

Birmingham City Council

Planning Committee

02 February 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	8	2016/08023/PA 11-15 Sherifoot Lane Sutton Coldfield Birmingham B75 5DR Demolition of the two existing bungalows and erection of five detached dwellings, new access road and landscaping
Approve – Conditions	9	2016/08631/PA Land off Enderby Road Perry Common Birmingham B23 Erection of 20 dwellings for sale including associated works to existing and proposed highway, landscaping and parking and change of use to form extension to existing public open space
Defer – Informal Approval	10	2016/08371/PA Handsworth Horticultural Institute Ltd Oxhill Road Handsworth Birmingham B21 9RR Change of use from bowling green to car park (Sui Generis)

Committee Date:	02/02/2017	Application Number:	2016/08023/PA
Accepted:	23/09/2016	Application Type:	Full Planning
Target Date:	03/02/2017		
Ward:	Sutton Four Oaks		

11-15 Sherifoot Lane, Sutton Coldfield, Birmingham, B75 5DR

Demolition of the two existing bungalows and erection of five detached dwellings, new access road and landscaping

Applicant:	Arcadia Land Ltd c/o Agent
Agent:	Cerda Planning Vesey House, 5-7 High Street, Sutton Coldfield, Birmingham, B72 1XH

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Planning permission is sought for the demolition of two existing bungalows and erection of 5 five-bedroom dwellinghouses, including new private access road and landscaping.
 - 1.2. The proposed development has been amended during this application from six to five dwellinghouses. There have also been amendments to the scale, siting and building form of the dwellinghouses; the siting of the bin store collection point; the width and alignment of the access road; the parking arrangements; and the landscaping scheme. These amendments have been made to address remaining Officers issues of concern and the reasons for refusal in the previous refused application (2015/06900/PA) for a similar development for six dwellinghouses, which was subsequently dismissed at appeal in April 2016.
 - 1.3. The development would consist of three dwellinghouses set back between 6.4 and 8.0 metres from the back of the footpath to Sherifoot Lane and two dwellinghouses sited behind, approximately 41 metres from Sherifoot Lane, that would be accessed from a new private access road between plots 2 and 5.
 - 1.4. The dwellinghouses would be two-storeys high and the dwellinghouses to the front of the site would include rooms within their roof space. The dwellinghouses would be of traditional design with hipped roofs and pitched roof front gables, bay windows, chimney breasts and the dwellinghouses in plots 1, 2, 4 and 5 would have integral garages. Plot 3 would have a double garage sited 2.9 metres to the southeast of the dwellinghouse. The dwellinghouses would be finished in part render/part brickwork with a tiled roof and windows in gun metal grey powder coated aluminium.
 - 1.5. Internally, the dwellings would comprise a lounge, study, WC, family area, utility room and kitchen/dining room on the ground floor. At first floor there would be 4 bedrooms (two with en-suites) and a bathroom. The dwellinghouses in plots 3 and 4

would include a separate dining room on the ground floor and only one en-suite at first floor, but with dressing rooms to either one or two bedrooms. The dwellinghouse in plot 4 would also have a study room at first floor compared to the other dwellinghouses which would have a ground floor study room. All bedrooms would comply with the minimum bedroom sizes set out in Places for Living SPG.

- 1.6. Plots 1, 2, 4 and 5 would have integral garages and Plot 3 would have a detached double garage. Parking provision would be 200% for the dwellinghouses to the front of the site and 300% for the dwellinghouses to the rear of the site.
- 1.7. A bin collection point within 25 metres of Sherifoot Lane would be provided adjacent to the access road alongside the side boundary to plot 5.
- 1.8. Site Area: 0.28 hectares. Density: 18 dwellings per hectare.
- 1.9. A Planning Statement, Arboricultural Constraints Report and a Bat Assessment were submitted in support of this application. It was recommended in the Tree Survey that a Cherry tree should be removed for arboricultural reasons and all other trees can be retained, subject to adequate tree protection during construction works.
- 1.10. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is located on the north side of Sherifoot Lane, approximately 70 metres to the northwest of the road junction with Hill Village Road. The site measures 0.28 hectares and is rectangular in shape with a wide road frontage measuring 42 metres. It currently contains two large bungalows set back from the road and with separate vehicular access points to Sherifoot Lane. The rear gardens to both properties are relatively long and contain mature trees. Trees within the rear gardens of the bungalows in Crockford Drive that overhang the rear boundary of the site are covered by Tree Preservation Order (TPO 115). The site levels are relatively flat.
 - 2.2. The surrounding area is predominantly residential in character and contains a mixture of house designs and types. Adjoining the site to the west are two, two-storey dwellinghouses that were granted planning in 2006 under application 2006/04115/PA on a site that previously contained a bungalow. To the east is a two-storey late 1940s dwellinghouse that was originally a bungalow and has been extended, and includes a recently constructed detached garage/workshop (that was granted planning permission in 2015 under application 2015/06368/PA). To the rear of the site are bungalows that front onto Crockford Drive. To the south of the site, on the opposite side of Sherifoot Lane, are two-storey detached dwellings and a bungalow. To the southwest and around the road junction with Hill Village Road is a three storey block of flats, and to the southeast of the site is a housing development comprising 13 two-bedroom retirement homes situated around a courtyard and private access road (known as The Dovecotes).
 - 2.3. The site is located approximately 380 metres from Mere Green District Centre and has good accessibility to public transport services, including regular bus service on Hill Village Road and Sherifoot Lane.
 - 2.4. [Site Location](#)
3. Planning History

- 3.1. 19 October 2015 - 2015/06900/PA - Refused planning permission for demolition of the two existing bungalows and erection of 6 detached dwellings including new access road, boundary treatment and landscaping. The application was refused on the grounds of the proposal being out of character in terms of its cramped appearance, small plot sizes, inadequate space between the dwellinghouse and the siting of the dwellinghouses to the front of the site being forward of the established building line. It was also considered that the proposed development would lead to loss of privacy for future and existing residents and result in an overbearing impact on the adjoining residents at 9A Sherifoot Lane.
- 3.2. Subsequent appeal (APP/P4605/W/3139948) dismissed on 15 April 2016.
- 3.3. Related Planning History at 9 Sherifoot Lane - 24 August 2006 - 2006/04115/PA - Planning permission granted for erection of two detached dwellinghouses and demolition of existing bungalow, subject to conditions.
- 3.4. Related Planning History at 17 Sherifoot Lane - 24 August 2015 - 2015/06368/PA - Planning permission granted for erection of single storey detached garage/workshop to side/forward of property, subject to conditions.
4. Consultation/PP Responses
 - 4.1. Ward Councillors, M.P, Residents Associations and nearby occupiers were notified and Site Notice displayed outside site.
 - 4.2. Councillor Meirion Jenkins - Objects to the application and supports local residents in objecting to this application. Councillor Meirion Jenkins advises that the proposed development would not be in keeping with the area and that there has already been a similar application to redevelop this site for 6 new houses which was refused by the Council and dismissed at appeal.
 - 4.3. Two letters of objection have been received from the Sherifoot Lane / Hill Village Road and Districts Residents Association. They advise that it would not be possible to build 5 large houses and garages on this small site and provide safe and adequate access for sufficient cars and emergency vehicles etc. They consider that building any properties to the rear of the site would affect the privacy of all surrounding properties, in particular the bungalows in Crockford Drive, which have short gardens. They further consider that the development would lead to additional on-street parking demand and a new road access close to the junction with Gibbons Road and Tower Road; the severe bend in the road; the access to The Dovecotes (which is an intensive development); and on an already busy road with a regular bus route. The Residents Association conclude that the site is not suitable for back land development and that it should only be used for houses with frontages onto Sherifoot Lane.
 - 4.4. The first consultation relating to the original scheme for six dwellinghouses received 17 letters of objection from nearby occupiers including a letter from GW Planning on behalf of a nearby resident. The reasons for objecting can be summarised as:
 - Out of character due to encroachment of front building line, disregard to set backs and street scape, poor design, backland form of development, over-intensive, cramped appearance, loss of green space, high density and would set a precedent for other developments that are out of character.
 - The development would fail to reflect the coherent and legible building line that is respected by 9, 9A Sherifoot Lane and the development to the north-

east of the site. Although not considered an issue by the Inspector in the previous appeal, it is considered that if there was a new appeal for this proposal the Inspector may take a fresh view about the impact on local character.

- Back garden developments should not be allowed when it directly impacts neighbouring properties.
- Over intensive, overdevelopment, visually intrusive and over prominent.
- Limited area for soft landscaping, which would be detrimental to the character of the area, in terms of its open and green aspect, the ecological resource it provides and the amenity value these large gardens afford the adjoining neighbours.
- Harm the amenity of existing occupiers in terms of loss of outlook, views, privacy and daylight.
- Proposal is oppressive and not sustainable, as due to permitted development, future extensions to the proposed dwellinghouses would massively impact further in a negative manner on existing views, natural light, privacy, quality of life and reduce enjoyment of neighbouring residents living spaces both internally and externally.
- Car parking, especially to the dwellinghouses to the rear of the site, would cause noise, light pollution, fumes to neighbouring residents.
- The new road access would reduce the safety of surrounding houses increasing the risk of burglary and if street lights were erected in the road this would cause unwanted light pollution.
- Impact the wellbeing and established enjoyment of life of existing residents.
- Contrary to the minimum separation distances outlined in Places for Living SPG and neighbouring properties have permitted development rights to extend out at the rear which would further reduce the separation distance and cause overlooking.
- Contrary to NPPF, NPPG, policies 3.8, 3.10 and 5.20 of the UDP 2005, PG3 of the BDP 2017, Places for Living SPG, the 45 Degree Code SPG and the Mature Suburbs SPD.
- Loss of two beautiful bungalows that are in fantastic condition.
- Loss of garden space would have a serious environmental impact and significantly harm the animal population.
- Loss of trees prior to this application has been detrimental to both the outlook and character of the area and the proposed scheme leaves no room for future planting of mature trees.
- New tree planting would cause overshadowing problems.
- Impact on ecological resources and the environment.
- Inadequate car parking provision with very limited allocated space for visitors, and any increase in on-street parking would hinder the flow of traffic; impact the local bus service and lead to inadequate access for emergency and service vehicles (this would certainly increase the risk of loss of life and property in the event of a fire).
- Increase traffic congestion and impact highway safety.
- Access off the site is off an already busy road and would lead to a possible road accident waiting to happen.
- Increase pressure on resources, facilities and amenities, in particular on local school and nursery places.
- Bin site is a considerable distance from plots 3, 4 and 5, and in a prominent location which would be contrary to NPPF as it would be poor design and potentially a hazard at the entrance.
- The applicant has not consulted local residents.

- Two trees are not shown in the correct location and their root protection area is not drawn correctly. Other trees within neighbouring properties have been identified incorrectly in the submitted tree survey report and the proposed development would damage these existing trees.
- The backland developments referred to by the applicant have a different form and are located in a different context. Also, 3 of the 4 examples quoted predate the adoption of 'Places for Living Supplementary Planning Guidance' by Birmingham City Council in March 2001. Moreover, it is understood that, in all instances, the original application was amended in terms of the total number and type of dwellings permitted and the building line maintained.
- The proposed development has not overcome the reasons given in the previous dismissed appeal.
- The neighbouring property at 17 Sherifoot Lane has pulled their garage back to conform with the building line compared to the proposed development.
- The development would have approximately 50% of the street frontage for driveway access and access road, and as such there would be limited opportunity to recreate high levels of hedgerows and shrubs.
- There are acceptable alternatives that would create enough profit for the developer, for example 4 or 5 houses to the along the front of the site or a number of small bungalows.
- The development does not alleviate the shortage of affordable housing - a policy the Local Authority should be supporting.
- Devalues residences in the area.

4.5. The second consultation relating to the amended scheme for 5 dwellinghouses received 13 letters of objection including: 1 from the Sherifoot Lane / Hill Village Road and Districts Residents Association; 11 from surrounding residents and GW GW Planning who have already commented; and 1 from a nearby resident who has not made previous comments. The new comments that have not been expressed in the 1st consultation are:

- The reduction in house numbers, the slight re-orientation of the dwellings on plots 3 and 4 has gone some way to relieve the very oppressive built form of the original scheme, however, it would still destroy the privacy and amenity of neighbouring residents and bring car movements closer to adjoining rear gardens.
- The existing local grain of private back gardens and residential amenity would be disrupted by the incongruous island of built form created by the two dwellinghouses to the rear of the site.
- Amended scheme has not changed the impact on local character or loss of privacy to neighbouring properties.
- Dwellinghouses are still poorly designed; the access road is unsafe; and there is no clear definition between public fronts and private backs.
- Loss of green/eco habitats.
- No evidence of sustainable drainage.
- No evidence of the use of sustainable materials with a low carbon footprint.
- The gardens to the proposed dwellinghouses would be overshadowed because of their limited depth and north-west orientation.
- A tree in the rear garden of 17 Sherifoot Lane overhangs the site and should not be lost;
- Proposed dwellinghouses and tree planting would overshadow the bungalows and their gardens, especially during the winter months when the sun is low in the sky;

- Tree planting would also be a nuisance during leaf fall and would encourage moss growth and other well-known problems with trees;
 - Council needs to take the opinion of local residents more importantly than a developer trying to make a quick profit and who doesn't live in the area;
 - Demolition of two bungalows would imbalance the population density of the neighbourhood with pressure on resources and facilities;
 - Bin storage is a considerable distance from plots 3 and 4;
 - Drawings show incorrect measurements of plot sizes and incorrect location of two trees and their root protection area;
 - Lack of space for the access road, pavements, bin store and gaps between buildings;
 - Request Planning Committee to make a site visit;
 - The development does not fulfil local and national housing requirements for single persons and small family housing.
- 4.6. Regulatory Services - No objection subject to a condition to require a charging point for electric vehicles.
- 4.7. Transportation Development - No objection subject to conditions to secure a package of highway works; appropriate vehicular and pedestrian visibility spays; a construction plan; and measures to prevent mud on the adjoining highway.
- 4.8. Severn Trent Water - No objection subject to a condition to require suitable drainage of the site. They also advise that there may be a public sewer located within the application site.
- 4.9. West Midlands Fire Service - No objection.
- 4.10. West Midlands Police - No objection.

5. Policy Context

- 5.1. National Planning Policy Framework 2012, Technical housing standards nationally described space standard 2015, Birmingham Development Plan 2017, Birmingham Unitary Development Plan 2005 (saved policies), Places for Living SPG, Car Parking Guidelines SPD, 45 Degree Code SPD and Tree Preservation Order (TPO) 115.

6. Planning Considerations

- 6.1. The determining issues for this application are whether the amended proposed scheme has overcome the previous reasons for refusal in terms of its impact on local character and on the amenities of adjoining residents taking into account the previous dismissed appeal. I have also considered the impacts on highway safety, trees and ecology.

6.2. *Policy Context*

- 6.3. The National Planning Policy Framework (NPPF) advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 58 highlights that the Government attaches great importance to the design of the built environment. Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the

way it functions. Paragraph 53 also states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

- 6.4. Birmingham Unitary Development Plan (UDP) 2005 within the saved policy 3.14 states that the design and landscaping of new development will be expected to contribute to the enhancement of the City's environment. Good design may also help to promote and secure sustainable forms of development.
- 6.5. Policy PG3 for the Birmingham Development Plan (BDP) advises that 'all new development will be expected to demonstrate high design quality, contributing to a strong sense of place' and 'make best use of existing buildings and efficient use of land in support of the overall development strategy'.
- 6.6. Places for Living SPG advises that responding to the local context can ensure the unique identity of a place is not harmed as well as avoid any potential adverse impact on neighbouring buildings, landscape and uses. It identifies numerical guidelines for garden, bedroom sizes and separation distances for new residential developments
- 6.7. *Principle of Development*
- 6.8. The application site relates to a previously developed site and is located within an established residential area with good access to local shops, services and facilities within Mere Green. The site is not located within an area of flood risk and Severn Trent Water raise no objection subject to a condition requiring suitable drainage of the site, which I have attached accordingly. I also do not consider that the proposed development for five houses would result in a significant pressure on local amenities, including school places and doctor surgeries. The proposed development would encourage the most efficient use of land in sustainable locations and the principle of a backland form of development was considered acceptable in the previous refused planning application and was not raised as an issue of concern by the Inspector in the dismissed appeal. I therefore consider that the principle of development is acceptable subject to the following site specific considerations.
- 6.9. *Impact on local character*
- 6.10. The application site is situated within an attractive residential environment and is currently occupied by two bungalows. The surrounding area is characterised by a mixture of detached and semi-detached two-storey dwellinghouses, bungalows and three storey and two storey blocks of flats. There is a wide variety of plot sizes in the immediate area and there is no coherent front building line, in particular to the west of the application site and around the road junction with Hill Village Road. I acknowledge that there are a number of properties that follow a linear pattern of development facing towards the highway. However, there are also properties that are sited behind the front building line and are accessed from a private access road. Such as the dwellinghouse at 49 Hill Village Road and the courtyard development comprising 13 retirement properties located on the corner of Sherifoot Lane and Tower Road.
- 6.11. The previous application (2015/06900/PA) for six dwellinghouses was refused in October 2015 on the grounds that the proposed development would be out of character in terms of its cramped appearance, small plot sizes, inadequate space

between the dwellinghouse and the siting of the dwellinghouses to the front of the site being forward of the established building line.

- 6.12. The current amended scheme has reduced the number of dwellinghouses from six to five to provide a more spacious layout to the rear of the site and reduce the impact on the amenities of adjoining occupiers.
- 6.13. To achieve the minimum separation distances as set out in Places for Living SPG between building faces within the development and with neighbouring properties, the amended scheme has repositioned the three dwellinghouses to the front of the site closer to Sherifoot Lane. The dwellinghouses would now be sited 8.2, 6.2 and 6.8 metres from Sherifoot Lane (respectively) and would have a similar set back from the highway as the dwellinghouses at 5, 7, 14 and 16 Sherifoot Lane. I acknowledge the point raised by one resident that the proposed dwellinghouses would be inconsistent with the deep front building line established by the existing two bungalows, as well as the existing dwellinghouses at 9 and 9A Sherifoot Lane and the dwellinghouses to the east of the application site. However, I note that the front building line varies considerably to the west of the application site and the Inspector in the previous dismissed appeal advised that "... there is no clearly discernible building line". I am therefore of the view that the siting of the three dwellinghouses to the front of the site would not appear over prominent in the street scene or have a detrimental impact on the character and appearance of the area.
- 6.14. The proposed dwellinghouses to the rear of the site would be in a backland location. The Inspector in the previous dismissed appeal did not contend that backland development of the rear gardens of 11 and 15 Sherifoot Lane would be out of character. The Inspector advised that "By virtue of their siting well away from the road, I find that their visual impact from the public realm would be limited". The Inspector continued by stating that "... the proposal would protect the character and appearance of the area, it would remain a relatively low density form of development within an established residential area where development has largely occurred on an ad hoc basis over time".
- 6.15. I also agree that the siting of the dwellinghouses in plots 3 and 4 would be acceptable and would have a negligible impact on the character and appearance of the area. I note that one of the main principles outlined in Places for Living SPG is to create safe and attractive places with a clear division between public and private space, and I am of the view that this development would achieve this principle given that the five dwellinghouses would have good spatial separation from one another and the adequate landscaping would be provided to the rear boundaries of plots 1, 2 and 5 to ensure their rear gardens are safe, secure and private. The orientation and siting of the dwellinghouse in plot 4 would also help to provide natural surveillance of the access road and provide a visual connection with Sherifoot Lane.
- 6.16. The proposed dwellinghouses would have a good design with traditional features that would reflect the characteristics of existing dwellinghouses in the area. The height of the dwellinghouses and choice of building materials would also be in keeping with the adjoining dwellinghouse at 9A Sherifoot Lane and the two-storey dwellinghouses located on the opposite side of the road. I therefore consider that the proposed development would sit comfortably in relation to the existing pattern of development and would not have a detrimental impact on the character and appearance of the local area, in accordance with policy PG3 of the BDP and the NPPF. Conditions are recommended to secure appropriate building materials, landscaping, boundary treatment and hard surfacing.

- 6.17. I note the concerns expressed by nearby occupiers about garden grabbing and the view that this development would set a precedent for future backland developments. However, the NPPF sets out a need to boost significantly the supply of housing and garden land is not exempt from development where no adverse impacts would result. I also do not consider that the development would set a precedent for future developments as all applications are considered on their own merits. Furthermore, I do not consider that the application site does not fall within a mature suburb as defined by the Council's Mature Suburbs SPD because the surrounding area, in particular the pattern of development to the west of the site has not been planned in a consistent or homogenous nature.
- 6.18. *Impact on the amenities of existing and future occupiers*
- 6.19. The previous refused scheme included three large two storey dwellinghouses with rooms within the roof space that were sited in a linear arrangement to the rear of the site, with narrow gaps of less than 2 metres between the buildings and from the adjoining rear gardens to 9A and 17 Sherifoot Lane.
- 6.20. The Inspector in the previous dismissed appeal advised that "Notwithstanding the fact that the new dwellings would be detached, existing residents would be faced with an almost continuous wall of two and a half storey built form (including habitable room windows), in relative close proximity to their rear garden boundaries. Consequently, I consider that by virtue of the overall scale of these buildings proposed, in terms of width, height and number, that the development would represent an over prominent form of development in the rear garden environment of the occupants of those dwellings within Crockford Drive".
- 6.21. The current amended scheme has reduced the number of dwellinghouses to the rear of the site from three to two, which has improved the spacious layout of the site and provided greater gaps between the buildings (5.3 metres) and a greater separation from the adjoining rear gardens belonging to 9A and 17 Sherifoot Lane (over 4 metres).
- 6.22. The two dwellinghouses have also been reduced in ridge height by one metre (now measuring 8.3 metres); the rooms within the roof space have been omitted; and single storey side elements have been incorporated into the design of the dwellinghouses to help break up the mass and bulk of the dwellinghouses. I am now satisfied that the previous concern about the continuous built form of development to the rear of the site has been overcome by the current amended scheme and that the proposed development would not appear overbearing or oppressive when viewed from the rear of 18 and 20 Crockford Drive.
- 6.23. In addition, there are mature trees along the rear boundary of the site which provide an effective screen for 20 Crockford Drive and some of these trees are protected by a Tree Preservation Order (TPO 115). The layout of the proposed development would retain these trees. The submitted layout plan also shows new tree planting along the rear boundary shared with 18 Crockford Drive. Therefore, the proposed development would be less prominent when viewed from 18 and 20 Crockford Drive given the level of tree screening along the rear boundary of the site.
- 6.24. Local residents have raised concern that the proposed development and potentially the new tree planting would result in overshadowing of the south facing rear gardens to 18 and 20 Crockford Drive. I note that the rear gardens to 18 and 20 Crockford Drive are already partially overshadowed by the existing trees and that the application site only extends along one half of the rear boundary shared with 18

Crockford Drive. I also consider that the use of hipped roofs and the good separation between the proposed dwellinghouses and the rear gardens to 18 and 20 Crockford Drive would ensure there is no significant reduction in direct sunlight reaching the rear gardens of 18 and 20 Crockford Drive.

- 6.25. The Inspector considered that the appeal proposal would have a harmful effect upon the living conditions of 9A Sherifoot Lane and 18 and 20 Crockford Drive, by virtue of a material loss of privacy. The application site is generally flat and the current amended scheme would achieve the minimum separation distances between the proposed dwellinghouses to the rear of the site and the bungalows at 18 and 20 Crockford Drive, and between the proposed dwellinghouse in plot 3 and the rear elevation of 9A Sherifoot Lane in accordance with the guidelines set out in Places for Living SPG. Also, the proposed dwellinghouses in plots 3 and 4 would be set back a sufficient distance from the existing rear gardens belonging to 18 and 20 Crockford Drive in order to comply with the minimum guidelines contained within Places for Living SPG. I therefore do not consider that the proposed development would result in loss of privacy to 9A Sherifoot Lane and 18 and 20 Crockford Drive.
- 6.26. Although the Inspector did not raise concern about loss of privacy to 17 Sherifoot Lane, I note that the occupiers of 17 Sherifoot Lane have raised concern about overlooking from the rear facing windows of the proposed dwellinghouse in plot 5; loss of views; and impact from vehicles using the access road and driveway to plot 4 in terms of noise, disturbance from car head lights and car fumes. From planning history, it appears that historically the plots at 11 and 15 Sherifoot Lane formed part of the garden to 17 Sherifoot Lane, which is designed with its principle habitable room windows on the west elevation facing the application site. A garage with a room in the roof space has recently been built at 17 Sherifoot Lane which would provide some screening of the proposed dwellinghouse in plot 5. I also note that the existing side boundary treatment between 15 and 17 Sherifoot Lane is relatively low in height (approximately 1.5 metres) and allows complete views of the side facing living room window of 17 Sherifoot Lane from the rear gardens of 11 and 15 Sherifoot Lane.
- 6.27. In respect of the impact of the proposed development, the dwellinghouse in plot 5 would be sited over the footprint of the existing bungalow to be demolished and would not come any close to the side boundary shared with 17 Sherifoot Lane. The proposed dwellinghouse would have first floor rear facing bedroom windows, however, the view from these windows to the side facing habitable room windows at 17 Sherifoot Lane would be at an oblique angle and any views into these rooms would be limited. I have recommended a condition to ensure the side facing bathroom window in the dwellinghouse on plot 5 is installed with obscure glazing to prevent overlooking. I also note that there are no side facing windows proposed in the dwellinghouse in plot 4.
- 6.28. The rear garden to plot 5 would be sited alongside the main habitable room windows to 17 Sherifoot Lane and additional tree planting would be provided along the side boundary to ensure any disturbance from the use of the driveway to plot 4 would be negligible. I also do not consider that the access road would result in unacceptable noise disturbance to existing and future residents given the low level of traffic that would be generated by two dwellinghouses. I have attached a condition to secure an appropriate lighting scheme for the access road to protect residential amenity. Subject to this condition, I do not consider that the proposed development would have a detrimental impact on the amenities of the existing occupiers of 17 Sherifoot Lane in terms of overlooking, noise and disturbance.

