

# Birmingham City Council

Planning Committee

09 November 2023

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	6	2023/03068/PA  430 Tyburn Road Erdington Birmingham B24 8HP  Demolition of existing building and use of land as electric vehicle charging hub including resurfacing, erection of 2no. electricity substations, installation of electric vehicle charging points, landscaping and associated works
Approve – Subject to 106 Legal Agreement	7	2022/09302/PA  Land at Orphanage Road to the east of Nexus Point Erdington Birmingham B23  Development of 53no. retirement apartments (Use Class C3) and 77-bed care home (Use Class C2), including 2 new vehicular accesses, car parking, landscaping and associated infrastructure

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Committee Date: 09/11/2023      Application Number: 2023/03068/PA  
Accepted: 11/05/2023      Application Type: Full Planning  
Target Date: 10/11/2023  
Ward: Gravelly Hill

430 Tyburn Road, Erdington, Birmingham, B24 8HP

Demolition of existing building and use of land as electric vehicle charging hub including resurfacing, erection of 2no. electricity substations, installation of electric vehicle charging points, landscaping and associated works

Applicant: Metalcraft Developments Ltd  
Unit 1 Bowling Park Close, Bradford, BD4 7HG  
Agent: ELG Planning  
Gateway House, 55 Coniscliffe Road, Darlington, DL3 7EH

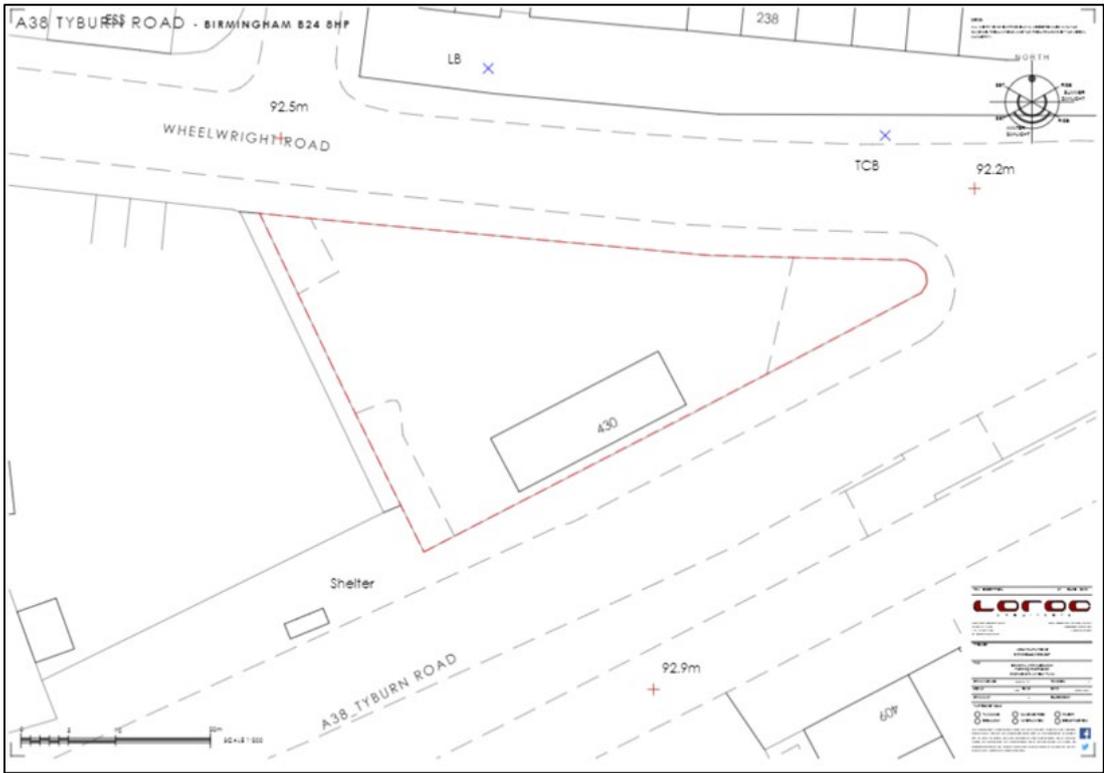
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Recommendation

**Approve subject to Conditions**

**1. Proposal**

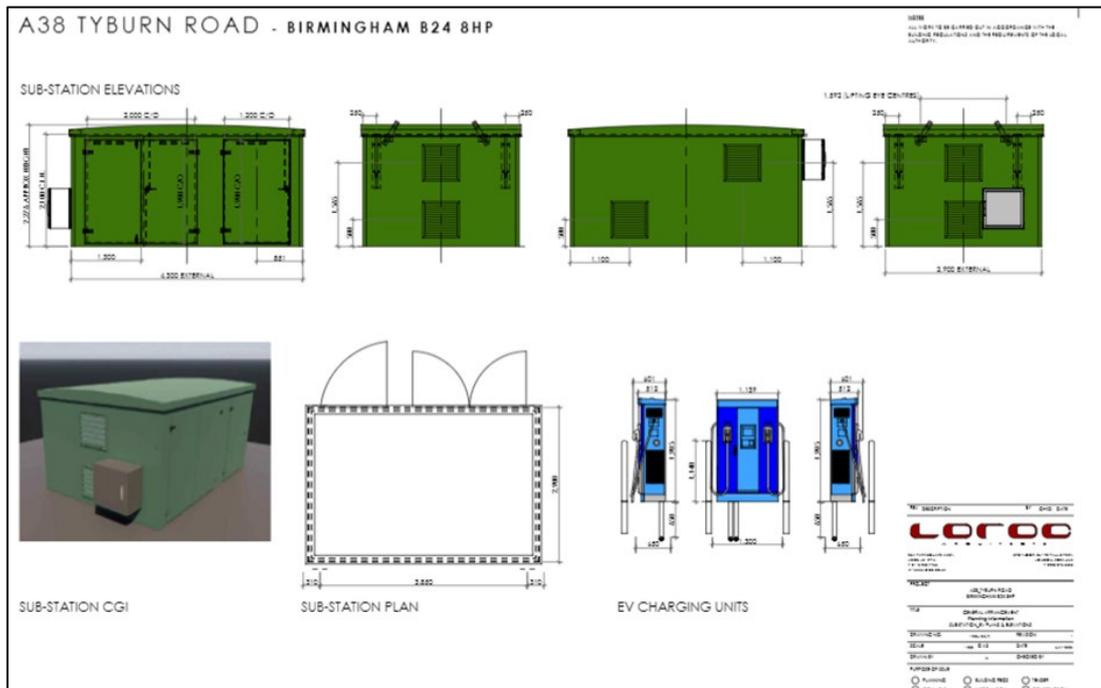
- 1.1. Planning permission is sought for the demolition of an existing building and use of the site as an electric vehicle charging hub including 2no. electricity substations, installation of no.13 electric vehicle charging units, landscaping and associated works.
- 1.2. The site would provide 26 parking bays, one charging unit proposed for every 2 bays. Four of the parking bays would be designated for disabled parking. Each unit would measure 1.2m (W) x 1.9m (H) x 0.5 (D) and would be coloured blue. The proposed substations would be sited along the north-eastern boundary of the site, each measuring 4.3m (W) x 2.3m (H) x 3.0m (D) and coloured green. The proposed layout is shown on the Proposed Site Layout Plan below.
- 1.3. The existing vehicular access into the site from Wheelwright Road would be retained. The existing Paladin fencing along the site's boundaries would also be retained.
- 1.4. The proposed use would be available 24-hours daily and would be monitored by CCTV.



Existing Site Plan



Proposed Site Layout Plan



Proposed Elevations of Substations and EV Chargers

[Link to Documents](#)

## 2. **Site & Surroundings**

- 2.1. 430 Tyburn Road is a triangular piece of land located at the corner of Tyburn Road and Wheelwright Road. The site area is approximately 1242.1sqm. The existing building (to be demolished) is located on the southern boundary of the site and was used in association with the previous use as a 'We Buy Any Car' (Use Class Sui Generis).
- 2.2. The site is located within a mixed-use area. To the north is a parade of shops and services, with some having residential accommodation at first floor. To the south are industrial and commercial properties on Tyburn Road. To the west is a vacant former builders yard at 428 Tyburn Road. The remainder of Wheelwright Road further to the west is predominantly residential.
- 2.3. The whole site is situated within inner Hazardous Site (H4399) due to proximity to XPO Supply Chain UK Ltd and the eastern part of the site is located within the outer Hazardous Site (H1164) due to proximity to Birmingham Terminal, Wood Lane.

[Site Location](#)

## 3. **Planning History**

- 3.1. 21/06/2010 – 2010/01899/PA - Change of use from car wash to vehicle purchasing site, installation of roller shutters, erection of 2.4m high mesh boundary fencing. Approved, subject to a temporary consent.

## 4. **Consultation**

- 4.1. Transportation Development – No objection.

- 4.2. Transportation and Connectivity Project Delivery – No objections to 10-12 chargers (max.). However, the proposed number of chargers (26) would be excessive and hence the proposal is likely to promote/ facilitate private car ownership, in conflict with the Council's aim of achieving a modal shift towards sustainable methods of transport (public transport, walking and cycling) in an effort to achieve net zero target by 2050. The Council's strategy, in particular, prioritises the 30% of the city without access to off street parking (which includes blocks of flats, terraced housing, etc..), and more specifically in these locations where there is little or no public transport. The proposal would set a precedent for further similar developments in the city. Additionally, the proposal would require substantial power demand, potentially impacting on future developments in the vicinity. The proposal would increase the volume of traffic in the area and is therefore not a sustainable form of development.
- 4.3. Regulatory Services – Recommend a condition permitting use for 1 year to enable activities at the site to be monitored to assess potential impacts on nearby residents.
- 4.4. Severn Trent – No objection, subject to a condition requiring the submission of drainage details.
- 4.5. West Midlands Police – No objection, subject to conditions requiring submission of a lighting scheme and a security management plan.
- 4.6. Ecology – No objection.
- 4.7. West Midlands Fire Service – No adverse comments.

## **5. Third Party Responses:**

- 5.1. Neighbours, resident associations and ward members have been consulted. A site notice has been displayed.
- 5.2. Councillor Michael Brown has raised the following concerns:
  - There are no local amenities that would support this development for drivers to use while they wait potentially for in excess of an hour for a vehicle to be charged.
  - The size of the site is not proportionate to a residential location.
  - Potential anti-social behaviour problems if on site security is not provided.
  - The size of the hub does not support the Council's EV strategy prioritising a move to Net Zero target of reducing private usage to 40% by 2030.
  - Unsafe egress/ access onto Wheelwright Road, which would be hazardous to vehicle and pedestrian safety.
  - Substantial power demand which could impact on future developments in the area.
  - Light pollution.
  - There does not appear to have been sufficient attention given to the needs of lone women using the site during hours of darkness.
- 5.3. 8 letters of objection have been received from local residents, raising the following concerns:
  - The proposal would lead to anti-social behaviour.
  - Increased coming and going resulting in general disturbance to nearby residential dwellings.
  - The proposal will create and /or exacerbate existing on-street parking issues.

- The proposal will increase air pollution, negatively impacting the health and wellbeing of residents.
- Pedestrian safety on Wheelwright and Tyburn Road will be compromised.
- Increased traffic congestion in the area.
- Fire safety risks and associated air pollution from EV's catching fire.
- Concerns relating to flood risk.
- Inadequate time to comment.

5.4. Four petitions have been received with a total of 130 signatures, raising the following issues:

- There are no local amenities for users (such as toilets) to use during the potential 1 hour charging time.
- Light pollution.
- Anti social behaviour during the late evening and there is no indication in site security will be provided.
- Potentially unsafe access/egress to the site.
- The site is not proportionate to the streetscape considering its location in a residential area.
- There will be an increase in traffic and pollution.

5.5. A public meeting was held on 9<sup>th</sup> October 2023 at St Chads Church Hall, Stoneyhurst Road, to discuss residents' concerns regarding the proposal. The meeting was attended by approximately 20 residents.

## **6. Relevant Local and National Policy Context**

6.1. National Planning Policy Framework (if relevant)

- Chapter 2 Achieving sustainable development
- Chapter 9 Promoting sustainable transport
- Chapter 12 Achieving well-designed places

6.2. Birmingham Development Plan 2017:

- PG3 Place making
- TP1 Reducing the City's carbon footprint
- TP2 Adapting to climate change
- TP5 Low carbon economy
- TP38 A sustainable transport network
- TP43 Low emission vehicles

6.3. Development Management DPD:

- DM1 Air quality
- DM2 Amenity
- DM14 Transport access and safety
- DM15 Parking and servicing

6.4. Supplementary Planning Documents & Guidance:

- Birmingham Parking SPD 2021
- Birmingham Design Guide SPD 2022

## **7. Planning Considerations**

- 7.1. This application has been assessed against the objectives of the policies as set out above. The matters for consideration are the principle of the development, design and appearance, residential amenity and parking /highway safety.

### ***Principle of Development***

- 7.2. The National Planning Policy Framework sets out a presumption in favour of sustainable development in appropriate locations and promotes high-quality design and a good standard of amenity.
- 7.3. Policy TP1 (Reducing the City's carbon footprint) details that the Council is committed to a 60% reduction in total carbon dioxide (CO<sub>2</sub>) emissions produced in the City by 2027 from 1990 levels; one of the described actions to achieve a reduction in emission is supporting sustainable transport systems and promote the use of low and zero carbon energy sources and technologies. TP5 (Low carbon economy) further echoes this sentiment, supporting the development of innovative energy technologies to reduce the use of fossil fuels and CO<sub>2</sub> emissions and promotion of low carbon industries. Policy TP43 specifies that proposals for low emission vehicles such as electrical vehicles should be encouraged through facilitating the introduction of charging points in public places.
- 7.4. It is considered that the proposal would facilitate the growth of electric vehicle usage and greener travel methods. Therefore, in the broadest sense the application adheres to policy and is acceptable.

### ***Design and Appearance***

- 7.5. Policy PG3 of the BDP requires that the design of developments responds to site conditions and the local area context.
- 7.6. Given the mixed use nature of the area, it is considered that a charging hub in this location is an appropriate form of development and that the charging units and substations would not have any adverse impact on the visual amenities of the area. Further, an existing building adjoining Tyburn Road would be removed, additional landscaping would be provided and the existing Paladin fencing around the site would be retained. As such, the proposal would enhance the outlook for existing nearby occupiers and would also improve the visual appearance of the area, in accordance with policy PG3 and the Birmingham Design Guide.

### ***Residential Amenity***

- 7.7. Policy DM2 of the DPD states that 'all development will need to be appropriate to its location and not result in unacceptable adverse impact on the amenity of occupiers and neighbours. In assessing the impact of development on amenity the following will be considered: aspect and outlook, noise, fumes, dust, air or artificial light pollution, safety considerations, crime, fear of crime and anti-social behaviour.
- 7.8. Regulatory Services are satisfied that noise levels from the substations and charging units would not be unduly excessive.
- 7.9. A 'temporary 1yr consent in the first instance has been recommended by Regulatory Services. However, this has not been attached as it is considered that it would not be reasonable due to the financial cost of delivering the development, the investment then being at risk should permanent permission subsequently not be granted or additional conditions be imposed. Additionally, issues of noise and anti-social behaviour could be dealt with under other regulations.

- 7.10. West Midlands Police have no objections but have recommended lighting scheme and security management plan conditions, including provision of CCTV. These have been attached in the interests of safeguarding residential amenity.
- 7.11. Regulatory Services have not raised any concern in relation to increased air pollution. The applicant has advised that there is no scientific evidence to suggest that due to the greater weight of electric vehicles, the amount of tyre waste particles would be increased.
- 7.12. The applicants have advised that they are a national provider and that there are no amenities to be provided on site due to short charging times as super-fast chargers would be provided. It is expected that vehicles would be charged in no longer than 30 minutes, although it is likely that the average customer stay would be in the region of 10-15 minutes. The applicants have also advised that they have had no experience of anti-social behaviour at their existing sites and that it is expected that customers would remain in their vehicle whilst charging.

### ***Highway Safety***

- 7.13. Transportation Development consider that the development is likely to be utilised by existing passing-by-trips for top-up charge rather than the proposal being a destination. There are no amenities, retail shops or services proposed and as such the proposal is unlikely to increase traffic generation on the local highway network.
- 7.14. The layout of the site and use of the existing vehicular access are considered to be satisfactory.
- 7.15. It is therefore considered that the development would have no adverse impact on highway safety.
- 7.16. In response to the comments of the Transportation and Connection (EV Chargers) officer, the applicant has provided a letter which states that the issues raised are not in accordance with the guidance set out in the Council's City-Wide Electric Vehicle Charging Strategy. The applicant has highlighted that the proposal should be assessed on its own merits and that national and local planning policy encourages the introduction of EV charging infrastructure to support the transition towards low emission vehicles. The applicant had noted that there is no policy requirement to justify the number of EV charging hubs within a development or the types of vehicles that would be using them. The viability of the proposal has been based upon the modal shift over 30 years. Finally, power demand is not a planning consideration.

## **8. Conclusion**

- 8.1. It is acknowledge that the move toward electric vehicles would not alone solve the issues of CO2 emissions, but that they have an important role to play. The proposal would support the transition to low energy travel methods and the Council's pledge to reduce carbon emissions. In addition, the proposal would not adversely impact the area's visual amenity, residential amenity or highway safety. As such, the application accords with relevant national and local planning policies and should be approved, subject to conditions.

