

# Birmingham City Council

Planning Committee

26 April 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>
Defer – Informal Approval	9	2017/10935/PA  Computer Centre 21 William Street City Centre Birmingham B15 1LH  Variation of Condition No. 18 of planning permission 2017/03355/PA to amend plans to allow a further 2 storeys (compromising 11 additional residential units) to provide a total of 225 no. apartments with associated access, parking and landscaping

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Committee Date:	26/04/2018	Application Number:	2017/10935/PA
Accepted:	30/01/2018	Application Type:	Variation of Condition
Target Date:	01/05/2018		
Ward:	Ladywood		

Computer Centre, 21 William Street, City Centre, Birmingham, B15 1LH

Variation of Condition No. 18 of planning permission 2017/03355/PA to amend plans to allow a further 2 storeys (compromising 11 additional residential units) to provide a total of 225 no. apartments with associated access, parking and landscaping

Applicant:	William Street Company Ltd c/o Agent
Agent:	Arcadis Cornerblock 1st Floor, 2 Cornwall Street, Birmingham, B3 2DX

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Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal

- 1.1 This application seeks consent to vary the plans schedule condition attached to planning consent 2017/03355/PA, a development also known as 'Arden Gate', by increasing the overall height of one of Block D by approximately 4m to add two additional storeys. The proposed block would therefore be 10 storeys in height, rising above the other blocks that were approved reaching 8 storeys, 7 storeys and 5 storeys. The proposals comprise an additional 11 units to the 214 apartments approved previously.
- 1.2 Of the additional 11 units, 7 would be 2 bed and 4 would be 1 bed with 6 of the additional units offering duplex accommodation over two floors. As previously approved 61% of the total number of units would provide accommodation for two or more people. The apartments would range in size from 41sqm to 84sqm meeting the national space standards. A communal amenity space measuring approximately 400sqm has been approved in addition to private gardens ranging from 27sqm to 48sqm for six of the approved ground floor apartments.
- 1.3 The approved scheme of four separate blocks each with its own independent pedestrian access are positioned around a central decked area of communal amenity space, creating a 'U-shaped' courtyard effect over looked by apartments. Amended Block D is sited next to the Nautical Club at the junction of Bishopsgate Street and Communication Row where was granted consent earlier this year for student accommodation. The adjacent development rises from 10 storeys immediately adjacent to the current application site up to a tower of 15 storeys at the corner.
- 1.4 [Link to Documents](#)
- 2 Site & Surroundings

- 2.1 The application site extends to approximately 0.54 hectares, and was previously occupied by a building that functioned as a data centre. The building was vacated in March 2014 and a separate Prior Notification application was approved last year permitting its demolition (Application reference 2017/01662/PA). Demolition works commenced last year and have now been completed.
- 2.2 William Street borders the west of the site, with modern brick built three storey maisonettes located opposite. The maisonettes continue around to the north of the site, which turns into Holliday Street. The Trident Housing Association head office is also located to the north of the site on Holliday Street. To the north lies a vacant warehouse where permission was granted last year for its demolition and redevelopment to provide two dwellings (Application reference 2016/07489/PA).
- 2.3 Communication Row to the east separates the site from the adjacent railway line and the Birmingham and Worcester Canal that lie at a significantly lower level. Bishopsgate Street runs along the southern boundary of the site linking Broad Street and Bath Row. The Nautical Club is located immediately adjacent to the site at the corner of Bishopsgate Street and Communication Row where permission was granted for 290 units of student accommodation earlier this year. Also to the south is the 'Pavilion', which also offers student accommodation and sits on the corner of Bishopsgate Street and William Street.

### 3 Planning History

- 3.1 2017/03355/PA - Residential development of 214 no. apartments with associated access, parking and landscaping. Approved 08/09/2017 (Section 106 Agreement for contribution towards off site affordable housing and open space)
- 3.2 2017/01662/PA - Application for prior notification of proposed demolition of existing building. Approved 03/04/2017

Nautical Club

- 3.3 2017/08780/PA - Erection of part 15, part 10 storey development comprising 290 units of student accommodation (Sui Generis) with associated cycle parking and communal facilities at ground floor. Approved 23/02/2018

240 Holliday Street

- 3.4 2016/07489/PA - Demolition of existing vacant warehouse and erection of 2 residential dwellings with shared garaging. Approved 01/12/2016

The Pavilion student accommodation Bishopsgate Street

- 3.5 2011/07582/PA - Erection of pavilion within the courtyard of existing building. Approved 03/01/2012

- 3.6 2007/06515/PA - Erection of student accommodation block comprising 149 one bed units and associated landscaping, car park and bin storage. Approved 05/09/2008

Land at corner of Granville Street and Holliday Street, 'Granville Lofts'

- 3.7 2015/00737/PA - Erection of a six to seven storey residential building comprising 112 units (one and two bedroom residential units) with associated basement car parking and landscaping and associated works. Approved 06/11/2015

#### 4 Consultation/PP Responses

- 4.1 BCC Transportation - No objection. Previously the following conditions were suggested:
- Implementation of approved covered bicycle/motorcycle storage spaces prior to occupation;
  - Approved parking area to be laid out prior to first use;
  - Provision of pedestrian visibility splays to access; and
  - submission and completion of works for the S278/TRO Agreement to alter the existing access on Communication Row and reinstate two redundant footway crossings on William Street.
- 4.2 Regulatory Services – As per previous comments made in response to 2017/03355/PA. Conditions to require the following:
- the submission of a contamination remediation scheme;
  - a contaminated land verification report;
  - a scheme of noise insulation to reduce the noise effects of traffic to all windows, any other glazed areas and external doors to habitable rooms facing William Street and Communication Row; and
  - the provision of a vehicle charging point.
- 4.3 Network Rail – the development may/will require use of a tower crane. Crane working diagrams, specification and method of working must be submitted for review and agreement prior to work(s) commencing on site. There is a requirement to submit directly to Network Rail, a Risk Assessment and Method Statement for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. As the proposal includes works which may impact the existing operational railway and in order to facilitate the above, a Basic Asset Protection Agreement (BAPA) would need to be agreed between the developer and Network Rail. The BAPA would be in addition to any planning consent.
- 4.4 Local Lead Flood Authority - Given this application is for approval of additional floors to the proposed building with minimal effect on the proposed drainage system, the LLFA has no further comment. Previously suggested a condition to require the submission and implementation of drainage plans for the disposal of foul and surface water.
- 4.5 Canals and Rivers Trust - On the basis of the information available our advice is that a legal agreement is necessary to provide additional lighting to the towpath. Comments are summarised below:
- 4.6 The proposal represents an increase in the size of the development on this site, and thus an increase in the number of future residents. Thus, the impact of the potential additional users of the canal towpath network would also increase as a result of the proposal. The site is in close proximity to the canal corridor, but separated from the proposed development by the railway line and Communication Row. As such, there are no physical concerns in relation to the development, however the proposed use is likely to result in an increased impact on the canal network due to the location of the access point from Bath Row onto the towpath of the Worcester and Birmingham canal. This towpath provides a convenient link to a traffic-free route and valuable recreational facility for future occupants of the development.
- 4.7 The potential increased usage of the canal towpath is likely at commuting times as well as in the evenings and at weekends for leisure purposes. The stretch of canal

towards the City Centre is currently unlit and as such does not provide an attractive option to pedestrians after dark due to its character and location within a cutting. Therefore, in order to encourage greater use of the towpath during the hours of likely demand, which include commuting times in winter months and evenings at weekends, it is requested that a contribution to provide lighting along the stretch of towpath between Bath Row and Holliday Wharf/Waterfront Walk is sought, along with a mechanism for the ownership and future maintenance thereof.

- 4.8 Leisure Services - No objections. Comments on the previous application still apply however the extra residential units and people generated by the scheme would generate an increased off site Public Open Space contribution from £374,000 to £403,000. This would be spent on the provision, improvement and/or biodiversity enhancement of public open space, and the maintenance thereof at the nearby Moonlit and Sunset Parks within the Ladywood Ward.
- 4.9 Police - The comments provided previously remain valid for this application, i.e;
- All work should be undertaken to the standards laid out in the Secured by Design 'Homes 2016' guide;
  - Recommend that a lighting plan for the site be produced, particularly for the central parking area that follows the guidelines and standards as indicated in 'Lighting Against Crime' guide;
  - Recommend that the site be the subject of CCTV coverage providing coverage of the area outside the building, external views of all exits, the car parking areas, all cycle storage areas, any publically accessible area and an internal facial view of anyone entering the premises through all of the entrances;
  - Two of the refuse areas have doors leading to the central courtyard and two leading into internal corridors of the building. Confused as to the refuse collection policy / plan;
  - Recommend that any doors, external and internal, to the bin stores be to an appropriate security standard;
  - Recommend that the four pedestrian entrances be reviewed to ensure that a secondary door is installed to prevent offenders tailgating their way into the building unseen before committing offences;
  - Recommend that video intercom access control systems be installed on all doors into the building;
  - No adverse comments to make in relation to the number of parking spaces proposed; and
  - Confirmation as to whether the vehicle access to the car park is to be gated, recommend that some form of access control be installed.
- 4.10 Education Schools Organisation Team – No comments received.
- 4.11 Birmingham City Centre Management, Birmingham Civic Society, Birmingham Public Health, Centro, Local Action Groups, Centro, Community and Neighbourhood Forums, Local Councillors, and the MP have been consulted but no replies received.
- 4.12 Neighbours have been notified and a site notice and press notice have been posted. No comments have been received.

## 5 Policy Context

- 5.1 Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), Places for All (2001), Places for Living (2001) Car Parking Guidelines SPD (2012), Public Open Space in New Residential Development SPD (2007, Affordable Housing SPG and the National Planning Policy Framework.

## 6 Planning Considerations

- 6.1 This application seeks to vary the plans schedule condition (condition 18) attached to planning consent 2017/03355/PA to allow two additional storeys of development containing 11 apartments to Block D. This would increase the total number of apartments from 214 to 225.
- 6.2 Such an application to vary a planning condition is made under section 73 of the Town and Country Planning Act 1990 and the effect, if approved, is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.
- 6.3 The National Planning Policy Guidance advises that local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission. The original consent was granted in September 2017 and there has been no change to national or local planning policy since that date.

### PRINCIPLE OF LOCATING RESIDENTIAL APARTMENTS AT THIS LOCATION

- 6.4 Policy PG1 within the Adopted Birmingham Development Plan states that the Plan aims to deliver 51,100 additional homes over the plan period, in order to cater for the City's increasing population, and it is expected that a minimum of 80% of all new homes provided over the plan period will be located on previously developed land. Policy GA1.1 of the Adopted BDP sets out the vision and strategy for development specifically within the City Centre and supports it as the focus for retail, office, residential and leisure activity within the context of the wider aspiration to provide a high quality environment and visitor experience. The application site sits within the Westside and Ladywood quarter, with Policy GA1.3 stating that the aim within this quarter is to create a vibrant mixed use area combining visitor, cultural, commercial and residential offer with a dynamic, well connected area.
- 6.5 The policy support for redeveloping this previously developed land for residential purposes was balanced against the loss of this employment site. A viability assessment was previously submitted and independently evaluated to demonstrate that it is not commercially viable to redevelop the site for employment uses. It was therefore considered that it had been demonstrated that the site is no longer attractive or viable for employment use, and as such it was considered that residential development would be acceptable in principle as it would contribute to the aims of Policies PG1, GA1.1 and GA1.3. In the light of this policy guidance the principle of an additional 11 units is acceptable whilst the proposed mix is satisfactory and the proposed sizes of the apartments would meet National Technical Housing Standards.

### PROPOSED LAYOUT, DESIGN AND APPEARANCE

- 6.6 The approved layout of the site is arranged to provide a 'U' shaped perimeter block of development with the apartments facing outwards towards the three roads that border the site. This arrangement would remain with Block A facing William Street, Block B turning the corner from William Street into Communication Row facing north, Block C again turning the corner into Communication Row facing the canal and railway line and Block D again facing Communication Row adjacent to the Nautical Club. The form of the development is broken down primarily by arranging the building into four separate blocks with independent fully glazed entrances. The break

in the roofline would be retained as would the vertical sub division of the individual blocks by way of different facing bricks and roof shapes. The minor variations to the building line would also be retained so as to provide a stepped frontage to Communication Row and to create relief and shading.

- 6.7 The proposed layout would provide a central courtyard incorporating some private gardens at ground floor and an area of communal amenity space measuring approximately 20m by 20m at first floor providing a deck above part of the parking area at ground floor.
- 6.8 As approved the blocks rise in height from 5 to 7 to 8 storeys whilst the current application seeks to increase the height of Block D from 8 to 10 storeys. The pitch of the roof to proposed Block D would also be rotated 90 degrees so that it would be parallel with the road. This would present a contrasting elevation to Communication Row that is considered would respond to the increase in scale and the step up in height towards the approved adjacent 10 storey block on the site of the former Nautical Club.

#### HIGHWAYS

- 6.9 The previously approved access to the ground floor car park would be via Communication Row. A total of 64 spaces would be retained as approved reducing the overall parking provision from 30% to 28%. Furthermore cycle parking facilities for 225 bicycles are proposed with 143 of these cycle spaces located indoors. The level of parking provision is still considered to be acceptable given the proximity of the site to the City Centre and its accessibility by non-car modes of transport.
- 6.10 Whilst a new Transport Statement (TS) has been submitted it concludes, as previously, that when compared to the previous employment there would be a potential reduction in vehicles that could be generated by the site following its redevelopment. Thus traffic arising from the development would not constitute a severe impact upon the operation of the surrounding highways network in the peak network periods.
- 6.11 Conditions regarding the implementation of the proposed cycle storage spaces, the laying out of the parking area, the provision of pedestrian visibility splays to the access and the submission of a S278/TRO Agreement have been suggested and are attached.

#### IMPACT OF NOISE ON FUTURE RESIDENTS

- 6.12 The land is in close proximity to both Bath Row (B4127) and Broad Street (A456) and there is a railway line to the east that is approximately 26 metres away at its closest point. An unattended ambient noise and vibration survey was carried out in March 2017 that identified that ambient and background noise levels were mostly governed by traffic noise. The submitted noise assessment suggests that windows would need to be closed, typically to the external elevations including to the 11 additional apartments, in order to provide the necessary protection from traffic noise. In this situation an alternative ventilation system as well as a natural ventilation option would be required, and a condition to require details of the glazing and means of alternative ventilation is attached.
- 6.13 Regulatory Services previously considered that the proposed layout and design would provide sufficient mitigation from late night noise and disturbance from the Mishar Bar which previously formed part of the soon to be demolished Nautical Club.

- 6.14 Separately, levels of vibration from the railway line were found to be significantly lower than the criteria outlined within the relevant standards, and the vibration from train movements is therefore considered not to have any adverse effect on the site.

#### ECOLOGY AND TREES

- 6.15 The approved application was submitted together with an Extended Phase 1 Habitat Survey Report and Bat Risk Assessment. The Reports identified that there was very little vegetation on site and although there were several records of notable species within the vicinity, the site offered little value to these species. Furthermore there are no designated sites immediately adjacent to the site. A condition was attached previously to secure ecological enhancements. It is considered that the current proposals would not materially affect these considerations, however since the previous approval an application has been submitted and approved to discharge the ecological enhancement condition. The agreed information shows the provision of four bird boxes.
- 6.16 The approved scheme also found the loss of 11 trees to the William Street and Holliday Street frontages to be acceptable and a condition was attached to require a replanting scheme. Since that date landscaping plans to provide trees to the external frontages and planting to the internal courtyard have been submitted and agreed in order to discharge the landscaping and replacement tree conditions. These show the provision of 27 trees to the perimeter of the site in front of the building comprising of norway maple, hornbeam, privet, crab apple, ornamental cherry and mountain ash.

#### GROUND CONTAMINATION

- 6.17 The previously submitted ground investigation report suggested an additional Phase II investigation be carried out and a condition to this effect was attached to the planning consent. Since that date two land contamination and remediation reports have been submitted concluding that clean soils should be provided to the garden areas. Regulatory Services found this approach to be satisfactory and a condition to require verification report to demonstrate that these works have been carried out is attached.

#### FLOOD RISK AND DRAINAGE

- 6.18 Since the date of the previous approval the applicants have submitted details of a foul and surface water scheme which includes a below ground storage tank. This has been accepted by the Local Lead Flood Authority. There however remains the matters of operating and maintaining the agreed scheme and a condition to require such details is repeated.

#### OTHER

- 6.19 Previously the Council's Employment Team requested a condition to ensure that the construction of the scheme is undertaken utilising a local workforce. This condition was discharged with the submission of a Construction Employment Plan, therefore a condition is attached to ensure that the agreed plan is implemented.
- 6.20 In response to queries raised by the Police the agent previously advised that refuse would be collected from the Communication Row car park whilst the car park access would be controlled by an open mesh steel shutter.

#### PLANNING OBLIGATIONS

- 6.21 Given the number of proposed apartments the City Council's policies for Affordable Housing and Public Open Space in New Residential Development apply.
- 6.22 The applicant previously submitted a financial appraisal that demonstrated that whilst the scheme could not fully meet these obligations and a contribution of £384,719 was agreed. This was split between public open space (£92,719) and affordable housing (£292,000). An updated financial appraisal has been submitted with the current application and independently assessed. It concludes that it would be viable to add £22,000 to the previous contribution to total £406,719. The amended split is therefore proposed to be split between public open space (£97,999) and affordable housing (£308,720).
- 6.23 The various requests for S106 monies have been noted and it is considered that affordable housing and public open space provision should again take priority. First given that the scheme is for one and two bedroom apartments the number of families with children is likely to be low and therefore it is considered that an education contribution cannot be justified. The Canal and Rivers Trust have also requested a contribution towards lighting the canal towpath, however the Trust was previously unable to submit an exact costing for its implementation and maintenance at the time of the previous consent and regrettably therefore this request was not pursued. A contribution of £55,000 was however secured for towpath lighting as a result of the redevelopment of the adjacent Nautical Club approved earlier this year (Ref. 2017/08780/PA).
- 6.24 The site is located within a high value area and therefore the Section 106 contribution would be in addition to CIL which has been calculated to total £1,349,042.

## 7. Conclusion

- 7.1 The principle of residential development on this site has been agreed previously. The current scheme seeks permission to increase the number of apartments by 11 to a total of 225 units by the addition two storeys to block D. It is considered that the proposed amendments to the design would be acceptable and there would be no additional concerns in all other respects.

## 8. Recommendation

- 8.1 That consideration of the application be deferred pending the completion of a Section 106 agreement to secure;
- a) A financial contribution of £308,720 (index linked from the date of this resolution) toward off site affordable housing to be paid prior to first occupation;
  - b) A financial contribution of £97,999 (index linked from the date of this resolution) towards the improvement of the open space within the nearby Moonlit and Sunset Parks within the Ladywood Ward, and the maintenance thereof;
  - c) A standard administration fee of £1,500. The monitoring fee associated with the previous legal agreement has already been paid.
- 8.2 That, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 11<sup>th</sup> May 2018, planning permission be refused for the followings reasons:

- a) In the absence of any suitable legal agreement to secure a financial contribution towards off site affordable housing the proposal conflicts with Policy TP31 of the Birmingham Development Plan and the Affordable Housing SPG; and,
- b) In the absence of any suitable legal agreement to secure a financial contribution towards off site public open space the proposal conflicts with Policy TP9 of the Birmingham Development Plan and the Public Open Space in New Residential Development SPD.

8.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.

8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 11<sup>th</sup> May 2018, favourable consideration be given to this application, subject to the conditions listed below.

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- 1 Materials - as agreed under discharge of condition application reference 2017/09772/PA
  - 2 Window Details - as agreed under discharge of condition application reference 2017/09772/PA
  - 3 Sustainable Drainage - as agreed under discharge of condition application reference 2017/09772/PA
  - 4 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
  - 5 Contamination remediation scheme - as agreed under discharge of condition application reference 2017/09772/PA
  - 6 Requires the prior submission of a contaminated land verification report
  - 7 Requires the prior submission a scheme of noise insulation
  - 8 Provision of vehicle charging points
  - 9 Ecological / Biodiveristy enhancement - as agreed under discharge of condition application reference 2017/09772/PA
  - 10 Hard and soft landscaping details- as agreed under discharge of condition application reference 2017/09772/PA
  - 11 Replacement Tree Planting - as agreed under discharge of condition application reference 2017/09772/PA
  - 12 Construction employment plan - as agreed under discharge of condition application reference 2017/09772/PA
  - 13 Requires the provision of cycle parking prior to occupation.
  - 14 Requires the parking area to be laid out prior to use.
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- 15 Requires pedestrian visibility splays to be provided
  - 16 Requires the prior submission and completion of works for the S278/TRO Agreement.
  - 17 Requires the scheme to be in accordance with the listed approved plans
  - 18 Development to be begun before 7th September 2020
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Case Officer: Julia Summerfield

**Photo(s)**

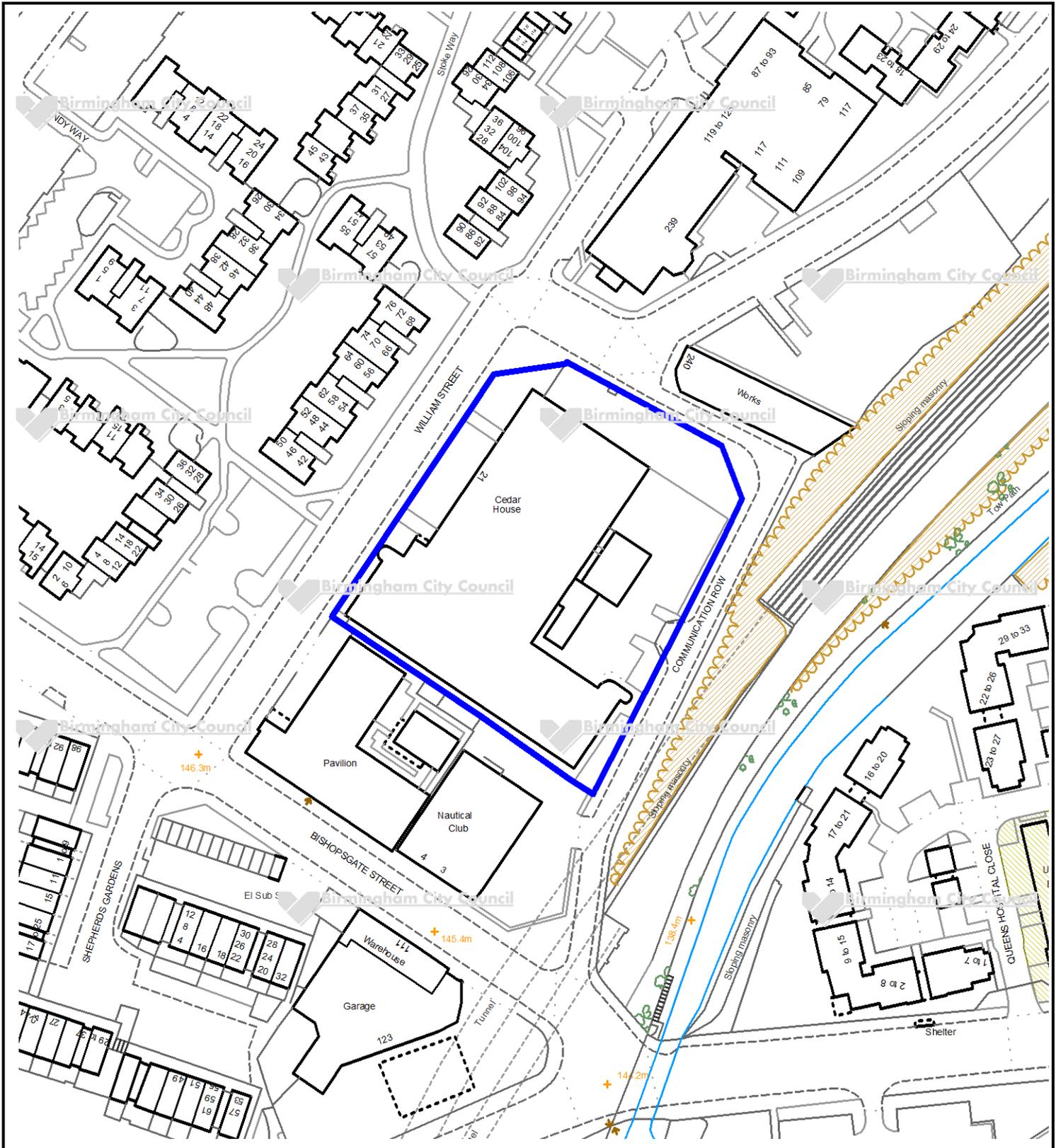


**From Communication Row**



From William Street prior to demolition of Computer Centre

# Location Plan



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# Birmingham City Council

Planning Committee

26 April 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	10	2017/10960/PA  187 Rectory Road Sutton Coldfield Birmingham B75 7RU  Demolition of bungalow and erection of 2no. two storey dwellings
Endorse	11	2016/09132/PA  Old Horns Crescent Great Barr Birmingham B43 7HA  Redevelopment of site (including cutting and filling the existing site to create a level site) to provide a Class A1 retail store with associated car parking and landscaping

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Committee Date: 26/04/2018      Application Number: 2017/10960/PA  
Accepted: 08/01/2018      Application Type: Full Planning  
Target Date: 05/03/2018  
Ward: Sutton Trinity

187 Rectory Road, Sutton Coldfield, Birmingham, B75 7RU

Demolition of bungalow and erection of 2no. two storey dwellings

Applicant: Mr C Edwards  
16 Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE  
Agent: Richard Partington Architect  
6 Oaks Drive, Four Oaks, Sutton Coldfield, B75 5AP,

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. The application seeks consent for demolition of the existing bungalow and the construction of two, four bed, two storey dwellings. One served off a driveway off Rectory Road, the other from a new driveway proposed to be created on West View Road. Both dwellings will have a garage and a parking space on the driveway, small front garden areas and private, defensible, rear gardens.
- 1.2. Plot 1 is proposed to sit in line with 185 Rectory Road and front the existing highway. Plot 2 fronts West View Road but also provides window openings in the side elevation facing towards Rectory Road.
- 1.3. Externally the proposal is to finish the dwellings with brick to the ground floor and render above and hipped roofs with tile finish. The dwellings have been designed with external chimneys, projecting gables to the road frontages, bay windows and lean-to porches.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. As noted above the site sits on the corner of Rectory Road and West View Road and currently contains one single storey dwelling with domestic gardens to the rear and side. Rectory Road is a mix of detached and semi-detached dwellings interspersed with occasional single storey dwellings, mainly on corners of roads as per the existing dwelling. West View Road is predominately semi-detached, two storey, dwellings.
- 2.2. The site lies within Sutton Coldfield, in a residential area but close to the Good Hope Hospital, Rectory Park and the employment sites and schools on Reddicap Hill. The housing is varied in the area in terms of scale, design and detailing.

2.3. [Site location](#)

3. Planning History

3.1. No relevant planning history.

#### 4. Consultation/PP Responses

4.1. Local Ward Councillors, M.P, Residents Associations and adjoining occupiers were notified and Site Notice displayed outside site.

4.2. Nine letters have been received from three local residents raising the following concerns:

- Area is predominately bungalows
- Too close to existing dwellings, closer than existing bungalow
- Will impact on amenities of neighbours
- Loss of view and light to bedroom window
- Proposal is also deeper than adjacent bungalow
- Land may be subject of restrictive covenant to only allow one building

4.3. Councillors Mackey and Councillor Pears have also written supporting the concerns of the local residents about loss of light; the designs being out of character with the street scene (bungalows); and the proposal being more intensive use of the site.

4.4. Transportation Development – No objection subject to conditions in relation to highway works & amendments to visibility splays.

4.5. Severn Trent Water – No objection as the proposal has minimal impact on the public sewerage system.

4.6. Regulatory Services – recommend Noise Insulation Scheme condition and the provision of a vehicle charging point.

4.7. West Midlands Police – No concerns, recommends “Secured by Design”.

#### 5. Policy Context

5.1. The following policies are applicable:

- Development Plan (BDP) 2017;
- Unitary Development Plan 2005 (saved policies 3.14-3.14D and Chapter 8);
- Places for Living SPG (2001);
- Mature Suburbs SPG (2008);
- Car Parking Guidelines SPD (2012); and
- National Planning Policy Framework 2012.

#### 6. Planning Considerations

6.1. The main considerations for this application are whether the proposed development would be acceptable in principle and whether it would have a detrimental impact on the character and appearance of the local area and on the amenities of existing and future occupiers.

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

6.2. The site is located within a residential area, close to local shops and services, and the proposed development would make efficient use of land. The existing building is not listed nor within a conservation area. It is in a poor state of repair and the

submitted design and access statement comments that there is cracking in the walls where the foundations have failed and that it would be inefficient to renovate. Therefore the existing bungalow is of no architectural merit.

- 6.3. In principle officers consider that the plot constitutes a small infill site between otherwise built up frontages. Furthermore the site is in a sustainable location adequately serviced by a number of services and facilities as such the proposal complies with the aims of policy TP27 of the BDP.

**Scale, layout and design**

- 6.4. Assessing the proposal against PG3 of the BDP and the Places for Living SPD it is officers opinion that the scale, layout and design of the two dwellings on this site relate well to the wider character of the area. It is acknowledged that the immediate neighbours on both sides of the site are dormer bungalows and that the proposal on this site is for 2 two-storey dwellings, however beyond the dormer bungalows the area is predominately two storey houses. The layout respects the existing building lines on both Rectory Road and West View Road and plot 2 has been designed with features to both roads to turn the corner therefore responds to the corner plot.
- 6.5. The design details also pick up on features that are prominent in the area including the hipped roofs, projecting gables, bay windows and chimneys. The materials proposed can be subject to approval by condition but in principle half brick and half render is also appropriate for this part of Sutton Coldfield.
- 6.6. As such the proposed development complies with the National Planning Policy Framework, Policy PG3 of the Birmingham Development Plan 2017 and saved policies 3.14- 3.14C of the Unitary Development Plan 2005.

**Highways impact and parking**

- 6.7. My Transportation Development Officer requested amendments to the positioning of the driveway to plot 1 and the pedestrian visibility for both access points. These amendments were received and as such the scheme is considered to be acceptable in highway and pedestrian safety terms.
- 6.8. The adopted car parking standards and guidance suggests 2 parking spaces per dwelling for this area. The proposals provide each plot with a single garage and space on a driveway for parking 2 cars. As such the proposal complies with the SPD and provides sufficient parking and turning for the proposed development.

**Amenity – existing and proposed residents**

- 6.9. The Places for Living SPG advises that careful design rather than a blanket application of numerical standards can often address concerns such as privacy and amenity. However the numerical standards provide a useful guide and starting point.
- 6.10. The site has residential dwellings to all sides. The existing dormer bungalow to the west, on Rectory Road, is approximately 3.8m from the proposed dwelling on plot 1. It is acknowledged that the proposed dwelling is both taller, being two storey, and closer to the neighbouring property than the existing bungalow on site. It is also accepted that there are two windows in the ground floor and one window in the first floor gable end of this neighbouring dwelling. However, the ground floor windows are secondary windows to a living room and are both obscurely glazed with the main window being on the rear elevation and in the form of a large bay window. The Case Officer visited the neighbouring property and it is acknowledged, as noted by the resident and local members, that there will be a reduction in the light for this

room as a result of the proposed two storey dwelling on plot 1, however this would not be sufficient to warrant a reason for refusal.

- 6.11. The first floor gable end window to the neighbouring property serves a bedroom and is patterned, though not obscured. This room is also served by a roof light in the rear elevation. As such, although the proposal will result in some loss of light to this room, as with the ground floor windows the gable end window is a secondary window and the impact would not be severe.
- 6.12. Plot 1 will not sit any further forward or back from the neighbouring dwelling and as such would not result in any greater overlooking of the garden to the rear of the adjacent dwelling. Plot 2 sits further forward than the adjacent dwelling on West View Road. This ensures that the proposed dwelling will not overlook this neighbour to an unacceptable extent. Both properties would comply with the 5m per storey separation guidelines set out in Places for Living SPG. Furthermore there are no issues regarding the 45 degree code.
- 6.13. The dormer bungalow on West View Road adjacent to plot 2 also has a window in first floor of the gable end. The dwelling proposed on plot 2 has a garage adjacent to this existing dwelling which reduces the impact on this window. Furthermore this window, serving a bedroom, is also a secondary window with the main source of light and ventilation being the dormer window in the rear. As such the impact on the amenities of the neighbour to the north complies with the SPG. All other properties around the site are beyond these two immediate neighbours.
- 6.14. Sufficient garden areas (exceeding 70 sqm) are proposed for the size of the dwellings and these are shown as enclosed with suitable boundary treatments to create defensible, secure space. My Landscape Officer has recommended additional landscaping be put against the outside edge of plot 2's rear garden boundary. This is the boundary that is visible from Rectory Road and I therefore agree that additional landscaping is required to soften the appearance of the fence. This has been shown on the amended plans and is now considered to be acceptable.
- 6.15. The proposed bedrooms and overall floorspace of the dwellings would comply with guidance in the Nationally Described Space Standards for a 4 bed 7 person dwelling.
- 6.16. Overall officers consider that the proposed development will not have an unacceptable impact on the amenities of existing residents around the site or the future residents of the development and therefore complies with the Birmingham Development Plan policies and Places for Living SPG.

**Impact on trees**

- 6.17. The application form acknowledges that the development of this site in the form proposed will result in the removal of the existing trees. A tree survey and arboriculture report has therefore been submitted with the application. The report notes that there are 4 individual trees and 2 groups of trees within the application site and one on the corner of Rectory Road and West View Road which is within influencing distance of the site. The trees within the site are Sycamore, Ash and Goat Willow all of which the report author considers have no significant visual or amenity value. The one off-site tree is a Whitebeam but due to its position on a grassed verge the report does not consider that this tree will be adversely affected.

- 6.18. As noted above the existing trees are all proposed to be removed and the arboriculture report recommends replacement planting of 4 semi-mature trees of 20-25cm girth and of either Field Maple, Beech, Birch or Oak.
- 6.19. My Tree Officer has confirmed that the site and surrounding trees are not subject to any TPOs and not within a conservation area. As such there are no objections on the grounds of impact on trees.

**Community Infrastructure Levy (CIL)**

- 6.20. The applicant has submitted a CIL form confirming acknowledgement of CIL liability for the site. However, the applicant has also completed the section of the form, and the separate form, for CIL Self Build Exemption. At this time the applicant has not confirmed how these two dwellings will comply with the exemption requirements. This is not a matter for the planning application and will need to be dealt with after the decision is made but before the development is commenced.