- 6.29. Given the close proximity of the site with existing dwellinghouses and their gardens, I consider it necessary to withdraw permitted development rights in respect of extensions and outbuildings and new windows to ensure the amenities of existing occupiers are safeguarded.
- 6.30. The proposed development would comply with the 45 Degree Code SPG in relation to the adjoining dwellinghouses at 9A and 17 Sherifoot Lane and would therefore not result in any loss of sunlight or daylight to these properties.
- 6.31. I note that concern has been raised about the potential risk to security of the adjoining rear gardens from the private access road. The proposed development would not expose any of the adjoining rear gardens and additional landscaping would be provided to reinforce the boundaries. As such, there would be no increased security risk to the adjoining properties.
- 6.32. I also note that there have been concerns to property values but this is not a material planning consideration.
- 6.33. *Living environment for future occupiers*
- 6.34. The proposed development would provide an acceptable living environment in terms of internal layouts and all internal spaces would comply with the Technical housing standards nationally described space standard 2015. The layout of the site would provide adequate family garden sizes for all dwellinghouses ranging between 135 and 263sqm in area, which exceeds the minimum guidelines contained in Places for Living SPG.
- 6.35. The separation distances between building faces and between the rear elevations of the dwellinghouses in plots 1, 2 and 5 and the front elevations of the dwellinghouses in plots 3 and 4 would comply with the minimum separation guidelines as set out in Places for Living SPG.
- 6.36. The first floor habitable room windows in the front elevation of the dwellinghouse in plot 3 would be 10 metres away from the rear gardens to plots 1 and 2 and would therefore comply with the minimum guidelines set out in Places for Living SPG. Appropriate landscaping would also improve the level of privacy for these two rear gardens. I therefore consider that the proposed development would provide a high quality living environment for future occupiers.
- 6.37. Regulatory Services also raises no objection to the proposed development, subject to a condition to require a vehicle charging point for electric vehicles. I do not consider that this requirement is necessary or reasonable given the low number of dwellinghouses proposed.
- 6.38. *Impact on Highway Safety*
- 6.39. Local residents have raised concern about the impact of the proposed development in terms of the increase in traffic and parking pressure on the existing free flow of traffic on Sherifoot Lane and increase in traffic congestion at the road junction with Lichfield Road. However, Transportation Development raise no objection to the proposed development and advise that the increase in traffic that would be generated by five dwellinghouses in comparison to the existing use of the site for two bungalows would not be significantly greater to cause a detrimental impact on the free flow of traffic or upon highway safety. I further note that West Midlands Fire Service raise no objection to the application. I concur with these views and do not

consider that the proposed development would result in unacceptable risks to highway or pedestrian safety in the adjoining highway or pose a safety risk to future occupiers as it would provide access for emergency vehicles.

- 6.40. I note that the parking provision exceeds the maximum car parking standards outlined in the Car Parking Guidelines Supplementary Planning Document, however, the proposed development is for relatively large family dwellinghouses and due to the backland location of two of the dwellinghouses it is considered that the parking provision is acceptable in this instance.
- 6.41. I have recommended the conditions suggested by Transportation Development to require a Bell mouth access is provided at the junction with Sherifoot Lane and to ensure satisfactory vehicular and pedestrian visibility splays can be achieved at the access points. I consider that conditions requiring a construction method statement/management plan and measures to prevent mud on the highway are not necessary for a development that is for a relatively small housing scheme.
- 6.42. *Impact on Trees and Ecology*
- 6.43. From my Officer's site visit, it was observed that a number of trees had been felled prior to the submission of the previous refused application. The Council's Tree Officer advised that the trees that have been felled did have an element of public amenity value seen over the existing bungalows and replacement trees are therefore required to compensate for the loss of these trees. The Tree Officer further advises that appropriate tree protection measures would need to be implemented as indicated in the submitted Tree Survey Report to safeguard all retained trees. I concur with this view and have attached conditions accordingly.
- 6.44. The application was submitted with a Daytime Bat Survey which concluded that there are no suitable features or evidence of bats in the bungalow at 11 Sherifoot Lane and limited features in the bungalow at 15 Sherifoot Lane. The limited features found in 15 Sherifoot Lane were considered to be not suitable for bats. The trees within the site were also inspected and found to have no potential for bats. The Council's Ecologist agrees with the findings of the Bat Survey however has recommended a condition to require ecological enhancements given the recent loss of trees and proposed loss of gardens. I concur with this view and have attached a condition accordingly.
- 6.45. *Community Infrastructure Levy (CIL)*
- 6.46. The development may now be liable for CIL. The submitted application forms specify that the floor area of the development would be 957.7sqm GIA (specify 284.4 sqm existing floorspace/1242.1 sqm new floorspace). This would equate to a payment of £66,081.
7. Conclusion
- 7.1. I consider that the proposed development would provide a strong sense of place and an acceptable living environment for future occupiers. It would sit comfortably within the existing streetscene and no objection was raised to the principle of backland development by the Inspector in the previous dismissed appeal. I therefore do not consider that the proposed development would have a detrimental impact on the character and appearance of the area.

7.2. The development would not give rise to any overlooking, overshadowing or other adverse impacts on existing occupiers of neighbouring properties and conditions are attached to remove permitted development rights for any future changes to the proposed dwellinghouses. The development would provide appropriate parking provision for this site and would not have a detrimental impact on highway safety. I therefore consider that the proposed development would accord with policies set out in the Birmingham Development Plan 2017, Places for Living SPG, the 45 Degree Code SPD, Car Parking Guidelines SPD and the National Planning Policy Framework.

8. Recommendation

8.1. I recommend approval subject to the following conditions:

-
- | | |
|----|---|
| 1 | Requires the prior submission of level details |
| 2 | Requires the prior submission of hard and/or soft landscape details |
| 3 | Requires the prior submission of hard surfacing materials |
| 4 | Requires the prior submission of boundary treatment details |
| 5 | Requires the prior submission of sample materials |
| 6 | Requires the prior submission of a lighting scheme for the private access road and driveways to plots 3 and 4 |
| 7 | Requires vehicular visibility splays to be provided |
| 8 | Requires pedestrian visibility splays to be provided |
| 9 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 10 | Requires the prior submission of details of obscure glazing for the first floor bathroom window in the east facing (side) elevation of the dwellinghouse in plot 5 and the first floor bathroom and en-suite windows in the west facing (side) elevation of the dwellinghouse in plot 1 |
| 11 | Removes PD rights for new windows |
| 12 | Removes PD Rights for hard surfacing of front garden |
| 13 | Removes PD rights for extensions |
| 14 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 15 | Prevents gates being installed to the development access road. |
| 16 | Requires the scheme to be in accordance with the listed approved plans |
| 17 | Implement within 3 years (Full) |
-

Case Officer: Helen Hawkes

Photo(s)



11 Sherifoot Lane



15 Sherifoot Lane

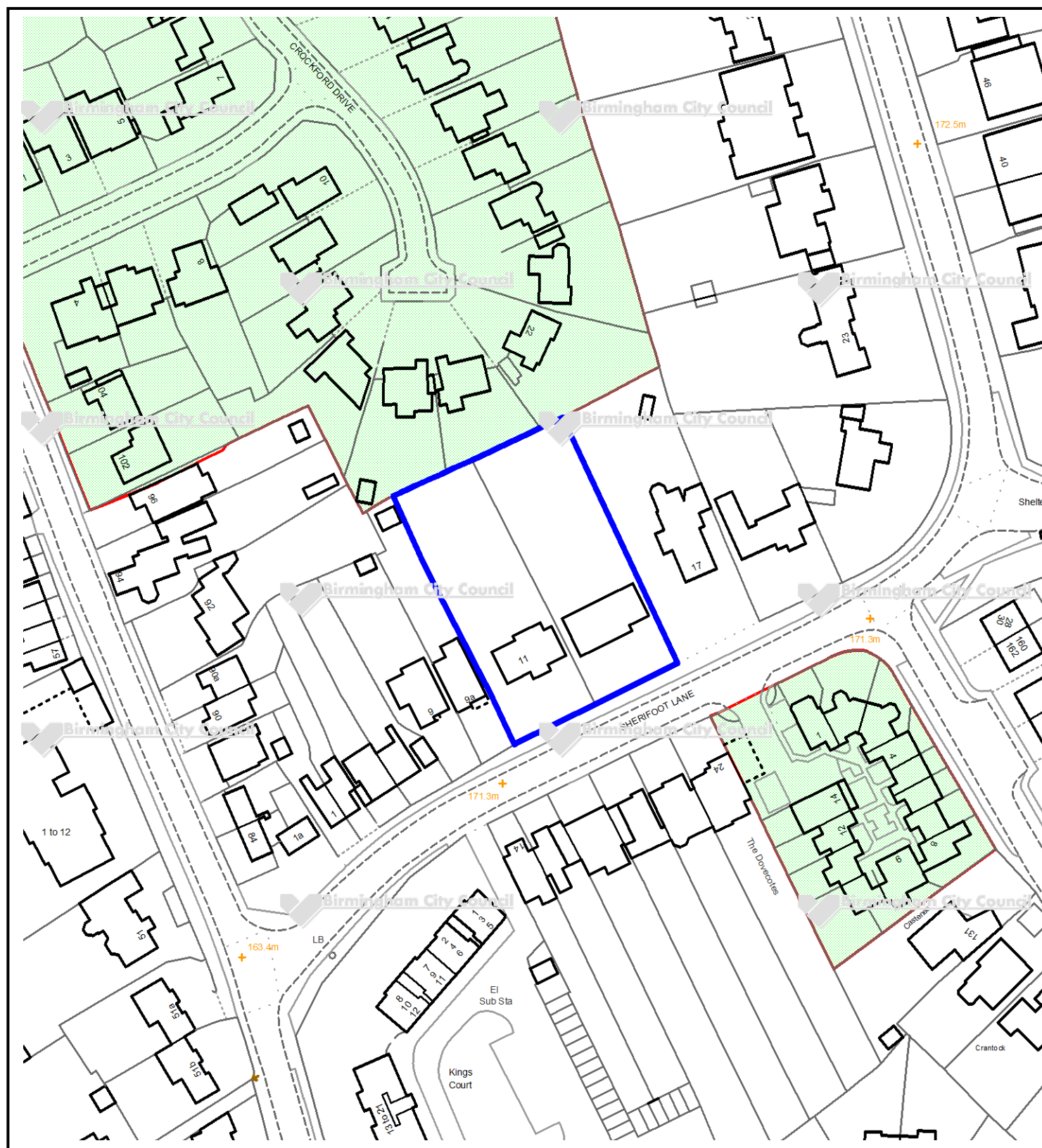


Side (west) elevation of 17 Sherifoot Lane



Bungalows to rear of site at 18 and 20 Crockford Drive

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:	02/02/2017	Application Number:	2016/08631/PA
Accepted:	28/11/2016	Application Type:	Full Planning
Target Date:	27/02/2017		
Ward:	Kingstanding		

Land off Enderby Road, Perry Common, Birmingham, B23

Erection of 20 dwellings for sale including associated works to existing and proposed highway, landscaping and parking and change of use to form extension to existing public open space

Applicant: Lovell Partnership Limited
Unit E, Pinewood, Bell Heath Way, Woodgate Valley Business Park,
Birmingham, B32 3BZ

Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning consent has previously been granted for the development of this site for 20 dwellings for rent as part of the Council's BMHT housing programme (see planning history). This application has been submitted as various amendments are now proposed which necessitate a new planning application, including a change of tenure to sale and the inclusion of additional improvement works to Enderby Park. The applicant considers that the units would be more appropriate for sale rather than rent due to the changes in levels across the site that inhibits the provision of level access.
- 1.2. As with the previously approved scheme, the current application proposes 20 new dwellings, to be 3 two bedroom dwellings, 9 three bedroom dwellings and 8 four bedroom dwellings. Some minor changes have been proposed to the internal layouts. For plots 1-8, the ground floor single bedroom has been enlarged through some internal re-planning to now provide a larger twin bedroom with some minor changes to w/c. For plots 9-16, there would be some minor changes internally to the configuration of the w/c. For plot 17, the bathroom configuration would be modified slightly. In plot 18-19, an en-suite is to be added to bedroom 1 and the bedroom door is re-positioned, and for plot 20 a shower room with w/c is proposed in lieu of the w/c at ground floor. For all the plots, the alternate buff brick banding on the ground floor front elevation has been deleted. Instead, every fourth course of brickwork would step out 15mm to create a banding effect. The layout of the site would be as approved with some minor alterations to plot spacing.
- 1.3. Plots 1-8 would be three bedroom semi-detached houses where the rooms on the 2nd floor would only have windows on the front elevation facing Enderby Road. These dwellings would have a hall, twin bedroom, kitchen/dining room and w/c on the ground floor, lounge and double bedroom with en-suite on first floor and twin

bedroom and bathroom on the second floor. The house designs would include a two storey central projecting bay that would include Juliette balconies to the first floor living rooms on the front elevation.

- 1.4. Due to the graded levels of the site, the proposed houses for plots 9-16 would be four bedroom split level units with an integral garage and entrance hallway at lower ground level at the front of the dwellings, with a balcony serving the living room above the garage overlooking the adjoining open space. Also on this 1st floor level there would be a kitchen at the rear providing access to the rear garden. The four bedrooms and bathroom would be located on the upper floors, with rooflights on the front and dormer windows at the back.
- 1.5. Plots 17-20 would be arranged to address the splayed corner of the site where it adjoins Jonquil Close at the northern end of the site. These houses would be three 2 bedroom two storey units (plots 17-19) and a three bedroom two storey split level unit (for plot 20).
- 1.6. The design of the split level units are bespoke to address the constraints of the site but nevertheless reflect the BMHT style with use of red brickwork, grey roof tiles, ivory render and grey window frames. The first floor balconies would include a render frame around the patio windows with Trespa panels and powder coated metal for the balustrade.
- 1.7. Some of the double bedrooms would fall marginally short of the Nationally Described standards. Furniture layouts are provided to demonstrate that the rooms can appropriately accommodate bedroom furniture. Rear gardens range from 65sq.m to 150 sq.m and all meet or exceed the Places for Living guidelines.
- 1.8. Car parking would be provided within the curtilage of the proposed dwellings in the form of driveways and garages with 29 spaces in total (145%). In addition, 5 on-street visitor spaces are to be provided on a new section of highway to be constructed from the end of Enderby Road.
- 1.9. In addition to the highway works to extend the road to serve plots 11-17, the proposed plans involve an extended area of highway to create a revised turning area in front of plots 9-10, and a link footpath from the end of the extended section of highway in front of plot 17 to connect to Jonquil Close.
- 1.10. The application also proposes that an area of land in the north eastern part of the site that is not required for the proposed housing would be laid out as part of the adjoining park, with some associated changes to the alignment of the park estate railings so that this follows the edge of the new footpath and highway.
- 1.11. The plans propose 13 new trees within the front gardens of the proposed dwellings. In addition, the applicant proposes to plant a further 8 additional trees in Enderby Park to supplement the existing landscaping within the existing park.
- 1.12. The application is accompanied by a Design and Access Statement, statement of community involvement, affordable housing statement, soakaway test summary, arboricultural survey, extended phase 1 habitat survey, transport statement and travel plan and a sustainable drainage report.
- 1.13. Site area : 0.48 hectares
- 1.14. Proposed density : 41.6 dwellings per hectare.

1.15. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is a cleared parcel of Housing land. It is currently fenced off and overgrown. There is a small retaining wall at the front of the site at the back of the highway and slopes up to the rear boundary, beyond which is Perry Common Junior and Infant School. To the north and south are existing residential properties in Jonquil Close and Witton Lodge Road respectively. The land to the east forms Enderby Park, a new area of public open space that was created as part of the estate regeneration at Perry Common. The park slopes away from the application site towards Jackdaw Road, and is landscaped with groups of trees. There is also some recently installed outdoor gym equipment within this space. The area is predominantly residential in character, although to the south of the site there is the local shopping centre at Witton Lodge Road.

3. Planning History

- 3.1. 10/12/2015 - 2015/06523/PA –Erection of 20 dwelling houses for rent including associated landscaping and parking works Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Press and site notices erected. MP, ward members, residents associations and neighbouring residents notified. Two representations received, one expressing support and one raising various traffic and parking related comments and objections :
- Objects to the opening up of Enderby Road to join Jonquil Close. The past closure of Enderby Road reduced rat running and prevented joy riders taking short cuts through the estate.
 - There have been problems of anti-social behaviour and damage to residents vehicles that will be exacerbated by opening up the road
 - Has no objections to the proposed footpath linking to Jonquil Close.
 - Parking problems on Jonquil Close which adversely affects residents from getting to and from their property will be made worse.
- 4.2. Transportation Development – No objection subject to conditions relating to necessary highway works, including any necessary relocation of lighting columns, sections of new highway and road improvements to be completed prior to any stopping up of existing public highway, pedestrian visibility splays, driveway gradients, construction management plan. Comments that the level of increased traffic is unlikely to have a significant impact on surrounding highways. Appropriate bollards should be provided at both ends of the pedestrian footpath link to Jonquil Close to prevent vehicular access. Notes that areas of public highway to be extinguished, parts to be improved and new highways created which are shown on the submitted stopping up plan, including the section of highway that is proposed to be transferred to the park which is acceptable subject to an appropriation report for the proposed land transfer.

- 4.3. Regulatory Services – No objections. Recommends conditions relating to noise attenuation, ground contamination remediation and subsequent verification, and electric vehicle charging points.
- 4.4. Leisure Services – No objections. Comments that the incorporation of additional land into the adjacent Enderby Park as a result of the rationalization between Highways, Leisure and Housing, is agreed on the understanding that the housing scheme and the wider development funds both the capital costs and necessary revenue funding to maintain the land for a period of 25 years. As a scheme of 20 dwellings, it would normally be subject to both an off-site and play area contribution, however due to the above and the fact that over a number of years monies generated from the wider Perry Common regeneration have enabled a number of open space schemes to be developed and implemented, the requirements for improvements to public open space have been met and so a financial contribution is not required.
- 4.5. Lead Local Flood Authority – Requests further information and recommends that this be secured by planning condition. Specifically, final proposed drainage plans are required including SuD's features and discharge locations, calculations with supporting network layout plan to demonstrate the proposed network performance, noting that the rear gardens slope towards the properties and the finished floor levels are set flush with the lower step of the garden whereas they will require finished floor levels to be set to a minimum of 150mm above surrounding ground levels, and where this is not possible adequate mitigation measures should be provided, consideration of exceedance flows to ensure exceedance events are suitably mitigated on and off site, and consideration of operation and maintenance of the proposed SuD's features to include details of the party responsible for maintenance, site specific maintenance schedules, and a plan showing routes for access to routine maintenance
- 4.6. Fire Service – No objections.
- 4.7. Police – Supports the application. Comments that an application has been made for Secured by Design accreditation.
- 4.8. Education – No comments.
- 4.9. Severn Trent Water – No objections. Recommends condition to secure drainage details.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP), Saved UDP policies (paragraphs 3.14-3.14D, and Chapter 8), Places for Living SPD, car parking guidelines SPD, Public Open space and new residential development SPD, Perry Common Estate design brief and zoning layout SPG (1994), NPPF.

6. Planning Considerations

- 6.1. Planning permission has been previously granted for the development of the site for 20 new dwellings and so the principle of the development has been previously agreed. The changes to the houses themselves are relatively minor relating solely to

some changes of materials to remove the alternate red and buff brick banding, and various minor internal adjustments.

- 6.2. The development of the site is consistent with the historical design brief and zoning layout for the redevelopment of the Perry Common estate. This represents the final scheme to complete the planned redevelopment.
- 6.3. The previously approved scheme proposed that the dwellings would be provided for rent. However, in order to achieve a more appropriate balance of tenure across the Perry Common estate as a whole it has been decided to provide these units for outright sale. Overall, across the whole regeneration programme, 49% of the total new dwellings built have been provided for social rent, with 6% shared ownership. Including the proposed 20 units, owner occupation would make up 39% of the total number of dwellings, with a further 6% provided as private equity dwellings. As such, the levels of affordable housing provided in earlier phases, more than sufficiently meets the Council's affordable housing policies, so the proposal to provide these units for outright sale is acceptable. There is therefore no requirement for affordable housing in this case.
- 6.4. In terms of the proposed design and layout the plan represents an appropriate solution for the site, taking into account the change in levels and is consistent with the previously approved scheme. The minor changes to the house designs are acceptable, maintaining the overall quality of appearance, with well-proportioned windows and architectural detailing from the balconies, render and from the amended ground floor brick detailing.
- 6.5. In respect of the proposals to incorporate some land within the park, this is acceptable and ensures that there is no unused land left over between the residential development and the adjoining park. There would be some amendments proposed to the alignment of the proposed estate railings to enclose this land within the park and to provide a new entrance and path from Jonquil Close. This would ensure that the amended park has an appropriate visual appearance.
- 6.6. Notwithstanding resident's comments, it is not proposed to open-up Enderby Road to connect to Jonquil Close for through vehicular traffic. Access to Jonquil Close would be for pedestrians and cyclists only via a proposed footpath. As previously approved, plots 17-20 would be accessed from Jonquil Close. Sufficient off-street parking is proposed to meet the needs of the proposed dwellings and is consistent with the overall level of parking provision previously approved.
- 6.7. A strip of land at the front of the application site is currently highway and will need to be stopped-up to facilitate the implementation of the proposed layout. In addition, the land proposed to be incorporated as part of the park is also currently highway land to be stopped up. In addition, some sections of new highway are to be created including an improved turning area that currently forms part of the park. I have recommended an appropriate resolution in relation to the stopping-up works, and a section 278/38 works condition in relation to the new and improved sections of highway.
- 6.8. There are no objections to the proposed tree works and proposed new tree planting which are consistent with the previously approved scheme, and includes appropriate provision within front gardens and within the adjoining park.
- 6.9. My ecologist has reviewed the submitted ecological evidence and concludes that the proposed enhancement measures are proportionate to the nature and scale of the

development proposals. They recommend conditions to ensure that the development is undertaken in accordance with the recommendations in the submitted reports, and that boundary treatments should include details of hedgehog access points.

- 6.10. In respect of proposed SuD's proposals these are as previously proposed to include shared soakaways in the rear gardens, subject to appropriate soakaway testing and a series of underground storage tanks in the front driveways, linked to a hydrobrake at the northern end to connect to the existing surface water sewer. I note that the details are acceptable in principle subject to agreeing various additional details by condition.
- 6.11. Whilst I note the comments raised regarding the proposed finished floor levels to be a minimum of 150mm above surrounding ground levels, this is not achievable in this case given the slopping levels of the site, where the proposed gardens will slope down from a higher level back towards the rear of the proposed dwellings. Alternative flood protection design measures could be employed and I have recommended a condition to agree these details.

7. Conclusion

- 7.1. The proposal accords with the relevant housing and urban design policies in the BDP, and the NPPF and is consistent with the Perry Common design brief which proposes redevelopment of the site for housing. The application is therefore acceptable.

8. Recommendation

- 8.1. i) Approve subject to conditions.
- ii) That no objection be raised to the stopping up of a section of highway within the application site on Enderby Road and that the Department for Transport (DfT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

-
- | | |
|---|--|
| 1 | Requires the prior submission of a construction method statement/management plan |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the prior submission of a contaminated land verification report |
| 4 | Requires the prior submission of a sustainable drainage scheme |
| 5 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 6 | Requires the prior submission of level details |
| 7 | Requires the prior submission of sample materials |
| 8 | Requires the prior submission of hard and/or soft landscape details |
-

-
- | | |
|----|--|
| 9 | Requires the prior submission of hard surfacing materials |
| 10 | Requires the prior submission of boundary treatment details |
| 11 | Requires the prior submission of a lighting scheme |
| 12 | Requires implementation of ecological/biodiversity/enhancement measures |
| 13 | Development in accordance with preliminary ecological appraisal and reptile survey report. |
| 14 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 15 | Requires pedestrian visibility splays to be provided |
| 16 | Requires the scheme to be in accordance with the listed approved plans |
| 17 | Implement within 3 years (Full) |
-

Case Officer: Stuart Morgans

Photo(s)

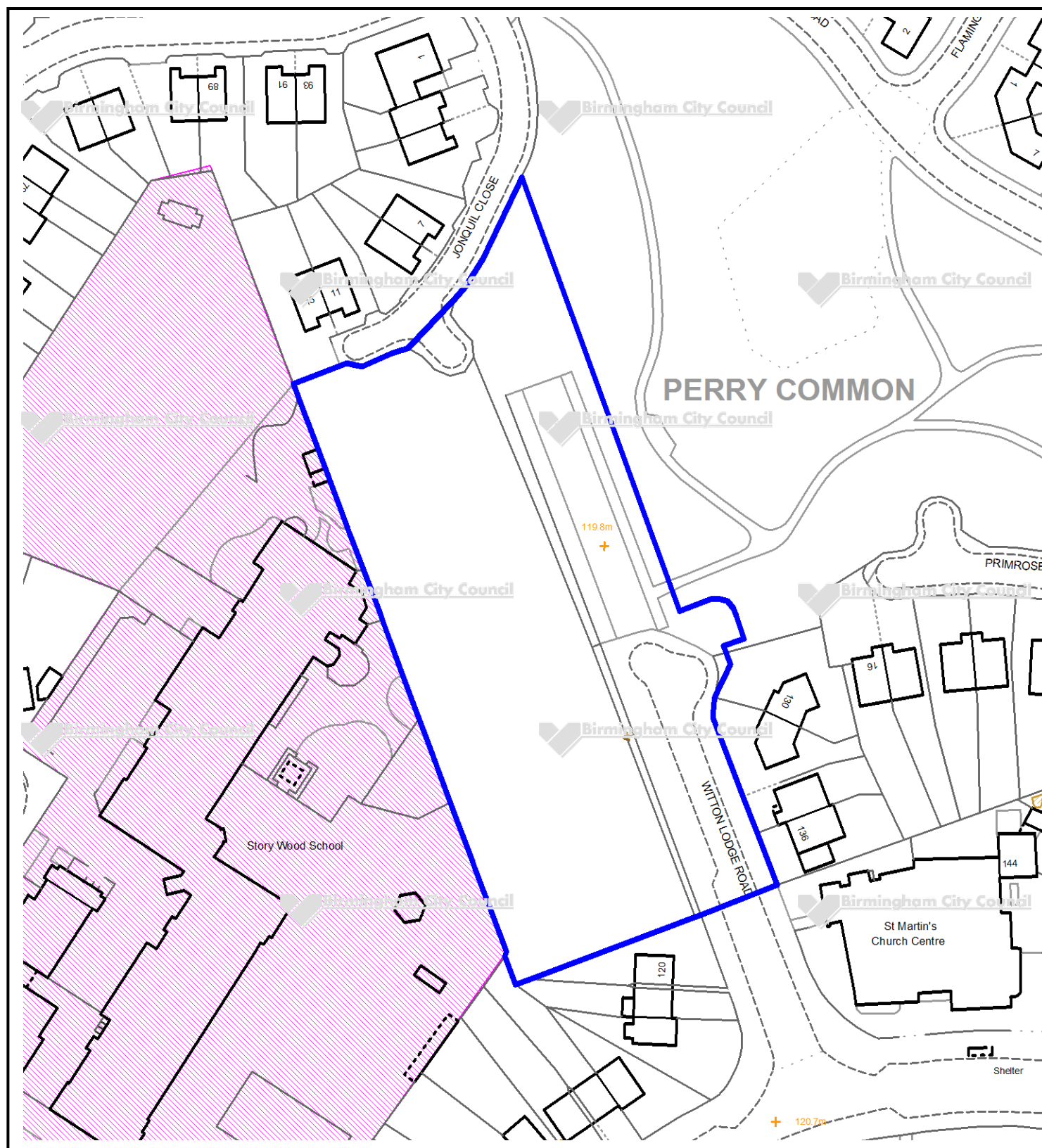


Figure 1 : View from Enderby Road



Figure 2 : View from Jonquil Close

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:	02/02/2017	Application Number:	2016/08371/pa
Accepted:	11/10/2016	Application Type:	Full Planning
Target Date:	24/02/2017		
Ward:	Handsworth Wood		

Handsworth Horticultural Institute Ltd, Oxhill Road, Handsworth Wood, Birmingham, B21 9RR

Change of use from bowling green to car park (Sui Generis)

Applicant: Mr M Paul
The Grove, 279 Grove Lane, Handsworth, Birmingham, B21 9RR
Agent: a.i.architecture
66 Barlich Way, Lodge Park, Redditch, B98 7JP

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. The proposal is for the change of use from a bowling green to a car park in association with the existing banqueting hall on site. The site would provide 40 new car parking spaces, of which 6 spaces are laid out for disabled users. There is also an area of soft landscaping.
- 1.2. The new car park would operate in conjunction with the banqueting hall and to gain access will require alteration to the approved car parking layout for this facility which is shared with the adjoining Tesco food store. The car parking layout approved under application 2015/04652/PA was for 111 spaces including coach parking and 8 disabled spaces.
- 1.3. A planning statement has been submitted with this application which includes the justification for the loss of the bowling green. This includes the lack of enquiries to utilise the facility in the last 14 months, an analysis of other existing bowling clubs in the area and an analysis of the demand for bowling in the locality. The justification submitted provides sufficient information on the demand for this sport and the distribution of other greens in the area enabling the full assessment of the loss of this facility to the area.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a square piece of land which is currently laid out to a bowling green. This is part of a wider site for a former social club which is currently undergoing extension and change of use to a banqueting hall. There is a small food store as part of the wider site which shares the existing 111 space car park.

