

Birmingham City Council

Planning Committee

19 January 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	8	2016/06617/PA SBQ1 and SBQ2 Smallbrook Queensway City Centre Birmingham B5 4HP Demolition of existing buildings SBQ1 and SBQ2; construction of part 9 part 26 storey building, plus rooftop enclosures and basement level; containing 309 residential units on the upper floors with ground floor entrances, retail/leisure uses on ground floor, and basement car parking.
Defer – Informal Approval	9	2016/06618/PA SBQ 3 & 4 and SBQ 2 Smallbrook Queensway City Centre Birmingham B5 4HP Demolition of building SBQ2; and recladding, refurbishment and extension of building SBQ3&4 to include an increase in height by two storeys, rooftop plant enclosures and rear extension at first floor level. Development to provide Class B1(a) offices on the upper floors, with ground floor entrances; retail/leisure (A1-A5) uses on parts of the ground floor, mezzanine and basement levels; basement car park; and retention of existing nightclub (Sui Generis).
Approve - Conditions	10	2016/07913/PA 41-42 Tenby Street North Jewellery Quarter Birmingham B1 3EG Demolition of existing building and erection of a 4 no. storey building providing 14 no. apartments, on site parking and associated landscaping.

Approve - Temporary

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2016/10041/PA

Opposite 7 Carrs Lane
City centre
Birmingham
B4 7SE

Installation of double sided digital advertising totem

Committee Date:	19/01/2017	Application Number:	2016/06617/PA
Accepted:	04/08/2016	Application Type:	Full Planning
Target Date:	28/02/2017		
Ward:	Ladywood		

SBQ1 and SBQ2, Smallbrook Queensway, City Centre, Birmingham, B5 4HP

Demolition of existing buildings SBQ1 and SBQ2; construction of part 9 part 26 storey building, plus rooftop enclosures and basement level; containing 309 residential units on the upper floors with ground floor entrances, retail/leisure uses on ground floor, and basement car parking.

Applicant:	CEG
	c/o Agent
Agent:	Nexus Planning
	Suite A, 3 Weybridge Business Park, Addlestone Road, Weybridge, Surrey, KT15 2BW

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This application proposes demolition and subsequent redevelopment of part of the Smallbrook Queensway (the Ringway Centre) building currently known as SBQ 1 and 2.

Demolition

- 1.2. SBQ2 comprises of a bridge link above Hurst Street connecting the application building to the remainder of the Ringway Centre (SBQ 3 and 4). This link of office accommodation would be largely removed, including the supporting pillars situated within the pavement of Hurst Street except for the section immediately adjacent to SBQ3 which is structurally integral to the unit occupied by Snobs nightclub. An accompanying application elsewhere on your committee's agenda for the redevelopment of SBQ3/4 overlaps with this application in that it proposes the total demolition of SBQ2.

- 1.3. The remainder of this existing office complex with retail/commercial uses at ground floor (SBQ 1) would be completely demolished.

Overview of the Proposed Replacement Development

- 1.4. The replacement building would comprise of a tower element on the corner of Hurst Street and Smallbrook Queensway with a lower 'shoulder' element of the building fronting the Queensway. Behind the building would be a private courtyard space for use by the occupants of the proposed development above a basement parking level accessed off Hurst Street.

- 1.5. At ground floor level two entrances to the residential apartments would be provided together with two retail units and back of house facilities including plant, cycle storage, and refuse storage. Residential apartments would occupy all of the upper floors, with separate circulation cores for the tower and shoulder parts of the development.
- 1.6. The hard landscaping around the building on Smallbrook Queensway and Hurst Street would be upgraded. This includes new hard surfaces that rationalise the pavement level around the building, the retention of 3 street trees and the replacement of an existing street tree which has been damaged and has poor future prospects.
- 1.7. Overall the proposed development would provide 300 sq.m retail (A1-A5) and 309 residential apartments. In addition there would be 101 parking spaces, 223 cycle parking space and internal services and plant totalling 6,000 sq.m (all areas are GIA). The mix of residential uses would be as follows:

			Minimum	Maximum
1 Bedroom	106	34%	42.3 sq.m	55.5 sq.m
2 Bedroom	189	61%	61.4 sq.m	141.8 sq.m
3 Bedroom	14	5%	89.2 sq.m	171.7sq.m

Detailed Proposals

- 1.8. The proposed building has two key elements, a 26 storey tower and a 9 storey shoulder building.

Tower

- 1.9. The proposed 26 storey tower is the most striking element of the proposals across the two applications. The scale of the tower has been guided by the height of the existing Centre City building obliquely opposite, and issues of viability.
- 1.10. To breakdown the massing of the broadest elevations of the building and provide visual interest, the tower includes a cranked format in plan form. The top of the tower has been carefully thought through with the 'crown' utilising the same materials as the main facades and open framing providing interest. The principal entrance to the residential units has been purposely located directly on the corner of Hurst Street/Smallbrook Queensway to provide interest and aid legibility.
- 1.11. The tower includes a deeply modelled façade with floors paired vertically to express the verticality of the tower element. The limestone grid with deep reveals incorporate balconies (including full width at level 25) with glass balustrading recessed. The limestone grid tapers to a more slender form on the upper floors (as a colonnade) to provide a distinct top to the tower.
- 1.12. At ground level the tower would have a lower plinth clad in dark granite, continuing the grid format used on the levels above. The main residential entrance lobby would be recessed on the corner.
- 1.13. The retail frontages would have a consistent appearance with bronze frames surrounding large display windows, matching those proposed on the accompanying application for SBQ 3 and 4.

- 1.14. At roof level there would be a plant enclosure set back from the building's edges, bounded by an expanded metal screen with bronze fins to match the elevation below and the wider redevelopment.

Shoulder Element

- 1.15. The 9 storey 'shoulder' element would largely continue the architectural approach and material palette used on the tower and the wider SBQ redevelopment proposals. The lower two floors would be clad in granite tiling with large windows and horizontal light stone cladding above. To reflect the approach proposed on SBQ 3/4 the upper two floors incorporate projecting bronze fins.
- 1.16. Where obscured glazing is needed fritted glazing utilising the pattern of the existing concrete spandrel panels is proposed. This is also consistent with the approach proposed on SBQ 3/4.
- 1.17. A slightly recessed segment connects the tower to the lower shoulder building which has been designed to reflect horizontality. A recessed level (floor 6) corresponds with the recessed level proposed for the proposals on the SBQ 3/4 site. Elements of the limestone cladding framework would span from the tower to the shoulder building.
- 1.18. Architectural approach and materials proposed on the rear courtyard elevation would match the front elevation although the setting out of the limestone cladding would be more akin to the grid format of the tower rather than the horizontal banding on the frontage.
- 1.19. The circulation cores would be situated within the centre of both the tower and shoulder buildings, limiting internal corridor lengths.
- 1.20. Should the development of this application and the other application elsewhere on your agenda not take place concurrently the supporting plans and statements acknowledge that a temporary repair of the SBQ 2 - 3 end façade interface will be necessary.

Public Realm

- 1.21. The proposals include the comprehensive refurbishment of the surrounding public realm. This includes illuminating the split-level arrangement at the development's eastern end, the scheme would see the replacement of surfacing materials with light grey granite paving on Smallbrook Queensway and mid grey paving to Hurst Street to match the New Street Station scheme. This would complement and adjoin the wider Ladywell Walk proposals currently in development by the city.
- 1.22. One of the frontage (lime) trees on Smallbrook Queensway would be replaced due to its poor condition with the remaining three trees (2 X lime and 1 Alder) retained.
- 1.23. This application is accompanied by detailed plans; a Planning Statement (incorporating a Statement of Community Involvement; Design and Access Statement; Air Quality Assessment; Arboricultural Report; Noise Assessment; Heritage, Townscape/Visual Assessment; Socioeconomic Impact Assessment; Daylight and Sunlight Assessment; Transport Statement; Interim Travel Plan; Archaeological Desk-based Assessment; Drainage and Flood Risk Assessment; Contamination Study; Phase 1 Habitat Study; Lighting Impact Assessment; Waste

Management Strategy; Wind Assessment; Viability Assessment; Civil Aviation Authority Assessment and a TV and Radio Communications Report.

- 1.24. The application has been screened at pre-application stage where it was concluded that the development would not be EIA development requiring the provision of an Environmental Statement.

- 1.25. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application building comprises a substantial part of the wider Ringway Centre complex that is situated between Holloway Circus and Dudley Street, spanning over Hurst Street. The part of the building affected by these proposals comprises the majority of the bridge link over Hurst Street (SBQ2) and the building between Holloway Circus and Hurst Street (SBQ1). The application buildings are approximately 100m long, with the whole Ringway Centre stretching to around 240m in its entirety including SBQ 3&4. A significant proportion of the office space currently lies vacant.
- 2.2. The building consists of a basement level providing nightclub accommodation; at ground and mezzanine level there are retail and nightclub uses with four floors of office accommodation above (which continue into SBQ2 above Hurst Street).
- 2.3. The facades of this concrete framed building incorporate decorative concrete panels, large metal framed glazed windows and projecting concrete uplighters positioned across the frontage. Unlike the upper levels at street level there is little harmony to the treatment of shop fronts, with varying designs evidenced along the building's frontage with Smallbrook Queensway.
- 2.4. Vehicular access is afforded off Hurst Street to a small surface level parking area at the rear.
- 2.5. The whole of the Ringway Centre (1958-1960) is Locally Listed Grade B and the site benefits from a Certificate of Immunity from Listing.
- 2.6. SBQ1's immediate neighbours include a hot food takeaway on Hurst Street, a large restaurant with public car park behind to the immediate south and Scala House (retail/commercial uses at ground floor with offices above) on the site's western boundary.
- 2.7. The wider area accommodates a range of uses with the Ringway Centre situated at the junction with one of the city's key night time economies centring on the Hippodrome / the Arcadian. Beetham Tower a residential / hotel building, at 39 storeys being the tallest occupied building in the city is situated on Holloway Circus. The Holiday Inn also provides hotel accommodation on the northern side of the Queensway between Beetham Tower and Hill Street, with retail units at ground floor. Centre City, a tower with a lower level podium marks the opposite corner of Hill Street with ground floor retail with offices above (the Grade B Locally Listed Norfolk House) forming the remainder of this northern edge to the Queensway.
- 2.8. The Bullring Shopping Centre is situated to the east beyond Dudley Street, with a cylindrical tower providing pedestrian access to the lower street level of Dudley Street. In addition to being situated at a lower level the areas to the rear of the site have a different character. A multi-storey car park and route towards the markets

(Edgbaston Street) are relatively modern developments to the east. Birmingham's China Town is situated to the south with a vibrant mix of restaurants, entertainment venues including a casino fronting Hurst Street and a multi-storey car park all back onto the wider Ringway Centre (SBQ3/4). The Arcadian with its mix of lively entertainment venues, a hotel and serviced apartments are situated beyond. In addition to ground floor retail, food and entertainment uses Albany House is a large office development that has been recently refurbished. The Hippodrome theatre is situated beyond Albany House fronting a small pedestrianized section of Hurst Street.

2.9. [Site Location](#)

3. [Planning History](#)

- 3.1. Various applications relating to alterations and changes of use within the building, none of which are directly relevant to this application.
- 3.2. 2016/06618/PA – Current Application on this agenda- Demolition of building SBQ2; and recladding, refurbishment and extension of building SBQ3&4 to include an increase in height by two storeys, rooftop plant enclosures and rear extension at first floor level. Development to provide Class B1(a) offices on the upper floors, with ground floor entrances; retail/leisure (A1-A5) uses on parts of the ground floor, mezzanine and basement levels; basement car park; and retention of existing nightclub (Sui Generis).
- 3.3. 09.08.2016 – Certificate of Immunity from Listing granted (valid for five years).
- 3.4. 13.10.2016 – Issues Report covering both of the two current applications presented to Planning Committee.

4. [Consultation/PP Responses](#)

- 4.1. Prior to the application's submission the applicant has carried out a programme of pre-application consultation and engagement with the local community which took the form of a public exhibition and meetings with key stakeholders. The feedback from the exhibition is included with the Planning Statement. This shows that of the 18 responses received overall 10 supported the proposals, 7 did not support and 1 was unsure of their position regarding the development.

Design Council Review

- 4.2. The application was the subject of a full review by the National Design Council at pre-application stage. Feedback following this assessment process included:
 - A tall element may seem appropriate on this site, although the scheme will set a precedent for density and tall buildings in this part of the city
 - Further design work regarding the aspect and arrangement of the residential units and the courtyard design is required
 - The tower opens up long views from Hill Street to Southside and creates a clear gateway although further justification was needed for the tower's height and location

- The panel were unconvinced by the 'drawbridge' aesthetic treatment of SBQ1 and tower
- The removal of the SBQ2 bridge over Hurst Street is a positive move
- Works to the public realm have the potential to create a pleasant pedestrian experience, with the challenge of creating vibrancy at ground floor level important, particularly at night-time
- Suggested finding a way to retain the historical character of Smallbrook Queensway, which expresses Birmingham's car manufacturing past and technological progress by articulating the façade around some of the details of the existing building.

Conservation Heritage Panel

- 4.3. The panel expressed a variety of opinions regarding the merits of the proposal. Some panel members expressed significant reservations over the extension / refurbishment or loss of the existing building, citing its historic significance as an early reminder of the Inner Ring Road and a realisation of the urban boulevard concept. Concern by some members was expressed regarding the loss of the SBQ2 bridge, which they considered has townscape and public realm benefits. The panel challenged the applicant to consider instead other development options, to seek to retain the existing buildings, including detailed elements such as columns, access arrangements and materials, but acknowledged that viability will always be a key consideration. The panel considers that due to the level of demolition of post-war architecture, the importance of the remaining buildings is increased. An opposite opinion was expressed, acknowledging that the existing building looks tired and, accepting the reported viability position, considered the proposed scheme an improvement.

Twentieth Century Society

- 4.4. Object to the application. Consider that the proposals would constitute the total loss of a non-designated heritage asset. Consider that there is potential for sensitive refurbishment and that interventions could be made to successfully regenerate the existing building without the need for such radical redevelopment. Consider that the proposals would result in the loss of local distinctiveness and heritage, an important part of post-war planning history, and the symbolic loss of the city wall and gateway which SBQ evoked. The group interest SBQ has with its contemporary Norfolk House (Grade B, locally listed) that stands opposite, as well as Robert's Grade II listed Rotunda building which SQ leads towards as it bends along Queensway would also be lost.
- 4.5. The society concludes that the current application does not seek to sustain the significance of this non-designated heritage asset, and that the proposed replacement will result in the loss of local character and distinctiveness. In line with the guidance of the NPPF the Society wishes to object to the application, and urges that permission is refused.

Birmingham Civic Society

- 4.6. Object to the application. Consider that the schemes result in the demolition and significant alteration of a building that is locally listed and is a good example of post

war architecture within the city. They cite the connection with James Roberts and question why a rotunda style conversion could not be realised. Do not consider the level of demolition to be justified. Consider that the application does not provide sufficient details of the options explored. Consider that the buildings do need to be refurbished and welcome this aspect of the proposals, and accept that some alteration and extensions may be needed, however consider the scheme goes too far to the detriment of the character of the existing building. Raise no objection to the proposed uses. Raise concerns over the number of proposals in the city that involve significant alteration or total loss of its post war built heritage and recommends that the city carries out/commissions a study of Birmingham's buildings from this period in order to safeguard those that are of local and national importance.

- 4.7. Transportation Development – Raise no objection subject to conditions. Note that the proposals would need to be coordinated with the City's proposals for changes to Ladywell Walk. Notes that a S247 Stopping Up resolution is required for those areas of the footway where the retail frontages are being brought forwards.
- 4.8. Have considered the supporting Transport Statement and concludes that the parking and cycle storage provision proposed is suitable given the site's location.
- 4.9. Conditions recommended would require the prior approval of an appropriate S278 agreement for the highway works; provision of cycle storage details; that the parking areas are laid out prior to the first use of the proposed development; provision of a Parking Management Strategy; Provision of a Commercial Travel Plan; and the provision of a Demolition and Construction Management Plan.
- 4.10. Regulatory Services – Object to the proposed noise and air quality mitigation measures that include reliance upon sealed windows. In the event that the application is supported conditions requiring details of extraction, limiting noise levels from plant, limiting hours of delivery and operation for the commercial uses, provision of adequate refuse storage details, that the noise mitigation set out in the noise and air quality reports is implemented, insulation between commercial and residential parts of the building and provision of electric vehicle charging points (10%) are recommended.
- 4.11. BCC Drainage Team – No objection subject to conditions requiring further details of a sustainable drainage scheme and associated operation and maintenance plan.
- 4.12. Leisure Services – As the development includes 309 dwellings the proposal generates an off-site public open space and children's play contribution of £420,800.
- 4.13. Children, Young People and Families – A contribution towards the provision of school places may be sought, although no figure has been provided.
- 4.14. Natural England – No objection
- 4.15. Environment Agency – No objection subject to a condition requiring a further site investigation and, where necessary, site remediation.
- 4.16. West Midlands Police – Considers that the car and cycle parking provision is adequate. Recommends affiliation to the Secured by Design scheme. Recommend that lighting and CCTV details are provided. Provide specific advice regarding security standards and glazing standards.
- 4.17. Network Rail – Have no comments to make on the application

- 4.18. Severn Trent Water – No objection subject to a condition requiring prior approval of foul and surface water drainage details.
- 4.19. National Grid – Note that some of their apparatus may be affected by the development and that the contractor should contact them before works commence.
- 4.20. Secretary of the Beetham Tower Residents and Tenants Association – 98% of residents are in favour of this development and believe that it will be a positive upgrade for the immediate area. Hope that the scheme will remove the run of low-grade shops that cause residents and tenants so much nuisance later at night. Support was expressed for a taller tower.
- 4.21. Site and Press Notices posted and Residents' Associations; Ward Members; the MP and local occupiers consulted with the following representations received.
- 4.22. Three letters of objection with the following comments received
- Object to the loss of the existing concrete façade and uplighters which are in good physical condition and capable of retention
 - Object to the additional floors and tower block which will destroy the architectural integrity of the ensemble the presently consists of crescent, bridge and straight block with no architectural justification
 - Consider the justification put forward for the loss of the existing locally listed building is insufficient
 - One local occupier objects to the detail of the proposal but not the principle. Considers the tower to look restrained and unambitious. Tower should be taller.
 - Objection to the loss of the SBQ2 bridge
 - Canopy should be retained
 - Should have 100% parking
 - Overprovision of cycle parking
 - Residential will need a loading bay
- 4.23. A further response has been received questioning how long the redevelopment will take, the impact upon traffic and businesses and whether there will be compensation.
- 4.24. A letter of support from a local resident has been received. The residents considers the existing building as outdated and oppressive negatively affecting the economy and is perceived as a hot spot for crime. Supports the loss of the bridge over Hurst Street which blocks views. Considers that the proposals, in combination with the city's public realm works, would spur further investment on the edge of the City Centre. Also supports the jobs created by the development.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005 (Saved Policies); Birmingham Development Plan (BDP) 2017; Places for All SPG; Regeneration Through Conservation SPG; Car Parking Guidelines SPD; High Places SPG; Public Open Space in New Residential Development SPD; Affordable Housing SPG; Shopfronts Design Guide SPG; Places for Living SPG; and the National Planning Policy Framework 2012. Also the non-statutory Big City Plan and the Smithfield Masterplan.

- 5.2. Building is Locally Listed Grade B and a Certificate of Immunity from Listing was granted August 2016.

6. Planning Considerations

POLICY

Local

- 6.1. The application site is in close proximity to the area of transformation covered by the recent Smithfield Masterplan. This document proposes the comprehensive redevelopment of 14ha of land within the city centre including the sites of the Wholesale Markets and the Indoor Markets together with neighbouring development blocks. The masterplan proposes the demolition of the majority of the existing buildings within the boundary and their replacement with a mixed use development including leisure, retail and residential elements served by an integrated public realm and public transport provision. SBQ is situated on the opposite side of Dudley Street to the west of the masterplan area and would not be directly impacted upon, although the fundamental change to the character of this large part of the city centre will have a longer term impact.
- 6.2. The submission draft Birmingham Development Plan sets out the aspirations of the City, including the Big City Plan relating to the City Centre. The non statutory Big City Plan identifies Hurst Street as a primary walking route within the City Centre. The BDP sets out the ambitious growth of the City Centre and identifies five strategic allocations for the centre, including the Southern Gateway which is situated to the east of the site, with the Smithfield Masterplan acting as a centerpiece. The plan states that new investment in office, retail, cultural and residential provision will be supported. The wider proposals for SBQ1-4 would fully accord with those policies.
- 6.3. The saved policy 3.14 of the Birmingham UDP provides specific guidance in relation to how to achieve good urban design.

National

- 6.4. Sustainable Development is at the heart of the National Planning Policy Framework (NPPF), which establishes a presumption in favour of such development. Development is required to address the three key aspects of sustainability (economic, social and environmental) in order to constitute sustainable development. The NPPF breaks development down to key themes and provides guidance on each, with those key to this application explored in more detail below.
- 6.5. In particular, Policy 128 of the NPPF requires the significance of a heritage asset to be described and any impact upon that significance should be assessed. At 135 the NPPF requires that a balanced judgement weighing the harm caused to the significance of the asset against the benefits of the development. 136 adds that Local Planning Authorities should not permit the loss of an asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
- 6.6. Key issues for consideration are therefore the principle of the development; heritage implications; design; highway impact; sustainability; and viability/S106 issues.

PRINCIPLE

- 6.7. The proposed development is consistent with the broad policy context outlined above. The scheme would deliver high quality residential and retail accommodation in a sustainable city centre location. My Strategic Planning Officer raises no objections to the principle of the development however draws attention to the City's affordable housing policy. The proposal would see an overall reduction in the level of retail and therefore the proposed retail element to the street frontage would not prejudice the function of the City Centre's primary retail areas. Therefore, subject to more detailed considerations explored below, I raise no objection to the principle of the proposals, which will deliver 309 new residential apartments.
- 6.8. The proposed housing mix is as follows:

			Minimum	Maximum
1 Bedroom	106	34%	42.3 sq.m	55.5 sq.m
2 Bedroom	189	61%	61.4 sq.m	141.8 sq.m
3 Bedroom	14	5%	89.2 sq.m	171.7sq.m

- 6.9. Across the city the BDP seeks the following mix for market dwellings: 1-bed 13%, 2-bed 24%, 3-bed 28%, and 4-bed 35%. However, within this part of the city centre the existing supply provides 1-bed 50%, 2-person 38%, 3-person 8%, and 4+ person-4%. Therefore the proposed mix is appropriate within this city centre context.

HERITAGE IMPLICATIONS

Background

- 6.10. Prior to the submission of the application the applicant applied to Historic England for a Certificate of Immunity from listing the building. The process is the same as if the applicant had applied for the building to be listed, with the same detailed historic analysis of the building's architectural and cultural value explored. Historic England concluded that whilst the building is of local interest it did not meet the criteria for listing. The Department for Culture, Media and Sport concurred with this recommendation and a certificate preventing the building being listed for a period of 5 years has been issued.
- 6.11. The decisive factors preventing the building from being listed were the lack of architectural quality and the degree of alteration. The designation decision acknowledged the presence of the building in the cityscape of central Birmingham which is dependent upon its outline and relationship to the road and other surrounding buildings. The degree of architectural quality required of a building of this type and date is considerable and the detailing of the building is repetitious and, in some instances, is poorly realised. The report added that although the upper floors of the exterior maintain much of their original appearance, the street frontages of a large number of the shops have been altered, as have their interiors. The exterior and interior of the former dance hall have also been altered, as have the reception areas and interiors of the office floors. Therefore whilst the building has undoubted local presence the building lacks the consistently high degree of architectural interest necessary for listing and on balance should not be listed.
- 6.12. The building is designated as a locally listed building at Grade B which acknowledges the contribution that the building makes to the city wide architectural

context and the impact on the local street scene and warrants positive efforts to ensure its preservation.

- 6.13. The conclusion of the above is that the existing building is a non-designated heritage asset and its historic significance has been thoroughly assessed very recently. In such instances the National Planning Policy Framework requires that firstly the significance of the heritage asset be described and that where there is harm to that significance a balanced judgement taking into account the benefits of the development must be made.

Significance

- 6.14. On the issue of significance, the applicant's supporting report concludes that the site is not within a conservation area and does not include any statutory listed buildings; there is no impact on nearby designated heritage assets (due to their distance from the site); that whilst the architect for SBQ was the same as the Grade II Rotunda it was an entirely separate commission and the architect's original concept was diluted in execution. The report acknowledges that the site has local significance derived from its association with the development of the inner ring road and architectural value derived from the curved form that follows the sweep of the road. It also acknowledges the group value with the locally listed Norfolk House on the opposite side of the Queensway (also locally listed).
- 6.15. Whilst the applicant's supporting statement and the DCMS designation report provide greater detail, I consider that the main significance of this heritage asset lies in i) the fact that it was conceived as the first part of a large-scale commercial development which would border the city's new inner ring road scheme ii) its monumentality / scale, iii) the insistent rhythm of the façade, iv) its broad sweeping nature at the eastern end; and v) limited details such as the cantilevered/elliptical stairs (internal and external), concrete panelling, uplighters and a small element of surviving shop frontages.

Impact

- 6.16. The impact of the proposals upon the significance of this non-designated heritage asset would amount to 'substantial harm' in NPPF terms given that this part of the Ringway Centre would be totally demolished. In accordance with the NPPF the benefits of the proposal must therefore be considered, and a judgement of whether, on balance, they justify the level of harm.
- 6.17. My Conservation Officer concludes that in the event of approval be recommended a suitable level of building recording is secured by condition together with an Archaeological Watching Brief for the SBQ 1 proposals.

Planning Balance / Public Benefit

- 6.18. The supporting Planning Statement identifies the benefits of the scheme as i) job creation (around 341 construction jobs) together with the further multiplier effect on jobs in the wider economy (estimated at 383 jobs); ii) the generation of circa £16.9m GVA for the local economy during construction and £6m per annum once occupied; iii) an improved physical environment (townscape and appearance of the area); iv) development in a sustainable location; v) improved legibility following the removal of SBQ2; vi) greater density of development; vii) decontamination of previously developed land; and viii) on-site biodiversity enhancements.

- 6.19. Further, the weaknesses of the existing buildings are highlighted which include the out of date office accommodation that cannot compete in the open market; ongoing rent and investment cannot sustain the maintenance of the deteriorating structure; structural constraints inhibiting refurbishment potential, poor circulation; poor lift provision; inefficient floor layouts; poor thermal performance; and poor environment beneath SBQ2.
- 6.20. Due to the constraints of the existing building associated with providing modern competitive office accommodation, the building is currently tired and in need of significance investment to remain an ongoing commercial proposition. The impact of this vacancy and condition of the building is, in my view, amplified by the cliff-like impact of the building which was part of the original design intent. If it were financially viable to significantly refurbish the building to meet modern standards a number of the benefits of the proposal would not be realised, such as the public realm around the building and opening up a view along Hurst Street – a connection which the Smithfield Masterplan underlines will get more important in the future. The Twentieth Century Society's comments are noted (they consider the bridge highly important in its contribution to legibility, framing pedestrian views, orientating movement and channelling traffic under its span). However, whilst the bridge link does have a contribution to the significance of this asset, I consider the environmental benefits associated with its removal a significant benefit.
- 6.21. The economic impacts of the development (both temporary during construction and ongoing) are acknowledged, however I attach more weight to the improved public environment around the development. The primary impact of the proposals, in my view, will be to provide a modern and elegant building that would bring the high quality environment delivered around the new Gateway (New Street Station) development towards Southside complementing the future Smithfield Masterplan development. I do not consider that the existing building, considering the viability issues (discussed in more detail below) could deliver the transformational impact that the redevelopment proposals show.
- 6.22. In addition, I consider that at least some of the essence (and therefore distinctiveness) of the existing building is carried through into the redevelopment proposals for SBQ3&4 by virtue of the retention of the sweeping form at the eastern end of the scheme and the reflection of the patterning in the existing concrete panelling used in the proposed glazing.
- 6.23. I therefore conclude that, on balance, the benefits of the proposals do justify the harm to this non-designated heritage asset and raise no heritage-based objections.

Conservation Heritage Panel

- 6.24. The panel expressed a variety of views; however the majority of the panel felt that further work was required to justify the level of demolition proposed, and the Panel felt that every effort to retain a greater proportion of the existing façade should be made.
- 6.25. Financial viability considerations would be fundamental to the ability to refurbish the existing building without substantial alteration. The returns associated with the end product must outweigh the costs of delivering those changes. In order to deliver accommodation (associated with a refurbishment scheme) that is competitive the building requires extensive thermal and acoustic upgrades, and the building entrances need to be more generous and legible. These would necessitate a degree of physical change including the need to remove and reinstate the concrete panels

and windows and remodelling works. Compromises would remain including the low ceiling heights and the location of the building would not attract office occupiers.

- 6.26. I therefore accept that the financial viability of neither a 'refurbishment' scheme nor the status quo is a viable option. As concluded above, I am satisfied that the level of harm to this heritage asset is justified and that the wider proposed development of SBQ3/4 retains some of the essence of the existing building through retaining the sweeping form together with the fritted pattern in the glazing for both proposals.
- 6.27. The supporting Archaeological Desk-Based Assessment considers that due to the level of disturbance associated with the Ringway Development there is a low likelihood of any surviving archaeology. My Conservation Officer concludes that in the event of approval be recommended a suitable level of building recording is secured by condition together with an Archaeological Watching Brief

DESIGN

- 6.28. The application proposals are the result of a significant level of pre-application discussions which has included a CABE Design Council review. In response to the comments made I concur that the site is suitable for a tall building (see detail below). I concur that the tower could create a clear gateway and that the removal of SBQ 2 is a positive move. The comment regarding the environment created in the courtyard was in relation to an earlier scheme, and following further negotiations a rear projecting element has been removed from the scheme to resolve this issue. The aesthetic treatment has been amended since pre-application stage with a more considered approach using a rational ordered arrangement of the façade. Finally I concur that the public realm works, combined with the active ground floor uses will help to create lively and active street frontages.
- 6.29. My Officers have worked with the applicant's design team during the evolution of the proposals to ensure that an appropriate design quality is brought forward. The use of a relatively neutral palette of materials (light stone and bronze as the primary colours) works well with the articulation provided by the fins, portal, rooftop extension and harmonised shop front design. The broadly consistent approach across both application proposals would help to deliver a complete and coherent street frontage.

Tower

- 6.30. The High Places SPD sets out the potential benefits of tall buildings as:
- ability to act as landmarks aiding legibility
 - clusters of tall buildings can signal the location of the centre of the city
 - a distinctively designed tall building or group of buildings can assist in giving the city a unique skyline that is easily recognisable in an international context
 - marking important facilities (e.g. civic buildings, universities, etc)
 - high quality tall buildings could help attract more international companies to the city
- 6.31. The proposed tower falls outside of the designated location for tall buildings ('appropriate locations') set out in High Places. The SPD states that where outside of defined locations or the tower is not marking important facilities a case must be made for exceptional circumstances, considering the merits of the particular scheme against the wider policy context.

- 6.32. High Places sets out a series of further requirements for tall buildings to ensure that only high quality design that successfully integrates into its surroundings is supported. These include that the building:
- must be of the highest quality in form, design and materials
 - must response positively to local context
 - should contribute to legibility
 - should provide a good place to live
 - should be sustainable
 - must be lit at night by well-designed lighting
- 6.33. At 26 storeys, the height of the tower has been designed to be consistent with that of Centre City obliquely opposite the site. This is designed to form a small cluster on the Smallbrook Queensway/Hurst Street junction acting as a gateway into the Southern Gateway / Smithfield areas of transformation set out in policies that have emerged since High Places (in 2003). In addition, the scale is set such that it would not compete with the Holloway Circus junction which is marked by Beetham Tower and the Sentinels. Although some support was given by Members at the Issues Report stage for more height, the applicants comment that this is the most viable height for a building in this location at this time. They would not therefore seek any additional height.
- 6.34. A Heritage Townscape Visual Impact Assessment has been carried out in support of this application. This demonstrates through visualisations and verified views the impact of the proposed tower and includes consented development within this part of the city centre (although not including the very recently consented 26 storey hotel development on Hill Street). The Visual Impact Assessment (VIA) demonstrates how the proposed building would reinforce the location and skyline of the City Centre from the High Places key views, being sited within wider vistas containing the existing tall City Centre buildings.
- 6.35. Closer views within the VIA show how the tower would present its more slender elevations to the key north-west/south-east route of Hill Street / Hurst Street acting as a marker from the New Street Station exit onto Hill Street and looking north from the Hippodrome.
- 6.36. When viewed towards its broadest elevation the visuals demonstrate that the architectural approach, including the chamfered plan form and use of an open grid at the highest levels, would result in a successful and distinct building.
- 6.37. I therefore consider that the application documents demonstrate that the proposed scheme would deliver a high quality development that would reinforce the location of the City Centre and aid legibility marking the key gateway to the Southside Area of Transformation. As such the development complies with the exceptions test set out in the High Places SPD and I conclude that proposed tower, subject to suitable safeguarding conditions, is acceptable.

AMENITY

Noise and Air Quality

- 6.38. The Noise Assessment submitted with this application identifies the new potential sources of noise including the roof top plant and the nearby noise sensitive receptors (other than the application proposals) including residential uses on Horse Fair, Hurst Street, and Thorpe Street.

- 6.39. Monitoring of the noise levels took place in sixteen locations across the wider site, including five on or immediately adjacent to the SBQ 1-2 building. The report acknowledges the principal sources of noise in the local environment as road traffic and entertainment noise. Entertainment noise (that includes but is not exclusively patrons of the 'Snobs' nightclub (including users of the smoking shelters)) is the dominant noise at the corner of Hurst Street and Smallbrook Queensway. Further towards Holloway Circus road traffic activity is the predominant source of noise.
- 6.40. In order to mitigate the impact of this a schedule of acoustic glazing, with a higher specification proposed for the areas of the façade most exposed to entertainment noise, is proposed. All units would be provided with mechanical ventilation, ensuring that residents could achieve a satisfactory noise environment with their windows closed.
- 6.41. Details of the proposed plant are provided and it is concluded that any impact upon noise sensitive uses would be within acceptable limits.
- 6.42. The Air Quality Assessment concludes that the impact of the development on air quality during both construction/demolition and operational phases would be negligible and that the lower two floors of the residential element has sealed windows in order to provide a satisfactory living environment. The remainder of the block would have openable windows, with all units supplemented by the aforementioned mechanical ventilation system.
- 6.43. Regulatory Services object to the application. They note that the area is characterised by a significant number of venues which operate in the late hours and generate significant footfall and vehicular traffic. They consider that this is not attributable to a single premises. They also note the existence of plant in the area which may also impact upon residential amenity.
- 6.44. They add that whilst, when closed, the windows would provide a satisfactory internal living environment those windows proposed to be sealed (for air quality reasons) would not constitute sustainable development. Finally on the issue of noise, they state that should complaints be received from future residents only noise attributable to particular premises would be actionable.
- 6.45. In the event that the application is supported conditions requiring details of extraction, limiting noise levels from plant, limiting hours of delivery and operation for the commercial uses, provision of adequate refuse storage details, that the noise mitigation set out in the noise and air quality reports is implemented, insulation between commercial and residential parts of the building and provision of electric vehicle charging points (10%) are recommended.
- 6.46. The NPPF states that new development should not be adversely affected by unacceptable levels of noise pollution, that development should avoid significant adverse impacts on health and quality of life from noise, and that measures to mitigate these effects should be considered.
- 6.47. The National Planning Policy Guidance note provides examples of potential noise mitigation measures including "...consideration should be given to whether adverse internal effects can be completely removed by closing the windows and, in the case of new residential development, if the proposed mitigation relies on windows being kept closed most of the time. In both cases a suitable alternative means of ventilation is likely to be necessary".

- 6.48. The applicant has provided examples of both approved developments with sealed windows and an appeal decision where the inspector concluded that a condition requiring windows to be sealed was reasonable and provided a satisfactory living environment.
- 6.49. The applicant also points to the wide definition of sustainability and the other attributes of the development such as the provision of a high quality landscaped courtyard space to the rear.
- 6.50. I therefore consider that the principle of the mitigation proposed (limited numbers of sealed windows and acoustic glazing) is established in national policy and there are precedents for this approach. I consider that the use of openable windows on the upper floors is acceptable as an acceptable residential environment can be provided with windows closed. Allowing residents the choice to open windows is always preferable, and whilst I understand Regulatory Services' concerns I consider that this is an appropriate strategy here. Whilst the site is subject to entertainment and traffic noise I consider the situation to be not materially worse than other local examples (with openable windows) including Southside Apartments and the Latitude developments.
- 6.51. Whilst I note the suggested restriction of the opening hours of the retail uses, I consider this unreasonable given the lively night time economy of the area and the unrestricted operation of the existing uses on site. I consider that provision of adequate noise insulation (secured by condition) between retail and residential parts of the building suitable mitigation for any impact.
- 6.52. In the interests of safeguarding air quality and promoting sustainability a condition requiring electric vehicle charging points within the car park is recommended as suggested by Regulatory Services.
- 6.53. I therefore conclude that the noise and air quality environments of the proposed development would be acceptable subject to a condition requiring the suggested mitigation measures to be implemented and a condition is recommended limited noise levels from plant and machinery.

Light and Outlook

- 6.54. A Daylight and Sunlight analysis has been undertaken as part of the application submission. This analyses the level of overshadowing of open areas, the level of light to windows and the outlook from those windows.
- 6.55. In relation to access to daylight within the proposed development over 98% of bedroom windows and 78% of living/kitchen areas meet the target BRE guidelines. The majority of those units not achieving the BRE guideline standard are on the north facing elevation. In relation to the courtyard, this meets the BRE guideline of at least 50% being sunlit for at least 2 hrs at spring equinox (21st March).
- 6.56. Also in respect of access to daylight, the report analyses 929 windows of nearby buildings, of which 786 would be BRE compliant. Three receptors would not be compliant two of which, the Holiday Inn and Centre City, are classified as medium sensitivity, with the most significant impact also classified as medium. The third receptor, 25 Hurst Street (which has been assessed as residential) has three windows at the rear which have an impact below BRE criteria, with one of these windows a high impact. The report highlights that the use of this building is unclear

and concludes that the impact upon amenity must be considered in the context of a high density city centre context.

- 6.57. The sunlight impact assessment found that 95% of windows of the buildings assessed would meet BRE criteria and those that did not all belonged to non-residential property (Holiday Inn and Centre City) in the medium sensitivity category.
- 6.58. I therefore consider that the application demonstrates that the development would have satisfactory light and outlook.
- 6.59. The Geo-Environmental Desk Study notes that through historical uses and development on the site there is a potential risk that there is contamination on site. The recommendation is that further assessments are undertaken to better establish ground and groundwater conditions and to therefore any risk to human health and the environment. Appropriate conditions are recommended.
- 6.60. A Wind Assessment accompanies this application. This assesses the impact of the development on pedestrian safety and comfort and concludes that wind levels after the development would be within recommended criteria and no mitigation is required. This assessment includes the cumulative effects of both the SBQ1/2 and 2/3/4 developments, which includes consideration of speed and frequency of the wind, and concludes that the development would have a negligible to minor change on the wind environment.
- 6.61. Subject to the aforementioned conditions I raise no amenity-based objections.

HIGHWAY IMPACT

- 6.62. The supporting Transport Statement acknowledges that the site is well served by existing public transport. The Statement notes that the Car Parking Guidelines SPD sets a minimum cycle parking provision of 309 spaces and a maximum parking level of 309 based on the quantum of development proposed. The Statement concludes that based upon the site's assessable location the level of parking and cycle storage provision proposed (101 car parking spaces and 223 cycle spaces) is appropriate.
- 6.63. In terms of predicted traffic flows, the Statement anticipates a decrease of vehicular movements to and from the site during peak hours (compared with the existing permitted uses) and concludes that even the cumulative effects with the proposed development at SBQ 2/3/4 would have a negligible impact. I am satisfied that there is sufficient highway capacity to accommodate what equates to less than 1 addition vehicle per minute at peak times (considering the cumulative impact). The changes to Ladywell Walk, reducing the level of through traffic, are also noted.
- 6.64. The supporting Interim Travel Plan proposed a number of measures including appointing a travel plan co-ordinator, providing a public transport notice board and a travel information pack to occupiers in order to reduce the reliance upon private cars.
- 6.65. Transportation Development raises no objection subject to safeguarding conditions. I concur with this conclusion and appropriate conditions are recommended.

SUSTAINABILITY / SOCIOECONOMIC IMPACT

- 6.66. The supporting Socioeconomic Impact Assessment shows that an above average number of residents in the local area walk to work (27%) or use public transport

(17%), with travel by private car or vans (at 21%) much lower than the Birmingham (31%) or West Midlands (41%) levels. The report also notes that the local population is young and growing, although there are issues relating to the local living environment and barriers to housing and services.

- 6.67. The report predicts that a total of 383 temporary construction jobs would be created both directly and indirectly by this £46.4m construction project. In terms of operational impacts, the development could deliver a total of over 11 jobs, from the existing 303. Considering the two SBQ applications together cumulatively there is the potential for an additional 446 on site jobs together with the 309 residential units.
- 6.68. In terms of the wider economic impact, once full occupied the development is anticipated to generate an economic output of around £2m in the wider economy through future residents' expenditure.

ARBORICULTURAL IMPACT

- 6.69. All four trees on the Smallbrook Queensway frontage are proposed to be retained with the landscaping works carried out around them. These trees consist of an Alder and three lime trees. There are three C Category trees; the applicant has confirmed that whilst it is the intention to retain these trees should this not be technically be possible they commit to replacing these trees with new ones in the same locations. The applicant also commits to replacing the 'U' category tree.
- 6.70. My Tree Officer raises no objection and recommends that the scheme is implemented in accordance with the submitted Arboricultural Report.