7. Conclusion

- 7.1. Notwithstanding the objections raised by the neighbouring occupiers and local members, I consider that the proposed two dwellings would not have an unacceptable detrimental impact on the visual or residential amenities of the surrounding area and occupiers. The layout, scale and appearance respects the existing character and built form of the area and overall the scheme complies with the relevant adopted policies, SPD's and the NPPF. As such, I consider the application should be recommended for approval 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 sample materials
  - 3 Requires the prior submission of boundary treatment details
  - 4 Requires the submission a noise study to establish residential acoustic protection
  - 5 Requires pedestrian visibility splays to be provided
  - 6 Requires highway works to be in accordance with Council specifications
  - 7 Removes PD rights for extensions
  - 8 Implement within 3 years (Full)
- 

Case Officer: Karen Townend

**Photo(s)**



Existing Dwelling



Corner of Rectory Road and West View Road

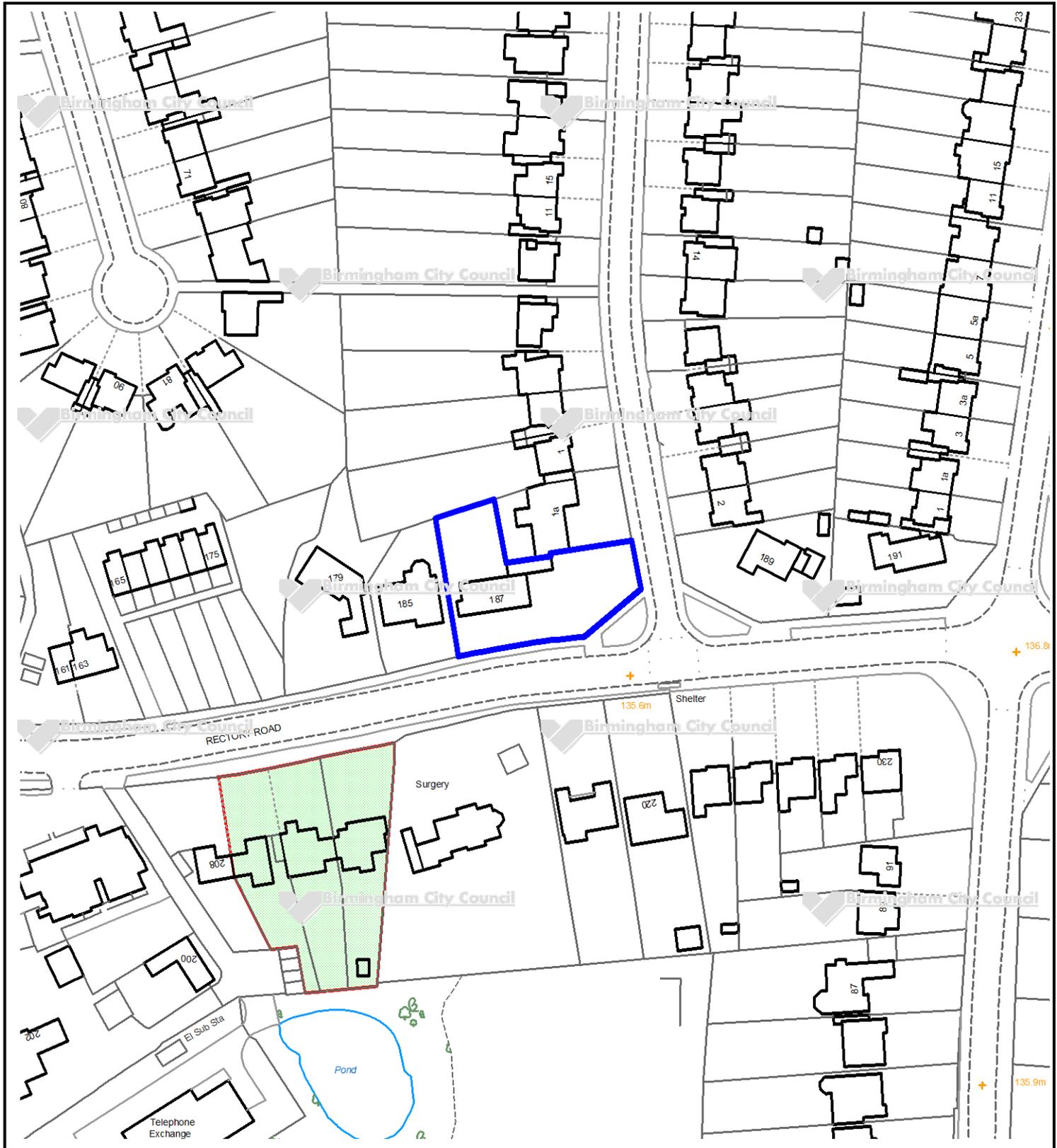


Neighbour on West View Road



Neighbour on Rectory Road

# Location Plan



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**Report Back**

Committee Date: 26/04/2018 Application Number: 2016/09132/PA

Ward: Oscott

**Old Horns Crescent, Great Barr, Birmingham, B43 7HA**

**Redevelopment of site (including cutting and filling the existing site to create a level site) to provide a Class A1 retail store with associated car parking and landscaping**

Applicant: Aldi Stores Limited  
Holly Lane, Atherstone, Warwickshire, CV9 2SQ  
Agent: STOAS Architects  
216 Fort Dunlop, Fort Parkway, Erdington, Birmingham, B24 9FD

**Recommendation**

**Endorse**

**Background**

This application was originally considered at the planning committee meeting on the 16th February 2017 where members supported the officers' recommendation for refusal. Since then, an appeal has been lodged against this decision and a hearing is set for early May 2018. The reasons for refusal were:-

- 1 *The application proposes the loss of open space, part of which is a SINC. The applicant has not demonstrated compliance with relevant policies and guidance in relation to the loss of the open space and therefore the proposal is in conflict with policies TP 7, TP 8, TP 9, TP 37 and TP 47 of the Birmingham Development Plan (2017); parts 69-74, 109, 113, 114 and 118 of the NPPF and Policy 1 of the Birmingham Nature Conservation Strategy SPG.*
- 2 *The development would lead to the loss of almost all the trees on site, all of which are covered by a TPO (Tree Preservation Order). This would be visually harmful with wider adverse environmental and health consequences (due to the important role that trees play in reducing pollution and other adverse environmental impacts). This would conflict with the aims and guidance in the NPPF and policy TP 7 of the Birmingham Development Plan (2017).*
- 3 *The proposed development would result in a visually poor development which would appear obtrusive in the street scene by reason of its size, siting and levels. For these reasons the proposal would conflict with the aims and guidance in the NPPF and adopted SPG Places for All as well as policy PG 3 of the Birmingham Development Plan (2017).*

- 4 *The submitted transport and highway impact related information falls short of critical analysis particularly in relation to the impact on the Queslett Road and Aldridge Road junction roundabout. The submission also lacks baseline validation of the submitted assessment and sensitivity testing. On this basis, given the omission of such information, I am unable to satisfactorily evaluate the impact on the road network in terms of the freeflow of pedestrians and motorists and also on their safety. For these reasons, the proposal conflicts with TP 38 and 44 of the BDP and part 32 of the NPPF.*

#### Issue

In the intervening period the appellant has sought to try and address reasons 1 and 4 for refusal prior to the appeal hearing.

*Reason 1:* This relates to the loss of open space, part of which is a SINC. Members are now advised that after discussion and negotiation, the City Ecologist and Leisure Services have agreed a broad set of compensatory works that they believe would compensate for the loss of the open space which includes ecological enhancement works. The applicant has agreed to pay a sum of £145,430 as a Section 106 contribution to pay for such works and this is now considered to be in accordance with the relevant policies given in the reason for refusal. If the Planning Inspectorate is minded to allow the appeal it will require a S111 agreement as the Council currently own the development site and then require a further S106 agreement to be agreed once the site has been purchased from the Council, in order to allow the planning permission to be issued. The City Solicitor confirms that this would be the correct way to approach this matter.

*Reason 4:* The appellant has submitted information, that has been considered by Transportation Development, who now raise no objection subject to conditions relating to the provision of entry and exit signs, provision of parking prior to first use, cycle storage and a package of highway measures (new bell-mouth/access, reinstatement of any redundant footway crossing, relocation of any pedestrian dropped kerbs and any works relating to street furniture). These conditions have been given to the Planning Inspectorate and it has been requested that these are attached to any planning permission if minded to allow the appeal.

In light of the above, the Local Planning Authority will not be defending reasons 1 and 4. However and for the avoidance of doubt, the Local Planning Authority will continue to defend reasons 2 (loss of trees) and 3 (design) at the forthcoming appeal hearing.

#### Recommendation

Endorse the content of this report including not defending reasons 1 and 4 at the forthcoming appeal hearing and the City Solicitor be authorised to prepare, seal and complete the planning obligation.

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Committee Date:	16/02/2017	Application Number:	2016/09132/PA
Accepted:	01/12/2016	Application Type:	Full Planning
Target Date:	02/03/2017		
Ward:	Oscott		

Old Horns Crescent, Great Barr, Birmingham, B43 7HA

Redevelopment of site (including cutting and filling the existing site to create a level site) to provide a Class A1 retail store with associated car parking and landscaping

Applicant: Aldi Stores Limited  
Holly Lane, Atherstone, Warwickshire, CV9 2SQ  
Agent: STOAS Architects  
216 Fort Dunlop, Fort Parkway, Erdington, Birmingham, B24 9FD

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Recommendation

**Refuse**

1. Proposal

- 1.1. This application follows the withdrawal of a similar application 2016/04795/PA on this site in August 2016 which was recommended for refusal.
- 1.2. The main changes between the current proposal and the application that was withdrawn are:- a widening of the landscaping strip along Queslett Road; increase in tree planting from 16 to 23 (within the main upper section of the site), reduction in car parking capacity from 86 to 81 spaces, widening of footpath within the site leading from Old Horns Crescent, the provision of obscure panels along part of the Queslett Road façade and more detailed drainage information.
- 1.3. The applicant proposes the clearance of the application site then to develop the site by cutting and filling it in order to level it and then to erect a new build Use Class A1 retail store with associated car parking and landscaping.
- 1.4. The new building would be rectangular in shape and would generally follow the line of Queslett Road from which it would be separated by a retaining wall (with some intervening landscaping) measuring approximately 4 metres high. Direct pedestrian access from Queslett Road to the site would be achievable by a proposed staircase.
- 1.5. Three of the four facades of the new building would comprise coloured render other than the provision of high level windows along the north west façade and return shopfront glazing with recessed exit door (facing Queslett Road) and emergency escape doors and two other windows (which would be secured by security grilles) on two other elevations. The clear glazed shop frontage would be located on the south western elevation and would face into the site. This elevation would be largely glazed with entrance door all set under the building canopy. The main part of this glazing would be recessed to allow for trolley bays to the front of it.

- 1.6. The exterior building façade would be mainly constructed out of rendered walls interspersed with glazing, security doors and roller shutter loading bay.
- 1.7. A new vehicular access/egress would be created on Old Horns Crescent. This will act as the only entry/exit point for vehicles.
- 1.8. The total floor space to be created would equate to 1140 sq.metres.
- 1.9. The applicant states that 24 full time and 20 part time jobs would be created (equivalent to 30 full time jobs).
- 1.10. The proposed hours of use would be 0800-2200 hours Mondays to Saturdays and 1000 hours to 1600 hours on Sundays.
- 1.11. A total of 81 parking spaces would be provided.
- 1.12. The site area measures 6410 sq.metres.
- 1.13. The applicant has submitted the following supporting information:-
  - Design and Access Statement which summarises that the constraints of the site dictate the store location, parking, loading bay and tree/landscaping;
  - Heads of Terms (S106) which offers the provision of works in the adjacent nature reserve which would comprise:- log seating, hedgehog habitats, creation of new path to the lake, provision of information boards, provision of bins and provision of bat boxes.
  - Planning and Retail Statement which sets out the justification for the location of the scheme and concludes that the application proposal represents sustainable development.
  - Statement of Community Involvement- This sets out that a total of 222 responses were received of which 64.9% support, 5.4% are unsure/provide no view and 29.7% object.
  - Notable Plant Survey- this included a walkover site survey. It identifies one stand of Himalayan Contoneaster Simonsi (invasive species) at one point along the eastern site boundary. It recommends that works should not cause this to spread and that it must be removed during vegetation clearance with a method statement developed to ensure this.
  - Land Contamination Phase 1 Environmental Site Assessment- This identifies potential contamination risks associated with the proposed development and suggests further steps are undertaken to investigate site contamination further.
  - Ground Investigation Report- Considers it is unlikely that the chemical concentrations recorded will adversely impact on the underlying ground water aquifer, although it states that the comments/approval of the EA should be sought. The report also concludes that the edge of the adjacent landfill site extends into the eastern edge of the application site. It concludes that it is considered that gas protection measures will be required within all proposed new buildings introduced as part of the development.

- Preliminary Ecological Assessment- It recognises that the development will be unlikely to allow the retention of any/most existing trees due to site level changes and advises the planting of habitats to support and appropriate measures to ensure limited impact on any reptiles, amphibians and hedgehogs that may be encountered during site clearance.
- Reptile Survey- Confirms no reptiles were found during site surveys.
- FRA and SUDS- Identifies that surface water run off will be managed via on site storage and drained to the local sewer network. The site storage of water run off would be provided by way of geo cellular crates. It also concludes that the development is classified in flood risk terms as less vulnerable and that the site is located in flood zone 1 (least flood risk zone).
- Transport Assessment- It summarises that there are no highway safety issues that have a negative bearing on the acceptability of the proposal.
- Pre development Arboricultural Survey- Concludes that of the total 63 trees on site, retention of category B trees (38) should be considered as a priority due to these specimens contribution to the landscape character of the site and that category C trees (21) should be considered for retention if possible.

1.14. [Link to documents](#)

2. Site & Surroundings

2.1. The site appears to have historical linkages to use as a gravel pit, a tip use and other commercial uses. Though the site is currently secured by perimeter fencing, it is regenerating with woodland. It is classified as Open Space and also forms part of a SINC (Site of Important Nature Conservation) under the Birmingham Development Plan (2017). It is situated next to a nature reserve which is situated to the east. The site is uneven in that its north western, northern, eastern and southern perimeter is set at a higher level than its central section. Those outer areas comprise steep rising earth embankments supporting trees and vegetation, whilst the smaller central area is formed of remnant hard surfacing. All trees on site are covered by a TPO (1528). The site is located to the south western edge of Queslett Neighbourhood centre. There is a large ASDA superstore located immediately across Old Horns Crescent to the north west of the site. Queslett Road is a dual carriageway which adjoins the northern boundary and marks the boundary with Walsall to the north. The nearest residential dwellings are located across Queslett Road to the west in Walsall and also to the south of the site (beyond the immediate neighbouring site which is a building that is being fitted out to become a medical centre).

2.2. [Site location](#)

3. Planning History

3.1. 18.08.2016- 2016/04795/PA- Site clearance (including cutting and filling the existing site to create a level site) and construction of a class A1 retail store with associated car parking and landscaping- withdrawn.

#### 4. Consultation/PP Responses

4.1. Nearby occupiers, local councillors, Neighbourhood Forum, local MP and Walsall Council notified as well as site and press notices displayed- 35 responses setting out objections and or concerns received. The objections/concerns can be summarised as follows:-

- there is currently a traffic/highway problem related to matters such as congestion which the development will make worse,
- increase in noise and air pollution,
- destruction of woodland,
- it would be an eyesore,
- adversely impact smaller shops,
- will set a precedent,
- no consideration given to how it will affect residents lives,
- need to install traffic lights,
- install a underground pedestrian link to the site,
- loss of open space and trees,
- detrimental on ecological grounds and to the neighbouring nature reserve,
- dangers from pollutants on site including gases,
- danger of subsidence,
- there are already three Aldi stores located close by,
- detrimental effect on the lives on local people,
- visually poor,
- would create a dangerous pedestrian crossing between Asda and Aldi,
- problems arising during construction which would affect locals,
- light pollution will increase,
- wild life will diminish,
- question where the access and exit point would be,
- do not need two supermarkets together,
- works with regard to new paths, sign posts, litter bins, notice board and bird and bat boxes have already been carried out by other funding not by Aldi,
- existing trees to be lost are ideal as a nesting site for buzzards,
- the development will see strong healthy mature trees felled,
- questionable if replacement trees will provide good nesting for large birds and raptors that use the wood and the development will lead to the loss of green space.
- there are already sufficient shops and supermarkets close by.
- need a filter road for the proposed development.
- though accepting it may create jobs, this will not override the negative impact of the development.

4.2. 3 petitions objecting to the proposal which contain 273 names in total have been received. The objections raised can be summarised as follows:-

- It will create more traffic congestion,
- Generate more parking problems,
- Affect the trade of small shops
- Have detrimental environmental effects on Queslett Nature Reserve
- Impact negatively on those living and working locally
- Object to the loss of green space and trees

- 4.3. An objection to the scheme has been received from Councillor Barbara Dring who objects on the grounds of highway impact and also asks for the public consultation period to be extended.
- 4.4. A response to the scheme has been received from Councillor Linnecor who states that he has great concerns that this latest application does not go far enough to allay his fears and that if agreed it would mean a great deal of tree loss/ wildlife loss and also give rise to a number of parking issues. It would also create major problems with congestion traffic in the surrounding area. He concludes by stating that these issues would need to be addressed much more.
- 4.5. Responses have been received from Councillors Karen Trench and Tristan Chatfield who raise concerns about the scheme regarding:-
- access arrangements in place for both pedestrian and vehicle access,
  - vehicle traffic potentially causing a logjam,
  - the size and number of trees do not compensate for those lost,
  - the area already has major issues with traffic,
  - a thorough traffic survey should be done (during rush hour both morning and afternoon) taking into account the opening of the doctors surgery (adjacent),
  - good to have another Aldi in the area but Queslett Road in its current layout will not be able to cope with additional traffic without causing major issues for residents and commuters in the area.
- 4.6. A response has been received from the local MP, Khalid Mahmood, who raises concerns with regard to the application. He states that he remains unsatisfied that the impact on traffic has been properly considered. The island is already severely congested at peak time and he is concerned that this development, should it be given the go ahead, would substantially increase traffic flows in the area. Secondly, he remains of the opinion that the neighbouring Queslett Nature Reserve will be negatively affected by the development. He states the reserve is extremely sensitive and the proposed changes to the boundary will degrade the existing habitat which is extremely valuable in conservation terms.
- 4.7. He also states that he is not convinced that the area requires another supermarket, local small traders are already under significant pressure and he fears that this will further undermine the viability of small independent businesses in the Great Barr area. He points to an existing Aldi store at the Scott Arms and as such he considers there is no need for yet another one so close by.
- 4.8. 10 letters of support have been received. The comments set out that:-
- the proposal would provide a choice of stores in which to shop;
  - would not need to go by car or bus to the other Aldi,
  - look forward to a choice of products, would be an asset to the area and the landscaping of the area will be greatly improved
  - and that it would offer employment opportunities.
- 4.9. Transportation Development- State that the submitted transport and highway impact related information falls short of critical analysis particularly in relation to the impact on the Queslett Road and Aldridge Road junction roundabout. The submission also lacks baseline validation of the submitted assessment and sensitivity testing.
- 4.10. Regulatory Services- Raise no objection subject to conditions.

- 4.11. Leisure Services- Object to the partial loss of the SINC, but state that development might be acceptable if mitigation proposals are deemed appropriate by the Sustainability Team (Ecologist) and the loss of the TPO trees is limited. In the event the proposal is approved, they seek the provision of £128,000 as compensation for the loss of the open space.
- 4.12. LLFA- Recommend a condition to enable the scheme to progress to the next stage of (drainage) design.
- 4.13. Walsall Council- Identify concerns with the proposal and submitted information, these are:-
- There is still a substantive loss of protected trees and with limited compensatory replacement trees proposed.
  - The development would still provide a visually poor development which would appear obtrusive in the street scene by reason of its size, mass and design.
  - The new proposed stepped pedestrian route could be wider to aid natural surveillance.
  - The design of the store limits natural surveillance.
  - The proposed lighting does appear to include the stepped access route.
  - The submitted CGI omits the stepped pedestrian access route.
  - A controlled crossing point near to the proposed stepped access route should be considered as part of a TA/Road Safety Audit.
  - The submitted Design and Access Statement does not state how the proposed layout would make the site secure by design.
  - The Old Horns Crescent elevation does not provide an attractive location for pedestrians arriving by foot.
  - Disappointing the applicant has not included even a single electric charging point, which should be incorporated into the scheme if approved.
  - Landscape plan does not show the tree planting along the Queslett Road.
  - How will the car park be controlled and managed outside store hours?
  - The store Travel Plan co-ordinator should liaise with Birmingham City Council rather than Sandwell Council as stated.
  - The Travel Plan makes reference to Worcester City Council in appendix 2. There is no reason for this.
  - Overall the above points suggest the changes to the scheme (since its withdrawal) are mostly superficial and lack any real attempt to overcome Birmingham or Walsall's previous concerns.
- 4.14. Walsall Council also state that they believe that concerns by Walsall residents raised against the previous withdrawn scheme still stand which were:-
- Residents do not want more supermarkets in the location as already well served.
  - Already Aldi at Scott Arms
  - Queslett Road is congested.
  - Traffic pollution is very high and the supermarket will make this worse.
  - The building removes/destroys existing trees on site which help manage air pollution.
  - Building will impact adjacent Nature Reserve.
  - Light pollution.

- Litter.
  - Already a problem with flooding in the immediate location and the scheme will not help this.
- 4.15. Environment Agency- no objection to the proposal subject to conditions that require any contamination discovered during construction not previously identified to be dealt with by approval of the Local Planning Authority.
- 4.16. Highways England- no objection.
- 4.17. WM Police- recommend that the development is carried out to the standards contained within Secured by Design 'Commercial 2015', that any lighting scheme follow guidelines and advice contained within Secured by Design 'Lighting Against Crime', that the scheme be the subject of an intruder alarm system and CCTV system and that access to the car park be gated.

## 5. Policy Context

- 5.1. Birmingham Development Plan (2017), Saved policies of the UDP (2005); Shopping and Local Centres SPD, Nature Conservation Strategy for Birmingham SPG, Places for All SPG, Car Parking Guidelines SPD, NPPF and NPPG.

## 6. Planning Considerations

- 6.1. The proposed development gives rise to a number of issues. These are considered below:-

### 6.2. Principle

The National Planning Framework (NPPF) confirms that there should be a presumption in favour of sustainable development in assessing planning applications with the three elements that comprise sustainable development being economic, social and environmental.

- 6.3. The application site falls just outside the edge of the Queslett Neighbourhood Centre. The NPPF states in part 24 that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. It further states that applications for main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. It concludes by stating applicants and Local Planning Authorities should demonstrate flexibility on issues such as format and scale.
- 6.4. The applicant has submitted a Planning and Retail Statement which details a sequential appraisal of why this site has been chosen and the lack of suitable alternatives. I can further add that the site sits immediately to the south of Queslett Neighbourhood Centre (separated only by Old Horns Crescent). Pedestrian access to and from the designated neighbourhood centre is achievable by a pedestrian crossing at the junction of Old Horns Crescent and Queslett Road. Having reviewed the submitted sequential appraisal and acknowledged that the site is easily

accessible from the existing local centre, I consider the site represents an appropriate location for such development after taking account of the sequential appraisal submitted and its accessibility. With respect to the matter of flexibility in format and scale in relation to discounting site allocation in terms of the sequential test, the applicant has provided details that confirm that the proposal accords with this aspect of the sequential test (which includes the provision of case law that acknowledges that in the consideration of alternative sites for a development, alternative sites can be discounted if they would result in the scale of the development having to be compromised). I therefore consider, based on the information submitted, the principle of establishing an edge of centre retail use on this site is acceptable from a sequential retail assessment perspective.

#### 6.5. Loss of Open Space, Ecology and Trees

The applicant has submitted a Preliminary Ecological Assessment, Arboricultural Survey, Botanical Survey and Reptile Survey in support of this application. The applicant has also made an offer (heads of terms) to provide the following features within the remainder of the SINC that the application site forms part of (which also forms a nature reserve):- log seating, hedgehog habitats, creation of a new path to the lake within the reserve, information boards, bins and bat boxes as a means by which to mitigate the loss of this part of the SINC.

6.6. I therefore address the three issues above- loss of open space, ecology and trees as three separate issues in the sections of the report below, mindful always that there is an interrelationship between them, particularly centred around wider social, health and environmental impacts.

#### 6.7. Loss of Open Space

With respect to promoting healthy communities the NPPF states in part 69 “The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities”. This is followed through in part 70 by the following “To deliver the social, recreational and cultural facilities and services the communities needs, planning policies and decisions should:- plan positively for the provision of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; - guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day to day needs; - ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and – ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”.

6.8. It states in part 73 “Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be robust and based on up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessment should be used to determine what open space, sports and recreational provision is required”.

- 6.9. Part 74 states “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirement; or – the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or – the development is for alternative sports and recreational provision, the need for which clearly outweighs the loss”.
- 6.10. The link between pursuing good planning outcomes and improving health outcomes is also supported by policy Policy TP37 (Health) of the adopted BDP (2017) which states “The City Council is committed to reducing health inequalities, increasing life expectancy and improving quality of life by:• Helping to tackle obesity and encourage physical activity through the provision of open space and playing fields (Policy TP9) and sports facilities (Policy TP11) accessible to all, creating and enhancing environments conducive to cycling and walking (Policy TP39 and TP40) such as the canal network, and supporting the network of local centres (Policy TP21)”.
- 6.11. Policy TP37 continues by detailing how such objectives can be achieved by stating its aims include” • Addressing climate change issues and • Making provision for open space and allotments (policy TP9)”.
- 6.12. The protection of open space and the requirement to provide evidence that such space is surplus in the context of open space provision in the ward (with the requirement to provide an equal or better provision in its place) is also set out in policy TP9 of the BDP which states “Planning permission will not normally be granted for development on open space except where:- It can be shown by an up to date assessment of need that the open space is surplus taking account of a minimum standard of 2 ha per 1,000 population and the accessibility and quality criteria listed below.- The lost site will be replaced by a similar piece of open space, at least as accessible and of similar quality and size- Where an area of open space is underused, as it has inherent problems such as poor site surveillance, physical quality or layout, which cannot be realistically dealt with, then in this case proposals that would result in the loss of part of a larger area of open space will be considered if compensation measures would result in significant improvements to the quality and recreational value of the remaining area.- The development is for alternative sport or recreational provision, the benefits of which clearly outweigh the loss”.
- 6.13. Policy TP47 (Developer contributions) of the BDP states “Development will be expected to provide, or contribute towards the provision of:
- Measures to directly mitigate its impact and make it acceptable in planning terms.
  - Physical, social and green infrastructure to meet the needs associated with the development”.
- 6.14. It is in the above policy context that it is expected that the mitigation and compensation should be secured through planning obligations that would be expected to offset the impact on the SINC and open space, including the loss of trees and ecological impact.
- 6.15. Mindful of the above policy context, I can confirm the site forms part of a wider SINC forming a green edge to the SINC's North West boundary to Queslett Road and North East boundary to Old Horns Crescent.

- 6.16. Paragraph 6.57 of the BDP (2017) defines what constitutes open space by stating “ Open Space is all open land of recreational or public value, including playing fields, which primarily consists of natural elements such as trees, grass and water. It may or may not have free public access. It may or may not be used or held by the City Council for recreational purposes”. Therefore, even though the site is secured by fencing I consider that the site meets this definition of open space.
- 6.17. Therefore, the site plays an important strategic environmental, recreational and ecological role through its strategic designation within the BDP as part of a SINC and classification as open space. The aim of these classifications is to protect and enhance the ecological assets of the City whilst providing open space which aim to improve the health and wellbeing of its citizens. This beneficial impact also provides wider positive ecological and visual impacts (discussed later in this report).
- 6.18. The application site has previously been developed in part, but has since been cleared and is regenerating naturally. I do not consider that the site constitutes public open space. However, it does represent open space of public value which primarily consists of natural elements part of which is a SINC. The site does therefore fall within the definition of open space within the BDP and therefore policies relating to its loss as open space should apply to the determination of this application, as should guidance within the NPPF relating to the loss of open space.
- 6.19. Taking BDP policy TP9 and paragraph 74 of the NPPF into account, the applicants would need to demonstrate that either the open space land is surplus for all open space uses or provide compensation for its loss that is as good as or better in terms of quantity, quality and accessibility. In terms of the former, the site provides woodland as part of a SINC and provides visual amenity and environmental benefits. The applicants have not demonstrated that the land is surplus to need through the provision of an assessment. The applicant must therefore provide appropriate compensation for the loss of the open space value of the site as a SINC. My Leisure Services colleagues have requested a figure of £128,000 as compensation, which reflects the fact that the site is not public open space. I would expect those monies, in this case, to be directed towards improvements for nature conservation purposes. The applicants have made an offer for works within the adjacent SINC, but have not costed the works. In any event, my ecologist advises that the proposed works are not required and that monies from another section 106 agreement have been identified for necessary management works within the reserve. I therefore conclude that the applicants have not demonstrated compliance with BDP and NPPF policy and guidance requirements in respect of loss of open space.
- 6.20. Based on the above assessment the loss of the open space conflicts with the stated aims of the NPPF and policies TP9, TP37 and TP47 of the BDP.
- 6.21. Ecology

Turning to the NPPF’s commentary on seeking the conservation and enhancement of the natural environment, part 109 states “The planning system should contribute to and enhance the natural and local environment by: - protecting and enhancing valued landscapes, geological conservation interests and soils; - recognising the wider benefits of ecosystem services; - minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the governments commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;-

preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate”.

- 6.22. Part 113 of the NPPF focuses in on the protection of wildlife and geodiversity and landscaped areas when it states “Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks”.
- 6.23. Part 114 states “Local Planning Authorities should: - set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure”.
- 6.24. Part 118 states “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:-
- if significant harm resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.
- 6.25. It further adds “- opportunities to incorporate biodiversity in and around developments should be encouraged;- planning permission should be refused for development resulting in the loss or deterioration or irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”.
- 6.26. The BDP sets out its policy with respect to protecting the green infrastructure network when it states in policy TP 7” The City Council will seek to maintain and expand a green infrastructure network throughout Birmingham. The integrity of the green infrastructure network will be protected from development and where possible opportunities will be taken to extend and enhance the network and to improve links between areas of open space. Any development proposal that would sever or significantly reduce a green infrastructure link will not be permitted. New development will be expected to address green infrastructure issues in an integrated way and to take advantage of new opportunities such as green and brown roofs. It is important that all new green infrastructure features and assets are designed to help the City adapt to a changing climate.”
- 6.27. The BDP focuses in on biodiversity and geodiversity in policy TP8 when it states “The maintenance, enhancement and restoration of sites of national and local importance of biodiversity and geology will be promoted and supported. These include Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), Local Nature Reserves (LNRs), Sites of Importance for Nature Conservation (SINCs) and Sites of Local Importance for Nature Conservation (SLINCs).....Development which directly or indirectly causes harm to local sites of

importance for biodiversity and geology (LNRs, SINCS and SLINCS), priority habitats and important geological features, species which are legally protected, in decline, are rare within Birmingham or which are identified as national or local priorities will only be permitted if it has been clearly demonstrated that:- The benefits of the proposal outweigh the need to safeguard the designated site, or important habitat, species or geological feature.- Damage is minimised and measures can be put in place to mitigate remaining impacts. – Where damage cannot be avoided or fully mitigated, appropriate compensation is secured. Development proposals which are likely to affect any designated site or important habitat, species or geological feature must be supported by adequate information to ensure that the likely impact of the proposal can be fully assessed. The integrity of wildlife corridors and ‘stepping stones’ connecting them will be protected from development which would harm their function.....All developments should, where relevant, support the enhancement of Birmingham’s natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets, such as those identified for the Birmingham and Black Country Nature Improvement Area. Biodiversity and geodiversity enhancement measures should be appropriate to the nature and scale of the development proposed. Development proposals should clearly identify how ongoing management of biodiversity and geodiversity enhancement measures will be secured”.

- 6.28. Finally, with respect to setting the policy context for assessing the ecological impact of the proposal, adopted SPG ‘Nature Conservation Strategy for Birmingham’ categorises SINCS as critical nature capital (page 15). This states in part 3.3.1 “Biodiversity (or biological diversity) is the variety of life we see around us. It includes every sort of animal, plant, fungus and microscopic life. It embraces the great variety of species, the genes those species carry, and the places where those species live. There are three distinct levels of biodiversity:- diversity between and within ecosystems and habitats- diversity of species- genetic variation within individual species”. This policy documents then states in policy one (page 10) “The City Council will seek itself and encourage others to conserve and enhance biological diversity within Birmingham and to contribute wherever possible to conservation of national and global biodiversity”.
- 6.29. Using the above policy as context to assess the ecological impact of the proposal I note that the proposal would see the entire redevelopment of the site and the resultant loss of this part of the wider SINC. The applicant has submitted various reports and surveys covering matters relating to ecology, wildlife and trees. With respect to the issue of wildlife, whilst the submitted reports identify that the site may be used as migratory routes by protected species such as bats or badgers and for foraging, there was no evidence of such animals using the site. My Ecological advisor concurs with this view and recommends conditions that would help provide protective measures on the ground during the construction period for badgers that may traverse the site and for bats after completion of the development, such as controls over lighting if planning permission is granted.
- 6.30. However, the above evaluation of the impact on protected wildlife does not diminish the significant wider adverse ecological impact the proposed redevelopment of the site is likely to have. The reasons for this include that the site forms part of a wider SINC that extends southwards and that the site measures 6410 sq.metres in total hence the clearance of this site which has an important wider ecological value in terms of its size and diversity (in terms of plants, vegetation etc. that inhabit it) would result in significant harm arising through its clearance for redevelopment. For example the site contains a substantial number of good quality trees (the impact upon which is considered in greater detail later in this report) and vegetation which

play an important role as a buffer between the built up environment to the north and west and the wider area of the SINC to the east.

- 6.31. It also acts to reduce acoustic exposure to the other part of the SINC by helping absorb noise from commercial premises and road traffic. It also acts, as mentioned earlier, as a migratory route and foraging area for badgers and bats. Therefore, the site as existing supports bio-diversity and acts as a wider ecological support with associated environmental benefits. Some of these benefits are also appreciable to the naked eye in that the site edge visually represents a green boundary to a SINC set against a mainly built up urban surrounding when viewed from the north (Old Horns Crescent) and west (Queslett Road). Its loss would also result in the encroachment of that built environment into the designated SINC and hence a degradation of that ecological asset.
- 6.32. As a result of the above impacts, the proposal is likely to have a significantly adverse impact on ecological grounds that would run counter to policies TP 7 and TP 8 of the BDP; policy guidance within the NPPF and also policy 1 of the Birmingham Nature Conservation Strategy SPG. I do not consider the offer (heads of terms) made by the applicant for compensatory features such as bat boxes and signboards to be established within the part of the SINC to the east in lieu of the loss of this ecological asset, namely 0.64 hectares of the SINC, to be an equivalent or a better provision to compensate for the loss of this SINC ecological asset. I also consider that the proposed tree planting and landscaping detailed on the submitted plans significantly falls short of acceptable ecological compensation for the loss of on site protected trees.

6.33. Trees

With respect to the matter of trees on the site, the applicant has submitted an arboricultural survey with this application. This survey identifies that the site mainly comprises B and C category trees. The best category trees, that is category B, are largely situated along the most prominent site perimeters i.e. along Queslett Road, the junction of Queslett Road and Old Horns Crescent and along Old Horns Crescent. These are the sites publicly viewable perimeters. The majority of trees on site are categorised as either young, early mature or mature whilst there is a TPO designation on the site that covers all trees on site. Mindful of this context, the proposal would entail the removal of most of the trees on site.

- 6.34. Given the importance of the trees on the site, members are reminded of the importance that the NPPF places on enhancing the quality of the built and natural environment (parts 56-108 of the NPPF discussed in detail below in the design and layout section of this report) and the conservation and protection of the natural environment as detailed in the NPPF set out earlier above.
- 6.35. Policy guidance within the NPPF does cover the need to protect and enhance ecological assets (detailed earlier in this report). Of most particular relevance, in terms of the important role that trees help play in our environment, part 17 of the NPPF sets out core planning principles which includes “contributing to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this framework”.

- 6.36. Finally, with respect to relevant policy background in relation to trees, policy TP7 of the Birmingham Development Plan states “.....The City Council will seek to conserve and enhance Birmingham’s woodland resource (collectively known as ‘The Birmingham Forest’). Particular attention will be given to protecting the City’s ancient woodlands as irreplaceable semi-natural habitats. All trees, groups, areas and woodlands will be consistently and systematically evaluated for protection and all new development schemes should allow for tree planting in both the private and public domains. The importance of street trees in promoting the character of place and strengthening existing landscape characteristics will be recognised”.
- 6.37. It is within this context the impact of the loss of the trees are assessed below.
- 6.38. Given the importance of the site in terms of its ecological and open space designation and the recognition of the particularly important role the trees play on this site and in terms of their wider visual and environmental impact, officers provided pre application advice on the previous withdrawn application. Throughout these discussions the underlying message in respect of the TPO has been that any proposal that required the removal of the majority of the protected trees could not be supported, with advice provided as to the key groups of trees that would, as a minimum, need to be protected and retained with the development expected to respect those features.
- 6.39. The current scheme still requires the removal of most of the trees on site which currently as a group represent a high value visual feature along the southern edge of the local centre and alongside the busy dual carriage way (Queslett Road). They also visually help mark the western edge of the SINC thereby providing a visual break between the built environment to the north and west of the site and the natural environment to the east. The value of the trees extends beyond simply their visual amenity, and extends to them acting as a considerable carbon sink storing approximately 2 tonnes of CO<sub>2</sub> per annum (calculated from latest Forestry Commission figures) next to a busy road with, at times, a lot of stationary traffic. In addition they have an important role in rainwater control on a site which is in places steeply sloping, pollutant particulate capture and oxygen manufacture. The trees are mainly self set opportunistic species such as birch, willow and other natives. The site has over 60 trees of varying sizes covering approximately 50% of the site area.
- 6.40. The proposal is to fell nearly all the trees, the equivalent to an area of 0.8 acre, with mitigation provided by the planting of 23 new trees around the upper elevated section of the site and also potentially 21 new trees along the site edge to Queslett Road. The proposed trees would not in my view adequately compensate for the loss of the nearly all the protected trees. Members are reminded that part 118 of the NPPF states “.....if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.
- 6.41. My conclusion that the proposal would have an adverse impact on the trees on site, is also identified in the applicants own arboricultural survey which indicates that 94% of the trees on site are in a good or fair condition. I also note that reference to the intrinsic value of the woodland and its potential to accommodate wildlife was set out in part 5.3 paragraph 4 of the arboricultural report that was submitted with the withdrawn planning application when it stated“ The woodland is predominantly young to early mature but contains several mature specimens which are of intrinsic value. This habitat is also of notable consideration due to its potential to support an

array of wildlife and its importance as a green corridor (forming part of a larger woodland). The development will result in the loss of this woodland". I also remind members that the arboricultural report submitted with this current application identifies that most common category of tree on site as being category B trees (38) which the report comments on by stating they " should be considered as a priority (for retention) due to these specimens contribution to the landscape character of the site and that category C trees (21) should be considered for retention if possible".

6.42. Finally with respect to trees, I note the applicant is under this resubmitted application proposing a wider landscape strip along Queslett Road than was proposed under the withdrawn application. I do not consider that this would adequately compensate for the adverse visual impact that would arise as a result of the loss of nearly all the trees on the site that this development proposes. In addition, there are question marks about the practicality of being able to plant the indicated trees along that site frontage given that there runs a culvert under where the site sits at pavement level on Queslett Road. This would make tree planting difficult along that landscape strip along Queslett Road. This view is given weight by the omission of the trees on the submitted landscape drawing, where only shrubs have only been shown along that strip whereas the proposed site layout plan and 3D visuals of the Queslett Road frontage show tree planting along that site boundary.

6.43. On the basis of the above assessment, the loss of trees would conflict with NPPF policy guidance and policies PG 3 and TP7 of the BDP.

6.44. Design and layout

The NPPF contains a presumption in favour of sustainable development and core planning principles seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, the NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations. It also advises that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development, for example where development would cause harm to the local area.

6.45. The NPPF places great emphasis on design. Paragraph 59 states that LPAs: "should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally". Paragraph 60 stresses it is "proper to seek to promote or reinforce local distinctiveness".

6.46. The BDP states in policy PG3 "All new development will be expected to demonstrate high design quality contributing to a strong sense of place. New development should:- Reinforce or create a positive sense of place and local distinctiveness with design that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design.- Create safe environments that design out crime and make provision for people with disabilities through carefully considered site layouts, designing buildings and open spaces that promote positive social interaction and natural surveillance.- 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, such as green infrastructure, sustainable drainage and energy generating features.- Support the creation of sustainable

neighbourhoods.- Make best use of existing buildings and efficient use of land in support of the overall development strategy”.