- 2.2. The bowling green is bounded on the eastern, western and southern boundary by a 2.5m high brick boundary wall, which separates the development from the adjacent residential development.
- 2.3. Laurel Road community sports centre is located 41metres to the east of the site and includes a bowling green. Handsworth Park is located approx. 700m to the east of the application site.
- 2.4. [Site Location](#)
3. [Planning History](#)
- 3.1. 25.09.2015 2015/04652/PA to change the use of an existing drinking establishment (A4) use to a banqueting hall (Sui Generis), erection of single storey front , side and rear extensions, roof alterations and associated car park, approved subject to conditions. The bowling green was retained and conditioned for users to have access to the building for toilet and changing facilities.
- 3.2. 09.05.2015 2015/00610/PA Erection of single storey front and side and rear extensions and alterations to roof. Withdrawn.
4. [Consultation/PP Responses](#)
- 4.1. A site notice has been displayed and notification sent to Local Councillors, Residents Associations and neighbouring properties. No representations have been received.
- 4.2. Transportation Development: No objection subject to conditions, all parking bays are clearly marked out and designed in accordance with Manual for Streets.
- 4.3. Sport England: Full consideration should be given to whether the proposal meets Paragraph 74 of the NPPF and local policies.
- 4.4. Leisure Services: No objections subject to the provision of a financial contribution of £48,300 towards provision, improvement and or maintenance of sports, community or recreational facilities in Handsworth Park. This is in close proximity to the application site and is the biggest draw for sports and recreation users in the wider area.
- 4.5. Regulatory Services: No objections. Recommend a condition relating to the inclusion of electrical charging points for vehicles.
5. [Policy Context](#)
- 5.1. Birmingham Development Plan, Saved UDP policies, SPD Car Parking Guidelines and National Planning Policy Framework
6. [Planning Considerations](#)
- [Policy](#)

- 6.1. NPPF notes that sustainable development is about change for the better and not only in our built environment. Our natural environment is essential to our wellbeing and planning can play an important role in facilitating social interaction. It is with this aim that the framework seeks to guard against the unnecessary loss of facilities.
- 6.2. The Framework notes that access to high quality open space and opportunities for sport and recreation is important for the health and wellbeing of communities. Existing open space, sports and recreations buildings and land should not be built on unless:
- An assessment has been undertaken to show it as surplus to requirements; or
 - The loss resulting from the development would be replaced by equivalent or better provision; or
 - The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 6.3. Whilst the city has aspirations for growth the Birmingham Development Plan recognises the importance of green spaces in creating sustainable communities. Policy TP9 states the planning permission will not normally be granted for development on open space uses, unless there are exceptional circumstances:
- A surplus of open space,
 - Replacement of a piece of open space,
 - Loss where the space is underused and there are problems with the site and compensation measures would result in significant improvements to the quality and recreational value of the remaining area, or
 - The development is for alternative sports or recreational use and the benefits outweigh the loss.
- 6.4. Policy TP11 relates specifically to sports facilities and they are protected from development unless it can be demonstrated that the facility is surplus to requirement.
- 6.5. Development will be expected to provide or make contribution to the cost of providing what is necessary to support new development, and these are to be secured through a planning contribution to mitigate the impacts of a development. Policy TP47 advises that development will be expected to provide, or contribute towards the provision of:
- Measures to directly mitigate its impact and make it acceptable in planning terms.
 - Physical, social and green infrastructure to meet the needs associated with the development.
- 6.6. The NPPF is clear that transportation policies have an important role in facilitating sustainable development. Proposals need to give people a choice about how they travel.

Loss of the bowling green

- 6.7. The applicants have submitted a planning statement of justification for the loss of the bowling green and assessed the level of alternative bowling green provision in the area to show that this facility is surplus to requirements in accordance with the exceptions test for the loss of sports land set out within the NPPF.

- 6.8. Leisure Services and Sport England have considered this proposal. Neither raise objection to the loss of the bowling green based on the evidence produced with the application detailing that the existing bowling green is not in use, the lack of interest in utilising this facility in the last year and there are member vacancies at the two neighbouring clubs. This evidence supports the assertion that this facility is surplus to requirements in this area.
- 6.9. Policies TP9 and TP11 states that where, in exceptional circumstances, permission is granted for the development of a sports fields, this will be subject to equivalent long-term recreational community benefit where appropriate through the use of a Section 106 Agreement. The applicant is proposing a commuted sum of £48,300 for the loss of the bowling green. This is the equivalent cost of laying out a new bowling green. Leisure Services have stipulated that these funds should be used for the improvement and maintenance of sports, recreational and community uses in the nearby Handsworth Park.
- 6.10. I consider that justification has been provided with regard to the loss of the Bowling Green and that adequate community benefit would be provided through a suitable planning obligation. On this basis, I consider that the principle of the development of this site for car parking is acceptable, and accords with guidance in the NPPF and policies within the BDP. The details of this proposal should be considered against remaining planning policies and in light of consultation comments received.

Highways Implications

- 6.11. The proposal car parking layout is of a suitable design with sufficient manoeuvring space and adequate sized car parking spaces. The inclusion of this land will require alteration to the proposed car parking layout for the wider site, this rear car park is not laid out as works are being undertaken to convert the hall currently. The level of car parking provision is acceptable for the two uses on site and the wider site layout also provides for coach and motorbike parking facilities.

Other issues

- 6.12. The proposed layout includes an area of soft landscaping; this would improve the visual appearance of the car park. Full details of the layout and planting of this area have not been submitted, but can be adequately controlled through a suitable planning condition.
- 6.13. Regulatory services have recommended a condition relating to the installation of vehicle charging points for electric cars. The applicants have noted this request but are unable at this time to include such a facility. Whilst this would be advantageous, the lack of this facility would not warrant refusal of the scheme.

Section 106 agreement

- 6.14. A BDP policy compliant financial contribution to compensate for the loss of the Bowling Green is proposed. This equates to a financial value of £48,300

7. Conclusion

- 7.1. The layout of the car park is acceptable and would provide a supporting facility to the existing banqueting use. The loss of the bowling green has been sufficiently justified and can be mitigated through a financial contribution for sports and leisure

improvements in Handsworth Park. The proposal therefore accords with policies TP9, TP11 and TP47 of the Birmingham Development Plan, and guidance in the Car Parking Guidelines SPD and the NPPF.

8. Recommendation

- 8.1. That consideration of planning application 2016/05029/PA be deferred pending the completion of a planning obligation agreement to secure the following:-
- a) An off-site contribution of £48,300 to be index linked from the date of committee resolution, with first payment of 50% of the contribution plus indexation due before or on commencement of development and remainder due within 12 months of the first payment.
 - b) Payment of a monitoring and administration fee associated with the legal agreement subject to a maximum fee of £10,000 and a minimum fee of £1,500.
- 8.2 In the absence of the suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 23rd February 2017 the planning permission is refused for the following reason(s):
- a) In the absence of any suitable legal agreement to adequately compensate for the loss of the bowling green that the proposed car park conflicts with Policies TP9 and TP11 of the Birmingham Development Plan and guidance in the 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 23rd February 2017, favourable consideration be given to this application, subject to the conditions listed below.

-
- | | |
|---|--|
| 1 | Requires the prior submission of hard and/or soft landscape details |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Implement within 3 years (Full) |
-

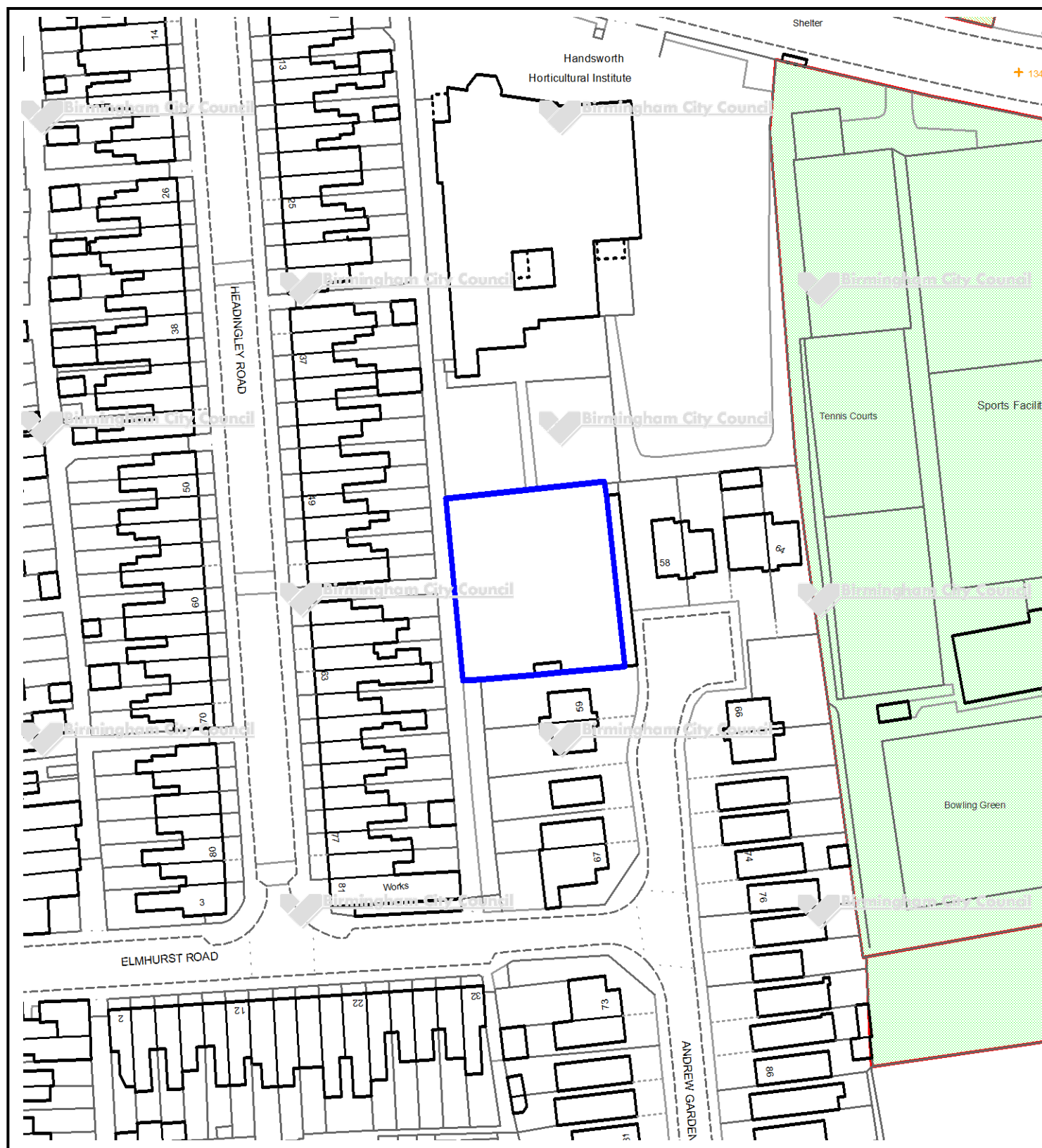
Case Officer: Emma Green

Photo(s)



Existing bowling green and adjacent housing

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

02 February 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	11	2016/05184/PA Tessall Lane Longbridge Birmingham B31 5JS Erection of five 2/3 bedroom dwellings (two sets of semi-detached and one detached) together with associated access and works and demolition of existing buildings
Approve	12	2016/08732/PA Central Campus Area extending from the Aston Webb buildings to the south, to the north side of Pritchatts Road Edgbaston Birmingham B15 2SB Reserved Matters application for access, appearance, landscaping, layout and scale for project 10 "The Green Heart", including a new cafe (236sqm), two pavilions, removal of car park adjacent to the north lodges and associated re-grading, earth moving and remodelling works to create new landscape spaces and pathways associated with hybrid planning application 2012/02047/PA
Approve - Conditions	13	2016/09029/PA Land off Pershore Road / Hazelwell Lane Stirchley Birmingham B30 Reserved Matters application for consideration of appearance, scale and landscaping for Phase 2 of outline approval 2016/06335/PA for construction of proposed superstore with associated parking and external works and public realm improvements

Approve - Conditions	14	<p>2016/09139/PA</p> <p>Land at Redditch Road Green Lane, Foyle Road and Teviot Grove Kings Norton Birmingham</p> <p>Reserved matters submission for appearance, landscaping, layout and scale pursuant to outline planning permission 2014/09196/PA for the erection of 232 dwellings (Phase II)</p>
Approve - Conditions	15	<p>2016/09031/PA</p> <p>Bottle Cottages 4 Humphrey Middlemore Drive Harborne Birmingham B17 0JN</p> <p>Erection of two storey extension to create 3 self-contained residential apartments</p>
Approve - Conditions	16	<p>2016/03946/PA</p> <p>1135-1137 Pershore Road Selly Oak Birmingham B30 2YJ</p> <p>Erection of single storey extension and retention of workshop building</p>
Approve - Conditions	17	<p>2016/10427/PA</p> <p>128A Oxford Road Moseley Birmingham B13 9SH</p> <p>Erection of two storey and first floor rear extensions and balcony to rear</p>

Committee Date:	02/02/2017	Application Number:	2016/05184/PA
Accepted:	09/08/2016	Application Type:	Full Planning
Target Date:	28/02/2017		
Ward:	Longbridge		

Tessall Lane, Longbridge, Birmingham, B31 5JS

Erection of five 2/3 bedroom dwellings (two sets of semi-detached and one detached) together with associated access and works and demolition of existing buildings

Applicant:	Mr & Mrs Kirby 469 Birmingham Road,, Borddesley, Redditch, B97 6RL
Agent:	R L S Associates Crabtree Lodge, 91 Crabtree Lane, Bromsgrove, B61 7DT

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought for the erection 5No. dwellings on land to the rear of 145 to 159 Tessall Lane.
- 1.2. Amended plans have been submitted following submission that propose the erection of 1No. 2 storey 3 bedroomed detached dwelling, 2No. 2 storey 3 bedroomed semi-detached dwellings and 2No. 2 storey 2 bedroomed semi-detached dwellings. The properties are to be arranged around a central turning circle with private gardens to the rear and parking to the front.
- 1.3. The application proposes integral garages to plots 1, 2 and 3 with additional spaces for parking on the property forecourts and visitor parking within the turning head. Plots 1 and 2 would have 2 forecourt parking spaces to the front and both would have integral garages to the side. Plot 3 would have 1 forecourt parking space and an integral garage, and Plots 4 and 5 would secure 2 tandem spaces per dwelling. 4 additional visitors spaces are proposed within the centre of the turning head. A bin store is provided to the rear of Plot 3.
- 1.4. Access to the site would be via the existing access from Tessall Lane which would be increased in width by 2.2m (requiring a strip of garden land from No.145) to a maximum width of 4.6m.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of an irregular shaped plot that is sited to the rear of residential properties Nos.14-32 Bodenham Road to the north, 145-159 Tessall

Lane to the southwest, and the rear access of the parade fronting Bristol Road South. The Grade II Listed former King George V Public House (now a restaurant) and associated bowling green is sited to the south of the site.

- 2.2. The application site includes two residential properties Nos.145 and 147 within its curtilage, which would have their rear curtilages, for Plot 3.
- 2.3. The site can be accessed from the south west via an existing vehicle access to the side of No.145 Tessall Lane and from the north east by a service road from Bodenham Road. This service road provides vehicle access to the rear of mixed use commercial properties and upper floor flats fronting the Bristol Road South.
- 2.4. The existing boundary treatments vary across the site. The boundary to the rear of Tessall Lane and Bodenham Road houses is defined by 1.8-2m high concrete panel fencing with mature conifer hedging within the site along its length. The boundary adjacent to the bowling green comprises of approximately 2.5-3m high corrugated metal fencing, has a 2.5-3m high wall to the rear of Nos.14 and 16 Bodenham Road, and has a 3m high wall and metal gates to the rear of the access fronting Bodenham Road.
- 2.5. The site is currently being used as a breakers yard and has a number of cars stored within the site. The site included two blockwork structures and various metal containers that are sited adjacent to the rear boundaries with Nos.14 and 18 Bodenham Road and to the rear of No.145 Tessall Lane. This use is currently under investigation as part of a current enforcement case 2015/0075/ENF.
- 2.6. The surrounding area is predominately residential in nature.

[Site Location](#)

3. Planning History

3.1. Relevant Planning History:

- 3.2. 25/08/1983 (00085006) – Continuation of use for car maintenance and repairs - Refused.
- 3.3. 05/01/1984 (00085007) – Continuation of use of existing garage and workshop for car storage breakdown recovery service and minor repairs – Refused.
- 3.4. 05/09/2013 (2013/06743/PA) - Demolition of existing workshops; 145 and 147 Tessall Lane and erection of 8no. three bed town houses and 1no. three bed detached dwelling with associated access and works – Refused on the grounds of its detrimental design, siting, massing on the visual and residential amenities; and overlooking and loss of privacy to neighbouring occupiers.
- 3.5. 25/04/2016 (2015/09143/PA) - Outline Planning Application with all matters reserved for the erection of five detached dwellings and demolition of existing buildings – Withdrawn by agent.
- 3.6. Relevant Enforcement History:
- 3.7. 21/10/1999 (1999/1705/ENF) - Use of premises for storage of commercial vehicles – Land returned to domestic use - Case closed.

- 3.8. 2015/0075/ENF - Use of land for the storage, repair and dismantling of vehicles – Under investigation.
4. Consultation/PP Responses
- 4.1. Transportation – No objections subject to an appropriate access and bin store being secured.
- 4.2. Regulatory services – No objections.
- 4.3. West Midlands Police – No Objections subject to the design being in accordance with Secured by Design principles.
- 4.4. West Midlands Fire Service – No objections.
- 4.5. Severn Trent – No objections subject to a condition to secure satisfactory means of drainage.
- 4.1. Neighbours, local Ward Councillors, MP, residents associations notified and a Site Notice and Press Notice displayed. Seven letters of objection have been received from occupiers of Tessall Lane, Bodenham Road, Lower Beeches Road, Heronswood Road, and Lofthouse Crescent. Objections have been raised on the following ground:
- Loss of privacy and overlooking,
 - Loss of security to neighbouring gardens,
 - Increase in traffic and impact on highway safety,
 - Noise implications to neighbours,
 - Loss of the existing hedging along the boundaries,
 - Lights shining in neighbours properties,
 - Area and local infrastructure cannot sustain any more housing,
 - Contaminated site,
 - Devaluing property values and difficulties in selling neighbouring homes,
 - Loss of the Grade II Listed building and associated bowling green,
 - Loss of a community asset,
- 4.2. Three letters of support have been received from the occupiers of Bodenham Road, and Tessall Lane who have raised the following comments:
- Excellent scheme and plans,
 - Access should be made from Tessall Lane only,
 - Retention of the existing boundary trees for screening, security, and wildlife retention.
5. Policy Context
- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017.
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies).
 - Places For Living (Adopted Supplementary Planning Guidance 2001).
 - Regeneration through Conservation: Birmingham Conservation Strategy (1999).
- 5.2. The following national policies are applicable:

- National Planning Policy Framework (NPPF) (2012).
- Technical Housing Standards (2015).

6. Planning Considerations

- 6.1. The main considerations in the determination of this application are the impact of the proposal on local character, residential amenities, highway matters, heritage matters, and whether the principle of the proposal is in accordance with policies.
- 6.2. Amendments have been submitted as part of the application to amend the siting of the dwellings on Plots 3, 4 and 5; to increase the width of the access by 400mm, the introduction of a bin store to the rear of Plot 3; and design alterations to the proposed dwellings.
- 6.3. *Policy*
- 6.4. The NPPF seeks a presumption in favour of sustainable development (Para. 14) and promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brown-field sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities. However, it highlights the need for Local Planning Authorities to set out policies to resist inappropriate development of residential gardens where development would cause harm to the local area.
- 6.5. The BDP expresses that new housing in Birmingham is expected to contribute to making sustainable places, whether it is a small infill site or the creation of a new residential neighbourhood. All new residential development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods. Sustainable neighbourhoods are characterised by providing a wide choice of housing that are accessible to existing facilities by foot, bicycle, and public transport; It should provide a good sense of space, with a high design quality in order to provide people with a sense of pride over their neighbourhood.
- 6.6. The saved policies of the UDP emphasises that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It highlights the importance of design and landscaping of new developments as its contribution to the enhancement of the City's environment and helps to promote and secure sustainable forms of development.
- 6.7. Places for Living (SPG) sets out design principles to promote good design and highlights the importance of design in achieving places that are successful and sustainable in social, economic and environmental terms. The numerical standards contained within the policy are designed to maintain and protect the amenities of existing residents from the effects of new developments and to provide developments that would have flexibility and adaptability for future change.
- 6.8. *Principle of development*
- 6.9. This site has been used for commercial purposes for a significant length of time. However, given that the site is largely surrounded by residential properties and is sited within an established residential area, I consider that the principle of a

residential use would be in keeping with the overriding residential nature of the locality, would be acceptable in this location, and would remove a non-conforming use from this locality to the benefit of the adjacent residential occupiers.

6.10. *Design and layout:*

6.11. The amended scheme proposes alterations to improve the design and layout of the dwellings within the site. The design of the houses have been amended to better reflect the style and design of houses with the locality which predominantly comprise of semi-detached dwellings with hipped roofs and double height bay features to the front; with off street parking and gardens to the front and larger private gardens to the rear. The proposed dwellings would be constructed from brick with tiled roofs which would be in keeping with the materials used on surrounding dwellings.

6.12. The amended plans demonstrate that the proposed dwellings would comply with the distance separation guidelines outlined within 'Places for Living' (SPG) within the site. As such, the proposal would secure suitable living accommodation for the future occupiers of the site and would be acceptable in overlooking and privacy terms.

6.13. The development would comply with the Technical Housing Standards (THS) (March 2015). While not yet adopted by the LPA and cannot form part of any approval, they do provide a useful guide for the size of proposed residential accommodation. These standards require a minimum gross internal floor area between 70-79sqm per 2 bedroomed 2 storey dwelling, and 84-102sqm per 3 bedroomed 2 storey dwelling. Given that the proposed dwellings would exceed these standards I consider that the proposed dwellings would provide adequate living accommodation for sustainable development, and the THS supports this.

6.14. The siting and position of the proposed dwellings would ensure that the development would comply with the minimum garden standards as outlined within 'Places for Living' (SPG) which requires a minimum of 70sqm per family dwelling. As such, I consider that the development would secure adequate private amenity space to maintain the future sustainability of the proposed residential dwellings.

6.15. *Impact on the residential amenities*

6.16. Whilst objections have been received regarding loss of privacy and loss of outlook to neighbouring occupiers, the development would comply with the distance separation guidelines contained within 'Places for Living' (SPG) that are used to protect the amenities of adjacent occupiers. In addition, the Applicants states it is the intention to retain the existing mature boundary hedging surrounding the site. This would provide additional screening of the development from neighbours' gardens, but would also rather dominate the new gardens of Plots 4 and 5. I do not consider the trees need to be kept for amenity or ecological reasons, so will not attach such a condition, but the site will be subject to a landscaping condition.

6.17. Furthermore, I consider that the removal of the existing non-conforming use within the site would be to the benefit of adjacent occupiers.

6.18. *Parking and highway safety*

6.19. Transportation Department have raised no objections to the principle of the development. The amendments submitted demonstrates that the width of the

proposed access is to be increased to 4.6m, which is in excess of the required minimum of 4.5m. As such, the revised access is now considered to be acceptable.