ECOLOGICAL IMPACT

- 6.71. The Extended Phase 1 Habitat Survey that supports this application concludes that the existing site has limited potential for roosting bats although there is potential for nesting birds. As such it is recommended that either demolition takes place outside of the nesting season, or that prior to demolition works starting the site is re-surveyed for nesting birds and a buffer installed around any active nests. The report adds that the proposed building could offer bird and bat boxes/bricks to mitigate for the loss of current bird nesting potential and provide potential bat roosting habitat.
- 6.72. The City Ecologist notes that the site's location and the existing building's design limits the potential for birds and bats. However measures will need to be put into place to manage breeding Gulls (and pigeons) during the demolition process. Measures to improve the ecological benefit of the proposed courtyard also need to be secured, including native planting and bird and bat boxes. A Demolition/Construction Management Plan will be required to minimise disruption of roosting bats within buildings in the immediate area. Finally, a green or brown roof is recommended, with an extensive green roofing designed with the Black Redstart in mind would offer considerable benefit to this species.
- 6.73. I concur with these conclusions and appropriate conditions are recommended.

DRAINAGE / FLOODING

- 6.74. The supporting Drainage and Flood Risk Assessment concludes that the drainage strategy is to utilise the existing drainage arrangement of discharging into the public sewers. The proposal has been designed to reduce water run-off and an attenuation tank will be provided on site. The report also concludes that the flood risk to the site

is generally low except in relation to surface water in one location, the junction of Hurst Street and Smallbrook Queensway. However, there is existing highway drainage in this location and there are no historical surface water flooding events recorded in this area. The report adds that the drainage system for the new development will be designed and installed in accordance with current legislation and best practice which will provide suitable resilience against potential flooding.

- 6.75. Severn Trent and the BCC Lead Local Flood Authority raise no objection subject to conditions requiring the prior approval of further drainage details. The Environment Agency raises no objection subject to a condition requiring further site investigations for contamination. I concur with these recommendations and appropriate conditions are recommended.

SECTION 106 / FINANCIAL VIABILITY

- 6.76. A Financial Appraisal has been submitted in support of this application, which has been the subject of detailed independent assessment. Following negotiations with officers the following package has been secured:

- £167,000 worth of public realm improvements to the SBQ1 Smallbrook Queensway frontage
- £400,000 off-site contribution towards affordable housing
- Local employment during construction clause

- 6.77. In order to ensure that adequate amenity is provided to future residents the value of the proposed amenity space will also be secured within the S106 (£438,000). Further public realm improvements to Smallbrook Queensway would be secured through the accompanying application (value of £372,000). In total the value of the works and contribution secured through the S106 agreement for both schemes would total £1.377m.

- 6.78. Whilst this is not fully policy compliant, it represents the maximum contribution that the scheme can sustain without critically impacting upon the ability of the applicants to deliver the proposals. This is in accordance with the NPPF policy and the National Planning Policy Guidance.

7. Conclusion

- 7.1. The proposed development offers a high quality residential-led scheme within the heart of the city that will assist in the ongoing supply of residential accommodation in sustainable locations. The tower's height and position is fully justified and I consider that it would provide a positive contribution to the city's skyline. The provision of retail/commercial uses at ground floor level will help to keep the street animated and the works to the wider public realm are a significant benefit. The loss of this non-designated heritage asset is justified by the proposals. I consider that the proposals are consistent with the local plan and constitute sustainable development in NPPF terms. I therefore conclude that this application should be supported subject to appropriate safeguarding conditions and Section 106 Agreement.

8. Recommendation

- 8.1. Approve application number 2016/06617/PA subject to the conditions listed below and a Section 106 Legal Agreement to secure the following:
- i) Improvements to the public realm along Smallbrook Queensway of a value of no less than £167,000 (index linked to construction costs from the date of this resolution to the date on which payment is made), and/or to be spent on any other public realm improvements in the City Centre that shall be agreed in writing between the Council and the party responsible for paying the sum provided that any alternative spend purpose has been agreed by the Council's Planning Committee. In event that the agreed works cost less than £167,000 the difference will be provided and spent on public realm improvements in the City Centre.
 - ii) Provision of a private courtyard for future residents of a value of no less than £438,000 (index linked to construction costs from the date of this resolution to the date on which payment is made). In event that the agreed works cost less than £438,000 the difference will be provided and spent on public realm improvements in the City Centre.
 - iii) payment of £4000 for the supervision of the delivery of the public realm works
 - iv) A financial contribution of £400,000 (index linked to construction costs from the date of this resolution to the date on which payment is made), towards off site affordable housing to be paid prior to first occupation of the residential element of the scheme
 - iv) a commitment to local employment and training;
 - v) a financial contribution of £10,000 for the administration and monitoring of this deed to be paid upon completion of the legal agreement.
- 8.2 In the absence of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 28th February 2017, planning permission be refused for the following reasons:-
- i) In the absence of a legal agreement to secure a commitment to local employment / training and public realm the proposal conflicts with Policies 3.14 and 8.50-8.54 of the adopted Unitary Development Plan.
 - ii) In the absence of a legal agreement to secure an offsite contribution towards the provision of affordable housing the proposal conflicts with Policies 5.37 and 8.50-8.54 of the adopted Unitary Development Plan.
- 8.3 That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under section 106 of the Town and Country Planning Act.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 28th February 2017 favourable consideration be given to this application, subject to the conditions listed below.
- 8.5 That no objection be raised to the stopping up of a section of Smallbrook Queensway as detailed within this application and that the Department for Transport (DFT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990

-
- 1 Prevents demolition prior to a redevelopment contract being entered into
 - 2 Requires the prior submission of photographic recording of the existing building
 - 3 Requires the prior submission of a construction method statement/management plan
 - 4 Requires the prior submission of a construction ecological mitigation plan
 - 5 Requires the prior submission of details of bird/bat boxes
 - 6 Requires the prior submission of investigation for archaeological observation and recording
 - 7 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 8 Requires the prior submission of a contamination remediation scheme:
 - 9 Requires the prior submission of a contaminated land verification report:
 - 10 Requires the implementation of the submitted noise and air quality reports and the prior approval of mechanical extraction details
 - 11 Requires the prior submission of sample materials
 - 12 Requires the prior submission of rooftop railing details
 - 13 Requires the prior submission of shop front design details
 - 14 Requires the prior submission of details of green/brown roofs:
 - 15 Requires the implementation of tree protection
 - 16 Requires the prior submission of a residential travel plan
 - 17 Requires the prior submission of details of refuse storage
 - 18 Requires details of temporary making good following the demolition of SBQ2
 - 19 Requires the prior submission of a lighting scheme
 - 20 Requires the prior submission of a drainage scheme
 - 21 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 22 Requires the prior submission of a CCTV scheme
 - 23 Requires the provision of cycle parking prior to occupation
 - 24 Requires the prior submission of extraction and odour control details
 - 25 Requires the prior submission and completion of works for the S278/TRO Agreement
-

-
- 26 Requires the prior submission of a parking management strategy
 - 27 Arboricultural Method Statement and Tree Protection Plan - Implementation:
 - 28 Requires a minimum of 4 no. electric vehicle charging points
 - 29 Prevents the use from changing within the use class
 - 30 Removes PD rights for telecom equipment
 - 31 No obstruction, displays or signage fitted to shop front.
 - 32 Requires the noise attenuation measures between the residential and commercial parts of the building to be provided
 - 33 Requires the parking area to be laid out prior to use
 - 34 Limits the noise levels for Plant and Machinery
 - 35 Requires the scheme to be in accordance with the listed approved plans
 - 36 Requires the scheme to be in accordance with the listed approved plans
 - 37 Requires the scheme to be in accordance with the listed approved plans
 - 38 Limits the approval to 3 years (Full)
-

Case Officer: Nicholas Jackson

Photo(s)



Figure 1 – View from Holloway Circus

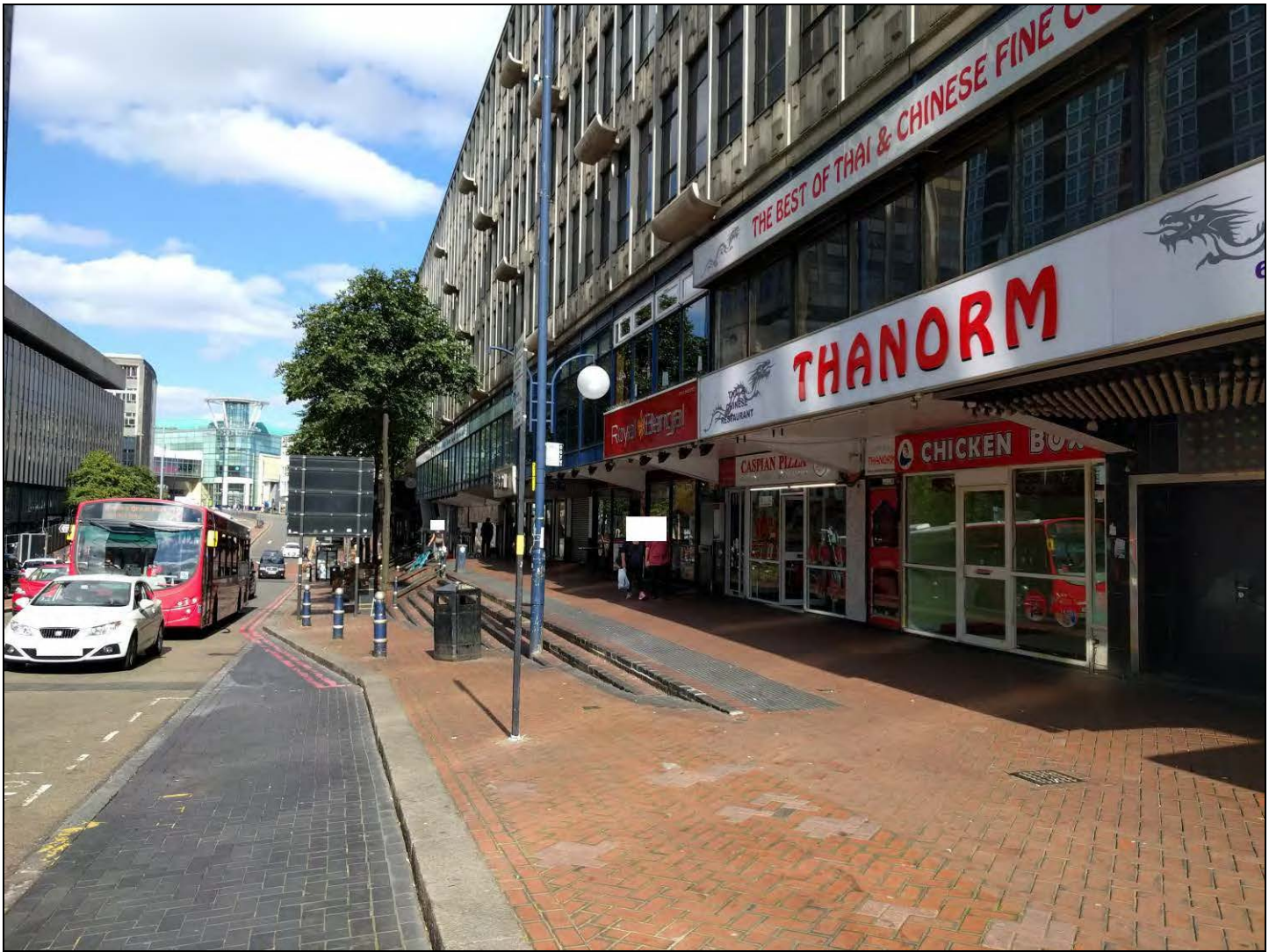


Figure 2 – Smallbrook Queensway frontage



Figure 3 – View of proposed tower location from Hurst Street



Figure 4 – View along Hurst Street towards Hill Street (including SBQ2 over-bridge)

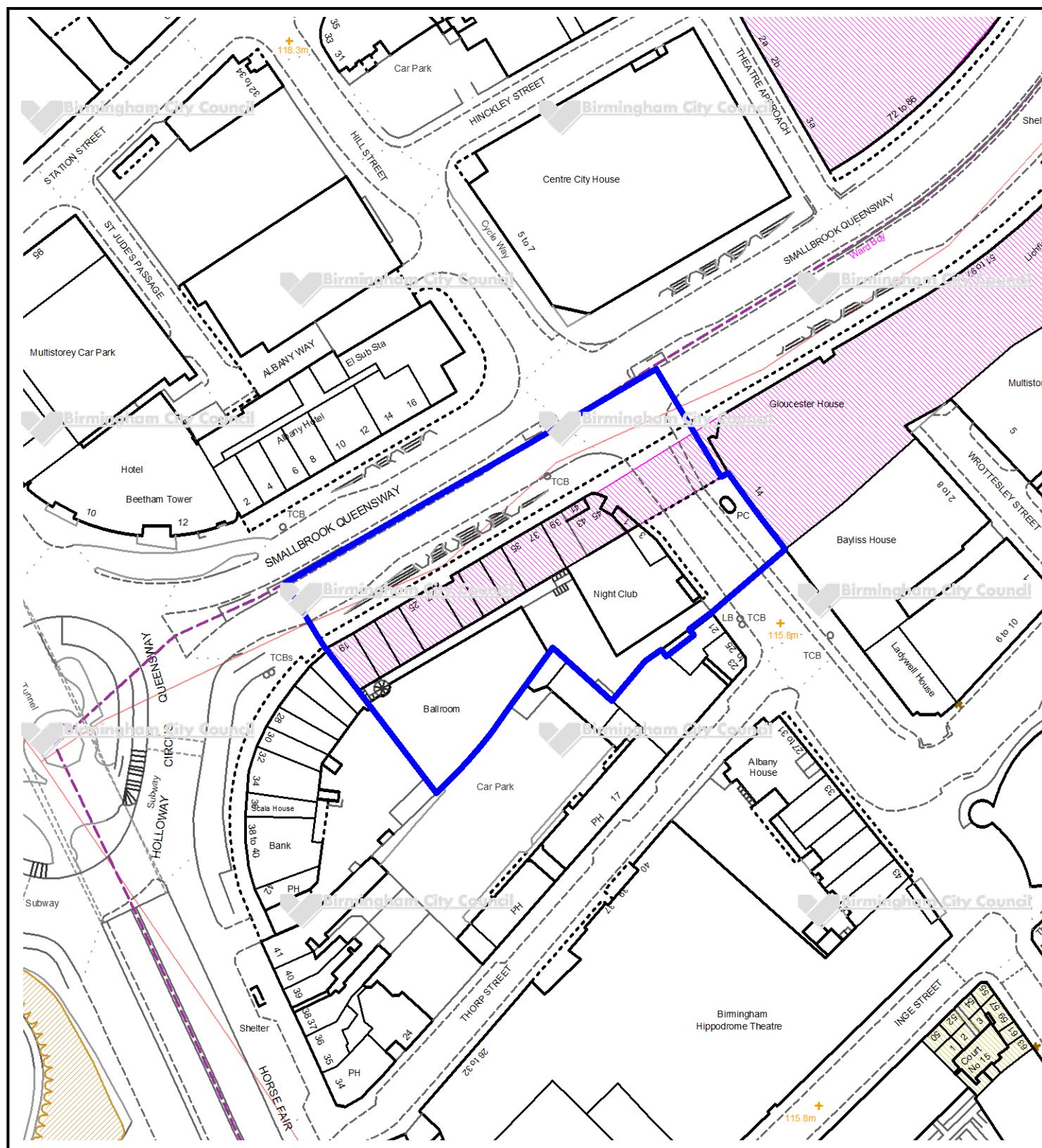


Figure 5 – Wider view from rear



Figure 6 – View from Hill Street entrance to Gateway

Location Plan



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Committee Date:	19/01/2017	Application Number:	2016/06618/PA
Accepted:	04/08/2016	Application Type:	Full Planning
Target Date:	28/02/2017		
Ward:	Ladywood		

SBQ 3 & 4 and SBQ 2, Smallbrook Queensway, City Centre, Birmingham, B5 4HP

Demolition of building SBQ2; and recladding, refurbishment and extension of building SBQ3&4 to include an increase in height by two storeys, rooftop plant enclosures and rear extension at first floor level. Development to provide Class B1(a) offices on the upper floors, with ground floor entrances; retail/leisure (A1-A5) uses on parts of the ground floor, mezzanine and basement levels; basement car park; and retention of existing nightclub (Sui Generis).

Applicant: CEG
c/o Agent
Agent: Nexus Planning
Suite A, 3 Weybridge Business Park, Addlestone Road, Weybridge, Surrey, KT15 2BW

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This application proposes substantial demolition and refurbishment works to part of the Smallbrook Queensway (the Ringway Centre) building currently known as SBQ2, 3 and 4.

Demolition

- 1.2. SBQ2 comprises of a bridge link above Hurst Street connecting the application buildings to the remainder of the Ringway Centre (SBQ1). This link of office accommodation would be totally removed, including the supporting pillars situated within the pavement of Hurst Street. An accompanying application elsewhere on your committee's agenda for the total redevelopment of SBQ1 overlaps with this application in that it also proposes the demolition of the majority of SBQ2.
- 1.3. The remainder of this existing office complex with retail/commercial uses at ground floor would be stripped back to its supporting concrete frame with basement levels beneath. Detailed demolition plans accompany this submission.

Overview of the Proposed Replacement Development

- 1.4. The proposals would see the existing building totally remodelled with only the concrete frame and the wider building footprint remaining of the existing SBQ 3 & 4 building. The application scheme shows the building having an entirely new largely

glazed façade installed with a feature entrance portal signifying the office entrance in the centre of the structure. In addition a two storey rooftop extension would provide additional accommodation above the existing structure. At first floor level there would be an extension to the rear to provide additional office accommodation. There would also be new rooftop plant equipment.

- 1.5. At ground floor level the shop fronts would be replaced with a consistent approach, including a coordinated approach to signage.
- 1.6. The hard landscaping around the building on Smallbrook Queensway and Hurst Street would be upgraded.
- 1.7. Overall the proposed development would provide 13,900 sq.m of B1(a) office space, 1,740 sq.m retail (A1-A5) and 1,820 sq.m nightclub use (the retained unit occupied by 'Snobs'). In addition there would be 90 parking spaces, 164 cycle parking space and internal services and plant totalling 5,560 sq.m (all areas are GIA).

Detailed Proposals

- 1.8. The key Smallbrook Queensway frontage would be totally transformed into a glass frontage with limestone veneered rain-screen cladding in pale cream stone with deep reveals arranged in bands demarking each floor.
- 1.9. Bronze fins form part of the façade system between each window pane. The lower part of the glazed areas would have a translucent panel to hide the area beneath the desks.
- 1.10. The gable ends of the building would be opened up with new feature glazing providing activity on these prominent ends, surrounded by the stone cladding.
- 1.11. At street level a harmonised approach to shop fronts would be implemented with a single design of bronze metal framed frontages with large glazed display windows, granite stall risers and a clear signage zone. The shopfronts would be brought slightly forward towards the road.
- 1.12. The office entrance would be marked by a large bronze aluminium clad portal structure with large bronze (metallic) fins. The reception areas for each floor will be aligned with this feature. Feature lighting would be provided around this portal, including spot lights up-lighting the large fins.
- 1.13. Above the principal building there would be a new two storey roof top extension increasing the height of the building by around 5.3m. This is designed as a glass box with projecting fins (various shades of bronze). The fifth floor would be recessed (by 300mm on the rear and front elevations and a more significant recess at the building's gable ends) with the floor above a double height level cantilevered structure designed to provide interest without disrupting the horizontal form of the wider building's composition. The soffit above the recess would contain feature lighting to pick out and enhance the projection of this top floor. Fritted glazing would be utilised to hide the lower zone underneath desks and junctions with floor levels.
- 1.14. The rear extension would have frontages to Dudley Street, Hurst Street and Wrottesley Street. Dudley Street would see the former petrol filling station remodelled to form a retail unit, with a further retail unit and a floor of office above (the additional floor). This elevation would comprise of dark granite tiling with bronze framed windows in addition to the remodelled gable and rooftop extension. The

external spiral staircases at both ends of the building would be retained above the extension.

- 1.15. On Hurst Street the rear extension would add an additional floor of office accommodation matching the height of the casino next door. The unit occupied by Santorini Bar and Grill would be incorporated into the overall design with dark granite tiling and bronze framed glazing. The retained unit occupied by Snobs would be amended to match the wider redevelopment proposals.
- 1.16. The height of the part of the building fronting Wrottesley Street would increase by one floor and the elevation would be remodelled to introduce an active (office) frontage at the upper three levels. The car park/servicing access would be improved with new security shutters. This elevation would be finished in dark grey render with bronze framed windows, with some of the glazing incorporating the pattern of the existing spandrel panels.
- 1.17. The circulation core and main plant zone would be situated to the rear of the main reception with cream and bronze aluminium cladding proposed. At roof level the screen enclosure to the external plant would comprise of expanded metal with bronze fins to tie in with the wider facades.
- 1.18. Should the development of this application and the other application elsewhere on your agenda not take place concurrently the supporting plans and statements acknowledge that a temporary repair of the SBQ 1 elevation on Hurst Street will be necessary. A rendered gable is proposed here on a temporary basis.

Public Realm

- 1.19. The proposals include the comprehensive refurbishment of the surrounding public realm. Whilst the existing split-level arrangement at the development's western end cannot be rationalised due to the retention of the basement levels the scheme would see the replacement of surfacing materials with light grey granite paving on Smallbrook Queensway to match the New Street Station scheme. This would complement and adjoin the wider Ladywell Walk proposals currently in development by the city.
- 1.20. One of the frontage trees on Smallbrook Queensway would be removed due to a conflict with the remodelled entrance, and three new trees are proposed on Hurst Street (net gain of two trees). In addition planting beds are proposed around the retained trees.
- 1.21. This application is accompanied by detailed plans; a Planning Statement (incorporating a Statement of Community Involvement); Design and Access Statement; Air Quality Assessment; Arboricultural Report; Noise Assessment; Heritage, Townscape/Visual Assessment; Socioeconomic Impact Assessment; Transport Statement; Interim Travel Plan; Archaeological Desk-based Assessment; Drainage and Flood Risk Assessment; Contamination Study; Phase 1 Habitat Study; Lighting Impact Assessment; Waste Management Strategy; Wind Assessment; and Daylight and Sunlight Assessment.
- 1.22. The application proposals have been screened at pre-application stage where it was concluded that the development would not be EIA development requiring the provision of an Environmental Statement.
- 1.23. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application building comprises a substantial part of the Ringway Centre complex that is situated between Holloway Circus and Dudley Street, spanning over Hurst Street. The part of the building affected by these proposals comprises of the bridge link over Hurst Street (SBQ2) and the building between Hurst Street and Dudley Street (SBQ3 and 4). The application buildings are approximately 170m long, with the whole Ringway Centre stretching to around 240m in its entirety including SBQ1.
- 2.2. The building consists of three basement levels providing parking, retail and nightclub accommodation; at ground and mezzanine level there are retail and nightclub uses with four floors of office accommodation above (which continue into SBQ2 above Hurst Street). A proportion of the office space currently lies vacant.
- 2.3. The facades of this concrete framed building incorporate decorative concrete panels, large metal framed glazed windows and projecting concrete uplighters positioned across the frontage. Unlike the upper levels, at street level there is little harmony to the treatment of shop fronts, with varying designs evidenced along the building's frontage with Smallbrook Queensway. A former petrol filling station is set back from the road at the lower level fronting Dudley Street, this is currently occupied by a locksmith.
- 2.4. Vehicular access is afforded off both Dudley and Wrotesley Streets.
- 2.5. The whole of the Ringway Centre is Locally Listed Grade B and the site benefits from a Certificate of Immunity from Listing.
- 2.6. The wider area accommodates a range of uses with the Ringway Centre situated at the junction with one of the city's key night time economies centring on the Hippodrome / the Arcadian. Beetham Tower a residential / hotel building, at 39 storeys being the tallest occupied building in the city is situated on Holloway Circus. The Holiday Inn also provides hotel accommodation on the northern side of the Queensway between Beetham Tower and Hill Street, with retail units at ground floor. Centre City, a tower with a lower level podium marks the opposite corner of Hill Street with ground floor retail with offices above (the Grade B Locally Listed Norfolk House) forming the remainder of this northern edge to the Queensway.
- 2.7. The Bullring Shopping Centre is situated to the east beyond Dudley Street, with a cylindrical tower providing pedestrian access to the lower street level of Dudley Street. In addition to being situated at a lower level the areas to the rear of the site have a different character. A multi-storey car park and route towards the markets (Edgbaston Street) are relatively modern developments to the east. Birmingham's China Town is situated to the south with a vibrant mix of restaurants, entertainment venues including a casino fronting Hurst Street and a multi-storey car park all back onto the site. The Arcadian with its mix of lively entertainment venues, a hotel and serviced apartments are situated beyond. In addition to ground floor retail, food and entertainment uses Albany House (to the south) is a large office development that has been recently refurbished. The Hippodrome theatre is situated beyond Albany House fronting a small pedestrianized section of Hurst Street.

2.8. Site Location

3. Planning History

- 3.1. Various applications relating to alterations and changes of use within the building, none of which are directly relevant to this application.
- 3.2. 2016/06617/PA – Current Application on this agenda - Demolition of existing buildings SBQ1 and SBQ2; construction of part 9 part 26 storey building, plus rooftop enclosures and basement level; containing 309 residential units on the upper floors with ground floor entrances, retail/leisure uses on ground floor, and basement car parking.
- 3.3. 09.08.2016 – Certificate of Immunity from Listing granted (valid for five years).
- 3.4. 13.10.2016 – Issues Report covering both of the two current applications presented to Planning Committee.
4. Consultation/PP Responses
 - 4.1. Prior to the application's submission the applicant has carried out a programme of pre-application consultation and engagement with the local community which took the form of a public exhibition and meetings with key stakeholders. The feedback from the exhibition is included with the Planning Statement. This shows that of the 18 responses received overall 10 supported the proposals, 7 did not support and 1 was unsure of their position regarding the development.

Design Council Review

- 4.2. The application was the subject of a full review by the national Design Council at pre-application stage. Feedback following this assessment process included:
 - The removal of the SBQ2 bridge over Hurst Street is a positive move.
 - The entrance for SBQ 3&4 and the junction into Hurst Street should be further emphasised.
 - Works to the public realm have the potential to create a pleasant pedestrian experience, with the challenge of creating vibrancy at ground floor level important, particularly at night-time.
 - The design of the rooftop extension required further resolution as this offers an opportunity to develop something special.
 - The recladding proposal was not convincing and the frame around the entrance feels too large and a departure from the strong horizontal emphasis of the existing building.
 - Suggested finding a way to retain the historical character of Smallbrook Queensway, which expresses Birmingham's car manufacturing past and technological progress by articulating the façade around some of the details of the existing building.

Conservation Heritage Panel

- 4.3. The panel expressed a variety of opinions regarding the merits of the proposal. Some panel members expressed significant reservations over the extension / refurbishment or loss of the existing building, citing its historic significance as an

early reminder of the Inner Ring Road and a realisation of the urban boulevard concept. Concern by some members was expressed regarding the loss of the SBQ2 bridge, which they considered has townscape and public realm benefits. The panel challenged the applicant to consider instead other development options, to seek to retain the existing buildings, including detailed elements such as columns, access arrangements and materials, but acknowledged that viability will always be a key consideration. The panel considers that due to the level of demolition of post-war architecture, the importance of the remaining buildings is increased. An opposite opinion was expressed, acknowledging that the existing building looks tired and, accepting the reported viability position, considered the proposed scheme an improvement.

Twentieth Century Society

- 4.4. Object to the application. Consider that the proposals would constitute the total loss of a non-designated heritage asset. Consider that there is potential for sensitive refurbishment and that interventions could be made to successfully regenerate the existing building without the need for such radical redevelopment. Consider that the proposals would result in the loss of local distinctiveness and heritage, an important part of post-war planning history, and the symbolic loss of the city wall and gateway which SBQ evoked. The group interest SBQ has with its contemporary Norfolk House (Grade B, locally listed) that stands opposite, as well as Robert's Grade II listed Rotunda building which SBQ leads towards as it bends along Queensway would also be lost.
- 4.5. The society concludes that the current application does not seek to sustain the significance of this non-designated heritage asset, and that the proposed replacement will result in the loss of local character and distinctiveness. In line with the guidance of the NPPF the Society wishes to object to the application, and urges that permission is refused.

Birmingham Civic Society

- 4.6. Object to the application. Consider that the schemes result in the demolition and significant alteration of a building that is locally listed and is a good example of post war architecture within the city. They cite the connection with James Roberts and question why a rotunda style conversion could not be realised. Do not consider the level of demolition to be justified. Consider that the application does not provide sufficient details of the options explored. Consider that the buildings do need to be refurbished and welcome this aspect of the proposals, and accept that some alteration and extensions may be needed, however consider the scheme goes too far to the detriment of the character of the existing building. Raise no objection to the proposed uses. Raise concerns over the number of proposals in the city that involve significant alteration or total loss of its post war built heritage and recommends that the city carries out/commissions a study of Birmingham's buildings from this period in order to safeguard those that are of local and national importance.
- 4.7. Transportation Development – Raise no objection subject to conditions. Note that the proposals would need to be coordinated with the City's proposals for changes to Ladywell Walk. Notes that a S247 Stopping Up resolution is required for those areas of the footway where the retail frontages are being brought forwards.
- 4.8. Have considered the supporting Transport Statement and concludes that the parking and cycle storage provision proposed is suitable given the site's location.

- 4.9. Conditions recommended would require the prior approval of an appropriate S278 agreement for the highway works; provision of cycle storage details; that the parking areas are laid out prior to the first use of the proposed development; provision of a Parking Management Strategy; Provision of a Commercial Travel Plan; and the provision of a Demolition and Construction Management Plan.
- 4.10. Regulatory Services – Raises no objection subject to conditions limiting the noise levels for plant and machinery; restricting the hours of operation to 08:00 – 23:00 with deliveries 07:00 to 19:00 Monday to Saturday and 10:00 to 16:00 Sundays; further monitoring for contamination, provision of electric vehicle charging facilities and provision of adequate refuse storage.
- 4.11. BCC Drainage Team – Raise no objection subject to a condition requiring the prior submission of a drainage scheme
- 4.12. Leisure Services – No objection
- 4.13. Natural England – No objection
- 4.14. Environment Agency – No objection subject to a condition requiring a further site investigation and, where necessary, site remediation.
- 4.15. West Midlands Fire Service – No objection
- 4.16. West Midlands Police – Considers that the car and cycle parking provision is adequate. Recommends affiliation to the Secured by Design scheme. Recommend that lighting and CCTV details are provided. Provide specific advice regarding security standards and glazing standards.
- 4.17. Network Rail – Have no comments to make on the application
- 4.18. Severn Trent Water – No objection subject to a condition requiring prior approval of foul and surface water drainage details.
- 4.19. National Grid – Note that some of their apparatus may be affected by the development and that the contractor should contact them before works commence.
- 4.20. Site and Press Notices posted and Residents' Associations; Ward Members; the MP and local occupiers consulted with the following representations received.
- 4.21. 1 letter of objection with the following comments received:
- Object to the loss of the existing concrete façade and uplighters which are in good physical condition and capable of retention.
 - Object to the additional floors
 - Considers the justification for the loss of the existing locally listed building inadequate
- 4.22. 2 letters of support with the following comments received:
- Will turn an existing eye sore into a modern and vibrant, welcoming site for this side of Birmingham
 - The fast food takeaways that generate noise until 3am will be removed

- A letter of support from a local resident has been received. The residents considers the existing building as outdated and oppressive negatively affecting the economy and is perceived as a hot spot for crime. Supports the loss of the bridge over Hurst Street which blocks views. Considers that the proposals, in combination with the city's public realm works, would spur further investment on the edge of the City Centre. Also cites the jobs created by the development.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005 (Saved Policies); Birmingham Development Plan (BDP) 2017; Places for All SPG; Regeneration Through Conservation SPG; Car Parking Guidelines SPD; and the National Planning Policy Framework 2012. Also the non-statutory Big City Plan and the Smithfield Masterplan. The application building is Locally Listed Grade B.

6. Planning Considerations

POLICY

Local

- 6.1. The application site is in close proximity to the area of transformation covered by the recent Smithfield Masterplan. This document proposes the comprehensive redevelopment of 14ha of land within the city centre including the sites of the Wholesale Markets and the Indoor Markets together with neighbouring development blocks. The masterplan proposes the demolition of the majority of the existing buildings within the boundary and their replacement with a mixed use development including leisure, retail and residential elements served by an integrated public realm and public transport provision. SBQ is situated on the opposite side of Dudley Street to the west of the masterplan area and would not be directly impacted upon, although the fundamental change to the character of this large part of the city centre will have a longer term impact.
- 6.2. The Birmingham Development Plan sets out the aspirations of the City, including the Big City Plan relating to the City Centre. The non statutory Big City Plan identifies Hurst Street as a primary walking route within the City Centre. The BDP sets out the ambitious growth of the City Centre and identifies five strategic allocations for the centre, including the Southern Gateway which is situated to the east of the site, with the Smithfield Masterplan acting as a centerpiece. The plan states that new investment in office, retail, cultural and residential provision will be supported. The wider proposals for SBQ1-4 would fully accord with those policies.
- 6.3. The saved policy 3.14 of the Birmingham UDP provides specific guidance in relation to how to achieve good urban design.

National

- 6.4. Sustainable Development is at the heart of the National Planning Policy Framework (NPPF), which establishes a presumption in favour of such development. Development is required to address the three key aspects of sustainability (economic, social and environmental) in order to constitute sustainable development. The NPPF breaks development down to key themes and provides guidance on each, with those key to this application explored in more detail below.

- 6.5. In particular, Policy 128 of the NPPF requires the significance of a heritage asset to be described and any impact upon that significance should be assessed. At 135 the NPPF requires that a balanced judgement weighing the harm caused to the significance of the asset against the benefits of the development. 136 adds that Local Planning Authorities should not permit the loss of an asset without taking all reasonable steps to ensure the new development will proceed after the loss as occurred.
- 6.6. Chapter 2 seeks to reinforce the vitality of town centres and Chapter 7 highlights that good design is at the heart of sustainable development and is indivisible from good planning.
- 6.7. Key issues for consideration are therefore the principle of the development, heritage implications, design, highway impact, sustainability, viability/S106 issues.

PRINCIPLE

- 6.8. The proposed development is consistent with the broad policy context outlined above. The scheme would deliver high quality office and retail accommodation in a sustainable city centre location. My Strategic Planning Officer raises no objections. The proposal would see an overall reduction in the level of retail and therefore the proposed retail element to the street frontage would not prejudice the function of the City Centre's primary retail areas. Therefore, subject to more detailed considerations explored below, I raise no objection to the principle of the proposals.

HERITAGE IMPLICATIONS

Background

- 6.9. Prior to the submission of the application the applicant applied to Historic England for a Certificate of Immunity from listing the building. The process is the same as if the applicant had applied for the building to be listed, with the same detailed historic analysis of the building's architectural and cultural value explored. Historic England concluded that whilst the building is of local interest it did not meet the criteria for listing. The Department for Culture, Media and Sport concurred with this recommendation and a certificate preventing the building being listed for a period of 5 years has been issued.
- 6.10. The decisive factors preventing the building from being listed were the lack of architectural quality and the degree of alteration. The designation decision acknowledged the presence of the building in the cityscape of central Birmingham which is dependent upon its outline and relationship to the road and other surrounding buildings. The degree of architectural quality required of a building of this type and date to be listed is considerable and the detailing of the building is repetitious and, in some instances, is poorly realised. The report added that although the upper floors of the exterior maintain much of their original appearance, the street frontages of a large number of the shops have been altered, as have their interiors. The exterior and interior of the former dance hall have also been altered, as have the reception areas and interiors of the office floors. Therefore whilst the building has undoubted local presence the building lacks the consistently high degree of architectural interest necessary for listing and on balance should not be listed.
- 6.11. The building is designated as a locally listed building at Grade B which acknowledges the contribution that the building makes to the city wide architectural

context and the impact on the local street scene and warrants positive efforts to ensure its preservation.

- 6.12. The conclusion of the above is that the existing building is a non-designated heritage asset and its historic significance has been thoroughly assessed very recently. In such instances the National Planning Policy Framework requires that firstly the significance of the heritage asset be described and that where there is harm to that significance a balanced judgement taking into account the benefits of the development must be made.

Significance

- 6.13. On the issue of significance, the applicant's supporting report concludes that the site is not within a conservation area and does not include any statutory listed buildings; there is no impact on nearby designated heritage assets (due to their distance from the site); that whilst the architect for SBQ was the same as the Grade II Rotunda it was an entirely separate commission and the architect's original concept was diluted in execution. The report acknowledges that the site has local significance derived from its association with the development of the inner ring road and architectural value derived from the curved form that follows the sweep of the road. It also acknowledges the group value with the locally listed Norfolk House on the opposite side of the Queensway (also locally listed).
- 6.14. Whilst the applicant's supporting statement and the DCMS designation report provide greater detail, I consider that the main significance of this heritage asset lies in i) the fact that it was conceived as the first part of a large-scale commercial development which would border the city's new inner ring road scheme ii) its monumentality / scale, iii) the insistent rhythm of the façade, iv) its broad sweeping nature at the eastern end; and v) limited details such as the cantilevered/elliptical stairs (internal and external), concrete panelling, uplighters and a small element of surviving shop frontages.

Impact

- 6.15. The impact of the proposals upon the significance of this non-designated heritage asset would amount to 'substantial harm' in NPPF terms given that all but the supporting concrete structure and broad sweeping form at one end would be retained. In accordance with the NPPF the benefits of the proposal must therefore be considered, and a judgement of whether, on balance, they justify the level of harm.
- 6.16. My Conservation Officer concludes that in the event of approval be recommended a suitable level of building recording is secured by condition together with an Archaeological Watching Brief for the SBQ 1 proposals.

Planning Balance / Public Benefit

- 6.17. The supporting Planning Statement identifies the benefits of the scheme as i) job creation (around 644 office jobs and 163 construction jobs) together with the further multiplier effect on jobs in the wider economy; ii) the generation of circa £8.1m GVA for the local economy during construction and £26.6m per annum once occupied; iii) an improved physical environment (townscape and appearance of the area); iv) development in a sustainable location; v) improved legibility following the removal of SBQ2; vi) greater density of development; vii) decontamination of previously developed land; and viii) on-site biodiversity enhancements.

- 6.18. Further, the weaknesses of the existing buildings are highlighted which include the out of date office accommodation that cannot compete in the open market; ongoing rent and investment cannot sustain the maintenance of the deteriorating structure; structural constraints inhibiting refurbishment potential, poor circulation; poor lift provision; inefficient floor layouts; poor thermal performance; and poor environment beneath SBQ2.
- 6.19. Due to the constraints of the existing building associated with providing modern competitive office accommodation, the building is currently tired and in need of significance investment to remain an ongoing commercial proposition. The impact of this vacancy and condition of the building is, in my view, amplified by the cliff-like impact of the building which was part of the original design intent. If it were financially viable to significantly refurbish the building to meet modern standards a number of the benefits of the proposal would not be realised, such as the public realm around the building and opening up a view along Hurst Street – a connection which the Smithfield Masterplan underlines will get more important in the future. The Twentieth Century Society's comments are noted (they consider the bridge highly important in its contribution to legibility, framing pedestrian views, orientating movement and channelling traffic under its span). However, whilst the bridge link does have a contribution to the significance of this asset, I consider the environmental benefits associated with its removal a significant benefit.
- 6.20. My Conservation Officer considers the applicant's assessment of the significance and impact of the proposals to be comprehensive and balanced. He adds that it is regrettable that the proposals will not see the retention of more historic fabric but adds that however the applicant has put forward arguments as to the public benefit of the proposals and justifications as to why retention and adaptation is not viable. He acknowledges that the proposal will see the retention of the curved form of SBQ 3 and 4 and this, along with the other benefits/justifications need to be considered when arriving at the planning balance when taking into account the level of harm caused by the proposals.
- 6.21. The economic impacts of the development (both temporary during construction and ongoing) are acknowledged, however I attach more weight to the improved public environment around the development. The primary impact of the proposals, in my view, will be to provide a modern and elegant building that would bring the high quality environment delivered around the new Gateway (New Street Station) development towards Southside complementing the future Smithfield Masterplan development. I do not consider that the existing building, considering the viability issues (discussed in more detail below) could deliver the transformational impact that the redevelopment proposals show.
- 6.22. In addition, I consider that at least some of the essence (and therefore distinctiveness) of the existing building is carried through into the redevelopment proposals for SBQ3&4 by virtue of the retention of the sweeping form at the eastern end of the scheme and the reflection of the patterning in the existing concrete panelling used in the proposed glazing.
- 6.23. I therefore conclude that, on balance, the benefits of the proposals do justify the harm to this non-designated heritage asset and raise no heritage-based objections. It should be noted that the building has no statutory protection from demolition.

Conservation Heritage Panel

- 6.24. The panel expressed a variety of views; however the majority of the panel felt that further work was required to justify the level of demolition proposed, and the Panel felt that every effort to retain a greater proportion of the existing façade should be made.
- 6.25. Financial viability considerations would be fundamental to the ability to refurbish the existing building without substantial alteration. The returns associated with the end product must outweigh the costs of delivering those changes. In order to deliver office accommodation that is competitive the building requires extensive thermal and acoustic upgrades and the building entrances need to be more generous and legible. These would necessitate a degree of physical change including the need to remove and reinstate the concrete panels and windows during any remodelling works. Compromises would remain including the low ceiling heights.
- 6.26. I therefore accept that the financial viability of neither a 'refurbishment' scheme nor the status quo is a viable option. As concluded above, I am satisfied that the level of harm to this heritage asset is justified and that the proposed development retains some of the essence of the existing building through retaining the sweeping form and the pattern in the glazing.
- 6.27. The supporting Archaeological Desk-Based Assessment concludes that the proposed development would be contained within the existing building's footprint with very limited further excavation required. Therefore there would be no impact upon the survival of below ground archaeology, should it survive in-situ.