## **Recommendation**

9. Approve subject to conditions

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- 1 Implement within 3 years (Full)
  - 2 Requires the scheme to be in accordance with the listed approved plans
  - 3 Requires the submission of hard and/or soft landscape details
  - 4 Requires the submission of a lighting scheme
  - 5 Requires the submission of a site security scheme
- 

Case Officer: Jacqueline Hughes

**Photo(s)**



Image 1: Ariel View of the Application Site (Source: Google Earth)



Image 2: Southern Elevation of the application site (Source: Google Earth)



Image 3: Northern Elevation of the application site (Source: Google Earth)

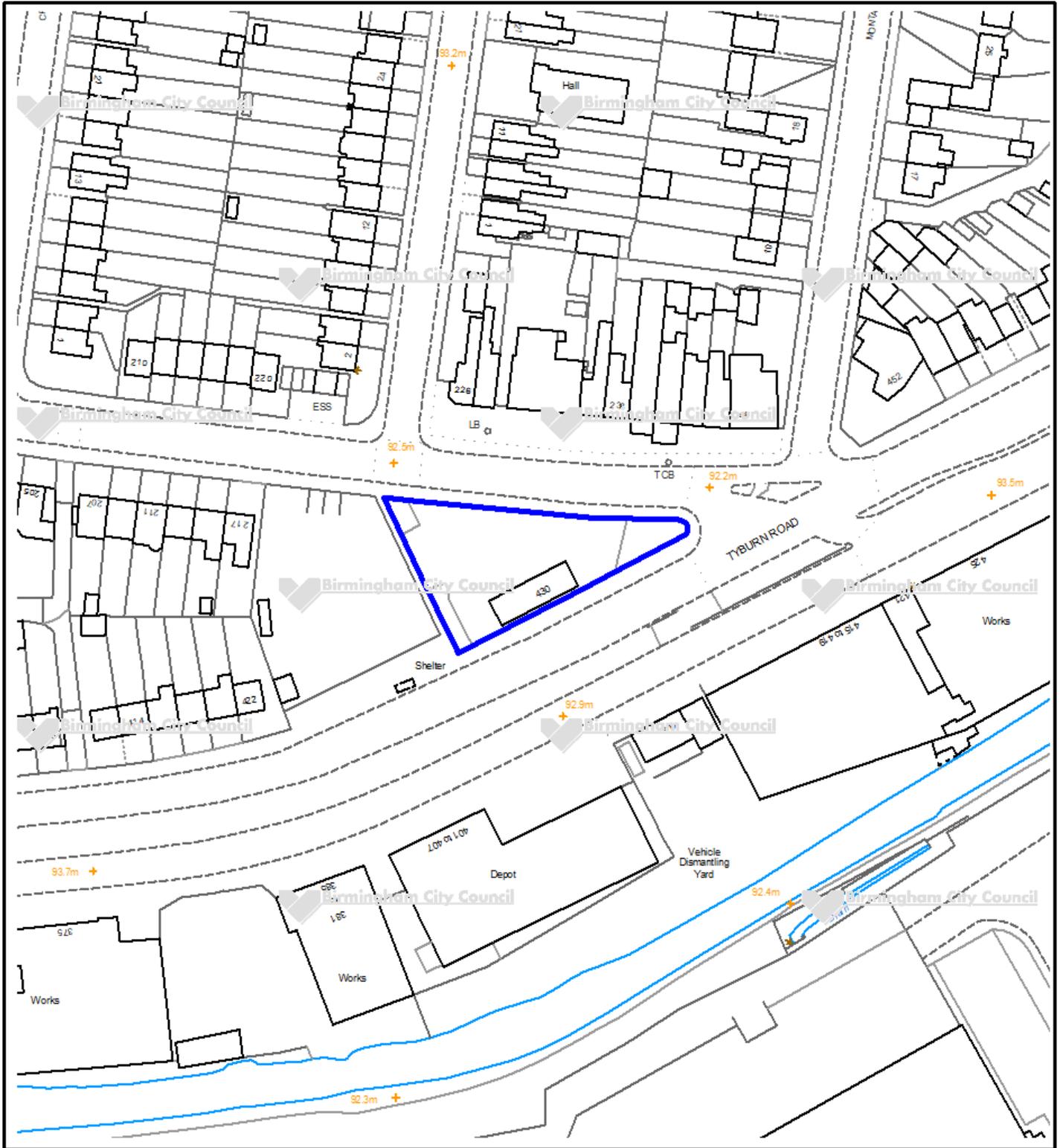


Image 4: Street view from the junction with Tyburn Road and Wheelwright Road. (Source: Google Earth)



Image 5: Street view from Wheelwright Road (Source: Google Earth)

# Location Plan



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Committee Date:	09/11/2023	Application Number:	2022/09302/PA
Accepted:	31/01/2023	Application Type:	Full Planning
Target Date:	15/12/2023		
Ward:	Erdington		

Land at Orphanage Road to the east of Nexus Point, Erdington, Birmingham, B23

Development of 53no. retirement apartments (Use Class C3) and 77-bed care home (Use Class C2), including 2 new vehicular accesses, car parking, landscaping and associated infrastructure

Applicant: McCarthy Stone and Liberty Care Developments  
Cornerblock, 2 Cornwall Street, Birmingham, B3 2DX  
Agent: Lichfields  
Cornerblock, 2 Cornwall Street, Birmingham, B3 2DX

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Recommendation

**Approve Subject to a Section 106 Legal Agreement**

1. **Proposal:**

- 1.1 This is an application for the development of a four storey 53-bedroom retirement home (27no. 1-bed and 26no. 2-bed apartments) and three storey 77-bedroom care home. The retirement living complex would occupy the western half of the site, with the care home on the eastern half. The retirement complex would include a lobby, reception and communal lounge and within the care home communal facilities would include 10 lounge /dining rooms (four with balconies and two with patio areas), a cinema /activity room and a hair and beauty room.
- 1.2 Up to 75 full time equivalent jobs would be created by the care home development.
- 1.3 There are four existing access points to the site from Orphanage Road, two of which are to be stopped up. The other two are to be retained and widened to provide access to each of the two developments within the site.
- 1.4 22 parking spaces and a buggy store are to be provided for the retirement home. The care home would have 26 parking spaces with 4 electric vehicle charging points and cycle store.
- 1.5 The application is accompanied by the following reports/surveys:
  - Financial Viability Assessment;
  - Sustainable Construction Statement;
  - Energy Statement;
  - BREEAM Design Stage Credit Tracker;
  - Energy and Sustainability Statement;
  - Built Heritage Statement;
  - Archaeological Desk-Based Assessment;

- Preliminary Ecological Appraisal;
- Tree Survey and Impact Assessment;
- Contamination & Remediation Statement;
- Flood Risk and Drainage Impact Assessment;
- Transport Statement;
- Travel Plan;
- Car Park Management Plan;
- Environmental Noise Impact Assessment;
- Daylight and Sunlight Report;
- Air Quality Assessment.



SITE LAYOUT PLAN



2000 01 Proposed South Elevation  
Scale 1:200



2000 02 Proposed West Elevation  
Scale 1:200

PROPOSED APARTMENT BUILDING SOUTH (FRONT) AND WEST ELEVATIONS



PROPOSED CARE HOME BUILDING SOUTH (FRONT) ELEVATION



PROPOSED CARE HOME BUILDING (EAST ELEVATION)

1.6 [Link to Documents](#)

2. **Site & Surroundings:**

2.1 This is a vacant 0.9 hectare site which lies approximately 200m from Erdington High Street. The site is currently vacant, having previously been occupied by commercial and light industrial buildings. To the south of the site on Orphanage Road is the Grade II listed Conservative Club building, two-storey residential properties, a single storey church hall, and Erdington Leisure Centre at the corner of Orphanage Road and Hart Road. To the east, the site is bounded by the rear gardens of 90 Orphanage

Road and no.s 15-21 Orchard Road. Immediately to the north is a recently constructed Lidl food store, which is approximately 1.5m above the level of the application site (a private lockable gate is to be provided within the site boundary to enable the residents of the retirement home to have direct access to the food store). Immediately to the west, is a nine-storey block of flats (Nexus Point).

#### Site Location

### 3. **Planning History:**

- 3.1 2011/08251/PA: Hybrid planning application (Part Full and Part Outline) comprising:  
1) - Full planning permission for a retail superstore (A1), 3 no. retail units (A1, A2 & A3), cash point (ATM's), car parking and associated works 2) - Outline planning permission for approximately 15 residential units 3) - Demolition of existing buildings- Approved 25/07/2012.
- 3.2 2021/08850/ PA: Demolition of existing buildings and erection of a new discount food store (Class E) with access, car parking, landscaping and associated works- Approved, 08/04/2022.
- 3.3 Application Reference: 2022/00100/PA: Contaminated land remediation works - Approved, 22/02/2022.

### 4. **Consultation Responses:**

- 4.1 Conservation & Archaeology Officer – Comments set out in paragraph 7.14 below.

City Design & Landscape Officer - Comments set out in paragraphs 7.9 and 7.10 below.

Ecology Officer – Recommends conditions requiring the submission of details to enhance the site's biodiversity value, improve ecological connectivity in the local area, and ensure the scheme delivers a net gain for biodiversity.

Leisure Services – Based on the number of apartments to be provided a contribution of £84,500 towards the provision and/or improvement of public open space at Rookery Park is requested.

Affordable Housing Delivery Team (AHDT) – The applicant for the retirement apartments is a strategic partner for Homes England with a strategy to deliver additional affordable homes. Their partnership strategy is to use Housing Grant from Homes England to deliver additionality of affordable supply, by converting properties that would otherwise be private tenure to shared ownership.

For this scheme the applicant has informed the AHDT of their intention to utilise Homes England grant on 100% of the retirement units at the scheme, with all 53 being in Shared Ownership.

The AHDT are aware that the use of Homes England grant is not a material planning consideration, however the current strategy of McCarthy Stone would provide a supply of much needed affordable homes to the ward of Erdington which would be supported.

Environmental Pollution Control – Recommend conditions requiring the submission of details to ensure that any contaminated land/gases at the site have been appropriately remediated and details of extract ventilation and odour control equipment.

Transportation Development – No objection subject to conditions requiring submission of a construction management plan, provision of access and parking areas prior to occupation, and provision of cycle storage, electric vehicle charging points, travel plan and drainage details.

Lead Local Flood Authority – Recommend conditions requiring submission of a sustainable drainage scheme and a drainage operation and maintenance plan.

Severn Trent Water Ltd – Recommend a condition requiring submission of details of foul and surface water drainage.

## 5. **Third Party Responses:**

5.1 Ward Members and surrounding properties have been notified by letter and site notice. One letter of objection has been received, raising the following concerns:

- The siting and scale of the proposed care home will result in a loss of light and privacy;
- Noise disturbance;
- The design of the care home is not in keeping with the character of the area;
- The development will result in increased traffic generation which, along with lack of parking provision, will exacerbate existing highway safety problems in the area.

5.2 A local resident has requested that a walkway be provided through the site to the Lidl store to the north.

## 6. **Relevant National & Local Policy Context:**

6.1 National Planning Policy Framework  
Paragraphs 11, 60, 62, 69, 74, 120, 130, 197 and 199

### Birmingham Development Plan 2017

Policy PG3 (Place making);  
Policy TP4 (Sustainable construction);  
Policy TP5 (Low and zero carbon energy generation);  
Policy TP6 (Management of flood risk and water resources);  
Policy TP8 (Biodiversity and geodiversity);  
Policy TP9 (Open space, playing fields and allotments);  
Policy TP12 (Historic environment);  
Policy TP27 (Sustainable neighbourhoods);  
Policy TP28 (The location of new housing);  
Policy TP30 (The type, size and density of new housing);  
Policy TP31 (Affordable housing)  
Policy TP37 (Health)

### Development Management DPD

Policy DM2 (Amenity);  
Policy DM3 (Land affected by contamination, instability and hazardous substances);  
Policy DM10 (Standards for residential development);  
Policy DM12 (Residential Conversions and specialist accommodation);  
Policy DM14 (Transport access and safety);  
Policy DM15 (Parking and servicing)

### Supplementary Planning Documents & Guidance:

Affordable Housing SPG;

## 7. **Planning Considerations:**

7.1 The main material considerations are:

- Principle;
- Impact on the character of the area;
- Impact on heritage assets;
- Residential amenity;
- Access/parking;
- Sustainability;
- Ecology;
- Land contamination;
- Drainage;
- Affordable housing/financial contributions

### Principle

7.2 NPPF paragraph 11 advises that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, paragraph 11 d) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

7.3 The Birmingham Development Plan became 5 years old on 10th January 2022. In accordance with NPPF paragraph 74, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must now be calculated against the Local Housing Need figure for Birmingham. As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking.

7.4 With regard to the proposed apartments element of the development specifically, residential development in this location is entirely acceptable in principle. The proposal constitutes the re-use of previously developed land, in accordance with the NPPF and BDP Policy TP28, whilst paragraphs 69 and 120 of the NPPF support the development of 'windfall' sites and under-utilised land in making a contribution to meeting housing requirements. The site lies in a sustainable location well served by public transport and in this respect the development accords with BDP Policy TP30. The proposal also complies with paragraph 60 of the NPPF which sets out a requirements for Local Authorities to ensure that "*the needs of groups with specific housing requirements are addressed*".

7.5 Policy TP30 also requires that new housing should seek to deliver a range of dwellings to meet local needs, taking account of current and future demographic profiles. The City has a requirement for older person accommodation as highlighted by the Birmingham Housing and Economic Development Needs Assessment (HEDNA) (April 2022), which identifies that for the period 2020-40 there will be a

need for 1,600 sheltered/ retirement housing units.

7.6 The HEDNA also advises that there will be a need for 2,600 units with care, and more nursing and residential care bed spaces in Birmingham. The applicant has advised that there is a high level of demand for care home provision of a modern standard within the catchment area (a 3-mile radius of the site). The provision of a care home facility would accord with Policy TP37 of the BDP, which seeks to reduce health inequalities and improve quality of life in the City.

7.7 Policy DM12 of the Development Management in Birmingham DPD requires that care home developments:

- a) do not lead to an unacceptable adverse impact on the amenity, character, appearance, parking, public and highway safety of the area;
- b) provide suitable accommodation and facilities for the intended occupiers;
- c) are accessible to local shops, services, public transport and facilities appropriate to meet the needs of its intended occupiers;
- d) are of a scale and intensity appropriate to the size of the building.

As referred to in paragraph 7.4 above, the site is in a sustainable location close to local facilities and in this respect the proposal complies with criteria (c). Compliance with the other requirements of the policy is assessed within the remainder of the report.

#### Impact on the character of the area



PROPOSED STREET SCENE



CARE HOME CGI



APARTMENTS BUILDING CGI

- 7.8 As can be seen from the photographs at the end of the report the site currently forms a 'gap' along Orphanage Road between the nine storey Nexus Point and two storey houses to the east, beginning at no.90. Within this context it is considered that buildings of four storeys and three storeys in height are acceptable, aiding the visual transition between the two existing buildings to each side of the site.
- 7.9 The City Design Officer has advised that the preference would be for the main entrance to the apartments building being at the front of the building on the Orphanage Road elevation, in accordance with City Note SS-2 of the Birmingham Design Guide which states that buildings should have '*main entrances taken from primary frontage, making for convenient access and safer, active streets*'. In this case however, it is considered appropriate for the entrance to be sited on the side elevation, directly opposite the parking area rather than the access drive, as the ground floor windows and doors to flats would ensure that the front elevation presents an active frontage to Orphanage Road.
- 7.10 Condition 13 has been recommended by the City Design Officer in order to secure additional information in relation to how the facades of both buildings are to be designed to provide an appropriate amount of articulation and enhance their appearance.
- 7.11 The proposal would successfully introduce a mixed use scheme of contemporary form into this area of varying building types. The proposed development would be a positive feature in the street scene and would improve the appearance of this part of Orphanage Road - in this respect the proposal aligns with the Birmingham Design Guide which requires that the design of proposals must be informed by a clear understanding of existing character of the area and result in its enhancement, BDP policies PG3 and TP27 which seek high design quality in new developments, Development Management in Birmingham DPD Policy DM12, and paragraph 130 of the NPPF advises that developments should be visually attractive as a result of good architecture and layout.

#### Impact on heritage assets

- 7.12 The NPPF sets out the following advice in relation to the conservation and enhancement of the historic environment:
- *'...decisions should ensure that developments...are sympathetic to local character and history...'* (para.130);
  - *'In determining applications, local planning authorities should take account of... the desirability of new development making a positive contribution to local character and distinctiveness'* (para.197);
  - *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'* (para.199);
- 7.13 Policy TP12 of the BDP advises that the Council will seek to manage new development in ways that protect, enhance and make a positive contribution to the character of the historic environment.
- 7.14 In its current condition the site has a negative impact on the setting of the listed Conservative Club building on Orphanage Road; as referred to in paragraph 7.11 the development would in comparison make a beneficial contribution to the existing street scene. The Conservation Officer has assessed the submitted Heritage Statement and is satisfied that the development would help to improve its setting. As such, the proposal complies with the policy advice set out above.

#### Residential Amenity

- 7.15 In terms of the living environment to be provided for the residents of the retirement home all of the proposed apartments would comply with the floor space guidelines set out in the National Technical Housing Standards document, in accordance with the requirements of Policy DM10 of the DMB DPD.
- 7.16 In order to comply with the standards set out in the Birmingham Design Guide SPD, 283sq.m of amenity space should be provided for the retirement home. An approx. 1000 sq.m. communal landscaped area is proposed. The care home is required to provide 10sq.m per resident (770 sq.m. overall). Each of the 17 ground floor rooms would have a private external amenity area of approximately this size. The remaining 60 residents would have the use of approx. 400 sq.m of amenity space in the form of useable and attractive landscaped areas and a residents' garden. Therefore, there would be a shortfall in amenity space provision of 200 sq.m for the care home, however on balance this is considered acceptable as there is public open space within close proximity including Grange Road Playing Fields, which is located approx. 500m to the east of the site.
- 7.17 The air quality assessment does not identify the site as a location where occupants of the development would be exposed to unacceptable levels of pollution. Condition 10 requires the submission of a noise insulation scheme as recommended by the Noise Impact Assessment to mitigate any potentially adverse impacts arising from road traffic noise and noise from plant/machinery and servicing activities at the Lidl site.
- 7.18 Nexus Point to the west of the site does not have any habitable rooms at ground floor on the elevation facing the proposed retirement home. In terms of storey heights, the relationship between the two buildings is therefore effectively eight storeys (Nexus Point) to three storeys (the retirement home). In order to protect residential amenity the Birmingham Design Guide advises that a minimum distance separation of 27.5m be provided between existing residential properties and

proposed three storey developments. The windows on the western elevation of the apartment building are between 27.4m and 28.6m from Nexus Point – it is considered that the proposed siting of the building is appropriate in terms of safeguarding privacy for the occupants of Nexus Point.

- 7.19 No.90 Orphanage Road to the east of the proposed care home has a two storey rear wing with two kitchen windows at ground floor and a bedroom window at first floor on the elevation facing the site. Cross-sections submitted with the application show that the finished floor level of the care home would be approximately 0.6m lower than no.90. The Birmingham Design Guide requires a distance separation of 15.5m between windows and three storey flank walls – in this case approximately 15m should be achieved given the levels difference between the sites. The proposed building would be sited approximately 14.5m from the bedroom window and 11.5m from the kitchen windows (0.5m and 3.5m below the BDG guideline respectively)
- 7.20 The bedroom window is one of two that serves that room, the other being at the northern end of the rear wing facing the property's garden. Views of the building from the kitchen windows would be largely screened by a new 2.5m high boundary fence (to replace an existing fence). These factors, combined with the relative orientation of the two buildings (being angled away from each other rather than parallel), would ensure that impacts on outlook from the siting of the building would not be so harmful as to warrant refusal of the application. Light loss to no.90 resulting from the development would be minimal given the distance separations and that the building would be sited directly to the west.
- 7.21 The cross-sections also show that finished floor levels would be 2.1-2.4m lower than the adjoining gardens on Orchard Road. Distance separations from windows overlooking those gardens range from 11.5m to 13m (the Design Guide requires 5m per storey), which are considered to be appropriate given the levels changes (the site being at a significantly lower level) and existence of trees and large outbuildings within the bottom part of the gardens which provide partial screening. Members should note that no objections to the development have been received from the occupants of the properties.
- 7.22 Two of the rooms within the care home have a secondary window facing the garden of 90 Orphanage Road and another two have similar windows facing the garden of 19 Orchard Road. These fall significantly short of the Design Guide requirement for distance separation – Condition 18 requires that these windows be obscurely glazed to ensure that there would be no overlooking of the gardens from them.
- 7.23 With regard to the objector's concerns relating to noise disturbance, a care home use is considered appropriate within a residential setting and it is not considered that activities associated with this proposal would be harmful to existing residential amenity (taking into account also the previous commercial use of the site).
- 7.24 In view of the above, it is considered that the development would provide a satisfactory level of amenity for future occupants and existing residents and as such complies with the requirements of paragraph 130 of the NPPF and Policies DM2, DM10 and DM12 of the DMB DPD.