- 6.20. Despite the concerns raised by neighbours in regards to the increase in traffic within the area, the proposal would not generate a significant increase in traffic from that of the existing industrial use and would secure adequate parking within the site. Therefore, I consider that the proposal, subject to conditions, would have limited impact on traffic flows and highway safety.
- 6.21. The revised plans now include a bin store adjacent to the rear boundary of Plot 3 that is 27m away from the highway. Whilst this does not meet Transportation's requirement of being within 25m of the highway, I do not consider that this 2m would be sufficient to warrant a refusal of the scheme. I do not consider that the bin store could be suitably positioned within the curtilage of No.145 Tessall Lane without further impacting upon the amenities of this residential dwelling.
- 6.22. West Midlands Fire Service have raised no objections to the proposal and it is considered that adequate provision has been provided within the development to secure a suitable turning circle for pump appliances within the site.
- 6.23. *Conservation*
- 6.24. I have carefully considered the siting of Plot, 1 adjacent to the boundary of the site of the Grade II Listed former King George V Public House and its bowling green. I note the current use of the application site as part of the breakers yard includes a two tier car storage facility that abuts the boundary with the bowling green, and so has a less than desirable impact on the adjacent heritage asset. The proposal would introduce a new residential use to the site that would conform with the overriding residential nature of the area. Furthermore the closest dwelling as sited on plot 1 would be set off the boundary by a minimum of 2.4m and would have a hipped roof that slopes away from the bowling green. This therefore would reduce the impact of the proposed dwelling on the adjacent heritage asset and would improve the setting. As such, my Conservation Officer raises no objection to the application.
- 6.25. Some objections have been made, in which residents consider loss of the Listed building and the bowling green. To be clear, the proposed dwellings are not on the same site as the Listed Building and bowling green, so there is no loss. I have considered the effect on heritage setting, above.
- 6.26. *Landscaping and Trees*
- 6.27. My Landscape Officer has raised no objections to the proposal providing appropriate boundary treatments and boundary planting are incorporated within the scheme. As such, appropriate conditions are recommended to ensure these can be secured as part of the development and I consider that the site has sufficient space to accommodate landscaping.
- 6.28. Objections have been raised regarding the loss of the existing trees (conifer high hedge) defining the site, however, the agent has confirmed that the intention is to retain these trees and I would not seek to ensure their retention. Similarly, my Tree Officer has raised no objections and does not consider that any conditions are required as part of the proposal.
- 6.29. *Other Issues*

- 6.30. Severn Trent have raised no concerns subject to appropriate conditions being attached to secure satisfactory drainage within the site.
- 6.31. Local residents have expressed concerns that the development would put their properties at risk due to the opening up of the site and the exposure of boundary fencing. I consider this unlikely, as new dwellings would offer natural surveillance of the site and the repositioning of plots 3, 4 and 5 have been brought forward to improve the natural surveillance within the development. Furthermore, West Midlands Police have raised no objection to the proposal and it is recommended that the site is developed to the enhanced security standards produced by Police Crime Reduction initiative 'Secured by Design'. Details and use of appropriate boundary treatments, lighting and landscaping are all conditioned and would also address this issue.
- 6.32. Despite objections being raised regarding land contamination, noise implications and light pollution from the proposed residential development, Regulation Services have raised no objections to the principle of the proposal. Notwithstanding this, appropriate conditions are attached to assess the levels of site contamination and maintenance.

7. Conclusion

- 7.1. I consider that the proposal builds on local character, whilst not detrimentally impacting on the character and quality of the residential environment to existing residents in the area or prospective residents of the site itself. Additionally, the proposals would redevelop a non-conforming site within the residential area and would contribute to the City's housing stock. Therefore, the proposal constitutes sustainable development. I also consider that the application, subject to conditions, would be acceptable in terms of residential amenity, highway safety, heritage and landscaping.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | Requires the prior submission of a contamination remediation scheme |
| 4 | Requires the prior submission of a contaminated land verification report |
| 5 | Requires the prior submission of a drainage scheme |
| 6 | Requires the prior submission of hard and/or soft landscape details |
| 7 | Requires the prior submission of hard surfacing materials |
| 8 | Requires the prior submission of boundary treatment details |
-

-
- 9 Requires the prior submission of a lighting scheme
 - 10 Requires the prior submission of level details
 - 11 Requires the prior submission of details of refuse storage
 - 12 Removes PD rights for extensions (Plots 1, 2, 3)
 - 13 Implement within 3 years (Full)
-

Case Officer: Catherine Golightly

Photo(s)



Figure 1: View to the South East, towards the rear of properties fronting Bristol Road South.



Figure 2: View to the South, towards the boundary with the bowling green.



Figure 3: View to the north, rear boundary with properties fronting Bodenham Road.

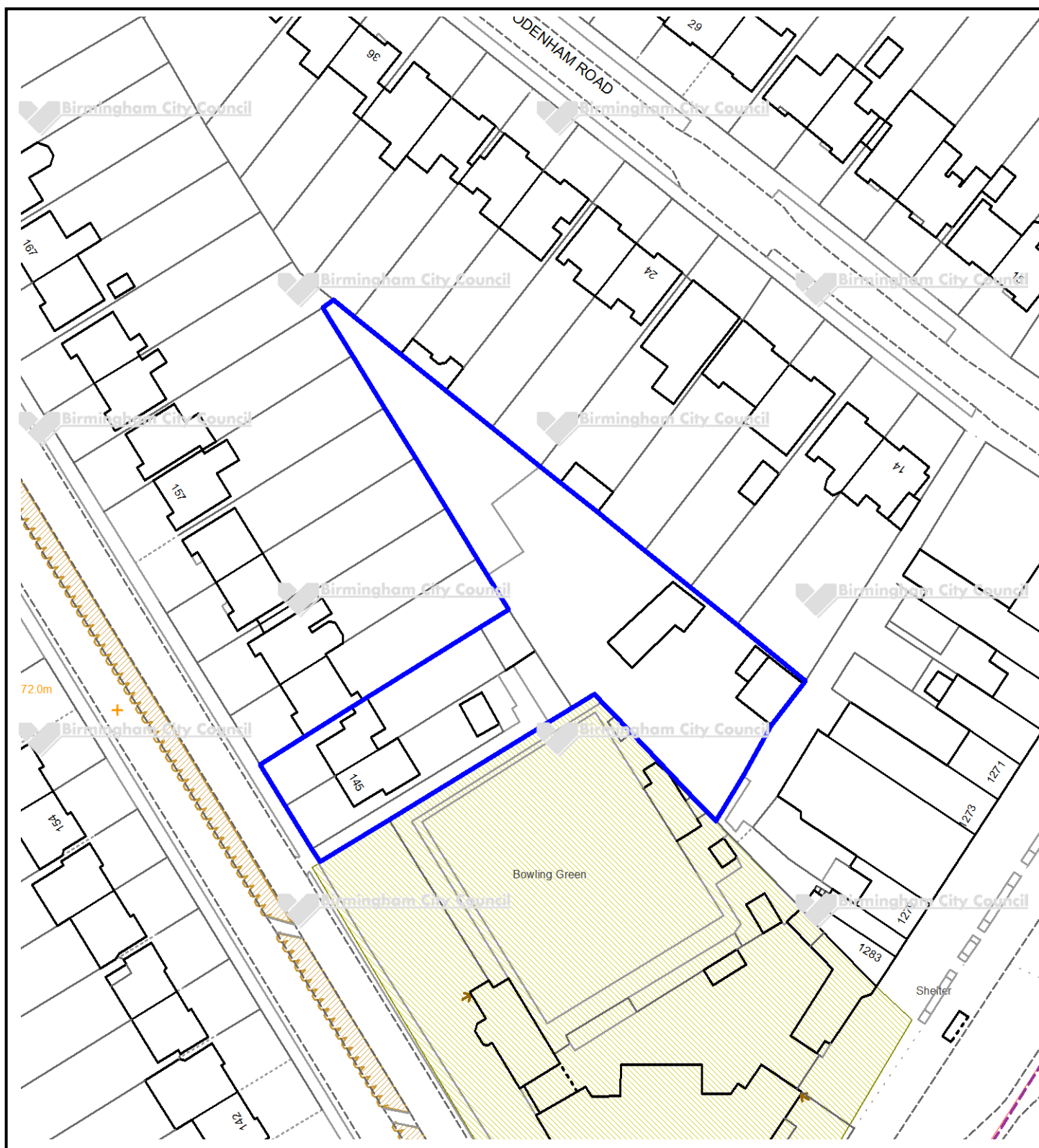


Figure 4: View to the north, rear boundary with properties fronting Tessall Lane.



Figure 5: View to the west, rear of No.145 Tessall Lane and site access.

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:	02/02/2017	Application Number:	2016/08732/PA
Accepted:	21/11/2016	Application Type:	Reserved Matters Development
Target Date:	20/02/2017		
Ward:	Edgbaston		

Central Campus Area extending from the Aston Webb buildings to the south, to the north side of Pritchatts Road, Edgbaston, Birmingham, B15 2SB

Reserved Matters application for access, appearance, landscaping, layout and scale for project 10 "The Green Heart", including a new cafe (236sqm), two pavilions, removal of car park adjacent to the north lodges and associated re-grading, earth moving and remodelling works to create new landscape spaces and pathways associated with hybrid planning application 2012/02047/PA

Applicant: University of Birmingham
Estates Department, Edgbaston, Birmingham, B15 2TT
Agent: Churchman Landscape Architects Ltd
Unit 3:04, Kennington Park, 1-3 Brixton Road, London, SW9 6DE

Recommendation

Approve

1. Proposal

- 1.1. This application seeks Reserved Matters planning permission for all matters. This project was one of 21 separate projects or phases, approved in 2012, as part of the University's Hybrid application. This was for a range of projects including a new sports Centre, new library, a halls of residence and sports pavilion, multi-storey car park and a new pedestrian/cycle route from the main campus to the Vale.
- 1.2. This phase is concerned with the substantial re-grading and new hard and soft landscaping in the open area at the centre of the campus, between Pritchatts Road in the north, and the Chamberlain Tower and the Aston Webb Buildings to the south, and currently partly occupied by the old library. The new library has now been completed, located just to the west of the old library. This now enables the old library to be demolished and a new key view to be created looking south, through the centre of the site, from Pritchatts Road. The demolition of the old library was approved as part of the hybrid application and is consequently not specifically part of this phase.

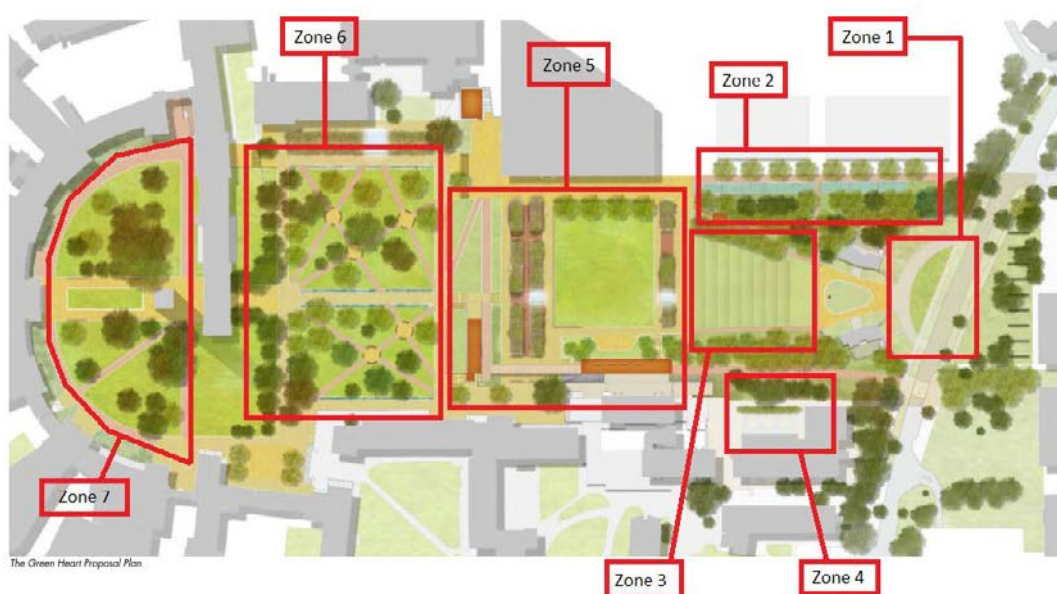


Looking south from Pritchatts Road, towards the Chamberlain Tower. Zone 3 in the foreground

- 1.3. The proposal consists of seven zones, shown on the diagram below, consisting of either new planting or more significant land reforming and planting. North to south these zones consist of;
- 1.4. **Zone 1**
- 1.5. This area is the northern most zone, with Pritchatts Road as its northern boundary, it includes the North gate and surrounds the listed lodges. In this area the scheme proposes a reduction of the hard-surfaced semicircle and the creation of new area of lawn. Natural stone would also replace the existing semi-circle of tarmac.
- 1.6. **Zone 2**
- 1.7. This area is to the south-west of the lodges. This would be re-configured to create a new north/south bonded gravel path and would create a substantial rill (up to 7m wide) and include a terraced series of planted pools.
- 1.8. **Zone 3**
- 1.9. This area is to the south of the listed lodges and includes an existing car park and embankment beyond. The car park and 87 trees would be removed and be replaced with a gradually-sloping, grassed amphitheatre and bonded gravel paths.
- 1.10. **Zone 4**
- 1.11. Muirhead Tower service yard would be subject to new tarmac and a new earthwork embankment to help screen its ground-floor service function from the new Green Heart.
- 1.12. **Zone 5**
- 1.13. This area is in front (east) of the new library and is called 'Library Square'. The area consists mostly of the footprint of the old library, and would be replaced with a new

lawn, with bonded gravel paths, earthwork ramps, a pedestrian bridge, a café (partially under a new pedestrian bridge due to ground level variations) and two pavilions. The proposed glass pavilions would be located in a line on the centre axis (north/south) of the site, at the north and south entrances to this space. At the north entrance the pavilion would mark the bottom of an amphitheatre and at the south the pavilion would link through a group of planters, on to University Square. The pavilions would be 4m by 5m footprint, 4m high, with a low-pitched glass roof. They would include small work areas as well as providing 'entrance' features to the new Library Square.

- 1.14. The proposed café would have 56 covers and include outside seating. It would be under a pedestrian bridge and within an earth embankment that would be orientated on a north/south axis. As such the café would be mostly hidden within the earthwork mound. The entrance would consist of a series of folding glass doors, facing west and overlooking Library Square. A plant room and two bin stores would also be hidden within the embankment and be accessed from the opposite, eastern side of the embankment.
- 1.15. The embankment and bridge would include a pedestrian walkway 40m long and 4m wide, it would be contained (where necessary) with 1.1m high glass balustrades. To the north of the bridge the walkway would open out to 7m wide to create a terrace area that would overlook Library Square.
- 1.16. **Zone 6**
- 1.17. This area includes University Square and the East entrance. This area would receive new granite slabs, bonded gravel paths and benches.
- 1.18. **Zone 7**
- 1.19. This area is to the southern-most area and is adjacent to Aston Webb and Chamberlain Tower and is called Chancellor's Court. This area would receive a light touch of improvement works, consisting of natural stone paths and benches, new areas of lawn and a reduction of car parking.



- 1.20. 17 (category B) and a category B tree group of 60 trees (at the bottom of the embankment), 21 category C are proposed for removal. 188 trees would be newly planted, along with a range of other habitats.
- 1.21. The scheme includes new lighting, in the form of lighting columns of 4, 8 and 10m height, and lighting placed under trees, on benches, within the water features, on the bridge, under the bridge and within planters. This comprehensive lighting scheme would concentrate lighting to the two north/south axis pathways and in front of the café, the library and the two pavilions.
- 1.22. The application is supported by a Design and Access Statement (including a lighting strategy), Heritage Statement, Drainage Strategy, Ecological Enhancement Plan, Updated Ecological Assessment Report, Landscape and Ecology Management Plan and an Ecological Construction Management Plan.
- 1.23. Site area 4.9ha.
- 1.24. An Environmental Impact Assessment screening opinion has been made and concluded that an Environmental Statement is not required.
- 1.25. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The site is in the middle of the University campus, with an area of 4.9ha, and bounded, at the north and south points, by the inner elevation of Aston Webb (to the south) and Pritchatts Road (to the north).
 - 2.2. The application site surrounds but excludes several listed buildings; Chamberlain Tower (Listed Grade II), and North Gate and lodges (Listed Grade II). The site is adjacent to Aston Webb (Listed Grade II*) and Metallurgy and Materials (Listed Grade II).
 - 2.3. In landform the site consists of three distinct areas, generally dividing the site into thirds; northern, middle and southern. The northern part of the site (from Pritchatts Road and through the car park to its south) falls gently by approximately one metre to the south edge of the car park. The grade then changes dramatically at the edge of the car park and includes a large embankment where the land falls by 6m to Ring Road North. The middle third then includes the old library and is mostly flat. The southern third of the site then falls by 2 to 4m from the front of the old library down to an east/west slope of 136m (AOD - west) and 138m (AOD - east).
 - 2.4. The site is a combination of green spaces, pathways, service roads, a car park and the old library. There are approximately 250 trees within the site area.
 - 2.5. [Site Location Plan](#)
3. Planning History
 - 3.1. 29/10/12. Pa no. 2012/02047/PA Hybrid application for the redevelopment of elements of the University Campus buildings and infrastructure including: Outline application for a multi-storey car park, erection of student residences and sports pavilion, erection of new library and Full details for the erection of a new sports centre and the construction of a new pedestrian/cycle route to the Vale, Demolition

of various buildings associated landscaping and car parking. Approved with section 106 to secure funding for off-site car parking surveys and mitigation if necessary.

- 3.2. 04/04/13 pa no. 2013/00524/PA. Reserved Matters Application for the erection of new library (Element 1c) associated with hybrid planning application 2012/02047/PA for all outstanding reserved matters. Approved.
- 3.3. 04/04/13 pa no. 2013/00523/PA. Reserved Matters Application for the undertaking of library enabling works (Element 1c) associated with the hybrid application 2012/02047/PA all matters for consideration except landscaping. Approved.
- 3.4. 17/04/14. Pa no. 2014/01218/PA Reserved matters consent for Landscaping associated with the remodelling of 2.78ha of land between Pritchatts Road and the western side and rear of the existing library to create new development plots and a new access road (from Pritchatts Road) into the University campus.
- 3.5. Various other associated Reserved Matters applications for the multi-storey car park, halls of residence and sports pavilion.

4. Consultation/PP Responses

- 4.1. Resident Associations, Councillors and the MP consulted. Press notice made, three Site notices displayed. No comments received, apart from Councillor Deirdre Alden asking whether Pritchatts Road would be closed, or subject to traffic calming (she was informed Pritchatts Road is outside the application site and is not affected).
- 4.2. Transportation- No objection.
- 4.3. Historic England – No objection.
- 4.4. Environment Agency – No objection.
- 4.5. Severn Trent – No response received.
- 4.6. Lead Local Flood Authority – No objection to the principles but have asked that the associated drainage condition is not discharged at this time due to a lack of all details.
- 4.7. Access Birmingham - Access Birmingham wish to compliment the applicants and their professional advisers on the presentation of a rare excellent design and access statement which deals constructively with proposals for improving inclusive access to the site and buildings. We would ask that handrails include warm to touch (useful in very cold weather) and if stainless steel is used it could be covered with translucent plastic and that any surface materials on the footways have good non-slip characteristics and any way-finding signage indicates distance to destinations.
- 4.8. West Midlands Police – No objection but has drawn attention to lighting design, Secure by Design, and CCTV system recommendations.

5. Policy Context

- 5.1. NPPF (2012), NPPG (2014)

- 5.2. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies), Wider Selly Oak SPD, Places for All (2001)- SPG, Car Parking Guidelines (2012), Conservation Strategy (1997).
- 5.3. Chamberlain Tower (Listed Grade II), Aston Webb (Listed Grade II*), Metallurgy and Materials (Listed Grade II), North Gate and lodges (Listed Grade II).
6. Planning Considerations
- 6.1. Policy TP35, of the BDP, reaffirms a commitment to supporting the expansion of the City's Universities, where links between the institutions and other research and development establishments. Also Policy GA9 provides specific support for the University of Birmingham where further educational and associated uses that maintain and enhance the University facilities will be supported.
- 6.2. The key design principles have been agreed through the approval of the Hybrid application in 2012, including the demolition of the old library and the removal of the surface level car park, in the north part of the site, and its replacement with a multi-storey car park. As such the matters for consideration in this Reserved Matters application are concerned with design, trees, ecology, landscape, conservation and drainage. The Applicant has worked closely over several months with the Case Officer and my Urban Design and Landscape colleagues.
- 6.3. Master plan principles
- 6.4. Policy PG3 of the BDP addressed design and character. Paragraph 56 of the NPPF states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."
- 6.5. The design follows discussions which began in 2011 and as such the demolition of the library and re-opening of the south view, from Pritchatts Road to Chamberlain Tower, are well established and have been previously agreed by Members as part of the Hybrid application and the approved master-plan in 2012. However, at that time the design of the 'Green Heart' was unknown and this scheme, which was subject to an international design competition, is an answer to that brief. The scheme includes the removal and re-grading of the car park and embankment, to the south of the listed lodges, and would create a gradually sloping amphitheatre in its place. This leads down to a new grassed 'library square' that would sit in front of the new library and frame this building. Library Square also provides a space for the new café to open out onto, and for the two pavilions. Over-sailing the eastern boundary of library square is a wide pedestrian walkway that remains at a higher level and becomes a bridge over the café and then slopes down on a 90 degree turn to the west. The raised walkway consequently frames the east and south boundaries of Library Square and hides the ground floor of Muirhead Tower (on the east); which is a utilitarian service area and as such would benefit from this.
- 6.6. The design principles, established in 2012, have been successfully integrated into this final solution and create a new visually strong centre to the campus buildings; linking Pritchatts Road to Aston Webb.
- 6.7. Trees

- 6.8. Policy TP6, of the BDP (in regard to flood management) states that “trees and woodland can provide significant benefits in terms of water management and flood alleviation...in addition to their wider landscape value. The provision of additional trees and woodland will therefore be encouraged”.
- 6.9. Trees proposed to be removed consist of 17 (category B), a category B tree group of 60 trees (at the bottom of the embankment), and 21 category C trees. The majority of trees proposed for removal are either within the car park or the embankment and as such their removal is integral to the delivery of the proposed scheme (and agreed design principles). These key principles were agreed as part of the Hybrid application in 2012. The scheme includes the planting of 188 new trees, extensive shrubs, flowers and grassland.
- 6.10. My arboriculturalist is satisfied that the submitted arboricultural impacts, removal and tree protection measures accord with previously agreed principles and has raised no objection to the proposal. I concur with his conclusion.
- 6.11. Ecology
- 6.12. Policy TP8, of the BDP, states that “development which directly or indirectly causes harm to...species which are legally protected, in decline or rare within Birmingham or which are identified as national or local priorities will only be permitted if it has been clearly demonstrated that; there is a strategic need that outweighs the need to safeguard, the damage is minimised and mitigation put in place, or where appropriate compensation is secured”. This is also reinforced at paragraph 118 of the NPPF.
- 6.13. My ecologist recognises that the site is of limited ecological interest, dominated by buildings, hard standing and amenity grassland, interspersed with numerous ornamental/street trees and small patches of ornamental planting. An updated ecological assessment, comprising an extended Phase 1 habitat survey and ground based tree inspection for bats, identified ecological considerations relating to impact on trees and hedges, nesting birds and bats. My ecologist is satisfied that the proposal would not harm these interests provided that any work is undertaken outside of nesting seasons. In terms of bats, one tree is proposed for removal that has the potential for roosting bats (T78) however a nocturnal bat survey found no evidence of this. Nocturnal bat surveys recorded bats roosting in Lodge No. 2 (west); Lodge No. 1 (east) assessed as having moderate potential for roosting, but again there were no confirmed roosts. New lighting around these buildings should be sensitively designed to minimise disturbance to nocturnal wildlife such as bats.
- 6.14. The Green Heart proposals offer significant scope to enhance habitat diversity and ecological connectivity across the university campus. The ecological enhancement plan details of the features that will be incorporated including native species and “wildlife-friendly” tree and shrub planting, species-rich, wildflower lawn / grassland, a stepped, linear water feature (Rill) adjacent to the West Path (providing a new wetland habitat and including native aquatic planting within the nine pools), rain gardens (around the edge of the Library Square) and a reinforced, retaining “wildlife” wall (along part of the eastern edge of the Green Heart). The enhance plan also proposes species-specific habitat features – custom-made bird nest boxes, suitable for swift and house sparrow are proposed to be incorporated in the retaining wall.
- 6.15. I am supportive of the range of habitat features proposed for the Green Heart, which represent a significant ecological enhancement in terms of increased habitat diversity and improved ecological connectivity. I have no objection in principle to the

species proposed for the various areas of new planting and am happy for some flexibility in the planting mixes as long as the overall proportion of native / “wildlife-friendly” ornamental planting is not reduced. Where planting plans are yet to be finalised, eg the aquatic planting along the rill, further details should be provided. Long-term maintenance requirements for the site are set out in the Landscape and Ecology Management Plan. I have no objection to the management objectives described in the document.

6.16. Landscaping

- 6.17. A strategic Landscape scheme and planting schedule has been submitted that shows substantial planting including the planting of 188 new trees, extensive shrubs, flowers and grassland. The proposed land reforming and new tree and shrub planting would deliver a carefully considered and comprehensive solution that would enhance the setting of the perimeter buildings and space between. The scheme is supported by my Landscape Officer.

6.18. Conservation

- 6.19. Policy TP12, of the BDP, states that the historic environment will be protected and enhanced. It includes an objective that states that “innovative design which retains the significance of the heritage assets and integrates the historic environment into new development will be encouraged”.
- 6.20. The submitted Heritage Statement consists of the original statement (from 2012) and a supplementary appendix that reacts to the details of the current scheme. This acknowledges that local heritage assets; Aston Webb and Chamberlain tower to the south, and the lodges and Metallurgy and Materials) to the north, are within proximity of the proposal and could be affected by the scheme. All of these are Grade II Listed apart from Aston Webb which is Grade II*. It concluded that the current courtyard in front of Aston Webb was an expanse of untidy tarmac and car parking was poor quality and did not contribute to the significance of the building. It also comments that the setting of the lodges is severely compromised by the large expanse of surrounding tarmac and car parking, which detracts from the significance of the listed buildings. In summary, it concludes that the Green Heart represents a significant opportunity to re-establish the landscape north/south axis of the original master plan vision of Webb and Bell in the 1900's and built upon by Buckland and Haywood in the 1930's, sadly lost by the construction of the library in the 1950's.