DESIGN

- 6.28. The application proposals are the result of a significant level of pre-application discussions which has included a CABA Design Council review. In response to the comments made I consider that the 'opening up' of the gable with a large area of glazing is a very positive move and one that would provide interest and address this prominent corner. I concur that the removal of SBQ 2 would be of overall benefit to the appearance and legibility of Hurst Street and would reinforce the planned improvements to the public realm between Southside and New Street Station and improve a key gateway towards the Smithfield Masterplan area. I consider that the office entrance 'portal' is of an appropriate scale and does not disrupt the overall horizontality of the building.
- 6.29. My Officers have worked with the applicant's design team during the evolution of the proposals to ensure that an appropriate design quality is brought forward. The use of a relatively neutral palette of materials (light stone and bronze as the primary colours) works well with the articulation provided by the fins, portal, rooftop extension and harmonised shop front design.
- 6.30. My City Design and Conservation Manager concurs with this conclusion and appropriate safeguarding conditions are recommended including requiring the provision of materials samples, and securing the detailed shop front design.

ROOFTOP EXTENSION

- 6.31. At Issues Report stage some Members challenged the design and form of the proposed rooftop extension. This element of the proposal is would emphasise the horizontality of the building, helping to provide a sense of the impact provided by the existing building. Breaking up this element would be discordant with the design of the wider building.

- 6.32. To provide relief and articulation the fifth floor is recessed with the sixth overhanging. In addition to providing visual interest, this also provides a distinction between the 'existing' fabric and the proposed development. The use and arrangement of fins would also vary on the rooftop extension compared with the wider façade proposals.
- 6.33. I concur with the applicant that the width of Smallbrook Queensway is such that, in scale and massing terms, the proposal would successfully integrate into its environment.
- 6.34. The applicant has also clarified that one of the key principle of the development is to provide sufficient additional floorspace to allow an economically sustainable and deliverable scheme to come forward that offsets the loss of the SBQ 2 bridge link.
- 6.35. I therefore conclude that the proposed design is appropriate and will deliver high quality office development in a sustainable city centre location. The application proposals demonstrate a thorough understanding of the site and its context. The development is therefore considered and represents an appropriate balance between responding to the context and achieving distinctiveness.

AMENITY

- 6.36. The Noise Assessment submitted with this application identifies the new potential sources of noise including the roof top plant and the nearby noise sensitive receptors including residential uses on Horse Fair, Hurst Street, Thorpe Street and the potential occupants of the application submitted on the remainder of the SBQ site elsewhere on your Committee's agenda.
- 6.37. Monitoring of the noise levels took place in six locations across the wider site, including four on the SBQ 2-4 building. Details of the proposed plant are provided and it is concluded that any impact upon noise sensitive uses would be within acceptable limits. I concur with the conclusions of the report and recommend a condition limiting noise levels of any plant or machinery.
- 6.38. The Geo-Environmental Desk Study notes that historically the tanks from the former petrol filling station resulted in pollution of groundwater on and around the site. The tanks have been removed and two phases of groundwater remediation have taken place. The report concludes that further monitoring of the groundwater is necessary and that construction workers should be made aware of the potential for shallow soil contamination and the presence of asbestos. An appropriate condition is recommended.
- 6.39. The Air Quality Assessment concludes that the impact of the development on air quality during both construction/demolition and operational phases would be negligible.
- 6.40. A Wind Assessment accompanies this application. This assesses the impact of the development on pedestrian safety and comfort and concludes that wind levels after the development (including the cumulative impact of both proposed SBQ developments) would be within recommended criteria and no mitigation is required.
- 6.41. The Sunlight and Daylight Assessment demonstrates that the proposed development would not have a significant impact on the daylight or sunlight levels reaching windows of the surrounding properties.

- 6.42. Regulatory Services raise no objection subject to safeguarding conditions.
- 6.43. Whilst I note the suggested restriction of the opening/delivery hours for the retail uses, I consider this unreasonable given the lively night time economy of the area and the unrestricted operation of the existing uses on site.
- 6.44. In the interests of safeguarding air quality and promoting sustainability a condition requiring electric vehicle charging points within the car park is recommended.
- 6.45. Subject to the aforementioned conditions I raise no amenity-based objections.

HIGHWAY IMPACT

- 6.46. The supporting Transport Statement acknowledges that the site is well served by existing public transport. The Statement notes that the Car Parking Guidelines SPD sets a minimum cycle parking provision of 41 spaces and a maximum parking level of 270 based on the quantum of development proposed. The Statement concludes that based upon the site's assessable location the level of parking and cycle storage provision is appropriate. I concur with this conclusion and consider that the on-site provision of 90 parking spaces is an acceptable amount in this location.
- 6.47. In terms of predicted traffic flows, the Statement anticipates a marginal increase of vehicular movements to and from the site during peak hours (compared with the existing permitted uses) and concludes that this would have a negligible impact. This takes into account the proposed development of SBQ 1&2. I am satisfied that there is sufficient highway capacity to accommodate what equates to less than 1 addition vehicle per minute at peak times. The changes to Ladywell Walk, reducing the level of through traffic, are also noted.
- 6.48. The supporting Interim Travel Plan proposes a number of measures including appointing a travel plan co-ordinator, providing a public transport notice board and a travel information pack to occupiers in order to reduce the reliance upon private cars.
- 6.49. Transportation Development raises no objection subject to safeguarding conditions. I concur with this conclusion and appropriate conditions are recommended.

SUSTAINABILITY / SOCIOECONOMIC IMPACT

- 6.50. The supporting Socioeconomic Impact Assessment shows that an above average number of residents in the local area walk to work (27%) or use public transport (17%), with travel by private car or vans (at 21%) much lower than the Birmingham (31%) or West Midlands (41%) levels. The report also notes that the local population is young and growing, although there are issues relating to the local living environment and barriers to housing and services.
- 6.51. The report predicts that a total of 224 temporary construction jobs would be created both directly and indirectly by this £22.6m construction project. In terms of operational impacts, the development could deliver a total of over 1369 jobs. The existing building has an employment capacity of 811 jobs (although the offices are currently only 50% occupied – with 458 jobs currently onsite). Further jobs would be created in the wider economy (anticipated as 357 jobs).

- 6.52. In terms of the wider economic impact, once full occupied the development is anticipated to generate an economic output of circa £19.7m GVA (Gross Value Added) compared with the existing output of around £9.3m.

ARBORICULTURAL IMPACT

- 6.53. One tree on the Smallbrook Queensway frontage is proposed to be removed and three new trees are proposed on the Hurst Street frontage. The tree proposed to be removed is Category C (low quality trees) and conflicts with the new entrance to the proposed building. This Lime tree is of limited amenity value and the remaining 6 would be retained. The additional trees on the Hurst Street frontage are welcomed and justify the loss of the single lime on the frontage.
- 6.54. My Tree Officer raises no objection and recommends that the scheme is implemented in accordance with the submitted Arboricultural Report.

ECOLOGICAL IMPACT

- 6.55. The Extended Phase 1 Habitat Survey that supports this application concludes that the existing site has no potential for roosting bats although there is potential for nesting birds. As such it is recommended that either demolition takes place outside of the nesting season, or that prior to demolition works starting the site is re-surveyed for nesting birds and a buffer installed around any active nests. The report adds that the proposed building could offer bird and bat boxes/bricks to mitigate for the loss of current bird nesting potential and provide potential bat roosting habitat.
- 6.56. The City Ecologist notes that the site's location and the existing building's design limits the potential for birds and bats. However measures will need to be put into place to manage breeding Gulls during the demolition process. Measures to improve the ecological benefit of the proposed residential courtyard (SBQ1 site) also be secured, including native planting and bird and bat boxes. Note that opportunities for native planting are limited for this application given the total site coverage with the proposed building. A Demolition/Construction Management Plan will be required to minimise disruption of roosting bats within buildings in the immediate area. Finally, a green or brown roof is recommended, with an extensive green roofing designed with the Black Redstart in mind would offer considerable benefit to this species.
- 6.57. I concur with these conclusions and appropriate conditions are recommended.

DRAINAGE / FLOODING

- 6.58. The supporting Drainage and Flood Risk Assessment concludes that the drainage strategy is to utilise existing drainage connections for the redeveloped scheme. The report also concludes that the flood risk to the site is generally low except in relation to surface water in one location, the junction of Hurst Street and Smallbrook Queensway. However, there is existing highway drainage in this location and there are no historical surface water flooding events recorded in this area.
- 6.59. Severn Trent and the BCC Lead Local Flood Authority raise no objection subject to a condition requiring the prior approval of drainage details. The Environment Agency raises no objection subject to a condition requiring further site investigations for contamination. I concur with these recommendations and appropriate conditions are recommended.

SECTION 106 / FINANCIAL VIABILITY

6.60. A Financial Appraisal has been submitted in support of the accompanying application, which has been the subject of detailed independent assessment. Following negotiations with officers the following package has been secured for this site:

- £372,000 worth of public realm improvements to the SBQ3/4 Smallbrook Queensway frontage to be implemented prior to the occupation of the development
- Local employment during construction clause

6.61. In combination with the other application elsewhere on this agenda the total value of the works and contribution secured through the S106 agreement would be £1.377m.

6.62. I consider that this package represents the maximum contribution that the scheme can sustain without critically impacting upon the ability of the applicants to deliver the proposals. This is in accordance with the NPPF policy and the National Planning Policy Guidance.

7. Conclusion

7.1. The proposed development offers a high quality office-led scheme within the heart of the city and will assist in the ongoing supply of high quality office accommodation. The provision of retail/commercial uses at ground floor level will help to keep the street animated and the works to the wider public realm are a significant benefit. The scale of change to this non-designated heritage asset is justified by the proposals. I consider that the proposals are consistent with the local plan and constitute sustainable development in NPPF terms. I therefore conclude that this application should be supported subject to appropriate safeguarding conditions and Section 106 Agreement.

8. Recommendation

8.1. Approve application number 2016/06618/PA subject to the conditions listed below and a Section 106 Legal Agreement to secure the following:

- i) Improvements to the public realm along Smallbrook Queensway of a value of no less than £372,000 (index linked to construction costs from the date of this resolution to the date on which payment is made), and/or to be spent on any other public realm improvements in the City Centre that shall be agreed in writing between the Council and the party responsible for paying the sum provided that any alternative spend purpose has been agreed by the Council's Planning Committee. In event that the agreed works cost less than £372,000 the difference will be provided and spent on public realm improvements in the City Centre.
- ii) payment of £14,000 for the supervision of the delivery of the public realm works
- iii) a commitment to local employment and training;
- iv) a financial contribution of £10,000 for the administration and monitoring of this deed to be paid upon completion of the legal agreement.

- 8.2 In the absence of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 28th February 2017, planning permission be refused for the following reasons:-
- i) In the absence of a legal agreement to secure a commitment to local employment / training and public realm the proposal conflicts with Policies 3.14 and 8.50-8.54 of the adopted Unitary Development Plan.
- 8.3 That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under section 106 of the Town and Country Planning Act.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 28th February 2017 favourable consideration be given to this application, subject to the conditions listed below.
- 8.5 That no objection be raised to the stopping up of a section of Smallbrook Queensway as detailed within this application and that the Department for Transport (DFT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990

-
- 1 Requires the prior submission of photographic recording of the existing building
 - 2 Requires the prior submission of a construction method statement/management plan
 - 3 Requires the prior submission of a construction ecological mitigation plan
 - 4 Requires the prior submission of a contamination remediation scheme
 - 5 Requires the prior submission of a contaminated land verification report
 - 6 Requires the prior submission of sample materials
 - 7 Requires the prior submission of rooftop railing details
 - 8 Requires the prior submission of shop front design details
 - 9 Requires the prior submission of details of bird/bat boxes
 - 10 Requires the implementation of tree protection
 - 11 Requires the prior submission of a commercial travel plan:
 - 12 Requires the prior submission of details of refuse storage:
 - 13 Requires the prior submission of a drainage scheme:
 - 14 Requires details of temporary making good following the demolition of SBQ2:
 - 15 Requires the prior submission of a lighting scheme
 - 16 Requires the prior submission of a CCTV scheme
 - 17 Requires the provision of cycle parking prior to occupation
-

-
- | | |
|----|--|
| 18 | Requires the prior submission of extraction and odour control details |
| 19 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 20 | Arboricultural Method Statement and Tree Protection Plan - Implementation |
| 21 | Requires the prior submission of a parking management strategy |
| 22 | Requires a minimum of 3 no. electric vehicle charging points |
| 23 | Prevents the use from changing within the use class: |
| 24 | Requires the parking area to be laid out prior to use |
| 25 | Limits the noise levels for Plant and Machinery |
| 26 | No obstruction, displays or signage fitted to shop front. |
| 27 | Requires the scheme to be in accordance with the listed approved plans |
| 28 | Requires the scheme to be in accordance with the listed approved plans |
| 29 | Requires the scheme to be in accordance with the listed approved plans |
| 30 | Limits the approval to 3 years (Full) |
-

Case Officer: Nicholas Jackson

Photo(s)



Figure 1 – Smallbrook Queensway Frontage

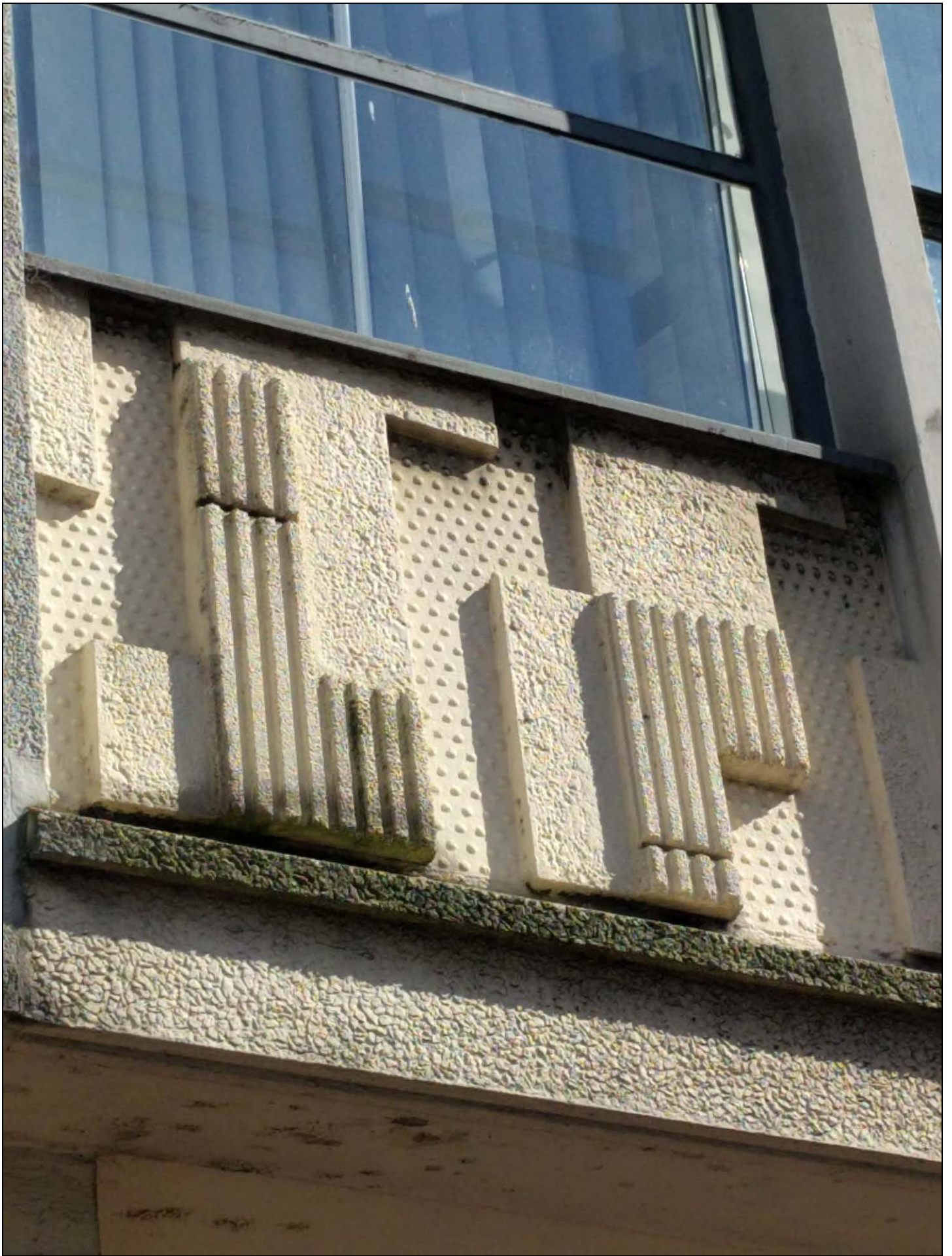


Figure 2 – Decorative Concrete Panels

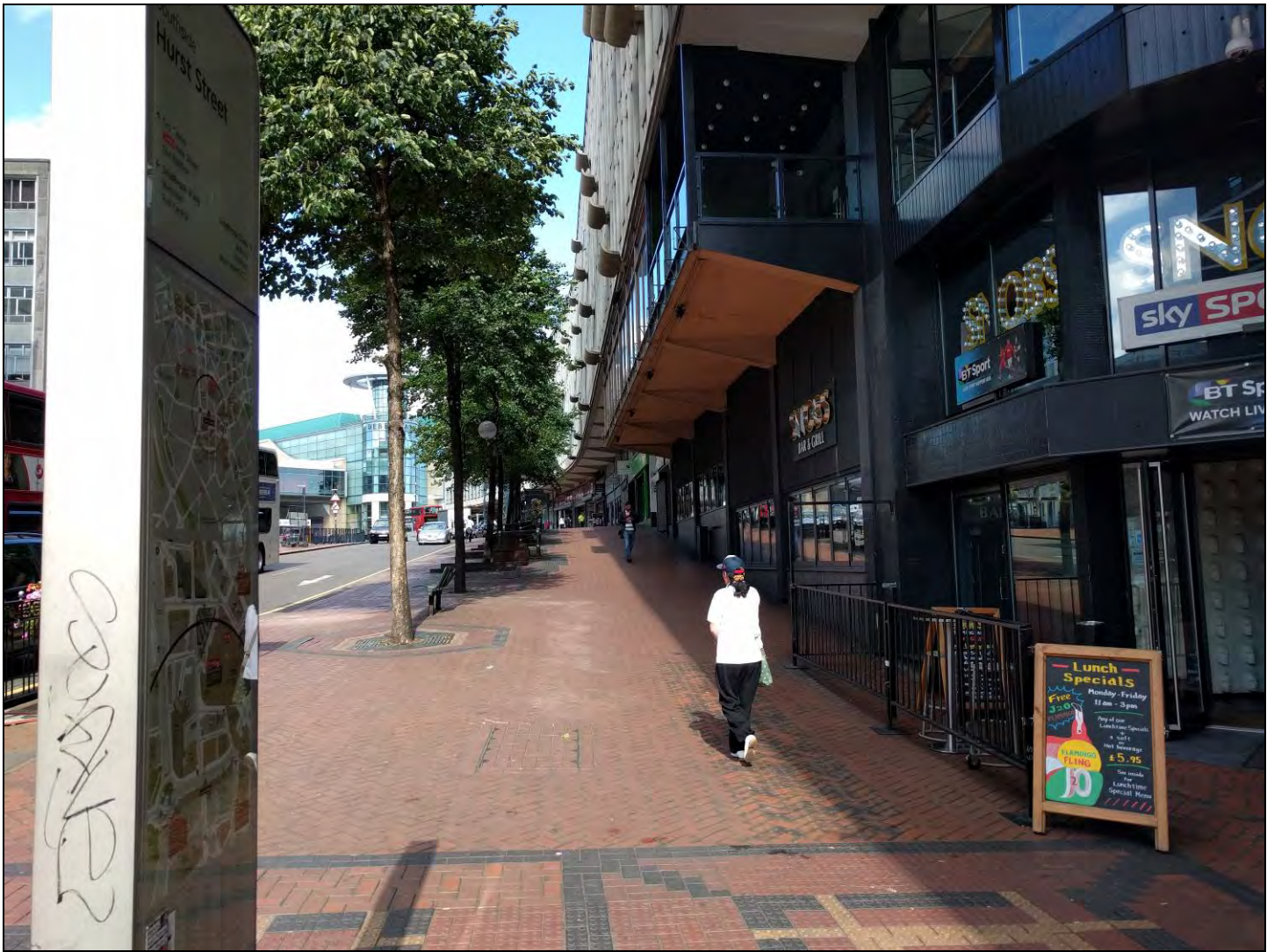


Figure 3 – Smallbrook Queensway Public Realm



Figure 4 – Hurst Street (SBQ2 above)

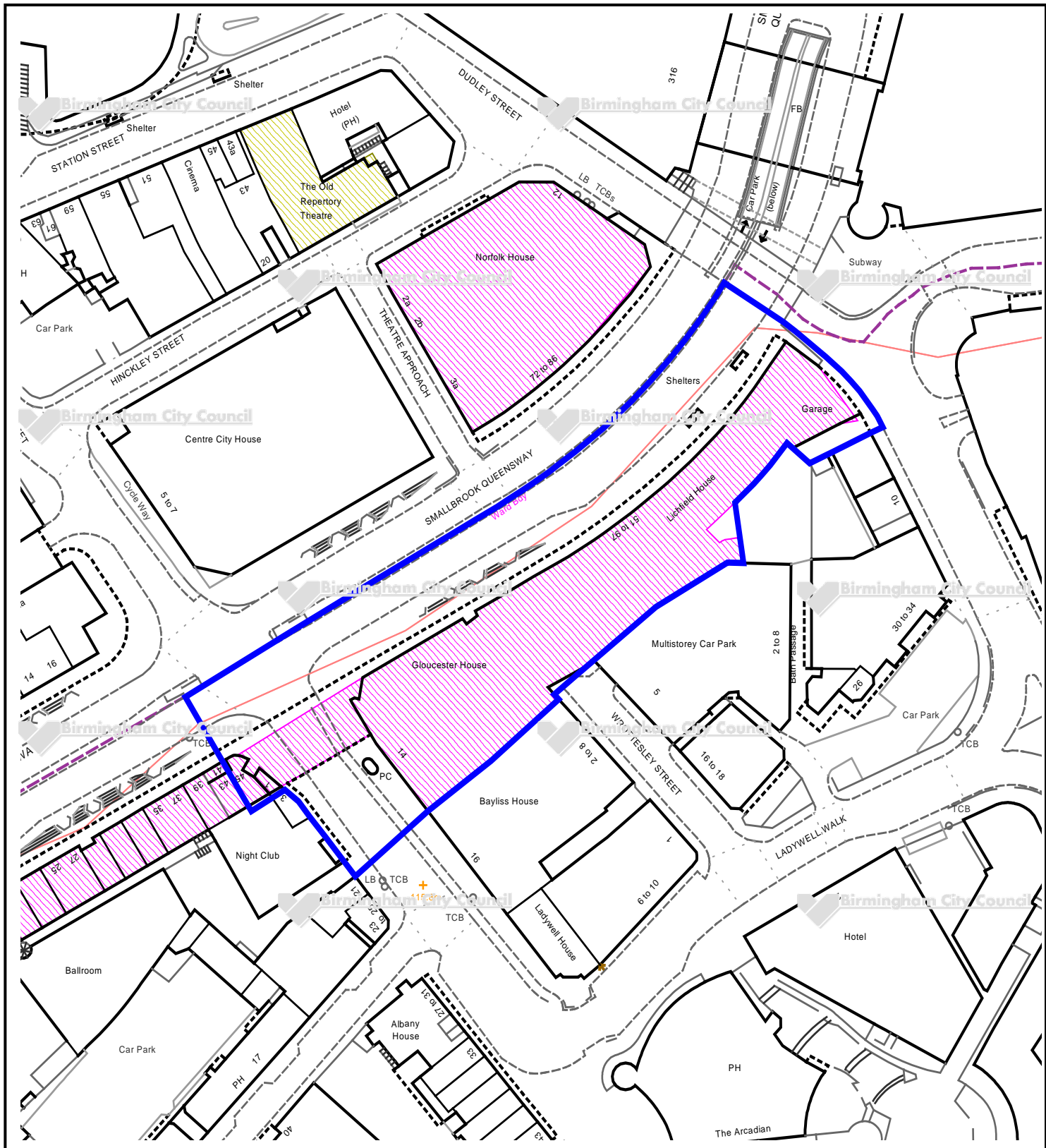


Figure 5 – External Fire Escape



Figure 6 – Rear view with former petrol filling station in the bottom right of the image

Location Plan



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Committee Date:	19/01/2017	Application Number:	2016/07913/PA
Accepted:	20/09/2016	Application Type:	Full Planning
Target Date:	20/01/2017		
Ward:	Ladywood		

41-42 Tenby Street North, Jewellery Quarter, Birmingham, B1 3EG

Demolition of existing building and erection of a 4 no. storey building providing 14 no. apartments, on site parking and associated landscaping.

Applicant:	Amendola Developments Limited
	7 Westhill Close, Selly Oak, Birmingham, B29 6QQ
Agent:	bpdesign
	1 Camel Cottages, Holy Cross Green, Clent, Stourbridge, DY9 0HG

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. [Link to Documents](#)
 - 1.2. Planning consent is sought for the demolition of an existing redundant workshop and the erection of a four storey building for use as 14 apartments with associated on-site parking and landscaping.
 - 1.3. This scheme has been amended since it was originally submitted with revisions to the design of the front elevation. The proposed front elevation now comprises two distinct half's to the building breaking up the visual appearance of the overall frontage. The western side of the building would comprise north lights to the roof, large ground floor windows set back behind a low railing with a vertical emphasis to windows on the upper floors. Diminishing proportions are proposed to windows as they ascend the building. Four rain water hoppers are proposed between sets of windows also creating verticality to the building.
 - 1.4. The eastern side of the building would be constructed with a flat roof and would be marginally higher than the adjoining western half of the building. The proposed window design follows the same concept as the adjoining western half of the building and two sets of rain water hoppers are proposed between window sets. Within this half of the building an under croft car entrance is proposed with a gated access leading to a parking courtyard.
 - 1.5. All proposed front facing windows have been designed with deep recesses and simple framing design.
 - 1.6. The building form is proposed in a U shape. The proposed building would be erected directly at the back of pavement of Tenby Street North with two rear wings built up to the northeast and southwest edges of the site. At ground floor level the rear wings would be narrower than the upper floors allowing for a ground floor parking

courtyard to be created. At first floor level a landscaped deck is proposed between the two rear wings of the building and covering the parking area beneath.

- 1.7. Residential accommodation would be located within the first-third floor of the rear wings of this proposed building and within the entirety of the front facing aspect of the building.
- 1.8. The proposed residential accommodation would comprise a mix of one 1-bedroom duplex apartment (with basement accommodation proposed); six 2-bedroom apartments; five 3-bedroom apartments and two 4-bedroom apartments. Proposed apartments sizes are generous in floor space with the one bedroom unit achieving 105sqm of space, two bedroom apartments ranging from 82-91sqm; three bedroom units ranging from 99.2-170sqm and the four bedroom units achieving 165sqm and 190sqm.
- 1.9. The apartments are proposed as a mix of single floor units and duplex apartments. All proposed apartments would be self-contained with appropriate internal residential amenity provision.
- 1.10. Windows are proposed on the front elevation and then on internal elevations to the proposed courtyard space only.
- 1.11. The two street level fronting apartments would have access directly from the street frontage. All other proposed apartments would be access from stairwells located within the proposed car parking courtyard.
- 1.12. Car parking provision is proposed at 100%. Cycle storage provision is also proposed.
- 1.13. A planted screen is proposed to the north-west facing rear of the building between the application site and the adjoining residential apartment scheme which fronts Warstone Lane. The applicant has suggested this would comprise semi-mature trees.
- 1.14. Supporting documents submitted with this scheme include a Transport Assessment; Sustainable Urban Drainage Assessment; Heritage Statement and Planning Statement.
- 1.15. The site falls within a CIL liable area for residential development.

2. Site & Surroundings

2.1. [Site plan](#)

- 2.2. The site is located within the 'Industrial Fridge' sub section to the Jewellery Quarter Conservation Area. The site comprises an existing industrial workshop building built circa. 1950 with a vacant plot of land to the south west of the existing building. The existing building fronts directly onto Tenby Street North and is 3 storeys in height. There is a land level decline across the site from east to west and from south to north.
- 2.3. Adjoining the site to the southwest is a print works building located at the corner of Tenby Street North and Carver Street. This building is two storeys in height at the corner and single storey facing onto Tenby Street North. This site has previously been subject to a planning approval for a residential scheme (2010/07164/PA),

albeit this consent has now lapsed.

- 2.4. Adjoining the site to the north east is a single storey workshop building facing onto Tenby Street North with a three storey addition towards the rear of this site.
- 2.5. Opposite the site on Tenby Street North and further to the north east of the site are residential apartment blocks.
- 2.6. The rear the site is adjoined on the northwest corner by a recent office development and along the north rear boundary by a recently approved apartment scheme currently under construction (2013/01627/PA).

3. Planning History

Application site

- 3.1. 30/11/2005 - 2005/05542/PA – Erection of 24 flats, 4 commercial (B1) units and undercroft car park and new vehicle access – Approved subject to conditions.
- 3.2. 30/11/2005 - 2005/05541/PA – Demolition of building – Approved subject to conditions.
- 3.3. Application submitted 09/02/2016 but withdrawn prior to determination - 2015/07812/PA - Demolition of existing buildings and erection of new building to provide 10 apartments and 4 town houses with associated car parking and cycle storage.

Planning history relating to adjoining and adjacent sites

92-95 Carver Street

- 3.4. 29/03/2006 - 2005/02049/PA - Erection of a mixed use development of 24 apartments, 2 commercial units (class A1/A2/B1) (shops, financial and professional services, business) access and parking for 20 cars – Approved subject to conditions

92-95 Carver Street

- 3.5. 29/03/2006 - 2005/02085/PA - Demolition of factory building – Approved subject to conditions

92-95 Carver Street

- 3.6. 22/03/2011 - 2010/07162/PA - Application for a new planning permission to replace an extant planning permission, in order to extend the time limit for implementation, for the erection of a mixed use development of 24 apartments, 2 commercial units (class A1/A2/B1)(shops, financial and professional services, business) access and parking for 20 cars - Approved subject to conditions.

92-95 Carver Street

- 3.7. 22/03/2011 - 2010/07164/PA - Application for a new planning permission to replace an extant planning permission, in order to extend the time limit for implementation for demolition of factory building in conservation area - Approved subject to conditions.

Land at 86-87 Carver Street

- 3.8. 06/09/2013 - 2013/01280/PA - Demolition of existing buildings and erection of a mixed use residential and commercial development comprising of 61 apartments and a four storey office building of 1,583 sqm with associated access and parking and provision of a first floor link bridge from 87 Carver Street to 95 Carver Street – Approved subject to conditions

- Land at 86-87 Carver Street
- 3.9. 09/09/2013 - 2013/01282/PA - Conservation Area Consent for the demolition of existing industrial buildings – Approved subject to conditions.
- Land at The Quarter, Warstone Lane (directly to north of application site)
- 3.10. 31/05/2013 - 2013/01627/PA - Erection of 105 apartments above existing basement car park in three blocks, with associated landscape and parking – Approved subject to conditions.
4. Consultation/PP Responses
- 4.1. Regulatory Services – No objection subject to a series of safeguarding conditions.
- 4.2. Lead Local Flood Authority – The proposal is acceptable in principle subject to conditions to ensure the sustainable drainage system to be installed.
- 4.3. Transportation Development – No objection subject to conditions to ensure parking layout and cycle parking provision.
- 4.4. West Midlands Police – No objection in principle; entrances should not be recessed and individual apartments should have their own security.
- 4.5. City Ecologist – No objection subject to the inclusion of a condition for a construction ecological mitigation plan.
- 4.6. Conservation Heritage Panel (CHP) – This scheme was taken to CHP on 10th October 2016 and members commented on the scheme as originally submitted. Amendments have subsequently been sought.
The panel (upon understanding the structural condition of the existing building) raised no objection to its loss. The panel advised that the quality of the design and materials would be vital to the success of the scheme and felt that a level of detail was lacking from the scheme and needed to be worked upon. The panel supported the principle of the building line being back of pavement but questioned the integrity of the proposed northern light roof detail and advised that the roofing detail and façade should be integral to the building's design.
The panel advised that the design of the proposed building should be informed by the character of the area and existing building referencing its industrial character..
- 4.7. Historic England – This application should be determined in line with specialist Conservation advice from the local Conservation Officer.
- 4.8. Jewellery Quarter Development Trust – Significance of the loss of the existing building should be considered. The loss of employment space and an older building of some merit on a street that has seen large amounts of renewal does cause harm due to the loss of historic context. Any new development should seek to enhance the Conservation Area rather than minimise harm. Commercial use should be considered at ground floor.
The range and sizes of apartments is supported with some attractive residential elements being proposed.
The design lacks the high quality detailing found elsewhere in the Jewellery Quarter. Materials and execution of design details (such as window details) will be important.
- 4.9. Local occupiers, ward councillors and local MP notified. Site and press notice displayed. 5 objections received raising the following concerns:

The proposed design has not properly sought to restore the fabric of the street, particularly with regard to height;

There has been continuous development in this area for last three years with a number of projects being delayed, residents need a break from the constant construction and associated issues that this causes;

This proposal would result in loss of privacy to nearby occupiers made worse by the increase in height proposed by the building;

The proposal would breach Protocol 1, Article 1 and 8 of the Human Rights Act because the large street facing windows will directly face large windows of Sapphire Heights building opposite;

Traffic and air pollution from this scheme should be managed;

Insufficient parking provision would put pressure on the local road system; and

This proposal would impact on value of nearby residential apartments.

5. Policy Context

- 5.1. Birmingham Development Plan (2017); Birmingham Unitary Development Plan 2003 (saved policies); Jewellery Quarter Conservation Area Character Appraisal and Management Plan (2002); Jewellery Quarter Design Guide (2005) and the National Planning Policy Framework 2012 (NPPF).

6. Planning Considerations

Principle

- 6.1. The NPPF outlines a presumption in favour of sustainable development and underlines the Government's commitment to securing economic growth and job creation together with high quality design. Paragraph 17 of the NPPF supports sustainable economic development to deliver new homes and encourages the use of brownfield land. Paragraph 19 states that significant weight is placed on economic growth within the planning system, with paragraph 50 highlighting that residential development should reflect local demand and create mixed and balanced communities.
- 6.2. The application site is located in an area designated as Industrial Fringe in the Jewellery Quarter Conservation Area Character Appraisal and Management Plan (JQCACAMP) where residential uses are considered acceptable. As such I consider that the broad principle of a residential scheme in this location is acceptable.

Design and Impact on Heritage Assets

- 6.3. Policy PG3 of the Birmingham Plan states that all new development will be expected to be designed to the highest possible standards, contributing to the a strong sense of place including by reinforcing or creating 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 innovative design.
- 6.4. The NPPF makes specific reference to 'Heritage Assets', which includes conservation areas and paragraph 129 refers to a need to assess the significance of a proposal on any heritage asset, with paragraph 131 stating that local planning authorities should take into account the desirability of sustaining and enhancing heritage assets and the positive contribution that the new development would make to local character and distinctiveness.
- 6.5. This proposal includes the demolition of the existing 1950's red brick-faced building and the substantial workshop to the rear. The building makes a modest contribution

to the character of the Conservation Area including some characteristics of the Jewellery Quarter such as detailed brick facades and large windows towards the rear. The Jewellery Quarter Development Trust have raised some concern over the demolition of the existing building on the character of the area. A previous consent for the demolition of this building was granted in 2005. The loss of this building would lead to a less than substantial harm to the Conservation Area and the erection of an alternative building that would add to the character of the Jewellery Quarter would justify the loss of the existing building in accordance with paragraph 132 and 137 of the NPPF.

6.6. Following comments received both from the Conservation Heritage Panel and from my Conservation Officer the front elevation and level of detail submitted with this application have been amended and improved. The north light roof has been improved, window details have been significantly altered to show recess details and simple framing design and the ground floor windows now relate well to the street scene. The addition of rain water hoppers had character and definition to building. My Conservation Officer now supports this proposal and recognises that the design of the building has been significantly altered to improve its response to the character and appearance of the Jewellery Quarter. The overall design follows a contemporary approach but takes reference from characteristic features within the Jewellery Quarter. I consider that the proposal would justify the loss of the existing building and add to the overall character of the area.

6.7. Local objection has been raised with regard to the overall scale of this building within the street scene. Whilst there are smaller buildings in the locality, the majority of buildings are of a similar height to that proposed in this scheme. My Conservation Officer considers that the form and levels of the building proposed is acceptable and I concur with this view.

Impact on existing amenity

6.8. Objection has been raised that this proposal would result in a loss of privacy to residential occupiers within the apartment scheme on the opposite side of Tenby Street North. Windows within the existing apartment block have a direct view onto the public street and as such are not afforded the same level of privacy as private facing windows. Although the new apartments would be some 14m away, Places for Living SPG states that on the public side of the development (ie the front), privacy is not so critical therefore front to front distances will be judged flexibly. Building fronts should overlook public space including the street. Habitable windows facing habitable windows across a public street is considered acceptable.

6.9. To the rear of the site this building would be erected within close proximity to the apartment scheme currently being constructed off Warstone Lane. The application building would be set back 4m from the boundary of the site in comparison to the existing building on sit, but would be erected 6m higher than the existing building. Windows have been approved in the rear elevation of the Warstone Lane scheme that would serve bathrooms and bedrooms. No windows are proposed in the rear elevation of the application scheme.

6.10. I do not consider that this proposal would result in a loss of privacy to the occupiers of the apartment scheme fronting Warstone Lane given the lack of any windows in the proposed rear elevation of the application scheme; however the application scheme would impact on the outlook from bedroom windows. The outlook from bedroom windows will be primarily onto the courtyard area of this proposed scheme. Whilst I consider that the distances between these buildings is tight, there is a characteristic tight grain to built development within the Jewellery Quarter and the

existing building at this site does already impact on outlook to the apartment scheme on Warstone Lane. On this basis I do not consider that a refusal could be justified on the grounds of loss of outlook.

Proposed residential amenity

- 6.11. All proposed dwellings would be a reasonable size and include independent living facilities. All proposed bedrooms would exceed guidance floor space set out in Places for Living SPG and all proposed apartments would exceed space guidance set out in the governments national described space standard. I am satisfied that this proposal would result in apartment layouts that would achieve a good standard of accommodation.
- 6.12. I am satisfied that ground floor street facing apartments will achieve a sufficient set back from the back of pavement with a railing barrier to the front of the recess to afford a reasonable quality of living space for proposed occupiers.
- 6.13. The proposed apartments would not be afforded any private amenity space, with a limited level of shared amenity being provided on the shared deck area only. This site falls within an area characterised by high density city living apartments, therefore the lack of amenity space is considered acceptable given the constraints of the site and character of the area. The site is also located within close walking distance of the open space at the Warstone Lane cemetery.
- 6.14. Regulatory Services have raised no objection in principle to this proposal. Sufficient noise insulation could be achieved to proposed flats by the inclusion of appropriate levels of glazing, the details of which could be secured by planning condition.

Transportation

- 6.15. The proposal would provide 14 parking spaces and 16 cycle parking spaces. Objection has been raised by a local occupier that this proposal includes insufficient parking and would lead to parking congestion in the area. Transportation Development have considered the proposal and raise no objection to the level of parking proposed. The proposal includes 100% parking provision which I consider to be acceptable in this location which is close to good public transport links and within walking distance of local amenities. I consider that the proposal would have a minimal impact on the highway network.

Other

- 6.16. Objection has been raised on the grounds of impact of the proposal on the value of residential property in the area and inconvenience caused by further construction in the area. These are not material planning considerations and as such have not been considered further in the assessment of this application.
- 6.17. This site falls below the thresholds for any planning obligations.

7. Conclusion

- 7.1. This proposal would result in a high quality residential development that would have a positive impact to the character of the Jewellery Quarter Conservation Area. This proposal is therefore recommended for approval.

