

Birmingham City Council

Planning Committee

27 September 2018

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	10	2017/07893/PA 1200 Stratford Road Hall Green Birmingham B28 8HN Demolition of existing building and erection of a drive-thru restaurant (Use Class A3/A5) with associated car parking, access, servicing, landscaping and ancillary works
Approve - Conditions	11	2018/05364/PA The Clock Tower Building Former Martineau Centre Balden Road Harborne Birmingham B32 2EH Change of use from offices (Use Class B1a) to 7 no. residential townhouse dwellings (Use Class C3) and associated external alterations, infrastructure, landscaping and parking.
Approve - Conditions	12	2018/06195/PA 24 Hampshire Drive Edgbaston Birmingham B15 3NZ Erection of two storey rear and single storey side extensions

No Prior Approval Required	13	<p>2018/06202/PA</p> <p>York Road Former Hall Green Greyhound Stadium Hall Green Birmingham B28 8JR</p> <p>Application for Prior Notification for the proposed telecommunications installation of 20m monopole structure supporting 3 no. antennas and 2 no. microwave dishes, 3 no. radio equipment cabinets, installation of 2.1m high palisade fencing and associated works</p>
Approve - Conditions	14	<p>2018/04103/PA</p> <p>York Road Former Hall Green Greyhound Stadium Hall Green Birmingham B28 8LQ</p> <p>Demolition of Hall Green stadium and residential development of up to 210 dwellings (approval of reserved matters)</p>
Approve - Conditions	15	<p>2018/05609/PA</p> <p>16 Pavenham Drive Edgbaston Birmingham B5 7TW</p> <p>Erection of two storey rear extension and alterations to increase roof height.</p>

Committee Date:	27/09/2018	Application Number:	2017/07893/PA
Accepted:	15/09/2017	Application Type:	Full Planning
Target Date:	10/11/2017		
Ward:	Hall Green North		

1200 Stratford Road, Hall Green, Birmingham, B28 8HN

Demolition of existing building and erection of a drive-thru restaurant (Use Class A3/A5) with associated car parking, access, servicing, landscaping and ancillary works

Applicant:	Kentucky Fried Chicken (Great Britain) Ltd
	C/o Agent
Agent:	Savills
	Innovation Court, 121 Edmund Street, Birmingham, B3 2HJ

Recommendation

Approve subject to Conditions

1. Proposal
 - 1.1. [Link to Documents](#)
 - 1.2. Planning permission is sought for the demolition of a small office building associated with the existing car sales use of the site (Sui-Generis) and the replacement erection on the site of a single storey drive-thru restaurant building (Use Classes A3/A5) with associated car parking, vehicular access and landscaping.
 - 1.3. The proposed drive-thru building would be sited towards the south western end of the site, fronting on to and perpendicular to, Stratford Road. The single width drive-thru lane would operate in a clockwise direction around the building. A new two way vehicular access off Welby Road would be created adjacent to No. 5 Welby Road. It would provide access to tarmacadam car parking areas along the north eastern and eastern parts of the site. Block paving would be laid in between the proposed drive-thru building and car parking/vehicular access areas, with soft landscaping laid to all the site boundaries, including Stratford Road.
 - 1.4. The proposed drive-thru building would be set back from Stratford Road by 8.4m. It would measure 20.5m in length, and a maximum of 13.5m in width. It would be rectangular in shape, with a small sized order kiosk attached to its northern elevation. The gross internal floor area would be 186sqm in size. The proposed building would have a low angled mono-pitched roof, with a height of 5.1m at its front end (west) reducing in height down to 4.5m at its rear end (east). The roof would oversail the building on all sides, to a maximum of 2.5m at its front end, with a fascia comprising of grey powder coated aluminium. It would comprise of red facing brickwork with its base in blue facing brickwork. The central section of north and south facades would be clad in horizontal composite timber effect cladding panels. The front (west) elevation of the proposed building would comprise of glazed curtain walling.

- 1.5. The two existing vehicular accesses/footway crossings into the site - one off Welby Road and one off Stratford Road - would be removed and a new two way vehicular access would be created 10m along Welby Road from its junction with Stratford Road. The new access would measure 15.5m at its widest where it joins Welby Road, and 6m in width within the site. A new footpath link would be created from the application site to Stratford Road, providing direct pedestrian access to the front doors of the proposed building.
- 1.6. Turf would be laid around site boundaries, with the widest landscaped strip being located at the junction of Welby Road and Stratford Road. Six new trees would be planted on the site, five along the boundary with neighbouring residential properties.
- 1.7. The front boundary treatment to Stratford Road would comprise of 0.7m high brick wall. A new 2.5m high acoustic fence would be installed along the remaining site boundaries.
- 1.8. 13 new lighting columns would be installed within the site and around its perimeter, with all columns having a height of 6m, the exception being the two columns proposed to be installed adjacent to the rear garden of No. 5 Welby Road which would measure 5m in height.
- 1.9. 14 full time and 26 part time jobs would be created as part of this development.
- 1.10. Proposed opening hours would be 1030-2300 hours daily.
- 1.11. A maximum of 50 covers would be accommodated within the proposed restaurant building.
- 1.12. Three leylandii trees would be removed in the northern corner of the site adjacent to No. 5 Welby Road.
- 1.13. The site area is 0.19ha. The development would not attract a CIL contribution.
- 1.14. An advertisement application has been submitted in conjunction with this planning application - for the display of 6 internally illuminated, 3 externally illuminated and 10 non-illuminated signs associated with the proposed drive-thru restaurant (2017/07911/PA).
- 1.15. A Transport Assessment, Travel Plan, Planning Statement, Noise Assessment, Lighting Scheme, and extraction and ventilation details have been submitted to support this planning application.

2. Site & Surroundings

- 2.1. The application site is located on the junction of Stratford Road (A34) and Welby Road. It is located within the Primary Shopping Area of an established centre, namely The Parade, Hall Green Neighbourhood Centre. Hall Green Railway Station is located opposite the site to the north.
- 2.2. The site comprises of tarmacadam hardstanding and is used for car sales (sui generis). There are two existing vehicular accesses/footway crossings into the site - one off Welby Road and one off Stratford Road. There is a small, single storey, brick-built office building located immediately adjacent to No. 5 Welby Road. The

site boundaries to Stratford Road and Welby Road comprise of low brick boundary walls with railings and the remaining site boundaries comprise of close boarded timber fencing. The site is generally level but with some dropping away at the boundaries towards adjacent residential uses.

- 2.3. Immediately adjoining the site to the north east is No. 5 Welby Road, a semi-detached dwellinghouse, with its rear garden extending along the length of the north east site boundary. Immediately adjoining the site to the east is the rear garden of No. 181 Brooklands Road, a semi-detached dwellinghouse. Immediately adjoining the site to the south is Southdell Garages – an M.O.T/service/car sales centre, with its single storey workshop building located to the rear of the site. The surrounding area is a mix of commercial and residential, with Stratford Road being commercial in character and Welby Road being residential in character. Immediately opposite the application site is 1199 Stratford Road, which is a Grade C locally listed building.

2.4. [Site location](#)

3. [Planning History](#)

- 3.1. 19.03.87 - 60412001 – Continuation of use of land for open car sales – Approved Subject to Conditions
- 3.2. 2017/07911/PA - Display of 6 internally illuminated, 3 externally illuminated and 10 non-illuminated signs associated with the proposed drive-thru restaurant – Awaiting determination

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objections, subject to conditions, on the basis of additional investigations, Stage 1 Road Safety Audit, CCTV survey and amended access design plans.
- 4.2. Regulatory Services – No objection – Subject to conditions requiring submission of details of the acoustic barrier fence to be provided; restriction on rating levels for cumulative noise from all plant and machinery; and that hours of use shall only be open for customers between the hours of 10:00-23:00 Sundays to Thursdays and 10:00-00:00 Fridays and Saturdays, and deliveries between 10:00 and 16:00 only.
- 4.3. West Midlands Police - No objection
- 4.4. Birmingham Public Health – No response received
- 4.5. Severn Trent Water – No objection – Subject to a condition requiring details of drainage
- 4.6. Network Rail – No objection – Recommend a number of measures to be agreed separately with Network Rail in respect of demolition works, piling works, earthworks, surface water, Risk Assessment and Method Statement, and Basic Asset Protection Agreement
- 4.7. Local occupiers, Ward Councillors, MP, four local schools/colleges, and resident associations notified. Site notice displayed - 48 letters of objection (including some

multiple submissions) and 1 letter of general comment received from local residents raising the following relevant concerns:

- Already more than 10% hot food takeaways on Parade. Would not comply with Council's Shopping and Local Centres SPD
- No need/demand for more A5 uses, already enough in area, including KFC 2 miles away
- Existing small businesses on The Parade would lose custom
- Close proximity to schools and College would encourage pupils/students to eat fast food – undermine City's strategy to tackle obesity
- Welby Road is a narrow, heavily trafficked, residential road, unsuitable for volume of traffic created by proposal
- Three accidents have occurred in past year at busy junction of Welby Road/Stratford Road. Difficult turning, long waits to turn, 'keep clear' markings not obeyed, bus lane
- Insufficient number of car parking spaces would be provided on site. Would result in tailbacks spilling on to highway when cars queue up waiting to order
- On-street parking on Welby Road already from Train Station visitors/pick-up – would become worse and could result in blocking of emergency vehicles
- Discrepancies with Transport Assessment, e.g. TA made prior to development of 43 properties in Welby Road, current car showroom use is not typical comparison as generates little traffic, Other KFCs sites at Bloxwich and Walsall are not comparable to application site
- Tesco/Greggs complex nearby has already increased parking and driving problems in area
- Increase in litter
- Cooking odours would harm residential amenity
- Noise and disturbance, particularly from late night visitors and noise from refuse/delivery lorries, would harm residential amenity
- Loss of privacy for neighbours
- Increased light pollution from signage would affect residential amenity
- Increase in air pollution e.g. cars left running
- Increase in crime
- Increase in anti-social behaviour. Already such issues in locality
- Area already suffers from rats. This would increase.
- Proposed development offers nothing to the community
- Proposed building would be an eye-sore, lighting columns/grey and glass walls/red advertising – not in keeping with local area

Councillors Jenkins (formerly Hall Green, now Moseley) and Clements (formerly Hall Green, now Bournville and Cotteridge), plus former Councillor Bowles – Object – They raise the following concerns:

- Location of the site and the likely, and unwelcome, increase of traffic at a major road junction which is already extremely busy;
- Negative impact on residents on Welby Road where the entrance to the drive-through restaurant would be located;
- Negative impact of another fast-food outlet adjacent to Hall Green Parade, which is already the location of numerous other fast-food premises. Concerned that the addition of a drive-through KFC would exceed the 10% limit on hot food takeaways specified in the supplementary planning document for local centres;
- Risk of littering. The site is very close to Hall Green Parade which is already a hot-spot for littering;
- Noise problem for the houses that adjoin the site

- Within 400m of this site are 4 Schools and 1 College, which will not improve obesity levels of students.

Cllr Jenkins has also submitted a 53 signature petition objecting on the same grounds as listed above.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2031
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005
- Shopping and Local Centres SPD
- Places for All SPG
- Car Parking Guidelines SPD

The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

6.1. I consider the key planning issues to be assessed are: the impact of the proposal on the local centre; the impact on health; the design of the proposed development; and the impacts on traffic and highway safety; noise; crime/anti-social behaviour; litter; and lighting.

Impact on Local Centre

6.2. Policy TP21 of the BDP explains that local centres will be the preferred locations for retail, office and leisure development and for community facilities. The application site is located within a local centre, being within the Primary Shopping Area of The Parade Hall Green Neighbourhood Centre.

6.3. Policy TP24 and Policy 4 of the Shopping and Local Centres SPD explains that “in order to avoid an over-concentration of hot food takeaways (A5 use) within Neighbourhood Centres no more than 10% of units within the centre or frontage shall consist of hot food takeaways. Applications for a change of use to A5 within the centre will normally be refused where this figure has been or will be, exceeded.”

6.4. The Council's latest survey of the Neighbourhood Centre (updated in April 2018, and further updated by current records) reveal that 7 units, or 8.33% of units within the Centre, are in A5 use. With the addition of the proposed development this would rise to 8 units, or 9.76% of units, within the Centre being in A5 use. This would be below the 10% threshold for the Centre and would therefore comply with Policy TP24 and Policy 4 in this respect. There are no other A5 units within the immediate frontage that includes the application site, and this part of the policy would therefore be satisfied.

6.5. Additionally the proposal is for a mixed A3/A5 facility, rather than a wholly A5 use. The applicant has submitted additional information on the intended split between A3 and A5 - the A5 element would comprise 20.6m² of the total 186m² (equating to some 11% of the gross internal floor space), the relevant areas being the extent of the drive two thru windows, and part of the counter area where A5 customers would enter, place and collect orders before leaving the building. At this location, the

applicant also considers it reasonable to assume a 55% to 45% trading split in favour of people eating in the store against takeaway. This assumption is based on their experience of similar establishments in similar locations.

- 6.6. Both Policies 4 and 5 of the SPD also advise that for A3/A5 applications account should be taken of the type and characteristics of other uses in proximity to the application site, the size and type of the unit, and the proximity of the site to dwelling houses. The key consideration here is the proximity of the site to dwelling houses and the effect this would have on residential amenity, which I shall discuss elsewhere in this report.
- 6.7. Policy 5 of the Council's Shopping and Local Centres SPD encourages new A3/A5 uses within Neighbourhood Centres subject to avoiding an over-concentration or clustering of such uses as to have an adverse impact on residential amenity. There are no adjoining A3/A4/A5 uses to the site, in fact the nearest such use within the Centre is No. 1158 Stratford Road, some 225m to the north. Therefore no cumulative adverse impact would arise as a result of clustering of such uses.
- 6.8. I note the concerns of local residents in respect of there being no need/demand for further hot food takeaways in the area, and that the proposal would adversely affect existing small businesses in the area. However, the broad remit of the planning system is not to restrict consumer choice or protect existing commercial operators.
- 6.9. The proposed development would be located on a commercial site, which fronts a major road and is located within a commercial frontage and Neighbourhood Centre. It would acceptably comply with the above policies and therefore would not have an adverse impact on the vitality and viability of The Parade Hall Green Centre.

Health

- 6.10. I note the objections received with regards to the fact that the proposal would undermine the City's strategy to tackle high obesity levels. As the proposal would comply with the Shopping and Local Centres SPD (guidance in part produced by the City Council to tackle obesity levels) in that The Parade Hall Green Neighbourhood Centre would not have more than 10% of units in A5 takeaway use it cannot be argued that there is an oversupply of A5 takeaway uses in this locality.
- 6.11. With regard to the location of the proposed development being in close proximity to South and City College (approximately 90m to the south west) and Hall Green Junior and Infant School (approximately 400m to the south) I note no responses have been received from these schools. I also note no response has been received from Birmingham Public Health. I consider the Junior and Infant School is located a reasonable distance from the site and would not expect pupils to frequent the proposed development. In contrast I am in no doubt that the proposed development would be frequently used by South and City College students, but these pupils are aged 16+ and therefore arguably have a greater understanding of healthy eating and some of these pupils will be of adult age. Given the lack of any objections received, and the lack of any specific national or local planning policies relating to proximity of A5 uses to schools, I do not consider that the proposal could be refused on health grounds.

Design

- 6.12. Policy PG3 of the BDP explains that "All new development will be expected to demonstrate high design quality, contributing to a strong sense of place." It goes on

to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.

- 6.13. The proposed building would be viewed as an isolated feature in the streetscene, with open space remaining on either side of it. As it would not be immediately viewed in the context of other buildings I consider the single storey scale of the proposed building (replacing an existing single storey building on the site), and its modern design, would be appropriate for this site. It would generally follow the building line of the two storey parade to the south.
- 6.14. Concerns were originally raised with the Applicant regarding the appearance of the proposed development, with the grey utilitarian cladding facades of the proposed building not reflecting the local vernacular. Amended plans have subsequently been submitted which propose replacing the grey cladding with red brickwork (plus timber cladding as a secondary material to break up the elevations), which I consider provides a more robust, quality material that better responds to the local vernacular. The glazed facade on to Stratford Road would provide an active frontage to the street, which is positive. Although the material palette could be simplified further I do not consider the proposal could be refused on design grounds.
- 6.15. The main entrance door of the proposed building would be accessed via a new footpath link off Stratford Road, which would improve the permeability of the site to pedestrians. Following Officer advice, a low brick wall has been added to the boundary of the site with Stratford Road replacing proposed timber fencing. New landscaping to the site frontage would provide a green frontage.
- 6.16. My City Design Officer has raised no objection to the proposal. I consider that the siting, scale and appearance of the proposed building would be acceptable, and in keeping with the character of the surrounding area.

Traffic and Highway Safety

- 6.17. Policy TP38 of the BDP states that “The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported.” One of the criteria listed in order to deliver a sustainable transport network is ensuring that that land use planning decisions support and promote sustainable travel. Policy TP44 of BDP is concerned with traffic and congestion management. It seeks to ensure amongst other things that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.18. Further to discussion with the applicant and transport consultant, Transportation Development have investigated the most recent revised access detail and associated highway modification. Following a review of the Stratford Road/Welby Road CCTV survey, a further refinement of the proposed site access/egress (via Welby Road), and associated modification of the Stratford Road/Welby Road priority junction has been undertaken, and has now also been considered within an independent Road Safety Audit (Stage1) process.

- 6.19. Transportation confirm that, in addition to the previously submitted evidence relating to quantum of on-site parking and on-site servicing provision/site layout, they raise no objection to the site access/highway modification subject to a range of detailed conditions.

Noise

- 6.20. Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and that decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 6.21. The submitted Noise Assessment confirms that continuous noise level measurements were made at the site between a Friday-Monday period in May 2017. The noise measurements were taken at a location adjacent to the rear garden of the nearest residential property No. 5 Welby Road, at a height of 2.5m above ground. It was found that noise levels throughout the survey were dominated by road traffic sources on Stratford Road.
- 6.22. The Noise Assessment advises that the plant and machinery associated with the proposed development e.g. extraction fans and condenser units can be designed and controlled (by way of a planning condition) so as to not exceed the existing typical background noise climate; which would be 45 dB during the daytime and a rating level of 35 dB at night.
- 6.23. The Noise Assessment advises that measurements of customer activity and associated noise levels from drive-thru facilities at similar sites have been obtained – these are principally four events: - arrival of a customer vehicle, the ordering of the food, followed by payment and collection, and the movement along the access road to depart the site. It explains that peak noise levels are generated by the acceleration of the vehicle away from the order/collection windows. Using the forecasted customer vehicles at the site, it advises that the noise levels predicted to arise from ‘drive thru’ activity would fall within the WHO guideline values for daytime and night time noise and are generally below the existing noise climate.
- 6.24. Finally, the Noise Assessment has looked at noise generated from car parking on the site. It advises that during peak trading hours, with installation of the proposed 2.5m high acoustic fence, the predicted car park noise levels would be below both the existing ambient noise climate and the WHO guideline noise values. It advises that predicted customer car parking activity noise levels would comply with the WHO daytime guideline values, but would likely exceed night time guideline values – although not to the extent where it would result in significant adverse impacts on residential amenity.
- 6.25. Regulatory Services have raised no objection to the proposed development. They confirm that there has been no noise complaint received for any KFC site and only one complaint in respect of a McDonalds drive thru site which related to noise from customers parking up there during the night with loud music playing in vehicles. They have advised that safeguarding conditions should be attached to any consent requiring submission of details of the acoustic barrier fence to be provided, restriction on rating levels for cumulative noise from all plant and machinery, and restriction on hours of use and delivery hours.

- 6.26. Regulatory Services have advised that the customer intercom (not specifically mentioned in the Noise Assessment but which the Applicant has confirmed has been taken into account in the Noise Assessment) would be located along the southern end of the site and the adjoining premises is a car repair business. As such they advise that this aspect would unlikely generate a significant noise impact.
- 6.27. The Applicant originally proposed opening hours until midnight on Friday and Saturdays evenings. However, following Officer concerns they have agreed to reduce opening hours until 11pm daily. This is generally in line with opening hours for other restaurants/hot food takeaways and KFC 'drive thru's', and would ensure noise is kept to a minimum during normal sleeping hours. Furthermore, on Officer advice the Applicant has also incorporated telescopic bollards on entry to the site so that these would prevent the car park being used by unauthorised vehicles outside of trading hours.
- 6.28. The Applicant has confirmed that delivery hours would be restricted to between 10:00-16:00 hours (i.e. so that they do not coincide with peak traffic or trading hours). I consider deliveries would be set against relatively high background noise levels during these hours and as such would not harm residential amenity. A condition could be attached to any consent to secure these delivery hours.
- 6.29. Whilst I understand the concerns of local residents with regard to potential noise and disturbance issues, given the conclusions of the Noise Assessment, the advice of Regulatory Services, the existing commercial use of the site, and the fact that safeguarding conditions could mitigate identified issues, I have no evidence that the proposed development would have a significant adverse impact on the amenity of the nearest residential occupiers on Welby Road and Brooklands Road such as to warrant refusal of the application on those grounds.

Crime/Anti-Social Behaviour

- 6.30. Whilst I note the concerns of local residents that the proposed development would result in an increase in anti-social behaviour and crime within the locality West Midlands Police have raised no objection to the proposed development. Crime data for 2017 reveals that there are usually either one or two incidences of reported anti-social behaviour in or around Hall Green Railway Station per month, which does not suggest an excessive level. The Applicant has confirmed that they would operate CCTV, and this could be secured by way of a condition. Should any anti-social behaviour occur it is likely to be located towards the Stratford Road end of the site rather than the end of the site which adjoins residential properties. A closing time of 11pm would also prevent any night time anti-social behaviour. Given the above I do not consider the proposal could be refused on the grounds of resulting in a material increase in anti-social behaviour.

Litter

- 6.31. I note local residents concerns with regard to an increase in litter (and increased rodent activity resulting from this). The Applicant has explained that they have a litter picking programme within their grounds including provision and regular emptying of litter bins (minimum 4 times daily but otherwise, as necessary). The proposed plans identify bins to be sited within the store and shows four bins to be provided within the site. Outside the site the Applicant has advised that it employs litter picking programmes including regular patrols during daylight hours within the vicinity of the site and "quick litter picks" during darker hours. Litter picks are carried out at least four times a day during summer months and three times a day during

darker times of the year. I therefore do not consider there would be grounds to refuse the application on this basis.

Lighting

- 6.32. The Applicant has submitted lighting calculations and an isolux plan to demonstrate light overspill as requested by Officers to address local residents concerns. They have reduced the height of the two new lighting columns proposed to be located along the garden boundary with No. 5 Welby Road from 6m in height to 5m in height and the lighting head on these columns would be tilted to an angle of 15 degrees. Backshields would also be applied to these column lights to direct the light coverage away from the rear garden. Within the rear garden of No. 5 Welby Road the submitted isolux plan demonstrates that the effect would be 1 lux or less (this is effectively equivalent to bright moonlight). This would also be compliant with BS EN 12464-2:2007 Light and Lighting which provides guidance on lighting levels that may be considered obtrusive in different character. Notwithstanding the above, the proposed development must also be seen in the context of the existing development on the application site which includes at least four taller lighting columns with flood lights that provide security for the car sales. I am therefore satisfied that the proposed lighting would not adversely affect the amenity of the nearest residential occupiers at No. 5 Welby Road and Nos. 179 and 181 Brooklands Road.

Other Issues

- 6.33. I note concerns with regard to potential cooking odours adversely affecting residential amenity. However, I am satisfied that the Applicant, as a responsible national operator, will be using the latest and most appropriate means of extraction to manage cooking odours. The extract duct would be located at least 20m from the nearest rear garden at No. 183 Brooklands Road. I am therefore satisfied that cooking smells would not harm residential amenity, subject to an appropriate condition for extraction equipment design and maintenance.
- 6.34. I also note the concerns of neighbours in respect of loss of privacy as a result of the proposal. However, the proposed building is single storey in height and given the proposed installation of a new 2.5m high acoustic boundary fence to neighbouring rear gardens there would be no overlooking issues which would result in loss of privacy.
- 6.35. Local concerns are expressed with regard to an increase in air pollution affecting residential amenity as a result of the proposal. However, with the installation of the proposed acoustic boundary fence to neighbouring rear gardens, plus the intervening planting bed of a minimum 1.5m in depth, I consider car fumes should not have a material adverse impact on the amenity of adjoining residential occupiers. I also acknowledge previous site use for car sales and observe the absence of objection from Regulatory Services on air quality grounds.
- 6.36. Finally, a locally listed building is located opposite the site at 1199 Stratford Road. However the character and appearance of the immediate locality is mixed, both commercially and residentially, and it is not considered that the proposal will adversely affect heritage assets. Networks Rail's response is noted and its content has been shared with the applicant for advisory purposes.

7. Conclusion

- 7.1. The proposed development would be in accordance with policy objectives and criteria set out in the BDP and the NPPF. I consider the scheme would be acceptable in terms of its design, scale, layout, access and landscaping along with car parking provision on site. There would be no adverse impacts on the viability and vitality of the local centre, the health of the local population, the amenity of adjoining residential occupiers or local traffic and highway safety. Therefore I consider the proposal would constitute sustainable development and recommend that planning permission is granted.

8. Recommendation

8.1. Approve Subject to Conditions

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|----|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a construction method statement/management plan |
| 3 | Requires the prior installation of means of access |
| 4 | Prevents occupation until the turning and parking area has been constructed |
| 5 | Requires the prior submission of details of pavement boundary |
| 6 | Requires the prior submission of entry and exit sign details |
| 7 | Requires the prior submission of a parking management strategy |
| 8 | Requires the provision of cycle parking prior to occupation |
| 9 | Requires the delivery and service area prior to occupation |
| 10 | Requires the parking area to be laid out prior to use |
| 11 | Requires any gates to be set back |
| 12 | Requires the dedicated use of access and egress points |
| 13 | Requires the prior submission of details of a delivery vehicle management scheme |
| 14 | Requires the prior submission and completion of works prior to occupation for the S278/TRO Agreement (for works pursuant to the Road Safety Audit) |
| 15 | Requires the prior submission of a drainage scheme |
| 16 | Requires the prior submission of hard and/or soft landscape details |
| 17 | Limits the noise levels for Plant and Machinery |
| 18 | Limits the hours of use, 1000-2300 hours. |
| 19 | Limits delivery time of goods to or from the site (10:00-16:00 only) |
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20	Requires the prior submission of acoustic barrier details
21	Requires the prior submission of sample materials
22	Requires the prior submission of level details
23	Requires the prior submission of extraction and odour control details
24	Requires the prior submission of a lighting scheme
25	Details of bin store
26	Implement within 3 years (Full)

Case Officer: Tracy Humphreys

Photo(s)

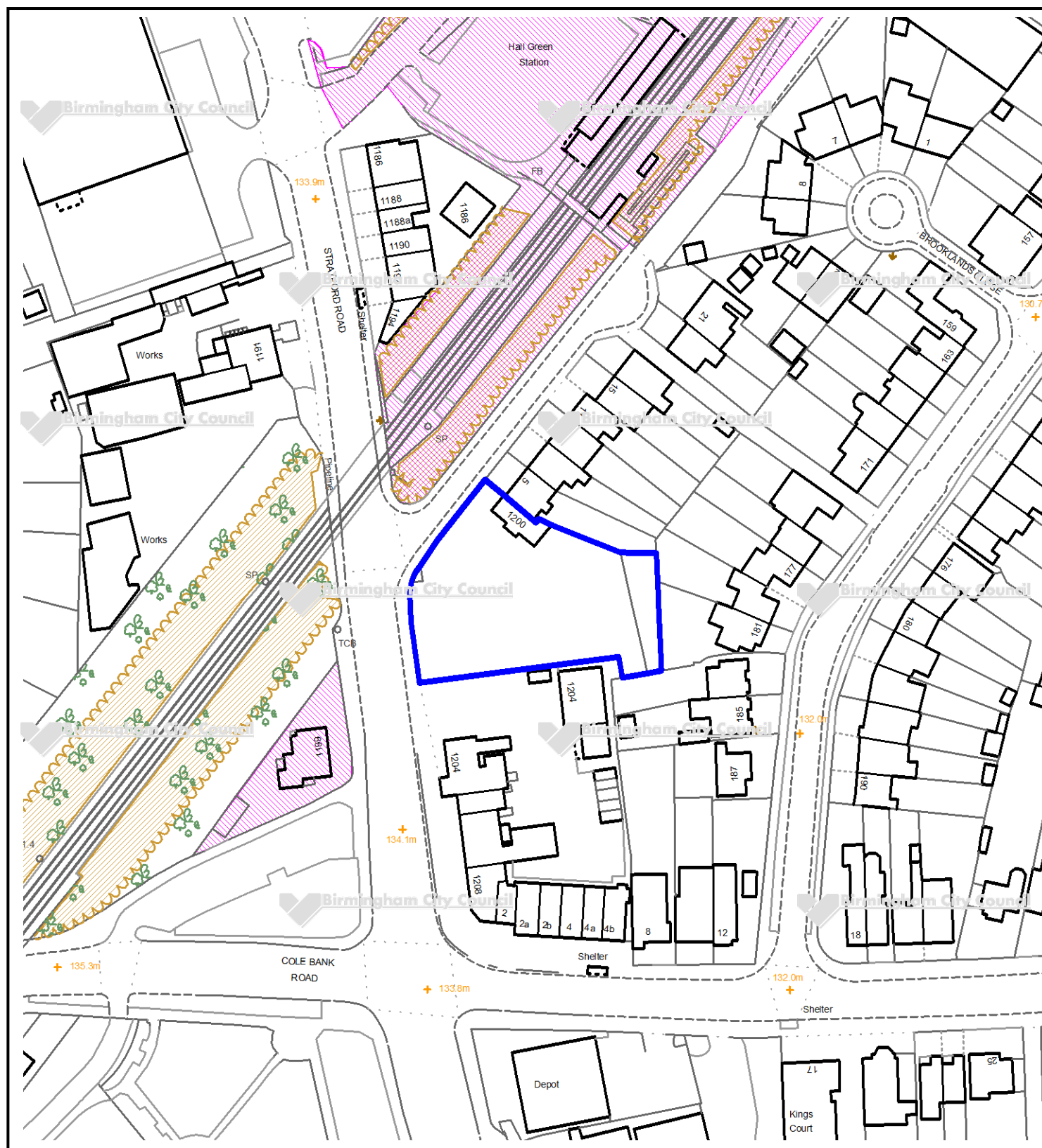


Figure 1 – Existing access to car sales off Welby Road



Figure 2: View of northern site boundary with Welby Road

Location Plan



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Committee Date:	27/09/2018	Application Number:	2018/05364/PA
Accepted:	16/07/2018	Application Type:	Full Planning
Target Date:	10/09/2018		
Ward:	Quinton		

The Clock Tower Building, Former Martineau Centre, Balden Road, Harborne, Birmingham, B32 2EH

Change of use from offices (Use Class B1a) to 7 no. residential townhouse dwellings (Use Class C3) and associated external alterations, infrastructure, landscaping and parking.

Applicant:	Luxury Design (Harborne) Ltd
	C/o Agent
Agent:	Harris Lamb
	Grosvenor House,, 75-76 Francis Road, Edgbaston, Birmingham, B16 8SP

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application seeks planning permission for the conversion of around 75% of the floorspace of a building from former offices/education use to 7 dwellings.
- 1.2. The scheme would consist of 7 three storey town houses (5 x 4 beds and 2 x 3 bed).
- 1.3. All dwellings exceed the non-adopted National Space Standards size requirement in terms of bedroom sizes. Each dwelling would have a separate private garden to the rear and would overlook an area of public open space to the front. Garden sizes for the units range from 41 to 60sqm.
- 1.4. The scheme includes some minor physical changes to the retained building, including the creation of new front doors (dropping existing window frames) and rendering the majority of the rear elevation, to repair the part of the building that connected to now demolished rear wings of the former quadrangle. The scheme includes the replacement of non-original windows with traditional style timber windows. Rooflights are also proposed, to the front and rear plane of the roofs, to create accommodation in the roof-space.
- 1.5. 14 parking spaces would be provided; a provision of 200%, arranged mostly in a rear courtyard, and with 4 parking spaces in front of the building (in the existing cul-de-sac head).
- 1.6. The application is supported with a Design and Access Statement, Transport Statement, Planning Statement, Drainage Strategy, Bat Survey and Tree Survey.

- 1.7. Site area 0.18ha. The redlined site includes the 2/3rds of the building's footprint, with 1/3rd of the footprint excluded from the application site, included instead in a blue line (being land under the applicant's ownership but not part of the application). This 1/3rd is the section of the building previously approved to be used as a community facility.
- 1.8. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The building is the retained part of a quadrangle building, originally part of a 'reform'-type 'correctional' school for boys. The rest of the site was demolished to make way for a new residential estate. The surrounding residential estate is largely occupied, having been recently completed.
- 2.2. [Site location plan](#)
3. Planning History
- 3.1. 19/05/12. Pa no. 2011/08749/PA - hybrid application (part outline, part full application) for outline planning permission for residential development (new build houses) and full planning permission for the partial retention and conversion of part of the original quadrangle building for use as 6 flats and a community room. Withdrawn following committee site visit and concern expressed by Planning Committee.
- 3.2. 05/09/13. Pa no. 2012/07879/PA Demolition of the majority of the existing buildings on site and residential development of 122 dwellings and associated works. Change of use of clock tower building from office (Use Class B1a) to 6 no. residential dwellings (Use Class C3) and community floor space (Use Class D1), addition of associated landscaping and two access points onto Balden Road. Refused on the basis of; loss of playing fields, inadequate S106 package, the loss of 9 TPO trees, and the loss of a community facility.
- 3.3. 24/09/14. Pa no. 2014/05096/PA for Demolition of the majority of the existing buildings on site and residential development of 121 dwellings and associated works. Change of use of clock tower building from office (Use Class B1a) to 6 residential dwellings (Use Class C3) and community floor space (Use Class D1), addition of associated landscaping and two access points onto Balden Road (revised scheme). Approved with S106 to secure;
- a) Affordable housing at 22.3% (27units) of new build dwellings.
 - b) Loss of Playing Field compensation of £830,000
 - c) Education contribution of £330,236.91
 - d) Public Open Space contribution of £175,520
- 3.4. 26/05/16, Pa no. 2016/00346/PA Reconfigure and raise the density of Phase Two to replace 47 dwellings with 60 dwellings. Approved with S106 to secure the following; 4 further affordable housing units, £45,600 for off-site public open space improvements and £44,582 for education provision.
- 3.5. 05/07/18 2018/02294/PA conversion of a building from former offices to 10 dwellings consisting of; 7 three storey town houses (6 x 4 beds and 1 x 3 bed) 3 two storey town houses (3 x 2 bed). Refused on the basis of limited garden sizes and the loss of the approved community facility.

4. Consultation/PP Responses
- 4.1. Resident, resident Associations, Councillors and MP consulted. Site notice erected.
- 4.2. PP Responses
- 4.3. Preet Gill MP – Objects and request that the community room be provided.
- 4.4. Cllr Kate Booth - I am shocked and dismayed at this further planning application which appears to be contrived to subvert the unanimous decision of the Planning Committee to refuse the previous application (2018/02294/PA). The incorporation of a Community Room facility was key to the committee supporting the original development. The scheme would also bring congestion. The historic map for the area shows showing the historic amenity and public interest in the neighbourhood which has also lost the Balden Road Playing Field which served the community prior to the development of Beech Lanes Farm and the densification of residential accommodation.
- 4.5. Cllr John Clancy - I repeat all of the comments which I made in relation to the previous application requiring the community use to be provided. I trust the officer's advice will remain the same and that is to recommend for refusal.
- 4.6. 25 objections made, with concerns in regard to;
- request that the community room be provided
 - lack of adequate publicity of the planning application
 - traffic impact
 - the location of the access to the car park which should instead be via Balden Road directly due to safety concerns.
 - intensification of the use
- 4.7. 3 letters of support stating that;
- No need for a community room as such content for the scheme to only include residential use.
 - object to a community centre being located in the building due to concerns relating to noise, disturbance, overlooking & loss of privacy, nuisance, anti-social behaviour and Shading / loss of daylight, traffic and parking.
 - Residents were disappointed that the planning application (2018/02294/PA) to turn the entire site into town houses was refused. There is a hall at the St Faith and St Laurence Church over the road that can be used by the community.
- 4.8. Consultation Responses
- 4.9. Transportation – No objection.

- 4.10. Regulatory Services - No objection, subject to conditions to secure a noise and vibration assessment and attenuation, contamination assessment and mitigation, and vehicle charging points.
- 4.11. Severn Trent - No objection.
- 4.12. West Midlands Police – No objection provided that a gate and adequate lighting is provided for the rear car park. The Police also recommend that the applicant meets their Secure by Design standards.

5. Policy Context

- 5.1. National Planning Policy Framework, National Planning Policy Guidance.
- 5.2. Birmingham Development Plan (2017); Birmingham UDP- saved policies (2005). Places for Living SPG. Car Parking Standards SPD.

6. Planning Considerations

6.1. Background

- 6.2. The current application seeks to address the previous refused application by excluding the conversion of the approved community room to 3 dwellings and instead focus on the conversion of the rest of the building to 7 dwellings.
- 6.3. The previous application was refused it was considered that the scheme would result in the loss of an approved community room which would be contrary to the approved Masterplan for the entire site.
- 6.4. The previous committee report rehearses the reasoning why the community use is important to the approved Masterplan and partly refused that application due to the resultant loss.
- 6.5. The applicant has stated that he took ownership of the site in 2017, that there was no planning policy reason for providing the community room, and that the community room was proposed by Persimmon as a goodwill gesture only.
- 6.6. By eliminating the community room from the current application the applicant would anticipate that the main issue of contention has been removed. The applicant has drawn attention to the fact that the building gained consent in 2014 for 6 dwellings and a community room. However, I am concerned that the community room part of the building, excluded from the current application, could remain inactive and 'mothballed' in perpetuity and to avoid this unsatisfactory situation I recommend that a condition is imposed requiring the community room to be open and available for community use prior to the first use of the first approved dwelling.

6.7. Design and conservation

- 6.8. In terms of design and conservation, the retained building is considered to be a non-designated heritage asset. It was retained through negotiation in 2014 and originally envisaged to be converted into 6 flats and a community room. Car parking was shown to the rear and the frontage would be laid out with new POS. The rear area would have also included an area of communal amenity space for the residents.

