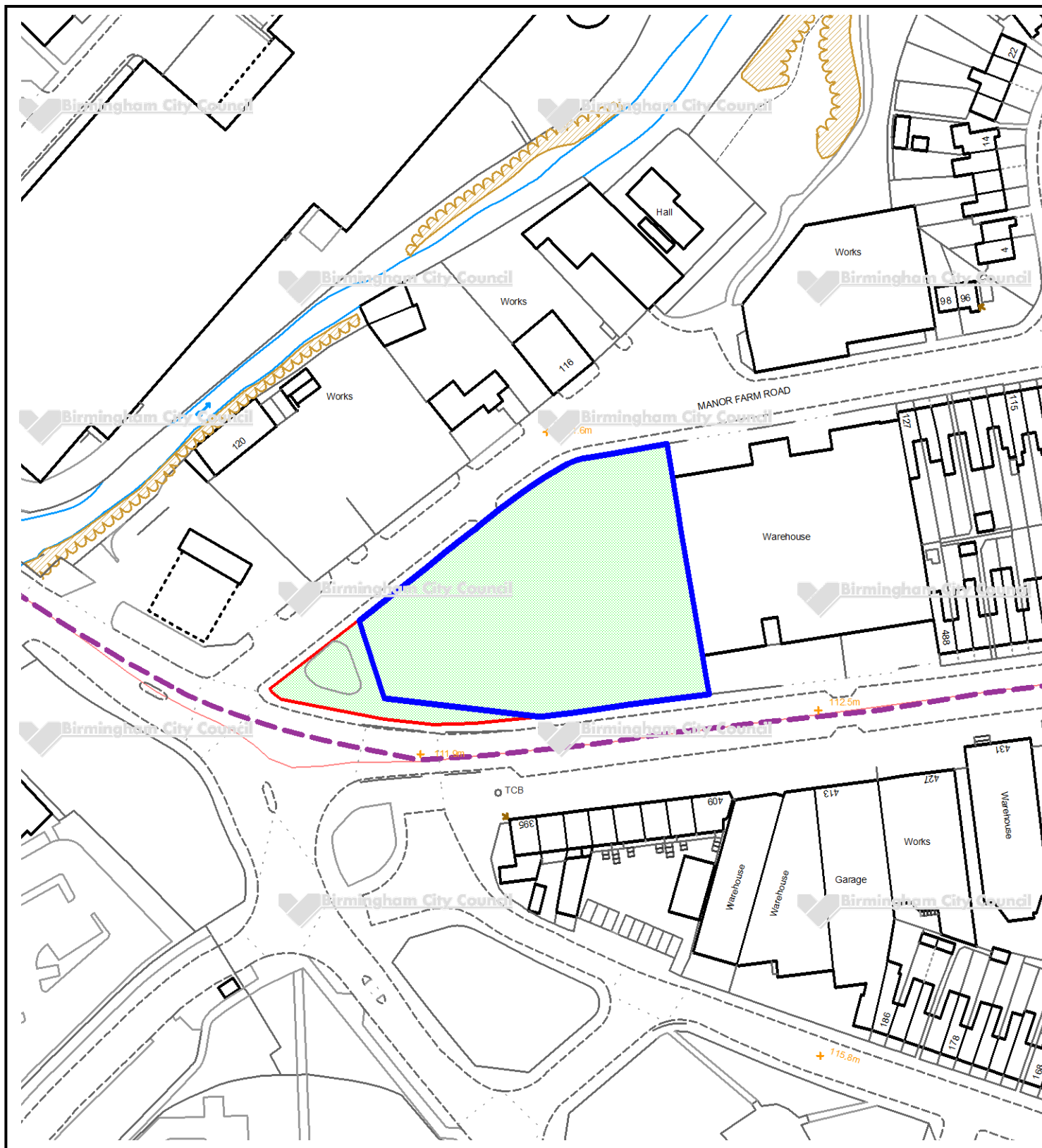


Figure 3 – Site's frontage to Warwick Road



Figure 4 – View of the site's eastern boundary and the location of the unauthorised 2-storey steel structure which has recently been removed

Location Plan



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Committee Date:	30/03/2017	Application Number:	2017/00256/PA
Accepted:	16/01/2017	Application Type:	Minor Material Amendment
Target Date:	12/05/2017		
Ward:	Tyburn		

Fort Industrial Park, Dunlop Way, Castle Bromwich, Birmingham, B35 7RB

Minor material amendment to approval ref: 2015/09679/PA to increase in height of part of the rear section of the renewable energy centre building (gasification plant) to allow for internal plant to be reconfigured internally, excavation works to section of the building by 8 metres to allow incorporation of a vertical gasifier, changes to configuration involving the relocation of the delivery hall with associated elevational alterations including amendment to location of shutters, access door and some of the external ancillary plant

Applicant:	Rolton Kilbride c/o agent
Agent:	Pegasus Group Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, GL7 1RT

Recommendation

Approve Subject To Conditions

1. Background/ Proposal

- 1.1. Planning consent was granted under ref: 2015/09679/PA for the demolition of existing buildings and erection of a renewable energy centre (gasification plant) and new industrial/ warehouse buildings with ancillary plant/ buildings/ chimney stack together with associated works in June 2016.
- 1.2. The applicant has confirmed that shortly after planning consent was granted, the proposed technology provider "Energos", which formed part of the above original approved consent, went into administration. The applicant has since been exploring a range of technology companies to provide an alternative plant solution that can potentially be accommodated within the approved building. The applicants have selected alternative technology provider (Kobelco Eco-Solutions) that can largely function and be accommodated within the envelope of the approved building as per original 2015 planning consent.
- 1.3. The applicant seeks consent for a material minor amendment to the building form and layout that comprises:
 - Increase in height of part of the rear section of the Renewable Energy Centre building from 23 metres to 29 metres that would allow the internal plant to be reconfigured vertically as opposed to horizontally. Amended plans have been

submitted to show louvres to wrap around the centre section and palette of materials used would be integral to the elevations of the building.

- Excavating the section of the rear part of the REC building where the gasifier would be located by 8 metres to ensure the roof height is kept as low as possible. The waste bunker would be the same depth as per approved plans for the 2015 consent.
- A change to the configuration of the building involving the relocation of the delivery hall by 10 metres to an alignment with western elevation of the REC building.
- Changes to the location of some of the external ancillary plant such as removal of flues at roof level, removal of covered conveyor from the coolant tanks and silos/ tanks to the service yard on southern elevation of the REC building. The Ash bunker would be relocated from the southeast corner as approved to the southwest corner of the REC building.
- External alterations to the REC Building to include removal/ re-siting and installation of roller shutters and access doors, handrails, canopies etc.

1.4. Supporting statements confirm that the proposed alternative plant solution (Kobelco Eco-Solutions) has been selected for the REC (Renewable Energy Centre) building. The technology comprises a more efficient steam boiler than previously consented planning application. The proposed REC facility would have an increased output capacity to generate a gross power output from 8.6 MW (approved consent) to 12MW (proposed amendment) that would be achieved through the same level of through-put of feedstock (105,000 tonnes of waste per annum as approved previously). Around 1MW of the energy would be delivered as heat in the form of high quality process steam would be delivered from the proposed REC facility. The source of composition would not be changed as a result of the change in the technology provider, which would as per approved consent and comprise Refuse Derive Fuel (RDF) and would include non-recyclable residual commercial and industrial waste (CIW), construction and demolition (C & D) and potential municipal solid waste (MSW). There would be no additional vehicle trips resulting from the change of technology from the previous approved consent. The height of the chimney stack to the east of the building would not change from the approved consent and remains at the same height of 55 metres from the proposed ground floor level and a maximum diameter of 2.2 metres.

1.5. The proposal would result in amendments to the following conditions:

- Condition 1, which requires the scheme to be implemented in accordance with the Environmental Statement.
- Condition 25, which requires the scheme to be implemented in accordance with the approved plans.

1.6. There would be no requirement to amend any of the remaining conditions. All other matters relating to the existing permission to include industrial/ warehouse building would remain the same as the previously approved 2016 consent.

1.7. For the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) that the proposal constitutes "EIA Development" and this application is therefore accompanied by an addendum to the Environmental Statement (ES) submitted as part of approved planning application ref: 2015/09679/PA. The scope of the addendum includes updates to the following topics/issues:

- Townscape and Visual Impact
 - Air Quality
 - Noise Assessment
- 2.6 All other matters in relation to the Environmental Statement (ES) such as Principle of Development and Need, Hydrology and Flood Risk, Land Contamination, Traffic and Transportation etc. were considered acceptable under 2015 planning consent and are unchanged by the proposed technology.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is an approximately 1.91 hectare site that comprises 9 industrial/ warehouse units, located within the Fort Industrial Park. All of the industrial units contained within the industrial park are single-storey industrial/ warehouses with trade counters, internal offices and service yard/ parking. The application site is accessed via a private service road from Dunlop Way. The topography of the site is generally flat. The site is bounded by a fence line adjacent to the railway line to the rear; landscaping area to the front and side of the buildings adjacent to private service road, and Dunlop Way. There are trees to the south of the site that are protected by Tree Preservation Orders (TPO's).
- 2.2. The surrounding area is predominantly industrial and commercial in character. The site is bounded by the Fort Parkway to the north beyond which is Jaguar Land Rover Castle Bromwich Assembly Plant. To the west is industrial and warehouse units that are part of the wider Fort Industrial Park that include Rolls Royce gas turbine power station with a stack that is 60 metres in height. To the east adjacent to the site is B & Q store beyond which is the A452 (Chester Road)/ Spitfire Island) and the Castle Vale residential estate. To the south is the main railway line, Castle Bromwich Inn hotel and the elevated M6 motorway. The River Tame lies to the south of the site, between the railway line and the M6 motorway. There are also 60 metre pylons with high voltage transmission lines to the south and southwest of the site. Castle Bromwich Hall is a Grade II* Listed Registered Park and Garden that is situated approximately 600 metres to the south-east of the application beyond the elevated M6 motorway. The nearest residential properties are situated approximately 350 metres to the south-west and north-west of the application site.

[Location Map](#)

3. Planning History

- 3.1. 24/06/2016 - 2015/09679/PA - Demolition of existing buildings and erection of a renewable energy centre (gasification plant) and new industrial/warehouse buildings with ancillary plant/buildings/chimney stack together with associated works – Approved subject to conditions.
- 3.2. 03-06-2013 – 2013/02046/PA – Creation of an additional 59 car parking spaces within the Industrial Estate – Approved subject to conditions.
- 3.3. 28-01-1988 – 01444177 – Change of use from Class 4) general industrial to warehousing (use Class B8) – Approved subject to conditions

3.4. 19-04-1982 – 01444169 – Change of use from Class X to Class III for manufacture of sealed double glazing units – Approved subject to conditions.

3.5. 27-08-1981 – Change of use from Class X (Warehousing) to Class IV (General Industrial) – Approved subject to conditions.

4. Consultation/PP Responses

4.1. Site and press notice displayed. Adjoining neighbours, Resident Associations, Ward Councillors and MP consulted.

4.1.1. UKWIN (United Kingdom Without Incineration Network) objects to the proposed amendments on the following grounds:

- The applicants claim are not been substantiated with evidence that “*The new technology has improved efficiency of the gasification plant*”. Further evidence is required to support their fresh claim or the proposal should be treated on the basis that it is significantly worse than the previous proposal.
- The energy generation figures of 8.6 MW provided for the previous approved technology relate to gross output. If the gross electrical output is higher, it could be significantly less efficient than previously proposed as part of original 2015 consent in terms of net efficiency, and could result in higher GHG (greenhouse gases) impacts. The net efficiency is important, while the gross output is not as per quotes from Government’s Energy from Waste Guide. These are clearly material planning considerations that could justify refusal of the proposed technology change.
- Quotes from Government's Waste Review 2011 in relation to energy recovery, greenhouse gas emissions, net carbon impact of these processes and dependant on *the composition of feedstocks and technologies used*. Concerns highlight that the amended proposal is more likely to be worse from a GHG and efficiency point of view. Simply providing a claimed 'net efficiency' would not be sufficient in the absence of adequate supporting material that shows: how the value was calculated, the results of appropriate sensitivity analysis for different feedstock quantities and compositions, and how the technology has fared elsewhere if it has been attempted.
- The proposal states that it would use “*the same amount of feedstock to that detailed in the Existing Permission*”, but it is unclear whether there would be changes to the source or composition, as distinct from the quantity, as a result of the change in technology that would require performance against relevant policies to be reassessed. As noted above, the nature of any anticipated feedstock is relevant to the net carbon impact of the proposal.
- The weight to be given to any claimed benefits, e.g. job creation, energy generation, etc., depends upon the likelihood of these benefits actually being delivered, which in turn depends on the reliability of the proposed revised technology configuration for the intended feedstock.
- As noted in the Planning Officer's report for the original proposal, there are substantial adverse impacts that arise from the proposal, and as such the proposal merits refusal on the basis that the harm that would certainly arise outweighs the benefits, which are uncertain.

4.1.2. Rebuttal to UKWIN comments submitted by the agents (Pegasus Group).
Summary of points raised as follows:

- Amendments to the approved permission to allow the operation of the new technology provider will increase gross output capacity from 8.6MW to 12MW with the use the same amount of feedstock. The net capacity is increased from 7.2MW to 9.8MW. The new technology provider would therefore result in a 39% increase in gross capacity and 36% when considering net capacity over that previously approved consent.
- The source composition of the feedstock would not be changed as a result of the change in technology provider.
- Conclude by stating that the increase of output capacity together with the constant amount and composition of feedstock between the applications, it is correct to state that the new technology provider would result in improved efficiency in comparison to that which formed the original planning permission.
- They also note that incorrect representations claim have been made from the Officer Report for the original planning permission stated that *'there are substantial adverse impacts that arise from the proposal'*. In fact, the conclusion to your report:
- *"The proposed REC facility represents innovative energy technologies in a suitable industrial location with good links to the highways network without adverse impact on highway safety or residential amenity in planning terms, subject to relevant conditions." ... "The proposal's design would introduce a modern industrial development that would add to the character and appearance of its industrial surroundings"*.
- All conditions imposed on the original permission can be re-imposed on the amended proposal (with the exception of conditions confirming approved plans and documents forming the environmental impact assessment for the proposals) and the Environmental Statement addendum demonstrates that amendments to the proposals would not have a materially adverse effect in comparison with the approved.

Further consultation has been sent to UKWIN with the above response from the applicant's agent (Pegasus Group) to address their concerns. Any further responses will be reported, if received.

4.2. Transportation Development – No objections subject to previous recommended conditions that were attached to the 2016 consent.

4.3. Environment Agency – No further representation to previous consultation comments on original consent ref: 2015/09679/PA, where they raised no objections subject conditions to include the development to be carried out in accordance with the approved Flood Risk Assessment and remediation strategy.

The proposed plant would require an Environmental Permit from the Environment Agency, to include an appropriate Odour Management Plan.

4.4. Historic England – No objections.

4.5. Highways England – No objections.

4.6. Canal and River Trust – No objections.

- 4.7. West Midlands Police – No objections.
- 4.8. National Grid – No objections.
- 4.9. City Ecologist – No objections.
- 4.10. Regulatory Services – No objections subject to previous recommended conditions that were attached to 2015 consent.
- 4.11. Lead Local Flooding Authority – No objections.
- 4.12. Network Rail – No further representation to previous consultation comments on original consent ref: 2015/09679/PA.
- 4.13. Severn Trent – Awaiting comments.
- 4.14. Natural England – No objections
- 4.15. Employment Access Team – Awaiting comments.
- 4.16. Wayleaves and Property Department – Awaiting comments.

5. Policy Context

- 5.1. NPPF (2012), National Planning Policy for Waste (2014), National Policy Statement for Energy (2011), National Policy Statement for Renewable Infrastructure (2011), Government Review of Waste Policy in England (2011), Waste Management Plan for England (2013), Waste (England and Wales) Regulations 2011, Waste Framework Directive 2008, Birmingham UDP (2005), Birmingham Development Plan (2017), Places for All SPG (2001), Loss of Industrial Land to Alternative Uses SPD (2006), Car Parking Guidelines SPD (2012). DEFRA's "Guidance on Applying the Waste Hierarchy" & National Planning Practice Guidance.

6. Planning Considerations

- 6.1. The main considerations within the determination of this application are:
- 6.2. **Planning Policy/ Principle of Use** – Since the original application was approved in June 2016, there have been no changes to the NPPF, National Planning Policy for Waste, or Government Review/DEFRA's guidance on waste policies etc. The only change at local level has been the adoption of the Birmingham Development Plan (2017). This has replaced the Birmingham UDP (2005) with the exception of the Saved Policies, which will remain until the adoption of a Development Management DPD. As part of the approved original planning consent ref: 2015/09679/PA, paragraph 3.64A, 3.65, 3.65A-3.65C, 3.67 and 4.31 of the superseded UDP, Policy TP14 and TP18 of the Draft BDP and SPD "Loss of Industrial Land to Alternative Uses" were all considered acceptable as the application site was situated within "Industrial Regeneration Area" and "Core Employment Area" and redevelopment for industrial/warehouse and energy from waste would be compatible uses with the wider industrial area.
- 6.3. Since the adoption of the BDP (2017), there have been no material changes and the site continues to be designated within a "Core Employment Area". As highlighted within the original planning consent this continues to be relevant to the current submission:

- The REC facility provides an opportunity for power to be supplied back to the local grid as well as the opportunity to export energy the facility generates to nearby industrial/ commercial users such as the JLR Castle Bromwich Plant.
 - There is insufficient consented and available capacity in the area to cater for waste needs in the Birmingham area as identified by the BDP and now superseded UDP.
 - Birmingham also does not have any active landfill sites and the energy from waste facility in the city takes only municipal waste.
 - The development would contribute to a sustainable waste management network.
 - Renewables and low carbon energy is supported by paragraph 98 of NPPF and in national energy policy.
- 6.4. Consequently, the proposed redevelopment of the site for industrial/ warehouse and REC uses would comply with Policy TP14, TP15, TP18 and TP36 of the recently adopted BDP, NPPS for Energy, NPPW, NPPF, BDP and Loss of Industrial Land SPD in bringing this site forward to deal with the level of waste arising in the Birmingham area.
- 6.5. **Waste Hierarchy in relation to the approved and alternative technology** – UNWIN has made a representation that the applicant's technology claims have not been adequately substantiated.
- 6.6. The applicant has confirmed within their supporting information that they have explored a number of alternative technologies since the approved technology provider under the 2016 consent went into administration. Due to the constrained nature of the site and to accord with the physical scale of the approved planning permission, a number of alternative technologies were explored and discounted on a number of grounds such as the size of the plant, significant changes in height of the building, or the entire site needing to be reconfigured with a fresh planning permission etc. The proposed alternative technology (Kobelco Eco-Solution) has been selected and would largely fit within the envelope of the building, subject to various amendments. According to the applicant's the technology selected would increase gross output capacity from 8.6MW (as previously approved) to 12MW (using the proposed alternative technology). This is an increase of 39% in gross capacity compared to previous consent. The net capacity would also increase from 7.2 MW (as approved previously) to 9.8 MW (using the proposed alternative technology). This is an increase of 36% in net capacity compared to the previously approved consent. The proposed alternative technology would also use the same amount of feedstock (105,000 tonnes of waste per annum) and there would be no change in the source composition of the feedstock, which would continue to achieve the Government's goal of getting more energy from less waste as per the Waste Management Plan for England 2013.
- 6.7. A number of conditions would also continue to be imposed as per the original consent which addressed UKWIN and Friends of the Earth then concerns in line with Bilsthorpe Secretary of State decision to ensure that the proposed REC facility is not bought into use, or continues to operate, without achieving and complying with the required R1 status for combined heat and power output as assessed by the Environment Agency. The imposition of conditions such as R1 status and commercial feasibility for the use of heat from the proposal development would ensure that the proposed REC facility would move the treatment of waste up the waste hierarchy by providing a combination of heat and power similar to the approved consent and operate as an "*other recovery*" rather than a "*disposal*" facility

under the Waste Hierarchy. Through the Environmental Permit regime, the Environment Agency also requires the operator of the plant to review options for recovering heat on an on-going basis. Members are reminded this is a separate and independent application for the Environmental Permit which would also be required for the proposed facility from the Environment Agency.

- 6.8. **Cumulative and Combined Effects** - The National Planning Policy for Waste makes it clear that only operational facilities should be considered when defining the capacity of facilities to satisfy any identified need. The adopted BDP (and superseded UDP) recognise that there is insufficient consented and available capacity in the area to cater for the waste needs of the Birmingham area. Birmingham also does not have any active landfill sites and the existing energy from waste facility in the city takes only municipal waste. As highlighted within the previous approved consent that there are four waste facilities within Erdington/ Castle Bromwich area. One is the Bottom Ash facility at Tameside Drive, which is affected by HS2 and likely to be relocated within Tysley. The Household Recycling Centre on Tameside Drive would remain and continue to be operational during the construction stage of HS2. A Green Waste Recycling Facility is situated on Bromford Drive, which is approximately 2km from the application site. A further site at Washwood Heath Freight Yard on Heartlands Parkway benefits from extant permission granted in 2015 but not yet implemented for an anaerobic digestion plant, which should therefore be disregarded in this instance. City-wide a gasification plant for wood waste was approved and implemented at Webster and Horsfall in Hay Mills with a capacity of 60,000 tonnes per annum and a SITA waste management facility exists at Landor Street (relocated from Montague Street) with capacity of up to 300,000 tonnes. Taking into account the location of other facilities and the surrounding industrial/commercial character, the proposed REC facility is unlikely to have significant impact on the environment of the immediate area and there is a need for the proposed REC facility that would not undermine the objectives of the waste hierarchy.
- 6.9. **Impact on design and character** – The Environmental Statement Addendum is supported by an updated Townscape and Visual chapter that includes a number of key viewpoints. The proposed changes would be almost entirely within the envelope of the approved REC Building approved under the 2016 consent. The replacement process plant would not change the overall building footprint in comparison to the 2016 consent on site. There would be a modification to the approved REC building on site that would result in an increase of part of the rear roof of the building by 6 metres from a previously approved 23 metres up to 29 metres which would allow the internal plant to be reconfigured vertically as opposed to horizontally. That small section of the building roofline would therefore be raised but would still result in a “step down” in the overall building profile. The proposed REC building would also be situated to the rear and be partially screened by existing buildings and the proposed industrial/warehouse building. There are a number of buildings that have been recently approved and implemented within the wider JLR Castle Bromwich Plant that range from 23 to 30 metres in height. The proposed modification to increase the height of part of rear element of the REC building by 6 metres (overall height 29 metres) is considered acceptable in scale and massing terms and would reflect the prevailing character of taller industrial buildings within the immediate area. Consequently, the proposed amendment to increase a small upstand section on the building roofline over the gasifier would not result in any significant effects on landscape/townscape character, nor would there be significant changes to visual amenity compared to the previously approved 2016 scheme.

- 6.10. The proposed engineering and excavation works to sink the gasifier by approximately 8 metres would have no significant effect as it would be the same depth as the waste bunker approved under original 2016 consent. The changes to the exterior elevation of the building by removal/installation and re-positioning of shutters, doors, canopies and external plant would have minimal impact compared of the 2016 consented scheme. The proposed flue/stack would continue to remain at 55 metres in height and is considered acceptable as it would be situated within an industrial setting and be approximately 5 metres lower than the existing pylons and stack associated with the Rolls Royce gas turbine plant. My Landscape and City Design Officers have reviewed updated key viewpoints submitted as part of the Environment Statement Addendum's Landscape and Visual Chapter, which show the proposal as a photomontage. They have confirmed that they are satisfied that the proposal is acceptable in the surrounding industrial context and impact would also reduce over time as planting matures.
- 6.11. **Impact on trees, landscaping and ecology** – There would be no relevant amendments to the previous approved consent although further vehicle tracking plans have been provided due to modifications to internal layout and external alterations to plant and removal/ installation of roller shutters and access doors. The bank of trees that are subject to Tree Preservation Orders are situated on the southern edge of the site and the tracking plan shows that HGV's would only use the hard surfaced area without impacting on the root protection area of these trees. The City Ecologist, and Landscaping and Tree colleagues have reviewed the information submitted and raise no objections subject to the imposition of previous conditions that includes a tree pruning/protection condition to ensure crowns of all protected trees on site are lifted to 6 metres above ground level.
- 6.12. **Impact on residential amenity** - As part of the Environmental Statement Addendum, an updated air quality assessment has been submitted for the proposed alternative technology scheme. The updated air quality assessment concludes that the overall impact will not be significantly different from the change in plant technology compared to those predicted as part of original submissions for the approved consent, with road traffic emissions being a far more significant source of emissions than the plant. The assessment for the original approved consent was based on Refuse Derived Fuel (RDF), which will normally have undergone pre-treatment to remove most of the potentially odorous content, which is expected to be the main feedstock for the plant. However, the applicant acknowledges the possibility of occasional "dirtier" batches, and the application continues to refer to Municipal Solid Waste as a possible alternative fuel source. The Environment Agency has confirmed that they wish to make no further representation to their previous consultation comments on original consent ref: 2015/09679/PA, in which they would require the applicant to provide an appropriate Odour Management Plan as part of the Environmental Permit. The emissions to air from the stack would also be a matter for the Environment Agency through the Environmental Permit that would ensure that the proposed plant does not compromise air quality.
- 6.13. Regulatory Services have approached this application on the basis that the plant would operate in accordance with an Environmental Permit, should one be granted, and that should there be any non-compliance the Environment Agency would act in accordance with its enforcement powers conferred through the environmental permitting regime. Regulatory Services have also raised no objections to the emissions from the traffic likely to arise from the proposal.
- 6.14. UKWIN has also raised concerns about greenhouse gases with regards to the proposed alternative technology. Supporting statements have confirmed that the

proposed alternative technology would use the same amount of feedstock (105,000 tonnes of waste per annum) and there would be no change in the source composition of the feedstock. The applicants as part of original consent also confirmed that the feedstock would be sourced from several Material Recovery Facilities within the Birmingham area and not hinder improvements to local recycling rates. The proposed facility would include a number of measures to tackle climate change and would provide improvements to the current management of waste by reducing the greenhouse gases produced by landfill sites and/or through the use of fossil fuels. The emissions to the air would be controlled through an Environmental Permit to ensure that they do not compromise air quality.