#### Access/Parking

- 7.25 The Birmingham Parking SPD does not set out specific parking standards for extra care/independent living accommodation. Instead applicants are required, when designing a parking solution, to justify the approach accordingly within a Transport Statement. To inform the parking provision for the proposed retirement

development, the applicant has advised that there is an average parking demand of 0.55 spaces per unit at their other sites, which for the proposed 53 units would equate to a requirement of 29 spaces. The proposed development would provide 22 spaces, which is considered to be adequate given the type of development proposed and the highly sustainable location of the site, being readily accessible by non-car methods of transport. In order to control the type of living accommodation, a condition is attached requiring that the development is occupied by people aged over 55 only.

- 7.26 For care homes the SPD requires the provision of 1 parking space per 2 staff and 1 visitor space per 8 residents. The Transport Statement advises that there would be a maximum of 35 staff at the site at any one time, equating to the need for 28 parking spaces to be provided. The proposed provision of 26 spaces is considered to be acceptable as it would not result in any significant additional on-street parking resulting from the development.
- 7.27 In view of the above, the proposal accords with Policy DM15 of the Development Management in Birmingham DPD in that it would provide appropriate levels of parking, promote sustainable methods of travel rather than car use and would reduce congestion.
- 7.28 No concerns have been raised by Transportation Development relating to the proposed siting of the vehicular accesses. The proposal would therefore comply in this respect with Policy DM14 of the Development Management in Birmingham DPD which requires that developments provide safe, convenient and appropriate access arrangements. The conditions recommended by Transportation Development have been attached.

#### Sustainability

- 7.29 Policy TP3 of the BDP requires all new non-residential development in excess of 1,000 sqm to meet BREEAM standard 'excellent' (the policy applies solely to the care home). The Sustainable Construction, Energy Statements and BREEAM Pre Assessment submitted for the care home advise that a range of renewable technologies and energy conservation measures would be provided within the building's construction, with the aim of BREEAM 'excellent' standard being achieved.
- 7.30 BDP Policy TP4 advises that, in the interests of providing sustainable forms of development, schemes will be expected to incorporate the provision of low and zero carbon forms of energy generation. The Energy and Sustainability Statement for the retirement living complex sets out an energy strategy which includes the scheme utilising a good thermal envelope to minimise heat loss, efficient heating and lighting systems, use of an air source heat pump system to provide hot water, mechanical ventilation and a photovoltaic array for the communal areas.

#### Ecology

- 7.31 The conditions recommended by the Ecology Officer have been attached in order to ensure that the proposal complies with BDP Policy TP8 which requires that developments support the enhancement of the natural environment.

#### Land contamination

- 7.32 The submitted Contamination & Remediation Statement advises that remediation works have previously been undertaken across the site in connection with the adjacent food store development (in connection with application 2022/00100/PA

referred to in the Planning History section), and that only limited further works would be required to ensure that the site is suitable for the development proposed. The conditions recommended by Pollution Control in relation to land contamination would ensure that these works are carried out, in order to ensure that the development complies with DMB DPD Policy DM3 which requires that proposals ensure that risks associated with land contamination are fully addressed by appropriate measures to minimise or mitigate any harmful effects to human health.

#### Drainage

- 7.33 The site lies within Flood Zone 1. The conditions recommended by the Lead Local Flood Authority have been attached in accordance with the requirements of BDP Policy TP6.

#### Affordable housing/financial contributions

- 7.34 Policy TP9 of the BDP and the Public Open Space in New Residential Development SPD require the provision of developer contributions towards improvements /provision of public open space in schemes of 20 or more dwellings. In this case, in connection with the proposed retirement apartments, a contribution of £84,500 has been requested by Leisure Services for improvements to the open space area at Rookery Park in Erdington ward. BDP Policy TP31 and the Affordable Housing SPG seek the provision of 35% affordable dwellings in developments of 15 units or more, equating to the need for 19 such units for this proposal.

- 7.35 The NPPF advises Local Planning Authorities to assume that proposed developments are viable unless the applicant can demonstrate circumstances proving otherwise, in which case the required contributions should be adjusted accordingly. Policy TP31 also allows for this approach to be taken, whilst the Public Open Space in New Residential Development SPD advises that the 'financial constraints' on a development should be taken into account when seeking contributions.

- 7.36 The submitted Financial Viability Assessment concludes that there is no financial headroom available for planning obligations after accounting for all reasonable aspects of the outlay necessary. It further notes that there are viability issues by virtue of the low prevailing house prices in the local area.

- 7.37 The Assessment has been assessed by independent surveyors who have agreed with all of the development inputs contained within it, except for the gross development value of the site. Their advice, with what is considered to be a more appropriate gross development value, is as follows:

*'Our appraisal based on 100% market housing generates a very marginal surplus of £40,000 for S106 contributions. We are content that £40,000 is the most that the development can sustain without prejudicing the deliverability of the proposed scheme'.*

- 7.38 Notwithstanding the stance in regard to the viability of the scheme the applicant for the retirement apartments has agreed to provide this contribution. Officers consider that, given that the Council cannot demonstrate a five-year supply of deliverable housing sites, the entirety of the contribution should be for off-site affordable housing provision (equating to an on-site provision of 1 affordable unit – 1.9% of the development). The contribution can be secured via a legal agreement in the form of either a Section 106 Agreement or unilateral undertaking.

- 7.39 The comments made by the Affordable Housing Delivery Team (Para 4.1 above), relating to a Housing Grant from Homes England are noted. However, as this cannot be secured through this planning application, this is not a material planning consideration.

#### Other issues

- 7.40 The proposal includes access to the Lidl store from the apartment site via a locked gate within the northern site boundary. With regard to the representation received from a local resident it is considered that, for safety reasons, it would not be appropriate to allow access across the site to the store for the general public.

### 8. **Conclusion**

- 8.1 The proposal constitutes a sustainable form of redevelopment of a brownfield site for uses for which there is an identified need within the city. The development would make a positive impact on the character of the area, have no adverse effect on the setting of nearby heritage assets, provide adequate levels of amenity and would not result in any harm to highway safety. As such, the proposal complies with the relevant policies referred to in section 6 above.

### 9. **Recommendation:**

- 9.1 That application 2022/09302/PA be APPROVED subject to the conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission) and the completion of a legal agreement to secure:
- a) A contribution of £40,000 towards the provision of off-site affordable housing.
- 9.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 16<sup>h</sup> February 2024 the planning permission be refused for the following reason:
- a) 'In the absence of a legal agreement to secure the delivery of affordable homes the proposed development conflicts with Policy TP31 of the BDP and the NPPF'.
- 9.3 That the City Solicitor be authorised to prepare, seal and complete an appropriate legal agreement.

- 
- 1 Implement within 3 years (Full)
  - 2 Requires the scheme to be in accordance with the listed approved plans
  - 3 Requires the prior submission of a contamination remediation scheme
  - 4 Requires the submission of extraction and odour control and external plant details
  - 5 Requires the prior submission of a sustainable drainage scheme
  - 6 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
  - 7 Requires the prior submission of a drainage scheme
-

- 
- 8 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
  - 9 Landscape Ecological Management Plan
  - 10 Requires the submission of a Noise Insulation Scheme to establish residential acoustic protection
  - 11 BREEAM certificate
  - 12 Fencing details
  - 13 Requires the submission and approval of external materials
  - 14 Requires the submission of hard surfacing materials
  - 15 Requires the prior submission of a construction method statement/management plan
  - 16 Requires the provision of cycle parking prior to occupation
  - 17 Electric vehicle charging points
  - 18 Obscure glazing
  - 19 Energy Statements
  - 20 Travel Plan
  - 21 Requires the prior installation of means of access
  - 22 Requires the parking area to be laid out prior to use
  - 23 Restricts the age limit of occupants of the residential units to over 55s
  - 24 Requires the prior submission of a Verification Report pursuant to the contamination remediation scheme
- 

Case Officer: Faisal Agha

**Photo(s)**



AERIAL VIEW (PRIOR TO CONSTRUCTION OF THE LIDL STORE TO THE NORTH OF THE SITE)

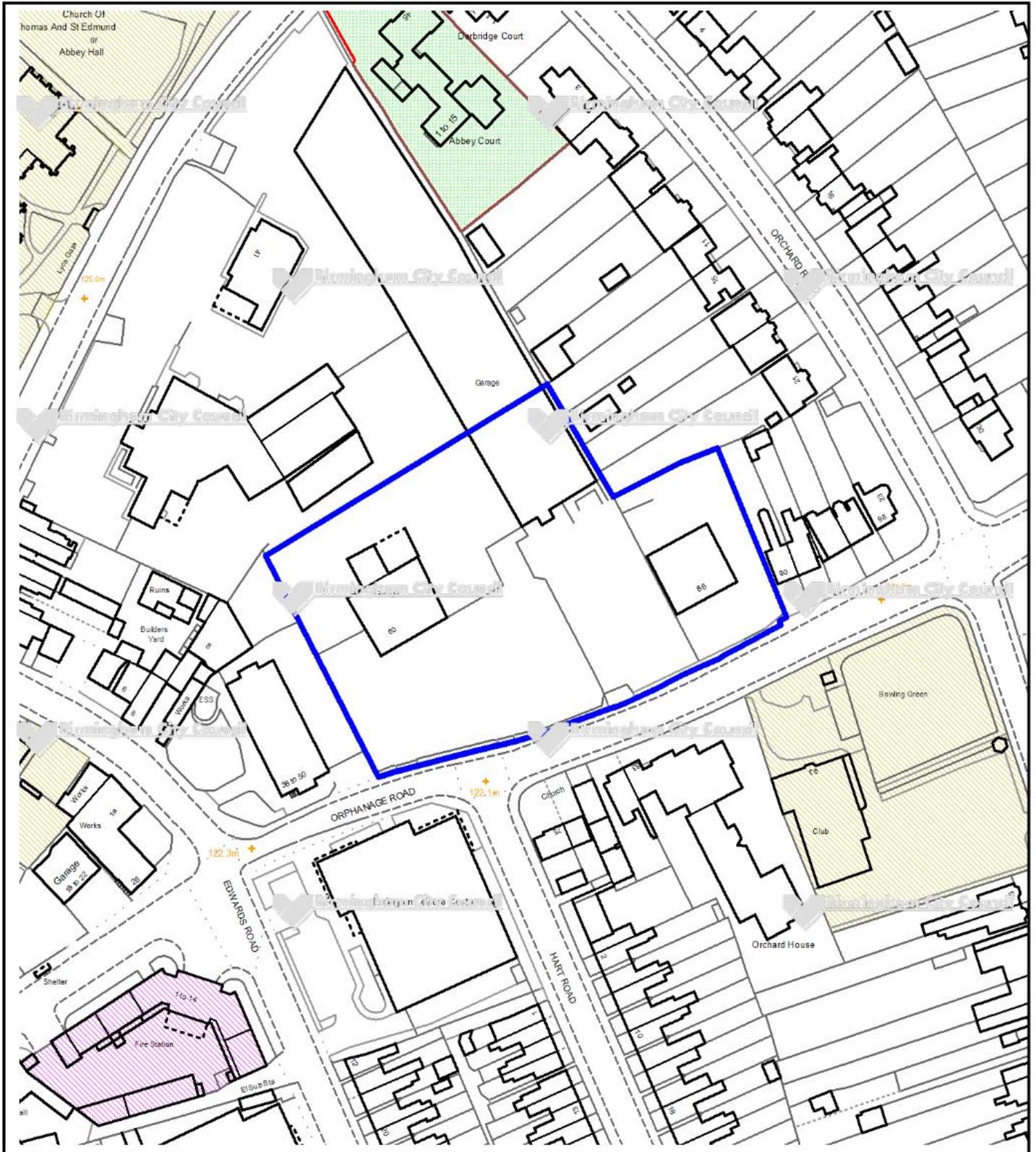


VIEW OF THE SITE FROM THE EAST (ERDINGTON LEISURE CENTRE AND NEXUS POINT TO THE WEST AND SOUTH WEST)



VIEW FROM IN FRONT OF THE SITE SHOWING 90 ORPHANAGE ROAD

# Location Plan



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# Birmingham City Council

Planning Committee

09 November 2023

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>
Approve – Conditions	8	2023/05977/PA  Highbury Hall 4 Yew Tree Road Moseley Birmingham B13 8QG  Full planning permission for internal and external alterations to the grade II* listed mansion house and alterations, rebuilding and restoration of the grade II listed park and garden. The works would create new external openings and entrances, new internal toilets, internal bar area, internal lifts, learning spaces, food preparation areas, creation of leasable office spaces at first and second floor, creation of a cafe/kiosk, erection of an external staircase and single storey link extension, erection of external changing places toilet, alterations to car park and access drive and reconfiguration of car parking spaces, resurfacing of visitor entrance, service yard and courtyard, rebuilding and restoration of the Italian Garden, creation of a wetland area in the grounds, creation of new pathways within the parkland, rebuilding and restoration of the park gates and piers and restoration/re-building of the crucible wall, with associated works and landscaping.

Approve – Conditions

9

2023/05983/PA

Highbury Hall  
4 Yew Tree Road  
Moseley  
Birmingham  
B13 8QG

Listed building consent for internal and external alterations to the grade II\* listed mansion house and alterations, rebuilding and restoration of the grade II listed park and garden. The works would create new external openings and entrances, new internal toilets, internal bar area, internal lifts, learning spaces, food preparation areas, creation of leasable office spaces at first and second floor, creation of a cafe/kiosk, erection of an external staircase and single storey link extension, erection of external changing places toilet, alterations to car park and access drive and reconfiguration of car parking spaces, resurfacing of visitor entrance, service yard and courtyard, rebuilding and restoration of the Italian Garden, creation of a wetland area in the grounds, creation of new pathways within the parkland, rebuilding and restoration of the park gates and piers and restoration/re-building of the crucible wall, with associated works and landscaping.

Approve – Conditions

10

2023/05359/PA

106 Stonor Road  
Hall Green  
Birmingham  
B28 0QS

Change of use from dwelling house (C3) to 2-bed children's care home (C2).

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Committee Date:	09/11/2023	Application Number:	2023/05977/PA
Accepted:	05/10/2023	Application Type:	Full Planning
Target Date:	30/11/2023		
Ward:	Moseley		

Highbury Hall, 4 Yew Tree Road, Moseley, Birmingham, B13 8QG

Full planning permission for internal and external alterations to the grade II\* listed mansion house and alterations, rebuilding and restoration of the grade II listed park and garden. The works would create new external openings and entrances, new internal toilets, internal bar area, internal lifts, learning spaces, food preparation areas, creation of leasable office spaces at first and second floor, creation of a cafe/kiosk, erection of an external staircase and single storey link extension, erection of external changing places toilet, alterations to car park and access drive and reconfiguration of car parking spaces, resurfacing of visitor entrance, service yard and courtyard, rebuilding and restoration of the Italian Garden, creation of a wetland area in the grounds, creation of new pathways within the parkland, rebuilding and restoration of the park gates and piers and restoration/re-building of the crucible wall, with associated works and landscaping.

Applicant: Birmingham City Council  
Corporate Landlord, Place, Prosperity, Sustainability Directorate, PO  
Box 16255, Birmingham, B2 2WT

Agent: Burrell Foley Fischer  
Studio 9, 14 Southgate Road, London, N1 3LY

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Recommendation

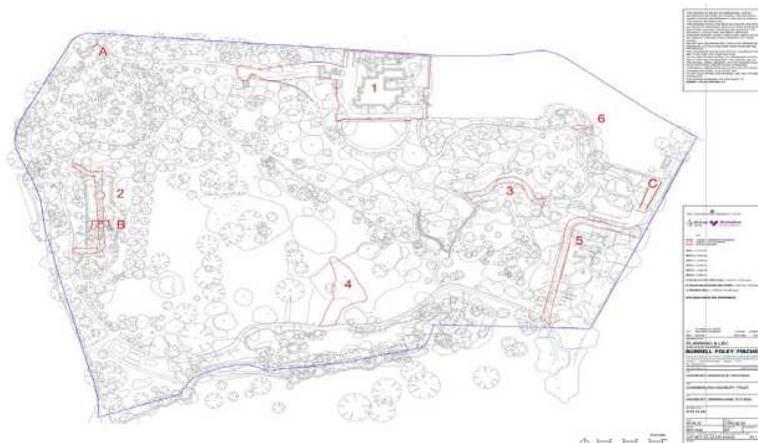
**Approve subject to Conditions**

1. **Proposal:**

- 1.1. The site is a Birmingham City Council owned site and consent is sought for internal and external alterations to the main mansion house which is a grade II \* listed building and works to the grounds and park area, which is a grade II listed historic park. A separate listed building consent application has been submitted under reference 2023/05983/PA which considers the impact of the works to the historic fabric of the grade II\* listed mansion and the rebuilding and restoration of the crucible wall structure in the Orchard area, the Moor Green Lane entrance gates and the terracotta and balustrading in the Italian Garden area, all of which are located within the grade II listed park and garden.
- 1.2. The proposed works for the application relates solely to the mansion house and its surrounding area and the small pockets of areas across the parkland. Of which this

is shown in the image below. The land outside of these areas remains outside of the scope of the proposed applications.

**Image 1 – Proposed Site Plan showing proposed areas of work within the site**



1.2 The works consist of the following:

1.3 *House and immediate courtyard area (Area 1)*

1.4 The works to the mansion house would consist of the creation of an external fire escape, a single storey link extension, an access ramp is proposed within the service courtyard, boundary treatment and new external openings to create a café kiosk hatch, external entrances to toilets and a separate entrance to access the staff area and offices. The majority of the external works would take place to the side of the building and in the inner service courtyard to the rear of the site.