- 6.9. The revised details show the car parking area as agreed, the communal amenity space would be split into separate gardens. The rear gardens would be small and the 3 and 4 bed units would have gardens that range from 41sqm to 60sqm. Places for Living guidance requires gardens, for 3 bed plus units to be a minimum of 70sqm and 2 bed units to be 52sqm. The scheme consequently fails to meet the garden requirement for larger family units.
- 6.10. However, the scheme would have the benefit of access to an area of public open space in front of the building and conversions often create compromises for access to external space. This was taken into account previously and, nonetheless I recommended that the scheme be refused partly on a lack of private garden area. Taking into account the retention of the part of the building in which the community room would be located, and the suggested condition ensuring its delivery, the planning balance has changed and now I am satisfied that whilst the gardens are below guidelines, the benefits of the scheme (as a whole) offset this concern despite the previous decision to refuse the application partly on this basis.
- 6.11. In terms of separation distances for facing elevations, the building would include second floor occupation, in the roof-space, a distance of at least 30m exists between the rear elevation of the building and the rear of houses facing onto Martineau Drive - Places for Living separation guidelines seek a minimum distance of 27.5m for three storey development. Your guidance also seeks at least 5m per storey as a guideline to prevent overlooking from proposed windows to neighbours' gardens, this is also complied with. Also, the scheme would meet the Technical Housing Standards for internal spaces. I am satisfied that the development would provide adequate internal space to provide a decent standard of living accommodation.
- 6.12. It is also recognised that the proposed works to the building are considered to be sensitive to the architectural heritage and that the scheme as a whole would bring the building back into active use.
- 6.13. Transportation
- 6.14. The scheme would provide 14 parking spaces; being 200%, arranged mostly in a rear courtyard, with 4 parking in front of the building (in the existing cul-de-sac head).
- 6.15. I note that some local objection has been made to the use of the access in front of Martineau Drive. This short road (currently serving 7 dwellings) is admittedly relatively narrow, but is designed as a shared driveway, with pedestrians being able to walk in the carriageway, and was approved in the 2014 master-plan as the access for the rear car park behind the application site building.
- 6.16. Transportation colleagues conclude that the proposal would not have a detrimental effect on the immediate highway network. I concur with this view.
- 6.17. Transportation colleagues have asked for a condition that requires the dropped kerb on Balden Road to be reinstated, however such a condition would not be considered reasonable in this case.
- 6.18. Trees
- 6.19. The current frontage to the building consists of hard-standing and mature trees. The 2014 master-plan and the current application show the frontage being returned to soft landscaping and the introduction of footpaths. A footpath would run across the

centre of the new public open space and a spur footpath would separate from this and connect to new pathways leading to the new front doors of the building. The scheme includes small front garden areas with defensive hedging to create pockets of enclosure to separate this from the main area of Public Open Space.

- 6.20. Whilst awaiting tree comments in regard to the current application, my tree officer has previously noted that the proposal plan returns the area around the frontage trees to soft landscape and the small changes to the existing kerb to new path edge would be unlikely to cause significant or insurmountable problems for the trees or implementation of the path. He recommends a condition that requires the scheme to be implemented in accordance with the arboricultural method statement. I concur with this view.

6.21. Ecology

- 6.22. The submitted bat survey found no evidence of bats within the roof-space. The two nocturnal surveys did not record any evidence of bats emerging from, or returning to, the buildings. On the basis of these results, there is no evidence to suggest that bats are currently using the buildings for roosting and so bats do not currently present a constraint to development.

- 6.23. However, bats are active in the local area and the proposed conversion and refurbishment would reduce the availability of opportunities for roosting bats, my ecologist therefore recommends that a condition is included for the addition of roosting opportunities in the form of integral bat roost features, such as roof / ridge access tiles or bat tubes. Also, bats' use of roost locations is dynamic, so although the recent surveys found no evidence of roosting, this situation could change over a period of time. A further condition is recommended to require further bat survey work if development has not commenced within 12 months. My ecologist concludes that she has no objection to the scheme subject to the above two conditions.

6.24. Response to Regulatory Services

- 6.25. I note that colleagues in Regulatory Services have requested contamination and noise assessment conditions. I consider that neither of these conditions are appropriate or reasonable as the scheme relates to a reuse of an existing building which is unable to accommodate contamination or vibration management. In terms of a vehicle charging point, this is considered appropriate and has been included by way of condition.

6.26. Response to Police comments

- 6.27. West Midlands Police seek accordance with Secure by Design guidelines, for the rear access parking area to be gated (flush to the adjacent building line) and to be illuminated.

- 6.28. The applicant has previously responded that all the windows and doors would meet the required building regulation standard for security and they would work with the standards in Secure by Design Homes 2016. The applicant is also willing to provide a car park gate as requested. I am satisfied that this would meet the requirement. Conditions can be included to require details of the gate and lighting.

7. Conclusion

7.1. The scheme now proposes 7 town houses in the section of the building that has previously secured consent for 6 flats. Whilst of greater intensity, the scheme makes good use of the retained building and would enable the majority of the building to be brought into active use. A recommended condition would ensure that the remaining space is delivered as a community room within a prescribe time frame ensuring that the entire building would be brought back into active use and would satisfy the original objectives of the 2014 approval.

8. Recommendation

8.1. That the application be approved with the following conditions;

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- | | |
|----|---|
| 1 | Requires the prior submission of hard and/or soft landscape details |
| 2 | Requires the prior submission of boundary treatment details |
| 3 | Requires the prior submission of a lighting scheme |
| 4 | Requires the community room to be operational prior to the occupation of the first dwelling |
| 5 | Requires the prior submission of access gates to rear car park details |
| 6 | Requires the scheme to be in accordance with the listed approved plans |
| 7 | Arboricultural Method Statement and Tree Protection Plan Implementation |
| 8 | Requires the provision of a vehicle charging point |
| 9 | Requires the prior submission of an additional bat survey |
| 10 | Requires the prior submission of details of bird/bat boxes |
| 11 | Removes PD rights for extensions |
| 12 | Implement within 3 years (Full) |
-

Case Officer: Ben Plenty

Photo(s)

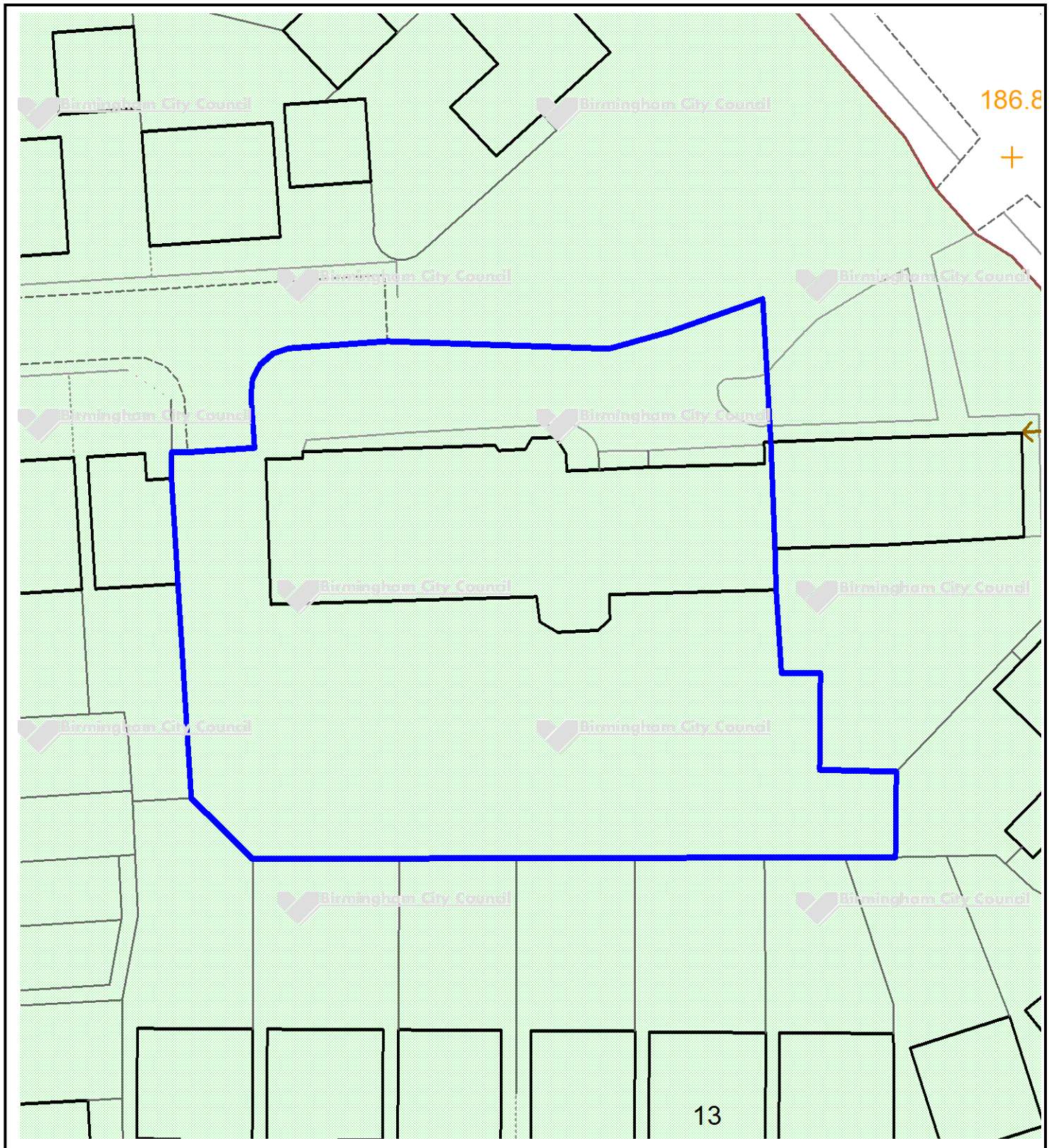


Fig 1 view of front of the clock tower, looking southwest



Fig 2 view of rear of the clock tower building, looking west

Location Plan



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Committee Date:	27/09/2018	Application Number:	2018/06195/PA
Accepted:	11/09/2018	Application Type:	Householder
Target Date:	06/11/2018		
Ward:	Edgbaston		

24 Hampshire Drive, Edgbaston, Birmingham, B15 3NZ

Erection of two storey rear and single storey side extensions

Applicant: Mr Taha Jalal
24 Hampshire Drive, Edgbaston, Birmingham, B15 3NZ
Agent: JS Designs
68 Grestone Avenue, Handsworth Wood, Birmingham, B20 1AY

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a full width, two-storey rear extension, and single storey side extension at the rear of the existing garage.
- 1.2. The proposed rear extension would be 3m deep and would extend across the width of the house, with a gable-ended pitched roof as a continuation of the main roof. The side garage is flat-roofed, its rear element would be removed, re-built and extended to the rear, also with a flat roof.

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a two storey, detached, gable fronted dwelling with forward projecting side garage. The property is set back from the road with frontage parking and a garden to the rear.
- 2.2. Hampshire Road is a cul-de-sac of similar sized detached properties of varying designs. Nos 20-26 have a staggered set back from the road.

2.3. [Site Location Plan](#)

3. Planning History

- 3.1. 12/08/1971 – 08124004 – Erection of 46 Detached Houses and Bungalows with Garages – Approved
- 3.2. 04/07/2018 - 2018/02543/PA - Erection of two storey side and rear extensions, first floor side and single storey rear extensions - Withdrawn

4. Consultation/PP Responses

4.1. Neighbouring properties and local Councillors have been consulted. Six neighbours have objected and Councillor Deirdre Alden has requested that the application be decided by Planning Committee. The objections raise concerns on the following grounds:

- Loss of light and outlook: to side facing kitchen window and door, and; to rear facing windows, so breaches neighbours' 45 degree code. Breaches right to light
- Proposal is dominant, bulky and out of character, too big for the plot and surroundings, and is contrary to minimum distance separation guidelines and Extending your Home SPD
- Adverse effect on streetscene through extension of east and west walls
- Would result in a dark narrow passageway between neighbours
- Encroachment of red edge to no. 26, at front of gardens
- Loss of privacy to dwellings to the rear
- Loss of staggered layout
- Impact on highways from increased occupancy
- Damage to non-adopted road from construction traffic
- Impacts on drainage system from increased building size

5. Policy Context

5.1. The following national policies are applicable:

- National Planning Policy Framework.

The following local policies are applicable:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan 2005 (Saved Policies).
- Places For Living SPG 2001.
- Extending Your Home SPD 2007.
- 45 Degree Code SPG.

6. Planning Considerations

6.1. This application should be assessed against the objectives of the policies as set out above. The principal matters for consideration are the scale and design of the proposed extensions, the impact on the architectural appearance of the property, general street scene and the impact upon neighbouring properties' amenities.

6.2. The scale and design of the proposal is acceptable. Whilst the design is not subservient to the dwelling house (as outlined in Extending your house SPD) the proposal, as a full width / height extension extending the gable end and single storey side element is in keeping with the original dwelling house and would not compromise the existing character and architectural appearance of the property and therefore comply with the principles of the SPD. From the public realm, the proposed increase in depth of the dwelling from 10m to 13m would be little discernible (see Photo 1 below).

- 6.3. Impact on the amenity of neighbours at No 22 - The proposed extensions would breach the 45 degree line in respect of the rear windows of the neighbours dwelling. However in this respect due to the unusual staggered layout of the dwellings in this area this rule is already breached by a considerable degree, by the side garage and the two-storey house. The single storey extension proposed alongside the boundary of no. 22 would be 2.75m tall (flat-roofed, c. 0.19m taller than the existing garage). Presently, the view of this area is well-screened from no. 22 by large shrubbery in no. 22's garden (see Photo 2). The two-storey dwelling is 3.8m off the boundary with no. 22, and would extend the property by 3m to the rear. Given the distance from the rear windows of no. 22, I consider the proposal meets the 45 Degree Code (which accounts for distance). As such, I consider the effect on the amenities of no.22 would be within reasonable bounds.
- 6.4. Impact on the amenity of neighbours at No 26 – Due to the staggered layout the proposed extension would not impact on the outlook from the rear windows of No 26 as it would still be approximately 3m short of the rear elevation. The proposed extension would have an impact on the side facing window and door to the kitchen at No 26 (Photos 3 and 5), leading to a reduction of light and outlook. However consideration must be given to an additional, good-sized kitchen window located to the rear elevation of No. 26 which serves the kitchen, provides an additional source of light to this room, and looks down the back garden (Photo 6). Given its location this window would be unaffected by the proposal. Therefore on balance I do not consider the impact on the neighbouring occupiers in terms of loss of light and outlook would be sufficient to warrant refusal of this application on this aspect alone. I note the neighbours claim to right to light however this is a civil matter not directly addressed by planning legislation.
- 6.5. Impact on the amenity of neighbours to the rear – Whilst the rear extension would reduce the separation between the rear elevations of the properties and the rear boundary these distances would still conform to policy, which seeks a minimum of 21.5m between elevations, and 10m overlooking distance from a first floor window to a neighbour's garden. 31m and a minimum of 11.5m are shown respectively.

7. Conclusion

- 7.1. I consider that the proposed development complies with the objectives of the policies outlined above. As such the development should be approved.

8. Recommendation

- 8.1. Approve subject to conditions

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires that the materials used match the main building |
| 3 | Implement within 3 years (Full) |
-

Case Officer: John Richardson

Photo(s)



Photo 1. Front of No 24 (on left) & 26



Photo 2. Side of 24 from 22



Photo 3. Side window / door of No26



Photo 4. Rear of No 24 from No 26



Photo 5. Side of No26 & No24 (to right)



Photo 6. Rear Kitchen window to No 26

Location Plan



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Committee Date:	27/09/2018	Application Number:	2018/06202/PA
Accepted:	25/07/2018	Application Type:	Telecommunications
Target Date:	28/09/2018		Determination
Ward:	Hall Green North		

York Road, Former Hall Green Greyhound Stadium, Hall Green, Birmingham, B28 8JR

Application for Prior Notification for the proposed telecommunications installation of 20m monopole structure supporting 3 no. antennas and 2 no. microwave dishes, 3 no. radio equipment cabinets, installation of 2.1m high palisade fencing and associated works

Applicant:	CTIL and Vodafone Ltd c/o agent
Agent:	Sinclair Dalby Ltd Suite H, KBF House, 55 Victoria Road, Burgess Hill, West Sussex, RH15 9LH

Recommendation

No Prior Approval Required

1. Proposal

- 1.1. The proposal includes the installation of a 20 metre high telecommunications monopole with 3 no. antennas, 2 no. microwave dishes, 3 no. radio equipment cabinets within an enclosed compound.
- 1.2. The proposed telecommunications monopole and associated equipment would be located within the former Hall Green Greyhound Stadium, situated to the south-west of the site. The site is currently being redeveloped for a large housing scheme to be built.
- 1.3. The proposal would provide 2G, 3G and 4G coverage and capacity for Vodafone and Telefonica UK Limited (commonly known as O2). The proposed telecommunications mast would be 20m in height with 3no. antennas measuring 2.1m in height located at the top. The monopole would be constructed of steel with a matt galvanised finish and would be positioned on a 3.7m x 3.7m concrete base. The proposed monopole would be a replacement for the existing telecommunications mass located within the north-east of the site.
- 1.4. Three radio equipment cabinets would be installed at the base of the monopole. This would include: two hauwei cabinets measuring 0.7m x 0.7m x 1.9 m tall, and a slimline meter cabinet measuring 0.9m x 0.7m x 0.7m. The radio cabinets would be constructed of steel with a grey finish. The proposed telecommunications mast and associated radio cabinets would be installed within a secure compound bound by 2.1m high palisade fencing to painted green, with access gate.

- 1.5. The applicant states the proposed equipment would be ICNIRP-compliant (International Commission on Non-Ionizing Radiation Protection).

1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is the former Hall Green Greyhound Stadium located on York Road. The proposed monopole would be sited in the south-west of the site. The former Greyhound Stadium and associated buildings are currently being demolished in preparation for a large housing development.
- 2.2. To the north of the site, there are two large commercial units. To the south of the site there are residential dwellings located along Brooklands Road and further residential dwellings to south and west of the site, located on Silverlands Close and Welby Road.

3. Planning History

- 3.1. 11/06/2012 - 2012/03781/PA - Notification for the installation of telecommunication equipment – Seen & Noted by Authority.
- 3.2. 22/04/2016 – 2016/02612/PA – Telecomms License Advisory application for the installation of 1 x 0.3 metre microwave dish on the existing structure – Seen & Noted by Authority.
- 3.3. 19/08/2016 - 2016/01219/PA - Outline planning application for the demolition of Hall Green Stadium and residential development of up to 210 dwellings with all matters reserved except access – Approved subject to conditions.
- 3.4. 17/04/2018 – 2018/01926/PA - Application for Prior Notification for demolition of grandstand, hotel and periphery buildings and associated hardstanding areas – Prior Approval Required and to Approve with Conditions.
- 3.5. Awaiting decision - 2018/04103/PA - Demolition of Hall Green stadium and residential development of up to 210 dwellings (approval of reserved matters) (elsewhere on this agenda)

4. Consultation/PP Responses

- 4.1. Neighbouring residents, local Ward Councillors and MP, and residents associations have been consulted. A site notice has been displayed and a press notice published.
- 4.2. 12 letters of objection have been received from neighbouring addresses and one on behalf of the residents of Welby Road, raising concerns regarding:
- Proximity to residential properties
 - Impact on health
 - Impact on property value
 - Impact on street scene
 - Noise of construction works

- Proposed height

One comment was received from a neighbouring occupier suggesting that further consultation of local residents should be carried out.

5. Policy Context

5.1. Relevant Local Planning Policy:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005
- Telecommunication Development: Mobile Phone Infrastructure SPD 2008;

5.2. Relevant National Planning Policy:

- National Planning Policy Framework (NPPF) 2018
- The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 16 (as amended 2016)

6. Planning Considerations

- 6.1. This is a prior notification application. As such, the only issues that can be considered when assessing this application are the siting and appearance of the proposed telecommunications monopole and cabinets. The principle of development is therefore not an issue of consideration for this prior approval application.

Policy Context

- 6.2. **NPPF:** Paragraphs 42-46 of the National Planning Policy Framework (NPPF) relate to the installation of telecommunications equipment. Paragraph 43 advises that local planning authorities should support the expansion of electronic communications networks but should aim to keep the numbers of telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. It explains that existing masts, buildings and other structures should be used, unless the need for a new site has been justified and that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
- 6.3. Paragraph 46 advises that “Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure”.
- 6.4. **BDP:** Policy PG3 (Place making) of the BDP advises that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place, with new development reinforcing or creating a positive sense of place and local distinctiveness. The policy continues by stating that new development should ensure that private external spaces, streets and public spaces are attractive, functional and inclusive. Policy TP46 (Connectivity) of the BDP recognises that technology developments and access to digital services such as the internet are critical to Birmingham's economic, environmental and social development.

- 6.5. **UDP and SPD:** The Telecommunications Policy (Paragraphs. 8.55-8.55C) in the Birmingham UDP (2005) and the Telecommunications Development SPD state that a modern and comprehensive telecommunications system is an essential element in the life of the local community and the economy of the City but that in assessing applications for telecommunications equipment, account will be taken of the impact of radio masts, antennae and ancillary structures on existing landscape features, buildings and the outlook from neighbouring properties. In respect of ground-based masts, the Council's SPD states that they should make the most of existing screening or backdrop to buildings and avoid open locations, that they should be mitigated by landscaping and planting, that street locations will be discouraged but where they are the only option they should appear as an unobtrusive addition, and where possible sites should have a backdrop of trees to reduce visual contrast.

Siting and Appearance

- 6.6. The proposal would provide 2G, 3G and 4G coverage and capacity for Vodafone and Telefonica UK Limited (commonly known as O2). The proposal would replace the existing telecommunications mast which will be removed in due course to make way for the future housing development. The Applicant has provided a list of two other alternative sites considered for the location of the development. Due to the fact that the proposal is to replace the existing telecommunications mast within the site, only sites within the very immediate area were considered as alternatives, to ensure the coverage proposed from the new site would match the existing as closely as possible so as not to have any impact on the wider network, hence the small number of sites considered. The alternative sites were discounted due to limited space and impact on overhead lines. The proposed site provides the most suitable location to provide improvements to the existing and proposed network coverage and meet capacity requirements
- 6.7. In terms of siting, the existing mast within the site is 15m high with antennas above. As the existing telecommunications mast is sat on a higher ground level, to replicate the coverage from the existing telecommunications from a lower ground level, the proposed monopole would need to be slightly higher to ensure that the antenna heights remain at the same height once the difference in ground level is taken into consideration. Outline consent has been granted on the site for the erection of 210 dwellings, with a mix two storey and three storey properties and two apartment blocks. The Applicant has carried out a technical assessment and found that in order to replicate and enhance the existing coverage the proposed monopole would need to be 20m in height in order to clear the future obstacles which are likely to be present on the site.
- 6.8. I acknowledge the objections raised concerning the height of the proposed telecommunications mast and the impact on nearby residents. In terms of proximity to residential properties, the nearest residential dwelling located to the west along Silverlands Close, are approximately 30m away from the proposal. The properties along Silverlands Close are at an oblique angle and as such there would not be a direct view from these properties to the proposed telecommunications mast. In addition to this, the existing line of trees would also provide a level of screening when viewed from Silverlands Close. The rear of the properties along Welby Road would be located 45.5m away from the proposed telecommunications mast. Whilst I note there would be a direct view from these properties and the proposed monopole, I also note there is a large industrial building within sight and as such the proposed monopole would not appear as an isolated feature. Turning to the properties located along Brooklands Road, there would be a distance of 82m from the rear elevations of properties and 43m from the rear gardens of the properties and the proposed

monopole. These properties have a number of trees within their rear gardens which would provide a level of screening. On balance, I consider that there is sufficient distance and/or angle and/or tree screening between the surrounding properties and the proposed monopole, and with the monopole sited next to a sizeable industrial building.

- 6.9. The site has outline planning consent for future residential development. The indicative layout of the future housing development scheme (elsewhere on this agenda) shows the location of the proposed telecommunications mast to be quite close to one of the future dwellings, with distances of approximately 4.4m away from the front corner of the dwelling to the compound and 7.5m away from the front corner of the dwelling and the monopole itself. Whilst the proposed telecommunications mast would be close, it is to the side of the nearest dwelling and given that the mast would likely to be in situ before future residential occupiers consider buying or renting these properties, I raise no concerns.
- 6.10. The proposed monopole is of a simple slim-line design and would not be prominent within the existing street scene. The monopole would be constructed of galvanised steel and the cabinets would be constructed of steel with a grey finish. I consider that the proposed development is of a design and appearance which would minimise any contrast between the monopole and associated equipment and its surroundings. Broadly speaking, telecommunication masts are a modern feature and not uncommon to be found in many streets. The telecommunications equipment would not result in any excessive visual clutter within the street. The proposal would not have a harmful impact upon the visual quality of the wider street scene and therefore there are no grounds upon which to resist such a development.

Impact on Public Health

- 6.11. Paragraph 46 of the NPPF states that the Local Planning Authority must determine applications on planning grounds. The applicant has demonstrated, by way of an appropriate certificate, that the proposed installation would meet the standards of the ICNIRP for public exposure as recommended by Paragraph 46 of the NPPF and a fully compliant certificate has been submitted. The Applicant has confirmed that the ICNIRP certificate accounts for future housing development on the site and any overlap in service the existing telecommunications mast would have with the proposed telecommunications mast when initially installed. Consequently, I consider the application is acceptable on the grounds of public health.
- 6.12. **Other Matters**
- 6.13. I note objections received raising concerns regarding the impact the proposed development may have on property value. This is not a planning consideration and does not form part of the assessment of this application.

7. Conclusion

- 7.1. I consider that the siting and appearance of the proposed development would not have an undue effect on the visual amenity of the area. I also consider that the proposal would be a sufficient distance from nearby residential properties and would not cause harm to residential amenity.

8. Recommendation

8.1. No prior approval required.

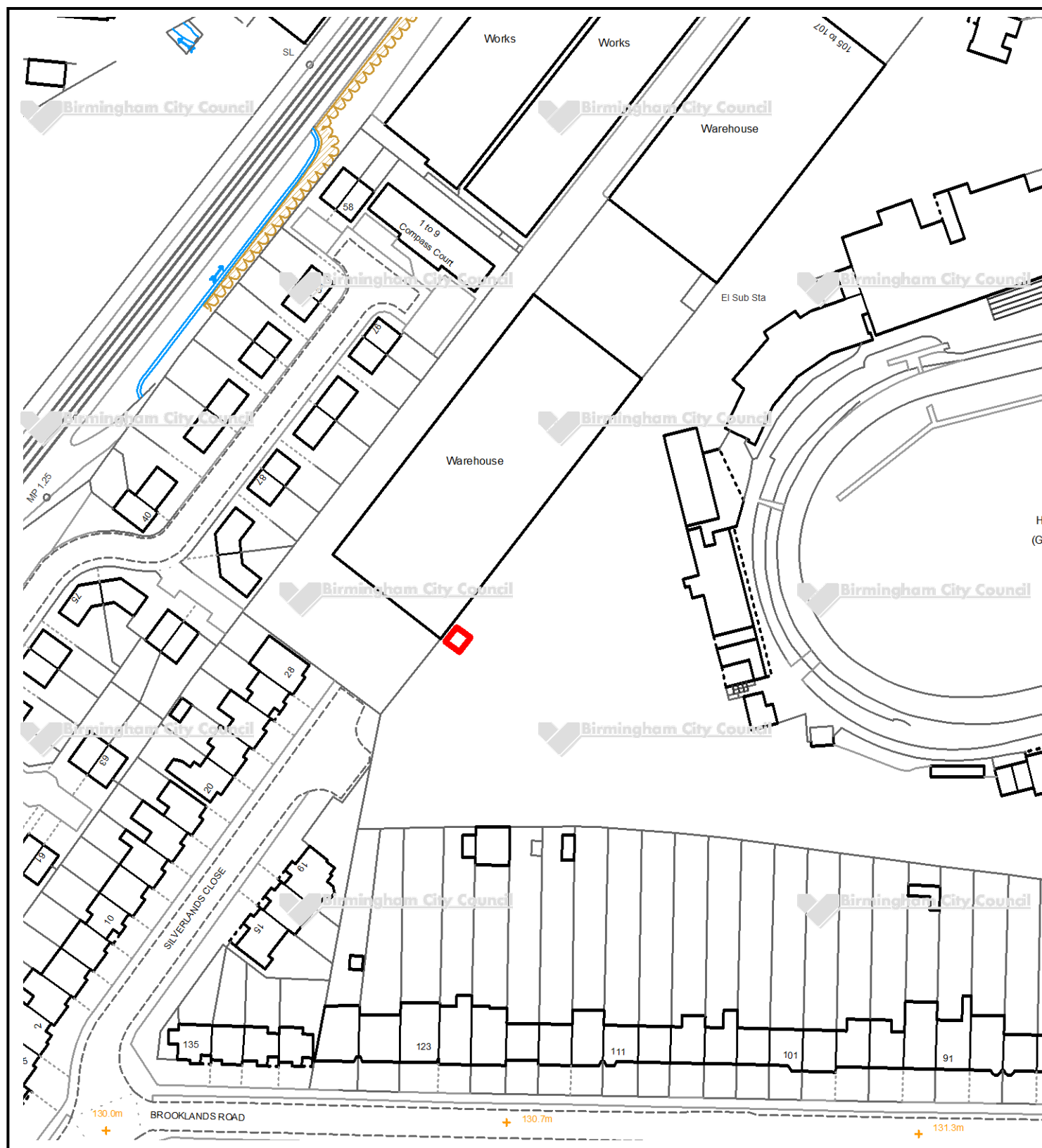
Case Officer: Laura Reid

Photo(s)



View to site from Brooklands Road

Location Plan



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Committee Date:	27/09/2018	Application Number:	2018/04103/PA
Accepted:	22/05/2018	Application Type:	Reserved Matters Development
Target Date:	21/08/2018		
Ward:	Hall Green North		

Former Hall Green Greyhound Stadium, York Road, Hall Green, Birmingham, B28 8LQ

Demolition of Hall Green stadium and residential development of up to 210 dwellings (approval of reserved matters)

Applicant:	Galliford Try Partnerships Leicester Road, Wolvey, Hinckley, LE10 3JF
Agent:	BM3 Architecture Ltd 28 Pickford Street, Birmingham, B5 5QH

Recommendation

Approve subject to Conditions

1. Proposal
 - 1.1. [Link to Documents](#)
 - 1.2. This is the reserved matters application for the former Hall Green Greyhound Stadium site, which gained outline consent in 2016 for demolition and residential development of up to 210 dwellings, including access. The site is currently undergoing demolition in accordance with a prior notification for demolition application approved earlier this year.
 - 1.3. The application seeks reserved matters approval for the appearance, landscaping, layout and scale of 210 dwellings. The accommodation comprises 15 x1 bed flats and 53 x2 bed flats, 60 x2 bed houses (all two storey), 57 x3 bed houses (of which 45 would be two and a half storeys and the remainder two storey), and 25 x4 bed houses (all two storey). 32 of the dwellings (15%) would be affordable units in accordance with the legal agreement negotiated as part of the outline consent.
 - 1.4. The scheme has undergone revisions during pre-application stages and now comprises two access points from York Road (as per the outline consent), linear rows of dwellings to the perimeters and two central perimeter blocks. This affords an internal road loop around the development. Pedestrian and cycle access is gained from both York Road access points and also separately across the south west corner of the site linking to Silverlands Close. An area of public open space (POS) is proposed in the centre of the site, overlooked by new houses on all sides, measuring 0.32 hectares to accord with the outline consent. Additionally, some incidental open space would lie in the site's south-western corner, in the area of the footpath link to Silverlands Close, the proposed replacement mobile phone mast, and the attenuation drainage pond. Members are advised that the Section 106 agreement at outline stage also included a clause to provide a pro-rata off-site open

space contribution to be spent on the provision, improvement or maintenance of public open space and play at Fox Hollies Park.

- 1.5. Two main flat blocks are to be located at the main site entrance to provide a gateway into the development. They are three storeys in height and provided with flat roofs. Block A comprises 32 units and Block B incorporates 36 units. Amenity/landscaping areas surround both flat blocks, and the on-site Public Open Space is accessible to the immediate south. Amenity areas for the houses are provided in the form of private rear gardens.
- 1.6. The streetscenes allow for a repeating rhythm of units types, including the taller 2.5 storey height dwellings to break up the uniformity of roof heights and provide visual interest. 2.5 storey height units are also primarily used on the York Road frontage and periodically within frontages facing onto the main POS area. Materials include two contrasting types of red brick and painted render panels, as well as varied red/brown and grey coloured concrete roof tiles. House types are duo pitch, with some units providing front facing gable designs to add variety and similar porch canopies. Larger units with garages contain a room over with subordinate roof heights and designs of reduced scale and massing.
- 1.7. Gated parking areas have been provided for the two apartment blocks which include areas for cycle parking, and dwellings are all provided with in-curtilage car parking usually in the form of frontage parking. One and two bed units are provided with one parking space each and three and four bed dwellings are provided with two spaces each. The larger four bed units include an integral garage.
- 1.8. The site has an area of 4.30 hectares which gives rise to a density of 49 dwellings per hectare.
- 1.9. A Screening Opinion under the provisions of the Environmental Impact Assessment Regulations has been issued, concluding that an Environmental Statement is not required.

2. Site & Surroundings

- 2.1. The application site was formerly Hall Green Stadium, a greyhound racing track leased to the Greyhound Racing Association (GRA). The Stadium opened in 1927 and formed one of 28 licensed stadiums in the UK and was one of two greyhound racing stadiums located within Birmingham. It was a purpose-built greyhound stadium with a capacity to accommodate 2,700 spectators, and with ancillary conference facilities, restaurant, bar, the 48-bedroom Lodge Hotel, and 600 space perimeter car parking. Buildings on the site are currently being demolished.
- 2.2. The application site is located in a predominately residential part of Hall Green. It is bounded to the east and south by houses on Brooklands Road and to the south-west on Welby Road and Silverlands Close. It is bounded to the west by a builder's merchants, comprising of two large warehouse buildings with yard/storage area in between these buildings. There is a small local parade of eight shops fronting York Road (Nos. 153-169), which immediately adjoins the north east corner of the site. Vehicular access to the site is currently off York Road. Hall Green Train Station is located 300m to the south west of the site and is served by trains which depart to Kidderminster, Stratford-upon-Avon, Worcester and Birmingham. The Parade, Hall Green Neighbourhood Centre is also located 300m to the south west of the site.

- 2.3. The site is generally level, but with a 2.7m ground level difference across the site between south western and north eastern site corners, the latter being at a higher land level.
- 2.4. [Site location](#)
3. [Planning History](#)
- 3.1. The application site has an extensive planning history relating to its former use as a greyhound stadium, which is not relevant to this current application.
- 3.2. 19/08/16 – 2016/01219/PA. Outline planning application for the demolition of Hall Green Stadium and residential development of up to 210 dwellings with all matters reserved except access. Approved subject to a Section 106 agreement for the provision of on-site affordable housing and an off-site contribution towards Public Open Space. Approved.
- 3.3. 17/04/18 – 2018/01926/PA. Application for Prior Notification for demolition of grandstand, hotel and periphery buildings and associated hardstanding areas. Prior approval required and granted subject to conditions.
- 3.4. 1/06/18 – 2018/03617/PA. Application to determine the details for condition numbers 1 (submission of a demolition method statement (ecology), 2 (submission of a method statement for the removal of invasive weeds) and 3 (construction method statement/management plan) attached to approval 2018/01926/PA. Approved.
- 3.5. Current – 2018/06202/PA. Application for Prior Notification for the proposed telecommunications installation of 20m monopole structure supporting 3 no. antennas and 2 no. microwave dishes, 3 no. radio equipment cabinets, installation of 2.1m high palisade fencing and associated works. Awaiting determination – report to be found elsewhere on this agenda.
4. [Consultation/PP Responses](#)
- 4.1. Transportation - no objection subject to conditions for a Demolition Management Plan to be submitted and approved prior to works commencing. S278 to be entered into for the construction of bell mouths, the tying in of the pedestrian/cycle route onto Silverlands Close and reinstatement of any redundant crossings. Pedestrian visibility splay of 3.3m x 3.3m x 600mm high to be incorporated into each drive/parking space.
- 4.2. Regulatory Services - no objections to the application. Note however though that there are a number of outstanding environmental protection-related conditions attached to the outline planning consent (2016/01219/PA). The details of these conditions will need to be approved before any development commences.
- 4.3. West Midlands Police – no objections and provide advice on Secured By Design Accreditation
- 4.4. Severn Trent – no objections subject to a scheme for the disposal of foul and surface water flows

4.5. West Midlands Fire Service – require confirmation of adequate access by fire appliances to the row of houses parallel to York Road and access for fire personnel from a pump appliance within 45m of all points within each dwelling in the combined blocks, or alternative fire main provision. Water supplies for firefighting should be in accordance with “National Guidance Document on the Provision for Fire Fighting”. All compliance to be in accordance with the Building Regulations

4.6. Environment Agency – no objections

4.7. Lead Local Flood Authority – object. Request more information on SUDS (sustainable drainage), including infiltration testing, surface water discharge, levels, the overall drainage network, liaison with Severn Trent, and operation and Maintenance proposals.

4.8. Leisure Services – note the legal agreement issued with the Outline consent. With 210 dwellings, this will require £302,600 for the off-site spend in Fox Hollies Park.

More work is needed on POS design quality, including boundary treatment and surfacing details. The additional of a .5m deep depression for SUDS purposes will make a large part of the main POS unusable for residents.

4.9. Nearby neighbours, residents groups, Ward Councillors and MP consulted with site and press notices posted. The 53 comments and objections have been received raising the following matters:-

- multiple instances of “I oppose this planning application and want to put my views forward with all the residents from Brooklands Road”
- object to any increase in housing numbers
- is there sufficient infrastructure provision to support additional population e.g. doctors surgeries and schools, and traffic calming
- traffic generation and parking congestion
- rear access rights to Brooklands Road properties
- noise and dust from on-going demolition
- increased risk of flooding
- would object to vehicular access off Silverlands Close
- lack of detail on boundary treatments and maintenance responsibilities
- danger for increased pedestrians on surrounding narrow pavements
- request replacement of concrete fencing to rear of Brooklands Road gardens
- no need for additional houses

4.11 Objections submitted by Councillor Akhlaq Ahmed on behalf of residents in Brooklands Road:

- Some households have garages around the back of their properties and access is an issue
- Some households have access from the back which has been there previously for many years but is not included in the new development
- Approximately 100 households are being affected by this development
- No consultation was carried out with the residents
- No boundary demarcation clearly being shown in the plans
- The back boundary wall is in bad condition which could be a health and safety issue
- The gap between boundary wall and back gardens could cause a major rubbish problem

- The properties are sometimes affected by flooding during heavy rainfall and the previous owners of the stadium would use pumps to clear the water from the back. Is this included in the new development plan?
- The residents are concerned about the effects on local schools and traffic problems
- The railway bridge which is a few metres away from the new development is like a bottleneck and the footpath is very narrow which could be safety issue

5. Policy Context

- 5.1. The following national policies are applicable:
- National Planning Policy Framework (NPPF)
- 5.2. The following local policies are applicable:
- Birmingham Unitary Development Plan (UDP) (Saved Policies)
 - Birmingham Development Plan (BDP)
 - Car Parking Guidelines SPD
 - Places for Living SPG
 - Affordable Housing SPG
 - Public Open Space in New Residential Development SPD
 - Nature Conservation Strategy for Birmingham SPG
 - Mature Suburbs SPD

6. Planning Considerations

- 6.1. The principle of residential development with access at the site of the quantum now proposed has been accepted with the outline approval in 2016, and the on-going demolition of the former greyhound stadium has been accepted with the prior notification approval for demolition agreed earlier this year. The reserved matters that are for consideration relate to scale, appearance, landscape and layout.

