

Birmingham City Council

Planning Committee

20 July 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	8	2017/04593/PA 36 Barlows Road Edgbaston Birmingham B15 2PL Erection of first floor and single storey rear extension including 3 No. Juliette style balconies
Approve - Conditions	9	2017/03342/PA The Meadows Primary School Bristol Road South Northfield Birmingham B31 2SW Partial demolition of existing school buildings. Erection of new 1 and 2 storey school buildings to be attached to remaining structures and amendments to existing external hard play areas.

Committee Date:	20/07/2017	Application Number:	2017/04593/PA
Accepted:	24/05/2017	Application Type:	Householder
Target Date:	19/07/2017		
Ward:	Edgbaston		

36 Barlows Road, Edgbaston, Birmingham, B15 2PL

Erection of first floor and single storey rear extension including 3 No. Juliette style balconies

Applicant:	Mr Z Yousafzai 36 Barlows Road, Edgbaston, Birmingham, B15 2PL
Agent:	Planning, Design & Build Ltd 864 Washwood Heath Road, Ward End, Birmingham, B8 2NG

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Erection of a first floor and single storey rear extension including 3 No. Juliette style balconies. The proposed development would involve a re-configuration of part of the ground floor of the dwelling with an extension to the re-located kitchen/dining area. At first floor level, extensions would be provided to two existing bedrooms with two new en-suite bathrooms to replace the existing shared en-suite.
- 1.2. The proposed first floor rear extension would be located centrally within the rear elevation of the property between two existing two storey rear extensions. The proposal would have a depth of 1.9m and a width of 8.2m. The proposed development would have a hipped roof design to match that of the existing two storey rear extension. Both bedroom windows would be fitted with a Juliette style balcony as would the rear-facing bedroom window adjacent to the boundary with No.34 Barlows Road.
- 1.3. The proposed single storey rear extension would project off the existing rear extension adjacent to the boundary with No.38. It would be set in from the side wall by 400mm and would have a depth of 2.9m and a width of 6.3m. It would have a hipped roof design with a ridge height of 3.9m and an eaves height of 2.9m.
- 1.4. A replacement front porch is shown on the submitted plans. This falls within the criteria to be constructed under permitted development rights. An outbuilding originally part of the submission has been removed from the application.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a detached property with a hipped roof design and bay window and gable feature to the front. The property is set within a predominantly

residential area comprising of a mixture of designs within the street scene. The rear amenity area of the site is partially paved with a generously sized lawn area. The rear boundary with No.38 is defined by mature hedging of approximately 2m in height.

2.2. [Site Location](#)

3. [Planning History](#)

- 3.1. 25/09/1992 – 1992/03256/PA – Permission granted for erection of utility room with stores and conservatory.
- 3.2. 01/10/1996 – 1996/03053/PA – Permission granted for erection of two storey rear extension as sun lounge and bedroom over.
- 3.3. 23/07/2012 – 2012/03148/PA – Permission granted for erection of two storey and single storey rear extension.
- 3.4. 09/12/2016 – 2016/10245/PA – Pre application enquiry for the installation of electric gates and railings to front and side.
- 3.5. 27/02/2017 – 2017/01750/PA – Pre application enquiry for conversion of the garage to a habitable room, erection of a first floor rear extension, alterations to roof, erection of a single storey rear extension and erection of detached outbuilding in rear garden.

4. [Consultation/PP Responses](#)

- 4.1. Neighbours and local councillors were consulted for the statutory period of 21 days. Letters of objection were received from the owners of 2 properties in Barlows Road, 2 properties in Hintlesham Avenue and 1 property in Metchley Lane, the Edgbaston Residents Association, the Calthorpe Residents Society and Cllr Alden, Cllr Bennett and Cllr Ferguson. Objections were submitted on the following grounds:
 - Loss of light, to east-facing window next door.
 - Loss of privacy.
 - The scale of the proposed development.
 - The proposed extensions would dominate the appearance of the dwelling, and cause overshadowing.
 - Noise and disturbance issues.
 - The visual impact of the proposed development. Request amendment to assist hedge retention.
 - The proposed outbuilding would set a precedent for similar developments in the area.
 - The proposed outbuilding could be used for residential accommodation which would be inappropriate within the area.
 - Potential trees issues in relation to the proposed outbuilding.

5. [Policy Context](#)

- 5.1. The following local policies are applicable:
 - Birmingham Development Plan (BDP) 2017.

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

5.2. The following national policies are applicable:

- National Planning Policy Framework.

6. Planning Considerations

- 6.1. The principal matters for consideration are the scale, design and siting of the proposed development, and the impact on the architectural appearance of the property, the general street scene and neighbouring properties' amenities.
- 6.2. A proposed detached outbuilding was shown on the original set of submitted plans, however, a set of amendments have been submitted removing this element of the original scheme. The revised plans also set the proposed single storey rear extension 200mm further away than originally-submitted from the boundary with No.38 Barlows Road.
- 6.3. The proposal complies with your Committee's 45 Degree Code Policy. The proposed development would therefore not have a harmful impact upon adjacent dwellings in terms of loss of light. The east-facing window next door referred to by an objection letter faces the existing side wall to the applicant's house, so would not be affected by the proposed extension. Given the single-storey nature of the proposal, and its limited size, the effect on direct sunlight with respect to no. 38 would I estimate be minimal, i.e. for relatively short periods in the mornings only, depending on the time of year.
- 6.4. The proposed development complies with the required numerical guidelines as contained within 'Places For Living' and 'Extending Your Home'. A suitable condition is attached for no standing room to be allowed and inward opening doors with respect of the Juliette style balconies so that they would have no further impact with regarding to overlooking neighbouring gardens than were a fixed window to be installed.
- 6.5. The scale, mass and design of the proposal is acceptable. Barlows Road is characterised by large dwellings of varying designs which are set in generous plots. The property already benefits from existing two storey rear extensions, however, the proposed development would not project any further to the rear of the existing dwelling at two storey level. The size of the additional single storey extension is relatively modest in size within the context of the scale of the existing dwelling and taking into account the sizeable rear garden of the plot. When taking these factors into account, I do not consider the proposed development would have an adverse impact on neighbours' amenities.
- 6.6. Although the rear, ground-floor extension has been taken off the boundary by 200mm, I still expect some damage to the boundary hedge, or its removal at that section, would occur/be necessary. I do not consider this a matter to amount to a reason for refusal, the applicant and neighbour would need to discuss ownership and boundary treatment outside the scope of this application.

- 6.7. As the proposed works would be contained to the rear of the site there would be no impact upon the street scene. The proposed development would not have a harmful impact upon the architectural appearance of the property or the visual amenity of the surrounding area.
- 6.8. Concerns have been raised by neighbours in relation to possible noise issues. However, any noise created as part of the proposed development would be that associated with a single residential dwelling. The concerns with respect to the outbuilding originally proposed have been resolved by the removal of that element.
- 6.9. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. Notwithstanding the objections raised by the neighbouring occupiers, I consider that there are no sustainable grounds upon which to recommend refusal of the application.

8. Recommendation

- 8.1. Approval is recommended subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires the Juliette balconies to be inward opening |
| 2 | Requires that the materials used match the main building |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
| 4 | Implement within 3 years (Full) |
-

Case Officer: George Baker

Photo(s)

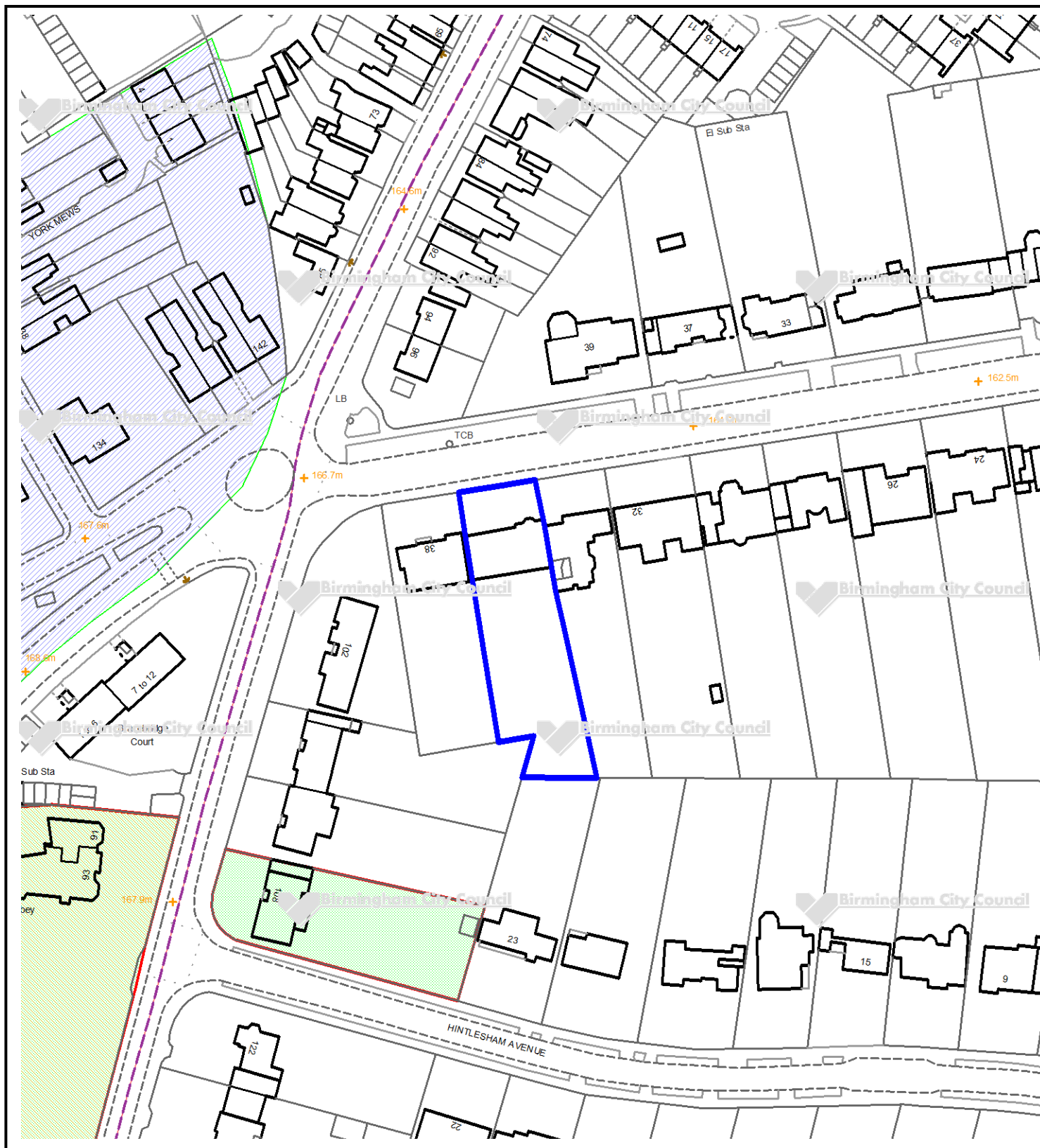


Figure 1 – Rear elevation of 36 Barlows Road



Figure 2 – Rear boundary with 38 Barlows Road

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	20/07/2017	Application Number:	2017/03342/PA
Accepted:	25/04/2017	Application Type:	Full Planning
Target Date:	25/07/2017		
Ward:	Longbridge		

The Meadows Primary School, Bristol Road South, Northfield, Birmingham, B31 2SW

Partial demolition of existing school buildings. Erection of new 1 and 2 storey school buildings to be attached to remaining structures and amendments to existing external hard play areas.

Applicant:	Balfour Beatty Regional Construction c/o Agent
Agent:	Tweeddale Limited 265 Tettenhall Road, Wolverhampton, WV6 0DE

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Members will recall that planning permission was granted in 2014 for the demolition of part of the existing school and its replacement with one and two storey extensions to allow for the increase in pupil numbers from 420 to 630 over a seven year period. This planning permission was implemented in 2015/2016 and the existing school now has two new build wings.
- 1.2. Planning permission is now sought for the demolition of the remaining on ground school buildings and their replacement with a new one and two storey building with alterations to the existing outside hard play areas. At present, the school operates on an 'almost' 3 form entry (FE) basis. This application would enable the school to become fully 3FE school with a 3FE Special of Educational Needs (SEN) intake (currently 2FE SEN). In order to achieve this status, the old parts of the school would need to be demolished; retaining the wings recently constructed, and replaced with new facilities that accord with the appropriate building requirements for such schools.
- 1.3. The expansion programme would see the school expand from its present 600 pupils (and approved 630), up to around 660 as a 3FE school.
- 1.4. The existing school buildings are grouped fully together and are constructed in an 'H' pattern with a central spine running north to south with four wings, one at each end of the central core (two of which are the recently constructed wings). The existing school has a built footprint of approximately 3,430sq.m. The proposed demolition would remove approximately 2,385sq.m comprising the central spine and the two southern wings and would be replaced with a building of approximately 1,925sq.m in the form of a one and two storey central spine linking to the recently constructed northern wings and resulting in a 'T' shaped building.

- 1.5. The new central spine would measure a maximum 20.9 metres in width, 62 metres in length and 8.6 metres in height.
- 1.6. The new building would comprise the school's main hall and dining facilities along with supporting areas for these including kitchen, food storage areas and toilets; storage facilities for the hall and break out areas along with staff rooms, offices, library, speech and language room and three SEN classrooms at ground floor. Toilets; break out areas and three Year 5 classrooms and three Year 6 classrooms would be provided at first floor.
- 1.7. The northern half of the proposed new build would sit between the two recently completed wings and would be similar in height to the existing to be demolished. The new main hall would have a higher, one and a half storey mono-pitch, whilst the dining hall area would have a slightly lower mono-pitch roof that would slope in the opposite direction. A flat roof corridor would link to the southern two storey new build block which would have a similar design to the newly constructed wings. This element would have split pitched roofs with a central dropped flat roof and a central run of roof lights. It would be constructed with brick and block work, with walls colour rendered or with timber effect laminate panels and timber/metal windows and doors.
- 1.8. Seven 'U' Category trees would need to be removed, three of which are located in the smaller of the two outdoor play areas as they would be affected by the demolition of the existing school buildings with the remaining four being located along the site boundary. The trees comprise 3 Cherry, 1 Horse Chestnut, 1 Ash, 1 Lime and 1 Whitebeam.
- 1.9. 46 car parking spaces are provided within the school site including 3 disabled spaces and these are proposed to remain. Cycle parking provision would also remain unchanged with 10 covered spaces provided.
- 1.10. 91 staff currently work at the site (this includes non-teaching staff). This is likely to increase by 2 staff per year over the next five years to accommodate the increase in pupil numbers.
- 1.11. A Planning Statement, Arboricultural Assessment, Ecological Assessment Report including Bat Survey, Ground Investigation Report, Transport Statement, Flood Risk Assessment and Drainage Strategy and a Design and Access Statement are submitted in support of the application.
- 1.12. The application has been screened regarding the requirement for an Environmental Impact Assessment and the LPA has determined that one is not required.
- 1.13. Site area: 1.25Ha.
- 1.14. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site relates to the Meadows Junior and Infant School, off Bristol Road South, Northfield. The main school buildings are centrally located within the site, with residential properties to the east, south and west.
 - 2.2. The existing school buildings are of 1960s timber frame construction and comprise of a mixture of single storey and two storey buildings that are largely sited to the

northern side of the site with a tarmacked playground to the southern side of the complex. The school buildings currently comprise of an original two storey block to the west, which is in disrepair; with a new wing element that is located to the east of the original school buildings. The existing buildings (to be demolished) are timber clad with a painted green finish. The existing vehicular access is located off School Close to the north east side of the site.