1.5 The area of the café courtyard is proposed to be re-surfaced and an external changing places facility is proposed to the north of the café courtyard. The staff parking area and bin store is proposed to be re-surfaced to properly demarcate the car parking spaces and to provide designated staff car parking spaces, a collection of trees (group G7 – category B) would be removed to facilitate the staff parking area. The visitor entrance area to the side of the house is sought to be re-surfaced and the visitor car parking and would be extended and redesigned to replace the existing visitor car parking spaces with 17 designated visitor car parking spaces which would be properly demarcated, larger and provide adequate turning space and three designated disabled car parking spaces positioned closer to the building. Four trees (T64 (category B), T65 – (category B), T66 – (category B) and T67 – (category C)) would be removed to facilitate the additional visitor parking. Two further trees (T116 – category C and T117 – category B) would be removed to the rear of the site to facilitate the proposed staff entrance and surfacing and a further tree (T109 – category B) would be removed to the front of the building to allow for re-surfacing and would open up views over the parkland from the mansion.

1.6 The mansion is currently used as a civic venue and is currently used for weddings and a variety of different functions and the Parkland is open to a wide span of visitors to access and walk around. There are also educational classes that are carried out in the Parkland for the local community and local schools. The civic function of the mansion, its use as a wedding/function venue and its continued use as an educational facility would still continue in the same way as part of the proposed works, as the main function rooms would be largely unaffected by the proposal with the exception of some internal restoration to the historic fabric of these rooms. The main internal changes that are proposed would occur in the less sensitive

commercial and service areas of the building which currently consist of the serving corridors, catering areas, chair and table storage areas and the main catering kitchen on the ground floor; these changes would allow for better circulation and use of the commercial areas with a separate café kiosk that can be accessed from the visitor courtyard and better storage and access spaces. Improvements and upgrades are also proposed to the rooms on the first floor and second floor to allow the rooms to be used as office spaces, which can be rented out and the creation of learning rooms. The introduction of learning spaces on the first and second floor would help to formalise the educational aspect of the use and provide greater scope for learning opportunities at the site. The incorporation of the new entrance on the rear elevation would also allow for a separate access for the office and learning spaces on the upper floors.

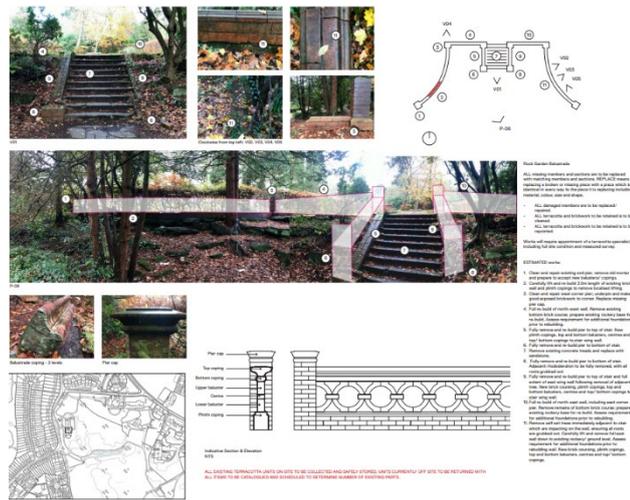
**Image 2 – Proposed layout of works to the house and immediate area (area 1).**



**1.6 Alterations and restoration of the Italian Garden (Area 2 and B)**

1.7 The Italian Garden area is located in the grounds of the grade II listed park which is now overgrown. The footpath connecting the Italian Garden is proposed to be re-instated and the stone steps restored and re-instated, the terracotta balustrading and brick planter would be rebuilt and re-instated as part of the proposed works. Tree T359 (category B) would be removed as part of the re-building and restoration works.

**Image 3 and 4 – Proposed works to the Italian Garden (area 2 and B) and Italian Garden details.**



1.8 **Creation of formalised footpaths in the Orchard and Pleasure Grounds (Areas 3, 5 and 6)**

1.9 Formalised footpaths are proposed in the Pleasure Grounds area of the park, consisting of a 1.5m wide compacting gravel footpath in area 3 towards the centre of the Pleasure Grounds and near to the adjacent pond. Three trees (T178 – category B, T179 – category C and T188 – category C) would be removed to facilitate the proposed footpath. A further formalised footpath is located to the north of the Pleasure Grounds in area 6 which would be a 2m wide resin bound gravel access footpath.

**Image 5 – Proposed footpath works in Pleasure Grounds (area 3 and 6)**



1.10 A further formalised footpath is proposed in the Orchard area of the Parkland (area 5). A large part of this area of the site currently benefits from hardstanding and surfacing retained from existing structures that were once in place. A 3m wide compacting gravel footpath and a 2m wide resin bound gravel access footpath is proposed through the Orchard area with the existing concrete surface retained, a tree (T233 – category U) would be removed to facilitate and formalise this footpath.

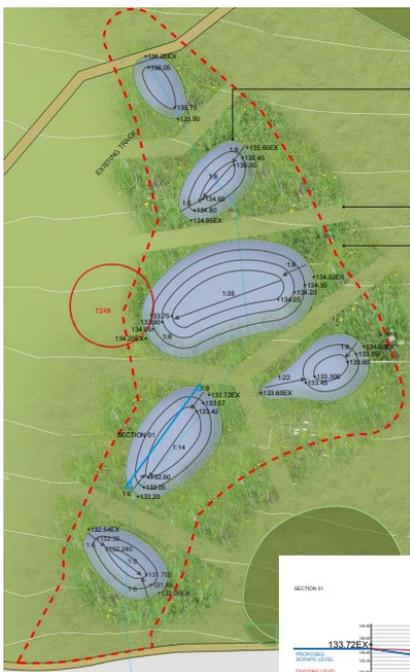
**Image 6 – Proposed footpath works in Orchard (area 5)**



1.11 *Creation of wetland habitat and scrapes (Area 4)*

1.12 A SuDs is proposed through the creation of five wetland scrapes with grass seed planting in area 4, a tree (T249 – category U) would be removed to facilitate one of the scrapes.

**Image 7 – Proposed wetland and SuDs (area 4)**



1.13 *Restoration of Moor Green Lane entrance (Area A)*

1.14 The entrance onto Moor Green Lane is accessed via brick and stone pillars and metal gates, the original lanterns are no longer present. Vegetation would be trimmed back to allow the works to take place and the existing brick and stone pillars would be cleaned and damaged stone would be carefully refitted. New “replica” lanterns would be fixed to the top of the pillars. A metal pedestrian gate would be fitted to match the vehicular gate.

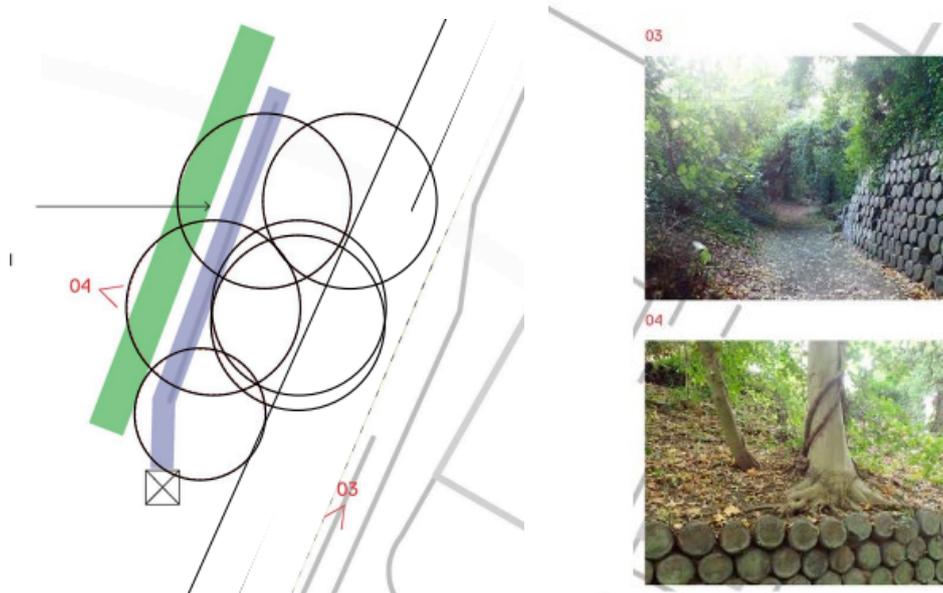
**Image 8 – Moor Green Lane Entrance Gates details (area A)**



1.15 Crucible wall restoration and rebuild (Area B)

1.16 A large retaining wall is located in the Orchard area of the Parkland, sections of crucible wall that are missing would be re-instated with buttress pillars to provide greater support to the wall and structure. In addition, concrete cappings would be fixed to the top of the wall to offer protection from weathering.

**Image 9 and 10 – Position of crucible wall and condition of crucible wall (area B)**



[Link to documents](#)

2. **Site & Surroundings:**

2.1 The site comprises of Highbury Hall, which is a Grade II\* listed mansion house originally built as a residence for Joseph Chamberlain in 1878. The building consists of three floors and is well preserved with extensive remains of the décor from the

period of its initial construction. Albeit there have been some later changes which have allowed the building to be used for civic use; the building is currently used as a wedding venue and has a commercial kitchen area on the ground floor fitted in order to host events.

- 2.2 The grounds immediately around the mansion house, and part of Highbury Park, are a Council owned public open space of over 33ha. The grounds and park have the statutory designation of a Grade II historic park and garden. The park is located between the residential suburbs of Moseley Kings Heath and the Pineapple estate and provides an important area of open space for a wide catchment for visitors across the south of Birmingham. There are a number of different character areas with areas of woodland, including; amenity grassland, wildflower meadows, formal gardens, rose beds, avenues, a pinetum and an arboretum. There are various water bodies in the park, including a lake (also known as the fish pond), and these all have SLINC status.

#### [Site Location](#)

### **3. Planning History:**

- 3.1 1998/02462/PA – Installation of Pulnix beam towers for external security protection – Approved with conditions – 17/09/1998
- 3.2 2018/08855/PA - Listed Building Consent for roof repairs and chimney removal to the North Wing, asbestos removal, lead guttering valley replacement to the Main Hall and refurbishment of northern rooflights, repairs to lincrusta wallpaper and replacement of southern frieze murals in the Main Gallery– Approved with conditions – 23/05/2019
- 3.3 2018/06019/PA - Listed Building Consent for repairs to the tiled roof over the Main Hall and North Wing, internal repairs in the North Wing at first and second floors and dry rot treatment – Approved With conditions – 12/09/2019
- 3.4 2021/08251/PA – Installation of 2m x 4m storage contained and installation of accessible compost toilet – Approve with conditions – 01/09/2022

### **4. Consultation Responses:**

- 4.1 Historic England – No objections subject to the inclusion of in depth planning conditions to secure the methodology and recording of the works and to secure the quality of replacements.
- 4.2 Conservation Officer – No objections subject to the inclusion of pre-commencement conditions to ensure high quality restoration and repair.
- 4.3 Landscape Team – Additional details to be submitted to retain two category B trees. Subject to this information, no objections subject to conditions.
- 4.4 Trees – Additional details to be submitted to retain two category B trees. Subject to this information, no objections subject to conditions.

- 4.5 Ecology – Subject to the inclusion of pre-commencement conditions for additional surveys and a Construction Ecological Management Plan to be submitted prior to works commencing, there are no objections.
- 4.6 Natural England – No objections.
- 4.7 Regulatory Services – No objections subject to conditions to include Electric Vehicle Charging points. If an extractor flue is required to serve the catering operations, a separate application would be required for this in the future.
- 4.8 Transportation Team – No objections subject to planning conditions.
- 4.9 Birmingham Civic Society – No objections and support the application.
- 4.10 The Gardens Trust – Do not wish to comment further on the scheme but emphasise that this does not signify either their approval or disapproval of the proposals.
- 4.11 *Amenity Societies – No comments received.*
- 4.12 West Midlands Fire Service – No objections.
- 4.13 West Midlands Police – No objections.
- 4.14 *Leisure Services – No comments received.*
- 4.15 *Severn Trent Water – No comments received.*
- 4.16 Lead Local Flood Authority – No objections and no wish to attach conditions to the scheme.

## 5. **Third Party Responses:**

- 5.1 Adjacent occupiers, residents associations, M.P and Councillors have been notified and site/press notices have been posted. Six letters of support have been received raising the following matters:
- The Chamberlain Highbury Trust Team have done an excellent job in sharing plans and listening to the Community.
  - There has been due diligence shown in terms of ecological and biodiversity impacts.
  - Highbury Orchard Community is pleased that the Trust has been able to development its plans for the restoration and conservation and a new lease of life to Highbury.
  - The Orchard has been hit by multiple fires and acts of vandalism, the extra boost through this project will allow the Highbury Orchard Community to continue the valuable sessions for children and Adult Volunteers, through the visible paths, clearance and security.
  - The Highbury Orchard Community have worked alongside the Trust and can give the Estate a better and more resilient future.
  - The proposals will considerably enhance the house, park, and gardens, and thereby enable the Chamberlain Highbury Trust to honour fully the Chamberlain family's original bequest of Highbury "For the Benefit of the Citizens of Birmingham".
  - From both a historic and forward-looking perspective, these works are extremely important. They will remind people of a local family that had such a profound global influence - and wanted their home city to continue inspiring leaders of the future.

- The works will not only safeguard the building and its landscape, but also heighten the experience and appreciation for everyone who visits.
- This includes the local community, schoolchildren, young people, future leaders, social enterprise groups, charities, high-profile visitors, local politicians, and dignitaries, as well as others who may just be "passing through" and will inspire future generations of leaders.
- The planning proposals for Highbury have responded to significant research and survey work on the mansion and the grounds.
- The Local Wildlife Site Assessment is a most thorough, comprehensive and detailed analysis of the rich biodiversity of the grounds (and wider park).
- The landscape restoration and biodiversity enhancement proposals have responded well and sensitively to this evidence base and will result in a net biodiversity gain.
- The challenge to arrive at a consensus amongst the many interested parties who look after, and care passionately, about the grounds and wider park, has been well met.
- The restoration work and the operation of the restored mansion and grounds will yield significant employment opportunities (12 FTEs at Highbury and more in the wider local communities of Moseley, Kings Heath and Stirchley). The benefit has been calculated as £3.68M to the local economy.
- This application as it will bring great benefit to the city as a generator of educational and cultural opportunities. Moreover these improvements will attract and secure new external funding to support this major asset to the community.
- Potential for swifts and nesting.

5.2 In addition, one letter/email of objection has been received from a local resident raising the following issues:

- The building works in the proposed plans are not for the conservation and much needed restoration but more worrying they appear to outline changes out of character with the existing property, largely to extend the use of the property as an entertainment and hospitality venue.
- Events that have taken place within the last two years have resulted in littering and damage to the grounds which volunteers and park users have cleaned up. and noise pollution from loud music which has disturbed local residents.
- Noise pollution.
- The surrounding roads are small residential streets which suffer from the increase in site traffic from the hospitality events (such as Digbeth Dining club) which have affected residents accessing their properties. When weddings and events take place, park users have their access denied to the grounds of Highbury Hall which is a place of sanctuary to many local residents much needed in our city suburb.
- Previous works have damaged biodiversity and have caused the destruction of numerous trees.
- Concerns regarding climate crises.
- Local schools such as Queensbridge regularly already use the park for educational visits and nature studies, changes could affect local pupils access to the Hall and grounds.
- There are several places of archaeological interest one Bronze Age burnt mound was only recently discovered, any works to change the parkland should be minimal and only done if absolutely essential.
- Highbury hall and the parkland should be preserved in order that it can be passed onto future generations, any works should prioritise conservation not alteration.

5.3 The Moseley Society have raised the following comments:

*“We are all familiar with the long process of which this series of proposals is the culmination. We like to think that Joseph Chamberlain would be as supportive of this multi-faceted application as we are and that he would be equally impressed with the way the Chamberlain Highbury Trust has consulted the community while drawing up these plans. For years we have been watching with dismay as this important building has been allowed to decay and the gardens of which Joseph Chamberlain was so proud, become overgrown and vandalised.*

*We are therefore, excited by these plans not only to restore and maintain the grand rooms around the central hall, but also to bring much of the rest of the house back into use. We are particularly glad to see the proposals for ‘learning spaces’ and hope that every school pupil in Birmingham will become familiar with the history of the house and of the Chamberlain family. We support the proposals for the new entrances, the additional toilets and the café/kiosk. We welcome the proposals to introduce lifts and make as much as possible of the building fully accessible and to create better toilet facilities.*

*We are glad that the entrance gates and piers are to be restored and the original drive brought back into use. We note the proposed reduction of 11 parking spaces and an increase of 16 secure cycle parking spaces resulting in a new arrangement of space for 22 cars, 1 light goods vehicle, 4 Blue Badge spaces and 24 cycle spaces. We wonder if it will be possible to offer electric vehicle charging points in the car park, or at least to install the ducts through which these could be provided if funds allow that in future. We hope that before too long the 24 cycle spaces will prove to be insufficient and that more will be added.*

*We support the proposals for the restoration of the Italian Garden and think the creation of the wetland an essential way of dealing with the problems caused by springs. We look forward to the restoration and rebuilding of the crucible wall.*

*There is only one proposal that causes us any concern and that is the new path to be created in the Pleasure Grounds, shown as No. 10 on the Masterplan. The semi-wild vistas that have developed there are very special, and the new path would require several trees that are now part of that special view to be removed. We hope the path can either be omitted and the existing path upgraded so as to make it more accessible, or the new path rerouted so that trees do not have to be removed to make way for it.*

*We welcome these plans and congratulate the Chamberlain Highbury Trust on reaching this important stage in the reclaiming of the Chamberlain legacy for the City of Birmingham.”*

## **6. Relevant National & Local Policy Context:**

- **National Planning Policy Framework:**
  - Chapter 2 – Achieving Sustainable Development
  - Chapter 8 – Promoting Healthy & safe Communities
  - Chapter 9 – Promoting Sustainable Transport
  - Chapter 11 – Making effective Use of Land
  - Chapter 12 – Achieving Well Designed Places
  - Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
  - Chapter 15 – Conserving and Enhancing the historic Environment
  - Chapter 16 – Conserving and Enhancing the Historic Environment
- **Birmingham Development Plan 2017:**

PG3 – Place Making  
TP1 - Reducing the city's carbon footprint  
TP2- Adapting to climate change  
TP3 – Sustainable Construction  
TP4 – Low and Zero Carbon Energy Generation  
TP6 – Management of Flood Risk and Water Resources  
TP7: Green infrastructure network  
TP8 – Biodiversity and Geodiversity  
TP9 – Open space, Playing Fields and Allotments  
TP12 - Historic environment  
TP25 – Tourism and Cultural Facilities  
TP27: Sustainable neighbourhoods  
TP39: Walking  
TP40: Cycling

- **Development Management DPD:**
  - DM2 – Amenity
  - DM4 - Landscaping and trees
  - DM5 - Light Pollution
  - DM6 - Noise and vibration
  - DM14 - Transport access and safety
  - DM15 - Parking and servicing
- **Supplementary Planning Documents & Guidance:**
  - Birmingham Design Guide SPD (2022)

## 7. **Planning Considerations:**

7.1 The key planning issues are; the principle of the development; the extent of the proposed works on the sites heritage assets (grade II\* listed building and grade II Registered Park and Garden) and the wider visual impacts of the proposed works; the impact on trees and ecology, the impact on neighbouring residential amenity and the impact on parking and highway safety.