6.2. Scale:

- 6.3. The quantum of development accords with the total unit numbers restriction (210 units) placed on the outline consent. As set out in the submitted Design and Access Statement, the flat roofed flat blocks and 2.5 storey height dwellings are mainly used along the York Road frontage to provide a principal edge to the development site alongside its main access points. 2.5 storey units also punctuate the streetscenes fronting onto the main area of public open space to provide both visual interest in those streetscenes and to build localised character. The remainder of the development acceptably sees 2-storey units prevailing, particularly along the eastern and southern boundaries to reflect the scale of adjoining residential development.

6.4. Appearance:

- 6.5. Officers have worked with the agents both at pre and during-application stages to refine the appearance of the dwellings and flat blocks. House types are duo pitch, with some units providing front facing gable designs to add variety and similar porch canopies. Larger units with garages contain a room over with subordinate roof heights and designs of reduced scale and massing. Corner units are provided with active elevations with the insertion of ground and first floor windows and wraparound render panels. The flats blocks are 3-storey but are provided with a flat roof design which relates well to the height and appearance of the 2.5 storey dwellings, particularly along York Road. The flat blocks also wrap around the main western

access point into the site to provide a defined gateway into the development. The two blocks are also provided with slightly varied roof lines to add additional visual articulation. Materials palettes match across both the dwelling and flat block designs and include two contrasting types of red brick and pale painted render panels, as well as varied red/brown and grey coloured concrete roof tiles. Samples of these are currently being considered and already form a conditional requirement of the outline consent. The scheme now achieves an acceptable quality of design across the site, subject to small matters of final clarification which can be addressed by condition.

6.6. Landscaping:

6.7. Landscaping design and details are similarly the subject of on-going negotiation. Priority elements concern additional planting around the flat blocks, and additional taller elements of dwelling frontage planting to break up the uniformity of frontage parking. Additional planting along the rear garden boundaries of dwellings adjoining the industrial units to the west is also being sought, as is planting at prominent corner locations and around the smaller area of open space where it links through to Silverlands Close. If necessary these elements can be sought by additional conditions, although it is preferable for this to be agreed and provided for at this current reserved matters stage.

6.8. Layout:

6.9. The layout is relatively simple and reflects the illustrative scheme at outline stage. Access points off York Road serve a primary road loop around the site with raised tables at two internal road junctions as a means of traffic calming. Off these flow private drives to dwellings and gated parking courts to serve the two flat blocks. Two main internal perimeter blocks are provided and the principal area of POS is surrounded by a mixture of dwelling heights to provide both visual interest and front elevations to allow natural surveillance of the open space. Natural surveillance of the smaller amenity area is also provided by adjacent overlooking dwellings. Overall, the site layout is simple, effective and the correct approach for security, surveillance and sense of place.

6.10. In terms of amenity Regulatory Services have been consulted on the application and refer to a number of outline conditions which require submission and discharge to ensure satisfactory development. These include noise and vibration details, land contamination investigation and remediation, levels details and details of a lighting scheme. In terms of amenity for new residents unit sizes in the flats range from 50sqm - 51.7sqm for one bed flats and 60.5sqm - 63 sqm for 2 bed units. As such they generally meet the requirements of the Nationally Described Space Standards for housing for 1 bed 2 persons units and 2 bed 3 persons units. Garden sizes also satisfactorily address garden sizes set out in 'Places for Living' – there are some marginal shortfalls on some units but many others exceed guidelines and provision across the site is considered acceptable. Amenity for adjoining residents is addressed by adequate separation distances and garden depths as per 'Places for Living'. The tallest dwellings (at 2.5. storeys) are also lit by rear rooflights within the roof space which prevent material overlooking, and the internal/rear elevations of the flat blocks are offset by intervening amenity space/landscaping and parking courts. Garden lengths to adjoining existing residential streets to the east and south are also considerably longer.

6.11. Leisure Services' comments are noted. The main POS area at 0.32 ha accords with the outline consent, and current negotiations for landscaping and boundary treatment across the whole site are being addressed, although it will however

remain fundamentally open in character and appearance. Suitable maintenance arrangements can be conditioned. The additional smaller landscaped area is at the lowest part of a site which facilitates its practical use as part of a SUDS solution (attenuation pond) for the development. This part of the development site is also transitional in nature which adds permeability to the site with its pedestrian and cycle link through to the south west. Similarly the replacement telecommunication equipment area is located in this transitional area, and adjacent to the adjoining industrial units. This is to replace equipment formerly located at the stadium. Proximity of this to proposed dwellings is noted but there is no on-site location which would not be close to dwellings, other than within the main POS area, which is not recommended. Finally the likely sums identified for use in complying with the Section 106 Agreement for off-site open/play space contribution have been shared with the agents.

- 6.12. West Midlands Police's comments and lack of objections are noted and their advice on securing Secured by Design accreditation has been shared with the agents. Similarly Fire Service queries have been shared with the agents although fundamentally delivering adequate fire protection rests with the Building Regulations.

6.13. Highway safety and parking:

- 6.14. Access arrangements into the site were approved as part of the outline consent. Transportation Development have nevertheless been consulted on the reserved matters application and advise that they have no objections subject to conditions for a Demolition Management Plan to be submitted and approved prior to works commencing. Also a S278 should be entered into for the construction of bell mouths, the tying in of the pedestrian/cycle route onto Silverlands Close and reinstatement of any redundant crossings. Pedestrian visibility splays of 3.3m x 3.3m x 600mm high to be incorporated into each drive/parking space are also required. These conditions can be added to a reserved matters approval as they relate specifically to the reserved matters issues currently under consideration, apart from The Demolition Management Plan which was already required and discharged as a condition of the Prior Approval for Demolition. A wider Construction Management Plan is also already included within the conditions of the outline consent.

6.15. Other matters:

- 6.16. Drainage was considered and conditioned for delivery of a Sustainable Urban Drainage system as part of the outline consent. Severn Trent's and the Environment Agency's no objections and condition requests reflect that approach taken at outline stage, and are added where appropriate (e.g. foul drainage connections). The LLFA's objections to the level of information currently submitted are noted and are to be used to inform the development of further SUDS submissions required as a condition of the outline consent.
- 6.17. Many neighbour concerns, notably the principle of development, housing need and access/transportation matters have been addressed at outline stage and/or by conditions at both outline and this reserved matters stage.

7. Conclusion

- 7.1. The reserved matters layout reflects the principles established as part of the outline consent, and provides acceptable details regarding scale, appearance, landscaping

and layout in the interests of urban design, residential and visual amenity, and highway safety. Additional conditions and existing conditions of the outline consent adequately address matters of outstanding detail. Accordingly the proposal represents sustainable development in accordance with national and local policy and guidance and planning permission should be granted.

8. Recommendation

8.1. Approve subject to conditions

-
- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of amended hard and/or soft landscape details and implementation details. |
| 3 | Requires the prior submission of a landscape management plan |
| 4 | Requires the prior submission and completion of works for the S278/TRO Agreement (for the construction of bell mouths, the tying in of the pedestrian/cycle route into Silverlands Close, and the reinstatement of any redundant crossings) |
| 5 | Requires pedestrian visibility splays to be provided |
| 6 | Requires the prior submission of a disposal scheme for foul and surface water drainage |
-

Case Officer: Tracy Humphreys

Photo(s)

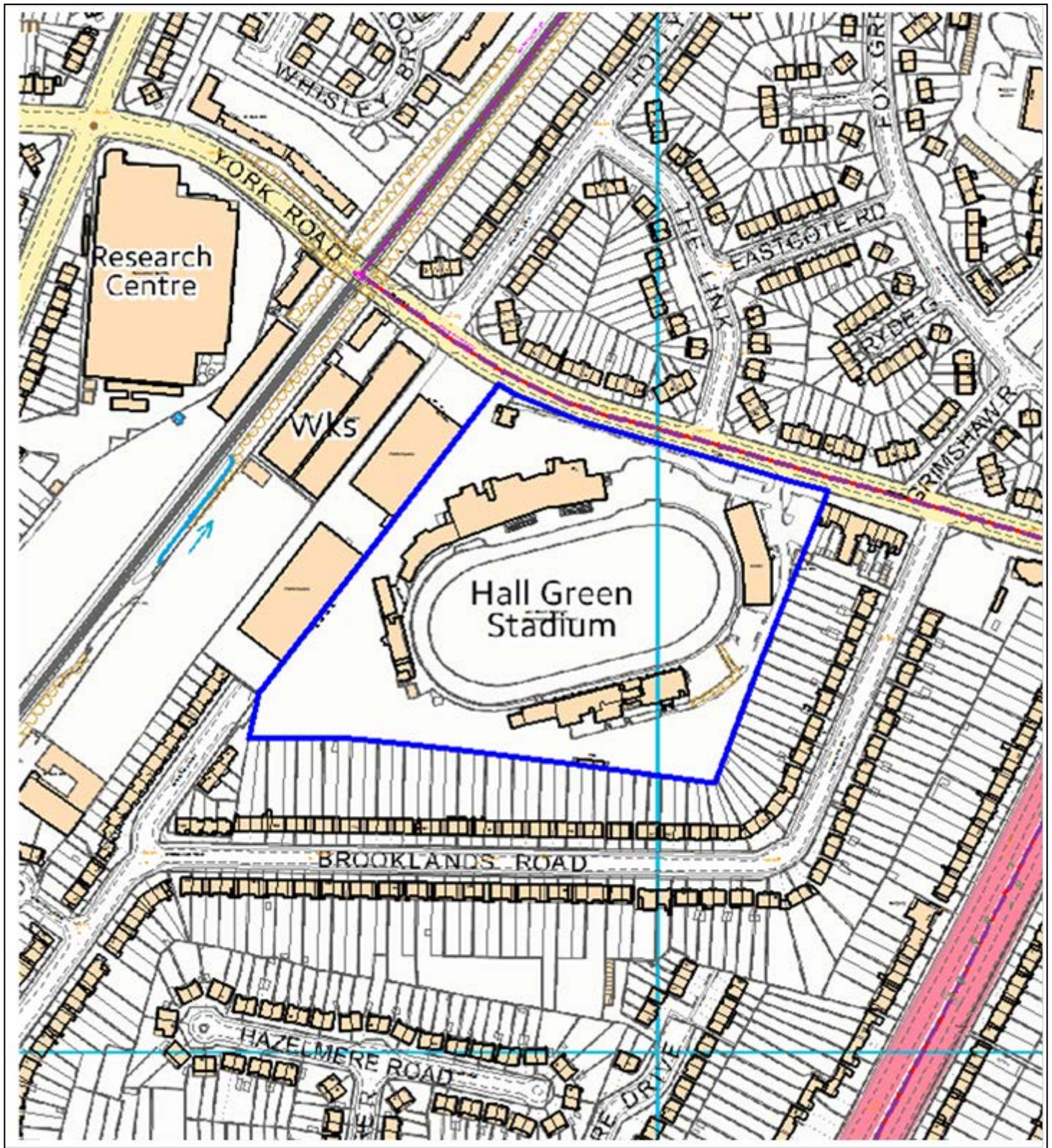


Figure 1: View from existing site entrance showing site undergoing demolition



Figure 2: View along York Road

Location Plan



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Committee Date:	27/09/2018	Application Number:	2018/05609/PA
Accepted:	13/07/2018	Application Type:	Householder
Target Date:	07/09/2018		
Ward:	Edgbaston		

16 Pavenham Drive, Edgbaston, Birmingham, B5 7TW

Erection of two storey rear extension and alterations to increase roof height.

Applicant: Mr M Shiraz
16 Pavenham Drive, Edgbaston, Birmingham, B5 7TW
Agent: Arcon Architects
250 Walsall Road, Perry Barr, Birmingham, B42 1UB

Recommendation

Approve subject to Conditions

1. Proposal

1.1. Erection of two storey rear extension (3.3m wide x 3.3m deep) and alterations to increase roof height by 0.6m to facilitate an enlarged kitchen on the ground floor and a rationalised first floor layout with an additional ensuite shower room.

1.2. [Link to Documents](#)

2. Site & Surroundings

2.1. Application site comprises a two-storey detached dwelling on a modern residential cul-de-sac development off the southeast side of Bristol Road. Application property already benefits from a two storey rear extension.

2.2. [Site location](#)

3. Planning History

3.1. 12/04/2016 - 2016/01477/PA - Erection of two storey rear extension – Approved with conditions. Identical to current proposal but without the raising of the roof. Not yet implemented.

4. Consultation/PP Responses

4.1. Local Councillors and the occupiers of nearby properties notified of the application with responses as follows:

- Individual letters from 5 local addresses objecting on the following grounds:
 - Property has already been extended and a further extension would be out of scale and detrimental to the appearance of the estate.
 - Additional height would be out of keeping with the existing property.
 - Loss of privacy for neighbouring properties.

- Increased noise.
 - Property is already occupied by students as a House in Multiple Occupation (HMO) which is contrary to the terms of the lease with Calthorpe Estates and is not properly looked after. Proposed extension would facilitate intensification of the HMO use.
- 1 letter from an estate agent on behalf of a local resident raising concern about alleged current student occupation being in contravention with the terms of the lease and the possibility that approval of this application would allow this to continue.

5. Policy Context

- 5.1. BDP 2017; UDP 2005 (saved policies); SPD Extending Your Home 2007; SPG Places for Living 2001; The 45 Degree Code 2006; NPPF; NPPG.

6. Planning Considerations

- 6.1. In principle, there is no objection to a further extension of this property. The detailed design of the rear extension accords with the character of the house and there are slight variations in ridge height along the road so the increased height of the roof would not be prominent in the streetscene.
- 6.2. The proposal complies with the 45 Degree Code and there would be no undue loss of light caused to immediate neighbours. I note there is a side-facing window on No. 14 Pavenham Drive but this is to a bathroom rather than a habitable room where any loss of light would not affect general residential amenity. The rear elevation faces the side elevation of No. 18 Pavenham Drive at a distance of 10m instead of the 12.5m recommended in Places for Living. Notwithstanding the 2.5m shortfall, the outlook would be adequate in my opinion, and be the same as the still-live 2016 planning consent. Garden space of approximately 100sqm would remain within the application site.
- 6.3. I note local concern regarding use of the site as an HMO. The applicant has advised that he owns the freehold and is therefore not in breach of the lease, the tenants have vacated the premises and that he intends to occupy the extended house with his family once the works are complete. The floor plans show four bedrooms so the property could be occupied as a Class C4 small HMO without the need for planning permission however a planning application would be necessary for a *sui generis* large HMO with more than 6 occupiers.

7. Conclusion

- 7.1. Recommend approval: The proposal is acceptably designed and there would be no adverse impact on local residents.

8. Recommendation

- 8.1. Approve subject to conditions

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires that the materials used match the main building |
-

3	Implement within 3 years (Full)
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Case Officer: Amy Stevenson

Photo(s)



Photo 1: Front elevation of application property

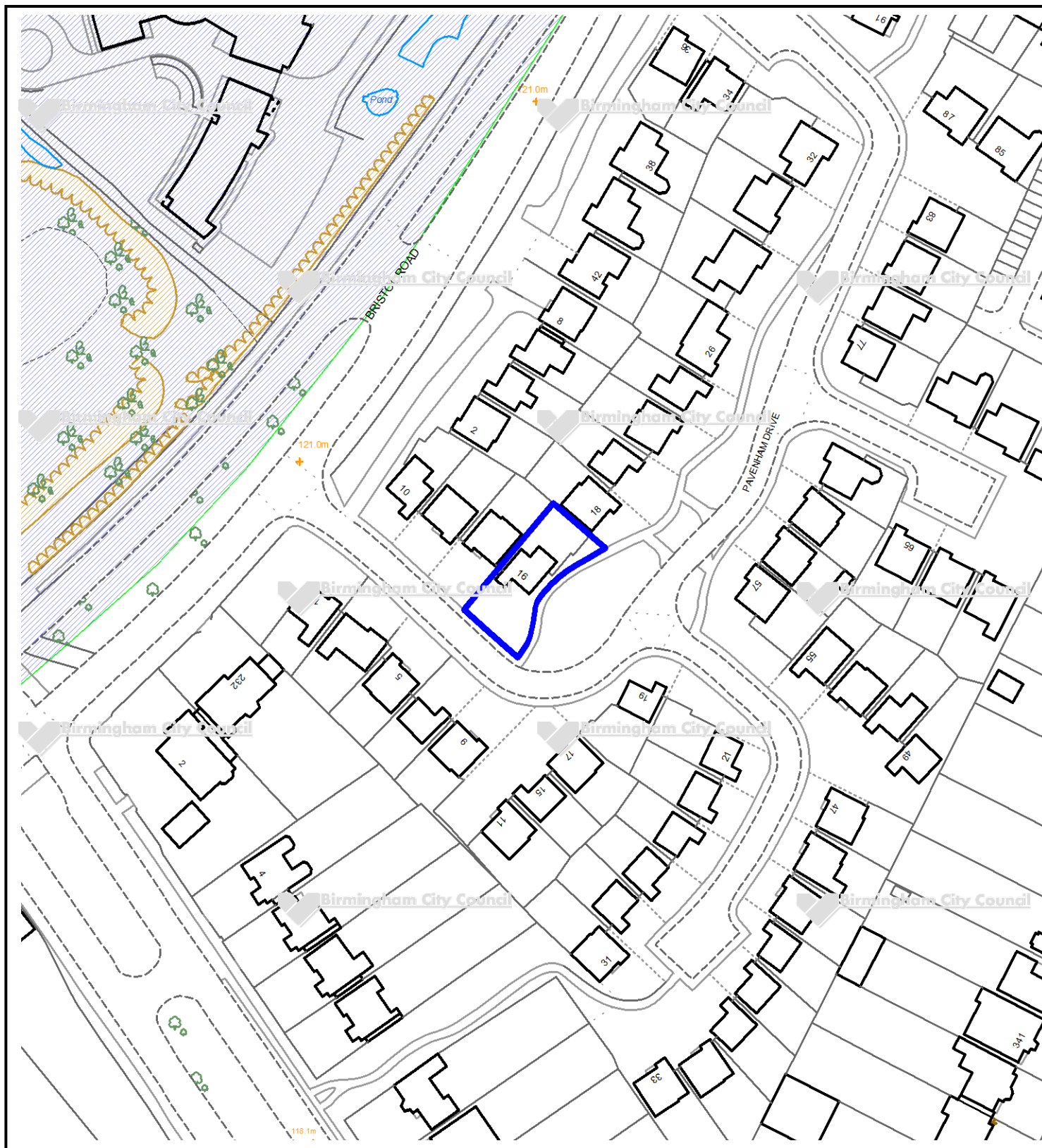


Photo 2: Rear elevation of application property



Photo 3: Side elevation of application property

Location Plan



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Birmingham City Council

Planning Committee

27 September 2018

I submit for your consideration the attached reports for the **City Centre** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	16	2017/10934/PA 33 Pitsford Street (Mr Tyre site) Ladywood Birmingham B18 6LJ Demolition of existing buildings and erection of a residential led mixed use redevelopment providing 395 apartments, commercial (B1a), workshop (B1a, b & c), Retail (A1, A2, A3, A4 & A5), leisure (D2), 116 car parking spaces, a new entrance to the Jewellery Quarter train station and associated works including landscaping and new entrance to Pitsford Street.

Committee Date:	27/09/2018	Application Number:	2017/10934/PA
Accepted:	05/01/2018	Application Type:	Full Planning
Target Date:	30/09/2018		
Ward:	Soho & Jewellery Quarter		

33 Pitsford Street (Mr Tyre site), Jewellery Quarter, Ladywood, Birmingham, B18 6LJ

Demolition of existing buildings and erection of a residential led mixed use redevelopment providing 395 apartments, commercial (B1a), workshop (B1a, b & c), Retail (A1, A2, A3, A4 & A5), leisure (D2), 116 car parking spaces, a new entrance to the Jewellery Quarter train station and associated works including landscaping and new entrance to Pitsford Street.

Applicant:	Blackswan Developments c/o agent
Agent:	CBRE Ltd 55 Temple Row, Birmingham, B2 5LS

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1 The application proposes the redevelopment of the application site with a mixed use scheme of apartments, commercial floor space and a new entrance and ticket office for the Jewellery Quarter station. The development would provide 395 one, two and three bed apartments in a series of six linked blocks with a seventh block providing entirely B1 workshop/office floor space. Within the lower levels of several of the blocks (below street level) and fronting Pitsford Street a number of commercial units are proposed in the form of workspace for B1 uses providing 3,211m² of floor space, retail units for A1-A5 uses providing 2,149m² of floor space and a D2 Leisure Unit of 531m² square metres. The application also proposes a new area of public realm to link the new station entrance at platform level to Pitsford Street together with other publically accessible forecourt/external seating areas. There would be 4 linked courtyard gardens for residents together with associated parking, reception/ lounge areas and storage space.
- 1.2 The site is currently occupied by a large 2 storey industrial/warehouse type building which would be demolished. An existing brick boundary wall that extends along most of the Pitsford Street frontage would also be removed together with a narrow buffer of low-quality trees, hedges and scrub that currently occupy the site boundaries. There is an existing brick tunnel within the site which is currently used for storage and would be retained and converted into a D2 gym use over 2 floors. The buildings are currently occupied by Mr Tyre Limited which has plans to relocate elsewhere within Birmingham.

- 1.3 The proposed new buildings would be arranged around the perimeters of the site to face Pitsford Street, Icknield Street and the boundary with the Jewellery Quarter Station, railway line and platforms. A series of wings are proposed as extensions from the perimeter blocks which would partly enclose the shared landscaped gardens. The gardens would be located on a podium deck above a basement which would accommodate parking, plant, cycle and refuse storage facilities. The new area of public realm would also be fronted with buildings and due to a considerable difference in levels between Pitsford Street and the proposed ticket office the space would be would be terraced and accessed via a series of steps, lift and escalators.
- 1.4 The proposed building heights range from 3-7 storeys with the tallest section being located facing towards the railway line at the north eastern end of the site adjacent to the existing station staircase/lifts. The buildings would then steps down the site to a height of 4/5 storeys at the southern end where the building would face towards Icknield Street but would be erected on top of an existing embankment that lies well above existing street level. On the Pittsford Street frontage the building heights proposed vary between 4 storeys at western end to 3 storeys at the eastern end adjacent to neighbouring 2 storey buildings. The wings proposed within the courtyard areas would vary in height between 6 storeys at the eastern end to 4/5 storeys at the western end of the site. The 4/5 storey buildings include fifth floor accommodation in the roof space lit by roof lights.
- 1.5 The design of the development includes a variety of flat and pitched roof including 3 gable ends fronting Pitsford Street. It is proposed all 7 buildings would have their own character to provide a varied streetscape. They would be built primary of traditional materials including red bricks and terracotta blocks with detailing including metalwork, perforated brickwork, blue bricks and white glazed bricks within some of the internal courtyard areas. Varieties of small and large paned window styles are proposed with deep reveals, setbacks and arched detailing to replicate Victorian railway architecture. The main exception to this is the 3 storey building proposed as workshop/office space fronting Pitsford Street which would have a more contemporary appearance having a metal frame within which would be a regular narrow horizontal pattern of floor to ceiling glazing. In addition a small “diamond pavilion” is proposed within the new area of public realm to enclose the escalators and would be of a lightweight diagonal grid curtain walling system. The roofs of a number of the buildings facing the internal courtyard would be used to accommodate solar panels.
- 1.6 It is intended that the development would provide 215 (54%) one bed, 144 (36%) two bed and 36 (10%) three bedroomed apartments. Proposed apartment sizes, compared to the Nationally Described Space standards are as follows:-

Bedrooms/ Persons	Number of units	Size (sq m)
1 Bed 1 Person	40 (10%)	43-49
1 Bed 2 Person	175 (44%)	50-66
2 Bed	144 (36%)	60-89
3 Bed	22 (6%)	76-122
3 Bed duplex	14 (7%)	78-116

- 1.7 It is intended that the apartments would all be for rent. A financial appraisal has been submitted and following negotiations with the applicants they have agreed that 39 (10%) of the units will be made available for affordable rent. The proposed mix of affordable rent apartments is 4 x 1 Bed 1 Person units, 30 x 1 Bedroom 2 Person units and 5 x 2 Bedroom units.

- 1.8 A total of 3,380 square metres of communal amenity space is proposed for residents predominantly in the form of the courtyard gardens which are each designed to a designed to have a different character and include hard and soft landscaping, rain gardens, seating and areas for children's play. Green walls are proposed on the gable ends of several of the buildings within the courtyards areas. Other communal space proposed for residents within the development include entrance lobbies/lounges within each building and storage areas. The existing embankment on the Icknield Street frontage is in separate ownership but the applicants hope this can be terraced and landscaped subject to the agreement of the landowner.
- 1.9 The commercial floor space proposed would be provided within the 3 storey building at the eastern end of the site which would entirely for B1 uses, at ground and lower ground floor levels fronting the new areas of public realm and the railway line. There would also be a row of commercial units at ground floor level fronting Pitsford Street which are proposed to be used for A1- A5 retail purposes. 24 commercial units are proposed overall of various sizes ranging from 41 – 431m² and several would occupy two floors of accommodation including the proposed D2 gym use.
- 1.10 A number of pedestrian access points to the apartments are proposed from Pitsford Street and the new area of public realm. Vehicular access to the basement would be from a new entrance onto Pitsford Street and this area would provide 116 (29%) car parking spaces, 395 cycle spaces, bin storage, self- storage units for residents and a sub-station. The application also proposes works to Pitsford Street to repave the footways with blue brick, provide granite setts to entrances and remove drop kerbs and redundant signage where they are no longer necessary
- 1.11 The site has an area of 1.5 ha giving a density of 263 dwellings per ha. The application is supported by a Planning Statement, Design and Access Statement, Heritage Statement, Loss of Employment Land report, Transport Assessment and Travel Plan, Noise Assessment, Lighting Scheme, Landscape Strategy, Ecology Assessment, Bat and Black Redstart Surveys, Flood Risk Assessment, Ground/Land Condition Report, Air Quality Assessment, Sustainability Statement, Statement of Community Involvement, Tree Survey and Financial Appraisal. An EIA screening was undertaken which concluded that there was no requirement for an Environmental Statement.
- 1.12 [Link to Documents](#)
2. Site & Surroundings
- 2.1 The application relates to a site of 1.5 ha which lies between the Jewellery Quarter station, railway line and platforms to the north and Pitsford Street to the south. The western boundary faces Icknield Street but is set back from the road frontage by 8-12 metres behind a retaining wall and high grassed embankment that is outside the site area. The eastern boundary adjoins an existing row of 2 and 3 storey traditional brick buildings in a range of commercial uses.
- 2.2 Most of the site is currently occupied by a large 2 storey large warehouse type building used for the storage of vehicle tyres. The building is set back from the Pitsford Street frontage behind a boundary wall, planting and large forecourt area used for parking and deliveries. The site also contains a Victorian subway/tunnel structure used as additional storage. The site boundaries are a mix of brick walling, metal palisade fencing and vegetation.

- 2.3 There is a considerable change in levels across the site. Along the Pitsford Street frontage there is a difference of about 13 metres between the top (east) and bottom (west) end of the site. The western boundary is also about 5 metres above the level of the Icknield Street frontage. On the northern boundary with the railway line the levels are about 9.5 metres below the street level on the Pitsford Street frontage. This difference in levels means that the existing station entrance on Vyse Street is accessed via an extensive system of staircases and a lift.
- 2.4 The site lies just outside the Jewellery Quarter Conservation Area but its eastern boundary adjoins this designated area which also includes the land on the opposite side of Pitsford Street and on the other side of the railway line. Effectively the site is located between the two Jewellery Quarter cemeteries namely Key Hill cemetery to the north which is a grade II* listed registered park and garden and Warstone Lane Cemetery to the south which is a grade II listed registered park and garden. Other listed buildings nearby including 12-14 Vyse Street (also shown as 5-9 Pitsford Street) and No's 15-23 Vyse Street (Grade II listed). These neighbouring buildings are in a range of commercial uses including jewellery businesses, retail, café/restaurant, gym and dentist.
- 2.5 [Site Location](#)
3. [Planning History](#)
- 3.1 11/10/17 - 2017/05886/PA - Hybrid planning application withdrawn which proposed for full permission of demolition of all existing buildings and structures and erection of a residential-led mixed use development providing 488 apartments, 6 townhouses, commercial (B1a), workshop (B1b & c), retail (A1, A2, A3, A4), 165 car parking spaces, a new entrance to the Jewellery Quarter train station and associated works and outline permission for a hotel of up to 42 beds.
- 3.2 13/11/13 - 2013/05972/PA – Planning permission granted for erection of a three storey building to provide 12 apartments with associated amenity area and car parking. (Relates to only part of the site adjacent to 23 Pitsford Street).
- 3.2 5/11/04 -2004/06386/PA – Planning permission granted for change of use of building to Use Class B8 - storage and distribution.
- 3.3 1/11/79 – 30353018 – Planning permission granted for erection of Warehouse Units and 1 industrial building with ancillary offices, service road and car parking.

4 [Consultation/PP Responses](#)

Original Proposals

- 4.1 The application was originally submitted in January 2018 and although it still proposed a residential led mixed use redevelopment the number of apartments proposed was 406 (1 and 2 beds) and the total amount of commercial floor space was 5,178 square metres. The proposals were amended in August 2018 and a re-consultation is underway. The comments below are in response to the original application proposals.
- 4.2 Transportation - Requests further information relating to the proposed servicing arrangements for the commercial units, requires additional TRO changes to define on street servicing space and comments that any consent on the site will require conditions for Section 278 highway works with Traffic Regulation Order changes,

construction management plan and provision of car parking and cycle parking before occupation. Comments that it is not clear how the servicing of the site will take place as Pitsford Street is fully occupied on weekdays from at least 7am with cars parked in spaces that are unrestricted and free to use.

- 4.3 Regulatory Services – Has no objection subject to conditions regarding land contamination, potential noise disturbance and air quality issues. Also request conditions to support the West Midlands low emission strategy including provision of a vehicle charging points, use of the site by low emission vehicles and a travel plan for residents and employees, mechanisms for discouraging use of high emissions vehicles, and encouragement of modal shift to public transport/walking/cycling.
- 4.4 Leisure Services – Comment that as the scheme is for over 20 dwellings, an off - site POS contribution in accordance with the BDP is required of £791,700. This would be spent on the provision, improvement and /or maintenance of Jewellery Quarter Cemeteries or other POS priorities within the area. Also advise that they have serious reservations about the proposed scale and appearance of the buildings directly at back of pavement and consider it will adversely change the tree lined character of Pitsford Street and dominate the cemeteries on either side of it. Note that the application does not acknowledge the proposed heritage scheme for the Jewellery Quarter Cemeteries directly opposite the development which seeks to restore them and recreate the original mid Victorian period ornate railings and plinth that would have originally formed the original Warstone cemetery boundary.
- 4.5 Education -School Organisation Team - Request a contribution under Section 106 as the development would impact on the provision of places at local schools. The contribution is estimated (subject to surplus pupil place analysis) as being: Nursery- £21,971.78, Primary - £565,264.40, Secondary - £608,391.02 giving a total of £1,195,627.21
- 4.6 Victorian Society - Have no objection to the demolition of the existing building and are supportive of the principles of redeveloping the site, however they consider the proposals overall represent over-development. As the buildings on the Pitsford Street frontage have four large storeys and those on the frontage to the Jewellery Quarter Station and Key Hill Cemetery are up to six storeys, they are considered to have too great a massing for this location. They contend that the proposals would have a negative impact on the setting of both of the listed cemeteries, as well as the character and appearance of the conservation area in general and therefore object to the application.
- 4.8 Sport England – Comment that occupiers of new development, especially residential, will generate demand for sporting provision and should therefore contribute towards meeting the demand through the provision of on-site facilities and/or providing additional capacity off-site. Request a financial contribution via a section 106 agreement of £281,573 for investment in built sports facilities at Icknield Port Loop swimming pool and playing pitches at Aston Park AGP (or Holders Lane) which would ensure that the development made provision for sports facilities in accordance with policies TP9 and TP11 of the adopted Birmingham Development Plan and the guidance contained in the NPPF.
- 4.9 Network Rail - Requires the developer to make Section 106 contribution towards any improvement works required at the adjacent (franchised) Jewellery Quarter station (or railway) as the development is likely to result in an increased use of the station by

the occupants of the apartments and other uses. They note the proposed new entrance to the JQ station and comment that the developer would need to fully fund any such works but this would be subject to Network Rail and TOC agreement. They are aware that residents of the proposed dwellings would be adjacent or in close proximity to the existing operational railway which may cause issues with noise and vibration. Wish the LPA to therefore ensure via mitigation measures and conditions that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction. They also set out a number of other requirements relating to any construction work within 10 metres of the operational railway and within 15 metres of the railway boundary to ensure that works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure.

- 4.10 West Midlands Police – Have raised no objections in principle but have the following comments:-
- The apartments should meet the standards laid out in the Secured by Design 'Homes 2016' guide.
 - A lighting plan for the site be produced, particularly for the car parking area and any communal area following the in 'Lighting Against Crime' guide
 - The commercial units should have intruder alarms installed.
 - The site should be covered by CCTV particularly external views of all exits/entrances, publically accessible areas, communal courtyards, car parking spaces, cycle storage areas and all areas where the mixed uses interact.
 - Any recessed areas including doorways should be removed or reduced in depth and be subject of appropriate lighting/CCTV coverage.
 - How is the site to be managed to ensure access control points, refuse storages areas etc. are secure.
 - Access points into the residential development should have two layers of security (gates or doors) and the communal garden areas should have access controls.
 - There does not appear access control (doors /gates) into the car park and for the cycle storage areas. Appropriate access control should be installed.
 - Questions whether users of the commercial units will be able to access the car park as this could and adverse impact on the overall security of the site.
- 4.11 West Midlands Fire Service- No objection and comment that water supplies for firefighting should be in accordance with National Guidance, there should be vehicle access for a pump appliance to within 45 metres of all points within each dwelling and where fire mains are provided in the building there should be access to the riser inlet within 18 metres of each access point.
- 4.12 Environment Agency – No objection subject to conditions requiring a site investigation and remediation strategy.
- 4.13 Heart of England Foundation Trust – Request a contribution of £19,330.00 to be used directly to provide additional health care services and capacity to meet patient demand.
- 4.14 Ward Councillors, MP, residents associations, local residents and businesses notified of the application and site/press notices displayed. The applicants also carried out their own pre-application consultation with local stakeholders and residents in December 2017.
- 4.15 Two letters have been received which include the following objections:-

- Considers the site is within the Jewellery Quarter Conservation Area and that a wrong interpretation was made when defining the present boundaries and should have included the Mr Tyre site. Any planning application for this site therefore must comply with the Jewellery Quarter Conservation and Management Plan and the Jewellery Quarter Design Guide which limits new build to four storeys.
- The layout is too dense, the apartments too small and the courtyards are too mean so that no sunlight can penetrate.
- The proposed buildings in Pitsford Street should be set back from pavement with 2 storeys at street level rising to 4 storeys at rear. The impact on the street scene of anything higher would be detrimental to the historic environment
- The materials should comply with the Design Guide, i.e. red brick with slate roofs and no metal/composite cladding.
- The development would have an impact on the Golden Triangle and Vyse Street.
- The proposal is an over-development of the site, and would adversely affect the setting of Victorian Grade II listed Warstone and Key Hill cemeteries and adjoining properties.
- The elevation to Pitsford Street is fortress-like. Currently, the depot is well set back within the site from the street boundary and hidden at street level by walls and vegetation being only visible from the highest point of Warstone cemetery.
- The proposed new development has no active frontage to most of Pitsford Street. It is secretive and inward looking, offering no glimpses from the street of the internal planting.
- There is little public realm in proportion to the total area of the proposed development.
- The parking provision is inadequate but there is an over-supply of bike spaces.
- Question whether a "build to let" development is viable. It would also do little to encourage people to make the JQ their long term home.
- The JQ conservation area, deserves architecture of the highest quality and an improvement on the many mediocre existing developments.
- The development does little to address concerns about lack of public spaces.
- Consideration should be given to the effect this development would have on the immediate environment, i.e. flora and fauna, and wildlife.
- The buildings are set right up to the railway and the trains would cause would create noise, vibration and pollution to residents.
- There should be more green open spaces provided
- Concerned re access to the site in the event of a fire or other emergency
- This is not the right kind of investment for the Jewellery Quarter.

Amended proposals

- 4.16 To date the following comments have been received on the amended proposals:-
- 4.17 Transportation - No objection subject to conditions to include S278 agreement and Traffic Regulation Order changes, demolition and construction management plan and cycle parking and car parking provided before occupation. Comment that the requirement for servicing the various elements of the site has been acknowledged and provision is defined in two on-street locations adjacent to servicing areas and corridors that provide access into the site.
- 4.18 Lead Local Flood Authority - No objections subject to conditions
- 4.19 Employment Team – Request that either conditions or a Section 106 Agreement are put in place to require a construction employment plan including Employment Obligations for the development.

- 4.20 Historic England – Object to the application on heritage grounds. Consider that the overall scheme remains a very bulky one and although some reductions in the scale have been made the proposals will still have a serious effect upon the Conservation Area which surrounds the site and upon a considerable number of designated heritage assets, such as a Grade II* registered historic park and garden (Key Hill cemetery). Comment that the scheme overall will cause a considerable level of harm to the heritage assets in the vicinity and that the revised NPPF has in no way weakened the tests to be applied. They remain of the view that the scheme will cause a serious level of harm to the heritage assets.
- 4.21 Network Rail – The comments they previously made still apply.
- 4.22 West Midlands Fire Service – Reiterate previous comments.
- 4.23 Ward Councillors, MP, residents associations, local residents and businesses re notified of the application on 8 August and site/press notices displayed. One letter from a local resident received reiterating their previous objections and commenting that the latest revisions are no more than tinkering with an unacceptable proposal and their objections still stand. Have also added that: - .
- The proposed Pitsford Street elevation would overwhelm Warstone Lane cemetery and the overall appearance is undistinguished and like a series of barrack blocks.
 - Less than one-third of the proposed flats would have any parking provision, thus parking would spill on to the street, competing with business users and visitors.
 - The developers isometric of their proposals from a bird's eye view, make the blocks look lower and less bulky than they would really be.
 - The existing Mr Tyre building in its setting is not very visible from the cemeteries, and is screened by trees.
 - Many of the jobs which the developer claims would be created would be temporary building workers which are unlikely to be local and there is no evidence of need for commercial premises.
 - The developers have not produced evidence of housing need, in view of the massive developments which will be coming on-stream in Carver Street and Camden Street.
- 4.24 Conservation and Heritage Panel – Considered the amended proposals at their recent meeting on 12 September 2018 and the following comments were made:
- The Panel agreed there was a definite improvement from previous plans and welcomed the response of a variety of building types which reference other parts of Jewellery Quarter.
 - There was some discussion about scale particularly the block replacing the historic warehouse. Although this would have a similar massing and concern was raised about how this would dominate views from Key Hill Cemetery.
 - The Panel agreed that the scheme was respectful of topography but as all buildings had been reduced there was a lack in the variety of building heights.
 - Generally the Panel were satisfied with the revised scale and massing.
 - A Panel member suggested some of the courtyards appeared a bit dark and suggested that the use of white glazed bricks could be a contextually suitable means to bring more light into these spaces.
 - There was some discussion about some the appropriateness of white building and black steel building fronting Pitsford Street and the new area of public realm , but Panel concluded this was OK
 - The use of green walls on the flanking gable ends was queried.