- 6.15. An updated noise assessment has been submitted as part of the Environmental Statement Addendum which considers the changes to the technology provider in comparison to the approved scheme. The proposed REC facility would operate 24 hours a day Monday to Saturday with deliveries to and from the site taking place between 0700-1900 Monday to Friday and 0900-1400 hours on Saturdays. The application site is situated within an industrial/commercial area with the nearest residential properties approximately 350 metres away on Bromford Drive to the south-west and Castle Vale to the north-east of the site. The application site is also surrounded by a strategic highway network that includes the A47, Spitfire Island, Chester Road and the M6. The assessment confirms that there would be no changes to noise levels within the building. The only form of changes in comparative noise levels attributable to the proposed operations are external air cooled condensers. Regulatory Services have raised no objections subject to imposition of conditions as per previous 2016 consent including a restriction in delivery hours and restricted noise levels from any plant and machinery operating at site.
- 6.16. **Impact on highway safety** – no amendments are required to the traffic and transport assessment chapter of the Environmental Statement. There would be no change to the existing volume of through-put of feedstock as highlighted in the original planning application, which confirmed that the plant would accept 105,000 tonnes and result in 33 in/33 out net daily HGV trips and 20 in/20 staff out trips. As a result there would be no additional vehicle movements in or out of the site. There would be also no change to the redevelopment of the industrial unit to Dunlop Way frontage. There have been amended HGV vehicle tracking plans provided as the proposal involves changes to ancillary external plant on site. Transportation Development have reviewed the information submitted and raised no objections subject to the imposition of conditions as per original planning consent. I concur with this view and consider that the proposal is unlikely to undermine highway safety within the immediate vicinity of the site.
- 6.17. **Land contamination, Flood Risk and drainage** – The only change within the proposed REC building, where the gasifier would be situated to underground to a depth of 8 metres. This would be the same as per the original consent for the waste bunker within the proposed REC building. The Environment Statement submitted as part of original planning consent considered the potential effects which may arise from deep excavations and any associated engineering works. The proposed changes would not alter the impermeable area on site. The Council as LLFA, Regulatory Services and the Environment Agency have raised no objections to the proposal. Consequently, I consider that this proposal is acceptable in this instance subject to imposition of previous conditions.
- 6.18. **Impact on setting of heritage assets and archaeology** – The Environmental Statement submitted as part of original application concluded that there would be no adverse effects on the setting of heritage assets. Castle Bromwich Hall is a Grade II*

Listed Registered Park and Garden that is situated approximately 600 metres to the south-east of the application beyond the elevated M6 motorway. The height of chimney stack would remain at 55 metres, which the same as the approved consent. There would be an amendment to the increase height by 6 metres of the rear section of the proposed REC building to 29 metres. Historic England and my Conservation and Archaeological Officer however have raised no objections as the proposal is situated within an industrial area and is unlikely to have an adverse impact on the setting of these designated heritage assets.

7. Conclusion

- 7.1. The proposed amendments are of a scale and nature that results in a development which are not substantially different from the 2015 consent which was approved. This includes consideration of the proposal against the conclusions of the Environmental Statement accompanying the original application and the Environmental Statement Addendum supporting this application. The proposal's design would introduce a modern industrial development that would contribute to the character and appearance of its industrial surroundings. The proposed REC facility represents an innovative energy technology in a suitable industrial location with good links to the strategic highway network without adverse impact on highway safety or residential amenity in planning terms, subject to relevant conditions including R1 status. Additional pollution control mechanisms arise through the environmental permitting regime operated by the Environment Agency. It is therefore considered that the proposal is in accordance with relevant policy/ guidance as set out above and recommended for approval subject to the imposition of appropriate and amended conditions.

8. Recommendation

- 8.1. Approved subject to planning conditions

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|----|---|
| 1 | Requires the scheme to be in accordance with the environmental statement. |
| 2 | Requires prior submission of an updated CHP Feasibility Review. |
| 3 | Restricts 105,000 tonnes of waste per annually. |
| 4 | Requires development to be carried out in accordance with the approved Flood Risk Assessment (FRA). |
| 5 | Requires the prior submission of sample materials for each phase of the development. |
| 6 | Requires the prior submission of a contamination remediation scheme |
| 7 | Requires the prior submission of a contaminated land verification report |
| 8 | Requires the prior submission of investigation for archaeological observation and recording for each phase of development |
| 9 | Requires the prior submission of a lighting scheme for each phase of the development. |
| 10 | Requires the parking area to be laid out prior to use for each phase of the |
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development

- 11 Requires the prior submission of cycle storage details for each phase of the development
 - 12 Requires the delivery and service area prior to occupation for each phase of the development
 - 13 Requires the prior installation of means of access for each phase of the development
 - 14 Requires the prior approval of details to prevent mud on the highway for each phase of the development
 - 15 Requires the prior submission of a construction method statement/management plan for each phase of the development.
 - 16 Requires the prior installation/ removal of redundant footway crossing for each phase of the development.
 - 17 Prevents storage except in authorised area
 - 18 Limits delivery time of goods to or from Renewable Energy Centre (REC)
 - 19 Requires the submission of hard and/or soft landscape details prior to occupation for each phase of the development.
 - 20 Requires the submission of hard surfacing materials prior to occupation for each phase of the development.
 - 21 Requires the submission of boundary treatment details prior to occupation for each phase of development.
 - 22 Requires the prior submission of a landscape management plan
 - 23 Requires the prior submission of level details.
 - 24 Limits the noise levels for Plant and Machinery
 - 25 Requires the scheme to be in accordance with the listed approved plans
 - 26 Requires the prior submission of a sustainable drainage scheme
 - 27 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 28 Requires the prior submission of a drainage scheme.
 - 29 Requires tree pruning protection
 - 30 Secures local employment
 - 31 Requires prior submission and review compliance of R1 Status from the Environment Agency.
-

Case Officer: Mohammed Akram

Photo(s)

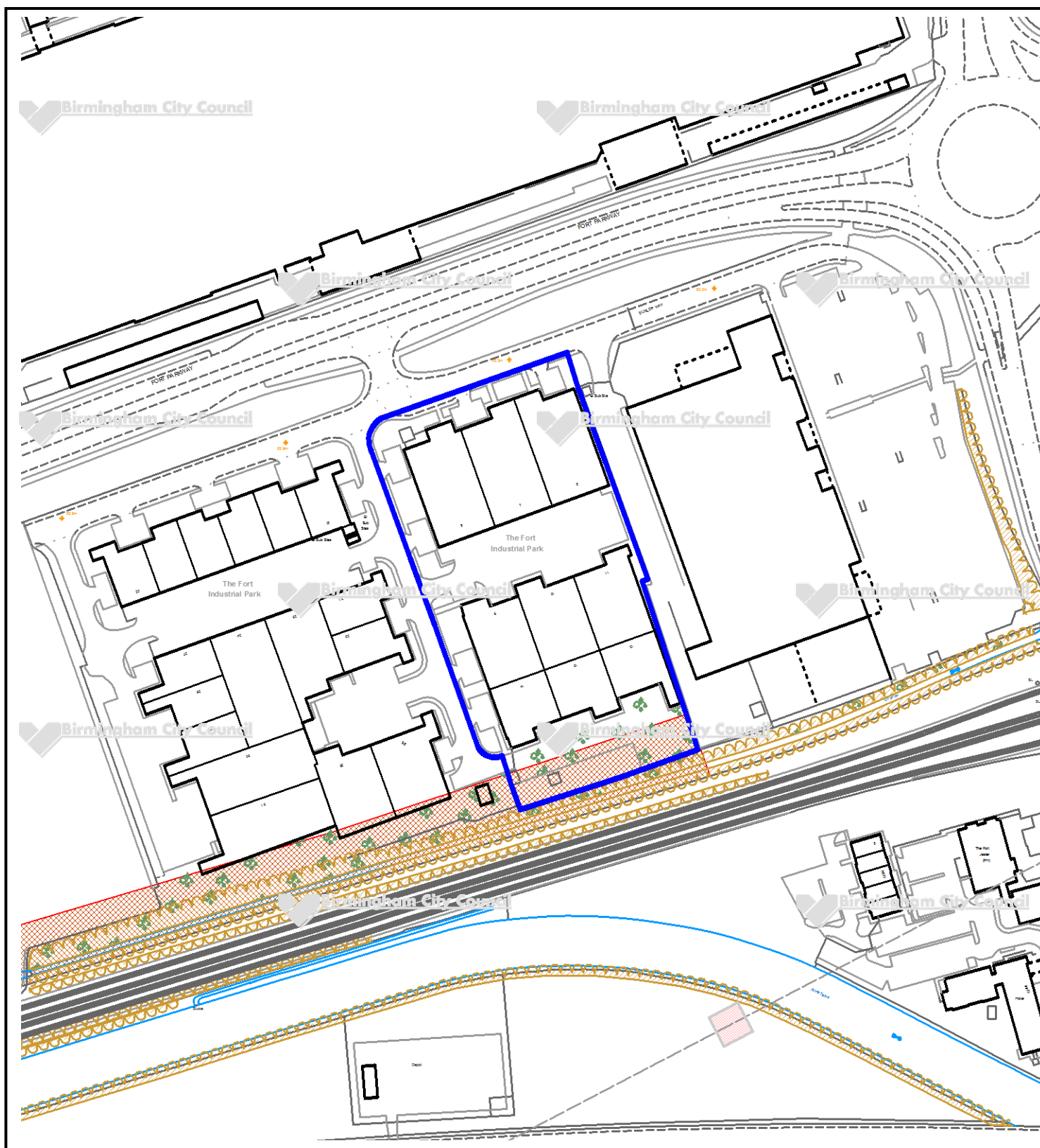


Figure 1: View from Dunlop Road



Figure 2: View from internal access road

Location Plan



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Birmingham City Council

Planning Committee

30 March 2017

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>
Defer	12	2016/08534/PA 66 Harborne Road Edgbaston Birmingham B15 3HE Erection of single storey side and rear extensions within re-modelled courtyard, and erection of first floor side extension, to facilitate an increase from 5 to 7 apartments. Also, rearrangement of existing parking layout.
Refer to DCLG	13	2016/08593/PA 66 Harborne Road Edgbaston Birmingham B15 3HE Listed Building Consent for the part-demolition of existing outbuilding walls, erection of ground floor rear and side extension within re-modelled courtyard, demolition of rear single-storey extension, and erection of first floor side extension, to facilitate an increase from 5 to 7 apartments, internal and external alterations.
Approve - Conditions	14	2016/08455/PA 108 Wharf Road Kings Norton Birmingham B30 3LP Erection of residential development comprising 14 dwellinghouses with access road, parking and landscaping

Determine	15	<p>2016/08278/PA</p> <p>Lifford Lane Waste Depot Kings Norton Birmingham B30 3JJ</p> <p>Demolition of existing Ablutions and Canteen Blocks, erection of two storey office building, installation of remote weighbridge, installation of new traffic management system and creation of new parking areas</p>
Approve - Conditions	16	<p>2016/10627/PA</p> <p>39 Delamere Road Birmingham B28 0EP</p> <p>Erection of single and two storey rear, two storey side and single storey front extension</p>
Approve - Temporary	17	<p>2017/01254/PA</p> <p>Edgbaston Road (between junctions with Pershore Road and Cannon Hill Road) Edgbaston Birmingham B12</p> <p>Display of 20 non-illuminated lamppost advertisement banners</p>
Approve - Temporary	18	<p>2017/01266/PA</p> <p>Bristol Road (between junctions with Wellington Road and Speedwell Road) Edgbaston Birmingham B5</p> <p>Display of 8 non-illuminated lamppost advertisement banners</p>

Committee Date:	30/03/2017	Application Number:	2016/08534/PA
Accepted:	17/10/2016	Application Type:	Full Planning
Target Date:	31/03/2017		
Ward:	Edgbaston		

66 Harborne Road, Edgbaston, Birmingham, B15 3HE

Erection of single storey side and rear extensions within re-modelled courtyard, and erection of first floor side extension, to facilitate an increase from 5 to 7 apartments. Also, rearrangement of existing parking layout.

Applicant:	TAG Exclusive Properties Urban Ltd and Calthorpe Estates c/o agent
Agent:	Brooke Smith Planning Consultants Ltd The Cloisters, 12 George Road, Birmingham, B15 1NP,

Recommendation

Defer

1. Proposal

1.1. This application is for the erection of ground floor rear and side extension; first floor side extension and external alterations to create 2no additional apartments at 66 Harborne Road, Edgbaston, a Grade II Listed Building. Changes to parking arrangements to the front are also proposed.

1.2. The following components to enable the conversion are proposed.

- Partial demolition of outbuildings (part of the accompanying listed building application), to enable the erection of ground floor rear and side extensions within the courtyard area to the western side of the building to create 1no apartment. This involves infilling part of the courtyard with a glazed addition and a single storey projection from the rear 4.2m in length and 4.8m wide. It would be flat roofed and predominantly glazed with zinc profiled roof edging.
- First floor extension above the 'Arts & Craft' wing to the eastern side of the building. This would be 10m wide; 8.7m in depth with a pitched roof. It would have a glazed front and rear elevation, with zinc profiled edging and roof. Zinc flashing and coping would be installed around the parapet roof.
- New timber door with side lights in 'Arts & Craft' style on front elevation, creating a new entrance to apartment 7 (part of the accompanying listed building application)
- Demolition of a small single storey extension to rear (part of the accompanying listed building application)

- Various alterations to the external faces of the building, including new timber framed windows and the blocking up of some existing windows (part of the accompanying listed building application).
- 1.3. Site layout: The existing vehicular accesses off Harborne Lane would serve the development, with both becoming in/out accesses and six car parking spaces to the front. Front boundary treatments and landscaped areas would remain. A small area of space to the eastern side of the driveway would be altered to provide 2no car parking spaces.
 - 1.4. Internal layout: Internal alterations, which are the subject of a separate application for Listed Building Consent (2016/08593/PA), elsewhere on this agenda, would provide amended layouts for the new and existing apartments.
 - 1.5. Tree removals: 1 x C category tree, a common laburnum would be removed to facilitate this development.
 - 1.6. The application is supported by the following documents: Planning Statement, Design and Access Statement, Heritage Statement, Structural Inspection, Ecological Assessment, Arboricultural Report.
 - 1.7. Site area 0.37 ha, development density 19 dwelling per hectare.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a Grade II Listed Victorian dwelling built c.1870 and extended to the side in 1905, with a separate coach house at the end of the long rear garden. Access to the main property is via an in-and-out drive off Harborne Road while the coach house benefits from a separate access off Vicarage Road. The main property is currently divided into five flats and parking is all contained within the front garden. The coach house is disused and in a dilapidated state and recently received planning and listed building permission to be converted to a dwelling.
- 2.2. The application site lies within the Edgbaston Conservation Area and there are a number of Listed Buildings in the vicinity including the closest at No. 68/68a Harborne Road to the west of the site. The Conservation Area is characterised by large dwellings occupying very spacious and well-landscaped plots many with strong front boundary treatment which limits views into properties.

[Location map](#)

3. Planning History

- 3.1. 15/07/2000 – 2000/00998/PA 66 Harborne Road. Change of use from nursing home to 5 flats with single storey extension. Approved subject to conditions.
- 3.2. 15/07/2000 – 2000/01071/PA 66 Harborne Road. Listed Building Consent for change of use from nursing home to 5 flats including an extension. Approved subject to conditions.
- 3.3. 29/01/2003 – 2002/00523/PA 17 Vicarage Road and r/o 66 Harborne Road. Appeal against non-determination of planning application for redevelopment for 9

apartments, conversion of coach house to residential, erection of 2 cottages and associated works. Appeal dismissed.

- 3.4. 29/01/2003 – 2002/00522/PA 17 Vicarage Road and r/o 66 Harborne Road. Appeal against non-determination of application for Listed Building Consent for conversion of building to residential and associated works. Appeal allowed.
- 3.5. 29/01/2003 – 2002/00521/PA 17 Vicarage Road and r/o 66 Harborne Road. Appeal against non-determination of application for Conservation Area Consent for demolition of existing dwelling and associated works. Appeal dismissed.
- 3.6. 11/05/2016 – 2016/03119/PA 66 Harborne Road. Pre application advice for conversion of coach house to residential use and creation of 2no dwellings.
- 3.7. 14/12/2016 – 2016/07277/PA Flat 2, 66 Harborne Road. Listed Building Consent for the installation of replacement front door, security alarm to be repositioned and security lighting to side and rear elevations. Refused.
- 3.8. 05/01/2017 – 2016/08526/PA 66 Harborne Road. Erection of single storey rear extension of the coach house to form 1 self-contained dwelling, internal and external alterations, creation of associated parking spaces and removal of 17 trees.
- 3.9. 05/01/2017 – 2016/08590/PA 66 Harborne Road. Listed Building Consent for the erection of a single storey rear extension of the coach house to form 1 self-contained dwelling, internal demolition, internal and external alterations, creation of associated parking spaces and removal of 17 trees. Approved subject to conditions.

Awaiting decisions.

- 3.10. 2016/08593/PA 66 Harborne Road. Listed Building Consent and Demolition in a Conservation Area for the internal reconfiguration of the main property including demolition of existing outbuilding walls and erection of single storey side and rear extension and first floor side extension to facilitate an increase from 5 to 7 apartments, internal and external alterations, with associated rearrangement of existing parking spaces and removal of 1 tree : elsewhere on this agenda.
- 3.11. 2017/00683/PA Flat 2, 66 Harborne Road. Listed Building Consent for the installation of security alarm, repositioning of bell box to a higher position and security lighting to side and rear elevations.

4. Consultation/PP Responses

- 4.1. Historic England – Initially objected to the proposal, however amendments have been provided. They are not entirely convinced by the design of the first floor extension, but do not object. More minor comments on details of windows and internal changes have been addressed.
- 4.2. Transportation Development - No objection to revised layout with six cars fronting the site.
- 4.3. Regulatory Services - No objection.
- 4.4. West Midlands Police – No objection, recommended the development is developed to enhanced security standards set by Police Crime Reduction initiative 'Secured by Design'.

- 4.5. Victorian Society – Object: serious concerns about the first floor extension and its impact on the form of the main house.
- 4.6. Severn Trent Water - No response received.
- 4.7. Local MP, Councillors, Residents' Associations, the occupiers of nearby properties, Amenity Societies, notified of the application
- 4.8. Councillor Deirdre Alden objects to the application due to the loss of trees that will spoil the street scene in Harborne Rd and is unacceptable in the Conservation Area. She also considers this to be over development of the site and building, and it risks setting a precedent in terms of adding modern extensions to period properties. The materials being suggested for the extensions and the addition of more tarmac in the garden for parking is not acceptable.
- 4.9. One further letter of objection has been received from a neighbouring occupier objecting to the application on the following grounds.
 - The application proposals breach local and national planning rules and guidelines.
 - The proposal represents an overdevelopment of the site.
 - The extension will be overbearing and cause a loss of light.
 - Concern over the loss of trees and the work being carried out to retained trees.
 - Changes to levels at the front to make way for parking is not appropriate.
 - Impact to the local highway network due to changes at the access.
 - No space for refuse bins is provided.
 - The first floor extension will be highly visible in the streetscene and its modern design is inappropriate on a listed building and would set a precedent.
- 4.9. In addition, one letter from a local resident has been received confirming they have no objection to the application.

5. Policy Context

- 5.1. The Birmingham Development Plan (BDP) 2017; The Birmingham Unitary Development Plan (UDP) 2005 (saved policies); SPG Places for Living 2001; SPG Regeneration Through Conservation 1999; Technical Housing Standards – Nationally Described Space Standard; Edgbaston Conservation Area Character Appraisal; NPPF; NPPG.

6. Planning Considerations

Policy/principle

- 6.1. BDP policy T12 states that, "New development affecting a designated or non-designated heritage asset or its setting, including alterations and additions, will be expected to make a positive contribution to its character, appearance and significance."
- 6.2. The NPPF (para.131) requires Local Planning Authorities to "take account of:
 - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.”
- 6.3. Assessing the application against these policies and the broader planning policy context, I consider the proposal to be acceptable taking account of the following factors:
- It would optimise the site by making more efficient use of the main property.
 - The improvements proposed would sustain the building’s architectural significance within the site and wider area.
 - It would be used for a purpose (i.e. residential) which is compatible with its conservation and with the general character of the area.
- 6.4. The Conservation Officer considers the Heritage Statement to make a fair appraisal of the significance of the building and its relationship to the coach house and wider area. He notes that the proposal to extend and alter this listed building needs to be undertaken in conjunction with a sound justification for the design.
- Design*
- 6.5. The plans have been amended on two separate occasions to address the concerns of both the Council’s own Conversation Officer and Historic England. The proposal is to extend the building over the Arts and Crafts extension and in the service courtyard and to change the layout of the flats through extensive external and internal alterations.
- 6.6. The main extension would be the first floor addition over the existing Arts and Craft wing. This will create a 2 bed duplex apartment benefiting from its own entrance on the front elevation. The extension would be contemporary in style, with a glazed metal-edged, gable end facing the front and rear, with a zinc-clad pitched roof. A glazed set of rooflights is proposed between the extension and the main building to provide visual separation between the two. External alterations are also proposed to the wing, including a new front door. The proposed extension would be subservient to the existing property in respect of height and detailed design. The extension would be visible when viewing the property from Harborne Road but it would be set back from the front elevation behind the front driveway would not therefore be overly dominant.
- 6.7. The proposed alterations to the courtyard would result in the creation of one new apartment. The design here seeks to retain as much of the original walls as possible, whilst providing a contrast with the introduction of modern materials. It uses an extensive area of glazing to ensure original features remain in view. The element would extend from the existing wall and would be 4.2m in length and 4.8m wide. It would be flat roofed and predominantly glazed with zinc profiled roof edging. Being to the rear, it would not be visible within the streetscene and would be a modest addition to the rear of the building.
- 6.8. Along with the above, external changes are proposed including the introduction of new timber framed windows and other alterations to existing windows to ensure adequate amenity.
- 6.9. To the front of the property, very little would alter. Parking areas and landscaped areas remain largely unaffected. A small area to the eastern side of the site,

adjacent to the boundary with the adjoining property at 64 Harborne Road would become hardstanding to accommodate parking areas and plans have been amended to remove one space previously proposed to the western side, which would now remain unaffected.

- 6.10. Overall, although the main element – the first floor extension – would be a bold, modern addition, I am satisfied with the design and layout of the proposed development. Extensions have been designed to be subservient to the buildings whilst providing a viable development. Both the Council's Conservation Officer and Historic England have been heavily involved in the design, and amendments have been sought to overcome their concerns. I do not consider that the proposals would have any detrimental impact on the visual amenity of the area and represent a contemporary solution and design which retains the significance of the heritage asset and is well-integrated with the historic environment in accordance with the BDP. Conditions are recommended for the submission of materials and other specific details. As such, I do not consider there would be any significant impact to the character or integrity of this listed building, the setting of the adjacent listed building at no. 68, or the Edgbaston Conversation Area. Overall, I consider the proposals would preserve the character of the listed building and the Conservation Area.
- 6.11. I am mindful that the Victorian Society object to the application and the accompanying Listed Building Consent. As a statutory consultee, and with the recommendation to approve, the listed building application must be referred to the Secretary of State. Therefore, the decision on the planning application must await the Secretary of State's decision on the listed building application.

Residential amenity

- 6.12. Prospective occupiers of the apartments: The proposed apartments would provide a satisfactory standard of amenity with generous rooms in a sensible layout. It would accord with the Government's *Technical Housing Standards* in terms of floorspace and bedroom sizes which, although not yet adopted locally, serve as a useful guide. No formal garden area would be designated however the whole garden area between the main property and the coach house exceeds 0.2ha and is more than adequate to serve residents of both.
- 6.13. Adjoining occupiers: The nearest neighbours are No. 64 Harborne Road to the east and No. 68 Harborne Road to the west. In respect of No. 64, the proposed first floor extension would have no east facing windows and no breach of the 45 degree code would occur with a single storey double garage immediately adjacent the boundary within no. 64's plot. With respect to the occupiers of 68 Harborne Road, the rear extension has no west facing windows and there would be no breach of the 45 degree code given there is a single storey addition along the boundary within no. 68's plot. As such, I do not consider that there would be any detrimental impact on adjoining residents as a result of this proposal.

Trees/landscaping/ecology

- 6.14. Objections have been received regarding the removal of trees on this site. The recent approval of planning application 2016/08526/PA for the erection of a single storey rear extension to the coach house at the rear, considered various removals and the Council's Tree Officer raised no objection. This current application requires the removal of just one Category C Tree (shown as Tree T1 within the submitted Arboricultural Survey) a common laburnum, to make way for the rear extension on the west side. The Tree Officer is in agreement with the recommendations of the

Arboricultural Report. As the tree is sited to the rear of the site it has limited public amenity value. The condition recommended by the Tree Officer requires the development to be carried out in accordance with the Arboricultural Report.

- 6.15. The Landscape Officer has recommended boundary vegetation/planting for the full length of front side boundaries up to neighbouring building lines. However, very little of the existing features to the front of the site are changing and as such, I do not consider this necessary. The conditions recommended relating to planting; boundary treatment and hard surfacing are attached.
- 6.16. The City Ecologist notes that the Ecological Assessment identified a number of protected species within the search radius of the site but that there was no evidence of these within the application site boundary. There is suitable habitat for a range of wildlife including amphibians, hedgehogs, wild birds and bats although no evidence of these was noted. The report sets out a series of recommendations relating to site clearance, which include the timing of works and the period when an ecologist may be required to supervise works, and for ecological enhancement through suitable planting to offset the loss of habitat. These precautionary measures can be secured through the attached condition.

Parking/highway safety

- 6.17. Transportation Development Officers initially raised concern that the layout of parking, which offered 7 car parking spaces, would not work. This was revised with the removal of once space, adjacent the western boundary of the application site. This results in one fewer spaces than flats. However, this site is within a highly sustainable location, on a number of bus routes into and out of the city centre and within walking distance of shops and a large supermarket. The additional traffic generated by the proposal would have a negligible impact on highway safety at this location and the car parking arrangement, although more formal, would be no different to the existing hardstanding car parking area to the front as existing.
- 6.18. I have passed the Police's comments about site security to the applicant for their consideration.
- 6.18. *Community Infrastructure Levy*
The development is now liable for CIL, (following its adoption on 4th January 2016). The submitted application forms specify that the net additional floor area of the development would be 98.7sqm GIA. This would equate to a payment of £6,810.30.

7. Conclusion

- 7.1. Recommend approval: The proposed development would help provide a viable use of this Listed Building, and introducing two more residential units within a highly sustainable area. The impact on local residents and highway conditions would be acceptable and in my view would have no detrimental impact on the character and setting of the Listed Building or Edgbaston Conservation Area. The proposal complies with the definition of sustainable development as set out in the NPPF and should be approved.

8. Recommendation

- 8.1. Defer, recommended to approve, subject to the Secretary of State's decision on the accompanying listed building application, 2016/08593/PA.