- 2.3. Pedestrian access to the school is via an entrance on Bristol Road South with vehicular access from School Close, with the entrance to the site approximately 60 metres from the junction with the Bristol Road South on the eastern corner to the site. There are parking restrictions in place along School Close from the A38 and around the vicinity of the school. The vehicular entrance into the school leads directly into the school's main parking area, and there are additional parking spaces to both the left and right of the main entrance. The caretaker's house is also located just inside the school entrance. A public footpath runs parallel with the northern boundary, with a route from the north-west corner of the school linking to it to Bodenham Road to the west of the site.
- 2.4. There are residential properties bounding the school on all boundaries, with traditional semi-detached housing along Bodenham Road and flatted developments within School Close and Bristol Road South. There is a retail parade further to the north along Bristol Road South.
- 2.5. The site is heavily tree'd around its boundaries and contains a high number of trees. Trees within the adjacent site at 1211 Bristol Road South are statutorily protected.

[Site Location](#)

3. Planning History

- 3.1. 21 June 2005. 2005/01803/PA. Planning permission granted for a single storey extension to reception office and waiting area.
- 3.2. 26 August 2009. 2009/02674/PA. Planning permission granted for the erection of a single storey extension to existing staffroom.
- 3.3. 17 April 2014. 2013/09189/PA. Planning permission granted for the part demolition of existing buildings and construction of new single storey and two storey extensions and associated works.
- 3.4. 22 December 2014. 2014/08989/PA. Approval granted for a non-material amendment to approval 2013/09189/PA for the relocation of two storey and single storey extensions.
- 3.5. 11 May 2017. 2017/02407/PA. Temporary planning permission granted until 22 May 2020 for the erection of two storey structures to accommodate 8 temporary classrooms, staircases and canopies and temporary dining hall.
- 3.6. 15 June 2017. 2017/03783/PA. No prior approval required for the proposed partial demolition of school buildings.

4. Consultation/PP Responses

- 4.1. Neighbours, Local Ward Councillors, MP and resident associations notified. Press notice and five site notices posted (in Bodenham Road (x2), Bristol Road South, School Close and Haden Court). Three letters of objection/comment received from residents on Bristol Road South and School Close.
- 4.2. The objection from the Bristol Road South resident relates to whether the existing "toucan crossing" is to be moved on a temporary basis as suggested and where it will be sited. The resident considers that its location is likely to be very close to their property and as such, a personal consultation should have taken place by now, given that the contractor's access is key to the planning process. The resident is also interested in the cost of moving the crossing and what guarantees are in place to move the crossing back to its original site when the school works are completed.
- 4.3. The two letters from the residents in School Close relate to parking issues relating to increase in school numbers; contractor parking; construction and delivery hours and mud on the road.
- 4.4. Cllr Carole Griffiths – No objection provided that pest control is monitored and does not become an issue for local residents as it did last time.
- 4.5. Transportation – No objection subject to a construction management plan condition.
- 4.6. West Midlands Fire Service - No objections subject to adequate water supplies and access for fire service vehicles.
- 4.7. West Midlands Police – No objection.
- 4.8. Severn Trent Water – No response received.
- 4.9. Environment Agency – Have no comments to make as it falls outside their statutory remit.
- 4.10. Education – Supportive of the application.
- 4.11. Lead Local Flood Authority (LLFA) – No objections subject to sustainable drainage conditions being attached to any approval.
- 4.12. Regulatory Services – If there is to be external plant and equipment, recommend condition regarding noise levels to be below background.

5. Policy Context

- 5.1. Birmingham Development Plan (2017), Saved Policies of the Birmingham Unitary Development Plan 2005; NPPF; NPPG; Places for All SPD; Car Parking Guidelines SPD; The Birmingham (1211 Bristol Road South, Northfield) TPO 1971.

6. Planning Considerations

Policy and Principle

- 6.1. Policy TP36 of the Birmingham Development Plan states that "*proposals for the upgrading and expansion of existing schools and development of new schools in locations where additional provision is required will be supported*" where the school has safe access by cycle and walking; has safe drop-off and pick-up provision;

provides outdoor facilities for sport and recreation and avoids conflict with adjoining uses.

- 6.2. Paragraph 72 of the NPPF identifies that the Government attaches “*great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities*” and that Local Planning Authorities should “*give great weight to the need to create, expand or alter schools.*”
- 6.3. Planning permission is sought for the demolition of the remaining ageing school buildings on site and their replacement with a new, modern school building of both one and two storeys in height along with the increase in pupil numbers from 630 (as previously approved) to 660 to accommodate a further form entry of SEN pupils. This would take the school to a 3 form entry primary with a 3 form entry SEN intake.
- 6.4. The increase in numbers, along with new school buildings, was previously approved by Your Committee in 2014. It has subsequently been highlighted that further provision for SEN pupils is required and that the remaining school buildings are in a very ageing and poor state of maintenance and repair leading to replacement buildings being more cost effective than further repairs. The replacement school buildings would have a smaller footprint than the existing and following development, further areas for external play would be available. On this basis, I consider that the proposed development would be in accordance with both BDP and NPPF policy in relation to the requirement for the provision of school places and the upgrading of existing schools.

Scale, Design and Impact on Residential Amenity

- 6.5. The existing school buildings are constructed in an ‘H’ pattern with a central spine with four wings, one at each end of the central core (two of which are the recently constructed wings). The existing school has a built footprint of approximately 3,430sq.m. The proposed demolition would remove approximately 2,385sq.m comprising the central spine and the two southern wings and would be replaced with a building of approximately 1,925sq.m in the form of a one and two storey central spine linking to the recently constructed northern wings and resulting in a ‘T’ shaped building.
- 6.6. The new central spine would measure a maximum 20.9 metres in width, 62 metres in length and 8.6 metres in height. The northern half of the proposed new build would sit between the two recently completed wings and would be similar in height to the existing to be demolished. The new main hall would have a higher, one and a half storey mono-pitch, whilst the dining hall area would have a slightly lower mono-pitch roof that would slope in the opposite direction. A flat roof corridor would link to the southern two storey new build block which would have a similar design to the newly constructed wings. This element would have split pitched roofs with a central dropped flat roof and a central run of roof lights. It would be constructed with brick and block work, with walls colour rendered or with timber effect laminate panels and timber/metal windows and doors.
- 6.7. In order to maximise school playground areas, the proposed school buildings would be located in a ‘T’ shape centrally running north to south moving the built form wherever possible away from the existing residential development that borders the site on all sides. To the North, the replacement buildings would be located where the existing school is and would be positioned between the two recently constructed wings – leading to a status quo to the properties in School Close and Torre Avenue. To the East, the Harden Court apartments are currently located 18m from the school

buildings; this would increase to 38.5m with this proposal. To the South, properties in Bodenham Road have a separation distance of 61m (on average) and whilst this would be reduced to 54.5m, the elevation would have significantly less width, as the view would be to the end gable of the building rather than a full width elevation of school classrooms. To the West, the rear elevations of residential properties (also on Bodenham Road) would have an increased separation distance of 57m from the existing 38m.

- 6.8. The layout of the school site and positioning of the proposed new buildings has been the subject of extensive discussion in order to achieve the optimal layout for the school and minimise and improve the impact that the proposal may have on adjacent residential occupiers. The scale of the proposed new build elements are in keeping with both the school buildings that are to remain (the newly constructed wings to the north) and the adjacent development, which are primarily two storeys. As such, I consider the scale of the proposed development to be acceptable. In terms of layout, the proposed development would alter the orientation of the school buildings and their position on site to the benefit of adjacent residential occupiers and on this basis; I consider that the proposed development would have a beneficial impact on adjacent occupiers in the longer term. The design and palette of materials of the new buildings would match that previously approved and constructed in the two northern wings. On this basis, I consider the design of the proposal to be acceptable in keeping with its surroundings.

Highway and Transportation Issues

- 6.9. A Transport Statement has been submitted in support of the application. This identifies that bus routes 63 and 98 run along Bristol Road South. The nearest bus stop is located 100 metres from the school gate providing good accessibility to the school by public transport. On the school side of Bristol Road South there is a footway of 6 metres width within which cyclists are also accommodated. The footway on the opposite side of the road also accommodates cyclists. There is a toucan crossing on Bristol Road South providing a safe means of access across the road to and from the school. The toucan crossing includes a cycling aspect and can be used by pedestrians and cyclists.
- 6.10. On both approaches to the school along Bristol Road South, and to warn drivers that they are approaching a school, there are school flashing light facilities and triangular warning signs. There is a vehicular gate from the school site to Bristol Road South between the toucan crossing and School Close. However, the gate is permanently locked and is never used and there is no footway crossing at this location. It is likely that this gate will be utilised by construction traffic during the construction period. This is also likely to require a temporary repositioning of the toucan crossing and its eventual reinstatement.
- 6.11. Providing vehicular access to the school, and running to the north of the school site is School Close with footways on both sides. The parking restrictions in this location allow for the free and safe movement of pedestrian traffic to and from the school. Further along, School Close also serves a number of high density residential units with some on-street parking. There is a pedestrian entrance and a vehicular entrance to the school off School Close. There is associated guard railing on School Close to protect children exiting the school.
- 6.12. Running along the northern edge of the school boundary is a public right of way (PROW). There is a pedestrian entrance to the school from the PROW, which is

accessed by parents and children coming from the Bodenham Road side of the school. Bodenham Road is to the west of the school site.

- 6.13. The transport statement identifies that many parents and children walk to school, although many others arrive in cars. To help avoid congestion and to spread the arrival of children in the morning, and the departure of children in the late afternoon, a number of measures have been introduced by the school. These measures include;
- school newsletters encouraging responsible car parking in the vicinity around the school;
 - a school website where illegal or inappropriate parking can be reported and registration plate numbers given;
 - children receive badges for walking, cycling, or scooting to school as part of the “Living Streets” project;
 - all doors to the school are open only between 8.45am and 8.55am.
 - a before and after-school club operates from 7.30am onwards and operates in the afternoon until 5.45pm;
 - the school operates a “kiss and drop” scheme. This takes place on Bodenham Road. Some staff and volunteer parents wearing luminous jackets collect children from parents on Bodenham Road and walk the children to the school building. This takes place between 8.40am and 8.55am, and reduces the amount of time parents spend parked on Bodenham Road;
 - in the afternoon, children in Reception are released between 3pm and 3.15pm. Other children are released at 3.15pm;
 - Staff arrive at school from 7am when the school gates are opened. Most staff leave school between 5pm and 6pm although some are on site until 7pm;
 - Refuse collection at the school occurs late morning at about 11.30am on three days each week. This avoids conflict during school arrival and departure times.
- 6.14. Transportation has advised that there has been considerable discussion with regards to the construction traffic and the impact on the highway network. I understand that there have been discussions between the applicant and the Senior District Engineer and a plan of action agreed. The applicant will be responsible for all costs associated with this development. A Construction Management Plan should be submitted and agreed prior to works commencing on site and request that this is secured by condition. As such, no objections are raised by Transportation and the condition sought is recommended below. The construction management plan will address the issues raised regarding construction parking and hours and mud on the road.
- 6.15. I note the objection/comment raised by a local resident on Bristol Road South regarding the toucan crossing and its possible temporary relocation. As previously advised, this issue has been discussed between the applicant and the district engineer with relevant permissions and licences being sought directly from the Highways department. As such, Transportation has not requested that a Section 278 condition be attached and I concur with their view. Whilst I note the objection received in relation to school pupil numbers and parking, Transportation has not requested further parking provision on site or raised issues on this ground and, I therefore consider the proposed development to be acceptable and in accordance with policy in relation to highway safety.

Drainage and Flood Risk

- 6.16. The accompanying Flood Risk Assessment and Drainage Strategy identifies that the site is located in Flood Zone 1 whereby the risk from river or tidal flooding is extremely low. The proposal would see foul water discharged into the existing sewer system whilst surface water is likely to be stored within an underground attenuation tank and utilise the existing private combined drain.
- 6.17. The LLFA are in acceptance of the principles of the Drainage Strategy subject to drainage conditions including the pre-commencement submission of a Sustainable Drainage Operation & Maintenance Plan. The Environment Agency were also consulted on the application but have stated that they do not wish to comment as it is outside their statutory remit.
- 6.18. I consider that the flood risk and drainage strategy is acceptable in principle and recommend the requested LLFA conditions outlined below.

Trees, Ecology and Landscaping

- 6.19. An arboricultural assessment, preliminary ecological appraisal and a bat survey have been submitted in support of the application. These identify that the trees around the boundary of the site and those covered under the TPO at 1211 Bristol Road South are proposed for retention and would remain unaffected by the proposed development. Seven 'U' Category trees are proposed to be removed, three of which are located within the playground areas, to the west of the existing school buildings, proposed for the new build development. The remaining four trees are located on the western site boundary. As such, my Arboricultural Officer has not commented on the application. I consider the proposed development to be acceptable and in accordance with relevant policy objectives relating to trees and landscape issues and as such, tree protection and landscaping conditions are recommended below.
- 6.20. In relation to ecology, the preliminary ecological appraisal and bat survey identify a number of trees that have moderate to high potential for bats but as these trees are to be retained within the landscape they are relatively protected from development. The City Ecologist identifies a number of generic measures that should be undertaken as recommended in the appraisal including:
- pre-commencement check for nesting birds on any trees or other vegetation to be cleared;
 - excavations to be covered or have ramps fitted overnight / during periods of inactivity to allow an mammals to escape that may fall in (Hedgehog, Fox, Badger); and
 - that lighting be of a low light-spill design and not spill onto boundary trees / vegetation,
- and recommends a condition requiring the submission of a scheme for ecological/biodiversity/enhancement measures. I concur with this view and the relevant ecology condition is recommended below.

Other Issues

- 6.21. A Ground Contamination report was submitted with the application. This recommends either the removal of the made ground soils in relevant areas or a 300mm topsoil cover in relevant areas. With regards to ground gases, the in-situ testing has determined that no precautionary measures are required. Comments are

awaited from Regulatory Services however conditions are recommended below covering plant and machinery noise and unexpected contamination.

6.22. I note the issue raised by Councillor Carole Griffiths regarding a requirement for pest control and that it is monitored during the course of the development. This requirement sits outside of the planning system and as such, I am unable to recommend a condition to cover this request.