- The Panel agreed that the link through the scheme from the station works well however the design of the escalator canopy could be revisited.
- Whilst the Panel had no objection to the proposed scheme a Panel member highlighted the importance of a rational of the different types of building and the composition of the block overall.

5.0 Policy Context

- 5.1 National Planning Policy Framework 2018, Birmingham Development Plan 2031, Birmingham Unitary Development Plan 2005 (saved policies), Big City Plan, The Jewellery Quarter Urban Village Framework, The Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Conservation Area Design Guide, Conservation Through Regeneration SPD, Places for All SPG, Car Parking Guidelines SPD, Loss of Employment Land SPD.
- 5.2 The site abuts the Jewellery Quarter Conservation Area and there are a number of listed buildings in the vicinity. These include the two Jewellery Quarter cemeteries of which Key Hill is a grade II* listed registered park and garden and Warstone Lane is a grade II listed registered park and garden as well as 12-14 Vyse Street (also numbered 5-9 Pitsford Street), No's 15-23 Vyse Street (Grade II listed), 37, 37A, 38 and 39 Vyse Street (Grade II listed) and No's 2,4,6, 8-14 and 16-26 Hylton Street (Grade II listed).

6. Planning Considerations

6.1 **The Issues**

- 6.2 Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. The Development Plan comprises Birmingham Development Plan 2031 and the saved policies of the Birmingham Unitary Development Plan 2005. Other adopted supplementary planning policies are also relevant as is the National Planning Policy Framework as recently revised. Also to be considered are the representations received from consultees and third parties. It is considered that the proposals raise a variety of planning-related issues which are discussed below.

6.3 **Land Use Policy**

- 6.4 The Birmingham Development Plan (BDP) which was formally adopted on 10 January 2017 sets out a number of objectives for the City until 2031 including the need to make provision for a significant increase in population. Policy PG1 quantifies this as the provision of 51,000 additional homes within the built up area of the City which should demonstrate high design quality, a strong sense of place, local distinctiveness and that creates a safe and attractive environments. Policy GA1 promotes the City Centre as the focus for a growing population and states that residential development will be continued to be supported where it provides well designed high quality environments. The majority of new housing is expected to be delivered on brown field sites within the existing urban area.
- 6.5 The Birmingham Development Plan (BDP) identifies the application site as being within the City Centre Growth Area where the focus will primarily be upon re-using existing urban land through regeneration, renewal and development. Policy GA1.3 relating to the Quarters surrounding the city centre core states that development must support and strengthen the distinctive characteristics, communities and environmental assets of each area. For the Jewellery Quarter it seeks to create an

urban village supporting the areas unique heritage with the introduction of an appropriate mix of uses.

- 6.6 The redevelopment of the application site therefore offers an important opportunity to deliver additional housing on a brown field site close to the City Centre core. The existing building is a large 2 storey warehouse with ancillary offices dating from about the late 1970's. It is not statutorily or locally listed or of any architectural or historic merit and therefore no objection is raised to its demolition. The site is however in an employment use being occupied by Mr Tyre Limited who has operated from the premises since 2005. Policy TP20 of the BDP relating to the protection of employment land is relevant and states that as employment land and premises are a valuable resource to the Birmingham economy they will be protected. As the site is not within a designated Core Employment area and the policy states that there may be occasions where employment land has become obsolete and can no longer make a contribution towards the portfolio of employment land. In such cases change of use proposals from employment land to other uses will be permitted where it can be demonstrated that either the site is considered a non-conforming use or the site is no longer attractive for employment development having been actively marketed, normally for a minimum of two years.
- 6.7 More guidance regarding the loss of employment land is set out in the "Loss of Industrial Land to Alternative Uses" SPD 2006 which sets out the information required to justify the loss of industrial land but also states that within the City Centre it is recognised that a more flexible approach towards change of use from industrial to residential is required to support regeneration initiatives. Proposals involving the loss of industrial land will be supported, however, only where they lie in areas which have been identified in other planning policy documents that have been approved by Birmingham City Council, as having potential for alternative uses.
- 6.9 The site has not been marketed as an employment site and but a report has been submitted to justify the loss of the site against the policy requirements of BDP policy TP20 which includes the following points:-
- The site is occupied by a single warehouse unit of 11,000 square metres which operates as the headquarters and storage facility for a tyre distribution centre.
 - The owner has operated a retail and tyre and exhaust business since 1971 and now has 34 sites across the Midlands
 - In order to move the business forward a more modern and efficient warehouse and distribution facility is required elsewhere in Birmingham closer to the wider strategic road network
 - The numbers employed on the application site now totals only 38 persons as working practices and technology has improved and changed.
 - The site is isolated from other established and allocated employment areas
 - There are a number of existing and new employment buildings available for local businesses in the area.
 - The proposed development will create around 400 jobs in construction per annum over a period of three years, and thereafter around 200 - 300 jobs in the workshop, commercial and retail units to be created. This is a significant increase on the existing.
- 6.9 Although the site is not specifically identified in any planning documents for alternative uses it does lie within the identified Jewellery Quarter area within the BDP. Here policy GA1.3 states the aim is to create an urban village supporting the area's unique heritage with the introduction of an appropriate mix of uses and radically improved connections to the City Centre Core. In this regard the site would provide a

mix of uses including 3,211m² of B1 floor space as well as 2,149m² of retail floor space and a D2 Leisure Unit of 531 square metres. The applicants estimate that just the B1 floor space is likely to employ about 200-300 people and this would be considerably more than the 38 persons currently employed on site. The B1 floor space has also been designed to provide a range of unit sizes between 41-431 square metres which is more likely to be suitable for creative industries rather than the large warehouse currently on site. The application also includes the new route through the site to the Jewellery Quarter station also helping to improve connections to the city centre core.

6.10 Other policy documents support the redevelopment of the site including the Big City Plan which sets out a vision for the Jewellery Quarter, including the site, as “being to bring new growth and investment to the area which is driven by its historic jewellery trade and emerging creative industries and revitalised by a sustainably growing residential population”. The site also falls within the area covered by the JQ Urban Village Framework SPG which supports regeneration of the area through the establishment of an urban village. It is therefore considered that the site falls within that it falls within the exceptions allowed for by the “Loss of Industrial Land to Alternative Uses” SPG and the principle of allowing a residential mixed use development can be supported.

6.11 It is noted that an objection has been received to residential development on the site on the grounds that the developers have not produced evidence of housing need and that there are already massive developments which will be coming on-stream in the Jewellery Quarter. However BDP policies support the City Centre as the focus for a growing population, seeks to ensure 51,000 additional homes will be built during the plan period and states that the majority of new housing is expected to be delivered on brown field sites within the existing urban area.

6.12 **Layout**

6.13 Policy PG3 of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place and safe and attractive environments. Policy TP27 also has similar wording and seeks high design quality. The revised NPPF - Para 124 states that good design is a key aspect of sustainable development and creates better places to live and work. Where proposed developments fail to take opportunities available for improving the character and quality of an area, they should be refused.

6.14 Although the site does not lie within the Jewellery Quarter Conservation Area it is viewed as part of the setting of this historic asset. The JQ Management Plan requires the design of new development to respect the scale, form and density of development. The Jewellery Quarter Design Guide also outlines principles for good design including guidance on scale, form, grain, hierarchy and materials.

6.15 The proposals have been developed during both pre-application and planning submission stages. The development has been conceived with a number of key urban design principles in mind, including:

- The need to address the sites steep topography;
- The desire to create a new connection through to the Jewellery Quarter Train Station;
- The policy constraint of four-storeys of development in the surrounding conservation area;
- The need to develop to back of pavement along Pitsford Street; and

- The importance of reinstating an appropriate urban grain and plot division.

The original conceptions for the site were considered to be too tall, too uniform in character and lacked sensitivity for the historic context within which it was located. Following extensive consultation and negotiation the scale of the development has been reduced, the form of buildings amended to relate better to the character of the surrounding Jewellery Quarter and a degree of diversity built into the architectural character of the resulting seven principal buildings.

- 6.16 The layout and design seeks to reflect the adjacent Jewellery Quarter's courtyard typology by providing a series of buildings to the main site frontages with a range of shopping wings to the rear enclosing private external amenity spaces. The design is therefore essentially seven buildings with associated wings that run around the edge of the site. The proposed layout is effective in overcoming the challenges of the site whilst delivering positive opportunities in connectivity. It would create a stepped street scene at back of pavement along Pitsford Street and a new line of at grade development along the railway line, with an open corner into the development at both the bottom end of Pitsford Street as well as a new public route through to the rain station towards the top end of the street. The proposed new connection to the station would be a major piece of public realm comprising two connected squares, one slightly elevated to Pitsford Street and the other two floors down at grade with the railway, connected by steps and escalators and surrounded by commercial units that extend along the Pitsford Street frontage. Fronting into this space is also a retained and repurposed 19th century series of brick archways.
- 6.17 Originally the rear shopping wings completed enclosed the courtyard spaces but the amended plans provided now provide more amenity space, wider courtyard widths between wings to improve visual amenity and openness within the development. The wings would also be at a height subservient to main buildings fronting onto the railway and located to the north of the site in order to maximise sunlight in the courtyards. Overall the layout is considered to successfully respond to the character of the wider area and although it would bring development in line with adjacent buildings on Pitsford Street this reflects the character of the Jewellery Quarter Conservation Area.
- 6.18 **Building heights**
- 6.19 The original proposals for the site were for buildings of 5-8 storeys in height which officers considered to be excessive and out of keeping with the prevailing building heights in the area. The application had now been amended to 3-4 storeys on Pitsford Street, 4-5 storeys on Icknield Street and between 4/5 - 7 storeys fronting the railway line and part of the new area of public realm. Although the site is not within the Jewellery Quarter Conservation Area officers have sought to restrict heights on the Pitsford Street frontage due to its proximity to the Conservation Area, Warstone Lane cemetery and the 2/3 storey scale of adjacent buildings on the street. On the Icknield Street frontage the proposed building would also be 4 storeys but with accommodation within the pitched roof which would not be out of keeping with the scale and height of the industrial buildings on the opposite side of this frontage.
- 6.20 Whilst the majority of the development would therefore be 4-5 floors in height the exception to this is the block towards the railway line as this has been designed to emulate the scale of a former railway goods building that was lost from this part of the site. On the railway line frontage the existing warehouse building is 2/3 storeys high with a ridge height of about 9.7 metres. It has no windows on this side of the building and is set back from the platforms behind a fence and planting. The new building

proposed at 6 and 7 storeys would therefore be will be far more prominent both from the station and from the nearby Key Hill cemetery.

- 6.21 Historic plans/photos have however been provided by the applicant to show that this part of the site historically contained a substantial warehouse for the Hockley Railway Station and was the principle goods station for Birmingham. The Viaduct/Subway still exists on site but the use declined in the 1960's and the station and warehouse were closed by 1972. The historical photos give an estimate scale of the shed to be between 20 metres in height with a pitch of about 6 metres having an overall height of 26 metres. It had an extension on its west side and covered a considerable portion of the site comparable to the footprint of the existing tyre warehouse. The former warehouse was of brick with rows of regularly spaced windows facing the railway line.
- 6.22 The higher scale of the new building is therefore considered to be justified by the on the grounds that there was previously a substantial building over a considerable part of the site which would have been visible from the surroundings area including from Key Hill cemetery. The new building would be in approximately the same position as the original rail warehouse and its extension but would be of far less bulk and depth. At its highest ridge point it would be 26.5 metres (22 metres to eaves level) and therefore would be marginally higher than the original building. The design reflects the original warehouse with the use of large arched windows, pitched roof and brickwork.
- 6.23 Although Historic England, the Victorian Society and objectors consider the scale to development to be excessive and too bulky the City Design Manager raises no objections and notes that the scale of the buildings has been amended over the course of the application as have the designs. He comments that whilst the building to the rear is very large it replicates the scale and form of the goods shed that formerly occupied this site. Other buildings are still large, but more modest and better accord with building heights more typical to the surrounding Jewellery Quarter.
- 6.24 **Design**
- 6.25 In terms of design the proposed buildings have been designed as a series of linked blocks having their own character and appearance whilst reflecting the wider area. The building that occupies the top (eastern) section of the Pitsford Street frontage has a rear wing that would enclose the new public realm and would sit above the retained 19th century brick arch/subway structure. It would be a completely commercial building of three storeys to the street and two to the rear and have a metal frame system with a glass curtain behind. The City Design Manager considers that it offers contemporary architecture, but careful and detailed conditions will be needed to ensure the success of the building as recommended.
- 6.26 The proposed building on the opposite side of the new public realm would be four-storeys in height and stepped in two sections as it progresses down Pitsford Street. The section adjacent to the station approach would have access has a curved corner and delivered in white faience (glazed terracotta) to draw reference from art deco buildings which reflects the use of faience at 32 Fredrick Street, 18 Legge Lane and 114 Great Hampton Street. Given the simplicity of the building the application of the faience will be crucial and therefore will need to be carefully conditioned. The lower portion of this building would revert to a brick typology which the City Design Manger considers would provide an acceptably 'quiet' building in the street.

- 6.27 The other buildings proposed which would step down further along Pitsford Street would have a seven bay structure, with 3 bays having prominent gables extended up into the roof line above with windows expressed into larger curtain walling glazing as well as the use of brick dressed with terracotta. The latter is a common masonry composition from the later 19th century and used commonly in the Jewellery Quarter and would be acceptable again subject to conditions. On the Icknield Street frontage the proposed building would also be largely four-storeys and of brick with a simple bay arrangement and is considered to follow the principles of Jewellery Quarter building typology. The City Design Manger considers that the stepped roof form is good and the form of the gables ensures a very modern take on these historic precedents.
- 6.28 The buildings proposed on the railway line side of the site which are generally seven floors (although there is an eight floor to the rear) is based on the former goods building that broadly occupied this location. The design proposed mimics some of the aspects of this building, including the arcaded brick ground and windows set into bays. The City Design Manger expresses some concern regarding the height of blue brick section of the block as only a handful of historic buildings in the Jewellery Quarter that are blue brick and none are of this scale but overall considers it is not objectionable.
- 6.29 Other criticisms of the layout, design and materials have been received from other consultees and residents, Officers however consider overall that the layout and building designs, which have been significantly amended during extensive negotiations, are acceptable and appropriate for this location. During its history the site has been occupied by substantial warehouses and the wider area generally has a dense coverage of buildings such as the nearby Birmingham Mint site. Objections have also been raised to placing the new development at the back of the footway on Pitsford Street however the Design Guidance for the Jewellery Quarter is that buildings should follow the prominent building line at the back of the pavement to create a well-defined street frontage. Although the site is not within the Conservation area it is considered appropriate that this guidance is followed. The proposals are therefore considered to be in keeping.
- 6.30 **Impact on Heritage Assets**
- 6.31 Although the site lies outside the boundary of the Conservation Area consideration also needs to be given to the impact of the development on this heritage asset and on the setting of adjacent listed buildings including the two cemeteries which are listed registered Parks and Gardens. The NPPF requires these assets to be conserved in a manner appropriate to their significance (Para 184) and directs local planning authorities to require an applicant to describe the significance of any heritage assets affected and to assess how the significance any heritage asset that may be affected by a proposal. (Para190). Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets and that development affecting a designated or non-designated heritage asset or its setting, will be expected to make a positive contribution to its character, appearance and significance. The Jewellery Quarter Conservation Area Appraisal and Management Plan also state there is a presumption against alterations to buildings which adversely affect their character or that of the conservation area. The applicants have therefore submitted a detailed Heritage Assessment which has considered the impact of the development on these assets.
- 6.32 *Jewellery Quarter Conservation Area*

- 6.33 The Heritage Assessment acknowledges that the proposed development would be more prominent within the street scene than the existing building. It however considers it would be more in-keeping with the original form and character of development on the site and offer a stronger element in the townscape. The proposals would re-provide built form within Pitsford Street thereby creating a scheme which provides enclosure to the street and works with the levels to express the topography in a positive way. The new buildings have been designed to create a varied frontage and architecture which reflects the rhythm of the local street scenes. Although the scale of the buildings would be assertive the result would be the creation of a strong architectural character and varied townscape where it is currently lacking.
- 6.34 It concludes that the presence of the development and its effect on the Conservation Area would be largely positive in addressing the inadequacies of the existing site but the effect of height and the extent of development footprint would be to introduce a scale and mass of built form which is not currently existing or experienced on the site and therefore would result in a minor adverse impact on the significance of the Jewellery Quarter Conservation Area. This would equate to “less than substantial harm” in terms of the NPPF.
- 6.35 *Key Hill Cemetery – Grade II* Registered Park and Garden*
- 6.36 The Assessment considers that large modern warehouse on the site contributes nothing positive to the local townscape or identity, and has a negative impact on the setting of the surrounding heritage assets from some locations. The former built form on the site was larger in scale and mass, covering more of the site and was taller and more assertive in character than the current building. It would also have been visible from Key Hill Cemetery, more than the current, lower warehouse as the trees then provided significantly less coverage at that time. The proposed increased scale and massing of the proposed development would be more visible than the existing building but arguably less visible than the original goods shed due to the maturity of the trees although this will vary according to the time of year. The cemetery is also clearly separated from land to the south by the elevated railway line, both physically and to a large extent, visually. As the cemetery is set below that of the railway and the properties in Hylton Street, it already has an enclosed atmosphere, surrounded and protected by structures at a higher level.
- 6.37 It concludes the proposed development, being taller than the existing building on the site and more assertive in a character would curtail some sense of existing openness along the south side of the cemetery which would be greater during winter months. Therefore the impact of the proposed development on the setting of the Key Hill Cemetery would be minor adverse, which would equate to “less than substantial harm” in terms of the NPPF.
- 6.38 *Warstone Lane Cemetery – Grade II Registered Park and Garden*
- 6.39 The assessment notes the existing large modern warehouse, is set back from Pitsford Street and the boundary comprises mature planting, obscuring the building from view for much of the street. The proposed development would increase the scale and massing of the built form on the site however it would replace a weak townscape contribution with a development which recreates a strong development block and brings with it a more assertive design character in the spirit of the historic uses on the site. It would create a strong and active edge to the Pitsford Street and more closely replicate the relationships of the original goods shed and inject a sense of enclosure and activity within the street which is currently lacking. In addition, the

blocks of development would step down with the site's topography, positively emphasising the effect of the levels on townscape character.

- 6.40 It concludes that due to the height of the proposed buildings, they will become a dominant feature of the streetscape and change the character of the site to create a more complete and active street scene typical of the local townscape and therefore this is beneficial to the character of the location. However, the proposed development would increase the sense of enclosure within Warstone Lane Cemetery where aspects are presently open. Therefore taking both the adverse and beneficial aspects into account, the impact on the setting of Warstone Lane Cemetery is therefore considered to be minor adverse, which would equate to "less than substantial harm" in terms of the NPPF.

6.41 *Nearby Listed Buildings*

- 6.42 The Heritage Assessment considers the impact the development would have on the significance and setting of No's 12-14 Vyse Street, 15 Vyse Street, 16-18 Vyse Street, 19-23 Vyse Street, 37, 37A and 38 Vyse Street, 39 Vyse Street, 2, 4 and 6 Hylton Street, 8-14 and 16-26 Hylton Street all Grade II listed buildings. It concludes that the impacts on the setting of these listed buildings would be negligible and at the very lowest end of the scale of "less than substantial" harm in terms of the NPPF.

- 6.43 The Heritage Assessment concludes that overall the impacts on the significance of heritage assets would range from negligible to minor adverse and that these are towards the lower end of the scale of "less than substantial harm" referred to in the NPPF(Para 196). In such circumstances the National Planning Policy Framework requires the harm to be weighed against any public benefits associated with the development. In this case the public benefits include:-

- Redevelopment of an underused and unattractive City Centre site with a high quality mixed use development.
- Provision of 395 apartments including 39 as affordable rent
- Provision of employment and retail floor space offering an opportunity to accommodate businesses which are more characteristic of the Jewellery Quarter and which could provide up to 300 new jobs.
- Improved accessibility from the Jewellery Quarter to the City Centre through the provision of the new station entrance and pedestrian route from the station platforms to Pitsford Street
- The completion of a fragmented building line within Pitsford Street and a more cohesive townscape.

- 6.44 The City Design Manager agrees with the findings of the Heritage Assessment which acknowledges the challenges and difficulties of this complex site in conjunction with the benefit of removal of the existing late 20th century industrial shed. Following several iterations of the plan, layout and orientation of buildings, he considers the scheme would deliver several very positive urban design moves including developing proper built form to back of pavement, providing substantial commercial buildings and active frontages, and creating a new public route through to the Jewellery Quarter Station. Although the scale of development does not entirely meet the Jewellery Quarter Design Guide the buildings floor slabs have been broken up to allow them to step down the hill more like the pattern of historic development. His main concern is the architecture used throughout the development and the need to ensure that the very dramatically different buildings will deliver the true essence of Jewellery Quarter by using correct proportions and appropriate which detailed conditions can be

secured. Overall, when the less “than substantial” harm”, is weighed against the public benefits the proposals are considered to be acceptable.

6.45 Dwelling Mix and Residential Amenity

- 6.46 BDP policy TP30 states that proposals for new housing should deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhood and high density schemes are sought in the city centre. The dwelling mix has been amended since the application was originally submitted from 204 (50.3%) x 1 bed and 201(49.7%) x 2 Bed and no affordable housing to 215 (54%) x 1 bed, 144 (36%) x 2 and 36 (10%) x 3 three bed roomed apartments of which 39 dwellings would be affordable market units for rent. Although the number of 2 bed apartments has decreased the mix overall is considered to be an improvement as 10% of the units would now have 3 bedrooms and 39 rent units would be for discount market rent.
- 6.47 When assessed against the nationally described space standards, the 1 bedroom one person apartments would be 43-49 sqm and therefore exceed the minimum standard of 39sqm and the 1 bedroom two person apartments at 50 – 68 sqm would comply with the minimum standard of 50sqm. The small one bed 1 person units at 40 units make up 10% of the apartments and therefore most of the 1 bed units would be suitable for occupation by 2 persons. A few of the 2 bed units at 60 sqm metres would be minimally below the minimum standard of 61sqm but most exceed the standard and are up to 89 sqm in size. All the 3 bed units exceed the minimum requirement of 74 square metres.
- 6.48 A total of 3,380 square metres of communal amenity space is proposed for residents predominantly in the form of a series of linked the courtyard gardens which are each designed to include hard and soft landscaping, rain gardens, seating and areas for children’s play. This would provide an attractive outlook for many of the apartments and as well as useable and accessible outdoor space. The Council’s landscape architect considers that the proposals are currently too decorative and that a simpler pallet of materials and treatment is required and conditions to control this are recommended.
- 6.49 The separation distances between windowed elevations across the courtyard gardens ranges between 16.5 and 20 metres. The distance between the windows at the rear of the Pitsford Street buildings and the rear wings is less at about 10 metres but the end of the wings is blank (apart from a green wall) to avoid any overlooking.
- 6.50 Noise and Air Quality Assessments have been provided and recommend a noise and ventilation strategy for the site. The elevations of the building facing Icknield Street would require a very high specification of glazing and ventilation attenuation and on those elevations overlooking the rail lines the next highest category of measures would be required to provide additional protection against maximum instantaneous noise levels. The report also comments that some vibration mitigation measures are also likely to be required within the proposed development. Regulatory Services raise no objection to the application subject to suitable conditions being imposed to require implementation of the noise protection, ventilation and vibration measures set out in the noise report together with conditions limiting noise levels for building services plan and for the control of noise from non-residential uses. Conditions requiring these measures and controls are recommended.
- 6.51 Objections have been received that the apartments too small that rented accommodation will not encourage people to make the JQ their long term home and

that the proximity to the railway lines will create noise, vibration and pollution for residents. Also that there is insufficient green open spaces and the courtyards are too mean so that no sunlight can penetrate. Officers however consider that the scheme would provide a good standard of living and amenity space and would generally meet the nationally described space standards. The courtyard areas are more generous than those on other residential developments in the area and issues of noise and pollution can be controlled through conditions.

6.52 Public Realm/Amenity

6.53 The application includes a new public route through the site to the new station which ranges in width from 8-24 metres. This together with the new ticket office and the range of commercial uses fronting the route would provide benefits to the wider area and ensure there would be active frontages. The Council's landscape officer considers the hard landscaping proposed needs simplification and the Conservation and Heritage Panel criticised the design of the "Diamond Pavilion" which encloses the escalators. The applicant has agreed that conditions can be imposed requiring the detailed design to be refined and agreed. It is also proposed to resurface the footway on Pitsford Street fronting the site with blue brick paving which would be controlled via a section 278 highways agreement.

6.54 Objections have been received that the Pitsford Street frontage is fortress like, has no active frontages and is secretive and inward looking. However the proposals show 10 ground floor commercial units fronting Pitsford Street as well as the proposed B1 building and new area of public realm to the station. It is therefore considered that there would be activity to this great and an improvement compared to the brick wall and warehouse on this frontage. It would also be possible to glimpse views of the private courtyards from the entrances to the apartment's buildings.

6.55 The proposals would significantly alter the appearance of the site when viewed from the Jewellery Quarter station/platforms and from Pitsford Street. In particular there are existing lines of trees along both of these frontages which would be removed. The Arboricultural report submitted with the application considers the trees, mostly self-seeded alder, ash, birch, goat willow and Norway maple and conifers to be of a low quality trees and that none of the trees are worthy of individual note and all have been categorised as category C1 or C2. The Council's tree officer raises no objection to the loss of these trees.

6.56 New planting is proposed as part of the development including replacement tree along the boundary with railway line. The Council's ecologist has requested that the new planting includes species of ecological value and that some of the flat roofed areas be used for biodiversity roofing to provide suitable forage habitat for Black Redstarts in and around the site to ensure the continuation of this resource. Conditions to secure this are recommended.

6.57 There are no residential properties in close proximity to the site as adjacent uses are primarily commercial or comprise the railway lines and cemeteries. The proposals located the new B1 building adjacent to the existing businesses on Pitsford Street so that there would be no conflict between these uses and the development.

6.58 Transportation matters

6.59. A number of pedestrian access points to the apartments are proposed from Pitsford Street and the new area of public realm. Vehicular access would be from a new entrance towards the lower end of Pitsford Street into a basement area which would

provide 116 (29%) car parking spaces and 395 (100%) cycle spaces. The application also proposes works to Pitsford Street to repave the footways with blue brick, provide granite sets to entrances and remove drop kerbs and redundant signage where they are no longer necessary.

6.60 Transportation had requested additional information in respect of the serving of the commercial units. This has now been provided and proposes that the section of Pitsford Street where the existing access is located is modified to accommodate a space for service vehicles to stop on street without affecting the existing on-street parking bays. This would require the current waiting restriction to be changed into a loading zone which would be progressed through a developer traffic regulation order (TRO). Use of the loading zone would be for both residential, office and retail elements of the development and the consultants consider servicing requirements for the development are expected to be light, with infrequent deliveries expected most likely by vans. Transportation notes that the requirements for servicing the various elements of the site have been acknowledged and are content that the provision of on street servicing areas proposed.

6.61 Objections have been raised to the development on the grounds that the parking provision at 29% is inadequate as less than a third of the proposed flats would have any parking provision and parking would spill on to the street, competing with business users and visitors. The site is however situated in a highly sustainable location in terms of access opportunities and travel links within the immediate area, most notably being adjacent to the Jewellery Quarter railway and metro station. Additionally, there are frequent bus stops nearby including on Vyse Street and cycling provision is good with a number of nearby low-traffic, canal and arterial routes. The parking provision also on-site falls within guidance and it is noted that the Jewellery Quarter Development Trust considered the level off parking could be lowered given the proximity to the train and tram. The existing parking bays on Pitsford Street are to remain and although there may be more competition for their use this would not justify refusal of the application. The objector also considers the 100% cycle provision excessive but this complies with BCC guidance.

6.62 **Other Matters**

6.63 The revised Design and Access statement includes details of access controls, security measures to respond to the comments from West Midlands Police and the applicants advise that there is likely to be management staff on site 24 hours a day. A lighting scheme for the site has been provided and conditions can be imposed to require provision of CCTV. Comments have been received regarding access to the site in the event of a fire or other emergency however West Midlands Fire Service raises no objections

6.64 The Jewellery Quarter Development Trust have asked whether there is an opportunity to facilitate another station access point from Key Hill cemetery to enhance connectivity further and enhance the cemetery itself. This would involve land outside the application site and the applicants control and although the request is noted it does not form part of these proposals.

6.65 **CIL and Section 106 Obligations**

6.66 The proposed development does not attract a CIL contribution but given the number of proposed apartments the City Councils policies for Affordable Housing and Public Open Space in New Residential Development apply. The applicant is not able to meet in full the affordable housing or off-site public open space requirements and has

submitted a Viability Statement with the application to justify this. This has been independently assessed by the City Council's consultants and the following has been agreed:-

- On site provision of 39 affordable units (10%) at a 20% discount to market rate
- The mix of affordable apartments to 4 x 1 Bed 1 Person units, 30 x 1 Bedroom 2 Person units and 5 x 2 Bedroom 4 Person units.
- That the new station, public realm, new build commercial and escalators are all delivered as phase 1 of the development.
- To undertake Works to Pitsford Street, to repave the pavements with blue bricks , and provide granite sets, remove drop kerbs as agreed by the Council

6.67 This offer is considered to be a fair and justifiable and meets the necessity tests set out in the CIL regulations. It is therefore recommended that a Section 106 Agreement be completed to cover bullet points 1-3 above and that the Section 278 agreement (controlled through conditions) covers the improvements to Pitsford Street.

6.68 Requests have also been received from financial contributions for off-site public open space and sports facilities, towards additional school places, additional health care services and towards any improvement works required at the adjacent Jewellery Quarter station or railway. The viability report shows that the development would not be viable if these additional contributions are paid and it is considered the priority is to provide affordable housing and the public realm improvements on Pitsford Street. As the applicant is also to deliver a new station and new area of public realm it is not considered reasonable to also require off site contributions towards public open space/ sports facilities and other improvements at the Jewellery Quarter station. School places are funded through CIL payments and it is not considered that the request for contributions towards health care facilities meets the tests for such Section 106 contributions, in particular the necessity test (Regulation 122. (2)(a) necessary to make the development acceptable in planning terms).The applicant has also agreed that that construction employments plan will be provided and a condition to secure this is recommended.

7. Conclusion

7.1. The BDP encourages residential development in the City Centre where it provides well-designed high quality living environments and the Jewellery Quarter is identified as the location for an urban village supporting the areas unique heritage with the introduction of an appropriate mix of uses. The proposed development would regenerate this under used site providing much needed housing, including affordable homes, a mix of other commercial uses and new station entrance which would support and strengthen the distinctive characteristics of the Jewellery Quarter.

7.2. The justification for the buildings heights in this location is accepted and subject to suitable conditions the scheme would provide a high quality range of new buildings, environmental improvements and attractive living environment for future residents. Whilst it is acknowledged that there are concerns about the impact of the development on the Jewellery Quarter Conservation Area and on the adjacent cemeteries and other listed buildings in the vicinity the public benefits of the scheme are considered to outweigh the less than substantial harm caused to the setting of nearby heritage assets. It is therefore considered that the application is acceptable subject to securing the off-site contributions via legal agreements as below:-.

8. Recommendation

- 8.1. That consideration of application 2017/10934/PA be deferred pending the completion of a Section 106 legal agreement to secure:
- a) On site provision of 39 affordable rent with the mix to comprise 4 x 1 Bed 1 Person units, 30 x 1 Bedroom 2 Person units and 5 x 2 Bedroom 4 Person units.
 - b) That the new station, public realm and new build commercial floor space are delivered as phase 1 of the development.
- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 28 September 2018, planning permission be refused for the following reason:
- In the absence of a legal agreement to secure on site affordable housing, the proposal conflicts with Policy TP31 Affordable Housing of the Birmingham Development Plan 2017, the Affordable Housing SPG and the NPPF
 - In the absence of the delivery of the new station, public realm and commercial floor space the development would not deliver a suitable sustainable neighbourhood contrary to policies GA1.3 and TP27 of the Birmingham Development Plan 2017 and the NPPF.
- 8.3. That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
- 8.4. That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by the 28 September 2018, planning permission be APPROVED subject to the conditions listed below:-

1	Requires the prior submission of a phasing plan
2	Requires the prior submission of a construction method statement and management plan
3	Requires the prior submission of construction details in a phased manner
4	Requires the prior submission of contamination remediation scheme on a phased basis
5	Requires the prior submission of a contaminated land verification report
6	Requires the prior submission of a sustainable drainage scheme in a phased manner
7	Requires the submission prior to occupation of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
8	Requires the prior submission of sample brickwork
9	Requires the prior submission of window frame details
10	Requires the prior submission of roof materials
11	Requires the prior submission of roof light details
12	Requires the prior submission of details of external gates, louvres, metal panels and any roof top plant and machinery and solar panels.

-
- 13 Requires the submission of revised details for the Diamond Pavilion.
 - 14 Requires the prior submission of Ramps and Step details
 - 15 Requires the submission of new walls, railings & gates & gate posts/piers details
 - 16 Requires the prior submission of hard and/or soft landscape details
 - 17 Requires the prior submission of hard surfacing materials
 - 18 Requires the prior submission of boundary treatment details in a phased manner
 - 19 Requires the prior submission of details of green/brown roofs
 - 20 Requires the prior submission of a landscape management plan
 - 21 Requires the prior submission of a lighting scheme in a phased manner
 - 22 Requires the prior submission of a scheme for ecological and biodiversity enhancement measures on a phased basis
 - 23 Requires the submission of details of bird/bat boxes
 - 24 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 25 Requires further car parking details and the parking area to be laid out prior to use
 - 26 Requires the provision of a vehicle charging points
 - 27 Requires the provision of cycle parking prior to occupation
 - 28 Requires the prior submission of a travel plan
 - 29 Requires the prior submission of plans detailing the mitigation measures set out in the noise report
 - 30 Limits the noise levels for Plant and Machinery
 - 31 Secures noise and vibration levels for habitable rooms
 - 32 Requires the prior submission of noise insulation (variable)
 - 33 Requires the prior submission of extraction and odour control details
 - 34 Requires submission of the retail/commercial Shop Front Designs
 - 35 Limits the hours of use of the commercial/retail units to 7am -11pm Monday - Saturday and 8am - 11pm Sundays.
 - 36 Limits delivery time of goods to or from the the commercial/retail units to 7am -11pm Monday - Saturday and 8am - 11pm Sundays.
 - 37 Requires the glazing to the commercial/retail units to be clear and not obstructed.
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- 38 Requires the prior submission of a construction employment plan.
 - 39 Requires the prior submission of a CCTV scheme
 - 40 Requires the scheme to be in accordance with the listed approved plans
 - 41 Implement within 3 years (Full)
-

Case Officer: Lesley Sheldrake

Photo(s)



Figure 1: View of existing building from Jewellery Quarter Station staircase



Figure 2 : View of existing building from Pitsford Street



Figure 3: View of existing building in relation to railway lines and platforms



Figure 4: View of frontage looking up Pitsford Street

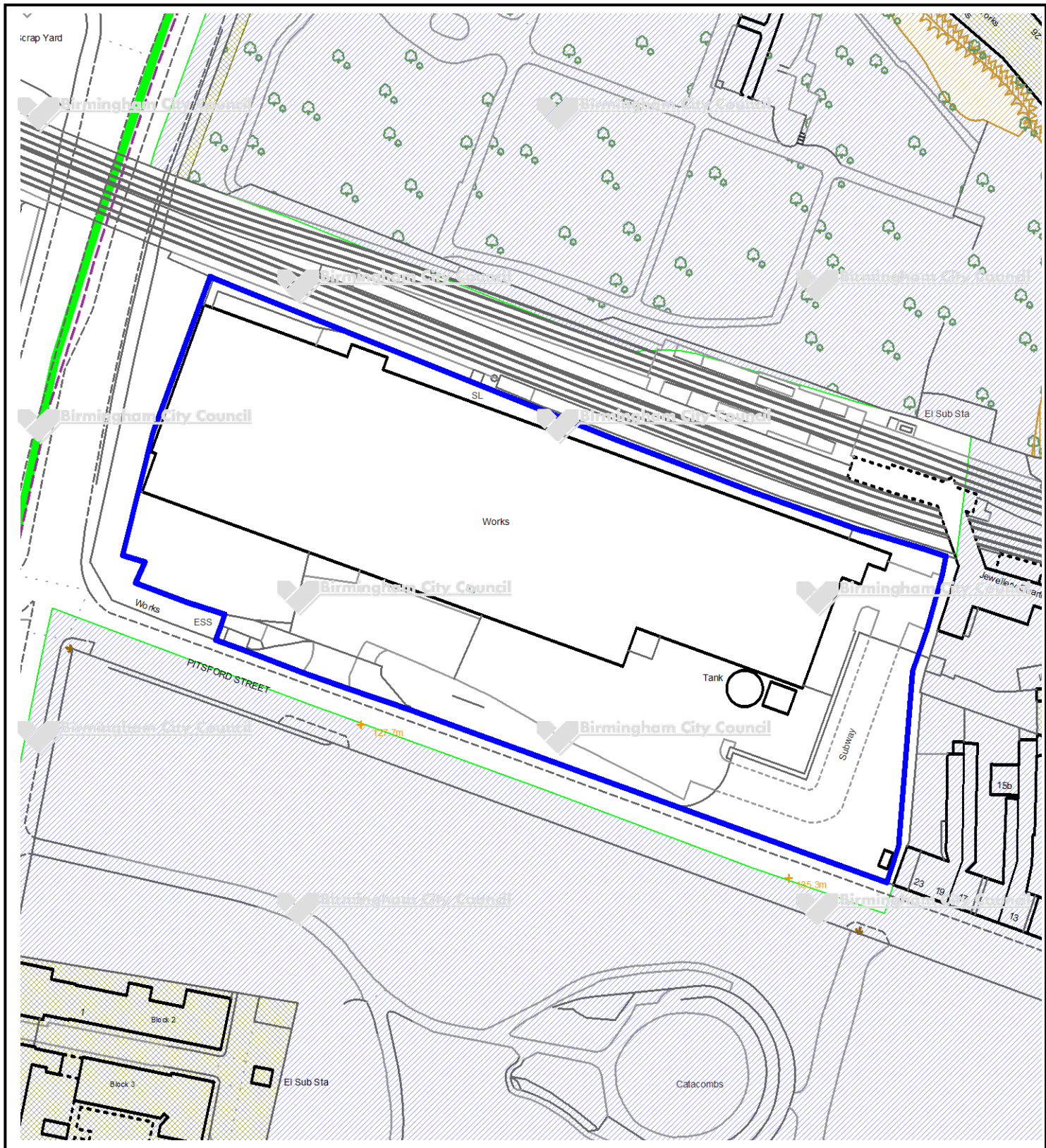


Figure 5 : View of site frontage looking down Pitsford Street



Figure 6: View of existing building from Icknield Street

Location Plan



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Birmingham City Council

Planning Committee

27 September 2018

I submit for your consideration the attached reports for the **North West** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	17	2018/03749/PA Car Park corner of Proctor Street / Rupert Street Nechells Birmingham B7 4EE Change of use from existing parking to transient accommodation for Gypsies and Travellers (Sui Generis) and erection of single storey utility building.
Determine	18	2017/09747/PA Land bounded by 2-10 Mere Green Road / 296-324 Lichfield Road Mere Green Sutton Coldfield Birmingham B75 5BS Non-Material Amendment to planning approval 2017/02461/PA for removal of 4 trees from approved layout plan drawing 1129 101 Rev V.
Prior Approval Required Approve – Conditions	19	2018/06873/PA Bamar Works 180 Aston Hall Road and 63-81 Aston Hall Road Aston Birmingham B6 7LP Application for prior notification of proposed demolition of existing buildings

Committee Date:	27/09/2018	Application Number:	2018/03749/PA
Accepted:	15/05/2018	Application Type:	Full Planning
Target Date:	14/08/2018		
Ward:	Nechells		

Car Park, corner of Proctor Street / Rupert Street, Nechells, Birmingham, B7 4EE

Change of use from existing parking to transient accommodation for Gypsies and Travellers (Sui Generis) and erection of single storey utility building.