A photograph of 1930 looking south down the Avenue



Current view of site

- 6.21. I concur with the findings of the heritage Statement and consider that the landscape scheme completes the master-plan principles conceived in 2012 as part of the hybrid application and would restore an important historical view through the campus. My conservation officer has considered the scheme and raised no objection.
- 6.22. Drainage
- 6.23. Policy TP3, of the BDP, states that new development should be designed and built to sustainability standards which include conserving water and minimising flood risk. Furthermore Policy TP6, of the BDP, states that developers must demonstrate how surface water drainage would not exacerbate existing flooding and seeks a minimum of 20% reduction in peak flows between the existing and proposed water flows. It is also a core principle of the NPPF (paragraph 7) to take full account of flooding issues in decision making.
- 6.24. The Drainage Strategy identifies that the ground has high permeability with substantial soak-away capability. The drainage strategy intends to reuse existing drainage systems where appropriate but also benefit from the permeable nature of the scheme and use the natural soak-away extensively. The statement illustrates that the existing areas of impermeable hard-surfacing (new pathways etc) would be significantly reduced as a result of the proposal. The scheme proposes a combination of bio-filtration from the tree pits and planters and some underground attenuation.
- 6.25. The Lead Local Flood Authority comment that as the proposed discharge ultimately outfalls to a public sewer (surface water, foul or combined), particularly with regard to the southern catchment, confirmation that the proposed discharge rates and locations are acceptable to Severn Trent Water is required. Calculations are also required, including proposed discharge rates, storage requirements and evidence of the performance of the proposed drainage network (for all events up to and including the 100yr plus climate change event). Evidence of this should include details of design criteria, water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details under each event, and may take the form of software simulation results. Network performance should be evaluated for appropriate storm durations. The LLFA consider that given the incomplete information provided, it does not recommend discharge of the conditions applied to the original outline application at this time.
- 6.26. Condition discharge
- 6.27. The information provided is satisfactory to agree several conditions that were applied to the original (Hybrid) application:
- Condition 12 Ecological Construction Management Plan
 - Condition 16 Floor levels
 - Condition 17 Tree Protection
 - Condition 18 Earthwork details
 - Condition 19 boundary treatment
 - Condition 21 Arboricultural Method Statement RW
 - Condition 22 Trees removals
 - Condition 24 Construction management
 - Condition 27 Habitat Management Plan
 - Condition 30 lighting scheme

7. Conclusion

- 7.1. The landscaping scheme is welcomed, suiting the character evident on Pritchatts Road, providing robust structural landscaping around the Pritchatts road and the new areas created by the removal of the car park and library and subsequent land reforming. The landscape scheme would complete the master-plan principles set out in 2012 as part of the approved hybrid application. The proposals would provide a unified, central green lung to the campus, providing the original design concept of long, uninterrupted views of Chamberlain Tower from the north. It would be a considerable asset to the character and function of the campus, at the heart of the University, contributing to an enhanced status for the wider institution.

8. Recommendation

- 8.1. Approve.

Case Officer: Ben Plenty

Photo(s)

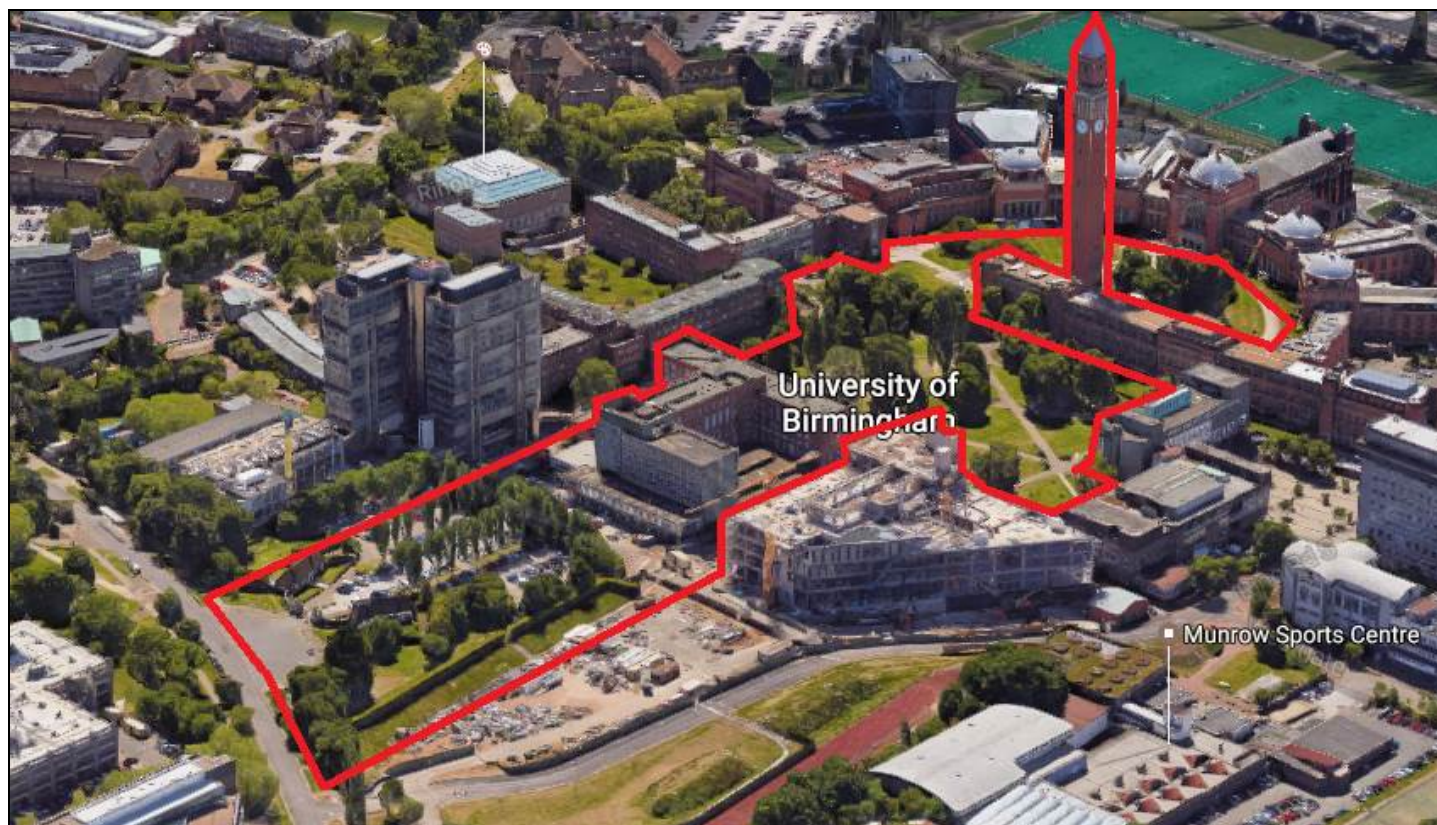


Fig 1 Application site

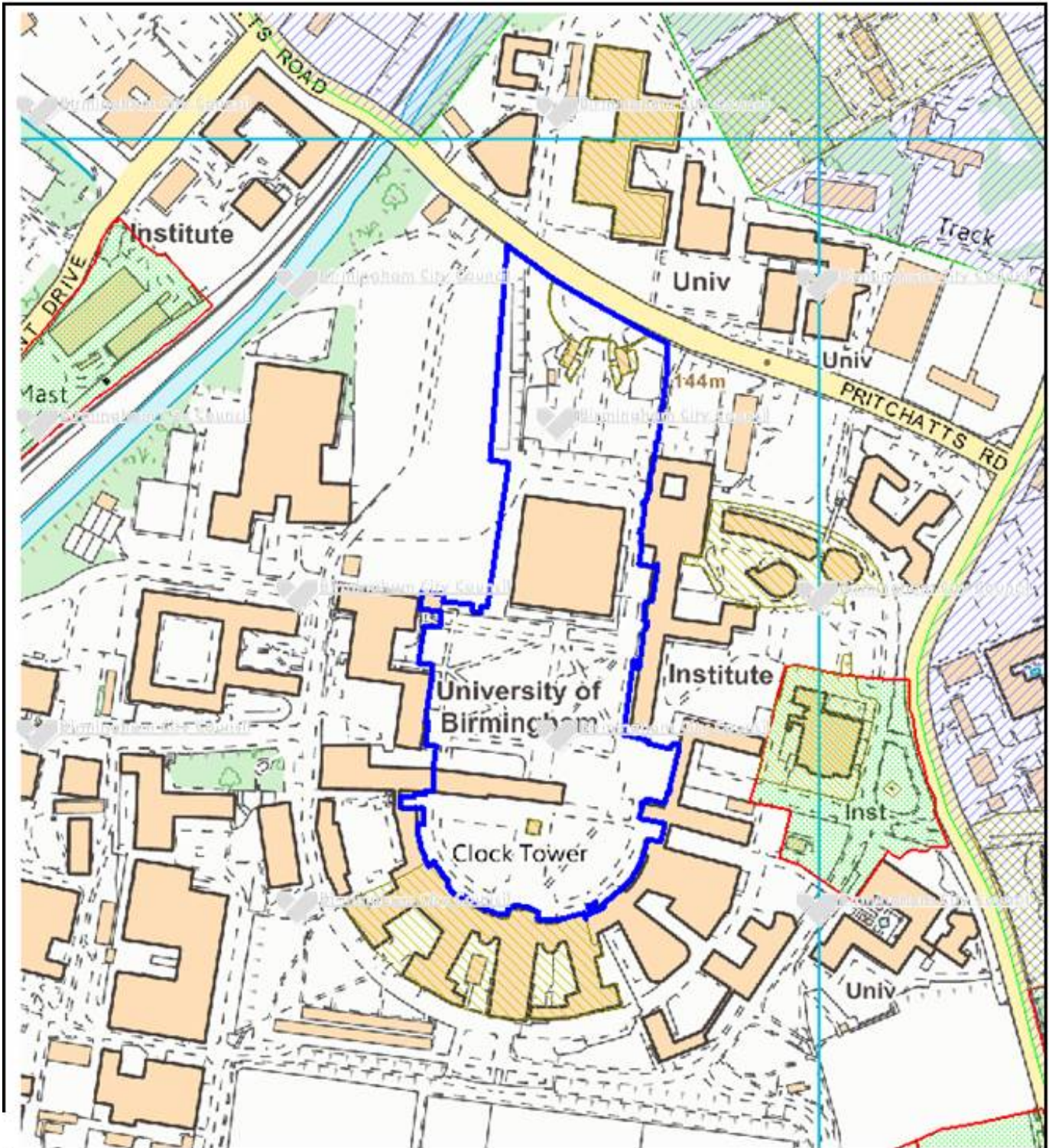


Fig 2 looking south from car park, old library on the left and new library on the right.



Fig 3 looking north, with the old library in the centre, and the new library beyond (left)

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:	02/02/2017	Application Number:	2016/09029/PA
Accepted:	28/10/2016	Application Type:	Reserved Matters Development
Target Date:	03/02/2017		
Ward:	Bournville		

Land off Pershore Road / Hazelwell Lane, Stirchley, Birmingham, B30

Reserved Matters application for consideration of appearance, scale and landscaping for Phase 2 of outline approval 2016/06335/PA for construction of proposed superstore with associated parking and external works and public realm improvements

Applicant:	Tesco Stores Ltd Cirrus A, Shire Park, Kestral Way, Welwyn Garden City, Hertfordshire, AL7 1GA
Agent:	Bilfinger GVA 3 Brindleyplace, Birmingham, B1 2JB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent was granted in October 2013 (2013/03997/PA) for the demolition of the remaining buildings on the site – including the Stirchley Working Men’s Club and the Birmingham City Council bowling and community centre – and redevelopment with a mixed-use scheme comprising a new supermarket, offices, shops and apartments, with new public spaces and associated highway works. This was outline consent but included consideration of siting and access details, and was subject to a legal agreement which secured a range of local regeneration and mitigation measures.
- 1.2. A subsequent reserved matters submission, dealing with scale, appearance and landscaping in respect of Phase 2 of the development (the superstore) was approved in June 2014 (PA No. 2014/02160/PA).
- 1.3. The applicant’s requirements have changed since that time and it is now proposed to construct a smaller store. This change necessitated the submission of a minor material amendment to the outline approval to reflect the revised siting of the store (due to the reduction in its size) and consequent amendment to the position of the access road (moving approximately 12m further south), both of which were approved, subject to a revised legal agreement on 28th October 2016 (Ref 2016/06335/PA).
- 1.4. This reserved matters application, for consideration of appearance, scale and landscaping, is an amended submission to tie in with the revised proposals approved under 2016/06335/PA (the smaller store).

- 1.5. Phase 1 covered demolition of remaining buildings and site clearance, which has now been completed. Phase 2 (the subject of this application) relates to the following elements:
- construction of the foodstore;
 - associated car parking;
 - landscaping and public realm works;
 - realignment of Hazelwell Lane; and
 - highways improvements.

SCALE AND APPEARANCE

- 1.6. The proposed new superstore would comprise of a single level trading floor and associated warehouse, with customer restaurant and toilets adjacent to the main entrance. Staff facilities would be provided to the north corner of the store, adjacent to the vehicular access into the site.
- 1.7. The siting of the store was approved through the outline consent. It would be located on the west side of the site to the north of the British Oak Public House (a Grade II listed building) and its bowling green, with the main customer entrance at the front corner off Pershore Road. It would sit parallel to the Pershore Road, extending up to the junction with a re-aligned and widened Hazelwell Lane.
- 1.8. A service yard would be to the rear of the store, accessed directly off Hazelwell Lane. A car park for 388 cars is proposed to the south of Hazelwell Lane to the rear of the store, extending up to Hunts Road at the rear boundary.
- 1.9. A secondary customer store entrance would be provided at the south-eastern corner of the store, from the car park, and there would be pedestrian access to the site from both Hunts Road to the east (close to the footpath link to the River Rea walkway) and from the south (adjacent to 39 Hunts Road). The footpath link from the east would then run adjacent to the north boundary of the bowling green and the British Oak Public House and would widen into a plaza area fronting Pershore Road and the main entrance to the store and café. This new 'public square' is intended to form part of a series of environmental improvement works, to create a link through from the site (and the area beyond to the east) with the wider Stirchley centre.
- 1.10. Details submitted with this application show the store to be 7.8m in height (a reduction from 10m previously approved). The overall footprint of the store would be smaller, with a reduced frontage to Pershore Road (70m, previously 81m). The elevation to the Pershore Road frontage would comprise of a series of red brick panels, with timber edges, incorporating significant areas of clerestory glazing with light grey cladding above, with a flat-roofed canopy over. This canopy is shown as extending beyond the south-west corner of the store (at the main entrance/public square), with this section of the store being full-height glazing, which continues along the southern elevation, fronting onto the proposed footpath link.
- 1.11. The corner at the junction with Hazelwell Lane would be curved, with a brick plinth at ground and glazing, with signage above. The north side of the building would be used for storage and there is therefore limited opportunity for the introduction of glazing on this elevation. As an alternative, to soften this elevation, a series of panels incorporating wall planting on support wires are proposed along this frontage to the access road. The service yard at the rear corner would be enclosed by a brick wall and acoustic timber fencing panels between brick piers.

LANDSCAPING

- 1.13. This phase of the development includes the provision of the plaza adjacent the store entrance on the Pershore Road frontage and associated pedestrian link to the car park and area beyond. This would be a hard landscaped area. The surface treatment would be block paving (Kellen Lavarro pre-cast textured blocks in dark grey, silver grey, light grey and buff), with a number of granite 'cube' seating areas. 6 no. birch trees would be provided within pits, with pre-cast concrete tree station surrounds and trench covers. A further 11 no. trees would be provided within a landscaped edge to be formed along the boundary with the adjacent public house/bowling green, with robust shrub planting between.
- 1.14. A second 'plaza' is to be created at the corner of Pershore Road with Hazelwell Street, adjacent to the Elim Church. This is a triangular-shaped area to be block paved in materials to match those within the site, and incorporating the same style of granite seats. Hedge planting would be provided to the boundary with the church along with 3 no. hornbeams. 5 no. birch trees would be planted in tree pits within the paved area.
- 1.15. The block paving would continue around the store frontage and along the re-aligned Hazelwell Lane. The planting to the wall of the warehouse would include *Garrya elliptica* and *Pyracantha rogersiana*. Planting elsewhere would be concentrated around the boundaries to the site, with a 5m wide landscaped belt in particular to the Hunts Road frontage. There would also be a substantial buffer created to the boundary with the gardens of houses on Twynning Road (8m in depth), including a 2m wide thorn hedge at the rear. There would be some limited tree planting (within pits) within the car park. 148 no. new trees are proposed in total.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site covers approximately 4.25 hectares. It originally included commercial properties fronting the east side of Pershore Road, residential properties at nos. 1-37 Hazelwell Lane, the former BT depot, the City Council's community centre and indoor bowls centre, Stirchley United Working Men's Club and the site of the former Phoenix Works (manufacturers of equipment for the elderly/disabled). However, it has now been almost entirely cleared (with the exception of a small group of shops fronting Pershore Road) and is enclosed by temporary fencing.
- 2.2. The site incorporates part of the Pershore Road extending up to the roundabout junction with Hazelwell Street and Umberslade Road, and from the junction of Pershore Road/Hunts Road to Hazelwell Street. A vacant triangular site immediately south of Elim Church is also included.
- 2.3. The surrounding area comprises a mix of land uses. Immediately south of the application site is the Grade II listed British Oak Public House, its loggia and bowling green. The Grade B locally listed Hampton Works on Ripple Road lie next to the north-east corner of the application site. Residential terraces front Hunts Road, Warren Road, Plymouth Road and Pershore Road opposite the site. To the east is a large area of public open space and the River Rea which is part of a national cycle route, pedestrian route, a Site of Local Importance for Nature Conservation, Wildlife

Corridor and Linear Open Space. Further to the south-west, west and north-west are commercial/retail premises fronting Pershore Road/Hazelwell Street including the Co-op Extra Store with residential properties beyond. To the north are residential properties and the locally listed building known as Hampton Works, fronting Twynning Road and the former 'TASCO' social club (recently refurbished and now occupied by Stirchley Working Men's Club).

- 2.4. The site falls within the primary shopping area which forms part of Stirchley District Centre, as identified in the City's Shopping and Local Centres Supplementary Planning Document.

[Location map](#)

3. Planning History

- 3.1. 29/06/2004 – 2002/01752/PA Outline consent for the demolition of commercial, leisure, residential and retail premises, construction of Class A1 retail superstore, additional retail units with residential accommodation above, surface level car park, replacement community facilities, replacement social club, alterations to Pershore Road and Hazelwell Street, landscaping and associated works at Hazelwell Lane, Pershore Road, Hunts Road and Hazelwell Street. Approved.
- 3.2. 29/09/2008 – 2007/03727/PA. Renewal of planning application 2002/01752/PA for outline consent for the demolition of commercial, leisure, residential and retail premises, construction of Class A1 retail superstore, additional retail units with residential accommodation above, surface level car park, replacement community facilities, replacement social club, alterations to Pershore Road and Hazelwell Street, landscaping and associated works at Hazelwell Lane, Pershore Road, Hunts Road and Hazelwell Street. Approved.
- 3.3. 22/12/2010 - 2010/05404/PA. Application for a new planning permission to replace permission 2007/03727/PA demolition of commercial, leisure, residential and retail premises, construction of Class A1 retail superstore, additional retail units with residential accommodation above, surface level car park, replacement community facilities, replacement social club, alterations to Pershore Road and Hazelwell Street, landscaping and associated works at Hazelwell Lane, Pershore Road, Hunts Road and Hazelwell Street. Approved.
- 3.4. 28/10/2013 – 2013/03997/PA Proposed superstore, offices, shops (Use Class A1), apartments, public spaces, highway alterations - including the stopping up of part of Hazelwell Lane - demolition, and associated works (outline application with consideration of access and siting). Approved.
- 3.5. 28/04/2014 – 2014/02156/PA. Non-material amendment to planning approval 2013/03997/PA for alterations to (wording of) conditions 1, 9, 19, 20, 23, 24, 25, 26, 28, 29, 30, 31, 33, 34, 35, 36, 38, 39 and 40. Approved.
- 3.6. 26/06/2014 – 2014/02160/PA. Reserved matters application for consideration of appearance, scale and landscaping for Phase 2 of outline approval 2013/03997/PA for construction of a proposed superstore with associated parking & external works and public realm improvements. Approved.
- 3.7. 03/07/2014 – 2014/02469/PA Application to determine the details of conditions 2, 3, 4 and 27 and part discharge of conditions 24, 25, 30, 35, 37 and 41 attached to approval 2013/03997/PA. Approved.

- 3.8. 28/10/2016 – 2016/06335/PA Minor material amendment to planning application 2013/03997/PA for the erection of a smaller store providing 5697sqm (gross)/4034sqm (net) of floorspace rather than the previously approved 8,359sqm (gross)/4,600sqm (net) floorspace, with associated alterations to layout, including position of access. Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Transportation – No objection, this application includes consideration of landscaping details and the plans provide details on surfacing materials around the site on the developer's forecourt and public realm areas, which extend onto the public highway. These works have been approved through a S278 Highway agreement, which will need to be amended due to the relocation of the access. There are several trees in the car park close to aisles but these are positioned suitably so do not affect visibility splays or pedestrian routes.
- 4.2. Regulatory Services – No adverse comment.
- 4.3. Environment Agency – No objection.
- 4.4. West Midlands Police – No objection.
- 4.5. Leisure Services – No objection.
- 4.6. Local Lead Flood Authority – Consider the level of information submitted with the application is not appropriate.
- 4.7. Centro – no response received.
- 4.8. Severn Trent – no response received.
- 4.9. Fire Service – no response received.
- 4.10 Letters of notification have been sent to surrounding occupiers; local residents associations; Bournville Ward Councillors; Planning Committee members from the Selly Oak Constituency and the MP for Selly Oak. A press notice and four site notices have also been posted.
- 4.11 Four letters of objection have been received from nearby occupiers, objecting to the application on the following grounds.
- The shop plans do not allow people to walk in through the street.
 - The store is an eyesore.
 - It is not necessary
 - There are enough shops in the area.
 - This store is not wanted by local people.
 - There should be less trees
- 4.12 Comments received from a representative of a local community group, who have been in reportedly positive discussions with Tesco regarding potential public art on the 'public square' adjacent to Elim Church. Concerned that 5 no. proposed trees on the current landscape plan would obscure the view of the wall on which the art would be mounted.

5. Policy Context

- 5.1. NPPF (2012); Birmingham Development Plan (BDP) (2017); Birmingham Unitary Development Plan (2005) (saved policies). Stirchley Framework (SPG); Shopping and Local Centres (SPD); Places for All (SPG); Grade II listed buildings at 15 & 17 Hazelwell Street, Stirchley Public Baths, Stirchley Library and British Oak public house; Grade B Locally Listed buildings at the Three Horseshoes public house and the Hampton Works, Ripple Road; adjoining River Rea SLINC and Rea Valley Walkway/Millennium Cycle Route, Flood Zone 2 on extreme eastern edge of site.

6. Planning Considerations

BACKGROUND

- 6.1. There is an extensive planning history associated with this site, including approval in recent years (outline and reserved matters) for a superstore, offices, shops and public realm works. This current proposal comprises an amendment to the approved Phase 2 of the development (the store and public realm) resulting from a proposed reduction in floorspace.
- 6.2. An amended outline planning permission was granted in October 2016 for a new superstore, offices, shops, apartments, public spaces, highway alterations and associated works at this site. The outline submission included consideration of access and siting, with all other matters reserved.
- 6.2. This current 'Phase 2' application provides details required through the reserved matters conditions (relating to appearance, scale and landscaping) attached to 2016/06335/PA, for the following elements:
- construction of the foodstore;
 - associated car parking;
 - landscaping and public realm works;
 - realignment of Hazelwell Lane; and
 - highways improvements.

HIGHWAYS

- 6.4. The proposed redevelopment proposals include a package of highway works (including a new signal junction at the entrance to the site), to address any potential traffic congestion problems. These are to be delivered as part of Phase 2 (the subject of this current application), along with a 388 space car park to serve store customers and the wider centre.
- 6.5. Your Transportation Officer raises no objections to the proposals for works within the site, and has clarified that proposals within the public highway have been previously approved through a S278 agreement, which will need to be amended to take account of the change in access arrangement, which were considered acceptable as part of the outline application.
- 6.6. The affected areas are on the frontages to Pershore Road and Hazelwell Street, where alterations are proposed to existing highway and new areas created which are to be put forward for adoption. The proposed public square to be laid out at the corner of these two roads is currently shown as retained within Tesco's ownership,

but with an option to be transferred to the City (subject to an appropriate specification and commuted sum), which now appears to be a likely scenario.

- 6.7. For the purposes of this planning application, the proposed works falling within the public realm are considered acceptable. The applicant is aware of the requirements of the S278/adoption process and an acceptable palette of materials has been agreed with my Transportation colleagues as part of this process. As such, it is not anticipated that there would be any significant changes required to the approved S278 scheme beyond alterations to reflect the revised site access position. Notwithstanding this, the applicant is aware that support for the scheme under planning does not imply an approval in respect of the S278 agreement. As such, I am satisfied that the proposals shown can be appropriately supported without prejudicing any discussions with our Highways colleagues.

DESIGN

- 6.8. The outline submission included consideration of siting, with the foodstore located on the west side of the site (to the north of the British Oak Public House) and its main customer entrance at the front corner off Pershore Road. The store sits parallel to Pershore Road, extending up to the junction with a re-aligned and widened Hazelwell Lane. The service yard would be located to the rear, accessed directly off Hazelwell Lane, with the main car park beyond this, extending eastwards up to Hunts Road at the rear boundary.
- 6.9. A secondary customer store entrance is proposed in the south-eastern corner of the store from the car park, with pedestrian access provided from both Hunts Road to the east (linking to the River Rea walkway), and also from the south, adjacent to 39 Hunts Road. The footpath link from the east would then run adjacent to the north boundary and would widen onto a plaza area fronting Pershore Road and the main entrance to the store and café. This new 'public square' forms part of a package of environmental improvement works (for consideration as part of this application), to create a link through from the site with the wider Stirchley centre.
- 6.10. Illustrative information was submitted with the outline application, including an indication of how the foodstore might appear. It showed a building approximately 7.8m in height, with the elevation to the Pershore Road frontage incorporating a series of brick panels, with timber edges and significant areas of clerestory glazing, with a flat-roofed canopy over, and the main entrance area being full height glazing. The corner at the junction with Hazelwell Lane was shown as curved and having glazing above a ground floor brick plinth, enclosed by a timber feature element. The north side of the building (the warehouse element) was shown as incorporating a series of panels with wall planting on support wires along this frontage to the access road.
- 6.11. Your Urban Designer supported this approach which it was considered suitably demonstrated that the desired active frontage could be provided along Pershore Road (incorporating unobscured windows on this elevation), with interest created at the corners, and a sensitive treatment to the elevation fronting the access road, where there is limited opportunity for windows. A condition was attached to the approval, requiring that "The elevation of the superstore fronting Pershore Road shall incorporate significant areas of glazing".
- 6.12. This current submission largely reflects the illustrative proposals which accompanied the outline application, with the exception of minor alterations e.g. the curved corner has lower level windows with signage above. It also meets the requirement of the

aforementioned condition through the incorporation of a series of glazed panels on the Pershore Road frontage along with full-height glazing around the main entrance. Your Urban Designer is satisfied that the proposal would deliver a high quality development, which would provide active frontages to Pershore Road and the pedestrian link/plaza, and make a positive contribution to the streetscene.

- 6.13. The submitted street elevations demonstrate the proposal in relation to the existing buildings beyond the site boundary, including the British Oak public house (Grade II listed) and properties on the opposite side of Pershore Road to the west. The height of the store is broadly reflective of the adjacent buildings and Your Conservation Officer has raised no objections to the proposal or its relationship to the listed public house.
- 6.14. Whilst the store frontage to Pershore Road is extensive (approximately 70m in length), the elevational treatment – which incorporates a series of brick and glazed panels, divided by full height timber elements - provides articulation and assists in breaking up the perceived scale and massing. As such, the proposed scale and appearance of the proposal are considered acceptable.