### 7.2 **Principle**

7.3 The mansion has been used for Civic functions and weddings for a number of years and the parkland and garden has also provided an important area of open space and access to green space for local residents across the south of Birmingham and for visitors wider afield. The proposal would incorporate lifts, accessible toilets and improve the internal layout around the less sensitive commercial areas of the house in order to maximise the usage of the mansion house. The works to the Parkland and grounds would help to make the parkland more accessible to more users, and combined with the new toilet and café facilities at the mansion house would also improve the experience for visitors to the parkland. The principle of these improvements would be considered broadly acceptable, however this would be underpinned by the impact that the proposed works would have on the above, of which, these aspects are assessed in more detail during this report.

### 7.4 **Heritage Impact and Design and appearance**

7.5 Policy TP12 of the Birmingham Development Plan stipulates that great weight shall be given to the conservation of the City's heritage assets and shall be assessed in accordance with National Policy.

- 7.6 The works to the Hall have been informed by a Conservation Management Plan (CMP) which has identified areas of the Hall in relation to their significance. The majority of the areas proposed for reconfiguration and alteration, including the removal of internal walls and some external alterations to windows, are to areas of lesser or neutral significance so to more 'back-of-house' locations mostly centred on the internal courtyard and to the internal service areas. Although of lower overall significance these areas still do hold some significance to the Hall and therefore certain alterations and the loss of historic fabric will likely give rise to some heritage harm. The impact of these internal works on the historic fabric of the building are assessed within the report for listed building consent under application 2023/05983/PA.
- 7.7 The new external staircase would be located to the inner service courtyard area, this is a "back-of-house" location where elevations are of lesser significance but do still contribute to the overall form, function and understanding of the mansion house. The staircase would form a dog-legged structure which would provide a means of escape from the rear of the first floor of the East Wing into the courtyard area. Access to the staircase would be created through the loss of an existing window and a new opening to provide a doorway. The loss of historic fabric and the introduction of the staircase is considered to cause some minor harm to the heritage asset but as this is limited to less visible and less significant parts of the building and the introduction of the external staircase, this would allow for the building to meet regulations. The link extension and ramp would also be minor additions which would be located in the service area away from public views and would be obscured from wider view by the introduction of boundary treatment, owing to the internal re-arrangement of the service and storage area of this building, this has greatly reduced the reliance on external extensions, with only the link extension area being proposed.
- 7.8 In addition, a changing places facility is sought to the rear of the service courtyard behind the proposed boundary treatment. The introduction of this single storey structure would introduce a modern facility in a less visible area of the mansion, whilst externally accessible toilets are proposed in the café courtyard, standard accessible toilets do not meet the needs of all people with a disability. Changing Places provide changing and toilets facilities with equipment for all mobility needs, of which the inclusion of this facility would improve access facilities to the site for all users. The structure itself would be of a removable and reversible nature and could be updated if there were improvements to these facilities in the future.
- 7.9 The other area proposed for external alterations is to the eastern side courtyard area, which would see the introduction of the external café courtyard and would see some opening up of external walls to create accessible to toilets and a kiosk window for the proposed café kiosk. The loss of historic fabric here is regrettable but this area of the site is quite closed off from the building and therefore, the introduction of some sympathetic openings could be beneficial and would create a more publicly accessible space which would draw more people to the mansion and facilitate some re-integration between the Hall and the park. The introduction of the proposed office/staff entrance on the side elevation of the building would replace the existing window opening with a double door. However, this alteration would be located away from major public views and would be of sympathetic proportions and materiality. This would also allow visitors and staff to access the catering areas, office spaces and learning areas without having to pass through the function rooms, which would provide significant benefits for the usability of the mansion and would allow the building to operate at its optimum viable use.

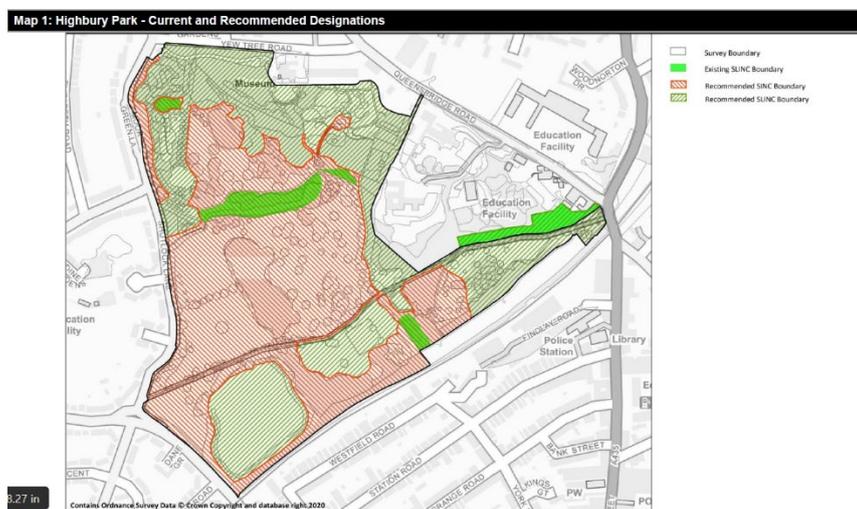
- 7.10 The landscape proposals seek to reinstate historic landscape elements within the Parkland. There are a number of historic structures within the grounds which are proposed to be restored as part of the overall proposals, including the terracotta wall to the Italian Gardens and works to the crucible wall. Further proposals include the restoration of the stone gate piers to the Moor Green Lane entrance. All of these works are considered acceptable and would make a positive contribution to the conservation of the heritage landscape, as well as achieving a positive visual contribution to the wider Parkland and conditions would be attached to secure details and materials to ensure that a high-quality restoration is achieved.
- 7.11 The works to re-surface the visitor car parking area to the side of the mansion house and the re-surfacing of the café courtyard and service courtyard would open up views of the mansion on the approach and would open up an area which is currently underused and separated from the mansion and wider parkland as a space for visitors. The extent of hardstanding could be seen as a more engineered appearance of the site but subject to the inclusion of planning conditions to secure sympathetic materials for the re-surfacing, this would be considered suitable and a visual improvement to the setting of the mansion.
- 7.12 The installation of formalised footpaths through the Pleasure Gardens and Orchard and the installation of the proposed wetland meadow would make a visual improvement to the parkland and would open up existing walkways and make them more open and accessible for future users. Conditions would be attached to secure sensitive surfacing materials.
- 7.13 On balance, the works to the mansion and the introduction of a Changing Places facility would introduce some harm to the significance of the mansion house. These works together with the proposed works to the Italian Garden, crucible wall and entrance gates from Moor Green Lane would introduce less than substantial harm to the grade II\* listed building and grade II registered park and garden, however, in accordance with paragraph 202 of the National Planning Policy Framework, this less than substantial harm would need to be balanced and weighed against the public benefits that would be secured through the proposed works, of which these benefits would be significant. The proposed works would improve the usage and longevity of the mansion house and open up the parkland and mansion facilities and make it more accessible for a wider group of users. The overall heritage benefits through investment, restoration and an ongoing and sustainable use would help to safeguard the future of this listed building and its grounds and parkland and would accord with the principles of policies PG3 and TP12 of the Birmingham Development Plan and the National Planning Policy Framework.

#### **7.14 Ecology, Landscaping and Trees**

- 7.15 The ecological value of Highbury Park as an entire site is considerable. Its diverse habitats include semi-improved and amenity grassland, semi-natural and plantation woodland, running and standing water, scrub, swamp and hedgerows. There is a large number of trees across the site, with more than 60 being veterans; standing and lying deadwood is also frequent. Overall, the site resembles Wood-pasture and Parkland Habitat of Principal Importance (Natural Environment and Rural Communities Act 2006, Schedule 41).
- 7.16 In addition, parts of the park meet the criteria for designation as a Site of Importance for Nature Conservation (SINC), with the remainder of the area meeting the criteria for designation as a Site of Local Importance for Nature Conservation (SLINC). The recommended new SINC and SLINC boundaries are shown below (with the existing

SLINC designated areas also shown). The recommended boundaries have been endorsed by Birmingham and Black Country Local Sites Partnership but are yet to be formally approved by the Council and the process to secure these approvals is to be progressed.

**Image 10 – Recommended new SINC and SLINC boundaries within the site.**



- 7.17 The planning application, however, relates to small pockets of areas within the wider site. As part of the application, a Preliminary Ecology Appraisal (PEA) has been carried out which has assessed the areas that are affected by the planning application works and has considered the impact of the proposals on protected and notable species. The PEA has recommended that further species surveys are carried out to identify mitigation requirements for the works that require planning consent. The recommended surveys that are required are a further Bats Survey (Preliminary Roost Assessment), a further Tree Survey to consider the works to trees within the Italian Garden and the Orchard, and an Amphibian Survey and Reptile Survey.
- 7.18 In accordance with policy TP8 of the Birmingham Development Plan, the National Planning Policy Framework and Circular 06/2005, the expectation is for planning applications to be supported by all necessary species surveys to enable potential impacts on protected/notable species to be satisfactorily assessed prior to determination as the results of the surveys would be required to inform methods of working and to establish whether any additional approvals would be required, such as Natural England Protected Species Licences to permit the works to go ahead. However, in this instance, noting the timescales associated with delivery of the National Lottery Heritage Fund project, which would secure significant funding for the works to the mansion and parkland, there is a strong case to be made for securing the completion of the required additional surveys by a pre-commencement planning condition and aligned with a further pre-commencement condition for submission and approval of a Construction Ecological Management Plan (CEcMP). This condition would also capture the implementation of generic, precautionary working methods to control impacts to breeding birds, hedgehogs and stag beetle as well as the impacts on the SLINC-designated habitats and those with candidate SINC and SLINC status
- 7.19 This approach would be made on a case by case basis but owing to the size and scope of the overall site, potential mitigation could be addressed and the works would help to deliver significant funding to a publicly owned historic mansion and

parkland, and on the basis of this, the use of conditions would be considered a reasonable and proportionate approach on this basis. Appropriate mitigation measures must be implemented during works to minimise the risk of harm to wildlife and to ensure works do not contravene the legal protection afforded to certain species. The pre-commencement condition to secure the submission, approval and implementation of a Construction Ecological Management Plan (CEcMP) would ensure that this is carried out.

- 7.20 A significant proportion of the works covered by the planning application relates to upgrades to the park's path network. In relation to these works, impacts to habitats of SINC/SLINC status are expected to be limited, although there will inevitably be some limited, temporary disturbance within working areas. The works in the Wet Meadow (Area 4) are located in an area of existing semi-improved neutral grassland, poor semi-improved grassland/developing scattered bramble scrub and swamp which lies within the candidate SINC. There are already patches of very wet ground here where swamp habitat has become established and the creation of scrapes to expand and enhance the wetland habitat and the seeding of grassland would be supported from an Ecological and Landscape perspective. Once established, appropriate management would be required to maintain the features' ecological value, of which the inclusion of a condition to secure a further Landscape Management and Monitoring Plan (LMMP), would outline the details of long-term management of these works, in particular the scrapes.
- 7.21 A total of 13 trees and one cluster of trees (G7) would be removed to facilitate the proposed works, most of the tree removal would take place to facilitate the visitor parking and staff parking area around the mansion. The majority of these trees are category B and C trees and are in moderate to good condition. The proposed works would change the character of this part of the park and around the mansion and would become more formalised and engineered in appearance, the use of sympathetic surfacing materials would help to mitigate this and soften the appearance of the hardstanding. Tree T117 is a B category tree shown to be removed to widen the proposed catering/staff entrance, the Landscape Officer has recommended that other options should be considered which would allow this tree to be retained. The loss of this category B tree identified as T117 would need to be weighed against the wider benefits of the overall proposal and the benefits of creating the visitor car parking spaces, which would help to support the continuation of the mansion in its civic use and would form strong public benefits on this basis. Details of hard surfacing materials, rise and fall barrier, bollards, bin store and planting would be secured by condition.
- 7.22 Concerns have also been raised by the Landscape Officer with regard to the category B Handkerchief tree (T359) located within the Italian Garden. As no layout changes are proposed in this location, the removal of this landmark tree could not be justified, and it should be possible to rebuild the planter without removal of the tree; a method statement would be required for this as part of a planning condition to allow the tree to be retained.
- 7.23 Category "U" trees would be removed to facilitate the proposed circulatory path in the Orchard and the scrapes in the wet meadow, of which these removals would be supported to facilitate the proposed works. Two category "C" trees and one category "B" tree would be removed to facilitate the proposed formalised footpaths within the Orchard and Pleasure Grounds. Concerns have been raised about this by the Moseley Society, as this currently provides a semi-wild vista through the Pleasure

Grounds for people to access. However, the proposed works to formalise the paths here, would open the site up and make it more accessible to more visitors and it appears that the removal of these trees would be the only way to facilitate the proposed works. As a result, the overall character of the landscape around the pond would not be affected detrimentally by the proposed works and would open up some light into the area, which would be positive. In addition, a further condition would be attached to include a “no-dig” method around existing trees to facilitate the works.

7.24 Despite the extent of the tree removal required to facilitate the proposed works as part of the application, owing to the extent of replanting and re-seeding across the site, as well as the creation of the proposed wetlands and scrapes, it would be accepted that the scheme can meet its requirements in relation to delivering Biodiversity Net Gain and would result in no biodiversity net loss on site, the inclusion of conditions to secure biodiversity enhancement and long term landscape management would help to further increase gain within the site. Overall, and subject to the inclusion of planning conditions, it is considered that the proposal would accord with the principles of policies PG3, TP1, TP2, TP7 and TP8 of the Birmingham Development Plan, policy DM4 of the Development Management Plan and the National Planning Policy Framework.

### **7.25 Amenity**

7.26 Concerns have been raised by a local resident with regard to noise pollution, littering and damage that has been caused to the site when weddings and functions have taken place. Owing to this existing use, the site could still continue to operate as a civic facility with weddings and functions still taking place without the need for the current planning application, so it would not be reasonable or proportionate to introduce retrospective noise control conditions to the existing civic use.

7.27 Local comments also note that owing to the nature of the layout of the mansion and surroundings, currently, the Parkland can be largely cut off from visitors when there are functions taking place, as there is not the circulation space or Parkland facilities to allow for visitors to enjoy the site at the same time as a function or wedding occurring. Owing to the proposed introduction of a separate café kiosk, visitor courtyard and toilets visitors can access externally of the building, visitors could come and enjoy the Parkland at the same time that functions take place. The introduction of a café kiosk, more formalised footpaths within the Parkland, separate, externally accessed toilet facilities and a changing places facility would open the Parkland up as a facility and local attraction for more users and would be a positive contribution to the local area. The separate office entry would also allow people to come to the mansion to rent office space during weekdays when the site is underused, this would make greater use of the mansion building and keep it in occupation, and owing to the separate access, would not prohibit functions and weddings taking place at the same time.

7.28 The introduction of rentable office spaces, more formalised learning areas, an externally accessible café kiosk, toilets, changing places toilets and more formalised paths could result in an uptake in the use of both the Mansion building and the Parkland and an increase in the number of visitors. The office and educational rooms would be contained within the Mansion building, which would limit external noise and the formalised footpaths would be located within the large expanse of the Parkland area, which is already open to the public and set back away from nearby residential properties. On the basis of this, it is not considered that the increase in use associated with the rentable office space, educational learning rooms, café kiosk and footpaths would result in any harmful impacts to the amenity of nearby residential occupiers by way of noise and disturbance.

- 7.29 The new food preparation area associated with the proposed café kiosk would be relatively low risk in nature and would be mainly used for coffees and heat up food, with cooking operations taking place in the existing catering kitchen which is currently in use. A new extractor flue, would therefore, not be required as part of the proposed works, albeit if an extractor flue would be required in the future, this would require a separate planning application for consideration.
- 7.30 Overall, whilst it is noted that the proposed works would introduce an uptake in the level of use of the building and Parkland, it is not considered that this would result in any harmful impacts to the amenity of nearby residential occupiers. The proposed works would help to provide a more continuous usage of the building and having separate toilets and refreshment facilities on site would mean that the Parkland would become a leisure facility which would be more inclusive and accessible for more visitors, which would create a significant public benefit. The proposed development would, therefore, accord with the principles of policies DM2, DM5 and DM6 of the Development in Management Plan and the guidance contained within the Birmingham Design Guide SPD.
- 7.31 Transportation**
- 7.32 The site currently benefits from a total of twenty three visitor car parking spaces and one disabled car parking space, of which some of these spaces are overgrown and under used. The service area to the rear which receives deliveries, currently has no demarcated staff parking.
- 7.33 As part of the proposed works, seventeen of the visitor car parking spaces would be relocated along the northern side of the internal access road that leads up to the Mansion building and six of the existing visitor car parking spaces outside the side elevation of the mansion building would be changed to create three disabled visitor car parking spaces. In addition, five staff car parking spaces would be located to the rear of the site in the service courtyard/area with a further disabled staff car parking space, and an additional sixteen cycle parking spaces will be provided. There would be twelve full time employees at the Mansion. Whilst this would appear to result in a decrease in the number of visitor car parking spaces, the current visitor spaces are currently utilised by staff members, which currently leaves very few parking options for visitors. Owing to the creation of bespoke staff parking, this would keep five visitor spaces free.
- 7.34 The incorporation of the rentable office spaces would likely result in the most notable increase in the level of parking at the site, the leasable office spaces at first and second floor would roughly estimate to 231sqm in floor area based on the proposed floor plans. The site falls within Zone C of the Car Parking in Birmingham SPD and would require one space per 40sqm equating up to six spaces in total. This use would occur during the week during office working hours when the mansion has notably been underused and would likely be local people utilising the office space. Therefore, it is not considered that this upturn would displace parking to the wider street network. In addition, the majority of people who currently use the parkland arrive on foot from the local area to walk and the Parkland is already served by a public car park 50m from the Main Entrance of the Mansion which will continue to be used. On the basis of this, even with the parkland becoming more accessible due to increased facilities, it is not considered that the proposed works would result in a significant increase in car use to the site which would displace significant parking needs to the wider street network.
- 7.35 Transportation has asked if the access at Moor Green Lane could be widened and amended as part of the proposed restoration works, however, in order to provide a faithful restoration to the entrance gates, it would be necessary for the existing gates

to be restored to historic proportions to respect the heritage asset, of which these gates would provide an “in” entrance only.

- 7.36 Highbury Hall does not have a Travel Plan but given the relatively low number of staff based there, it would not be reasonable or proportionate to make a Travel Plan mandatory as a planning condition in this instance, but subject to the inclusion of planning conditions to secure a Parking Management Plan for busy days where uses would operate concurrently and cycle storage details, it is considered that the proposed works would comply with policies DM14 and DM15 of the Development Management in Birmingham Plan (2021) and the Car Parking in Birmingham SPD (2021).