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the prior submission of hard and/or soft landscape details
 - 3 Requires the prior submission of boundary treatment details
 - 4 Requires the prior submission of hard surfacing materials
 - 5 Arboricultural Method Statement and Tree Protection Plan - Implementation
 - 6 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 7 Implement within 3 years (Full)
-

Case Officer: James Mead

Photo(s)

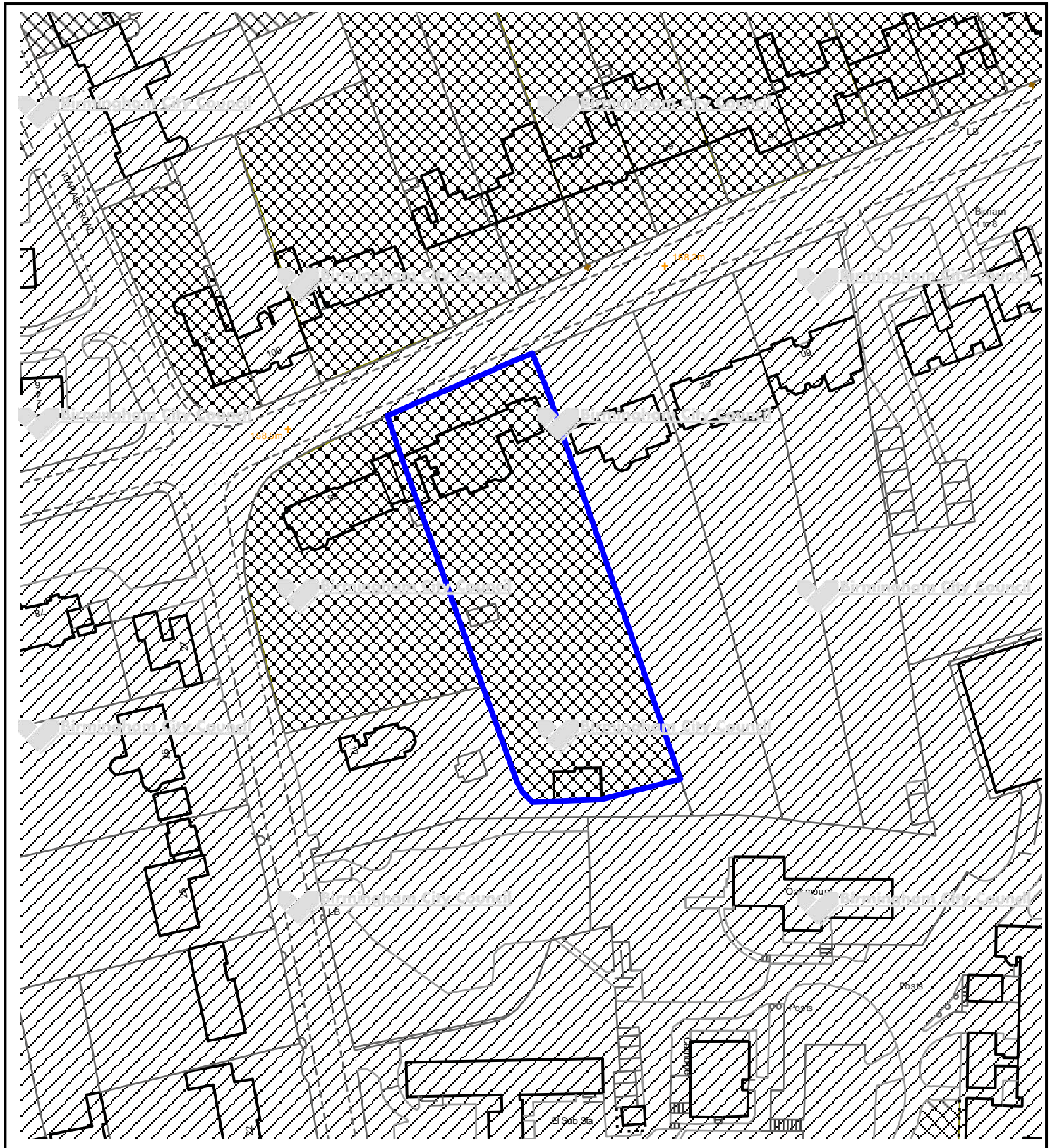


Photograph 1: Front of 66 Harborne Road



Photograph 2: Rear of 66 Harborne Road

Location Plan



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Committee Date:	30/03/2017	Application Number:	2016/08593/PA
Accepted:	17/10/2016	Application Type:	Listed Building
Target Date:	31/03/2017		
Ward:	Edgbaston		

66 Harborne Road, Edgbaston, Birmingham, B15 3HE

Listed Building Consent for the part-demolition of existing outbuilding walls, erection of ground floor rear and side extension within re-modelled courtyard, demolition of rear single-storey extension, and erection of first floor side extension, to facilitate an increase from 5 to 7 apartments, internal and external alterations.

Applicant:	TAG Exclusive Properties Urban Ltd and Calthorpe Estates c/o agent
Agent:	Brooke Smith Planning Consultants Ltd The Cloisters, 12 George Road, Birmingham, B15 1NP

Recommendation
Refer To The Dclg

1. Proposal

1.1. This listed building consent application is for the demolition of existing outbuilding wall and erection of ground floor rear and side extension within the existing courtyard; first floor side extension, external and internal alterations to create 2no additional apartments at 66 Harborne Road, Edgbaston.

1.2. The following components to enable the conversion are proposed.

- Partial demolition of outbuildings, to enable the erection of ground floor rear and side extensions within the courtyard area to the western side of the building to create 1no apartment. This involves infilling part of the courtyard with a glazed addition and a single storey projection from the rear 4.2m in length and 4.8m wide. It would be flat roofed and predominantly glazed with zinc profiled roof edging.
- First floor extension above the 'Arts & Craft' wing to the eastern side of the building. This would be 10m wide; 8.7m in depth with a pitched roof. It would have a glazed front and rear elevation, with zinc profiled edging and roof. Zinc flashing and coping would be installed around the parapet roof.
- New timber door with side lights in 'Arts & Craft' style on front elevation, creating a new entrance to apartment 7.
- Demolition of a small single storey extension to rear.

- Various alterations to the external faces of the building, including new timber framed windows and the blocking up of some existing windows.
 - Various internal alterations, including the addition of walls to create bathrooms and demolition of small areas to create doors and new openings.
- 1.3. A planning application for these works is also being considered under reference 2016/08534/PA.
- 1.4. The application is supported by the following documents: Planning Statement, Design and Access Statement, Heritage Statement and Structural Inspection.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a Grade II Listed Victorian dwelling built c.1870 and extended to the side in 1905, with a separate coach house at the end of the long rear garden. Access to the main property is via an in-and-out drive off Harborne Road while the coach house benefits from a separate access off Vicarage Road. The main property is currently divided into five flats and parking is all contained within the front garden. The coach house is disused and in a dilapidated state and recently received permission to be converted to a dwelling.
- 2.2. The application site lies within the Edgbaston Conservation Area and there are a number of Listed Buildings in the vicinity including the closest at No. 68/68a Harborne Road to the west of the site. The Conservation Area is characterised by large dwellings occupying very spacious and well-landscaped plots many with strong front boundary treatment which limits views into properties.

[Location map](#)

3. Planning History

- 3.1. 15/07/2000 – 2000/00998/PA 66 Harborne Road. Change of use from nursing home to 5 flats with single storey extension. Approved subject to conditions.
- 3.2. 15/07/2000 – 2000/01071/PA 66 Harborne Road. Listed Building Consent for change of use from nursing home to 5 flats including an extension. Approved subject to conditions.
- 3.3. 29/01/2003 – 2002/00523/PA 17 Vicarage Road and r/o 66 Harborne Road. Appeal against non-determination of planning application for redevelopment for 9 apartments, conversion of coach house to residential, erection of 2 cottages and associated works. Appeal dismissed.
- 3.4. 29/01/2003 – 2002/00522/PA 17 Vicarage Road and r/o 66 Harborne Road. Appeal against non-determination of application for Listed Building Consent for conversion of building to residential and associated works. Appeal allowed.
- 3.5. 29/01/2003 – 2002/00521/PA 17 Vicarage Road and r/o 66 Harborne Road. Appeal against non-determination of application for Conservation Area Consent for demolition of existing dwelling and associated works. Appeal dismissed.

- 3.6. 11/05/2016 – 2016/03119/PA 66 Harborne Road. Pre application advice for conversion of coach house to residential use and creation of 2no dwellings.
- 3.7. 14/12/2016 – 2016/07277/PA Flat 2, 66 Harborne Road. Listed Building Consent for the installation of replacement front door, security alarm to be repositioned and security lighting to side and rear elevations. Refused.
- 3.8. 05/01/2017 – 2016/08526/PA 66 Harborne Road. Erection of single storey rear extension of the coach house to form 1 self-contained dwelling, internal and external alterations, creation of associated parking spaces and removal of 17 trees.
- 3.9. 05/01/2017 – 2016/08590/PA 66 Harborne Road. Listed Building Consent for the erection of a single storey rear extension of the coach house to form 1 self-contained dwelling, internal demolition, internal and external alterations, creation of associated parking spaces and removal of 17 trees. Approved subject to conditions.

Awaiting decisions.

- 3.10. 2016/08534/PA 66 Harborne Road. Demolition of existing outbuilding walls and erection of single storey side and rear extensions within existing courtyard; erection of first floor side extension to facilitate an increase from 5 to 7 apartments; external alterations and rearrangement of existing parking layout : elsewhere on this agenda.
- 3.11. 2017/00683/PA Flat 2, 66 Harborne Road. Listed Building Consent for the installation of security alarm, repositioning of bell box to a higher position and security lighting to side and rear elevations.

4. Consultation/PP Responses

- 4.1. Historic England – Initially objected to the proposal, however amendments have been provided to overcome concerns. They are not entirely convinced by the design of the proposed first floor extension, but do not object. Suggestions for further, relatively minor amendments, to be achieved by the Council's Planning/Conservation Officers.
- 4.2. Victorian Society - Oppose changes to the existing windows, and have serious concerns about the first floor extension and its impact on the form of the main house and therefore object to this.
- 4.3. Councillors, Residents' Associations, Amenity Societies, notified of the application. A site and press notice have also been posted. No comments have been received (aside from those set out above from the Victorian Society).

5. Policy Context

- 5.1. The Birmingham Development Plan (BDP) 2017; The Birmingham Unitary Development Plan (UDP) 2005 (saved policies); SPG Regeneration Through Conservation 1999; Edgbaston Conservation Area Character Appraisal; NPPF; NPPG.

6. Planning Considerations

Policy/principle

- 6.1. BDP policy T12 states that, "New development affecting a designated or non-designated heritage asset or its setting, including alterations and additions, will be

expected to make a positive contribution to its character, appearance and significance.”

6.2. The NPPF (para.131) requires Local Planning Authorities to “take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
- the desirability of new development making a positive contribution to local character and distinctiveness.”

6.3. Assessing the application against these policies and the broader planning policy context, I consider the proposal to be acceptable taking account of the following factors:

- It would optimise the site by making more efficient use of the main property.
- The improvements proposed would sustain the building’s architectural significance within the site and wider area.
- It would be used for a purpose (i.e. residential) which is compatible with its conservation and with the general character of the area.

6.4. The Conservation Officer considers the Heritage Statement to make a fair appraisal of the significance of the building and its relationship to the coach house and wider area. He notes that the proposal to extend and alter this listed building needs to be undertaken in conjunction with a sound justification for the design.

Design

6.5. The plans have been amended on two separate occasions to address the concerns of both the Council’s own Conversation Officer and Historic England. The proposal is to extend the building over the Arts and Crafts extension and in the service courtyard and to change the layout of the flats through external and internal alterations.

6.6. The main extension would be the first floor addition over the existing Arts and Craft wing. This would create a 2 bed duplex apartment benefiting from its own entrance on the front elevation. The extension would be contemporary in style, with a glazed metal-edged, gable end facing the front and rear, with a zinc-clad pitched roof. A glazed set of rooflights is proposed between the extension and the main building to provide visual separation between the two. External alterations are also proposed to the wing, including a new front door. The proposed extension would be subservient to the existing property in respect of height and detailed design. The extension would be visible when viewing the property from Harborne Road but it would be set back from the front elevation behind the front driveway would not therefore be overly dominant.

6.7. The proposed alterations to the courtyard would result in the creation of one new apartment. The design here seeks to retain as much of the original walls as possible, whilst providing a contrast with the introduction of modern materials. It uses an extensive area of glazing to ensure original features remain in view. The rear element would extend from the existing wall and would be 4.2m in length and 4.8m wide. It would be flat roofed and predominantly glazed with zinc profiled roof edging. Being to the rear, it would not be visible within the streetscene and is a modest addition to the rear of the building.

- 6.8. Along with the above, external changes are proposed including the introduction of new timber framed windows and other alterations to existing windows to ensure adequate amenity.
- 6.9. Internally, changes have been kept to a minimum, with the works largely comprising the addition of some walls to create bathrooms and the creation of new doors and openings, with the closing up of others. The works help to create better living layouts and circulation within the building.
- 6.10. Overall, I am satisfied with the design and layout of the proposed development. Extensions have been designed to be subservient to the buildings whilst providing a viable development. Both the Council's Conservation Officer and Historic England have been heavily involved in the design, and amendments have been sought to overcome their concerns. I do not consider that the proposals would have any detrimental impact on the visual amenity of the area and represent a contemporary solution and design which retains the significance of the heritage asset and is well-integrated with the historic environment in accordance with the BDP. Conditions are recommended for the submission of materials and other specific details. As such, I do not consider there would be any significant impact to the character of this listed building, and so its character would be preserved.
- 6.11. The Victorian Society object to the application, in particular the addition of the first floor extension. As a statutory consultee, and given the recommendation to approve, the application must be referred to the Secretary of State if the Planning Committee is minded to approve the application.

7. Conclusion

- 7.1. Recommend approval: The proposed development would help provide a viable use of this Listed Building, and introducing two more residential units within a highly sustainable area. The impact on local residents and highway conditions would be acceptable and in my view would have no detrimental impact on the character of the Listed Building. The proposal complies with the definition of sustainable development as set out in the NPPF and should be approved.

8. Recommendation

- 8.1. Minded to approve, but defer for referral to the Secretary of State.

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- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of a building recording survey. |
| 3 | Requires the submission of a condition survey |
| 4 | Requires the submission of a method statement for works to the listed building |
| 5 | Requires details of full architectural details to be submitted |
| 6 | Requires the submission of mechanical and electrical (M&E) systems strategy and water utilities strategy |
-

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- 7 Requires submission of mortar mix details
 - 8 Requires the prior submission of sample materials
 - 9 Implement within 3 years (conservation/listed buildings consent)
-

Case Officer: James Mead

Photo(s)

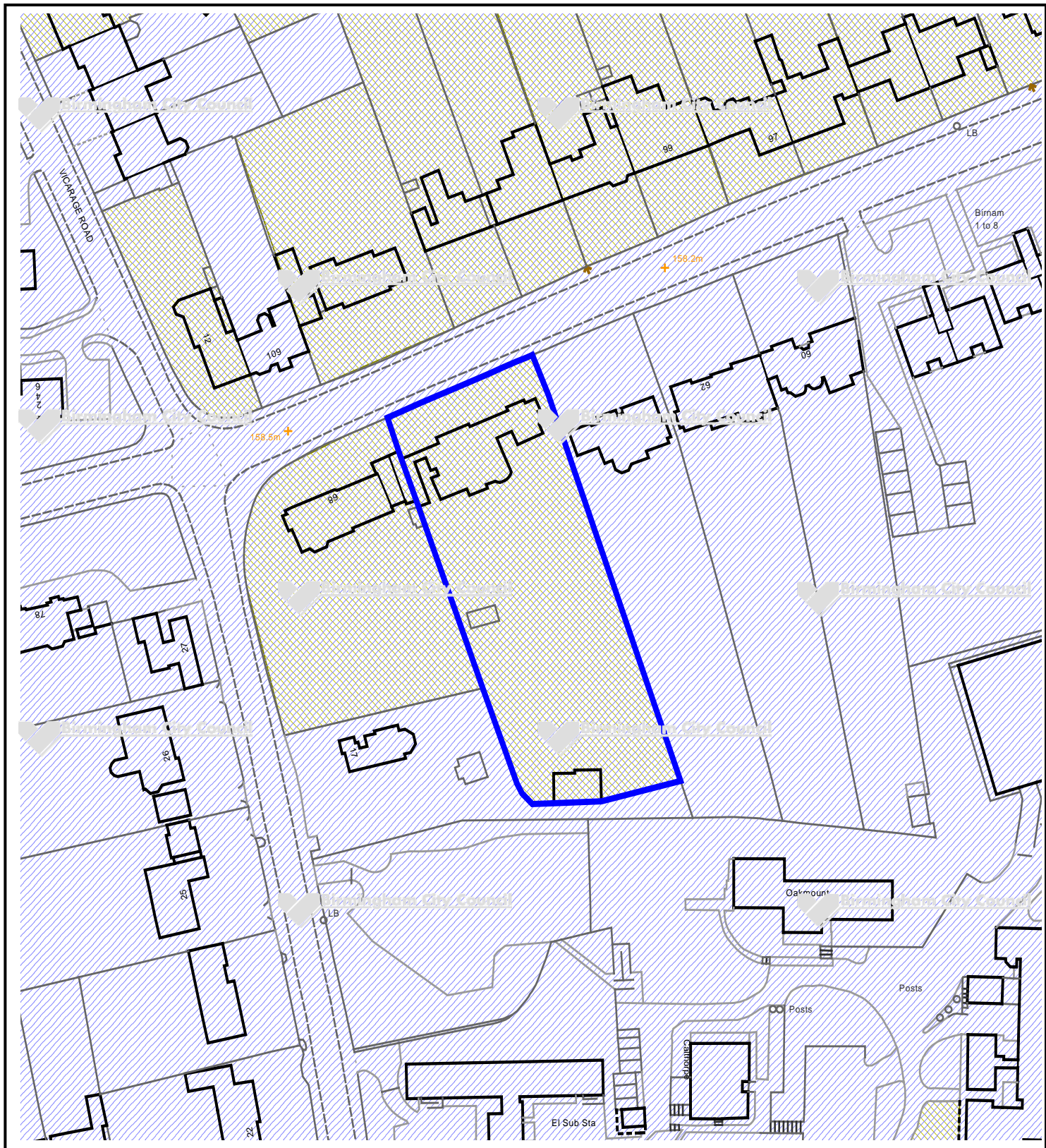


Photograph 1: Front of 66 Harborne Road



Photograph 2: Rear of 66 Harborne Road

Location Plan



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Committee Date:	30/03/2017	Application Number:	2016/08455/PA
Accepted:	06/01/2017	Application Type:	Full Planning
Target Date:	07/04/2017		
Ward:	Kings Norton		

108 Wharf Road, Kings Norton, Birmingham, B30 3LP

Erection of residential development comprising 14 dwellinghouses with access road, parking and landscaping

Applicant:	Oakley Tanworth Ltd c/o Agent
Agent:	Avaro (Midlands) Ltd Glenfield, Middle Lane, Wythall, Birmingham, B38 0DG

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Planning permission is sought for the erection of 14 dwellings comprising 2, 2 bedroom houses and 12, 3 bedroom houses on an existing vacant site.
 - 1.2. The two bedroom houses would be two storeys in height and of traditional design matching the adjacent two storey terraced housing on Wharf Road. The three bedroom properties would be contemporary in design and two and a half storeys in height. Flat roof dormer windows would be located in the roof at both the front and back of the three bedroom units.
 - 1.3. The two bedroom units would front Wharf Road whilst the remaining properties would all front the internal access road which would provide direct access to Wharf Road. The three bedroom properties would all back onto the canal.
 - 1.4. The two bedroom houses would fall slightly short of the National Space Standards of 70sq.m for a two bedroom house at 66sq.m whilst the three bedroom properties would exceed the minimum standard of 90sq.m for a three bedroom house at 100sq.m.
 - 1.5. All distance separation guidelines would be met apart from the upper floor overlooking distance from Plot 14 to 129 Old Oak Road. This relationship is addressed later in this report in the 'Proposals' section.
 - 1.6. At roof/second floor level, a front dormer window would be fitted with a privacy fin to prevent overlooking from the second floor into the rear garden of 129 Old Oak Road.
 - 1.7. The side elevation of Plot 14 would have a height to ridge of approximately 9.6m and to eaves of 6.6m. This elevation would be approximately 19m from the rear elevation of 129 Old Oak Road. This would be greater than the Places for Living guideline of 15.5m for three storey flank walls.

- 1.8. All garden sizes would generally comply with the guidelines in Places for Living of 50sq.m for a two bedroom dwelling and 70sq.m for a three bedroom dwelling. The two bedroom houses would have gardens of 55sq.m whilst the three bedroom units would have gardens ranging from 65sq.m to 116sq.m.
- 1.9. Boundary treatments proposed include 1.8m high close boarded fencing for rear side boundaries and 2m garden walling for the rear of plots 1 and 2. The rear boundary, which would front the canal, of plots 3 to 14 would have a 2.1m high metal railing. The brick retaining wall fronting Wharf Road would remain along the side boundary of Plot 3. Approximately 20 new trees would be planted within the development and 4 existing trees on site would remain. The development would require the removal of 12 trees all of which are Category C or Category U and would comprise 2 Ash trees, 1 Elder, 1 Hawthorn, 2 Poplar and 6 Sycamore.
- 1.10. Parking is proposed at 200% (2 spaces) for the three bedroom properties as parking spaces to the front/side of each property whilst the two bedroom properties would have a parking provision of 100% (1 space). A further 5 visitor spaces would be provided.
- 1.11. The application is accompanied by a Design and Access Statement; Phase 1 Habitat Survey; Noise Impact Assessment; Arboricultural Impact Assessment, Method Statement and Tree Protection Plan; Transport Statement and Sustainable Drainage report. Amended plans have been submitted during the course of the application that has altered the layout and house types.
- 1.12. Site area: 0.35Ha. Density: 40 dwellings per hectare.
- 1.13. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is approximately 0.35 hectares in area and is located on Wharf Road, Kings Norton. It previously comprised a dwelling house (which has now been demolished) and an area of vacant land adjacent to the Worcester and Birmingham Canal. Part of the site historically comprised a haulage yard.
- 2.2. Much of the site consists of scrub land and overgrown vegetation; however there is an area of hardstanding that extends to the centre of the site. A small waterway is indicated as running alongside the canal and Ordnance Survey Maps indicate into the application site where it disappears into a sink. However, no evidence of this exists on site or adjacent to the site.
- 2.3. The surrounding area comprises largely residential development in various forms including Victorian terrace properties, more modern semi-detached and detached properties and modern apartment buildings. Kings Norton Baptist Church is located diagonally opposite the site to the north-west. To the east of the site sits the Worcester and Birmingham canal and existing warehouse/industrial units.
- 2.4. The site is located within 500m of a parade of local shops including a convenience store and a bank and within walking distance of Kings Norton Green Neighbourhood Centre. Bus stops are located on Wharf Road, providing services to Warstock and Maypole (service nos. 18 and 19).

2.5. The site is located adjacent to the archaeological boundary of Kings Norton Medieval Village.

2.6. [Site Location Plan](#)

3. Planning History

3.1. 6 June 2016. 2015/07433/PA. Withdrawn application for outline planning application with all matters reserved for future consideration, apart from access, for the erection of 16 flats and 9 houses. Withdrawn as viability could not be agreed.

3.2. 12 March 2014. 2014/00932/PA. Prior notification for the demolition of one dwelling house – no prior approval required.

3.3. 26 May 2011. 2011/02853/PA. Pre-application advice provided for proposed residential development. Principle of residential development was considered acceptable.

3.4. 7 February 1991. 1990/05597/PA. Proposed temporary use of site for a builder's yard was refused planning permission. Appeal dismissed 3 October 1991.

3.5. 29 August 1963. 10082004. Refusal of planning permission for the erection of 8 maisonettes of 2 storeys.

3.6. 1 December 1955. 10082002. Refusal of planning permission for offices and residential development.

4. Consultation/ PP Responses

4.1. Local residents, Ward Councillors, MP and resident associations notified. Site and press notice posted. Nine letters have been received from local residents in Wharf Road, Chapel Walk and Old Oak Road comprising 4 letters of objection, 2 letters of comment and 3 letters of support.

4.2. The letters of objection and comment raise the following issues:

- The proposal uses the existing access which is unsafe.
- No visibility/visibility is insufficient from access as site is on a bend.
- Increase in traffic on a busy road.
- Sufficient parking must be provided – a minimum of 25 spaces for 14 dwellings.
- The vehicle access is in the wrong place as it would be directly onto a hill, dangerous bend and speed bumps.

4.3. The letters of support identify that the site is heavily constrained and in poor condition that currently has a detrimental effect on the area, as such, the development is welcomed and at last a development proposal with ample car parking.

4.4. West Midlands Police – no objection.

4.5. West Midlands Fire Service – no objection.

4.6. Education Department - no comments to make.

- 4.7. Natural England – no objection.
- 4.8. Canal and River Trust – no objection subject to conditions relating to drainage, construction management and lighting.
- 4.9. Transportation – subject to applicant funding interactive speed signs, together with creation of access and associated highway modification all at the applicants expense (there is also a redundant footway crossing that would need to be reinstated as full height kerbed footway) there are no objections. The existing entrance is all adopted highway so a section of HMPE (highway maintained at public expense) will require stopping up as it will be behind the altered highway boundary, falling within the development.
- 4.10. Ecology – no objection subject to conditions relating to landscape, removal of invasive species and ecological enhancement.
- 4.11. Local Services – no objection. The scheme proposes less than 20 units and is not therefore subject to a requirement for public open space or play provision.
- 4.12. Local Lead Flood Authority – no objection subject to a sustainable drainage condition and a condition relating to the requirement for a sustainable drainage operational maintenance plan.
- 4.13. Regulatory Services – No objection subject to a condition requiring a noise insulation scheme.
- 4.14. Severn Trent Water – No objection subject to a drainage condition.

5. Policy Context

- 5.1. Birmingham Development Plan 2031 (2017), NPPF, Saved Policies of the Birmingham UDP, Car Parking Guidelines SPD, Places for Living SPG, Kings Norton Medieval Village Archaeology boundary sits adjacent to the application site.

6. Planning Considerations

- 6.1. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Planning is required to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It should also encourage the effective use of land by reusing land that has been previously developed and focus development in locations that are sustainable and can make the fullest use of public transport walking and cycling. The NPPF seeks to boost the supply of housing and seeks the delivery of high quality housing that is well designed and built to a high standard; a mix of housing, particularly in terms of type and tenure to create sustainable, inclusive and mixed communities.
- 6.2. The BDP emphasises the importance of the City's housing policies in contributing to the strategy for urban regeneration and economic revitalisation, and states that one of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City.
- 6.3. The BDP also aims to create a more sustainable pattern of development by re-using brown field sites in suitable locations with good access to jobs, shops and services

by modes other than the car. It requires that new housing developments should provide an appropriate environment (Policy TP27), a suitable housing density and mix (Policy TP30) and encourages a full range of housing types. Policy TP30 identifies that densities of at least 50 dwellings per hectare will be sought in areas well served by public transport, with 40 dwellings per hectare elsewhere. The saved Paragraph 3.14 (inclusive) of the saved policies of the UDP identifies that new housing development should be designed in accordance with good urban design principles.

Scale, Layout and Design

- 6.4. The proposal would see the site developed for 14 dwellings on a 0.35 hectare site. This would provide a density of 40 dwellings per hectare. The site is located on a bus route and within walking distance of Kings Norton Green Neighbourhood Centre. I consider the density proposed to be acceptable and in accordance with policy.
- 6.5. The mix of dwelling types and sizes proposed would meet the aim of the BDP for a variety of housing. The housing mix for the development comprises:
 - 14% 2 bedrooms (2 units)
 - 86% 3 bedrooms (12 units).
- 6.6. The scheme proposes houses that would be 2 storeys in height fronting Wharf Road with 2.5 storey dwellings within the site. Given the scale of development adjacent to the site; I and my City Design advisor are satisfied that the proposed scale would be appropriate for the local context.
- 6.7. The layout demonstrates the provision of 14 units with a mix of 2 and 3 bedroom properties with one access point (as existing) off Wharf Road. The new housing would front the existing Wharf Road frontage where the site allows. The three bedroom properties internal to the site would front the new access road and would have the side elevation to plot 3 fronting Wharf Road. As the site slopes down from the access point to the canal and Wharf Road rises to bridge the canal, the side elevation to Plot 3 would primarily be hidden below first floor level. The new internal road creates a clearly defined public realm with private gardens that would be framed by buildings. However, the layout does lead to the development 'turning its back' to the canal and towpath. The site is heavily constrained by sewers and their relevant easements and as such, these have to sit within public areas leading to an enforced road layout and development parcels. However, the proposed layout is a result of discussions with your officers and the applicant following the previous withdrawn application, and I am satisfied that the proposed density and layout is acceptable, in accordance with policy in the BDP, NPPF and Places for Living.
- 6.8. The proposed 14 dwelling development would have separation distances and rear amenity areas that would generally comply with the guidelines in Places for Living. 1 of the three bedroom houses proposed would have rear garden area that would fall short of the 70sq.m guideline by 5sq.m.
- 6.9. All distance separation guidelines would be met apart from Plot 14.
- 6.10. Plot 14 would be adjacent to the rear boundaries of 129 and 127 Old Oak Road with its side elevation facing this boundary. Amended plans have been submitted that have moved and rotated the proposed dwellings on plots 13 and 14 to provide a greater separation distance and angle from the proposed front elevation to the boundary with 129 Old Oak Road. Using a 90 degree cone of view from the first floor

window overlooking to the nearest part of 129's garden for Plot 14, the separation distance would be 6.4m. This would be short of the Places for Living 5m per storey guideline, by 3.6m. However, I consider this would be acceptable as only a small area of the furthest part of the garden from the property at 129 would be overlooked within the 90 degree cone of view.