LANDSCAPING

- 6.15. The extent of the proposed tree removal was established through the outline submission, in considering the access to the site and siting of the buildings. The majority of the trees to be lost form a band (of 20 category B and C Sycamores, 4 Leylandi and 4 other category C trees) extending across the centre of the site (north-south) in the position of the approved store and re-aligned Hazelwell Lane.
- 6.16. Your Tree Officer raised no objection at the outline stage, subject to the requirement for a realistic tree planting solution for the car park, to compensate for the tree loss.
- 6.17. The current proposals have been developed in consultation with your Landscape and Tree Officers and have been amended since the original submission in response to recommendations made in respect of planting details. Such amendments include the incorporation of more native tree species along the eastern boundary to help reinforce the adjacent river corridor, in addition to more robust shrub planting, alternative trees species for car park planting pits, and the inclusion of 'defensive' evergreen hedging.
- 6.18. Planting has, at the recommendation of the Landscape Officer, been concentrated around the boundaries to the site, where it is considered more likely to survive and will have maximum impact/soften the appearance of the substantial parking area. The landscaping proposals, which include 148 new trees, are considered acceptable in their amended form.
- 6.19. The plaza areas and pedestrian link are to be predominantly hard surfaced in recognition of the need for durability. High quality materials are proposed, the use of which will continue beyond the immediate boundary to the site in order to reinforce the perceived link to the wider centre.
- 6.20. Conditions were imposed at the outline stage in respect of tree protection and works to retained trees. These details will be considered in due course.
- 6.21. I note the comments received from the local community group about the proposed tree planting within the plaza adjacent to Elim Church and implications for the display of public art. Your Landscape Officer has considered this and accepts that

an alternative scheme (with reduced tree planting) could be acceptable, subject to an appropriate treatment of the rear boundary should the artwork not go ahead. The applicant has been asked to consider this alternative amendment. However, the current proposal has been approved previously and, as such, would be difficult to resist should the applicant be unable/unwilling to accommodate changes to the scheme.

OTHER CONSULTATIONS

- 6.21. Regulatory Services, West Midlands Police and the Environment Agency have raised no objection.
- 6.22. The Local Lead Flood Authority have suggested that the level of information submitted is not appropriate. However, the outline consent imposed conditions relating to drainage, with detail currently being considered under discharge of condition application 2016/10141/PA and, as such, I consider it unnecessary to replicate the condition here, or to withhold consent on this matter.

OTHER PUBLIC PARTICIPATION RESPONSES

- 6.23. A number of the comments received relate to the principle of development and not to matters for consideration as part of this application (i.e. scale, appearance and landscaping). Issues including need for/size of store and impact on the centre were considered at the outline application stage.
- 6.24. Concern has been raised about the appearance of the building. Your Urban Designer is satisfied with the proposed appearance of the store (including the intended palette of materials), which it is considered would sit comfortably in its surroundings. A condition is recommended in respect of the store windows to ensure that visibility is maintained from/onto the street frontage.

7. Conclusion

- 7.1. The current proposals, for the landscaping of this phase of the development (including works to the public realm) and for the proposed scale and appearance of the foodstore, are considered acceptable. The proposals would deliver a high quality scheme that would make a positive contribution to, and link effectively with, this part of Stirchley centre and, as such would be in accordance with both national and local planning policy.

8. Recommendation

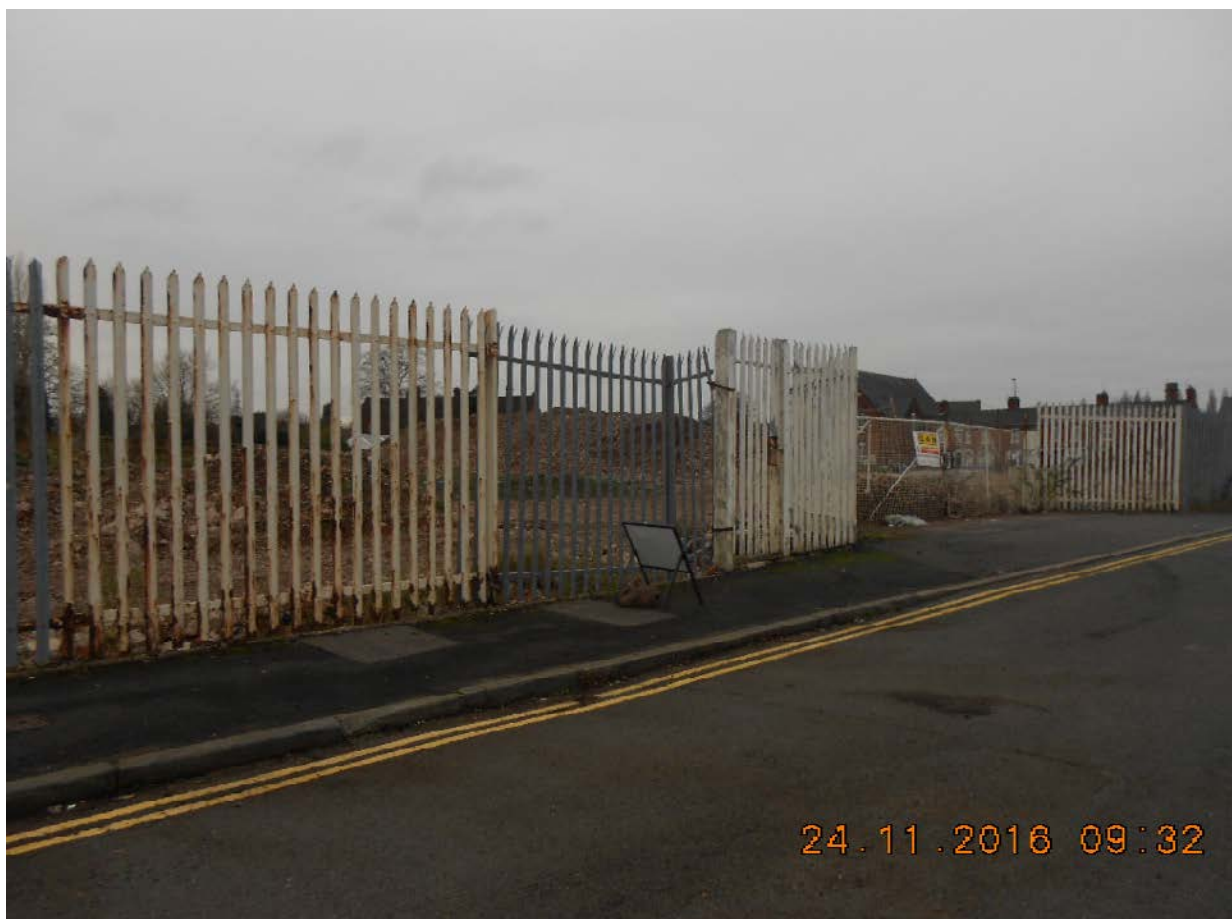
- 8.1. Approve, subject to conditions

1	Requires the scheme to be in accordance with the listed approved plans
---	--

2	Requires the windows to Pershore Road not to be obscured
---	--

Case Officer: James Mead

Photo(s)

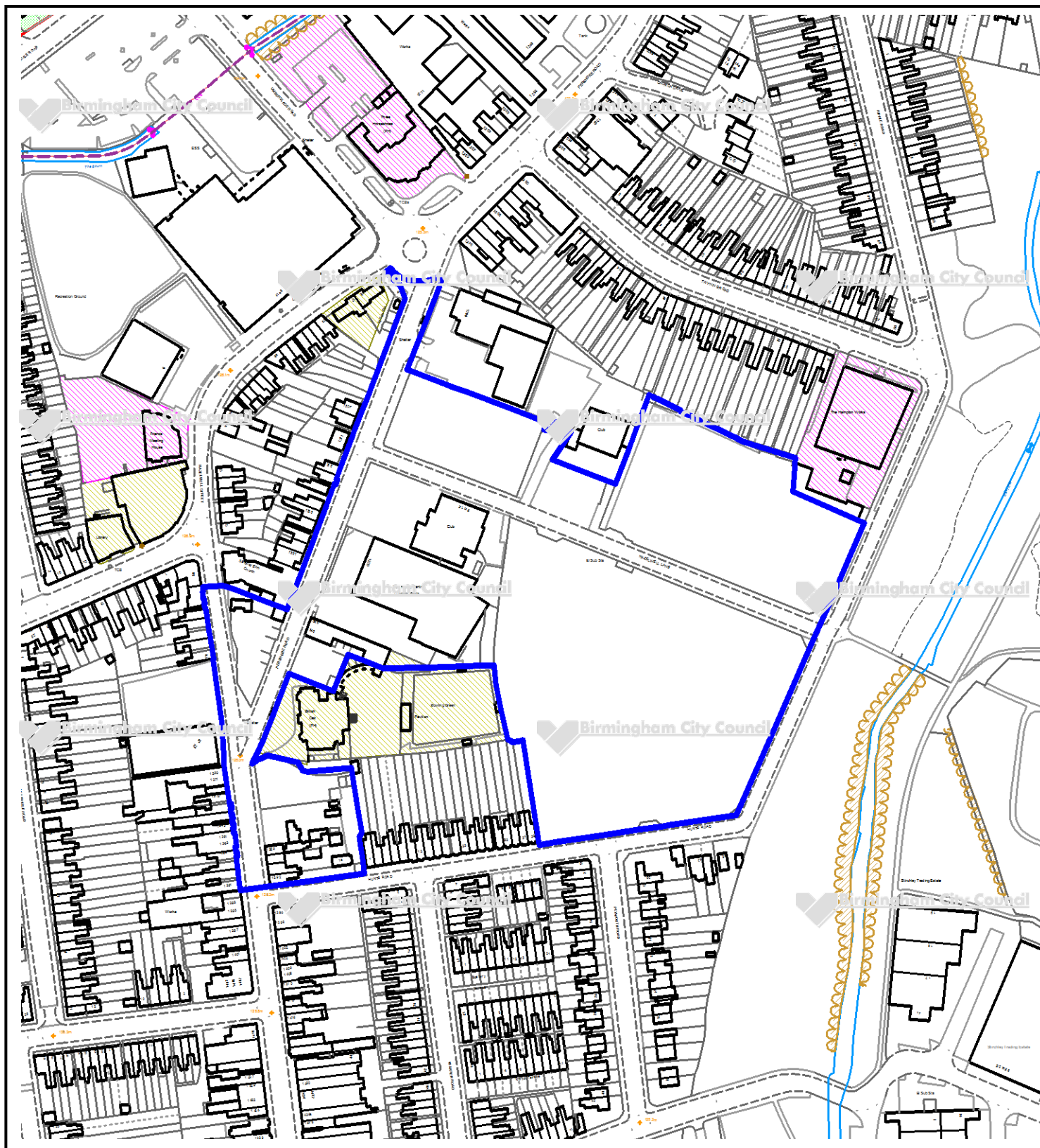


Photograph 1: View of site from North along Pershore Road



Photograph 2: Site at Hazelwell Lane

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:	02/02/2017	Application Number:	2016/09139/PA
Accepted:	07/11/2016	Application Type:	Reserved Matters Development
Target Date:	06/02/2017		
Ward:	Kings Norton		

Land at Redditch Road, Green Lane, Foyle Road and Teviot Grove, Kings Norton, Birmingham

Reserved matters submission for appearance, landscaping, layout and scale pursuant to outline planning permission 2014/09196/PA for the erection of 232 dwellings (Phase II)

Applicant: Kier Living Ltd
Tungsten Building, Blythe Valley Park, Solihull, B90 8AU
Agent: BM3 Architecture Ltd
28 Pickford Street, Birmingham, B5 5QH, England

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This is a reserved matters submission which seeks approval for details relating to appearance, landscaping, layout and scale for the erection of 232 dwellings (Phase II) in conjunction with outline approval (2014/09196/PA) for a mixed use development to include a maximum of 295 dwellings (2, 3, 4 and 5 bedrooms), a neighbourhood park, and 468sqm (GIA) retail space (Class A1/A2/A3). Phase I comprising 58 dwellings is due to be completed in March this year.
- 1.2. The application site forms 7.6 hectares within the wider development site of 10.69 hectares, is irregular in shape and forms two development plots. The northern plot principally fronts Redditch and Foyle Roads, to the north-west and north-east respectively. It includes the future Public Open Space, and borders ARK Rose Academy and the future spine road coming off Redditch Road into the heart of the regeneration area. The southern plot fronts Redditch Road and Green Lane, to the north-west and south respectively. Between the two plots are two further development areas: the Phase I development and a site reserved for future retail development (supermarket).
- 1.3. Access to the site would primarily be from Redditch Road, which runs alongside the north-west boundary. A new spine road would run through the estate from north west to south east, accessed from a new signalised junction at the junction of Redditch Road and Grange Hill Road. This road layout was approved as part of the outline planning permission and sits adjacent to a site (outside of this application) that, as part of the wider redevelopment proposals, is reserved for a larger retail development (supermarket).

- 1.4. The submission seeks approval for the erection of 232 dwellings comprising 98 affordable dwellings and 134 open market dwellings. The open market element would comprise:
- 22, 2 bedroom apartments;
 - 46, 2 bedroom houses;
 - 44, 3 bedroom houses, and
 - 22, 4 bedroom houses;
- whilst the affordable element would comprise:
- 6, 2 bedroom flats;
 - 4, 2 bedroom bungalows;
 - 27, 2 bedroom houses;
 - 37, 3 bedroom houses;
 - 22, 4 bedroom houses, and
 - 2, 5 bedroom houses.
- 1.5. The dwellings would range in height from 1.5 storeys (dormer bungalow) to 3 storey (flats and houses) and would be laid out in perimeter blocks fronting new and existing road layouts. The majority of the affordable homes would be located within the larger development plot to the south that would, in-part, back onto the site reserved for retail development. The open market flats would be located adjacent to the spine road, opposite the site reserved for retail development and turning the corner onto Redditch Road. This site was indicatively previously shown as further (small-scale) retail in the outline planning permission. The dormer bungalows would be located in the development plot to the south of the retail development site.
- 1.6. The two bedroom dwellings would range from 64.4sq.m to 65.8sq.m in size. The three bedroom dwellings would range from 85.1sq.m to 102.6sq.m in size whilst the four bedroom properties would range in size from 116.1sq.m to 125.5sq.m.
- 1.7. The open market apartments would range in size from 59.3sq.m to 65.9sq.m. The apartments would all be two bedroom. The ground floor units would have a small terrace area ranging in size from 4sq.m to 7.7sq.m whilst the units above would have private balconies ranging in size from 4sq.m to 7.2sq.m. No communal amenity space would be provided however, the units would be located adjacent to the new area of public open space.
- 1.8. The six affordable 2-bedroom flats would be in blocks of three storeys in height and would all have an internal floor area of 67.1sq.m. The two ground floor units would have a garden area of 20sq.m whilst the first and second floor flats would have balconies of 4sq.m. A further 239sq.m of amenity space would be provided for use by occupants of the flats equating to 40sq.m per dwelling. 6 parking spaces would be provided at a provision of 100%.
- 1.9. The two bedroom affordable dormer bungalows would have an internal floor area of 82.7sq.m. The two bedroom affordable houses would have a floor area totalling 80.6sq.m and they would be two storeys in height. The three bedroom dwellings would range in size from 93.8sq.m to 97.6sq.m whilst the four bedroom units would all be approximately 115sq.m in size with the five bedroom unit having a floor space of 143.6sq.m.
- 1.10. Rear amenity space would range from 52sq.m to 119sq.m for the two bedroom houses; 70sq.m to 183sq.m for the three bedroom units; 70sq.m to 188sq.m for the

four bedroom units and the two five bedroom units would have a 121sq.m and 131sq.m rear garden respectively.

- 1.11. Separation distances front to front range from 13.6m to 27m; back to back would range from 19.7m to 38m, and back to gable wall would range from 12.m to 24m.
- 1.12. The design of the units would be contemporary in nature and follow the style of development and materials to that utilised on Phase 1 and the BMHT (Birmingham Municipal Housing Trust) sites, all of which have been developed in accordance with the BMHT design principles that include compliance with the Places for Living space and amenity guidelines. Buff/Grey and Red Brick and grey cladding are proposed as the primary materials. Buildings are designed to include details such as pitched roofs, dormer windows, front door canopies, ground floor bay windows and projecting box details around windows. The apartment blocks would have shallower pitched or parapet wall roofs.
- 1.13. 100% parking provision is proposed for both open market and affordable apartments equating to 1 space per 2 bedroom unit. This provision would also apply for the two bedroom affordable houses. All other provision would be at 200% (2 spaces per unit).
- 1.14. Phase I saw the removal of 11 trees of varying categories. Phase II would require the removal of 94 trees and the retention of 22 existing trees. The 94 trees would be of A, B, C and U categories and would include Oak, Ash, Lime, Sycamore and Alder. The proposed landscaping would see the replacement of the 94 trees with 133 new trees including Maple, Silver Birch, Hornbeam, Tulip and Rowan.
- 1.15. The application is accompanied by a Design and Access Statement.
- 1.16. A screening opinion has been undertaken for the proposal and concluded that an environmental impact assessment was not required in this instance.
- 1.17. Site area: 7.6Ha. Density: 30.5 dwellings per hectare.
- 1.18. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The Primrose Estate is situated in Kings Norton, a suburb on the southern edge of Birmingham. It is located off the Redditch Road (A441) which provides access to Birmingham City Centre to the north and the M42 motorway to the south. The development area is 1/2 a mile from Kings Norton Green and nearly 1 mile from Kings Norton train station.
- 2.2. The site primarily fronts Redditch Road to the north-west but would also front Foyle Road to the north; Green Lane to the south and the extended Teviot Grove (under Phase I) to the east. To the south east there is a retained area of housing on Mersey Grove, Medway Grove and Tay Grove. Mersey Grove provides access to garages and on street parking for properties which back onto Mersey Grove. To the centre of the wider regeneration area, the Phase I development site wraps around both the Greenwood Tree Public House and the ARK Rose Primary Academy located on Teviot Grove. To the south off Green Lane is the Bilton Industrial Estate (light industry).

- 2.3. The site has a sloping topography which is orientated down to the South East. Existing housing on the wider redevelopment site is in the process of being cleared, with cleared areas, vacant housing and occupied properties on site. There are significant areas of green space and some trees and hedgerows. Phase 1 is currently under development.
- 2.4. Redditch Road on the western wider site boundary is relatively narrow. It is supplemented by a residential slip road that provides access to existing properties and is used as a bus route. Access to the slip road is from Foyle Road and Redditch Road opposite Burford Park Road.
- 2.5. Foyle Road to the north of the site provides a link between Redditch Road and Shannon Road. Residential development backs onto the north side of the road which is landscaped with a grass verge, clipped hedge and trees, providing an attractive green edge. There is a similar treatment on the southern edge of Green Lane that also provides a link between Redditch Road and Shannon Road, although existing properties here face or side on to a parallel slip road and so are more visible.
- 2.6. Site Location Map
3. Planning History
 - 3.1. 26 May 1994. 1994/01724/PA. Demolition of 4 storey block of maisonettes at Flats 1-8, 42 Leith Grove. No prior approval required.
 - 3.2. 18 January 2001. 2000/05924/PA. Demolition of multi-storey block of flats and clear site at Primrose Tower, Medway Grove. No prior approval required.
 - 3.3. 21 October 2003. 2003/05782/PA. Prior notification of demolition of tower block at 40 Forth Grove. No prior approval required.
 - 3.4. 2 September 2011. 2011/05302/PA. Application for prior notification for the demolition of various properties in Redditch Road, Wansbeck Grove, Vyrnwy Grove and Teviot Road. No prior approval required.
 - 3.5. 21 September 2011. 2011/05687/PA. Demolition of former care home at Norton Grange, 46 Tern Grove. No prior approval required.
 - 3.6. 9 August 2013. 2013/05009/PA. Demolition of 95 Shannon Road; 174 and 230 Redditch Road; 25, 65, 75 and 85 Foyle Road. Prior approval required and approved with conditions.
 - 3.7. 16 June 2014. 2014/03550/PA. Application for prior notification of proposed demolition of 2-24 Dee Grove; 24-38 Medway Grove and 1-37 and 2-44 Tern Grove. Prior approval required and approved with conditions.
 - 3.8. 5 March 2015. 2014/09196/PA. Outline planning permission granted with all matters reserved except access for a mixed use development to include a maximum 295 dwellings (2, 3, 4 and 5 bedrooms), a neighbourhood park and 468sq.m (GIA) retail space (Class A1/A2/A3) at land at Redditch Road, Green Lane, Foyle Road and Teviot Grove.

- 3.9. 10 November 2015. 2015/05998/PA. Outline planning permission granted with all matters reserved for future consideration for the demolition of existing building and erection of 7 dwellings (The Greenwood Public House, Teviot Grove).
- 3.10. 3 March 2016. 2015/09999/PA. Reserved matters approval granted for the erection of 58 dwellings comprising 18, 2 bedroom apartments; 4, 2 bedroom houses; 16, 3 bedroom houses; 19, 4 bedroom houses and 1, 5 bedroom house (Phase 1 development) in accordance with outline approval 2014/09196/PA.
- 3.11. 26 May 2016. 2016/01926/PA. Permission granted for prior notification for the proposed demolition of properties at 1-23 (odds) Ithon Grove, 2-40 (evens) and 1-21 (odds) Leith Grove, 2-22 (evens) Medway Grove, 1-35 (odds) and 2-28 (evens) Swale Grove.
- 3.12. Awaiting determination. 2016/06463/PA. New signalised junction, widening of Redditch Road and the formation of new access road to serve retail and residential development.

4. Consultation/PP Responses

- 4.1. Local residents, Ward Councillors, MP and resident associations notified. 4 Site notices and press notice posted. No comments received.
- 4.2. Local Services – (on outline application) - happy with the overall Public Open Space (POS) within the master plan layout in terms of location and area provided.
- 4.3. Transportation – No objection subject to a condition ensuring that no consent is granted for the spine road and its junction with Redditch Road.
- 4.4. Local Lead Flood Authority (LLFA) – The drainage scheme for this site has been agreed under conditions attached to the outline approval – no objection.
- 4.5. West Midlands Police – No objection.
- 4.6. Regulatory Services – No objection.
- 4.7. Severn Trent Water – No response received.

5. Policy Context

- 5.1. Birmingham Development Plan 2031 (January 2017); NPPF; NPPG; Saved Policy 3.14 (inclusive) of the Birmingham UDP 2005; Places for Living SPG; Public Open Space in New Residential Development SPD; Affordable Housing SPG; Public Open Space in New Residential Developments SPD; Archaeology Strategy SPG; Car Parking Guidelines SPD; and Kings Norton Planning Framework 2009.

6. Planning Considerations

- 6.1. The Primrose estate is currently subject to a large scale clearance programme of existing housing, which dates from the 1960-1970's. The housing was and is concentrated in linear blocks with a prevalence of maisonettes and terraced housing. Properties were/are set within extensive sloping grassland with intermittent mature trees. There is also an attractive tree-lined hedgerow edge to Redditch Road. Although planned around what could be pleasant landscaping, the existing housing was not designed to respond or front onto this space. The existing

orientation and layout of the dwellings instead created a disconnected road network, segregated and open secluded footpaths, exposed private rear gardens and poor definition between public and private spaces. This has resulted in poorly surveyed public and private spaces, poor security for private spaces and homes, and contributes to a reduced outlook from most properties despite the opportunities afforded by the sloping topography and the green spaces.

- 6.2. Outline planning permission with all matters reserved except access was granted in March 2015 for a mixed use development to include a maximum 295 dwellings (2, 3, 4 and 5 bedrooms), a neighbourhood park and 468sq.m (GIA) retail space (Class A1/A2/A3) at land at Redditch Road, Green Lane, Foyle Road and Teviot Grove. The Phase 1 development of 58 dwellings was granted planning permission in March last year. The proposed Phase 2 development of 232 dwellings would be in accordance with the outline planning permission granted in 2015 and as such the principle of development has been previously established.

Policy

- 6.3. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Planning is required to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It should also encourage the effective use of land by reusing land that has been previously developed and focus development in locations that are sustainable and can make the fullest use of public transport walking and cycling. The NPPF seeks to boost the supply of housing and seeks the delivery of high quality housing that is well designed and built to a high standard; a mix of housing, particularly in terms of type and tenure to create sustainable, inclusive and mixed communities.
- 6.4. The BDP emphasises the importance of the City's housing policies in contributing to the strategy for urban regeneration and economic revitalisation, and states that one of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City. Policy TP32 identifies the Kings Norton Three Estates (including Primrose) as one of the initial priorities for housing regeneration in the City.
- 6.5. The BDP also aims to create a more sustainable pattern of development by re-using brown field sites in suitable locations with good access to jobs, shops and services by modes other than the car. It requires that that new housing developments should provide an appropriate environment (Policy TP27), a suitable housing density and mix (Policy TP30) and encourages a full range of housing types. Policy TP30 identifies that densities of at least 50 dwellings per hectare will be sought in areas well served by public transport, with 40 dwellings per hectare elsewhere. The saved Paragraph 3.14 (inclusive) of the UDP identifies that new housing development should be designed in accordance with good urban design principles.
- 6.6. The BDP (Policy TP9) outlines the requirement for the provision of public open space generated by new residential development. It encourages provision within site boundaries and aims to achieve the provision of children's play facilities within 400 metres safe walking distance of all dwellings. This advice is reflected in 'Public Open Spaces in New Residential Development' (adopted as SPD in 2007).
- 6.7. The Kings Norton Planning Framework supports the policies within the BDP and identifies key design, land uses, open space and access principles to guide the detailed site redevelopment.