- 6.47. Overall the NPPF and BDP all seek high quality design that responds to an area’s character, reinforcing and evolving positive local characteristics.
- 6.48. The site currently includes a positive visual green edge alongside a busy dual carriageway. The presence of a range of young to mature trees of mainly good to fair quality which encompass approximately half the site with large groupings alongside its perimeter edge softens the urban environment. This has a wider visual benefit through its enhancement of the image of the City as a whole due to its location adjacent a dual carriageway that also runs alongside the boundary with the neighbouring authority (Walsall). In contrast to the existing situation it is proposed to remove these key features of the site through comprehensive site clearance, including site cutting and infilling, to form a single large plateau. In the place of the largely tree occupied site which visually marks the site from the outside, a 4m high retaining wall that will be a visual and physical barrier along Queslett Road would be erected. This would be a negative step in urban design terms which would also undermine the permeability of the site whereas currently level access, for both vehicles and pedestrians, is achievable from Queslett Road.
- 6.49. With respect to the wider layout of the site, the proposed layout remains flawed in terms of good urban design. The store is inward-looking and totally car focused, turning its back to the road junction and the surrounding area and presenting largely blank elevations to streets. Despite the inclusion of pedestrian steps from Queslett Road, the site layout means that the store is unwelcoming for pedestrians, including a route from Old Horns Crescent that is not overlooked, alongside the delivery yard. The applicant appears to recognise that this part of the site could have security and safety issues by covering the small staff room and meeting room windows with security grilles. This further reinforces the impression of a development that is not pedestrian friendly or would integrate smoothly with its surrounds.
- 6.50. I acknowledge that the applicant has considered a number of alternative options in terms of the positioning of the proposed store within the site as part of the design and access statement. I also note that the applicant has made some changes to the scheme in comparison to the previous withdrawn application, such as proposing a wider landscape strip along Queslett Road. However, I remain of the view that the footprint size of the building and its position, along with the fundamental regrading of the existing site levels, results in an unacceptable urban design solution to the development of the site. This adverse visual impact is exacerbated by the elevated nature of the proposed development in comparison Queslett Road where currently the site access and centre of the site sit relatively level with Queslett Road. This conflicts with advice in the NPPF and policies within the BDP.
- 6.51. For the reasons above the proposed development would result in a visually poor development which would appear obtrusive in the street scene by reason of its size, siting and levels. For these reasons the proposal would conflict with parts 59 and 60 of the NPPF and policy PG 3 of the BDP.
- 6.52. Parking/highway issues

Policy 38 of the BDP states “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. The delivery of a sustainable

transport network will require: Reduction in the negative impact of road traffic, for example, congestion and road accidents”.

- 6.53. Policy TP44 of the draft BDP states “The efficient, effective and safe use of the existing transport network will be promoted through the following:- Ensuring the planning and location of new development supports the delivery of a sustainable transport network and development agenda.- The prevention or refusal of development on transport grounds where the residual cumulative impacts of development are severe.- A requirements for Transport Assessments/Statements and Travel Plans as necessary in line with the relevant national guidelines”.
- 6.54. Part 32 of the NPPF states “All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether: ● the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; ● safe and suitable access to the site can be achieved for all people; and ● improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.
- 6.55. Transportation Development comment that the submitted transport and highway impact related information falls short of critical analysis particularly in relation to the impact on the Queslett Road and Aldridge Road junction roundabout. They also state that the submission also lacks baseline validation of the submitted assessment and sensitivity testing. Having discussed this matter with Transportation Development, they confirm that they cannot advise further on the acceptability of the scheme from a highway impact perspective until such information has been provided and evaluated by them. In the absence of a firm direction from Transportation Development with respect to the impact of the development on the highway network, I set out an assessment of the parking to be provided by the proposal below based on the information at hand.
- 6.56. From a strategic perspective the site is located in an edge of centre location. This reduces pressure on the use of private cars to access the site. Furthermore, the site is located within walking distance of a large residential catchment area which further reduces parking demand.
- 6.57. Car parking guidelines contained within the City’s adopted SPD Car Parking Guidelines sets out maximum parking ratios. In this instance the provision of A1 floorspace (convenience retail) in this location (zone 3) should ideally be provided with 1 car parking space per 14 sq.metres of floorspace. On this basis, this would equate to 82 car parking spaces. As the applicant has indicated the provision of 81 car parking spaces, the level of on site parking spaces is considered acceptable. With respect to the matter of cycle provision, guidance indicates that a provision of 3 spaces should be made. I consider such could be provided within the site such as through the loss of some of the parking spaces closer to the building to accommodate cycle storage. The applicant has provided within the submitted TA a swept path analysis that satisfactorily demonstrates how an articulated lorry 16.48 metres in length could access and egress the site in forward gear.
- 6.58. However, despite the above matters being acceptable, members are reminded of the assessment of the information submitted to date by my Transport Advisor who confirms that the submitted transport and highway impact related information falls

short of critical analysis particularly in relation to the impact on the Queslett Road and Aldridge Road junction roundabout. The submission also lacks baseline validation of the submitted assessment and sensitivity testing. On this basis, given the omission of such information, I am unable to satisfactorily evaluate the impact on the road network in terms of the freeflow of pedestrians and motorists and also on their safety. For these reasons, the proposal conflicts with TP 38 and 44 of the BDP and part 32 of the NPPF.

6.59. Drainage

The NPPF states in part 94 “ Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations”. This national guidance is further supplemented by ministerial statement (18th December 2014). Given the level of information provided in relation to the drainage proposals, I am content with the current proposal with respect to the matters subject to a condition that would allow the scheme to progress to the next drainage design stage. My drainage advisor (LLFA) concurs with this view.

6.60. Environmental issues

Regulatory Services raises no objection to the proposal subject to controls on the cumulative noise from all plant and machinery, controlling the type of lighting, requiring vehicle recharging points to be provided and conditions to tackle contamination encountered during site works and to deal with any gas on site or that may migrate to the site from neighbouring land (given there is a former land fill next door). I concur with this view. The proposed development would see the redevelopment of a site previously used for commercial purposes including quarrying related activity. The submitted site survey details are satisfactory and a precautionary condition is recommended to address any currently unidentified contamination that the site works may encounter. Matters regarding gas that may emanate from the site and or neighbouring land can be dealt with by condition. A lighting condition would not only help control light spill to nearby occupier but also help in protecting wildlife. In summary, subject to the safeguarding conditions mentioned, no adverse environmental impact identified.

6.61. Economic impact

Part 7 of the NPPF sets out the governments vision as to what constitutes sustainable development, namely reconciling the economic, social and environmental role that development plays. Part 8 states “These roles (environmental, economic and social) should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions”.

6.62. Bearing the above in mind, I acknowledge that the applicant states the development is expected employ up to the equivalent of 30 full time jobs. There is also likely to be greater consumer choice and perhaps more competitive pricing of goods for consumers (as the development is likely to increase competition with other local

retailers including the Asda store to the north). Despite these potential economic benefits I do not consider that this would outweigh the adverse environmental impact (as a result loss of open space, loss of ecology and loss of trees) as detailed earlier in this report as well as the potentially adverse impact of the proposal on highway safety as well as the adverse visual impact of the overall design and layout of the development.

- 6.63. Members attention is drawn to part 9 of the NPPF which immediately follows the above advise by stating “ Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):- making it easier for jobs to be created in cities, towns and villages;- moving from a net loss of bio diversity to achieving newt gains for nature;- replacing poor design with better design; - improving the conditions in which people live, work, travel and take leisure; and – widening the choice of quality homes”. Part 10 continues “ Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas”.
- 6.64. On the basis of the above, I conclude that whilst the proposal would have potential economic benefits these would not outweigh the adverse impacts identified and the concerns about the lack of appropriate information to evaluate the highway impact of the proposal and the adverse visual impact the proposal would have.

6.65. CIL

This proposal does not attract a CIL charge as it proposes the establishment of less than 2,700 sq.m of retail floorspace.

7. Conclusion

- 7.1. The proposed development would have an adverse impact on the basis it would lead to the loss of open space; lead to the loss of an important ecological asset (part of a SINC), would lead to the loss of a woodland and TPO trees and is supported by information that lacks critical information to make a satisfactory assessment of the impact of the proposal on the safety and freeflow of pedestrians and motorists. The proposal would also have an adverse visual impact as a result of its design and layout. When these impacts are viewed against the context of detailed planning policy set out through this report, I conclude that they outweigh the economic benefits and therefore that planning permission should be refused.

8. Recommendation

- 8.1. Planning permission should be refused.

Reasons for Refusal

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- 1 The application proposes the loss of open space, part of which is a SINC. The applicant has not demonstrated compliance with relevant policies and guidance in
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relation to the loss of the open space and therefore the proposal is in conflict with policies TP 7, TP 8, TP 9, TP 37 and TP 47 of the Birmingham Development Plan (2017); parts 69-74, 109, 113, 114 and 118 of the NPPF and Policy 1 of the Birmingham Nature Conservation Strategy SPG.

- 2 The development would lead to the loss of almost all the trees on site, all of which are covered by a TPO (Tree Preservation Order). This would be visually harmful with wider adverse environmental and health consequences (due to the important role that trees play in reducing pollution and other adverse environmental impacts). This would conflict with the aims and guidance in the NPPF and policy TP 7 of the Birmingham Development Plan (2017).
- 3 The proposed development would result in a visually poor development which would appear obtrusive in the street scene by reason of its size, siting and levels. For these reasons the proposal would conflict with the aims and guidance in the NPPF and adopted SPG Places for All as well as policy PG 3 of the Birmingham Development Plan (2017).
- 4 The submitted transport and highway impact related information falls short of critical analysis particularly in relation to the impact on the Queslett Road and Aldridge Road junction roundabout. The submission also lacks baseline validation of the submitted assessment and sensitivity testing. On this basis, given the omission of such information, I am unable to satisfactorily evaluate the impact on the road network in terms of the freeflow of pedestrians and motorists and also on their safety. For these reasons, the proposal conflicts with TP 38 and 44 of the BDP and part 32 of the NPPF.

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Case Officer: Wahid Gul

**Photo(s)**

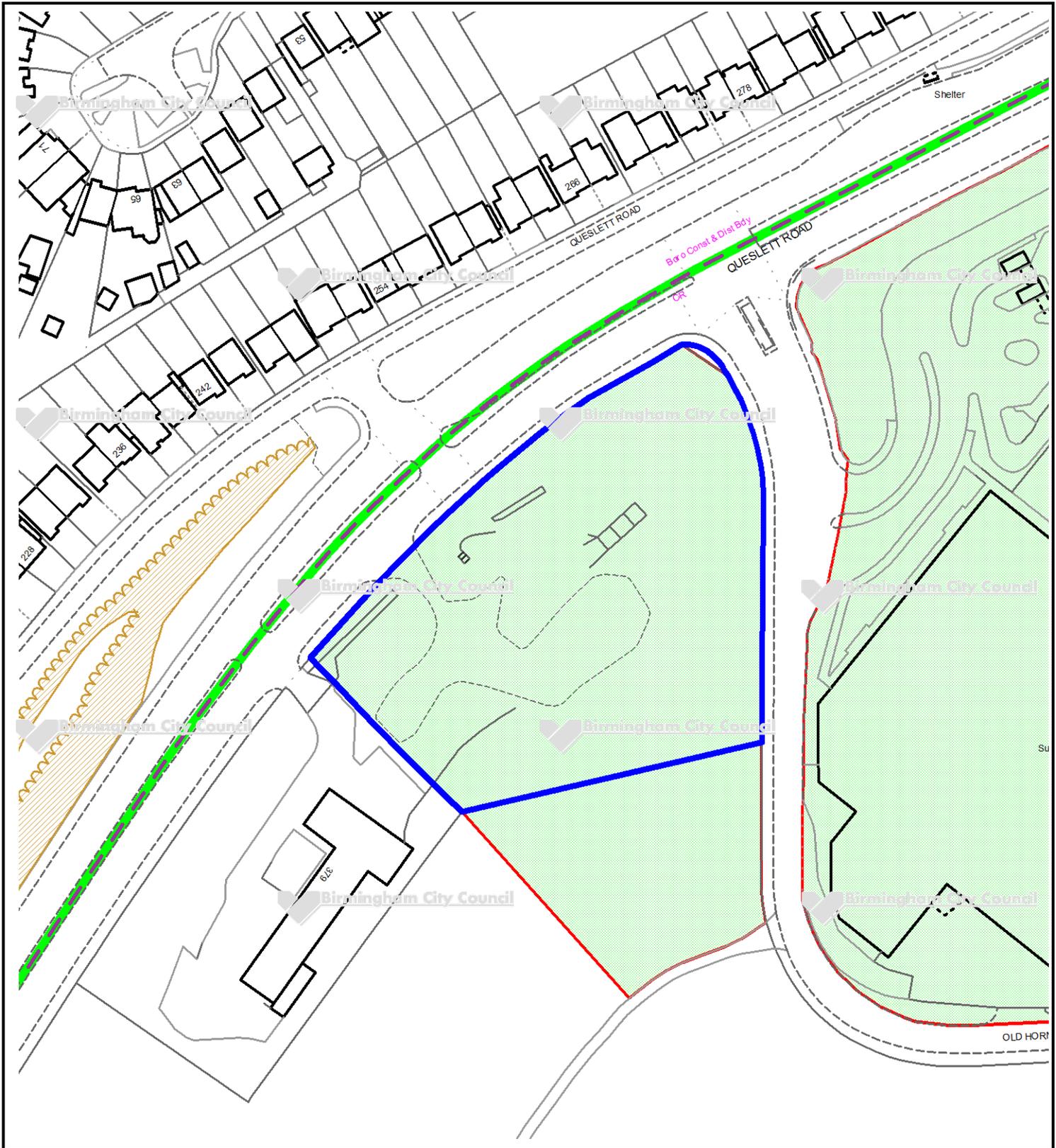


View looking at site along Old Horns Crescent



View of site along Questlett Road

# Location Plan



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# Birmingham City Council

## Planning Committee

26 April 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>
Defer – Informal Approval	12	2017/10339/PA  QE Hospital Site Mindelsohn Way Edgbaston Birmingham B15 2TQ  Demolition of existing Postgraduate Centre and the erection of a new Specialist Hospital Facility (being 7 storeys and 14,728sqm) with associated parking (51 spaces), landscaping, means of access and adjacent sub-station. Provision of a further 50 space car park on the 'Marshalling Yard' site, unless a suitable alternative location is delivered prior to the building being brought into use.
Defer – Informal Approval	13	2017/07682/PA  423-425 Hagley Road Harborne Birmingham B17 8BL  Proposed demolition of fire damaged bed and breakfast accommodation and redevelopment with new 3 storey development comprising 22 one-bedroom apartments and 6 two-bedroom apartments (a total of 28 dwellings)
Approve - Conditions	14	2017/07528/PA  Land at Mary Vale Road and Franklin Way Bournville Birmingham B30 2HP  Removal of existing structures/ fencing and 3 trees (within a Conservation Area) and redevelopment of site with 52 no. apartments with associated amenity space and parking

Approve - Conditions	15	2018/00924/PA  Former Midhire and UTC premises York Road Hall Green Birmingham B28 8LN  Engineering works to remove ground obstructions and contamination
Approve - Conditions	16	2018/00181/PA  42 Selly Wick Road Selly Park Birmingham B29 7JA  Erection of first floor rear and side, installation of dormer window to rear and alterations to roofs.
Approve - Conditions	17	2018/00066/PA  14 Upland Road Selly Park Birmingham B29 7JR  Erection of two storey side and rear extensions, single storey front extension and roof enlargement
Determine	18	2017/10544/PA  12 Westlands Road Moseley Birmingham B13 9RH  Erection of two storey side and rear and single storey forward and rear extensions
Non- Determine Appeal Endorse	19	2017/07936/PA  67-69 Church Hill Northfield Birmingham B31 3UB  Erection of first floor extensions to include A2 Use Class.

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Committee Date:	26/04/2018	Application Number:	2017/10339/PA
Accepted:	05/12/2017	Application Type:	Full Planning
Target Date:	27/03/2018		
Ward:	Edgbaston		

QE Hospital Site, Mindelsohn Way, Edgbaston, Birmingham, B15 2TQ

Demolition of existing Postgraduate Centre and the erection of a new Specialist Hospital Facility (being 7 storeys and 14,728sqm) with associated parking (51 spaces), landscaping, means of access and adjacent sub-station. Provision of a further 50 space car park on the 'Marshalling Yard' site, unless a suitable alternative location is delivered prior to the building being brought into use.

Applicant: Prime (UK) Developments Ltd  
5 The Triangle, Wildwood Drive, Worcester, WR5 2QX  
Agent:

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Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal

- 1.1. This application seeks planning permission for the demolition of the existing two storey Postgraduate Centre and the erection of a new Specialist Hospital Facility. The new hospital would be 7 storeys high (36m above ground level at the front, facing the women's hospital). The building would have a further two floors of plant rooms at the top of the building and above this level would be a 3m high screen to raise the profile of part of the building. The building would have a total floor-area of 14,728sqm.
- 1.2. It is proposed to provide two car parking areas; one adjacent to the building and a second 200m to the south of site. The parking areas adjacent to the building would have 51 spaces, being a two-decked area to the south of the building. The second car park would be a surface level car park, for 50 cars, on an area of rough ground (known as the marshalling yard).
- 1.3. The new medical facility would provide 138 specialist beds of which 72 are for NHS inpatients, and 56 are for private patients. There are also 15 consulting rooms, 8 chemotherapy chairs, 2 chemo treatment rooms and 2 endoscopy rooms. The building is designed to function as a shared facility, with private and NHS patients using the treatment and recovery spaces and with dedicated wards providing care/recovery to each group. Pedestrian access to the building would be gained from the front door on the north elevation and through a new link from the pedestrian bridge to the south of the building (linking from the main QE Hospital).

- 1.4. The building footprint would consist of two rectangular shapes, set on an open 'V-shape', opening facing towards the southeast corner of the Women's Hospital. The building would consist of a series of stepped elevations creating a hierarchy and interest. The entrance area would create a two storey canopy which encompasses a large part of the frontage and wraps to the eastern side.
- 1.5. The building would be clad in polished and non-polished cementitious cladding panels with rainscreen cladding and sections of back faced enamelled glass panels being two tones of a light blue colour (see CGI image below).



CGI image of the proposed scheme looking south, existing QE Hospital to the right hand side.

- 1.6. Vehicular access to the decked car park of 51 parking spaces, would be from a service road off Mindelsohn Way and would include 5 vehicle charging points. Cycle parking for 20 cycles, Sheffield hoops, would be included in the lower ground floor car park.
- 1.7. The second 50 space car park, on the Marshalling Yard, would be accessed from an access road that connects to the frontage 'drop-off' area of the QE Hospital. This would be located within the Scheduled Ancient Monument designation for Metchley Fort.
- 1.8. A small sub-station is also proposed, this would be to the immediate east of the proposed building, on the opposite side of the service road. This would be 4m high 7.5m wide and 7.5m deep, have a flat roof and be built of brick to match the adjacent building.
- 1.9. The applicant, Healthcare UK (HCA UK) currently provide private healthcare in partnership with NHS trusts across the country. This hospital would offer specific services such as hematology, oncology and neurosurgery for private health care which are not widely available in the independent private sector. It would allow patients who are insured, or self-funded, access to these treatments while reducing some pressure on the NHS system where there is a high level of demand. It would also provide access to NHS patients into the facility to reduce overcrowding in the existing facilities. Consultants already working at the QE would have the ability to develop their private practice in this adjacent and linked facility, that would be provided for both NHS patients and staff, as it would be connected directly via the existing bridge link to the QE hospital.

- 1.10. The proposal would create 150 new full time equivalent jobs (which includes 97 as nursing staff). The applicant has explained that consultants servicing the NHS patients, within the building, would already be on-site.
- 1.11. Amended plans have been received showing improvements to the design of the building (to create greater articulation) and reducing the flue height (by 5.5m) and its location (to the centre of the roof) to reduce its previous impact. Also addendum reports have been provided that consider the ecological and archaeological value of the marshalling yard.
- 1.12. The application is supported with various document including a; design and access statement, noise report, archaeological assessment, ecological impact assessment, phase one habitat assessment, flood risk assessment, light pollution assessment, transport assessment and statement of community involvement.
- 1.13. A screening opinion was undertaken at the pre-application stage and it was concluded that Environmental Impact Assessment was not required.
- 1.14. [Link to Documents](#)
2. Site & Surroundings
  - 2.1. The main application site is 0.43 ha and consists of a vacant post-graduate building which is 2 storeys and provided space for conferences and lectures, it is now vacant. It included a 140 seat conference room, four 45 seat seminar rooms (room therefore for 220 delegates) and other smaller meeting rooms, with 17 parking spaces.
  - 2.2. The site of the new sub-station is to the east of the main site, in an area of landscaping, in a corner of a small car park.
  - 2.3. The marshalling yard is 230m to the south of the main site, and is 0.54ha. This site has been used as a compound in the past and consists of rough ground and piled spoil.
  - 2.4. The main application site is to the immediate east to the Queen Elizabeth Hospital site which opened in 2010. The QE Hospital is part of a hospital campus including the Women's and Mental Health Hospitals. The Hospital campus is also adjacent to the University of Birmingham campus to the south east.
  - 2.5. The wider area is predominantly residential in character.
  - 2.6. Access to public transport is excellent with easy access to the bus and taxi hub located to the side of the QE Hospital (350m south of the application site) and the University Railway Station 550m to the southeast.
  - 2.7. [site location plan](#)
3. Planning History
  - 3.1. 12/03/04 Pa no 2003/04585/PA Outline planning permission for the redevelopment of existing health care facilities with new single site hospital buildings including access, car parking and associated works (Use Class C2). Approved subject to Section 106 to secure; highway contribution, Green Travel Plan, Car Parking

Strategy, environmental and archaeological measures and to require prior agreement of the local planning authority for re-use of the existing hospital buildings. Approved with S106 to secure various item including;

- New Road connecting the site to Harborne Park Road
- Travel Plan (3<sup>rd</sup> Schedule)
- The prior agreement for any re-occupation of the retained hospital estate on Hospital Drive (comprising 39,008sq.m) – 7<sup>th</sup> Schedule.

3.2. 12/10/17 Pa no 2003/04585/PA, formal request to satisfy the 7<sup>th</sup> Schedule and enable the formal re-occupation of the retained estate. Approve subject to a Deed of Variation to secure;

- A sum of £87,500 to be invested in the car park management strategy of the emerging master-plan.

#### 4. Consultation/PP Responses

##### 4.1. Consultation Responses

4.2. Transportation – No objection, based on the above analysis my Highway Engineer considers that the proposal would be able to accommodate its parking demand and not generate any significant travel demand, and as such is in accordance with the NPPF. Conditions required for cycle parking (showing a minimum of 15 stands), provision of all parking prior to first use, a car park management plan, 5 electric car charging points (10%), a Travel Plan, all works to surrounding roads to be completed prior to first use, and a construction management plan (mindful of the busy nature of the campus). It is also advised that the applicants contribute towards the wider initiative so the emerging Masterplan for better off-site car parking management and investment in sustainable travel methods.

4.3. Centro – no comments received.

4.4. Regulatory Services – No objection subject to condition for a contamination remediation scheme and a verification report.

4.5. Lead Local Flood Authority – The LLFA is content with the proposed development. In order to allow the development to progress to the next stage of design, the LLFA recommends conditions for a drainage strategy and an operation and management plan.

4.6. Environment Agency – No objection.

4.7. West Midlands Fire Service – Access is required to within 18 m of each fire main inlet connection on the front of the buildings, the inlet must be visible from all points. Water supplies for firefighting should be in accordance with “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK. The approval of Building Control will be required with regard to Part B of the Building Regulations 2010.

4.8. West Midlands Police – WM Police has provided anti-terrorism advice to the applicants. It has raised no objection to the scheme subject to the following conditions; that CCTV be installed throughout the development, paying particular

attention to public areas, external lighting scheme, should complement the CCTV , that an alarm linked to an alarm receiving centre is installed at the proposed site , that the scheme is designed to 'Secured by Design' Commercial Developments standard.

- 4.9. Historic England – The proposals comprise the construction of a new medical building, with associated parking and landscaping. It is our view that this would impact upon the setting of the adjacent scheduled monument and result in harm to its significance; although the level of harm would be low. We have no objections in principle, however further information is required for the proposed marshalling yard / car park on the southern side of the monument and the extent of the scheduled area needs clarification. Following re-consultation, in regard to the marshalling yard, it has now raised no objection subject to a condition to agree final location of the car park and details of landscaping and lighting.
- 4.10. Severn Trent – No objection.
- 4.11. Public Participation responses
- 4.12. Residents, Resident Associations, Councillors and the MP consulted. Site Notice erected, press notice made. The following objections have been received;
- 4.13. A petition has been submitted, with 86 names, objecting on the basis that the scheme provides inadequate parking.
- 4.14. A second petition with 47 signatures has been submitted, via Councillor Matt Bennet, opposing development on the grounds that *“there is insufficient parking at the QE site and the additional spaces will not be sufficient for the new facility. This would have a detrimental effect on surrounding roads, which are already under severe strain.”*
- 4.15. 4 letters of objection from residents with the following concerns
- The campus is significantly overdeveloped, and places an unreasonable burden on local infrastructure, creating congestion and pollution for existing residents.
  - the level of car parking provision in the proposed development would be insufficient,
  - to develop a large private hospital on the UHB site would be inappropriate and unsustainable.
- 4.16. **Cllr Deirdre Alden** – Objects, as she considers that the site cannot cope with the extra patients, staff and visitors. She welcomes the idea of extra beds on site, but objects because she considers that the parking provided is inadequate and there is already a shortage of parking on the QE site. The fact that only 50 extra spaces are being provided, is simply not enough. She considers that the hospital should use one of the surface level car park sites to build a new multi-storey car park. Congestion is another concern, she considers that the infrastructure is not good enough.
- 4.17. **Cllr Matt Bennet** – concurs with Deirdre Alden and asks to speak at committee.

- 4.18. **Metchley Park Road Residents Association** – Object as the site is already overdeveloped, parking anywhere near the hospital is almost impossible and in Edgbaston now there is a huge traffic overload to the extent that it is almost impossible to drive a car except in non-peak hours. A massive expansion has taken place in recent years, the University of Birmingham seems to be a law unto itself, schools are based in Edgbaston and the QE hospital has always never ever concerned themselves with residents.
- 4.19. **St Mary's Road and Abbey Road Residents' Association** – Object as little thought has gone into improving existing infrastructure and parking on the site as well as how to mitigate the log jam of cars in the Edgbaston and Harborne areas. The Transport Assessment fails to acknowledge existing problems. In our last response in 2013 to the application for the Inst. of Translational Medicine, we asked the Council in conjunction with the UHB to develop a Masterplan for the site and surrounding area including the University, and am pleased to see that there is a wider Selly Oak Area Transport Masterplan nearing completion. I will be delighted if this plan also includes the UHB site in terms of possible new build in the future and planned infrastructure improvements required. However, it is deeply disappointing to see that this planning application is being made in advance of the finalisation of this Masterplan. We would ask the Council to put this planning application into abeyance until the Masterplan has been published to ensure revised proposals are in line with its requirements. If the applicant is unable to comply, then this suggests the building is not appropriate for the site and should be located elsewhere.
- 4.20. **Edgbaston Residents Association** – The key issue is undoubtedly infrastructure and car parking. The unacceptable congestion, parking and environmental issues which currently exist are glibly taken as a base line from which to make the developer's case that there is no requirement to address these issues. The offered £85,700 towards on street parking mitigation measures is inadequate. Edgbaston Residents Association do not feel that the existing congestion and parking problems arising from the QE University campuses are being addressed constructively and to develop a large private hospital on the UHB site would be inappropriate and completely unsustainable.
- 4.21. **Calthorpe Residents Society** – They support the idea of the development however, do have reservations about the number of parking spaces. This UHB site is already over-developed; the infrastructure is already inadequate and is under-resourced with inadequate travel and parking arrangements. This proposal for a new hospital facility seems to be addressing just one small piece of the jigsaw puzzle when attention should be focussed on the 'Big Picture'. If this hospital is to be justified, the local infrastructure must be improved. The eagerly awaited Masterplan and the development of sustainable transport will only succeed if cars are prevented from being parked on local roads free of charge Monday to Friday. This should be top priority. A few street parking mitigation measures are insufficient. The time has come for major holistic action. The proposed £10 million improvements to University station and improved rail transport will have little benefit unless they are part of an integrated system.
- 4.22. **The Harborne Society** - Objects as it is felt that it would attract more staff than 150. That the proposals rely on the additional patient, visitor and staff parking generated being absorbed by the current Green Travel Plan which is unrealistic. The impact on the road network would be greater than predicted. The Mitigation Strategy is inadequate and the new hospital would add to current parking and traffic management problems both on and off the campus.

4.23. **Calthorpe Estates** - Calthorpe Estates have serious concerns with regards to the potential highway impacts associated with the proposed development. It is considered that the proposed development, which intends to incorporate 50 on site car parking spaces, would result in the generation of significant additional vehicle trips, during peak times, resulting in traffic congestion and overspill of parking onto side roads, many of which are residential in character. Calthorpe are highly concerned that this will impact negatively upon the residents and businesses located within the Estate.

5. Policy Context

5.1. NPPF.

5.2. Birmingham Development Plan (2017), Birmingham UDP (saved policies) (2005), Car Parking Standards SPD, Nature Conservation Strategy SPG, Places for All SPD. Metchley Fort Scheduled Ancient Monument. The Wider Selly Oak SPD.

6. Planning Considerations

6.1. The scheme raises issues in regard to principle, transportation, design, archaeology, ecology, trees and drainage.

6.2. Principle

6.3. Policy TP27, of the BDP, requires all new development to demonstrate that it is meeting the requirement of creating sustainable neighbourhoods. This is characterised by a wide choice of housing types, access to facilities (being shops, schools, leisure and work), access to sustainable travel, a strong sense of place with a high design quality, and promoting environmental sustainability. Policy TP3, of the BDP, requires new development to be designed and constructed to sustainable standards which maximise energy efficiency, conserve water and reduce flood risk, consider the source of materials, minimise waste and maximise recycling during construction, have flexible and adaptable spaces and enhance biodiversity.

6.4. Policy GA9, of the BDP, states that the campus will remain a major focus for medical facilities of regional and national importance and states that new hospital facilities in the campus will be supported.

6.5. The Wider Selly Oak SPD establishes the importance of the Hospital campus and University and encourages growth.

6.6. The NPPF includes three dimensions to sustainable development, being; Economic, Environmental and Social. There is also a strong emphasis on providing new housing, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising previously developed sites (brown-field land) and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. This application seeks to place a hospital building within the grounds of an existing hospital campus, enabling interconnectivity (which is also itself a shared facility) and access to existing public car parking and public transport. From a geographical perspective it would be well located, in principle, to benefit greatly from the existing and proposed connectivity and infrastructure of the hospital

and adjacent University. Furthermore, the site is considered as previously developed land, being the site of an underused existing building, a site therefore favoured by national policy and local policy.

- 6.7. Therefore, the site is considered to be an appropriate location, in principle, provided that it satisfies local policies and all other material planning considerations.
- 6.8. Transportation
- 6.9. BCC Transportation consider that the 100 car parking spaces would accommodate the parking demand generated by the proposed hospital facility. Notwithstanding, the Applicants have agreed to tie this application to the transportation Master Plan for the hospital and university campuses and wider area, by way of S.106 financial contributions for off-campus car parking, and improvements to cycle and pedestrian routes. This is explained in more detail in the following sections.
- 6.10. Policy TP45, of the BDP, requires new development to support the delivery of a sustainable transport network. Policy TP38, of the BDP, requires development proposals to support and promote sustainable travel. Paragraph 32, of the NPPF, requires new development to take account of sustainable transport modes, safe and suitable access and improvements to the network that limit the impacts of the development.
- 6.11. The proposal would accommodate 150 (full time equivalent staff) including 97 nursing staff. Car Parking guidelines, of the adopted SPD, recommend that car parking is provided at a rate of 1 space per two staff and 1 space per two beds in area 2 (within 500m of a station). Policy TP44, of the BDP, seeks to ensure that the planning and location of new development supports the delivery of a sustainable transport network.
- 6.12. The proposal provides 101 car parking spaces adjacent and close to the proposed building. This would be in the form of a 51 spaces decked car park, next to the building and a further 50 spaces 230m to the south on a surface car park (known as the marshalling yard). Furthermore, the applicants have offered S106 contributions towards improvements to off-site car parking prevention/management measures and investment in sustainable travel measures.
- 6.13. The existing, now vacant building, is 2 storeys and provides space for conferences and lectures. It has a 140 seat conference room, four 45 seat seminar rooms and other smaller meeting rooms, with 17 parking spaces. Based on BCC guidelines the use would require a maximum 43 spaces based on the 320 seats in the building.
- 6.14. The Transport Assessment informs that the facility would provide 138 specialist beds of which 72 are for NHS inpatients, and 56 are for private patients. There are also 15 consulting rooms, 8 chemotherapy chairs, 2 chemo treatment rooms and 2 endoscopy rooms. Based on BCC maximum parking guidelines this would equate to 216 parking spaces, with 101 spaces being proposed.
- 6.15. Discussions with your highway engineers, at a pre-application stage, have focused on the methodology to be used in the supporting transport study and ensuring this is robust in nature. There are a number of factors that have been investigated to reach the conclusions in the report, which confirms there would be sufficient car parking provided by this development. These factors are noted as follows;

(i) The BCC car parking guidelines have been referenced as a first factor in confirming the potential parking demand between the existing and proposed uses.

(ii) The extant land use of the Post Grad building.

(iii) The applicant's existing facilities in hospitals in Manchester, London and Romford have been used to confirm anticipated patient throughput, bed occupancy and length of stay. NHS data confirms the same details for that element of use.

(iv) The QE Travel Plan surveys are used to confirm mode split and other travel details.

6.16. Analysis has been undertaken, assuming that both private and NHS components would be completely new, ie not allowing any potential 'backfilling' of the existing hospital facilities. The conclusions note travel demand in the peak periods would be less than 1 vehicle a minute (58 two way movements in PM peak) which is considered to be negligible, based on the level of traffic using surrounding roads. In respect of parking demand, this level of activity can be accommodated within the proposed parking; anticipating a need for 71 spaces in the worst case scenario, while 101 spaces are proposed.

6.17. Based on the above analysis your Highway Engineer considers that the proposal would be able to accommodate its parking demand and not generate any significant travel demand, and as such is in accordance with the NPPF. However, I recognise that local residents and councillors have raised concerns in regard to the scheme, identifying existing problems with parking congestion off-site and criticising the accuracy of earlier traffic survey work (for other schemes) and their predicted traffic flows.

6.18. In order for future large developments to proceed, on both the hospital and University campuses, appropriate investment in infrastructure will be required. The University Hospitals Birmingham NHS Foundation Trust, University of Birmingham, Birmingham Women's and Children's NHS Foundation Trust Birmingham and Solihull Mental Health NHS Foundation Trust and the City Council are therefore working together to prepare a Master Plan for the campuses and surrounding area. The aims are:

- To realise the potential of the area as a local, national, and internationally important destination for education, research and healthcare, and to maximise the health and economic benefits of development and investment;
- To minimise impacts on, and secure better integration with surrounding local neighbourhoods;
- To establish the scale of the opportunity and the principles that will be applied in considering proposals for new development.
- To ensure that adequate infrastructure and environmental improvements are provided alongside new development.
- The Master Plan will set out a clear set of land use, urban design and transport principles and proposals to guide development. This will include a Sustainable Access Strategy and Strategic Transport Assessment comprising:

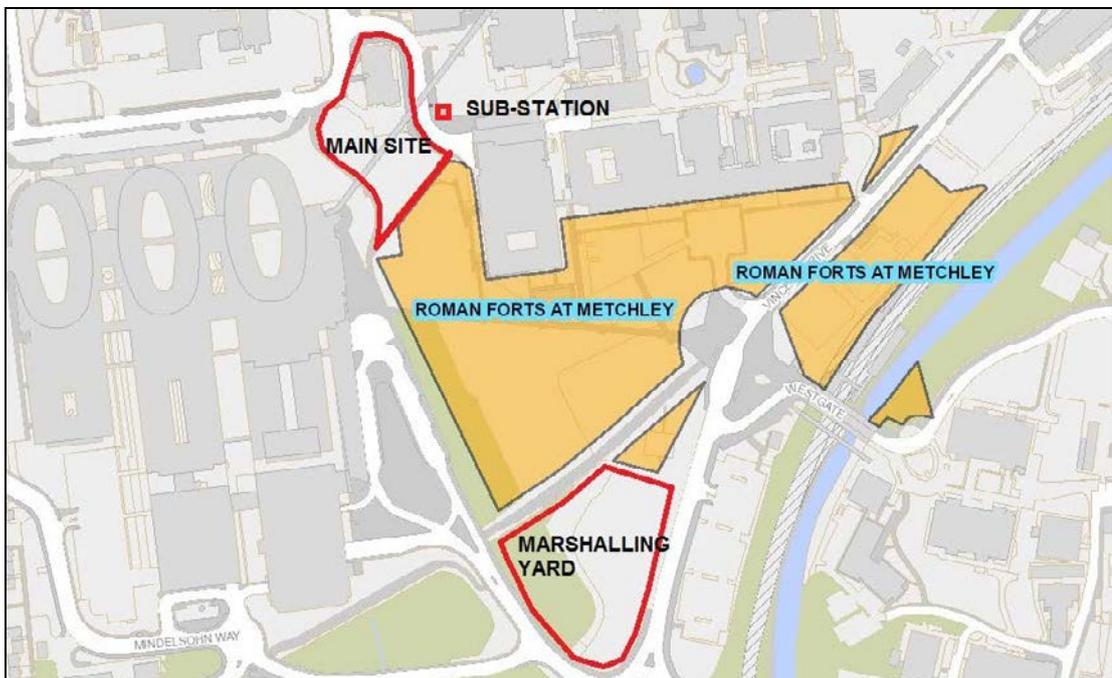
- A package of significant measures to improve use of sustainable transport modes including bus, SPRINT (bus based rapid transit), rail, walking and cycling. A key strand will be an assessment of options for University station leading to a deliverable proposal for significant high quality improvements.
  - A set of appropriate traffic and highways improvements on local roads to address road safety and traffic capacity issues.
- 6.19. The car parking management measures, for surrounding residential roads, described above has been designed to complement the emerging proposals in the Master Plan. The Master Plan is likely to be ready later this year. It will give an up to date and robust context for assessing future planning applications. It will also address many of the concerns being raised by your Committee about car parking and transport. Although it will not be a statutory planning document, local stakeholders will be involved wherever possible, and their feedback sought prior to finalising the Plan.
- 6.20. As a result of the above emerging strategies, and as already set in the report put before Members in October (for the retained estate) last year, wider strategic analysis has been undertaken by the Council's transport consultants and this work is starting to identify measures that would invest in local sustainable travel and better manage off-site parking through a master-plan document. This would illustrate how growth can be managed throughout both campuses, with infrastructure growth measures to regulate the expansion. Phase One of a car park management strategy, dealing with the most critical parking pressures around the two campuses is now funded and being delivered, phase two now requires to be defined and delivered. The applicants have responded to this emerging initiative and offered the following sums to invest in accordance with the emerging master-plan;
- Investment in the car parking management strategy and preparation and delivery of phase II parking measures £87,500
  - Investment in improvement to local cycleway and pedestrian routes £135,000.
- 6.21. In summary, I consider that these sums would assist in the delivery of a co-ordinated series of infrastructure measures to improve sustainable access to the site and reduce local congestion without preventing ongoing growth at these important institutions. These measures can be secured by a S106 Agreement.
- 6.22. Objections have been received from local resident associations and Calthorpe Estates with three key concerns; the local existing congestion needs to be addressed before further development is approved; nothing further should be approved until the Masterplan work is completed and the scheme underprovides parking. In reaction to the first point, an applicant be held accountable for existing congestion issues in an area, the analysis must focus on the scheme and the specific impacts it is expected to create. The analysis (though criticised by residents) is considered robust and has been created using established national guidelines. It has been considered by your Highway Engineers and the predicted outputs considered reasonable and appropriate. In terms of the timing of the application, the Masterplan work is relatively well advanced and S106 contributions are offered in support of the emerging evidence base, it is not considered premature to arrive at a recommendation of this current scheme. In terms of the final point, lack of proposed parking, for the reasons outlined above I am content that the parking provision would be adequate.