6.23. The proposed development does not attract a CIL contribution.

7. Conclusion

7.1. The proposed demolition and re-build of the remaining ageing elements of the existing school and the proposed pupil increase for a further 30 SEN students; would be in accordance with the requirements of the BDP and the NPPF policies. The design of the proposed school buildings would sit comfortably with the two wings that have recently been constructed and are to remain. No highway concerns have been raised from BCC Transportation and car parking provision is to remain as existing. Site pick up and drop off will continue as at present.

7.2. The proposed development would accord with all relevant BDP Policies in relation to design; trees, ecology and landscaping; drainage and highway issues.

7.3. I note that the NPPF includes the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would continue to provide economic and social benefits; would provide new modern teaching facilities including those for pupils with special educational needs; would provide local employment during construction and does not have an environmental impact that could be regarded as significant; I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

8.1. That planning permission is granted subject to the conditions listed below.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the agreed mobility access to be maintained |
| 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 for ecological/biodiversity/enhancement measures |
| 6 | Limits the noise levels for Plant and Machinery |
| 7 | Requires the prior submission of hard and/or soft landscape details |
| 8 | Requires the prior submission of sample materials |
-

-
- | | |
|----|--|
| 9 | Requires the prior submission of a construction method statement/management plan |
| 10 | Requirements within pre-defined tree protection areas |
| 11 | Implement within 3 years (Full) |
-

Case Officer: Pam Brennan

Photo(s)



Photograph 1: School Entrance – new build wing and existing school – looking west into the site From the entrance in School Close.



Photograph 2: East elevation of existing school buildings

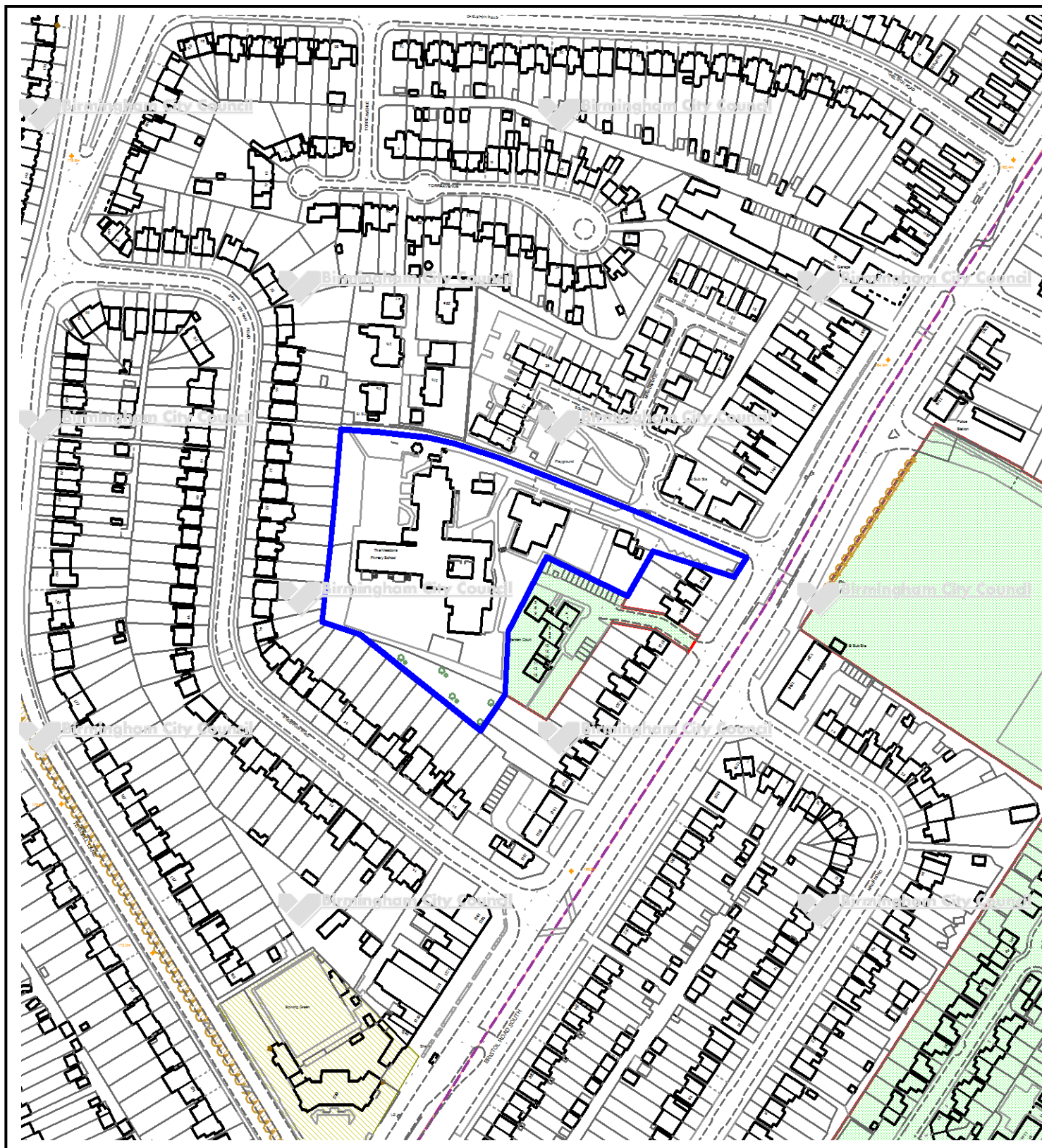


Photograph 3: East elevation of existing school buildings and new build wing (tree to be retained).



Photograph 4: Existing school buildings – south elevation

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Birmingham City Council

Planning Committee

20 July 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>
Prior Approval Required - Approve - Conditions	10	2017/04450/PA Walsall Road Near the Junction with Russell Bank Four Oaks Sutton Coldfield Birmingham B74 4RA Application for prior notification for the installation of 12.5 metre monopole and 3 no. equipment cabinets.
No Prior Approval Required	11	2017/04241/PA 5-19 Union Road, 14-30 Union Road and 1-15 The Hollies Aston Birmingham B6 7TU Application for Prior Notification of proposed demolition of residential dwellings

Committee Date:	20/07/2017	Application Number:	2017/04450/PA
Accepted:	18/05/2017	Application Type:	Telecommunications
Target Date:	21/07/2017		Determination
Ward:	Sutton Four Oaks		

Walsall Road, Near the Junction with Russell Bank, Four Oaks, Sutton Coldfield, Birmingham, B74 4RA

Application for prior notification for the installation of 12.5 metre monopole and 3 no. equipment cabinets.

Applicant:	Vodafone & CTIL
	C/o The Agent
Agent:	Mono Consultants Ltd
	Steam Packet House, 76 Cross Street, Manchester, M2 4JG

Recommendation

Prior Approval Required And To Approve With Conditions

1. Proposal

- 1.1. This is a prior approval application for a new 12.5 metre high mast and three ground based equipment cabinets, which is required to provide a mast share structure that can provide the required coverage and capacity for both Vodafone and Telefonica UK Limited (commonly known as O2).
- 1.2. The proposed mast would be located on the grass verge on Walsall Road near the junction with Russell Bank Road. It would comprise a straight black painted monopole with a consistent diameter measuring 324mm and would house two sets of three antennas mounted one above the other at the top of the structure, which would also be painted black and would have a diameter measuring 350mm. At ground level and adjacent to the mast, the proposal would include the installation of three equipment cabinets. Two of the cabinets would measure 0.7 metres (width) x 0.77 metres (length) x 1.925 metres (height) and the other cabinet would measure 0.5 metres (wide) x 0.6 metres (length) x 1.535 metres (height). The cabinets would be constructed in galvanised steel and would be painted black.
- 1.3. ICNIRP (International Commission on Non-Ionizing Radiation Protection) compliance is demonstrated by way of an appropriate certificate submitted as part of the application.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to an open grassed verge alongside Walsall Road (A454), and approximately 27 metres to the south of the road junction with Russell Bank Road. The site lies adjacent to a bus shelter and a public footpath and there

are tall trees and existing street furniture along this stretch of Walsall Road, such as street lighting columns which are approximately 10 metres in height and road signs.

2.2. The surrounding area is predominantly residential in character. The nearest residential properties are located to the east of the site beyond the car park to the Crown Public House and there are also residential properties to the north, on the opposite side of Russell Bank Road and to the west, on the opposite side of Walsall Road and a service road.

2.3. The Crown Public House is located to the southeast of the site, at the corner of Walsall Road and Four Oaks Common Road and has a customer car park that adjoins the grass verge adjacent to the application site. At the corner of Walsall Road and Four Oaks Common Road, immediately fronting the Crown Public House is an existing 12.5 metre high mast and associated cabinets, which has recently been upgraded to provide 4G coverage for T-Mobile and the Emergency Services Network (ESN). These works were considered by your Committee in September 2016 under application 2016/06002/PA as needing prior approval from the Council and that approval be given. To the south of Four Oaks Common Road, there is a small shopping parade on both sides of Walsall Road.

2.4. [Site Location](#)

3. [Planning History](#)

3.1. No planning history relating to the application site.

3.2. Planning history in relation to the existing telecommunications mast and associated cabinets located at the corner of Walsall Road and Four Oaks Common Road is:

3.3. 27 May 1999 - 1999/01935/PA – Erection of 10 metre high monopole in verge: No prior approval required

3.4. 4 April 2011 - 2010/06388/PA– Installation of a small associated telecommunications cabinet: Permitted Development

3.5. 5 October 2012 - 2012/05974/PA – Application for Prior Notification for installation of electronic communications apparatus: Permitted Development

3.6. 6 September 2016 - 2016/06002/PA - Application for prior notification for the installation of replacement 12.5m high telecommunication mast with associated antenna and equipment cabinet - accepted as needing prior approval from the Council and that approval be given. Following this approval, it has been agreed under discharge of conditions application 2016/07634/PA that the cabinet would be painted green and the mast would be painted green in line with the top edge of the highest cabinet, and the remainder of the mast would be finished in grey.

4. [Consultation/PP Responses](#)

4.1. Ward Councillors, residents associations and adjoining occupiers were notified. Site Notice displayed and Press Notice published.

4.2. 32 letters of objection received from adjoining occupiers, stating the following:

- Too many masts in a concentrated area, which goes against the spirit of fairness and equity. It will lead to visual clutter; degradation of the street

scene; and will turn a pleasant residential area that has been designed for enjoyment for its beauty and leisure into an eyesore. Landscape and visual impacts. Also, that service providers are getting the right to turn once a grass verge into unsightly industrial areas.

- The siting, just some two metres from the roadside, on the grass verge between the highway and the footpath, would make the pole and its associated cabinets much more intrusive than the existing (TUK) because of their proximity to Walsall Road itself, as well as adding to the quantity and bulk of roadside furniture and would, so, further detract from the open nature of the location. This impact will be compounded if future upgrades are made.
- Walsall Road is already blighted by an untidy street scene with the existing mast and equipment cabinets at the junction of Walsall Road and Four Oaks Road; a bus shelter significantly elevated from the kerb line; and various items of street furniture (lamp posts, signage and the like); and there are two masts at the other end of Crown Lane at its junction with Streetly Lane. A resident has also raised concern that the existing mast looks more like some industrial unit and that they have witnessed children climbing on the cabinets and that they give a continuous hum sound.
- A resident has provided photos of the existing cabinets at the corner of Walsall Road and Four Oaks Common Road and has advised that the existing cabinets are of differing colours; look like a stack of dead domestic appliances waiting for collection; have been randomly sited; the dead plinth with a rotting piece of plywood on top of it is still there, despite pointing this out at the last consultation; no attempt has been made to repair or resend the disturbed grass, which has allowed weeds to grow; and the Council's attempt to cut the grass around the existing cabinets has been severely hampered.
- The proposed location would have a detrimental impact on the view of the front aspect of the Crown public house as seen from the other side of Walsall road, both because of the pole itself and also the cabinet. A resident has also expressed concern that it would adversely affect the enjoyment and relaxed environment of the outdoor seating area at the Crown public house, as does the existing mast.
- The mast would impact on views of the Crown Public House, especially some of the building's impressive features, i.e. the tall chimneys.
- The site is too close to residential properties and is a health risk to local residents including babies and young children and passengers waiting at the bus stop, when combined with the exposure from the existing telecommunications equipment and the TV transmitter located on Hill Village Road.
- Noise, especially during hot weather when the cooling fans are required.
- The mast is not needed. There is already another mast within twenty metres of the site, which is owned by a different mobile phone operator and residents question why the companies cannot share the existing mast. It is implied by one resident that the selection of this site relates to cost savings in terms of locating the equipment close to an existing mast.

- Road safety grounds. This is a busy junction. Work frequently takes place on the existing mast, which can cause traffic problems. The size of the cabinets is not much less than the bus shelter and they would be out of place in a residential area, and a road hazard. The mast and cabinets would obscure the bus stop and impair visibility for motorists immediately adjacent to a bus stop frequently used by elderly and mobility impaired pedestrians, as well as school children. Furthermore, the existing amount of signage and other grey metal poles sprouting from the once attractive grass verges along this road is a distraction to traffic.
- Development would set a precedent, making further applications for similar masts and cabinets, and/or upgrades and expansion of the proposed equipment easy to approve.
- There has been an application submitted for the erection of a mast at the junction of Crown Lane and Walsall Road which was eventually rejected.
- Concern that a taller mast would be required to clear the massive tree nearby. It is further expressed by a resident that once in place it will be impossible to prevent upgrades and additional equipment being installed.
- The Council should not put commercial interests before the welfare of its people.
- A resident has provided information about a High Court decision that was made in 2003 which overturned the Secretary of State's decision to allow an Orange mobile phone mast to be erected in Chorleywood on the grounds that the Council and Inspector's decisions had not taken into account the potential health risk (notwithstanding that a ICNIRP certificate in accordance with PPG8 had been submitted with the application).
- A resident has submitted details about a quote that was given this year by an MM02 Airwave spokesman which advised that the behaviour of some of the phone mast operators (notably Airwave) is giving rise to increasing public concern and the writer continues and states that it is no wonder that people fear for their own health and that of their children. The writer considers that public health and people's wellbeing and quality of life are material planning considerations in this application.
- The service provider of the existing mast should be made to tidy the area and improve the existing cabinets which are sited in a haphazard manner and the base of a former box has not been removed following a road traffic accident which is a trip hazard.
- Maintenance reasons as the Council will have difficulties mowing the grass.
- A number of suggestions have been made about alternative sites that be more remote, less intrusive and not around where people live or gather for enjoyment.

4.3. 1 letter of support from a nearby occupier stating they believe there is a well organised and vocal minority of professional complainers who are not representative demographically or otherwise of the silent majority. It is advised that the Sutton

Coldfield Residents Against Masts (SCRAM) should not be presumed to speak on behalf of the residents of Sutton Coldfield and that they are always against new masts. The writer continues to state that the site is an ideal location for a new masts and that the Vodafone 4G coverage in the area is woeful and that they should be given the chance to improve it. It is further expressed that the recently installed replacement mast at the corner of Walsall Road and Four Oaks Common Road was noticeable at first but is something you don't consider anymore and the same will happen with this mast.