- 6.11. At roof/second floor level, a front dormer window would be fitted with a privacy fin to prevent overlooking from the second floor into the main part of the rear garden of 129 Old Oak Road.
- 6.12. The side elevation of Plot 14 would have a height to ridge of approximately 9.6m and to eaves of 6.6m. This elevation would be approximately 19m from the rear elevation of 129 Old Oak Road. This would be greater than the Places for Living guideline of 15.5m for three storey flank walls.
- 6.13. No objections have been received from the occupiers/owners of 127, 129 or 131 Old Oak Road and part of the application site has, over the past few years, been purchased from them. The properties have been visited by the Planning Officer to assess the impact of the proposed development on the existing properties. I consider that the impact is acceptable and would not lead to an unacceptable loss of privacy or outlook to either the rear gardens or rear habitable rooms of the properties in Old Oak Road.
- 6.14. All of the units would generally meet or exceed the national space standards for rooms and overall dwelling sizes, which although not yet adopted by the Council, do provide a useful yardstick to judge the adequacy of accommodation size.
- 6.15. The proposed development aims to be sensitive to the context of the surrounding area and appropriate to its character. The architectural style would be traditional in design adjacent to existing dwellings fronting Wharf Road whilst the dwellings internal to the site would have a more contemporary feel, both elements would utilise brick as the primary material. Buildings are designed to include details such as front door canopies, Juliette balconies at first floor and flat roof dormer windows.
- 6.16. Discussions have been undertaken with Officers during the course of the application and at pre-application stage following the previous withdrawn application, and the layout now proposed represents the result of these discussions. The layout identifies that the requirements of Places for Living would generally be met. As such, my design officer raises no objections on design, scale and layout issues. I concur with this view.

Access and Parking

- 6.17. Vehicular access to the site would be afforded by one access point from Wharf Road as currently existing on site. Pedestrian access would also be via this point. No access is proposed onto the canal towpath from the development. The road layout has been tracked for use by large vehicles and visibility for the site access has been assessed. The site access would require a highway modification through the stopping up of a small area of highway maintained at public expense fronting Wharf Road. No objection is raised to this.
- 6.18. Car parking provision on site would be provided at 200% for the three bedroom houses, 100% for the two bedroom houses and the provision of a further five visitor spaces. This provision would equate to an overall provision of 221%.

- 6.19. The application is supported by a Transport Statement that identifies that the site would generate a maximum of 7 two way trips during the peak period, which would have a negligible impact on the local road network. As such, the statement concludes that the development would have no adverse impact on the safety or operation of the surrounding road network.
- 6.20. I note the objections received from local residents regarding highway safety, visibility and car parking. The objections consider that the existing access is unsafe and the visibility in relation to the site access is insufficient. Transportation has reviewed the proposed development; its site access and layout and considers that the access would be safe subject to the provision of interactive speed signs on Wharf Road. The proposed site layout allows for the use of the existing access point and the requisite visibility splays to be provided/maintained. In relation to car parking, the proposed development would provide 31 spaces (including five visitor spaces) for 14 dwellings in line with your Committee's Car Parking Guidelines. As such, I consider the car parking provision to be sufficient for the proposed development and in accordance with policy.
- 6.21. Transportation has raised no objections subject to safeguarding conditions to secure the provision of interactive speed signs and reinstatement of redundant footway crossings. I concur with this view and a Section 278 condition is recommended below.

Ecology, Trees and Landscaping

- 6.22. As already noted, the site is significantly constrained by sewers and their easements leading to two development parcels and the road layout proposed. This also constrains the site for significant landscaping and tree planting. Approximately 20 new trees would be planted within the development and 4 existing trees on site would remain. The development would require the removal of 12 trees all of which are Category C or Category U and would comprise 2 Ash trees, 1 Elder, 1 Hawthorn, 2 Poplar and 6 Sycamore. The hedgerow along the eastern boundary would be retained.
- 6.23. An updated preliminary ecological appraisal was completed in early February 2017; this included a phase 1 habitat survey, protected species scoping assessment and ecological records search. Habitats present are recorded as poor semi-improved grassland, ruderal vegetation, dense and scattered scrub, scattered trees and bare ground. A species-poor hedge, dominated by hawthorn, is present along part of the boundary with the canal. Several stands of Japanese knotweed are present near the eastern boundary and a small clump of *Cotoneaster* sp. is present near the northern boundary.
- 6.24. All trees were inspected for their potential for roosting bats. The mature oak tree in the south-west corner, which is proposed for removal, was found to contain no suitable features. Remaining trees on the site are not of sufficient age/stature to contain suitable bat roost features. The canal corridor (including the hedgerow on the eastern boundary of the site) provides good habitat opportunities for foraging and commuting bats; there are records of a variety of bat species associated with the canal corridor and adjacent areas. Trees, areas of scrub and the hedgerow provide suitable habitat for nesting birds. Although there are records of other protected species (badger, water vole) in the local area, the likelihood of other protected species using the site is considered to be negligible, due to the site's previous use, poor quality habitats and its limited connectivity to other areas of suitable habitat. No evidence of badgers was found during the survey.

- 6.25. The City Ecologist raises no objections to the proposal and notes that the two identified invasive species – Japanese knotweed and Cotoneaster sp. – will need to be appropriately dealt with prior to construction works commencing. New planting, focusing on native trees and shrubs and “wildlife-friendly” ornamental varieties, should be provided to compensate for habitat losses. The rear gardens of units 3-14 will back on to the canal, reducing the likelihood that light spillage from new external lighting will cause disturbance to bats using the canal corridor for foraging and commuting. Supplementing the existing hedgerow with additional native tree and shrub planting, to create a continuous hedge/tree line along the boundary with the canal, will provide further screening/buffering and enhance habitat value along this section of the canal corridor.
- 6.26. My Landscape Officer considers that the Canal appears to have been ignored and that it needs to be overlooked. This issue has also been raised by the Canal and River Trust. In terms of landscaping; my Landscape Officer considers that taller growing, defensive, evergreen hedging / planting, and space for it, is needed in front of all visible rear garden boundaries and visible rear / side site boundaries.
- 6.27. Whilst I concur with my Landscape Officer and the Canal and River Trust that the scheme would be beneficial if the plots could be rotated to front the Canal, this cannot be undertaken due to the many easements that are located across the site. As previously explained, the easements create two development plots that can be used for buildings and the location of the proposed dwellings would match these development plots. The rotation of houses would mean a different placing on site leading to a development that could not be implemented due to the easements being located under dwellings rather than forming part of road areas and/or gardens. There is however, an opportunity to provide an access onto the canal, if required in the future, from the visitor car parking area.
- 6.28. I note the other comments made by my Landscape Officer and confirm that detailed landscaping plans have not been submitted with the application and a condition is therefore recommended to secure these details. On this basis, the issues regarding hedging and defensive planting can be addressed through conditions.

Other Issues

- 6.29. The site sits adjacent to the Kings Norton Medieval Village archaeology boundary. Your conservation officers have confirmed that no archaeological work is required to be undertaken in relation to the development of this site.
- 6.30. Flood Risk/Drainage and Noise are addressed through supporting statements of the planning application. Further work has been requested during the application on both of these issues.
- 6.31. Regulatory Services now raise no objection subject to a condition relating to noise insulation and I concur with this approach.
- 6.32. Severn Trent Water raises no objections subject to a drainage condition and this is recommended below. The Local Lead Flood Authority commented on the proposal and requested further information. This has been subsequently been submitted by the applicant and the LLFA now raise no objection to the proposal subject to safeguarding conditions relating to sustainable drainage and a sustainable drainage operation and maintenance plan. These are recommended below.

Community Infrastructure Levy (CIL) and Section 106 Requirements

- 6.33. The proposed development attracts a CIL contribution of £95,975.69.
- 6.34. As the site falls below the 15 dwelling threshold for affordable housing and below the 20 dwelling threshold for public open space, the development proposed would not generate the requirement for on or off site affordable housing or public open space.

7. Conclusion

- 7.1. The redevelopment of the site for housing accords with both national and local planning policy. The proposal is consistent with the key objectives of the BDP and would continue to deliver the attractive, quality neighbourhoods envisaged. The proposed mix of dwellings and house types would help to provide a balanced community and widen the choice of property available within the area. The scale, layout and design are acceptable and appropriate for the area and would contribute to meeting the City's housing needs.
- 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 see the redevelopment of a former contaminated industrial site for new residential development which would in turn provide economic and social benefits for the existing and new residential occupiers, whilst supporting the provision of local employment in construction and does not have an adverse environmental impact, I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

- 8.1. That no objection be raised to the stopping up of the areas of public highway within the application site access adjacent to Wharf Road and that the Department for Transport be requested to make an Order in accordance with Section 247 of the Town and Country Planning Act 1990.
- 8.2. That planning permission is granted subject to the conditions detailed below.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the prior submission of a contaminated land verification report |
| 4 | Requires the prior submission of a sustainable drainage scheme |
| 5 | Requires the prior submission of a drainage scheme |
| 6 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 7 | Requires the prior submission of a method statement for the removal of invasive weeds |
| 8 | Development to be undertaken in accordance with Ecological Survey |
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| 9 | Requires the prior submission a noise study to establish residential acoustic protection. |
| 10 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 11 | Requires the prior submission of hard and/or soft landscape details |
| 12 | Requires the prior submission of hard surfacing materials |
| 13 | Requires the prior submission of boundary treatment details |
| 14 | Requires the prior submission of a lighting scheme |
| 15 | Requires the prior submission of a construction method statement/management plan |
| 16 | Requires the prior submission of sample materials |
| 17 | Requires the prior submission of privacy fin details for dormer window to plot 14 |
| 18 | Removes PD Rights for hard surfacing of front garden |
| 19 | Removes PD rights for extensions |
| 20 | Prevents occupation until the turning and parking area has been constructed |
| 21 | Requires the prior submission of a residential travel plan |
| 22 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 23 | Requires the implementation of tree protection |
| 24 | Requirements within pre-defined tree protection areas |
| 25 | Arboricultural Method Statement and Tree Protection Plan - Implementation |
| 26 | Implement within 3 years (Full) |
-

Case Officer: Pam Brennan

Photo(s)



Photograph 1: Existing site entrance looking down Wharf Road (west)



Photograph 2: Existing site entrance looking east towards Parsons Hill

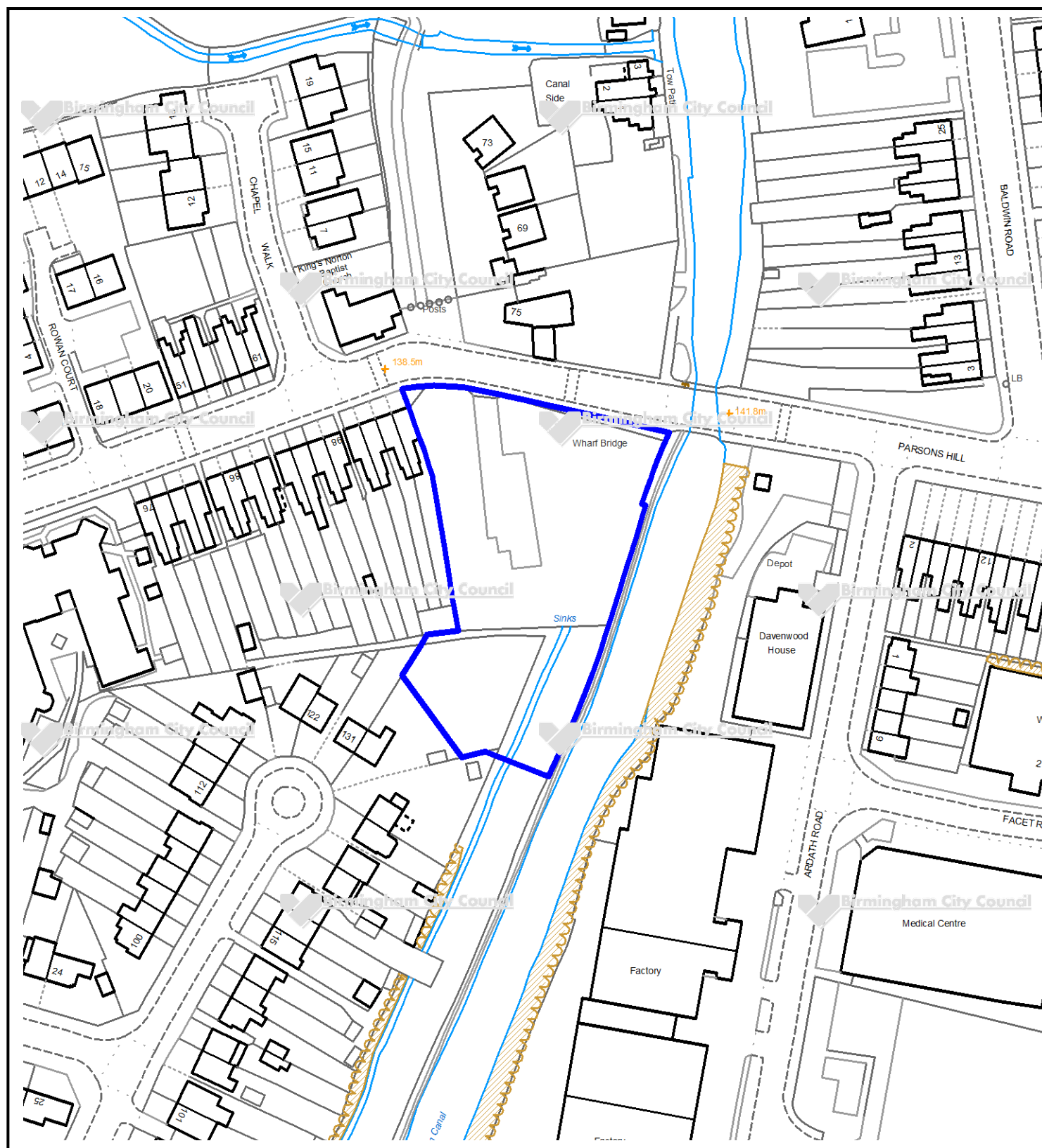


Photograph 3: View of site looking south.



Photograph 4: View of rear of 129 and 131 Old Oak Road when stood at rear boundary of 129 adjacent to proposed plot 14 – looking south-west.

Location Plan



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Committee Date:	30/03/2017	Application Number:	2016/08278/PA
Accepted:	04/10/2016	Application Type:	Full Planning
Target Date:	31/03/2017		
Ward:	Kings Norton		

Lifford Lane Waste Depot, Kings Norton, Birmingham, B30 3JJ

Demolition of existing Ablutions and Canteen Blocks, erection of two storey office building, installation of remote weighbridge, installation of new traffic management system and creation of new parking areas

Applicant:	Birmingham City Council Property Services, 10 Woodcock Street, Birmingham, B7 4BG,
Agent:	Acivico 1 Lancaster Circus, Queensway, Birmingham, B4 7DG

Recommendation
Determine

Report Back

- 1.1 At your Committee Meeting of 19th January 2017, Members requested that consideration of the application be deferred pending further information regarding whether or not it would be possible to improve traffic flow and reduce the number of vehicles queuing along Lifford Lane whilst waiting to access the waste depot site.
- 1.2 The Applicant, in consultation with Veolia (who operates the site), have looked at a range of alternative options in an effort to try and improve the situation with regard to traffic queuing at this site. The Applicant states that the only viable option at the present time, in order to try to alleviate Members' concerns, is for changes to the Household Recycling Centre that would increase car capacity and speed up unloading times, plus improved road markings and signalling around the site entrance. Other options (e.g. the widening of Ebury Road or reconfiguration of traffic lanes) are not viable at the current time due to either cost or highway safety issues.
- 1.3 Proposed changes within the Household Recycling Centre now include the creation of five additional unloading spaces within Zone 1 (increased to a total of 17 spaces). The Applicant has estimated that the additional unloading spaces created within Zone 1 would generate capacity for an additional 30 cars per hour to be accommodated by Zone 1.
- 1.4 Zone 2 within the Household Recycling Centre is currently not used on a regular basis due to previously not being staffed and the skips having steps up which not all the public can access. The Applicant is proposing that one member of staff would be employed to oversee this Zone so that it can be brought back into regular use and used on a daily basis.

- 1.5 All these measures within the Household Recycling Centre would allow for a greater number of cars to be accommodated on the site (as opposed to the highway) than is currently the case.
- 1.6 The Applicant is proposing to employ two members of staff within Zone 3 of the Household Recycling Centre (green waste) to assist the public with offloading, to speed up the process.
- 1.7 There are currently three traffic lanes along Ebury Road leading up to the site: the left hand lane for 'incoming' general public vehicles, the middle lane for 'incoming' fleet vehicles, and the right hand lane for all 'outgoing' vehicles. This will remain unchanged by the proposal. However, a new traffic gantry sign is proposed to be installed at the entrance to the site at the end of Ebury Road to make legible these respective lanes. The Applicant has also agreed to re-paint road markings on Ebury Road where it meets Lifford Lane to make these lanes more legible.
- 1.8 The proposed installation of new traffic signals and traffic islands at the entrance to the site (as outlined in the Original Officer Report below) is expected to improve safety issues and reduce conflicts relating to public and fleet vehicles crossing over on entering and leaving the site. Whilst it is proposed that the traffic controls will give fleet vehicles priority over public vehicles, this can be manually overridden by Household Recycling Centre staff if required.
- 1.9 Since your Committee's deferral of the application amended plans have been submitted which seek to reduce the height of the proposed office building by 1.6m to an overall height of 6.9m. The footprint of the proposed office building has also been amended slightly, but the quantum of internal floorspace remains similar. Fenestration has also been amended.
- 1.10 I am satisfied that the additional measures proposed would help to remove a greater proportion of cars off Lifford Lane and through the site when compared to the current situation. I respectfully remind Members that this application could not be successfully refused on traffic or highway safety grounds with respect to the existing highway problems, or to the proposed development, as the residual cumulative impacts of this development are not severe (Paragraph 32 of the NPPF). I hope that members will now feel sufficient measures have been incorporated into the scheme to alleviate some of their original concerns.

Original Report

1. **Proposal**
 - 1.1. The proposal is for the demolition of the existing Ablutions and Canteen blocks, erection of a new two storey office building, installation of a remote weighbridge, installation of a new traffic management system, and the creation of new parking areas.
 - 1.2. The existing Ablutions and Canteen blocks are single storey, brick, staff buildings located on the northern part of the site and having a gross internal floorspace of approximately 740sqm. After demolition the Applicant is proposing to clear and re-grade the land to provide a new parking area (Parking Zone 3).
 - 1.3. An existing temporary portable building located adjacent to the western site boundary and existing Weighbridge Office is proposed to be removed from the site.

- 1.4. The proposed new flat roofed, two storey, modular office building would be located towards the centre of the site and on its eastern boundary, and would provide offices, changing and welfare facilities for staff. It would have a total gross internal floorspace of 1,150sqm and would be rectangular shaped. It would measure 45m in length, a maximum of 15.6m in width, and have a height of 8.5m. It would accommodate shower, toilets, locker, and drying areas at ground floor, as well as an operation room, lobby and plant room. At first floor it would accommodate an open plan office area (to accommodate approximately 20 staff), toilets, kitchenette, training room and common room. It would be constructed of plastisol coated galvanised steel sheet wall panels in a Goosewing Grey finish, PPC aluminium parapet capping to fascias, and a blue brick plinth. Windows, which would be top hung and located at first floor only, would be of polyester powder coated aluminium in a dark grey finish. The main entrance door would be powder coated aluminium framed with glazing.
- 1.5. In order to accommodate the proposed new office building an existing fuel tank would be relocated adjacent to the western site boundary.
- 1.6. The proposed remote weighbridge would be installed along the main north-south vehicular access of the site, adjacent to the Household Recycling Centre.
- 1.7. Five new parking zones would be created across the site, for use by a variety of different refuse vehicles.
- 1.8. A new traffic management system would be installed incorporating two traffic islands and three sets of traffic control points (i.e. traffic lights) near to the site entrance to better direct and control vehicles using the Household Recycling Centre and works vehicles.
- 1.9. The site of the Household Recycling Centre would be extended further to the north.
- 1.10. Nine trees are proposed to be removed in total, all but one to make way for Parking Zone 3. The trees proposed to be removed are: Trees T1-T4 – All Category B trees (two sycamore and two silver birch) and Trees T5-T9 – All Category C trees (four silver birch and one goat willow).
- 1.11. A Tree Survey, Flood Risk Assessment, Ground Contamination Report and Transport Note have been submitted in support of the proposal.
- 1.12. The proposed development would not attract a CIL contribution. I have issued a Screening Opinion that determines that the proposed development does not require an Environmental Impact Assessment.
- 1.13. The site area is 2.3ha in size.
- 1.14. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of the majority of the large Lifford Lane Waste Depot, where a household recycling centre and waste transfer centre co-exist. The site accommodates buildings, parking areas and rubbish skips. The surrounding area is predominantly industrial in character

2.2. Vehicular access into the site is via the cul-de-sac of Ebury Road. Ebury Road joins Lifford Lane at its south-western end, 125m from the site access. The current access to the site separates private vehicles from refuse vehicles in two different lanes exiting the site.

2.3. Immediately adjoining the site to the east and north is Lifford Reservoir Site of Importance for Nature Conservation (SINC). Immediately adjoining the site to the west is the Worcester and Birmingham Canal – a Site of Local Importance for Nature Conservation (SLINC) and Wildlife Corridor, and the Lifford Chemical Works Archaeological Site.

2.4. [Site Location Map](#)

3. Planning History

3.1. 16th August 2001 - 2001/02917/PA - New ground and 1st floor office accommodation extension – Approved-conditions

4. Consultation/PP Responses

4.1. Transportation Development – No objection

4.2. Regulatory Services – No objection – Subject to conditions requiring submission of a contamination remediation scheme and a contaminated land verification report

4.3. West Midlands Fire Service – No objection

4.4. Environment Agency – No objection – Subject to condition requiring submission of a contamination remediation scheme should unsuspected contamination be found on site

4.5. Lead Local Flood Authority (LLFA) – No objection – Subject to conditions requiring submission of a revised Sustainable Drainage Assessment, and Sustainable Drainage Operation and Maintenance Plan for detailed drainage design

4.6. Severn Trent Water – No response received

4.7. The Ramblers – No response received

4.8. Local occupiers, Ward Councillors, Residents Associations and M.P. notified. Advertised by press and site notice – One letter of general comment received from a neighbouring business raising the concern that the application makes no effort to deal with appalling traffic conditions that exist at times as a consequence of the traffic going to/from the site

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan 2005 (Saved Policies)

- Places for All SPG
- Adjoining Lifford Chemical Works Archaeological Site
- Adjoining Lifford Reservoir SINCE
- Adjoining Worcester and Birmingham Canal SLINC and Wildlife Corridor

5.2. The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

Principle

- 6.1. I consider the main planning issues to be assessed under this application are the design of the proposed new buildings; and the impact of the proposal on highway safety; drainage; trees and wildlife; and ground contamination.
- 6.2. Policy TP14 of the BDP explains that the expansion of existing, or the development of new, waste management facilities will be supported, providing that proposals satisfy the locational criteria set out in Policy TP15 and that opportunities to improve the environmental performance of existing facilities will be explored. Policy TP15 states that locations considered suitable for developments that involve the management, treatment and processing of waste include sites currently or previously in use as waste management facilities. The current proposal relates to the rationalisation of the existing operation and, as such, these policies are of only limited relevance.
- 6.3. The Lifford Lane Waste Depot is a longstanding site in use for waste management and therefore the proposed development to improve working conditions for the staff that are employed at the site and to improve the operation, circulation and parking on the site would in turn help to improve the environmental performance of the existing facility.

Design of New Buildings

- 6.4. Chapter 7 of the NPPF focuses on good design as a key element of sustainable development. Paragraph 56 states “*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.*”
- 6.5. Policy PG3 of the BDP confirms the importance of place making. Saved Paragraphs 3.14D-E of the Birmingham UDP advises that new development should be designed in accordance with good urban design principles. The Council’s Places for All SPG provides more detailed design guidance.
- 6.6. I consider the demolition of the existing Canteen and Ablutions blocks to be acceptable, given these buildings are of no architectural merit. The proposed two storey replacement modular office building would be functional and utilitarian in terms of its design. However, given its proposed location, deep into the Waste Depot site, and the fact that it would not be possible to view the building from either the public realm or any private residences I consider its siting, scale and appearance would be acceptable.

Highway Safety

- 6.7. Paragraph 32 of the NPPF advises that “...*Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*”
- 6.8. Policy TP37 of the BDP states that “*The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported.*” It sets out a series of measures which would require the delivery of a sustainable transport network. Policy TP43 is concerned with traffic and congestion management. It states that the efficient, effective and safe use of the existing transport network will be promoted through a series of measures including targeted construction of new accesses to provide access to development/redevelopment sites, and ensuring that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.9. The submitted Transport Note confirms that there would be no increase in the number of staff or fleet vehicles as part of the proposed development. On this basis Transportation Development have raised no objection to the proposal, although note their disappointment that the proposed development does not seek to relieve issues of backing up out of the site onto Lifford Lane from the public queuing areas. The proposed new traffic signals are intended to control the access and flow of refuse vehicles and private vehicles, to prevent conflicts between opposing vehicles paths, but whilst improving flow and safety within the site itself. Transportation Development advise that the works are unlikely to have any positive effect on the existing queuing issues. However, the proposed works would not make the situation any worse than existing. Also, I note the introduction of a public webcam which allows users of the recycling centre to check whether there are traffic queues at the site ahead of their visit, in order to allow a visit at a quieter time, thereby minimising local congestion.

Drainage

- 6.10. Policy TP6 of the BDP requires that as part of their Flood Risk Assessment (FRA) and Sustainable Drainage Assessment developers should demonstrate that the disposal of surface water from the site will not exacerbate existing flooding and that exceedance flows will be managed. Sustainable Urban Drainage Systems (SuDS) should also be utilised in order to minimise flood risk.
- 6.11. The submitted FRA confirms that the majority of the site is located within Flood Zone 1 and is therefore at low risk of surface water flooding and low risk of flooding from Lifford Reservoir located to the east of the site. There is a very small section of the south west corner of the site located within Flood Zone 3. However, nothing is proposed to be built within this section of the site. The footprint of the proposed new office building would measure 596sqm in size, and the FRA confirms that there would be no increase in impermeable area resulting from the proposal (taking into account the demolition of the existing Ablutions and Canteen blocks). The FRA confirms that there is no history of flooding on the site and that the proposed development would not be expected to displace any flood waters. The Environment

Agency have raised no objection to the proposed development, subject to attaching a condition requiring submission of a contamination remediation scheme.

- 6.12. In terms of drainage, the proposed new building would discharge at 5l/s into the existing foul and surface water drainage networks on the site (which discharge into the River Rea). The required attenuation up to and including the 1 in 100 year event would be 16m³, which would be stored within an underground attenuation tank to be constructed immediately to the north of the proposed office building. Due to the presence of significant depths of loose made ground the proposed development would be unsuitable for soakaway drainage, due to the risk of wash out of fines causing inundation settlement. The Lead Local Flood Authority (LLFA) have raised no objection to the proposal in principle, but recommend attaching conditions to any consent requiring submission of a revised Sustainable Drainage Assessment and revised Sustainable Drainage Operation and Maintenance Plan to deal with detailed drainage design.