Applicant:	Birmingham City Council Birmingham Property Services, Po Box 16255, Birmingham, B2 2WT
Agent:	Acivico Louisa House, 92-93 Edward Street, Birmingham, B2 2ZH

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The application seeks consent for the change of use of an existing car park to transient accommodation for Gypsies and Travellers which would have a capacity for 15 vehicles. Existing access from Proctor Street would be retained.
- 1.2. A WC unit is proposed on the south western boundary and would measure 2.7m high x 3.8m long x 3.8m deep and would contain 2 male and 2 female toilets. The structure is designed with a flat roof and would have a metal clad finish.
- 1.3. Two skips are proposed at the entrance to the site.
- 1.4. Existing boundary treatment would be retained.
- 1.5. The total site area is approximately 2285sqm.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located at the corner of Proctor Street, Rupert Street and Great Lister Street. The site is currently a car park with approximately 60 bays marked out on the ground. There are electronic sliding gates on Proctor Street and the site is secured by approximately 2m high railings. There are a number of trees on the boundaries to the site. There is existing lighting at the site.
- 2.2. Nechells Wellbeing Centre and playing pitches are located directly to the north. A part two/three storey office building occupies the north west boundary with the site. The surrounding area is mixed with residential properties to the south, south east

and south west. The plot to the west is entirely commercial and is made up of several industrial buildings.

2.3. [Site Location Plan](#)

3. [Planning History](#)

- 3.1. 21/11/1968 - 29877000. Public Car Park. Approved.
- 3.2. 23/10/1969 – 29877001. Public Car Park. Approved.
- 3.3. 24/03/1998 - 1998/00173/PA. Erection of sports hall and ancillary facilities, provision of car parking, sports pitches and play areas. Approved subject to conditions.
- 3.4. 05/10/2000 - 2000/03763/PA. Enclosing of car park with security fencing and the erection of a temporary building to provide facilities for storage/collection of illegally parked cars. Temporary approval subject to conditions.
- 3.5. 13/11/2003 - 2003/03937/PA. Continued use as a car compound. Approved subject to conditions.
- 3.6. 04/08/2009 - 2009/02745/PA. Change of use of former car compound to ancillary car park for Birmingham Primary Care Trust employees at Waterlinks House, associated lighting and CCTV to existing columns. Approved subject to conditions.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objections subject to conditions in relation to cycle storage, circulation areas to be kept free and no outside storage.
- 4.2. Regulatory Services – No objections and have requested that adequate bin provision is provided.
- 4.3. West Midlands Police – No objections subject to the installation of the condition in relation to CCTV system. Comments made in relation to works to the WC unit should be carried out to the standards outlined in Secured by Design and any lighting to be carried out in accordance with both Lighting against crime and Secured by Design guidelines.
- 4.4. Severn Trent – No objections subject to a condition in relation to the submission of drainage plans for the disposal of foul and surface water flows.
- 4.5. Neighbouring properties, Residents' Associations, Councillors and MP consulted. Site and press notices were posted. A petition was received containing 26 signatures from local residents who object to the scheme on the following grounds:
 - Lack of notification on the planning application.
 - Community concern regarding the previous experience of travellers on Community Centre playing field.
 - Excessive litter, mess and animals.
 - Increase of police activity in the area.
 - Reduction in parking availability. Parking pressures currently high in the area.
 - Increase in house insurance due to extra risk.

- Concerns about transitional nature of habitation and lack of integration into the community.
- Increase in touting for employment example gardening, scrap metal and casual employment and crime.

In addition 8 individual letters of objection were received from local residents raising the following additional issues:

- Questions whether the skip will be emptied.
- Will there be safeguarding measures put in place for the children using the site and children in the surrounding area.
- Who will maintain the toilets?
- Process to make comments was very difficult and not user friendly.
- Further information should be posted to local residents.
- Design is out of keeping with the scale, character and appearance of the area.
- Proposal could result in the loss of trees.
- Noise and disruption from construction.
- Existing highway safety issues
- Inadequate access for large vehicles.
- Caravans likely to overspill onto adjoining roads when it reaches full capacity.
- Will lead to fly tipping.
- Noise from generators and dogs barking.
- Inappropriate location for a campsite.
- Issues with criminal and antisocial activity associated with travellers.
- Devaluation of properties in the vicinity.
- Local businesses at risk of moving or closing.

Shabana Mahmood MP also raised an objection on the following grounds:

- Dissatisfied with the BDP consultation process in October 2015 when the site was put forward as a proposed allocation for gypsy/travelling accommodation.
- Dissatisfied that the site notice referred to transient accommodation instead of accommodation for gypsy/travellers therefore leading to a community that feels misled.
- Social cohesion already an issue in the area and will be exacerbated if the application is approved.
- Transparency should be adhered to when the application is presented at Planning Committee.
- Recommend CCTV and proactive engagement with police, community groups and other stakeholders.
- Survey carried out with local residents which demonstrated that all the residents were against the proposal and particular concerns were safety, litter and fly tipping.
- Requested further information on the process of how both the application site and the other Gypsy/Traveller site at Aston Brook Street East have been allocated.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), Planning Policy for Traveller Sites (2015); National Planning Policy Framework (2018).

6. Planning Considerations

Policy

- 6.1. National Planning Policy Framework 2018 highlights that differing size, type and tenure of housing needed for different groups in the community should be assessed and reflected, this includes those of the traveller community.
- 6.2. National planning document - Planning policy for traveller sites (2015) highlights the need for the provision of good quality sites to meet the needs of transient populations within local authorities. In order to achieve this it is advised that Local Planning Authorities should set pitch targets for gypsies and travellers as this would address the transit site accommodation needs of travellers in their area.
- 6.3. This document also advises Local Planning Authorities should consider, wherever possible, including traveller sites suitable for mixed residential and business uses.
- 6.4. Policy TP34 of the Birmingham Development Plan (BDP) has designated two sites within the City for the provision of accommodation for Gypsies and Travellers:
- Rupert Street/Proctor Street (site subject to this application).
 - Hubert Street/Aston Brook Street East (recently obtained planning approval 2018/03750/PA).
- 6.5. Policy TP34 also advises that such a land use should be permitted if the site is of sufficient size to accommodate pitches/plots of an appropriate size; there is safe and convenient pedestrian and vehicular access to and from the public highway and adequate space for vehicle parking and manoeuvring within the site; the site is accessible to shops, schools, health facilities and employment opportunities and is capable of being served by services such as mains water, sewerage and power and waste disposal. Finally, there is no conflict with other relevant policies such as those relating to the protection of the Green Belt, other greenfield land and industrial land, and those concerned with development within areas at risk of flooding and on contaminated land.
- 6.6. The BDP highlights that there is a lack of good quality sites for Gypsies and Travellers in the City and the adverse impact this has on the health and education of such communities.

Principle

- 6.7. The BDP was adopted on 10 January 2017, following a public examination by an independent planning inspector, with hearings held in October and November 2014. The inspector proposed modifications that two sites – one at Hubert Street/Aston Brook Street East and the second at Rupert Street/Proctor Street, should be allocated in the plan for the provision of accommodation for Gypsies and Travellers. The inspector's proposed modifications to allocate the two sites were subject to public consultation in October 2015 for a period of 6 weeks.
- 6.8. As a result, these two sites have been allocated for the provision of accommodation for Gypsies and Travellers which is reflected in Policy TP34.

6.9. Planning Strategy have raised no objection to the proposal given that the site has been designated for this land use in the Birmingham Development Plan and therefore the principle of the proposed use is acceptable.

6.10. The other planning considerations relate to visual amenity and layout, impact on neighbouring amenity and highway safety.

Visual Amenity and Layout

6.11. The site is enclosed in approximately 2m high powder coated railings and this would be retained. All the trees on the boundary would remain unaffected by the proposal and would offer some screening of the proposed use. As such, it is considered that the proposal would have no further impact on the character or appearance of the street scene than existing and the proposed use would be wholly contained within the application site. Furthermore, it is considered that the pitches/plots are of an appropriate size.

Impact on Neighbouring Amenity

6.12. There would be no detrimental impact on the amenities of the occupiers of the neighbouring residential properties by way of loss of light or outlook. The site was last used as a car park therefore there would have been comings and goings associated with such a use. I do not consider the proposal would generate noise/disturbance issues to neighbouring amenity in this mixed commercial context.

6.13. Regulatory Services raise no objections subject to provision of adequate bin storage. There are two skips proposed within the curtilage of the site, therefore I am satisfied that adequate bin provision has been provided.

Highway Safety

6.14. Transportation Development have been consulted and have advised that the proposal is unlikely to cause any negative impact on highway safety or the free flow of either pedestrians or vehicular movements. No objections to the proposal have therefore been raised subject to conditions in relation to cycle storage and circulation areas being kept free at all times which have been attached. There was also a condition recommended in relation to no external storage however I do not consider this condition is justified or would meet the tests.

Other Matters

6.15. West Midlands Police have assessed the proposal and raise no objections, subject to a condition requiring the provision of a CCTV scheme and to the proposal being laid out by the principles of 'Secure by Design' and security standards. The provision of CCTV is not considered a requirement to make the scheme acceptable in planning terms and therefore has not been attached. This is consistent with the approach taken on the recent planning approval for the gypsy/traveller site at Aston Brook Street East which was determined at Planning Committee.

6.16. With respect to objections received, appropriate consultation which is over and beyond the statutory obligation has been carried out on this application. Whilst some objections referred to the principle of the use, the site is allocated in the BDP for traveller accommodation. Criminal and anti-social behaviour are matters for the police.

7. Conclusion

- 7.1. The proposal would have no detrimental impact on the visual amenity of the surrounding area, the amenities of neighbouring occupiers or on highway safety. Furthermore the site is designated for the proposed use in the Birmingham Development Plan (2017). As such, I consider that it accords with both national and local planning policy and would constitute sustainable development. I therefore recommend that the application be approved subject to the attached conditions.

8. Recommendation

- 8.1. Approve subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of cycle storage details |
| 3 | Requires circulation areas to be kept free from obstructions at all times. |
| 4 | Requires drainage plans for the disposal of foul and surface water |
| 5 | Implement within 3 years (Full) |
-

Case Officer: Joanne McCallion

Photo(s)



Figure 1 – Entrance to site on Proctor Street

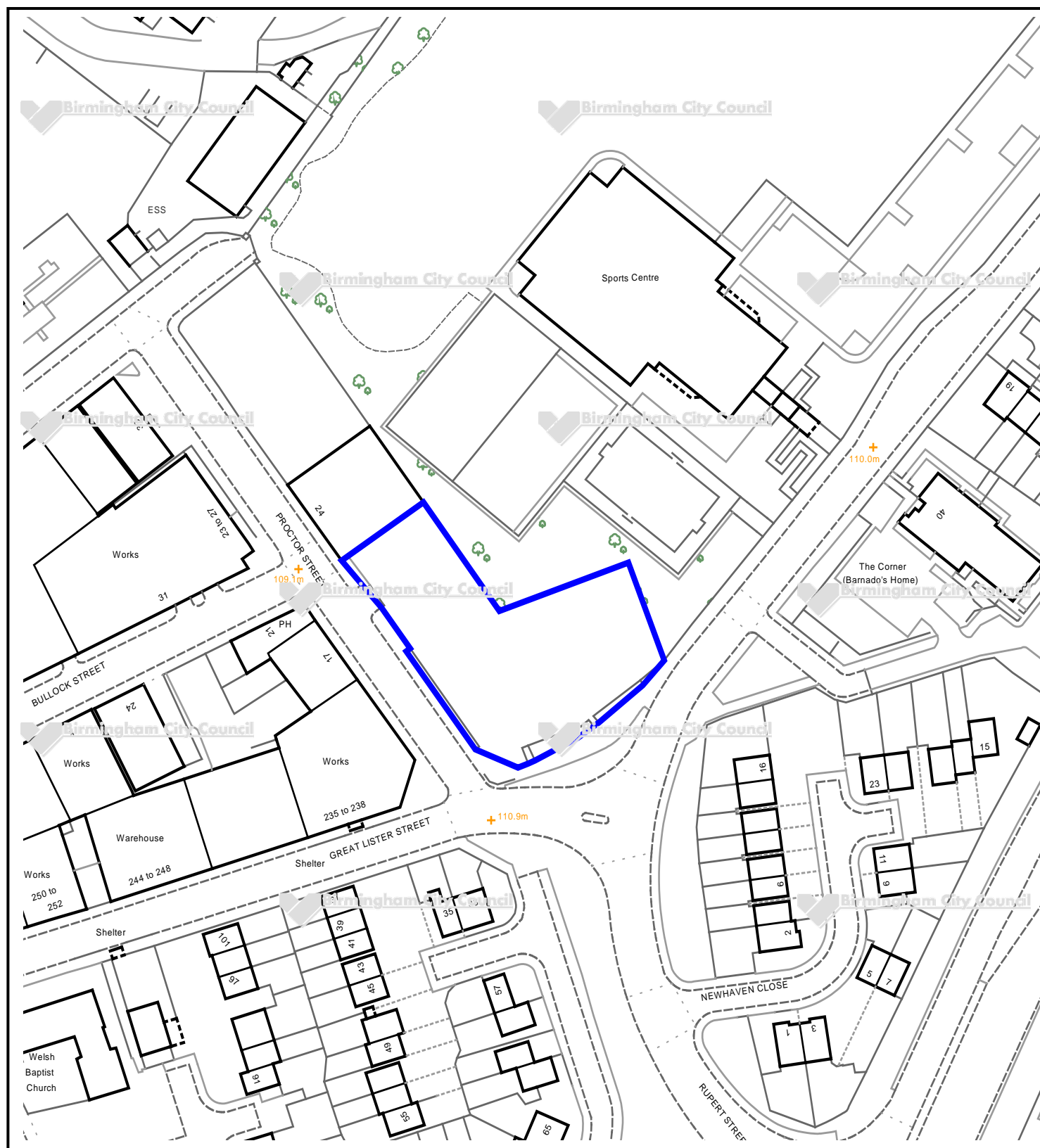


Figure 2 – Application Site view towards Proctor Street



Figure 3 Nearby residential properties

Location Plan



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Committee Date:	27/09/2018	Application Number:	2017/09747/PA
Accepted:	20/11/2017	Application Type:	Non Material Amendment
Target Date:	18/12/2017		
Ward:	Sutton Mere Green		

Land bounded by, 2-10 Mere Green Road / 296-324 Lichfield Road, Mere Green, Sutton Coldfield, Birmingham, B75 5BS

Non-Material Amendment to planning approval 2017/02461/PA for removal of 4 trees from approved layout plan drawing 1129 101 Rev V and replacement provision of 2 trees

Applicant:	Salmon Harvester Properties Ltd c/o Agent
Agent:	WYG 54 Hagley Road, 3rd Floor, Edgbaston, Birmingham, B16 8PE

Recommendation
Determine

Report Back

- 1.1. The above application was deferred by your Committee at its meeting on 19th July 2018 where members requested that officers undertake further negotiations with the developer to secure planting of replacement trees elsewhere on the development or provide suitable planters.
- 1.2. I can advise members that further negotiations have taken place with the developer and they have reiterated that the approved 4 Cellery Pear trees could not be provided in their original location due to the position of the sub-surface storm water attenuation tanks and the alternative options for the siting of replacement trees was restricted due to the key constraint of avoiding the loss of parking.
- 1.3. The principal opportunities for replacement tree planting within the development that have been identified are in an existing planter located in the central part of the site and in an existing planter facing Lichfield Road.
- 1.4. Whilst it was considered that 2 smaller trees could be provided in the central planter, I consider a larger specimen tree (Caucasian Lime) would be more desirable and provide a clearer focal point. This is the same tree species as existing trees planted in the original works and would provide a unified theme and visual continuity within the centre of the car park. The tree would be planted at a height of 350cm with an ultimate height of 1200cm.
- 1.5. The tree proposed for the existing planter facing Lichfield Road would be a Gallery "Flowering Pear" tree which is recognised as a signature street tree and again, the same species as existing trees planted within the development. The tree would be planted at a height of 350cm and would not overshadow or impact existing TPO'd oak trees on this frontage. Both trees would be planted within the next "planting" season.

- 1.6. I consider the above response by the developer is acceptable and I would reiterate to members that there are already 9 new trees within the Mulberry Walk development which has brought significant life, vibrancy and activity back into the centre of Mere Green.
- 1.7. On the basis of the above additional information, members are requested to determine this application.

Original Report

1. Proposal

- 1.1. The application is for a non-material amendment to planning approval 2017/02461/PA for the removal of 4 trees from the approved layout plan drawing 1129 101 Rev V.
- 1.2. The applicants have submitted a written justification for the removal of the trees which they state has arisen due to technical considerations relating to the proposed installation.
- 1.3. The applicants claim that their project architects have advised that tree pit dimensions of 2m x 2m x 2m would be required to accommodate trees in this location with a root ball of 800mm x 800mm with additional space for growth beyond this. The drainage attenuation tanks installed on site to address flood risk mitigation, sit in close proximity to the tree pit area and would prevent the trees from growing healthily. They also state that, if planted, the trees would pose a risk of damage to the attenuation tanks.
- 1.4. Further justification is that there are electricity cables in the immediate vicinity supplying the site lighting and also Sainsbury's and these power cables could be at the risk of damage and failure if trees were planted in the approved.
- 1.5. In addition to the technical justification, the applicants are of the view that the provision of the trees would result in the loss of 8 car parking spaces from the current layout.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located within the Primary Shopping Area of Mere Green District Centre and relates to the Mulberry Walk development, which is situated on the corner of Mere Green Road and Lichfield Road. Mulberry Walk was granted consent in 2012 under application 2012/04410/PA for a mixed scheme comprising 22 units in speculative retail, restaurant and café use. The development has recently been completed and is now substantially occupied.
- 2.2. The surrounding area is predominantly commercial in character, with the exception of residential accommodation located on the opposite side of Lichfield Road. The site is well served by regular bus services.
- 2.3. [Site Location and Street View](#)

3. Planning History

- 3.1. 31 August 2012 - 2012/04410/PA - Planning permission for demolition of existing buildings and erection of mixed use development comprising retail foodstore (Class A1 - 1,779sqm floorspace), non-food retail units (Class A1 - 2,901sqm floorspace), restaurant/cafe units (Class A3 - 1,372sqm floorspace), car parking, pedestrian walkway, public square and associated landscaping, public realm works and servicing, subject to conditions.
- 3.2. 30 January 2014 - 2013/08851/PA - Approved minor material amendment to 2012/04410/PA to extend the opening hours by one hour, to provide obscure glazing to the front elevations of Units 1 and 11, amend Condition 32 to identify Unit 1 as the Class A1 retail foodstore and minor alterations to Unit 1, Unit 5k, the service yard and the car parking area, subject to conditions.
- 3.3. 9 July 2014 - 2014/04693/PA - Approved non-material amendment to 2013/08851/PA for amendments to the site boundary line and alterations to the car parking layout.
- 3.4. 8 June 2015 - 2015/03319/PA - Approved for variation of conditions numbers 5 (Sample Materials), 6 (Hard and Soft Landscaping Details), 7 (Hard Surfacing Materials), 20 (Extraction and Odour Control Details) and 22 (CCTV Scheme) attached to planning permission 2013/08851/PA to allow for amended wording to those conditions and update Conditions 32 (Limits the total area for each Use Class) and 33 (Planning Schedule) as approved by the non-material amendment consent 2014/04693/PA, subject to conditions.
- 3.5. 10 June 2015 - 2015/03882/PA - Application for Prior Notification for the proposed demolition of existing buildings, accepted as needing prior approval from the Council and that permission be granted.
- 3.6. 14 April 2016 - 2016/02299/PA - Approved for non-material amendment to Planning Permission 2015/03319/PA for a change in the Lichfield Road elevation (Unit 5K) from a single shop front door to a double shop front door; omission of the door to the sub-station; additional Electricity Board man access door to concertina gate and a rendered spandrel above the gate; omission of Unit 6 shop front doors to Mere Green Road elevation; additional sliding door in the Mere Green Road elevation of Unit 14; alterations to the door arrangements in shop fronts in the new courtyard elevation; omission of the dispensing hatch in Unit 14; and omission of the trolley bay and fitting of the remaining shop front to Holden's Way with clear glazing to Unit 14.
- 3.7. 23 June 2016 – 2016/05213/PA – Approval for a non-material amendment to planning approval 2015/03319/PA for alterations to landscaping and planting.
- 3.8. Unit 5h - 27 October 2016 - 2016/07416/PA - Planning permission granted for change of use from speculative retail/restaurant/cafe use (Use Class A1/A3) to education facility (Use Class D1), subject to conditions.
- 3.9. Unit 5b - 3 May 2017 - 2017/02093/PA - Planning permission granted for change of use from speculative retail/restaurant/cafe use (Use Classes A1/A3) to an Estate Agent (Use Class A2), subject to conditions.

- 3.10. 23 May 2017 – 2017/02461/PA - Planning permission granted for the variation of condition 32 attached to planning approval 2015/03319/PA to vary the wording to read "The ground floor gross internal area (GIA) shall not exceed 1,050 sqm for the Class A1 retail foodstore shown as Unit 1 on Drawing Number 101V and Units 2, 4, 5a, 5c, 5d, 5e, 5f, 5j, 5k and 14 shall operate in Use Class A1 only, unless otherwise agreed in writing by the Local Planning Authority"
- 3.11. 29 June 2018 – Approval for a non-material amendment to drainage layout to planning approval 2015/03696/PA.

4. Consultation/PP Responses

- 4.1. No formal consultation was undertaken as the application is for a non-material amendment, however, 36 letters have been received objecting to the proposal on the following grounds;
- Removal of 4 trees is a material amendment
 - Trees were promised as part of the original planning agreement and this should be adhered to
 - BCC ignored breaches including the omission of these 4 trees and other issues relating to hard and soft landscaping
 - Trees have important health and visual benefits
 - BCC going against its own policies if it allows trees not to be planted
 - Developers have created a sea of tarmac and failed to create a high quality public realm
 - If 8 car parking spaces are to be lost, the original layout was highly flawed
 - Trees provide wildlife habitat and social, economic and health benefits such as helping combat vehicle omissions
 - BCC should have specified tree pit design in original permission
 - Square was meant to function as a community hub but it's a badly paved area and very stark
 - Developer getting away with cutting costs
 - Centre looks a mess as planting not undertaken in accordance with approved plans
- 4.2. Royal Sutton Coldfield Town Council – Removal of 4 trees is a material amendment.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan (UDP) 2005 (saved policies), Shopping and Local Centres SPD and National Planning Policy Framework.

6. Planning Considerations

- 6.1. The main issues are the impact that the removal of the 4 trees from the approved layout would have on the public realm of Mulberry Walk and the visual amenities of the area and the impact on the parking provision should it be insisted upon that the trees are planted. I can confirm there is no fixed guidance and it is at the discretion of the Local Planning Authority what constitutes a "non-material" or "material" amendment

- 6.2. The proposal has been considered by Landscape and Tree Officers and although the tree pit sizes were previously deemed acceptable, there is a conflict between the revised location of the drainage attenuation tank and previously unknown cabling which would prohibit the installation of the underground tree pits. The drainage scheme as installed differs from the one previously approved, however, it is deemed acceptable to the Local Lead Flood Authority and the matter has been regularised by the applicant.
- 6.3. I note that there are a number of lighting columns installed within the refuge to the rear of the car parking spaces where the trees were to be planted. It is clear that there is conflict between services installed in the area and the ability to plant the 4 trees.
- 6.4. In terms of impact on the public realm of the scheme and the visual amenity of the area, the planting of the trees as approved would benefit these elements of the scheme. The applicants has been requested to consider replacement tree planting as mitigation for the loss of the 4 trees and they have commented that they feel that replacement planting in the car park would result in loss of spaces which is not acceptable and the openness of the public realm would be compromised if additional tree planting were to occur in the pedestrian circulation spaces. I note these comments and accept that there is a degree of planting within the scheme as well as an almost parallel row of trees to the north-east on the edge of the existing pay and display car park.
- 6.5. It is acknowledged that there are parking issues within Mulberry Walk/Mere Green District Centre especially at peak times and the loss of any existing car parking spaces could have a serious detrimental impact on the function of the district centre. Whilst it has not been shown in plan terms, that the insistence on the planting of the 4 trees would result in the loss of 8 car parking spaces, the level of parking space loss would depend on tree planting positions. Where the tree planting was originally proposed would not have required any loss of parking spaces as it was located close to the central walkway. However, the restrictions associated with the cabling would push tree planting further into the car park where some parking space loss would be more likely.

7. Conclusion

- 7.1. While it is regrettable that the issues precluding the planting of the 4 trees were not considered in more detail during the construction phase of the development, on balance, I do not consider the removal of these trees will have a significant impact on the visual appearance of the scheme which includes extensive public realm works of high quality.

8. Recommendation

- 8.1. Approve.

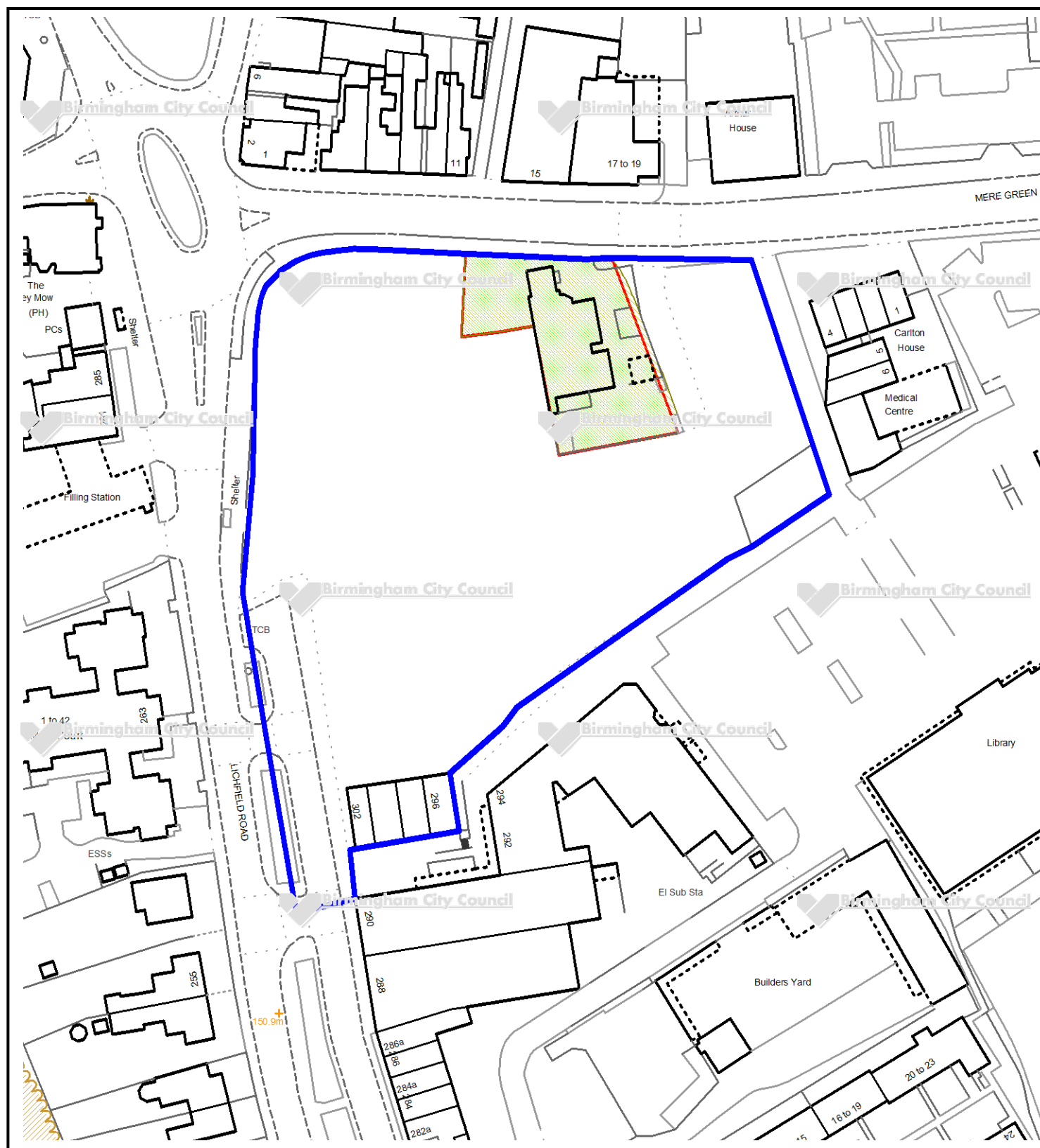
Case Officer: John Davies

Photo(s)



Figure 1 – View of location of proposed trees

Location Plan



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Committee Date:	27/09/2018	Application Number:	2018/06873/PA
Accepted:	17/08/2018	Application Type:	Demolition Determination
Target Date:	27/09/2018		
Ward:	Nechells		

Bamar Works, 180 Aston Hall Road and 63-81 Aston Hall Road, Aston, Birmingham, B6 7LP

Application for prior notification of proposed demolition of existing buildings

Applicant: Birmingham City Council
Planning and Regeneration, PO Box 28, 1 Lancaster Circus,
Queensway, Birmingham, B1 1TU
Agent: Acivico Ltd
Louisa House, 92-93 Edward Street, Birmingham, B2 2AQ

Recommendation

Prior Approval Required and to Approve with Conditions

1. Proposal

1.1. This application, made under Schedule 2, Part 11 of the Town and Country Planning (General Permitted Development) (England) Order 2015, is to determine whether the City Council requires the prior approval for the method of demolition, or site remediation following demolition works, for Bamar Works, 180 Aston Hall Road & 63 – 81 Aston Hall Road.

1.2. It is proposed to clear the site and secure it by erecting suitable fencing.

1.3. The method of demolition has been confirmed by the applicant to be mechanical.

1.4. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site is split across Aston Hall Road. The part of the site on the northern side of Aston Hall Road relates to a row of flat roofed industrial units; these abut the rear of the footpath and are two storey. This block is currently in a state of disrepair due to recent fire damage. As a result of the recent fire the building is currently unsafe and is causing a potential risk to public safety.

2.2. The part of the site to the south of Aston Hall Road consist of a collection of single and two storey flat roofed commercial and industrial properties and a large open area which was formally used as a breakers yard, motor repairs and a hand car wash. All uses have now ceased and the site is vacant.

- 2.3. The wider locality contains a mixture of uses, whilst the area is predominantly commercial/industrial in use there are residential properties adjacent to the site on the eastern boundary. The side is bound by a rail line to the west.
- 2.4. [Site Location](#)
3. [Planning History](#)
- 3.1. There is no relevant planning history for this site.
4. [Consultation/PP Responses](#)
- 4.1. Regulatory Services – No objections.
- 4.2. Transportation Development – No objections subject to a condition relating to dust prevention methods, parking provision associated with the proposed demolition and any road closures should be undertaken in accordance with the adopted procedures.
- 4.3. Network Rail – Advised that the applicant will need to seek agreement with Network Rail prior to commencing works on site.
- 4.4. Environment agency – No objections
- 4.5. Local residents associations and Councillors were notified. Site notices were displayed by the applicant. No comments received to date.
5. [Policy Context](#)
- 5.1. General Permitted Development Order 2015 (the GPDO)
6. [Planning Considerations](#)
- 6.1. Schedule 2, Part 11, Class B of the General Permitted Development Order 2015 states that any building operation consisting of the demolition of a building is permitted development subject to a number of criteria, including the submission of a prior notification application in order to give local planning authorities the opportunity to assess the details of demolition and site restoration only, to minimise the impact on the local amenity. This application is to determine whether prior approval is required for the demolition clearing of an industrial site in Aston. The issues to be considered with this type of application are solely the method of demolition and means of restoring the site.
- 6.2. The existing buildings are to be demolished and the site cleared in readiness of future redeveloped to accommodate new development. None of the existing buildings are locally or statutorily listed and are of little architectural merit. I therefore raise no objection to the principle of the demolition of these buildings; the removal of the fire damaged building would improve public safety.
- 6.3. The proposals for this site are consistent with demolition applications approved elsewhere in the City in the past and would involve the removal of demolition material from the site and restoring the land to the height of surrounding land levels. The site would be left in a tidy condition and enclosed with appropriate fencing to secure the site, pending its future redevelopment. This will ensure that the site has

an acceptable appearance taking into account the residential nature of the surrounding area.

- 6.4. Transportation Development has requested a condition relating to dust prevention methods, which I concur with. It has also been requested that the applicants are informed of procedures relating to road closures; this can be done by way of including an informative.
- 6.5. Network Rail has advised that the applicant must seek agreement with them prior to commencement of any works on site. Again an informative will be included.
- 6.6. Bat surveys have been undertaken and their findings submitted as part of the application, which identify that the use of the buildings by bats was negligible. The City Ecologist raises no objection.
- 7. Conclusion
- 7.1. Whilst the proposed method of demolition, clearance and enclosure of the site are acceptable the lack of information regarding dust prevention means that prior approval is required and a condition is attached.
- 8. Recommendation
- 8.1. Prior approval required and approved subject to conditions.

1	Requires the prior submission of dust prevention methods
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Case Officer: Philip Whittaker

Photo(s)



Photo 1: Southern side of site



Photo 2: Northern side of site

Location Plan



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Birmingham City Council

Planning Committee

27 September 2018

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	20	2017/04513/PA Washwood Heath Freight Yard North of Common Lane Washwood Heath Birmingham B8 2SQ Erection of asphalt plant with associated infrastructure to include buildings (workshop, storage, office and welfare), covered storage bays, feed hoppers, silos, weighbridge, aggregate rail offloading facility and any related engineering and other operations
Approve – Conditions	21	2018/04301/PA Land off Battery Way Tyseley Birmingham B11 3DA Construction of a single industrial unit for Use Classes B2/B8 (General Industrial/Storage & Distribution) use, with ancillary Use Class B1 (Office) use and associated infrastructure
Approve – Conditions	22	2018/05863/PA Land off Battery Way Tyseley Birmingham B11 3DA Construction of two industrial warehouse buildings for Use Classes B2/B8 (General Industrial/Storage & Distribution) use, with ancillary Use Class B1 (office) use and associated infrastructure

Approve – Conditions

23

2018/03809/PA

Battery Way
Tyseley
Birmingham

Removal of condition 2 (acoustic barrier details)
attached to planning approval 2015/02506/PA

Committee Date:	27/09/2018	Application Number:	2017/04513/PA
Accepted:	19/05/2017	Application Type:	Full Planning
Target Date:	28/09/2018		
Ward:	Nechells		

Washwood Heath Freight Yard, North Of Common Lane, Washwood Heath, Birmingham, B8 2SQ

Erection of asphalt plant with associated infrastructure to include buildings (workshop, storage, office and welfare), covered storage bays, feed hoppers, silos, weighbridge, aggregate rail offloading facility and any related engineering and other operations

Applicant:	Tarmac Trading Ltd Croxdon Quarry, Freehay, Cheadle, Stoke on Trent, ST1 1RH
Agent:	SLR Consulting Ltd Fulmar House, Beignon Close, Ocean Way, Cardiff, CF24 5PB

Recommendation

Approve subject to Conditions

1. Proposal
 - 1.1. Consent is sought for the removal of railway tracks and carriages and erection of asphalt plant with associated buildings and infrastructure.
 - 1.2. Operation process and plant layout
 - 1.3. The proposed development would provide asphalt/ coated roadstone material for a wide range of highway construction and maintenance projects in Birmingham and the West Midlands area.
 - 1.4. Asphalt production requires the combination of a number of aggregates (e.g. stone) with sand and stone dust in the correct proportions which are heated and mixed with bitumen. The asphalt process involves the loading of the aggregates into a hopper, where it is dried and heated and taken in a hot elevator to a mixing tower. The aggregates are separated and stored in a series of hot silos dependant on size of stones in order to be discharged into a mixer, where defined quantity of the filler and bitumen are added. The mixer discharges the coated material into storage bins ready for direct loading into road going trucks. The proposed facility would be able to manufacture a wide range of asphalt products.
 - 1.5. The plant would be a conventional unit and would comprise a number of individual components which would present a more linear builtform with the majority of structures being located centrally within the site and a sufficient distance away from Heartlands Parkway. Majority of the plant would operate via an automated system. The main buildings/ plant comprise as follows:

- Rail offloading building (659 sq. metres in size and 6.8 metres in height) - The aggregates would be offloaded by bottom discharge via below ground feed hoppers (5 metres) with tunnelled conveyor.
- Toast rack storage building (4,210 sq. metres in size and 24 metres in height) – There would be two transfer towers with fitted conveyors that would transfer aggregates directly to individual storage compartments within the Toast rack storage building from the Rail offloading building. Toast rack storage building would also provide a direct feed of the aggregates to the asphalt plant via conveyors.
- Covered storage bays (500 sq. metres in size and 10 metres in height) - The remaining hardstone aggregates imported by road would be stored within the covered storage bays.
- Silos and other aggregate storage - Sand and fine aggregates and Recycled Asphalt Planings (RAP) (imported via road) would be stored in separate bays within the toast rack building and bitumen within the 4 silos (approximately 18.5 metres in height).
- Asphalt plant – This would include a mixing tower (36.5 metres in height), stack (40 metres in height) and feed hoppers (16 metres in height). Total floor area would be approximately 1,140 sq. metres).