4.4. Regulatory Services - No objection.

5. Policy Context

5.1. The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 16 (as amended 2015); National Planning Policy Framework (2012); Birmingham Development Plan 2017; Unitary Development Plan (saved policies) 2005; Telecommunication Development: Mobile Phone Infrastructure SPD (2008); and the Places for All SPG (2001).

6. Planning Considerations

6.1. The application has been submitted to the local planning authority for a determination as to whether the prior approval of the authority is required in terms of the siting and appearance of the development only, which is necessary under Part 16 of Schedule 2 for Class A of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 for new ground based mast up to 20 metres in height.

6.2. The main considerations therefore are the siting and appearance of the proposed development.

6.3. Policy Context

6.4. The National Planning Policy Framework seeks to support high quality communications infrastructure where justified and sympathetically designed. It advises that advanced, high quality communications infrastructure is essential for sustainable economic growth. It further advises that the development of high speed broadband technology and other communications networks can play a vital role in enhancing the provision of local community facilities and services.

6.5. Policy PG46 of the Birmingham Development Plan also recognises that technology developments and access to digital services such as the internet are critical to Birmingham's economic, environmental and social development.

6.6. The saved policies 8.55-8.55C of the Unitary Development Plan (2005) and the Telecommunications Development SPD all advise that a modern and comprehensive telecommunications system is an essential element in the life of the local community and the economy of the City but that in assessing applications for telecommunications equipment, account will be taken of the impact of radio masts, antennae and ancillary structures on existing landscape features, buildings and the outlook from neighbouring properties. In respect of ground-based masts, the Council's SPD states that they should make the most of existing screening or backdrop to buildings and avoid open locations, that they should be mitigated by landscaping and planting, that street locations will be discouraged but where they

are the only option they should appear as an unobtrusive addition, and where possible sites should have a backdrop of trees to reduce visual contrast.

6.7. Background Information

6.8. The applicant have advised that the new telecommunications mast and associated equipment is needed at this location in order to fulfil a consolidation agreement between Vodafone and Telefonica UK Limited (commonly known as O2) to allow both organisations to pool their basic network infrastructure, while still running two independent nationwide networks. The environmental benefit of this agreement is that the number of antennas and the overall height of the mast can be kept to a minimum.

6.9. Prior to the submission of this application, the applicant first considered whether it would be feasible to upgrade and redevelop one of their existing 12.5 metre high masts located on Streetly Lane (located approximately 376 metres southwest of the application site) with a new mast that would provide 4G coverage for both Vodafone and Telefonica UK Limited. However, it was discovered that there were underground services blocking the necessary foundations for the new telecommunications mast and that there were trees in close proximity to the cabinets which would have required a 22.5 metre high mast in order to clear the tree canopies. This option was discounted by the applicant and alternative options were investigated.

6.10. The applicant then explored whether it would be possible to site-share the existing mast located at the corner of Walsall Road and Four Oaks Common Road, which was replaced with a new 12.5 metre high mast in 2016 following the approval of application 2016/06002/PA by your committee. The applicant have advised that this option is not possible because "The existing streetworks style mast on the corner of Walsall Road and Four Oaks Common Road mast is not a sharable structure in its current form, in which significant redevelopment would be required to accommodate further operators. It would involve a complete change in structure, with two sets of exposed antennas. The existing operators are likely to take the top spot and there would need to be a degree of vertical separation between them and my client's antennas beneath. In this regard given that all the antennas would have to clear the immediate natural and built clutter in order to allow for the signal to propagate over the intended area this would result in a significant increase in height from that of the existing monopole. Also additional ground based equipment cabinets would be needed at the bottom of the mast".

6.11. The application site was considered the preferred site by the applicant as it would provide 4G coverage for both operators in the locality and due to the benefits of the site with its roadside tree screening. The applicant has also advised that they have made technical compromises by changing the design to a straight monopole, which is consistent in its diameter throughout and could be made to resemble a telegraph pole or could be painted any colour, possibly to match the existing lighting columns in the vicinity.

6.12. I am satisfied that the applicant has demonstrated that they have taken a sequential approach to site selection in order to provide 4G coverage for both Vodafone and Telefonica and have described the visual impacts that would arise if they were to share the existing telecommunications apparatus located at the corner of Walsall Road and Four Oaks Common Road, as encouraged in national and local policies.

6.13. Siting and Appearance

- 6.14. The surrounding area is predominantly residential and within the immediate area there are mature trees, a road sign, a traffic speeding sign, a bus shelter, a lamp post to the adjacent car park and a 10 metre high black street lighting column.
- 6.15. The proposed 12.5 metre mast and three equipment cabinets would be sited on the open grass verge on the east side of Walsall Road, which is a busy A-road (A454).
- 6.16. Although the proposed mast would be higher than its surroundings, from the immediate area and from the residential areas it would be seen within the context of the existing tall trees and the 10 metre high street lighting columns located on Walsall Road. These surroundings, together with its slim-line structure design and its black colour to match the existing street lighting columns, would make the proposed mast appear less visually prominent within this busy A-road location.
- 6.17. The nearest residential property at 163 Russell Bank Road has a blank gable wall facing the application site and tall conifer trees within its rear garden and would not have any direct views of the proposed mast. The residential properties located to the west of the site, on the opposite side of Walsall Road and the service road, are over 31 metres from the site, and any views of the mast would be partially screened by the tall mature trees and a hedgerow. I further note that the proposed mast and cabinets would replicate a street lighting column (albeit slightly wider in diameter) and would be painted black to help it blend into the backdrop of the site, which also comprises 10 metres high black street lighting columns and black coloured lamp posts to the adjoining car park.
- 6.18. I recognise that the proposed mast would lie adjacent to the car park to the adjoining Crown Public House and would be seen from the outdoor seating area, however, any views would be at a distance (over 30 metres) and I do not consider that the proposed development would result in a detrimental impact on the outdoor seating area to the side of the public house. I further note that the public house is not a listed building and the site does not fall within a Conservation Area.
- 6.19. I note that there is an existing 12.5 metre high mast and associated equipment cabinets located within the grass verge at the corner of Walsall Road and Four Oaks Common Road, which serves a different network. The proposed installation would be sited over 60 metres from the existing mast and I am of the view that the proposed development would be a sufficient distance away to ensure the development does not result in visual clutter within this section of the road.
- 6.20. The proposed cabinets would fall within the size limits allowed under permitted development rights, as set out in Part 16 of Schedule 2 for Class A of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016. They would have an appearance similar to existing cabinets typically associated with this form of development and would also be painted black to help integrate them into the surroundings.
- 6.21. Concern has been expressed by local residents about highway safety, in particular vehicular and pedestrian visibility. It is considered that the mast would not itself have a detrimental impact on highway safety. During the course of this application, the cabinets have been repositioned 0.6 metres back from the road to ensure they sit outside of the vehicular visibility splay at the road junction between Walsall Road and Russell Bank Road. Transportation Development have been consulted and raise no objection to the siting of the mast and the amended siting of the cabinets. Transportation Development have also noted that the amended siting of the cabinets

would not undermine pedestrian movement during maintenance given that the road grass verge is wide and that it is common for telecommunication cabinets to be sited on or adjacent to a footpath. I therefore consider that the siting of the mast and associated cabinets would not lead to a highway safety issue.

- 6.22. I therefore consider that the siting and appearance of the proposed mast and associated cabinets would be acceptable and accord with policy guidance within the Birmingham Development Plan and the National Planning Policy Framework. I consider that approval is required and that it be granted, subject to a condition to ensure the mast and equipment cabinets are coloured coated black.

6.23. Other Matters

- 6.24. I note the concerns expressed by local residents about the possible health risks from the proposed development. However, the National Planning Policy Framework advises that local planning authorities should determine applications for new masts on planning grounds and should not determine health safeguards if the proposal meets International Commission guidelines for public exposure (paragraph 46). The applicant has submitted an appropriate International Commission on Non-Ionizing Radiation Protection (ICNIRP) certificate, which confirms that the development would meet the guidelines as recommended by Paragraph 46 of the National Planning Policy Framework.

7. Conclusion

- 7.1. The proposed development would enable an upgrade of the existing 4G coverage for Vodafone and Telefonica networks in this locality. The mast has been designed as a slim-line structure and would be painted black to resemble the existing street lighting columns along this grass verge and I am of the view that it would not appear visually prominent when viewed together with the existing trees and tall street furniture. I also consider that the proposed mast and cabinets would be located a sufficient distance away from the existing telecommunications apparatus at the corner of Walsall Road and Four Oaks Common Road to ensure the development does not cause visual clutter within the street scene. The proposed mast and cabinets would also be sited a sufficient distance from nearby residential properties and the Crown Public House to ensure no significant visual harm. The cabinets would not appear unduly conspicuous within the street scene and would not undermine highway safety. I therefore consider that the siting and appearance of the proposed mast and associated cabinets is acceptable in line with relevant local and national planning policy.

8. Recommendation

- 8.1. That prior approval is required and that it be granted subject to the following condition:

1	Requires that the telecommunications mast and ground based cabinets to be powder coated black
---	---

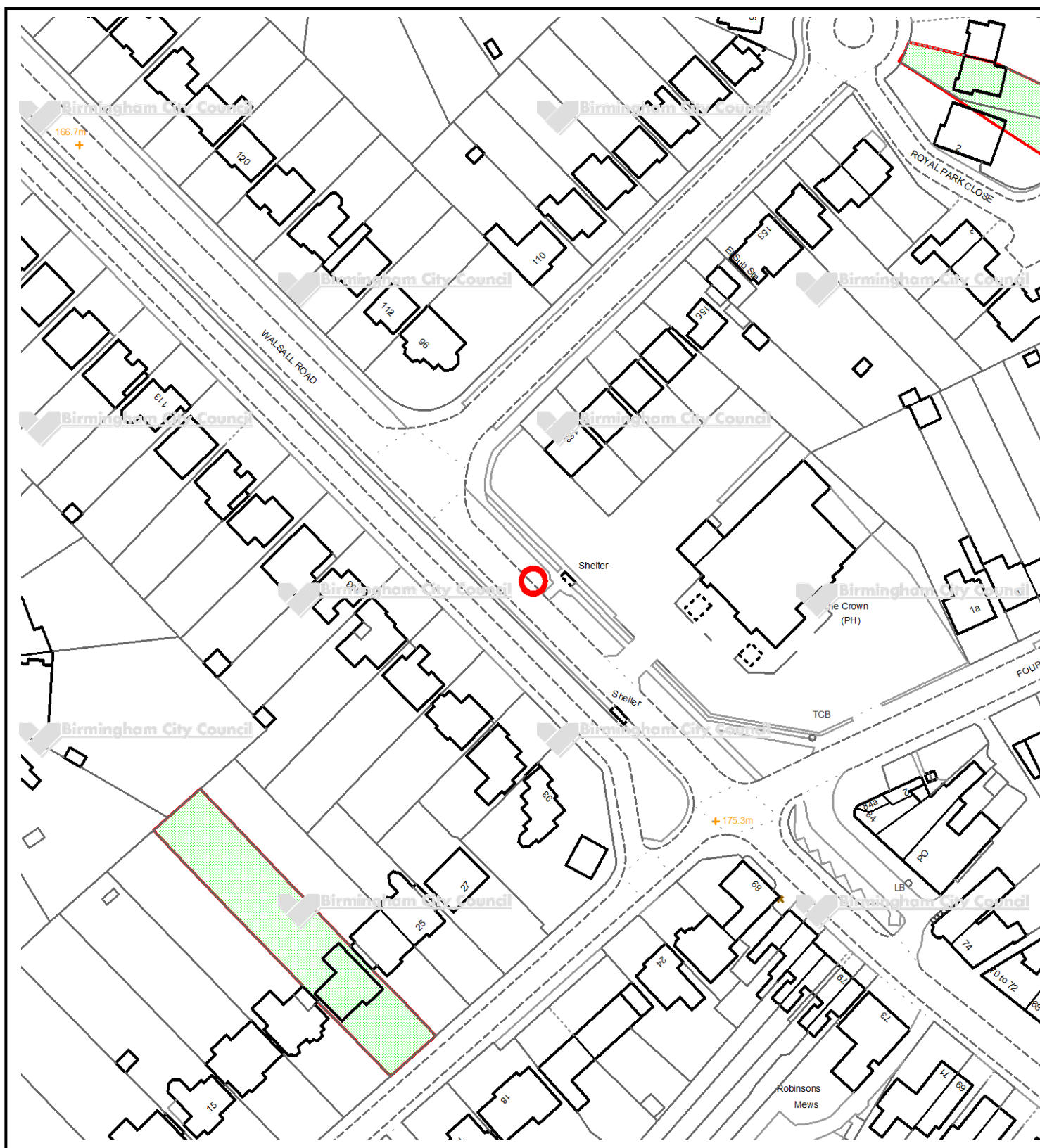
Case Officer: Helen Hawkes

Photo(s)



Application Site

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	20/07/2017	Application Number:	2017/04241/PA
Accepted:	12/05/2017	Application Type:	Demolition Determination
Target Date:	03/08/2017		
Ward:	Nechells		

5-19 Union Road, 14-30 Union Road and 1-15 The Hollies, Aston,
Birmingham, B6 7TU

Application for Prior Notification of proposed demolition of residential dwellings

Applicant:	Birmingham City Council Economy Directorate, 1 Lancaster Circus, PO Box 28, Birmingham, B1 1TU
Agent:	Acivico (Building Consultancy) Ltd Louisa House, 92-93 Edward Street, Birmingham, B1 2RA

Recommendation

No Prior Approval Required

1. Proposal

- 1.1. This application seeks prior approval for the demolition of twenty three two-storey residential dwellings at 5 – 19 Union Road, 14 – 30 Union Road, 1 – 15 The Hollies, Aston. The properties are being demolished to enable the implementation of future phases of the East Aston Regional Investment Site (The Advanced Manufacturing Hub).
- 1.2. Demolition of the buildings is permitted development, subject to the submission of a prior approval application to consider the method of demolition and the means of restoring the site.
- 1.3. Demolition method would include the use of a 360 Degree mechanical machine with suitable attachments and noise levels kept to a minimum. During demolition, dust suppression will involve hosing down the site to ensure roads and foot paths are kept clean. Once the buildings have been demolished, the site would be graded to suit surrounding levels with trip rails to the back of pavement and 1.8m high chain link fencing to the perimeters set a minimum of 2 metres from the back of pavement. All materials would be re-cycled where possible with non-recyclable materials disposed to licenced waste sites.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is located between The Hollies and Union Road, fronting Waterworks Street and is within a predominantly commercial area with a small proportion of residential dwellings. The site is within Flood Zone 2.

[Location plan](#)

3. Planning History

- 3.1. 2016/03217/PA – Application for prior notification for the proposed demolition of 2 storey traditional dwelling houses – Withdrawn – 26/05/2016.

4. Consultation/PP Responses

- 4.1. Requisite site notice displayed with no responses received. Ward Councillors notified with no responses received.
- 4.2. Regulatory Services – No objections.
- 4.3. Transportation Development – Comments received as an informative to advise applicant of: dust prevention methods, Council procedures and processes for the erection of hoarding and consulting Traffic Management Services of Highways well in advance on any highway related matters.