8. Recommendation

- 8.1. Approve subject to the following conditions:

1	Requires the prior submission of a contamination remediation scheme
2	Requires the prior submission of a contaminated land verification report
3	Requires the prior submission of a sustainable drainage scheme
4	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
5	Requires the prior submission of a construction ecological mitigation plan
6	Requires the prior submission of sample materials
7	Requires the prior submission of sample walling/render panel/stonework/brickwork
8	Requires the prior submission of window frame details
9	Requires the prior submission of details of rainwater goods.
10	Requires the prior submission of access gates, doors and railings
11	Requires refuse storage to be provided prior to occupation
12	Limits the noise levels for Plant and Machinery
13	Prevents occupation until the turning and parking area has been constructed
14	Requires the provision of cycle parking prior to occupation
15	Requires the scheme to be in accordance with the listed approved plans
16	Limits the approval to 3 years (Full)

Case Officer: Victoria Chadaway

Photo(s)

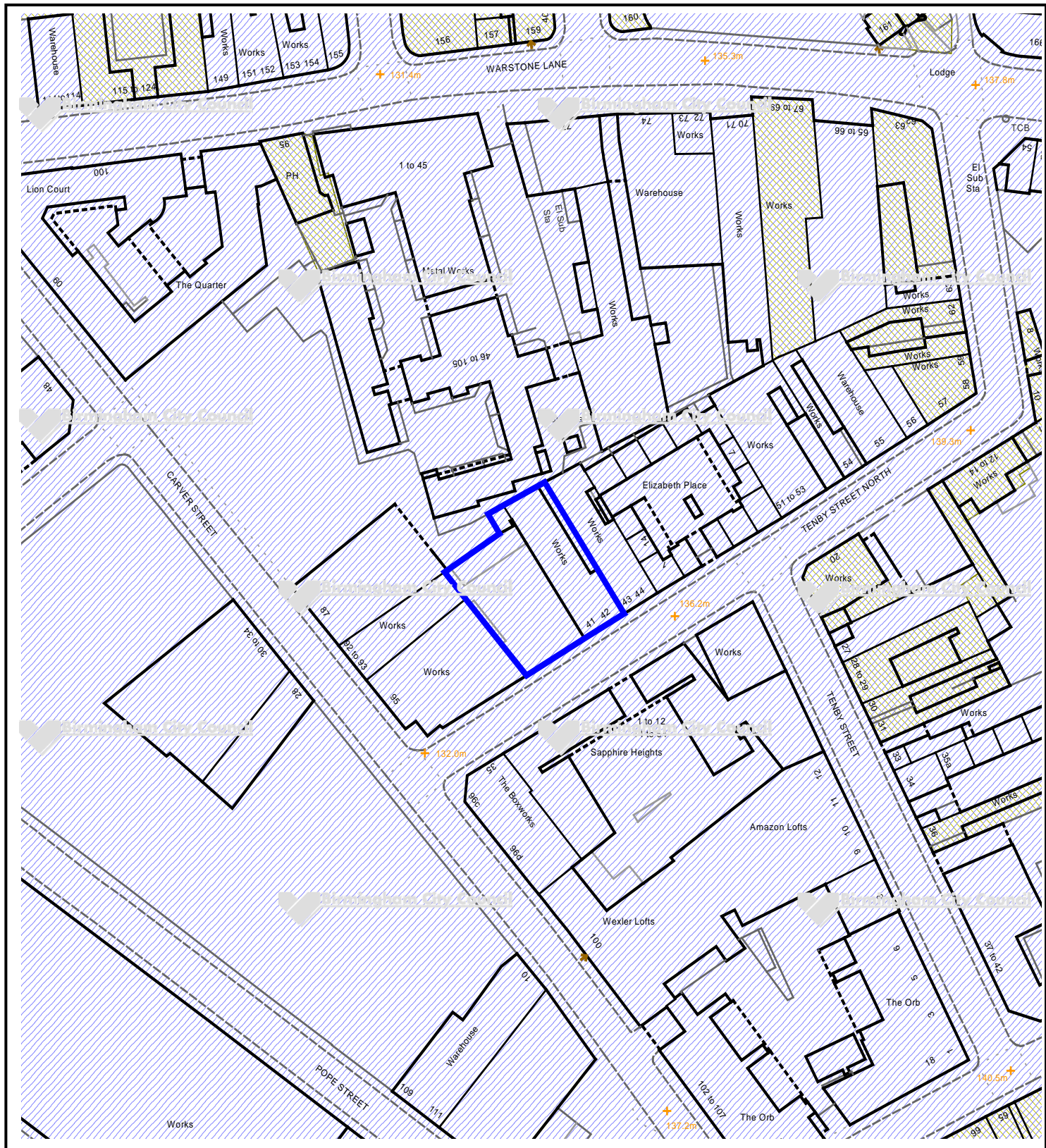


Fig 1. Street view of existing R J Smith Site



Fig 2 – view through to rear of site and rear of Warstone Lane apartments

Location Plan



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Committee Date:	19/01/2017	Application Number:	2016/10041/PA
Accepted:	07/12/2016	Application Type:	Advertisement
Target Date:	01/02/2017		
Ward:	Ladywood		

Opposite 7 Carrs Lane, City Centre, Birmingham, B4 7SE

Installation of double sided digital advertising totem

Applicant: Signature Outdoor Ltd
 2 Snow Hill, Snow Hill Queensway, Birmingham, B4 6GA
 Agent:

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application seeks advertisement consent for the installation of 1 no. double sided digital advertising totem opposite 7 Carrs Lane.
- 1.2. The advertisement unit would measure 2.2m (h) x 1.2m (w) x 0.2m (d). The advertisement area would be set 0.4m above the ground. The unit would be made of stainless steel and glass and would be internally illuminated at 300cd/m. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre.
- 1.3. The proposed advert unit is part of a contract with the City.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to the pavement adjacent on the corner of Carrs Lane and Moor Street Queensway. To the north of the site is Carrs Lane Church Centre, to the south is Grade II Listed Moor Street Station, south west is Pavilions Shopping Centre which is currently vacant and under refurbishment. To the west is the rear of a multi storey retail store and to the north west is a hotel. The surrounding area is predominantly commercial.

2.2. [Site Location](#)

3. Planning History

- 3.1. None relevant.

4. Consultation/PP Responses

- 4.1. Birmingham City Centre Management and Retail Birmingham Business Improvement District have been notified. No response received.
- 4.2. Transportation Development - No objections subject to conditions that the advert shall not display messages, emit noise, sound, smoke, smell or odours, default mechanism, not include interactive messages, the advert should include a dimmer control and photo cell to constantly monitor ambient light conditions and adjust sign brightness and illumination shall be no greater than 300 candelas and a scheme to control maximum luminance of the display to be submitted.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005, Draft Birmingham Development Plan 2031, National Planning Policy Framework

6. Planning Considerations

- 6.1. The National Planning Policy Framework states that advertisements should be subject to control only in the interest of amenity and public safety.

AMENITY

- 6.2. The proposed advertisement would be located within a largely commercial city centre context on the edge of pavement. The proposed advertising totem could be viewed in context with the Grade II Listed Moor Street station, however, the station is approximately 60m to the south and slopes away from the advertising totem.
- 6.3. There is a digital sign on a bus shelter approximately 15m to the south west of the application site. The sign is facing south into the bus shelter. Given the commercial location and that the existing digital advert at the bus shelter would not be viewed together with the proposed advertising totem, it is considered the proposal would not result in a concentration of advertisements within the surrounding area.
- 6.4. It is considered the proposed advertisement unit would be in scale with the surrounding buildings and structures. It is therefore considered, that on balance the proposal would be acceptable.

HIGHWAY SAFETY

- 6.5. Transportation Development have no objections to the proposal subject to conditions that the totem being relocated so that it is set back 500mm from the kerb edge to ensure it does not interfere with any vehicles parked in the loading bay. I concur with this view and have attached conditions accordingly.

7. Conclusion

- 7.1. I consider the proposal to be acceptable.

8. Recommendation

- 8.1. Approve Temporary

-
- 1 Limits the use of advert
 - 2 Limits length of the display of advert
 - 3 Limits the control of the intensity of the illumination
 - 4 Power Supply and Making Good of Damage
 - 5 Requires the scheme to be in accordance with the listed approved plans
 - 6 Limits the approval to 5 years (advert)
-

Case Officer: Anh Do

Photo(s)

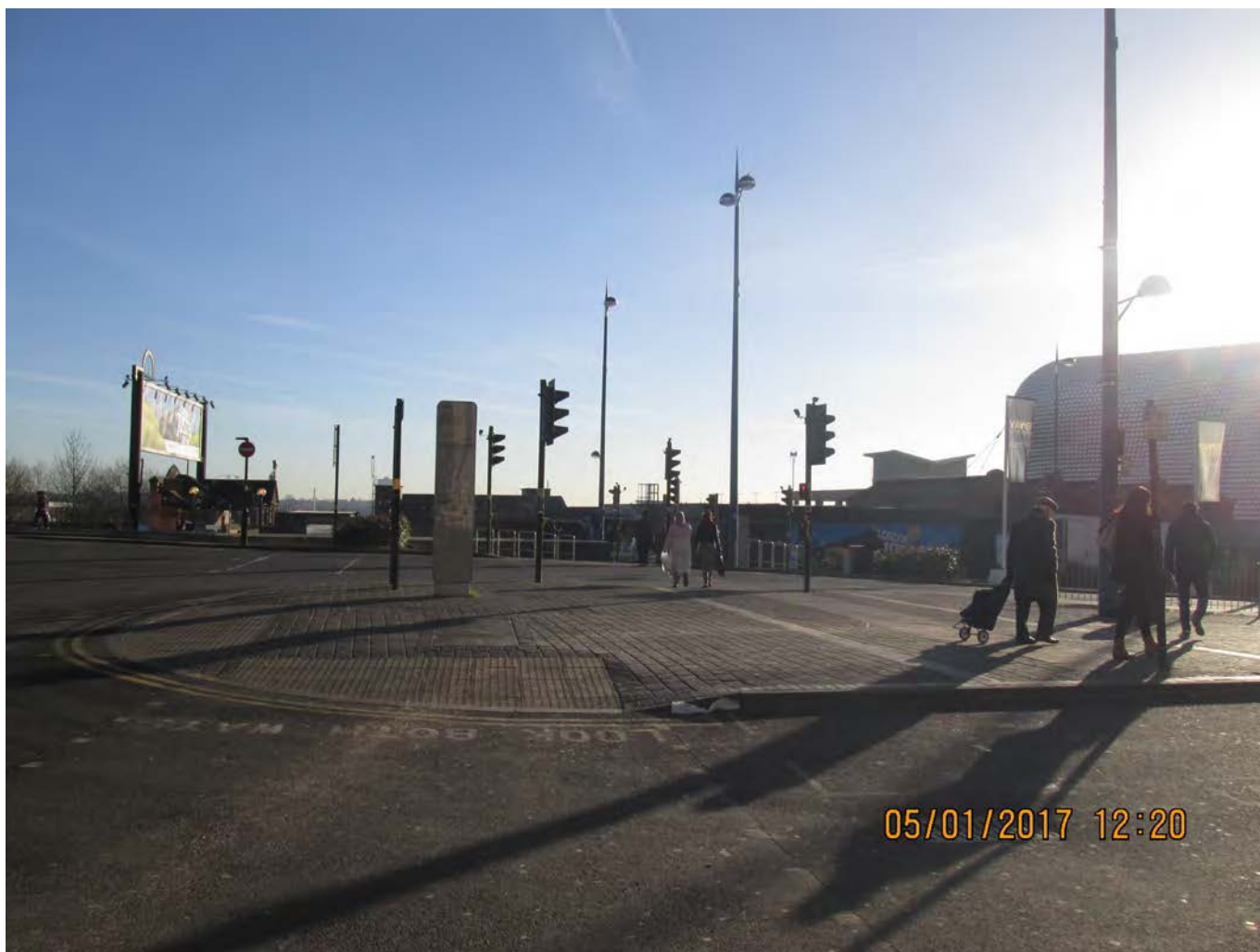
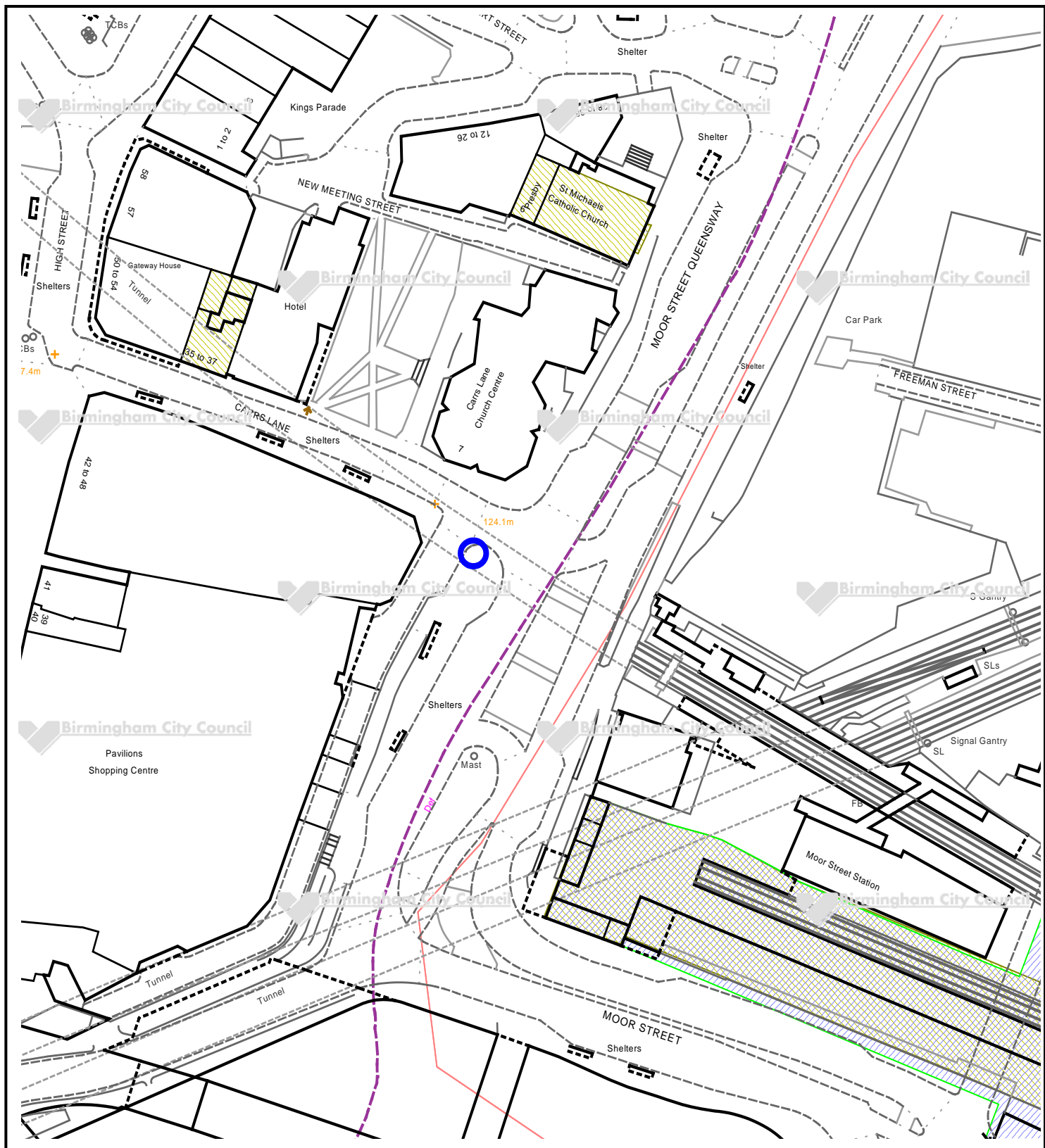


Fig 1 View West



Fig 2 View East

Location Plan



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Birmingham City Council

Planning Committee

19 January 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	12	2016/06511/PA 70-72 Frederick Road Land at rear of Sutton Coldfield Birmingham B73 5QN Erection of two detached dwellinghouses with associated parking and landscaping
Approve – Conditions	13	2016/09091/PA North Birmingham Academy 395 College Road Kingstanding Birmingham B44 0HF Installation of artificial sports pitch with associated fencing, floodlighting and mounds
Approve – Temporary 5 Years	14	2016/04274/PA Sutton Coldfield Hard Courts Club Highbridge Road Sutton Coldfield Birmingham B73 5QB Installation of inflatable air dome to provide all weather playing to 2 no. courts

Committee Date:	19/01/2017	Application Number:	2016/06511/PA
Accepted:	15/08/2016	Application Type:	Full Planning
Target Date:	20/01/2017		
Ward:	Sutton Vesey		

70-72 Frederick Road, Land at rear of, Sutton Coldfield, Birmingham, B73 5QN

Erection of two detached dwellinghouses with associated parking and landscaping

Applicant:	Dr Alex Sinclair
	72 Frederick Road, Sutton Coldfield, Birmingham, B73 5QN
Agent:	Easyplan Sutton Coldfield
	Unit 3 Waterside House, Waterside Business Park, 1649-1651
	Pershere Road, Birmingham, B30 3DR

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Planning permission is sought for the erection of two detached dwellinghouses, together with car parking and landscaping.
 - 1.2. The proposed dwellinghouses would be sited on land to the rear of 70 and 72 Frederick Road within the existing rear garden belonging to 72 Frederick Road. They would have a frontage to Highbridge Road and their rear elevations would face the rear elevations of 70 and 72 Frederick Road. The dwellinghouses would have identical designs, albeit handed, and would include a gable roof with a forward projecting gable and a canopy above the front door. Building materials would consist of facing brick to the walls and roof tiles to match the existing buildings in the area. A driveway would be provided to the front of the dwellinghouses which would provide 2 car parking spaces for each dwellinghouse and an area of soft landscaping including a replacement tree would be provided within each front garden.
 - 1.3. Internally, the dwellinghouses would comprise a lounge, WC, utility and open plan kitchen and dining room on the ground floor and at first floor there would be three bedrooms (two with en-suites) and a bathroom. The rear gardens for the proposed dwellinghouses would measure 85sqm and 95sqm and the remaining rear garden for 72 Frederick Road would measure 119sqm.
 - 1.4. During the consideration of this application, amended drawings have been received to address concerns raised by my Officers about the changes in site levels; house design and layout; and the loss of trees. The amended drawings have improved the design of the dwellinghouses by the inclusion of bay windows in the front elevation to help reinforce the style of houses in the local area. The dwellinghouses have been repositioned slightly to provide a one metre gap to the side of each dwellinghouse to allow external access to the rear garden. The amended drawings

have also demonstrated that the front driveways would have an acceptable gradient of 1:12 in accordance with the guidelines set out in Manual for Streets. The finished floor levels of the proposed dwellinghouses have also been provided to show that the houses would follow the natural fall in the ground levels; and the adjacent bungalow at 76 Frederick Road has been shown on the proposed street scene plan to show the relationship between the proposed development and the existing bungalow.

- 1.5. In addition, a Tree Species Plan has been submitted which identifies 9 trees to be felled within the application site and the applicant has agreed to provide at least one replacement tree within the front garden of one dwellinghouse.

- 1.6. Site Area: 0.048 hectares. Density: 42 dwellings per hectare.

- 1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to the rear part of the rear garden to 72 Frederick Road, which is a semi-detached dwellinghouse that has been enlarged by a rear conservatory and side extension and includes part of the rear garden that formerly belonged to 70 Frederick Road. The application site has a wide road frontage to Highbridge Road measuring 18.3 metres and includes 9 mature trees. The site levels fall by approximately 1.2 metres from Highbridge Road to the rear gardens of 70 and 72 Frederick Road and across the site (east to west) by approximately 0.5 metres.

- 2.2. The surrounding area is predominantly residential in character and is in close proximity to Wylde Green and Boldmere Neighbourhood Centre, where there are local shops and services and regular bus services. It is also located within close proximity to Wylde Green railway station. I therefore consider that the site has good accessibility to local shops, services and public transport.

- 2.3. [Site Location](#)

3. Planning History

- 3.1. 70 Frederick Road - 22 February 1965 - 56611000 - Planning permission granted for erection of garage.

- 3.2. No planning history for 72 Frederick Road.

4. Consultation/PP Responses

- 4.1. Ward Councillors, Residents Associations and adjoining occupiers were notified. Site Notice displayed.

- 4.2. 2 Petitions have been received from nearby occupiers against the proposed development. The first petition contains 76 signatures and the reasons given are on the basis that the development would have an overbearing impact on the bungalow at 76 Frederick Road; the removal of trees; levels of the pavement to the front of the building to provide parking; change to the mature street scene and detract from the character of the houses in the area; separation distances are the absolute minimum and garden sizes are minimal; traffic egress onto Highbridge Road is close to a road

junction; pathways to the rear gardens would not be wide enough for wheelie bins; additional off-street parking would cause added congestion, particularly if vehicles cannot be parked on the driveways of the proposed houses; there are already traffic measures in force due to speeding of traffic over the hill on Highbridge Road; and separation distance between 72 Frederick Road and the proposed development does not meet the required minimum of 27.5 metres and is disproportionate to the size of the property. The second petition contains 27 signatures and the reasons given are on the grounds that the proposed development would be out of character in this mature residential area and the scale is disproportionate with the plot. It is also contended that the development would detract from the suburban landscape and dominate the adjacent bungalow.

4.3. Response to 1st consultation includes 38 letters of objection from nearby residents (5 of these are additional letters from the same residents) stating the following:

- Out of character with the majority of houses in the area which are predominantly Victorian/Edwardian properties with large family gardens.
- Modern, bland and poor house design.
- Rear building line would be infringed.
- Houses are too large.
- Incongruous with existing houses and would create an eyesore.
- Gardens are in serious decline and overdevelopment causes harm to the environment.
- Intensity of development, including garden size, is disproportionate with neighbouring properties.
- The area is an affordable but aspirational area which overdevelopment would impair and it is important that the city retain such areas notwithstanding the need to meet government targets for new housing.
- Site is unsuitable in terms of size, shape and proximity to neighbouring properties.
- Loss of trees would diminish the character and overall residential environment and landscape.
- Loss of trees, plant species and habitats for wildlife (especially bats, newts, frogs, butterflies, insects and hedgehogs) and birds.
- The development is for two potentially multi-occupancy dwellings, which would be totally different in nature and design from the existing housing stock, contrary to Places for Living SPG.
- Set a dangerous precedent for infill and ad hoc development, which would further erode the green and peaceful character of Sutton Coldfield.
- Contrary to Mature Suburbs SPD which explicitly resists garden grabbing residential intensifications.
- Contrary to Chapter 9 of the UDP which states that new development should not detract from the overall environmental quality and attractiveness of Sutton Coldfield Constituency.
- Risk of flooding.
- Existing sewerage and drainage systems are not equipped to manage the drainage associated with this density of development.
- Overlooking and overshadowing.
- Loss of outlook, visually overbearing, over-dominant and obtrusive to adjacent properties.
- Impact on the peaceful enjoyment of adjacent properties and their gardens.
- Contravenes separation distances and garden sizes set out in Places for Living SPG.

- Development would compromise the gardens of the houses either side of this proposal, which is unfair and unnecessary.
- Increase traffic
- Highbridge Road is a busy road and thoroughfare for pedestrians and school children and the access point would be at the bottom of a hill where the speed of cars is dangerous and the driveways would be on a gradient, which would make access/ exit dangerous.
- Highbridge Road is already congested by on-street parking and the development would only exacerbate the current problem and any additional on-street parking would create safety hazards for other motorists and pedestrians, especially for traffic coming over the railway bridge.
- This stretch of road, currently without housing frontages, offers relief from the road congestion that occurs on the remainder of Highbridge Road and allows traffic to recover some of its momentum. The parking of visitors and delivery vehicles servicing these properties would bring the traffic issues further down the road up to this section of Highbridge Road and aggravate congestion.
- Vehicular access point is too close to the junction of Frederick Road, Highbridge Road and Silvermead Road and visibility would be obstructed by the adjoining boundary fences.
- Lack of parking for visitors and delivery vehicles.
- There has already been a need for a speed warning sign because police and highways considered this to be a hazardous area.
- Lack of school places and this will only exacerbate that problem and provide less places for those people who are already residents in the area.
- Lack of access for wheelie bins from rear gardens.
- Inaccurate drawings that do not illustrate correctly the site levels or height of houses.
- The steep gradient of the site would prohibit wheelchair access to the property.
- No regard has been given to the local community.
- Lack of consultation about the planning application.
- No Design and Access statement has been submitted.
- Reduce property values.

4.4. Response to 2nd consultation includes 6 letters of objection from nearby residents (5 of these are from residents that have already objected to the 1st consultation) and the new concerns raised to the amended scheme are:

- The houses have been repositioned closer to the bungalow at 76 Frederick Road, which makes the view from the window of 76 as inescapable.
- The height of the houses has increased which makes them more overbearing, more intrusive, out of character and overcrowded in the very small plots proposed.
- The bay window is poor and out of keeping.
- The minimum separation distances only meet the minimum standard, and if the houses when built exceed the height proposed they will be in breach the regulations.
- Any tree replacement would be unacceptable.
- Horse Chestnut tree should not be destroyed and these trees are protected or at least a high priority should be maintained.
- Building materials or site levels are not specified.
- Request committee to make a site visit.
- Gradient of driveways would need to be monitored during any build.

- Unclear if the access to the side of the properties would be sufficient for wheelie bins.
- 4.5. Transportation Development - No objection subject to conditions to require footway crossings to be carried out to departmental specifications/standards at applicant's expense; appropriate pedestrian visibility splays; and to ensure the gradient of the driveway is not steeper than 1:12.
- 4.6. Regulatory Services - No objection subject to conditions to require noise insulation scheme and a charging point for electric vehicles.
- 4.7. Severn Trent Water - No objection subject to a condition to require appropriate drainage of the site and have advised that there may be a public sewer running through the site.
- 4.8. West Midlands Fire Services - No objection subject to adequate water supplies.
- 4.9. West Midlands Police - No objection and would recommend that the proposed development is developed to enhanced security standards produced by Police Crime Reduction initiative 'Secured by Design'.
- 5. Policy Context
- 5.1. Birmingham Unitary Development Plan (UDP) 2005 (saved policies), Birmingham Development Plan 2017, Places for Living SPG, 45 Degree Code SPD, Car Parking Guidelines SPD, Nature Conservation Strategy for Birmingham SPG, the National Planning Policy Framework (NPPF) and Planning Practice Guidance.
- 6. Planning Considerations
- 6.1. The main considerations for this application are whether the proposed development would be acceptable in principle and whether there would be any detrimental impact on local character, on the amenity of existing and future residents, on highway safety and wildlife.
- Policy Context*

- 6.2. The National Planning Policy Framework (NPPF) contains a presumption in favour of sustainable development and seeks to support sustainable economic development in order to deliver new homes and encourages the use of brownfield land. Paragraph 53 advises that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- 6.3. The Government attaches great importance to the design of the built environment as this is a key aspect of sustainable development. The NPPF also recognises that policies and decisions should not impose architectural styles or tastes, should not stifle innovation or originality, but should reinforce local distinctiveness.
- 6.4. On environmental concerns, paragraph 122 of the NPPF states that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use. Paragraph 123 further advises that developments should mitigate and reduce other adverse impacts on health and quality of life, including through the use of conditions.

- 6.5. Policy PG3 of the Birmingham Development Plan 2017 refers to placemaking and states that all new development would be expected to demonstrate high design quality, contributing to a strong sense of place' and 'make best use of existing buildings and efficient use of land in support of the overall development strategy. Policy TP27 states that the location of new housing should be: outside of flood zones 2, 3a and 3b; accessible to jobs, shops and services by other modes of transport; be sympathetic to historic, cultural and natural assets; and not conflict with other development policies in relation to employment land, green belt and open space. Policy TP29 identifies that densities of at least 50 dwellings per hectare will be expected in local centres and corridors well served by public transport with 40 dwellings per hectare elsewhere.
- 6.6. Policy TP8 of the Birmingham Development Plan 2017 refers to Biodiversity and Geodiversity and advises that all development should, where relevant, contribute to enhancing Birmingham's natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets. Biodiversity and geodiversity enhancement measures should be appropriate to the nature and scale of the development proposed.
- 6.7. Places for Living SPG advises that responding to the local context can ensure the unique identity of a place is not harmed as well as avoid any potential adverse impact on neighbouring buildings, landscape and uses. It identifies numerical guidelines for garden, bedroom sizes and separation distances for new residential developments

Principle of Use

- 6.8. The application site is located within a residential area with good accessibility to local shops and services including public transport services. I am not aware of any significant physical constraints that would prevent the redevelopment of the rear garden or result in an unacceptable residential environment for future occupiers. Severn Trent Water raises no objection subject to suitable drainage of the site, which has been secured by condition. The site does not fall within flood zones 2 and 3 and is therefore not at high risk of flooding. I therefore consider that the principle of residential development is acceptable subject to the following site specific considerations.

Impact on Local Character

- 6.9. The proposed dwellinghouses would have a road frontage to Highbridge Road, which comprises a wide variety of dwelling types, scales and designs. I acknowledge that Frederick Road and Silvermead Road to the north and south of the site consist of mainly Edwardian semi-detached and detached dwellinghouses set on regular front building lines and with fairly even plot sizes. There are also a number of Victorian terrace properties on Highbridge Road. However, there are also a number of ad hoc developments on Highbridge Road which has changed the pattern of development in the area and introduced different house types and design styles into the locality, including bungalows (76 Frederick Road and 190 Highbridge Road); a block of flats (Burnside Court adjacent to 190 Highbridge Road); and modern detached dwellinghouses (171 Highbridge Road, 173 Highbridge Road, 192-200 Highbridge Road and 2a Silvermead Road). A number of these infill housing developments have relatively short plot depths and irregular plot sizes. I also note that the adjoining plot to the east was formerly part of the rear garden to 74 Frederick Road and now contains a bungalow.
- 6.10. The proposed dwellinghouses would be set back a sufficient distance from the road to respect the building line established by the side elevation of the adjacent

bungalow at 76 Frederick Road and their plot sizes would be similar to other plots in the area, notably 192 Highbridge Road and 2 and 4 Water Cobb Drive. The dwellinghouses would be well-designed and would include similar architectural features, such as forward projecting gables, ground floor bay window and porch above the main entrance, as the modern detached dwellinghouses to the west of the site at 192, 194, 196 and 198 Highbridge Road. I am therefore of the view that the proposed dwellinghouses would not appear visually inharmonious or inconspicuous in the street scene. A condition is attached to secure appropriate building materials.

- 6.11. I recognise that the proposed development would change the existing Highbridge Road frontage by replacing the close boarded rear boundary fence and greenery with two houses and parking driveways. However, the proposed layout of the site would provide sufficient space for front gardens including sufficient space for a replacement tree. The development would also provide natural surveillance to Highbridge Road, making this part of the road feel safer, compared to the existing situation where the rear of 72 Frederick Road with a high boundary fence backs onto Highbridge Road and reduces overlooking of Highbridge Road and compromises security for both 70 and 72 Frederick Road.
- 6.12. In terms of the loss of the existing trees, my Tree Officer has advised that the mature Horse Chestnut tree within the site has been pollarded in the past and now has a problem with a number of plant diseases. The Tree Officer therefore has no objection to the loss of this tree given it is in poor health and its future removal is likely. My Tree Officer also advises that the loss of the other trees within the site is acceptable as a number of them are not suitable for a small garden and are sited too close to the existing bungalow. I concur with this view and have recommended a condition accordingly to secure a replacement tree.
- 6.13. I do not consider that the proposed development would result in an over development of the site. The density of the proposed development would represent 42 dwellings per hectare, which accords with the guidelines set out in Places for Living SPG and Policy TP29 of the adopted Birmingham Development Plan and each plot would have appropriately sized front gardens and suitable sized rear gardens which exceed minimum guidelines in adopted policy.
- 6.14. Overall, I do not consider that the introduction of two well-designed dwellinghouses would have a detrimental impact on the character of the area given the variety of house types and designs in the locality and the adequate set back of the proposed dwellinghouses from the road and the inclusion of front gardens. As such, the proposed development would comply with Policy PP3 of the Birmingham Development Plan, the guidelines contained within Places for Living SPG and the National Planning Policy Framework, which seek to protect the character of areas.
- 6.15. I note that this application, if approved, may set a precedent for the development of the adjoining rear gardens to the west of the site for housing. I consider that these sites could be capable of accommodating additional housing, however, any future planning applications received would be considered on their own merits.

Impact on Existing and Future Residential Amenity

- 6.16. Neighbouring residents have objected on the grounds that the proposed dwellinghouses would be too close to adjacent residential properties, would give rise to overlooking and overshadowing, as well as being over dominant and overbearing to existing properties.

- 6.17. The existing dwellings at 70 and 72 Frederick Road are two storey dwellings with ground floor rear extensions/conservatory and 72 Frederick Road also has roof lights in the rear roof slope. Places for Living SPG recommends as a starting point, a gap of 21 metres for two storey dwellings to ensure a satisfactory level of privacy between dwellings without significant screening. The SPG also states that this separation distance should be increased by 2 metres for every one metre rise in ground level between new and existing dwellings.
- 6.18. There would be a 27.7 metre gap between the proposed dwellinghouses and the existing first floor rear facing windows at 70 Frederick Road, and a 26.2 metre gap between the proposed dwellinghouses and the first floor rear facing windows at 72 Frederick Road. The proposed development therefore complies with the minimum guidelines set out in Places for Living SPG, which also takes into account the one metre ground level differences between the proposed dwellinghouse and 72 Frederick Road. The proposed dwellinghouses would also be set approximately 28 metres from the rear elevation of 68 Frederick Road and would therefore not cause any loss of privacy or outlook to that property.
- 6.19. Places for Living SPG also sets out a minimum guideline of 5 metres per storey set back where new developments with main windows overlook existing private amenity areas. The proposed dwellinghouses would be set back 10 metres from the existing rear gardens to 70 and 72 Frederick Road to comply with the minimum guidelines set out in Places for Living SPG and would therefore not result in any loss of privacy to the existing occupiers of 70 and 72 Frederick Road. The remaining garden for 72 Frederick Road would be 10.5 metres in depth and would measure 119sqm in area. I therefore consider that the proposed development would retain an adequate garden size for the existing occupiers of 72 Frederick Road. I note that the rear part of the garden to 70 Frederick Road already forms part of the rear garden to 72 Frederick Road and therefore there would be no change to the garden size for 70 Frederick Road as a result of this development.
- 6.20. In terms of the impact on the occupiers of the bungalow at 76 Frederick Road, I am aware that the existing bungalow has a kitchen window in the rear elevation that would face the application site. However, this window already has a limited outlook given that it is within 1.3 metres of the 1.8 metre high boundary fence and the orientation of the bungalow is such that the kitchen window only receives late afternoon sunlight. The bungalow has also been designed to have its principal room windows facing away from the application site and the proposed dwellinghouse nearest to the bungalow would not breach the 45 Degree Code in relation to these principal room windows. The proposed development would be set away from the private garden belonging to the bungalow, which is located on its north side.
- 6.21. I am therefore satisfied that the proposed dwellinghouses would not harm the amenities of the existing occupiers at 76 Frederick Road in terms of loss of outlook, privacy or daylight/sunlight. I have recommended a condition to ensure that the side facing landing and en-suite windows in the proposed dwellinghouses nearest to 68 and 76 Frederick Road are installed with obscure glazing to prevent any overlooking.
- 6.22. The proposed dwellinghouses would provide satisfactory living accommodation, and all bedrooms would comply with the minimum bedroom sizes as recommended by Places for Living SPG. The rear gardens for the proposed dwellings would also exceed the minimum garden sizes outlined in Places for Living SPG. I therefore consider that the proposed development would provide a good standard of amenity for future occupiers. Regulatory Services raise no objection to the application

subject to a condition to require an appropriate scheme of noise insulation to all glazed and ventilation areas facing Highbridge Road to mitigate traffic noise and to ensure a good standard of amenity for future occupiers. I have recommended the condition accordingly.

- 6.23. I note that Policy TP5 of the adopted BDP seeks to encourage new low carbon technologies such as electric vehicles and to provide recharging stations in order to help support and encourage the use of electric vehicles. However, I do not consider it reasonable to request the installation of a charging point for electric vehicles given the small scale of development proposed.

Impact on Highway Safety

- 6.24. Objection letters raise the issue of on-street parking congestion and maintain that the proposal would add significantly to it and result in a safety hazard to pedestrians and motorists. The proposed houses would have two car parking spaces each, which would comply with the maximum provision required by your Car Parking Guidelines SPD. I consider that the proposal would provide sufficient car parking provision and no objection has been raised by Transportation Development subject to conditions. Transportation Development also advises that the level of traffic generated by the proposed development is unlikely to have a significant impact on surrounding roads. I therefore do not consider that the proposed houses would have a detrimental impact on highway safety. I have recommended the conditions as suggested by Transportation Development to ensure adequate visibility splays and gradient of driveways, and to ensure the new footway crossings are constructed to BCC specifications and provided before the first occupation of the proposed houses.

Impact on Wildlife

- 6.25. The Council's Ecologist has been consulted and has advised that the existing trees within the site are unlikely to have suitable features for bats but they do offer some potential for nesting birds. As a precautionary measure, the Council's Ecologist has recommended conditions to ensure the vegetation and trees are inspected by a qualified ecologist prior to any site clearance and the removal of trees and that all trees are removed outside of the bird nesting season. I concur with this view and have recommended a condition accordingly.

Other Matters

- 6.26. Nearby residents have raised objection that the proposed development would be contrary to the aspirations of Mature Suburbs which seeks to resist inappropriate and unsympathetic intensification of mature residential suburbs. Mature Suburbs SPD states that a mature suburb is regarded as any group, area or estate of dwellings that has a generally homogenous and identifiable suburban and residential character, and which has been developed more in a planned rather than in an ad hoc manner. I consider that within the immediate area, and in particular in Highbridge Road there are a number of ad hoc developments, which have not been planned in a homogenous nature. I therefore do not consider that Mature Suburbs SPD can be applied to this application in this instance.
- 6.27. I note Severn Trent Water have advised that there may be a public sewer running through the site. I have attached an informative for the applicant to advise them of these comments.
- 6.28. In terms of the lack of school places expressed by nearby residents in their objection letter, I am of the view that the proposed development for two houses would not add significantly to the demand for school places in the area.

Community Infrastructure Levy (CIL)

- 6.29. The submitted application forms specify that the floor area of the development would be 239sqm GIA. This would equate to a CIL payment of £16,491.

7. Conclusion

- 7.1. The proposed development would remain a relatively low density form of development within this existing residential area where infill development has occurred on an ad hoc basis along this part of Highbridge Road. The proposed dwellinghouses would reflect the scale and design of other houses on Highbridge Road and would not have a detrimental impact on the character of the local area, on the amenities of existing residents or upon highway safety.

- 7.2. I acknowledge that the proposal would result in tree loss, but am mindful that one of the trees is in poor health and my tree officer raises no objection in this case. Conditions are recommended to safeguard protected species and nesting birds during the site clearance works. The proposed development would provide a good living accommodation for future occupiers and adequate off-street parking provision that complies with the Car Parking Guidelines SPD. I therefore consider that the proposed development would constitute sustainable development and would accord with the relevant local and national planning policies.

8. Recommendation

- 8.1. I recommend approval subject to the following conditions:

-
- | | |
|----|---|
| 1 | Requires the prior submission of level details |
| 2 | Requires the prior submission of a drainage scheme |
| 3 | Requires the prior submission a noise study to establish residential acoustic protection |
| 4 | Requires the prior submission of sample materials |
| 5 | Requires the prior submission of window frame details |
| 6 | Requires the prior submission of boundary treatment details |
| 7 | Requires the prior submission of hard and/or soft landscape details |
| 8 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 9 | Requires pedestrian visibility splays to be provided |
| 10 | Requires the prior installation of means of access |
| 11 | Removes PD rights for extensions |
| 12 | Requires the removal of vegetation and trees to be outside of the bird nesting season. |
| 13 | Requires the prior submission of a tree assessment to identify any suitable roosting |
-

sites for bats.

14 Requires the scheme to be in accordance with the listed approved plans

15 Limits the approval to 3 years (Full)

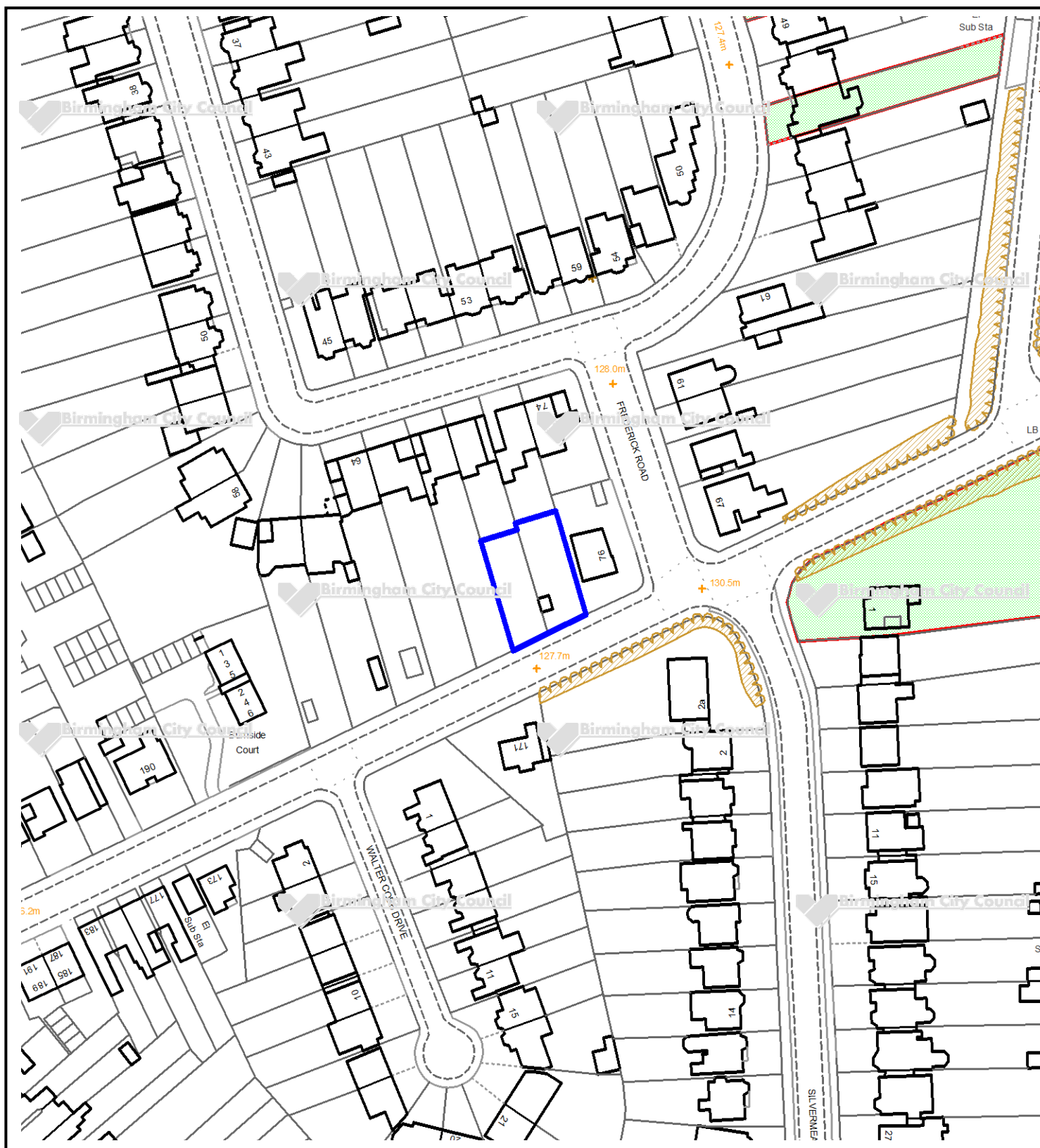
Case Officer: Helen Hawkes

Photo(s)



Application site from Highbridge Road

Location Plan



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Committee Date:	19/01/2017	Application Number:	2016/09091/PA
Accepted:	01/11/2016	Application Type:	Full Planning
Target Date:	31/01/2017		
Ward:	Kingstanding		

North Birmingham Academy, 395 College Road, Kingstanding,
Birmingham, B44 0HF

Installation of artificial sports pitch with associated fencing, floodlighting
and mounds

Applicant: E-ACT
Unit 9.2.1 The Leathermarket, Weston Street, London, SE1 3ER
Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Members may recall a proposal for an artificial pitch in the same location was approved in 2013 under application 2013/03205/PA. Despite attaining approval in October 2013, that approval was not implemented within time requirements and hence that planning permission has now lapsed. This new application now seeks to obtain consent for a proposal for an artificial sports pitch of the same size and in the same location.
- 1.2. The proposed development would comprise the laying down of an artificial turf sports pitch with associated fencing and floodlighting on land which currently forms a grassed sports pitch. The proposed pitch would be enclosed by fencing that would measure up to 4.5 metres high (with netting at certain points along the perimeter of it set at an overall height of 8 metres to prevent balls leaving the pitch enclosure).
- 1.3. 8 floodlighting columns, each measuring 15 metres in height, are proposed to be installed around the site perimeter.
- 1.4. The proposed pitch would be used by the academy during school hours. External organisations would be able to use the pitch during and outside school times on the basis of pre booking the pitch.
- 1.5. Other works would include the creation of a 4 to 6 metre high mound which would measure approximately 105 metres in length along the northern boundary of the site and the creation of a new mound within the south of the site.
- 1.6. The proposed hours of use stated in the submitted application form would be 0800 to 2100 hours Mondays to Fridays, 0900 to 2100 hours on Saturdays and 1000 to 1800 hours on Sundays and Bank holidays.