Other ancillary buildings

- Control room (62 sq. metres in size and 3 metres in height) and office welfare buildings (179 sq. metres and 3 metres in height), which would provide control room, offices, plant and communal facilities.
- Workshop building (375 sq. metres in size and 10 metres in height) adjacent to Common Lane viaduct (southwest of the site) would be used for general maintenance of fixed and mobile plant and haulage fleet.
- Weighbridges comprise two surface mounted weighbridges on either side of the weighbridge office at the site entrance/ exit off Heartlands Parkway. Raised weighbridge office would be a mounted modular office unit on plinth height.

Asphalt plant capacity and hours of operation

- 1.6. The objective of the applicant is to focus production on a single height throughput operational unit close to the main centre of demand and at the same time take the opportunity to import aggregate material by rail and road. The proposed use would operate 24 hours a day, 7 days a week, throughout the year. The core working hours of the site would be 0700-1900 hours Monday to Friday and 0700-1300 hours on Saturdays.
- 1.7. The asphalt production at the site would be 500,000 tonnes per annum. All aggregate for use at the plant would be imported by rail and road. The majority of aggregates such as 300,000 tonnes of granite would be imported by rail via the rail sidings which runs along the southern boundary of the site, which can take place at any time 24 hours a day and 7 days a week in order to supply roadstone materials to highway contracts, which require materials to be supplied for over-night and weekend works. The aggregates imported to the site by rail would be brought from Tarmac's rail linked Mountsorrel Quarry in Leicestershire. The proposed operation would require between 3 and 4 train deliveries per week dependant on demand with a train load of approximately 1,670 tonnes.
- 1.8. The plant would also use aggregates such as hardstone, where 165,000 tonnes per annum would be imported by road from Bayston Hill Quarry near Shrewsbury

(absence of any rail link). The hardstone would be placed in 5no. covered storage bays, which each having a capacity of 950 tonnes (total 4,750 tonnes). The deliveries of hardstone would take place in normal daytime hours between 0700 to 1900 daily. The remaining material approximately 35,000 tonnes, to be imported via road and would comprise bitumen and filler (sand/ cement) and recycled asphalt planings.

- 1.9. The output of 500,000 tonnes per annum would use tipper trucks with an average load size of 20 tonnes and generate an average of around 100 loads per day. It is anticipated that the despatch of asphalt would be divided roughly 60/40 between night-time and day-time deliveries that reflects demand for asphalt for road maintenance/ surfacing contracts at night as a means of minimising traffic disruption.

Design/ appearance

- 1.10. The asphalt plant with the associated buildings would be constructed of a bespoke steel portal framework with proposed industrial cladding system providing an architectural skin to the industrial plant/ buildings. Amended plans have been provided and the external appearance of key elevations would be cladded using “chequerboard” design approach in a grid formation of contrasting squares and include 3D projecting elements, which would be faded out into the base colour of the cladding. There would be an integrated lighting scheme proposed which would utilise a number of extruded cubes as light boxes. It is proposed the steel work for the new plant and buildings would be finished in various materials and tones of two core colours such as blue and grey, light grey/ white etc. together with company name and logo. Other ancillary buildings arranged around the site such as the offices, welfare building, control room etc. would be finished in a navy blue colour.

Rail offloading use

- 1.11. The rail sidings would be reconfigured to provide two lined sidings to allow the site to run in, be offloaded along the southern boundary of the site and includes rear of adjoining vacant site to the east of the application site. The on-site rail sidings would allow aggregates to be delivered on site. The sidings would be designed to take into consideration the main railway line and the proposed HS2 line in order to avoid any risks during offloading.

On-site traffic circulation and parking

- 1.12. The proposal would make use of existing access arrangements from Heartlands Parkway (A47). The proposal would create a 10.4 metre wide access road which would incorporate larger radii at the junction bellmouth and width increased along Heartlands Parkway in order to assist in the movement of HGVs to and from the site. Upon entering the site, all vehicles would either be directed west or east of the site. For all cars and light goods vehicles, there is dedicated car park (15 spaces) to the east adjacent to the main access for vehicles to park and exit the site. The plan shows all HGV's would be directed to the west of the site from Heartlands Parkway via two weighbridges (entry and exit) to await or load under asphalt plant or delivering imported aggregates to relevant stock bays to the southwest of the weighbridges. The site location and plant layout has been designed so that as far as reasonably possible one-way routeing is provided. There is a HGV parking facility (9 bays) to the east of the site adjacent to the proposed storage building. The overall site layout also provides capacity for further parking spaces should this be required.

Landscaping and boundary

- 1.13. The proposed development is distanced from the boundary to allow a landscape buffer adjacent to Heartlands Parkway (A47). The landscape buffer would measure approximately 300 metres wide by 10 metres in depth. There is existing vegetation to include shrubs/ trees that would be retained and enhanced through increasing the depth of landscaping buffer designed to create a green corridor and would include a mixture of trees, hedgerows, shrub and understory planting to provide visual interest and create habitats for native wildlife. It is also proposed that a linear belt of trees be planted along the sites eastern boundary with the adjoining vacant site. There is also an indicative swale shown to the northern boundary to the rear of the landscape buffer addressing SUDS requirements. A supporting statement also indicates new fencing, as well as lighting and CCTV would be proposed, but no details have been provided.

Working shift patterns

- 1.14. In terms of employment, temporary jobs would be created during the construction stage. When the facility is fully operational, it would provide 10 full-time equivalent jobs. There would also be indirect haulier jobs created from the proposed facility.
- 1.15. The applicant has accepted that this current application should be accompanied by a voluntary EIA/ Environmental Statement (ES) with appendices amongst others, including the environmental considerations of the following topics/issues:
- Townscape and Visual Impact
 - Ecology
 - Air Quality
 - Noise
 - Ecology and Nature Conservation
 - Hydrology, Hydrogeology and Flood Risk
 - Ground Condition and contamination
 - Traffic/ Transport
 - Cultural Heritage

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application is part of linear site which measures some 3.97 ha and is currently vacant former railway sidings located to the south of Heartlands Parkway (A47), north of Common Lane and north of the operational Birmingham and Nuneaton railway line. The application site is surplus to requirements for Network Rail. There are existing access arrangements from Heartlands Parkway.
- 2.2. The surrounding area is industrial and commercial in character. To the immediate south is operational Railway Line and further redundant sidings which have been acquired as part of the proposed HS2 scheme. Further south is the vacant former UK Mail Depot (acquired by HS2) and the former LDV works both, of which are also identified as the proposed location for the future development of HS2's Rolling Stock Maintenance Depot, control centre and further industrial/ commercial uses. Beyond these are some smaller industrial units and residential properties at a distance of approximately 400m on Drews Lane. To the north is the A47 Spine Road (part elevated), providing vehicular access into the site from the west-bound carriageway, the Rive Tame and an elevated section of the M6. Beyond are large industrial areas

and the closest residential properties to the north are located off Tyburn Road at an approximate distance of 450m. Majority of the application site is situated within flood zone 2 & 3. There are no statutory designated sites within 2km of the site.

- 2.3. There is an existing access to Hurricane Industrial Park that is situated on the opposite side of Spine Road (A47), which has extant approval under application ref: 2015/09232/PA for provision of new signalised junction and right turn movement from Hurricane Park in westbound direction onto Heartlands Parkway towards City Centre.

[Site Map](#)

3. Planning History

3.1. *Application site*

- 3.2. 23/11/2012 - 2012/05409/PA - Erection of an Advanced Conversion Technology & Anaerobic Digestion facility comprising of an 8MWe pyrolysis energy from waste plant & 2MWe anaerobic digestion facility plus associated visitor centre & access, parking & landscaping - Approved subject to conditions

- 3.3. 27/11/2015 - 2015/06588/PA - Erection of an Advanced Conversion Technology & Anaerobic Digestion facility comprising of a pyrolysis energy from waste plant & an anaerobic digestion facility plus associated visitor centre & access, parking & landscaping (Renewal of approval 2012/05409/PA) – Approved subject to conditions.

3.4. *Hurricane Park (Opposite side of Heartlands Parkway)*

- 3.5. 21-01-2016 – 2015/09232/PA – Alterations to the Hurricane Park access at heartlands Parkway to include provision of new signalised junction and right turn movement from Hurricane Park – Approved subject to conditions – Not implemented and no applications submitted to clear outstanding details reserved by conditions.

- 3.6. 13-05-2010 - 2003/02669/PA – Amendments to the Hurricane Park access at Heartlands Parkway – Approved subject to conditions and S.106 agreement for highway works.

4. Consultation/PP Responses

- 4.1. Site and press notice displayed. Adjoining neighbours, Resident Associations, Ward Councillors and MP consulted. One representation received on behalf of USS (Universities Superannuation Scheme), who are the owners of Hurricane Park(Heartlands Parkway). They do not object to the principle of the proposed development but raise the following concerns:

- Access/ traffic impact - Aware of planning consent granted in 2012 and renewed in 2015 for pyrolysis and anaerobic digestion facility, which has not been implemented. In 2016, USS (owners of Hurricane Park) obtained planning consent for alterations to Hurricane Park access at Heartlands Parkway to include the provision of new signalised junction and right turn movement from Hurricane Park. Confirmation is sought on whether the proposed scheme does not conflict with their approved 2016 consent.
- Additional information relating to the traffic impact, particularly in the context of planning permission granted in 2016 for a new junction.

- 4.2. Environment Agency – No objections subject to conditions:
- The development needs to be carried out in accordance with the approved Flood Risk Assessment and letter/ addendum dated 10th January 2018.
 - Details of compensatory flood storage facility.
 - Further surveys/ reports/ addendums required if any unsuspected contamination during development is found that was not previously identified.
 - No infiltration of surface water drainage into the ground

Advisory that the site may be affected by River Tame Strategy and the development should work closely with the Environment Agency to ensure that any proposals are complementary to the Tame Strategy. Developer contributions may be sought for measures to reduce flood risk.

The proposed plant would require an Environmental Permit from the Environment Agency for any activities that take place within the floodplain, main rivers, or near to flood defences.

- 4.3. Historic England – No objections.
- 4.4. Canal and River Trust – No objections.
- 4.5. Natural England – No objections.
- 4.6. Highways England – No objections.
- 4.7. Health and Safety Executive – No objections.
- 4.8. National Grid – No objections.
- 4.9. HS2 – No objections subject to a condition for the development on western part of the site (Common Lane Viaduct) not to be implemented until such time when HS2 no longer require the land.
- 4.10. Network Rail – No objections.
- 4.11. Severn Trent – No objections subject to condition requiring the disposal of foul waste and surface water flows.
- 4.12. West Midlands Police – No objections.
- 4.13. Natural England – No objections.
- 4.14. Employment & Skills Services – Awaiting comments.
- 4.15. Wayleaves and Property Department – Awaiting comments.
- 4.16. Birmingham Public Health – Awaiting comments.
- 4.17. Lead Local Flooding Authority – No objections subject to condition requiring a detailed sustainable drainage scheme and submission of drainage operation and maintenance plan.
- 4.18. Regulatory Services – No objections subject to conditions:

- Further surveys/ reports/ addendums required if any unsuspected contamination during development is found that was not previously identified.
 - Construction method statement/ management plan condition to control noise, demolition and movement of contaminated materials off site.
 - HGV's to be fitted with noise reduction reversing signals.
 - Restrict cumulative noise levels from all plant and machinery operating at the site.
 - Further commissioning noise report with agreed methodology and conclusions to achieve the required cumulative rating levels for all plant and machinery operating at the site.
- 4.19. West Midlands Fire Services – Representation made in relation to inadequate water facility within the immediate area for fire fighters and should meet guidance contained within National Guidance Document on the Provision for Fire Fighting published by Local Government Association and WaterUK. Their main concerns relates to the adequacy of the site access to allow fire fighting vehicles to enter the site and manoeuvre within it. They recommend access roads should have a minimum width of 3.7 m between kerbs, a minimum height clearance of 4.1 m and a minimum carrying capacity of 15 tonnes. Any dead end greater than 20 m in length should have an appropriate vehicle turning facility for a pump appliance.
- 4.20. Transportation Development - No objections subject to the following conditions:
- Construction method statement/ management plan;
 - Siting/ design of means of access;
 - Cycle storage;
 - Parking area laid out prior to use;
 - Entry and exit signage details;
 - Vehicular visibility splays
 - Commercial Travel Plan and affiliation to the Birmingham Connected Business Travel Network;
 - Vehicle charging points; and
 - Highway works for removal of redundant footway crossing, all associated highway works, traffic regulation orders etc.

5. Policy Context

- 5.1. Adopted Birmingham Development Plan (2017), Saved policies within Birmingham UDP (2005), Places for All SPG (2001), Loss of Industrial Land to Alternative Uses SPD (2006), Car Parking Guidelines SPD (2012), National Planning Practice Guidance (2014), NPPF (2018), National Planning Policy for Waste (2014), HS2 Safeguarding Area.

6. Planning Considerations

- 6.1. The main considerations in the determination of this application are:
- 6.2. **Need & local demand** – The applicant states that there is a need for the proposal to supply asphalt for road construction and maintenance contracts in the Birmingham area, which are currently serviced by Tarmac from their quarries at Mancetter in Warwickshire, Brayston Hill in Shropshire and Caldon Lowe in Staffordshire. The forecast based on Department for Transport Road Investment Strategy 2015-2020 and Road Investment Strategy post 2020 would increase demand for asphalt. The current supply outlets are relatively remote in terms of centres of demand in the Birmingham and West Midlands urban area. Other practical difficulty is that asphalt

needs to be kept hot until laid and the above sites are on the boundary of what can be supplied. The supporting information confirms that the proposed asphalt plant would be in close proximity to the market of demand and customer base thus reducing the haulage distance and carbon footprint for the transport of asphalt to sites.

- 6.3. **Principle of use:** The above site remains undesignated land use and is located within HS2 Safeguarding Zone within the adopted Birmingham Development Plan. The wider area to the north and south are identified within Core Employment Area and HS2 Safeguarding Zone within the Birmingham Development Plan and surrounded by established large industrial units and on a significant transport infrastructure corridor. The principle of re-development for an alternative use as Anaerobic Digestion facility on this site has already been established by the 2012 and extant 2015 consents. The application site is brownfield land that has been vacant for a number of years. The siting of the asphalt plant is sustainable and would benefit from established transport linkages such as road, including the motorway network, and rail for importing materials and the ability to serve the local catchment area where demand has been identified. There is direct access onto the A47 Spine Road and the development would be some 400m from the closest residential properties on Drews Lane. Furthermore, due to the surrounding industrial context including an elevated section of the M6, Spine Road and West Coast Mainline to the north, the site is in a location with an existing high background noise level.
- 6.4. Paragraph 6 of NPPG: Minerals in conjunction with NPPF requires planning authorities to safeguard storage, handling and transport sites to ensure they are available when needed. Much of the remainder of the document within NPPG: Minerals relates to minerals extraction so is not relevant to this application.
- 6.5. National Planning Policy for Waste (2014) states that *“when determining non-waste developments, local planning authorities should ensure that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal”*.
- 6.6. Policy TP19 states that Core Employment Areas will be retained in employment uses and that such sites are deemed suitable for B1b, B1c, B2, B8 and waste management uses. Furthermore, the policy sets out that “measures to improve the operational and functional efficiency... and attractiveness of these areas... will be supported”. The proposed use would contribute to the provision of construction materials and the management of aggregate materials in line with Policy TP16 on minerals, which recognises the need to meet the future high demand for construction materials, including sites for manufacture of coated materials in line with the growth agenda. Where practical, the proposed development would also import and make use of recycled asphalt plantings (RAP) in substitution for primary aggregates in the asphalt production process, which is encouraged by NPPF, National Planning Policy for Waste and BDP and would avoid the material being sent to landfill for disposal. The proposal also includes rail loading area to transport the majority of aggregate materials to the site, which would enable an increased and more efficient use of the site and railway sidings, which is also encouraged by national and local policy.
- 6.7. In view of all these factors, the principle to this use on this former rail siding/ freight yard site is considered acceptable subject to consultation and approval from HS2 regarding safeguarding concerns. Furthermore, no objections have been raised by Planning Growth Strategy.

- 6.8. The City Council is also committed to enhance the rail network and this includes delivery of HS2. BDP Policy TP41 supports the protection of the most recent safeguarded HS2 Areas issued by the Secretary of State for Transport, which is discussed in detail below.
- 6.9. **Impact on HS2:** The application site falls within the Safeguarding Area for Phase One of the high speed rail line between London and Birmingham. Policy TP41 of the BDP supports the protection of the most recent safeguarded HS2 Areas issued by the Secretary of State for Transport. The City Council is committed to enhance the rail network and this includes delivery of HS2. There is an existing bridge (Common Lane) from Heartlands Parkway (A47) over the Birmingham to Derby railway line which lies to the west of the application site. This bridge currently provides access to industrial units on the southern side of the existing railway line, which is earmarked for the Washwood Heath Rolling Stock Maintenance Depot, Network Control Centre and future industrial/ commercial use.
- 6.10. There have been extensive discussions with the applicant (Tarmac) and HS2 in relation to the demolition of a bridge (Common Lane) on the western part of the site. It has been agreed and HS2 have recommended that subject to imposition of a condition for a small part of the site that is situated to the southwest of the site (Common Lane viaduct), where planning consent for development is not implemented in any form until such time as HS2 no longer require the land. At the same time, HS2 and Tarmac would have the same obligation in the form of a legal agreement (not including City Council) to ensure that HS2 have control over this part of the application in the event that development did not occur and the Local Planning Authority did not enforce against the condition. As part of this agreement, there would be a further S.73 removal of condition application submitted by the applicant when this part of the site has been released by HS2 for the maintenance workshop to be erected on this part of the site. Consequently, I consider that, subject to the imposition of the above condition, the proposal would not conflict with the Government's intention to build and operate a high speed railway within the immediate area.
- 6.11. **Landscape and visual:** The Environment Statement includes a Landscape and Visual Impact Assessment (LVIA) which considers the predicted landscape and visual effects arising from the construction and operation of the asphalt plant by the identified visual receptors. The site surveys consider various viewpoints and groups including residential visual receptors, public viewpoints, place where people work and transport routes/ corridors. It identifies the major characteristics of each landscape component; their sensitivities to change and the magnitude of the change with regard to the application proposals.
- 6.12. The application site is situated on Heartlands Parkway, which is characterised by industrial and commercial development set amongst extensive landscaping area adjacent to the highway. There are high structures (range of heights of up to 27 metres for certain industrial buildings [JLR Castle Bromwich Plant] and up to 60 metres for stack [e.g. Rolls Royce gas turbine station]) which penetrate the skyline at regular intervals; including pylons, elevated M6 motorway/ Heartlands Parkway/ Bromford Gyratory, silos, chimneys/ stacks with plumes, block of flats, very large warehouses and industrial uses, with substantial height and mass. The application site is currently vacant and consists of rail sidings and disused carriages. Land also rises both due north and south of the site. The land opposite the site is Hurricane Park, but this is well screened by the elevated M6 and landscaping. The former LDV site beyond the main railway line is a currently vacant cleared site and is proposed for

the HS2 railway line and Rolling Stock and Maintenance Depot for HS2 and industrial/ commercial development. There are also leisure destinations along the A47 such as Star City, hotel and commercial/ DIY retail.

- 6.13. The proposed development once fully constructed and operational includes the main vertical asphalt plant (mixing tower) at 36.5 metres and the stack at 40 metres. It also includes individual silos at 16.2 metres, feed hoppers at 6.5 metres, aggregate storage bays at 11.5 metres and toast rack building at 24 metres (135 metres in length). There is also HGV vehicles; staff cars and associated rail train movements as well as water management attenuation pond.
- 6.14. The LVIA also includes an assessment of the impact of the development from 6 viewpoints to the site, which are a mixture of close, medium and long distance views. The long distance viewpoints are those from higher ground levels at Oval Road/ Minstead Road, Aston Church Road and Jarvis Way (Gravelly Industrial Park), which have been identified as having medium Sensitivity to landscape change. The close views are along Heartlands Parkway, Drews Lane and Coronation Road, which are identified as having a low sensitivity to landscape changes.
- 6.15. Officers consider that the development will clearly have an impact on the landscape and visual character due the size of the development, the large stack, asphalt mixing tower and the tall and wider storage bays. Concerns were raised by City Design and Landscape officers with regards to visual impact during pre-application stage and the proposal as submitted would provide significant landscape areas within the application site, including tree planting and an ecological mitigation area that would complement the site's redevelopment. This includes 300 metres by 10 metres landscape buffer with robust form of planting to include native trees and hedge along Heartlands Parkway. This should over time reduce the visual impact of the development and help assimilate the development into the overall character of the area. City Ecologist, Tree and Landscaping Officers have raised no objection to the application subject to imposition of conditions. Landscaping plan implementation together with any management would be controlled by conditions.
- 6.16. There have also been significant negotiations on the detailed design of the proposal in order to achieve the current iteration of the scheme. The proposed layout of the site is considered to be acceptable, with a large area of landscaped car parking, a sizeable service yard, footpaths for pedestrian access, separate HGV and car accesses from the industrial park service road and a large landscaping buffer to the rear of the building.
- 6.17. The original proposal has been amended as its builtform and appearance did not reflect the industrial context and the proposed use of the site. The revised design concept provides a more contemporary solution to the structure and reduces and refines the block form of the elevations to provide additional visual interest. A chequerboard design approach has been used that shows key elevations clad in grid formation of contrasting squares, which fades into colours. There are 3D elements that utilise the chequerboard pattern, extruding individual blocks outwards to vary distance/ depths to allow the flat façade to visually undulate. The colour of palette uses a combination of blue and grey tones together with company name and logo. The proposal also includes an integrated lighting scheme, which would utilise a number of extruded cubes as 'light boxes'. This would also employ different lighting levels to add interest and highlight vertical features and angles, providing shadowing and additional perceived depths. My City Design and Landscape Officer conclude that the design is appropriate to the industrial/ commercial nature of the area. The

proposed buildings through their external cladding, colour and lighting create visual interest and built form that is appropriate to its townscape setting without resulting in significant detriment to landscape character, quality or visual amenity.

- 6.18. Any details for the demolition of the bridge and any associated remedial works to the west part of the site would be resolved at a later stage, when this part of the site is no longer required by HS2. Details of the combined access to the western part of the site together with any landscaping works can also be resolved at a later stage as part of any future application for the adjoining site to the east.
- 6.19. **Impact on ecology** - The application comprises an area of bare ground (ballast), disused railway tracks and abandoned railway carriages. There is also approximately 0.5 hectares of scrub and grassland that has established naturally across the site. Phase 1 surveys as part of an Environment Statement confirms that there is no potential for bat roost sites occurring within the application site or immediate area. The survey does recognise that there is the exception for boundary vegetation which could be used as a foraging resource or commuting route for locally occurring bat species. There were also no birds recorded during the survey as the application site lacks features that could be used by birds, either breeding or foraging but does acknowledge there could be a possibility of for nesting birds within scrub or grassland areas. There would be scrub retained adjacent to shelter belt that contains a number of small trees. City Ecologist has reviewed supporting documentation set out within the Environmental Statement and is satisfied with the timing of works and concludes that this should have negligible impact on the bird breeding season from any site clearance works. As part of landscaping scheme, there would be additional planting proposed together with ecological enhancement plan, where there is commitment for inclusion of bird and bat boxes. Consequently, the proposal is subject to ecological enhancement condition which would provide an improvement for biodiversity.
- 6.20. With regards to concerns raised by City Ecologist to the tree planting area on the northern boundary being in the same location as the swale addressing SUDS requirements. The agent has clarified that the swale is shown indicatively on the surface water management plan and would be subject to imposition of conditions requiring details in relations SuDS and landscaping.
- 6.21. **Impact on residential amenity (Air Quality)** – The asphalt plant and any associated operations can give rise to aerial emissions and the assessment takes into consideration of the existing local air quality, nature and scale of potential emissions that may be generated by the activities and potential impacts on local sensitive human and ecological receptors.
- 6.22. The asphalt plant would operate in accordance with an Environmental Permit should one be granted and that, should there be any non-compliance, the Councils Regulatory Services would act in accordance with its enforcement powers conferred through the environmental permitting regime. The Environmental Permit would encompass both the roadstone coating process elements and wider activities associated with the process such as aggregate storage and handling. The emissions to air from the stack would also be a matter for the Council's Regulatory Services through the environmental permit that would ensure that the proposed plant does not compromise air quality.
- 6.23. The supporting planning statement also states that the Environmental Permit would also provide control on other emissions such as odour and fugitive dust, and provides mitigation for aspects such as open storage, bitumen handling and

operation of silos. The mitigations measures considered within the site design and layout include construction of aggregate storage bays, enclosure around the rail offloading facility, direct transfer of aggregate from the rail offloading area by conveyors to covered storage, use of dust suppression techniques etc. that would minimise fugitive dust emissions. The Environmental Permit would be subject to management, control and monitoring of emissions, dust, odour etc. In addition to the above, the applicant operates all of its plants in accordance with an approved management scheme which sets out the measures to be taken to control fugitive dust emissions potentially arising from the operation. Given the permit requirements, and absence of sensitive receptors in the immediate vicinity of the site or along the site access road, significant adverse effects are not predicted.

- 6.24. The proposed development would result in an increase in vehicle movements on the local road network and has potential to increase pollutant concentrations due to vehicle exhaust emissions. There is an extant permission at the site under application ref: 2015/06588/PA for Anaerobic Digestion facility and the distribution of traffic generated by the asphalt plant across the road network and the nature of that network is not predicted to have a significant adverse effect. Regulatory Services have also raised no objections to the emissions from the traffic likely to result from the proposal.
- 6.25. With regards to potential impact during construction works on site, there are a number of mitigations identified within the Environmental Statement and controlled through compliance with best practices, other regulations and mitigation through imposition of a Construction Method Statement/Management Plan condition given that any impact would be temporary in nature. As such, its impacts tend to be more geographically limited.
- 6.26. **Impact on residential amenity** – The noise assessment submitted as part of the Environmental Statement considers the impact of construction activity upon the closest receptors and the impact of operational sound from fixed plant and mobile plant on the closest receptors. The assessment considers the likely worst-case levels generated by operations associated with the site at the closest sensitive receptors.
- 6.27. The assessment outlines that the typical activities during the construction phase are likely to generate the highest potential for noise. These include excavation, foundations and the movement of plant and materials within the site. There are a number of mitigation measures (such as considerate operational requirements, deliveries, plant to be installed/ sited etc.) proposed as part of noise assessment submitted as part of Environmental Statement. This should all be controlled through compliance with best practices, other regulations and mitigation through imposition of a Construction Method Statement/Management Plan, which has been recommended by Regulatory Services.
- 6.28. There are currently background noise levels from the elevated M6, Heartlands Parkway (A47), railway line, from existing industrial/ commercial uses in the area, etc. The site would operate 24 hours a day and 7 days a week. The nearest residential to the proposed development are located at Drews Lane which are approximately 400 metres south east of the proposed site. A noise survey and further supporting information has been provided at the request of Regulatory Services to include noise from “dropping of materials” from the bottom discharge train wagons using the rail sidings for imported minerals, which would take place underground within the enclosed structure. The Environment Statement has provided the predicted rating levels, as a worst-case they are currently +3dB above

the background level during the night-time at the properties on Drews Lane. However, this is without consideration of any site specific mitigation measures such as the increased sound attenuation properties of the cladding or the construction of an acoustic barrier on the southern boundary of the site. It should also be noted that future HS2 development of the Rolling Stock and Maintenance Depot and other core employment uses on Drews Lane would provide a further degree of noise attenuation between the site and the nearest receptors. Regulatory Services have raised no objections subject to imposition of conditions in relation cumulative noise levels from all plant and machinery and a further commissioning noise report.

- 6.29. Regulatory Services highlighted that vehicle-reversing alarms at these sites are a potential source of noise disturbance. In response a condition is imposed for all vehicles to be fitted with “white noise” reverse signals as alternatives to standard vehicle ‘bleeping’ reversing alarms.
- 6.30. **Impact on flooding and drainage** – The application site is situated to the south of the River Tame. The majority of the application site falls within Flood Zone 2, with small parts within Flood Zone 1 (along the southern boundary) and Flood Zone 3 along the eastern boundary of the application site. Flood Zones 2 and 3 are defined as area of land with a “medium” and “high” probability of flooding. The proposed development is classified as “Less Vulnerable” development. A flood risk assessment to include flood resilience measures have been submitted that include the raising of the finished floor levels of the main office a minimum of 0.3 metres above the design flood levels. There have been extensive negotiations between the applicant and Environment Agency in relation to the increased flood risk that would occur as a result of flood plain storage. The applicant has confirmed that there are constraints on site with regards to the siting of the weighbridge and associated building within Flood Zone 3 due to site access and highway reasons. The applicant has confirmed that flood plain compensation would be able to be carried out within the site boundary and the Environment Agency have raised no objections subject to imposition of conditions to include for a detailed scheme of compensatory flood storage and development to be carried in accordance with the flood risk assessment and any addendum to include mitigation measures to ensure finished floor levels of the buildings set a minimum of 300mm above the 100 year plus climate change flood level.
- 6.31. Any surface water run-off from the proposed development would be managed through appropriate SuDS techniques. BCC as Local Lead Flooding Authority raises no objections subject to conditions requiring details for a sustainable surface water drainage scheme and its implementation, which will be duly imposed. It has therefore been demonstrated that surface water run-off from the site together with compensatory flood storage and any mitigations as outlined by flood risk assessment/ addendums will not lead to an increased risk of flooding offsite as a result of this proposal.
- 6.32. **Impact on land contamination** – Currently, the application site comprises disused rail sidings and freight carriages. The historical use of the site has been a marshalling yard for the railway and prior to this was open land. The development of the site for the railways has involved the placement of up to 2.3 metres of fill to raise the area to the current ground levels. Ground water is present within sand and gravel at approximately 2-2.5 metres below ground level. Intrusive surveys were undertaken as part of the Environmental Statement and it is concluded that there no need for any remedial measures. As such, no further investigations are required. Environment Agency and Council’s Regulatory Services have recommended the imposition of conditions to cover the eventuality that the contractors come across

unknown and unexpected contamination/ pollution sources uncovered during actual earthworks and construction stage.

- 6.33. **Impact on highway safety** – A Transport Assessment has been accompanied with the Environment Statement.

Site access

- 6.34. The application site is and would continue to be accessed via westbound direction from Heartlands Parkway (A47) and all vehicles would continue to turn left into the site and left out of the site. There would be a modification to improve access/ movement of HGV's to and from the site to incorporate larger radii at the junction bellmouth and increase its width along the southern edge of Heartlands Parkway (A47). The modifications would also amend the existing 2+ lane on Heartlands Parkway adjacent to the site access to allow HGV's to pull into the near traffic lane to turn into the site through a new access without breaching the existing restriction imposed. I note that representation has been made on behalf of the Universities Superannuation Scheme Ltd. (USS - owners of Hurricane Park, Heartlands Parkway). These are in relation to potential increase in traffic and access as they have an extant permission for alterations to the Hurricane Park access at Heartlands Parkway to include provision of a new signalised junction and right turn movement from Hurricane Park. Concerns also relate to the changes to the junction/ access as per extant permission ref: 2012/05409/PA for Anaerobic Digestion plant at the application site to ensure that vehicles can turn left onto Heartlands Parkway. An amended site layout plan has been provided upon Transportation Development's request that shows the proposed access arrangements to the site in context of what has been approved as part of 2015/09232/PA for Hurricane Park. Transportation Development are satisfied that the proposed development with its alterations to access junction modification to 2+ lane are unlikely to have an adverse impact on highway safety within the immediate vicinity of the site.

Parking

- 6.35. The use would operate 24 hours a day and 7 days a week due to the increased requirement for road maintenance projects to be undertaken at night in order to minimise disruption to motorists during daytime. The proposal would provide 24no. car parking space and create a large sizeable service yard with HGV parking for 9no. spaces within the curtilage of the site. This is considered acceptable and no objections are raised by Transportation Development subject to imposition of cycle storage condition.

Capacity/ output of the proposed plant

- 6.36. The application proposes a maximum output of 500,000 tonnes per annum. It would be prudent to impose a planning condition to limit the output to a maximum of 500,000 tonnes per annum to control the outgoing vehicles movement associated with the development.

Trip Generation and cumulative impact

- 6.37. Traffic movement would occur as a result of the importing of materials for use in the production of asphalt, the distribution of manufactured product and staff activity. Based on identified output for asphalt plant, in order to produce 500,000 tonnes per annum, it would be necessary to import 300,000 tonnes of granite via rail to the on-site rail sidings and unloaded directly to the aggregate storage bins. There would be

approximately 165,000 tonnes of gritstone sand/ aggregates and 35,000 tonnes of bitumen and filler (sand/ cement) which would be imported by road via the M6/ M54 Motorway.

- 6.38. The supporting statement also confirms that the majority of additional traffic would occur outside the peak periods and core staff operating hours at the site would occur between 0700-1900 hours, which would also occur outside the normal network peak hour periods.
- 6.39. The cumulative effect of the increased HGV numbers arising from the asphalt plant has been assessed in terms of both congestion and air quality issues and in turn any additional impact upon the amenity of residents. The assessment has compared the potential traffic movement of the development against the fall back position/ extant permission ref: 2015/06588/PA for the Anaerobic Digestion facility on entire rail sidings site. The level of change is relatively minor when compared to the extant approval and would continue to occur on strategic routes such as the Heartlands Parkway (A47), Bromford Gyratory etc. that have high traffic flows. Regulatory Services have not raised an objection and Transportation Development is of the view that the cumulative impact is not significant.
- 6.40. With regards to cumulative impact and the predicted timescale for the commencement of HS2 construction project, it is likely that the asphalt plant would be fully operational significantly before the peak levels of the HS2 construction project. Should the proposed asphalt plant supply asphalt for the HS2 construction project, the close proximity of the plant to HS2 construction project would also potentially reduce HGV mileage on the road network.

Adjoining vacant site to the east of application

- 6.41. There have been issues raised with regards to the eastern part of the rail sidings site (adjoining site) that is not owned or part of the application site. Any future planning application on adjoining site would be dependent on the nature of use, means of access, traffic generated etc. Notwithstanding the above, the applicant has confirmed that as part of any future planning application for the eastern part of the site (not in applicants control/ ownership), any road traffic associated with the development would be accessed via the proposed/ existing access arrangements from the application site. Amended plans provided shows how the access arrangement to the vacant site to the eastern part of the site would work including HGV tracking plans. It is anticipated that any future occupiers of the eastern rail sidings would likely to obtain access through the application site. The tracking plans submitted demonstrate that the anticipated access would not impact operation on the application site. These have been reviewed by Transportation Development who raises no objections to the proposal.
- 6.42. Transportation Development have reviewed supporting documents and agree with the conclusion and do not consider that the development would give rise to unacceptable traffic conditions subject to imposition of conditions to ensure the safe and functional operation of the site.
- 6.43. **Impact on setting of heritage assets and archaeology** – The Cultural Heritage chapter of the Environmental Statement highlights that the site has the potential to contain palaeoenvironmental remains along present and former courses of the River Tame. My Conservation and City Design recommend a condition requiring sampling, analysis and dating of deposits containing palaeoenvironmental data as

per mitigation measures set out within the Culture Heritage Chapter within the Environmental Statement.

- 6.44. My Conservation and City Design Officers agree with the conclusion that there that there are no designated assets (Scheduled Ancient Monuments, Listed Buildings, etc.) and no indirect impact on heritage assets within the immediate area and that the scheme will be (in part) absorbed into the wider industrial and infrastructure landscape.
- 6.45. **Other issues** – West Midlands Fire Services have made representation with regards to water supplies appearing to be inadequate and the need to meet guidance given in National Guidance Document on the Provision for Fire Fighting. This is generic guidance that co-operation between Water Companies and the Fire Service, but any localised issues would apply to all existing industrial units in the locality, and to the existing authorised use of the site. With regards to their underlying concern in relation to site access and able manoeuvre within it. The proposed development makes provision for approximately 10 metre wide access road into the site, internal traffic management system and ample manoeuvring space (without any dead ends) within the site. The internal space within the site would readily allow a fire fighting vehicle to enter and manoeuvre within the site and leave in a forward gear.
- 6.46. **Economic & Employment** - In terms of economic impact the applicant's Planning Statement states the proposed development represents an investment in excess of £8 million.
- 6.47. In terms of potential employment, the proposal would create temporary jobs during the construction phase of the development. It is anticipated that once the site is operational, there would be 10 full-time equivalent jobs created from the proposed use and indirect haulier jobs. No comments have been received from Employment & Skills Services. However, I do not consider it is reasonable to impose an employment condition due to the relevant expertise and small number of jobs proposed at the site.

7. Conclusion

- 7.1. The proposal would provide a modern state of the art facility to provide asphalt/ coated roadstone material to service a wide range of highway construction and maintenance projects in Birmingham and West Midlands. The proposed development is considered acceptable as it would provide regeneration benefits through the re-development of this brownfield site, which is surrounded by the established industrial/ storage units and core employment areas as defined by BDP. The provision of local sources of construction materials that could be used locally in regeneration projects is also recognized as a sustainable factor of the proposals. The proposed development has good links to the strategic highways, motorway and a rail link to import aggregate materials and export asphalt / road coated materials and is acceptable under highway safety and flood risk.
- 7.2. The proposed buildings/ plant through their external cladding, colour and lighting would create visual interest and result in a built form that is appropriate to its townscape setting without resulting in significant detriment to landscape character, quality or visual amenity.
- 7.3. The proposed development subject to imposition of a planning condition and any subsequent separate legal agreement between the applicant and HS2 Ltd. would

ensure the objectives of safeguarding delivery of the new high speed railway are achieved.

7.4. I am satisfied that the proposed development will be acceptable in terms of the impact on the amenity the nearest sensitive receptors. There will be limited impact upon amenity due to strict environmental legislative controls. Issues of dust, odour and emissions would be mitigated through the Environmental Permitting Regulations.

7.5. The proposal is in accordance with relevant policy and guidance as set out above and planning permission should be granted subject to conditions.