6.23. Design

- 6.24. Policy PG3, of the BDP, seeks to create a positive sense of place with design that responds to site conditions, local context, creates safe environments, provides attractive environments, make sustainable design integral, and supports the creation of sustainable neighbourhoods. Furthermore, Policy 3.14, of the UDP (saved Policies), states that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It also requires developers to consider the site in context and states that to avoid problems of piecemeal and incremental development, comprehensive master plans should be prepared. Paragraph 56 of the NPPF states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 6.25. The proposed building would be contemporary, and clad in polished and non-polished cementitious cladding panels with rainscreen cladding and sections of back faced enamelled glass panels being two tones of a light blue colour.
- 6.26. Your urban designer has recognised that the applicant faces a number of challenges in terms of the operational requirements of the building. The building incorporates a strong and legible entrance at the hinge point and the elevations create a strong architectural distinction between the treatment and diagnostic uses and the upper level wards. Also, the façade treatment follows the City’s aspirations for a high quality contemporary healthcare building. Originally the proposed elevations raised some concern as the depth of the reveals needed to be increased throughout to create a greater sense of depth and articulation in the elevations particular in areas where articulation was ‘hidden’ by the enamel rainscreen, which seemed to be flush with the curtain wall vision window. Further submitted imagery illustrates that there would now be adequate depth and articulation. Furthermore, the proposed louvres at the top two floors have been rationalised which has resulted in the elevational subdivision of the plant screen on top of the building to reflect the overall floor to ceiling heights in the building. The reduced flue is a welcome change and sits more comfortably with the main building.
- 6.27. The architects have explained that *“the overarching principle of the design is the juxtaposition of the smooth glass rain screen against the cementitious cladding. The cementitious cladding has the deep reveals and textured materials while the glass rain screen has subtly articulated the glazed plane through the arrangement of two colours of enamelled glass and vision panels. The enamelled glass and vision panels also vary in width which further breaks down mass and scale of the façade while accentuating the verticality the council were keen to express. We have introduced vertical mullion caps between the panels which adds to the relief and finesse of detailing of the façade and again accentuates the height of the building”*.
- 6.28. The amended plans also make other welcome changes, including the rationalisation of the louvres, and the breaking down of the plant screen on top of the building to reflect the overall floor to ceiling heights in the building.
- 6.29. Furthermore, adjustments to the hard landscape at the front have been made as requested. The planting scheme seems acceptable in principle although further details would be required by condition for landscape schedules and to fully explain

how will views into the car park from the east side would be screened. On this basis landscaping and boundary details would need to be secured by condition.

- 6.30. In regard to the proposed car park on the Marshalling Yard from a design standpoint it is not considered to be an acceptable long term use for this site, although it is recognised that the adjacent SAM places substantial limits on how future development of this site could be brought forward. In any event, a landscape scheme would be required to improve the appearance of the site and make this a more appealing part of the hospital estate.
- 6.31. The proposed substation, being relatively small and set amongst existing landscaping, would be of limited visual impact and raises no design concerns.
- 6.32. The roof top flue would be clad in polyester powder coated aluminium cladding, this material would complement the main building as it would recede visually and the material would be in keeping with the building.
- 6.33. In summary, I consider that the scale and appearance of the proposed building would sit comfortably within the context, both local and wider views and make a strong contribution to the local vernacular.
- 6.34. Archaeology
- 6.35. The site is adjacent to the Metchley Fort Scheduled Ancient Monument; a designated heritage asset and a Scheduled Ancient Monument (SAM) and therefore within a buffer area on its perimeter (as shown below).



The arrangement of the application sites to the Scheduled Ancient Monument

- 6.36. Paragraph 128, of the NPPF states that “...In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets (HA’s) affected”. Paragraph 129 states that the LPA should identify and assess the particular heritage asset that may be affected (including setting) and take this assessment into account when considering the impact to avoid or minimise conflict.

- 6.37. Policy TP12, of the BDP, states that in regard to the historic environment *“the Council will seek to manage new development in ways which will make a positive contribution to its character”*. In terms of development that affects the significance of a designated or non-designated heritage asset or its setting will be determined *“in accordance with national policy”* and *“will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset’s conservation whilst protecting or where appropriate enhancing its setting.”*
- 6.38. The Archaeological Assessment considers both direct impacts on the sites areas (building/deck car park and the marshalling yard) and the impact on the setting of the SAM. It comments that both sites have been subject to previous development and would be highly unlikely to have any below ground historic material, trial trenching has confirmed this for the main site.
- 6.39. Historic England have considered both the impact on the setting of the SAM and any impact of ground works in the buffer area of the SAM. It comments that the proposal would impact upon the setting of the adjacent scheduled monument and result in harm to its significance; although the level of harm would be low. As such it concludes that it has no objection in principle. However, Historic England requested further information for the proposed marshalling yard car park to understand the level on impact and likely effects. Following re-consultation, on the further information received, it has now concluded that *“...although the application has not included details of the depths or surfacing for the marshalling yard, the archaeological desk-based assessment has confirmed that the works are unlikely to impact the below ground archaeology in this area”*. It has also raised no objection to this re-use of the marshalling yard car park but notes that there is a potential that surfacing, lighting and fencing could adversely impact upon the setting of the scheduled monument and recommends that a condition is used to secure sympathetic boundary treatments and lighting designs. Historic England also recognise that the marshalling yard parking offers an opportunity to enhance and better reveal the significance and understanding of the Metchley Roman fort. It suggests that *“New interpretation could be installed, the layout, orientation and alignment of the parking bays could reflect the line of the forts’ defences; and a creative design for the car park surfacing could highlight or mark out parts of the buried archaeology.”*
- 6.40. Your archaeologist has recognised that the proposed sites extend up to the archaeological site of the Roman Fort (Scheduled Ancient Monument) and, having reviewed the submitted documents, has commented that the application can be supported in principle as it sits within a wider context of large scale modern buildings across the hospital site and university campus. Following receipt of the requested further details for the Marshalling Yard he raises no objection. He comments that he is satisfied with the information submitted and recommends a condition of archaeological observation and recording is attached to cover the areas within the development site that have not been previously excavated.
- 6.41. I therefore concur with the comments of both your archaeologist and Historic England and conclude that whilst the proposed building would harm the setting of the SAM, the harm would be low and as such less than substantial and would be offset by the substantial public benefits of the proposed medical facility. Secondly, I am also satisfied that the proposed car park, on the marshalling yard, would have no appreciable impact of the setting of the SAM subject to the application of recommended safeguarding conditions for a written scheme of investigation to cover those areas not covered by previously excavated areas.

6.42. Ecology

6.43. Policy TP8, of the BDP, states that “*development which directly or indirectly causes harm to...species which are legally protected, in decline or rare within Birmingham or which are identified as national or local priorities will only be permitted if it has been clearly demonstrated that; there is a strategic need that outweighs the need to safeguard, the damage is minimised and mitigation put in place, or where appropriate compensation is secured*”. This is also reinforced at paragraph 118 of the NPPF.

6.44. The submitted ecology report sets out a broad description of the habitats and their ecological value, the report goes on to set out a number of constraints and mitigation measures which should be implemented.

6.45. Your Ecologist has raised no objection to the demolition of the existing building or the redevelopment of the site. He recognises that some enhancement work is proposed for the adjoining protected woodland and for a section of beneficial planting within the main compound. The amended Marshalling Yard plan shows a southwest section (about 1/3 of the site) being retained as woodland, including space to relocate a beehive habitat, and proposes to further enhance this area with new habitat improvement. My ecologist has raised no objections as long as it is ensured that the proposed works, shown on the amended Marshalling Yard Plan, are delivered. For the main development site there is a proposed landscaping scheme and plans which are set out in the Design and Access statement. These are broadly acceptable and would offer some ecological enhancement.

6.46. As such I am satisfied that the scheme, for both the main site and marshalling yard, are acceptable and would not raise any significant ecological impacts. Furthermore, the proposal provides the opportunity to enhance the ecological value of the sites through the addition of considerate landscape schemes and the measures outlined above.

6.47. Trees

6.48. Your arboriculturalist has commented that the proposal is clear of statutory tree protection and the site contains only new planting that can be replaced in the new layout. There are no significant issues for existing trees and tree conditions should not be required other than those for new landscaping.

6.49. Drainage

6.50. Policy TP3, of the BDP, states that new development should be designed and built to sustainability standards which include conserving water and minimising flood risk. Furthermore Policy TP6, of the draft BDP, states that developers must demonstrate how surface water drainage would not exacerbate existing flooding and seeks a minimum of 20% reduction in peak flows between the existing and proposed water flows. It is also a core principle of the NPPF (paragraph 7) to take full account of flooding issues in decision making.

6.51. The Flood Risk Assessment notes that the scheme is in flood zone 1 (least likely to flood) and have assessed ground conditions for rainwater retention value. It has

concluded that the ground conditions are unsuitable for an infiltration led drainage strategy. The drainage strategy estimates a storage requirement of 200m<sup>3</sup> and offers a rainwater retention strategy of an attenuation tank within the ground level service yard area. On this basis, the Lead Local Flood Authority is content with the proposed development. In order to allow the development to progress to the next stage of design, the LLFA recommends conditions to secure a drainage strategy and an operation and maintenance plan. I concur with this recommendation.

## 7. Conclusion

- 7.1. The scheme would deliver a major new hospital within the existing QE hospital campus, providing both private and NHS facilities, sharing theatres and treatment space to the benefit of both providers and patients. The proposed design would make a strong contribution towards the surrounding existing medical buildings and would be a contemporary and complimentary addition to the existing street scape. Being within the centre of the campus it would have no direct visual impact on residential amenity.
- 7.2. The proposal would have a less than substantial impact on the setting of the Scheduled Ancient Monument (Metchley Fort). The proposal would have a limited impact on the local highways due to activity associated with the use, the level of parking proposed, the proposed investment in local infrastructure and the location of the site being within easy access of highly sustainable travel choices.

## 8. Recommendation

- 8.1. I. That consideration of Application No. 2017/10339/PA be deferred pending the completion of a suitable Section 106 Legal Agreement to require:
- a) A contribution of £87,500 (index linked to construction costs from the date of the committee resolution to the date on which payment is made) to be paid prior to the commencement of development and to be spent towards the delivery of the Car Parking Management Strategy Area (within a 20minute walk of the University and Hospital) through a review to identify car parking pressure points and deliver new measures in accordance with the emerging master-plan.
  - b) A contribution of £135,000 (index linked to construction costs from the date of the committee resolution to the date on which payment is made) to be paid prior to the commencement of development to be spent towards the delivery of improvements to local cycleway and pedestrian routes in accordance with the emerging master-plan.
  - c) Payment of a monitoring and administration fee associated with the legal agreement a sum of £7,787 (3.5% of total sum).

II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 10<sup>th</sup> May 2018 planning permission be REFUSED for the following reason:-

a) In the absence of a financial contribution towards local highway improvement measures and off-site parking management measures, the proposal conflicts with Policy TP44 of the BDP 2017 and chapter 8 of the UDP (saved policies).

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

IV. In the event of the Section 106 legal Agreement being completed to the satisfaction of the Local Planning Authority on or before 10<sup>th</sup> May 2018, favourable consideration be given to Application Number 2017/10339/PA, subject to the conditions listed below;

- 
- 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 prior submission of sample materials
  - 5 Requires the scheme to be in accordance with the listed approved plans
  - 6 Requires the prior submission of investigation for archaeological observation and recording
  - 7 Requires the prior submission of a CCTV scheme
  - 8 Requires the provision of cycle parking prior to occupation
  - 9 Requires the delivery and service area prior to occupation
  - 10 Requires the prior submission of a commercial travel plan
  - 11 Requires the prior approval of an amended car park layout
  - 12 All works to surrounding roads to be completed prior to occupation
  - 13 Requires the prior submission of a parking management strategy
  - 14 Requires the prior submission of a construction management plan
  - 15 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
  - 16 Requires the provision of the marshalling yard car park
  - 17 Requires the prior submission of substation details
  - 18 Requires the prior submission of a sustainable drainage scheme
  - 19 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
  - 20 Requires the prior submission of a contamination remediation scheme
  - 21 Requires the prior submission of a contaminated land verification report
  - 22 Implement within 3 years (Full)
-

Case Officer: Ben Plenty

**Photo(s)**



Fig 1 Looking South at post grad building



Fig 2 Looking North at post grad building



Fig 3 looking west QE with link bridge



Fig 4 Looking Northwest; QE and link bridge , the application site is to the right-hand side just beyond the link bridge.

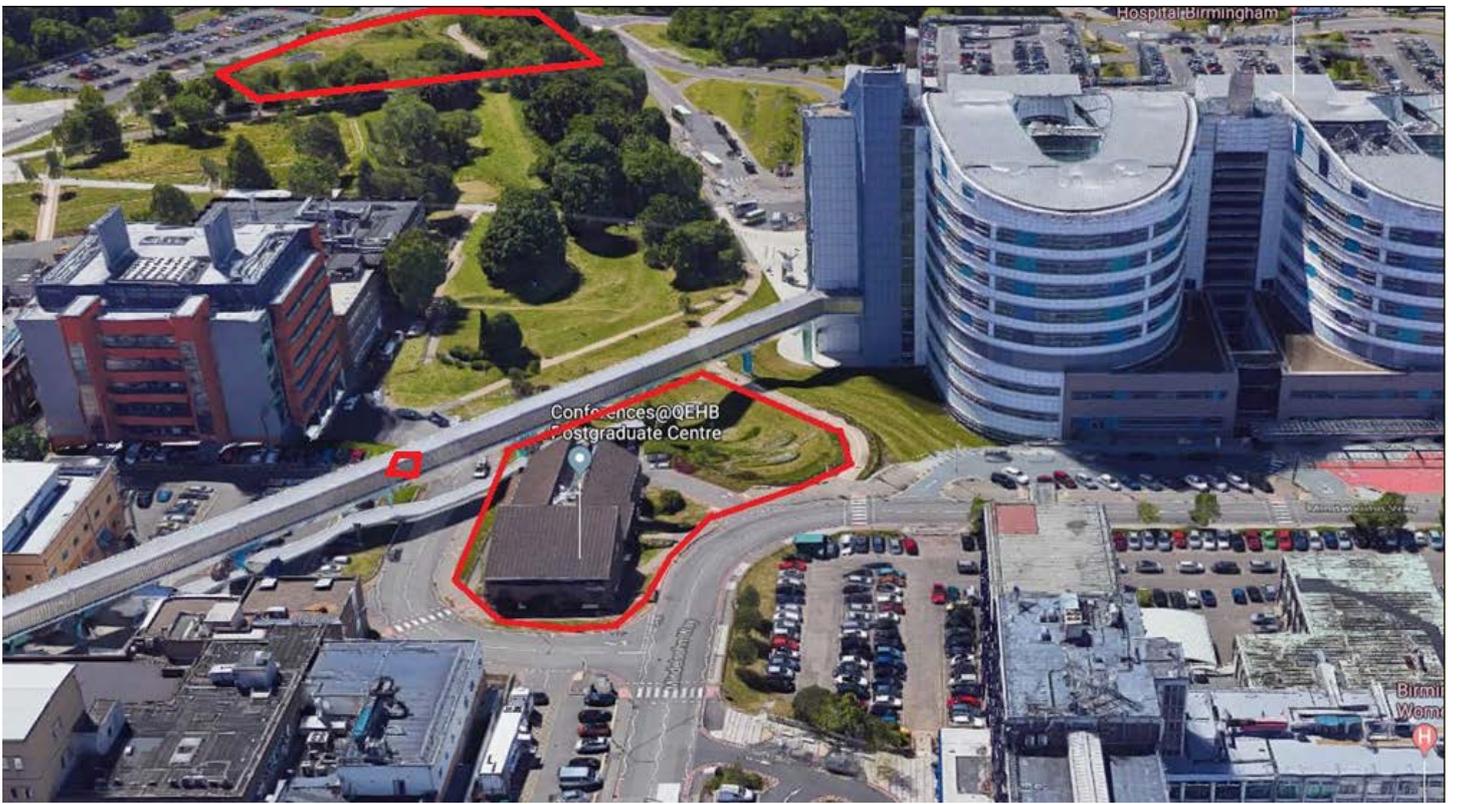
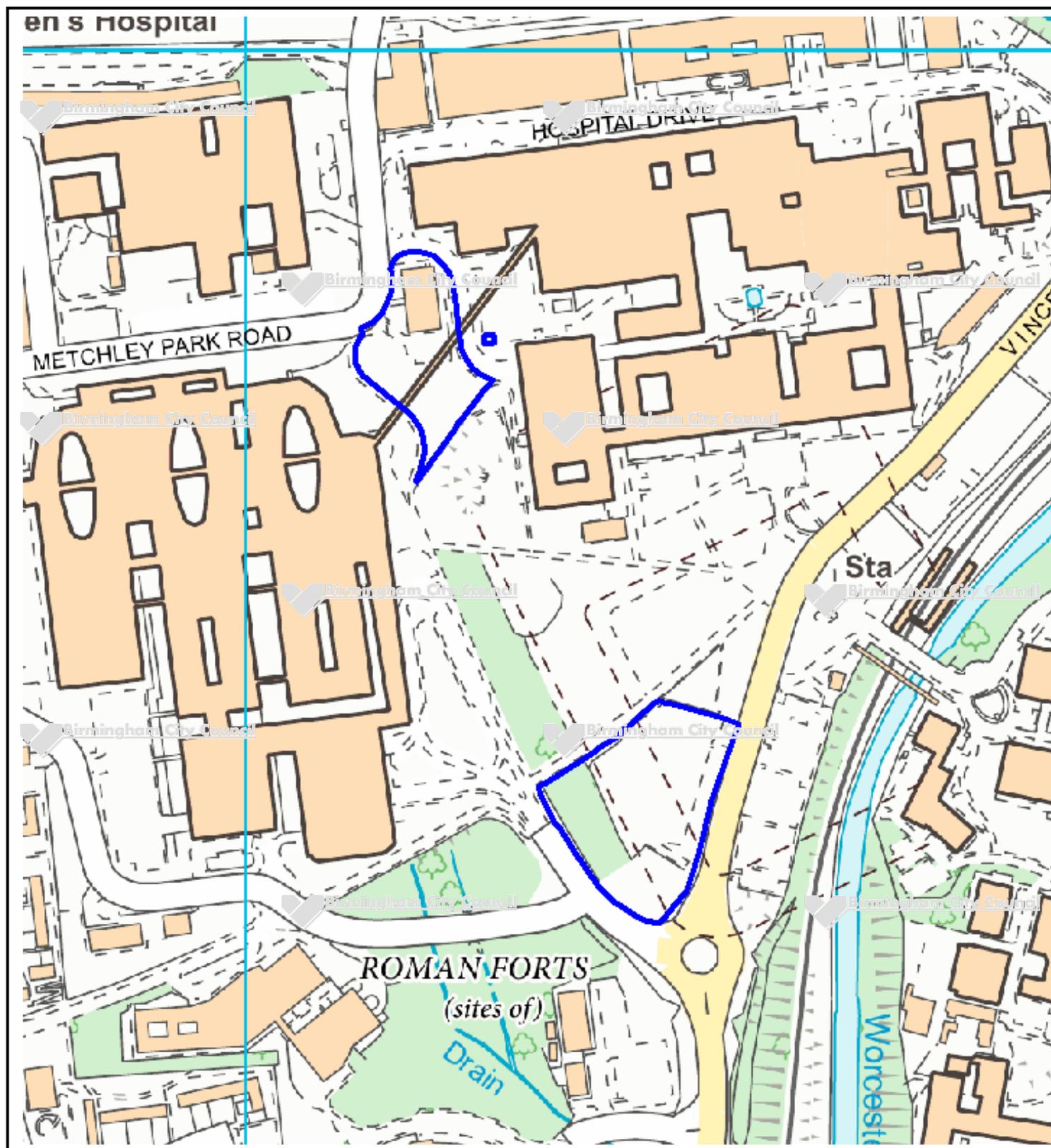


Fig 5 Aerial view looking south

## Location Plan



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Committee Date: 26/04/2018      Application Number: 2017/07682/PA  
Accepted: 08/02/2018      Application Type: Full Planning  
Target Date: 10/05/2018  
Ward: Harborne

423-425 Hagley Road, Harborne, Birmingham, B17 8BL

Proposed demolition of fire damaged bed and breakfast accommodation and redevelopment with new 3 storey development comprising 22 one-bedroom apartments and 6 two-bedroom apartments (a total of 28 dwellings)

Applicant: Mr R Chand  
1 Gunns Way, Solihull, West Midlands, B92 7BQ  
Agent: Lever, Turner & Cowdell Ltd  
Centrix, Keys Park Road, Hednesford, Staffordshire, WS12 2HA

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Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal

1.1. This is an application for the erection of a block of 28 flats with associated driveway, parking spaces and communal amenity area. It would replace the existing buildings on the site which were severely damaged in a fire in 2011.

1.2. Site layout: The 14.3m deep frontage would comprise an access to the east, ten parking spaces and an enclosed bin store. The main section of the 3 storey apartment block (23m wide x 12.5m deep x 12.5m tall) would be positioned across the width of the plot with a 1.5m gap to the west boundary and the 3.5m wide access drive to the east. A three storey wing would extend 22.7m to the rear with a further 7 parking spaces to its north, uncovered cycle storage for 28 bicycles to its west and a 383sqm amenity area to the north and west of the wing.

1.3. Internal layout:

- Basement: 2 x one-bedroom flats (67sqm and 50sqm) comprising lounge/kitchen, bedroom, shower room and store. The larger unit also has a study.
- Ground floor: 4 x one-bedroom flats (40.1, 42.2 and 50.6sqm) and 4 x two-bedroom flats (61.4, 61.8, 64 and 67sqm) comprising lounge/kitchen, one or two bedrooms and a shower room. All but 2 of the flats also have a store.
- First and second floors: 8 x one-bedroom flats (ranging between 38.1 and 50.9sqm) and 1 x two-bedroom flat (61.2sqm) comprising lounge/kitchen, bedroom/s, shower room and store.
- Access to 15 of the 16 flats in the front section of the building would be via a communal door on the front elevation and a shared staircase and lift. The remaining flat on the ground floor would have its own front door, also on the front

elevation. The 4 ground floor flats in the rear wing would each have their own door and there would be a shared entrance and staircase for the 8 upper floor flats.

- 1.4. External appearance: Traditional Victorian architecture is employed on the front section with four front gables, mock-sash windows and bay windows on the front elevation set in facing brickwork with stone surrounds. Front doors would have stone pilasters and flat roof canopies. The rear wing would have a simpler design and a mansard-style roof with all second floor accommodation having dormer windows.
- 1.5. Site area: 0.2ha      Density: 140dph      Parking: 60%
- 1.6. Trees to be removed:  
  
G1: Group of self-set Ash and Goat Willow – C category  
H1 and H2 – hedges within frontage – C category
- 1.7. The application is accompanied by the following supporting documents: Design and Access Statement, Heritage Statement, Tree Survey, Financial Appraisal, Transport Statement, Drainage Strategy and a Protected Species Survey Report.
- 1.8. [Link to Documents](#)
2. Site & Surroundings
  - 2.1. The application site is located on the north side of Hagley Road approximately 170m east of its junction with Barnsley Road and within the Barnsley Road, Edgbaston Conservation Area. Dated c.1890, the original buildings comprised a pair of attractive two and a half storey semi-detached villas. A number of similar properties remain in the vicinity in varying states of repair and, as with the application site, several were converted to hotels from the 1960s onwards. Nearby Listed Buildings: Nos. 405, 407 and 409 Hagley Road and No.415 Hagley Road.
  - 2.2. The application site slopes up in a northerly direction with a hardsurfaced frontage and overgrown rear garden area.
  - 2.3. [Site location](#)
3. Planning History
  - 3.1. 16/12/2010 - 2010/05067/PA - 425 Hagley Road - Erection of two storey rear extension associated with conversion of hostel to 4 no. 2 bed apartments and 3 no. 1 bed apartments – Approved subject to conditions.
  - 3.2. 28/02/2013 – 2012/08301/PA - 423 Hagley Road - Change of use from hotel (Use Class C1) to 4no. 2 bed and 3no. 1 bed apartments (Use Class C3) and associated erection of two storey and single storey rear extension, demolition of single storey rear elements and staircase, and other external alterations – Approved subject to conditions.
4. Consultation/PP Responses

- 4.1. Transportation Development: No objection. Revised red line plan confirms that the whole width of the access road would be within the applicant's control. A buffer of 0.5m is provided to both sides of the access drive so vehicles could pass through without damage to wing mirrors. Justification is needed for the low parking provision. Recommended conditions relate to the provision of cycle storage and work to the footway crossings.
- 4.2. Regulatory Services: No objection.
- 4.3. Lead Local Flood Authority: Object; more information required to demonstrate there is a viable means of draining the site together with the associated calculations to demonstrate that such a system would adequately attenuate surface water run-off.
- 4.4. Severn Trent Water: No objection subject to a condition requiring drainage plans for the disposal of foul and surface water.
- 4.5. West Midlands Police: No objection subject to conditions. It is noted that there are several hostels and HMOs nearby, which generate calls for service to the police, for various matters including vehicle crimes, burglaries, disorders, thefts. While the proposed development will be for market housing, the neighbouring properties will impact it and the security measures put in place for this development will influence potential occupancy. Requested conditions: gated controlled access to the development; controlled access to the front door; lighting scheme for car park and amenity space; 2.1m tall rear boundary treatment.
- 4.6. Site and press notices posted, local MP, Councillors, Residents' Associations and the occupiers of nearby properties notified of the application; 2 responses received objecting on the following grounds:
  - Development would not protect or enhance the character of the Conservation Area, would stick out as an eyesore into the garden and ruin views for local residents
  - Rear car park would cause noise and pollution.
  - Insufficient parking on the site would lead to more on-street parking on local roads.
  - Scale is more than double that of existing houses with the bulk of development infringing into garden space.
  - Loss of green space is contrary to government policy and would cause a loss of habitat for badgers.
  - Loss of privacy for Barnsley Road residents.
  - Introduction of light pollution into an otherwise dark area at night.

5. Policy Context

- 5.1. BDP 2017; UDP 2005 (saved policies); SPG Places for Living 2001; SPD Mature Suburbs; Guidelines to Control Residential Intensification 2008; SPD Car Parking Guidelines 2012; SPG Regeneration Through Conservation 1999; NPPG; NPPF.
6. Planning Considerations
- 6.1. **Principle:** Hagley Road comprises a mix of residential and commercial properties, including apartment blocks of different ages and numerous hotels. The proposed flats would provide a range of unit sizes and choice for the open market; accord with the mixed character of the area; be very well-located for access to public transport, jobs and services; and replace the current ruins with a modern building. The original building was not listed but the site is within the Barnsley Road, Edgbaston Conservation Area, so new development must be especially well designed to be considered acceptable. At 140dph, the proposal is above the 50dph recommended in BDP policy TP30 for sites well served by public transport however this is a particularly sustainable location which is suitable for high density accommodation, provided the impact on the locality is acceptable.
- 6.2. **Scale, design and layout:** The scale, design and layout are all influenced by the surrounding buildings and consequently the proposal would sit well within the streetscene. It would follow the building line and would be the same height as the Belmont Hotel to the east. It would be 2.3m taller than No. 427 Hagley Road, a semi-detached villa, however there are varying ridgelines along Hagley Road so this would not be out of keeping with the character of the streetscene. Traditional features would be used in the front elevation and these would help to maintain the existing rhythm of the streetscene. There is a sizeable extension to the rear of Smithy's Hotel at No.415 Hagley Road which the proposed rear wing would be comparable with. The wing would be 2.8m lower than the ridge of the main building, due to the mansard roof design, and would appear as a subordinate part of the development. Car parking would be split between the front (10 spaces) and rear (7 spaces) of the building which would help to reduce its impact within the frontage. The applicant has responded positively to many of the City Design Officer's suggestions and I am now satisfied with the appearance of the proposed development.
- 6.3. **Conservation considerations:** There is no objection to the loss of the existing ruins; the buildings were not listed and were very significantly damaged in the fire. There would be no harm to the Conservation area from their demolition, and so no policy conflict. The front elevation has been amended in accordance with comments from the Conservation Officer and he now has no objection to the scheme. The proposal presents the opportunity to improve the frontage, including the provision of a front boundary wall, which many properties have lost, and the introduction of planting to soften the effect of the car park. The proposal would have a positive effect on the setting of nearby listed buildings by improving the general appearance of the area with a traditionally designed development.
- 6.4. **Residential amenity:** The proposal complies with the government's Technical Housing Standards which, although not yet adopted locally, serve as a useful guide to floorspace standards. A number of alterations have been made to the layout on the advice of the City Design Officer to ensure that all proposed flats offer a good standard of amenity, including an appropriate outlook for the occupiers of the basement flats. The proposed amenity space is just less than half of the 840sqm recommended in Places for Living however it would be a useable space within a generally green rear garden area and the proposed apartment block would help to dampen traffic noise thereby providing a pleasant space for residents to enjoy. I

note that Lightwoods Park is only 450m to the west, offering an alternative form of amenity space. I note that Regulatory Services has no objection to the proposal.

- 6.5. With respect to adjoining properties' amenities, there is a hotel to the east. Although the separation distances of new windows to the side shared boundary would be 9 and 10m, and so short of the expected 15m for the second storey mansard windows overlooking the neighbour's rear amenity space, it is a hotel next door and so the normal standard of amenity cannot be insisted upon. To the west is No. 427, a dwelling. The rear wing would conflict with the 45 Degree Code in relation to rear windows on no. 427, but at a distance of at least 25m which is sufficient to mitigate any loss of light. Concerning overlooking, the rear wing would be 11m from the shared boundary so ground floor habitable room windows would comply with the Places for Living separation distances. The first and second floors have been arranged to avoid any habitable room windows on this elevation, thereby preventing overlooking of No. 427's rear garden. The three windows on each floor which would face this boundary serve a corridor. The 11m distance to the boundary would also help to prevent the rear wing from having an overbearing impact on No. 427.
- 6.6. The Technical Housing Standards – Nationally Described Space Standards – are not adopted by the City Council but do nevertheless provide a useful yardstick against which to judge the adequacy of bedroom sizes. The proposed bedrooms exceed the national standards (7.5 sqm for a single bedroom, 11.5 sqm for a double).
- 6.7. **Trees/landscaping/ecology:** The Tree Officer is satisfied with the proposed removal of low category self-set trees and hedging. Some information has been provided concerning tree protection measures for the remaining trees on and close to the site however full details should be secured through the attached conditions.
- 6.8. In accordance with the Landscape Officer's comments, the frontage would benefit from a redesign and at the time of writing, discussions continue to secure a layout which creates a better balance between parking, soft landscaping and an appropriate front boundary treatment. The Landscape Officer's recommended conditions are attached.
- 6.9. The City Ecologist has reviewed the submitted Protected Species Survey Report, which was completed by an experienced ecologist and is satisfied that it is unlikely that bats are using the building, as expected given its dilapidated state. Notwithstanding records of badger activity locally and the regular cutting back of vegetation on the site, no evidence of badgers was found. Conditions are attached requiring an updated bat survey if demolition is not undertaken prior to August 2018 and requiring a landscaping scheme to ensure that native and 'wildlife-friendly' vegetation is planted.
- 6.10. **Parking/highway safety:** The applicant has confirmed by way of an amended red line plan that he has control of the access drive to the side of the building and the 3.5m width is acceptable so I am satisfied that the rear parking area is deliverable. Transportation Development note the parking provision is 60%, I am mindful that the site is very well located for public transport with bus services passing directly in front of the site at very frequent intervals during the day and throughout the night; the site is very close to the Bearwood district centre; storage for 28 cycles is proposed within the site; and there are no realistic on-street parking options in the vicinity which potential car-owning occupiers would be aware of prior to purchase. Given the less than one-per-flat provision, a condition is attached requiring submission of a management plan to indicate how spaces would be allocated. In general terms, the

level of traffic generated by the proposal is unlikely to be significant relative to the existing flow on Hagley Road. A condition is attached requiring works to the footway crossings to be carried out prior to occupation of the flats. 100% cycle provision is proposed which accords with the guidance contained in the Car Parking Guidelines SPD. In order to be attractive to residents this will need to be secure and covered and a condition is attached to secure this.

- 6.11. **Drainage:** Severn Trent Water has no objection to the scheme and their recommended condition is attached. The Lead Local Flood Authority (LLFA) is currently objecting due to the lack of detailed information about a viable means of draining the site and the associated calculations to demonstrate that such a system would adequately attenuate surface water run-off. Further information has been requested but has not yet been provided. In the meantime, I am mindful of the following factors: the drainage strategy submitted appears to have been undertaken by a competent drainage consultant; a large portion of the proposed building and hardsurfacing would be located in the same place as the existing development; it will be technically possible to drain the site but further time is needed to agree on the approach and details. For these reasons, I am confident that the additional information requested could be secured post-determination and accordingly attach suitably worded conditions.
- 6.12. **Community Infrastructure Levy/Financial matters:** The proposal attracts a CIL payment of £131,489.
- 6.13. An application of 28 flats would normally attract 35% affordable housing and either on-site provision of or a financial contribution towards the off-site provision of public open space. A financial appraisal was submitted in support of the application intended to demonstrate that the development would not be viable should these full contributions be required. Scrutiny of the appraisal and negotiation with the applicant has resulted in a commuted sum of £200,000 being offered towards the provision of off-site affordable housing, which is equivalent to 5 flats or 18%. The Housing Officer has agreed that off-site provision would be appropriate as it would be difficult for a Registered Provider to manage such a small number of units within a larger building. The absence of a contribution towards public open space is regrettable, especially as the Harborne ward falls below the aspiration of 2ha per 1000 population, at 1.48ha/1000 population at the last review in 2013. However, I consider the priority to be a contribution towards affordable housing rather than public open space and I am mindful of the significant public benefit in bringing this site back into use, given its current dilapidated appearance on a main route into the City. On balance, I consider these benefits outweigh the lack of a financial contribution towards public open space.

## 7. Conclusion

- 7.1. The proposal would replace the existing ruined hotel with an attractive development of good quality flats, considerably improving the appearance of the site and helping to upgrade the general character of the area which comprises a number of intensive, short term residential uses. The impact on the Barnsley Road Conservation Area would be positive and the effect on nearby residential properties would be satisfactory.

## 8. Recommendation

- 8.1. That consideration of application 2017/07682/PA be deferred pending the completion of a planning obligation agreement to secure the following:

a) A financial contribution of £200,000 (index linked from the date of this resolution) toward off-site affordable housing to be paid prior to first occupation, and

b) Payment of a monitoring and administration fee associated with the legal agreement of a maximum of £10,000.

8.2. IN the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 10<sup>th</sup> May 2018, the planning permission shall be refused for the following reason:

a) In the absence of any suitable legal agreement to secure a financial contribution toward off site affordable housing, the proposal would be contrary to policy TP31 of the Birmingham Development Plan 2017.