1.7. The applicant has submitted a Design and Access Statement, FRA, Micro Drainage calculations, Flood light specification, Flood light design, guidance notes for the reduction of obtrusive lights, School Travel Plan, bat report, Acoustic Assessment, and Transport Statement.

1.8. [Link to documents](#)

2. Site & Surroundings

2.1. The sports pitch would be situated on an existing grass field used for sports and which forms part of the grounds of North Birmingham Academy. To the north and south are residential premises whilst to the east are education premises.

2.2. [Site location](#)

3. Planning History

3.1. 31.10.2013- 2013/03205/PA- Installation of artificial turf pitch with associated fencing, floodlighting and mounds- approved with conditions.

4. Consultation/PP Responses

4.1. Nearby occupiers, local community group, local councillors and local MP notified as well as site and press notices displayed- 1 response received from an occupier of a premises on Perry Common Road to the north of the site who states- There is no Bund as marked on the plans?. Does this mean that a Bund will be built?. This would a) obstruct our light to the garden b) would cause dust and debris both inside and out of the property as it did when it was built last time. Also noise and light pollution will occur when built. This will devalue the property, we will produce objective evidence to confirm this statement if the proposal is confirmed.

4.2. Transportation Development- No objection.

4.3. Regulatory Services- no objection subject to conditions restricting the hours of use, that require a detailed external lighting scheme to be submitted and agreed and that a noise mitigation scheme (including management measures) is submitted to the LPA for agreement.

4.4. LLFA- state that limited drainage information has been provided and therefore recommend a condition that requires additional drainage information.

4.5. Leisure Services- no objection.

4.6. West Midlands Police- state they have no concerns with this development.

4.7. Environment Agency- no objection.

4.8. Sport England- no objection subject to a condition that requires a community use agreement being agreed in consultation with Sport England and Birmingham County Football Association.

5. Policy Context

- 5.1. Birmingham Development Plan (2017); Unitary Development Plan (saved policies), SPD Car Parking Guidelines, SPG Places for All and the NPPF.

6. Planning Considerations

- 6.1. The proposed development gives rise to a number of issues which are considered below:-
- 6.2. Principle- The existing site is covered by grass and used as a playing field by the Academy. The proposal would provide an artificial sports pitch. Mindful of this, as well as the previous unimplemented planning consent granted under application 2013/03205/PA for an artificial pitch in this location, the principle of the proposed development is acceptable.
- 6.3. Design- The main external raised features of the new development would be the fence enclosure. This fencing would allow visibility from outside whilst serving the function of preventing any balls from overspilling from the pitch. The visual impact of the fencing in this location would appear acceptable in this location. The visual impact of the proposed bunds along the north and south would also appear acceptable in this location. Similarly, whilst limited details have been provided for the proposed bunds in terms of their height along their full length, I consider that the potential exists to locate them in the location indicated subject to safeguarding conditions to control their height and landscaping.
- 6.4. Environmental impact- Regulatory Services raise no objection subject to conditions restricting the hours of use, that require a detailed external lighting scheme to be submitted and agreed and that a noise mitigation scheme (including management measures) is submitted to the LPA for agreement. Whilst I concur with this view, I do not consider that there is a need for management measures to be submitted and agreed.
- 6.5. The development is effectively making use of part of an existing sports field and establishing a permanent development to accommodate various sports. Therefore, the main points of consideration in terms of noise and disturbance impact through the introduction of this new development would be the impact of the features such as the new fencing and lighting and the proposed hours of use. I consider that the level of noise from the use of the pitch is expected to be limited and not significantly greater than can currently occur. Whilst later hours of use may be introduced through the provision of floodlighting, the proposed bunds that this application seeks to install which would be situated along the north and south of the site boundary would be expected to reduce noise transmission from the pitch. Other than the request by Regulatory Services for management measures to be submitted for agreement as part of a noise mitigation scheme, I consider the application of a boundary condition (and a more specific condition requiring details of the bunds) would allow the measures related to minimising noise requested by Regulatory Services to be accommodated. I do not consider that there is a need for management measures to be submitted as requested by Regulatory Services as I consider the details submitted with this application in terms of its operation, and

other conditions to be applied, should satisfactorily address the issue for any potential noise and disturbance that the development may give rise to.

- 6.6. With regard to the proposed lighting, I note that the floodlights are intended to be directed towards the pitch and therefore I consider that subject to the agreement of a lighting plan that provides greater detail as specified by Regulatory Services, the amenities of nearby residents are unlikely to be harmed.
- 6.7. In summary, no adverse environmental impact identified subject to safeguarding conditions.
- 6.8. Parking- Transportation Development raise no objection to the proposal. I concur with this view. The proposed development would see the establishment of a dedicated sports pitch within the grounds of an education Academy which will also be used by external organisations, both during and outside normal school hours. I consider the capacity for parking within the grounds of the Academy exists to accommodate this demand and that there is also public transport available on College Road which will reduce the need to travel by car to access the facility. For these reasons, I consider that the proposal is not expected to give rise to any adverse parking or highway impact.
- 6.9. Ecology- The proposal would introduce lighting and other works in proximity to wildlife such as where bats may roost. After an assessment of the expected ecological impact of the proposal, including on bats (through an assessment of the submitted bat survey), my ecological advisor concludes that the proposal is not expected to have any significant impact. I concur with this view.
- 6.10. Sport England Comments- I note that Sport England raise no objection to the proposal subject to a condition that requires a community use agreement to be agreed in consultation with Sport England and Birmingham County Football Association. I concur with this view. The provision of such an agreement would help ensure that the scheme would provide wider community benefits. I therefore consider that this condition recommended by Sport England is acceptable and recommend it is applied.

7. Conclusion

- 7.1. The proposed development would promote sport and well being and is a compliant land use. Conditional controls are recommended to protect the amenities of nearby occupiers. For these reasons the proposal complies with the adopted Birmingham Development Plan (2017) and guidance contained within the NPPF.

8. Recommendation

- 8.1. That planning permission is granted subject to conditions.

1 Limits the hours of use to 0800-2100 hours Mondays to Fridays, 0900-2100 hours Saturdays and 1000-1800 hours on Sundays and Bank holidays.

-
- 2 Requires the prior submission of sample materials
 - 3 Requires the prior submission of a lighting scheme
 - 4 Requires details of the proposed bunds
 - 5 Requires the prior submission of hard and/or soft landscape details
 - 6 Requires the prior submission of boundary treatment details
 - 7 Requires the submission and agreement of a community use agreement
 - 8 Requires the scheme to be in accordance with the listed approved plans
 - 9 Limits the approval to 3 years (Full)
-

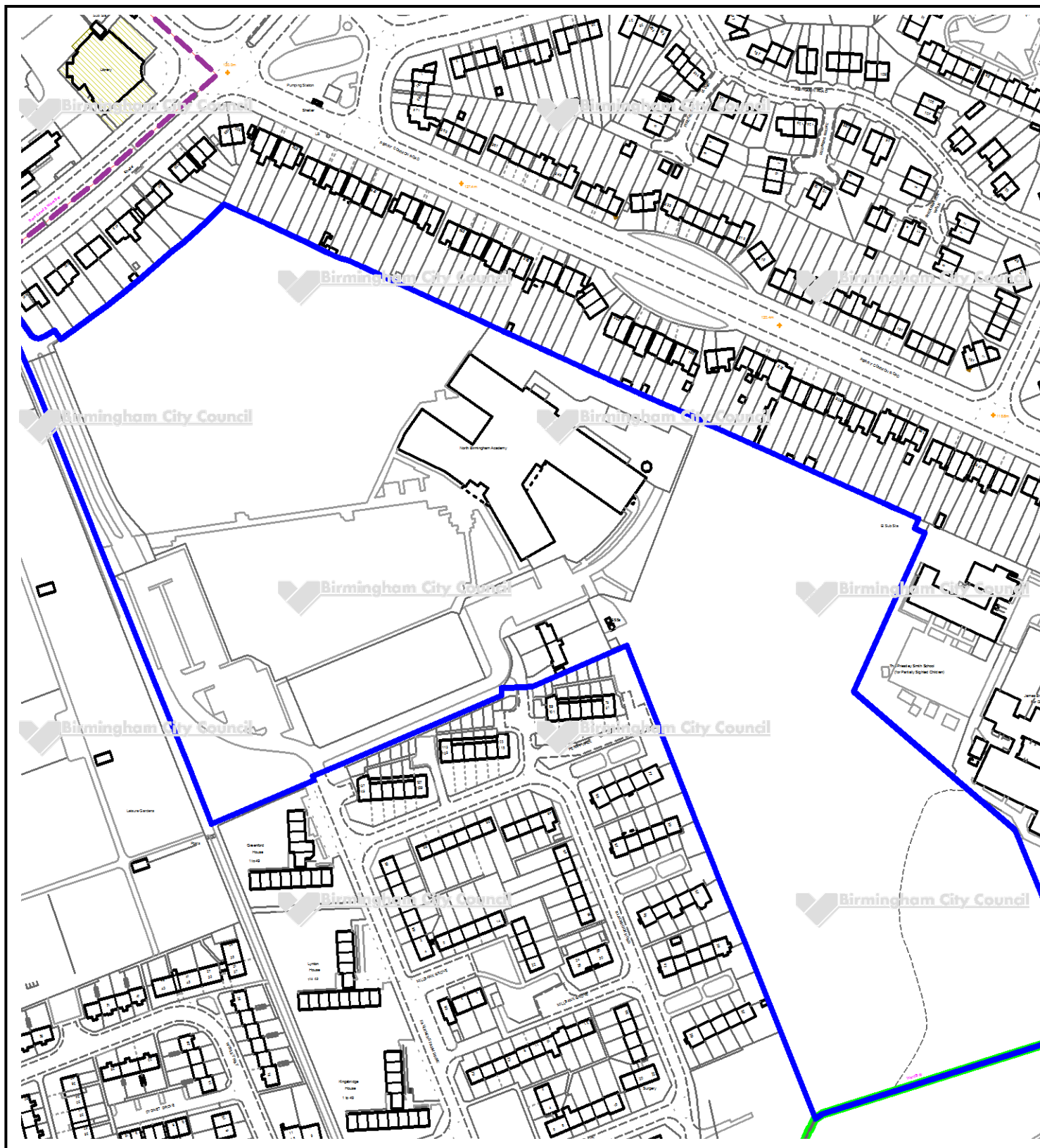
Case Officer: Wahid Gul

Photo(s)



View looking at where the new pitch would go

Location Plan



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Committee Date:	19/01/2017	Application Number:	2016/04274/PA
Accepted:	06/12/2016	Application Type:	Full Planning
Target Date:	07/03/2017		
Ward:	Sutton Vesey		

Sutton Coldfield Hard Courts Club, Highbridge Road, Sutton Coldfield, Birmingham, B73 5QB

Installation of inflatable air dome to provide all weather playing to 2 no. courts

Applicant:	Sutton Coldfield Hard Courts Tennis Club Highbridge Road, Sutton Coldfield, Birmingham, B73 5QB
Agent:	Williams Architectural The Old Registry, 80 Riland Road, Sutton Coldfield, Birmingham, B75 7AU

Recommendation

Approve Temporary

1. Proposal

- 1.1. Planning permission is sought for the installation of an inflatable 'air dome' to cover two floodlit hard surface tennis courts. The dome would enable use of these tennis courts during the poor weather conditions in the winter months.
- 1.2. The proposed dome would be located over two tennis courts, which lie within the centre of the club grounds. It would measure 31.5 metres by 34.5 metres and would rise to a maximum height of 9 metres. The dome would consist of a translucent white coloured polythene membrane (10mm thick) and would be fixed to the ground by a network of plastic coated steel cables that would be connected to a lower ground level concrete perimeter ring beam and tracking system. Access into the dome would be provided by a self-supporting steel revolving door which would be mounted on a 1.8 metre by 1.8 metre concrete pad.
- 1.3. The dome would be inflated by two 300mm diameter fans with 240 volt single phase motors mounted in fibreglass cabinets, each with an appropriate starting load of 15 amps and a running load of 6.5 amps. One fan is sufficient to maintain the integrity of the dome during normal operating conditions and the second fan would be switched on by a wind speed sensor in high wind conditions.
- 1.4. The dome would not require lighting during the daytime hours due to the transparent membrane and the existing floodlights to the tennis courts would be used up to 9pm daily.
- 1.5. It would be used between October and March each year and when not required would be dismantled and stored within the existing garage.
- 1.6. The dome has a life span of approximately 8 to 10 years.

- 1.7. A Planning Statement has been submitted with the application which states that the Tennis club was formed in 1922 and is one of the most thriving clubs in the United Kingdom. The Planning Statement describes the many activities and coaching the club provides; the age group of its members; and the awards the club has received.
- 1.8. A statement by Covair Structures Limited (the manufacturers of the air dome) has been submitted that provides details of the noise levels for the electric fans.
- 1.9. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site relates to Sutton Coldfield Hard Courts and Squash Club, which has a site area of 1.2 hectares, and is located behind dwellinghouses on the north side of Highbridge Road. The Sutton Coldfield Hard Courts and Squash Club was first established in 1922 and comprises a clubhouse, ten outdoor tennis courts, indoor tennis and squash courts and a large car park. A number of the outdoor tennis courts have floodlighting. There are mature trees around the boundary of the site, which provides some screening to the adjoining dwellinghouses. The site has vehicular access from Highbridge Road between the dwellinghouses at 42 and 48 Highbridge Road.
 - 2.2. The surrounding area is predominantly residential in character and the site is adjoined by dwellinghouses to the south; an elderly persons care home and dwellinghouses to the east; a hotel and bungalows to the north; and Goldieslie Tennis and Bowling Club to the west. The site is easily accessible by regular bus services on Highbridge Road and Birmingham Road and within walking distance to Wylde Green railway station.
 - 2.3. [Site Location](#)
3. Planning History
 - 3.1. 26 February 1973 - Planning permission approved for addition of bridge/card room.
 - 3.2. 23 October 1968 - Planning permission approved for the erection of an 'Air Hall' covered tennis court.
 - 3.3. 27 April 1995 - 1995/00069/PA - Planning permission granted for continued use of tennis court as car park and re-surfacing, subject to conditions.
 - 3.4. 24 September 1998 - 1997/00169/PA - Planning permission granted for erection of 6, 10 metre high lighting columns, subject to conditions.
 - 3.5. 20 January 2000 - 1999/02044/PA - Planning permission granted erection of six, 10 metre high lighting posts with eight 2000 watt light fittings in connection with formation of two tennis courts (Nos' 8A and 8B), subject to conditions.
 - 3.6. 2 March 2007 - 2006/05681/PA - Planning permission granted for the erection of temporary inflatable structure to cover 3 existing tennis courts with associated floodlighting, subject to conditions.

- 3.7. 6 October 2014 - 2014/05707/PA - Planning permission granted for the installation of floodlights to tennis courts 10, 11 and 12, subject to conditions.
4. Consultation/PP Responses
- 4.1. Ward Councillors, Residents Associations and nearby occupiers were notified and a Site Notice has been displayed outside the site.
- 4.2. 7 letters of objection received from nearby residents and 5 additional letters of objection from the same residents. Their objections can be summarised as follows:
- Visual impact when viewed from neighbouring gardens and will impact on the sky line from neighbouring properties.
 - It would be higher than the floodlights on the courts which are already easily visible from first floor windows in neighbouring houses and will therefore be an eyesore.
 - It would be an appalling blight on what is currently a gentle and serene suburban landscape, and is an unwanted monstrosity.
 - It is not an appropriate structure for a tennis club which is in the heart of a residential area.
 - Noise nuisance in particular from the continuous operation of the fans/air compressor and any generators needed to maintain pressure in the air domes, which will have a serious impact on the quality of life of neighbouring residents (some properties are within 7 metres of the tennis court fence and there is also a sheltered housing facility for elderly people who generally occupy their property for the most of the day).
 - Obstruct and diminish light to neighbouring gardens and houses given there is already a large squash court and some properties are north facing.
 - Debris from the air dome would damage neighbouring properties.
 - Additional light pollution during the night. Local residents are already adversely affected by the current facilities, especially the floodlights, and the fact the club does not always show consideration to the surrounding houses, as rules to do with the curfew of floodlights or when social functions end are not adhered to.
 - Environmental damage due to the installation of a concrete base and is likely to impact on the local habitat.
 - It is questioned why the tennis club are not using their existing two indoor courts and extensive facilities to their full capacity and why a further indoor facility is needed.
 - An objector as advised that the inflated dome would be permanent and would not be inflated on occasions as stated by the applicant.
 - The application appears to be a repeat of the application made 4/5 years previously which was not taken up by the Tennis Club due to the conditions imposed.
 - Not good for neighbouring residents who brought their house with the aesthetic appeal of the garden as a major selling factor.
 - A site visit is recommended.
- 4.3. Regulatory Services - No objection in principle, subject to a condition to restrict the noise levels for all plant and machinery in order to protect the amenity of neighbouring residents from potential noise that may be generated by the fan system.
- 4.4. Transportation Development - No objection.

- 4.5. Sport England - Supports the application as it is consistent with their policy objective to enhance sport facilities. Sport England consulted the Lawn Tennis Association and they have advised that "The dimensions of the proposed structure do not meet LTA minimum dimensions for air halls. The LTA recommended dimensions for a 2 court air hall are 34.21m width and 37.77m length. However, the club is not unusual in that it is limited by its site and cannot build a dome to these dimensions. The dome will enable all year round play for the club, crucial to maintain and grow participation levels in the future and make the venue more sustainable." In terms of noise impact, the Lawn Tennis Association have advised that air hall installations that have been installed at other tennis clubs that are located in densely populated residential areas have not caused noise problems with local residents. The Lawn Tennis Association also advise that the major consideration of noise from air halls is the plant and machinery and noise inside the structure from play is not often heard from outside of the structure.

5. Policy Context

- 5.1. The adopted Birmingham Unitary Development Plan 2005 (saved policies), the Birmingham Development Plan 2017, Car Parking Guidelines SPD and the National Planning Policy Framework 2012.

6. Planning Considerations

Policy Context and Principle of Development

- 6.1. The application site relates to an established tennis club and it is recognised in the National Planning Policy Framework that sport plays an important role in relation to the health of the nation. The Birmingham Development Plan (BDP) 2017 encourages the enhancement of existing recreation provision whilst requiring the safeguarding of the amenities of nearby residents. Policy TP11 of the BDP highlights that proposals for new sports facilities or the expansion and/or enhancement of existing facilities would be supported subject to compliance with other relevant planning policies.
- 6.2. The Council have already granted a temporary consent in 2007 (under application 2006/05681/PA) for an inflatable air dome, although, it was never implemented because the club could not obtain the necessary funding. The previous approved air dome was larger in size (covering three tennis courts) and was sited closer to the dwellinghouses on Birmingham Road, in a different location compared to the current proposals. The tennis club are now seeking to provide this facility in order to improve tennis play in the winter months when the weather conditions are frequently poor which prevents outdoor play.
- 6.3. Sport England raises no objection to the application and advises that it would enhance the existing facility. The Lawn Tennis Association also emphasises the benefits of an air dome and that it would enable all year round play which is crucial in maintaining and growing participation levels in the future and making the venue more sustainable.
- 6.4. I agree with the comments received from Sport England and the Lawn Tennis Association and consider that the proposed air dome would be of benefit to the wider community as it would enable tennis practice, coaching and matches to be carried out at all times of the year and in all weathers. I consider that the principle of the development is acceptable, subject to other site specific considerations including

the impact on the character/visual amenities of the area, on the amenities of neighbouring occupiers, and on highway safety.

Impact on the character/visual amenities of the area

- 6.5. The dome would be constructed in a transparent polythene membrane, and would have a neutral colour to reduce its visual presence. It would be positioned within the centre of the site and would not be visible from any adjoining roads. I do not consider that the proposed dome would have a detrimental impact on the character or visual amenities of the area. I have recommended a five year temporary consent to safeguard the visual amenities of the area as the proposed dome only has a relatively short life span.

Impact on the Amenities of Existing Occupiers

- 6.6. The National Planning Policy Framework sets out in the core planning principles that planning should always seek a good standard of amenity for all existing occupiers of land and buildings.
- 6.7. Concern has been raised by nearby occupiers about the visual dominance of the proposed dome, the impact on their outlook, light pollution and noise nuisance.
- 6.8. The proposed dome would lie within the centre of the site and on lower ground level than the adjoining dwellinghouses to the east of the site on Birmingham Road. There is also an earth mound between the site and the nearest bungalows in Goldieslie Close, and I note from my Officer's observations that the bungalow at 15 Goldieslie Close which lies in direct line of the proposed air dome does not have any side facing windows facing the site. Existing trees around the site boundary also provides screening, however, I note that some of the trees are deciduous and do not maintain their leaves during the winter months when the dome would be used.
- 6.9. The separation distance between the proposed dome and the rear gardens belonging to the bungalows at 11 and 15 Goldielie Close would be approximately 16 metres, and the rear elevation of 11 Goldieslie Close (the nearest bungalow) would be 24 metres from the dome. I recognise that the proposed dome would be relatively high at 9 metres but would be constructed in a translucent material and given the separation distance from the nearest bungalow in Goldieslie Close and the level of screening, I do not consider that the proposed development would appear overbearing or have a detrimental impact on the outlook of this bungalow.
- 6.10. The separation distance between the proposed dome and the rear gardens to the nearest dwellinghouses in Birmingham Road and Highbridge Road would be over 47 metres, and I am satisfied that the proposed development would not have a detrimental impact on their outlook or enjoyment of their gardens.
- 6.11. With regard to noise, Regulatory Services have raised no objection subject to a condition to limit the noise levels of any plant or machinery used for the air dome. I concur with this view and consider that this condition is necessary to safeguard the amenities of adjoining residents in terms of noise disturbance.
- 6.12. In the previous temporary approval (2006/05681/PA) for the erection of the dome a planning condition was attached to limit its use to between 1st October and 31st March. I do not consider it necessary to attach this condition again as the air dome would be sited a sufficient distance away from neighbouring residents and is unlikely to result in noise disturbance.

- 6.13. In terms of the hours of use, the existing floodlights to the two tennis courts would be used to light the inflatable air dome and no additional lighting is proposed. I do not consider it necessary to recommend a condition to restrict the hours of use as this would be controlled by the hours already permitted for the use of the floodlights (16:00 - 21:00 daily). However, I have recommended a condition to prevent any additional lighting being installed without the prior written agreement of the local planning authority in order to prevent extended use of the inflatable air dome beyond the hours permitted for the flood lights. Subject to these conditions, I am of the view that the proposed dome would not result in excessive light or glare that would adversely affect neighbouring occupiers.

Impact on Highway Safety

- 6.14. The proposed dome to the two existing tennis courts would be an extension to the existing facility at the Sutton Coldfield Hard Courts Club. The Club already have indoor and outdoor tennis courts and the new dome would increase the provision of all year round indoor tennis. I do not consider that the proposed dome to the two tennis courts would generate a significant increase in car parking demand or trips to and from the site. Transportation Development has raised no objection to the proposed development.

Other Matters

- 6.15. One resident has also raised concern that the proposed development would result in environmental damage caused by the installation of a concrete base and that it is likely to impact the local habitat. I can confirm that the proposed dome would be located on existing hard courts and that there would be no loss of habitat.

7. Conclusion

- 7.1. I consider that the proposed inflatable 'air dome' would provide sporting and community benefits and would not result in a significant adverse impact on the character of the area or upon the amenities of adjoining residents subject to conditions to control lighting, hours of use and noise levels of the associated fans. I therefore consider that the proposed development would be acceptable for a temporary 5 year period (due to its limited life span), in accordance with the relevant local and national planning policies.

8. Recommendation

- 8.1. I recommend temporary approval subject to the following conditions:

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- | | |
|---|--|
| 1 | Limits the noise levels for Plant and Machinery |
| 2 | Prevents any additional lighting within the inflatable air dome. |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
| 4 | Requires the inflated dome to be removed within timescale of 5 years of this permission. |
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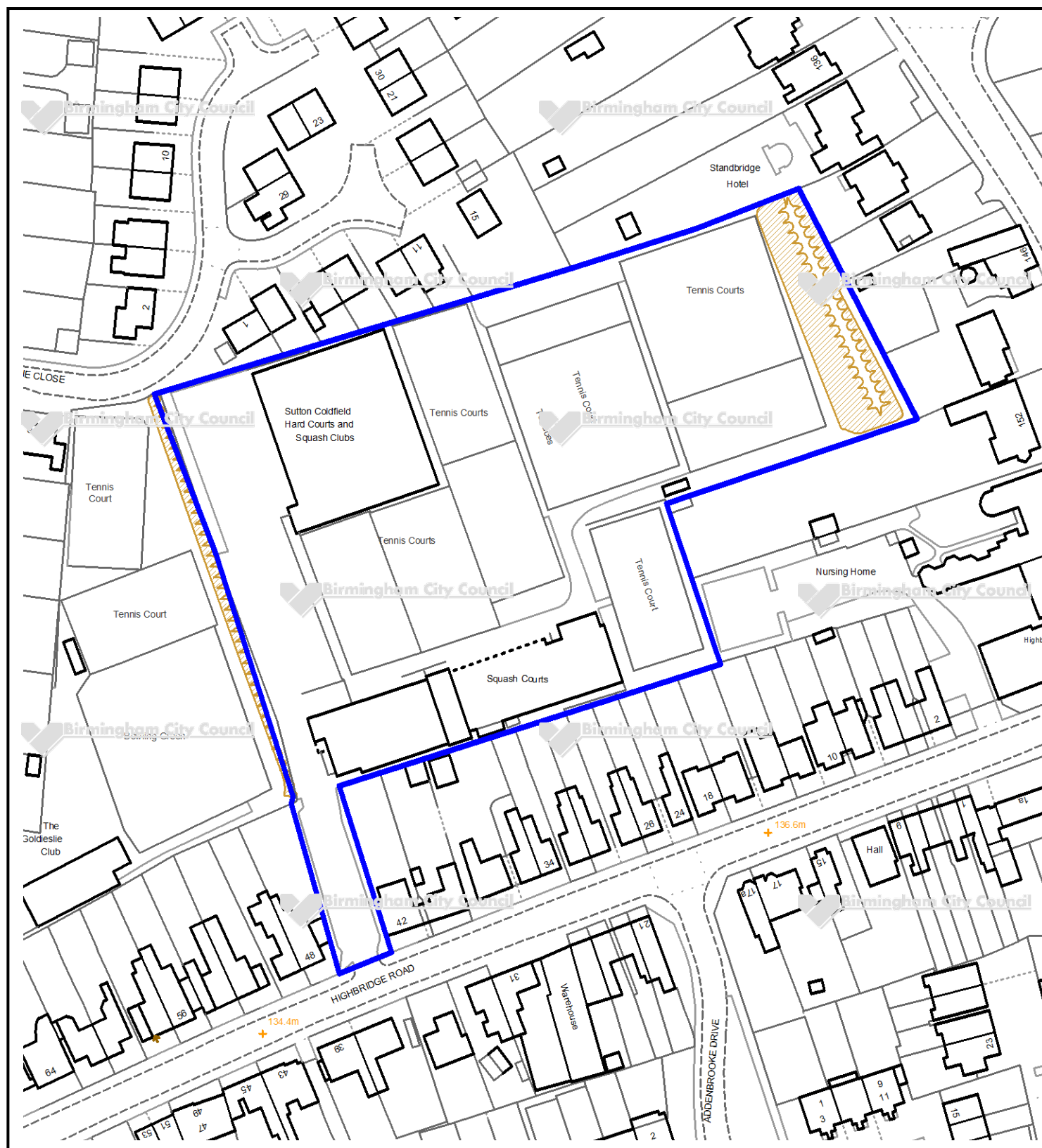
Case Officer: Helen Hawkes

Photo(s)



Application Site and facing the bungalows at 11 and 15 Goldieslie Close

Location Plan



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Birmingham City Council

Planning Committee

19 January 2017

I submit for your consideration the attached reports for the **South** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	15	2016/05990/PA Former Selly Oak Hospital Raddlebarn Road Selly Oak Birmingham B29 6DJ Reserved matters submission for consideration of details of appearance, landscaping, layout and scale relating to Phase 4 of outline approval (2012/02303/PA) for 122 new residential units with associated parking and external works and laying out of public open space. Consideration also of details in respect of conditions 13 and 23 attached to 2012/02303/PA.
Approve - Conditions	16	2016/08278/PA Lifford Lane Waste Depot Kings Norton Birmingham B30 3JJ Demolition of existing Ablutions and Canteen blocks, erection of two storey office building, installation of remote weighbridge, installation of new traffic management system and creation of new parking areas
Approve - Conditions	17	2016/09610/PA 1074 Stratford Road Hall Green Birmingham B28 8AD Change of use of ground floor from retail shop (Use Class A1) to restaurant (Use Class A3) and installation of extraction flue and new shop front.

No Prior Approval Required

18

2016/09871/PA

Castle Square
Weoley Castle
Birmingham
B29 5QL

Application for prior notification for the replacement of existing 12m phase 3 monopole with 12m phase 4 pole, installation of 1 no. telecommunications equipment cabinet and associated ancillary work

Committee Date:	19/01/2017	Application Number:	2016/05990/PA
Accepted:	01/08/2016	Application Type:	Reserved Matters Development
Target Date:	31/10/2016		
Ward:	Selly Oak		

Former Selly Oak Hospital, Raddlebarn Road, Selly Oak, Birmingham, B29 6DJ

Reserved matters submission for consideration of details of appearance, landscaping, layout and scale relating to Phase 4 of outline approval (2012/02303/PA) for 122 new residential units with associated parking and external works and laying out of public open space. Consideration also of details in respect of conditions 13 and 23 attached to 2012/02303/PA.

Applicant: Persimmon Homes (Central) Ltd
Persimmon House, Tameside Drive, Castle Bromwich, Birmingham, B35 7AG

Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is a reserved matters submission for the fourth phase of the redevelopment of the Selly Oak Hospital site. An outline application (ref 2012/02303/PA) for demolition of existing structures and construction of a maximum of 650 dwellings, in addition to A1, A2, A3, A4, B1(a) and D1 uses on the hospital site was approved on 14th October 2013. The application included consideration of access, with all other matters reserved. The submission included a series of parameter plans, which established a number of principles for development, including land use, residential densities, scale/massing, access/movement strategy and building retention.
- 1.2. This fourth phase – relating to land on the north side of Raddlebarn Road – is for residential development (with no commercial element). All remaining buildings on the site would be demolished, with the exception of an existing water tower and the entrance building to the original infirmary block (both locally listed buildings), which would be converted to apartments (being considered under separate application submissions). The site would then be redeveloped with 122 new units, including extensions to the infirmary block.
- 1.3. The accommodation would comprise:
 - 3 no. 4 bed houses
 - 12 no. 3 bed houses (2 no. shared ownership)

47 no. 2 bed houses (3 no. low cost)
60 no. 1 bed apartments (12 no. low cost)

- 1.4. This would equate to 14% affordable provision in terms of the 122 units the subject of this application, reducing to 12.7% when factoring in the additional 8 units within the locally listed building conversions that form part of Phase 4 (separate applications).
- 1.5. The main vehicular access into this part of the site would be in the form of an extension to the new road approved as part of Phase 2 (immediately adjacent to the east). There would be a main central route across the application site, which would link into the next phase (5) of development to the west. Two secondary routes are also proposed off the Phase 2 road, one of which would terminate in a cul-de-sac at the north corner, with the other providing access to parking for the infirmary building to the south. It would also connect to a shared surface route at this point, which would run either side of a proposed 'green link' between Raddlebarn Road and the canal at the north-most point. A pedestrian/cycle route would be provided here onto the canal towpath.
- 1.6. 24 no. houses and 2 no. apartment blocks would front onto this 'green link', accessed directly from the shared surface route. Those on the east side would form part of two new perimeter blocks, also incorporating the remaining houses and the retained water tower. The infirmary building, on the south side, would be extended to create a courtyard-style development with substantial wings formed either side of the retained element.
- 1.7. The proposed new houses would be either 2 or 2 ½ storeys in height and the new apartment blocks would be 2 ½ and 3 storeys (4 units per floor), as would the extensions to the infirmary block. The new units would be of a simple design, constructed in brick with tiled roofs. There would be a variety of house-types with some incorporating features such as dormers, porches and bay windows. The proposed apartment block B3 (3 storey) would reflect a block approved as part of Phase 2 on the opposite side of the 'green link' at the north end. Block B4 (2 ½ storeys) would incorporate dormers projecting above eaves level to serve upper floor units, with rooflights also above stairwells. The ground floor units would have individual front doors, with communal entrances to the upper floor apartments provided from the rear. The blocks would also incorporate small canopies over entrances, chimneys and 'stone' cills/headers to windows.
- 1.8. The extensions to the infirmary block would be of a more substantial scale, in keeping with that of the existing building. The proposed design incorporates a series of large gables (some projecting above ridge level), with projecting elements incorporating feature entrance doors with decorative arches above. The pattern of windows and their detailed design would also pick up on features of the original infirmary block.
- 1.9. Accommodation within the houses would generally comprise of a lounge, kitchen, dining room, WC, bathroom and 2, 3 or 4 bedrooms (some en-suite). Some also have an office or study and one of the house-types incorporates an integral garage. The apartments would generally contain a kitchen/living/dining room, bathroom, and one or two bedrooms. Some of those within the infirmary extension would also have a small dressing room. Apartment sizes would vary, but all one-bed apartments would be in excess of the 50sqm recommended in the Nationally Described Spatial Standards.

- 1.10. The proposed houses would have private gardens, the sizes of which accord with the requirements of 'Places for Living' SPG. The apartment blocks would have communal amenity space. Block B3 – 345sqm (28sqm per unit), Block B4 – 664sqm (55sqm per unit, but some areas only semi-private).
- 1.11. In addition, a 591sqm area of public open space would be created at the southern end of the site, adjacent to the Raddlebarn Road frontage, to form part of a larger area approved under Phase 2.
- 1.12. A substantial group of mature trees (15 no.) would be retained on the southern boundary, adjacent to the Raddlebarn Road frontage. The development would necessitate the removal of one tree at the northern end, in the position of the proposed B3 apartment block. This is a Category C Sycamore, which was identified for potential removal at the outline stage. Detailed landscape plans have been submitted as part of this application (which includes consideration of landscaping as a reserved matter). These show a mix of tree and shrub planting, along with grassed and wildflower areas, and bulb planting. 69 no. new trees are proposed. These would be a mixture of birch, hornbeam, ginkgo and a variety of flowering fruit trees, with the larger specimens to be located along the proposed 'green link', and smaller specimens between parking spaces on the road frontages.
- 1.13. 51 no. car parking spaces are proposed for the 1 bed apartments in the infirmary conversion/extension (100% provision plus 7 visitor spaces). The newbuild apartment blocks would also have 100% provision with a limited number of visitor spaces. The larger house-types (3 and 4 beds) have a minimum of 200%, and the 2 beds would generally have 150% (although there are instances where additional provision is made). One of the proposed house-types has an integral garage. In all other cases, frontage parking would be provided or, in some instances, located to the side. Secure cycle storage would be provided at the rear of the apartment blocks. The rear parking court for Block B4 would be accessed directly from Raddlebarn Road.
- 1.14. Site area: 2.47 ha. Density 49.4 units per hectare.
- 1.15. The application submission included a Planning Statement, Design Statement, and Statement of Community Involvement.
- 1.16. The application submission also provides information to address the requirements of the following conditions attached to the outline approval:
- Condition 13 (boundary treatments)
 - Condition 23 (vehicle parking and turning details)
- 1.17. [Link to Documents](#)

2. Site & Surroundings

- 2.1. This current application relates to part of a wider development site at Selly Oak Hospital. The hospital is located approximately 3.5 km south-west of Birmingham City Centre and just to the south of the A38 (Bristol Road). The hospital site lies at the southern end of Selly Oak, abutting the northern edge of Bournville Village Conservation Area. To the east the site is bordered by the Worcester and Birmingham Canal and the Cross City Rail Line. To the west are The Acorns Hospice and Selly Oak School. Raddlebarn Road bisects the site and provides all

existing vehicular access to it. There is established housing to the north and west, and development sites to the north on Elliott Road. Raddlebarn Road forms the boundary between Selly Oak and Bournville Wards.

- 2.2. The wider hospital site extends to 17.4 ha overall, the majority (11.3 ha) of which lies to the north of Raddlebarn Road which was, for the most part, developed with a range of buildings used for hospital related activities. Buildings vary extensively in age, size (predominantly substantial two and three storey) and design, ranging from the original 1870's workhouse buildings to modern built hospital accommodation. The northern portion of the site also includes extensive surface car parking areas, a helipad and a significant amount of tree cover in formal groups and principally along the boundaries and edges of the site.
- 2.3. Following relocation of most services to the QE Hospital much of the site is now vacant, in particular the part to the north of Raddlebarn Road. Buildings that are vacant, but are to be retained, refurbished and converted, have been secured to prevent vandalism and parts of the site have been enclosed with green weld mesh security fencing. Elsewhere there has been extensive demolition and the first three phases of redevelopment are well underway, with a large number of units already occupied.
- 2.4. A central area within the northern half of the development site is the subject of this current application. It was previously occupied by buildings of varying ages/styles associated with the former hospital use and is currently fenced off whilst clearance/building works are ongoing. The only remaining buildings are an original water tower and the entrance block of the old infirmary block, both of which are Grade B locally listed.
- 2.5. There is a significant group of mature trees on the Raddlebarn Road frontage at the southern end of the site, which is otherwise largely hard surfaced (and now almost cleared).
- 2.6. The area immediately adjacent to the east is currently under construction as Phase 2 and to the south-west (across Raddlebarn Road) is Phase 1 (completed). Beyond this, to the west, are retained healthcare buildings and the Acorns Hospice. To the north-west is Phase 3, with terraced residential streets and Selly Oak centre beyond. To the north-east is the railway line and canal. The area to the south-east is predominantly residential, with more substantial properties within Bournville Conservation Area.

2.7. [Site Location](#)

3. [Planning History](#)

- 3.1. 14th October 2013. PA No. 2012/02303/PA. Outline application for demolition and construction of a maximum of 650 dwellings and construction of up to 1000m² (maximum) Use Class A1 (Shops); 500m² (maximum) Use Class A3 (restaurants and cafes) and Use Class A4 (drinking establishments); 1500m² (maximum) Use Class B1(a) (offices)/Use Class A2 (financial & professional services) and Use Class D1 (non-residential institution); together with access, associated public open space, roads, car parking and landscaping. Approved subject to a legal agreement.

- 3.2. 30th April 2015. PA No. 2015/00535/PA. Reserved matters submission for consideration of details of appearance, landscaping, layout and scale relating to Phase 1 of outline approval (ref 2012/02303/PA) for 96 new build dwellings (Use Class A3), provision of open space (incorporating cricket pitch and pavilion), associated parking and external works. Approved.
- 3.3. 12th June 2015. PA No. 2015/01313/PA. Conversion of former (Woodlands) nurses' home to 15 residential apartments (Use Class C3), with associated external alterations and landscaping works. Approved (with subsequent amendments/additional units).
- 3.4. 17th September 2015. PA No. 2015/04617/PA. Reserved matters submission for consideration of details of appearance, landscaping, layout and scale in respect of Phase 2 of outline approval (2012/01232/PA) for 67 new dwellings (Use Class C3) with associated parking and external works. Approved.
- 3.5. 7th September 2016. PA No. 2016/04337/PA. Conversion of West Lodge into 10 apartments (Use Class C3) with associated car parking facilities. Approved.
- 3.6. 12th August 2016 PA No. 2016/04941/PA. Roof extension and internal/external alterations to existing buildings to accommodate 3 additional apartments with associated parking and external works. Approved.
- 3.7. 13th October 2016. PA No. 2016/01232/PA. Reserved Matters submission for consideration of details of appearance, landscaping, layout and scale relating to Phase 3 of outline approval (2012/02303/PA) for 125 no. new build units with associated parking and external works. Approved.
- 3.8. PA No. 2016/06550/PA. Conversion of water tower into 6 apartments (Use Class C3) with associated car parking facilities and landscaping. Current application.
- 3.9. PA No. 2016/06553/PA. Conversion of infirmary entrance building into 11 apartments (Use Class C3) with associated car parking facilities and landscaping. Current application.
- 3.10. PA No. 2016/09242/PA. Reserved matters submission for consideration of internal roads within Phase 5 of outline approval reference 2012/02303/PA. Current application.
4. Consultation/PP Responses
 - 4.1. Regulatory Services – no objections subject to conditions in respect of noise/vibration and contamination/remediation.
 - 4.2. Transportation – no objection subject to condition in respect of pedestrian visibility splays. Satisfied that conditions 23 (vehicle parking and turning areas) and 24 (cycle parking can be discharged).
 - 4.3. Education – note the education element of the S106 agreement attached to this development. Request that any increase in spaces be incorporated into this existing agreement, through the application of the current formula.
 - 4.4. Local Services – no objections providing that public open space shown as being delivered in Phase 4 is in accordance with the stipulations of the S106.