Ground Contamination

- 6.13. Paragraph 121 of the NPPF explains that new development should be appropriate for its location taking account of ground conditions and land instability including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.
- 6.14. The submitted Ground Contamination Report found significant depths of made ground (sandy ash with demolition waste) beneath the surface materials and was highly variable and loose in places. As such it confirms that the area for the proposed offices would be unsuitable for conventional foundations and ground improvement techniques, and a piled foundation solution should be considered. The Report recommends that consideration could be given to undertaking further tests of the made ground as this may show an overall reduction in the classification of waste should it also have to be disposed to landfill.
- 6.15. The Report states that ground gas testing showed elevated levels of carbon dioxide and depleted concentrations of oxygen within monitoring standpipes. It recommends that basic gas protection measures are required for the proposed building. The Report confirms the presence of loose asbestos fibres in a sample of made ground and it recommends appropriate measures will be needed to control dust during construction. It explains that the asbestos does not require remediation for the proposed building as it would be isolated by the structure and surrounding surface cover. Tests also showed an elevated level of lead, but again this would not require remediation for the reason given above. The lead is not present in a soluble form and would not impact on any nearby surface water.
- 6.16. Other tests showed that the suspected historical fuel (diesel) spillage/leak would not be significant for either the proposed development or having a potential impact beyond the site boundary. No significant levels of dioxins and dioxin-like compounds were detected by testing. The Report recommends that appropriate health and safety measures would need to be taken when handling contaminated soils and entering confined spaces below ground level.
- 6.17. Regulatory Services have raised no objection to the proposed development subject to attaching conditions to any consent requiring submission of a contamination remediation scheme and contaminated land verification report to ensure that all the

remedial measures indicated in the submitted Ground Contamination Report are implemented. The Environment Agency have requested a similar such condition.

Trees and Wildlife

- 6.18. Policy TP7 of the BDP explains that the City Council will seek to maintain and expand a green infrastructure network throughout Birmingham. It recognises that all trees, groups, areas and woodlands will be consistently and systematically evaluated for protection and all new development schemes should allow for tree planting in both the private and public domains.
- 6.19. Nine trees are proposed to be removed in total: Trees T1-T4 – All Category B trees (two sycamore and two silver birch) and Trees T5-T9 – All Category C trees (four silver birch and one goat willow). The City's Arboricultural Officer has raised no objection to the proposed tree removals within the site, which he considers have no wider amenity value, and the close association with the buildings to be demolished would make retention difficult. He recommends that replacement trees be planted on the site through a landscaping condition. Tree replacement should be included in landscaping as indicated in the proposal.
- 6.20. The City's Arboricultural Officer advises that the existing hardstanding within the site should serve as adequate ground protection around the proposed office building and that tree protection conditions should not be necessary.
- 6.21. Policy TP8 of the BDP explains that development which directly or indirectly causes harm to local sites of importance for biodiversity and geology, priority habitats and important geological features, species which are legally protected, in decline, are rare within Birmingham or which are identified as national or local priorities will only be permitted in exceptional circumstances. These circumstances being if it has been clearly demonstrated that the strategic need for the proposal outweighs the need to safeguard the importance of the designated site, important habitat or species, that damage is minimised and measures can be put in place to mitigate remaining impacts, and that where damage cannot be avoided or fully mitigated appropriate compensation is secured.
- 6.22. A bat and nesting bird survey of the trees to be removed has been submitted as part of this application. It was found that none of these trees were identified as suitable for bat roosts, and no old or 'in use' bird nests were found.
- 6.23. The site adjoins Lifford Reservoir SINC to the east and the Worcester and Birmingham Canal SLINC and Wildlife Corridor to the west. I am satisfied that, given the scale of the proposed works, the effects would be relatively minor and the fact that the proposed works would generally be sited away from the boundaries of the Waste Depot site, the proposed development would not have any adverse impacts on the nature conservation value of these adjoining sites.

Other Issues

- 6.24. The City's Archaeologist has informally advised that the proposed development would unlikely adversely affect the Lifford Chemical Works Archaeological Site which is located on the Worcester and Birmingham Canal, adjoining the site to the west.

7. Conclusion

7.1. I consider that the proposed development would help to improve both working conditions for staff and the operation of the existing waste depot, without having any adverse impacts on highway safety, trees and wildlife, drainage and ground contamination. As such I consider that the proposal would constitute sustainable development and I recommend that planning permission is granted.

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 a contamination remediation scheme |
| 3 | Requires the prior submission of a contaminated land verification report |
| 4 | Requires the prior submission of a sustainable drainage scheme |
| 5 | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan |
| 6 | Requires the prior submission of sample materials |
| 7 | Requires the prior submission of hard and/or soft landscape details |
| 8 | Implement within 3 years (Full) |
-

Case Officer: Andrew Conroy

Photo(s)

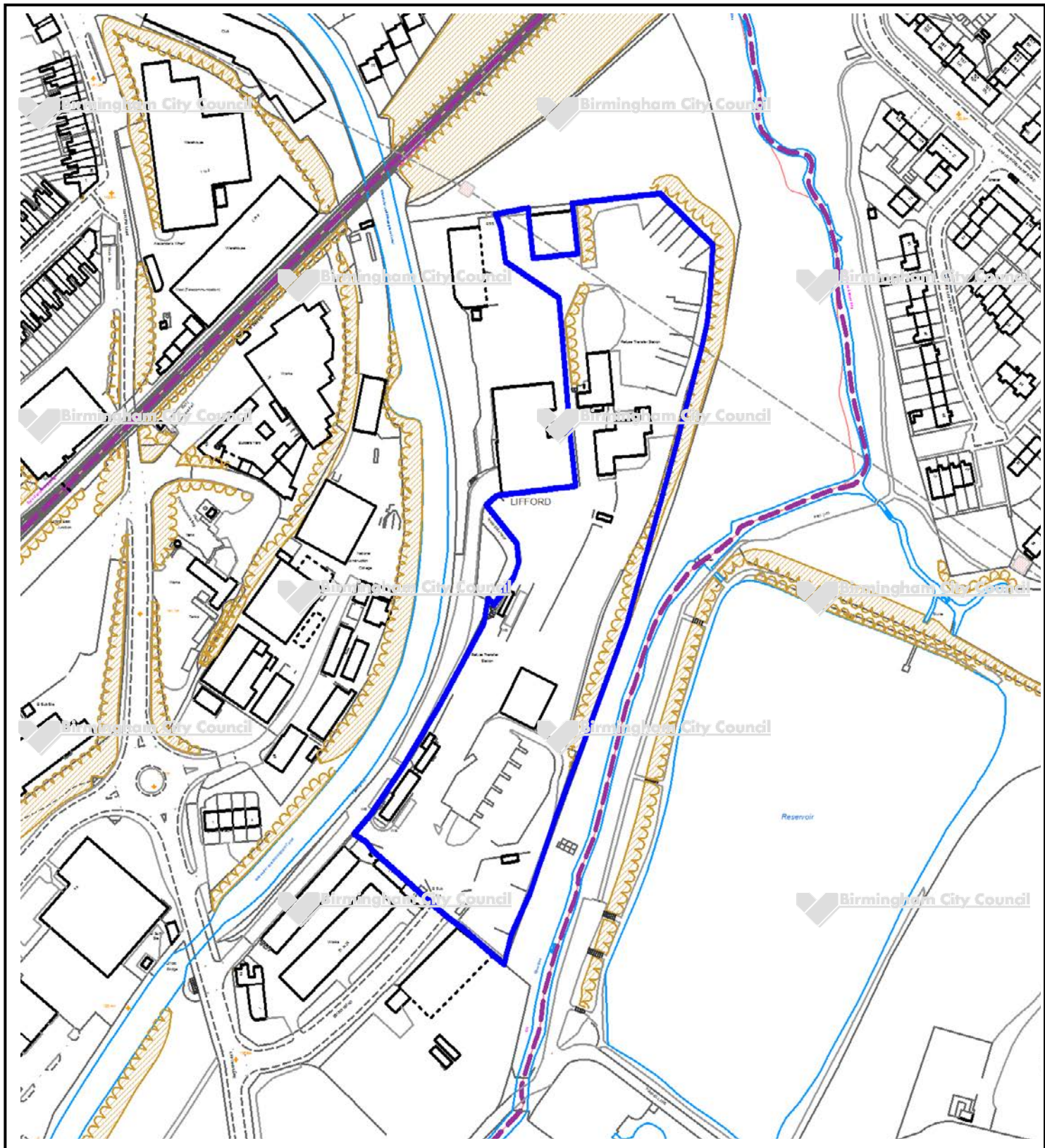


Figure 1 – Looking north from site entrance (Weighbridge Office on left)



Figure 2 – Looking south, to the west elevation of Ablutions/Canteen Blocks (to be demolished)

Location Plan



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Committee Date:	30/03/2017	Application Number:	2016/10627/PA
Accepted:	05/01/2017	Application Type:	Householder
Target Date:	02/03/2017		
Ward:	Hall Green		

39 Delamere Road, Birmingham, B28 0EP

Erection of single and two storey rear, two storey side and single storey front extension

Applicant: Mr Zulfiquar Ali
39 Delamere Road, Birmingham, B28 0EP
Agent: The Architectural Consultancy Ltd
5 Sandy Croft, Moseley, Birmingham, B13 0EP

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a two storey side and rear, and single storey front and rear extensions. The proposed development would provide a new shower room and an extended lounge/diner and kitchen at ground floor and an extended bedroom, new bedroom and bathroom at first floor.
- 1.2. The proposed two storey extension would extend 1.7m in width and 3.5m deeper than the rear of the original property. This is designed at a total height of 7.9m (5.2m to eaves). The single storey rear extension would extend across the rear elevation at a maximum depth of 5m along the boundary with No. 37 and 3.5m along the boundary with No. 41. This element is designed at a maximum height of 3.5m (2.6m to eaves). The front extension measures 5m in width and extends 700mm from the front wall of the main house, at a total of 3m in height (2.6 to eaves).

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a traditional semi detached dwelling house designed with a hipped roof and single storey bay window feature to the front. The application site is located within a residential cul de sac and reflects the style, character and design of neighbouring dwelling No.41, however, the street comprises of a variety of detached bungalows and similar styled semis. The property has an existing side garage and utility which projects along the boundary with No.37 and has a modest outbuilding to the rear. The existing garage, utility and outbuilding would be replaced by the proposal. The rear garden is defined by approx.1.4m high fencing to No.37 and 1.8m high fencing to No.41.
- 2.2. No.37 is a modest detached bungalow with a hipped roof. This dwelling has a single storey lean-to that projects along the boundary with the application site. This property has a single storey rear utility and lean-to that projects to a similar depth to

that of the proposed extension. The closest habitable room window is sited in the rear elevation adjacent to the rear outbuilding and that sources light to a kitchen.

- 2.3. No.41 is the adjoining semi that has been extended with a modest rear extension that projects 1.55m from the original rear wall and has a patio door closest to the boundary with the application site. It also has a rear dormer window.
- 2.4. There are other two storey side/rear and single storey rear extensions approved within the street, including Nos.24, 58 and opposite the application site No. 40.

Site Location

3. Planning History

- 3.1. 19/11/2014 - 2014/06874/PA - Erection of two storey side and rear extension, and single storey rear extension and front porch - Approved subject to Conditions

4. Consultation/PP Responses

- 4.1. Local ward councillors and the occupiers of neighbouring properties have been consulted. Two responses received; objections have been raised in respect of:
 - Scale/design
 - Loss of light/outlook
 - Maintenance
 - Impact neighbouring structures at time of building works/subsidence
 - Drainage

Councillor Bowles requested the application be determined by the Planning Committee, considering it a contentious application and so seeking Members' decision, and allowing objectors the opportunity to present their case.

5. Policy Context

- 5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan saved policies 3.14 – 3.14D & Chapter 8 (Adopted 2005)
- Birmingham Development Plan (Adopted 2017)
- Places For Living (Adopted Supplementary Planning Guidance 2001)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
- Extending your Home (Adopted Supplementary Planning Document 2007)

- 5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. The main issues for consideration are the scale and design of the proposal as well as the impact on neighbouring amenities.
- 6.2. This application follows a previously approved application (2014/06874/PA). It is now proposed to increase the footprint of the development to the rear, from 3.25m to a maximum depth of 5m.

- 6.3. During the course of the current application, amended plans have been secured that reduced the length of the proposed rear extension along the boundary with No. 41 by 1.8m and the proposed first floor extension along the boundary with No. 37 by 1.5m in order to comply with your committee's 45 Degree Code. Whilst the proposed kitchen extension closest to the boundary with No. 37 still breaches the 45 Degree line, this would be screened by the existing attached structures at no. 37.
- 6.4. The proposal includes two first floor windows in the side elevation facing the boundary with No. 37 which would fall short of the required distance separation of 5m per storey to neighbouring boundaries. However as these windows would not light habitable rooms (landing, and bathroom) a condition is attached to ensure that they are fitted with obscure glazing and inward opening only.
- 6.5. The proposed development complies with all remaining distance separation guidelines contained in 'Places for Living' and 'Extending your Home'. The scheme as amended would not result in a detrimental impact on the amenities of the occupiers of the neighbouring properties by way of loss of light, outlook or overlooking. A condition is attached removing permitted development rights for additional windows to be inserted in the future, to prevent overlooking.
- 6.6. The scale and design of the resulting development is in keeping with the original dwelling house and would not compromise the existing character or architectural appearance of the property. Due to the neighbouring property being a bungalow there would be no terracing impact between the application property and No. 37 and there would be no impact on the character of the wider street scene. As such, the development would comply with the design principles contained within the design guide 'Extending Your Home' Supplementary Planning Document.
- 6.7. Apart from the above issues, concerns have been raised by neighbours about drainage. The development would amend the property's existing drainage as necessary and in accordance with the Building Regulations. Concerns raised in respect of maintenance and subsidence remain a private matter between neighbours and cannot be taken into consideration when assessing this application.
- 6.8. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. I consider that the proposed development as amended complies with the objectives of the policies outlined above. As such the development would not cause sufficient detriment to warrant a refusal of the application.

8 Recommendation

- 8.1. Approve subject to the following conditions

-
- | | |
|---|---|
| 1 | Requires that the materials used match the main building |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the prior submission details obscure glazing for specific areas of the approved building |
-

4 Removes PD rights for new windows

5 Implement within 3 years (Full)

Case Officer: Philip Whittaker

Photo(s)



Photograph 1: Front elevation and No. 37



Photograph 2: Rear Elevation

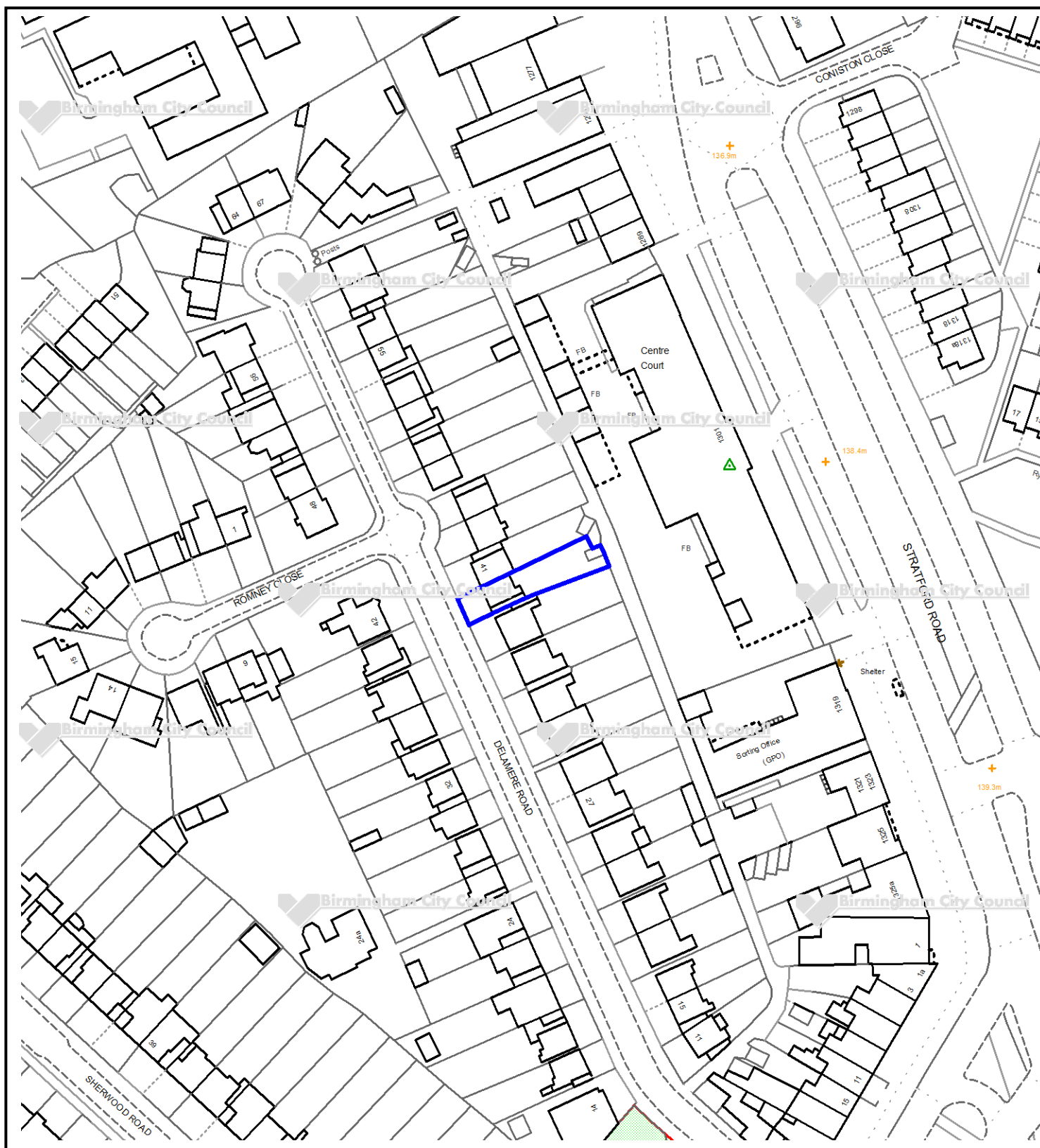


Photograph 3: Rear and rear No. 41



Photograph 4: Rear No. 37

Location Plan



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Committee Date:	30/03/2017	Application Number:	2017/01254/PA
Accepted:	09/02/2017	Application Type:	Advertisement
Target Date:	06/04/2017		
Ward:	Edgbaston		

Edgbaston Road (between junctions with Pershore Road and Cannon Hill Road), Edgbaston, Birmingham, B12

Display of 20 non-illuminated lamppost advertisement banners

Applicant: Birmingham City Council
10 Woodcock Street, Aston, Birmingham, B7 4BG
Agent: Bay Media Limited
18-19 Deane House Studios, Greenwood Place, London, NW5 1LB

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application proposes the installation of 20no non-illuminated advertisement banners on lampposts along Edgbaston Road, between its junction with Pershore Road and Cannon Hill Road, Edgbaston.
- 1.2. The banners would be attached to the lamppost columns 2.8m above ground level (to the base of the advert) and would measure 2.2m in height and 0.79m in width. The banners would be made of PVC which would be affixed top and bottom to arms attached to the lamppost column. The banners are typically spaced some 25m to 40m apart.
- 1.3. The Applicant states the adverts are to be mostly for city events with limited commercial content, overseen by the City's Corporate Strategy Team.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises 20no lampposts situated on both sides of Edgbaston Road between the junctions with Pershore Road and Cannon Hill Road. These lighting columns form part of the general highway infrastructure along this main road.
- 2.2. The area surrounding the site is predominantly commercial in character, with Edgbaston Cricket ground to the north, and the entrance to Cannon Hill Park to the south east (a Grade II* historic park). On the south side of Edgbaston Road, from west to east are: dance students' residential accommodation, Aldi, Hemisphere flats, and a long-vacant commercial development plot.

[Location map](#)

3. Planning History

- 3.1. None relevant on the application site, however this application forms one of a number of such submissions considered by your committee.

4. Consultation/PP Responses

- 4.1. Transportation – No objection, subject to condition regarding the distance from the kerb.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017.
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies).
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF) (2012).

6. Planning Considerations

- 6.1. The Town and Country Planning (Control of Advertisements) Regulations (2007) restrict Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements.

AMENITY

- 6.2. The NPPF, at policy 67, states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building or their surroundings should be subject to a Local Authority's detailed assessment. Finally it states that cumulative impact should be considered.
- 6.3. The proposed adverts would be in scale with the existing street and would not dominate the highway environment. The banners would be situated at appropriate locations and would not over-burden the street with advertising. The adverts would read as part of the highway infrastructure and are primarily aimed at motorists rather than pedestrians. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs acceptable.
- 6.4. The applicant carried out a pre-application enquiry. The Planning Officer requested the then-proposed signs alongside the northern boundary of Cannon Hill Park (registered historic park) be removed, and that request has been heeded with this formal application submission.

- 6.4. I therefore raise no objection to the proposed adverts on the grounds of amenity.

PUBLIC SAFETY

- 6.5. The proposed advertisement banners would form part of the highway environment and an appropriate level of forward visibility is provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such banners are not an unusual feature within main highways and therefore would not cause an unacceptable degree of driver distraction.

6.6. Transportation Development raises no objection subject to confirmation that the advertisement panels would be a sufficient distance from the kerb edge so as not to conflict with vehicular traffic. I concur with this conclusion and an appropriate condition is recommended.

6.7. I therefore raise no objection to the proposals on public safety grounds subject to the imposition of a suitable safeguarding condition.

7. Conclusion

7.1. This proposal would not result in harm to amenity or public safety. This proposal therefore meets with the policy context and is recommended for approval.

8. Recommendation

9. Temporary Approval subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires banners to be situated either at 500mm from kerb or no closer to highway. |
| 3 | Limits the approval to 5 years (advert) |
-

Case Officer: James Mead

Photo(s)

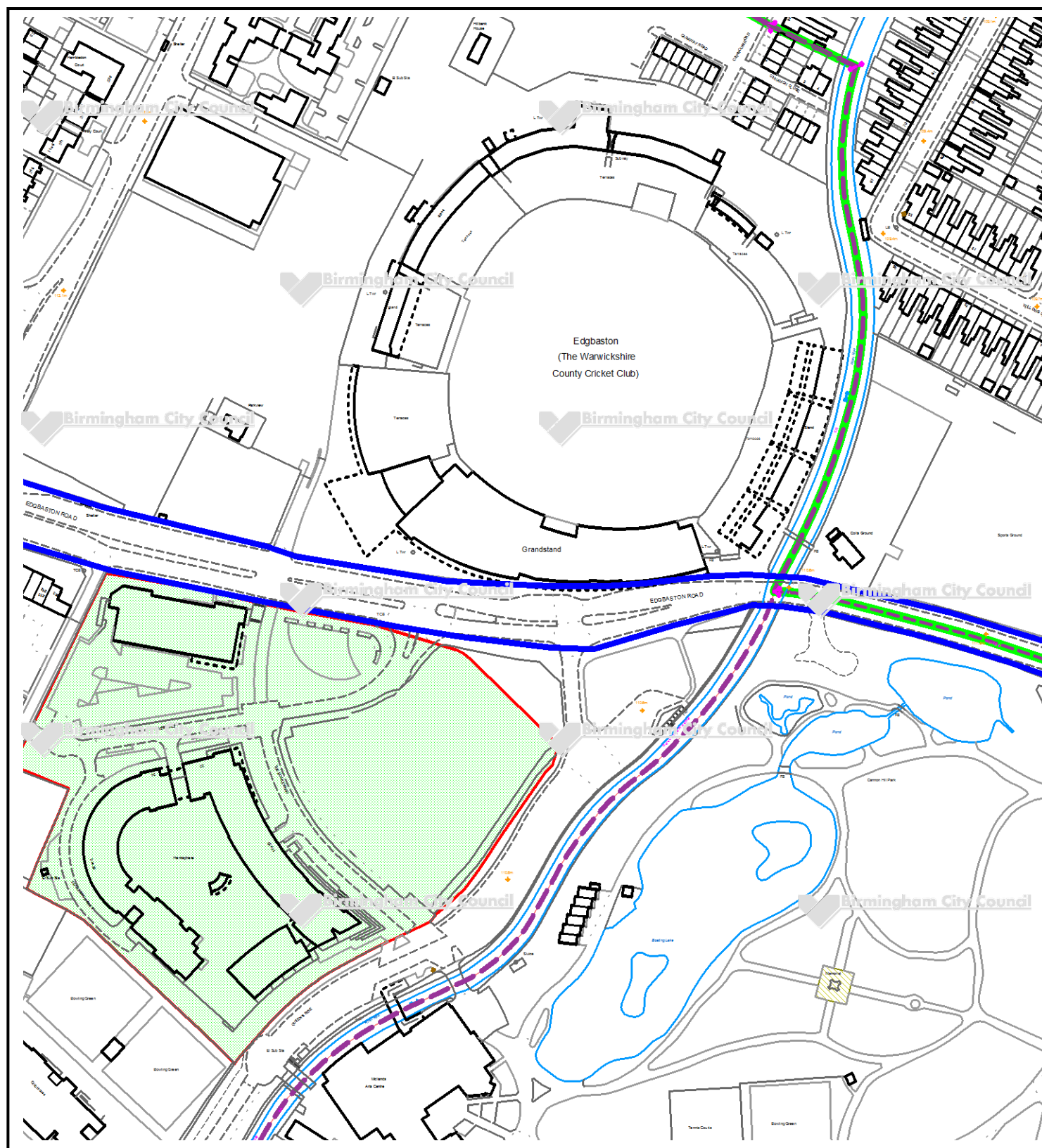


Photograph 1: View along Edgbaston Road towards Pershore Road



Photograph 2: View along Edgbaston Road looking towards Cannon Hill Road.

Location Plan



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Committee Date:	30/03/2017	Application Number:	2017/01266/PA
Accepted:	09/02/2017	Application Type:	Advertisement
Target Date:	06/04/2017		
Ward:	Edgbaston		

Bristol Road (between junctions with Wellington Road and Speedwell Road), Edgbaston, Birmingham, B5

Display of 8 non-illuminated lamppost advertisement banners

Applicant: Birmingham City Council
10 Woodcock Street, Aston, Birmingham, B7 4BG
Agent: Bay Media Limited
18-19 Deane House Studios, 27 Greenwood Place, London, NW5
1LB

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application proposes the installation of 8no non-illuminated advertisement banners on lampposts along Bristol Road, between its junction with Wellington Road and Speedwell Road, Edgbaston.
- 1.2. The banners would be attached to the lamppost columns 2.8m above ground level (to the base of the advert) and would measure 2.2m in height and 0.79m in width. The banners would be made of PVC which would be affixed top and bottom to arms attached to the lamppost column. The banners are spaced some 15m and 40m apart.
- 1.3. The Applicant states the adverts are to be mostly for city events with limited commercial content, overseen by the City's Corporate Strategy Team.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises 8no lampposts situated on both sides of Bristol Road South between the junctions with Wellington Road and Speedwell Road. These lighting columns form part of the general highway infrastructure along this main road.
- 2.2. The area surrounding the site is predominantly residential in character, with detached dwellings to the western side of Bristol Road, with flatted developments to the eastern side of the road. There is a small parade of shops at the junction with Wellington Road.
- 2.3. The western side of Bristol Road is located within the Edgbaston Conservation Area.

[Location map](#)

3. Planning History

- 3.1. None relevant on the application site, however this application forms one of a number of such submissions considered by your committee.

4. Consultation/PP Responses

- 4.1. Transportation – No objection, subject to condition regarding the distance from the kerb.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017.
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies).
 - Edgbaston Conservation Area.
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF) (2012).