5. Policy Context

- 5.1. Birmingham Development Plan (2017); Birmingham Unitary Development Plan 2005 (Saved Policies); Town and Country Planning (General Permitted Development) Order 2015 (as amended), National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. The GPDO as amended gives the Local Planning Authorities the opportunity to control the method of demolition of buildings and any proposed restoration of the site.
- 6.2. This application is to determine whether prior approval is required for the demolition of the residential dwellings at 5-19 Union Road, 14-30 Union Road and 1-15 The Hollies. The issues to be considered with this type of application are solely the method of demolition and means of restoring the site.
- 6.3. The demolition is required to allow for the future development of the site. The method of demolition will be through the use of a 360 Degree mechanical machine with suitable attachments. The site would be graded and secured upon completion by 1.8 metre high chain link fence located 2 metres from the back of footpath and all materials where possible will be recycled or sent to landfill.
- 6.4. Transportation Development and Regulatory Services (Pollution Control) have been consulted and raise no issues with the process of demolition. Comments received from Transportation Development will be passed on to the applicant. Upon the submission of a bat survey which shows there are no bats present on the site, the City's ecologist has also raised no objection.
- 6.5. It is therefore considered that the proposed demolition can be undertaken without any adverse impact on surrounding buildings or the surrounding area. Therefore, the

proposed works in terms of method of demolition and means of site restoration are acceptable and no prior approval is required.

7. Conclusion

- 7.1. The proposed method of demolition and site clearance is acceptable. The application will result in the redevelopment of the site.

8. Recommendation

- 8.1. No prior approval is required.

Case Officer: Laura Reid

Photo(s)



5 – 19 Union Road

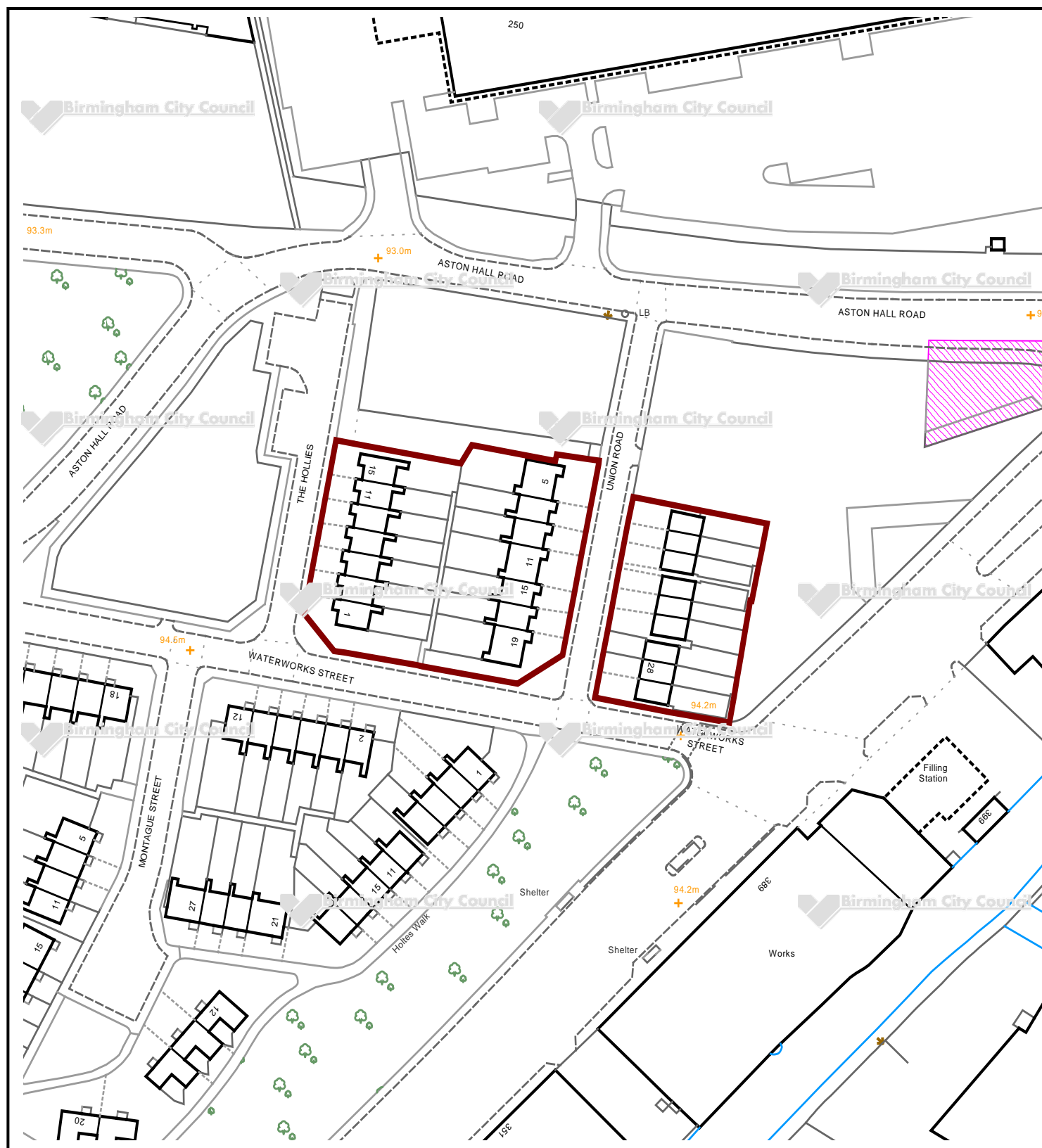


14 – 30 Union Road



1 – 15 The Hollies

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Birmingham City Council

Planning Committee

20 July 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	12	2017/01882/PA The Axis 10 Holliday Street City Centre Birmingham B1 1TF Outline application for the development of three buildings comprising of up to 94,680sqm (GIA) B1 Office and 3,684sqm (GIA) of A1 retail, public square, access and associated works. Matters of landscaping, layout, scale and access to be considered with appearance reserved.

Committee Date:	20/07/2017	Application Number:	2017/01882/PA
Accepted:	22/03/2017	Application Type:	Outline
Target Date:	21/06/2017		
Ward:	Ladywood		

The Axis, 10 Holliday Street, City Centre, Birmingham, B1 1TF

Outline application for the development of three buildings comprising of up to 94,680sqm (GIA) B1 Office and 3,684sqm (GIA) of A1 retail, public square, access and associated works. Matters of landscaping, layout, scale and access to be considered with appearance reserved.

Applicant:	London & Continental Railways Ltd 1 Kemble Street, London, WC2B 4AN
Agent:	Quod Second Floor, Ingeni Building, 17 Broadwick Street, London, W1F 0AX

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

1.1. This application is the 2nd of 2 applications which would result in the complete redevelopment of this site and comprises of an outline application for three buildings providing up to 94,680 sqm (GIA) of B1a office and 3,684 sqm (GIA) of A1 retail space. The application seeks consent for landscaping, scale, layout and access.

1.2. Phase 1 approved building 1, a 9 storey rectangular office building to the south-west of the site. The buildings now proposed would range in height between 6 and 23 storeys and these would be positioned around the edge of the rest of the site, around a centralised public square. More specifically:

Building 2 – would have a max stepped height of between 23m and 27m (max 6 storeys) and would be the main building when viewed from Navigation Street and sit in front of building 1. It would consist of two retail units around a small reception area serving offices on the upper floors and the layout shows that this building would be angled to direct pedestrians towards the landscaped public square in the centre of the site. It would have a max gross external floor area of 5,302 sqm.

Building 3 – would have a max height of 85.5m to Holliday Street and 99m (max 20 and 23 storeys, min height of 17 and 20 storeys) to Suffolk Street Queensway and would be positioned to the northern edge of the site, on the corner of Suffolk Street Queensway and Holliday Street. It would comprise of flexible office space with retail on the lower floors and its footprint would be the same whether the minimum or maximum height were opted for. It would be accessed from the public square via a full height atrium and the footpath running alongside Suffolk Street Queensway. It would have a max gross external floor area of 65,033 sqm.

Building 4 – would have a max stepped height of between 57m and 62m to Holliday Street (max 14 storeys) and between 31 and 34m (max 7 storeys) to the internal square/Centenary Plaza and would be positioned towards the north west of the site, adjacent to Centenary Plaza. It is envisaged that a small full height atrium would mark this buildings entrance off the public square with retail wrapping around the ground floor reception and this building would have a triple height colonnade along the northern pedestrian access. It would have a max gross external floor area of 30,290 sqm.

The appearance of the proposed buildings is reserved for future consideration.

- 1.3. Across the site 16 protected trees and 55 non protected trees would be removed. Full landscaping plans have been provided which show how, in addition to 33 retained trees, a further 16 specimen trees, 67 multi-stem trees, meadow planting, shade garden and species rich lawn would be provided across the site along with details of hard landscaping to demonstrate how the centralised public square would be provided. The centralised public square would be 35m x 43m accessed via a pedestrian route of between 17.5m and 26m to the south east of the site between buildings 2 and 3 and a pedestrianized route from the north 11.5m wide between buildings 3 and 4, part of which would be under a colonnade. A lighting plan has also been provided which includes bollard lighting, spot lighting, strip lighting and building lighting across the site. A pallet of materials to include copper patinated handrails, timber seating to tree planters, pop up fountain, upstand details, slot drains and raised planters are also included within the Design and Access Statement but specific details would be conditioned.
- 1.4. 54 car parking spaces (5 disabled), 7 motor cycle spaces and 798 secure cycle parking spaces would be provided at basement level. Vehicles would enter the basement via a new access road from Holliday Street and exit via Royal Mail Street. Cycle parking would be accessible via the vehicular access from Holliday Street or a new two-way ramp from Royal Mail Street. A further 12 cycle parking spaces would be provided at ground level within the public square. Site servicing would be via the basement. Pedestrian access to the site would be from Holliday Street and Royal Mail Street at surface level.
- 1.5. A Planning Statement (including Economic Statement), Design and Access Statement, Statement of Community Involvement, Transport Assessment, Travel Plan, Tree Survey, Flood Risk Assessment, Contaminated Land Desktop Study, Phase 1 Ecology Report, Archaeology and Built Heritage Assessment, Daylight, Sunlight and Overshadowing Report, Wind Survey, Energy Statement, BREEAM pre-assessment Report, Sustainability Statement, Townscape and Visual Impact Assessment and Construction Environmental Management Plan have been submitted in support of the application.
- 1.6. 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 Environment Statement.
- 1.7. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The site is approx. 1.68 ha and currently comprises of a centrally located 11 storey 'T' shaped building with associated car parking and landscaping which provides

16,095 sqm of office space and accommodates approx. 2000 employees. The site is privately owned and although pedestrians regularly cross the site there is no public right of way across it.

2.2. The site is bounded by Holliday Street to the north, the elevated Suffolk Street Queensway to the east and the Mailbox development to the south. It is within the Westside and Ladywood part of the city centre and surrounded by a wide range of uses, including residential. The site is highly accessible by foot and bike and close to train, bus and tram stops.

2.3. The site has a natural incline, which falls from north to south, creating a steep slope and there is a TPO which covers some of the trees to the northern part of the site. The nearest listed building is Alpha Tower to north North West beyond the Dandara residential development which is currently under construction.

2.4. [Site location](#)

3. Planning History

3.1. 12th April 2017 - 2016/09735/PA. Demolition of existing building and erection of a 9 storey building for office B1(a) and retail A1, permanent and interim car parking and landscaping and associated works. Approved subject to conditions and a S106.

4. Consultation/PP Responses

4.1. Lead Local Flood Authority – Overall accept the principles of the Sustainable Drainage Assessment but some points will need to be addressed as part of the detailed design phase, conditions are therefore required.

4.2. Regulatory Services – Air pollution compensation required during build period and conditions with regard plant/machinery noise, electric charging points, emission restrictions on commercial vehicles, differential car parking charges and a travel plan are required.

4.3. West Midlands Police – Development should be constructed in accordance with our commercial; lighting and CCTV guidance and controlled access to the basement and all building access should be secured. Otherwise welcome glazing levels across the development.

4.4. Transportation Development – Additional details including additional tracking plans, a stage 1 Road Safety Audit and additional video surveys (of Royal Mail Street) to confirm how it is used have been submitted which satisfies initial concerns. Therefore no objections subject to conditions.

4.5. Network Rail – If the site works include vibro-impact then the details should be agreed with Network Rail.

4.6. Severn Trent – No objections subject to drainage conditions.

4.7. CABE – Consulted as part of the pre-app process and commented on the need to ensure that it did not ‘turn its back’ on the surrounding streets and that the trees should be removed if necessary.

4.8. Local Residents Associations, neighbours, Ward Councillors and the MP have been notified. Site and press notices have also been displayed.

- 4.9. 8 letters of objection have been received. Objections have been raised on the basis that the proposal would result in an overdevelopment of the site, have a detrimental visual impact, would raise parking and road safety issues, result in overshadowing, overlooking, loss of light and loss of privacy to existing residents, there is no need to demolish the existing high quality building, no need for supporting retail, the tall building is out of character with its surroundings, there would be an adverse impact on existing residents due to construction noise and light pollution.
- 4.10. 1 letter of support has been received.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (saved policies), High Places (SPG), Places for All (SPG), Places for Living (SPG), Car Parking Guidelines (SPD), Access for People with disabilities (SPD), NPPF and NPPG.

6. Planning Considerations

Policy/principle

- 6.1. The application site is located within the City Centre Growth Area and is adjacent to the City Centre retail core. Policies within the BDP seek to support the City's vision of growth and development across the plan period with policy GA1 identifying that the City Centre will be the focus for retail, office, residential and leisure activity and that appropriate scale retail development will be supported where it complements the existing Retail Core as part of mixed-use redevelopments.
- 6.2. This proposal, along with the already consented phase 1 building, would provide a net increase of approximately 98,000sqm of office floor space and approximately 4,000sqm retail floor space. The proposed increase in the office floor space would make a positive contribution to the floor space targets identified within the BDP and the level of retail proposed would complement this as part of a mixed use redevelopment of the site.
- 6.3. Further the applicant identifies how the proposed redevelopment of the site (both phases) would support the net creation of in excess of 8000 new jobs, potentially increase business rates by £9m per annum, provide a £19m yearly uplift in employee spending in the local economy and £287m yearly contribution to the wider economy and approx. 300 full time equivalent roles during construction.
- 6.4. My Strategic Planning colleagues consider the proposal would be in accordance with the BDP, a view with which I concur, and I therefore raise no objection in principle subject to detailed matters.