- 4.5. Local Lead Flood Authority – no surface water or drainage information has been provided. Drainage condition attached to outline approval is not being considered here. Advice provided about information that will be required when a drainage submission is made.
- 4.6. Severn Trent – no response received.
- 4.7. Environment Agency – confirmed no comments.
- 4.8. West Midlands Police – no objections.
- 4.9. West Midlands Fire Service – no objections, subject to adequate water supplies.
- 4.10. Network Rail (NR) – any piling works would need to be agreed with NR and drainage should be directed away from the railway. Developer and Local Planning Authority should engage with NR to determine most appropriate measures to mitigate noise/vibration from railway to avoid future issues for residents. Conditions should be attached to secure such measures.
- 4.11. Local occupiers, residents' associations, Councillors and MP notified, advertised by Press and Site Notice. No responses received.

5. Policy Context

NPPF 2012, Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies), Places for Living SPG (2001), Wider Selly Oak SPD (2015), Selly Oak Hospital Draft Supplementary Planning Guidance (2008), Nature Conservation Strategy for Birmingham (1997), Car Parking Guidelines (2012), Water Tower and Infirmary Entrance Building - Locally Listed Buildings.

6. Planning Considerations

- 6.1. This application is a reserved matters submission for the fourth phase of the redevelopment of the Selly Oak Hospital site. An outline application (2012/02303/PA) for demolition of existing structures and construction of a maximum of 650 dwellings, in addition to A1, A2, A3, A4, B1(a) and D1 uses was submitted by the University Hospital Trust in April 2012, and was subsequently approved (subject to a S106 agreement) on 14th October 2013.
- 6.2. The outline submission included consideration of access, with all other matters reserved. It included a series of parameter plans, which established a number of principles for development, including land use, residential densities, scale/massing, access/movement strategy and building retention.
- 6.3. This fourth phase of the development relates to a central area on the northern side of the wider site, on a 2.47ha area of land. The proposal is for residential development – 122 new units, being a mix of houses and apartments. All remaining building would be demolished with the exception of 2 no. locally listed buildings, the conversions of which are the subject of separate planning applications.

Established Principles/Parameters (including Scale)

- 6.4. The proposed uses reflect those considered appropriate for this part of the hospital site in the consideration of the outline application and the current proposals broadly reflect the indicative layout which formed part of the outline submission in terms of the different elements and their positioning on the site.
- 6.5. Vehicular access was approved at the outline stage and remains unchanged in this reserved matters submission and the proposals reflect the principles established in the 'Access and Movement Strategy Parameter Plan' considered at the outline stage.
- 6.6. This phase of development would have a density of 49.4 units per hectare. This figure broadly accords with the target density identified on the original Parameters Plan, which indicated 45-50 dwellings per hectare in this location (although allowance was made for up to 70 dwellings per hectare in the far north corner).
- 6.7. The houses within this phase are a mix of 2 and 2 ½ storeys, which accords with the Parameter Plan for building heights, which indicates a maximum of 2 ½ storeys across the majority of the site. The Parameter Plan allows for up to 3 storeys at the southern end of the site, in the position of the infirmary extension/new apartment block.
- 6.8. The outline application also included a Parameter Plan for a 'Building Retention Strategy', in reflection of the existence of a number of locally listed buildings across the wider site. There are two locally listed buildings identified for retention here – the water tower and the entrance to the original infirmary block. It is proposed to convert these into apartments, the details of which are being considered under separate applications.
- 6.9. In the light of the above, I am satisfied that the current submission for the fourth phase of development is broadly in accordance with the approved parameters established at the outline stage in terms of access, land use, residential density, scale/massing, access/movement and building retention.

Transportation

- 6.10. Your Transportation Officer provided advice at the pre-application stage in respect of levels of parking provision and raises no objection to the current proposal, subject to the imposition of a condition requiring pedestrian visibility splays. The comments of West Midlands Fire are noted and no objection is raised to emergency access. A query was raised regarding parking arrangements for the infirmary block, with concerns expressed if a 1:1 ratio of provision had not been achieved. There have been a number of amendments to the scheme and the units proposed in the conversion have been factored into the parking space requirement, and I am satisfied that in excess of 100% provision has now been made for this block overall.
- 6.11. My Transportation colleague also notes that provision for the other apartment blocks is also only 100%, plus visitor spaces, which could result in on street parking. However, on balance, taking into account the site's highly sustainable location with good access to local services and public transport facilities (including buses along Bristol Road/Oak Tree Lane and Selly Oak station), I am satisfied that 100% parking provision is sufficient in this instance. I also note that this section of Raddlebarn Road is already marked out for on-street parking, no longer required for the hospital, and this would assist in accommodating any overflow requirements.

- 6.12. Cycle storage facilities are proposed to the rear of the apartment blocks and this is acceptable to my Transportation colleague. This submission originally sought to discharge the condition attached to the outline approval in terms of cycle and bin stores. However, this element has since been omitted as insufficient details have been provided of the appearance of these structures.
- 6.13. The layout incorporates a 'green link' as envisaged in the original Master Plan. This would provide access for both pedestrians and cyclists from Raddlebarn Road (and Oak Tree Lane beyond via an area of linear open space) across the site to its northern corner, where an access would be created to the canal towpath.

Layout and Appearance

- 6.14. The submitted layout generally reflects that shown on the indicative Master Plan considered at the outline application stage, including the road layout, incorporation of perimeter blocks and retention of locally listed buildings.
- 6.15. A series of meetings have taken place between the applicant and City Council Officers prior to this formal submission and during the consideration of the application, which have resulted in amendments to the scheme. I am satisfied that the current proposal now reflects the advice provided in terms of the design of the detailed elements and the overall character of this phase of the development.
- 6.16. The proposal broadly follows the design principles supported in 'Places for Living' SPG, and meets the recommended standards therein in respect of garden sizes. Although the Nationally Described Space Standards are not yet adopted in Birmingham, they provide a useful yardstick for assessing size of dwellings. The proposals would accord with those Space Standards. Whilst there are a significant number of one-bed apartments within this phase of development, I am satisfied that overall it reflects the character envisaged in the original Master Plan for this part of the site in terms of scale, density and mix.
- 6.17. The design of the houses and apartment blocks is relatively simple, but reflects properties approved in earlier phases and I consider that it pays sufficient regard to the site's context to sit comfortably within its surroundings.
- 6.18. The proposed development has no direct relationship with any existing residential properties, being at the centre of the hospital site with new-build on all sides. Internally, the layout would achieve Places for Living recommended distance separation requirements, with a significant number of the units facing across the wide 'green link'. The exception to this is in the conversion/extension of the retained locally listed infirmary block. The first sections of the new wings have a difficult relationship with the retained element due the depth of the existing block, with reduced separation distances at this point – a minimum of 6m between facing elements. However, this is unavoidable if a layout is to be achieved which relates appropriately to the existing, in creating a 'courtyard-style' development. In addition, the internal layout has been designed to avoid facing windows and to locate entrances and WCs (rather than habitable rooms) at the tightest points.
- 6.19. The proposals for conversion of the two locally listed buildings do not form part of this submission, but are being considered under separate (full) applications (a requirement of the S106 agreement attached to the outline consent). However, the relationship of the proposed development to these buildings is critical, in particular in respect of the extensions to the infirmary block. Your Conservation Officer originally had significant concerns in this respect. However, a series of amendments have

been received in response to the concerns raised and your Conservation Officer now supports the scheme. However, he emphasises that the success of this scheme in relation to the locally listed building and the new extension will be dependent upon the quality of materials and finer details. As such, he has requested that conditions be attached to ensure that prior approval be required for windows and external door details, along with details of brickwork, including mortar, and roofing materials.

Trees, Landscaping and Ecology

- 6.20. Landscaping is a matter for consideration as part of this current application. It is proposed to remove only one tree – a Category C Sycamore. This is in line with the Tree Retention Plan attached to the outline approval and, as such, there would be no objection. In addition, the protection of retained trees has been secured through conditions attached to the outline approval.
- 6.21. The submitted landscape plans show a proposed mix of tree and shrub planting, along with grassed and wildflower areas, and bulb planting. A total of 69 no. new trees are proposed. These would include a mix of birch, hornbeam, ginkgo and a variety of flowering fruit trees, with the larger specimens to be located along the proposed 'green link', and smaller specimens between parking spaces on the road frontages. The approach adopted reflects that approved on the adjacent phase of development (Phase 2). The plans also indicate boundary treatment, including low railings to delineate frontage amenity space from the public realm, 1.8m railings to enclose rear communal areas and 1.8m close boarded fences to enclose rear gardens.
- 6.22. Your Landscape Officer has provided advice on the detailed planting scheme, which was shared with the applicant, and this prompted the submission of amended drawings to respond to the points raised.
- 6.23. The City's Ecologist comments that, although the scheme does contain a number of species that will confer benefit by way of flowering, fruiting or providing shelter once established, he considers there to be room for more beneficial species for wildlife. There is a section set aside for a woodland wild flower mix and spring bulbs, and this is welcomed, but the applicant will need to submit details of how this is to be managed as part of the discharge of ecological condition through a subsequent application.

Planning Obligation Requirements/CIL

- 6.24. A S106 was attached to the outline approval, which secured a series of provisions including on-site open space/play facilities, new cricket pitch/pavilion, a contribution towards pitches at Selly Park Recreation Ground, and towpath works. The elements of relevance to this phase of development include the provision of an area of open space on the south side next to Raddlebarn Road, the delivery of which has already been triggered by the commencement of the Phase 2 development. In addition, there is a requirement for the creation of a 'green link' across the site to its northern corner where access would be provided to the canal. This requirement is reflected in the submitted layout.
- 6.25. In addition, the S106 included a requirement for 17.5% affordable housing provision across the hospital site as a whole (which is owned by the applicant in its entirety). This current phase offers 12.7% affordable provision (based on the 122 units

proposed in this application, plus the additional 11 units within the converted locally listed buildings which are the subject of separate applications).

- 6.26. An Affordable Housing Strategy for the overall development was submitted and approved by the Council's Housing Team as part of the Phase 1 reserved matters application. A summary has been provided of the affordable housing secured to date through Phases 1, 2 and 3. Consent has been granted so far for 316 no. units (including apartments within converted locally listed buildings), 37 no. of which would be affordable. This equates to 11.7% provision up to this point, which is below the 17.5% end target. If Phase 4 is factored in (including the units created through conversions), the level of affordable provision would be approximately 12%.
- 6.27. The applicant has acknowledged that the shortfall would have to be made-up in later phases (in order to comply with the requirements of the S106) and I am satisfied that this could be achieved.
- 6.31. The agreement also secured a contribution of £1,744,678 based on 565 residential units towards increasing school capacity. The financial contribution figure would be linked to the numbers of residential units and would therefore increase in line with any increase in housing number above the 565 units. The required contribution secured at outline equated to £3,087 per unit, with phased payments linked to occupation of the properties. The applicant understands this requirement, which would necessitate a payment here totalling £376,614 (index linked from January 2013).
- 6.32. This is a reserved matters submission and, as such, the development would not be liable for CIL.

Other Issues

- 6.33. My Regulatory Services colleague has requested the imposition of conditions in respect of contamination and noise assessment. Contamination is covered by the outline consent and, as such, does not need to be replicated here. However, I consider the requirement for a noise assessment to be appropriate, in the light of the proximity of this section of the site to the railway, in order to ensure that noise and vibration levels for facades containing habitable rooms meet local criteria. The principle of residential development on this part of the site was established through the outline approval, with no objection raised at this time in respect of the siting of dwelling in relation to the railway line and, as such, I consider that it would be unreasonable to apply this requirement for assessment to outdoor living spaces now.
- 6.34. Network Rail have made a number of recommendations, highlighting the requirements for the applicant with regards to the relationship of the development to the railway, including reference to potential noise mitigation. I consider that these comments could appropriately be dealt with as an informative attached to any approval.

7. Conclusion

- 7.1. The principle of development for the purposes currently proposed, along with the access to the site, was established through the determination of an outline application for the wider hospital site in 2013. The current proposals relating to layout, scale, appearance and landscaping in respect of this fourth phase of

development are broadly in accordance with the parameters established at the outline stage and are considered acceptable.

- 7.2. The site is in a sustainable location and the proposed scheme would deliver medium density living in an area identified as appropriate for such development, close to Selly Oak centre and, as such, would assist in achieving the City Council's wider housing objectives and supply. I consider that the development would sit comfortably within its surroundings, would have no unacceptable impact on existing occupiers or the highway network, and would provide an attractive living environment for residents.
- 7.3. In the light of the above, I recommend approval of this reserved matters submission. In addition, the details submitted in respect of conditions 13 (boundary treatments) and 23 (vehicle parking and turning details) are considered acceptable.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires submission of a noise assessment. |
| 3 | No approval for works to locally listed buildings |
| 4 | Require window/external door details for extensions to former infirmary building |
| 5 | Requires details of materials for the extensions to former infirmary building |
| 6 | Requires pedestrian visibility splays to be provided |
-

Case Officer: Alison Powell

Photo(s)

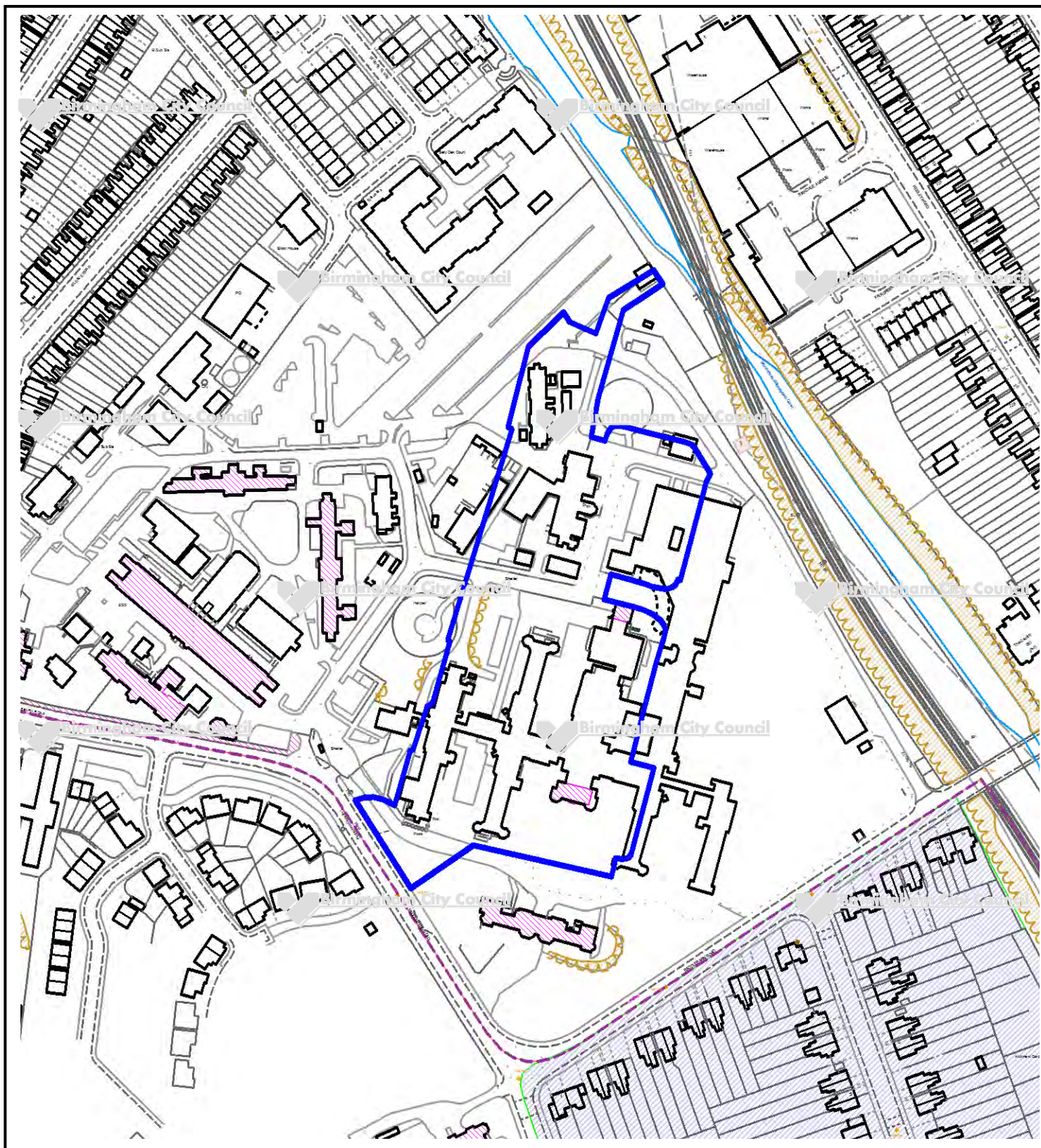


View of Application Site from west (Raddlebarn Road)



View of Application Site from east (Phase 2)

Location Plan



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Committee Date:	19/01/2017	Application Number:	2016/08278/PA
Accepted:	04/10/2016	Application Type:	Full Planning
Target Date:	20/01/2017		
Ward:	Kings Norton		

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

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

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

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal is for the demolition of the existing Ablutions and Canteen blocks, erection of a new two storey office building, installation of a remote weighbridge, installation of a new traffic management system, and the creation of new parking areas.
- 1.2. The existing Ablutions and Canteen blocks are single storey, brick, staff buildings located on the northern part of the site and having a gross internal floorspace of approximately 740sqm. After demolition the Applicant is proposing to clear and re-grade the land to provide a new parking area (Parking Zone 3).
- 1.3. An existing temporary portable building located adjacent to the western site boundary and existing Weighbridge Office is proposed to be removed from the site.
- 1.4. The proposed new flat roofed, two storey, modular office building would be located towards the centre of the site and on its eastern boundary, and would provide offices, changing and welfare facilities for staff. It would have a total gross internal floorspace of 1,150sqm and would be rectangular shaped. It would measure 45m in length, a maximum of 15.6m in width, and have a height of 8.5m. It would accommodate shower, toilets, locker, and drying areas at ground floor, as well as an operation room, lobby and plant room. At first floor it would accommodate an open plan office area (to accommodate approximately 20 staff), toilets, kitchenette, training room and common room. It would be constructed of plastisol coated galvanised steel sheet wall panels in a Goosewing Grey finish, PPC aluminium parapet capping to fascias, and a blue brick plinth. Windows, which would be top hung and located at first floor only, would be of polyester powder coated aluminium in a dark grey finish. The main entrance door would be powder coated aluminium framed with glazing.

- 1.5. In order to accommodate the proposed new office building an existing fuel tank would be relocated adjacent to the western site boundary.
- 1.6. The proposed remote weighbridge would be installed along the main north-south vehicular access of the site, adjacent to the Household Recycling Centre.
- 1.7. Five new parking zones would be created across the site, for use by a variety of different refuse vehicles.
- 1.8. A new traffic management system would be installed incorporating two traffic islands and three sets of traffic control points (i.e. traffic lights) near to the site entrance to better direct and control vehicles using the Household Recycling Centre and works vehicles.
- 1.9. The site of the Household Recycling Centre would be extended further to the north.
- 1.10. Nine trees are proposed to be removed in total, all but one to make way for Parking Zone 3. The trees proposed to be removed are: Trees T1-T4 – All Category B trees (two sycamore and two silver birch) and Trees T5-T9 – All Category C trees (four silver birch and one goat willow).
- 1.11. A Tree Survey, Flood Risk Assessment, Ground Contamination Report and Transport Note have been submitted in support of the proposal.
- 1.12. The proposed development would not attract a CIL contribution. I have issued a Screening Opinion that determines that the proposed development does not require an Environmental Impact Assessment.
- 1.13. The site area is 2.3ha in size.
- 1.14. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of the majority of the large Lifford Lane Waste Depot, where a household recycling centre and waste transfer centre co-exist. The site accommodates buildings, parking areas and rubbish skips. The surrounding area is predominantly industrial in character
- 2.2. Vehicular access into the site is via the cul-de-sac of Ebury Road. Ebury Road joins Lifford Lane at its south-western end, 125m from the site access. The current access to the site separates private vehicles from refuse vehicles in two different lanes exiting the site.
- 2.3. Immediately adjoining the site to the east and north is Lifford Reservoir Site of Importance for Nature Conservation (SINC). Immediately adjoining the site to the west is the Worcester and Birmingham Canal – a Site of Local Importance for Nature Conservation (SLINC) and Wildlife Corridor, and the Lifford Chemical Works Archaeological Site.
- 2.4. [Site Location Map](#)

3. Planning History

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

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection
- 4.2. Regulatory Services – No objection – Subject to conditions requiring submission of a contamination remediation scheme and a contaminated land verification report
- 4.3. West Midlands Fire Service – No objection
- 4.4. Environment Agency – No objection – Subject to condition requiring submission of a contamination remediation scheme should unsuspected contamination be found on site
- 4.5. Lead Local Flood Authority (LLFA) – No objection – Subject to conditions requiring submission of a revised Sustainable Drainage Assessment, and Sustainable Drainage Operation and Maintenance Plan for detailed drainage design
- 4.6. Severn Trent Water – No response received
- 4.7. The Ramblers – No response received
- 4.8. Local occupiers, Ward Councillors, Residents Associations and M.P. notified. Advertised by press and site notice – One letter of general comment received from a neighbouring business raising the concern that the application makes no effort to deal with appalling traffic conditions that exist at times as a consequence of the traffic going to/from the site

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017
 - Birmingham Unitary Development Plan 2005 (Saved Policies)
 - Places for All SPG
 - Adjoining Lifford Chemical Works Archaeological Site
 - Adjoining Lifford Reservoir SINC
 - Adjoining Worcester and Birmingham Canal SLINC and Wildlife Corridor
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF)

6. Planning Considerations

Principle

- 6.1. I consider the main planning issues to be assessed under this application are the design of the proposed new buildings; and the impact of the proposal on highway safety; drainage; trees and wildlife; and ground contamination.

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

Design of New Buildings

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

Highway Safety

- 6.7. Paragraph 32 of the NPPF advises that “*...Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*”
- 6.8. Policy TP37 of the BDP states that “*The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported.*” It sets out a series of measures which would require the delivery of a sustainable transport network. Policy TP43 is concerned with traffic and congestion management. It states that the efficient, effective and safe use of the existing transport network will be promoted through a

series of measures including targeted construction of new accesses to provide access to development/redevelopment sites, and ensuring that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.

- 6.9. The submitted Transport Note confirms that there would be no increase in the number of staff or fleet vehicles as part of the proposed development. On this basis Transportation Development have raised no objection to the proposal, although note their disappointment that the proposed development does not seek to relieve issues of backing up out of the site onto Lifford Lane from the public queuing areas. The proposed new traffic signals are intended to control the access and flow of refuse vehicles and private vehicles, to prevent conflicts between opposing vehicles paths, but whilst improving flow and safety within the site itself. Transportation Development advise that the works are unlikely to have any positive effect on the existing queuing issues. However, the proposed works would not make the situation any worse than existing. Also, I note the introduction of a public webcam which allows users of the recycling centre to check whether there are traffic queues at the site ahead of their visit, in order to allow a visit at a quieter time, thereby minimising local congestion.

Drainage

- 6.10. Policy TP6 of the BDP requires that as part of their Flood Risk Assessment (FRA) and Sustainable Drainage Assessment developers should demonstrate that the disposal of surface water from the site will not exacerbate existing flooding and that exceedance flows will be managed. Sustainable Urban Drainage Systems (SuDS) should also be utilised in order to minimise flood risk.
- 6.11. The submitted FRA confirms that the majority of the site is located within Flood Zone 1 and is therefore at low risk of surface water flooding and low risk of flooding from Lifford Reservoir located to the east of the site. There is a very small section of the south west corner of the site located within Flood Zone 3. However, nothing is proposed to be built within this section of the site. The footprint of the proposed new office building would measure 596sqm in size, and the FRA confirms that there would be no increase in impermeable area resulting from the proposal (taking into account the demolition of the existing Ablutions and Canteen blocks). The FRA confirms that there is no history of flooding on the site and that the proposed development would not be expected to displace any flood waters. The Environment Agency have raised no objection to the proposed development, subject to attaching a condition requiring submission of a contamination remediation scheme.
- 6.12. In terms of drainage, the proposed new building would discharge at 5l/s into the existing foul and surface water drainage networks on the site (which discharge into the River Rea). The required attenuation up to and including the 1 in 100 year event would be 16m³, which would be stored within an underground attenuation tank to be constructed immediately to the north of the proposed office building. Due to the presence of significant depths of loose made ground the proposed development would be unsuitable for soakaway drainage, due to the risk of wash out of fines causing inundation settlement. The Lead Local Flood Authority (LLFA) have raised no objection to the proposal in principle, but recommend attaching conditions to any consent requiring submission of a revised Sustainable Drainage Assessment and revised Sustainable Drainage Operation and Maintenance Plan to deal with detailed drainage design.

Ground Contamination

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

Trees and Wildlife

- 6.18. Policy TP7 of the BDP explains that the City Council will seek to maintain and expand a green infrastructure network throughout Birmingham. It recognises that all trees, groups, areas and woodlands will be consistently and systematically evaluated for protection and all new development schemes should allow for tree planting in both the private and public domains.
- 6.19. Nine trees are proposed to be removed in total: Trees T1-T4 – All Category B trees (two sycamore and two silver birch) and Trees T5-T9 – All Category C trees (four silver birch and one goat willow). The City's Arboricultural Officer has raised no objection to the proposed tree removals within the site, which he considers have no wider amenity value, and the close association with the buildings to be demolished would make retention difficult. He recommends that replacement trees be planted

on the site through a landscaping condition. Tree replacement should be included in landscaping as indicated in the proposal.

- 6.20. The City's Arboricultural Officer advises that the existing hardstanding within the site should serve as adequate ground protection around the proposed office building and that tree protection conditions should not be necessary.
- 6.21. Policy TP8 of the BDP explains that development which directly or indirectly causes harm to local sites of importance for biodiversity and geology, priority habitats and important geological features, species which are legally protected, in decline, are rare within Birmingham or which are identified as national or local priorities will only be permitted in exceptional circumstances. These circumstances being if it has been clearly demonstrated that the strategic need for the proposal outweighs the need to safeguard the importance of the designated site, important habitat or species, that damage is minimised and measures can be put in place to mitigate remaining impacts, and that where damage cannot be avoided or fully mitigated appropriate compensation is secured.
- 6.22. A bat and nesting bird survey of the trees to be removed has been submitted as part of this application. It was found that none of these trees were identified as suitable for bat roosts, and no old or 'in use' bird nests were found.
- 6.23. The site adjoins Lifford Reservoir SINC to the east and the Worcester and Birmingham Canal SLINC and Wildlife Corridor to the west. I am satisfied that, given the scale of the proposed works, the effects would be relatively minor and the fact that the proposed works would generally be sited away from the boundaries of the Waste Depot site, the proposed development would not have any adverse impacts on the nature conservation value of these adjoining sites.

Other Issues

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

7. Conclusion

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

8. Recommendation

- 8.1. Approve Subject to Conditions

1	Requires the scheme to be in accordance with the listed approved plans
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2	Requires the prior submission of a contamination remediation scheme
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- 3 Requires the prior submission of a contaminated land verification report
 - 4 Requires the prior submission of a sustainable drainage scheme
 - 5 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 6 Requires the prior submission of sample materials
 - 7 Requires the prior submission of hard and/or soft landscape details
 - 8 Limits the approval to 3 years (Full)
-

Case Officer: Andrew Conroy

Photo(s)

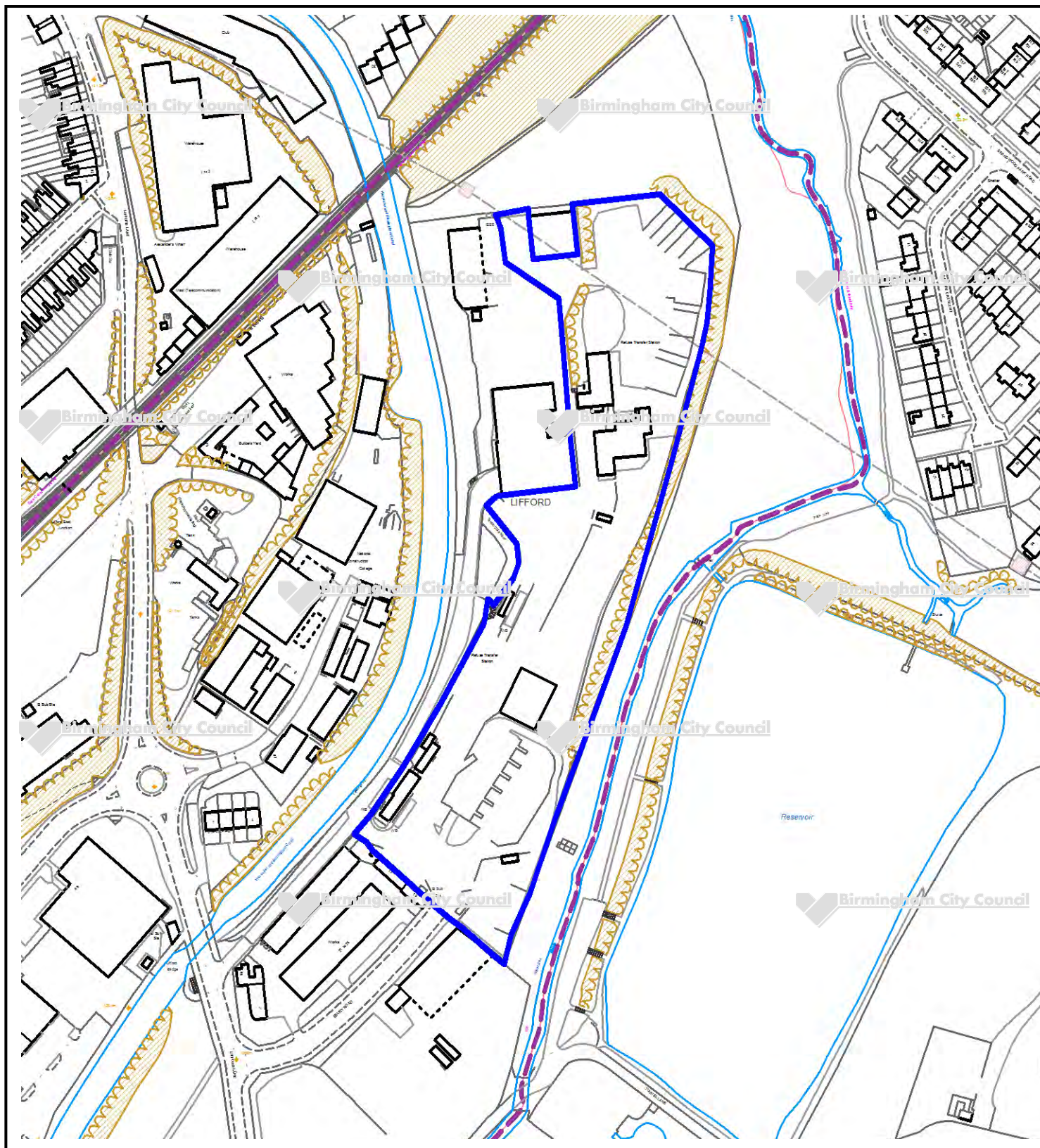


Figure 1 – Looking north from site entrance (Weighbridge Office on left)



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

Location Plan



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Committee Date:	19/01/2017	Application Number:	2016/09610/PA
Accepted:	30/11/2016	Application Type:	Full Planning
Target Date:	25/01/2017		
Ward:	Hall Green		

1074 Stratford Road, Hall Green, Birmingham, B28 8AD

Change Of Use of ground floor from retail shop (Use Class A1) to restaurant (Use Class A3) and installation of extraction flue and new shopfront.

Applicant:	Mr L A Khan 1074 Stratford Road, Hall Green, Birmingham, B28 8AD
Agent:	Mr Joshim Ahmed 66 Golden Hillock Road, Small Heath, Birmingham, B10 0LG

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. This application seeks planning permission for the change of use of a ground floor retail shop (Use Class A1) to a restaurant (Use Class A3) and the installation of a new shopfront and extraction flue at 1074 Stratford Road, Hall Green.
 - 1.2. The proposed restaurant would have a main seating area, kitchen, disabled toilet and store to the rear. The proposed restaurant would provide 32 covers. There is a flue proposed to the rear of the property exiting from the kitchen. The flue would measure 0.2m in width and 1.3m in height.
 - 1.3. A new shopfront is proposed on the front elevation comprising of a new fascia board, new glazed display window and new door. In addition the proposed shopfront would include a new roller shutter box and new roller shutter comprising of large punched hole shutters with 75% transparency.
 - 1.4. The proposed opening hours would be from 12am-10pm Monday to Saturday and 12am-9pm on Sunday. The proposed restaurant would employ 5 full time staff members.
 - 1.5. No parking provision is allocated with the proposal.
 - 1.6. This application does not attract a CIL contribution.
 - 1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site comprises of a three storey, mid- terrace property currently in use as a retail shop on the ground floor with associated storage above (Use Class A1). The property is constructed of brick with a white render finish and brown roof tiles.
- 2.2. The application premises is located on the eastern side of Stratford Road, close to its junction with York Road. It is located within the Primary Shopping Area of The Parade, Hall Green Neighbourhood Centre. The application site is located adjacent to a retail shop at no. 1072 (Use Class A1) and a restaurant at no. 1076 (Use Class A3). To the rear of the site are the rear gardens of residential properties on York Road, and there are flats in the parade above the ground floor commercial uses.
- 2.3. [Site Location Map](#)

3. Planning History

- 3.1. 10/11/2016- 2016/08079/PA- Change of use of ground floor from Use Class A1 (retail) to Use Class A5 (hot food take-away), installation of extraction system, new shop front and roller shutter- Withdrawn by Agent.
- 3.2. 15/12/2016- 2016/10033/PA- Pre-application enquiry for change of use of first floor from retail storage (Use Class A1) to non-residential institution (Use Class D1)- Unlikely to be acceptable.

4. Consultation/PP Responses

- 4.1. Transportation Development- No objection as it is not considered that traffic and parking demand would be significantly higher than some permitted A1 uses.
- 4.2. Regulatory Services- No objection subject to conditions for the submission of extraction and odour control, noise levels for plant and machinery and limiting the opening hours to 12am-10pm Monday to Saturday and 12am-9pm Sunday.
- 4.3. West Midlands Police- No objection
- 4.4. Birmingham Public Health – no response received.
- 4.5. Neighbouring occupiers, Ward Councillors and Residents Associations notified and a Site Notice displayed- five objections received from neighbouring residents in relation to the following concerns:
 - Will cause noise and odour issues,
 - Will increase crime and anti- social behaviour in the area,
 - Increase footfall and deliveries at the rear of the property,
 - Will increase rubbish and vermin on the streets,
 - Negative impact on traffic
- 4.6. Councillor Jenkins requested that the application be determined by the Planning Committee, based on representations from residents who have concerns about parking, opening hours and effect on neighbourhood amenity and loss of retail.

5. Policy Context

- 5.1. Relevant Local planning policy:
- Birmingham Development Plan (BDP) 2017
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
 - Shopping and Local Centres SPD (2012),
 - Shopfront Design Guide SPG,
 - Places For All SPG (2001),
 - Car Parking Guidelines SPD,
- 5.2. Relevant National planning policy:
- National Planning Policy Framework (NPPF) (2012).

6. Planning Considerations

- 6.1. The main planning considerations in assessing this proposal are whether the principle of the proposed use would be acceptable in terms of its impacts on the vitality and viability of the Local Centre, the impact on the amenity of neighbouring occupiers, the impact on visual amenity, and the impact on parking and highway safety.

Vitality and Viability of Local Centre

- 6.2. The NPPF confirms there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF states that one of the core planning principles is to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 6.3. Policy TP23 of the Birmingham Development Plan promotes a diverse range of facilities and uses within centres to meet people's daily needs, which is consistent with the scale and function of the centre. Within this context centres must maintain predominantly retail functions and ensure that there is no over concentration of non-retail uses within a centre and no dead frontages which would be to the detriment of the retail function, attractiveness and character of a centre.
- 6.4. Paragraphs 8.6 and 8.7 of the Saved Birmingham UDP set out the criteria for the assessment of applications for cafés/restaurants/hot food takeaways, seeking to ensure that they are located in commercial areas where any potential adverse impact on residents, on highway safety and on the vitality and viability of the shopping parade can be minimised. In addition to this, the Council's Shopping and Local Centres SPD sets out policies seeking the protection of the primary shopping function and for considering non- retail uses within Primary Shopping Areas.
- 6.5. Policy 1 of the Council's Shopping and Local Centres SPD states that 50% of all ground floor units in Neighbourhood Centres should be retained in retail (Use Class A1) use. The latest monitoring of The Parade, Hall Green Neighbourhood Centre reveals that 55% of grounds floor units are in A1 use. The proposed change of this retail unit would reduce this figure to 53.7% and as such would not reduce this below the 50% threshold.
- 6.6. Policy 2 of the Council's Shopping and Local Centres SPD states that regard should also be had for the need to avoid an over clustering of non-retail uses to avoid a

dead frontage, the type and character of other uses in close proximity, the size and type of unit and the impact of the proposal on the function of the centre.

- 6.7. Policy 5 states that applications for new A3/A4/A5 uses are encouraged within Neighbourhood Centres, subject to avoiding an over concentration or clustering of these uses. It also states that in considering A3 applications account should be taken of the proximity of the site to dwelling houses.
- 6.8. The application site is located within a long parade of shops within The Parade, Hall Green. Whilst the adjacent property at No. 1076 is in A3 use, most of the immediate surrounding properties are in use as retail shops (Use Class A1). The proposed opening hours of the restaurant are 12am-10pm Monday to Saturday and 12am-9pm Sunday. There is no reason to prevent morning opening as well, so I propose to allow hours from 8am Monday-Saturday, and 9am on Sundays and Bank Holidays. Even if the premises were only actually open from midday, I do not consider there would be a visually 'deadening' effect sufficient to withhold planning consent. The size of the unit is comparable to most within the parade and would not be considered to be of an exceptional size as to warrant its retention for retail use. As such, I consider that there would be no issue in relation to clustering of non- retail uses that would lead to an adverse impact on local centre matters.
- 6.9. Continuing on the issue of opening hours, the applicant's proposed closing times are earlier than the UDP's 2330 hours normal allowance. The Applicant has verbally agreed that he would be happy with the condition allowing opening until 2330 hours, which I therefore provide.

Neighbouring Amenity

- 6.10. The closest residential dwellings are located in the flats above No. 1072 Alcester Road and to the rear at No. 3 York Road. I consider that the opening hours proposed, and the extra morning hours I propose to allow, are acceptable given the nature of the commercial high street and busy main road,
- 6.11. Overall, I consider that a reasonable level of ambient noise is expected in local centres and the change of use of these premises would not result in harm to residential amenity by virtue of noise and disturbance.

Visual Amenity

- 6.12. I consider that the proposed shopfront would be acceptable in terms of its appearance. It would be in keeping with the character and appearance of the commercial area and would be similar to other shopfronts within the Neighbourhood Centre. The proposed roller shutter would comply with the design principles set out in the Council's Shopfront Design Guide SPG in such that it is a punched hole shutter with at least 55% transparency.
- 6.13. I consider that the proposed flue would be of a siting and scale that would not have an adverse impact on the visual amenity of the area. The applicant has not stated what the proposed finish of the flue would be and therefore I have attached a condition for the submission of this information.

Impact on Highway Safety and Parking.

- 6.14. There is no parking allocated within this scheme. The Council's Car Parking Guidelines SPD for A3 uses in this location states a maximum of 1 space per 9

covers, therefore up to 3 spaces for the proposed use. However, on-street parking is permitted nearby to the site on the Parade, regular buses run along Stratford Road during the day and Hall Green train station is within walking distance.

Transportation Development have no objection to the proposal and consider that traffic and parking demand associated with this A3 use would not be any greater than some permitted A1 uses. As such, I consider that the proposed change of use would not result in a detrimental impact upon congestion or parking.

- 6.15. I note local residents' concerns in respect of increased footfall and deliveries at the rear of the property. However, this is unlikely to be materially different to some A1 uses.

Other Issues

- 6.16. I note local residents' objections in relation to increased potential for crime in the neighbourhood as a result of the proposal. West Midlands Police have raised no objection to the proposed change of use. I consider that the opening hours are appropriate for this restaurant use and that the proposal would not lead to an increase in anti-social behaviour outside of the premises.

- 6.17. I note local residents' concerns in respect of a feared increase in rubbish and vermin. However, it is unlikely that the proposal for a new restaurant would result in a noticeable increase in such factors, and other legislation exists to control these matters.