8.3. That the City Solicitor be authorised to prepare, seal and complete the planning obligation.

8.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 10<sup>th</sup> May 2018, favourable consideration be given to this application subject to the conditions listed below.

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Requires the prior submission of hard and soft landscape details
  - 3 Requires the prior submission of boundary treatment details, including gates to secure the side access
  - 4 Requires the prior submission of a lighting scheme
  - 5 Requires the prior submission of sample materials
  - 6 Requires the prior submission of a landscape management plan
  - 7 Requires the prior submission of level details
  - 8 Requires the prior submission of details of refuse storage
  - 9 Requires the prior submission of a package of security measures
  - 10 Requires the prior submission of cycle storage details
  - 11 Arboricultural Method Statement - Submission Required
  - 12 Requires tree pruning protection
  - 13 Requires the prior submission of an additional bat survey
  - 14 Footway crossing works prior to occupation
  - 15 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
-

- 
- 16 Requires the prior submission of a drainage scheme
  - 17 Requires the prior submission of a parking management strategy
  - 18 Requires electric vehicle charging facility
  - 19 Implement within 3 years (Full)
- 

Case Officer: Amy Stevenson

**Photo(s)**



Photograph 1: Application site

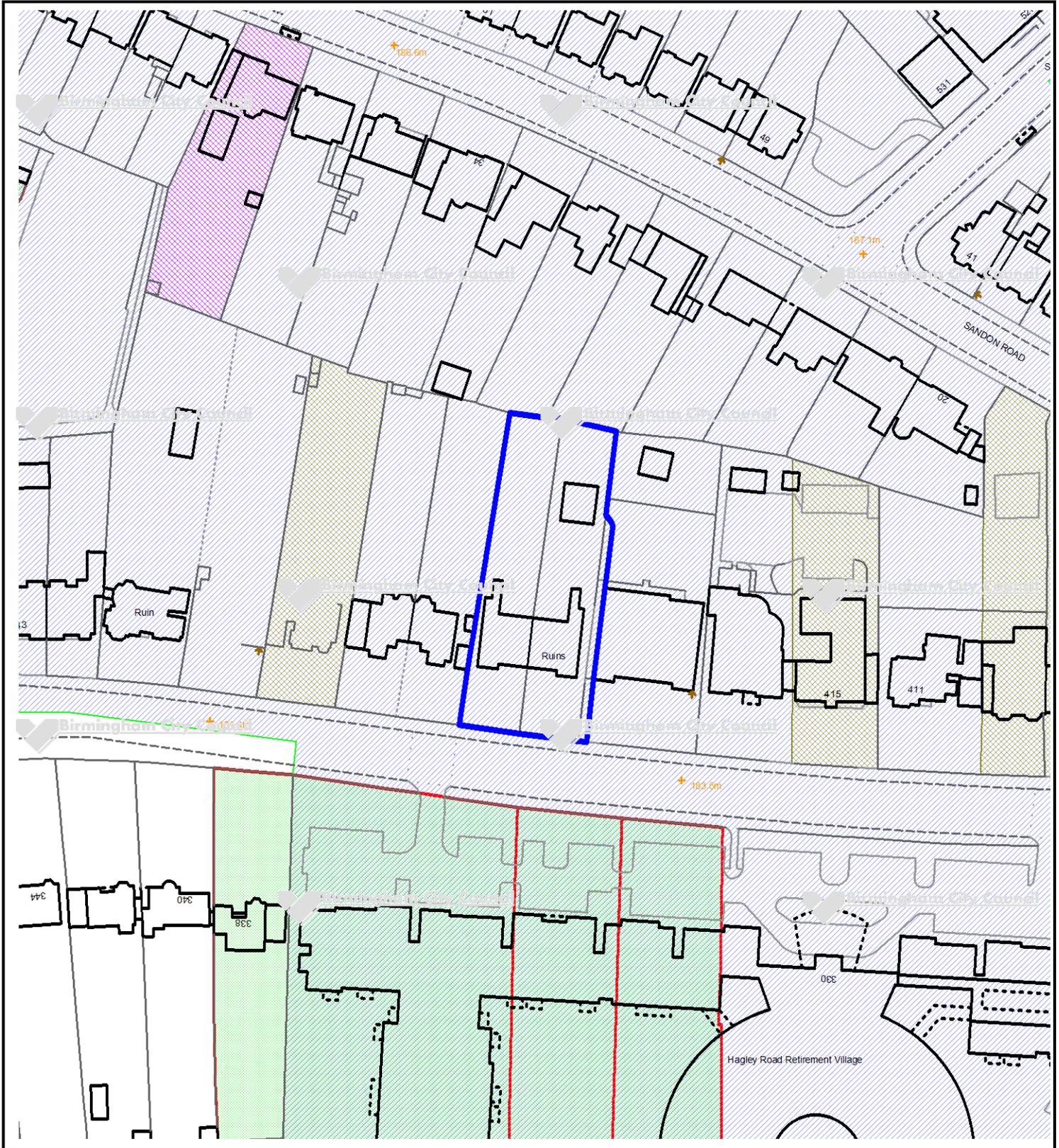


Photograph 2: View to west of application site



Photograph 3: View to east of application site

# Location Plan



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Committee Date:	26/04/2018	Application Number:	2017/07528/PA
Accepted:	09/11/2017	Application Type:	Full Planning
Target Date:	30/04/2018		
Ward:	Bournville		

Land at Mary Vale Road and Franklin Way, Bournville, Birmingham, B30 2HP

Removal of existing structures/ fencing and 3 trees (within a Conservation Area) and redevelopment of site with 52 no. apartments with associated amenity space and parking

Applicant: Taylor Grange Limited  
c/o Agent  
Agent: GW Planning Limited  
21 Norfolk Road, Sutton Coldfield, Birmingham, B75 6SQ

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1 Permission is sought erect a 52 unit 'L-shaped' apartment scheme on the corner of Mary Vale Road and Franklin Way. The scheme is a mix of 3 and 4 storeys in height, and would be set back 8m from the Mary Vale Road pavement, and 3m from Franklin Way. The top storey is set back from the frontages, especially to the Mary Vale Road frontage (by 7m), the roofs are flat. The principal materials would be red brick, with copper surrounds to the bay features. The scheme is a mix of 30 x 1bed and 22 x 2bed apartments. The scheme also includes a basement car park consisting of 45 spaces which would be accessed via an existing access which serves Franklin House. The elevation fronting onto Mary Vale Road has 4 evenly spaced projecting bays which are two storeys in height with balconies above. Each ground floor apartment on this frontage has its own front door and individual parking space with areas of soft landscaping separating the parking bays. The main pedestrian entrance also fronts onto Mary Vale Road. Three trees would be removed from this frontage: two cypress and a maple, all of which are category B2 trees. There is also an ash tree on this frontage which will be retained. No other trees are located across the site. 15 new trees are indicated for planting in the rear amenity courtyard.
- 1.2 The Franklin Way elevation contains 5 projecting bays which are 3 storeys in height with the top storey set back from the frontage by 1.4m. There is a larger bay on the corner which addresses both Mary Vale Road and Franklin Way.
- 1.3 A Tree Report, Design and Access Statement, Planning Statement, Transport Statement, Ground Engineering Desk Study, Heritage Study, and a Viability Assessment have been submitted in support of this application.
- 1.4 Site Area: 0.225 ha, 231 dwellings per hectare.

## 1.5 [Link to Documents](#)

## 2 Site & Surroundings

- 2.1 The application site sits on the edge of a residential area in close proximity to employment uses on Bournville Lane which are primarily associated with Cadburys (Mondelez). The application site is now vacant but was last used as a car park. To the north of the application site is a 5 storey office building known as Franklin House that was recently converted to residential use whilst to the east there is a large car park that is used by Cadburys employees. To the west of the site, beyond a surface-level car park, there are substantial 2 storey dwellings. On the opposite side of Mary Vale Road to the south there are also two storey properties, one of which is in use as a convenience store. The application site falls within the Bournville Conservation Area. The access ramp to Bournville Train Station is 140m to the east. Stichley local centre is 430m to the east, and local shops at the junction of Mary Vale Road and Linden Road are 360m to the west. Cotteridge park is 220m to the south.

## 3 Planning History

- 3.1 17<sup>th</sup> February 2012. PA No. 2011/08070/PA. Conversion and extension of existing office block (Franklin House) to form 73 no. flats with ground floor gymnasium and associated external alterations (including replacement of facades), 10 new build residential units (4 houses and 6 flats) with associated landscaping, parking and access. Refused (unacceptable relationship to adjacent factory/social club – noise).
- 3.2. 21<sup>st</sup> March 2014. PA No. 2014/00510/PA. Franklin House - Prior approval for change of use from offices (Use Class B1[a]) to up to 96 residential units (Use Class C3). No prior approval required.
- 3.3. 28<sup>th</sup> April 2014. PA No. 2014/01451/PA. Franklin House - External alterations including new aluminium framed windows and infill panels. Approved.
- 3.4. 16<sup>th</sup> February 2015. Replacement of two redundant tennis courts with 54 staff car parking spaces, associated landscaping, new vehicle gate and widening of access from Mary Vale Road. Approved.
- 3.5. 29<sup>th</sup> April 2015. PA No. 2014/08451/PA. External alterations (Franklin House). Approved.
- 3.5. 11<sup>th</sup> June 2015. PA No. 2015/03660/PA. Pre-application advice for erection of 48 residential units.
- 3.6. 6<sup>th</sup> January 2016. PA No. 2015/09361/PA. Franklin Way - Lighting installation comprising the erection of six LED street lights, four illuminated bollards, four pedestrian signs, remarking of three pedestrian crossings and associated resurfacing and setting flush of gullies. Approved.
- 3.7. 21<sup>st</sup> January 2016. PA No. 2015/10461/PA. Franklin House - Non-material amendment to approval 2014/08451/PA for minor changes to the southern and western elevations to allow for satellite dish and aerial to roof, boiler flue at ground level and aluminium glazed windows to podium. Approved.

- 3.8 23<sup>rd</sup> March 2016. PA No. 2015/10296/PA. Removal of 3 trees and erection 37 apartments on corner of Mary Vale Road and Franklin Way. Approved
- 3.9 16<sup>th</sup> June 2016. LA No. 2016/00058/PA. Deed of variation which removed all affordable housing requirements from scheme on corner of Mary Vale Road and Franklin Way. Variation agreed .
- 4 Consultation/PP Responses
- 4.1 Education – Request contribution of £105,620.78 towards school improvements.
- 4.2 Leisure Services – Off-site contribution of £123,975 to improve Hazelwell POS/Recreation Ground and Cotteridge Park
- 4.3 Transportation – Would prefer 100% parking but do not object to the scheme subject to conditions requiring the reinstatement of redundant footway crossings, the construction of proposed footway crossings, pedestrian visibility splays and the submission of a construction management plan.
- 4.4 Environmental Pollution Control – No objection subject to conditions regarding the submission of a contamination remediation scheme, noise survey and lighting scheme. It is also requested that 10% of parking spaces incorporate charging points for electric vehicles.
- 4.5 Severn Trent – No objection subject to a condition regarding the submission of drainage details.
- 4.6 Lead Local Flood Authority - No objection subject to a condition regarding the submission of a sustainable drainage operation and maintenance plan.
- 4.7 West Midlands Fire Service - No objection
- 4.8 Police – No objection. Comments/questions with respect to internal and external access to certain parts of the site, defensible planting, if there will be concierge/reception staff to allow deliveries to the post room. Recommend CCTV for the basement car and cycle parking, entry and exit points and any communal areas, with corresponding suitable lighting. Recommend the strength/type of doors to the refuse/recycling bins. Highly recommend the enhanced security standards of 'Secured by Design'.
- 4.9 Local occupiers, Ward Councillors, MP and resident associations were notified. A site notice and press notice have been displayed, with 11 letters of objection received. The following concerns have been raised:
- Harmful to the character of the area, over-development of the site;
  - Loss of privacy;
  - Loss of view;
  - Overshadowing, Loss of light
  - Private rent apartments not appropriate in this area;
  - Narrow access;
  - Insufficient parking;
  - Increased traffic on Franklin Way;

- 4.10 A letter has been received from Steve McCabe MP. This raises concerns over insufficient parking and the potential impact on the Mondelez International Factory. The letter requests that the apartments have a high level of noise insulation and S106 monies should be directed towards improvements at Cotteridge Park.

## 5 Policy Context

- 5.1 The following local policies are applicable:
- Birmingham Development Plan (BDP) 2031
  - Birmingham Unitary Development Plan (UDP) Saved Policies 2005
  - Places for Living SPG
  - Car Parking Guidelines SPD
  - Regeneration through Conservation SPG and
  - Bournville Village Conservation Area Design Guide
  - 45 Degree Code
- 5.2 The following national policies are applicable:
- National Planning Policy Framework (NPPF)

## 6 Planning Considerations

- 6.1 I consider the key planning issues to be considered are: the principle of the proposed development; the design of the proposed development; the impact on residential amenity the impacts on traffic and highway safety; the impact on trees; Planning Contributions, security considerations, and remaining public consultation comments.
- 6.2 The principle of the proposed development
- 6.3. The National Planning Policy Framework seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.4. Policy TP27 of the Birmingham Development Plan also states that new housing in Birmingham is expected to contribute to making sustainable places..."All new development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods". Policy TP28 of the plan sets out the proposed policy for housing location in the city, noting that proposals should be accessible to jobs, shops and services by modes of transport other than the car.
- 6.5. The site was last used as a car park in association with the previous office use at the adjacent Franklin House building which has now been converted to residential use. The site is therefore considered to be brownfield. There is an extant permission on the site for 37 apartments (2015/10296/PA) The principle of redeveloping this site for residential purposes has already been accepted and would be a positive step in line with national and local policy. The site is within an established residential area, close

to public transport links, including Bournville railway station. The proposed development would deliver 52 private rent apartments significantly boosting housing supply in the locality.

- 6.6 The proposal has a density of 231 dwellings per hectare. Whilst this is considered to be high in comparison to the traditional 2 storey dwellings in the locality it is similar to the adjacent Franklin House. The site makes excellent use of an unused brownfield site to substantially boost housing supply. The impact upon the character of the area is considered below.
- 6.7 Design
- 6.8 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.
- 6.9 The Site is located within Bournville Conservation Area. In accordance Policy TP12 the proposal should make a positive contribution to the character of the Conservation Area.
- 6.10 The proposal is not substantially different to the extant permission in terms of its general design and scale although the amount of 4 storey development has increased. The Mary Vale Road frontage by virtue of its evenly spaced 2 storey bays reflects the pattern and rhythm of the semi-detached dwellings on this road. The addition of front gardens and individual front doors further adds to the appearance of individual units fronting onto Mary Vale Road. The height of the 3 storey apartments has been minimised to reflect the nearby dwellings. The fourth storey has been substantially set back to minimise its impact upon the street scene.
- 6.11 The Franklin Way frontage has 3 storey projecting bays reflecting the greater scale and massing of the adjacent building ‘Franklin House’ which is 5 storeys in height. This building has a commercial appearance as it was built as offices but is now in residential use. As is the case on the Mary Vale Road frontage, the projecting bays are evenly spaced creating a good rhythm to the development.
- 6.12 A detailed schedule of the proposed materials have been provided which indicates that the building would be red brick with the use of copper cladding for the bays and dark grey powdered coated frames around the windows. Glass balconies are also proposed. Both the City Design Officer and Conservation Officer are supportive of the scheme in its current form, following amendments to the design. It is considered that the siting, scale, and appearance of the proposed scheme would be acceptable and in keeping with the character of the Conservation Area.
- 6.13 Residential Amenity
- 6.14 The Places for Living SPG sets out a number of numerical standards which help to ensure that acceptable amenity standards are provided for the occupiers of new dwellings and retained for the occupiers of adjacent properties.

- 6.15 Concerns have been raised over the potential for the proposed development to unduly impact upon the occupiers of the adjacent Franklin House in terms of loss of light, outlook and privacy. The only windows on the facing side of Franklin House serve landing areas and/or staircases rather than habitable accommodation ensuring that there could be no loss of privacy, nor light or outlook for habitable room windows in Franklin House. Whilst the proposed apartments would be set slightly forward of Franklin House by 11m, there would be no breach of the 45 degree guideline.
- 6.16 The proposed apartments are set back at least 30m from habitable windows in the nearest dwellings on Mary Vale Road: No. 150 to the west and No.'s 79-89 (odds) to the south of the application site. This comfortably exceeds the standards within the Places for Living SPG (21m) ensuring no significant loss of privacy.
- 6.17 An area of shared amenity space is provided for the occupiers of the 52 units which totals approximately 384sqm. This is substantially below the requirement of 1560sqm if the full 30sqm per unit were provided. However, taking into account the highly sustainable location enabling good access to public open spaces, the nearby Cotteridge Park, and the lack of children likely to be present in this scheme for 1 and 2 bed flats for private rent the reduced level of shared amenity space is on balance considered to be acceptable.
- 6.18 The Nationally Described Space Standards are not yet adopted in Birmingham but they do provide a good yardstick against which to judge proposals, to ensure that the accommodation is of sufficient space to provide a comfortable living environment for the intended occupiers. For 1 bedroom, 2 person apartments a minimum gross internal floor area of 50sqm is required and in the case of 2 bedroom, 4 person apartments a minimum gross internal floor area of 70sqm. Each double bedroom should be 11.5sqm in size. In terms of the 1 bedroom flats the internal floor areas vary between 40 and 46sqm. In the case of the 2 bedroom flats the floor areas vary between 64 and 73sqm. Across the various apartment types most double bedrooms exceed 11.5sqm but in a small number of cases the floor area is 10.5sqm. The previously approved scheme generally contained larger apartments with the split level 2 bedroom apartments reaching 94sqm in size. Whilst in some cases the spaces standards have not been met on the current scheme the resultant apartments do not create a living environment that is too small, in my opinion.
- 6.19 In summary, the proposal does not have an undue amenity impact on the occupiers of adjacent properties and creates an acceptable living environment for the proposed occupiers.
- 6.20 Traffic and Highway Safety
- 6.21 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.
- 6.19 The site is in a sustainable location in close proximity to both bus routes and a train station. Provision has been made for 48 parking spaces on this 52 unit scheme. Transportation have indicated a preference for 100% parking provision however it is considered that in this instance there are considered to be benefits arising from

providing slightly less than 100% provision. Increased levels of soft landscaping are proposed on the Mary Vale Road frontage, which is a distinct advantage to the character and appearance of the Conservation Area. It is important to bear in mind that it in such a highly sustainable location car ownership is not essential and it is conceivable that some occupiers would choose not have a car. On balance, the benefits arising from additional soft landscaping outweigh any very limited harm arising from the reduction in 4 parking spaces from the original 52 (caused by amendments for landscaping requested by officers during the course of the application).

6.20 Transportation have raised no objection subject to conditions and consequently it is considered that the proposal will not have an adverse impact on the highway network.

6.21 Landscape and Trees

6.22 The scheme does propose the loss of 3 trees within the Conservation Area but additional planting and soft landscaping is proposed. In particular the scheme has been set back from Mary Vale Road enabling additional new planting, with 15 trees indicated being planted in the private amenity space at the rear. The Tree Officer raises no objection to the scheme and consequently with the implementation of an appropriate landscaping scheme the proposal will not unduly impact on the natural environment.

6.23 Planning Contributions

6.24 A scheme of this size is expected to contribute towards affordable housing (35%), and public open space. In addition due to its location a CIL contribution is also required. The applicant has submitted a viability appraisal indicating that the scheme cannot support any S106 contributions and the CIL contribution (£429,629). The appraisal has been reviewed by the Council's Consultants and after careful consideration they agree that the scheme becomes unviable if S106 requirements are sought in addition to CIL. As such, I cannot recommend that any S.106 obligations are sought.

6.25 Security considerations

Whilst not objecting to the scheme West Midlands Police have queried some security issues regarding the side access adjacent to the west elevation and also the access which leads to the substation. A condition requiring the submission of all boundary treatments will ensure that suitable gates are installed on these access points. In addition a condition requiring the installation of CCTV on all shared entry and exit points, and other security measures, will further address the Police comments.

6.26 Remaining public consultation comments

6.27 Steve McCabe MP highlighted that the proposed apartments require sufficient noise insulation so the 24/7 operation of the Mondelez International is not impeded. This matter was considered under previous approval 2015/10296/PA. At the time Environmental Protection Officers advised that no enhanced glazing or other measures were required to meet the City's noise policy. It is also important to emphasize that the building is significantly screened from Cadburys by Franklin House which helps to reduce noise levels.

Concerns were also raised by Steve McCabe MP regarding the need to use financial contributions to improve Cotteridge Park. Unfortunately the submitted Viability Appraisal confirms that the scheme would become unviable if any financial contributions were provided.

## 7 Conclusion

- 7.1 The proposed development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. The scheme would be acceptable in terms of its design, amenity, highways, landscape and CIL considerations. Therefore the proposal would constitute sustainable development and it is recommended that planning permission is granted.

## 8 Recommendation

- 8.1 Approve subject to conditions

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Requires the prior submission of level details
  - 3 Requires the prior submission of sample materials
  - 4 Requires the prior submission of a sustainable drainage scheme
  - 5 Arboricultural Method Statement - Submission Required
  - 6 Requires tree pruning protection
  - 7 Requires the prior submission of hard and/or soft landscape details
  - 8 Requires the prior submission of boundary treatment details
  - 9 Requires pedestrian visibility splays to be provided
  - 10 Prior to occupation of any apartments the redundant footway crossings shall be reinstated to full height kerbs.
  - 11 Requires the prior submission of a contamination remediation scheme
  - 12 Requires the prior submission of a contaminated land verification report
  - 13 Limits the noise levels for Plant and Machinery
  - 14 Requires the prior submission of a lighting scheme
  - 15 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
  - 16 Details of CCTV and other security measures
  - 17 Requires the prior submission of details of bird/bat boxes
-

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18 Requires the prior submission of earthworks details

19 Implement within 3 years (Full)

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Case Officer: Andrew Fulford

**Photo(s)**



View from Franklin Way

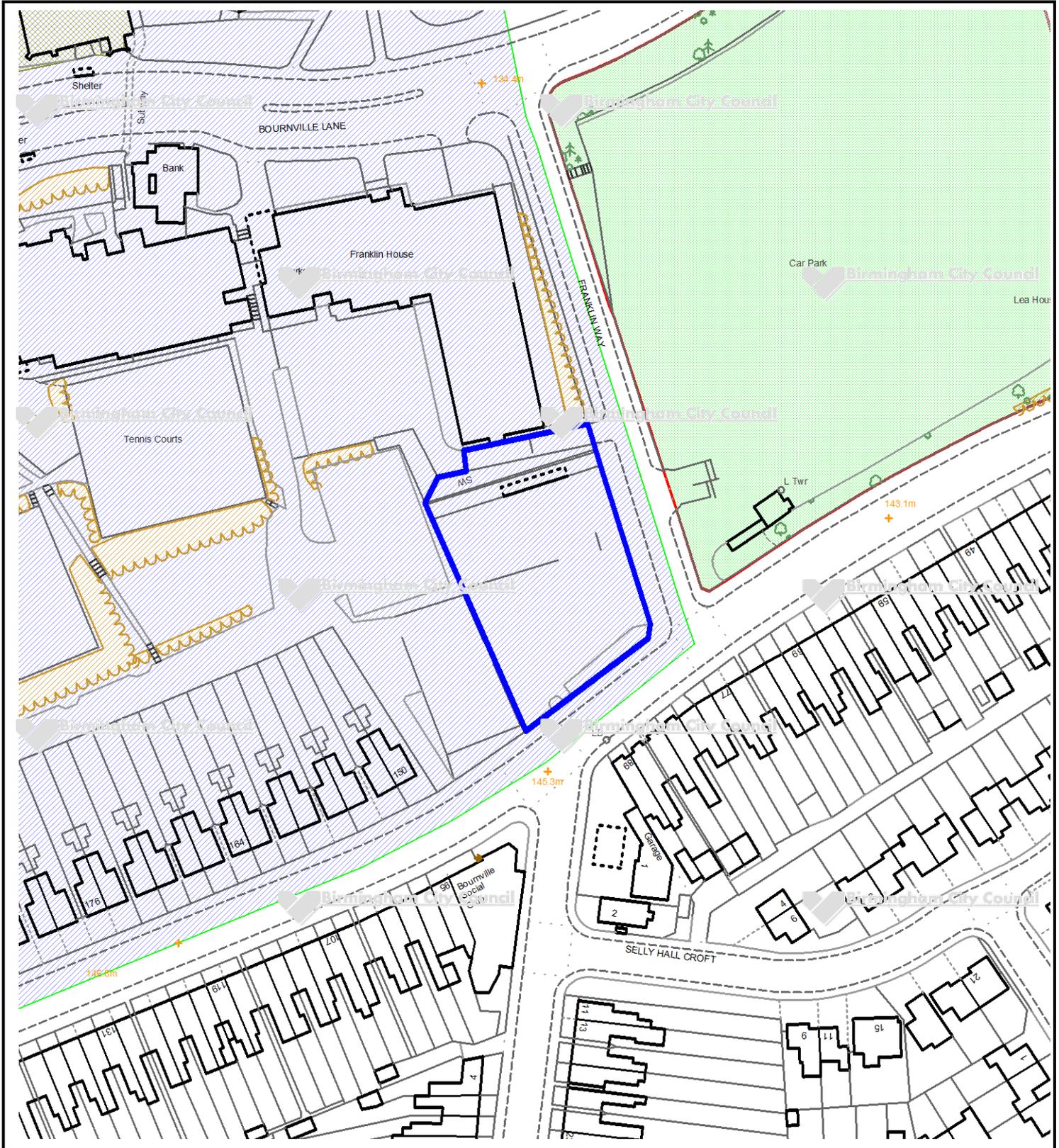


View from Mary Vale Road



Mary Vale Road frontage (to west of site)

# Location Plan



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Committee Date:	26/04/2018	Application Number:	2018/00924/PA
Accepted:	26/02/2018	Application Type:	Full Planning
Target Date:	28/05/2018		
Ward:	Hall Green		

Former Midhire and UTC premises, York Road, Hall Green, Birmingham, B28 8LN

Engineering works to remove ground obstructions and contamination

Applicant: Homes England  
5 St Philips Place, Colmore Row, Birmingham, B3 2PW  
Agent: JLL  
45 Church Street, Birmingham, B3 2RT

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Recommendation

**Approve Subject To Conditions**

1. Proposal

1.1. The application seeks planning approval for engineering works to remove ground obstructions and contamination at the former Midhire and UTC (Rolls Royce) premises at York Road, Hall Green.

1.2. The proposal is for remediation groundworks to remove ground obstructions and contamination in order to prepare the site for future redevelopment for residential development. Works will be carried out to remove existing hardstanding, foundations and infrastructure associated with the historic development of the site, including:

- Clearance of any remaining vegetation on the site;
- Excavation of made ground to an average depth of 1.5 m and replacement as an engineered fill. All excavated materials shall be compacted according to a method specification as defined by the Specification for Highway Works, validation testing of the placed materials shall also be undertaken;
- Removal of all remaining redundant services; and
- Excavation and crushing of all remaining hard standing and in situ foundation / obstructions / infrastructure. All hard standing and other foundation materials shall be crushed and then placed across the surface of the site.

1.3. The application is also supported by a Factual and Interpretative Geo-Environmental Report and a Remediation Strategy as well as earlier reports and investigations that have helped inform these two reports.

1.4. It should be noted that the remedial works outlined above will not lead to a change in levels, as the site is to be reclaimed and left at its current levels.

1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is located at the junction of Cateswell Road and York Road and has an area of 2.6 ha. The site is located adjacent to a railway line to the east (part of the Snow Hill line to Stratford upon Avon) with the rear gardens of residential properties fronting Cateswell Road to the west). Car parking serving Hall Green Railway Station is located to the south. The surrounding area is predominately residential in character with industrial and commercial elements – the former Hall Green Greyhound Stadium is to the east of the railway line (planning permission has been given for its demolition and residential re-development of the Stadium site).
- 2.2. The site was formerly the location of Rolls Royce (1.63 ha) which designed, tested and manufactured machined aircraft components, and the location of Midhire Van Hire (0.97ha). Rolls Royce have relocated this element of the business to new facilities at Birmingham Business Park.
- 2.3. The previous buildings on the site have been demolished and the site cleared under prior approval application 2017/07267/PA. The site has been subsequently fenced and secured by the applicant.
- 2.4. [Site Location](#)
3. [Planning History](#)
  - 3.1. 22<sup>nd</sup> September 2017, 2017/07267/PA: Demolition of existing buildings on the site. Prior approval required and approved with conditions.
4. [Consultation/PP Responses](#)
  - 4.1 Transportation – No objection. Should there be machinery that would significantly impact on the public highway, the applicant should consult BCC Traffic Management.
  - 4.2 Regulatory Services – This department does not object to the application or the implementation of those aspects of the outline remediation scheme that can be undertaken during the enabling phase. Before any such works commence a detailed remediation method statement and verification plan will be required. As such conditions relating to contaminated land remediation and verification report are recommended.
  - 4.3 Environment Agency - There is a water course that runs through the site within a culvert. A CCTV exercise has shown this to be concrete lined and competent. Surface water monitoring exercises have shown no impact from the site. No objections to proposal subject to remediation conditions. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.
  - 4.4 Network Rail – Part of the site is affected by a demarcation agreement with Network Rail. The applicant and the City Council are reminded that in addition to any planning consent the applicant will need agreement to works on site from Network Rail. The applicant must also ensure that all surface waters and foul waters drain in a direction away from the operational railway and that the remediation works on site do not increase Network Rail's liability or increase the risk of flooding, pollution, soil slippage or hazardous materials impacting the operational railway and the railway boundary.

Substances from the contaminated land must not drain towards Network Rail land or raise any risks regarding methane including for those working on the railway infrastructure. The applicant is therefore requested to contact Network Rail to discuss the matters going forward.

- 4.5 Lead Local Flood Authority – No comments to make.
- 4.6 Severn Trent – No response received.
- 4.7 Requisite site notice displayed. Ward Councillors, MP, resident associations and residents and properties adjacent to the site consulted. Two letters of objection received from adjacent residents citing:
  - Vibration, noise and disturbance caused by previous demolition works – works from 8am until later in the day.
  - Concern that this will be worse when they drill into the ground.
  - Concerned that there will be irreversible damage to their property foundations, structures and windows if not already. This may affect people's insurance.

## 5. Policy Context

- 5.1 National Planning Policy Framework.
- 5.2 The Birmingham Development Plan (BDP) 2017; Unitary Development Plan 2005 Saved Policies (UDP).

## 6. Planning Considerations

- 6.1. The site has been acquired for housing development by Homes England who have indicated that they will submit an application for residential development in the near future. The application follows on from the prior approval of September 2017 for the demolition of existing buildings on the site. This work has now been completed and the site has been cleared and secured.
- 6.2. The current application is for engineering works to remove ground obstructions and contamination on the site. The main issues to be considered in the determination of this application are the relevant planning policies; the acceptability of the remediation strategy proposed; the impact on adjacent residents and the railway; and highway safety.

### Policy

- 6.3. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF also encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. The accompanying Planning Practice Guidance states that local planning authorities should work with developers to find acceptable ways forward if there are concerns about land contamination (for example through the use of planning conditions). Although it is noted that responsibility for securing a safe development rests with the developer and/or landowner; local planning authorities should be satisfied that a proposed development will be appropriate for its location and not pose an unacceptable risk.

- 6.4. Measures to bring forward development on brownfield sites is also consistent with the general principles of the BDP. The site is also identified in the Strategic Housing Land Availability Assessment 2017 (reference S160) as having potential for housing development, although this will be the subject of any future application for the site.
- 6.5. It is therefore concluded that the proposal is consistent with both national and local policy.

#### Remediation Strategy

- 6.6. The application is supported by both a Remediation Strategy and a Factual and Interpretative Geo-Environmental Report for the site as well as earlier reports and investigations. The contamination assessment has identified a requirement for remedial action due to the detection of petroleum hydrocarbons contamination of soils and groundwater at the former clay pit to the northeast of the site, and the former car park to the south.
- 6.7. The Remediation Strategy provides a framework for required remedial works, including mitigation of hydrocarbons contamination, control measures for asbestos, and requirements for the protection of future buildings (including gas protection and protected water supply pipes). Geotechnical remediation includes the excavation of remnant foundations, the excavation and re-compaction of made ground and the provision of geotechnical validation testing. It is stated that a Verification Report will be prepared and submitted to the local authority for approval on completion.
- 6.8. Regulatory Services have expressed reservations in respect of the ground gas risk assessment. They are of opinion that further monitoring, including specific monitoring for volatile organic compounds in soil gas, should be undertaken as part of the verification works, and the risk assessment revisited before any subsequent development is undertaken. Although they do not object in principle to the application it is proposed that before works commence a detailed remediation method statement and verification plan will be required. I concur with this position and appropriate planning conditions are attached.
- 6.9. In a similar vein the Environment Agency, whilst having no objection in principle, have requested a planning condition regarding the Remediation Strategy for the site which is also attached.

#### Impact on Railway

- 6.10. It is noted that part of the site which was once in railway ownership is affected by a demarcation agreement with Network Rail. The applicant must abide by the terms, conditions and covenants within the demarcation agreement and no works are to commence on site until agreed with Network Rail. The applicant is aware of this requirement and will meet with Network Rail (as occurred during the demolition works) to discharge this obligation.
- 6.11. Network Rail have also stated that all surface waters and foul waters should drain in a direction away from the operational railway and that the remediation works on site do not increase Network Rail's liability or increase the risk of flooding, pollution, soil slippage or hazardous materials impacting the operational railway and the railway boundary. Substances from the contaminated land must not drain towards Network Rail land or raise any risks regarding methane including for those working on the railway infrastructure. Again the applicant has stated that the works will not have an

adverse impact upon the operational railway and will meet further with Network Rail prior to works commencing. As such, I am satisfied that the issues raised by Network Rail can be satisfactorily addressed.

#### Impact on Adjacent Residents

- 6.12. Concerns have been raised by two adjacent residents in terms of the disturbance and vibration caused by the previous demolition works on the site. The applicant has agreed to an appropriate condition regarding site working hours, including no working after 6pm Monday – Friday and no working at all on Sundays and Public Holidays. I consider that this will sufficiently protect the amenity of local residents.

#### Highway Safety

- 6.13. Transportation raise no objection to the proposals. The advice re machinery and the public highway has been passed to the applicant.

#### 7. Conclusion

- 7.1. I consider that the proposal will help facilitate the development of a vacant brownfield site close to Hall Green Rail Station – Homes England are proposing housing development on the site but this will be the subject of a future planning application. It is therefore recommended that planning permission be granted subject to the appropriate planning conditions below.

#### 8. Recommendation

- 8.1. Approve subject to conditions.

- 
- 1 Requires the prior submission of a contamination remediation scheme
  - 2 Requires the prior submission of a contaminated land verification report
  - 3 Limits the hours of operation to 0800-1800 Monday to Friday
  - 4 Requires the scheme to be in accordance with the listed approved plans
  - 5 Implement within 3 years (Full)
- 

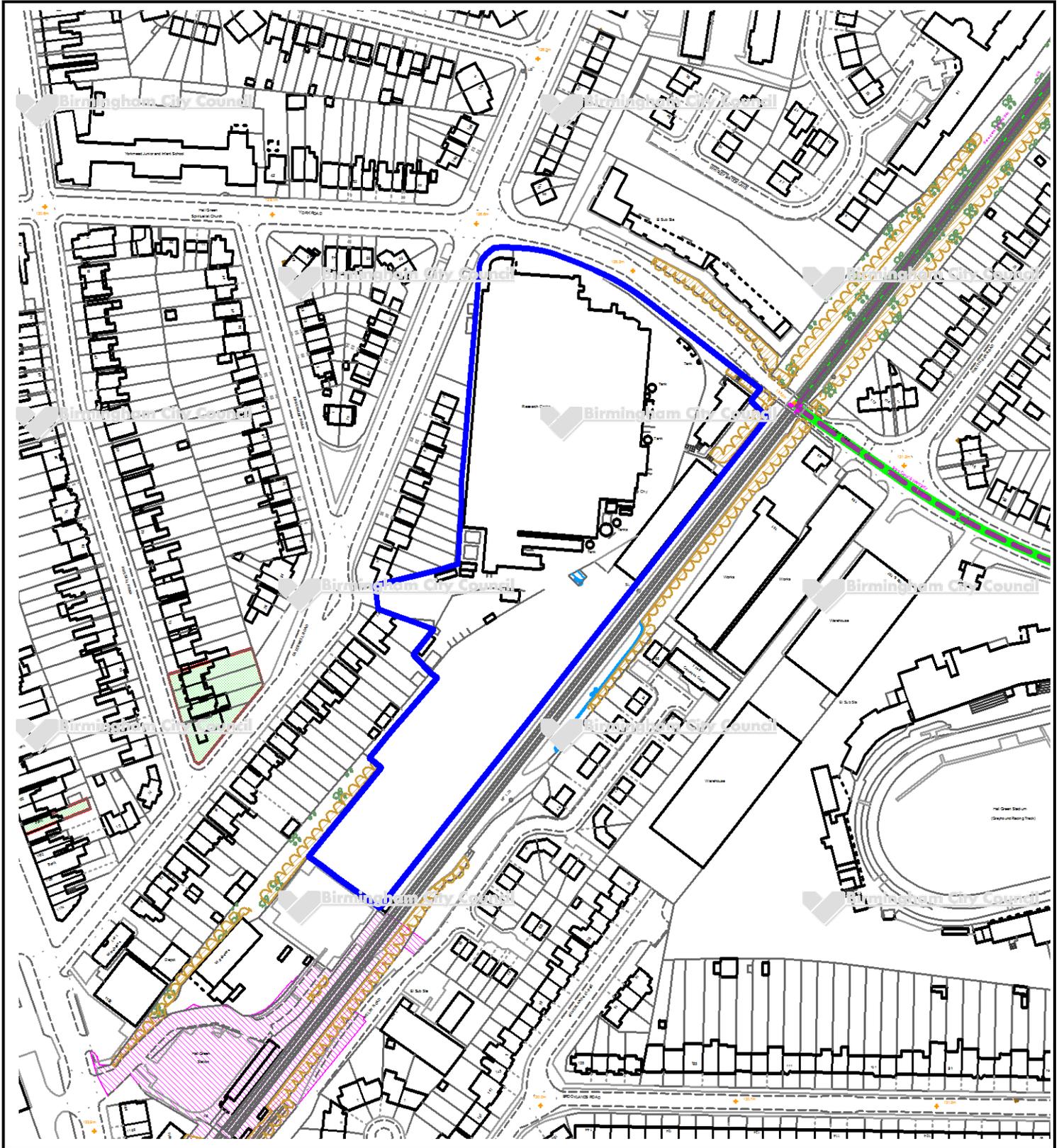
Case Officer: Andrew Fulford

**Photo(s)**



Figure 1: View into site from York Road entrance, with Cateswell Road houses to the right (west)

# Location Plan



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Committee Date:	26/04/2018	Application Number:	2018/00181/PA
Accepted:	22/01/2018	Application Type:	Householder
Target Date:	19/03/2018		
Ward:	Selly Oak		

42 Selly Wick Road, Selly Park, Birmingham, B29 7JA

Erection of first floor rear and side, installation of dormer window to rear and alterations to roofs.