Layout/Scale

- 6.5. The application is in outline and seeks consent for layout, scale, landscaping and access with appearance reserved. Consequently the plan shows how, in addition to phase 1, three further buildings would be positioned to the perimeter of the site around a centralised public square. Minimum and maximum heights and maximum floor space has been proposed with the largest and tallest (building 3) proposed to the north of the site on the corner of Holliday Street and Suffolk Street Queensway. The northern part of the site, on a road junction fronting a strategic city centre road,

is an appropriate location for a tall building on a site that is located within the central ridge zone, as defined within High Places (SPG). The maximum height would not compromise Aeordrome safety, would not detract from key views across the City and would allow it to respond to its immediate context, including future development at Paradise Circus, and the City's topography. Access points to each building have been indicated off the public square and the footpath along Suffolk Street Queensway and indicative floor plan layouts have demonstrated how active frontages to the public square and streets could be achieved which would also be safeguarded by conditions. Further, whilst appearance is a reserved matters the applicant has demonstrated how, within the scale parameters, the building detail could be developed to ensure that the proposed buildings could be articulated to reduce the bulk and mass, reflect the sites city centre character and ensure they would not adversely affect the visual amenity of the area.

- 6.6. I therefore consider the buildings have been orientated to maximise the site constraints and respond to the immediate building context such as Alpha Tower, Centenary Plaza and the Orion building and reflect its City Centre context, a view with which my City Design Manager agrees.

Impact on residents

- 6.7. There are a mix of uses within the immediate context, including residential with the nearest at Centenary Plaza, Mailbox, 24 and 26 Bridge Street, The Orion Building and Plot G Arena Central (currently being constructed). Local residents have raised concerns that the proposed development would adversely affect their amenity by virtue of loss of light, loss of privacy and overlooking.
- 6.8. There are no policies that specify minimum separation distances between proposed office accommodation and existing residential accommodation. However, Places for Living suggests there should be a separation distance of 27.5m between facing elevations of 3 storeys and above.
- 6.9. The nearest proposed building to existing residential accommodation is Building 4 located to the east of Centenary Plaza. This building would be a max of 7 and 14 storeys in height and would be positioned 27.3m from the facing elevation of Centenary Plaza. As the application is in outline only, detailed matters such as window positioning and potential screening are not available for consideration. Notwithstanding this, I note that the site is within an urban environment, that the separation distances achieved would be in line with Places for Living and that the separation achieved would be at least comparable to many other City Centre developments. I do not therefore consider the amenities of existing occupiers would be adversely affected by virtue of overlooking.
- 6.10. A Sunlight, Daylight and Overshadowing report has been submitted in support of the application which assesses the impact of the development in relation to BRE Guidelines. It considers the impact of the development in relation to residential properties at Centenary Plaza, 24 + 26 Bridge Street, The Orion Building, Plot G Arena Central and the Mailbox. The report acknowledges that the proposal would result in alterations to the Vertical Sky Component (VSC), Daylight Distribution (NSL) and Average Daylight Factor (ADF) beyond BRE guidelines on windows within all of the assessed properties except for the 24 and 26 Bridge Street and would in particular reduce sunlight to the eastern elevation of Centenary Plaza. However, the report notes that this is in part a function of the current and uncharacteristically undeveloped open nature of the application site and the limitation of using BRE guidelines which are designed for a suburban environment

rather than a more urban context. Further it goes on to note that this development would perform well and preserve daylight and sunlight levels commensurate with and in some cases better than would be expected for a city centre site. The report is comprehensive and I have no reason to question it, I am therefore satisfied that the loss of light impact on residential amenity would be acceptable.

Transportation

- 6.11 There are 206 car parking spaces currently on site and phase 1 previously agreed a reduction to 132 car parking spaces, 22 motorcycle spaces and 200 cycle spaces. This phase would result in the reduction to 54 car parking spaces and 7 motorcycles spaces but an increase to over 800 cycle spaces along with showers, changing facilities and secure storage. The proposal would also result in a single access in from Holliday Street and a single access out onto Navigation Street.
- 6.12 Transportation Development had initially raised an objection to the proposal on the basis of a Highway Improvement Line (HIL) which crosses the site, which if required would significantly impact on the provision of building 3, and concerns over the exit onto Navigation Street. However the HIL has now been revoked and additional information has been submitted to demonstrate that the new access road can be adjusted to accommodate the proposed development access without compromising existing and future pedestrian and vehicular user's needs and include indicative plans for how Royal Mail Street could look.
- 6.13 Local residents have also raised concerns about the lack of car parking provision on site, particularly if it becomes residential. However, the application seeks consent for new office accommodation and retail only, it is excellently located for public transport close to bus, tram and train stops/stations within the City Centre and close to a number of existing public car parks. The proposals would also contribute to improving pedestrian routes through the site, as encouraged by policy GA1.4, and this would be safeguarded in perpetuity by condition. The development would also have good facilities for cyclists. I therefore concur with Transportation Development who raise no objection to the proposal subject to conditions, including a travel plan and cycle parking prior to occupation, which I attach accordingly.

Trees/landscaping and Sustainability

- 6.14 There are currently 100 individual trees and 4 small groups of trees on the site. Phase one included agreement to remove 2 protected trees and 42 non protected trees. The plan now submitted deals with the site in its entirety and proposes that a total of 16 protected trees and 55 non protected trees would be removed. The trees need to be removed to create the proposed access, accommodate new buildings and for good tree management reasons.
- 6.15 As previously, my Tree Officer notes that the non-protected trees could be removed at any point and that there are a number of trees to the rear of the site that do not provide a significant contribution to the public view. Further he considers the supporting information is comprehensive and provides a well-reasoned justification for the removal of the protected trees and notes he has approved the removal of the the TPO trees as part of a separate Tree Works application. My Tree Officer therefore raises no objection to their removal subject to conditions. He also welcomes the significant provision of 83 additional trees. My Landscape Officer also welcomes the hard and soft landscaping proposed, as it would not only improve the sites appearance but improve its diversity, increase its resilience to disease and significantly improve its landscape longevity. I concur with these views

and consider that the proposed public square would make a positive contribution to the City's environment and that the active, and continued, management of the proposed landscaping, including trees, would enhance the sites contribution to the character and visual amenity of the area and recommend conditions to secure this accordingly.

- 6.16 My Ecologist agreed with the preliminary ecological appraisal which concluded that the existing site habitat is of negligible ecological value. Furthermore, he welcomes the retention of the mature trees and considers that the ecological enhancements proposed, which in line with phase 1, could include the provision of bird and bat boxing and a living roof, would significantly improve the bio diversity value of the site in line with both local and national planning policy. Conditions are recommended accordingly.
- 6.17 The BDP confirms the Council's commitment to reducing total carbon dioxide (CO2) emissions by 2027 and a number of policies in the plan seek to contribute to achieving this and encourage good principles of sustainable development. The proposed buildings would be constructed to a minimum level of BREEAM good and, as an overall package; the development would have a positive impact on sustainability.

Planning Obligations

- 6.18 BDP policies require that new development should be built to a high design and contribute to a strong sense of place within attractive and safe environments and that financial contributions may be required to meet the needs associated with the development.
- 6.19 The proposed development is expected to increase, significantly, the pedestrian footfall to/from the site and the immediate surrounding area. Therefore to make the proposed development acceptable in planning terms, improve the visual amenity of the area and safeguard pedestrian movements it is necessary to improve the public realm around the site. The applicant concurs with this view and has agreed a financial contribution of £985,000. This contribution along with improvements required by the s278 would cover; on Navigation Street, footway resurfacing, enhanced pedestrian crossing facilities and street lighting improvements and on Holliday Street; footway resurfacing, traffic calming measures, creation of a pedestrian link to Arena Central, enhanced lighting below the Birmingham Canal Old Line bridge and way finding measures. This contribution would comply with the CIL Regulations.
- 6.20 The CIL charging schedule was introduced in January 2016 however given the nature of the application and uses proposed no charge would be required.

Regulatory Services

- 6.21 Regulatory Services require a number of conditions including compensation for air pollution during demolition and construction phases, restrictions on commercial vehicle emissions, low emission vehicle parking and differential parking charges dependent on emissions. Whilst the importance of these measures are noted in terms of air pollution I consider there is limited/no policy basis for these requests and do not therefore consider it reasonable to attach such conditions. Notwithstanding this I note the applicant, within section 9.2 of the Framework Construction Environmental Management Plan, has identified numerous steps to assist with the City's air quality objectives. It is however appropriate to attach

conditions with regard ground contamination, plant noise and electric charging points.

Other considerations

- 6.22 Local residents have raised concern over the noise and dust during the construction period. Whilst this is largely controlled by other legislation the applicant has included details of construction hours within a Management Plan which Regulatory Services have seen and raised no concerns.
- 6.23 The Employment Access Team have requested that the developer commits to engage with the City Council and other agencies in relation to local training and employment opportunities during construction of the development. Given the size of the development and policies within the BDP I consider this is a reasonable request and that this can be secured by way of a condition which is attached accordingly.
- 6.24 The Police's comments have been passed on to the applicant and conditions with regard lighting and CCTV have been attached.
- 6.25 A Wind Report has been undertaken which concludes that, upon completion and including the landscaping, the proposed development is not expected to have any significant adverse impact on the pedestrian level wind conditions within the surrounding area and may have a slight beneficial effect at the main entrance to Centenary Plaza. It should however be noted that a further wind assessment may be required should building 3 be built and occupied prior to building 4 and an appropriate condition is therefore recommended.

7. Conclusion

- 7.1. The proposal would follow on from the previously approved phase 1 scheme establishing the foundations for a comprehensive office led redevelopment of the site with three further buildings of an appropriate layout and scale within this city centre location. The site would be well landscaped, provide a new public square, and an appropriate access. The proposal would accord with both local and national planning policies and should therefore be approved.

8. Recommendation

- 8.1. That consideration of planning application 2017/01882/PA be deferred pending the completion of a planning obligation agreement to secure the following:-
 - a) A financial contribution of £985,000 (index linked from the date of resolution) towards public realm enhancements within the vicinity of the Axis site.
 - b) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the public realm contribution subject to a maximum of £10,000.
- 8.2 In the absence of the suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 30th August 2017 that planning permission be refused for the following reason(s):

- a) In the absence of any suitable legal agreement to secure a financial contribution towards public realm enhancements the proposal would be contrary to policies GA1.1, GA1.4 and TP39 of the Birmingham Development Plan 2017 and National Planning Policy Framework.

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

8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 30th August 2017, favourable consideration be given to this application, subject to the conditions listed below.

-
- | | |
|----|--|
| 1 | Requires the prior submission of contamination remediation scheme on a phased basis |
| 2 | Limits the maximum gross floorspace of the unit |
| 3 | Limits the building heights |
| 4 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis |
| 5 | Requires the prior submission of a sustainable drainage scheme in a phased manner |
| 6 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 7 | Requires the prior submission of a contamination remediation scheme |
| 8 | Limits the noise levels for Plant and Machinery |
| 9 | Secures electric charging points |
| 10 | Secures differential height in building 3 |
| 11 | Requires a construction management plan |
| 12 | Requires the prior submission of sample materials in a phased manner |
| 13 | Requires the prior submission of a landscape management plan |
| 14 | Secure public access |
| 15 | Requires the scheme to be in accordance with the listed approved plans |
| 16 | Requires the prior submission level details on a phased manner |
| 17 | Requires the prior submission of a drainage scheme |
| 18 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 19 | Requires the prior submission of a commercial travel plan |
| 20 | Requires the provision of cycle parking prior to occupation |
-

-
- 21 Requires the parking area to be laid out prior to use
 - 22 Requires the prior submission of extraction and odour control details in a phased manner
 - 23 Requires the prior submission of details of green/brown roofs
 - 24 Requires the prior submission of a CCTV scheme
 - 25 Requires the prior submission of a lighting scheme in a phased manner
 - 26 Requires the prior submission of details of refuse storage
 - 27 Requires the prior submission of hard and/or soft landscape details
 - 28 Requires further wind assessment
 - 29 Secures an employment policy
 - 30 Requires the prior submission of a CCTV scheme
 - 31 Requires Implementation of CCTV
 - 32 Requires the submission of reserved matter details following an outline approval
 - 33 Requires the prior submission of cycle storage details
 - 34 Tree Survey and Arboricultural Implication Assessment Submission Required (Outline Application)
 - 35 Arboricultural Method Statement - Submission Required
 - 36 Requires tree pruning protection
-

Case Officer: Joanne Todd

Photo(s)