Scale, Layout and Design

- 6.8. The Kings Norton Planning Framework envisaged that the entire redevelopment area would be developed with about 530 new homes at a density of at least 40 dwellings per hectare. This reserved matters submission for Phase 2 proposes 232 dwellings on 7.6 hectares of a wider 10.69 hectare site within the Primrose Estate taking the total number of dwellings to 290 against the outline approval of 295. The density proposed for Phase 2 is 30 dwellings per hectare. Given the significant constraint of varying site levels, I consider the density proposed to be acceptable and in general accordance with policy.
- 6.9. The mix of dwelling types and sizes proposed would meet the aim of the BDP for a variety of housing. The housing mix for phase I comprises:
- 45% 2 bedrooms,
 - 35% 3 bedrooms,
 - 19% 4 bedrooms, and
 - 1% 5 bedrooms.
- Overall, the two phases would deliver
- 44% 2 bedroom properties,
 - 33% 3 bedroom properties,
 - 22% 4 bedroom properties, and
 - 1% 5 bedroom properties.
- The two bedroom dwellings proposed would be provided as a mix of houses and flats.
- 6.10. In terms of affordable units, Phase II would deliver 42% of its total as affordable, whilst Phase I delivered 81% affordable. Overall, across both phases, the development would deliver 50% affordable housing, as envisaged in the Outline consent.
- 6.11. The Kings Norton Planning Framework also provides urban design guidance, including a Proposals Plan suggesting how the Estate could be redeveloped. The Proposals Plan shows the houses in perimeter blocks fronting new/existing access roads. The Phase II layout proposed broadly reflects the Kings Norton Planning Framework Proposals Plan, whilst the indicative master plan for the wider site redevelopment identifies the new neighbourhood park in a slightly different location. The Framework also identifies a site fronting Redditch Road for a larger retail development (for which a planning application has yet to be submitted). The 232 dwellings proposed generally follow the indicative layout that was assessed as part of the previous outline planning permission. Dwellings would front the principal existing streets and the extended Teviot Grove and would back onto existing housing/the proposed retail development site. Where possible, development has been set as a perimeter blocks. This would be in accordance with the Framework and Places for Living SPG.
- 6.12. BMHT developments are designed to work with the existing opportunities and constraints of a site. There is a presumption in favour of working with the topography of a site, in this case to provide vistas and views across the valley. The Kings Norton Framework establishes a broad context for the redevelopment of Primrose Estate, particularly the location of a new local centre including a supermarket and the position of the new link road across the site between Redditch Road and Shannon Road. These set a baseline for the proposed development layout.

- 6.13. The proposed Phase II development would have separation distances and rear amenity areas that would comply with the guidelines in Places for Living. The units would meet or exceed the national space standards for rooms and overall dwelling sizes, which although not yet adopted by the Council, do provide a useful yardstick to judge the adequacy of accommodation size.
- 6.14. The proposed development aims to be sensitive to the context of the surrounding area and appropriate to its character. The architectural style would be contemporary in nature (as per the majority of BMHT developments). Existing elements of the estate which sit outside the development area and are to be retained comprise terraced and blocks of houses with duo pitch roofs of concrete tiles. These elevations have a mix of materials used including brickwork, pebble dashed concrete, hung tiles, timber cladding and UPVC fascia cladding. Off and along Redditch Road, red brick and white render are the predominant building materials, and pitched roofs and garages are standard characteristics of the properties. For the proposals, brick and cladding would be the primary materials used. Buildings are designed to include details such as dormer windows, front door canopies, ground floor bay windows and projecting box details around windows. A pallet of two primary types of brick is proposed - one red, another Buff / grey. The option of a third blue/ black brick may also be used to accentuate landmark buildings. Delineation of the facade with an alternate material to the upper story is also proposed on a number of the proposed houses. Roof profiles would include front gables on some houses. A palette of two roof tiles/colours would be used with a potential alternate roof covering on feature/ landmark buildings. No details have been submitted regarding the use of materials other than the general information outlined. As such, I am unable to agree materials for the approval of condition 24 in relation to the outline approval.
- 6.15. The indicative master plan layout highlights a site reserved for a 'local centre' larger retail development sited in accordance with the Kings Norton Planning Framework, and a site for a new neighbourhood park. The neighbourhood park is identified in the Framework as more centrally located within the Estate, and is now shown located just a little further north, situated between the new spine road and the existing Foyle Road. The 1.4Ha neighbourhood park, proposed as one space, would replace pockets of open space located throughout the Estate. Neither the retail development (for which planning permission has not been applied for), or the neighbourhood park (agreed in principle as part of the outline planning approval) form part of this Phase Two submission although the park is included for completeness within the red line boundary. The applicant would provide the required site drainage and balancing pond in the park area but the delivery of the park following a further Reserved Matters application remains the responsibility of the Council's Local Services. The final delivery of the park is secured by a condition attached to the outline consent however, for the avoidance of doubt, a condition is recommended to define that no consent is granted for the park by way of this current reserved matters submission.
- 6.16. Whilst the open market flats have no amenity space proposed aside from a terrace/balcony; their location is adjacent to the proposed neighbourhood park and as such, I consider this to be acceptable. The open market flats are sited where, under the indicative outline layout, a small area for retail shops was proposed. Since obtaining outline approval for this area of retail (468sq.m), it has subsequently been deemed unviable to deliver due to leasing/ownership; mortgage and other issues including being located opposite the site reserved for a much larger retail development.

- 6.17. Extensive pre-application discussions have been undertaken with City Design colleagues and the layout submitted represents the result of these discussions. The layout identifies that the requirements of Places for Living would be met. As such, my design officer raises no objections on design, scale and layout issues. I concur with this view and recommend an obscure glazing condition for all dwellings with side facing windows.

Access

- 6.18. Access has previously been agreed in the outline planning permission and secures a new signalised junction at Redditch Road and Grange Hill Road, which would add a new arm to serve the proposed development spine road, and provide one lane entries to the new site access and Grange Hill Road. The Redditch Road arms and new spine road would be provided with a right turn lane, in addition to ahead/left lanes. An all movement access to the Doctors Surgery on the western corner of the junction would be maintained. As part of the wider development proposals, the spur of Redditch Road, which runs alongside but does not form part of the A441, would be incorporated as a new estate road and to the east, the proposed spine road would form the minor arm of a priority controlled junction. A number of stopping up orders would be required across the redevelopment area and these are currently being assessed with Transportation.
- 6.19. A number of small amendments to the road layout previously approved are sought as part of this Phase II submission. These include
- a) A new vehicle turning head to Medway Grove to allow for refuse vehicle access to existing properties. Medway Grove would terminate with vehicle bollards and a raised kerb strip to allow pedestrian connectivity but prevent vehicle access into the Phase 1 site area.
 - b) Shared surface roadways would be widened to 5.5m carriageways with a 2m footpath to each side.
- 6.20. In respect of Phase II; Transportation raises no objection to the proposed housing layout and its access roads. They do note that the spine road as shown, whilst having outline planning permission has no detailed consent and that detail has not been submitted as part of this submission but forms part of a road application awaiting determination. I concur with this view and recommend a condition below that defines this permission as not including the details of the spine road and its junction.

Landscaping

- 6.21. Both during pre-application discussions and following submission both landscaping and tree protection have been an important consideration for the development of this site and the wider redevelopment site.
- 6.22. Phase I saw the removal of 11 trees comprising 1 Category A, 2 Category B, 5 Category C and 1 Category U. Phase 2 would require the removal of 94 trees comprising Category A, B, C and U trees. Your Arboricultural Officer has been involved in discussions regarding the loss of trees and the proposed development layout. Whilst the loss of the trees is regrettable, their loss is required to deliver the site-wide regeneration and housing proposals. However, the proposed landscaping proposals would see 133 new trees being provided in a variety of native species. Amended landscaping proposals have been submitted during the course of the application that have amended the proposed species and position of new trees within the proposed front gardens of the new properties as per your landscape

officer's recommendations along with boundary treatment proposals. As such, the site layout, car parking areas and landscaping proposed are considered acceptable.

Other Issues

- 6.23. Air Quality, Ecology, Flood Risk, Noise and Contaminated Land were all considered during the outline planning application and led to a number of planning conditions being attached to the outline approval. No information has been submitted through this Reserved Matters submission to have these relevant details agreed at this stage. Discharge of condition applications have been determined in respect to these conditions. In relation to Education, this was addressed in the outline planning approval where it was agreed that a financial contribution was not required in this instance as the Primrose Estate redevelopment would replace existing residential development at a lower density and therefore have less impact than the existing estate generated.

Community Infrastructure Levy (CIL)

- 6.24. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. The redevelopment of the site for housing accords with both national and local planning policy. The proposal is consistent with the key objectives of the BDP and the Kings Norton Planning Framework and would deliver the attractive, quality neighbourhood envisaged. The proposed mix of dwellings, tenures and house types would help to provide a balanced community and widen the choice of property available on the estate. The Phase Two layout and design are acceptable and appropriate for the area and would deliver a significant contribution to meeting the City's housing needs.

- 7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would see a redevelopment of an existing housing estate for new residential development and which would in turn provide economic and social benefits for the existing and new residential occupiers, whilst supporting the provision of local employment in construction and does not have an environmental impact, I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

- 8.1. That approval is given to the reserved matters of appearance, landscaping, layout and scale as they relate to outline planning permission 2014/09196/PA, covered by reserved matters application 2016/09139/PA, subject to the conditions set out below.

-
- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 3 | Requires the prior submission of details of a communal satellite dish |
-

4 No consent granted for new spine road and its junction with Redditch Road.

5 No consent granted for the neighbourhood park.

Case Officer: Pam Brennan

Photo(s)



Photograph 1: View of application site from Teviot Grove – looking south towards housing accessed from Green Lane



Photograph 2: Looking South East - Existing Housing on Foyle Road – to be demolished/under demolition.

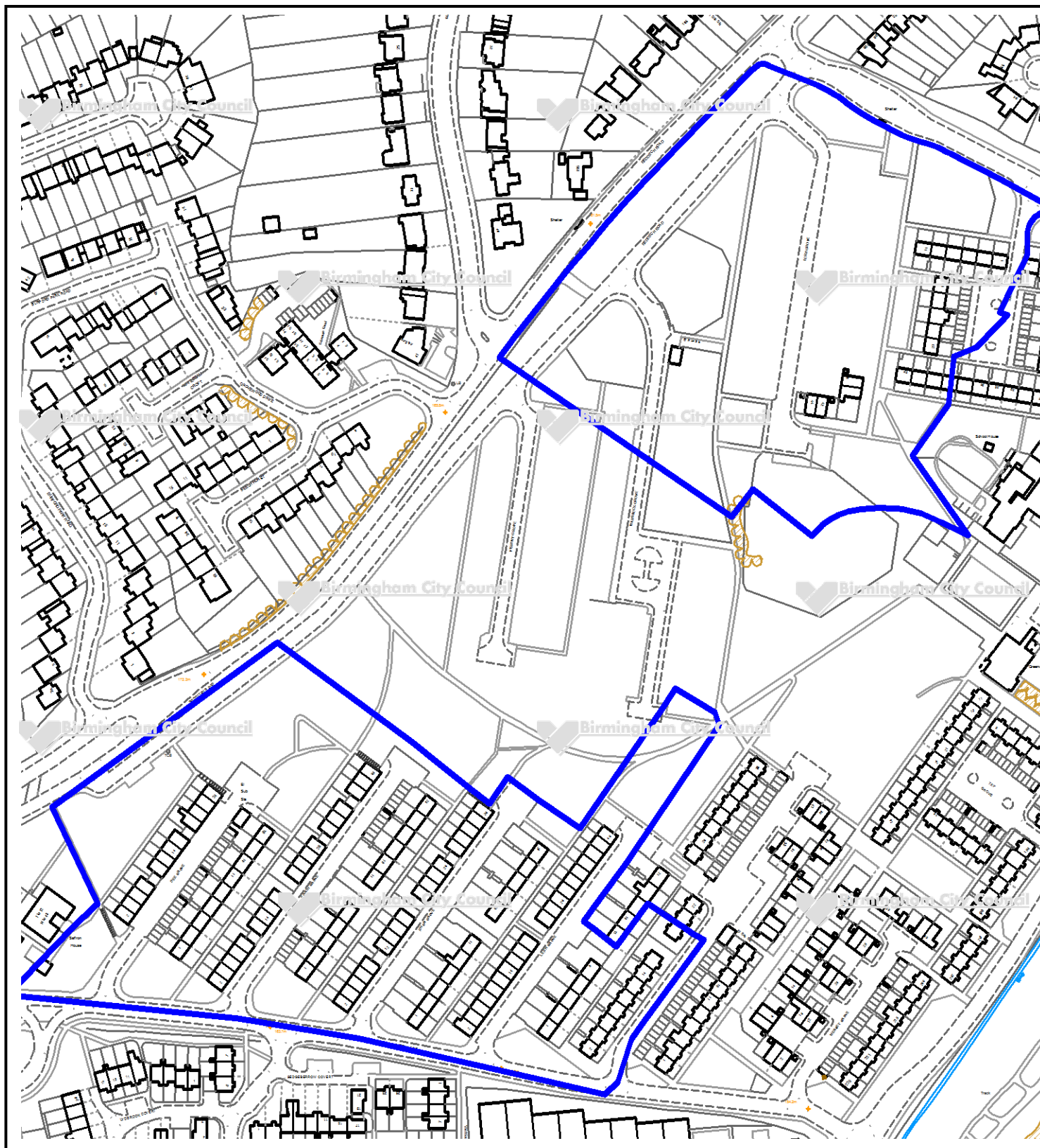


Photograph 3: View looking east down Green Lane – housing to be demolished/under demolition



Photograph 4: View across site looking north-east

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:	02/02/2017	Application Number:	2016/09031/PA
Accepted:	02/11/2016	Application Type:	Full Planning
Target Date:	28/12/2016		
Ward:	Harborne		

Bottle Cottages, 4 Humphrey Middlemore Drive, Harborne, Birmingham, B17 0JN

Erection of two storey extension to create 3 self contained residential apartments

Applicant:	Lister Property 143 Metchley Lane, Harborne, Birmingham, B17 0JL
Agent:	Studio 27 Architects The Studio, 27 Gleneagles Drive, Blackwell, Bromsgrove, Worcestershire, B60 1BD

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application proposes the erection of an extension to the existing Bottle Cottages, 4 Humphrey Middlemore Drive, to provide 3 additional self-contained apartments.
- 1.2. Bottle Cottages currently comprises ten 1-bedroom apartments and two 2-bedroom apartments. The proposed extension, which would be linked to the main building, would provide an additional three 1-bedroom apartments.
- 1.3. The extension would be located to the west of the existing building on the Humphrey Middlemore Drive frontage. It would be erected on the site of one of the two existing parking areas within the application site, removing six parking spaces. Three of those spaces would be laid out instead to the front of the proposed extension, so the overall loss would be three spaces. The existing parking area to the front of the building facing Metchley Lane would continue to provide 8 parking spaces. This means a total provision of 11 spaces for 15 flats: 73%.
- 1.4. Externally, the extension would follow the traditional design of the original cottages in the streetscene, with brick elevations, eaves detailing and relatively small window openings. However the elevation facing into the application site would be more contemporary with larger glazed openings. To the front it would be two storeys, to the rear a flat roof single storey building would be provided, with rooflight and sedum roof.
- 1.5. The ground floor would measure approximately 7m wide at the front and 10.4m to the rear, with the building having a total height of 6.5m (two storey) and 2.8m (single storey) and would comprise on the ground floor; two apartments (50.9sqm and 56.2sqm) each with a combined kitchen, diner, lounge and a bedroom and shower

room, each with its own external front door. A staircase positioned between the two ground floor apartments would lead up to the first floor where there would be a further one bed apartment (59.1sqm) again with a combined kitchen, dining, lounge area, and bedroom with shower room.

- 1.6. Site area: 0.14ha Density: 107dph
- 1.7. This application follows the refusal of application 2015/01443/PA which proposed an extension to provide four new apartments and was refused on the grounds of poor design, detrimental impact on existing nearby and future occupiers amenity and impact on highway safety. The main changes with this revised application being the reduction in the number of apartments and improvements to the design of the extension.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site currently comprises a development of 12 apartments within what was originally a farmworker's cottage but through significant extension work and subdivision is now a modest apartment block.
- 2.2. It is located within an area of mixed residential development including Victorian terraces, 1970s dwellings, and low level apartment blocks. Land levels fall from north to south, and from east to west, i.e. no. 6 Humphrey Middlemore Drive is at a lower level, with the site frontage falling west along this road. No. 6 is a bungalow.
- 2.3. The Queen Elizabeth Hospital and the Birmingham Women's Hospital are located on the opposite side of Metchley Lane and one of the main vehicular entrances is almost directly opposite the application site. A residents' parking permit scheme operates on Metchley Lane and Humphrey Middlemore Drive.

[Location map](#)

3. Planning History

- 3.1. 10/10/1997 – 1997/03205/PA Alterations to 143 Metchley Lane to form a one bedroom dwelling and conversion of 145 Metchley Lane from 4 bedsits to form 3 self-contained units – Approved with conditions.
- 3.2. 02/03/2000 – 1999/03801/PA Erection of 2-storey extension to provide 6, 1-bedroom flats, forming a courtyard development – Approved with conditions.
- 3.3. 31/12/2002 – 2002/04837/PA Erection of two one bedroom flats (Use Class C3) – Approved with conditions.
- 3.4. 02/11/2005 – 2005/05756/PA Erection of single storey rear extension – Approved with conditions.
- 3.5. 27/10/2014 – 2014/07550/PA Pre-application enquiry for the erection of an extension to provide five apartments – Advice given: Likely to be unacceptable intensification of the site with 13 flats making use of 5 parking spaces. Retained amenity space likely to be compromised by the relocated car park. Negative impact of extension on streetscene and dominating effect on adjacent property. Scheme is

based on occupants working at the QE and not having a vehicle which cannot be controlled. No layout plans provided.

3.6. 27/04/2015 – 2015/02313/PA Pre-application advice for construction of additional residential units – Insufficient information provided to comment.

3.7. 26/01/2016 – 2015/01443/PA Erection of extension to provide four one-bedroom apartments. Refused.

4. Consultation/PP Responses

4.1. Transportation Development: No objection, subject to conditions for secure and sheltered cycle storage and footways crossing to be extended to City specification at the applicant's expense.

4.1. Regulatory Services: No objection.

4.2. West Midlands Police: No objection.

4.3. Local Councillors, MP, Residents' Associations and the occupiers of nearby properties have been notified of the application. A site notice has also been posted.

4.4. Responses received from 4 surrounding occupiers (the number of letters received is 9, however some are duplicates from the same occupier or are copies of those received for the 2015 application). Objections are made on the following grounds are made;

- Insufficient parking already and would be exacerbated
- Inadequate parking would be provided on the site
- The parking will interfere with the existing residents parking permit scheme.
- Overlooking of surrounding houses
- Overbearing and overshadowing impact on No. 6 Humphrey Middlemore Drive
- Loss of outlook from No. 6
- Loss of light to Nos. 6 and 8 Humphrey Middlemore Drive
- Increased intensity/density of the development – overdevelopment of the site
- Size and scale out of keeping with the area and neighbouring properties.
- Loss of green space/garden which is character of the residential nature of the area.
- Loss of residential amenity for occupiers of No. 6 and harmful to quality of life.
- Development is contrary to Paragraph 60 the NPPF.
- The parking survey information is misleading.
- Concern about pedestrian safety, especially for vulnerable residents and visitors to the QE Hospital.

5. Policy Context

5.1. The Birmingham Development Plan (BDP) 2017; The Birmingham Unitary Development Plan (UDP) 2005 (saved policies); SPG Places for Living 2001; SPD Mature Suburbs 2006; SPD Car Parking Guidelines 2012; NPPF; NPPG; Technical Housing Standards – Nationally Described Space Standard 2015.

6. Planning Considerations

Principle/policy

- 6.1. The application site is already in residential use and in principle the addition of further residential units would be acceptable, making more efficient use of a site which is well-served by public transport and with good access to shops, services and employment in the nearby Selly Oak district centre and at the QE Hospital site. In this respect the proposal would accord with policy TP28 of the Birmingham Development Plan, with respect to the location of new housing. At 107 dwellings per hectare, the increased density would significantly exceed the 50dph expected in areas with good access to public transport and will only be acceptable if the impacts on the locality of high density living are judged to be satisfactory.

Design and impact on the character of the area

- 6.2. The applicant has engaged with the local planning authority to overcome the concerns of the previous application. Meetings with Planning Officers and Urban Designers have resulted in this revised application and it is noted that efforts to continue the overall design style established by the existing development on this site have been made. This revised scheme overcomes the previous concerns in the following ways;

- Previously the extension filled the gap between the end of the existing wing (No. 10 Bottle Cottages) and No. 6 Humphrey Middlemore Drive; it was considered that this would have given the site an intensive appearance relative to the rest of Humphrey Middlemore Drive, which has an open, spacious feel with open plan frontages and grass verges. Now the extension is reduced in width at two storey level to the site's frontage and maintains a gap between the end of the wing and No 6 Humphrey Middlemore Drive to ensure some of the spacious open plan character is maintained.
- The position of the proposed extension is stepped back from the existing frontage, whereas previously it was 2.3m forward of the front elevation of Bottle Cottages and 2.8m forward of the front elevation of No. 6 Humphrey Middlemore Drive. This means the extension would not have an overly dominant or prominent appearance with the streetscene.
- The extension has not altered its height and therefore is still taller than the bungalow at No. 6 Humphrey Middlemore Drive, which is 4.2m tall. However, moving the extension away from no. 6, the extensions' set back and simpler roof design, would no longer draw attention to this height difference. Within the site, the extension would follow the falling ground level and so have floor level, eaves and ridge all lower than the existing building.
- The reduction in the two storey element projecting forward of No. 6's front elevation and no further beyond its rear elevation reduces what was a long side elevation that would have been appreciable in the streetscene. This is now limited to a depth of 10m, typically of a number of properties in the area and as such do not considered it would be over-dominant when viewed from within the curtilage of No. 6.
- The detailed elevational design seeks to replicate the style of the existing cottages, eg the sill and brick details around the windows, which was not previously.
- The proposed east elevation facing into the site and the south elevation facing into the communal garden, have a more contemporary design, as previous, however removal of parking at this location would no longer result in vehicles moving very close to the front doors of the flats and there would no longer be detriment to residents amenity due to this issue.

- 6.3. Taking account of all of these factors and the changes that have occurred, I consider the proposal would no longer appear as a prominent or incongruous feature within

the streetscene. The extension would not be considered overdevelopment and would fit comfortably to the side of the existing site and would have no detrimental impact on visual amenity.

Residential amenity for occupiers at the application site

- 6.4. For prospective occupiers of the proposed flats, the government's *Technical Housing Standards – Nationally Described Space Standards* document seeks to ensure a consistent approach to the size of habitable spaces across the country. Although these are not yet adopted locally, they nevertheless provide a useful yardstick for judging adequacy of accommodation size. For a 2 person, 1 bed dwelling it is recommended that 50sqm of space is provided.
- 6.5. The proposed apartments are shown with two bedspaces each. All three flats exceed the 50sqm recommended. Previously, it was considered that the apartments were not well planned. However, now, bedrooms are all of an appropriate size and there is adequate space with the open plan areas for additional furniture and storage if required.
- 6.6. Concerning amenity space, this would reduce from 403sqm to 360sqm while the number of units would increase from 12 to 15. Per flat this would be a reduction from 33.5sqm to 24sqm, bringing the amount of amenity space in a communal context to below the recommended 30sqm per unit in *Places for Living*. Notwithstanding this, I note the site is close proximity and reasonable walking distance to areas of open space, including Grove Park to the west and as such I do not consider this matter alone sufficient to warrant refusal of this application.
- 6.7. For existing residents within the application site, there would be approximately 17m between existing habitable room windows and the east elevation of the proposed block. This exceeds the 12.5m recommended in *Places for Living* and I would not expect the proposed building to have an unduly overbearing impact on existing residents.
- 6.8. With respect to the 45degree code, there would be no breach to the first floor windows of the existing flats. At ground floor, I note that an existing window would be relocated from the side (west) elevation to the rear elevation of existing flat number 9. and there is an existing patio door to no. 9. The single storey element of the extension would breach the 45degree code to both these windows (6.9m and 5.3m respectively). However, of note in this particular instance is the land level difference across the site, which results in the existing windows sitting partially above the flat roof line of the extension. As such, the level of overshadowing and loss of outlook would be significantly reduced than if the extension were at the same level as the existing flats. This mitigating factor leads me to consider that in this instance, although there is a breach of the 45 degree line, there is not a significant effect on light and so this is not a matter which warrants the refusal of the application. I note no objections have been made by occupiers of the two nearest flats.

Residential amenity for existing residents adjacent to the application site

- 6.9. The most directly affected residents would be the occupiers of No. 145a Metchley Lane and No. 6 Humphrey Middlemore Drive. The only impact on No. 145a Metchley Lane would be from overlooking of the rear garden from the proposed first floor window in the south-facing elevation. This window would be 17m from the boundary with No. 145a's garden, a distance which exceeds the *Places for Living* guideline of 10m and I do not consider undue overlooking would occur.

- 6.10. The potential impacts on No. 6 Humphrey Middlemore Drive would be threefold:
- 45 Degree Code: The proposal complies with the Code and the impact on light to habitable room windows on the front and rear of No. 6 would be acceptable.
 - Overlooking: There are habitable room windows in the proposed west-facing elevation which would be located between approximately 3.3m and 5.5m from the shared boundary. These windows would face the side elevation of No. 6 and would not cause a loss of privacy.
- 6.11. Overbearing impact: The ground level within the application site is approximately 1m higher than the ground level of No. 6. Previously, given the extensive two storey block, together with the additional 1m ground level and its significant protrusions beyond the front and rear elevations of No. 6, it was considered the extension would have had an unacceptable overbearing impact. However, the reduction of the two storey element, its set back and that it no longer protrudes beyond the rear elevation at two storey level, reduces the impact and I do not consider there would be an overbearing impact as a result of this revised scheme.
- Parking and highway safety*
- 6.12. The site currently has two separate areas of on-site parking – 8 spaces on the Metchley Lane frontage and 6 spaces to the rear accessed off Humphrey Middlemore Drive. The proposed extension would be built on the rear car park and 3 of the parking spaces would be relocated to the front of the proposed extension. Overall there would be a reduction in the number of on-site parking spaces from 14 to 11 while the number of dwellings would increase from 12 to 15. This equates to a reduction in provision across the site from 116% to 73%.
- 6.13. The proposed parking provision is low, especially given that demand for on-street parking is high to the extent that a residents' parking permit scheme is required. However, Regular buses & trains are noted to run within reasonable walking distance of this site throughout the day.
- 6.14. Details submitted in support of this revised application, provides yearly figures and detail from 2010 to the current situation, on where tenants are employed and car ownership levels. It is clear, year on year that the majority of residents are associated with the nearby Queen Elizabeth hospital or Birmingham University, both of which are within short walking distance. There has been a reduction in those requiring parking at the site, with only 4 of 12 residents in 2015 stated to be taking up a space.
- 6.15. It is noted that there has been objection to this proposal on transportation and highways grounds, particularly in relation to the view that there is insufficient parking provision. The supporting information details that most residents choosing to live here, do so because of the close proximity to the hospital and university, with the majority over the 6 detailed years working at these locations. Given this, the stated low demand for parking would appear realistic. While the public responses question the accuracy of the existing demand, it is clear that the need for off street parking is relatively low. National Planning Policy Framework states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.' While the resulting parking provision of 73% is low it is not considered the impact would be severe. Given on street parking options are so limited here, with residents parking permits required along Humphrey Middlemore Drive, there is no reason to believe that the detailed trend in reduced requirement for parking here would alter. The good public transport links is

acknowledged, along with the proposed installation of secure and sheltered parking for cycles.