6. Planning Considerations

- 6.1. The Town and Country Planning (Control of Advertisements) Regulations (2007) restrict Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements.

AMENITY

- 6.2. The NPPF, at policy 67, states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building or their surroundings should be subject to a Local Authority's detailed assessment. Finally it states that cumulative impact should be considered.
- 6.3. The proposed adverts would be in scale with the existing street and would not dominate the highway environment. The banners would be situated at appropriate locations and would not over-burden the street with advertising. The adverts would read as part of the highway infrastructure and are primarily aimed at motorists rather than pedestrians. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs acceptable.
- 6.4. In addition, the signs are non-illuminated and appropriate in scale and design. Given this, they would have no detrimental impact on the visual amenity or character of the Edgbaston Conservation Area at this busy main road location.
- 6.5. I therefore raise no objection to the proposed adverts on the grounds of public amenity.

PUBLIC SAFETY

- 6.6. The proposed advertisement banners would form part of the highway environment and an appropriate level of forward visibility is provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such

banners are not an unusual feature within main highways and therefore would not cause an unacceptable degree of driver distraction.

6.7. Transportation Development raises no objection subject to confirmation that the advertisement panels would be a sufficient distance from the kerb edge so as not to conflict with vehicular traffic. I concur with this conclusion and an appropriate condition is recommended.

6.8. I therefore raise no objection to the proposals on public safety grounds subject to the imposition of a suitable safeguarding condition.

7. Conclusion

7.1. This proposal would not result in harm to amenity or public safety. This proposal therefore meets with the policy context and is recommended for approval.

8. Recommendation

9. Temporary Approval subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires banners to be situated either at 500mm from kerb or no closer to highway. |
| 3 | Limits the approval to 5 years (advert) |
-

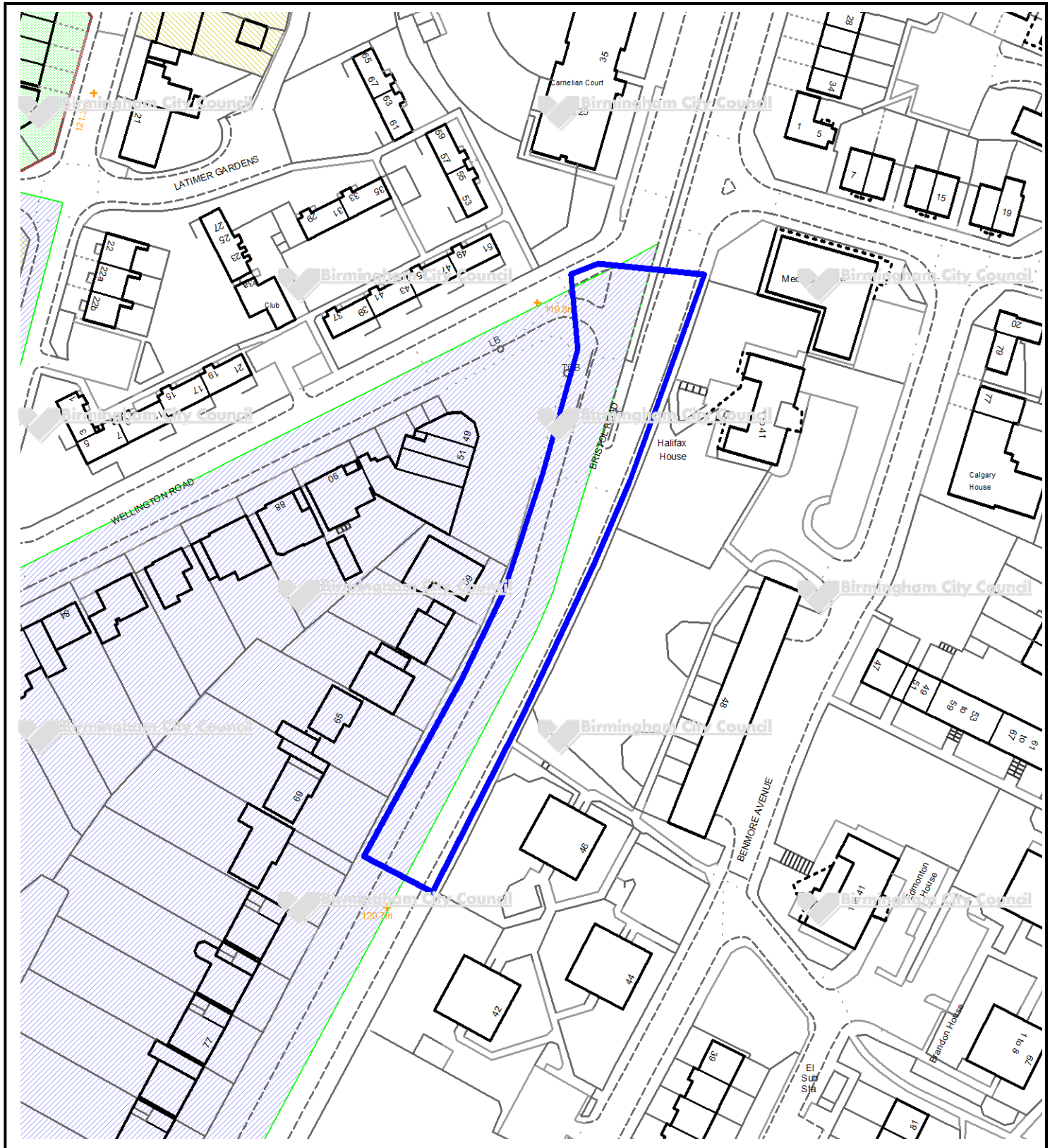
Case Officer: James Mead

Photo(s)



Photograph 1: View looking south along Bristol Road from Wellington Road junction.

Location Plan



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Birmingham City Council

Planning Committee

30 March 2017

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	19	2017/01271/PA Soho Road (between junctions of Linwood Road and Thornhill Road) Handsworth Birmingham B21 Display of 20 non-illuminated lamppost advertisement banners
Approve – Temporary	20	2017/01270/PA Soho Road (between Oakland Road and Alfred Road) Handsworth Birmingham B21 Display of 12 non-illuminated lamppost advertisement banners

Committee Date:	30/03/2017	Application Number:	2017/01271/PA
Accepted:	17/02/2017	Application Type:	Advertisement
Target Date:	14/04/2017		
Ward:	Lozells and East Handsworth		

Soho Road (between junctions of Linwood Road and Thornhill Road),
Handsworth, Birmingham, B21

Display of 20 non-illuminated lamppost advertisement banners

Applicant:	Birmingham City Council 10 Woodcock Street, Aston, Birmingham, B7 4BG
Agent:	Bay Media Limited 18-19 Deane House Studios, 27 Greenwood Place, London, NW5 1LB

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application proposes the installation of 20no non-illuminated advertisement banners on lampposts along Soho Road, between its junction with Linwood Road and Thornhill Road, Handsworth.
- 1.2. The banners would be attached to the lamppost columns 2.8m above ground level (to the base of the advert) and would measure 2.2m in height and 0.79m in width. The banners would be made of PVC which would be affixed top and bottom to arms attached to the lamppost column. The banners are typically spaced some 10m to 20m apart, but with wider gaps in places.
- 1.3. The Applicant states the adverts are to be mostly for city events with limited commercial content, overseen by the City's Corporate Strategy Team.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises 20no lampposts situated on both sides of Soho Road between the junctions with Linwood Road and Thornhill Road. These lighting columns form part of the general highway infrastructure along this main road.
- 2.2. The area surrounding the site is predominantly commercial in character.

2.3. [Site Location Map](#)

3. Planning History

- 3.1. None relevant on the application site, however this application forms one of a number of such submissions considered by your committee.

4. Consultation/PP Responses

- 4.1. No public consultation required.
- 4.2. Transportation Development – No objection.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017.
 - Birmingham Unitary Development Plan (UDP) 2005 (saved policies).
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF) (2012).

6. Planning Considerations

- 6.1. The Town and Country Planning (Control of Advertisements) Regulations (2007) restrict Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements.

AMENITY

- 6.2. The NPPF, at policy 67, states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building or their surroundings should be subject to a Local Authority's detailed assessment. Finally it states that cumulative impact should be considered.
- 6.3. The proposed adverts would be in scale with the existing street and would not dominate the highway environment. The banners would be situated at appropriate locations and would not over-burden the street with advertising. The adverts would read as part of the highway infrastructure and are primarily aimed at motorists rather than pedestrians. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs acceptable.
- 6.4. I therefore raise no objection to the proposed adverts on the grounds of amenity.

PUBLIC SAFETY

- 6.5. The proposed advertisement banners would form part of the highway environment and an appropriate level of forward visibility is provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such banners are not an unusual feature within main highways and therefore would not cause an unacceptable degree of driver distraction.
- 6.6. Transportation Development raise no objection to the proposed advertisement banners. I concur with this view. The advertisement banners would be attached to lamppost columns along this stretch of public highway with the banners having a 2.4m clearance from ground level. The advertisement banners would not impact on any pedestrian or vehicular visibility splay.
- 6.7. I therefore raise no objection to the proposals on public safety grounds subject to the imposition of a suitable safeguarding condition.

7. Conclusion

- 7.1. This proposal would not result in harm to amenity or public safety. This proposal therefore meets with the policy context and is recommended for approval.

8. Recommendation

- 8.1 Temporary Approval subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires banners to be situated either at 500mm from the kerb or no closer to the highway. |
| 3 | Limits the approval to 5 years (advert) |
-

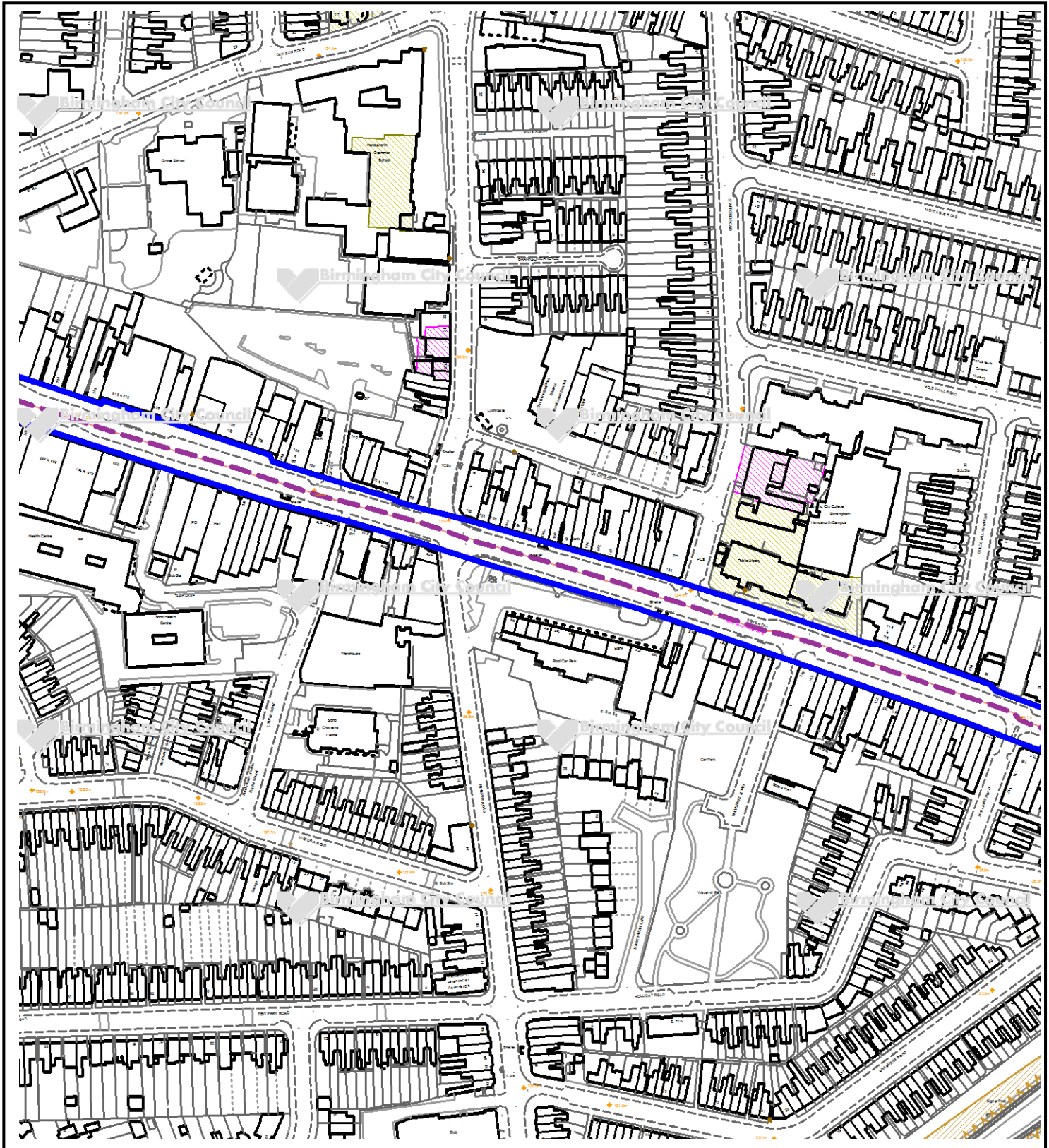
Case Officer: Stephanie Hollands

Photo(s)



Figure 1 – View down application site from Thornhill Road

Location Plan



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Committee Date:	30/03/2017	Application Number:	2017/01270/PA
Accepted:	09/02/2017	Application Type:	Advertisement
Target Date:	06/04/2017		
Ward:	Handsworth Wood		

Soho Road (between Oakland Road and Alfred Road), Handsworth, Birmingham, B21

Display of 12 non-illuminated lamppost advertisement banners

Applicant:	Birmingham City Council 10 Woodcock Street, Aston, Birmingham, B7 4BG
Agent:	Bay Media Limited 18-19 Deane House Studios, 27 Greenwood Place, London, NW5 1LB

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application proposes the installation of 12no non-illuminated advertisement banners on lampposts along Soho Road, between its junction with Oakland Road and Alfred Road, Handsworth.
- 1.2. The banners would be attached to the lamppost columns 2.8m above ground level (to the base of the advert) and would measure 2.2m in height and 0.79m in width. The banners would be made of PVC which would be affixed top and bottom to arms attached to the lamppost column. The banners are typically spaced some 10m to 20m apart, but with wider gaps in places.
- 1.3. The Applicant states the adverts are to be mostly for city events with limited commercial content, overseen by the City's Corporate Strategy Team.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises 12no lampposts situated on both sides of Soho Road between the junctions with Oakland Road and Alfred Road. These lighting columns form part of the general highway infrastructure along this main road.
- 2.2. The area surrounding the site is predominantly commercial in character.

2.3. [Site Location Map](#)

3. Planning History

- 3.1. None relevant on the application site, however this application forms one of a number of such submissions considered by your committee.

4. Consultation/PP Responses

- 4.1. No public consultation required.
- 4.2. Transportation Development – No objection.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017.
 - Birmingham Unitary Development Plan (UDP) 2005 (saved policies).
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF) (2012).

6. Planning Considerations

- 6.1. The Town and Country Planning (Control of Advertisements) Regulations (2007) restrict Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements.

AMENITY

- 6.2. The NPPF, at policy 67, states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building or their surroundings should be subject to a Local Authority's detailed assessment. Finally it states that cumulative impact should be considered.
- 6.3. The proposed adverts would be in scale with the existing street and would not dominate the highway environment. The banners would be situated at appropriate locations and would not over-burden the street with advertising. The adverts would read as part of the highway infrastructure and are primarily aimed at motorists rather than pedestrians. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs acceptable.
- 6.4. I therefore raise no objection to the proposed adverts on the grounds of amenity.

PUBLIC SAFETY

- 6.5. The proposed advertisement banners would form part of the highway environment and an appropriate level of forward visibility is provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such banners are not an unusual feature within main highways and therefore would not cause an unacceptable degree of driver distraction.
- 6.6. Transportation Development raise no objection to the proposed advertisement banners. I concur with this view. The advertisement banners would be attached to lamppost columns along this stretch of public highway with the banners having a 2.4m clearance from ground level. The advertisement banners would not impact on any pedestrian or vehicular visibility splay.
- 6.7. I therefore raise no objection to the proposals on public safety grounds subject to the imposition of a suitable safeguarding condition.

7. Conclusion

- 7.1. This proposal would not result in harm to amenity or public safety. This proposal therefore meets with the policy context and is recommended for approval.

8. Recommendation

- 8.1 Temporary Approval subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires banners to be situated either at 500mm from the kerb or no closer to the highway. |
| 3 | Limits the approval to 5 years (advert) |
-

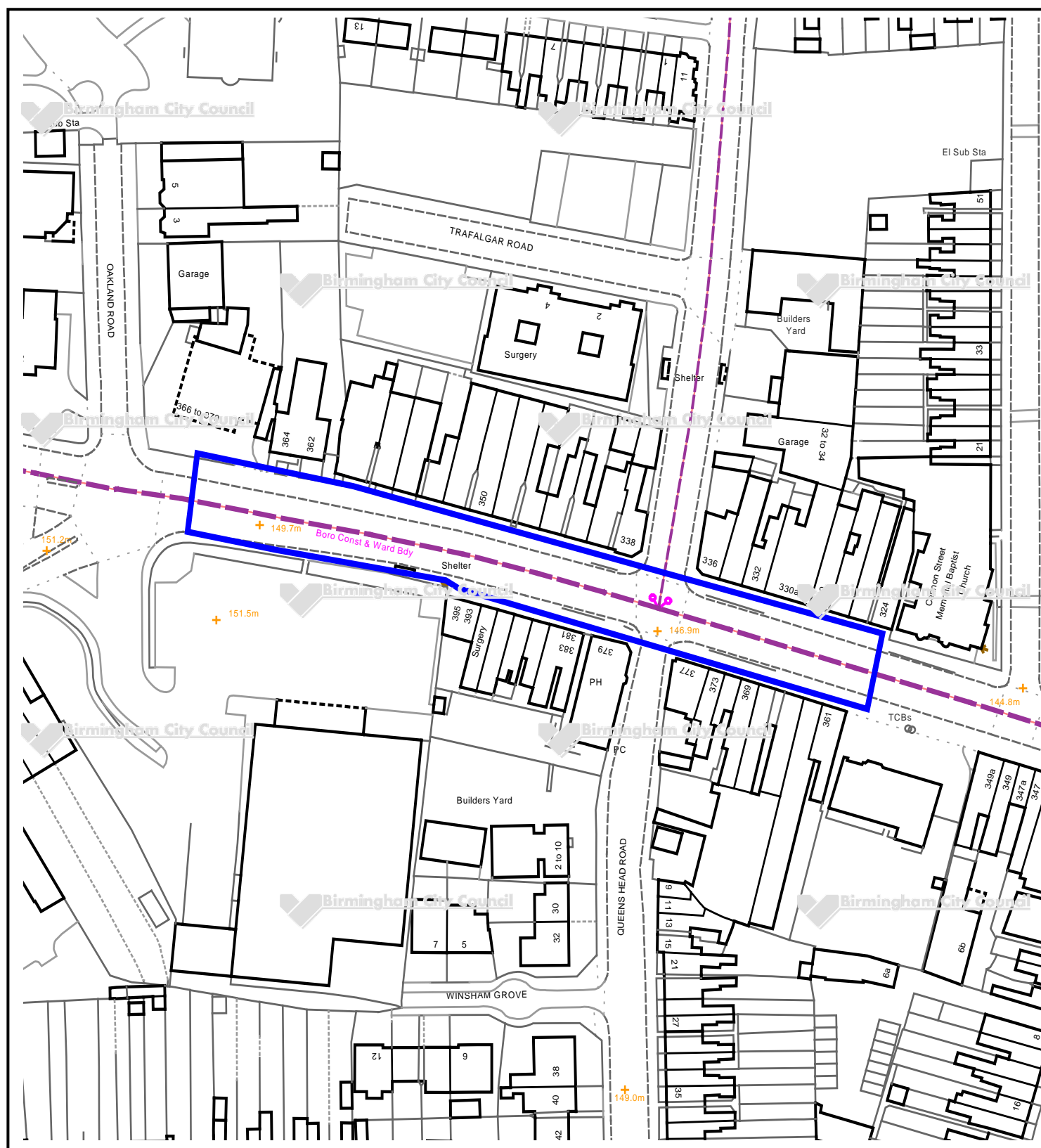
Case Officer: Stephanie Hollands

Photo(s)



Figure 1 – View down application site from Alfred Road

Location Plan



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Birmingham City Council

Planning Committee

30 March 2017

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 - Temporary	21	2017/01258/PA Constitution Hill (between junctions with Northwood Street/Howard Street and Bond Street) Hockley Birmingham B19 3JY Display of 5 non-illuminated lamppost advertisement banners
Approve - Temporary	22	2017/01251/PA Vyse Street (between junctions with Hylton Street and Warstone Lane) Hockley Birmingham B18 Display of 5 non-illuminated lamppost advertisement banners
Approve - Temporary	23	2017/01264/PA Sand Pits (between junctions with Nelson Street and Camden Street/Edward Street) City Centre Birmingham B1 3RJ Display of 6 non-illuminated lamppost advertising banners
Approve - Temporary	24	2017/01255/PA Navigation Street (between junctions with Hill Street and Stephenson Street) City Centre Birmingham B2 4DD Display of 7 non-illuminated lamppost advertisement banners

Approve - Temporary	25	<p>2017/01252/PA</p> <p>Station Street (between junctions with Hill Street and Dudley Street) City Centre Birmingham B5 4DY</p> <p>Display of 2 non-illuminated lamppost advertisement banners</p>
Approve - Temporary	26	<p>2017/01256/PA</p> <p>Carrs Lane City Centre Birmingham B4 7SX</p> <p>Display of 4 non-illuminated lamppost advertisement banners</p>
Approve - Temporary	27	<p>2017/01260/PA</p> <p>James Watt Queensway (near to Dalton Street) City Centre Birmingham B4 6NB</p> <p>Display of 4 non-illuminated lamppost advertisement banners</p>
Approve - Temporary	28	<p>2017/01259/PA</p> <p>Park Street Digbeth Birmingham B5</p> <p>Display of 5 non-illuminated lamppost advertisement banners</p>

Committee Date:	30/03/2017	Application Number:	2017/01258/PA
Accepted:	09/02/2017	Application Type:	Advertisement
Target Date:	06/04/2017		
Ward:	Aston		

Constitution Hill (between junctions with Northwood Street/Howard Street and Bond Street), Hockley, Birmingham, B19 3JY

Display of 5 non-illuminated lamppost advertisement banners

Applicant:	Birmingham City Council 10 Woodcock Street, Aston, Birmingham, B7 4BG
Agent:	Bay Media Limited 18-19 Deane House Studios, 27 Greenwood Place, London, NW5 1LB

Recommendation

Approve Temporary

1. Proposal

- 1.1. Advertisement consent is sought for the display of 5 non-illuminated advertisement banners on lampposts along Constitution Hill between the junctions of Bond Street and Howard Street/ Northwood Street.
- 1.2. The banners would be attached to the existing lamppost columns 2.8m above ground level (to the base of the advert) and would measure 2.2m in height and 0.79m in width. The banners would be made of PVC which would be affixed top and bottom to arms attached to the lamppost column.
- 1.3. The applicants state that the adverts are to be for promoting city events with no commercial content, overseen by the City's Corporate Strategy Team.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises 5 lampposts, 3 located on the north side of Constitution Hill and 2 located on the south side between the junctions of Bond Street and Howard Street/ Northwood Street. These lighting columns form part of the general highway infrastructure along this main road.
- 2.2. The site is located in a commercial location with a petrol filling station to the northwest and a mix of uses along this stretch of Constitution Hill including a hotel, retail uses and warehouse uses. The south side of Constitution Hill falls within the Jewellery Quarter Conservation Area.
- 2.3. [Location Plan](#)

3. Planning History

3.1. None relevant on the application site, however this application forms one of a number of such submissions on your committee's agenda.

4. Consultation/PP Responses

4.1. Transportation Development – No objection, subject to a condition regarding the distance from kerb.

4.2. Birmingham City Centre Management – No comments received.

4.3. Jewellery Quarter BID – No comments received.

5. Policy Context

5.1. Birmingham Development Plan (BDP) 2017; Birmingham Unitary Development Plan 2005 (Saved Policies) and the NPPF.

6. Planning Considerations

6.1. The Town and Country Planning (Control of Advertisements) Regulations (2007) restrict Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements.

Amenity

6.2. The NPPF, at policy 67, states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building to their surroundings should be subject to a Local Authority's detailed assessment. Finally it states that cumulative impact should be considered.

6.3. The proposed adverts would be in scale with the existing street scene and would not dominate the highway environment of the character of the Jewellery Quarter Conservation Area in this location. The banners would be situated at appropriate locations and would not over-burden the street with advertising. The adverts would read as part of the highway infrastructure and are primarily aimed at motorists rather than pedestrians. I do not consider that these proposed banner advertisements would constitute clutter within the street scene and consider that the scale of the proposed signs is acceptable.

6.4. I therefore raise no objection to the proposed adverts on the grounds of amenity.

Public Safety

6.5. The proposed advertisement banners would form part of the highway environment and an appropriate level of forward visibility is provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such banners are not an unusual feature within main highways and therefore would not cause an unacceptable degree of driver distraction.

6.6. Transportation Development raise no objection subject to confirmation that the advertisement panels would be a sufficient distance from the kerb edge so as not to conflict with vehicular traffic. I concur with this conclusion and an appropriate condition is recommended.

6.7. I therefore raise no objection to the proposals on public safety grounds subject to the imposition of a suitable safeguarding condition.

7. Conclusion

7.1. I consider that these adverts are acceptable in terms of impact upon the visual amenity of the area and are satisfactory in terms of public safety. The proposal therefore accords with policies of the Birmingham Development Plan and the NPPF.