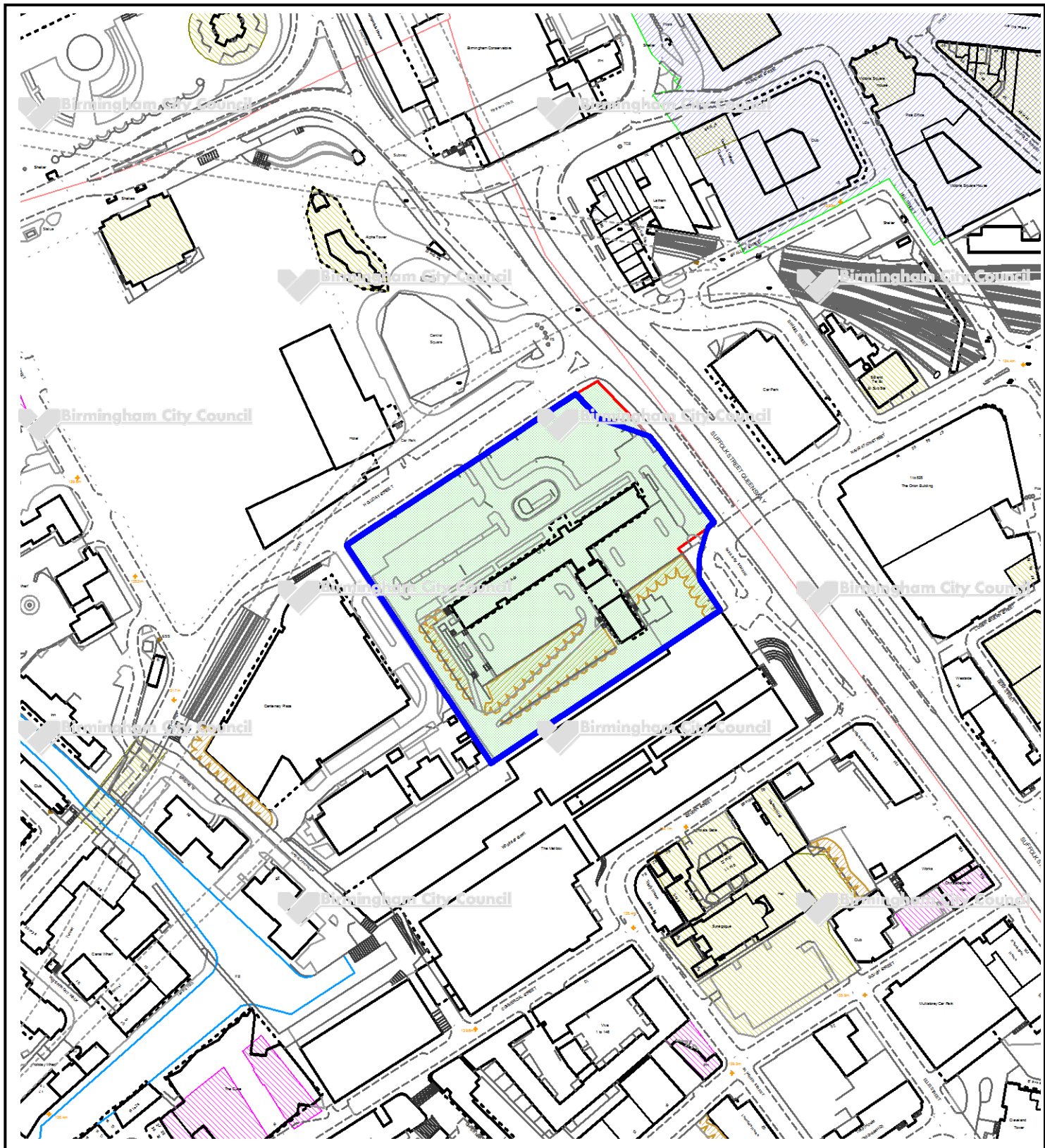


Picture 1: Existing site from the north



Picture 2: Existing site from Mailbox frontage

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

**Birmingham City Council
Planning Committee 20 July 2017**

Appeal Decisions Received from the Planning Inspectorate in June 2017

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Enforcement	288 Harborne Park Road, Harborne	Construction of rear dormer and roof alterations. 2016/0624/ENF	Dismissed	Enf	Written Representations
Enforcement	1st Floor, 35 Blews Street, Aston	Change of use at first floor to house in multiple occupation. 2014/0884/ENF	Dismissed	Enf	Written Representations
Householder	126 The Boulevard, Sutton Coldfield	Erection of two storey side extension including glazed two storey link to side. 2016/09439/PA	Dismissed	Delegated	Written Representations
A3/A5	343 Vicarage Road, Kings Heath	Change of use from retail (Use Class A1) to hot food take away (Use Class A5) and installation of extraction flue to rear. 2016/05220/PA	Dismissed	Delegated	Written Representations
Residential	213 Worlds End Lane, Quinton	Erection of second floor extension to create 4 no. additional apartments. 2016/07290/PA	Dismissed	Delegated	Written Representations
Residential	11 Avenue Road, Erdington	Change of use from dwellinghouse (Use Class C3) to five flats (Use Class C4). 2016/04864/PA	Dismissed	Delegated	Written Representations
Residential	22 Easterton Croft, Maypole	Erection of single storey first floor extension to create residential dwelling (Use class C3), associated external staircase and single storey rear extension. 2016/07720/PA	Dismissed	Delegated	Written Representations
Residential	206-220 Windsor Street, Nechells	Part change of use of first floor from ancillary offices to four self-contained flats (Use Class C3) with minor alterations to rear. 2016/02336/PA	Dismissed	Delegated	Written Representations

**Birmingham City Council
Planning Committee 20 July 2017**

Appeal Decisions Received from the Planning Inspectorate in June 2017

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
-----------------	----------------	------------	-----------------	-------------	------------------

Total - 8 Decisions: 8 Dismissed (100%)

Cumulative total from 1 April 2017 - 22 Decisions: 19 Dismissed (86%), 3 Allowed

BIRMINGHAM CITY COUNCIL

REPORT OF THE CORPORATE DIRECTOR, ECONOMY

PLANNING COMMITTEE 20th July 2017

CONSERVATION AREAS REVIEW, COMPRISING A CONSULTATION EXERCISE ON NEW AND EXISTING DESIGNATIONS

1. Subject And Brief Summary Of The Proposals

- 1.1 To advise Planning Committee that a Joint Cabinet Member and Chief Officer Report has been approved, concerning a Conservation Area Review for the continued management of all conservation areas within the City of Birmingham, including permission to undertake full consultation on all proposals recommended. Delegated authority has also been secured for the Corporate Director, Economy to approve consultation on future draft conservation area changes.
- 1.2 To report to the Planning Committee the findings of a recent review of the City's conservation areas and set out proposed revisions to these including the variation to, deletion of, and designation of new conservation areas, as well as a review of their evidence base.

2. Recommendation

That the content of this report be noted and is considered as consultation on the Conservation Area Review for all of the City's 30 conservation areas. The Planning Committee is invited to comment on the review.

3. Contact Officer

Andrew Fuller: Principal Conservation Officer
Tel: 0121 464 7794
Email: andrew.fuller@birmingham.gov.uk

4. Background and Issues

- 4.1 Birmingham City Council has 30 designated conservation areas. The designation of a conservation area seeks to '*preserve and enhance*' the '*special architectural or historic interest*' of that area (Section 69 of the Planning (Listed Buildings & Conservation Areas) Act 1990). Such a

designation does not stifle development, but rather allows for growth and change that responds positively to that special character.

- 4.2 The designation of conservation areas is undertaken by the local authority itself, and is a statutory function governed by the Planning (Listed Buildings & Conservation Areas) Act 1990.
- 4.3 Section 69 of the Act states the following:
1. *every local planning authority:*
 - a) *Shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance , and*
 - b) *Shall designate those areas as conservation areas*
 2. *It shall be the duty of local planning authority from time to time to review the past exercise of functions under this section and to determine whether any parts or any further parts of their areas should be designated as conservation areas; and, if they so determine, they shall designate those parts accordingly.*
- 4.4 Paragraph (2) of Section 69 of the Act is clear that (on a regular basis) local planning authorities must review both existing conservation areas as well as consider if further areas need to be designated. Standard practice within the conservation discipline is that this should be around every 5 years. A review of all conservation areas in Birmingham has now been undertaken in order to meet this statutory requirement.
- 4.5 The findings of the review identified a number of issues which it addresses including potential de-designation, varying (merging, reducing and enlarging) and the possible adoption of new conservation areas.

Cancellation (de-designation)

- 4.6 Following the initial review of all 30 conservation areas, two appeared to be in a condition where the survival of historic fabric is so poor that they no longer meet the criteria or standard for designation. This assessment triggered the need to undertake further detailed survey work in both areas to generate clear data under which a sound recommendation could be reported to Planning Committee Members.
- 4.7 The first area is the Austin Village Conservation Area. This area was designated on 17 July 1997. A condition survey was undertaken on 14 June 2016 which identified the following loss of and significant change to historic fabric:
- 95% of properties have lost all (or most) of the original windows in favour of UPVC windows;
 - 93% of properties have replaced the original front door;

- 45% of properties have added a porch;
- 39% of properties have over clad the timber of the bungalows or rendered the brick houses on the front elevation;
- 47% of properties have over clad the timber of the bungalows or rendered the brick houses on the side elevations;
- 37% of properties have cement tile roofs; and
- 87% of properties have modern driveways.

4.8 Austin Village has an Article 4 direction that was put in place in 25 September 1998 removing 'permitted development' rights (development that otherwise would not require planning permission). In the process of de-designation the Article 4 direction would need to be revoked. During various meetings with representatives of the community (the Austin Village Preservation Society) a strong desire has been made for the Article 4 direction to be lifted.

4.9 The second area is Ideal Village Conservation Area which was designated on 18 October 1990. A condition survey of the area was undertaken on 6 October 2016 which identified the following loss of and significant change to historic fabric:

With regards to housing:

- 98% of properties have lost all (or most) of the original windows in favour of UPVC windows;
- 96% of properties have replaced the original front door;
- 49% of properties have added a porch;
- 32% of properties have rendered or painted over the brickwork;
- 85% of properties have replaced the original slate or tile roof with a synthetic slate or concrete tile; and
- 90% of properties have removed the boundary wall and inserted a modern driveway or hard-standing.

With regards to shops:

- 100% of the shops have poor quality modern shop fronts ;
- 100% of the shops have roller-shutters;
- 100% of the shops have modern inappropriate signage;
- 91% of the shops have lost the original windows (to the flats above) in favour of UPVC windows;
- 91% of the shops have lost the original domestic door entrance(to the flat above).

4.10 As with Austin Village an Article 4 direction was put in place in Ideal Village following designation in order to control changes to properties and preserve and enhance the areas character. The Article 4 direction was lifted on 6 May 2009. The report to Planning Committee Members at that time stated the following:

'Whilst the overall plan form of the Ideal Village remains unaltered and the general built form may still be of interest, there has been considerable erosion

of original detail, largely through significant investment in housing. To the extent that the existing Article 4 (2) Direction is rendered almost meaningless.'

- 4.11 Considering the significant loss of historic character in these two areas the 'special architectural or historic interest' in each has now been lost and officers recommendation is that the Council must consider the process of cancellation (de-designation). Without de-designation the planning department must continue to process planning applications being mindful of heritage implications that are largely now absent.

Variation (boundary amendments)

- 4.12 Other conservation areas have changed in form, either through significant loss of historic character around their periphery (much in the way that has happen more extensively in Austin Village and Ideal Village). However the nucleus of these areas either remains intact and still offers something of architectural or historic merit that has not been altered so greatly as to warrant cancellation. Considering this aspect of boundary change, the opportunity of expanding a conservation area to take in areas that contribute positively to the designation should also be considered.
- 4.13 The first area is Barnsley Road Conservation Area where the condition was seen to be in such a poor condition that a full condition survey was undertaken on 13 September 2016 identifying the loss of and change to the historic fabric:
- 75% of properties have lost all (or most) of the original windows in favour of UPVC windows;
 - 38% of properties have rendered or painted over the brickwork;
 - 38% of properties have replaced the original slate or tile roof with a synthetic slate or concrete tile; and
 - 70% of properties have removed the boundary wall and inserted a modern driveway or hard-standing.
- 4.14 It was identified that a small area concentrated around the east side of Barnsley Road itself might survive as a greatly reduced conservation area. Should this be considered, then an Article 4 direction would need to be put in place to safeguard the character of what survives and prevent further deterioration. See attached plan of existing and proposed new boundary.
- 4.15 The second area is the Jewellery Quarter which was also found to have areas around its periphery that no longer qualify as meeting or benefiting from conservation area status. In parallel with the City Council's own review of all 30 conservation areas, the Jewellery Quarter Neighbourhood Planning Forum and Jewellery Quarter Development Trust have commissioned a review of the Conservation Area Appraisal and Management Plan and this has resulted in the identification of peripheral areas that should no longer form part of the conservation area. This has been reviewed by officers and broadly agreed with.

- 4.16 The Jewellery Quarter review also noted that the conservation area contained areas that are far more characteristic of the Colmore Row and Environs Conservation Area. This is largely the character area known as '*City Fringe*' which has always had a greater association with the city centre proper and that of the Colmore Row and Environs Conservation Area and therefore it would only be proper to soundly respond to this as part of this wider review and re-designate much of this area as part of that conservation area. See attached plan of existing and new boundary.
- 4.17 The third area where boundary changes are anticipated is Lozells and Soho Hill Conservation Area. This area has already been the subject of a number of initial studies and forms part of the A41 (Soho Road) Framework (2015). There are a number of areas around the periphery of the designation that need to be appraised to understand if they will continue to form part of the conservation area. A revised Conservation Area Appraisal and Management Plan is proposed. See attached plan of existing and proposed new boundary.

Variation (merging)

- 4.18 The review identified a number of conservation areas that shared boundaries and characteristics. In all these cases it is possible to consider merging the conservation areas. Merging offers the following benefits:
- Simplifies the designations and makes the understanding of the designations easier to understand for customers;
 - Improves the administration of conservation areas for the local planning authority in terms of the planning function; and
 - Reduces the demand of managing conservation areas on council resources as each conservation areas should have its own published '*proposals for preserving and enhancement*' of the area (Section 71 of the Act). These proposals themselves need frequent reviewing and therefore if areas are merged this allows for them to be more soundly managed and resources better utilised.
- 4.19 Edgbaston contains three conservation areas that abut one another and share similar geography, street plan and domestic 18th and 19th century architecture. These are the:
- Edgbaston Conservation Area;
 - Ryland Road Conservation Area; and
 - Lee Crescent Conservation Area.
- 4.20 The Digbeth and Eastside area of the city has two conservation areas that dovetail one another and share similar geography, street plan and industrial 19th century architecture. These are the:
- Warwick Bar Conservation Area; and
 - Digbeth, Deritend and Bordesley High Street Conservation Area.

- 4.21 With regards to the Digbeth and Eastside areas, these are directly adjacent to the intended location of the HS2 train station and are the intended subject of a wider design SPD and revised Conservation Area Appraisal and Management Plan.
- 4.22 In the case of Edgbaston, none of these three areas are '*at risk*' as reported by Historic England and therefore there is no risk to merging these areas. As for the Digbeth/Eastside area, they are both '*at risk*' and therefore again there is no risk of deteriorating the status of one conservation area by merging with another.
- 4.23 The '*special architectural or historic interest*' of these areas would not be threatened or altered in any way and therefore considering the benefits outlined of merging these areas the Council should consider the process of merging these five areas in to two.

New designations

- 4.24 In accordance with the provision of Paragraph (2) of Section 69 of the Act it is clear that the local planning authority must also (as part of any review) '*determine whether any ... further parts of their areas should be designated as conservation areas*'. In accordance with this, two local communities have come forward to promote their areas as potential new conservation areas. In both cases officers have met with representatives of those communities to discuss their aspirations.
- 4.25 The first of these areas is in Acocks Green. This area comprises a suburban area of mixed late 19th and early 20th century housing. The community representatives have determined a boundary and undertaken an initial survey of the area to consider what should constitute a conservation area and an associated Article 4 direction. Officers are working with the community to understand the significance of the area, with a mind to present more detailed proposals to Planning Committee Members following the review of these wider proposals.
- 4.26 The other area under consideration is Weoley Hill. This area comprises an outer suburban district of early 20th century housing built as part of the Bournville Estate. The community are in the early stages of considering what the conservation area might comprise and how an Article 4 direction would serve to protect the current character of the area.
- 4.27 In order for these areas to be effective conservation areas, Article 4 directions would need to be put in place. This would remove some/all of the 'permitted development' rights of householders across part or all of the area. Significant community support will be necessary in order to ensure that these areas can be appropriately and properly managed, as the community would effectively be gifting away their right to alter aspects of their properties without planning permission. It is this issue that has led in part to the de-designation of other

areas and therefore the designation of new areas and the accompanying Article 4 needs to be substantially supported by the community.

- 4.28 In both these cases it is important to note that detailed survey work and comprehensive consultation with the local community will be central in determining if either of these areas become conservation areas in the future. At present no view has been taken as to whether these areas would meet the criteria for designation.

Review of appraisals and management plans

- 4.29 The Act states under Section 71 that

(1) It shall be the duty of a local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas.

(2) Proposals under this section shall be submitted for consideration to a public meeting in the area to which they relate.

(3) The local planning authority shall have regard to any views concerning the proposals expressed by persons attending the meeting.

- 4.30 The legislation does not specify what is meant by ‘*publish proposals for the preservation and enhancement*’ of a conservation area and in Birmingham there is a combination of responses to this requirement:

- Article 4 directions;
- Guidance leaflets; and
- Conservation Area Appraisals and Management Plans.

- 4.31 It is important that as conservation areas evolve and change, the associated published documents to manage them are also reviewed. This is also the case for conservation areas that will not necessarily change.