Applicant: Mr & Mrs V Bhalla  
42 Selly Wick Road, Selly Park, Birmingham, B29 7JA  
Agent: Stoneleigh Architectural Services  
Compton Wharf, Bridgnorth Road, Compton, Wolverhampton, WV6 8AA

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Recommendation

**Approve Subject To Conditions**

1. Proposal

1.1. Consent is sought for the erection of a first floor rear and side extension and the installation of a dormer window to the rear and alterations to the existing roofs.

1.2. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises a two storey detached property with a hipped roof design and bay window features to the front elevation. The property has been previously extended with a two storey side extension with a hipped roof and a single storey side and rear extension with a flat roof design. The property has a large garden to the rear with a driveway to the front set behind a boundary wall with hedging above.

2.2. Neighbouring property No. 40 Selly Wick Road is a large detached property with a hipped roof design. Adjacent to the application site is an existing single storey garage with a pitched roof, with outbuildings to the rear, thereby forming an enclosed courtyard between the garage and outbuildings. Within the courtyard there is a ground floor side kitchen window facing the application site, with an additional window serving the same kitchen to the rear elevation. The boundary between the two properties is defined by a brick wall and close boarded fencing. The site is within the Selly Park Conservation Area.

2.3. [Site Location Plan](#)

3. Planning History

- 3.1. 26/05/1949 - 03480000 – Extension to garage and toolshed – Approved
- 3.2. 06/01/1982 - 03480001 – Alterations to existing outbuildings to form utility room, toilet accommodation and study - Approved

#### 4. Consultation/PP Responses

4.1. Neighbouring properties and local ward members have been consulted and a site and press notice published. One objection has been received raising concerns on the following grounds:

- Loss of light and outlook to side facing kitchen window
- Detrimental impact on the Conservation Area
- Proposals dominant, bulky and out of character
- Proposal is contrary to the Council's Planning Policy
- Proposal contrary to minimum distance separation guidelines
- Encroachment

4.2. Members of the Selly Park Property Owners Association have objected to the proposal on the grounds of encroachment to neighbour, impact on the conservation area, loss of light to neighbour, impact on design and appearance of existing property.

#### 5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan (Saved Policies)
- Birmingham Development Plan (2017)
- Places for Living SPG (2001)
- The 45 Degree Code SPG (1996)
- Extending your Home SPD (2007)
- Selly Park Conservation Area

5.2. The following national policies are applicable:

- NPPF – National Planning Policy Framework

#### 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. The proposal is in keeping with the original dwelling house and would not compromise the existing character and architectural appearance of the property. The proposed first floor extension is set behind the existing extension and would not be visible within the existing street scene. The proposed dormer window to the rear is proportionate to the main dwelling and would not visually dominate the existing property. The existing,

somewhat awkward-looking, two roof elements would be unified and improved visually within one new roof. The proposal would be in accordance with the principles contained within 'Extending Your Home' Supplementary Planning Document.

- 6.3. My Conservation Officer has raised no objections to the proposal and commented that the proposed design complements and enhances the existing character of the conservation area by rationalising and bringing together the old extension and creating a unified frontage and by echoing the roof designs of neighbouring properties to bring harmony to the street scape. I concur with this view. The scale and design of the proposal would have an acceptable impact and would not harm the character and appearance of the Conservation Area.
- 6.4. The proposed first floor side extension would fail to meet your committee's distance separation guidelines contained within 'Extending your Home' and 'Places for Living' Supplementary Planning Documents from the side facing kitchen window at No. 40 Selly Wick Road. A distance of 12.5m is required between one and two storey windowed elevations and flank walls opposite. As proposed a distance of 5m would be obtained between the existing ground floor kitchen window to the side of No. 40 and the proposed extension. However consideration is given to an additional kitchen window located to the rear elevation of No. 40 which serves the kitchen, provides an additional source of light to this room, and looks down the back garden. This additional window is of a similar size to the affected side window and given its location 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 sufficiently detrimental to warrant refusal of this application on this aspect alone.
- 6.5. All other distance separation guidelines would be met. The proposed development would comply with your Committee's 45 Degree Code policy in respect to the nearest habitable room windows to neighbouring properties.
- 6.6. The proposed development does not attract a CIL contribution.

## 7. Conclusion

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

## 8. Recommendation

- 8.1. Approve subject to the following conditions.

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials                      |
| 3 | Requires the prior submission of roof light details                    |
| 4 | Implement within 3 years (Full)  |
-

Case Officer: Leah Russell

**Photo(s)**



Photo 1: Front elevation



Photo 2: Rear elevations of Nos. 40 (left) and 42 Selly Wick Road. The rear kitchen window is shown to no. 40.



Photo 3: Rear elevation



Photo 4: Side window to No. 40 Selly Wick Road

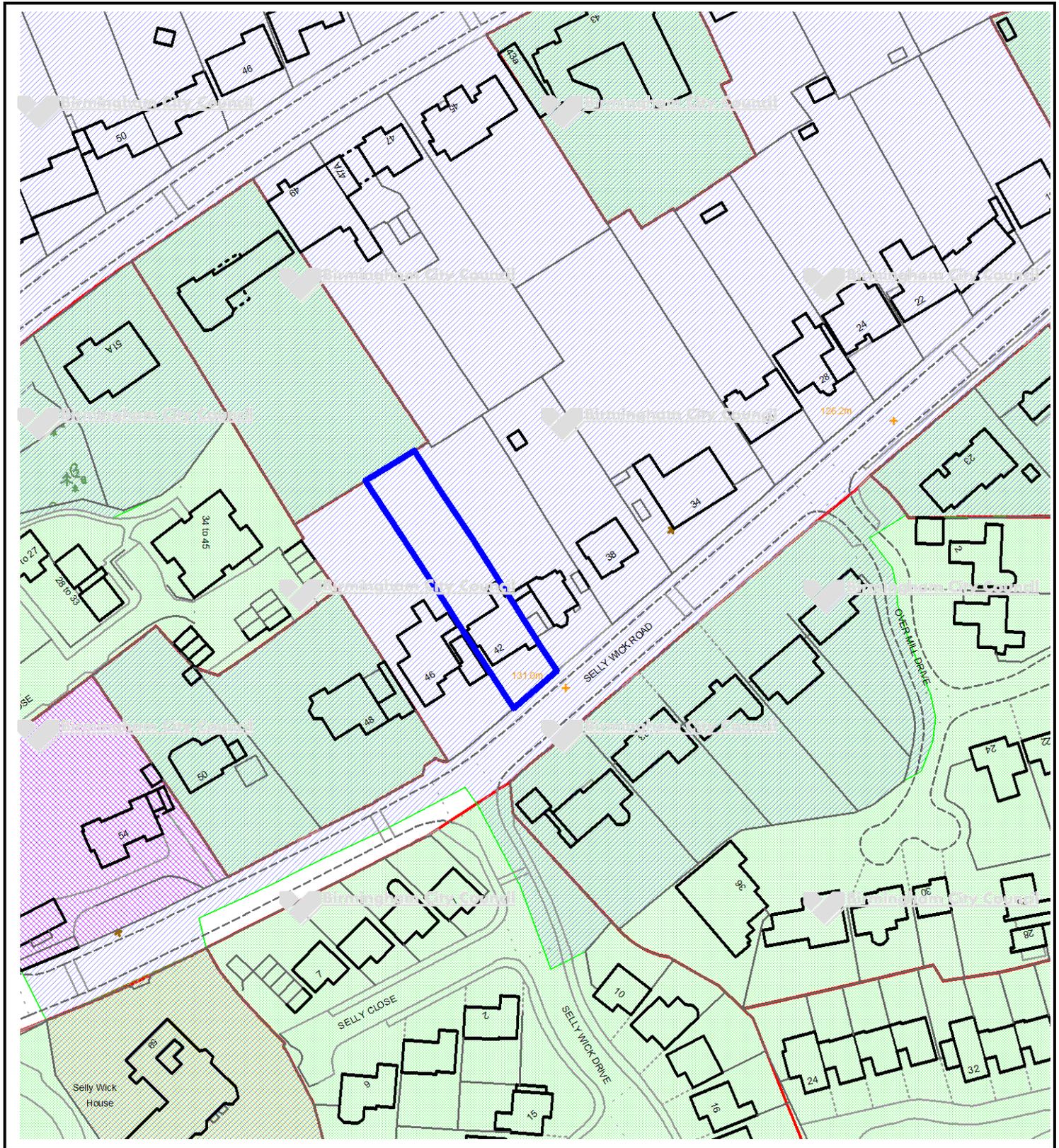


Photo 5: View towards proposed first floor extension, from the courtyard and side-facing kitchen window at No. 40 Selly Wick Road



Photo 6: Street scene

# Location Plan



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Committee Date:	26/04/2018	Application Number:	2018/00066/PA
Accepted:	08/01/2018	Application Type:	Householder
Target Date:	19/03/2018		
Ward:	Selly Oak		

14 Upland Road, Selly Park, Birmingham, B29 7JR

Erection of two storey side and rear extensions, single storey front extension and roof enlargement

Applicant: Mr Kulbir Tajuria  
14 Upland Road, Selly Park, Birmingham, B29 7JR  
Agent: Easyplan Birmingham  
Brackenfield, Leasowes Lane, Halesowen, B62 8QE

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Recommendation

**Approve Subject To Conditions**

1. Proposal

1.1. Consent is sought for the erection of two storey side and rear extensions, single storey front extension and roof enlargement.

1.2. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises an original two-storey house with a pitched roof design. The property has been previously extended with single storey side extensions with flat and pitched roof designs. The property is set within a large plot and surrounded by large properties, many of which have already been extended. There is a large garden to the rear and a driveway to the front. The site is enclosed by close boarded fencing and planting.

2.2. Neighbouring property No. 16 Upland Road is a large detached property with a hipped roof design and a two storey side extension nearest to the application site with windows at ground and first floor to the rear elevation. To the adjacent side No. 12 Upland Road is a large detached property with a hipped roof design and an existing two storey side extension. Selly Park Conservation Area lies to the north (rear) of the application site, on properties fronting Oakfield Road.

2.3. [Site Location Plan](#)

3. Planning History

3.1. 29/6/2012 - 2012/01793/PA – Retention of single storey side extension – Refused on design and impact within the street scene

- 3.2. 04/08/1977 - 33017001 – Extension – Approved
- 3.3. 14/01/1971 - 33017000 – Erection of garage – Approved

4. Consultation/PP Responses

- 4.1. Neighbouring properties and local ward members have been consulted. 8 responses have been received raising the following concerns:
- Disruption during construction
  - Car parking implications
  - Use of the property as a House of Multiple Occupation
  - Impact on the existing street scene
  - Proposal out of character with surrounding properties
  - Separation distances between properties
  - Overdevelopment of the site
- 4.2. Members of the Selly Oak Residents Association have objected to the application on the grounds of overdevelopment of the site, creation of a continuous frontage, separation distances between properties and impact on the existing street scene, use of the house as a House of Multiple Occupation, parking implications.
- 4.3. Selly Oak Ward Committee have objected to the proposal on the grounds of overdevelopment of the site and concern over the impact on the local infrastructure.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan (Saved Policies)
  - Birmingham Development Plan (2017)
  - Places for Living SPG (2001)
  - The 45 Degree Code SPG (1996)
  - Extending your Home SPD (2007)
- 5.2. The following national policies are applicable:
- NPPF – National Planning Policy Framework

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. Following a site visit to the property and further discussions with the agent, amended plans have been submitted reducing the depth of the two storey rear extensions by 2.8m, reducing the width of the first floor side extension to the west of the site by 3m, reducing the ridge height of the side extensions and setting the front elevations back from the main house, and incorporating a sloping roof design to the proposed single storey front extensions.

- 6.3. I consider the proposed scale, mass and design of the proposal, as amended to be acceptable. Although the extensions are large and the overall property would be much-altered, the house is set within a large plot which can accommodate the proposed development without resulting in an overdevelopment of the site. The design and scale of the proposed extensions has been amended to be more proportionate to the main dwelling and along with the reduced ridge height and front elevation set back would be subservient in appearance. I consider that the proposed development would not compromise the existing character or architectural features of the property, or have a detrimental impact on the general street scene. This part of Upland Road is characterised by large detached dwellings and I do not consider the proposal would be out of keeping. The resulting building would not be out of scale or character with other properties within the locality, and would not be an overdevelopment of the site. The proposal would be in accordance with the principles contained within 'Extending Your Home' Supplementary Planning Document.
- 6.4. The proposed development, as amended, complies with the 45 Degree Code Policy, and minimum distance separation guidelines contained within 'Places for Living' and 'Extending Your Home' would be met. As such, I consider there would be no detrimental impact upon neighbouring amenities by way of loss of daylight, outlook or privacy.
- 6.5. Residents have raised concerns with regards to disruption during construction; however this would not be a material planning consideration and therefore is outside the remit of this planning application. In reference to concern over car parking, there are no changes to the existing parking provision, which is quite generous on this large plot, and given the abundance of on-street parking within the area I do not consider the proposal would have an undue effect on the local parking.
- 6.6. Notwithstanding the objections raised, there is no evidence within the application as submitted to suggest that a change of use to a House in Multiple Occupation would be required. It is evident that the application property will remain as a residential dwelling house. This has furthermore been confirmed by the agent for the application prior to determination. If this is not the case then a further planning application would be required which would be assessed upon its merits at that stage. I consider that the remaining objections have been addressed above.
- 6.7. The proposed development does not attract a CIL contribution.

## 7. Conclusion

- 7.1. This application is recommended for approval as the proposal complies with the policies as outlined above.

## 8. Recommendation

- 8.1. Approve subject to 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

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3 Implement within 3 years (Full)

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Case Officer: Leah Russell

**Photo(s)**



Photo 1: Front elevation



Photo 2: Rear elevation

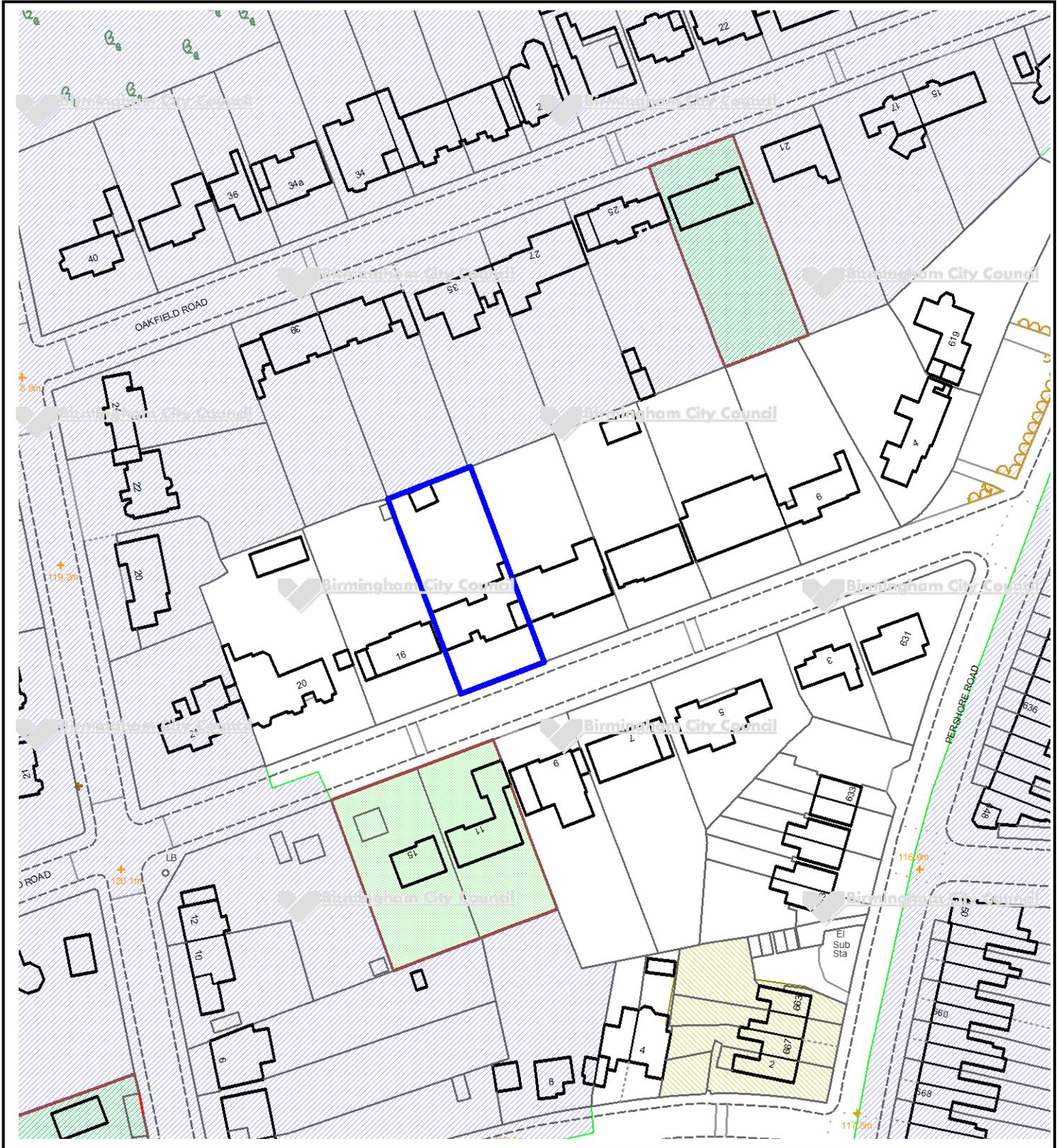


Photo 3: Street scene to the West



Photo 4: Street scene to the East

# Location Plan



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Committee Date: 26/04/2018      Application Number: 2017/10544/PA  
Accepted: 12/12/2017      Application Type: Householder  
Target Date: 06/02/2018  
Ward: Moseley and Kings Heath

12 Westlands Road, Moseley, Birmingham, B13 9RH

Erection of two storey side and rear and single storey forward and rear extensions

Applicant: Mrs Nasim Jan  
12 Westlands Road, Moseley, Birmingham, B13 9RH  
Agent: Mr Hanif Ghumra  
733 Walsall Road, Great Barr, Birmingham, B42 1EN

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Recommendation  
**Determine**

**Report Back**

Members will recall considering this application at your meeting of 15<sup>th</sup> February. The application was determined for approval but the decision notice was not subsequently issued because an objector immediately submitted a formal complaint about the management of the application. Officers decided it would be appropriate to delay issuing a decision until the complaint had been properly considered, which has now happened.

The complaint focussed on four matters:

1. The size of the proposed extensions relative to the existing house;
2. The distance separation to the neighbouring houses to the rear;
3. Subjective Officer comments about privacy;
4. Garden size.

I have decided to bring the application back to your Committee for re-consideration because of a minor error in figures provided by the Officer presenting at Committee that day (Point 1 above).

The size of the proposed extensions relative to the existing house

The Complainant (who was the objector who spoke at Committee on 15<sup>th</sup> February) stated that the extensions would 'double' the size of the property. Although it was not clear if she meant footprint, total floorspace, or volume, none would have been correct. The Officer answered about volume (i.e. cubic metres), stating that the property (excluding the roof) would be enlarged by 40%, and then he later stated 38%. This was in fact an honest mistake in which the wrong figure was read out - the Officer had meant to refer to the other portion of the total of 100%, i.e. 60% or 62%.

This was a simple error, and one that I do not consider can have significantly affected Members' decision-making: whether an approximate 40% or 60% increase, Members were fully aware that the extensions were sizeable, from a combination of the Officer Report, the plans, and the discussion at the meeting. I consider the main point is that a volume of a house is not commonly used and so is not very understandable. What is important for the

decision-maker to assess are the distances between new windows and gardens, new windows and neighbours' windows, and the dimensions of the main rear extension – 4m deep, and two-storey, as set out in the Officer Report. As such, I do not consider the Committee was mis-led, and that the most important and understandable information was provided for a sound decision to be taken.

In order for the above to be beyond further possible challenge, my Planning Solicitor and I have decided to bring the matter back for your Committee's second consideration, with this one minor error rectified.

The three other points are included more briefly below, purely for completeness:

The distance separation to the neighbouring houses to the rear

The Complainant questioned the separation distance stated at the 15<sup>th</sup> February meeting (24m), but the figure was correct.

Subjective Officer comments about privacy

The Complainant disliked the Officer's opinion given at the 15<sup>th</sup> February meeting, when he compared the perception of privacy from the existing situation to the proposed. My Department apologised for this point, but I do not consider it affected Members' decision-making.

Garden size

The Complainant questioned the Officer's statement about the proportion of the garden taken up by the extension (20%), but the figure was correct.

In summary, this matter centres around one discrete error in the reading out of a figure. It was a minor error in my opinion, and the various dimensions and relationships were properly set-out for the decision-making body and in my opinion were well-understood by Members. This report seeks to remove any possible remaining question on this point, and so I now request that Members once again decide to approve the application.

**Original Report, 15<sup>th</sup> February 2018**

1. Proposal
  - 1.1. Planning consent is sought for the proposed erection of a two storey side and rear extension and single storey forward and rear extensions.
  - 1.2. The proposed development would provide an extended living room, kitchen/dining room and hallway at ground floor level. The existing garage would be converted to a study with a small extension to this room. At first floor level two new bedrooms and a bathroom would be provided. The existing bathroom would be incorporated into the landing area and the existing third bedroom would become a second bathroom.
  - 1.3. The proposed first floor side extension would be set back from the front wall of the dwelling by 0.45m and would have a width of 2.8m. The ridge of the roof of the proposed side extension would be set down from the ridge of the main roof of the dwelling in order to be subservient in appearance. It would project along the entire side elevation of the property.

- 1.4. To the rear of the dwelling the proposed two storey extension would be built off part of the existing rear wall of the dwelling and the proposed side extension by 4m. It would have a width of 5.28m. The two storey side and rear extensions would have a hipped roof design to match that of the main dwelling. A single storey rear extension would be built adjacent to the proposed two storey extension with a depth and a width of 4m. The proposed single storey extension would have a mono pitch roof design with a ridge height of 3.3m and an eaves height of 2.4m.
- 1.5. The proposed single storey forward extension projecting in front of the proposed two storey side extension would have a depth of 0.6m and a width of 2.8m. It would have a mono pitch roof design with a ridge height of 3.3m and an eaves height of 2.4m. The forward porch extension in front of the existing front door would have a forward projection of 1.05m and a width of 2.6m. It would have a gable roof design with a ridge height of 3.3m and an eaves height of 2.7m.
- 1.6. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site consists of a rendered detached property with a hipped design and a bay window and canopy to the front. The property is located within a predominantly residential area which generally comprises of similar sized dwellings. The property is set up from the highway with a paved driveway to the front and a low level wall defining the front boundary of the site. There is an existing single storey extension to the rear of the building. Both adjacent dwellings also have existing rear extensions.

## 2.2. [Site Location](#)

## 3. Planning History

- 3.1. None.

## 4. Consultation/PP Responses

- 4.1. Neighbours and local ward councillors were consulted for the statutory period of 21 days. A period of re-consultation has been carried out due to a full set of plans now being available for the public to view. This period of consultation expires on 12<sup>th</sup> February 2018. Letters of objection have been received from 10 neighbouring properties and the Moseley Society raising objections on the following grounds:

- Loss of light.
- Loss of privacy
- The proposed development is too large
- The proposed development would be out of keeping with character of the surrounding area.
- The proposed works would represent an over-development of the site.
- The proposal would set a precedent for similar developments within the surrounding area.
- Loss of garden space.
- The density of occupation of the property.
- The proposed works would result in a terracing effect in the street scene.

- Parking issues.
- The use of the property for commercial purposes.

## 5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017.
  - Birmingham Unitary Development Plan 2005 (Saved Policies).
  - Places For Living 2001.
  - Extending Your Home 2007.
  - 45 Degree Code SPD.
- 5.2. The following national policies are applicable:
- National Planning Policy Framework.

## 6. Planning Considerations

- 6.1. The principal matters for consideration are the scale, design and siting of the proposed development, and the impact on the architectural appearance of the property, the general street scene and neighbouring properties amenities.
- 6.2. The proposal complies with your Committee's 45 Degree Code policy and therefore would not have an adverse impact upon the occupiers of adjacent dwellings in terms of loss of light.
- 6.3. There is a window in the side elevation of the existing single storey rear extension at No.14 Westlands Road which would be adjacent to the proposed location of the rear extensions. However, this window is not the sole source of light to this room with another window provided in the rear elevation of the neighbouring extension. Therefore, I do not consider that the proposed development would have a harmful impact upon the adjacent dwellings in terms of loss of light and outlook.
- 6.4. The proposed development would comply with the required separation distance of 5m per storey between main windows overlooking private amenity space. I therefore do not consider that the proposed works would have a harmful impact upon neighbouring dwellings in terms of loss of privacy.
- 6.5. Concerns have been raised by objectors in relation to the loss of garden space at the property. However, a remaining rear garden area of approximately 98 square metres would be retained which would comfortably exceed the required minimum garden space of 70 square metres for a family dwelling.
- 6.6. The scale, mass and design of the proposal are acceptable. The design of the proposed extensions reflects the character of the existing dwelling. A set of amended plans have been received with the ridge of the roof of the proposed extension being set down from ridge of the main roof of the building. The eaves of the roof of the proposed side extension would now also line through with the eaves of the main roof in order to integrate better with the detailing of the original dwelling.
- 6.7. There are examples of other properties within Westlands Road with two storey side extensions similar to this proposed. Neither neighbouring dwellings have two storey rear extensions. However, I do not consider that this provides justification to resist the principle of such a proposal. Whilst I note that neighbours have raised concerns

regarding the proposal setting a precedent for similar developments within the area, any future applications at other properties would be assessed on their own merits.

- 6.8. Objections have been received on the grounds of the possible 'terracing effect' caused by the proposed two storey side extension. However, there would be a visible gap between the application property and No.10 Westlands Road. I therefore do not consider that the proposed development would result in such an impact.
- 6.9. The proposed development would not have a harmful impact upon the architectural appearance of the property or the visual amenity of the surrounding area. The proposed development would not dominate the appearance of the original dwelling and would therefore comply with the design principles contained within policy document 'Extending Your Home'. I do not consider that the proposal would compromise the character of the dwelling or the wider street scene.
- 6.10. Concerns have been raised by neighbours in relation to possible parking issues. However, the existing off street parking space provided by the front driveway would be maintained. I therefore do not consider that there are sustainable grounds upon which to recommend refusal of the application in relation to this matter.
- 6.11. Concerns have been raised by objectors in relation to the property being used for commercial purposes. However, the application has been submitted on the basis of the property being a family dwellinghouse and therefore the application must be assessed on that basis.

7. Conclusion

- 7.1. Notwithstanding the objections raised by the neighbouring occupiers, I consider that the proposed extensions would have no detrimental impact on the visual or residential amenities of the surrounding area and occupiers. As such, I consider the application should be recommended for approval subject to the attached conditions.

8. Recommendation

Approval is recommended subject to the following conditions

- 
- 1 Requires that the materials used match the main building
  - 2 Requires the scheme to be in accordance with the listed approved plans
  - 3 Removes PD rights for new windows
  - 4 Implement within 3 years (Full)
- 

Case Officer: George Baker

**Photo(s)**

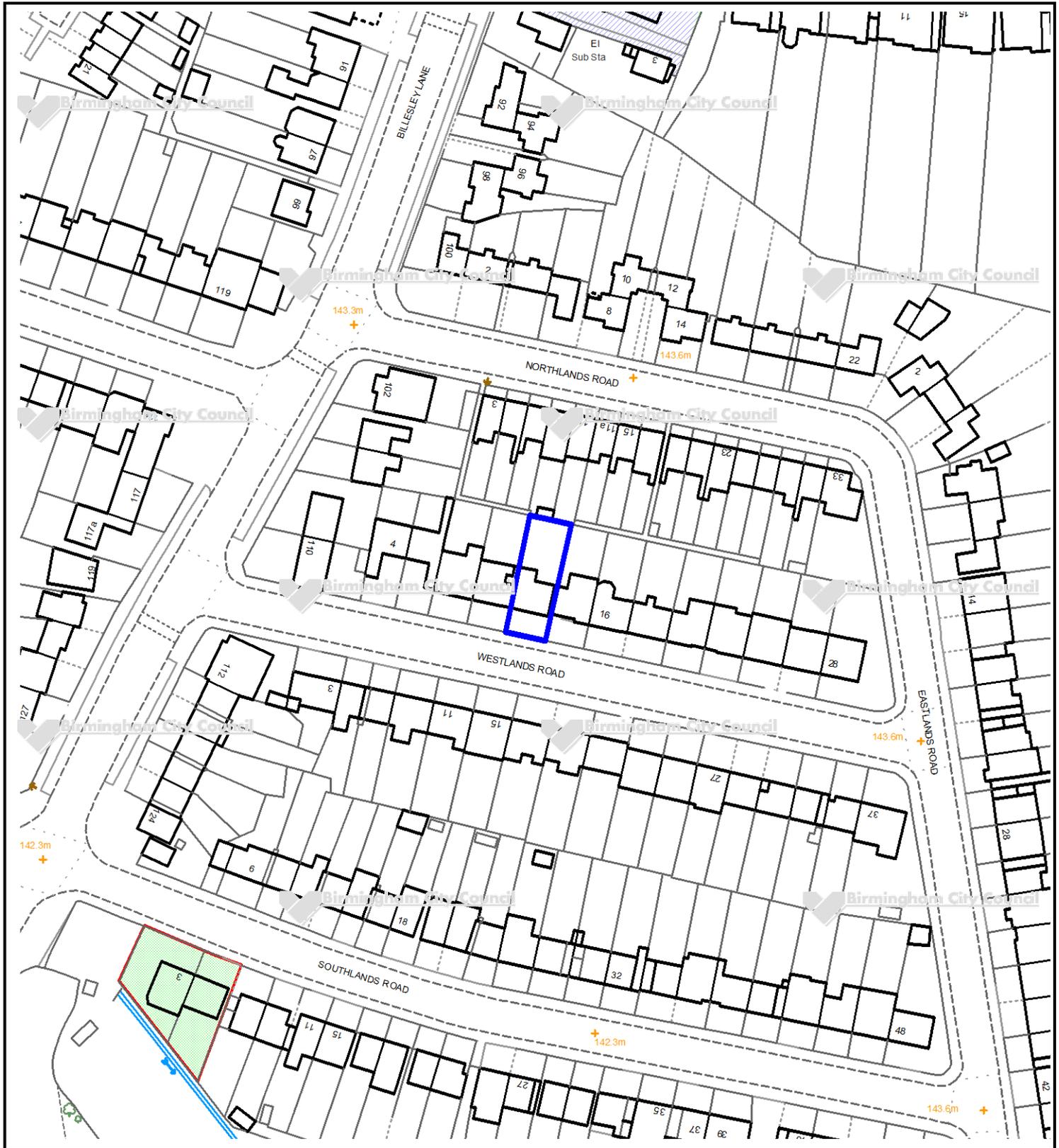


**Figure 1 – Front elevation**



**Figure 2 – Rear Elevation**

# Location Plan



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Committee Date:	26/04/2018	Application Number:	2017/07936/PA
Accepted:	04/10/2017	Application Type:	Full Planning
Target Date:	29/11/2017		
Ward:	Northfield		

67-69 Church Hill, Northfield, Birmingham, B31 3UB

Erection of first floor extensions to include A2 Use Class.

Applicant: Mr Paul Weaver  
67 Church Hill, Northfield, Birmingham, B31 3UB  
Agent: Cr8 Architectural Ltd  
22 High Street, Sutton Coldfield, Birmingham, B72 1UX

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Recommendation

**Non-Determine Appeal**

**ENDORSE**

1. Background

1.1. This application was registered on the 4<sup>th</sup> October 2017 and a decision was not made within the 8-week time period (29 November 2018). After this period the applicant has the right to make an appeal against non-determination, which they have done on this occasion. Consequently the decision has now been taken from the Local Planning Authority and now rests with the Planning Inspectorate. The purpose of this report is to seek endorsement of the recommendation if the Local Planning Authority had been in a position to determine the application and will form the basis for the Council's submission in response to the Applicant's appeal.

2. Proposal

2.1. Planning permission is sought for the erection of a first floor extension on the top of two existing single storey commercial units and their use for the purpose of professional and financial services falling within the A2 Use Class.

2.2. The two units are currently in use as a print shop (Use Class A2) at number 69 fronting Church Hill and tyre sales/fitting (a mixed sui generis use of A1 retail and B2 general industrial) at number 67 to the rear of the application site.

2.3. The first floor extension at 69 Church Hill (above the print shop) would comprise two separate offices and two W.C.'s at first floor accessed from a new internal staircase to the rear of the existing unit. The print shop would continue on the ground floor, and would have internal alterations (that do not require planning permission) that would create an ancillary office and an accessible toilet facility. The first floor offices would/could be self-contained from the ground floor use (there is a connecting, internal door shown), with an external rear entrance door. The first floor extension would measure 5m in width, 21m in length and approximately 3.1m in height, taking the overall building to 6.2m in height. The first floor extension would have new windows on all elevations and would have a sloping mono-pitch roof.

- 2.4. The first floor extension at 67 Church Hill (above the tyre sales and fitting use) would comprise a single space office/storage use of 91sq.m with separate W.C. accessed from a new internal staircase located at the rear of the existing unit for the continued tyre workshop use. The ground floor use would see internal alterations to create a staff room and W.C. The first floor space would be self-contained from the ground floor use, with a separate entrance door to the side. The first floor extension would measure 6.6m in width, 18m in length and 4.6m in height taking the overall unit height to a maximum 9m in height. The first floor extension would have windows on its south and west elevations.
- 2.5. Nine parking spaces are proposed, with two being designated for four units and one for Northfield Press.
- 2.6. A public right of way runs through the site. It is not affected by the application and as such has not been identified as being affected in our publicity for the application. However, ownership Certificate A stating that the applicant owns the site has been completed and part of the site/public right of way belongs to the City's housing department – this has been raised with the agent and a revised Certificate of Ownership requested however this has not been forthcoming.
- 2.7. The Tyre Sales and Fitting Use does not benefit from planning permission and I believe it to be an unlawful use. A storage container is also located adjacent to this use which is used for tyre storage – this also does not have the benefit of planning permission. Tyres are also stored along the south-eastern boundary where the public right of way runs. These have been raised with the planning agent and a request has been made for an application to formally consider the tyre business, but this has however not been forthcoming.
- 2.8. Site area: 0.065Ha. Site employees stated to be five existing, ten proposed. No hours of use are stated.
- 2.9. [Link to Documents](#)

### 3. Site & Surroundings

- 3.1. The application site relates to 67-69 Church Hill, Northfield. This is a long narrow piece of land currently housing two single storey workshop buildings. To the south of the site are the residential properties associated with Middlemore Road and to the north is a high, densely vegetated railway embankment. Vehicular access to the site is from Church Hill, with the access being close to an arched railway bridge. On the opposite side of Church Hill there is a petrol filling station and a commercial retail parade from the neighbouring property of 71 Church Hill to the corner property at 1 Middlemore Road with uses such as a Chinese takeaway and pharmacy. Further retail uses extend along West Heath Road and include a Co-op convenience store.
- 3.2. The junction of Church Hill, Middlemore Road, Station Road and West Heath Road has a predominantly commercial character, the residential areas are located further along from the road junction. Northfield train station is located near to the site to the west.
- 3.3. A Public Right of Way running from Church Hill to Wychall Road passes through the site. The site is located within Flood Zone 2.
- 3.4. [Site Location Map](#)

#### 4. Planning History

- 4.1. 20 July 2010. 2010/02154/PA. Outline Planning application for the demolition of existing workshop buildings and erection of 8 flats in 2, two storey buildings. Refused : contrived, cramped and over-intensive use of the site, out of character with the surrounding area and to the detriment of local amenity. Would also adversely affect the living conditions of future occupiers by virtue of inadequate accommodation, outlook, outdoor amenity space, and noise and vibration.
- 4.2. 12 November 2004. 2004/05241/PA. Planning permission granted for the erection of a first floor office extension and associated parking at number 67/69 Church Hill.
- 4.3. 11 November 1993. 1993/02950/PA. Planning permission granted for the erection of Class B1 workshop and Class B8 store.