8. Recommendation

8.1. Approved subject to conditions.

1	Requires the prior submission of Palaeoenvironmental/Dendrochronological Archaeological Work
2	Requires the scheme to be in accordance with the environmental statement
3	Requires the prior submission of a construction method statement/management plan
4	Restricts 500,000 tonnes of asphalt per annually.
5	Requires further remediation strategy if unidentified contamination is found to be present at the site during development
6	Requires the prior submission of a contaminated land verification report
7	Requires the prior submission of a sustainable drainage scheme
8	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
9	Requires the scheme to be implemented in accordance with the approved flood risk assessment and letter/ addendum.
10	Requires the prior submission of compensatory flood storage
11	Prevents infiltration of surface water drainage into the ground.
12	Limits the noise levels for Plant and Machinery
13	Requires commissioning noise report details prior to occupation.
14	Requires the fitting of noise reduction signals on HGV's accessing the site.
15	Prevents storage except in authorised area
16	Requires the scheme to be in accordance with the approved landscape details
17	Requires the submission of hard surfacing materials prior to occupation

-
- 18 Requires the submission of boundary treatment details prior to occupation
 - 19 Requires the prior submission of a landscape management plan
 - 20 Requires the prior submission of level details
 - 21 Requires the prior submission of sample materials
 - 22 Requires the implementation of the submitted mitigation/enhancement plan
 - 23 Requires the prior submission of a lighting scheme
 - 24 Requires the scheme to be in accordance with the listed approved plans
 - 25 Prevent any development on western part of the site.
 - 26 Requires the parking area to be laid out prior to use
 - 27 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 28 Requires the provision of a vehicle charging point
 - 29 Requires the submission of cycle storage details prior to occupation
 - 30 Requires the prior installation of means of access
 - 31 Requires the submission of entry and exit sign details prior to occupation
 - 32 Requires the prior approval of the siting/design of the access
 - 33 Requires submission of a commercial travel plan prior to occupation
 - 34 Requires the applicants to affiliate to the Birmingham Connected Business Travel Network.
 - 35 Implement within 3 years (Full)
-

Case Officer: Mohammed Akram

Photo(s)



Figure 1: Application site (view from Common Lane viaduct)



Figure 2: View from Common Lane Viaduct

Location Plan



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Committee Date:	27/09/2018	Application Number:	2018/04301/PA
Accepted:	29/05/2018	Application Type:	Full Planning
Target Date:	28/08/2018		
Ward:	Sparkbrook & Balsall Heath East		

Land off Battery Way, Tyseley, Birmingham, B11 3DA

Construction of a single industrial unit for Use Classes B2/B8 (General Industrial/Storage & Distribution) use, with ancillary Use Class B1 (Office) use and associated infrastructure

Applicant:	A & J Mucklow (Halesowen) Ltd c/o Agent
Agent:	Define Planning Design Ltd Unit 6, 133-137 Newhall Street, Birmingham, B3 1SF

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This planning application relates to Phase 1 of the industrial redevelopment of the site for the proposed erection of a two storey industrial unit for use within classes B2 and B8 use with ancillary B1 offices and associated infrastructure on land at Battery Way, Tyseley. This application is made in connection with another application under reference 2018/05863/PA for two industrial units as Phase II and forms part of the main agenda for consideration.
- 1.2. The proposal comprises the creation of 4943 sqm of B2/B8 (General industrial Storage & distribution) and 478 sqm of B1 (ancillary office) and with a total floor area of 5421sqm of new commercial floor space.
- 1.3. The whole proposed building would measure approximately 85m wide x 69m deep x 13.75m high. The building would be constructed of a typical steel portal frame with insulated composite cladding panels alongside metal profiled cladding panels and composite roof cladding panels to achieve a large span weather tight unit. The roof profile will have a shallow pitched appearance.
- 1.4. The materials would be cladding panels for the roof and walls with a mixture of textures with a horizontal and vertical appearance to break up the bulk of the building.
- 1.5. The roof will be finished in Goosewing Grey (RAL 7038). The walls will be a mixture of Merlin Grey (RAL 180 4005), Hamlet (RAL 9002) and Alaska Grey (RAL 7000). Personnel doors and feature eaves detailing in Sargasso Blue (RAL 5003).
- 1.6. As part of the larger building an office unit will be attached to the side of the main unit which is made up the main dimensions as noted above. This unit will be 10.5m wide x 28m deep x 10m high. This will be composed of cladded panels and double

glazed window units and finished with a flat roof. The building will be finished in a contrast White (RAL 9003).

- 1.7. The western elevation of the unit would include a canopy above a number of loading bays and HGV parking for deliveries and dispatch. Beyond this would be the HGV parking and service yard which proposes 6 HGV parking bays and a turning circle. Dedicated access would be created from the established service road of the industrial estate.
- 1.8. A car parking area is proposed to the north and east frontages of the proposed unit which would accommodate 80 cars, including the provision of 4 disabled car parking spaces. The separate access to the HGV access would be provided off the service road of the industrial estate into the service yard. The entrance area/frontage and new service road, would be subject to landscaping with planted areas around the perimeter of the building and this will enhance the proposed tree planning along Battery Way.
- 1.9. Additionally, a proposed cycle store to accommodate 14 bicycles and space for 10 motorcycles would also be provided. Dedicated pedestrian routes/access would be incorporated into the areas of car parking and hard standing to navigate to the building.
- 1.10. The proposed development is distanced from the boundary to allow the introduction of a meaningful landscape buffer facing Battery Way. The landscape buffer would comprise a mixture of tree and shrub species which would seek to provide visual interest and create habitats for native wildlife in order to provide a visual link to the adjacent SLINC on the Western boundary. This landscape buffer also provides an opportunity to improve the present spoil pile which will be removed along the Western boundary with the Burbury Brickworks Wildlife site.
- 1.11. The application is supported by the following documentation: Design and Access Statement; Planning Statement; Landscape Design Statement; Flood Risk Assessment (amended) ; Noise Impact Assessment (amended; Air Quality Assessment; Transport Statement; Phase I Geo-Environmental Assessment and Energy Statement.
- 1.12. An Environmental Impact Assessment (EIA) screening opinion was issued by the Local Planning Authority concluding that the development proposed does not require an Environmental Impact Assessment.
- 1.13. The building proposed as part of Phase I is designed to address the potential for carbon saving and the use of renewable energy relevant to seek BREEAM Standard of 'Very Good'. Measures include improvements to the building construction materials to achieve higher standards for Building Regulations, water saving systems and energy efficient lighting. An Electric Vehicle charging point can be sought via conditions to ensure provision is provided in accordance with the Birmingham Plan.
- 1.14. This application is offered with a Unilateral Undertaking (legal agreement) to pay £150,000.00 connected to the construction of Battery Way and forms a replacement to the original legal agreement under reference 2013/04953/PA.
- 1.15. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site measures some 2.13 hectares, forming part of a larger site which is a long established industrial site. The former buildings on the whole site were demolished some time ago.
- 2.2. The application site is largely comprised of tarmac/concrete hard standing with some vegetation and self-set planting present around the periphery of the site .
- 2.3. The western boundary of the site is shared with the brickworks Wildlife Site which forms part of the River Cole route and directly north is the new Battery Way extension route. Due South of the site is Phase II of the scheme which forms part of application 2018/ 5863/PA for two larger buildings separated into smaller units which is also currently under consideration.
- 2.4. The site is largely level with some of the original concrete pad of the former buildings in situ which results in levels changes of between 122m and 124 m above Ordnance Datum (AOD). Towards the Western Boundary is a spoil pile which forms the boundary with the Brickworks Wildlife site. This is where levels fall towards the River Cole.
- 2.5. The application site is designated as Core Employment Area under policy TP19 of Birmingham Development Plan.

2.6 Site Location

3. Planning History

- 3.1 09.08.2007 - 2007/02828/PA Outline Application for B1 (light Industrial) B2 General industrial and B8 (Storage and Distribution) on former Yuasa Site. Granted
- 3.2 12.08.2010 - 2010/03120/PA Outline application to replace 2007/0282/PA to extend time period for implementation. Granted
- 3.3 08.10.2013 – 2013/04953/PA Outline application to replace 2010/03120/PA to extend period for implementation. Granted
- 3.4 2018 /05863/PA – Full application for the construction of B2 General industrial and B8 (Storage and Distribution) Phase II - Under Consideration.
- 3.5 Related Applications
- 3.6 28.09.2017 – 2015/02506/PA Creation of link road between Battery Way, Reddings Lane and Olton Boulevard West to amend the site boundary and minor alignment to the road. Granted
- 3.7 2018/03809/PA – Application for the removal on condition 2 attached to 2015/02506/PA relating to a new acoustic fence – Under Consideration.

4. Consultation/PP Responses

- 4.1. **Transportation Development** – no objection in principle. 80 car parking spaces are provided at maximum provision with 14 cycle space and 10 motorcycle spaces. Servicing and loading facilities are considered to be adequate for the likely operational needs of the site with satisfactory manoeuvring and circulation spaces.

- 4.2. **Regulatory Services** – The technical documents submitted for this single unit (1) refer to a wider scheme (where assessments relate to cumulative transportation impacts, noise and air quality issues etc.). I am therefore unsure how to comment specifically on this one isolated unit when documents refer to a wider scheme. Further comments are pending given additional information provided along with supporting information relating to the first two phases.
- 4.3. **Environment Agency** – No Objections.
- 4.4. **Local Lead Flood Authority** – This application is for construction of a single industrial unit, however the FRA provided is for construction of five units. Limited information has been provided with regard to the proposed phasing of the development, with the red line boundary shown in the FRA comprises Unit 1 only. Confirmation of the extent of the proposed application is required. As previously noted, a proposed drainage layout plan has been provided showing the site wide network however, this application is for a single unit. As such, further evidence is required to demonstrate the proposed drainage layout for this phase and such a solution is deliverable within the redline boundary of this planning application. Further to this, no manhole schedules or invert/cover level data has been provided to accompany the proposed drainage layout to enable review of calculations. A plan showing the existing exceedance flow routes and the proposed exceedance flow routes is required. Consideration should be given to the O&M of all proposed surface water features, including proposed arrangements to ensure the longevity of the proposed SuDS features for the lifetime of the development. No further comments are provided and extra supporting information relating to the individual units conditions are recommended to ensure satisfactory drainage details are finalised and approved.
- 4.5. **Severn Trent** – No objections.
- 4.6. **Fire Service** - Water supplies for firefighting should be in accordance with National Guidance Document on the Provision for Fire Fighting would be required for approval under part b of Building Regulations.
- 4.7. **West Midlands Police** – No objections.
- 4.8. Site and press notices displayed.
- 4.9. Roger Godsiff MP, Ward Members and Tyseley and Sparkhill North neighbourhood Forum and 152 local neighbours notified - No representations received.
5. Policy Context
- 5.1. National Planning Policy Framework (2018); Birmingham Development Plan (2017); Birmingham Unitary Development Plan Saved Policies (2005); Car Parking Guidelines SPD (2012); Places for All SPG (2001).
6. Planning Considerations
- 6.1. **Planning Policy** – The relevant planning policies are largely contained within the Birmingham Development Plan and predominantly relate to the site's role as employment land and its allocation as a Core Employment Area (TP19); and the protection of employment land (TP20). Other key considerations relate to the

proposals impact on highway safety and traffic congestion (TP44) and the achievement of objectives in respect of sustainable development (TP1-TP8).

- 6.2. The National Planning Policy Framework states that 'the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'.
- 6.3. **Principle of Development** - The application site is located within a Core Employment Area, as designated by Policy TP19 of the Birmingham Development Plan. This policy sets out that "Core Employment Areas will be retained in employment use and will be the focus for economic regeneration activities and additional development opportunities likely to come forward". Furthermore, the policy sets out that "measures to improve the operational and functional efficiency... and attractiveness of these areas... will be supported". The proposals seek to deliver a modern and attractive industrial unit, as part of a wider area regeneration of the former battery site along with Battery Way extension which will bring back this former employment site into new employment uses fit for the 21st Century.
- 6.4. Policy TP17 relates to the portfolio of employment land and premises, stating that provision would be made for a portfolio of "readily available" land, with 31 hectares of good quality sites requires for locally based investment, likely to exceed 0.4 hectares in size. The application site is identified as good quality employment land and consequently I consider that the proposals would address the needs identified in this policy.
- 6.5. Policy TP20 relates to the protection of employment land identifying that employment land and premises are a valuable resource to the economy and should be protected where they contribute to the portfolio of employment land and are required to meet longer term employment land requirements.
- 6.6. Policy TP44 relates to road improvement specifically targeting traffic congestion and road safety and the Battery Way project is identified as one of these improvement projects.
- 6.7. The application proposals are closely connected with the City's road improvement project in conjunction with investment by the site owner. Rising demand for good quality employment sites has resulted in Phase I of the scheme being let. Phase II (is under consideration) forms the next but speculative part proposed development which is coming forward. The proposal is considered to comply with the relevant planning policies and is considered to be acceptable in principle.
- 6.8. **Impact on Highway Safety** – Battery Way extension runs along the Northern boundary of the site and links the A41 Warwick Road to the North to Reddings Lane in the South and is identified in Policy TP44 as a road improvement scheme in the City. The site is within an area well provided by public transport and walking distance of 3 train stations (Tyseley, Spring Road and Hall Green) which connect the suburbs, Shirley and Solihull to the City. Battery Way is a project, identified in the Birmingham Plan, that the Council has supported as an important link to help create improved connectivity in the area and provide improvements to the local residential areas by helping reduce traffic flows. The application proposals in Phase I comprise the creation of a large area of car parking and a service yard with HGV parking. The site would be accessed from the existing service road within the industrial park.

- 6.9. A Transport Statement has been submitted in support of the application proposals which assessed the proposals against existing and previous conditions experienced at the site. Transportation have raised no objections in principle to the new unit and consider the parking provision would be adequate to service the new unit.
- 6.10. Transportation and Development encourage cycle parking provision, advising that the proposed cycle store is sufficient given the space allocated. There is requirement to accommodate provision of suitable 'destination' facilities within the building. It is recommended that a condition to secure improved facilities be attached to any grant of planning permission. Given the accessibility of the site by cycling, I consider that such a condition is reasonable and necessary.
- 6.11. Transportation Development recommend a number of conditions to ensure the safe and functional operation of the site. On this basis, I would consider it beneficial that such conditions were attached to any grant of planning permission
- 6.12. **Contamination** – This first Phase and Phase II are both located on the most contaminated part of the site. Historically this area was utilised as a tip for various contaminants. Given the level of contamination on the site the Environment Agency are involved with permits for the capping and protection of the site from further disturbance. Given the potential for contaminants to escape the Environment Agency have secured the permit with the developer to ensure the land remains capped to reduce any possibility for any contaminants to escape. Regulatory Services have raise no issues with the contamination reports provided in this instance.
- 6.13. **Design and Layout** – The application is accompanied with a design and access statement which details the design approach of this site and the remaining phases on the site. This is complimented with a materials/samples specification.
- 6.14. The proposed building is of typical industrial design, with a steel portal frame and varied cladding system with coordinating colour scheme and feature highlights amounting to a large floor space consistent with the requirements for industrial space/ warehousing and distribution. The application proposals also incorporate a smaller area of office space, amounting to approximately 498m². This element would be subject to double height with glazed panels and would form the principle entrance to the building for visitors and staff and would also front onto the extended Battery Way. This element adds visual interest and would improve the appearance in respect of the role of the site as a large warehouse.
- 6.15. The proposed layout of the site is considered to be acceptable, with a large area of landscaped car parking, nearest to the office with footpaths for pedestrian access. Separate HGV and car access is made from the industrial park service road and a landscaping buffer around the building (excluded where it meets Phase II). The proposed floor space of the building would be less than that which was demolished and accordingly, I am of the view that the proposed site layout is a considerable improvement on the previous composition of the site given the site has been vacant for some considerable time.
- 6.16. The scale and mass of the building is considered to be comparable with what was on site. I consider that the proposed height is appropriate in the context of the use. The design and layout provides a functional industrial warehousing space that can accommodate emerging occupier requirements, including suitable loading bays.

- 6.17. I consider that the proposed building would have an acceptable impact on visual amenity and would be a considerable improvement on the current appearance of the site, which comprises a derelict large area of hard standing punctuated with rough self-set areas of planting and spoil piles.
- 6.18. **Noise** – This is an employment area and the proposals seek to create the first phase of this redeveloped site. This application has been supported with a detailed noise survey and mitigation details. The noise survey has been produced to assess the impacts of the wider scheme rather than just one individual unit and therefore the applicant has sought to provide more localised information for each unit for assessment. Comments are still awaited from Regulatory Services to these more localised assessments. However it is important to note that the mitigation identified include individual 1.5m high acoustic barriers along each loading bay for screen noise from any operations, a further acoustic barrier provided on the southern side of the site adjacent to unit 2 (see application 2018/05863/PA). Maintenance of all surfaces with loading bays and reversing alarm that is background noise adjusted using broadband warnings and the control of fixed plant noise. The houses nearest to the development are located in Forman's Road and Weston Lane. The nearest houses to the site will be located over 141m away. Subject to further satisfactory comments from Regulatory Services I am satisfied that conditions will effectively control and mitigate for any potential noise from the site as identified in the noise report.
- 6.19. **Landscape** – The proposals incorporate the provision of landscape areas around the site. The focus will be towards completing a planting area at the entrance and around the periphery of the building to help soften the appearance of the development. The landscape officer considers that the proposed landscape typology would be informed and compliment the adjacent Brickworks Wildlife site. It is important to note that this part of the whole site is the most contaminated and the remediation proposed is in line with advice from, and a separate permit from the Environment Agency who, have sought to ensure that contaminants are capped within the locality and landscaping opportunities would be restricted around the peripheral zones to under 15% of the whole site where top soil can be imported to provide meaningful planting areas/zones.
- 6.20. The Council's Landscape Officer has no objections to the landscaping plans and recommends conditions to ensure the landscaping is maintained and that it continues to positively link to the tree lined boulevard of Battery Way and the wider site. On this basis, I would consider it beneficial that such conditions were attached to any grant of planning permission, to ensure the retention of the boundary treatments and planted areas. The hard and soft landscaping and landscape management plan would improve the visual appearance and attractiveness of the site especially adjacent to the Brickworks Wildlife site.
- 6.21. **Drainage** – As previously noted the site is contaminated and the landfill would be capped to provide the opportunity to develop the site it is therefore concluded that the hard standing currently discharges at an unrestricted rate to the public sewers. The ground conditions have been identified as not considered suitable to allow runoff to SuD's or discharge direct to ground via infiltration features and therefore the application proposals would continue to use the existing connection to the onsite sewer, however the runoff from the development would be attenuated via the use of underground tanks. The Local Lead Flood Authority has not provide further comments and therefore suitable detailed drainage conditions are recommended to ensure no interference with the landfill area.

- 6.22. **Ecology** – The Councils Ecologist has no objections to the revised/detailed landscaping proposal. The scheme is considered to have a beneficial impacts on the current and wider ecological benefits for the area, softening the edge to the Wildlife and local environs. The amended lighting scheme, adjacent Brickworks site, now evidences a reduced quantity of lighting columns and individual cowls on the light fittings which will help direct light spillage into the adjacent site and a reduction in the Lux levels will also help minimise any potential adverse impacts to foraging bats in the adjacent Wildlife site and site boundary.
- 6.23. Overall, I consider that the application proposals would amount to a significant improvement in the landscape, ecology and drainage of the site as it currently operates and would achieve wider benefits for the immediately surrounding area.
- 6.24. **Impact on Residential Amenity** – The application site is located within an established employment site which comprised of a number of units. The site has been vacant for some time pending comprehensive redevelopment as proposed as part of the master plan. This application represents the first phase of the site as part of redevelopment off the new Battery Way route which will have its own dedicated access. The nearest residential properties to the site are located in Weston Lane and Forman's Road. the nearest properties in Weston Lane are located at over 131m to the office building and 141m to the warehouse/industrial building and the nearest properties in Forman's Road are located at 150m away. In both instances this is from the rear façade rather than the front facades. Properties further to the west of the site are separated by the brickworks Wildlife Site and consequently, I do not consider that the proposals would have a greater impact on the residential amenity of the site than that which was experienced previously. Furthermore, the introduction of the landscape buffer and the associated new road tree planting would help ensure that satisfactory amenity levels are maintained and would improve the current outlook. The delivery of a contemporary purpose built warehousing and office building would be an improvement over the appearance of the derelict site and would help to achieve wider benefits to the area and the local economy.
- 6.25. Regulatory Services has been re- consulted on the revised acoustic details of the application proposals and subject to them raising no further objections to Phase 1 for the contamination and noise mitigation measure suggested in the noise report that conditions be imposed to secure to secure maximum noise levels. I concur that subject to no adverse observations that such conditions would be reasonable and necessary in this instance.
- 6.26. Subject to conditions and the provision of the completed Unilateral Undertaking for the payment of £150,000.00 I consider that the application proposals would be acceptable in terms of their impact on residential amenity.

7. Conclusion

- 7.1. The application proposals seek to secure consent for the erection of a large industrial unit in B2/B8 warehousing use with ancillary B1 offices alongside car parking, service yard, landscaping and drainage features. The proposals are considered to be in accordance with adopted planning policy and are considered to be a significant improvement over this vacant site. It will bring this employment area back into use into what was once an employment area with the new link road opening up the access to these new facilities. The proposals raise no concerns with regards to visual amenity, residential amenity or highway safety. Conditions are recommended to ensure that the proposed scheme delivers the optimum potential of

the site. For the reasons set out above, I recommend that the application be approved subject to conditions.

8. Recommendation

- 8.1. That consideration of application no. 2018/04301/PA is deferred pending the completion of a Unilateral Undertaking under S.106 of the Town and Country Planning Act (1990) to secure the following:
- a) The payment of £150,000 toward the provision of highways works for the Battery Way Highways Improvement Works
- 8.2 That the City Solicitor be authorised to prepare, seal and complete the appropriate agreement.
- 8.3 That in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority, on or before 28th September, 2018, planning permission be refused for the following reasons:
- i) In the absence of any suitable planning obligation to secure a financial contribution for a package of measures for highway works to include physical measures, the proposed development conflicts with Policy PG3 and TP44 of the Birmingham Development Plan (2017) and National Planning Policy Framework.
- 8.4. That in the event of the above obligation being completed to the satisfaction of the Local Planning Authority on or before 28th September, 2018, favourable consideration be given to the application subject to the conditions listed below.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires sample materials |
| 3 | Requires of hard and/or soft landscape details in accordance with |
| 4 | Requires submission of a landscape management plan |
| 5 | Requires the submission of contamination remediation monitoring in accordance with the agreed plan |
| 6 | Requires the prior submission of unexpected contamination details if found on a phased basis |
| 7 | Requires the prior submission of a drainage scheme |
| 8 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 9 | Requires the prior submission of a habitat/nature conservation management plan |
| 10 | Limits the noise levels for Plant and Machinery |
-

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- 11 Requires the prior submission of a lighting scheme
 - 12 Requires the prior submission of a construction method statement/management plan
 - 13 Requires the prior approval of details to prevent mud on the highway
 - 14 Requires the prior installation of means of access
 - 15 Prevents occupation until the turning and parking area has been constructed
 - 16 Requires the prior submission of a commercial travel plan
 - 17 Requires the delivery and service area prior to occupation
 - 18 Requires the prior submission of cycle storage details
 - 19 Requires the provision of a vehicle charging point
 - 20 Implement within 3 years (Full)
-

Case Officer: Sarah Willetts

Photo(s)

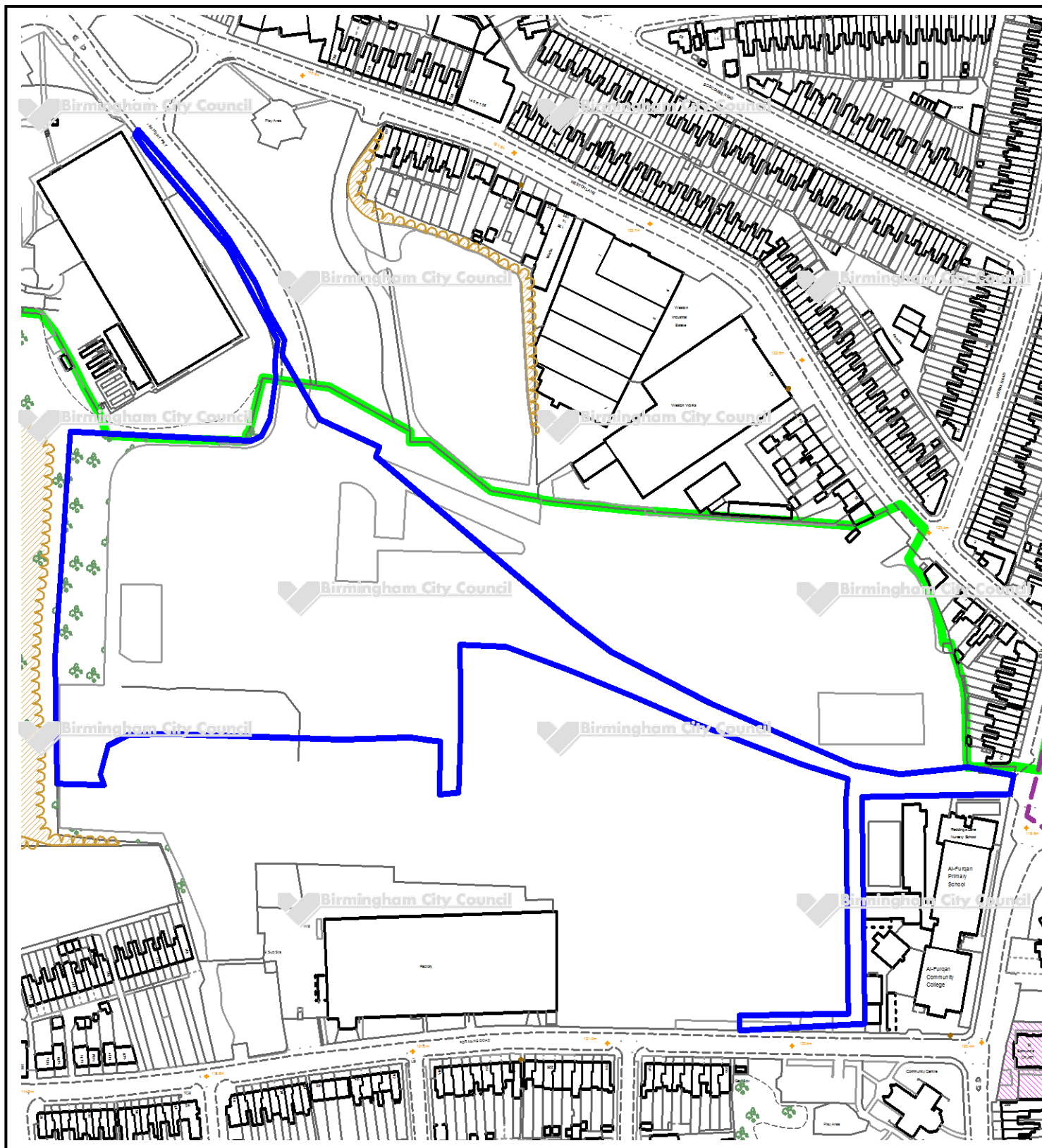


View into site from Weston Lane



Formans road site to rear

Location Plan



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Committee Date:	27/09/2018	Application Number:	2018/05863/PA
Accepted:	17/07/2018	Application Type:	Full Planning
Target Date:	16/10/2018		
Ward:	Hall Green North		

Land off Battery Way, Tyseley, Birmingham, B11 3DA

Construction of two industrial warehouse buildings for Use Classes B2/B8 (General Industrial/Storage & Distribution) use, with ancillary Use Class B1 (office) use and associated infrastructure

Applicant:	A & J Mucklow (Halesowen) Ltd c/o Agent
Agent:	Define Planning & Design Ltd Unit 6, 133-137 Newhall Street, Birmingham, B3 1SF

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1 This planning application relates to 1.84 ha of land as part of Phase II of the industrial redevelopment of the site for the proposed erection of a two storey industrial units for use within classes B2 and B8 with ancillary B1 offices and associated infrastructure on land at Battery Way, Tyseley. This application is made in conjunction with 2018/04301/PA for the construction of an industrial unit for B2/B8 and ancillary office use under Phase I being considered in this agenda.
- 1.2 The proposal comprises the creation of 6232 sqm of B2/B8 (General industrial Storage & distribution). The two larger proposed buildings would be separated into two units facing each other which are then subdivided into a total of seven individual smaller units which range between 480sqm and 1321sqm, along with 924sqm of ancillary office accommodation.
- 1.3 The two buildings would measure approximately 80m (units A-C) and 96m (units D-G) wide x 38m deep x 11.45m high (both). The building would be constructed of a typical steel portal frame with insulated composite cladding panels alongside metal profiled cladding panels and composite roof cladding panels to achieve large span weather tight units. The roof profile will have a shallow pitched appearance. There will be a brick base finished in Grey brickwork.
- 1.4 The cladding panels for the roof and walls will be a mixture of textures with a horizontal and vertical appearance to break up the bulk of the buildings.
- 1.5 The office accommodation will be incorporated within the envelope of the building and will reflect the width of the frontage to each unit.
- 1.6 The proposed composite materials are as follows: The roof will be finished in Goosewing Grey (RAL 7038). The walls will be a mixture of Merlin Grey (RAL 180

4005), Hamlet (RAL 9002) and Alaska Grey (RAL 7000). Moorland Green (RAL 100 60 200, Svelte Grey (RAL 080 50 20) and Olive Green (RAL 100 30 20). Personnel doors in Olive Green and feature eaves detailing in Sargasso Blue (RAL 5003).

- 1.7 These colours will be graduated to respond the site conditions especially the western elevation closest to the Brickworks wildlife Site. The north and south elevations would have a simplified elevational appearance with vertical cladding set against horizontal panels to provide some visual relief. There would be a design material consistency with the material utilised to each unit and to Phase I.
- 1.8 The two buildings would create a courtyard for these units and access to the service areas with parking areas to the south. This courtyard area would be the focus of servicing and deliveries with dedicated access created from the established service road of the industrial estate.
- 1.9 A car main parking area for these units is proposed to the south of the courtyard frontage and further parking provision is provided near the proposed units which in total would accommodate a total of 110 cars, including the provision of 10 disabled car parking spaces, 12 motorcycles and 20 cycle spaces. The access to the site is gated and would be provided off the service road of the industrial estate into the service yard.
- 1.10 Additionally, dedicated pedestrian routes/access would be incorporated into the areas of car parking and hard standing.
- 1.11 The proposed development is distanced from the boundary to allow the introduction of a meaningful landscape buffer and specialist acoustic barriers to the South. The landscape buffer would comprise a mixture of tree and shrub species which would seek to provide visual interest and create habitats for native wildlife in order to provide a visual link to the adjacent Brickworks Wildlife Site. The landscape buffer provides an opportunity to improve the present spoil pile which will be removed along the Western boundary with the Burbury Brickworks Wildlife site.
- 1.12 The application is supported by the following documentation: Design and Access Statement/Planning Statement Landscape; Flood Risk /Drainage Assessment; Noise Impact Assessment; Air Quality Assessment; Transport Statement; Phase I Geo-Environmental Assessment and Energy Statement.
- 1.13 An Environmental Impact Assessment (EIA) screening opinion was issued by the Local Planning Authority concluding that the development proposed does not require an Environmental Impact Assessment.
- 1.14 The building proposed as part of Phase II is designed to address the potential for carbon saving and the use of renewable energy relevant to seek BREEAM Standard of Very good. Measures include improvement building construction materials to achieve higher standards for Building Regulations, water saving systems and energy efficient lighting which meets our policies and guidance.
- 1.15 [Link to Documents](#)

2. Site & Surroundings

- 2.1 The application site measures some 1.84 hectares, forming part of a larger site which is a long established industrial site. The former buildings on the whole site were demolished.
- 2.2 The application site is largely comprised of tarmac/concrete hard standing with some vegetation and planting present around the periphery of the site.
- 2.3 The western boundary of the site is with the Burbury Brickworks site which forms part of the River Cole Route and due north is the new Battery Way extension route. Due North of the site is Phase I of the scheme which forms part of application 2018/04301/PA for one larger unit and ancillary offices which is also under consideration.
- 2.4 The site is largely level with some of the original concrete pad of the former buildings in situ which results in levels changes of between 122m and 124 m Above Ordnance Datum (AOD) towards the Western Boundary is a spoil pile which, as part of the site forms the boundary with the Brickworks Wildlife site. This is where levels fall towards the River Cole.
- 2.5 The application site is designated as Core Employment Area under policy TP19 of Birmingham Development Plan.
- 2.6 [Site Location](#)
3. [Planning History](#)
 - 3.1 09.08.2007 - 2007/02828/PA Outline Application for B1 (light Industrial) B2 General Industrial and B8 (Storage and Distribution) on former Yuasa Site - Granted.
 - 3.2 12.08.2010 - 2010/03120/PA Outline application to replace 2007/0282/PA to extend time period for implementation – Granted
 - 3.3 08.10.2013 – 2013/04953/PA Outline application to replace 2010/03120/PA to extend period for implementation – Granted.
 - 3.5 2018 /04301/PA – Full application for the construction of B2 General industrial and B8 (Storage and Distribution) Phase I - Under Consideration.

Related Applications

- 3.6 28.09.2017 – 2015/02506/PA Section 73 for the creation of link road between Battery Way , Reddings Lane and Olton Boulevard West to amend the site boundary and minor alignment to the road - Granted.
- 3.7 2018/03908/PA – Application for the removal on conditions 2 relating to a new acoustic fence – Under Consideration.

4. [Consultation/PP Responses](#)

- 4.1 **Transportation Development** – no objection in principle. 110 car parking spaces are provided of the maximum provision along with 20 cycle and 10 motorcycle spaces. Cycle provision/changing facilities are required to service these units. Servicing and loading facilities are considered to be adequate for rigid axle vehicles and refuse vehicles however no assessment is made for HGV turning and it is likely that the gates may create access issues to these units if this were the case. The

parking spaces provided in front of the units would be blocked by vehicles servicing the units however is likely that this will not affect the operational needs of the site.

- 4.2 **Regulatory Services** – The technical documents submitted for this single unit (Phase I) refer to a wider scheme (where assessments relate to cumulative transportation impacts, noise and air quality issues etc) scheme. Since there are other applications anticipated, I envisage any comments being provided in due course. Further comments are awaited pending additional information provided required maximum noise levels to be set to ensure amenity levels are maintained for neighbouring properties
- 4.3 **Local Lead Flood Authority** –This application is for construction of a single industrial unit, however the FRA provided is for construction of five units. Limited information has been provided with regard to the proposed phasing of the development. As previously noted, a proposed drainage layout plan has been provided showing the site wide network however, this application is for a single unit. As such, further evidence is required to demonstrate the proposed drainage layout for this phase and such a solution is deliverable within the redline boundary of this planning application. Further to this, no manhole schedules or invert/cover level data has been provided to accompany the proposed drainage layout to enable review of calculations. Consideration of the potential impact of development creep over the lifetime of the development is required. A plan showing the existing exceedance flow routes and the proposed exceedance flow routes is required. Consideration should be given to the Operation and Management (O&M) of all proposed surface water features, including proposed arrangements to ensure the longevity of the proposed SuDS features for the lifetime of the development. No further comments have been received.
- 4.4 **Severn Trent** –.No objections
- 4.5 **Fire Service** - Water supplies for firefighting should be in accordance with National Guidance Document on the Provision for Fire Fighting would be required for approval under part B of Building Regulations.
- 4.6 **West Midlands Police** – No objections
- 4.7 Site and press notices displayed.
- 4.8 Roger Godsiff MP, Ward Members and Sparkhill North/Tyseley neighbourhood Forums and 152 local neighbours notified - No representations received.

5. Policy Context

- 5.1 National Planning Policy Framework (2018); Birmingham Development Plan (2017); Birmingham Unitary Development Plan Saved Policies (2005); Car Parking Guidelines SPD (2012); Places for All SPG (2001).

6. Planning Considerations

- 6.1 **Planning Policy** – The relevant planning policies are largely contained with the Birmingham Development Plan and predominantly relate to the site's role as employment land and its allocation as a Core Employment Area (TP19); and the protection of employment land (TP20). Other key considerations relate to the

proposals impact on highway safety and traffic congestion (TP44) and the achievement of objectives in respect of sustainable development (TP1-TP8).

- 6.2 The new National Planning Policy Framework states that 'the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'.
- 6.3 **Principle of Development** - The application site is located within a Core Employment Area, as designated by Policy TP19 of the Birmingham Development Plan. This policy sets out that "Core Employment Areas will be retained in employment use and will be the focus for economic regeneration activities and additional development opportunities likely to come forward". Furthermore, the policy sets out that "measures to improve the operational and functional efficiency... and attractiveness of these areas... will be supported". The proposals seek to deliver a modern and attractive industrial unit, as part of a wider area regeneration of the former battery site along with Battery Way extension which will bring back this former employment site into new employment uses fit for the 21st century.
- 6.4 Policy TP17 relates to the portfolio of employment land and premises, stating that provision would be made for a portfolio of "readily available" land, with 31 hectares of good quality sites requires for locally based investment, likely to exceed 0.4 hectares in size. The application site is identified as good quality employment land and consequently I consider that the proposals would address the needs identified in this policy.
- 6.5 Policy TP20 relates to the protection of employment land identifying that employment land and premises are a valuable resource to the economy and should be protected where they contribute to the portfolio of employment land and are required to meet longer term employment land requirements.
- 6.6 Policy TP44 relates to road improvement specifically targeting traffic congestion and road safety and the Battery Way project is identified as one of these improvement projects.
- 6.7 The application proposals are the result of the City road improvement projects in conjunction with investment by the site owner and rising demand for good quality employment sites. For Phase II of the scheme the applicant has no confirmed end users identified, however the proposed development is considered to comply with the relevant planning policies and is considered to be acceptable in principle.
- 6.8 **Impact on Highway Safety** – Battery Way extension runs along the Northern boundary of the site and links the A41 Warwick road to the North to Reddings Lane in the South and is identified in Policy TP44 as a road improvement scheme in the City. The site is within an area well provided by public transport and walking distance of 3 trains stations (Tyseley, Spring Road and Hall Green) which connect the suburbs, Shirley and Solihull to the City. Battery Way is a project that the Council has supported as an important link to help create improved connectivity in the area and provide improvements to the local residential areas with reducing traffic flows. The application proposals in Phase II comprise the creation of a large area of car parking to the south and combined parking and a service yard in the courtyard. The site would be accessed from the existing service road within the industrial park.