- 4.32 A number of new and revised management plans (comprising one or more of the options set out above under paragraph 4.30) will therefore be necessary and will be forthcoming as part of this review. It is, however, anticipated at this time that the following areas will be prioritised to have revised Conservation Area Appraisals and Management Plans:

- Barnsley Road
- Jewellery Quarter;
- Digbeth (new merged area);
- Edgbaston (new merged area);
- Lozells and Soho Hill;
- Colmore Row and Environs Conservation Area;
- Acocks Green (new area) if designated; and
- Weoley Hill (new area) if designated.

Other areas without these documents, yet to be identified, will subsequently come forwards utilising other forms of management plans.

- 4.33 Delegated authority has also been secured from the Corporate Director, Economy to approve consultation on future draft conservation area changes.

5 Conclusion and recommendations

- 5.1 The need to review Birmingham's conservation areas is a statutory duty that must be undertaken in order to satisfy primary legislation, but is also important if the Council's planning policy designations are to remain relevant, especially to the residents, organisations and businesses that live and work in these areas. It is naturally regrettable that some of the existing designations no longer meet the standards to be conservation areas, however the better administration of other areas, through merging, and the potential of new areas being designated ensures that Birmingham promotes the best of its historic environment in a positive light, where the designation of a conservation area truly reflects the city's diverse historic environment. As such a Conservation Area Review has been undertaken to manage this process.
- 5.2 The Deputy Leader with the Corporate Director, Economy has approved the review along with support for officers to commence public consultation on the changes proposed to the city's conservation areas. The process would be a phased exercise in line with the following sequential approach:
- Cancellation (de-designation) of the Austin Village Conservation Area and revocation of the Austin Village Article 4 direction;
 - Cancellation (de-designation) of the Ideal Village Conservation Area;
 - The variation (reduction) of the Barnsley Road Conservation Area, formation of an Article 4 direction and adoption of a conservation area character appraisal and management plan;
 - The variation (reduction and expansion) of the Jewellery Quarter Conservation Area in conjunction with the revocation of the existing Jewellery Quarter Design Guide SPG and adoption of a Neighbourhood Plan. The revocation of existing, and adoption of a new conservation area appraisal and management plan;
 - The variation (expansion) of the Colmore Row and Environs Conservation Area and revocation of existing, and adoption of a new conservation area appraisal and management plan;
 - The variation (reduction) of the Lozells and Soho Hill Conservation Area and adoption of a Conservation Area Appraisal and Management Plan;
 - The variation (merging) of the Edgbaston, Ryland Road and Lee Crescent Conservation Areas revocation of existing (Edgbaston), and

adoption of a revised conservation area character appraisal and management plan;

- The variation (merging, reduction and expansion) of the Warwick Bar and Digbeth, Deritend and Bordesley High Street Conservation Areas revocation of existing (both), and adoption of a revised conservation area character appraisal and management plan;
- The possible designation of a conservation area in Acocks Green and preparation of a Conservation Area Appraisal and Management Plan and Article 4 Direction;
- The possible designation of a conservation area in Weoley Hill and preparation of a Conservation Area Appraisal and Management Plan and Article 4 Direction; and
- The preparation and publication of proposals for the 'preservation and enhancement' of these and other conservation areas.

5.3 Considering the scale and coverage of conservation areas across Birmingham, this review is extensive and it cannot be confirmed at this time that the proposed review in its present form is complete and conclusive. As the work progresses other issues may be generated that may need further approval from the Deputy Leader with the Corporate Director, Economy along with continued consultation with Planning Committee. There will most likely be the need to review and possibly amend the boundary of other conservation areas not discussed in this report. In that event a further report will be brought back to Planning Committee for Members to consider in conjunction with this report.

5.4 As each individual phase of the strategy is implemented the proposals will require public consultation with statutory and community bodies. The following is proposed:

- Letters to all affected households, businesses and organisations within the area affected;
- Details provided on the Council's website;
- Hold public meeting (where appropriate) within the areas affected;
- Consultation letters to:
 - Historic England;
 - Amenity Societies; and
 - Resident, civic and heritage groups/associations
- Consultation feed-back presented to Planning Committee where there is any significant deviation from the scope of this report.

The extent of the above scope of consultation may vary according to the nature of each element of the strategy.

6 BACKGROUND PAPERS

10.1 List of Background Documents used to compile this Report:

- Plans of boundary changes; and
- A link to existing conservation area designations, along with designation reports and Article 4 directions can be reviewed at:

https://www.birmingham.gov.uk/info/20055/conservation_areas/13/birmingham_conservation_areas



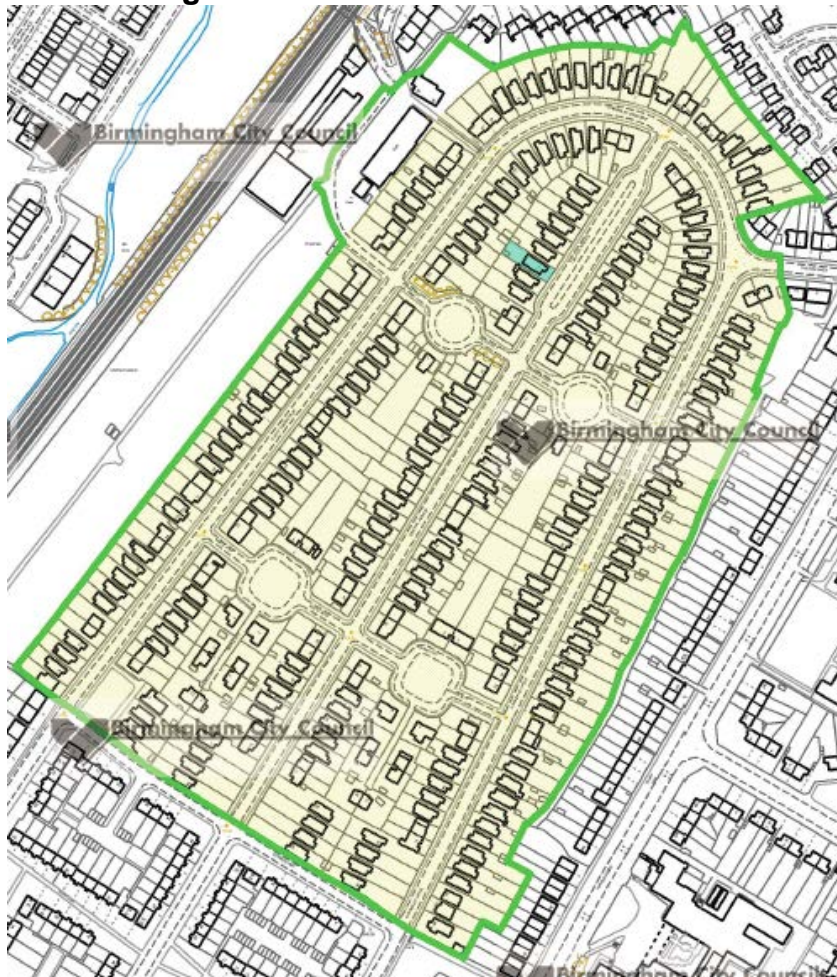
.....
Corporate Director, Economy

1. Northfield Old Village	1969
2. Old Yardley	1969
3. Ryland Road, Edgbaston	1969
4. Harborne Old Village	1969
5. Kings Norton	1969
6. Moor Pool, Harborne	1970
7. Bournville Tenants	1971
8. Bournville Village	1971
9. Colmore Row and Environs	1971
10. Aston Hall and Church	1972
11. High Street, Sutton Coldfield	1973
12. Lee Crescent, Edgbaston	1974
13. Edgbaston	1975
14. Lozells and Soho Hill	1979
15. Jewellery Quarter	1980
16. Moseley	1983
17. Four Oaks	1986
18. Warwick Bar, Digbeth	1987
19. St Agnes, Moseley	1987
20. St Augustines, Edgbaston	1988
21. School Road, Hall Green	1988
22. Barnsley Road, Edgbaston	1988
23. Ideal Village, Bordesley	1990
24. Anchorage Road, Sutton Coldfield	1992
25. Steelhouse Lane, City Centre	1993
26. Austin Village	1997
27. Digbeth, Deritend and Bordesley High Street	2000
28. Greenfield Road, Harborne	2009

29. Selly Park Avenues
30. Selly Park

2009
2010

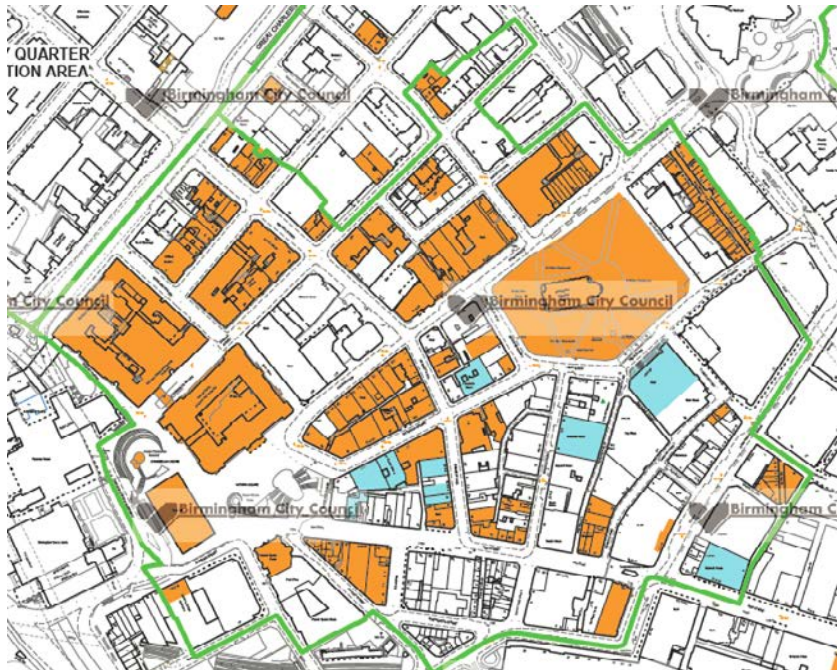
Austin Village



Barnsley Road



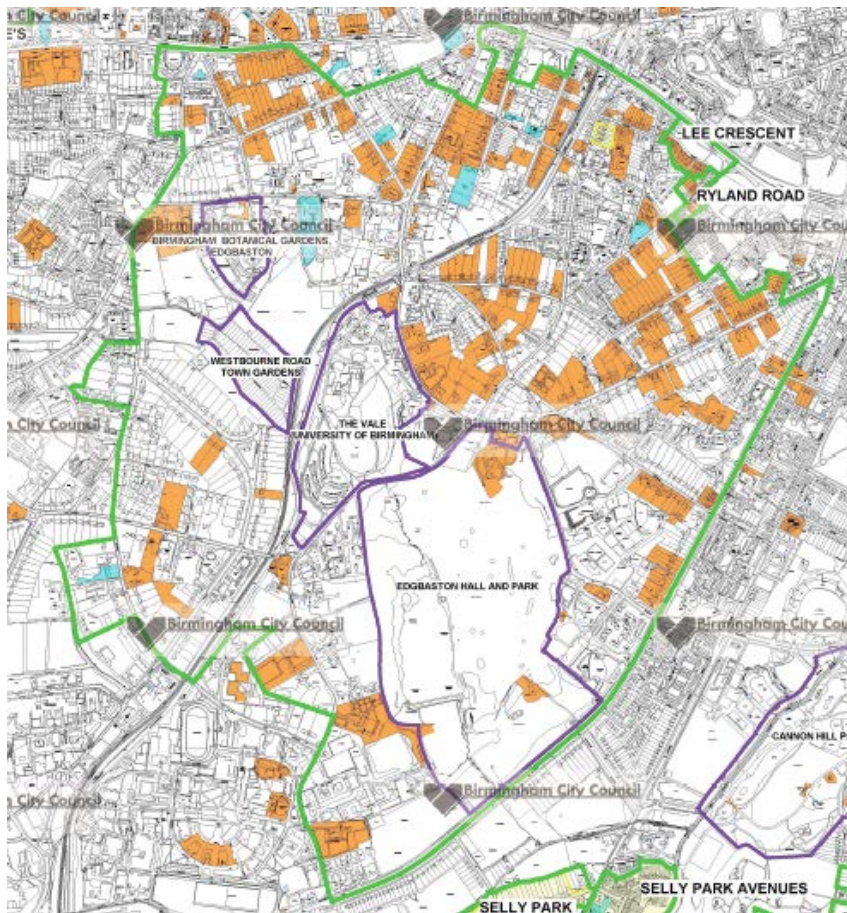
Colmore Row and Environs



Digbeth, Deritend and Bordesley High Street



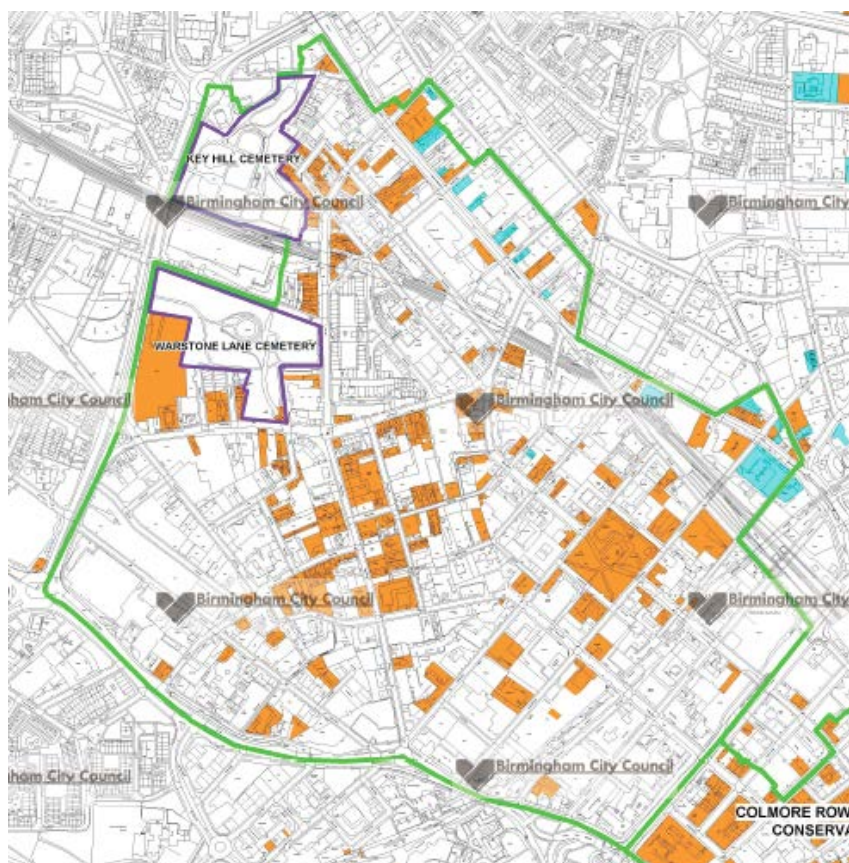
Edgbaston



Ideal Village



Jewellery Quarter



Lee Crescent



Lozells and Soho Hill



Ryland Road



Warwick Bar