7. Conclusion

- 7.1. I consider that the proposed development would not cause harm to the vitality and viability of the local centre, to the amenity of neighbouring occupiers, would not have a detrimental impact on visual amenity, and would not result in detrimental impacts on highway safety or parking demand. I therefore consider that the proposal would constitute sustainable development and recommend approval subject to conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the hours of use: 0800 - 2330 Monday to Saturday, and 0900 - 2330 Sunday and Bank Holidays. |
| 3 | Requires the prior submission of extraction and odour control details |
| 4 | Limits the noise levels for Plant and Machinery |
| 5 | Requires the prior submission of details about the finish of the approved flue |
| 6 | Limits the approval to 3 years (Full) |
-

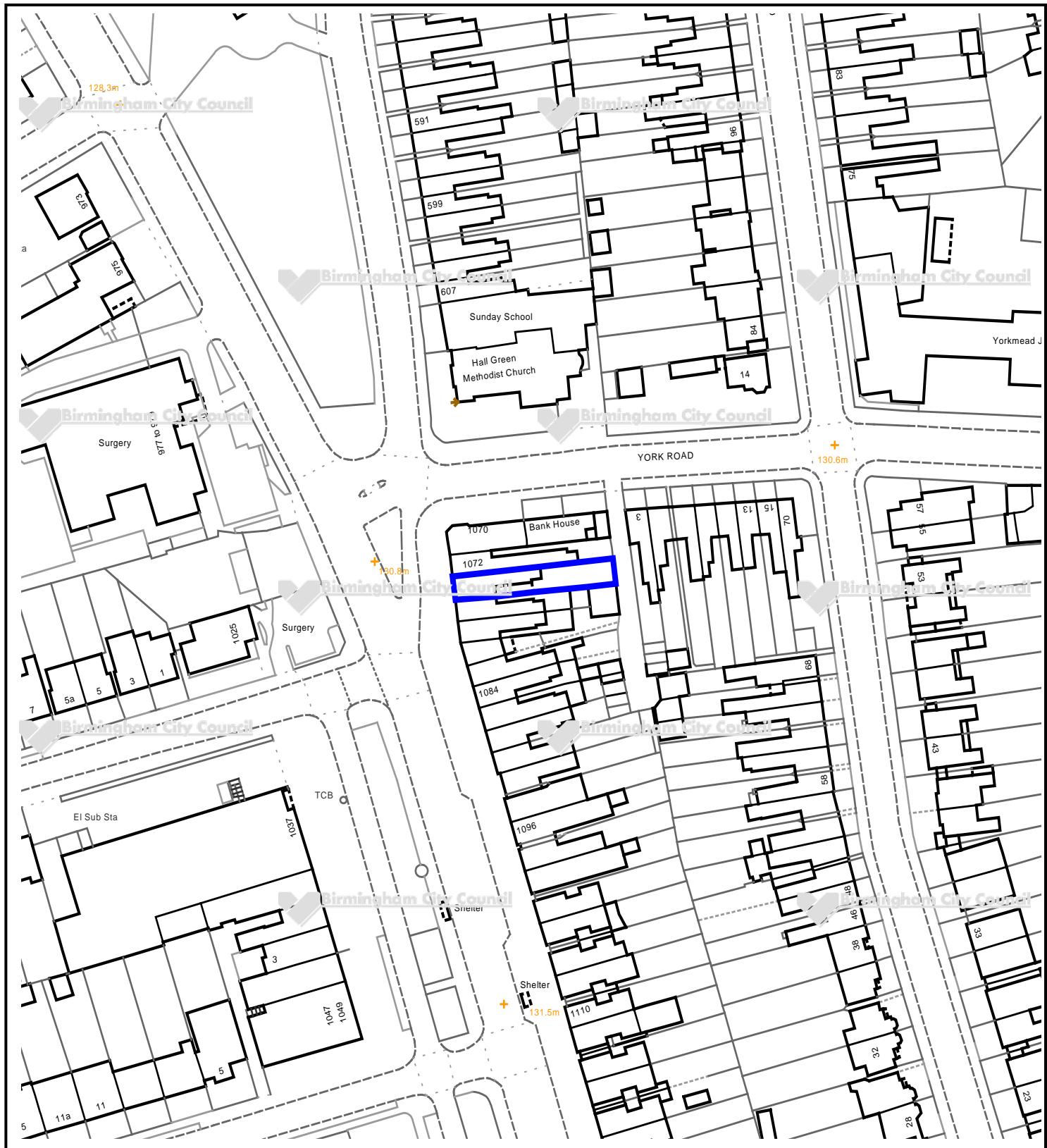
Case Officer: Sophie Long

Photo(s)



Figure 1- Front Elevation

Location Plan



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Committee Date:	19/01/2017	Application Number:	2016/09871/PA
Accepted:	24/11/2016	Application Type:	Telecommunications
Target Date:	31/01/2017		Determination
Ward:	Weoley		

Castle Square, Weoley Castle, Birmingham, B29 5QL

Application for prior notification for the replacement of existing 12m phase 3 monopole with 12m phase 4 pole, installation of 1 no. telecommunications equipment cabinet and associated ancillary work

Applicant: H3G and EE Ltd
c/o Agent
Agent: JN Planning Consultants
4 Bledisloe Way, Tuffley, Gloucester, GL4 0WR

Recommendation

No Prior Approval Required

1. Proposal

- 1.1. This is a Prior Notification application for the installation of a replacement 12 metre high telecommunications mast with antennae and installation of associated telecommunication cabinet and equipment on Castle Square, Weoley Castle.
- 1.2. The mast would be a 12 metres high slim-line monopole supporting 3 antenna contained within a standard shroud. The mast would be painted navy blue to match the existing mast. It would replace the existing 12m high monopole in the same position.
- 1.3. The proposed cabinet would be 1.2m wide, 0.4m in depth, and would be 1.6m high. It would also be navy blue. It would be located 300mm to the north west of the base of the proposed telecommunications mast, and would be 1.1m to the north east of the existing cabinets.
- 1.4. The proposed development is for the upgrade of the existing shared equipment for fourth generation (4G) mobile provided by EE Limited and Hutchison 3G UK Limited (H3G). The proposal is for the upgrade of the existing facilities and as such no alternative sites have been investigated.
- 1.5. The agent has submitted a declaration that the proposal would meet the International Commission on Non-Ionizing Radiation Protection (ICNIRP) requirements.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The replacement mast is sited within the footpath fronting 167 Weoley Castle Road, within the Primary Shopping Area of Weoley Castle Neighbourhood Centre.
- 2.2. The area is predominantly commercial in nature with some residential units located above the retail units on upper floors within the Castle Square. The closest premises are two storey in height and have forecourts that are defined by bollards. Other street furniture includes seating and light columns, with additional ornamental trees within the forecourts. The existing mast, cabinets and lighting columns are painted blue.
- 2.3. The central square comprises of a large grass area with a number of mature trees.
- 2.4. There is an existing 15m high telecommunications mast on the opposing side of the square, fronting No.154 Weoley Castle Road.

[Site Location](#)

3. Planning History

- 3.1. Relevant Planning History:
- 3.2. 26/10/2005 (2005/05600/PA) - Prior approval application for the erection of 10 metre high street works pole, 3 antennae and associated radio equipment cabinet - Refused – Allowed on appeal on 15/06/2006.
- 3.3. 08/04/2009 (2009/00902/PA) - Installation of 12m high telecommunications mast and associated equipment – No prior Approval Required.
- 3.4. Opposing Mast fronting 154 Weoley Castle Road:
- 3.5. 26/10/2005 (2005/05600/PA) - Prior approval application : Erection of 10 metre high street works pole, 3 antennae and associated radio equipment cabinet – Refused – Allowed on appeal on 15/06/2006.
- 3.6. 01/02/2010 (2009/06317/PA) - Replacement of existing 10m high monopole with new 15m high monopole and associated equipment cabinet - Prior Approval Required and to Refuse – Allowed on appeal on 18/10/2010.
- 3.7. 17/05/2013 (2013/02442/PA) - Prior notification for the installation of 1 no. replacement 15 metre high telecommunications monopole with 6 no. multi-band antennae, 3 no. equipment cabinets and associated ancillary development - No Prior Approval Required.

4. Consultation/PP Responses

- 4.1. Local MP, Ward Councillors, Residents' Associations and the occupiers of nearby properties notified of the application. A site and press notice has also been displayed. One letter of support has been received from an occupier of Weoley Castle Road.

5. Policy Context

- 5.1. The following local policies are relevant:
- Birmingham Development Plan (BDP) 2017
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
 - SPD Telecommunications Development: Mobile Phone Infrastructure (2008).
- 5.2. The following national policy is relevant:
- National Planning Policy Framework (NPPF) (2012).
6. Planning Considerations
- 6.1. Policy Context
- 6.2. The NPPF contains a presumption in favour of sustainable development. It advises that advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.
- 6.3. Policy TP45 of the Birmingham Development Plan acknowledges the importance of access to digital services being critical to Birmingham's economic, environmental and social development; and emphasises the need to provide for future flexibility to reflect increasing demands to provide connectivity and data traffic for a range of purposes.
- 6.4. Policy 8.55 of the UDP recognises that modern and comprehensive telecommunications systems are an essential element of life of the local community and the economy of the City. In assessing applications for telecommunications equipment, account will be taken of the impact of radio masts, antennae and ancillary structures on existing landscape features, buildings, and the outlook from neighbouring properties.
- 6.5. Policy 8.55A states that the Council will seek to encourage telecommunications operators to locate new equipment away from residential areas and, where they are of high quality, areas of open space, wherever possible; and outlines that the equipment should be designed to minimise its impact on the visual amenity of the area.
- 6.6. Policy 8.55B states that operators would be expected to share masts and sites wherever this desirable. Ground based equipment should be sited to take maximum advantage of backdrops to buildings and other screening opportunities. In assessing visual obtrusiveness, views from neighbouring properties and the street would be considered.
- 6.7. However, as a prior notification application, in accordance with Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development Order) 2015, the only issues that can be considered are the siting and appearance of the proposed mast and associated cabinet.
- 6.8. Siting and Appearance
- 6.9. The proposed replacement mast would be a slim-line street monopole that has been designed to minimise the visual impact on the street scene by integrating it with the existing street furniture that has a similar vertical punctuation of the skyline and

colour. The proposed mast is the same height of the mast that it replaces. The headframe would be wider than that of the existing mast by 170mm but at an overall 476mm diameter it would not be wider than general standard and would actually be narrower than that of the opposing mast fronting 154 Weoley Castle Road. It would also be 3m shorter than the nearby mast.

- 6.10. The area is characterised by commercial premises and substantial buildings surrounding the centralised mature landscaped square. The street lighting columns that surround the square are blue in colour and the existing mast is of a similar colour. Whilst the mast is taller than the adjacent street lighting columns, at street level the mast does not look dissimilar to any street light column within the vicinity. Furthermore, the mast, as viewed from the east and south, would be seen against the backdrop of two storey buildings and would be heavily screened from view across the central square by the mature tree cover.
- 6.11. From the west, there would be views of the mast, however, it would be viewed within the context of the existing street furniture and the buildings that front onto the square, and as such, I do not consider that the replacement mast would appear unduly obtrusive given the existing vertical features in the area. This concurs with the comments made by the Planning Inspector in 2006, who concluded that the mast would sit unobtrusively in the streetscene. Therefore, I consider that the scale and design of the mast and its associated equipment is acceptable and that the appearance of the proposed mast would not adversely impact the visual amenities of the area.
- 6.12. The pavement is wide so the additional cabinet would not in my opinion adversely affect pedestrian movement or introduce visual street clutter.
- 6.13. Impact on Health
- 6.14. Paragraph 46 of the NPPF advises that the Local Planning Authority must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure. The application has submitted the required information including a fully compliant ICNIRP certificate and as such no further consideration can be given with regard to health issues.

7. Conclusion

- 7.1. I consider that the siting and appearance of the proposed 12 metre high mast and its associated cabinet is acceptable and would not adversely impact visual amenity in accordance with the adopted UDP and the NPPF.

8. Recommendation

- 8.1. That no prior approval is needed.

Case Officer: Catherine Golightly

Photo(s)

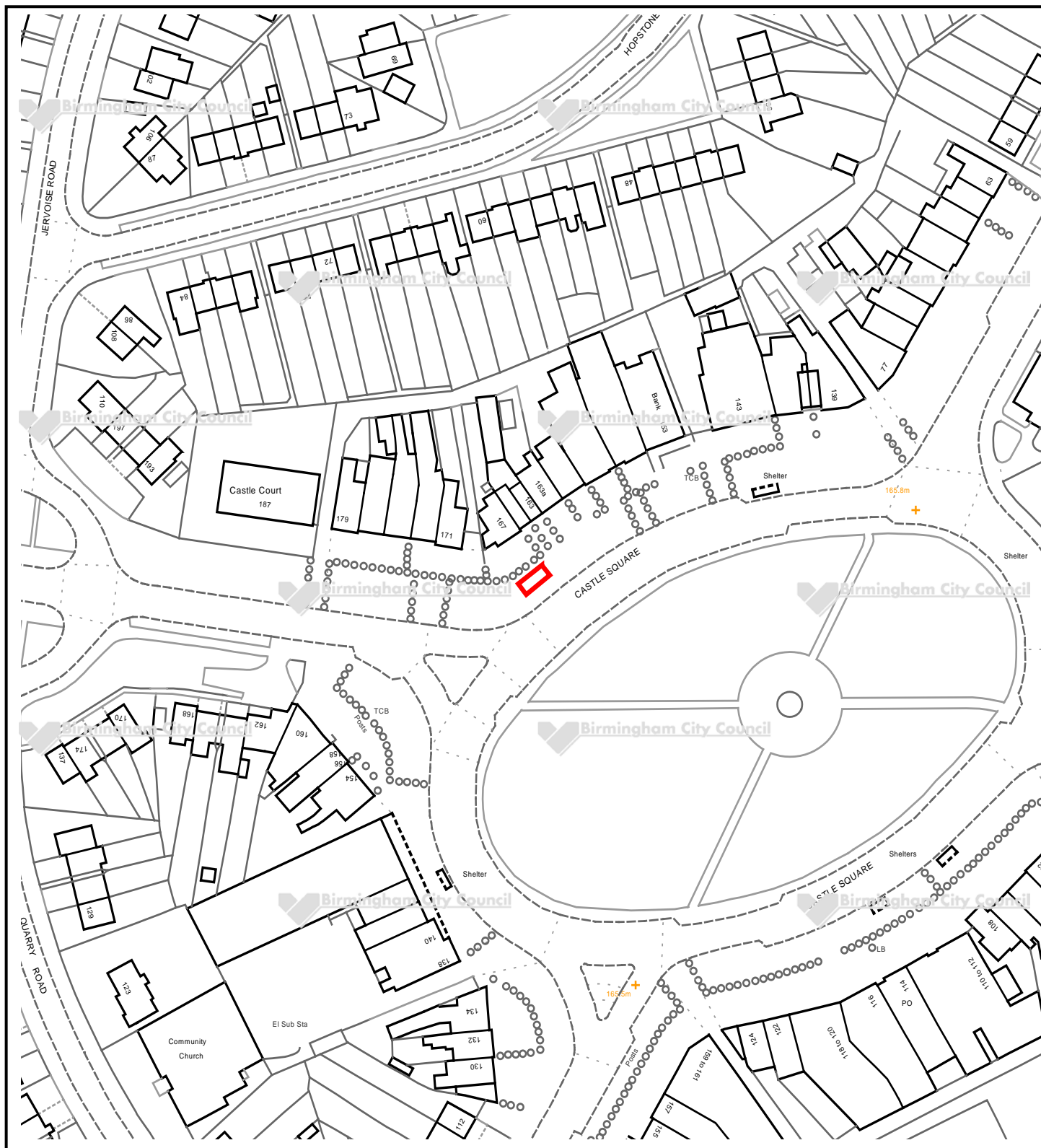


Figure 1: View of existing mast looking to the North East.



Figure 2: View of existing masts looking to the North West. The application mast site is the one to the right-hand side.

Location Plan



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Birmingham City Council

Planning Committee

19 January 2017

I submit for your consideration the attached reports for the **East** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Determine	19	2016/07099/PA Unit 5 1298 Warwick Road Acocks Green Birmingham B27 6PL Outline planning application for the erection of up to 48 residential units (with means of access to be determined and all other matters reserved)
Approve - Conditions	20	2016/06872/PA Land adjacent James House Warwick Road Tyseley Birmingham B11 2LE Creation of a new car park with 16 no. car parking spaces
Approve - Conditions	21	2016/08791/PA 57 South Road Stockland Green Birmingham B23 6EH Removal of Condition C3 attached to planning approval 2009/01864/PA relating to use for family accommodation only and not to be used to accommodate multiple paying occupants

Approve - Conditions

22

2016/09023/PA

Faizane-E-Madina
Richmond Road
Stechford
Birmingham
B33 8TN

Application for a variation of condition 4 attached to 2015/04281/PA to allow boarding accommodation consisting of 11no. single-occupation rooms associated with the existing education centre to be located at first floor level above the existing prayer hall

Committee Date:	19/01/2017	Application Number:	2016/07099/PA
Accepted:	22/08/2016	Application Type:	Outline
Target Date:	31/01/2017		
Ward:	Acocks Green		

Unit 5, 1298 Warwick Road, Acocks Green, Birmingham, B27 6PL

Outline planning application for the erection of up to 48 residential units
(with means of access to be determined and all other matters reserved)

Applicant:	Mr John Cullen 1-17 Silver Street, Kings Heath, Birmingham, B14
Agent:	Brooke Smith Planning Consultants The Cloisters, 12 George Road, Edgbaston, Birmingham, B15 1NP,

Recommendation
Determine

Report Back

Members will recall that this application was considered at the 10th November 2016 meeting and deferred for a site visit, which was undertaken on the 17th November 2016. The application was considered again at the 24th November 2016 meeting where Members reiterated their concerns regarding the access and egress from the site via Warwick Road, including the impact on traffic flow and increased congestion, the safety of drivers and pedestrians, the narrowness of Lincoln Road and the configuration of the gyratory. Particular concern was raised in relation to traffic crossing Warwick Road to enter the site from Gospel Lane. It was agreed that the application should be deferred in order to allow a further appraisal to be carried out to see if further traffic mitigation could be achieved through discussions with the applicant.

Such discussions have subsequently taken place and an amended scheme has been prepared and is presented for Members' consideration. The dedicated give way / waiting area on Gospel Lane, which would allow vehicles wishing to enter the application site to wait for safe passage across the Warwick Road southbound carriageway, has now been removed. The entrance and egress from the Warwick Road access would be left-in and left-out only via the Warwick Road southbound carriageway. It is envisaged that vehicles approaching the site from the south would continue to travel north along Olton Boulevard, turn right into Dolphin Lane and then turn right again onto the southbound carriageway of Warwick Road. An enlarged island feature would prevent direct access into the application site via Gospel Lane. This amended design removes Members' particular concern relating to traffic crossing the Warwick Road southbound carriageway to enter the application site.

Transportation Development has been in dialogue with the applicants' highway consultant regarding the revised access arrangement since the previous Planning Committee deferral. It is recommended that the application is determined and approved as per the original report. If Members are minded to approve the application, amendments to conditions 20 and 23 would be required to reflect the amended access design/plans, in addition to the removal of condition 25 relating to density, which is not required, raised previously at the 10th November 2016 meeting.

Original Report

1. Proposal

- 1.1. Outline planning application, with only means of access to be determined at this stage, for up to 48 residential units. The application includes a new main access/junction from Warwick Road and Gospel Lane that has also been subject to a Stage 1 Road Safety Audit. This includes a dedicated 'give way' position on Gospel Lane to enable vehicles wishing to enter the application site to wait for safe passage across the Warwick Road southbound carriageway, whilst also clear of moving traffic turning left or right onto Warwick Road. These works also include changes to kerb lines and road markings.
- 1.2. An indicative plan has been submitted in support of the application to demonstrate that the site could accommodate up to 48 residential units in an appropriate manner. This layout consists of 14no. 2-bed house 8no. 3-bed houses as well as 2 and 3-storey apartment blocks containing up to 26no. apartments. The plan shows a total of 83 parking spaces representing a provision of 173%.
- 1.3. The main access off Warwick Road would serve the majority of the proposed dwellings and the indicative layout shows a perimeter block form of development that faces onto a central square containing communal parking as well as landscaping. Houses and apartment blocks are shown surrounding this central square creating a good sense of enclosure with an off-street parking space and front garden to each house, and with rear-parking to the apartment blocks located to the rear corners of the site. 2 and 3-storey apartment blocks flank the main access to the north and south respectively with built frontages facing Warwick Road as well as turning the corner into the application site. The 2-storey block of apartments to the north of the new access has parking to the frontage whilst the 3-storey block of apartments to the south of the new access has parking contained within a secure rear parking court. The indicative plan also shows 2 new houses facing, and with a vehicular access off, Lincoln Road. This access also retains the right of way for the commercial properties at nos. 1322-1328 Warwick Road.
- 1.4. The application site measures some 0.87ha and a total of 48 dwellings equates to a density of 54 dwellings per hectare.
- 1.5. The application seeks to be fully policy compliant in terms of affordable housing provision (35%) and make a contribution towards off-site public open space and play equipment in accordance with the relevant formula contained within the 'Public Open Space in New Residential Development' SPD.
- 1.6. The application has been accompanied by a Planning Statement, Design & Access Statement, Ecology Report, Noise impact Assessment, Tree Survey, Geo Environmental Assessment, SUDS Report and Transport Assessment.
- 1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a 0.87ha cleared parcel of land bounded by residential properties to the north (Culham Close and Olton Croft), east (Lincoln Road) and west (Warwick Road). Immediately to the south is a small parade of commercial units containing a day nursery, takeaway and a retail unit. Beyond that is the

junction/gyratory of Warwick Road, Olton Boulevard and Lincoln Road and a number of larger commercial units including a petrol filling station and restaurants.

- 2.2. There are two existing vehicular accesses off Warwick Road and Lincoln Road. Ground levels across the site slopes to the south, following the fall of Warwick Road. Changes in ground levels are up to 2m and partly due to retention of some demolition material on the site. There are noticeable lines of mature trees along the northwest and eastern boundaries to houses on Culham Close and Lincoln Road.

2.3. [Site location](#)

3. [Planning History](#)

- 3.1. None of relevance.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objection subject to conditions relating to a Construction Management Plan, measures to prevent mud on the highway, siting / design means of access, pavement boundary, visibility splays and S278/TRO Agreement.
- 4.2. Regulatory Services – No objection subject to noise assessment, contamination remediation scheme and verification report, and electric vehicle charging points.
- 4.3. Lead Local Flooding Authority – No objection subject to conditions relating to a sustainable drainage scheme and sustainable drainage operation and maintenance plan.
- 4.4. Severn Trent Water – No objection subject to condition relating to the disposal of foul and surface water flows.
- 4.5. Leisure Services – No objection subject to a financial contribution to be spent on the provision, improvement and/or maintenance of POS and Play facilities at Fox Hollies Park.
- 4.6. Education – Request a contribution towards the provision of primary and secondary education provision.
- 4.7. West Midlands Police – No objection and an ideal new build development eligible for Secured by Design Accreditation.
- 4.8. West Midlands Fire Service – No objection.
- 4.9. Natural England – No objection.
- 4.10. Local residents, business premises, residents groups, Councillors and MP consulted with site and press notices posted.
- 4.11. Representation received from Councillor Roger Harmer raising no objection to the land being used for housing but raising concern over the access off Warwick Road. An alternative arrangement needs to be found or the Gyratory redesigned.

- 4.12. Representation received from Councillor John O'Shea supporting housing on the site but raises the following highway safety concerns relating to the access from Warwick Road:
- The existing arrangement is already dangerously complex and adding vehicles crossing from Gospel Lane is a recipe for serious collisions.
 - Proposal does not include any physical prevention in place to stop drivers making a left turn into the site.
 - Cause problems with long vehicles turning from Gospel Lane into Warwick Road northbound.
 - Likely to increase traffic congestion and add to the delays on the busy bus route that uses this junction.
 - Anxious to avoid diverting more traffic up Olton Boulevard east as this is likely to create further rat runs.
 - Appreciate that a Lincoln Road access may be difficult but would highly recommend vehicle access and egress be considered only through Lincoln Road.
 - Any use of Warwick Road is likely to be dangerous.
- 4.13. Representation received from Acocks Green Focus Green who are not opposing the residential redevelopment of the site but concerned over the number of units on the site and there should be an alternative access.
- 4.14. Representation received from Acocks Green Neighbourhood Forum expressing that they are pleased to see an application for the site but concerned about the access on Warwick Road. Access onto Lincoln Road is possibly better, but far from ideal.
- 4.15. 11 representations from local residents and business premises raising the following issues/concerns:
- Highway safety and increase in cars using the area will worsen the situation.
 - Already hazardous for pedestrians.
 - Covenant on part of the site.
 - Question whether all of the site is in the applicant's ownership.
 - Loss of privacy and residential amenity – worsened by elevated site.
 - Needs to consider Human Rights Act (Protocol 1, Articles 1 and 8) – a person has the right to peaceful enjoyment of all their possessions and the substantive right to respect for their private and family life.
 - No spare parking capacity on nearby streets.
 - Extra strain on local amenities and services.
 - Bats use the site.
 - Too many houses proposed.
 - Loss of trees.
 - Inadequate parking within the development.
 - Continual use of right of way for pick-up / drop-off arrangement and deliveries is integral to existing business.
 - No objection to site being used for housing.

5. Policy Context

- 5.1. Birmingham UDP 2005, Draft Birmingham Development Plan 2031, Places for Living SPG, Loss of Industrial Land to Alternative Uses SPD, Car Parking Guidelines SPD,

6. Planning Considerations

- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005.
- 6.2. The NPPF is clear that “the purpose of the planning system is to contribute to the achievement of sustainable development... There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social role – supporting strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment...”.
- 6.3. The NPPF and the Draft Birmingham Development Plan are material considerations. The Draft Birmingham Development Plan is at an advanced stage and as such holds significant weight. The proposal raises a variety of planning-related matters, these being the loss of industrial land and the provision of new housing, highway safety, visual amenity, residential amenity and S106 Planning Obligations, which are discussed below.
- 6.4. **Principle – loss of industrial land and provision of new housing:**
- 6.5. **Loss of industrial land:** The NPPF emphasises that planning policies should avoid long-term protection of employment sites where there is no reasonable prospect of the site being used for that purpose. Applications for alternative uses should be treated on their merits having regards to market signals and the relative need for different land uses to support sustainable communities. Within the UDP and ‘Loss of industrial land to alternative uses’ SPD there is a general presumption against the loss of industrial land. For operational purposes the City’s industrial land portfolio has been divided into six sub-markets and is intended to ensure that desirable employment development is not lost due to a lack of site availability. It is considered that the application site is classed under ‘Good Urban Sites’, which are generally between 0.4-10ha in size and suitable for locally-based companies. It is recognised that the quality of the location of such sites can vary significantly. Paragraph 4.31 of the UDP highlights that opportunities for industrial development in the built up area

of the City are diminishing and to reduce pressure on greenfield sites the loss of industrial land will be resisted except in cases where the site is a non-conforming use. The SPD incorporates a number of criteria and include non-conforming uses, active marketing, viability of industrial development, strategic land swaps and other strategic planning factors. The SPD also recognises that there will be occasions where it can be demonstrated that there are good planning grounds to depart for the general presumption against the loss of industrial land. The application site is not classed as Core Employment Land within the Draft Birmingham Development Plan. Whilst the applicant advises that the site has been placed on the market for over six years with no interest, the key consideration is its non-conforming use in relation to its predominantly residential neighbours and as such the loss of the industrial land is justified and policy-compliant.

- 6.6. **New housing:** A key objective of the NPPF (paragraph 47) is to boost significantly the supply of housing. The Draft Birmingham Development Plan reflects this and it is predicted that by 2031 the City's population will rise by 150,000 resulting in an increase of 80,000 households. Policy PG1 seeks to deliver 51,000 homes over the plan period. It is expected that a minimum of 80% of all new homes provided will be built on previously developed land.
- 6.7. Regarding the location of new housing, the UDP (paragraph 5.25C) and the Draft Birmingham Development Plan (Policy TP27) seeks, amongst others, that they should be accessible to jobs, shops, and services by modes of transport other than the car. The site is located within an established mixed use area and existing housing backs onto the site on three sides with access to local shops, services and public transport links. As such the proposal would make a notable contribution towards the City's housing need in a sustainable location and is an appropriate alternative use within the site's context.
- 6.8. **Design/Layout:**
- 6.9. The indicative layout demonstrates good urban design principles, creating perimeter blocks with strong building lines creating a sense of enclosure achieving high levels of natural surveillance and security. Proposed rear gardens would back onto existing neighbouring gardens, creating secure and unexposed rear boundaries. The majority of the buildings would be 2-storey, reflecting the neighbouring properties, whilst due to the topography of the site and the 2.5-storey nature of the adjacent parade of commercial units, the apartment block to the south of the Warwick Road access is shown to be 3-storey. The proposed parking is shown as a mix of on-plot and unallocated on-street, whilst not dominating the streetscene and allowing sufficient space for front gardens and landscaped areas. The indicative layout would also allow the retention of significant mature trees along the north western and north eastern boundaries. The submitted tree survey identifies trees of high landscape value, including Oak, Sycamore, Lime, Plane and Ash trees. These trees are within the neighbouring gardens but their canopies and Root Protection Area do extend into the application site and would require protection measures during construction.
- 6.10. Whilst the indicative layout is for illustrative purposes, and matters of appearance landscaping, layout and scale would be subject to a separate reserved matters application, it demonstrates that a relatively high density scheme in a sustainable location providing a good mix of house types can be adequately accommodated on the site.
- 6.11. **Residential amenity:**

- 6.12. It is recognised that since the demolition of the previous buildings on the site in 2008, that current ground levels will require further levelling to accommodate the site's redevelopment. The indicative layout demonstrates that adequate setback distances (5m per storey, as per 'Places for Living' SPG) could be achieved to existing neighbouring garden boundaries. Furthermore due to the depth of existing neighbouring gardens, in particular those along Lincoln Road, there is sufficient space to meet the separation distances, given in 'Places for Living' SPG, including taking into account any difference in final ground levels. The proposed residential development is compatible with its residential neighbours and would have no adverse impact on neighbour amenity in terms of noise and disturbance.
- 6.13. The indicative layout further demonstrates that the majority of the new houses and block of flats facing the central square have rear gardens or outside communal amenity space that meets the standards given in 'Places for Living'. The 2 blocks of flats flanking the access off Warwick Road has communal amenity to the rear that do not meet with the 30sqm per flat guideline. However, these blocks have significant landscaped frontages due to adhering to established building lines and the inability to provide frontage parking to Warwick Road and it is considered that such a positive contribution to the public realm would outweigh this shortfall. In addition the 2 houses shown to the Lincoln Road frontage fall short of minimum garden sizes. It is recognised that these plots are constrained and share a rear right of way / access with the adjoining parade of commercial and as such these houses' contribution to the Lincoln Road built frontage outweigh the garden size shortfalls.
- 6.14. The findings of a noise survey on the site contained within the submitted Noise Impact Assessment identifies that Warwick Road was the main source of noise by a considerable margin with some intermittent noise from children from the nursery at 1322 Warwick Road. The noise climate of the site was mostly stable as there was continuous traffic noise. The report concludes that almost all of the site is exposed to noise levels which would require some mitigation measures. With regard to the indicative layout, the block of apartments fronting Warwick Road would provide some screening to the properties behind and a further assessment is required once the final layout is known to confirm the necessary levels of mitigation. Regulatory Services raise no objection subject to conditions including a noise assessment to determine the correct levels of mitigation.
- 6.15. **Highway Safety:**
- 6.16. The proposed changes to the Warwick Road/Gospel Lane gyratory are a result of pre-application discussions over an extensive period of time involving Transportation Development Officers. A Transport Assessment has been submitted in support of the application. This includes details of an options appraisal for the optimum location for the proposed means of access to the site. The appraised arrangements included:
- Main point of access via Lincoln Road;
 - In via Lincoln Road and Out via Warwick Road; and
 - Main point of access via Warwick Road.
- 6.17. The TA highlights that any main point of access from Lincoln Road was discounted following a modelling process, which revealed significant queuing along Lincoln Road. The queues were not associated with the development access off Lincoln Road but a result of difficulty encountered by motorists existing onto Warwick Road via a poor junction layout. The TA concludes that vehicles would be unable to exit

the proposed residential development due to the length of the queues on Lincoln Road.

- 6.18. The TA also identifies that an 'in-only' access from Lincoln Road was discarded due to legal issues covering the existing arrangement which allows the day nursery on Warwick Road the facility to enable drop-off /pick-up of children on the land to the rear. The assessment also revealed safety issues resulting from reduced road width and parked cars.
- 6.19. The TA explains that it was determined that the optimum access location should be from Warwick Road. Site visits were undertaken including representative from the applicant's highway consultant and Transportation Development Officers to consider access arrangements and limit the weaving conflicts on Warwick Road. Furthermore, a Stage 1 Road Safety Audit (RSA1) was undertaken, the findings of which have been considered in the final access arrangement. These works include the changes to existing kerb lines to provide a dedicated 'waiting area' (approximately 10m in depth) for traffic wishing to cross Warwick Road from Gospel Lane. This would not obstruct traffic turning north or south onto Warwick Road from Gospel Lane.
- 6.20. The TA also includes details of the trip generation rates for the proposed development using the TRICS database. This anticipates that for a worst case scenario a total of 31 vehicles in the AM peak would be generated with 9 vehicles arriving, and 21 vehicles departing. During the PM peak, 36 vehicles would be generated, with 22 vehicles arriving and 15 vehicles departing. The TA also notes that the trip generation was produced for 60 dwellings, whereby the proposal is for up to 48 dwellings. Regarding traffic impact of the development, the TA concludes that the impact on the A41 gyratory in terms of queuing, delays and journey times, is marginal and in some instances provide benefit to operational performance of the junction. Furthermore, the residual cumulative impact of the proposal cannot be considered severe and would not materially affect the existing highway network.
- 6.21. Details have also been submitted showing that the indicative layout can accommodate the current refuse vehicle in operation in Birmingham as well as a Fire Service Vehicle.
- 6.22. The indicative layout illustrates that the parking provision would be provided in a variety of manners. This takes the form of rear courtyard parking as well as frontage parking and unallocated on-street parking bays, providing a total provision of 173%, which is considered an appropriate provision for the number of type of properties shown on the indicative layout.
- 6.23. Transportation Development considers that the proposed access arrangements are satisfactory for up to 48 units subject to the agreed scheme of modifications to the gyratory being delivered. They acknowledge that there are on-going operational issues relating to the design and operation of the gyratory, and the modifications represent a cost-effective solution to the most significant impact of the development. This impact being the potential for vehicles approaching either from Olton Boulevard or Gospel Lane, carrying out lane merging manoeuvres followed by sudden braking and turning left into the application site. The proposed modification would address this by creating a defined storage/waiting space for a vehicle entering the application site whilst giving way to southbound traffic travelling along the Warwick Road. Vehicles travelling southbound on the Warwick Road would turn left into the application site. Transportation Development raise no objection to the planning application subject to conditions, which are attached to the recommendation.

6.24. **S106 Contributions:**

6.25. The application is required to deliver planning gain in relation to affordable housing as well as public open space and play facilities. Policy contained within 'Affordable Housing' SPG seeks a minimum 35% provision. The applicant has advised that the proposal would be policy compliant and this would be secured by means of a S106 Legal Agreement.

6.26. 'Public open space in new residential development' SPD seeks, where practical to do so, that new public open space is provided on site. In addition, there are circumstances where it may be preferable for the public open space to be provided as an off-site monetary contribution. Such circumstances include new development being in close proximity to existing public open space or it may not be practicable to provide on-site. Due to the proximity of Fox Hollies Park, some 550m to the south west, as well as the relatively constrained nature of the 0.87ha site it is considered that an off-site financial contribution would be appropriate in this case. Fox Hollies Park is the largest area of public open space in this part of the City with facilities and attractions that have a large catchment. Leisure Services raise no objection to the application and support this approach. Again, this financial contribution would be secured by means of a S106 Legal Agreement in accordance with formula contained within the SPD.

6.27. It is noted that Education has advised that a financial contribution should be secured towards education facilities. Whilst no figure has been given, contribution towards education facilities is now raised from Community Infrastructure Levy (CIL) liable developments. The proposal is a non CIL liable development and as such does not attract a CIL contribution.

6.28. **Other Matters:**

6.29. An Extended Phase 1 Habitat Assessment and Bat Scoping survey has been submitted in support of the application, which concludes that the site and surrounding area to be of low value for commuting and foraging bats. Furthermore, shrubs and trees have the potential to support nesting birds, whilst no evidence was found of Great Crested Newts, Invertebrates or Reptiles and the site lacks potential to support these species. Regarding biodiversity enhancements, it is suggested that the scheme incorporates additional tree and shrub planting, grassland, bird and bat boxes and log piles. The City Ecologist raises no objection and recommends a condition relating to ecological enhancements.

6.30. The accompanying Sustainable Drainage Statement states that currently it is not known whether infiltration would be suitable for surface water disposal. If not possible, the on-site surface water drainage system could connect to the existing surface water sewer subject to suitable attenuation and storage, including permeable paving, a bio retention rain garden in the central green space and tree pits. Surface water would be discharged into a cellular storage system which would be discharged into the existing surface water public sewer located on Lincoln Road. The Lead Local Flooding Authority raises no objection subject to suitable conditions.

6.31. Matters relating to any covenant that may be on part of the site as well as ownership and private right of ways are ultimately non-planning related matters that have no bearing on the determination of this application. However, the issue of ownership has been raised with the applicant's agent who has advised that the application site reflects the land registry boundary plan.

- 6.32. With regard to reference to human rights, it should be noted that the rights of the objectors need to be balanced with the rights of the applicant. This consideration is in essence an extension of the planning balancing exercise which already forms the heart of the UK planning system's approach to decision-making.

7. Conclusion

- 7.1. The proposed residential redevelopment of this non-conforming and vacant industrial site within a sustainable location represents an appropriate alternative use. The proposed means of access, most notably the alterations to the gyratory which has been subject to a Stage 1 Road Safety Audit, would enable a main means of access from Warwick Road that would not detract from highway safety and, in certain circumstances, improve the operation of the gyratory. The application has also demonstrated that a good house type mix of up to 48 dwellings could be accommodated on the site in a manner that would improve the character and quality of the area, provide appropriate parking within the site as well as safeguard existing neighbour amenity and also provide an appropriate level of amenity for future occupiers. The scheme is also policy compliant in terms of affordable housing provision and a financial contribution towards Public Open Space and Play Equipment at the nearby Fox Hollies Park.

8. Recommendation

- 8.1. Approve subject to a Section 106 Legal Agreement

- 8.2. I. That application 2016/07099/PA be deferred pending the completion of a suitable Section 106 Planning Obligation to require:

- a) 35% of dwellinghouses on the site being 15% affordable / social rent, 10% shared ownership and the remaining 10% being allocated for low cost.
- b) A financial contribution (index-linked to construction costs from the date of the committee resolution to the date on which payments are made) calculated using Appendix B of 'Public Open Space in New Residential Development' SPD to be spent towards the provision, improvement and / or maintenance of public open space and play facilities at Fox Hollies Park, to be paid prior to first occupation of the housing.
- c) Payment of a monitoring and administration fee of £1,500 associated with the legal agreement. To be paid prior to the completion of the S106 Agreement.

II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 17th November 2016 planning permission be REFUSED for the following reason;

- a) In the absence of any suitable legal agreement to secure the provision of on-site affordable housing the proposal conflicts with Paragraph 5.37 A-G of the Birmingham UDP 2005, TP30 of the Draft Birmingham Development Plan 2031 and the National Planning Policy Framework (2012).
- b) In the absence of any suitable legal agreement to secure a financial contribution towards off-site public open space the proposal conflicts with 3.53B of the Birmingham Unitary Development Plan 2005, Public Open Space in New

Residential Development SPD, Policy TP9 of the Draft Birmingham Development Plan 2031 and the National Planning Policy Framework (2012).