### **7.37 Drainage**

- 7.38 There have been no objections raised by the Lead Local Flood Authority. The introduction of the proposed wetland meadow would make good use of an area which suffers with surface water run. Further details such as detailed sections showing the depth of the scrapes would be required by condition and the long term maintenance of the wetland would be included and considered as part of the condition for a Landscape Management Plan.

### **7.39 Other Issues**

- 7.40 Concerns have been raised by local residents with regard to the potential for the works to interfere with below ground archaeology. The proposed works would not introduce any deep or extensive ground works, with works consisting of re-surfacing and the requirement for a “no dig” method to be used to protect existing trees. On the basis of this, the proposed works would not interfere with underground archaeology.

## **8.0 Conclusion**

- 8.1 The proposed works would introduce less than substantial harm to the grade II\* listed building and grade II registered park and garden and in accordance with paragraph 202 of the National Planning Policy Framework, this less than substantial harm would be significantly outweighed by the significant public benefits that would be secured by the proposal. The overall heritage benefits through investment, restoration and an ongoing and sustainable use would help to safeguard the future of this listed building and its grounds and parkland and would improve the usage and longevity of the mansion house, opening up the parkland and mansion facilities and making these more accessible for a wide group of users. Subject to the inclusion of planning conditions to secure additional ecological surveys and an Ecological Construction Management Plan, which would protect protected species and help to maximise biodiversity net gain across the site, the proposed development would, therefore, accord with the principles of the Birmingham Development Plan, the Development in Management Plan, the guidance contained within the Birmingham Design Guide SPD and the National Planning Policy Framework.

## **9.0 Recommendation:**

9.1 Approve subject to conditions.

- 
- |   |                                                                        |
|---|------------------------------------------------------------------------|
| 1 | Implement within 3 years (Full)                                        |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
-

- 
- 3 Requires the prior submission of an additional bat survey
  - 4 Requires the prior submission of an additional ecological survey
  - 5 Construction Ecological Management Plan (CEcMP) -
  - 6 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
  - 7 Arboricultural Method Statement - Submission Required
  - 8 No-Dig Specification required
  - 9 Inventory of retention of fixtures
  - 10 Implementation Method Statement
  - 11 Repair and work to historic fabric:
  - 12 Mechanical and electrical (M&E) systems strategy and water utilities strategy
  - 13 Materials
  - 14 Mortar
  - 15 Full Architectural and Specification Details
  - 16 Requires the submission of hard and/or soft landscape details
  - 17 Requires the submission of hard surfacing materials
  - 18 Requires the prior submission of earthworks details
  - 19 Requires the submission of boundary treatment details
  - 20 Landscape and Ecological Management Plan (LEMP) -
  - 21 Requires the submission of a parking management strategy
  - 22 Requires the provision of cycle parking prior to occupation
  - 23 Requires the submission of details of refuse storage
  - 24 Requires the provision of a vehicle charging point
  - 25 External lighting strategy
- 

Case Officer: Katie Moriarty

**Photo(s)**



**Photo 1 – Position of proposed external staircase**

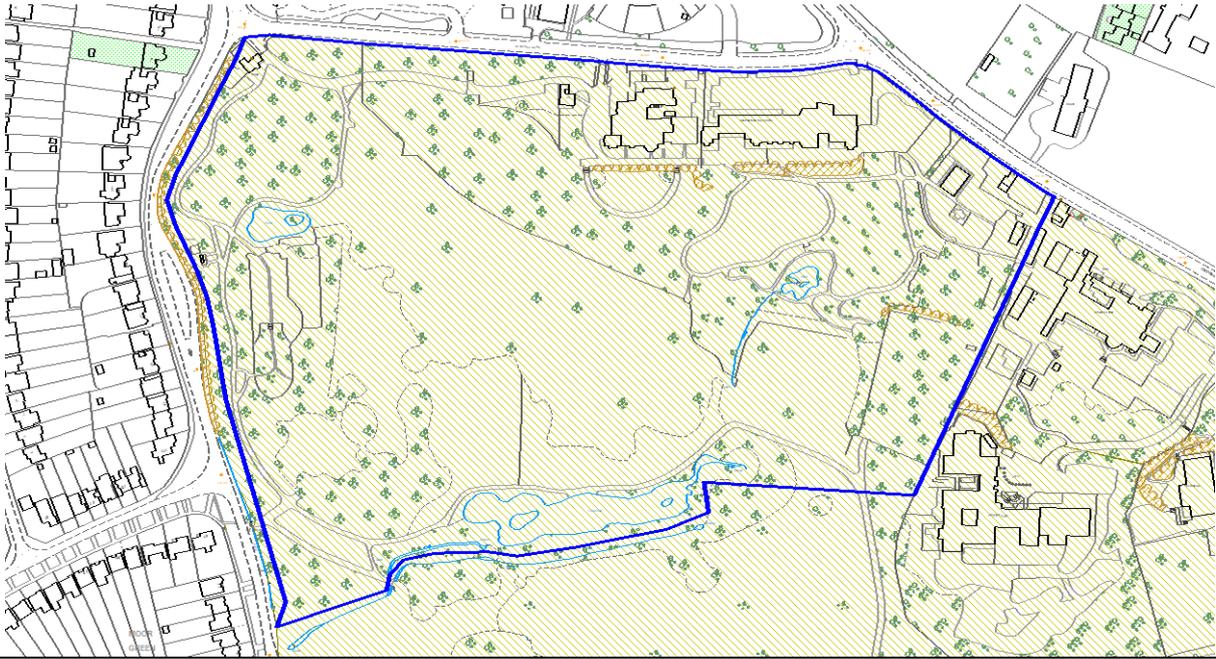


**Photo 2 - Italian Garden**



**Photo 3 – Proposed Café Courtyard**

## Location Plan



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Committee Date:	09/11/2023	Application Number:	2023/05983/PA
Accepted:	04/09/2023	Application Type:	Listed Building
Target Date:	10/11/2023		
Ward:	Moseley		

Highbury Hall, 4 Yew Tree Road, Moseley, Birmingham, B13 8QG

Listed building consent for internal and external alterations to the grade II\* listed mansion house and alterations, rebuilding and restoration of the grade II listed park and garden. The works would create new external openings and entrances, new internal toilets, internal bar area, internal lifts, learning spaces, food preparation areas, creation of leasable office spaces at first and second floor, creation of a cafe/kiosk, erection of an external staircase and single storey link extension, erection of external changing places toilet, alterations to car park and access drive and reconfiguration of car parking spaces, resurfacing of visitor entrance, service yard and courtyard, rebuilding and restoration of the Italian Garden, creation of a wetland area in the grounds, creation of new pathways within the parkland, rebuilding and restoration of the park gates and piers and restoration/re-building of the crucible wall, with associated works and landscaping.

Applicant: Birmingham City Council  
Corporate Landlord, Place, Prosperity, Sustainability Directorate, PO  
Box 16255, Birmingham, B2 2WT

Agent: Burrell Foley Fischer  
Studio 9, 14 Southgate Road, London, N1 3LY

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Recommendation

**Approve subject to Conditions**

1. **Proposal:**

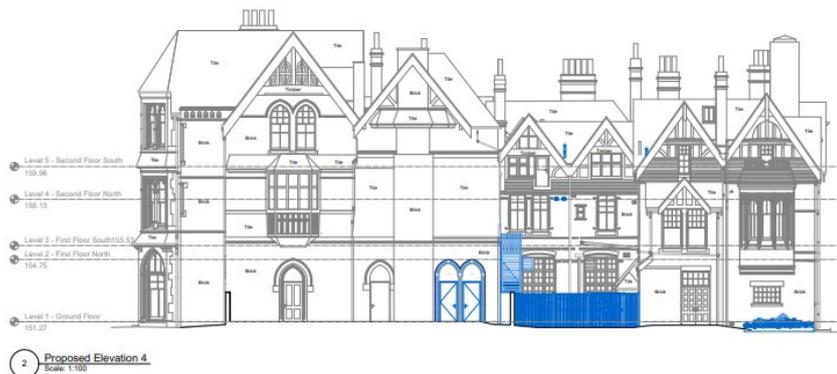
- 1.1. Listed building consent is sought for internal and external alterations to the main mansion house which is a grade II \* listed building and works to restore and rebuild the balustrading in the Italian Gardens, the Crucible Wall in the Orchard and the entrance gates at the Moor Green Lane, all of which are located within the grade II listed Park and Garden.
- 1.2. The application for listed building consent is accompanied by a full planning application submitted under application reference 2023/05799/PA, of which this report covers the elements of the proposal that would require listed building consent. The proposed scheme forms part of a Heritage Lottery bid which has had extensive consultation through its development with Historic England.
- 1.3. *External works to mansion*

- 1.4. The works to the mansion house would consist of the creation of an external fire escape, a single storey link extension and new external openings to create a café kiosk hatch, external entrances to toilets and a separate entrance to access the staff areas, learning areas and offices. The majority of the external works would take place to the rear of the building and in the inner service courtyard to the rear of the site.

**Image 1 – Proposed elevation showing the new entrance for offices and staff (rear elevation)**



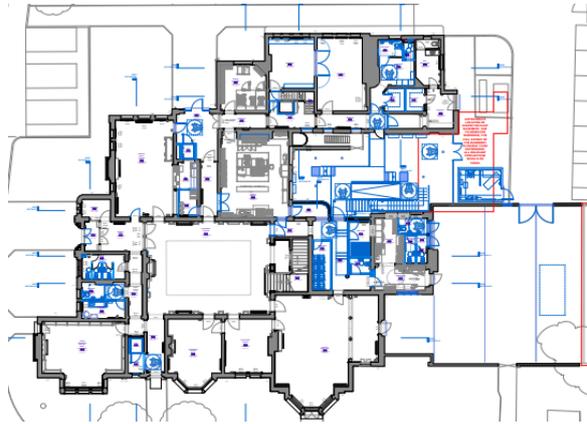
**Image 2 – Proposed elevation showing the new external staircase and openings for externally accessible toilets (side elevation and rear courtyard)**



## 1.2 *Internal works to mansion*

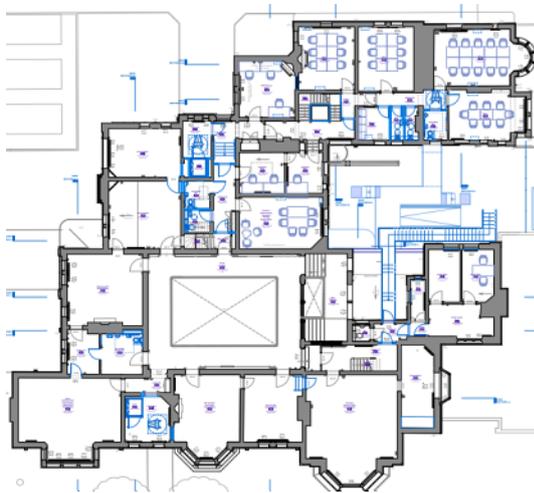
- 1.3 Internal works would mainly be located in the “back of house” areas of the building in the less sensitive commercial areas and would consist of the installation of new toilets which would be accessed from the café courtyard area, creation of separate café kitchen facility, internal re-arrangements between the main catering kitchen and the café kiosk kitchen to allow for storage and a designated access corridor with staff toilets. The existing bar area is sought to be restored and refurbished as part of the proposals. Further internal re-arrangements to the service areas are proposed to create storage and staff toilets. Internal alterations are proposed off the main function rooms to install lifts to the first floor and ground floor toilets.

**Image 3 – Proposed ground floor plan showing internal alterations.**

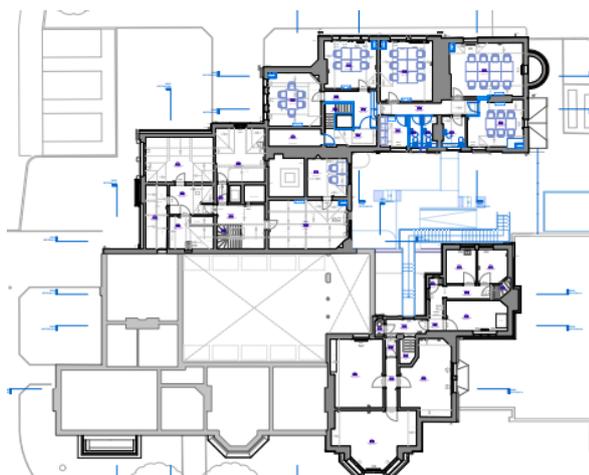


- 1.4 Works are also proposed internally to the first and second floors in relation to accommodating the internal lifts and internal walls would be installed to create toilets at first floor. A number of the rooms at first floor and second floor level would be used as rentable office accommodation and learning spaces.

**Image 4 – Proposed first floor plan showing internal alterations.**



**Image 5 – Proposed second floor plan showing internal alterations.**

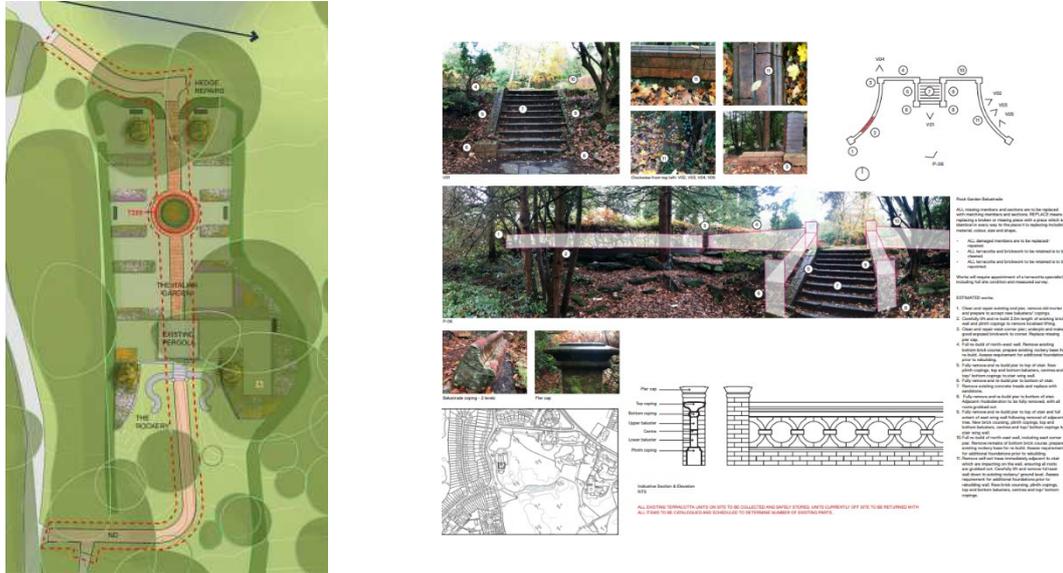


- 1.5 *Alterations balustrading and restoration of the Italian Garden*

- 1.6 The Italian Garden area is located in the grounds of the grade II listed park which is

now overgrown. The footpath connecting the Italian Garden is proposed to be re-instated and the stone steps restored and re-instated, the terracotta balustrading and brick planter would be rebuilt and re-instated as part of the proposed works.

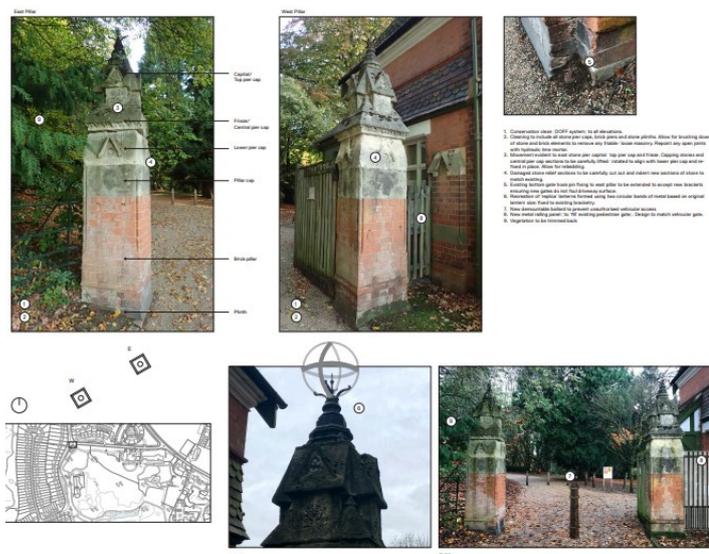
**Image 6 and 7 – Proposed works to the Italian Garden and Italian Garden details.**



**1.7 Restoration of Moor Green Lane entrance**

1.8 The entrance onto Moor Green Lane is accessed via brick and stone pillars and metal gates, the original lanterns are no longer present. Vegetation would be trimmed back to allow the works to take place and the existing brick and stone pillars would be cleaned and damaged stone would be carefully refitted. New “replica” lanterns would be fixed to the top of the pillars. A metal pedestrian gate would be fitted to match the vehicular gate.

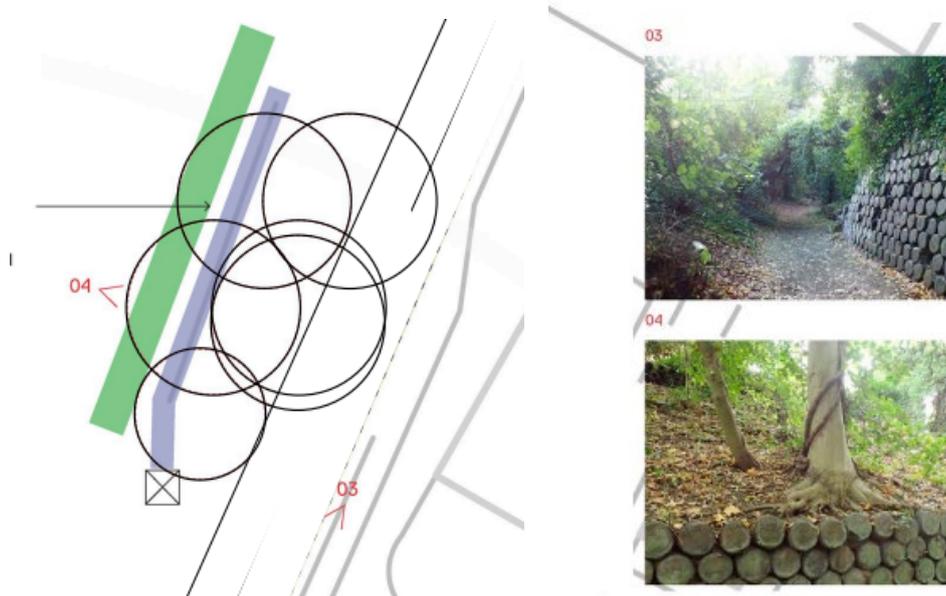
**Image 8 – Moor Green Lane Entrance Gates details (area A)**



**1.9 Crucible wall restoration and rebuild**

- 1.10 A large retaining wall is located in the Orchard area of the Parkland, sections of the crucible wall that are missing would be re-instated with buttress pillars to provide greater support to the wall and structure. In addition, concrete cappings would be fixed to the top of the wall to offer protection from weathering.