8. Recommendation

8.1. That Temporary Approval is granted subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires banners to be situated either at 500mm from the kerb or no closer to the highway. |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the approval to 5 years (advert) |
-

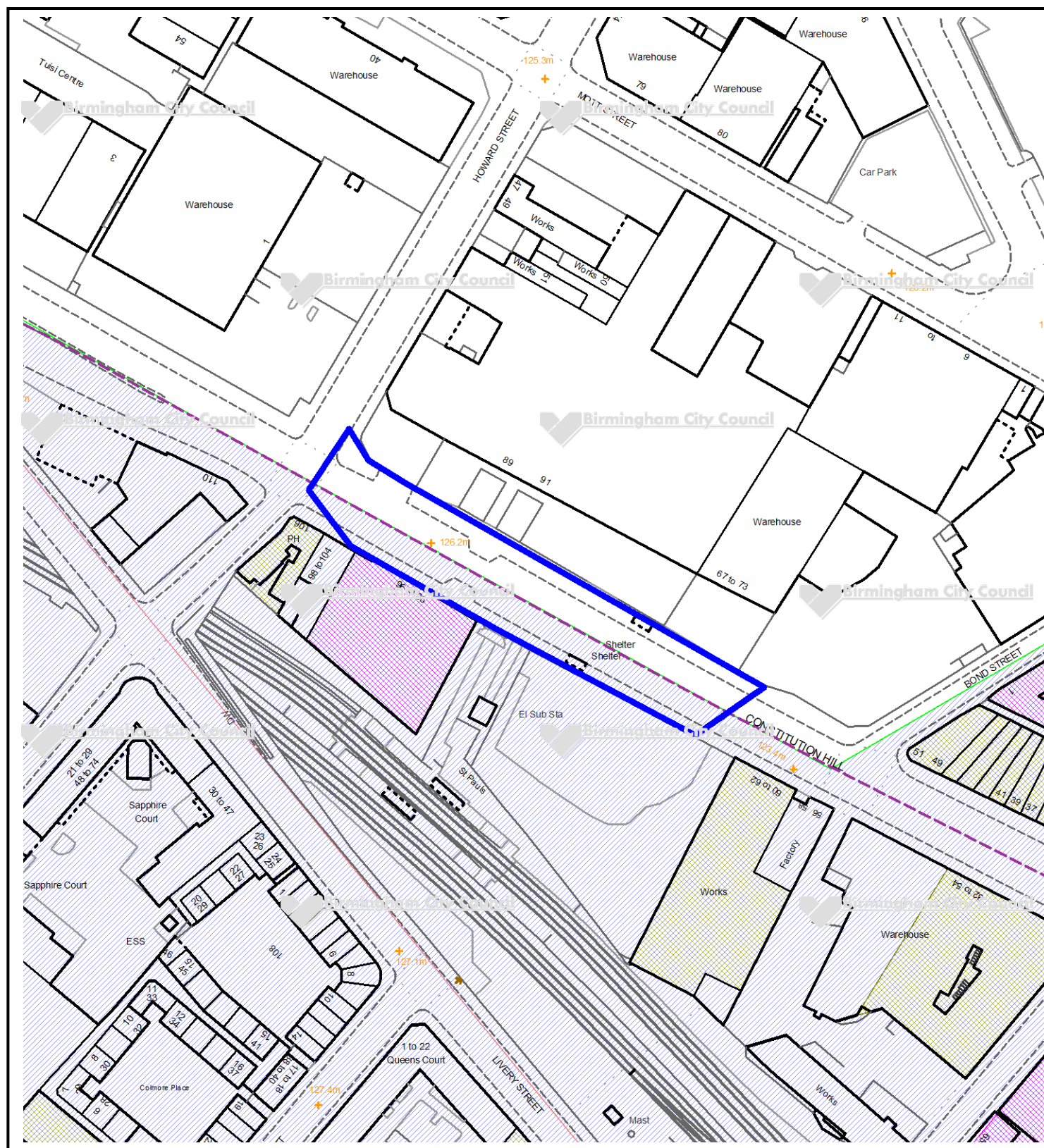
Case Officer: Victoria Chadaway

Photo(s)



Fig 1. Lamppost on Constitution Hill

Location Plan



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Committee Date:	30/03/2017	Application Number:	2017/01251/PA
Accepted:	09/02/2017	Application Type:	Advertisement
Target Date:	06/04/2017		
Ward:	Ladywood		

Vyse Street (between junctions with Hylton Street and Warstone Lane),
Hockley, Birmingham, B18

Display of 5 non-illuminated lamppost advertisement banners

Applicant:	Birmingham City Council 10 Woodcock Street, Aston, Birmingham, B7 4BG
Agent:	Bay Media Limited 18-19 Deane House Studios, 27 Greenwood Place, London, NW5 1LB

Recommendation

Approve Temporary

1. Proposal

- 1.1. Advertisement consent is sought for the display of 5 non-illuminated advertisement banners on lampposts along Vyse Street between the junctions of Hylton Street and Pitsford Street.
- 1.2. The banners would be attached to the existing lamppost columns 2.8m above ground level (to the base of the advert) and would measure 2.2m in height and 0.79m in width. The banners would be made of PVC which would be affixed top and bottom to arms attached to the lamppost column.
- 1.3. The applicants state that the adverts are to be for promoting city events with no commercial content, overseen by the City's Corporate Strategy Team.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises 5 lampposts, 3 located on the west side of Vyse Street and 2 located on the east side between the junctions of Hylton Street and Pitsford Street. These lighting columns form part of the general highway infrastructure along this main road.
- 2.2. The site is located in the Jewellery Quarter Conservation Area along one of the main retail streets in this area.
- 2.3. [Location Plan](#)

3. Planning History

- 3.1. None relevant on the application site, however this application forms one of a number of such submissions on your committee's agenda.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection, subject to a condition regarding the distance from kerb.
- 4.2. Birmingham City Centre Management – No comments received.
- 4.3. Jewellery Quarter BID – No comments received.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017; Birmingham Unitary Development Plan 2005 (Saved Policies) and the NPPF.

6. Planning Considerations

- 6.1. The Town and Country Planning (Control of Advertisements) Regulations (2007) restrict Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements.

Amenity

- 6.2. The NPPF, at policy 67, states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building to their surroundings should be subject to a Local Authority's detailed assessment. Finally it states that cumulative impact should be considered.
- 6.3. The proposed adverts would be in scale with the existing street scene and would not dominate the highway environment or the character of the Jewellery Quarter Conservation Area in this location. The banners would be situated at appropriate locations and would not over-burden the street with advertising. The adverts would read as part of the highway infrastructure and are primarily aimed at motorists rather than pedestrians. I do not consider that these proposed banner advertisements would constitute clutter within the street scene and consider that the scale of the proposed signs is acceptable.

- 6.4. I therefore raise no objection to the proposed adverts on the grounds of amenity.

Public Safety

- 6.5. The proposed advertisement banners would form part of the highway environment and an appropriate level of forward visibility is provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such banners are not an unusual feature within main highways and therefore would not cause an unacceptable degree of driver distraction.
- 6.6. Transportation Development raise no objection subject to confirmation that the advertisement panels would be a sufficient distance from the kerb edge so as not to

conflict with vehicular traffic. I concur with this conclusion and an appropriate condition is recommended.

- 6.7. I therefore raise no objection to the proposals on public safety grounds subject to the imposition of a suitable safeguarding condition.

7. Conclusion

- 7.1. I consider that these adverts are acceptable in terms of impact upon the visual amenity of the area and are satisfactory in terms of public safety. The proposal therefore accords with policies of the Birmingham Development Plan and the NPPF.

8. Recommendation

- 8.1. That Temporary Approval is granted subject to the following conditions:

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- | | |
|---|--|
| 1 | Requires banners to be situated either at 500mm from the kerb or no closer to the highway. |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the approval to 5 years (advert) |
-

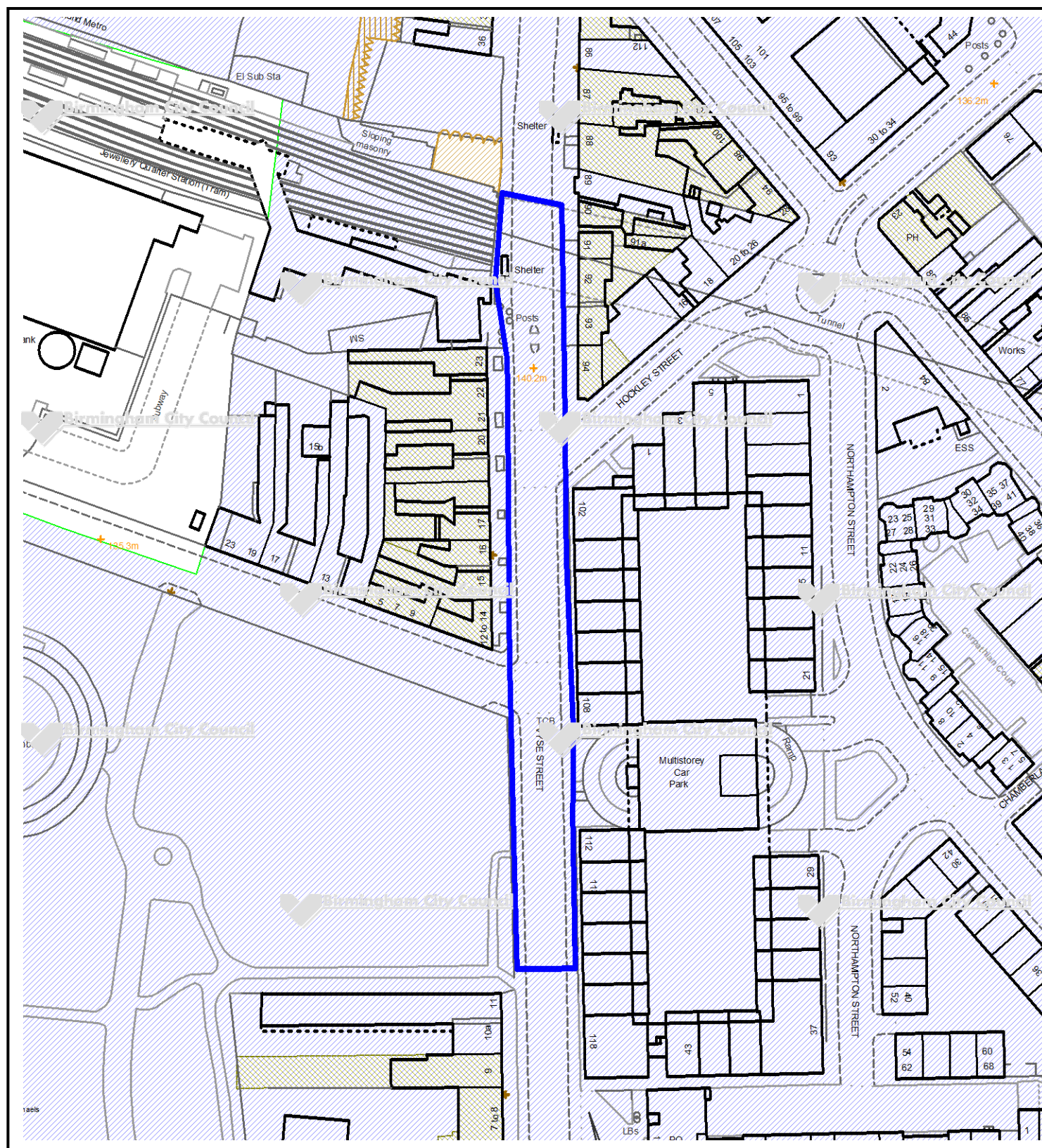
Case Officer: Victoria Chadaway

Photo(s)



Fig 1. Lampposts on Vyse Street

Location Plan



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Committee Date:	30/03/2017	Application Number:	2017/01264/PA
Accepted:	09/02/2017	Application Type:	Advertisement
Target Date:	06/04/2017		
Ward:	Ladywood		

Sand Pits (between junctions with Nelson Street and Camden Street/Edward Street), City Centre, Birmingham, B1 3RJ

Display of 6 non-illuminated lamppost advertising banners

Applicant:	Birmingham City Council 10 Woodcock Street, Aston, Birmingham, B7 4BG
Agent:	Bay Media Limited 18-19 Deane House Studios, 27 Greenwood Place, London, NW5 1LB

Recommendation

Approve Temporary

1. Proposal

- 1.1. Advertisement consent is sought for the display of 6 non-illuminated advertisement banners on lampposts along Sand Pits between the junctions of Camden Street and Nelson Street.
- 1.2. The banners would be attached to the existing lamppost columns 2.8m above ground level (to the base of the advert) and would measure 2.2m in height and 0.79m in width. The banners would be made of PVC which would be affixed top and bottom to arms attached to the lamppost column.
- 1.3. The applicants state that the adverts are to be for promoting city events with no commercial content, overseen by the City's Corporate Strategy Team.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises 6 lampposts, 4 located on the south side of Sand Pits and 2 on the north side between the junctions of Camden Street and Nelson Street. These lighting columns form part of the general highway infrastructure along this main road.
- 2.2. To the north of the site is a BMW car dealership and to the south a mixture of residential flats and commercial uses. The north side of Sand Pits falls within the Jewellery Quarter Conservation Area.
- 2.3. [Location Plan](#)

3. Planning History

- 3.1. None relevant on the application site, however this application forms one of a number of such submissions on your committee's agenda.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection, subject to a condition regarding the distance from kerb.
- 4.2. Birmingham City Centre Management – No comments received.
- 4.3. Jewellery Quarter BID - No comments received.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017; Birmingham Unitary Development Plan 2005 (Saved Policies) and the NPPF.

6. Planning Considerations

- 6.1. The Town and Country Planning (Control of Advertisements) Regulations (2007) restrict Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements.

Amenity

- 6.2. The NPPF, at policy 67, states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building to their surroundings should be subject to a Local Authority's detailed assessment. Finally it states that cumulative impact should be considered.
- 6.3. The proposed adverts would be in scale with the existing street scene and would not dominate the highway environment or impact on the character of Jewellery Quarter Conservation Area. The banners would be situated at appropriate locations and would not over-burden the street with advertising. The adverts would read as part of the highway infrastructure and are primarily aimed at motorists rather than pedestrians. I do not consider that these proposed banner advertisements would constitute clutter within the street scene and consider that the scale of the proposed signs is acceptable.
- 6.4. I therefore raise no objection to the proposed adverts on the grounds of amenity.

Public Safety

- 6.5. The proposed advertisement banners would form part of the highway environment and an appropriate level of forward visibility is provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such banners are not an unusual feature within main highways and therefore would not cause an unacceptable degree of driver distraction.
- 6.6. Transportation Development raise no objection subject to confirmation that the advertisement panels would be a sufficient distance from the kerb edge so as not to conflict with vehicular traffic. I concur with this conclusion and an appropriate condition is recommended.

6.7. I therefore raise no objection to the proposals on public safety grounds subject to the imposition of a suitable safeguarding condition.

7. Conclusion

7.1. I consider that these adverts are acceptable in terms of impact upon the visual amenity of the area and are satisfactory in terms of public safety. The proposal therefore accords with policies of the Birmingham Development Plan and the NPPF.

8. Recommendation

8.1. That Temporary Approval is granted subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires banners to be situated either at 500mm from the kerb or no closer to the highway. |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the approval to 5 years (advert) |
-

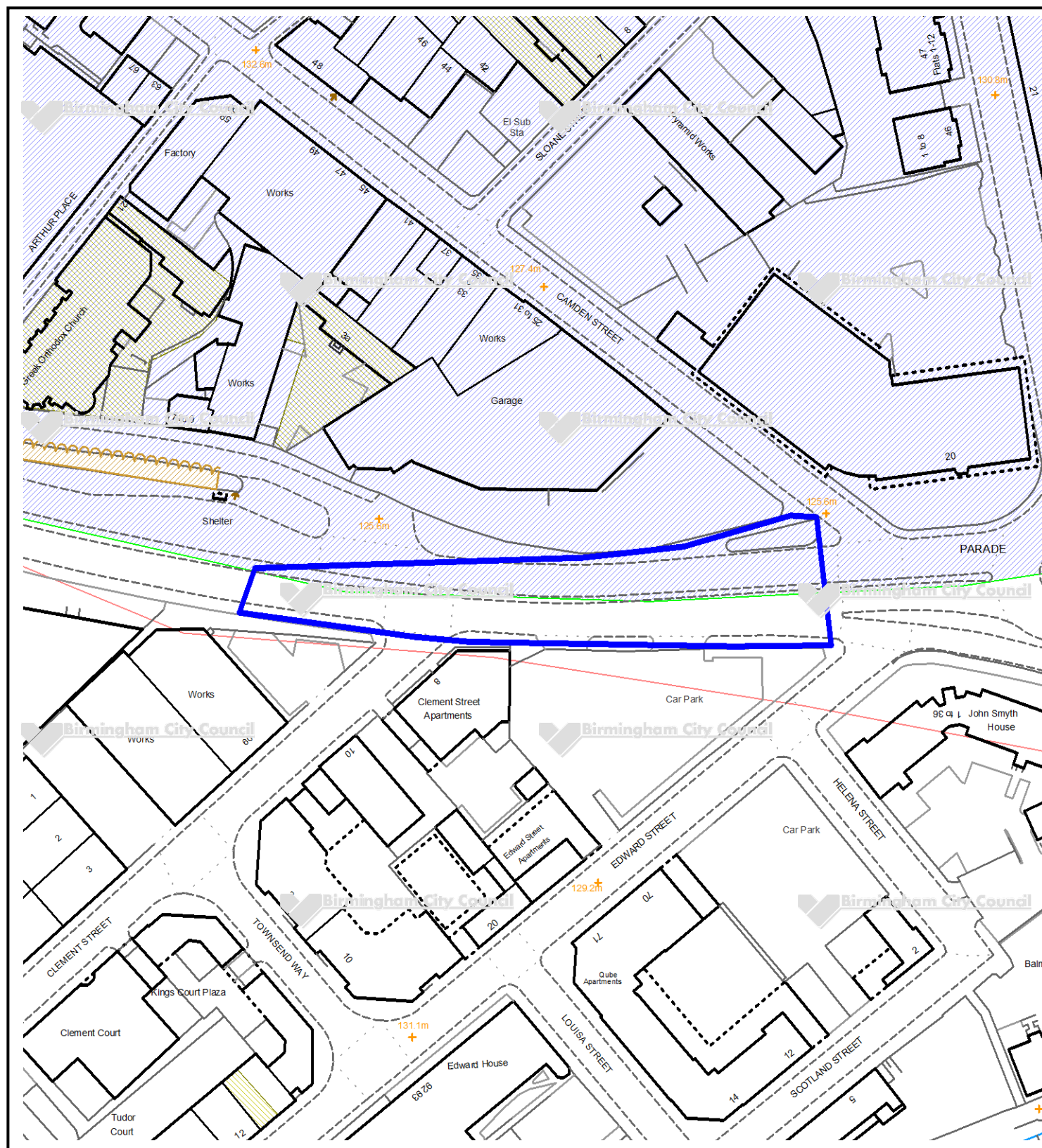
Case Officer: Victoria Chadaway

Photo(s)



Fig 1. Lampposts at Sand Pits

Location Plan



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Committee Date:	30/03/2017	Application Number:	2017/01255/PA
Accepted:	08/02/2017	Application Type:	Advertisement
Target Date:	05/04/2017		
Ward:	Ladywood		

Navigation Street (between junctions with Hill Street and Stephenson Street), City Centre, Birmingham, B2 4DD

Display of 7 non-illuminated lamppost advertisement banners

Applicant:	Birmingham City Council 10 Woodcock Street, Aston, Birmingham, B7 4BG
Agent:	Bay Media Limited 18-19 Deane House Studios, 27 Greenwood Place, London, NW5 1LB

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application proposes the installation of 7 non-illuminated advertisement banners on lampposts along Navigation Street.
- 1.2. The banners would be affixed to the lamppost columns 2.8m above ground level (to the base of the advert) and would measure 2.2m in height and 0.79m wide. The banners would be made of PVC which would be affixed top and bottom to arms affixed to the column.
- 1.3. The applicants state that the adverts are designed to promote city events with no commercial content which would be overseen by the City's Corporate Strategy Team.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises columns on the footway situated on Navigation Street. Five of the columns are positioned on the northern side of the Street, with two located on the junction with Pinfold Street. The remaining two columns are positioned on the southern side of Navigation Street. These lighting columns form part of the general highway infrastructure along this main road.
- 2.2. The wider surroundings are characterised by high-density development with a large numbers of pedestrian and vehicular movements along the highway. The highway is one of the main thoroughfares providing access to New Street Station and Grand Central Shopping Centre.

- 2.3. The northern side of Navigation Street falls within the Colmore Row and Environs Conservation Area.
- 2.4. [Location Plan](#)
- 3. [Planning History](#)
 - 3.1. None relevant on the application site, however this application forms one of a number of such submissions on your committee's agenda.
- 4. [Consultation/PP Responses](#)
 - 4.1. Birmingham City Centre management, Network Rail, Centro Metro extension, The Business Investment District (BID) and the City Design team have been notified of the application. The following comments have been received:
 - 4.2. Network Rail - raise no objection provided that the development would not result in any earthworks or excavation.
 - 4.3. Transportation Development – No objection, subject to a condition regarding the distance from kerb.
- 5. [Policy Context](#)
 - 5.1. Birmingham Development Plan (BDP) 2017; Birmingham Unitary Development Plan 2005 (Saved Policies) and the NPPF.
- 6. [Planning Considerations](#)
 - 6.1. The Town and Country Planning (Control of Advertisements) Regulations (2007) restrict Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements.

AMENITY

- 6.2. The NPPF, at policy 67, states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building to their surroundings should be subject to a Local Authority's detailed assessment. Finally it states that cumulative impact should be considered.
- 6.3. The proposed adverts would be of an appropriate scale within the existing street scene and would not dominate the highway environment or the character of the Conservation Area. The banners would be situated at appropriate locations and would not overwhelm the public realm with advertising. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs acceptable.
- 6.4. I therefore raise no objection to the proposed adverts on the grounds of amenity.

PUBLIC SAFETY

- 6.5. The proposed advertisement banners would assimilate with the highway environment and an appropriate level of forward visibility is provided in order for drivers to avoid causing highway safety concerns. Such banners are not an unusual feature within main highways and therefore would not cause an unacceptable degree of driver distraction. Furthermore, vehicle movements along this section of Navigation Street are limited to access to car parks with slow moving traffic.
- 6.6. Transportation Development raises no objection subject to confirmation that the advertisement panels would be a sufficient distance from the kerb edge so as not to conflict with vehicular traffic. Furthermore, Transportation Development have advised that by virtue of their height, the adverts would not pose any considerable danger to moving vehicular traffic. I concur with this conclusion and an appropriate condition is recommended.
- 6.7. I therefore raise no objection to the proposals on public safety grounds subject to the imposition of a suitable safeguarding condition.

7. Conclusion

- 7.1. I therefore recommend that this application is granted temporary consent.

8. Recommendation

- 8.1. Temporary consent subject to the following conditions:

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- | | |
|---|--|
| 1 | Requires banners to be situated either at 500mm from the kerb or no closer to the highway. |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the approval to 5 years (advert) |
-

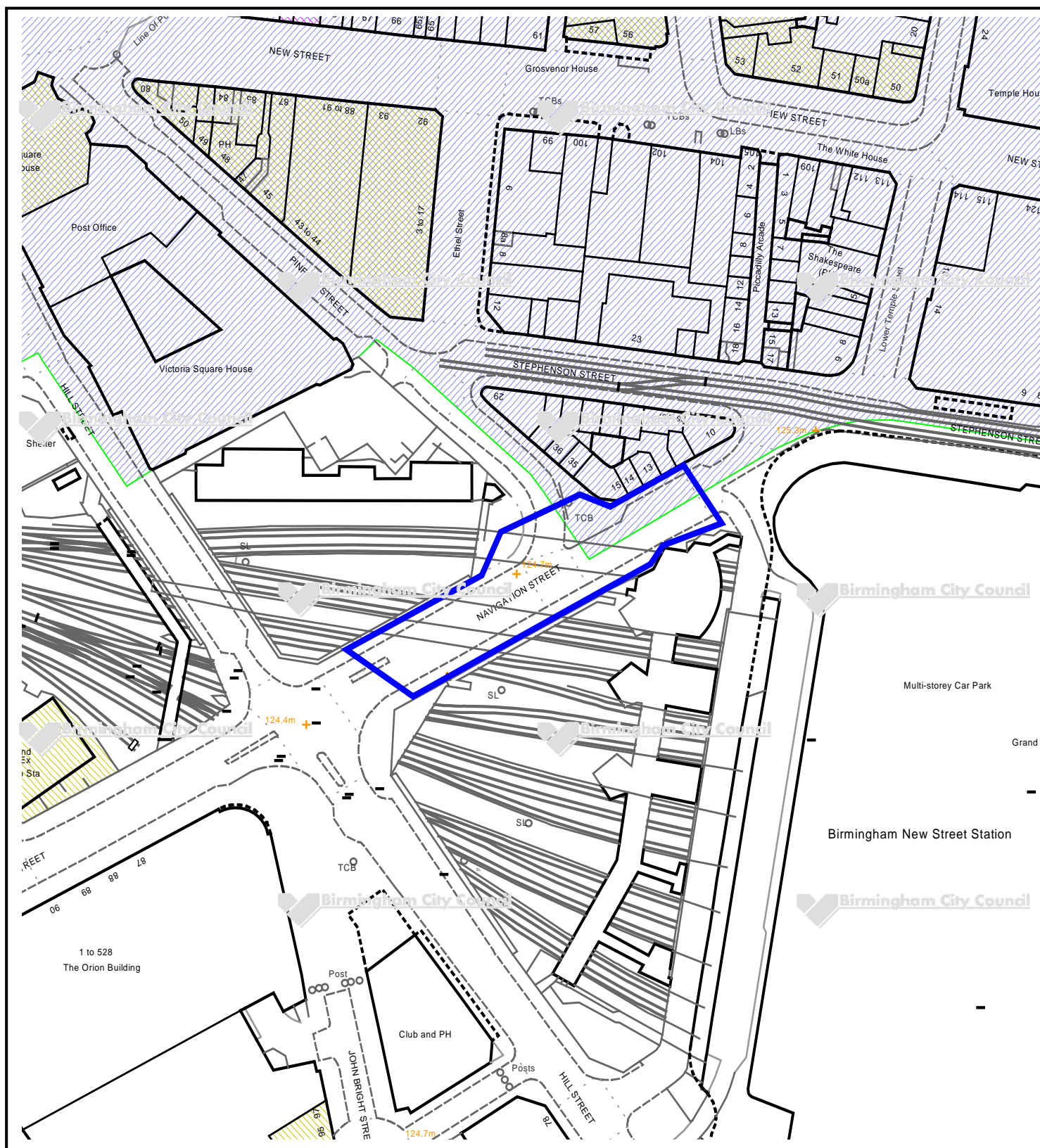
Case Officer: Kasir Ijaz

Photo(s)



Figure 1 lighting columns along Navigation Street

Location Plan



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Committee Date:	30/03/2017	Application Number:	2017/01252/PA
Accepted:	09/02/2017	Application Type:	Advertisement
Target Date:	06/04/2017		
Ward:	Ladywood		

Station Street (between junctions with Hill Street and Dudley Street),
City Centre, Birmingham, B5 4DY

Display of 2 non-illuminated lamppost advertisement banners

Applicant:	Birmingham City Council 10 Woodcock Street, Aston, Birmingham, B7 4BG
Agent:	Bay Media Limited 18-19 Deane House Studios, 27 Greenwood Place, London, NW5 1LB

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application proposes the installation of 2 non-illuminated advertisement banners on lampposts along Station Street.
- 1.2. The banners would be affixed to the lamppost columns 2.8m above ground level (to the base of the advert) and would measure 2.2m in height and 0.79m wide. The banners would be made of PVC which would be affixed top and bottom to arms affixed to the column.
- 1.3. The applicants state that the adverts are designed to promote city events with no commercial content which would be overseen by the City's Corporate Strategy Team.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises 2 lamppost columns on the footway situated on Station Street, adjacent to the Junction with Hill Street. The columns are positioned on the southern side of the Street. These lighting columns form part of the general highway infrastructure along this main road.
- 2.2. The wider surroundings are characterised by high-density development with New Street Station located to the North of the site. The highway is one of the main roads providing access to New Street Station and the Grand Central Shopping Centre.
- 2.3. [Location Plan](#)

3. Planning History

- 3.1. None relevant on the application site, however this application forms one of a number of such submissions on your committee's agenda.

4. Consultation/PP Responses

- 4.1. Transportation Development, Birmingham City Centre management, Business Investment District (BID) and the City Design team have been notified of the application. The following comments have been received:
- 4.2. Transportation Development – No objection, subject to a condition regarding the distance from kerb.
- 4.3. Objection received from the operators of the Electric Cinema on the grounds that one of the proposed banner adverts would be situated on a lamppost outside the cinema and would harm views of the cinema.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017; Birmingham Unitary Development Plan 2005 (Saved Policies) and the NPPF.

6. Planning Considerations

- 6.1. The Town and Country Planning (Control of Advertisements) Regulations (2007) restrict Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements.