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

IV. In the event of the Section 106 Agreement being completed to the satisfaction of the Local Planning Authority on or before 17th November 2016, favourable consideration be given to Application Number 2016/07099/PA, subject to the conditions listed below;

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- | | |
|----|--|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the prior submission of a contaminated land verification report |
| 3 | Requires the prior submission of a sustainable drainage scheme |
| 4 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 5 | Requires the prior submission of a scheme of foul and surface water flows |
| 6 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 7 | Secures noise and vibration levels for habitable rooms |
| 8 | Requires the prior submission of boundary treatment details |
| 9 | Requires the prior submission of a lighting scheme |
| 10 | Requires the prior submission of level details |
| 11 | Requires the prior submission of sample materials |
| 12 | Provision of designated electric vehicle charging points |
| 13 | Requires the prior submission of an Arboricultural Method Statement |
| 14 | Requires the prior submission of a construction method statement/management plan |
| 15 | Requires the prior approval of details to prevent mud on the highway |
| 16 | Requires the prior approval of the siting/design of the access |
| 17 | Requires the prior submission of details of pavement boundary |
| 18 | Requires vehicular visibility splays to be provided |
| 19 | Requires pedestrian visibility splays to be provided |
| 20 | Requires the prior submission and completion of works for the S278/TRO Agreement |
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- 21 Limits the maximum number of residential units to 48
 - 22 Limits the layout plans to being indicative only
 - 23 Requires the scheme to be in accordance with the listed approved plans
 - 24 Requires the submission of reserved matter details following an outline approval
 - 25 Limits the maximum density
 - 26 Limits the approval to 3 years (outline)
-

Case Officer: Peter Barton

Photo(s)



Figure 1 – Warwick Road frontage



Figure 2 – Warwick Road / Gospel Lane Gyratory

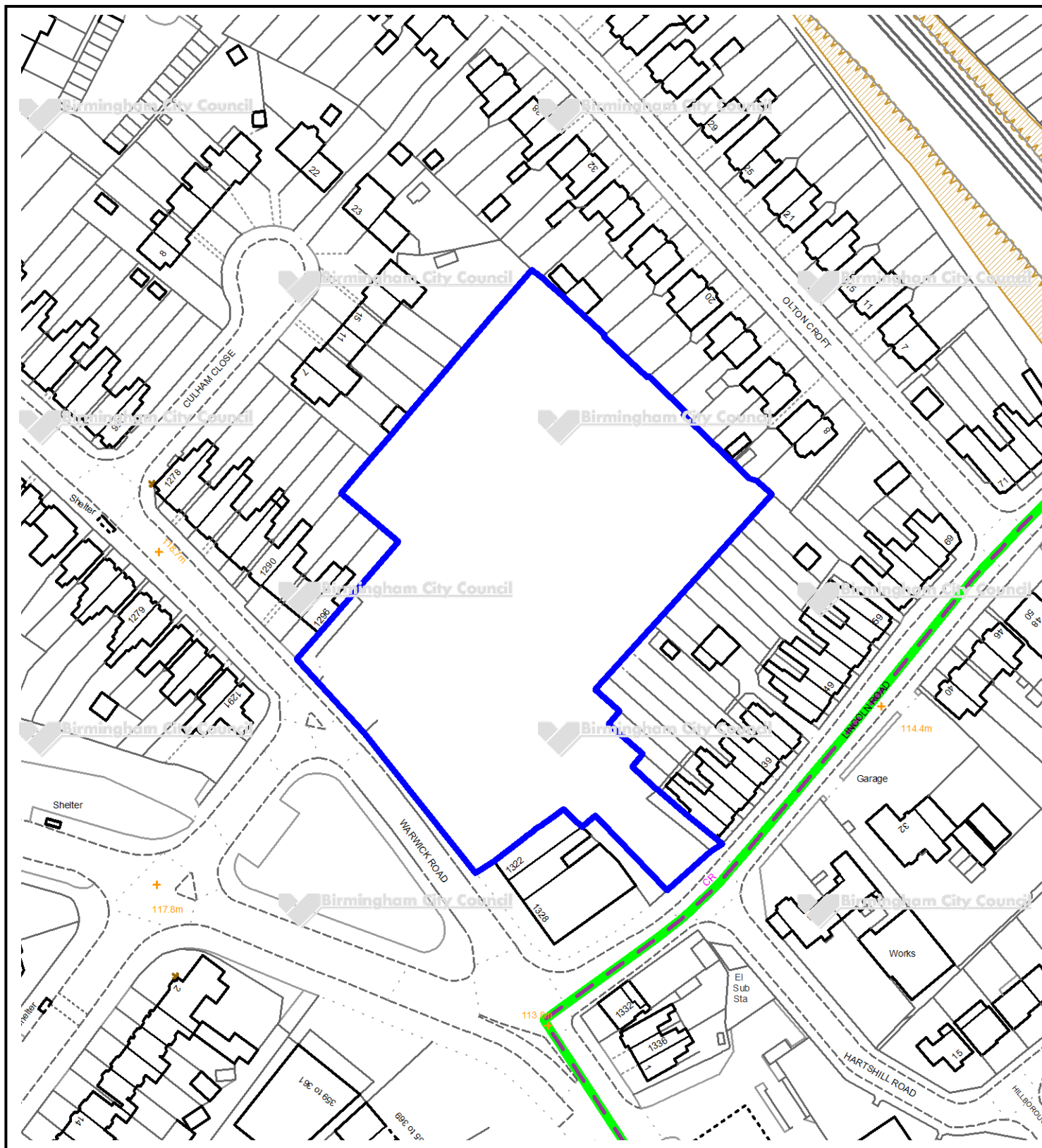


Figure 3 – Lincoln Road frontage



Figure 4 – Site's rear boundary with Olton Croft

Location Plan



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Committee Date:	19/01/2017	Application Number:	2016/06872/PA
Accepted:	14/09/2016	Application Type:	Full Planning
Target Date:	09/11/2016		
Ward:	South Yardley		

Land adjacent James House, Warwick Road, Tyseley, Birmingham, B11 2LE

Creation of a new car park with 16 no. car parking spaces

Applicant: Rigby Group PLC
James House, Warwick Road, Tyseley, Birmingham, B11 2LE

Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This planning application seeks consent for the construction of an ancillary car park to be used by employees of Birmingham North Sales Specialist Computer Centres (SCC) which would provide 16 no. car parking spaces upon a newly created hard surfaced area for staff and visitors to that would serve the overall SCC complex.
- 1.2. The proposed car park would be located on a square, vacant patch of land which is currently laid to lawn and located to the south of residential dwellings of Colebrook Road, to the east of residential dwellings along Warwick Road and would also be set back from Warwick Road.
- 1.3. SCC's overall existing car parking provision is 212 no. spaces and the proposed development would increase this to 228 no. spaces. The application details state that the proposed car park area would be bounded with landscaping with a combined entry and exit point provided from Colebrook Road.
- 1.4. The Local Planning Authority has recently approved a planning application (2016/06874/PA) for 45 no. parking spaces on a landscaped area of land adjacent to Warwick Road, Battery Way and Westwood Avenue and is approximately 200m away further east along Warwick Road from the current application site.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a square area of open grassed space, bounded by Warwick Road to the south, Colebrook Road to the east and residential properties to the north and west.
- 2.2. The immediate streetscape of the site relates to predominantly residential buildings (i.e. terraced dwellings along Colebrook Road). However, it is noted that there is a

significant amount of light industrial, commercial and offices nearby, to the east and north of the site beyond residential properties on Colebrook Road and to the south, on the opposite side of Warwick Road.

- 2.3. Birmingham North Sales Specialist Computer Centres (SCC) occupies a series of buildings in Tyseley, Birmingham. Colebrook Road is located directly to the eastern boundary of the site, beyond which lies St James' House and its car park, which is approximately 40m away from the sites boundary and which forms part of the wider SCC site comprising of offices, warehousing and a limited amount of light industrial uses.

2.4. [Location of Proposal](#)

3. [Planning History](#)

Site Planning History

- 3.1. 2009/04291/PA – Planning application for the provision of a 14 no. space car park on land to the south of 3 Colebrook Road, Tyseley, Birmingham, B11 2LE – Refused, due to lack of sufficient information.

Other SCC Car Parking History

- 3.2. 2009/05960/PA – Planning Application for the provision of a car park extension to James House car park, SCC, James House, Warwick Road, Tyseley, Birmingham – Approved, subject to conditions.
- 3.3. 2016/06874/PA – Planning Application for the provision of a 45 no. space car park with associated CCTV, lighting and landscaping on land adjacent to Warwick Road, Battery Way and Westwood Avenue, Tyseley, Birmingham, B11 3RF – Approved.

4. [Consultation/PP Responses](#)

- 4.1. Local MP, Councillors, Residents' Associations and local residents notified of the application with 6 no. objections received from local residents on the following points;
- Colebrook Road already suffers from existing parking issues from nearby roads and businesses that adversely impact upon existing residents (28 no. properties) who struggle to park.
 - The provision of a car park adjacent to properties of Colebrook Road would devalue property prices.
 - Colebrook Road already experiences traffic congestion from a variety of sources which would likely increase as a result of an additional car park entrance accessed from Colebrook Road.
 - The proposal would remove a 'green area' within an otherwise urban area which is used by local children to play.
 - The proposal would further reduce available on street vehicle parking provision for local residents.
- 4.2. Councillor Z Iqbal – Objects to the proposal on the following points;
- "I am objecting to this application on behalf of residents who have contacted me about the use of this land as a car park. It will increase the flow of traffic

around their homes, which are already subject to heavy traffic from the industrial estates surrounding their homes”.

- 4.3. Regulatory Services – No objection, subject to hours of use condition (08:00 – 18:00 Monday to Friday only).
- 4.4. Transportation Development – No objection, subject to conditions relating to Siting and Design of Access, No occupation until turning & parking area has been constructed, Parking Management Strategy, Commercial Travel Plan and Construction Management Plan.
- 4.5. Environment Agency – No objection.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan, National Planning Policy Framework (2012), Places for Living (SPG), Places for All (SPG), Car Parking Standards (SPD).

6. Planning Considerations

Principle of Development

- 6.1. Policy 6.49A of the adopted UDP states that the City Council's policy is to maintain adequate provision of car parking for essential car journeys while encouraging a greater proportion of public transport, walking and cycling trips. Places for All also identifies that the over provision of car parking can encourage car use and spoil the quality of a place. High parking provision is not appropriate where alternative means of transport are readily available.
- 6.2. The proposed car park would provide 16 no. additional off-street parking facilities for the employees and visitors at Birmingham North Sales Specialist Computer Centres (SCC), located within the wider SCC complex such as buildings CV1, CV2, CV3 and James House which are located nearby.
- 6.3. The proposed car park and the buildings it would serve are located approximately 1.5km from Tyseley Railway Station and Warwick Road is on the 37 and 38 bus routes and is therefore defined as being within area 3 within the Car Parking Guidelines SPD. As such, the principle of development can be supported in this instance.
- 6.4. It is considered that the main issues to take into consideration in the determination of this application are its impact upon visual amenity, impact upon amenity of adjacent occupiers and highway safety issues through parking and congestion.

Visual Amenity

- 6.5. The National Planning Policy Framework (2012) attaches great importance to the design of the built environment. Policies 3.8 and 3.10 of the adopted UDP 2005 resist proposals that would have an adverse effect on the quality of the built environment and emphasises that improving the quality of the built environment is one of the most important of the plan's objectives whilst 'Places for All' SPG emphasises that design should reinforce and evolve local characteristics in a positive manner.

- 6.6. The general character of the area is mixed with predominantly two storey terraced residential dwellings along the western and eastern boundaries of the site with detached commercial buildings and industrial units to the north of the site between the sites boundary and Warwick Road.
- 6.7. The application site relates to a grassed corner plot, which currently provides soft landscaping and a visual break between Warwick Road, which is a busy strategic highway and residential properties on Colebrook Road.
- 6.8. The proposed car park would result in the open space being replaced by a hard surfaced material and enclosed by a low perimeter fence whilst the applicant has suggested that the car park would be bounded with low level landscaping in the form of planted shrubs/bushes in order to soften the appearance of the car park from the public realm. Subject to the imposition of the landscaping planning condition I do not consider that the proposed car park would have a detrimental impact upon the street scene.

Residential Amenity

- 6.9. The application site is surrounded on its northern and western boundaries by two storey residential dwellings which are positioned 'side on' to the site with the gable ends of each row of terraced dwellings from Warwick Road and Colebrook Road facing onto the site.
- 6.10. It is acknowledged that the proposed use would introduce an element of vehicle traffic from both staff and the general public visiting the site which could generate increased levels of noise potentially impacting upon neighbouring properties when compared to the sites vacant use. However, Regulatory Services have raised no objections to the proposed development in terms of noise and disturbance to adjoining residential properties but have stated that the car park should be subject to a hours of use condition restricting its use to between the hours of 08:00 and 18:00 Monday to Friday only.
- 6.11. Regulatory Services have raised no objections to the proposed development in terms of noise and disturbance to adjoining residential properties but have stated that the car park should be subject to an hours of use condition restricting its use to between the hours of 08:00 and 18:00 Monday to Friday only.
- 6.12. I concur with this viewpoint as it would help to reduce potential noise impacting upon adjacent residential properties at times when the properties are likely to be occupied (i.e. evening and weekends). I therefore consider the proposal to be acceptable in this regard.
- 6.13. Concerns have been raised by local residents regarding the loss of a grassed area that fronts onto Warwick Road which they consider to be an asset to the local area and used by local children as a play area. However, the application site is private land that can be removed from use at any point and the removal of a grassed area would not constitute a reason for refusal.

Highway Safety

- 6.14. The application has been submitted with a Transport Assessment which states that the current proposal has been put forward in order to address an existing shortfall in car parking provision across the wider SCC site where instances of on street parking on surrounding roads and inconsiderate parking are common place.

- 6.15. Transportation Development have been consulted on the proposal and have noted that from their own site observations, it is clear that demand for the proposed parking facility is already present in the form of significant amounts of overspill / informal parking on private estate roads within the wider SCC site, within the privately maintained areas of Seeleys Road and also the public highway, particularly Colebrook Road, a cul-de-sac from which access to the proposed car park would be provided and that the proposed parking provision would not exceed the maximum provision within the Car Parking Standards SPD for such a use.
- 6.16. As such, Transportation Development have raised no objections to the proposal but have requested that a number of planning conditions be imposed such as the proposed access to be constructed to BCC Heavy Duty specification and require minor amendments to the kerbline and indented parking bay on Colebrook Road.
- 6.17. It is noted that the provision of the new access/egress to the proposed car park would reduce the availability of on street parking along Colebrook Road by 1 no. space, a concern noted by local residents who consider that existing provision does not adequately cater for existing demand.
- 6.18. However, as noted by many of the objections received the road is subject to high levels of parking demand often associated with SCC staff located near to Colebrook Road. It is considered that the loss of one on street parking space in order to provide 16 no. spaces for SCC staff, which in turn would reduce demand upon the on street parking provision from SCC staff, is appropriate in this case.
- 6.19. The Transport Assessment, specifically paragraph 1.2 states that “it is proposed that this Travel Plan would be updated at the post planning stage once the additional car park is operational so that it reflects the revised layout of the SCC campus”. It is therefore recommended that a condition is imposed to ensure that such works are undertaken and that there would be a renewed commitment to the travel plan and its implementation.
- 6.20. A parking management plan is also recommended in order to ensure that the car park is managed in terms of providing access to authorised users along with methods of managing informal / overspill parking on surrounding roads which can be secured via planning condition and is considered appropriate in this case.
- 6.21. Subject to the imposition of the above planning conditions it is considered that the proposal would not adversely impact upon the public highway network or upon highway safety and is therefore considered appropriate in this regard.

Other Matters

- 6.22. The application site falls within flood zone 3. The applicant has submitted a flood risk statement and which has been assessed by the Environment Agency, as statutory consultee for development in flood zone 3 who have raised no objection to the proposal.
- 6.23. The application site is adjacent to a number of mature trees and some of the proposed parking spaces might impact upon their roots. The trees make a positive contribution to the visual amenity of the locality and a condition is recommended relating to an arboricultural method statement to ensure the chosen method of construction of the parking spaces would have no adverse impact.

7. Conclusion

- 7.1. It is considered that the proposed car park extension would seek to relieve existing parking pressures experienced by the site occupier and would be located in a suitable location, which subject to the conditions discussed within this report would result in a satisfactory scheme without adversely impacting upon neighbouring land uses, highway safety or visual amenity.

8. Recommendation

- 8.1 Approve, subject to conditions.

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- | | |
|----|--|
| 1 | Limits the approval to 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the hours of use - 08:00-18:00 Monday to Friday only |
| 4 | Prevents occupation until the turning and parking area has been constructed |
| 5 | Requires the prior approval of the siting/design of the access |
| 6 | Requires the prior submission of a parking management strategy |
| 7 | Requires the prior submission of a commercial travel plan |
| 8 | Requires the prior submission of boundary treatment details |
| 9 | Requires the prior submission of hard and/or soft landscape details |
| 10 | Arboricultural Method Statement - Submission Required and Implementation as Approved |
-

Case Officer: Mohammed Nasser

Photo(s)

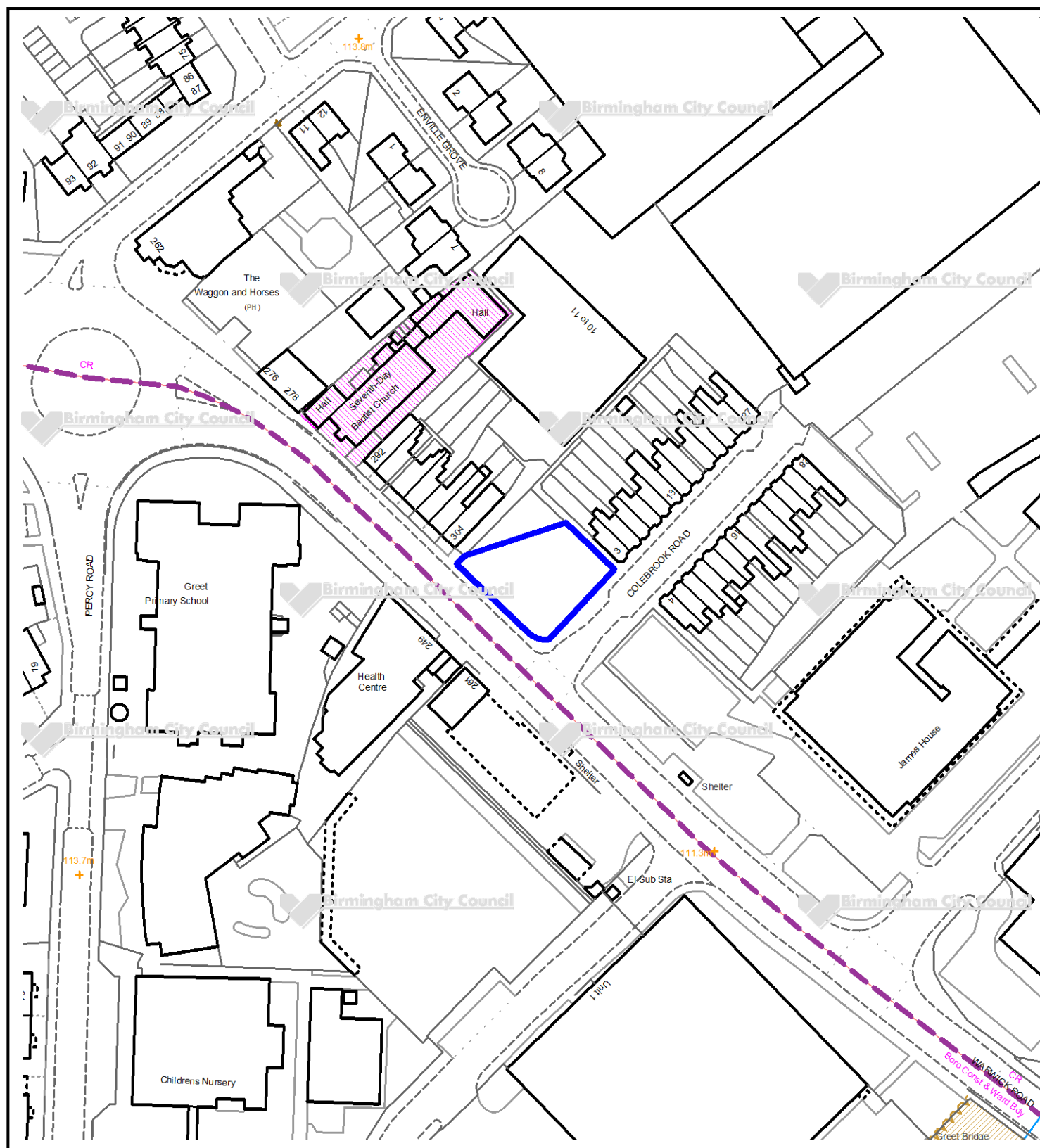
Fig 1 – View of site from Warwick Road



Fig 2 – View of Site



Location Plan



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Committee Date:	19/01/2017	Application Number:	2016/08791/PA
Accepted:	25/10/2016	Application Type:	Variation of Condition
Target Date:	20/12/2016		
Ward:	Stockland Green		

57 South Road, Stockland Green, Birmingham, B23 6EH

Removal of Condition C3 attached to planning approval 2009/01864/PA relating to use for family accommodation only and not to be used to accommodate multiple paying occupants

Applicant:	Ms V Southall 104 Chester Road, Castle Bromwich, Birmingham, B36 0AL
Agent:	Spector Design Ltd 20 Spring Lane, Willenhall, WV12 4JH

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks the removal of condition C3 from previously approved planning permission 2009/01864/PA, which was granted permission for the change of use of the premises from off license (A1) to 1 dwelling house (C3) on the 13th July 2009.
- 1.2. Condition C3 of planning permission 2009/01864/PA stated:
 - “The hereby approved use shall be used for family accommodation only and shall not be used to accommodate multiple paying occupants. REASON: In order to safeguard the amenities of occupiers of premises within the vicinity”.
- 1.3 It is clarified that ‘condition C3’ in the description of development relates to relevant the condition numbering in the original 2009, and is distinct from ‘Use Class C3’ (dwelling house) as defined in the Town and Country Planning Use Classes Order.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a two-storey dwelling, which occupies a corner location bounded by South Road to the east and Clifton Terrace to the north. The premises were formerly a commercial off licence before being converted to a single family dwelling in 2009. The location and surroundings are wholly residential, characterised by Victorian and post war two-storey residential dwellings.

[Location plan](#)

3. Planning History

- 3.1. 13.07.2009. 2009/01864/PA, Change of use from off license (A1) to 1 dwelling house (C3), approved.
- 3.2. 07.11.2060. 2006/04475/PA, Erection of a single storey side extension, refused.
4. Consultation/PP Responses
 - 4.1. Regulatory Services – No objections
 - 4.2. Transportation Development – No objection
 - 4.3. West Midlands Police - Raise concerns, due to an exacerbation of HMO's in South Road and the cumulative effect that such uses cause, due to the transient nature of occupiers, which undermines community stability and cohesion, having an increased effect on levels of crime and anti-social behaviour, the fear of crime and calls to service from the police.
 - 4.4. Nearby residents, residents associations and Ward Councillors notified, with the following responses received: -
 - Ward Councillors Penny Holbrook, Mike Finnegan and Carol Jones raise objection, commenting that South Road and the surrounding area is well-known to have a high concentration/exacerbation of HMO's and multi let properties which leads to highway/parking issues.
 - Eight emails/letters of objection from near neighbours, generally on the issues of the property changing to that of a HMO, commenting that South Road has an existing exacerbation of HMO's leading to a loss of social cohesion, lack of community care from a transient population who occupy such uses, additional noise and disturbance, litter, parking issues and anti-social behaviour.
5. Policy Context
 - 5.1. Birmingham Unitary Development Plan (2005) and Draft Birmingham Development Plan (2013); Places for Living SPG (2001); Car Parking Guidelines (2012) SPD; National Planning Policy Framework 2012 and Planning Practice Guidance (2014).
 - 5.2. Town and Country Planning Act 1990 as amended, Town and Country Planning (General Permitted Development) (England) Order 2015, Town and Country Planning (Use Classes) Order 1987 (as amended).
6. Planning Considerations
 - 6.1. Paragraph 206 of the National Planning Policy Framework (NPPF) advises that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
 - 6.2. Circular 11/95 has now been replaced by the Planning Practice Guidance. Paragraph 017 of the online published Planning Practice Guidance (Use of Planning Conditions) states that:

'Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances'.

- 6.3. Planning Use Classes are the legal framework which determines what a particular property may be used for by its lawful occupants. These are set out in the Town and Country (Use Classes) Order 1987 (as amended).
- 6.4. The sub-division of a residential property (C3) to that of a small HMO for no more than six people sharing communal facilities (C4) does not require the benefit of planning consent, as it is deemed permitted development under Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 6.5. The lawful use of the premises is that of a single family dwelling, falling within Use Class C3 (Dwellinghouse). The removal of condition C3 of planning permission 2009/01864/PA would allow the premises to change use to that of a small house in multiple occupation for six people, sharing communal facilities, as now falls within Use Class C4 (Houses in Multiple Occupation) under permitted development rights as now introduced nationally.
- 6.6. The original application (2009/01864/PA) for the change of use of the premises from an off license (A1) to 1 dwelling house (C3) was approved in 2009. In light of the changes to national guidance since the determination of the original application, even more careful consideration has to be given to imposing conditions which remove permitted development rights for developments. Current guidelines lawfully permit the change of use of a residential dwelling (C3) to that of a small HMO for six people or less sharing communal facilities (C4). It is therefore considered that such a condition would not be attached to any approval if the original change of use application were assessed today. Furthermore, a change of use to a large HMO for more than six people would still need formal planning permission due to a large HMO's Sui Generis use class. Consequently, it is considered the removal of condition C3 would be acceptable in principle.
- 6.7. Eight neighbour objections and Ward Councillor objections have been received with regards to the high concentration of HMO's in the street, the loss of social cohesion and lack of community care due to the transient nature of occupants of HMO's, noise and disturbance, litter, parking issues and anti-social behaviour. Neither Transportation Development nor Regulatory Services raise objection in terms of highway or amenity issues. In terms of social/crime issues, West Midlands Police have commented that there is an over intensification of HMO's within the area and, the cumulative effect of this might have an increased effect on levels of crime and anti-social behaviour, the fear of crime and calls to service from the police. In response, whilst it is noted that the area has a high level of HMO's, nationally consent is no longer required for the change of use of a residential dwelling (C3) to small HMO not exceeding 6 people (C4), therefore it is considered that it would be unreasonable and unnecessary to refuse the current application on such grounds now. Furthermore no evidence has been provided to suggest that the change of use of this property would be any different to that of a large family occupying the premises or would be occupied by such people likely to cause harm to social cohesion.

7. Conclusion

7.1. In light of the introduction of the National Planning Policy Framework and Planning Practice Guidance and, alterations to permitted development rights allowing permitted change of use from C3 residential dwelling to C4 house in multiple occupation for up to six people sharing facilities, since the determination of the previous approval, I am satisfied that the removal of condition C3 from previous application 2009/01864/PA would accord with national guidance and therefore be acceptable in this instance.

8. Recommendation

8.1. Approve subject to condition.

1	Requires the scheme to be in accordance with the listed approved plans
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Case Officer: Keith Mellor

Photo(s)

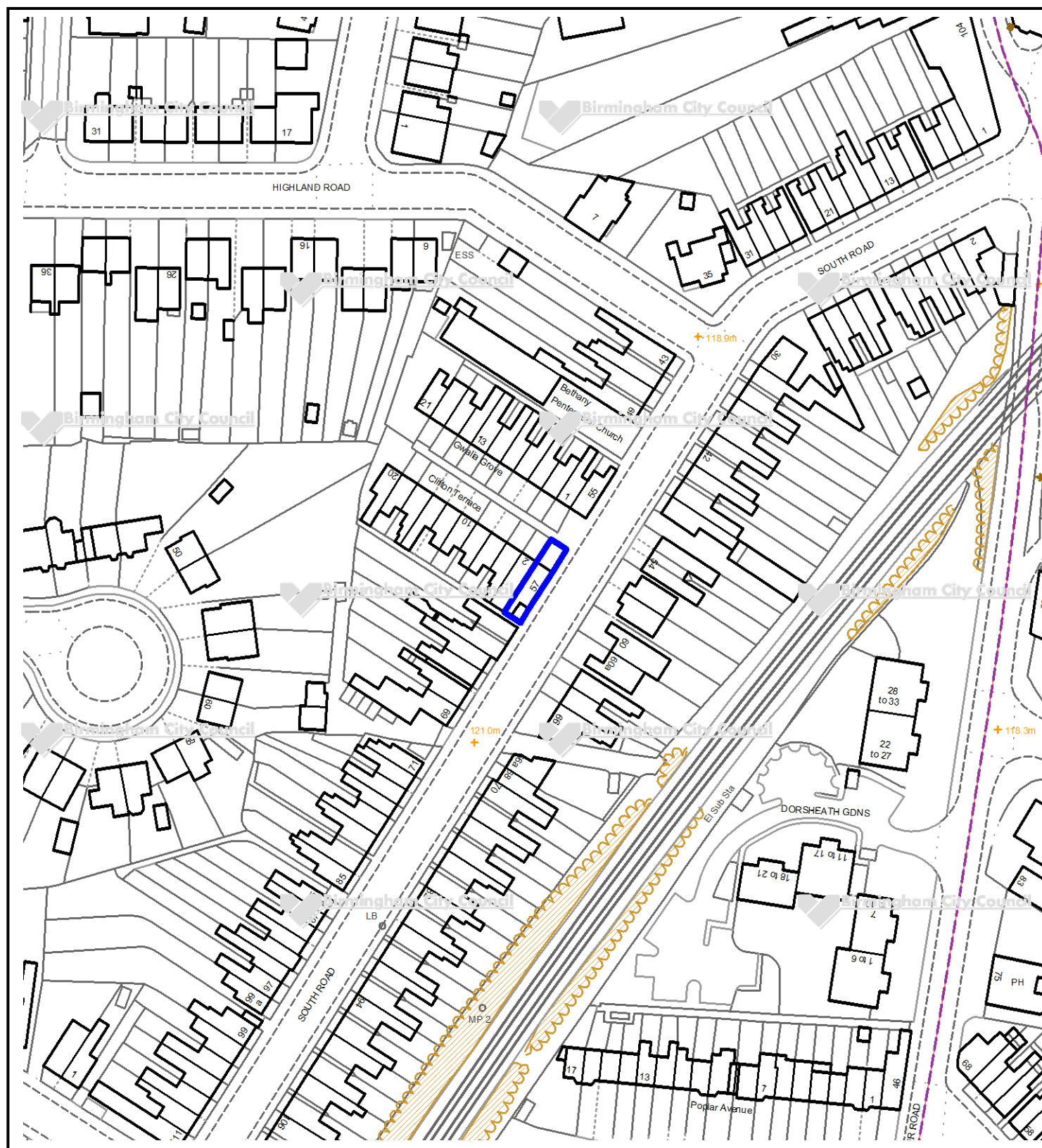


Premises 1



Eastern elevation 1

Location Plan



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Committee Date:	19/01/2017	Application Number:	2016/09023/PA
Accepted:	22/11/2016	Application Type:	Variation of Condition
Target Date:	21/02/2017		
Ward:	Stechford and Yardley North		

Faizane-E-Madina, Richmond Road, Stechford, Birmingham, B33 8TN

Application for a variation of condition 4 attached to 2015/04281/PA to allow boarding accommodation consisting of 11no. single-occupation rooms associated with the existing education centre to be located at first floor level above the existing prayer hall

Applicant:	Faizane-E-Madina Richmond Road, Stechford, Birmingham, B33 8TN
Agent:	Ian Wright Associates Ltd 31A Edgewood Road, Rednal, Birmingham, B45 8GB

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. Variation of condition application to allow the void space above the existing prayer hall to become a new floor level and accommodate male boarding accommodation with 11 single occupation bedrooms associated with the existing mosque and madrassa use at the premises. Shared toilets and shower rooms would also be provided on this new floor. Adjacent to this, also at the existing first floor level would be a large communal lounge as well as a kitchen and laundry at the rear of the ground floor. The additional floor level within the double height prayer hall would not require planning permission, but use of the floor space as boarding accommodation would require consent due to condition 4 attached to planning permission 2015/04281/PA limiting the use of the premises to a mosque and ancillary madrassa only.

1.2. The applicant advises that the students would be all male, 16+ years/higher education age, many of which would be living outside Birmingham but from the wider West Midlands area. Due to their age they would likely be brought by their parents to the site and would stay for the full week. The applicant also advises that overall number of students at the madrassa would not increase beyond existing levels.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises a former Masonic Hall with associated parking. It is situated at the junction of Bordesley Green East and Richmond Road, with existing footway crossings to both roads. On-street parking on Richmond Road is restricted by double yellow lines near the junction, but is available further northeast along

Richmond Road. Parking is also available in bays in the central refuge on Bordesley Green East.

- 2.2. To the north/northeast of the application site there are residential properties located on the east side of Richmond Road and a day nursery, residential and retail uses on the west side of Richmond Road. Immediately to the east is a parade of shops fronting Bordesley Green East. To the southwest on the opposite side of Bordesley Green East are further retail/commercial properties and a health centre. To the north at the junction of Stuarts Road/Richmond Road is a vacant Class C2 Care Home, which has planning permission for conversion to a HMO. There are also 2 primary schools located to the north on Albert Road and Lyttelton Road.

2.3. [Site location](#)

3. [Planning History](#)

- 3.1. 20/08/15 – 2015/04281/PA. Retention of place of worship and education/training centre (Use Class D1) with residential flat at first floor and formation of new footway crossing to Bordesley Green East. Approved.
- 3.2. 26/06/2014 – 2014/02213/PA. Retention of place of worship and education/training centre (Use Class D1) with residential flat at first floor. Temporary approval 1 year
- 3.3. 27/09/2012 – 2012/04869/PA. Change of use from masonic hall with residential flat above (Class D2) to a Mosque and Madrassah with residential flat above (Class D1). Temporary approval 1 year.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – Comments to be provided at the meeting.
- 4.2. Regulatory Services – No objection subject to conditions relating to noise insulation, and the dormitory accommodation to be occupied solely in conjunction with the mosque/madrassa use.
- 4.3. Lead Local Flooding Authority – No objection.
- 4.4. West Midlands Police – No objection.
- 4.5. Neighbouring premises, residents groups, Ward Councillors and MP consulted with site and press notices posted.
- 4.6. 4 representations received from residents of other parts of East Birmingham offering their support for the proposal on the grounds that it is beneficial to the community.

5. [Policy Context](#)

- 5.1. Birmingham UDP 2005 (Saved Policies), Birmingham Development Plan (BDP) 2017, Places of Worship SPD, Car Parking Guidelines SPD and the NPPF 2012.

6. [Planning Considerations](#)

- 6.1. In determining variation of condition Section 73 applications the DCLG advises Local Planning Authorities to focus on national or local policies or other material considerations which may have changed since the original grant of permission, as

well as the changes sought. Since the granting of the previous consent there has been no changes to relevant policy and guidance.

- 6.2. The principle of the permanent use of the premises as a place of worship and education centre has been established under 2015/04281/PA. The issues for consideration are the suitability of providing the boarding accommodation at this premises and the impact on neighbour and visual amenity, as well as highway safety.
- 6.3. The provision of boarding accommodation is appropriate in principle to an education centre that is also attached to a place of worship. The premises are located in a sustainable location, within a cluster of commercial and community uses, with good public transport links.
- 6.4. The new floor level would occupy void space behind a suspended ceiling above the existing prayer hall. The only external alterations would be the provision of roof lights to the front and rear roof planes to provide natural light to the bedrooms. Whilst the roof lights to the front roof plane would be visible from Richmond Road the visual impact would be limited and acceptable.
- 6.5. The boarding accommodation would provide single occupation bedrooms for 11 students with communal toilets and showers. The Madrassa operates between 1630 and 2000 hours Monday to Friday and teaches both boys and girls. There are 4 classes each with a maximum occupancy of 20 persons and 2 classes take place at any one time. Within the context of this busy location the provision of boarding accommodation for up to 11 students would have no harm on neighbour amenity. With a number of the students living at the property during the week, there is also the chance that noise and disturbance associated with parents picking-up and dropping off students might be lessened. The Imam and his family would continue to live in the existing upstairs flat.
- 6.6. Regulatory Services raises no objection subject to conditions requiring noise insulation to the new boarding accommodation where it faces Bordesley Green East and that it is occupied solely in conjunction with the mosque and madrassa. As the boarding accommodation faces either Richmond Road or is located to the rear of the building, the noise insulation condition is not required on this particular occasion.
- 6.7. Furthermore, it is considered that the impact on traffic generation would be minimal and likely that the dropping-off and picking-up of the students using the boarding accommodation would fall outside peak times associated with the premises (e.g. Friday prayers) and overall traffic movements associated with the madrassa reduced over the week. Transportation Development's comments shall be reported at the meeting.
- 6.8. It should be noted that there are outstanding conditions attached to the previous consent relating to a parking management strategy and a package of highway measures. The applicant is fully aware of these matters and is currently in discussion with Transportation Development regarding the detail and measures required.

7. Conclusion

- 7.1. The proposed boarding accommodation is an appropriate addition to this established place of worship and education centre, and would have no adverse impact on visual amenity, residential amenity and highway safety. The proposal is in

accordance with relevant policy and guidance and as such planning permission should be granted.

8. Recommendation

8.1. Approve subject to conditions.

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- | | |
|---|---|
| 1 | Limits the hours of use to 1830-2030 for madrassah use |
| 2 | Prevents the use of amplification equipment |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
| 4 | Prevents the use from changing within the use class |
| 5 | Requires the prior submission of a parking management strategy |
| 6 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 7 | Requires the boarding accommodation to be occupied solely in conjunction with the mosque and madrassa |
| 8 | Limits the number of students able to occupy the boarding accommodation to 11 |
-

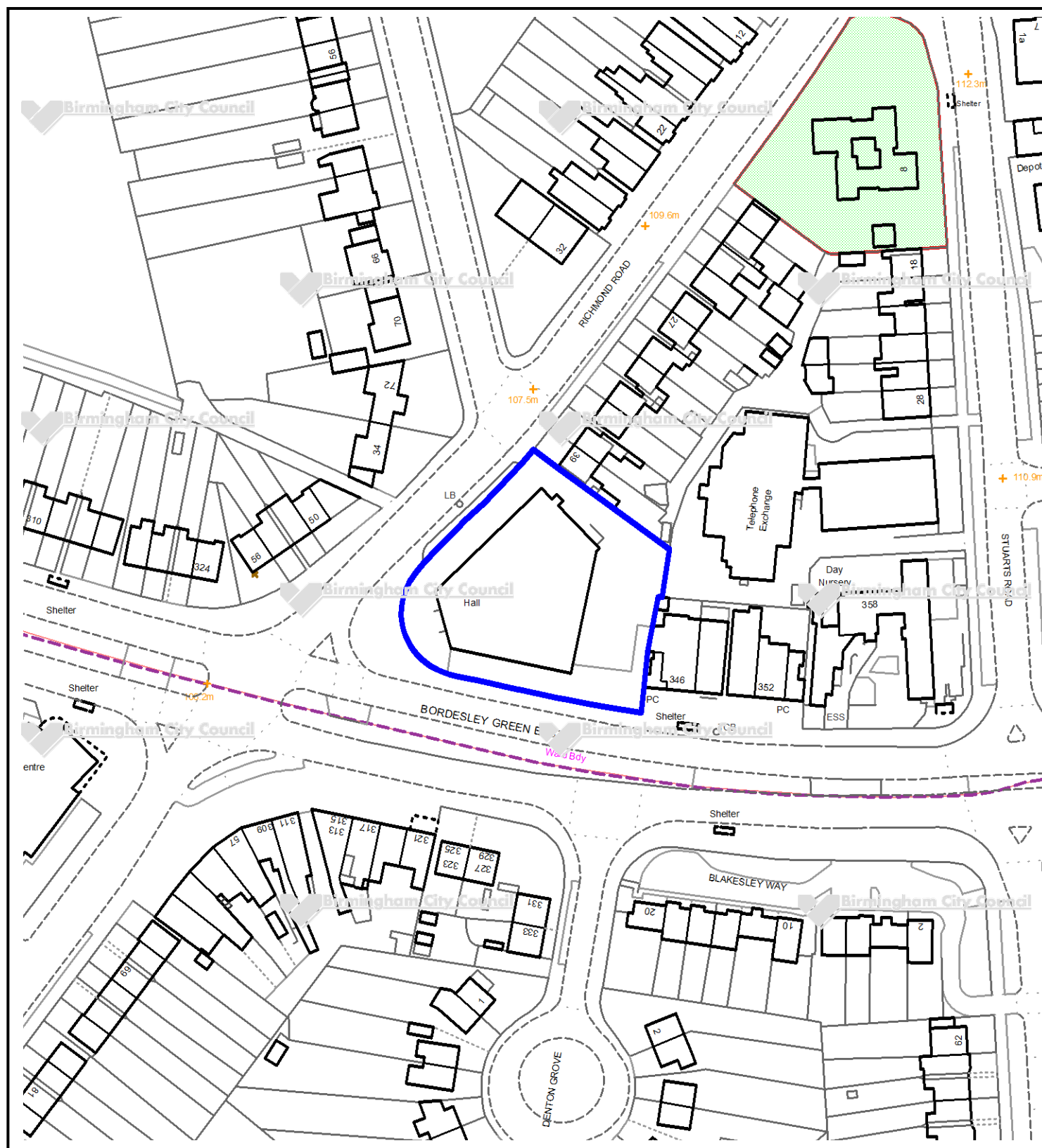
Case Officer: Peter Barton

Photo(s)



Figure 1 – Richmond Road frontage

Location Plan



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Birmingham City Council
Planning Committee 19 January 2017

Appeal Decisions Received from the Planning Inspectorate in December 2016

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Enforcement	147-149 Fentham Road, Aston	Without planning permission the use of the premises as a mosque, the erection of a 3 storey building, erection of external staircase and platform, retention of metal fencing and retention of metal containers. 2012/0928/ENF	Dismissed (see note 1 attached)	ENF	Written Representations
Enforcement	36 Langleys Road, Selly Oak	Unauthorised change of use of the premises to a large House in Multiple Occupation (Sui Generis). 2013/1490/ENF	Invalid Appeal (see note 2 attached)	ENF	Inquiry
Householder	6 Shepherd Road, Sheldon	Erection of two storey side and front extension. 2016/03080/PA	Dismissed	Delegated	Written Representations
Residential	Land adjacent to 10 Alborn Crescent, Kings Norton	Erection of 2 no. two-bedroom dwellings. 2016/02134/PA	Allowed (see note 3 attached)	Delegated	Written Representations
Other	Land off Ox Leys Road, Sutton Coldfield	Demolition of existing horticultural nursery building and erection of two storey building for use as an Equine Rehabilitation Centre with ancillary residential facilities and associated boundary treatment, landscaping and car parking. 2015/09691/PA	Dismissed	Delegated	Written Representations
Other	84 Beaks Hill Road, Kings Norton	Application to determine the details for condition no.2 - landscaping and no.3 - boundary treatment (attached to planning approval ref. 2013/4530/PA). 2016/01963/PA	Allowed (see note 4 attached)	Delegated	Written Representations

**Birmingham City Council
Planning Committee 19 January 2017**

**Appeal Decisions Received from the Planning Inspectorate in December
2016**

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
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Total - 5 Decisions: 3 Dismissed (60%) 2 Allowed

Cumulative total from 1 April 2016 - 75 Decisions: 51 Dismissed (68%), 22 Allowed, 2 Part Allowed

Notes relating to appeal decisions received in December 2016

Note 1 (147-149 Fentham Road)

The Inspector upheld the enforcement notice and varied the compliance period from 4 months to 9 months.

Note 2 (36 Langleys Road)

The Inspector concluded that the appellant had no right of appeal and in those circumstances there is no appeal to be determined. As a result of the appellant's unreasonable behaviour, the Inspector granted a full award of costs to the Council.

Note 3 (10 Alborn Crescent)

Application refused due to the limited plot depth, proposed siting and design, and relationship with surrounding properties, the proposed buildings would introduce discordant, incongruous and cramped additions to the street scene, harmful to local character, would provide inadequate amenity for future occupiers, and would be detrimental to adjacent residential amenity.

Appeal allowed because the Inspector concluded that the proposed development would not have a harmful effect on the character and appearance of the area or on the living conditions of future occupants of the proposed dwellings with regard to privacy and internal space, nor would it have a harmful effect on the living conditions of the occupants of neighbouring properties with regard to privacy.

Note 4 (84 Beaks Hill Road)

Application refused for Condition 2 (landscaping) because the introduction of a holly hedge in front of the boundary wall as shown on Drawing No. 13/004/08A, would be located on BCC Highway land and would not be located within the Applicant's ownership/the red line site. For Condition 3 (boundary treatment) the proposal is not a characteristic form of boundary treatment in this locality and is out of keeping with the character and appearance of the surrounding area.

Appeal allowed for Condition 2 because the Inspector agreed to consider an earlier version of the landscaping plan, Drawing No. 13/004/08, which excludes the holly hedge planted in front of the boundary wall. For Condition 3 the Inspector considered that when the landscaping has reached maturity it will soften the appearance of the front of the property and ensure it assimilates into the street scene.