**Image 9 and 10 – Position of crucible wall and condition of crucible wall (area B)**



[Link to documents](#)

**2. Site & Surroundings:**

- 2.1 The site comprises of Highbury Hall, which is a Grade II\* listed mansion house originally built as a residence for Joseph Chamberlain in 1878. The building consists of three floors and is well preserved with extensive remains of the décor from the period of its initial construction. Albeit there have been some later changes which have allowed the building to be used for civic use; the building is currently used as a wedding venue and has a commercial kitchen area on the ground floor fitted in order to host events.
- 2.2 The grounds immediately around the mansion house, and part of Highbury Park, are a Council owned public open space of over 33ha. The grounds and park have the statutory designation of a Grade II historic park and garden. The park is located between the residential suburbs of Moseley Kings Heath and the Pineapple estate and provides an important area of open space for a wide catchment for visitors across the south of Birmingham. There are a number of different character areas with areas of woodland, including; amenity grassland, wildflower meadows, formal gardens, rose beds, avenues, a pinetum and an arboretum. There are various water bodies in the park, including a lake (also known as the fish pond), and these all have SLINC status.

[Site Location](#)

**3. Planning History:**

- 3.1 1998/02462/PA – Installation of Pulnix beam towers for external security protection – Approved with conditions – 17/09/1998
- 3.2 2018/08855/PA - Listed Building Consent for roof repairs and chimney removal to the North Wing, asbestos removal, lead guttering valley replacement to the Main Hall and refurbishment of northern rooflights, repairs to lincrusta wallpaper and replacement of southern frieze murals in the Main Gallery– Approved with conditions – 23/05/2019
- 3.3 2018/06019/PA - Listed Building Consent for repairs to the tiled roof over the Main Hall and North Wing, internal repairs in the North Wing at first and second floors and dry rot treatment – Approved With conditions – 12/09/2019
- 3.4 2021/08251/PA – Installation of 2m x 4m storage contained and installation of accessible compost toilet – Approve with conditions – 01/09/2022

#### 4. **Consultation Responses:**

- 4.1 Historic England – No objections subject to the inclusion of in depth planning conditions to secure the methodology and recording of the works and to secure the quality of replacements.
- 4.2 Conservation Officer – No objections subject to the inclusion of pre-commencement conditions to ensure high quality restoration and repair.
- 4.9 Birmingham Civic Society – No objections and support the application.
- 4.10 The Gardens Trust – Do not wish to comment further on the scheme but emphasise that this does not signify either their approval or disapproval of the proposals.
- 4.11 Landscape Team – No objections subject to conditions.
- 4.12 *Amenity Societies – No comments received.*

#### 5. **Third Party Responses:**

- 5.1 Adjacent occupiers, residents associations, M.P and Councillors have been notified and site/press notices have been posted. One letter of support has been received raising the following matters:
  - Highbury Hall is a significant heritage asset in Kings Heath and Moseley.
  - It is vital that this heritage asset is preserved for generations.
  - Camp Hill line to passengers will increase visitors.
  - Envisage a heritage trail encompassing Moseley Park, the Ice House, Moseley Hall, Sarehole Mill and Moseley Bog. Highbury Hall is the jewel in the crown.
  - Will increase footfall and economic regeneration.
  - Chamberlain legacy.
  - Opportunities for members of our diverse community to enhance their skills in this area.
  - The vision has driven the changes proposed to the building.
  - Application presents a coherent whole that will simultaneously preserve and breath new life into this precious asset.

- Strongly support the application.

## 6. **Relevant National & Local Policy Context:**

- **National Planning Policy Framework:**  
Chapter 2 – Achieving Sustainable Development  
Chapter 8 – Promoting Healthy & safe Communities  
Chapter 9 – Promoting Sustainable Transport  
Chapter 11 – Making effective Use of Land  
Chapter 12 – Achieving Well Designed Places  
Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change  
Chapter 15 – Conserving and Enhancing the historic Environment  
Chapter 16 – Conserving and Enhancing the Historic Environment
- **Birmingham Development Plan 2017:**  
PG3 – Place Making  
TP12 - Historic environment  
TP25 – Tourism and Cultural Facilities
- **Supplementary Planning Documents & Guidance:**  
Birmingham Design Guide SPD (2022)

## 7. **Planning Considerations:**

7.1 The suitability of the listed building consent application would be underpinned by the impact of the proposed works on the heritage assets (grade II\* listed mansion house and grade II listed park and garden) and whether the proposed works would amount to public benefits that would outweigh any harm.

7.2 Policy TP12 of the Birmingham Development Plan stipulates that great weight shall be given to the conservation of the City’s heritage assets and development shall be assessed in accordance with National Policy, of which paragraphs 201 and 202 of the National Planning Policy state that where development would lead to substantial harm to a designated heritage asset, it would be necessary to achieve substantial public benefits that outweigh that harm, applying the following:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.”*

7.3 Where a proposal would result in less than substantial harm, this harm should be weighed against the public benefits of the proposal, *“where appropriate, securing optimum visible use.”*

### 7.4 **Heritage Impact**

- 7.5 The proposed works to the Hall have been informed by a Conservation Management Plan (CMP) which has identified areas of the Hall in relation to their significance. The majority of the areas proposed for reconfiguration and alteration, including the removal of internal walls and some external alterations to windows, are to areas of lesser or neutral significance so to more 'back-of-house' locations mostly centred on the internal courtyard and to the internal service areas. Although of lower overall significance, these areas still do hold some significance to the Hall and therefore, certain alterations and the loss of historic fabric will likely give rise to some heritage harm.
- 7.6 Internally there is clearly a hierarchy of spaces within the mansion hall with the most significant of these being to the front of the building and formal areas. On the ground and first floors, these more significant areas will see little in the way of intervention with the most invasive works being the installation of a lift between the two floors and minor internal changes to create toilets. The location of the lift at ground floor is in the area currently housing a large safe with a modern bathroom area behind and would be considered to be an appropriate location. The safe itself will be removed but the more significant safe door is proposed to be retained. Where the lift reaches the first floor an existing historic doorway will need to be moved slightly to facilitate access and this will also include the removal and reinstatement of historic panelling. This element of the proposal is considered to cause some minor harm but would generate a significant public benefit by improving access to the first floor which is important to fully unlock the rooms of the Hall and to make the first and second floor of the building genuinely accessible to all.
- 7.7 The majority of internal demolition is proposed to the back of house service areas and areas that have previously been altered. Having assessed these areas, there would appear to be nothing in the proposals that would raise any significant concerns in relation to loss of historic fabric or significance and the heritage benefits of these areas being refurbished and becoming useable spaces would be a considerable public benefit.
- 7.8 Repair works to the roof area are proposed and further restoration works are identified as part of the submitted Fire Strategy, of which, original and historic doors would need to be retained. The condition surveys supplied with the application identify a number of internal features recommended for replacement and further works are proposed to restore and conserve historic interiors and décor, such as the bar area. Details on these elements are limited and therefore, a door schedule and methodology would be attached as planning conditions to secure this information and ensure a high quality restoration. This approach would be consistent with the guidance within policy TP12 of the Birmingham Development Plan and the consultation responses from both the Council's Conservation Officer and Historic England.
- 7.9 The new external staircase would be located to the inner service courtyard area, this is a "back-of-house" location where elevations are of lesser significance but do still contribute to the overall form, function and understanding of the mansion house. The staircase would form a dog-legged structure which would provide a means of escape from the rear of the first floor of the East Wing into the courtyard area. Access to the staircase would be created through the loss of an existing window and a new opening to provide a doorway. The loss of historic fabric and the introduction of the staircase is considered to cause some minor harm to the heritage asset but as this is limited to less visible and less significant parts of the building, and the introduction of the external staircase would allow for the building to meet regulations, which would be a significant public benefit. The link extension and ramp would also be a minor addition in the service area away from public views and would be obscured from

wider view by the introduction of boundary treatment, owing to the internal re-arrangement of the service and storage area of this building, this has greatly reduced the reliance on external extensions, with only the link extension area being proposed.

- 7.10 The remaining proposed external alterations are located to the eastern side courtyard area, which would see the introduction of an external café kiosk window and two entry doors to access toilets. The loss of historic fabric here is regrettable but this area of the site is quite closed off from the building and therefore, the introduction of some sympathetic openings would be beneficial and would create a more publicly accessible space which would draw more people to the mansion and facilitate some re-integration between the Hall and the park. The introduction of the proposed office/staff entrance on the side elevation would also remove historic fabric to replace the existing window opening with a double door. However, this alteration would be located away from major public views and would be of sympathetic proportions and materiality. This would also allow visitors and staff to access the catering areas, office spaces and learning areas without having to pass through the function rooms, which would provide significant benefits for the usability of the mansion and would allow the building to operate at its optimum viable use.
- 7.12 The landscape proposals seek to reinstate historic landscape elements within the Parkland. There are a number of historic structures within the grounds which are proposed to be restored as part of the overall proposals, including the terracotta wall to the Italian Gardens and works to the crucible wall. Further proposals include the restoration of the stone gate piers to the Moor Green Lane entrance. All of these works are considered acceptable and would make a positive contribution to the conservation of the heritage landscape. Conditions would be attached to secure details and materials to ensure that a high-quality restoration would be achieved.

## **8.0 Conclusion**

- 8.1 On balance, the works to the mansion introduce some harm to the significance of the mansion house, but with the use of planning conditions to secure suitable materials and methodologies for the proposed works, this would minimise loss of historic fabric and secure a high quality restoration. These conditions would also extend to the proposed works to the balustrading in the Italian Garden, crucible wall and entrance gates from Moor Green Lane; together, these works would introduce less than substantial harm to the grade II\* listed building and grade II registered park and garden. In accordance with paragraph 202 of the National Planning Policy Framework, this less than substantial harm would need to be balanced and weighed against the public benefits that would be secured through the proposed works, of which these benefits would be significant. The proposed works would improve the usage and longevity of the mansion house and restore historic landscaping design features within the parkland, whilst at the same time, making the mansion more accessible for all users by introducing better toilet facilities and lifts to access all floors. The overall heritage benefits through investment, restoration and an ongoing and sustainable use would help to safeguard the future of the listed building and its listed grounds and parkland and would accord with the principles of policies PG3 and TP12 of the Birmingham Development Plan and the National Planning Policy Framework.

## **9.0 Recommendation:**

- 9.1 Approve subject to conditions.

- 
- 1 Implement within 3 years (conservation/listed buildings consent)
  - 2 Requires the scheme to be in accordance with the listed approved plans
  - 3 Inventory of retention of fixtures
  - 4 Implementation Method Statement
  - 5 Repair and work to historic fabric:
  - 6 Mechanical and electrical (M&E) systems strategy and water utilities strategy
  - 7 Materials
  - 8 Mortar
  - 9 Full Architectural and Specification Details
- 

Case Officer:       Katie Moriarty

**Photo(s)**



**Photo 1 – Position of the proposed external staircase.**

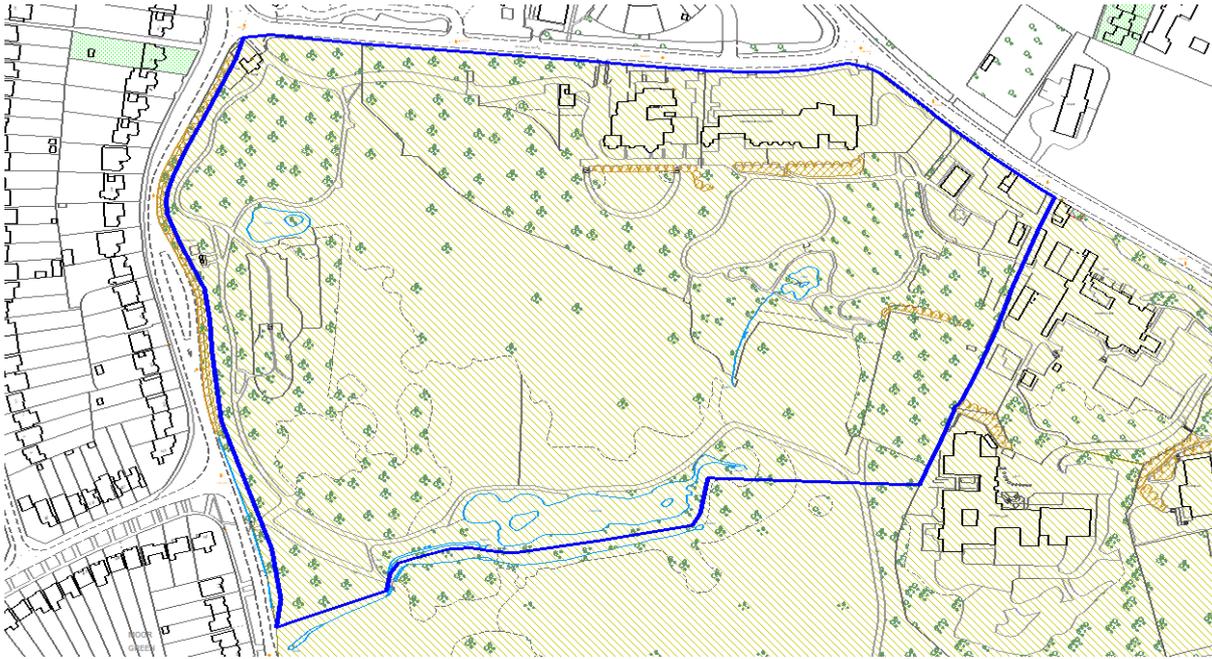


**Photo 2 – Italian Garden**



**Photo 3 – Proposed café courtyard area**

## **Location Plan**



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Committee Date: 09/11/2023      Application Number: 2023/05359/PA  
Accepted: 07/08/2023      Application Type: Full Planning  
Target Date: 06/10/2023  
Ward: Hall Green South

106 Stonor Road, Hall Green, Birmingham, B28 0QS

Change of use from dwelling house (C3) to 2-bed children's care home (C2)

Applicant: Mr Waris Ahmed  
106 Stonor Road, Hall Green, Birmingham, B28 0QS

Agent:

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Recommendation

**Approve subject to Conditions**

1. **Proposal:**

- 1.1. It is proposed to convert the application site from a 3-bed dwelling house (Use Class C3) to a children's home (Use Class C2).
- 1.2. No physical alterations are proposed to the interior or exterior of the property. The only change is to the smallest bedroom, which will become a staff office with some sleeping space.
- 1.3. The proposed ground floor includes two lounges (measuring 14.2sqm and 13.9sqm); a kitchen (6.7sqm); utility room (9.8sqm); hallway (7.3sqm); WC (1.5sqm) and storeroom (1.5sqm).

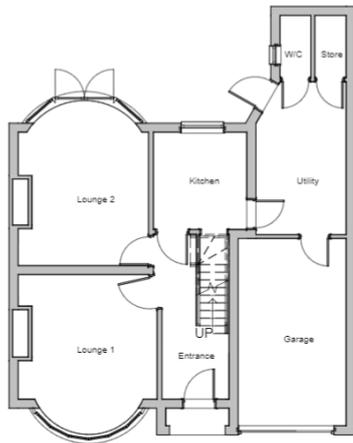
The proposed first floor includes two bedrooms (14.2sqm and 14.4sqm); a staff office/bedroom (5.5sqm); and bathroom (6.7sqm).

There is approximately 190sqm of private amenity space in the back garden.

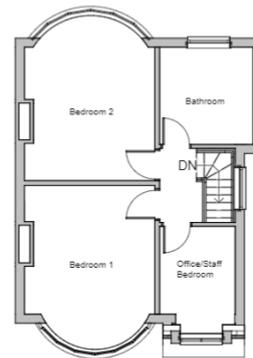
The two driveway parking spaces to the front would remain.



**Fig.1: Site plan**



**Proposed Ground Floor Plan**  
1 : 100



**Proposed First Floor Plan**  
1 : 100

**Fig.2: Proposed floor plans**

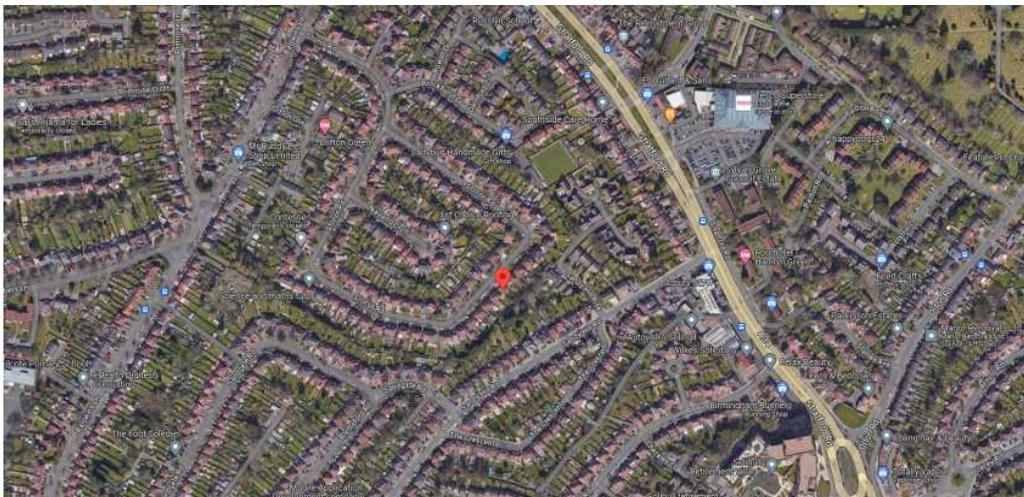


Fig.3: Aerial view

- 1.4. A Planning Statement and Design and Access Statement have been provided in support of this application, in addition to a *Children in Care Sufficiency Strategy 2021-2023* from the Birmingham Children's Trust. From the information supplied, the operation of the children's home is summarised as follows:

The home will accommodate up to 2 children aged 8-17.

There will be a total of 8 staff members working there including registered manager and deputy manager, with a maximum of 2 staff members on site at any time outside of changeover windows.

Staff work 24 hours a day on day (7.30am-10.30pm) and night shifts (10.30pm-7.30am) with changeovers lasting around 15 mins between these shifts with a maximum of 4 staff present during these times.

There are to be occasional visits by professionals, social workers (no more than twice per month) and family members (family visits mostly take place away from the house).

In terms of its operation, the home will not provide a service for emergency placements. The intention is to provide medium to long-term care for children/young people aged between 8 and 17 years old and will be of mixed gender, who have experienced behavioural, emotional, and social difficulties and/or breakdown in family life.

Children will attend school during the day, with structured routines for mornings and evenings.

The home and its use aren't open to the public and it operates as a private facility. Referrals are received from local and regional council agencies for the children being looked after and served on a long-term basis.

The care home would assist in providing residents with a safe normal home environment which promotes independence and confidence.

- 1.5. It was requested by Councillor Huxtable that this application go to Committee.