#### 5. Consultation/PP Responses

- 5.1. Local residents, Ward Councillors and Resident Associations notified. Site notice posted. Five letters of comment/objection received from residents in Middlemore Road. The objections relate to the following issues
  - Loss of privacy to rear of properties
  - Loss of light
  - Backland Development
  - Extra Traffic and Pollution
  - Highway Safety
  - Noise
  - What happens to the Public Right of Way?
  - Potential use of the space for residential purposes.
- 5.2. Environment Agency – have no comments to make.
- 5.3. Network Rail – originally objected but have subsequently withdrawn their objection.
- 5.4. Regulatory Services – no objection.
- 5.5. Transportation – the proposed development does not encroach onto the Public Right of Way and as such, the red line boundary proposed is acceptable. However, the parking layout should be altered to a standard 90 degree layout.

#### 6. Policy Context

- 6.1. BDP, NPPF, Car Parking Guidelines SPD, Places for Living SPG, Places for All SPD, Shopping & Local Centres SPD..

#### 7. Planning Considerations

##### Policy and Principle

- 7.1. Policy TP21 of the BDP identifies that the City's network and hierarchy of centres will be the preferred location for retail, office and leisure developments and Policy TP24 identifies that office uses will be encouraged and supported within centres. This is supported by the NPPF in Paragraph 23 which states that LPA's should "allocate a

range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres.” Paragraph 24 goes on to identify that main town centre uses should be located in town centres, then edge of centre sites and “only if suitable sites are not available should out of centres sites be considered.”

- 7.2. The application site is not located within or adjacent to Northfield District Centre. However, given the commercial nature of this area and the wide range of uses that front Church Hill and West Heath Road, I consider that a form of local centre exists despite no formal allocation or boundary. On this basis, I consider the proposed A2 uses in this location to be acceptable and in accordance with policy.
- 7.3. The first floor extensions to the existing buildings, whilst not designed to accord with the local vernacular are acceptable in design. First floor extensions to these buildings have previously been granted planning permission but have never been implemented. The proposed building heights would not be so discordant in height to be out of scale with its surroundings. The adjacent buildings fronting Church Hill are approximately 8m in height. As such, I have no objection to the proposed first floor extensions in principle. The proposed extensions are proposed for commercial use within a commercial parade and the buildings are already in situ, as such, I do not consider the proposal to be backland development.

#### Residential Amenity

- 7.4. I note that the five objections/comments received have raised concerns regarding loss of privacy, light and overlooking to existing residential properties fronting Middlemore Road. Places for Living suggests a separation guideline of 21m between building faces for 2 storey properties and 12.5m between windowed elevations and flank walls taking into account a 1m increase in separation for every 1m change in ground level. 67 and 69 Church Hill are located on higher ground than the adjacent properties in Middlemore Road as Church Hill rises as it goes North. However, the nearest residential property whose rear garden abuts the application site boundary is number 7 Middlemore Road and the garden is approximately 19m in length with a further 3.5m (existing Public Right of Way) to the existing building at 69 Church Hill along with a densely vegetated boundary in this location. This separation distance increases further along Middlemore Drive and number 67 Church Hill with the rear gardens being between 30 and 40m in length with the same vegetated boundary and a 2m wide Public Right of Way. On the basis of the separation distances reviewed and taking into consideration ground levels, I do not consider that there would be significant impact to residential amenity from the proposed extensions and the windows at first floor facing the rear gardens sufficient to warrant a refusal of planning permission. I accept that should the vegetation be cleared, a different outlook would be proposed, whilst still complying with separation distances. Therefore, in the event of planning consent being granted on appeal, I recommend a safeguarding condition relating to obscure glazing windows on the south elevation facing Middlemore Road.

#### Highway Safety, Traffic and Parking

- 7.5. I note the objections raised by local residents. Nine parking spaces are proposed, with two being designated for four units and one for Northfield Press. Transportation has raised no objection to this proposal subject to their layout being amended to accommodate a standard 90 degree arrangement. I recommend that this is secured by condition (again, in the event of planning consent being granted on appeal).

- 7.6. In relation to highway safety and extra traffic generated by the extra uses, Transportation have raised no objection and consider that the uses would not generate sufficient extra traffic to impact on traffic levels and/or highway safety. The A2 uses would be located within a non-allocated centre with parking available on-site and on-street locally, and I note the train station opposite. As such I consider the proposed development acceptable in this regard.

#### Other Issues

- 7.7. I note that an objection has been made in relation to noise and I can confirm that Regulatory Services has raised no objection to the proposed development. In relation to the proposed potential for conversion of the A2 office space to residential; I can confirm that this would be a possibility available within the Town and Country Planning (General Permitted Development) 2015 (as amended) Regulations. In order to prevent this occurring without the benefit of planning permission given the site's location adjacent to the railway line, I suggest a safeguarding condition (in the event of planning consent being granted on appeal) restricting the ability to change the use from A2 to C3 without the benefit of planning permission.
- 7.8. The proposed development does not attract a CIL contribution.
- 7.9. With regards to the Public Right of Way, it has been brought to the Planning Agent's attention that the red line site boundary includes the Public Right of Way, some of which, from records held by the City, is not owned by the applicant but the Housing Department. Certificate A (which states the site owned by the Applicant) has been signed. Your Officers have therefore attempted to secure a revised Certificate of Ownership but to no avail. As such, it remains with the Inspector to determine if the application is valid. I must also note that the site is secured by gates that, if closed and locked, would restrict access to the Public Right of Way and that tyre storage is also restricting the Public Right of Way access. No proposals have been identified for addressing this issue and this will be reviewed by the Inspector.
- 7.10. The unauthorised use of the premises as tyre sales and fitting has also been raised by Your Officers to the Planning Agent requesting a new application or an amendment to this submission in order to assess the use. This was chased by your Officers on a number of occasions however, no application or amendment has been forthcoming and a non-determination appeal has been lodged in its place.

#### 8. Conclusion

- 8.1. The proposed Class A2 units, whilst not being located in an allocated centre would not adversely affect Northfield Centre and the proposed A2 uses would support the existing range of uses located within this local parade. The design and scale of the proposed first floor extensions would be acceptable and would not have an adverse impact on adjacent residential amenity. No significant impact on noise, traffic or highway safety would occur sufficient to warrant a refusal on these grounds. Despite the issues identified relating to the on-site unlawful use and the Public Right of Way, I consider that the proposal complies with policy and as such would be considered acceptable.

#### 9. Recommendation

- 9.1. That had your Committee had the opportunity to determine application 2017/07936/PA, planning permission would have been approved with the following conditions.

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Requires the prior submission of sample materials
  - 3 Requires the prior submission details obscure glazing for specific areas of the approved building
  - 4 Requires the prior approval of an amended car park layout
  - 5 Prevents the use from changing to C3 residential
  - 6 The Public Right of Way Shall Remain Accessible At All Times
  - 7 Implement within 3 years (Full)
- 

Case Officer: Pam Brennan

**Photo(s)**



Photograph 1 - 67 Church Hill – Tyre Sales and Fitting – Looking North East



Photograph 2: Public Right of Way/ Access Road – Looking South West towards the Church Hill entrance.

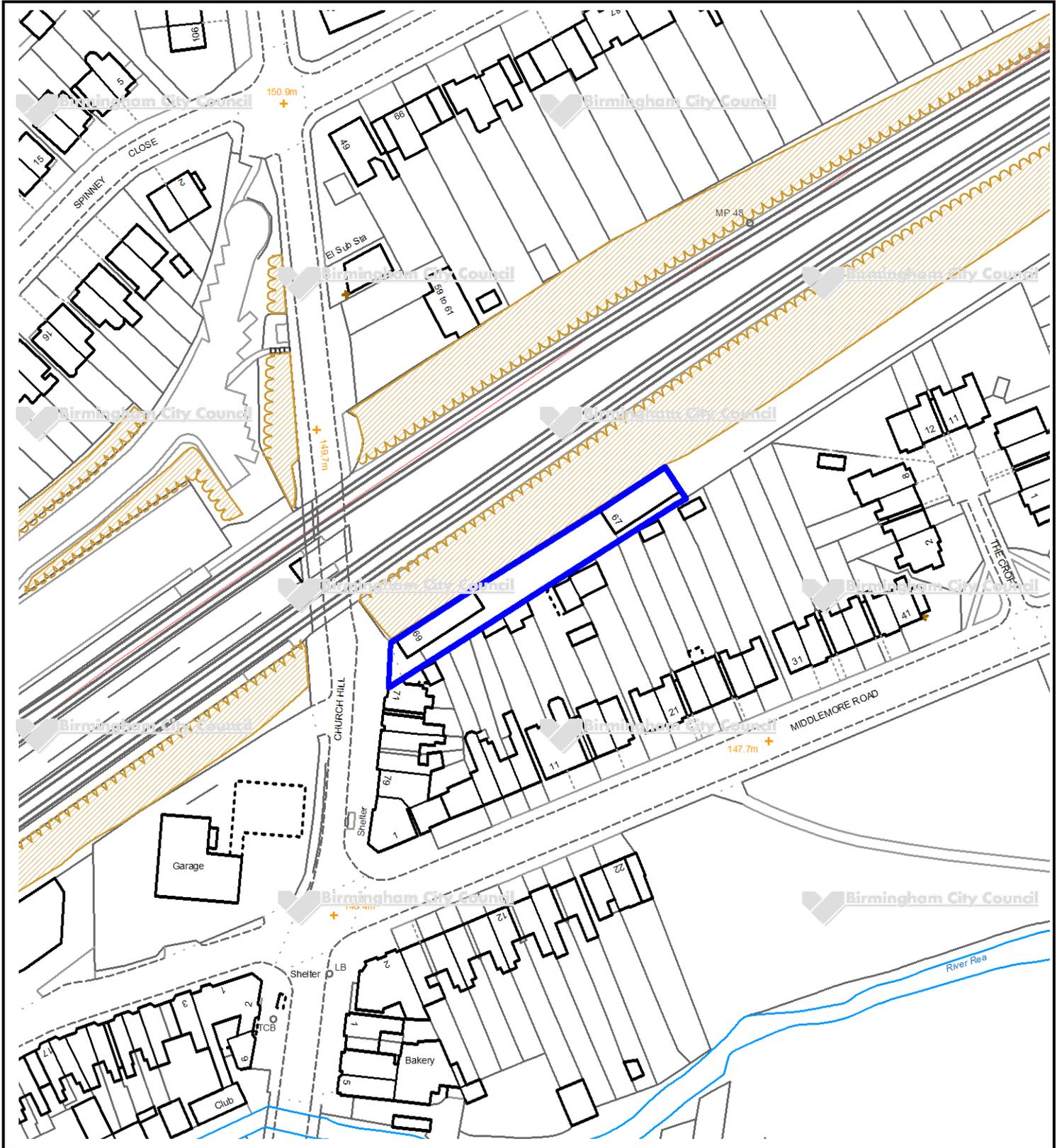


Photograph 3: Parking Area - View Looking South West – Access Road/Public Right of Way



Photograph 4: 69 Church Hill , site frontage

# Location Plan



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# Birmingham City Council

Planning Committee

26 April 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 - Temporary	20	2018/00465/PA  Alum Rock Road Birmingham B8 1HU  Display of 41 non illuminated pvc lamppost banner signs

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Committee Date: 26/04/2018      Application Number: 2018/00465/PA  
Accepted: 22/01/2018      Application Type: Advertisement  
Target Date: 19/03/2018  
Ward: Washwood Heath

Alum Rock Road, Birmingham, B8 1HU

Display of 41 non illuminated pvc lamppost banner signs

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

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Recommendation  
**Approve Temporary**

1. Proposal

- 1.1. This application is submitted by Bay Media Ltd on behalf of Birmingham City Councils Head of Business & Commercial Development. The application proposes the installation of 41 no. non-illuminated PVC lamppost banner signs along a stretch of Alum Rock Road, between the junction with Adderley Road in the west of Alum Rock Road and the junction with Langton Road in the east of Alum Rock Road, Birmingham, B8 1HU.
- 1.2. The lamppost columns in question are sites 3 to 42 and 45. The street lighting columns are sited at varying distances from the kerb edge along Alum Rock Road. A head-clearance from the footway at 2.8m is stated to be provided
- 1.3. The proposed banner signs would display events and limited commercial advertising, including advertising events within the city. The advertising may vary in design but would adhere to advertising standards. They would be installed and removed at the end of the period of the scheme and when no banners are installed the banner arms would be removed. The banner arms would be installed with a protective layer to ensure no damage to the column.
- 1.4. The proposed signs would each have a width of 785mm and a height of 2200mm and would be sited 2800mm above ground level.

1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site surroundings relate entirely to commercial use, as part of the Primary Shopping Area of Alum Rock District Centre. The retail frontage that the site lies within comprises of commercial properties with residential units above. Time limited on street parking is available on Alum Rock Road, which experiences considerable demand throughout the day.

- 2.2. [Site Location](#)
3. [Planning History](#)
  - 3.1. None relevant.
4. [Consultation/PP Responses](#)
  - 4.1. Transportation Development – No objections.
5. [Policy Context](#)
  - 5.1. National Planning Policy Framework (2012), Birmingham Unitary Development Plan 2005 (Saved Policies), Shopping and Local Centres SPD (2012), Birmingham Development Plan 2017.
6. [Planning Considerations](#)
  - 6.1. The NPPF restricts Local Planning Authorities to considering only visual amenity and public safety when determining applications for consent to display advertisements (paragraph 67).
  - 6.2. Paragraph 67 of the NPPF states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building or on their surroundings should be subject to a Local Authority's detailed assessment. Finally, it states that the cumulative impact of advertisements should be considered.

*Visual Amenity*

  - 6.3. The proposed adverts would be situated at appropriate locations along Alum Rock Road within the Primary Shopping Area of Alum Rock District Centre. I consider the proposal would be appropriate for the street scene and would add to the vibrancy of the District Centre. The proposed adverts would be of a modest size, and would not dominate the highway environment.
  - 6.4. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs would be acceptable.

*Public Safety*

  - 6.5. The proposed banner signs would display events and limited commercial advertising that is sensitive to the local area including advertising events within the city and would form part of the highway environment. The advertising may vary in design but would adhere to advertising standards and would require the approval of council representatives. The proposed adverts would be installed and removed at the end of the period of the scheme. When no banner is installed there would be no banner arms left installed. The adverts would be installed with a protective layer to ensure no damage to the column.
  - 6.6. The proposed signs would form part of the highway environment and an appropriate level of visibility would be provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns.

6.7. Transportation Development has been consulted on the proposal and has raised no objections to the proposal subject to a condition requiring the proposed advertisement banners to be situated either at least 500mm from the kerb edge or no closer to the highway than the existing lamppost to which they are attached. I concur with their view and appropriate conditions are attached

6.8. Consequently, I consider that the proposal is unlikely to undermine highway safety within the immediate vicinity of the site.

7. Conclusion

7.1. The proposed adverts would not have an adverse impact on amenity or public safety and I therefore recommend consent is granted subject to conditions.

8. Recommendation

8.1. Temporary consent subject to conditions.

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

Case Officer: Harjap Rajwanshi

**Photo(s)**

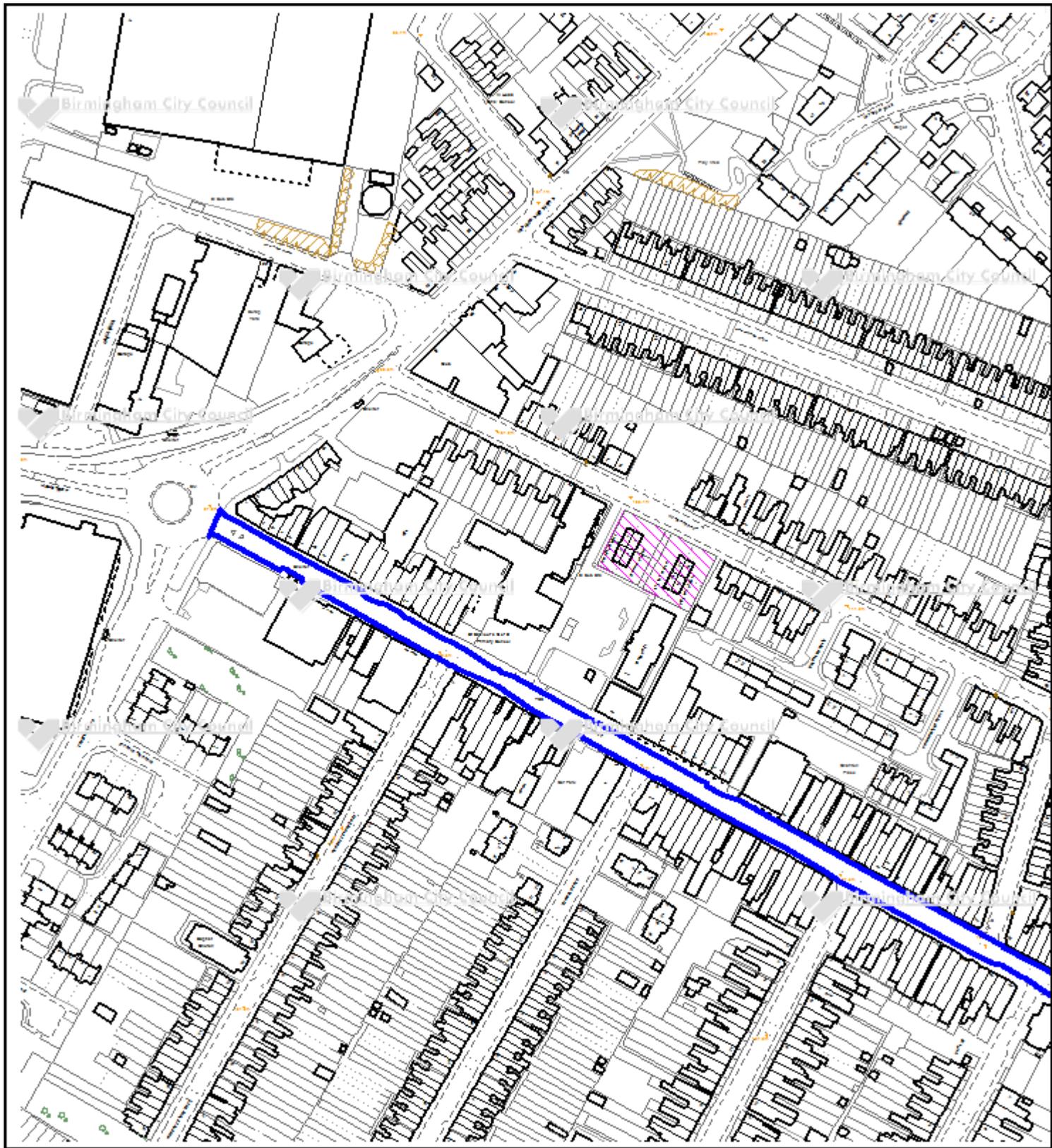


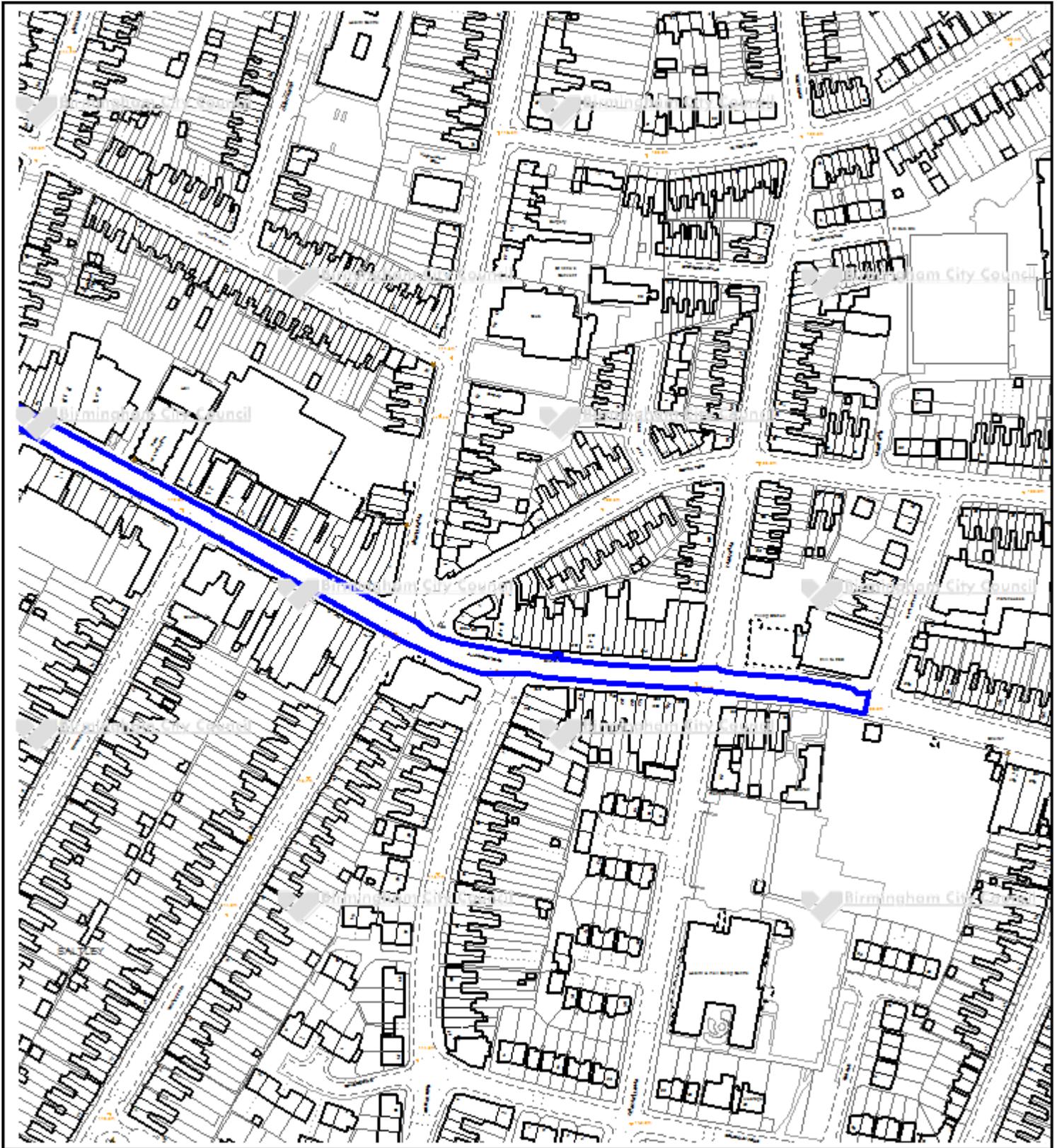
Alum Rock Road



Alum Rock Road

## Location Plan





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**Birmingham City Council  
Planning Committee 26 April 2018**

**Appeal Decisions Received from the Planning Inspectorate in March 2018**

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
<b>Enforcement</b>	Sutton Park Motor Co. Ltd., 62-66 Chester Road North, Sutton Coldfield	Installation of a hard standing areas and damage to protected trees. 2017/0084/ENF	Dismissed	Enf	Written Representations
<b>Enforcement</b>	114 Teignmouth Road, Selly Oak	Unauthorised change of use of property to a large House in Multiple Occupation (HMO) and the unauthorised erection of a single storey side and single storey rear extension and the construction of a roof enlargement to the rear roof slope and rear wing of the premises. 2014/0005/ENF	Dismissed (see note 1 attached)	Enf	Written Representations
<b>Householder</b>	4 The Moorlands, Sutton Coldfield	Erection of detached forward double garage. 2017/09297/PA	Dismissed	Delegated	Written Representations
<b>Householder</b>	10 Willow Road, Bournville	Erection of single storey side and two storey side and rear extensions. 2017/06942/PA	Allowed (see note 2 attached)	Delegated	Written Representations
<b>Residential</b>	42 Stirling Road, Edgbaston	Change of use from existing 9 no. bedroom house in multiple occupation (Sui Generis) to 5 no. self contained flats (Use class C3) and the erection of two storey side and rear extension and dormer to rear. 2017/02485/PA	Allowed (see note 3 attached)	Delegated	Written Representations

**Total - 5 Decisions: 3 Dismissed (60%), 2 Allowed**

**Cumulative total from 1 April 2017 - 124 Decisions: 92 Dismissed (74%), 29 Allowed, 3 Part Allowed**

## **Notes relating to appeal decisions received in March 2018**

### **Note 1 (114 Teignmouth Road)**

The Inspector varied the enforcement notice by extending the compliance period from 2 months to 4 months for the use of the property and from 2 months to 7 months for the extensions.

### **Note 2 (10 Willow Road)**

**Application refused** because 1) The design of the proposed extension would be out of keeping with the existing character of the street scene. 2) The design of the proposed extension would be out of keeping with the design, character & appearance of the existing house 3) The size of the proposed extension would be out of scale with the existing house and would dominate its appearance and the street scene. 4) The scale and design of the proposed development by virtue of scale and design would not preserve or enhance the character of the Bournville Conservation Area.

**Appeal allowed** because the Inspector considered that the architectural style and detailing would reflect the character of the house and the local area and would not dominate the house or terrace. The proposal has been well-designed to respect its local context and would not be cramped within its site or the street scene.

### **Note 3 (42 Stirling Road)**

**Application refused** because the property would fail to provide an adequate standard of residential amenity for future occupiers, providing substandard accommodation, and represents an over intensive use of the property.

**Appeal allowed** because the Inspector considered that the proposal would provide acceptable living conditions for future residents in terms of the provision of internal living space.

The appellant's application for costs was refused.

# **BIRMINGHAM CITY COUNCIL**

## **REPORT OF CORPORATE DIRECTOR, ECONOMY**

### **PLANNING COMMITTEE**

26th April 2018

## **Consultations on Draft Revised National Planning Policy Framework and Supporting housing delivery through developer contributions**

### **1. Subject and Brief Summary of Proposals**

- 1.1 The Ministry of Housing, Communities and Local Government (MHCLG) has published a draft revised National Planning Policy Framework (NPPF) for consultation. Alongside the draft NPPF, MHCLG has published, for reference, draft planning practice guidance and the housing delivery test rulebook. The Government intends to publish a final NPPF before the summer.
- 1.2 MHCLG has also published a consultation document on 'Supporting housing delivery through developer contributions' which proposes reforms to developer contributions for affordable housing and infrastructure.
- 1.3 Both consultations close on 10<sup>th</sup> May 2018.

### **2. Recommendations**

- 2.1 That Planning Committee note the MHCLG consultations on the Draft Revised NPPF and Supporting housing delivery through developer contributions documents, and the City Council's draft response to the consultations (Appendix 1).

### **3. Contact Officer**

Uyen-Phan Han  
Planning Policy Manager  
Planning and Development  
Tel: 0121 464 7959/ 303 2765  
Email: uyen-phan.han@birmingham.gov.uk

### **4. Background**

- 4.1 The NPPF was first introduced in 2012 and brought together around 1,000 pages of planning policy and guidance into a single document. This is supported by extensive planning practice guidance which is an online resource.
- 4.2 The Government has a clear focus on the delivery of more homes and considers planning reform to be one of the solutions to achieve this. The draft revised NPPF

incorporates: policy proposals previously consulted on in the Housing White Paper and subsequent consultations; changes to planning policy implemented through Written Ministerial Statements since 2012; the effect of case law on the interpretation of planning policy since 2012; and, improvements to the text to increase coherence and reduce duplication. There are also a number of further suggested changes to policy, beyond those previously consulted on.

- 4.3 The objectives of the separate consultation document on ‘Supporting housing delivery through developer contributions’ are to provide more clarity and certainty around how developer contributions work, improve their relationship with market signals and changes through time, improve transparency, accelerate development, and allow the introduction of Strategic Infrastructure Tariff by combined authorities.

## 5. **Summary of Proposals**

- 5.1 The key changes to the NPPF are set out below:

### Plan-making

- A **statement of common ground** must be prepared and maintained when preparing plans as evidence of the statutory duty to cooperate.
- A new requirement for authorities to **review plan policies every five years** following adoption.
- An expectation that plans should use **digital tools** to assist consultation and presentation of policies.
- **A new approach to viability**, where plans should set out the contributions expected in association with particular sites and types of development and the circumstances in which further viability assessment may be required in determining individual applications. Otherwise, viability should not be tested again at the decision-making stage if development accord with the plan.
- **Removal of expectation for each local authority to have a local plan which addresses the strategic priorities for their area.** The strategic plan can be produced by a) local planning authorities working together or independently, in the form of a joint or individual local plan; or b) an elected Mayor or combined authority, in the form of a spatial development strategy (where plan-making powers have been conferred). Spatial development strategies can allocate sites if there is unanimous agreement.

### Decision-making

- **Viability assessments** should not be required to accompany an application where development accords with policies in an up-to-date plan. This is expected to speed up the decision making process. Where a viability assessment is needed, it should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

### Delivering a wide choice of high quality homes

- **A new standard method for the calculation of local housing need.**

- Clear policies for addressing the **housing requirements of groups with particular needs**.
- **10%** of homes on major sites should be available for affordable home ownership, with certain exemptions.
- An expectation that local authorities should provide a **housing requirement figure** for **designated neighbourhood areas**.
- **Small sites requirement**. At least 20% of the sites allocated for housing in plans should be half a hectare or less. However Governments remain open to views as to whether this is the most appropriate threshold for ensuring a good supply of small sites.
- **Housing Delivery Test** consequences of not meeting delivery targets are set out in the NPPF.
- **5 Year housing land supply** can be fixed for a one year period through a recently adopted plan or a subsequent annual position statement.
- Allows authorities to impose a **planning condition** to bring forward development within **two years** and encourages LPAs to consider why major sites have not been built out when considering subsequent planning applications.

#### Ensuring the vitality of town centres

- LPAs should allocate sites to meet the need for town centre uses for **at least ten years** ahead and keep town centre boundaries under review (although does not say how often).
- LPAs should **allocate appropriate edge of centre sites** for main town centre uses that are well connected to the town centre, where suitable and viable town centre sites are not available.
- LPAs should **support diversification** and changes of use where town centres are in decline.
- Amendments to the **sequential approach** so that out of centre sites should be considered only if suitable town centre or edge of centre sites in the pipeline but not available straight away.

#### Promoting sustainable transport

- Policy on **assessing the transport impact of proposals** has been amended to refer to highway safety as well as capacity and congestion in order to make it clear that designs should prioritise pedestrian and cycle movements, followed by access to high quality public transport as well as to reflect the importance of creating well-designed places.

#### Making effective use of land

- Planning policies and decisions should encourage multiple benefits from both urban and rural land, including through mixed use schemes and **taking opportunities to achieve net environmental gains**

- Make **more intensive use of existing land and buildings**. For example converting space above shops, building on or above service yards and car parks. Support upward extensions where well designed and safe.
- LPAs should take a **positive approach to applications for housing on retail and employment land** where this would be the most effective use.
- Plans should contain policies to **optimise the use of land in their area** and avoid homes being built at low densities where there is an existing or anticipated shortage of land for meeting identified housing needs. LPAs should use minimum density standards for city and town centres and other locations that are well served by public transport. LPAs should refuse applications which fail to make effective use of land and take a flexible approach in applying policies or guidance relating to daylight and sunlight.

#### Achieving well-designed places

- Plans should set out a **clear design vision and expectations** supported by visual tools such as design guides and codes.
- LPAs should ensure that they have **appropriate tools and processes for assessing and improving the design of development**. These include design advice and review arrangements, which should be used as early as possible in the evolution of schemes. Other tools include assessment frameworks, such as Building for Life, and design workshops.

#### Protecting the Green Belt

- The Framework **maintains the strong protections of the Green Belt** and retains a high bar before Green Belt land may be released. Sets out criteria that should be satisfied before 'exceptional circumstances' are used to change Green Belt boundaries.
- Supports the **use of brownfield land in the Green Belt** to be used for affordable housing, where there is no substantial harm to openness.

#### Meeting the challenge of climate change

- Makes clear that planning policies should support measures to ensure the future resilience of communities and infrastructure to **climate change**.
- Clarifies that plans should have regard to the **cumulative impacts of flood risk**, rather than just to or from individual development sites.
- Clarifies policy on the exception test that may need to be applied when considering development in locations at risk of flooding.

#### Conserving and enhancing the natural and historic environment

- Clarifies that the applicant should be responsible for **mitigating the impact on their scheme** of potential nuisance arising from existing development, such as live music venues and church bells.

- **Strengthens protection for ancient woodland, other irreplaceable habitats and individual aged or veteran trees** balanced against development which would have significant public benefit.
- Plans should identify and pursue opportunities for securing measurable **net gains for biodiversity**.
- Clarifies that when considering the **impact of a proposed development on a designated heritage asset**, decision-makers should give great weight to the asset's conservation irrespective of whether the potential harm to its significance amounts to 'less than substantial harm' or 'substantial harm or total loss' of significance.

5.2 Summary of key proposals in the Developer contributions consultation:

- **Reducing complexity and increasing certainty** for local authorities and developers regarding the funding of infrastructure
- A move to focus **viability testing at the plan making stage** rather than at the determination of planning applications to speed up the planning process
- Changes to the **CIL Charging Schedule** adoption and amendment processes to increase market responsiveness
- **Increasing transparency** for communities and developers regarding where CIL contributions are spent
- Increasing accountability by **publishing viability assessments** (in limited circumstances)
- Introduction of a **Strategic Infrastructure Tariff (SIT)** across Combined Authorities
- **Removal of pooling restrictions** in certain circumstances

## 6. Key Matters for Consideration

### Draft Revised NPPF

- 6.1 The proposed changes do not signal any radical shift in Government's approach to planning. A 'plan-led' approach is still at the heart of its policies. However, the wording of the 'presumption in favour of sustainable development' has been reordered to reflect the emphasis on economic considerations.
- 6.2 There are a number of areas where existing planning policy for Birmingham is already consistent with the revised framework. For example, the Birmingham Development Plan (BDP) sets minimum densities for different locations across the city. In addition, the revised Framework's approach to Green Belt is consistent with the approach taken through the preparation of the BDP. Forthcoming guidance in the Urban Centres Framework and Birmingham Design Guide will support the Framework's ambitions for centres and high quality design.
- 6.3 The proposed changes relating to 'Design' within the draft NPPF are generally welcomed, It supports the requirement for good place making and the use of early pre-application discussions, design guidance / codes, design review, workshops and assessment tools such as Building for Life.
- 6.4 The proposed standard methodology to calculate housing needs is supported. A more open and transparent method should help to speed up plan examinations and make comparisons between plans simpler. However, in terms of setting out how housing need should be apportioned to a neighbourhood plan area, it is unclear how

this would practically work as the inclusion of targets for neighbourhood planning areas in local plans also depends on the neighbourhood planning area being known/ designated when the preparation of the plan begins.

- 6.5 The aim of supporting the delivery of housing on a range of site sizes is supported. However, stipulating a minimum threshold for small sites, such as the 20% proposed in draft paragraph 69a may not be possible in some authority areas, due to land availability and the nature of sites needed to meet the housing requirement.
- 6.6 The revised framework proposes that the presumption in favour of sustainable development will be applied if the Housing Delivery Test indicates that delivery of housing has been substantially below the housing requirement over the previous three years (substantially is defined as below 75% of the housing requirement). Housing delivery is dependent upon a number of factors, many of which are currently beyond the control of the local authority. Whilst it is clear that the local authority has a significant role to play in housing delivery it is suggested that, in addition to the housing delivery test for local authorities, there should be a more holistic solution to this issue.
- 6.7 The revised NPPF contains a number of welcome changes but there is concern that it avoids the real challenges in meeting strategic housing need and does little to assist authorities in areas where land is constrained. In practice, Statements of Common Ground (SoCG) or Memorandums of Understanding are already routinely used by Birmingham and its neighbours, with sound local plans being achieved under the existing Duty to Cooperate. The proposal does not set out how the SoCG should be prepared if neighbouring authorities are at significantly different stages in their plan making process, which is an issue across the Birmingham Housing Market Area. It should also be noted that the current duty to cooperate requirements do not constitute a duty to agree and SoCG will be ineffective where agreement between LPAs cannot be reached, particularly in regard to strategic housing provision.
- 6.8 There is little in the revised Framework regarding how the framework should be read with the Government's Industrial Strategy and the 25 year Environment Plan. The Industrial Strategy requires that business-led local enterprise partnerships (LEPs) and mayoral combined authorities to produce Local Industrial Strategies, but there is no guidance in the Framework on how they should be aligned with plan-making as they will clearly have an important impact.
- 6.9 The Government's recently published 25 Year Environment Plan (25YEP) emphasises the important role of land use planning in achieving many of the Plan's goals and actions for increasing the benefits from the environment and managing environmental pressures. The revised NPPF therefore needs to reflect these goals and actions, in particular in terms of managing and using land sustainably and provide clear guidance on the "environmental net gain" principle for development.
- 6.10 Reference to air quality ('Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan') is welcomed. However, this should not focus solely on compliance but the need to continue to reduce overall emissions.
- 6.11 In dense urban areas such as Birmingham, every development creates new pressures on the existing highway and public transport networks. It is therefore essential that, in addition to on-site measures, proportionate amounts of funding are provided for sustainable transport measures, to manage vehicle traffic and parking, and improve facilities for walking, cycling and public transport.