AMENITY

- 6.2. The NPPF, at policy 67, states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building to their surroundings should be subject to a Local Authority's detailed assessment. Finally it states that cumulative impact should be considered.
- 6.3. This application has been amended since it was originally submitted, resulting in the removal of a proposed banner advert on the lamppost column situated outside of the Electric Cinema. This has resulted in the number of adverts considered in this application being reduced from 3 to 2 and overcomes the issues raised by the operator of the Electric Cinema.
- 6.4. The proposed adverts would be of an appropriate scale within the existing street scene and would not dominate the highway environment. The banners would be situated at appropriate locations and would not overwhelm the public realm with advertising. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs acceptable.
- 6.5. I therefore raise no objection to the proposed adverts on the grounds of amenity.

PUBLIC SAFETY

- 6.6. The proposed advertisement banners would assimilate with the highway environment and an appropriate level of forward visibility is provided in order for drivers to avoid causing highway safety concerns. Such banners are not an unusual feature within main highways and therefore would not cause an unacceptable degree of driver distraction.
- 6.7. Transportation Development raises no objection subject to confirmation that the advertisement panels would be a sufficient distance from the kerb edge so as not to conflict with vehicular traffic. Furthermore, Transportation Development have advised that by virtue of their height, they would not pose any danger to moving vehicular traffic. I concur with this conclusion and an appropriate condition is recommended.
- 6.8. I therefore raise no objection to the proposals on public safety ground subject to the imposition of a suitable safeguarding condition.

7. Conclusion

- 7.1. I therefore recommend that this application is granted temporary consent

8. Recommendation

- 8.1. Temporary consent subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires banners to be situated either at 500mm from the kerb or no closer to the highway. |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the approval to 5 years (advert) |
-

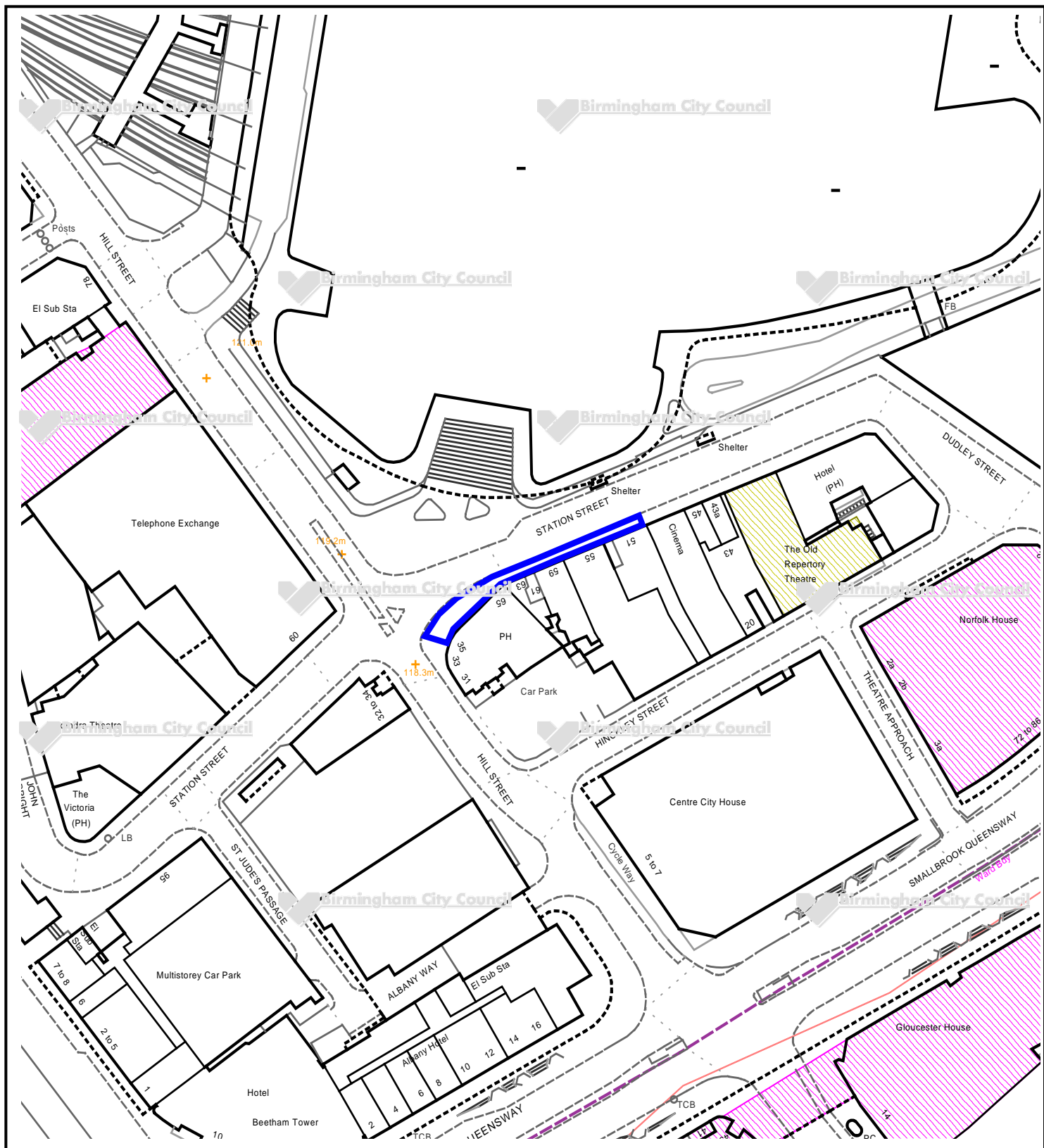
Case Officer: Kasir Ijaz

Photo(s)



Figure 1 Lighting columns along Station Street

Location Plan



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Committee Date:	30/03/2017	Application Number:	2017/01256/PA
Accepted:	09/02/2017	Application Type:	Advertisement
Target Date:	06/04/2017		
Ward:	Ladywood		

Carrs Lane, City Centre, Birmingham, B4 7SX

Display of 4 non-illuminated lamppost advertisement banners

Applicant: Birmingham City Council
10 Woodcock Street, Aston, Birmingham, B7 4BG
Agent: Bay Media Limited
18-19 Deane House Studios, 27 Greenwood Place, London, NW5
1LB

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application proposes the installation of 4 non-illuminated advertisement banners on lampposts along Carrs Lane.
- 1.2. The banners would be affixed to the lamppost columns 2.8m above ground level (to the base of the advert) and would measure 2.2m in height and 0.79m wide. The banners would be made of PVC which would be affixed top and bottom to arms affixed to the column.
- 1.3. The applicants state that the adverts are designed to promote city events with no commercial content which would be overseen by the City's Corporate Strategy Team.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises columns on the footway situated on Carrs Lane. Two of the columns are positioned on the northern side of the highway and two of the columns are located on the southern side of the highway. These lighting columns form part of the general highway infrastructure along this main road.
- 2.2. The highway land is bounded by tall buildings either side of Carrs Lane. The road is used by frequent bus services with bus stops located on the edge of the carriageway, resulting in a large number of pedestrian movements along the highway.
- 2.3. [Location Plan](#)

3. Planning History

- 3.1. None relevant on the application site, however this application forms one of a number of such submissions on your committee's agenda.

4. Consultation/PP Responses

- 4.1. Transportation Development, Birmingham City Centre management, Business Investment District (BID) and the City Design team have been notified of the application. The following comments have been received:
- 4.2. Transportation Development – No objection, subject to a condition regarding the distance from kerb.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017; Birmingham Unitary Development Plan 2005 (Saved Policies) and the NPPF.

6. Planning Considerations

- 6.1. The Town and Country Planning (Control of Advertisements) Regulations (2007) restrict Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements.

AMENITY

- 6.2. The NPPF, at policy 67, states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building to their surroundings should be subject to a Local Authority's detailed assessment. Finally it states that cumulative impact should be considered.
- 6.3. The proposed adverts would be of an appropriate scale within the existing street scene and would not dominate the highway environment. The banners would be situated at appropriate locations and would not overwhelm the public realm with advertising. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs acceptable.
- 6.4. I therefore raise no objection to the proposed adverts on the grounds of amenity.

PUBLIC SAFETY

- 6.5. The proposed advertisement banners would assimilate with the highway environment and an appropriate level of forward visibility is provided in order for drivers to avoid causing highway safety concerns. Such banners are not an unusual feature within main highways and therefore would not cause an unacceptable degree of driver distraction.

6.6. Transportation Development raises no objection subject to confirmation that the advertisement panels would be a sufficient distance from the kerb edge so as not to conflict with vehicular traffic. Furthermore, Transportation Development have advised that by virtue of the advertisement height, they would not pose any considerable danger to moving vehicular traffic. I concur with this conclusion and an appropriate condition is recommended.

6.7. I therefore raise no objection to the proposals on public safety grounds subject to the imposition of a suitable safeguarding condition.

7. Conclusion

7.1. I therefore recommend that this application is granted temporary consent.

8. Recommendation

8.1. Temporary consent subject to the following conditions

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- | | |
|---|--|
| 1 | Requires banners to be situated either at 500mm from the kerb or no closer to the highway. |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the approval to 5 years (advert) |
-

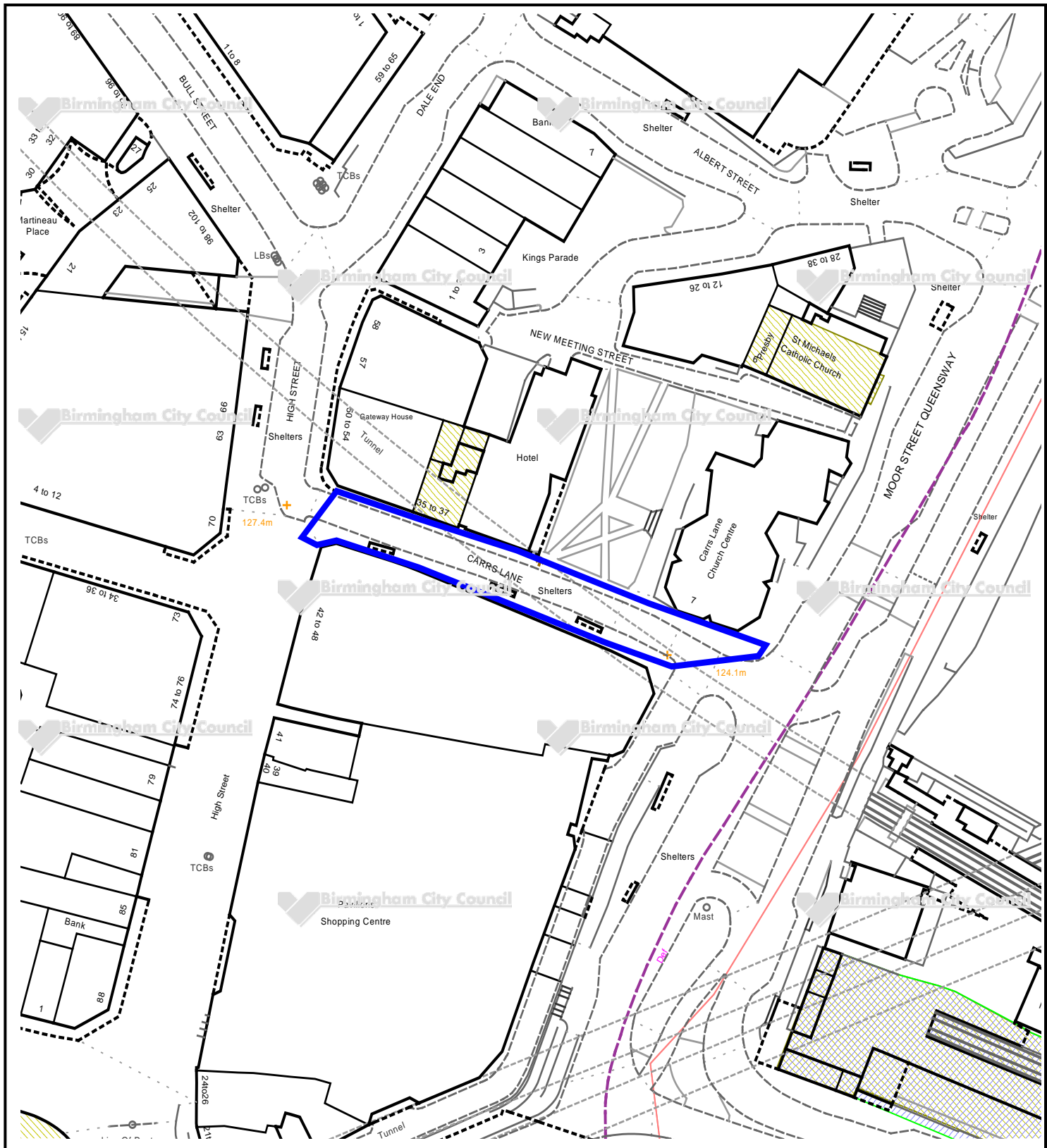
Case Officer: Kasir Ijaz

Photo(s)



Figure 1 Lighting columns along Carrs Lane

Location Plan



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Committee Date:	30/03/2017	Application Number:	2017/01260/PA
Accepted:	09/02/2017	Application Type:	Advertisement
Target Date:	06/04/2017		
Ward:	Nechells		

James Watt Queensway (near to Dalton Street), City Centre,
Birmingham, B4 6NB

Display of 4 non-illuminated lamppost advertisement banners

Applicant:	Birmingham City Council 10 Woodcock Street, Aston, Birmingham, B7 4BG
Agent:	Bay Media Limited 18-19 Deane House Studios, 27 Greenwood Place, London, NW5 1LB

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application proposes the installation of 4 non-illuminated advertisement banners on lampposts along James Watt Queensway.
- 1.2. The banners would be affixed to the lamppost columns 2.8m above ground level (to the base of the advert) and would measure 2.2m in height and 0.79m wide. The banners would be made of PVC which would be affixed top and bottom to arms affixed to the column.
- 1.3. The applicants state that the adverts are designed to promote city events with no commercial content which would be overseen by the City's Corporate Strategy Team.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises columns on the centre carriageway situated along the James Watt Queensway highway. These lighting columns form part of the general highway infrastructure along this main road.
- 2.2. The wider surroundings are characterised by busy vehicular movements along the adjacent highway.
- 2.3. The west side of James Watt Queensway falls within the Steelhouse City Centre Conservation Area.
- 2.4. [Location Plan](#)

3. Planning History

- 3.1. None relevant on the application site, however this application forms one of a number of such submissions on your committee's agenda.

4. Consultation/PP Responses

- 4.1. Transportation Development, Birmingham City Centre management and the City Design team have been notified of the application. The following comments have been received:
- 4.2. Transportation Development – No objection, subject to a condition regarding the distance from kerb.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017; Birmingham Unitary Development Plan 2005 (Saved Policies) and the NPPF.

6. Planning Considerations

- 6.1. The Town and Country Planning (Control of Advertisements) Regulations (2007) restrict Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements.

AMENITY

- 6.2. The NPPF, at policy 67, states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building to their surroundings should be subject to a Local Authority's detailed assessment. Finally it states that cumulative impact should be considered.
- 6.3. The proposed adverts would be of an appropriate scale within the existing street scene and would not dominate the highway environment or impact on the character of the Steelhouse City Centre Conservaton Area. The banners would be situated at appropriate locations and would not overwhelm the public realm with advertising. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs acceptable.
- 6.4. I therefore raise no objection to the proposed adverts on the grounds of amenity.

HIGHWAY SAFETY

- 6.5. The proposed advertisement banners would assimilate with the highway environment and an appropriate level of forward visibility is provided in order for drivers to avoid causing highway safety concerns. Such banners are not an unusual

feature within main highways and therefore would not cause an unacceptable degree of driver distraction.

- 6.6. Transportation Development raises no objection subject to confirmation that the advertisement panels would be a sufficient distance from the kerb edge so as not to conflict with vehicular traffic. Furthermore, Transportation Development have advised that by virtue the advertisement's height and position, they would not pose any considerable danger to moving vehicular traffic I concur with this conclusion and an appropriate condition is recommended.
- 6.7. I therefore raise no objection to the proposals on public safety ground subject to the imposition of a suitable safeguarding condition.

7. Conclusion

- 7.1. I therefore recommend that this application is granted temporary consent.

8. Recommendation

- 8.1. Temporary consent subject to the following conditions:

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- | | |
|---|--|
| 1 | Requires banners to be situated either at 500mm from the kerb or no closer to the highway. |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the approval to 5 years (advert) |
-

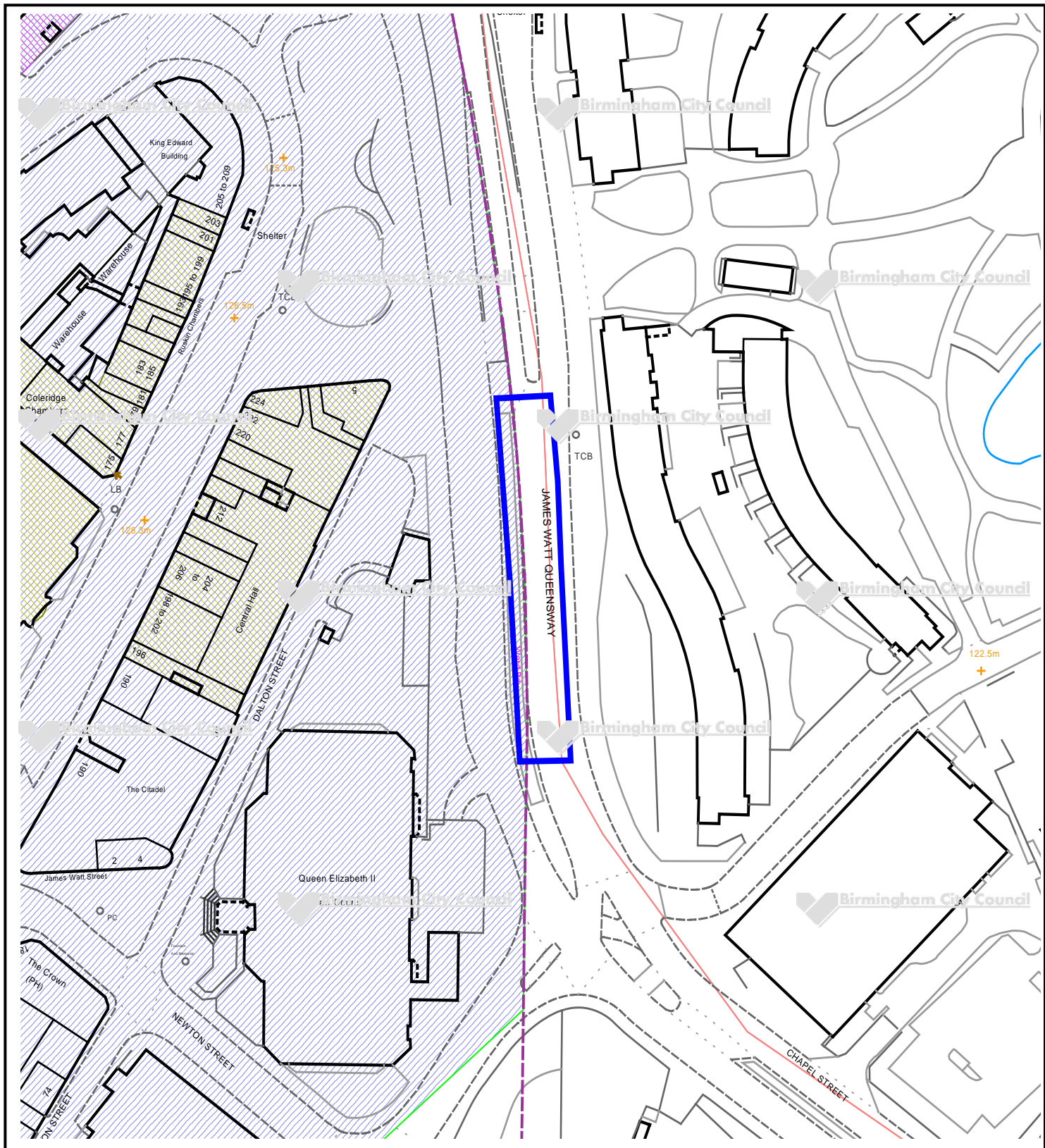
Case Officer: Kasir Ijaz

Photo(s)



Figure 1 Lighting columns at James Watt Queensway

Location Plan



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Committee Date:	30/03/2017	Application Number:	2017/01259/PA
Accepted:	09/02/2017	Application Type:	Advertisement
Target Date:	06/04/2017		
Ward:	Nechells		

Park Street, Digbeth, Birmingham, B5

Display of 5 non-illuminated lamppost advertisement banners

Applicant: Birmingham City Council
10 Woodcock Street, Aston, Birmingham, B7 4BG
Agent: Bay Media Limited
18-19 Deane House Studios, 27 Greenwood Place, London, NW5
1LB

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application proposes the installation of 5 non-illuminated advertisement banners on lampposts along Park Street.
- 1.2. The banners would be affixed to the lamppost columns 2.8m above ground level (to the base of the advert) and would measure 2.2m in height and 0.79m wide. The banners would be made of PVC which would be affixed top and bottom to arms affixed to the column.
- 1.3. The applicants state that the adverts are designed to promote city events with no commercial content which would be overseen by the City's Corporate Strategy Team.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises columns on the middle carriageway situated on Park Street. The advertisement banners would be affixed to five columns along Park Street. These lighting columns form part of the general highway infrastructure along this main road.
- 2.2. The wider surroundings are characterised by high-density development with a large numbers of pedestrian and vehicular movements along the highway. To the west of the site lies the Bullring shopping centre and to the east lies a multi storey car park; these sites are connected by a footbridge at the upper four storey level.
- 2.3. The east of Park Street falls within the Digbeth, Deritend and Bordesley High Streets Conservation Area.

2.4. [Location Plan](#)

3. [Planning History](#)

- 3.1. None relevant on the application site, however this application forms one of a number of such submissions on your committee's agenda.

4. [Consultation/PP Responses](#)

- 4.1. Birmingham City Centre Management, The Business Investment District (BID), the City Design team and Transportation Development have been notified of the application. The following comments have been received:
- 4.2. Transportation Development – No objection, subject to a condition regarding the distance from kerb.

5. [Policy Context](#)

- 5.1. Birmingham Development Plan (BDP) 2017; Birmingham Unitary Development Plan 2005 (Saved Policies) and the NPPF.

6. [Planning Considerations](#)

- 6.1. The Town and Country Planning (Control of Advertisements) Regulations (2007) restrict Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements.

AMENITY

- 6.2. The NPPF, at policy 67, states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building to their surroundings should be subject to a Local Authority's detailed assessment. Finally it states that cumulative impact should be considered.
- 6.3. The proposed adverts would be of an appropriate scale within the existing street scene and would not dominate the highway environment or impact on the character of the Digbeth, Deritend and Bordesley High Streets Conservation Area. The banners would be situated at appropriate locations and would not overwhelm the public realm with advertising. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs acceptable.
- 6.4. I therefore raise no objection to the proposed adverts on the grounds of amenity.

PUBLIC SAFETY

- 6.5. The proposed advertisement banners would assimilate with the highway environment and an appropriate level of forward visibility is provided in order for drivers to avoid causing highway safety concerns. Such banners are not an unusual

feature within main highways and therefore would not cause an unacceptable degree of driver distraction.

- 6.6. Transportation Development raises no objection subject to confirmation that the advertisement panels would be a sufficient distance from the kerb edge so as not to conflict with vehicular traffic. Furthermore, Transportation Development have advised that by virtue of their height, the adverts would not pose any considerable danger to moving vehicular traffic. I concur with this conclusion and an appropriate condition is recommended.
- 6.7. I therefore raise no objection to the proposals on public safety grounds subject to the imposition of a suitable safeguarding condition.

7. Conclusion

- 7.1. I therefore recommend that this application is granted temporary consent.

8. Recommendation

- 8.1. Temporary consent subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires banners to be situated either at 500mm from the kerb or no closer to the highway. |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the approval to 5 years (advert) |
-

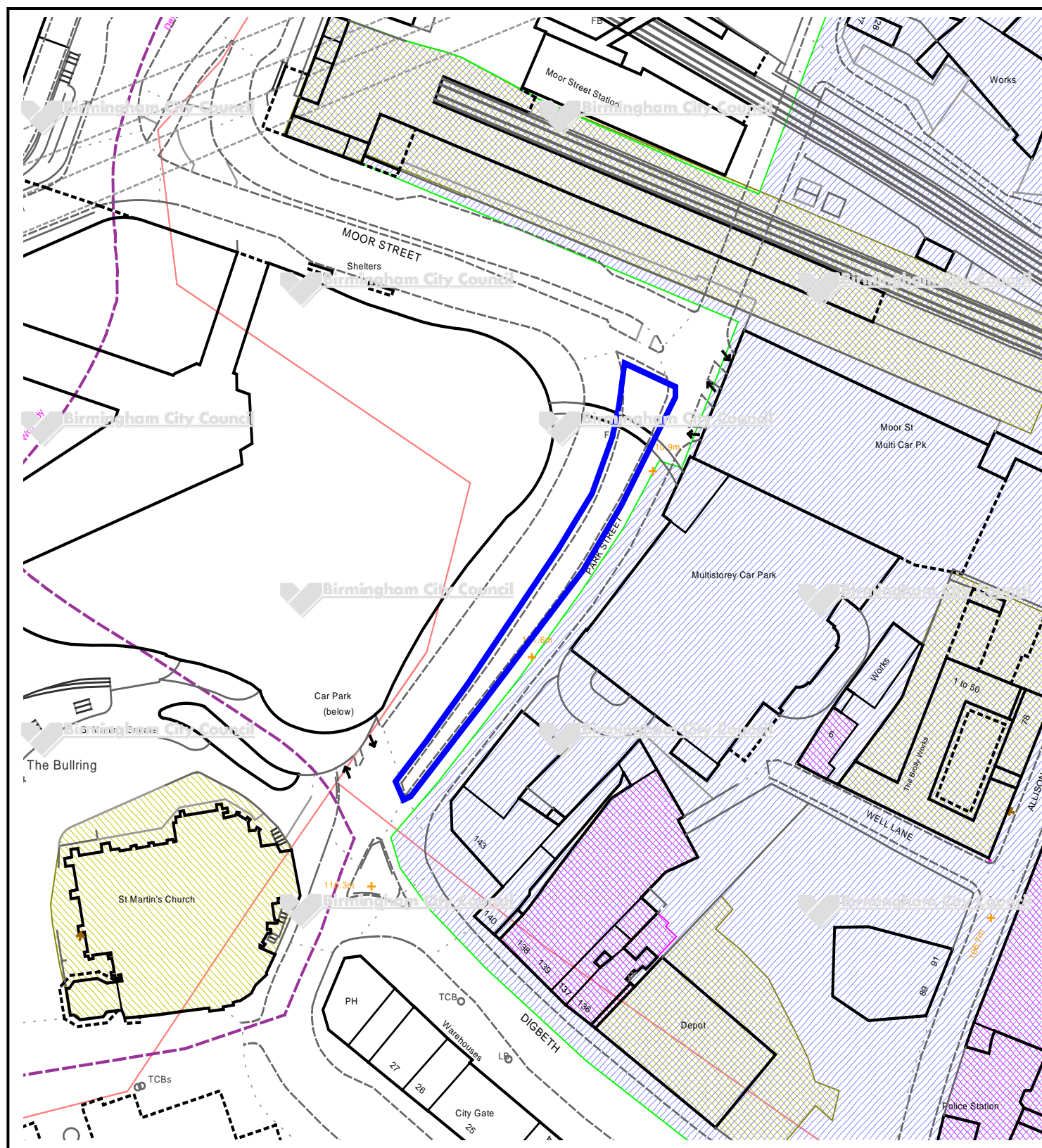
Case Officer: Kasir Ijaz

Photo(s)



Figure 1 Lighting columns along Park Street

Location Plan



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