[Link to documents](#)

## 2. **Site & Surroundings:**

- 2.1 The site comprises a detached interwar house with a single storey garage extension to the side. To the rear, it has a spacious back garden whilst the front driveway is paved and can accommodate 2 or 3 parking spaces.

- 2.2 The surrounding area is residential in character, comprising similar interwar suburban dwellings either detached or semi-detached. There are a number of schools within a couple of miles and some local services are provided along Stratford Road and the Robin Hood Local Centre.

[Link to site on Google Maps](#)

### **Planning History:**

3.1 None.

### **3. Consultation Responses:**

4.1 Transportation Officer – Acceptable subject to the attachment of conditions securing the provision of cycle storage and 1 EV charging point.

4.2 Regulatory Services – no objections.

4.3 West Midlands Police - no objections but requested further information relating to the operation of the home, fire safety measures and made recommendations for security measures.

4.4 Children's Commission/Birmingham Children's Trust -  
*This application is from a new residential childcare provider who has not yet established their company. The provider has engaged with Birmingham Children's Trust at an early stage to discuss their plans and they will continue to engage with the Trust as they develop their service. The proposal is in line with Birmingham Children's Trust's Sufficiency Strategy which outlines the need for small children's homes within the community to enable Birmingham children in care to remain within Birmingham, where it is safe and in the young person's best interests to do so.*

*This is a detached property, and the layout of the home appears to be suitable overall for the purpose with sufficient space for the young people, including outdoor space and there is off-street parking for two cars. The home is situated in a good location which affords excellent transport links and access to local schools and shops.*

*Ofsted will inspect the home and its policies and interview the Home Manager before they will consider registering the home. The home will only be registered once Ofsted are satisfied that everything is in place. Once registered, Ofsted will regularly inspect the operation of the home, the care provided to the young people, the progress being made by the young people and the management of the home.*

*Birmingham Children's Trust will undertake due diligence before considering making a placement with this provider and will not make any placements until satisfied that the home is registered with Ofsted, there are sufficient staff on site who have the necessary training and DBS checks and all of the required policies and procedures are in place and being followed. Other Local Authorities may also place young people in this property, and each Local Authority is responsible for undertaking its own due diligence.*

*There are two other children's homes currently registered with Ofsted within the B28 postcode. The nearest home is 0.7 miles from this property, and this is sufficient distance for the homes to operate independently without impacting upon the community.*

4.5 Birmingham Public Health – no response.

4. **Third Party Responses:**

- 5.1 Neighbours, local residents' groups and Ward Councillors notified. Site notice displayed for 21 days.
- 5.2 Ward Councillor Tim Huxtable has written in on behalf of a local resident with concerns related to the increase in parking on the road. He has made the request that if the application is recommended for approval, it be referred to Planning Committee.
- 5.3 9 responses received from local residents, all of whom objected with concerns summarised as follows:
- Increased demand for on-street parking
  - Loss of a family dwelling
  - Concern over operation of children's home
  - Harm to local character
  - Staff changeovers occur at unsociable hours
  - Impact on residential amenity
  - Increase in crime
  - Charge against the property by West Bromwich Building Society

5. **Relevant National & Local Policy Context:**

- **National Planning Policy Framework:**
  - Chapter 2 – Achieving Sustainable Development
  - Chapter 8 – Promoting Healthy & safe Communities
  - Chapter 9 – Promoting Sustainable Transport
  - Chapter 11 – Making effective Use of Land
  - Chapter 12 – Achieving Well Designed Places
- **Birmingham Development Plan 2017:**
  - PG3 – Place Making
  - TP27 – Sustainable neighbourhoods
  - TP35 – The existing housing stock
  - TP44 – Traffic and congestion management
  - TP45 – Accessibility standards for new development
- **Development in Birmingham DPD 2021:**
  - DM2 – Amenity
  - DM6 – Noise and vibration
  - DM12 – Residential conversions and specialist accommodation
  - DM14 – Transport access and safety
  - DM15 – Parking and servicing
- **Supplementary Planning Documents & Guidance:**
  - Birmingham Design Guide SPD (2022)
  - Parking in Birmingham SPD (2021)
  - Birmingham Housing and Economic Development Needs – HEDNA (2022)
  - Houses in Multiple Occupation SPD (2022)
  - City Wide Article 4 Direction (2020)

6. **Planning Considerations:**

- 7.1 The main considerations in the determination of this application are whether the principle of development is acceptable; the impact on residential amenity; neighbouring amenity; transportation and pollution issues.

*Principle of development*

- 7.2 The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high-quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 7.3 Section 11 of the NPPF refers to 'Making Effective Use of Land'. Paragraph 124 of the NPPF states that "Planning policies and decisions should seek to "support development that makes efficient use of land" that takes into account a range of criteria including identified need for different types of housing; local market conditions and viability; local infrastructure and services; the prevailing character and setting; as well as the importance of securing well-designed, attractive and healthy places."
- 7.4 Policy DM12 (Residential Conversions and Specialist Accommodation) states that specialist accommodation will be supported where it will not lead to an unacceptable adverse impact on the character or appearance of an area. The Council will resist proposals for residential conversion and specialist accommodation where it would result in an over-concentration of similar uses in the immediate area, if it is considered that the proposal will cause demonstrable harm to the character and function of an area, and/or local amenity. Planning permission may be refused on grounds that further development of such uses will have a harmful impact on local character, appearance, amenity and sustainable communities.
- 7.5 Policy DM11 states that over-concentrations of certain types of accommodation can have a number of negative impacts on the local communities, including the loss of family housing, effects to the residential character, appearance, and amenity of an area as a result of excessive noise and disturbance to residents and increased parking pressures. With the nearest children's home located 0.7 miles from the application site, there is no issue of over-concentration of uses within the area.
- 7.6 In regards to the loss of family housing, there is a clear demand for family housing identified by the Housing and Economic Development Needs Assessment (HEDNA) 2022. However, it should be noted that the house will still provide residential accommodation to 2 children, for which there is a clear identified City need as well. A children's home with 2 adults and 2 children would not outwardly function differently to a normal family residence of the same size, and it could easily be converted back to a family dwelling in the future. On balance it is therefore considered acceptable in principal.
- 7.7 In principle, therefore, there is no objection to the change of use to a children's home at this site.

*Residential amenity*

- 7.8 The Birmingham Design Guide, Design Principle 15 highlights the importance of '*homes that fulfil the visual and physical needs of occupants ensuring creation of efficient, functional internal layouts, maximising natural light and are adapted to*

*changing resident needs*'. Policy DM10 of the DMB specifies that *'all residential development will be required to meet the minimum Nationally Described Space Standards (NDSS) in terms of internal and external amenity (i.e. minimum bedroom sizes and total internal floor space)'*.

- 7.9 Nationally Described Space Standards (NDSS) states the following among its criteria for acceptable living space: 'in order to provide two bedspaces, a double (or twin) bedroom has a floor area of at least 11.5m<sup>2</sup>; a single bedroom has a floor area of at least 7.5m<sup>2</sup>; any area with a headroom of less than 1.5m is not counted within the Gross Internal Area (GIA) unless solely used for storage; the minimum floor to ceiling height is 2.3m for at least 75% of the GIA'.
- 7.10 The Birmingham Design Guide, Design Principle 15 highlights the importance of *'homes that fulfil the visual and physical needs of occupants ensuring creation of efficient, functional internal layouts, maximising natural light and are adapted to changing resident needs'*.
- 7.11 Each bedroom is considered adequate in terms of natural light, outlook and privacy. The existing use of the property is as a residential dwelling and the two larger bedrooms exceed the necessary floor space standards at approximately 14.3m<sup>2</sup> and 15.4m<sup>2</sup> each. Bedroom 3, the box room, falls short of the space standard for a single room at approximately 6.3m<sup>2</sup>. Given that the primary use for this room is as a staff office with only optional sleeping room this is not considered sufficient grounds for refusal.

#### *Neighbouring amenity*

- 7.12 Policy DM2 of the DPD states that *'all development will need to be appropriate to its location and not result in unacceptable adverse impact on the amenity of occupiers and neighbours. In assessing the impact of development on amenity the following will be considered: visual privacy and overlooking, sunlight, daylight and overshadowing, aspect and outlook, access to high quality and useable amenity space, noise, vibration, odour, fumes, dust air or artificial light pollution, safety considerations, crime, fear of crime and anti-social behaviour, compatibility of adjacent uses, individual cumulative impacts of development'*.
- 7.13 Policy DM12(e) of the DPD states that [the development of specialist accommodation] will be supported where it will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies. DM12 also states, *'Specialist accommodation is normally most appropriately located in large detached properties set in their own grounds. The development of such uses in smaller detached or large semidetached or terraced houses will not be acceptable, unless the amenity of adjoining occupiers can be safeguarded'*.
- 7.14 A useful way of establishing this is through Policy DM11(a) of the DPD states that proposals for the conversion of existing dwellinghouses should protect the residential amenity and character of the area and will be permitted where they would not result in this type of accommodation forming over 10% of the number of residential properties within a 100 metre radius of the application site.
- 7.15 The primary concern with this application is the impact of the proposed change of use on the character and amenity of neighbouring residents. As stated above, an institution of this nature is best kept to detached or large semi-detached properties, of which this house is the former. Given the relatively small number of residents at the home (2 children and 2 adults, plus a possible 2 more during changeover times) this is considered in keeping with the nature of a family household. The impact on the

local residential character is therefore considered to be acceptable.

### *Transport and Highways*

- 7.16 The Transport Officer has commented, 'The site benefits from driveway parking sufficient to accommodate 2 cars along with integral garage. Beyond the site, parking on street is unrestricted. Regular buses run within reasonable walking distance through the day. There are no objections to the proposed change of use of this property. It is not expected traffic & parking demand associated with a childrens home for 2 children would be any greater than of a 3 bed family home. It is noted there will be a `maximum of two support staff in the residence at any one time. The staff will occupy the premises on a 24- hour shift pattern.' In line with BCC Parking SPD (November 2021) minimum standards, a secure & sheltered cycle storage facility must be installed to encourage staff & visitors to consider this alternative mode of travel to/from the site. In addition, the provision of at least 1 electric vehicle charging point will be required to serve the frontage driveway area, prior to first occupation of the development.'
- 7.17 I would concur with these comments, and whilst a number of residents complained regarding an increase in demand for on street parking, the driveway supports 2 or possibly 3 cars, plus a space in the garage, whilst the use of 1 on-street parking space is not considered unreasonable. In terms of parking, the proposal does not adversely affect local character.

### *Other issues*

- 7.18 West Midlands Police were consulted and raised no objections, but had a number of comments on safety measures. The Police Officer also stated a fire risk assessment would be needed in the event of the application being approved. Fire service comments would be covered by separate legislation and inspections.
- 7.19 Regulatory Services were consulted as part of this application but raised no objections.

## **8.0 Conclusion**

- 8.1 The proposal is considered acceptable in that the change of use would be consistent with that of a family dwelling and is not considered to adversely impact the residential character of the area. The loss of a family dwelling is regrettable but has been balanced against the public benefits of the proposal; it is considered that the changes are reversible and that the children's home would still provide residential accommodation to 2 children whilst retaining the existing character. As such the proposal is recommended for approval.

## **9.0 Recommendation:**

9.1 Approve subject to conditions.

- 
- |   |                                                                        |
|---|------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Implement within 3 years (Full)                                        |
| 3 | Requires the provision of a vehicle charging point                     |
-

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4 Requires the submission of cycle storage details

5 Restricts the number of children living in the property

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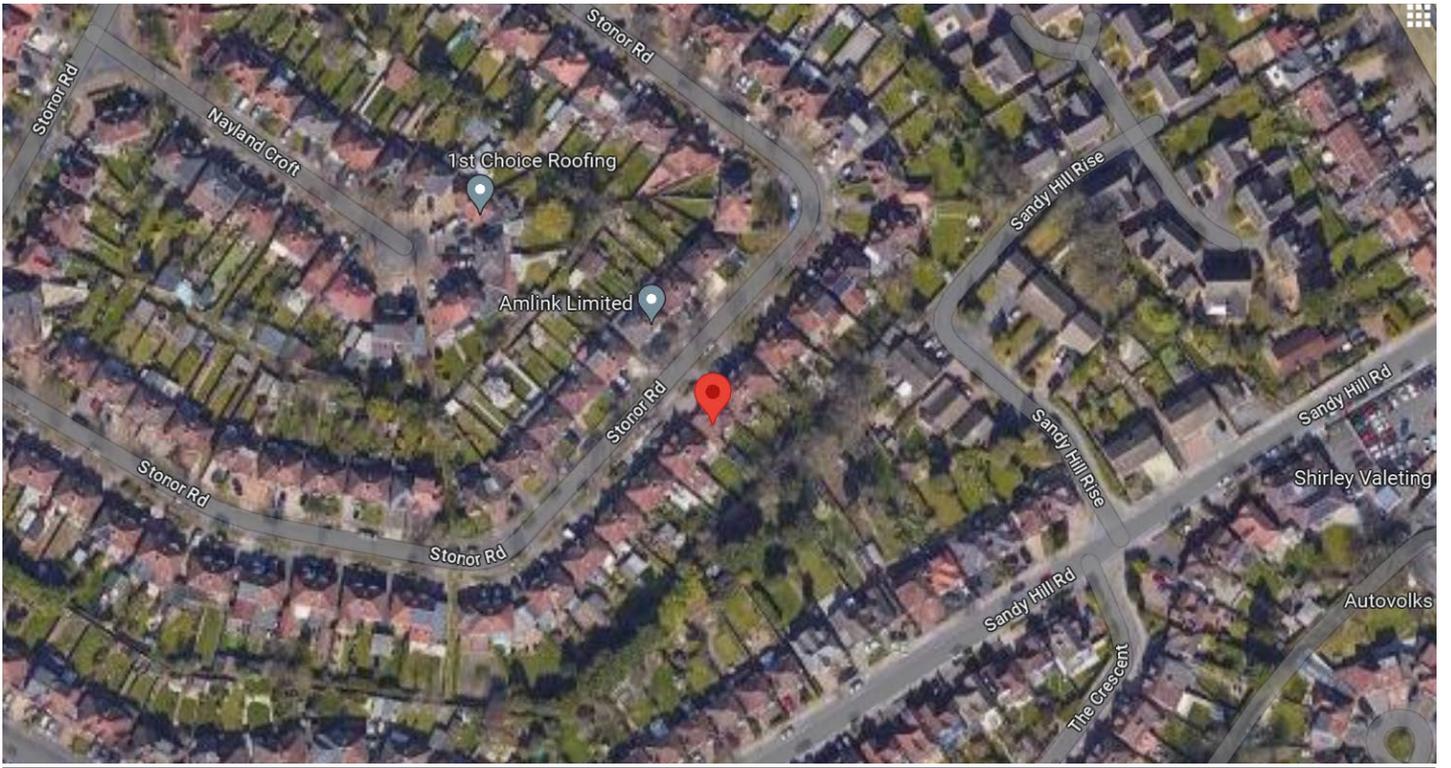
Case Officer: Benedict Gomme

**Photo(s)**

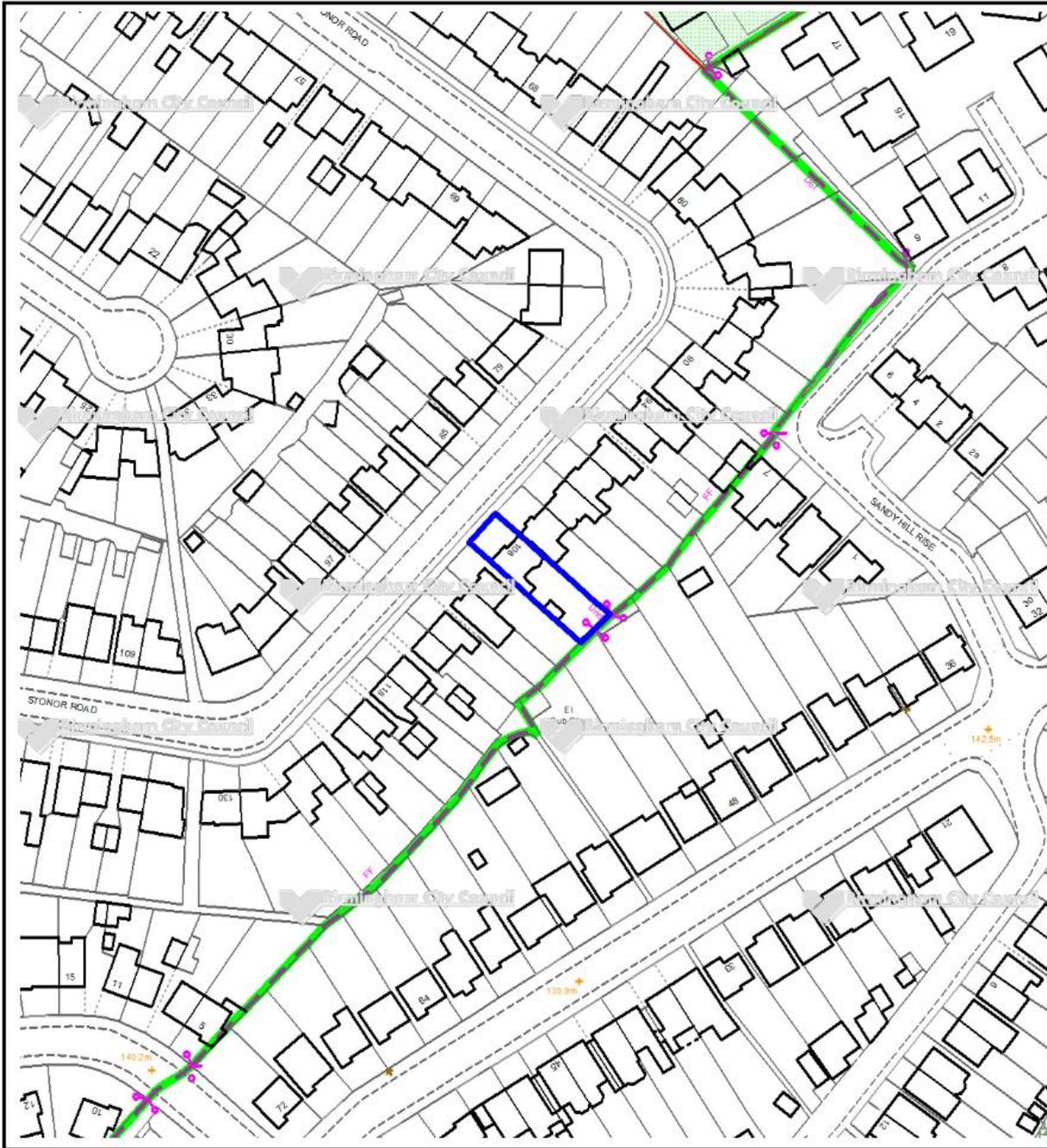


Top – the site as seen from Stonor Road

Bottom – view along Stonor Road with the application site on the right with white garage



## Location Plan



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