- 6.9 A Transport Statement has been submitted in support of the application proposals which assessed the proposals against existing and previous conditions experienced at the site. Transportation has raised no objections in principle to the new unit and considers the parking provision is adequate to service the new unit.
- 6.10 Transportation Development encourage cycle parking provision, advising that the proposed cycle store is sufficient given the space allocated to accommodate 14 bicycles but this is without the provision of suitable 'destination' facilities within the building. It is recommended that a condition to secure improved cycle storage details be attached to any grant of planning permission. Given the accessibility of the site by cycling, I consider that such a condition is reasonable and necessary.
- 6.11 Transportation are presently concerned with the proposal sliding gates for entry into the site and further details and commentary has been provided by the agent to which Transportation will provide additional commentary to these responses. Nevertheless Transportation Development recommends further conditions to ensure the safe and functional operation of the site. On this basis, I would consider it beneficial that such conditions were attached to any grant of planning permission
- 6.12 **Design and Layout** – The application is accompanied with a design and access statement which details the design approach of this site and the remaining phases on the site. This is complimented with a materials/samples specification.
- 6.13 The proposed building is of typical industrial design, with a steel portal frame with a brick base and varied cladding system with coordinating colour scheme and feature highlights. The application proposals also incorporate a smaller area of office space, amounting to approximately this element would be integral to the units with glazed panels and would form the principle entrance to the building for visitors and staff and would also front onto the courtyard/service area. This element adds visual interest and would improve the appearance of these two larger subdivided units.
- 6.14 The proposed layout of the site is considered to be acceptable, with a large area of landscaped car parking, with footpaths for pedestrian access. The units have car access is from the industrial park service road and a landscaping buffer around the building to the west and south adjacent to the nearest dwellings in Forman's Road. I am of the view that the proposed site layout is a considerable improvement on the previous composition of the site.
- 6.15 The scale and mass of the buildings are considered to be comparable with what was on site previous Lucas battery site. I consider that the proposed heights are appropriate in the context of the use and the design and layout a functional industrial warehousing space that can accommodate any emerging occupier requirements, including loading bays.
- 6.16 I consider that the proposed buildings would have an acceptable impact on visual amenity and would be a considerable improvement on the current appearance of the site, which comprises a derelict large area of hard standing punctuated with rough self-set areas of planting and spoil piles.
- 6.17 **Noise** – This is an employment area and the proposals seek to create the second phase of this redeveloped site. This application has been supported with a detailed noise survey and mitigation details. The noise survey has been produced to assess the impacts of the wider scheme rather than just one individual unit and therefore the applicant has sought to provide more localised information for each unit for assessment. Comments are still awaited from Regulatory Services to these more

localised assessments. However it is important to note that the mitigation identified include 1.5m Acoustic barriers on the southern side of the site adjacent to unit 2 varying between 2.5m and 3m high. Maintenance of all surfaces with loading bays and reversing alarm that is background noise adjusted using broadband warnings and the control of fixed plant noise. The house nearest to the development are located in Forman's Road. The nearest houses to the site will be located over 55m away. It is noted that the adjacent chicken processing unit is in operation 24 hours with no control or noise attenuation. Subject to further satisfactory comments from Regulatory Services, I am satisfied that conditions will effectively control and mitigate for any potential noise from the site as identified in the noise report.

- 6.18 **Landscape** – The proposals incorporate the provision of landscape areas around the site. The focus will be towards completing a planting area at the entrance and around the periphery of the building to help soften the appearance of the development. The landscape officer considers that the proposed landscape typology would be informed and compliment the adjacent Brickworks Wildlife site to the west. It is important to note that this part of the site is the most contaminated and the remediation proposed is in line with advice from a separate permit from the Environment Agency who, have sought to ensure that contaminates are capped within the locality and landscaping opportunities will be restricted to the peripheral zones where top soil can be imported to provide meaningful planting areas/zones.
- 6.19 The Council's Landscape Officer has recommend conditions to ensure the landscaping is maintained and that it continues to positively link back to the tree lined boulevard of Battery Way. On this basis, I would consider it beneficial that such conditions were attached to any grant of planning permission, to ensure the retention of the boundary treatments and planted areas, hard and soft landscaping, landscape management to improve the visual appearance and attractiveness of the site especially adjacent to the Brickworks Wildlife Site.
- 6.20 **Drainage** – As previously noted the site is contaminated and the landfill would be capped to provide the opportunity to develop the site. It is therefore concluded that the hard standing currently discharges at an unrestricted rate to the public sewers. The ground conditions have been identified as not considered suitable to allow runoff to discharge direct to ground via infiltration features or SuD's and therefore the application proposals would continue to use the existing connection to the onsite sewer, however the runoff from the development would be attenuated via the use of underground tanks. The Local Lead Flood Authority has been consulted on the application proposals and subject to the further plans and details to secure a suitable drainage scheme which ensures no interference with the landfill area.
- 6.21 **Ecology** – The Council's Ecologist has no objections to the scheme to the revised/detailed landscaping proposal. In this instance, given the location of the adjacent Brickworks site it is important that any lighting scheme has cowls on the light fittings which will help to continue to direct light spillage into the adjacent Brickworks Wildlife site. A reduction in the Lux levels will also help minimise any adverse impacts to foraging bats in the adjacent Brickworks Wildlife and furthermore in this context the back of one of the buildings will face this area which will ensure the area remains undisturbed. Overall, I consider that the application proposals would amount to a significant improvement in the landscape, ecology and drainage of the site as it currently operates and would achieve wider benefits for the immediately surrounding area.
- 6.22 **Impact on Residential Amenity** – The application site is located within an established employment site which comprised of a number of units. The site has

been vacant for some time pending comprehensive redevelopment as proposed as part of the master plan. This application represents the second, and part, of the interlinked redevelopment off the new Battery Way route which will have its own dedicated access. The nearest residential properties to the site are located in Forman's Road (55m away). Consequently, I do not consider that the proposals would have a greater impact on the residential amenity of the site than that which was experienced previously. Furthermore, the introduction of the landscape buffer and the delivery of a contemporary purpose built warehousing and office building on an existing industrial site are considered to achieve wider visual benefits to the area and the local economy.

- 6.23 Regulatory Services has commented on the application proposals and further commentary is awaited with regard to the noise environment especially next to properties in Forman's Road as it is noted that the applicant is seeking 24 hour use and the acoustic fences and noise mitigations are an important consideration in this regard. It is understood that the chicken processing unit on Forman's Road runs for 24 hours per day and there is no record of any noise issues/complaints from this unit.
- 6.24 Subject to no adverse further comments from Regulatory Services, I consider that the application of suitably worded conditions to mitigate potential noise as recommended be proposed to ensure the development proposals would be acceptable in terms of its impact on residential amenity.

7. Conclusion

- 7.1 The application proposals seek to secure consent for the erection of a two large industrial units for B2/B8 use with ancillary B1 offices alongside car parking, service yard, landscaping and drainage features. The proposals are considered to be in accordance with adopted planning policy and are considered to be a significant improvement over this long vacant site. It will bring this employment area back into use with the new link road opening up the access to these new facilities. The proposals raise no concerns with regards to visual amenity, residential amenity or highway safety. Conditions are recommended to ensure that the proposed scheme delivers the optimum potential of the site. For the reasons set out above and no adverse comments received I recommend that the application be approved subject to conditions.

8. Recommendation

- 8.1 The proposal is recommended for approval subject to the imposition of the following conditions

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | landscaping details provided |
| 4 | Requires the prior submission of a landscape management plan |
| 5 | Landscape management plan |
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| 6 | Requires the prior submission of unexpected contamination details if found on a phased basis |
| 7 | Requires the prior submission of a drainage scheme |
| 8 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 9 | Requires the submission of a habitat/nature conservation management plan |
| 10 | Limits the noise levels for Plant and Machinery |
| 11 | Requires the prior submission of a lighting scheme |
| 12 | Requires the submission of a construction method statement/management plan |
| 13 | Requires the prior approval of details to prevent mud on the highway |
| 14 | Requires the prior installation of means of access |
| 15 | Prevents occupation until the turning and parking area has been constructed |
| 16 | Requires the prior submission of a commercial travel plan |
| 17 | Requires the delivery and service area prior to occupation |
| 18 | Requires the prior submission of cycle storage details |
| 19 | Requires the provision of a vehicle charging point |
| 20 | Implement within 3 years (Full) |
-

Case Officer: Sarah Willetts

Photo(s)

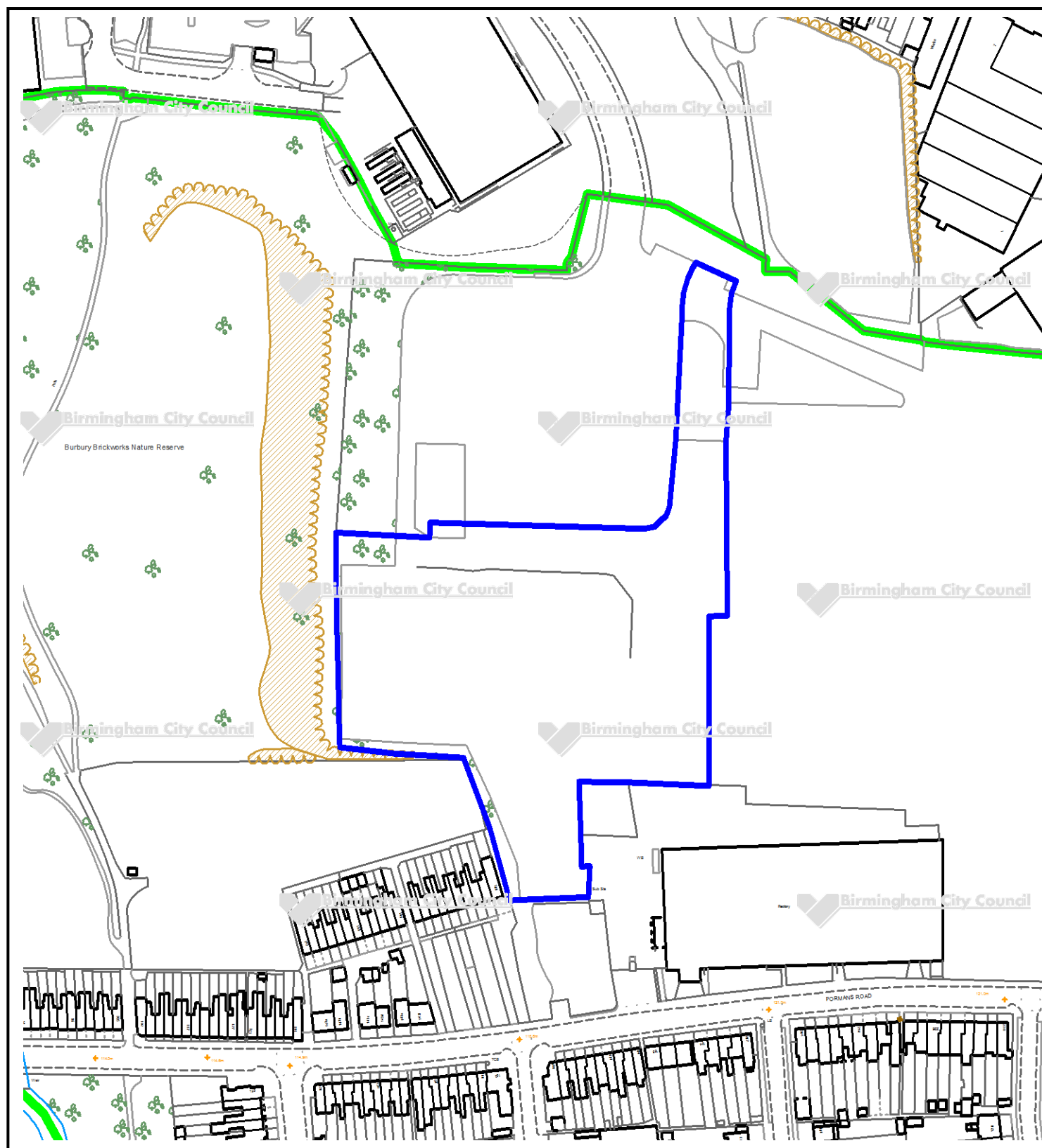


View of Chicken unit from Formans Road site to left



View of housing nearest site on Formans Road

Location Plan



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Committee Date:	27/09/2018	Application Number:	2018/03809/PA
Accepted:	15/05/2018	Application Type:	Variation of Condition
Target Date:	14/08/2018		
Ward:	Hall Green North		

Battery Way, Tyseley, Birmingham,

Removal of condition 2 (acoustic barrier details) attached to planning approval 2015/02506/PA

Applicant: Birmingham City Council
Infrastructure Delivery, 1 Lancaster Circus, Birmingham, B4 7DQ
Agent:

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application is made by Birmingham City Council Transportation Services and requests the removal of condition 2 attached to a previous approval 2015/02506/PA. This application forms part of the wider road improvement measure planned for the new link road between the A41 Warwick Road and Reddings Lane/Olton Boulevard West. It is envisaged that this important new link road will relieve traffic along Weston Lane, which is predominately residential in nature. The link road will provide access to and open up the employment site located on the south which has been vacant for a considerable period of time.
- 1.2. The original Condition 2 of application 2015/02506/PA required "No development shall take place until details (including location, length, height and appearance) of the acoustic barrier have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first use of the new link road hereby permitted and thereafter retained".
- 1.3. Condition 2 related specifically to a new acoustic barrier that extended behind the 3 houses on the junction with Battery Way and Reddings Lane (within red line of application site). This barrier was originally requested in addition to an existing wall that extends behind the properties on the junction with the new Battery Way and Reddings Lane. The originally proposed new barrier was 2m in height and would in effect sit behind the original 2m wall with a gap between.
- 1.4. This current application has been prompted by consultation/consideration with Regulatory Services as to whether there is in fact an ongoing requirement for the fence given the current wall in situ.
- 1.5. [Link to Documents](#)

2. Site and Surroundings

- 2.1. The application site forms part of Battery Way which cuts across the wider former Yuasa Battery site, which has now been cleared. To the northwest is the existing end of Battery Way as well as vehicular access to Weston Lane, which runs to the northeast and consists of a mixture of traditional terrace housing as well as long established small and medium sized industrial premises.
- 2.2. At the junction of Battery Way and Weston Way is an area of Public Open Space with a small play area. To the East is Reddings Lane and its junction with Olton Boulevard West, surrounded by a mixture of housing. To the south is the majority of the cleared Yuasa Battery Site, as well as Al Furquan Primary School and poultry processing industrial building (205 Formans Road). To the west are modern industrial buildings and the Cole Valley Park.
- 2.3. The location of the barrier is towards the Reddings Lane entrance. The shop at the end of the row of dwellings has been cleared and the wall to side and rear is in situ as clearance works have begun.
- 2.4. [Site Plan](#)

3. Planning History

- 3.1. 09/08/2007 - 2007/02828/PA. Outline planning application for industrial development with use classes B1(c) Light Industry, B2 general Industrial and B8 Storage and Distribution – Approved with conditions and unilateral agreement
- 3.2. 20/12/2007 - 2007/05636/PA. Reserved matters submission for the layout, scale and appearance for Phase 1 – Erection of 2 units for uses B1c, B2 and B8, a gatehouse and internal access road in accordance with outline consent – Approved with conditions.
- 3.3. 22/01/2008 - 2007/07006/PA. Reserved matters submission for the approval of landscaping details for Phase 1 – Approved subject to conditions.
- 3.4. 12/08/2010 - 2010/03120/PA. Application to replace extant outline consent 2007/02828/PA – Approved with conditions and unilateral agreement.
- 3.5. 08/10/2013 - 2013/04953/PA. Application for a new planning permission to replace extant planning permission 2010/03120/PA [Outline planning application for industrial development with use classes B1(c) - Light Industry, B2 - General Industrial and B8 Storage & Distribution] in order to extend the time limit for implementation – Approved with conditions and unilateral agreement.
- 3.6. Application site, wider former Yuasa Battery Site and Eaton Electric:
- 3.7. 05/09/2012 - 2011/08182/PA. Outline consent (all matters reserved except access) for a mixed use development, including demolition of all buildings and erection of class A1 food store (up to 6350 sq m), small, medium and large class A1 non - bulky retail units (up to 6500 sq. m), class A3 restaurant (up to 500 sq. m), PFS, class B1/B2/B8 industrial, distribution – approved with conditions and Section 106 Agreement.

- 3.8. 25/09/15 - 2015/02506/PA – Creation of a link Road between Battery Way and Reddings lane and Olton Boulevard West, with the formation of a signalised junction and landscaping (Demolition of 152 Reddings lane) Approved.
- 3.9. Under Consideration 2018/04301/PA – Phase I, B1/B8 Industrial Units parking and Infrastructure.
- 3.10. Under Consideration 2018/05863/PA – Phase II, B1/B8 Industrial Units parking and Infrastructure

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objections to the removal of this condition. There is an existing brick wall already in situ. Provided that the wall is made good and that there are no holes or openings, and the wall is of a similar height there is no need for the new noise barrier as proposed.
- 4.2. Site notice posted expires 26.9.18 – No comments received.

5. Policy Context

- 5.1. The Birmingham Plan; Saved Birmingham UDP 2005; Loss of Industrial Land to Alternative Uses SPD; Places for All SPG; National Planning Policy Framework 2018.

6. Planning Considerations

- 6.1. Background
- 6.2. The proposal under S73 of the Town and Country Planning Act as amended seeks the removal of condition 2 of application 2015/02506/PA. Condition 2 required “No development shall take place until details (including location, length, height and appearance) of the acoustic barrier have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first use of the new link road hereby permitted and thereafter retained”.
- 6.3. Since this period the detailed design of the road and the necessary legal agreements with the adjacent landowners have been undertaken to ensure the route can be achieved in its approved position and formal works are about to start on site.
- 6.4. This link road is two way with pedestrian routes along its course along with a robust tree planting regime. This planting will in effect create a boulevard of trees with more formal planting towards Redding Lane and a softer landscaping area, but still tree lined towards the Brickworks Nature Reserve.
- 6.5. Assessment
- 6.6. During detailed consultations and the detailed design process it has become clear that a new acoustic barrier would in fact be a redundant requirement as there is currently a new wall that runs to the side and behind the houses facing Reddings Lane (which are adjacent to the new route). This wall forms the boundary with these houses and is of a solid brick construction and the height of which is just over 2m in height.

- 6.7. Regulatory services have assessed the properties of the current wall and are satisfied that it would provide adequate noise reduction properties as effectively as the proposed fence and therefore there would be no need for an additional fence and in this instance.
- 6.8. Amenity
- 6.9. As noted Regulatory Services have confirmed that subject to the wall being repaired to ensure that there are no holes or openings the existing wall would in effect provide acoustic attenuation for these houses from any potential road/traffic noise. The Applicant/Transportation Engineers are satisfied that the refurbishment of the wall for this City Council project can be undertaken to ensure that it meets with any acoustic requirements/specifications and I concur with this view.
- 6.10. Furthermore the construction of a further acoustic fence behind the existing wall could attract rubbish being left or blown into the gap between the two features in which in itself is maintenance and potentially create an adverse visual appearance to this prominent location for this important link road entrance.
7. Conclusion
- 7.1 Given the new information as highlighted, the existence of an existing 2m wall and this project is being undertaken by Birmingham City Council it would seem of little benefit from a visual and amenity point of view to create an additional new 2m acoustic barrier just behind an existing wall. Subject to making good and ensuring there are no holes or openings in the wall the scheme is considered acceptable. The refurbished wall will sufficiently provide acoustic attenuation comparable to the proposed new fencing and this matter has been assessed and agreed with officers in Regulatory Services. Therefore for these reasons I find the removal of the condition 2 acceptable in this instance.
8. Recommendation
- 8.1 Recommend approval for the removal of condition 2 and that permission is granted without this element.

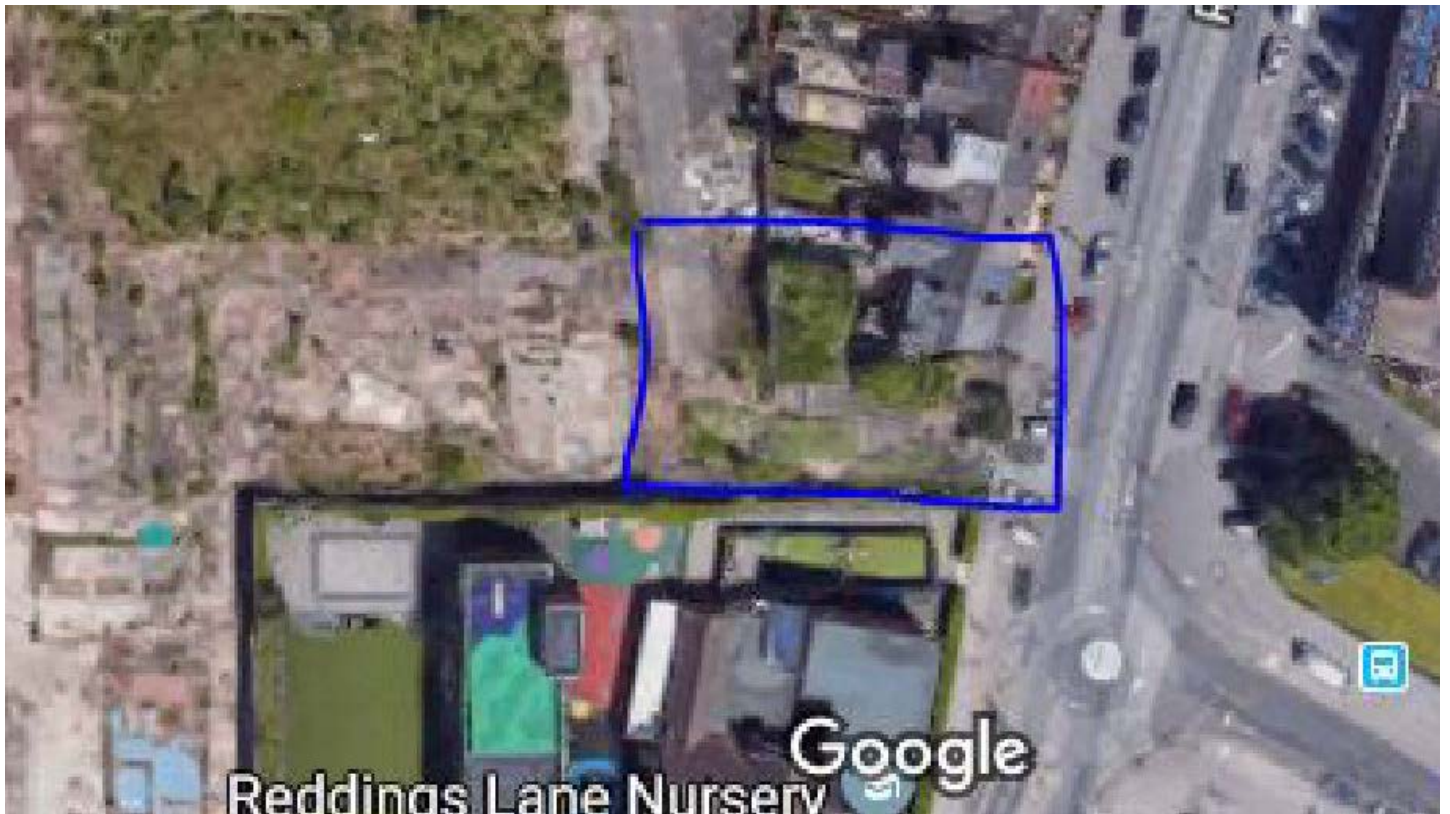
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- | | |
|---|--|
| 1 | Requires the prior submission of landscape details based on the landscape strategy |
| 2 | Requires the prior submission of a construction method statement/management plan |
| 3 | Requires the implementation of the Flood Risk Assessment |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
-

Case Officer: Sarah Willetts

Photo(s)

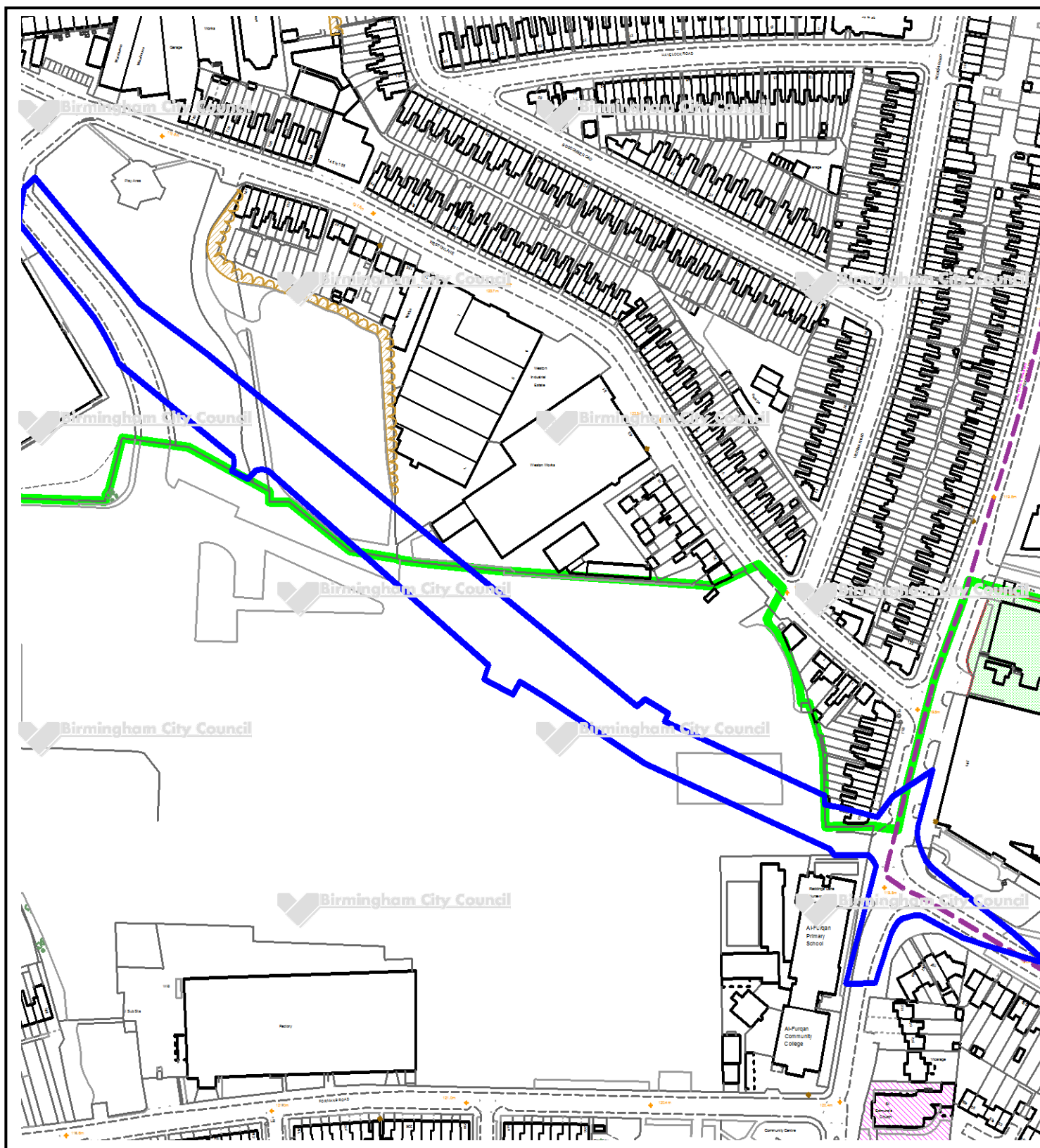


View of Wall (Old Shop removed wall made good



Aerial view of location (Source Google maps

Location Plan



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Birmingham City Council
Planning Committee 27 September 2018

Appeal Decisions Received from the Planning Inspectorate in August 2018

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Enforcement	15 Milner Road, Selly Park	Unauthorised erection of single storey rear extension. 2013/1647/ENF	Dismissed (see note 1 attached)	Enf	Written Representations
Enforcement	17 Milner Road, Selly Park	Unauthorised erection of single storey rear extension. 2017/0365/ENF	Dismissed (see note 2 attached)	Enf	Written Representations
Enforcement	29 Milner Road, Selly Park	Unauthorised erection of single storey rear extension. 2014/0495/ENF	Dismissed (see note 3 attached)	Enf	Written Representations
Householder	The Lodge, Bulls Lane, Wishaw, Sutton Coldfield	Erection of a single storey detached building to front to form granny annexe. 2018/01761/PA	Dismissed	Delegated	Written Representations
Householder	1 Britannic Gardens, Moseley	Erection of two storey side extension, demolition of existing garage and erection of single storey detached garage to front. 2018/02501/PA	Dismissed	Delegated	Written Representations
Householder	18 High Brow, Harborne	Installation of rear dormer. 2017/10378/PA	Dismissed	Delegated	Written Representations
Householder	4 Allmyn Drive, Sutton Coldfield	Erection of two storey side extension with Juliet balcony to rear. 2018/00619/PA	Dismissed	Delegated	Written Representations
Householder	18 Fernwood Road, Sutton Coldfield	Erection of hip to gable roof alterations and dormer window to rear. 2018/01455/PA	Dismissed	Delegated	Written Representations
Other	Rear of 195-197 Dudley Road, Winson Green	Change of use from existing car park to car wash (Sui Generis) with associated staff and equipment building. 2017/10104/PA	Dismissed	Delegated	Written Representations

**Birmingham City Council
Planning Committee 27 September 2018**

Appeal Decisions Received from the Planning Inspectorate in August 2018

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Other	67-69 Church Hill, Northfield	Erection of first floor extensions to include A2 Use Class. 2017/07936/PA	Allowed (see note 4 attached)	Non- determined	Written Representations

Total - 10 Decisions: 9 Dismissed (90%)

Cumulative total from 1 April 2018 - 47 Decisions: 35 Dismissed (74%), 12 Allowed

Notes relating to appeal decisions received in August 2018

Note 1: (15 Milner Road)

The Inspector varied the enforcement notice by increasing the compliance period from 8 months to 9 months.

Note 2: (17 Milner Road)

The Inspector varied the enforcement notice by increasing the compliance period from 8 months to 9 months.

Note 3: (29 Milner Road)

The Inspector varied the enforcement notice by increasing the compliance period from 8 months to 9 months.

Note 4: (67-69 Church Hill)

On 26 April 2018 Planning Committee resolved that had they been given the opportunity to determine the application, planning permission would have been granted for the development.

BIRMINGHAM CITY COUNCIL

BRIEFING NOTE FROM THE CORPORATE DIRECTOR, ECONOMY

PLANNING COMMITTEE

27 September 2018

FINANCIAL VIABILITY IN THE PLANNING PROCESS

1. Purpose of the briefing

1.1 To inform Planning Committee about the role of viability in the planning process and how Birmingham deals with it, and to note the approach to review mechanisms for Section 106's.

2. Recommendation

2.1 Planning Committee to note the content of this briefing.

3. Contact Officer

Waheed Nazir – Corporate Director of Economy

Email – waheed.nazir@birmingham.gov.uk

4. National Policy Context

In plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission

The recently published NPPF states that it is up to applicants to demonstrate whether particular circumstances justify the need for a viability assessment. The weight to be given to a viability assessment is a matter for the decision maker.

All viability assessments should be made publically available. In exceptional circumstances, viability reports can be private, but an executive summary must be submitted, which will be made public.

5. Local Policy Context

The Birmingham Development Plan (BDP) 2031 was adopted by the Council on 10th January 2017. In addition to the Development Plan, the council has produced several Supplementary Planning Guidance (SPGs) notes and Supplementary Planning Documents (SPDs). This includes an Affordable Housing SPG adopted in 2001.

The BDP sets out the affordable housing provision and other planning obligations ordinarily sought as part of development proposals. Where an applicant considers that a development proposal cannot provide these obligations in accordance with the policy, the viability of the proposal will be assessed using a viability assessment.

In relation to the Affordable Housing SPG this states that **“Should developers consider that the City Council’s affordable requirements would threaten the economic viability of a scheme, they should provide full details including costings and valuations. This information will be essential if the City Council is to reduce or waive its requirements”**

6. How Birmingham City Council approach viability

Any planning applications where applicants state that they are unable to fully meet the planning obligations set out in the BDP, must be accompanied by a financial appraisal, setting out their justification.

Lambert Smith Hampton (LSH) have been appointed by the City, for the Independent Assessment of Financial Appraisals. The costs of the appraisals are all covered by applicants. LSH have been undertaking this work since 2015. In that period, approximately £10m additional Section 106 has been negotiated for the City.

As part of LSH’s instructions they independently review each appraisal and interrogate each development input to establish what level of affordable housing or planning obligation is appropriate. LSH report back to the City setting out their conclusions and recommendations providing a view on what level of planning obligation can be supported without prejudicing the viability of the proposed scheme.

7. Headline information provided within a typical viability report

- Gross Development Value – Anticipates sales values for each unit
- Build costs
- Land value
- Abnormal costs including remediation of listed buildings or costs associated with brownfield, phased or complex sites.
- Site specific infrastructure costs – such as roads, sustainable drainage systems, green infrastructure, connection to utilities and decentralised energy.
- Total cost to all relevant policy requirements including contributions to affordable housing and infrastructure, CIL and other relevant policies or standards.
- Finance.
- Professional fees

8. How is the data assessed and challenged

LSH review and independently interrogate all the applicants adopted revenue and cost assumptions.

The majority of developments do include abnormal costs to varying extents, particularly for brownfield sites. LSH assess all abnormal costings, sales absorption rates and residential and commercial values.

An important factor to consider when undertaking any viability appraisal is the adopted benchmark land value. The adopted land value will be heavily tested and challenged as part of each viability assessment. The benchmark land value should of course represent current planning requirements which should be consistent with the property's existing use value (EUV) plus a premium to the landowner to incentivise the landowner to release the land for development

9. Affordable Housing Requirements

Birmingham's Affordable Housing Supplementary Planning Guidance states that affordable housing is sought on developments of 15 dwellings or over.

Current planning policy requires 35% of all dwellings to be delivered as affordable. Generally this is provided as: 10% low cost discounted sale and 25% split between rented affordable and shared ownership with the tenure split considered on a site by site basis.

The new NPPF widens the definition of affordable housing, to include new forms of discounted home ownership and discounted market rent. It also expects at least 10% of homes on major developments to be available for affordable home ownership. Affordable housing should be on site, unless off site provision or contribution can be robustly justified and creates a mixed balanced community.

10. Review mechanisms.

In circumstances where the City accepts reduced contributions based on current viability information, mechanisms may be put in place to allow additional contributions to be provided later in the scheme should development viability improve. This is likely to take the form of an “overage” or a “clawback” provision in the section 106 agreement.

The NPPG sets out that plans should set out circumstances where review mechanisms may be appropriate, as well as a clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development. It is considered the City should formally set out its process in a Planning Obligations and Development Viability SPD.

It is considered that reviews will only apply to developments that are delivering a large number of units, with a longer term, multi-phased delivery. It would not be appropriate to use on every scheme and that approach has been supported at appeal. It is suggested that to ensure consistency, the following criteria are used in the City;

- Large-scale schemes that are being delivered in more than one phase
- Large-scale outline schemes, where a review would be submitted with each Reserved Matter
- Schemes with longer completion periods – over 5 years

Any review would need to be carefully drafted with appropriate trigger points, over and above that which has been agreed as part of the viability process.

The mechanism put in place will usually be based on the following principles:

- Once specified number of units have been completed or a specified period of time has elapsed since the consent, the council can require a re-assessment of costs and values of the scheme.
- Any clawback will be secured as affordable housing provided on site in the first instance where this is practicable.
- The amount of clawback secured will be limited to the full policy requirement for the scheme.

11. Conclusion

The City has a robust, established mechanism for assessing the viability of development proposals. The revised NPPF continues to support our approach, emphasising the transparency of the process and circumstances for review.

Detailed guidance on development viability in relation to planning applications will be prepared in the form of a Supplementary Planning Document, which will come forward in the new year.

Viability Approach for BCC



Changes to licensing of Houses in Multiple Occupation (HMOs)
Report of the Corporate Director, Economy
Planning Committee 27 September 2018

1. Subject and Purpose of the Report

- 1.1 To provide Planning Committee with a briefing on the changes to legislation regarding the mandatory licensing of Houses in Multiple Occupation (HMOs), which will take effect from 1 October 2018.
- 1.2 The change in the law is intended to improve the standards and safety of rented accommodation. It will increase the range of measures available to local housing authorities with which to manage HMOs and tackle rogue landlords. It is a criminal offence to manage, or control, a HMO which should be licensed, and for which no application has been made.

2. Recommendation

- 2.1 That Planning Committee note the contents of this report.

3. Contact Officer

Uyen-Phan Han
Planning Policy Manager
Planning and Development
Tel: 0121 303 2765
Email: uyen-phan.han@birmingham.gov.uk

4. Background

- 4.1 The Housing Act 2004 introduced mandatory licensing for HMOs of 5 or more people in properties of 3 or more storeys sharing basic amenities. The public register of approved HMO licences currently contains around 1,700 records.
- 4.2 On 1 October 2018, Government will extend the scope of mandatory HMO licensing to HMOs by removing the storey-height limit. Therefore, properties with 5 or more people in properties of 1, 2 and 3 or more storeys will require a licence, including properties above commercial buildings (e.g. shops or restaurants). This means that single storey and two storey buildings will be included with the definition. To put this into context, for example, if a two storey house was let to five students or friends this property under the proposed changes will now need to be licensed. It is estimated that around 4,000-6,000 more properties will require licencing in Birmingham.
- 4.3 In addition, the Government has introduced regulations relating to minimum room sizes and refuse disposal and storage. Birmingham will adopt the minimum room size of 6.51m² for a

single room where there is a separate communal living room of sufficient size for the number of occupiers in the HMO. The city's current standard is 6.5m². The minimum room size for a double room in the regulations is set out 10.22m². Birmingham will continue to adopt a minimum room size of 11m² for a double room where there is a separate communal living room of sufficient size for the number of occupiers in the HMO. A report is expected to go to Cabinet later this year to adopt the new standards. If a landlord is found renting out rooms that are smaller the minimum set sizes then the Council will investigate, and the sanctions available are either an unlimited fine upon conviction or a civil penalty of up to £30,000.

- 4.4 The new rules also tighten up the 'fit and proper person test' for landlords and require that criminal record checks are carried out. It is anticipated that this will help to crackdown on rogue landlords.
- 4.5 Landlords and managers of properties affected by the change must apply for a licence from us before 1 October 2018. The Licensing Team will process valid applications as quickly as possible (normally 8 weeks) but is expected that there will be a high number of applications around the introduction date.
- 4.6 The changes in the legislation will not affect properties that are already licensed under Birmingham's HMO Licensing scheme.

5. **Implications on planning**

- 5.1 The introduction of the new licensing regime on 1 October 2018 will require more properties to be licensed and therefore increase understanding of the number and locations of HMOs in the City.
- 5.2 This will further inform the determination of planning applications for HMOs. in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne where the planning policy states that:

"Conversion of C3 family housing to HMOs will not be permitted where there is already an over concentration of HMO accommodation (C4 or Sui Generis) or where it would result in an over concentration. An over concentration would occur when 10% or more of the houses, within a 100, radius of the application site, would not be in use a single family dwelling (C3 use). The city council will resist those schemes that breach this on the basis that it would lead to an over-concentration of such uses."

- 5.3 The assessment against the 10% threshold is based on three data sources, namely HMO licencing, Council tax exemptions, and planning history. Therefore if more properties require to be licensed, the 10% threshold may be exceeded or become closer to being exceeded when the new licensing rules are introduced.
- 5.4 For example, if an application was submitted for a HMO prior to the new licensing rules, and there are 8 properties with a HMO licence within 100m of the application site and 100

properties in the radius resulting in 8% of properties being a HMO, a 1% increase as a result of the application would not entail a breach of the 10% policy.

- 5.5 If, as a result of the new licencing rules, there are now 10 properties with a HMO licence, the 10% would have already been breached, in which case the application would be contrary to the policy and likely to be recommended for refusal.
- 5.6 Mapping of the locations and numbers of HMOs in the city utilising the HMO licensing data can help to identify any other clusters or concentrations of HMOs in the city. The mapping exercise is underway on the existing HMO licences. When the new licensing applications have been processed (normally 8 weeks) and granted, they will also be mapped. It may therefore be towards the end of the year before this can be completed to allow time for the new licencing applications to be processed.