- 6.12 We would welcome further discussions with the Government and West Midlands Combined Authority on the detailed operation and application of a Strategic Infrastructure Tariff.
- 6.13 Viability testing at authority-wide policy level is assessed at an appropriately high level and does not take into account variables at planning application stage. Whilst it can be accepted that at a policy level, submitted planning applications should comply with policy, there must still be a mechanism to examine the applications by exception. This is a particular consideration in Birmingham which has a significant number of brownfield development sites, each with its own remediation issues which could vary greatly in cost to bring to market. The guidance on the use of review mechanisms to identify increases in the overall values that may occur over the lifetime of a large or multi-phased development is welcomed. The guidance also sets out a recommended approach including standardised inputs, and that assessments should be made publicly available. The principle of using standardised inputs is welcomed. The City Council already requires viability assessments to follow RICS guidance, using a standard assessment tool so that they are assessed in a transparent and consistent way. There is concern about the routine publishing of viability assessments. Exemptions should be placed on certain documents submitted as part of the viability assessment process to ensure the information is not released through FOI or EIR. This would ensure an open book approach to viability testing, whilst ensuring the commercially sensitive information remains confidential.

#### **Developer contributions**

- 6.14 The ability to use viability evidence for both plan making and CIL adoption is welcomed as this should speed up and simplify the process, as well as reduce the need to procure specialist, additional viability evidence. However, clarity is needed regarding process for those authorities with an adopted local plan.
- 6.15 The removal of pooling restrictions for S106 agreements is a positive change. However further freedom would be welcomed, allowing local authorities to determine where to remove pooling, outside national parameters.
- 6.16 The proposals attempt to simplify the planning obligation process but the suggestions regarding different charges depending on existing use and apportionment seem confusing and could complicate the CIL process further.
- 6.17 The suggestion to alter the standard indexation to reflect house price indexation, rather than a construction index seems ill-advised. A house price index would not reflect the construction costs associated with providing the necessary infrastructure to support the development of the city.

#### **7. Financial Implications**

- 7.1 There are no direct financial implications in responding to the Government's consultation paper.

#### **8. Implications for Policy Priorities**

- 8.1 None identified.

**9. Implications for Equalities**

- 9.1 MHCLG has not identified any adverse equalities impacts of the proposals set out in the consultations.

**10. Background Papers**

1. National Planning Policy Framework: consultation proposals
2. National Planning Policy Framework: draft text for consultation
3. Draft planning practice guidance
4. Housing Delivery Test: draft measurement rule book
5. Supporting housing delivery through developer contributions



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Waheed Nazir  
Corporate Director Economy

## **Appendix 1**

### **National Planning Policy Framework Consultation Questions**

#### **Chapter 1 Introduction**

##### **Q1 Do you have any comments on the text of Chapter 1?**

This proposes that the endorsed recommendations of the National Infrastructure Commission become material considerations when preparing plans or determining applications – which will require greater transparency in the work of the National Infrastructure Commission, its governance and the reasoning behind any recommendations.

Incorporating the separate planning policy for traveller sites and the planning policy for waste in the NPPF would ensure it is embedded in Government's overall planning approach.

#### **Chapter 2 Achieving sustainable development**

##### **Q2 Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?**

Embedding an environmental net gain principle (as articulated in the 25Year Environment Plan) could be identified here as an objective of the planning system; delivering this will contribute to the achievement of sustainable development.

The reference in draft paragraph 8b) to “ensuring that a sufficient number and range of homes can be provided” is supported as this recognises that housing supply issues are not solely related to the number of homes being built, but that the types of housing being built also matters.

The reference in paragraph 8b) to “fostering a well-designed and safe built environment” replacing the existing “creating a high quality built environment” is welcomed. This places a greater emphasis on the role of design in achieving place-making which is supported.

It is suggested that the environmental objective should include specific reference to sustainable travel.

##### **Q3 Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?**

This is agreed.

##### **Q4 Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?**

The additional certainty for neighbourhood plans is to be welcomed as this may incentivise greater uptake by communities of the opportunities presented to them by Neighbourhood Plan. However, if this leads to greater engagement by communities with Neighbourhood Planning the impact of this upon local authority resources to support such initiatives should be considered. Setting out how housing needs should be apportioned would require the neighbourhood planning area being designated when the plan making process begins. Further guidance would be welcomed on matters

such as, at what stage in the plan making process a neighbourhood planning area needs to be designated for it to have development needs apportioned.

### **Chapter 3 Plan-making**

#### **Q5 Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?**

This is agreed, in particular the change to the justification test to be ‘an appropriate strategy’ is welcomed as this will hopefully remove the need for debate as to whether or not ‘the most appropriate strategy’ is being applied and so speed up the examination process.

While the proposal to try and move the addressing of viability issues to the plan making stage is in principle supported, it is unclear if this will have a substantive impact on the number of viability assessments accompanying planning applications. The draft PPG suggests that viability assessments submitted with planning applications should refer back to the viability assessment that informed the plan and provide evidence of what has changed. One possible way of addressing this could be to provide guidance on the regular updating of the viability assessment for the plan. For instance if BCIS costs are used for build costs these could be indexed and reviewed as appropriate.

#### **Q6 Do you have any other comments on the text of Chapter 3?**

The reference in draft paragraph 30 to “establishing design principles” through local policy is welcomed.

With respect to reviewing local plans, it would be useful to set out the role of Authority Monitoring Reports in this regard as there is a clear link between the two.

There is scope to provide further guidance on the strategic role of combined authorities.

A LPA’s strategic priorities need to be informed by, and reflect, priorities identified in local locally-led strategies to improve the natural environment and local natural capital plans (both described in the 25YEP). Paragraph 20 f- needs to mention blue- as well as – green infrastructure.

### **Chapter 4 Decision-making**

#### **Q7 The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?**

There is concern about the routine publishing of viability assessments. Publishing such information, whilst increasing transparency of decision making, would have commercial implications, such as disclosing what was paid for sites, which could impact upon the wider property market. In addition, the knowledge that the report will be published would impact upon the amount of information that developers are willing to share. Exemptions should be placed on certain documents submitted as part of the viability assessment process to ensure the information is not released through FOI or EIR. This would ensure an open book approach to viability testing, whilst ensuring the commercially sensitive information remains confidential.

**Q8 Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?**

Yes, to ensure some consistency of approach.

**Q9 What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?**

In principle, the ability to review and capture increases in value of large or multi-phased developments is welcomed. The City Council have previously included 'overage clauses' in Section 106 agreements for large sites for this very purpose, although the effectiveness of such approaches remains to be seen as the schemes where this has been done are still in the early stages of their delivery and so are yet to benefit from the uplift in land values that a large scheme can potentially self-generate. However, clarity is needed with regard to definitions and the extent of the review mechanism. How will a large or multi-phased development be defined and will this only capture uplifts, and not reductions in land value leading to potential repayments? Agreement is needed between relevant parties with regard to the timelines and assessment points, and also the cost of assessing the value uplift and the proportionate split for that uplift capture.

There is also a question with regards to whether or not such value capture methods should be capped. In the absence of national policy/guidance the Council has previously applied a 50/50 split between the developer and the local planning authority capped at the point where the scheme would provide a fully policy compliant Section 106 offer. For example a large multiphase scheme was only viable offering 10% affordable housing and a £1.2m contribution to local education provision at the time of approval. The overage clause in the Section 106 agreement allows for a 50/50 split of any uplift in land value with the local planning authorities share going towards increased affordable housing provision up to the point that 35% affordable housing and an education contribution of £4.35m is achieved in line with local policy requirements. Whilst in the absence of national policy or guidance the Council has applied a cap previously, we suggest that there are strong arguments around wider public benefit to not cap such uplifts. This is on the basis that a developer would still be incentivised and rewarded by securing a minimum 20% of GDV (or other appropriate figure dependent on the nature of the development) as suggested in the draft PPG section of standardised inputs to viability assessment.

**Q10 Do you have any comments on the text of Chapter 4?**

With respect to the use of pre-commencement conditions, it is often important that those relating to design of transport provision are discharged before development commences. This helps to ensure that the development is fully accessible, in accordance with the NPPF presumption in favour of sustainable development.

**Chapter 5 Delivering a wide choice of high quality homes**

**Q11 What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?**

The aim of supporting the delivery of housing on a range of site sizes is supported. However, stipulating a minimum threshold for small sites, such as the 20% proposed in draft paragraph 69a may not be possible in some authority areas, due to land availability and the nature of sites needed

to meet the housing requirement. Clarification is sought on whether the proposed 20% applies to the *number of sites* (as stated in the draft document) or as a proportion of *land* (as inferred by this question). The adopted Birmingham Development Plan only allocates large and/or strategic sites for housing development, with the SHLAA identifying other potential sites for housing; sites allocated in the plan are therefore not representative of all site sizes in Birmingham. Clarification is therefore also sought as to whether the threshold applies only to sites identified in strategic plans or to sites identified through SHLAAs (which will change on an annual basis) and/or other local plan documents which could include sites granted Permission in Principle by Brownfield Registers. As an example of the difficulties around this in Birmingham, a significant number of homes will be delivered on one large site (a sustainable urban extension) and whilst in practice this site is likely to be delivered by several different developers, it is identified as one large site in the adopted plan.

**Q12 Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?**

The Birmingham Development Plan identifies a 'stepped' trajectory for the City's housing requirement which was tested through the plan examination and which housing delivery to date has been measured against. It should be made clear in the revised framework that the housing delivery test will be measured against a stepped trajectory where this has been published in an adopted plan.

As the City Council noted in response to the 2017 Housing White Paper, housing delivery is dependent upon a number of factors, many of which are currently beyond the control of the local authority. Whilst it is clear that the local authority has a significant role to play in housing delivery it is suggested that, in addition to the housing delivery test for local authorities, there should be a more holistic solution to this issue.

**Q13 Do you agree with the new policy on exception sites for entry-level homes?**

There is no objection to the suggested policy approach.

**Q14 Do you have any other comments on the text of Chapter 5?**

We are pleased to see the proposal for local housing need assessment to be standardised into a more open and transparent methodology. This should help to speed up the local plan examination process and make comparison between plans simpler. A one off adjustment via a standardised methodology is easier to understand than several different adjustments by different methodologies which vary by local authority and are not directly comparable. There would be far less scope for double counting than under previous methodology where local authorities played off against one another and labour demand and workforce requirements are often counted twice. However, there are some concerns and suggestions about the proposed approach below:

- Uplifts are not distributed evenly around the country. As parts of the south east, particularly London, are far less affordable than the national average the formulaic approach uplifts their requirements significantly from the demographic starting point. Conversely in parts of the north housing need is deemed to be lower than currently planned for. In the West Midlands, the increases are relatively moderate as affordability is not such an issue as it is in the south east.

- There is still going to be considerable fluctuation given that projections are updated biannually and affordability ratios annually.
- If a local plan has been delivering a higher level of growth than the new methodology suggests and has allocated sites to continue doing so, then it needs to be clarified that this can be offset against any shortfall elsewhere in the HMA.
- The guidance only offers an annualised need target for ten years, the NPPF requires that local planning authorities should identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15. Clarification is required as to what levels of growth need to be planned for in latter plan periods.
- Without understanding the rationale behind the use of workplace based incomes, it is difficult to agree with their use, as opposed to the alternative of residential based incomes. It is suggested that residence based earnings could give a more accurate reflection of housing costs. For example, in areas such as the West Midlands, there is a lot of cross boundary commuting.
- It needs to be clarified that once plans are adopted, they are not rendered out of date when new baseline information is published.
- Consideration should be given to using a ten year migration period projected forward, as opposed to the current and proposed five year period. This would limit the effects of fluctuations as migration is the main factor in these.
- Clarification is required as to how long capping applies for, this is not clear in the consultation document.

Further guidance would be welcomed on the use of area-wide design guides to help bring forward small sites (draft paragraph 69a).

Draft paragraph 65 expects at least 10% of homes in major housing developments to be available for affordable home ownership. It is considered that the affordable housing mix for particular sites should be determined by an understanding of local housing needs and must be viable for the site. Different types of affordable housing products are suitable for different sites and home ownership products may not always be viable.

Draft paragraph 73 – Securing environmental net gains should underpin strategic plan-making authorities’ approach to planning for larger scale development (new settlements / significant extensions to existing villages and towns) as part of their overall approach to achieving sustainable development.

## **Chapter 6 Building a strong, competitive economy**

### **Q15 Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?**

Broadly the proposed changes are welcomed, in particular the reference to the importance of having regard to local industrial strategies. However, there appears to be an inconsistency between the emphasis on the particular importance of planning for economic growth in areas of high productivity

and the stated aim in the Government's Industrial Strategy that Government intend to rebalance the national economy which would suggest that economic growth is of greater importance in areas of currently low levels of productivity. Whilst it is important that areas of high productivity are supported, we suggest that it is of equal importance for the health of the national economy that areas of low productivity are supported to improve.

**Q16 Do you have any other comments on the text of chapter 6?**

The importance of supporting business growth and improved productivity must be considered within the wider environmental context of 'sustainable development' and recognition of the major impact on local transport networks.

Paragraph 83 – The essential role of a healthy and resilient natural environment in underpinning sustainable economic growth should be highlighted here. A poor quality natural environment (caused by historically low levels of investment in green infrastructure and declining levels of resources for the natural environment) needs to be recognised as a significant barrier to investment, which should be proactively addressed by planning policies.

**Chapter 7 Ensuring the vitality of town centres**

**Q17 Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?**

Draft paragraph 87 refers to sites becoming available "within a reasonable period". It would be helpful for 'reasonable period' to be defined either within the framework or associated guidance. This would avoid potentially protracted discussions between Applicants and LPAs about what constitutes a reasonable period therefore slowing down the decision making process.

It is understood that the requirement for impact assessments for office development has been removed partly because there is no generally accepted method for assessing office impacts. Whilst the sequential approach would still be applicable, there is concern that this could result in an increase in large out of centre office developments, where there are no suitable in centre sites, which could have a detrimental impact on centres. It may be more appropriate to raise the threshold for impact assessments on office proposals to ensure that very large proposals will not have an adverse impact.

**Q18 Do you have any other comments on the text of Chapter 7?**

This chapter states that the vitality of town centres should be supported "by allowing them to grow and change in a way that ... reflects their distinctive characters". The reference to character is a welcome addition that should help the planning authority to ensure that development in centres contributes to place making, tailored to the site rather than anonymous identikit buildings. The importance of the presence of green and blue infrastructure to the vitality and viability of centres could also be highlighted in this chapter.

With reference to paragraph 86e, a clear definition of 'well connected' sites would be welcomed. Explicit mention of support for sustainable travel to town centres would be beneficial.

**Chapter 8 Promoting healthy and safe communities**

**Q19 Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?**

No comments

**Q20 Do you have any other comments the text of Chapter 8?**

Draft paragraph 97 – Assessments of the need for open space must take account of the natural capital value of open space / green infrastructure (ie assess its role in delivering multiple environmental, social and economic benefits (ecosystem services) and in meeting the demand for these services) in addition to quantitative analyses of the quantum of open space / green infrastructure provision. A revised NPPF and / or revised Planning Practice Guidance needs to respond to actions identified in the 25YEP actions of developing a new, national framework of green infrastructure standards and supporting LPAs to assess green infrastructure against these standards.

Draft paragraph 98 – When clearly showing that open space land is surplus to requirements, an assessment must be made of the open space's role in delivering multiple benefits (as described above). Where a proposed development results in loss of open space land, it should be replaced by better provision (not equivalent), in line with the environmental net gain principle.

**Chapter 9 Promoting sustainable transport**

**Q21 Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?**

The changes are supported but it is considered that they are fairly general considerations which would benefit from more guidance and greater clarity.

It is suggested that the importance of sustainable transport highlighted in this chapter, needs to be cross-referenced with other sections of the NPPF.

**Q22 Do you agree with the policy change that recognises the importance of general aviation facilities?**

The importance of aviation is recognised by the City Council, particularly the role of well-connected regional airports in supporting inclusive economic growth and providing interchange facilities for passengers and freight.

**Q23 Do you have any other comments on the text of Chapter 9?**

Paragraph 29 of the existing NPPF is very clear about the role of transport in facilitating sustainable development. This has been removed in the draft revision but it is suggested this text is retained to ensure the role of sustainable transport is appropriately recognised.

Draft paragraph 103 could be strengthened to require trips by walking, cycling and public transport to be increased, rather than just promoting those modes.

Paragraph 34 of the existing NPPF states that developments with significant movements are 'where the need to travel will be minimised'. The revised NPPF uses 'limiting' in draft paragraph 104; it is suggested that the use of 'minimising' would be preferable. In addition, paragraph 34 of the existing NPPF states 'use of sustainable modes can be maximised'. The revision states at draft paragraph 104 'offering a genuine choice of modes' but this is considered less committed to the need to support the use of sustainable modes.

References in draft paragraph 105 to aligning strategies and investments and Local Cycling and Walking Infrastructure Plans are supported.

Paragraph 38 of the existing NPPF states 'Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties'. This is not repeated in the revised NPPF and although some essence remains at draft paragraph 105a) this is considered far less explicit as a policy. It is suggested that this could be included at draft paragraph 95.

It is suggested that draft paragraph 106e should include reference to disabled parking, motorcycles, cycle parking and car clubs (paragraph 40 of the existing NPPF does make provision for motorcycles).

Draft paragraph 107 indicates a new approach away from maximum parking standards and leaves key decisions and justifications to local authorities. This is likely to lead to duplication of resources and delays in implementing local policy documents. Clearer national guidance is required on parking standards and what constitutes 'clear and compelling justification' is requested. This paragraph should also reference new models of car ownership/use e.g. car clubs.

Paragraph 32 (third bullet) of the existing NPPF states 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.' Draft paragraph 109 states 'only prevented or refused on 'highways grounds if the residual cumulative impacts on the road network or road safety would be severe'. It is suggested the impact should refer to the whole transport network (which is referred to in 108 c). More clarity on the definition of 'severity' in this context is also requested.

Draft paragraph 110 could be expanded to include reference to improving air quality through green infrastructure.

With reference to draft paragraph 111 clearer guidance on what is meant by 'significant amounts' and what should be included in the travel plan, transport statement or transport assessment would be welcomed.

It is suggested that this chapter could usefully include greater reference to the need to manage construction traffic and to provide delivery and servicing plans for major developments.

### **Chapter 10 Supporting high quality communications**

#### **Q24 Do you have any comments on the text of Chapter 10?**

Draft paragraph 113, provides welcome design guidance for radio and communications equipment.

### **Chapter 11 Making effective use of land**

#### **Q25 Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?**

Para 120 b) “in the interim, prior to reviewing the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.” – add to the end of the sentence – and is consistent with local planning policies.

**Q26 Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?**

The Birmingham Development Plan has adopted minimum density standards to assist with maximising housing delivery in the city. However, it is necessary for this to be balanced against to the need to achieve well-designed places and, as such, there may be appropriate justification for lower densities in some cases.

**Q27 Do you have any other comments on the text of Chapter 11?**

It is suggested that Chapter 11 could be combined with Chapter 12.

The inclusion in draft paragraphs 117, 118 and 122 to improving the environment, maintaining prevailing character (including residential gardens) and ensuring that development is well designed, including complying with local design policies and standards emphasise that this should not be at the expense of good design and this is supported.

Draft paragraph 117 – Planning policies and decisions should reflect the principles in the 25YEP. The strategy accommodating objectively assessed needs will need to be informed by, and align with, local natural capital plans and landscape-scale strategies for biodiversity and the wide natural environment.

Draft paragraph 118 – sub-section (a) needs to be strengthened in order to meet 25YEP goals: planning policies and decisions should deliver (not encourage) multiple benefits and should deliver (not take opportunities to achieve) environmental net gains. The role of undeveloped land in performing functions that are vital to achieving sustainable communities should not be underplayed. Similarly, some brownfield land is of high ecological / natural capital value (the ecological value of such land is acknowledged at paragraph 117, footnote 35). Effective use of land should include identifying and safeguarding land with high natural capital value.

**Chapter 12 Achieving well-designed places**

**Q28 Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?**

No comments

**Q29 Do you have any other comments on the text of Chapter 12?**

The heading of this as “Achieving well-designed places”, superseding ‘Requiring good design’ (section 7 of current NPPF), is welcomed and supported for the emphasis placed on wider place-making and the role of design in achieving this.

The existing NPPF Design section begins (paragraph 56) ‘The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people’. This has been omitted, but it is considered that this dilutes the emphasis on design quality. It is

requested that at least the last requirement retained i.e. that development should contribute positively to making places better for people.

Draft paragraph 124 states that design policies should be developed with local communities so they reflect local aspirations. Whilst this principle is supported, previous experience has shown that community aspiration can lead to a more limited and ‘familiar’ approach to place making, rather than more contemporary design, which in turn can act against creation of places of more distinctive character. It will be important that draft paragraph 126c, stating that development should “respond to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)” is able to be used to support modern approaches to building and place making.

Draft paragraph 125, requiring use of design codes and guides at an appropriate level of detail to provide maximum clarity about design expectations, is welcomed. In addition, the minor changes to the design principles in draft para 126 are welcomed, as these help to clarify what good design means in practice.

Draft paragraphs 127 and 128, requiring design quality to be considered throughout the evolution of development proposals and encouraging early discussions with the local authority and local community, and encouraging use of design tools such as design review panels, are supported.

Draft paragraph 129 presumably aims to counter inappropriate use of design as a reason to refuse planning permission. However, it should be made clearer that “where the design of a development accords with clear expectations in local policies, design should not be used by the decision-maker as a valid reason to object to development”, this refers to clear expectations for design quality.

Draft paragraph 130 is welcomed for its support for schemes that “promote outstanding or innovative design” and, in particular, for schemes that “help raise the standard of design more generally in an area”.

It is suggested that this chapter could usefully include more reference to the link between health and well-designed places as well as a link to Chapter 8 – Promoting safe and healthy communities.

This section also needs to articulate the goals and objectives of 25YEP. Well-designed places will be those which deliver environmental improvements. High environmental standards should be applied to all new builds.

### **Chapter 13 Protecting the Green Belt**

**Q30 Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are ‘not inappropriate’ in the Green Belt?**

No comments

**Q31 Do you have any other comments on the text of Chapter 13?**

Paragraph 137 would be improved by noting that in the absence of suitable land which is previous developed and/or well-served by public transport that the next step should be to consider sites

which are *capable* of being served by public transport. Such sites should only come forwards if appropriate investment in public transport infrastructure is made.

#### **Chapter 14 Meeting the challenge of climate change, flooding and coastal change**

##### **Q32 Do you have any comments on the text of Chapter 14?**

The addition of the requirement for sustainable drainage systems is welcomed.

Draft paragraph 147, as the introduction to this chapter, could highlight the role green and blue infrastructure has to play in improving resilience and reducing risks.

It is suggested that Paragraph 163 – Sub-section (d) could be strengthened – sustainable drainage systems (SuDS) should provide multi-functional benefits, especially biodiversity and water quality improvements, in all cases unless it can be clearly demonstrated that this would be inappropriate. This strengthened requirement addresses an action in the 25YEP to encourage SuDS.

##### **Q33 Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?**

#### **Chapter 15 Conserving and enhancing the natural environment**

##### **Q34 Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?**

The Government's recently published 25 Year Environment Plan (25YEP) emphasises the important role of land use planning in achieving many of the Plan's goals and actions for increasing the benefits from the environment and managing environmental pressures. A revised NPPF therefore needs to reflect these goals and actions, in particular in terms of managing and using land sustainably and the key message of embedding an "environmental net gain" principle for development, including housing and infrastructure. The revised NPPF needs to provide clear and explicit guidance for LPAs to ensure plan-making and decision-making in their local area contributes to delivery of the 25YEP goals, targets and actions, and that embedding an environmental net gain, as well as a biodiversity net gain, is an essential (mandatory), not desirable (voluntary) requirement.

##### **Q35 Do you have any other comments on the text of Chapter 15?**

It would be helpful for the NPPF or associated guidance to provide more detail on what sustainability standards Local Plans can set.

The reference to air quality in draft paragraph 179 is welcomed, however it is suggested that this should not focus solely on compliance but also the need to reduce overall emissions.

The addition of references to green infrastructure provision and enhancement as opportunities to improve air quality or mitigate impacts is welcomed and supported. To maximise the potential for the natural environment to contribute to the delivery of air quality improvements, these opportunities should be identified at the plan-making stage, and should align with locally-led plans to enhance the natural environment and embed an environmental net gain approach (as articulated in the 25YEP).

Draft paragraph 172 – Geological conservation interests should be identified and mapped as part of the process described in sub-section (a); plans should also aim to prevent harm to these interests (sub-section (b)). Identifying and pursuing opportunities for securing measurable net gains through the plan-making process is strongly supported. Securing “measurable” net gains will require LPAs to identify local baselines and locally-derived targets for net gain (aligned with local natural capital plans, landscape-scale strategies for biodiversity conservation etc). This requirement should be highlighted as an integral part of the plan-making process, and national guidance should be prepared to assist LPAs in demonstrating how measurable net gains have been secured. There will be resource implications for LPAs in collating this evidence – how will this be funded? In protecting and enhancing biodiversity and geodiversity, planning policies need to be explicit about applying the principles set out in paragraph 174. Will there still be an expectation that plans should include criteria-based policies, against which proposals affecting designated sites of importance for biodiversity and geodiversity will be assessed so that protection is commensurate with the site’s status and gives appropriate weight to its importance and contribution to the wider ecological network (as set out in paragraph 113 of the current NPPF)?

Draft paragraph 173 – In the very few situations where there are wholly exceptional reasons for development which results in the loss of irreplaceable habitats, the guidance in sub-section (c) should clearly state that the principle of net biodiversity / environmental net gain must be applied. The guidance should be stronger in tone in relation to incorporating biodiversity improvements in and around developments.

Draft paragraph 179 – The addition of references to green infrastructure provision and enhancement as opportunities to improve air quality or mitigate impacts is welcomed and supported. To maximise the potential for the natural environment to contribute to the delivery of air quality improvements, these opportunities should be identified at the plan-making stage, and should align with locally-led plans to enhance the natural environment and embed an environmental net gain approach (as articulated in the 25YEP).

## **Chapter 16 Conserving and enhancing the historic environment**

**Q36 Do you have any comments on the text of Chapter 16?**

No comments

## **Chapter 17 Facilitating the sustainable use of minerals**

**Q37 Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text of this chapter?**

**Q38 Do you think that planning policy on minerals would be better contained in a separate document?**

**Q39 Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?**

We endorse the response of the West Midlands Aggregate Working Party in relation to these questions.

## **Transitional arrangements and consequential changes**

**Q40 Do you agree with the proposed transitional arrangements?**

This is agreed.

**Q41 Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?**

**Q42 Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?**

It is suggested that the separate planning policy documents for Traveller Sites and Waste be incorporated into the revised NPPF and associated guidance. This would ensure that these matters are embedded in the overarching approach to national planning policy.

### **Glossary**

**Q43 Do you have any comments on the glossary?**

The added definition of 'Design codes' is welcomed.

The expanded definition of 'Deliverable' is welcomed.

'Environmental Net Gain' could be added to the glossary in order to help link the NPPF to the 25 Year Environment Plan.

## **Supporting Housing delivery through developer contributions**

**Q1 Do you agree with the Government's proposals to set out that:**

**i. Evidence of local infrastructure need for CIL-setting purposes can be the same infrastructure planning and viability evidence produced for plan making? Yes/No**

Yes. This will speed up and simplify the process.

**ii. Evidence of a funding gap significantly greater than anticipated CIL income is likely to be sufficient as evidence of infrastructure need?**

Yes. Clarity is needed on the definition of "significantly greater"

**iii. Where charging authorities consider there may have been significant changes in market conditions since evidence was produced, it may be appropriate for charging authorities to take a pragmatic approach to supplementing this information as part of setting CIL – for instance, assessing recent economic and development trends and working with developers (e.g. through local development forums), rather than procuring new and costly evidence? Yes/No**

Yes. Once the principle of CIL has been agreed through the initial adoption, a streamlined process to amend CIL charges would be welcomed.

**Q2 Are there any factors that the Government should take into account when implementing proposals to align the evidence for CIL charging schedules and plan making?**

The ability to use the same viability evidence for plan making and CIL will reduce time and costs for local authorities. However, there needs to be acknowledgment that some large or strategic sites will require further testing, over and above that required for plan making, due to the specific infrastructure requirements associated with that site. Clarity is needed to determine how this methodology will work when the local authority has an existing, adopted plan, but needs to review its CIL. In these instances, the viability will have altered significantly over time, so further testing will be needed. In these cases, can supplemental evidence be used, which is preferable to appointing further, specialist advice, or should the full process be followed again? Will the "pragmatic approach" only be permitted if reviewing one particular charge, or one particular geographical area? If so, this will continue to be a barrier to regular reviews of CIL. In addition, how will the local authority determine what constitutes a "significant change" in market conditions? Once the principle of CIL has been agreed through the initial adoption, a streamlined process to amend CIL charges would be welcomed.

**Q3 Do you agree with the Government's proposal to replace the current statutory consultation requirements with a requirement on the charging authority to publish a statement on how it has sought an appropriate level of engagement? Yes/No**

Yes, providing the guidance is clear. It would be a detrimental change if authorities were to progress to examination stage for the examiner to find the consultation unsatisfactory.

**Q4 Do you have views on how guidance can ensure that consultation is proportionate to the scale of any charge being introduced or amended?**

Guidance may include information on minimum consultation periods or method and advertisement of consultation (e.g. online/web based). This may relate to the size of the local authority.

**Q5 Do you agree with the Government's proposal to allow local authorities to pool section 106 planning obligations:**

**i. Where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106? Yes/No**

Yes

**ii. Where significant development is planned on several large strategic sites? Yes/No**

Yes

**Question 6**

**i. Do you agree that, if the pooling restriction is to be lifted where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106, this should be measures based on the tenth percentile of average new build house prices? Yes/No**

No. If it is not feasible for a local authority to adopt CIL in addition to necessary developer contributions, pooling restrictions should be removed. This should not be linked to house prices.

**ii. What comments, if any, do you have on how the restriction is lifted in areas where CIL is not feasible, or in national parks?**

No comment.

**Q7 Do you believe that, if lifting the pooling restriction where significant development is planned on several large strategic sites, this should be based on either:**

**i. a set percentage of homes, set out in a plan, are being delivered through a limited number of strategic sites; or**

**ii. all planning obligations from a strategic site count as one planning obligation?**

Pooling restrictions should be lifted within areas defined by individual local authorities. Pooling restrictions should be removed on large, strategic sites due to the specific issues associated with numerous landowners and the length of time taken to develop the site. However, pooling restrictions should also be lifted in specific areas (not necessarily strategic) identified by the local authority according to individual need. E.g. Some neighbourhoods may be undergoing natural regeneration, but applications are being submitted separately by individuals. All may require S106 contributions towards public realm, but the inability to pool S106 contributions means piecemeal improvements in front of certain developments, rather than a planned, comprehensive scheme.

**Q8 What factors should the Government take into account when defining 'strategic sites' for the purposes of lifting the pooling restriction?**

Strategic sites/areas should be defined by each local authority area. The only requirement should be a clearly defined boundary or character of an area.

**Q9 What further comments, if any, do you have on how pooling restrictions should be lifted?**

See previous comments.

**Q10 Do you agree with the Government's proposal to introduce a 2 month grace period for developers to submit a Commencement Notice in relation to exempted development? Yes/No**  
Yes.

**Q11 If introducing a grace period, what other factors, such as a small penalty for submitting a Commencement Notice during the grace period, should the Government take into account?**  
None. The introduction of a small penalty charge for not submitting a Commencement Notice appears contrary to the possibility of a grace period. In addition, the administration of a penalty charge may outweigh the value of the penalty.

**Q12 How else can the Government seek to take a more proportionate approach to administering exemptions?**

The statutory exemptions are lengthy and complicate the administration of CIL. These should be reviewed and reduced where possible. In addition, household extension applications over 100sqm should automatically be exempted, removing the requirement to provide exemption notices. Discretionary exemptions should be removed. Despite national developers having extensive CIL experience, the option of discretionary exemptions doesn't provide a national, consistent approach to CIL.

**Q13 Do you agree that Government should amend regulations so that they allow a development originally permitted before CIL came into force, to balance CIL liabilities between different phases of the same development? Yes/No**

Yes

**Q14 Are there any particular factors the Government should take into account in allowing abatement for phased planning permissions secured before introduction of CIL?**

No comment

**Q15 Do you agree that Government should amend regulations on how indexation applies to development that is both originally permitted and then amended while CIL is in force to align with the approach taken in the recently amended CIL regulations?**

Yes

**Q16 Do you agree with the Government's proposal to allow local authorities to set differential CIL rates based on the existing use of land? Yes/No**

No – see response to question 18.

**Q17 If implementing this proposal do you agree that the Government should:**

- i. encourage authorities to set a single CIL rate for strategic sites? Yes/No
- ii. for sites with multiple existing uses, set out that CIL liabilities should be calculated on the basis of the majority existing use for small sites? Yes/No
- iii. set out that, for other sites, CIL liabilities should be calculated on the basis of the majority existing use where 80% or more of the site is in a single existing use? Yes/No

**iv. What comments, if any, do you have on using a threshold of 80% or more of a site being in a single existing use, to determine where CIL liabilities should be calculated on the basis of the majority existing use?**

No - disagree with this proposal. See response to question 18.

**Q18 What further comments, if any, do you have on how CIL should operate on sites with multiple existing uses, including the avoidance of gaming?**

This approach (differential rates based on existing use of land) seems to confuse and complicate CIL matters further. "Gaming" occurs with the current exemptions (i.e. bringing parts of building back into use for six months to benefit from exemptions) and further issues regarding existing use and percentages of use on existing sites will only increase the number of loopholes which may be exploited.

**Q19 Do you have a preference between CIL rates for residential development being indexed to either:**

**a) The change in seasonally adjusted regional house price indexation on a monthly or quarterly basis; or**

**b) The change in local authority-level house price indexation on an annual basis**

Neither. CIL is intended to fund infrastructure required as a result of growth of the area. Therefore, CIL should be linked to a construction index, and not house price indexation. This ensures the CIL received reflects net present value.

**Q20 Do you agree with the Government's proposal to index CIL to a different metric for non-residential development? Yes/No**

No. CIL is intended to fund infrastructure required as a result of growth of the area. Therefore, CIL should be linked to a construction index, not other metrics. This ensures the CIL received reflects net present value.

**Q21 If yes, do you believe that indexation for non-residential development should be based on:**

**i. the consumer price index? Yes/No**

**ii. a combined proportion of the House Price Index and Consumer Prices Index? Yes/No**

No. CIL is intended to fund infrastructure required as a result of growth of the area. Therefore, CIL should be linked to a construction index, not other metrics. This ensures the CIL received reflects net present value.

**Q22 What alternative regularly updated, robust, nationally applied and publicly available data could be used to index CIL for non-residential development?**

The CIL should be linked to construction indices. Although there is an annual subscription charge for the RICS BCIS All In Tender Price Index, the annual subscription can be recovered through the 5% monitoring and administration allowance.

**Q23 Do you have any further comments on how the way in which CIL is indexed can be made more market responsive?**

CIL is intended to fund infrastructure required as a result of growth of the area. Therefore, CIL should be linked to a construction index, not other metrics. Many local authorities (if not all) will use automated software to calculate the CIL indexation.

Further clarity is needed as many of the index measures contained within the BCIS All In Tender Price Index remain as forecast figures many months beyond that moment in time. This can lead to fluctuating index measure within the same year. To increase market responsiveness, the BCIS All In Tender Price Index could be updated quarterly, not annually.

**Q24 Do you agree with the Government's proposal to:**

**i. remove the restrictions in regulation 123, and regulation 123 lists? Yes/No**

Yes. The requirement to publish a R123 list can be restrictive and the requirements for consultation regarding changes lack clarity.

**ii. introduce a requirement for local authorities to provide an annual Infrastructure Funding Statement? Yes/No**

No. The Annual CIL Statement outlines all income and expenditure relating to CIL. A Funding Statement is completely dependent on developments commencing on site, and the associated, anticipated CIL and S106 income. These commencements are completely outside the local authority's control and this approach runs the risk of local authorities being criticised for lack of income, through no fault of their own.

**Q25 What details should the Government require or encourage Infrastructure Funding Statements to include?**

No comment. The proposal regarding Infrastructure Funding Statements is not supported.

**Q26 What views do you have on whether local planning authorities may need to seek a sum as part of section 106 planning obligations for monitoring planning obligations? Any views on potential impacts would also be welcomed.**

The possibility to recover a percentage of S106 receipts to cover the monitoring and administration of S106 agreements should be permitted to a maximum percentage, similar to that within the CIL regulations.

**Q27 Do you agree that combined authorities and joint committees with strategic planning powers should be given the ability to charge a SIT? Yes/No**

Yes, to an extent. All authorities within the combined authority areas should agree to a SIT, and all should contribute, even without a local CIL in place.

**Q28 Do you agree with the proposed definition of strategic infrastructure? Yes/No**

No. It is easier to define a single piece of infrastructure with multiple benefits than smaller projects. If smaller mitigation projects cross local authority boundaries, there may be issues with proportionate allocation compared to CIL receipts. If this were the case, it may be easier to use the standard CIL and each authority mitigate accordingly.

**Q29 Do you have any further comments on the definition of strategic infrastructure?**

No comment.

**Q30 Do you agree that a proportion of funding raised through SIT could be used to fund local infrastructure priorities that mitigate the impacts of strategic infrastructure? Yes/No**

No. It is easier to define a single piece of infrastructure with multiple benefits than smaller projects. If smaller mitigation projects cross local authority boundaries, there may be issues with proportionate allocation compared to CIL receipts. If this were the case, it may be easier to use the standard CIL and each authority mitigate accordingly.

**Q31 If so, what proportion of the funding raised through SIT do you think should be spent on local infrastructure priorities?**

N/A – see response to Question 30. This proposal duplicates the principle of CIL.

**Q32 Do you agree that the SIT should be collected by local authorities on behalf of the SIT charging authority? Yes/No**

Yes

**Q33 Do you agree that the local authority should be able to keep up to 4% of the SIT receipts to cover the administrative costs of collecting the SIT? Yes/No**

Yes

**Q34 Do you have any comments on the other technical clarifications to CIL?**

No further comments.