- 6.16. The practicality of the frontage parking area off Metchley Lane has been questioned an amended plan has been submitted to remove the curved wall to allow increased space to park within this space and this area is now considered suitable. In addition, bin stores are provided to the rear, whereas currently they occupy space upon the frontage.

6.17. *Other matters*

One objector makes reference to paragraph 60 of the NPPF noting that it is “proper to seek to promote or reinforce local distinctiveness”. They consider that this proposal constitutes overdevelopment, and that the removal of the important gap between properties conflicts with local distinctiveness and thus the NPPF and therefore should be refused. However, I have detailed elsewhere in this report that the development no longer conflicts with local distinctiveness and would now meet with the three strands of sustainable development (Economic, Social and Environmental) and as such consider there are no reasons to withhold consent on this occasion.

6.18. *Community Infrastructure Levy*

The development is liable for CIL. The submitted application plans indicate that the net floor area of the development would be 170sqm GIA. This would equate to a payment of £11,730.

7. Conclusion

- 7.1. There is no objection in principle to the development of further flats at this residential location. The development would provide additional housing in a sustainable location and would make a small contribution to meeting the City's housing supply. The revised scheme is well-designed and would no longer detrimentally impact on the amenity of surrounding residents.

- 7.2. As such, I do consider the proposal represents sustainable development and application should be approved subject to the attached conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of boundary treatment details |
| 3 | Requires the prior submission of sample materials |
| 4 | Requires the prior submission of level details |
| 5 | Requires the prior submission of hard and/or soft landscape details |
| 6 | Requires the prior submission of cycle storage details |
-

-
- | | |
|---|---|
| 7 | Requires footway crossing to be extended to city specification. |
| 8 | Requires the provision of vehicle charging points |
| 9 | Implement within 3 years (Full) |
-

Case Officer: James Mead

Photo(s)

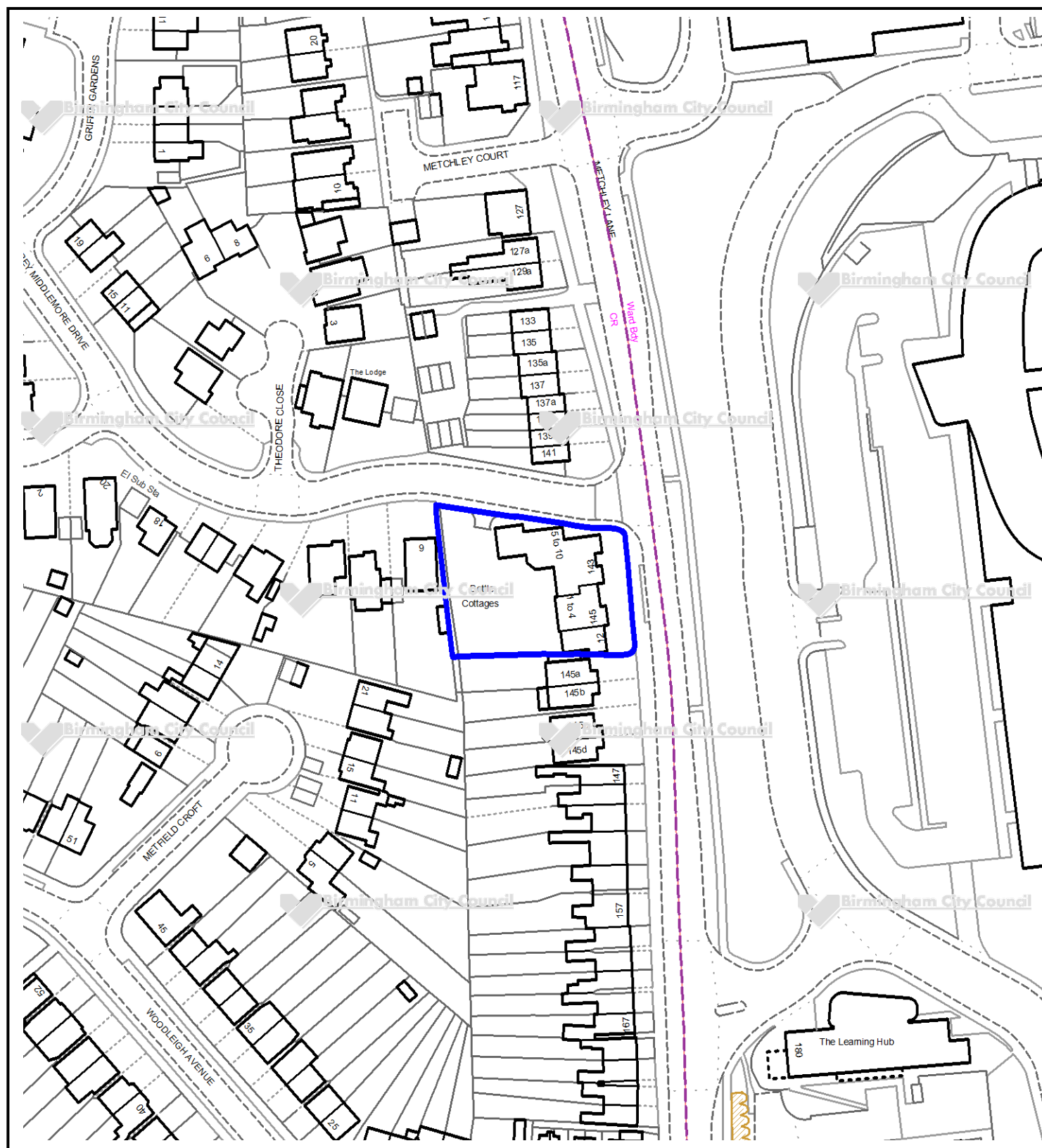


Photograph 1: Front of site and location of extension



Photograph 2: Rear elevation of existing building

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:	02/02/2017	Application Number:	2016/03946/PA
Accepted:	09/12/2016	Application Type:	Full Planning
Target Date:	03/02/2017		
Ward:	Selly Oak		

1135-1137 Pershore Road, Selly Oak, Birmingham, B30 2YJ

Erection of single storey extension and retention of workshop building

Applicant:	Mr Nissar Hussain 1135-1137 Pershore Road, Selly Oak, Birmingham, B30 2YJ
Agent:	Arcon Architects 250 Walsall Road, Birmingham, B42 1UB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is for the erection of a single storey extension and retention of existing workshop building at the existing scrap yard at 1135-1137 Pershore Road, Stirchley.
- 1.2. The single storey extension would be to the side of the existing building (no. 1135), would front Pershore Road, would be 3.6m wide and 9.4m in length. It would have a pitched roof to height of 4.7m. It would be constructed with brick, with a tiled roof to match the existing building. The side elevation would have metal roller shutters. Internally, it would be used for the storage of car parts that have been removed from vehicles that are dismantled at the site.
- 1.3. An existing workshop building to the rear, which does not benefit from planning permission, would be retained, with alterations to improve its appearance. It is 9.9m wide and 6.6m deep. It is 4.5m high with a shallow mono pitched roof. Vertical timber panelling would be added and rendering to existing blockwork would take place. The workshop would be used for car dismantling, where end of life cars would be bought. Engine oil, batteries and brake fluid would be removed and stored in secure containers. This waste would then be collected by specialist and disposed of according to Environmental Regulations. Still viable parts are removed and stored in the above mentioned storage area and sold on. The applicant has confirmed that approximately 70% of parts sold from the site are through internet sales, where orders are placed online and delivered to customers. Approximately 30% of custom is from people coming to the site. It is expected that on an average day no more than 10 customers would visit the site.
- 1.4. The existing building (no. 1135) would provide offices, staff facilities and customer waiting areas, with an entrance directly from the Pershore Road frontage.
- 1.5. Scrapped vehicles are stored at the rear of the site. No more than 3 cars can be stacked on top of each other in line with the site's 'End of Life' license. The skeletons of the cars are sold on as scrap metal.

- 1.6. The site has no restriction on its opening hours, which are 8am and 6pm Monday to Saturday.
- 1.7. There would be 4 full time staff members employed.
- 1.8. 5 customer and staff parking spaces are provided within the site.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to an existing scrap yard at 1137 Pershore Road, Stirchley. The site, which is flat, fronts onto Pershore Road and has vehicle access from it. A single storey building to the rear and a side extension to 1135 Pershore Road have recently been removed from the site and a new (unfinished) structure has been constructed towards the rear of the site.
- 2.2. To the south of the site is an area of land, which appears to have been vacant for some time. It was overgrown with trees and vegetation, however has been cleared and is now empty. Beyond this there are residential properties. There are also residential properties to the rear (west) on Warwards Lane and to the north and opposite on Ten Acres Mews and Pershore Road. There are also some commercial properties along this stretch of the Pershore Road frontage, some of which are currently vacant.
- 2.3. The northeast corner of the site, where the building is proposed lies within Flood Zones 2 and 3.

[Location map](#)

3. Planning History

- 3.1. 15/04/1952 – 04209002 Storage of motor vehicles. Approved.
- 3.2. 15/02/1979 – 04209007 Use of land for storage and dismantling of vehicles. Refused.
- 3.3. 03/12/1992 – 1992/03874/PA Existing lawful development certificate for use as car repairs and dismantling. Approved.
- 3.4. 25/12/2014 – 2014/07890/PA Erection of two storey detached building. Withdrawn.
- 3.5. 19/03/2015 – 2015/00452/PA Erection of two storey detached building. Refused.
- 3.6. 07/07/2015 – 2015/03781/PA Erection of two storey building and single storey workshop to rear. Withdrawn.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection.
- 4.2. Regulatory Services – Originally raised concerns about noisy operations at the site. However, information about the operation of the site has been provided and no objection is raised.

- 4.3. West Midlands Police – No objection.
- 4.4. Environment Agency – No objection.
- 4.5. Letters of notification have been sent to surrounding occupiers; local residents associations; local ward Councillors and the MP for Selly Oak.
- 4.6. Seven letters of objections have been received from surrounding occupiers objecting to the application on the following grounds.
- The business inappropriate in the area.
 - The hours of operating disturb and determinably impact on surrounding neighbours, noise pollution.
 - The applicant is attempting to apply for and present his application based on property that they either don't own or do not have a licence to operate on
 - The red line boundary plan is not accurate.
 - This retrospective application is attempting to legitimise a very dangerously constructed building.
 - Access to the site is dangerous.
 - The site cannot operate without disturbing traffic flow on Pershore Road.
 - There is no information on the scale of the business.
 - The land is contaminated.
 - Questions are raised about the validity of the application and statements made by the applicant.
 - The site should be used for residential purposes in line with Stirchley Framework SPD and the Strategic Housing Land Availability Assessment (SHLAA) 2015 where it shown as a potential housing site.
 - The site is close to heritage assets and therefore would not improve their setting.
 - The extension will result in a very poor streetscene.
 - 'Security fences' will do little to complement the site or to assist with any views. The whole site should be surrounded with greenery.

5. Policy Context

- 5.1. The following local policies are relevant.
- Birmingham Development Plan (BDP) 2017
 - The Birmingham Unitary Development Plan (UDP) 2005 (saved policies)
 - Stirchley Framework SPD (2016)
- 5.2. The following national policy is relevant.
- The National Planning Policy Framework (2012)

6. Planning Considerations

- 6.1. The main consideration in the assessment of this application is the principle of siting the extension and workshop building in this location, the impact on the residential and visual amenities of the surrounding area, and highway/transportation matters.

PRINCIPLES

- 6.2. I note that concerns have been raised by residents about the inappropriate siting of the business within the area and that the site should be used for residential purposes in accordance with the aspirations within the Stinchley Framework and the SHLAA. Notwithstanding the above, the site has been established as a scrap yard and has been in use as such for some time with the planning history showing that a lawful development certificate was issued in 1992 for the use of the site for car repairs and car dismantling. The commercial use of the site dates back to 1949. Although the site had been vacant for a period of time, the scrap yard use is not considered abandoned in planning law and it remains the lawful use of the site. Therefore, whilst residents are concerned about the processes and noise associated with the site, these 'bad neighbour' operations can continue, without planning control over noise, hours, visual amenity, etc.. Conversely, this application presents the opportunity to open a new chapter in the site's planning history – principally, a *conditioned* consent would bring the nuisance matters under a much greater degree of control than the unrestricted and lawful current position. I consider this outweighs the issue of housing allocation, also because the extensions are limited in extent and so do not significantly affect the physical nature of the site. That is, longer-term redevelopment for housing is not impeded. As such, I consider the principle of allowing these extensions can be supported. Further environmental, design and other considerations must also be addressed.
- 6.3. In addition to the above, I have spent considerable time with the applicant and their agent to understand the nature and operation of this business. I note residents' concerns about the accuracy of plans and the site operation. I am satisfied that the boundary plans are now correct and the Applicant states that the correct ownership certificates have been issued. In addition, I consider there to be sufficient information regarding the operation of the business to allow a full and proper consideration of the application to take place.

VISUAL AMENITY

- 6.4. Policy PG3 of the BDP resists proposals that would have an adverse effect on the quality of the built environment, advising all new developments will be expected to demonstrate high design, contributing to sense of place. Policy 3.14 of the Saved UDP also addresses good design.
- 6.5. In this particular instance, the extension proposed would be of a very simple design, being brick built with a pitched tiled roof. It would be situated towards the front of the site and would be visible within the streetscene. The front elevation would in effect continue the line of development along the Pershore Road frontage. Unlike previously refused applications, I now consider the proposed design of the building to be acceptable. It is now single storey and subservient to the existing building; would be of an appropriate scale and design and would sit comfortably within the streetscene. It is noted that an attempt has been made to copy the proportions of the windows from the existing building which is welcomed. Given this, I do not consider this extension would cause any detrimental impact on the visual or residential amenities of the surrounding area or occupiers.
- 6.6. The workshop building to the rear, has already been constructed, albeit not too a particularly high standard. It is unfortunate that the applicant constructed this without first obtaining planning permission. However, this application seeks to rectify this and improve its design and finish. The building would sit towards the centre of the site, is brick and breeze block constructed, with a very shallow pitched roof, almost appearing as a flat roof. It is proposed to add vertical timber cladding and render the existing brick and block piers. This would considerably improve the

design and appearance of the building. Its height is required for operational purposes and bays are provided for dismantling, which could now take place inside, rather than out in the open area of the scrap yard. I consider the building to be of sufficient distance from surrounding residential properties as to not have a significant detrimental impact on visual amenity and outlook. As such, with the additional improvements, I consider that the workshop building would be acceptable.

NOISE AMENITY

6.7. Your Regulatory Services officer has assessed the proposal and raises no objection. There was an initial concern that the proposed development would increase the activity at the site and bring with it noisy operations. The applicant has confirmed that the following noisy operations currently take place:

- Use of a fork lift truck to lift cars onto stacks
- Air compressor and other mechanical tools normally associated with a car repair garage.
- Metal grinders
- Vehicle engine noise

These operations would continue, however in a more managed manner. Dismantling would now take place, inside the workshop building, instead of out in the open. This would allow for better management of the process and for storage of fuels and oils to be inside a secure area. This not only improves the security of the site, but means no open storage of parts, which could clutter the site, leading to an adverse visual impact. The applicants have also confirmed operating hours would continue to be 8am to 6pm Monday to Saturday (although there is no restriction under the Lawful Development Certificate), which is acceptable for a use such as this in this location.

6.8. It is noted that the scrap yard use would still be able to continue on the site, even without the approval of this application, as this is the lawful use of the land. The approval of this application would give the Local Planning Authority much more control over the operation of the site, which would have advantages for the visual and residential amenity of the surrounding area. A number of conditions are suggested to help to curtail noise. Conditions to ensure a better visual outlook are also recommended. Firstly to limit noise; all dismantling of vehicles to take place within the workshop area; no panelling beating, no use of amplification equipment for external use, and site operation hours should be restricted to those provided by the applicant. To ensure a better visual outlook, it is recommended that all waste and hazardous materials are stored internally. Subject to these conditions, I consider that there would be no detrimental impact over and above the existing situation at the site, indeed, noise and visual amenity for adjoining residents would be improved. The draft conditions have been agreed with the Applicant.

HIGHWAY MATTERS

6.9 Concern has been raised with regards to the impact of the development on highway safety. My Transportation Development Officer has reviewed the proposal and raises no objection, noting the site would offer 5 off street parking spaces. Although the proposal includes ancillary office space, it is not considered that this would result in any significant increase in traffic or parking demand, with the impact at this busy location expected to be negligible. It is noted that residents are concerned about changes to access and visibility. However, with no highway alterations proposed and no notable change at the access and the available visibility, this is not an issue of

concern in this instance. As such, it is not considered that the proposal would have any detrimental impact in terms of highway safety.

DRAINAGE

- 6.10. The site is partially within flood zones 2 and 3 and the proposed extension would be sited in this area. Policy TP6 of the BDP relates to flood control and the need for 'Site specific Flood Risk Assessments' to be submitted. Paragraph 6.31 of the BDP states that "in order to manage the risk it is essential that future development is planned appropriately to ensure where possible....measures are put in place to mitigate new development against flood risk and ensure that it does not increase flood risk elsewhere". In addition, Paragraph 100 of the National Planning Policy Framework states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas a highest risk. As this application is for a minor development it is not subject to the Sequential or Exceptions test as outlined in the NPPF. However, it is subject to the Environment Agency's standing advice as a non-domestic extension of less than 250sqm. This advice states that finished floor levels should be set either no lower than existing floor levels or 300 millimetres (mm) above the estimated flood level. A condition for the submission of level details to ensure this is therefore recommended.
- 6.11 Other matters: an objection point refers to nearby heritage assets, which I assume are the locally listed buildings to the north at Ten Acre Mews. The proposed extension and retention are detached from Ten Acre Mews and so would have no effect on the latter's setting.

7. Conclusion

- 7.1. The proposed extension and workshop building, subject to the changes proposed would not have any detrimental impact on, or rather would improve, the visual or residential amenities of the surrounding area or occupiers. Conditions are recommended to help curtail noisy operation and create a better visual outlook. As such, I consider that the proposal accords with both national and local policy and these matters outweigh the apparent contradiction with the housing allocation.
- 7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would see the retention and continued use of an existing commercial use which would in turn provide economic and social benefits, whilst improving the environmental impact, I consider the proposal to be sustainable development and on this basis, should be approved.

1. Recommendation

- 1.1. Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of roller shutter details |
| 3 | Limits the hours of operation: 0800 - 1800 Mon. to Sat. |
-

-
- 4 Prevents storage except in authorised area
 - 5 Prevents panel beating and other noisy operations
 - 6 Prevents the use of amplification equipment
 - 7 Limits the approved activity to within the building only
 - 8 Requires the prior submission of sample materials
 - 9 Sets the level of the finished floor levels
 - 10 Implement within 3 years (Full)
-

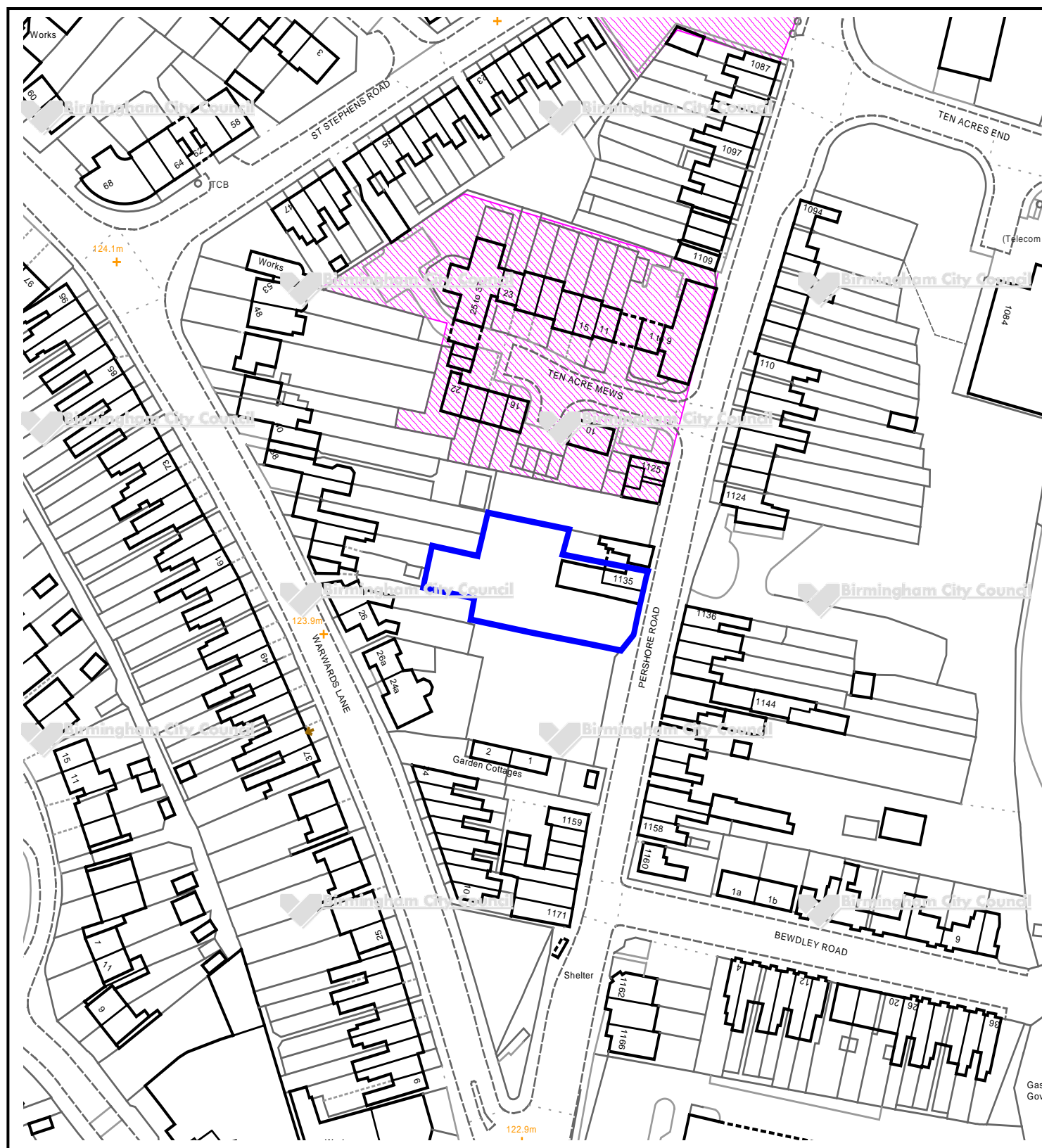
Case Officer: James Mead

Photo(s)



Photograph 1: View of application site from Pershore Road. Workshop proposed for retention and elevation finishing sited at centre-rear of the photo. New storage building would front onto Pershore Road adjacent to no. 1135.

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:	02/02/2017	Application Number:	2016/10427/PA
Accepted:	15/12/2016	Application Type:	Householder
Target Date:	09/02/2017		
Ward:	Moseley and Kings Heath		

128A Oxford Road, Moseley, Birmingham, B13 9SH

Erection of two storey and first floor rear extensions and balcony to rear

Applicant:	Ms Debra Wale & Ms Alaine Shaw 128A Oxford Road, Moseley, Birmingham, B13 9SH
Agent:	Edmonds Gooding Miller 130 Oxford Road, Moseley, Birmingham, B13 9SH

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a two storey and first floor rear extensions and balcony to rear. The extensions are of modern appearance, with flat roofs, timber-cladding and elements with significant amounts of glazing. The proposals include elements of demolition and structural re-modelling as well as extension, at the rear/side part of the dwelling adjacent to no. 128b.
- 1.2. Following discussions with the agent, amended plans have been received incorporating obscure glazed screening to the side elevation of the balcony facing No. 128 Oxford Road.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. This application relates to an unusual detached property located within the St Agnes Conservation Area. It was originally part of no. 128b but has been occupied as a separate dwelling for some time. It has loft accommodation above the garage, but is otherwise single storey, with low-pitched roofs and some parapet roofs. The area is subject to an Article 4(2) Direction, which removes many Permitted Development rights. The surrounding area is residential in character and comprises of traditional Arts and Crafts properties.
- 2.2. The application property has a gable frontage with brick elevations. To the rear there is a large flat roofed section (original) as shown on the application plans with a lean to style extension to the side. I note that part of the lean to extension is connected to the side elevation of No.128b.
- 2.3. Both neighbouring properties No's 128 and 128b are two storey traditional dwelling houses. No. 128b has an existing single storey conservatory to the rear elevation at ground floor, with a balcony to the rear corner at first floor. There are windows to the

side and rear elevations of the property. No. 128 has a single storey element to the rear elevation, with windows to the rear elevation at ground and first floor.

- 2.4. The application site benefits from a rear garden which contains mature landscaping. The garden is enclosed by close boarded fencing and planting.

2.5. [Site Location Plan](#)

3. [Planning History](#)

- 3.1. 31/03/2016 - 2016/01914/PA - Pre-application enquiry for the erection of a first floor rear extension and alterations/extension to ground floor rear –Advice given regarding the design and scale of the extension and the impact within the Conservation Area
- 3.2. 26/02/2016 - 2016/00183/PA - Erection of a first floor rear and single storey side extension – Approved with conditions
- 3.3. 20/10/2015 - 2015/03639/PA – Pre-application advice for conversion of garage into a bedroom - Withdrawn

4. [Consultation/PP Responses](#)

- 4.1. Neighbouring properties and local Ward Councillors have been consulted and site and press notices have been displayed. 16 objections have been received from neighbouring properties raising the following concerns:-
- The proposal would set a precedent, in respect of other properties within the St Agnes Conservation Area.
 - Impact on the Conservation Area and Article 4(2) Direction, in particular the principles of the Arts and Craft Movement which St Agnes Conservation Area is an example of.
 - Historical significance of No. 128A-D Oxford Road being designed by Frederick Lanchester, a pioneer motor-car builder, and impact on neighbouring Listed Building, 130 Oxford Road.
 - Design and scale of extension should be seen in the context of impact on the overall house, 128A-D Oxford Road
 - Contemporary design of proposed extension out of character and unsympathetic with the existing property and surrounding properties. Extension would dominate the original property and would be highly visible from Oxford Road.
 - Materials proposed out of keeping with original property and surrounding properties
 - Loss of light and detrimental impact on habitable room windows to neighbouring properties. Loss of privacy from proposed balcony to the rear.
 - Impact of property values
- 4.2. Comments have been received from the Moseley Society who agree with the comments made by neighbouring residents and the St Agnes Residents Association who object on the grounds of design, scale, materials, potential precedent set.

5. [Policy Context](#)

5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan 2005 (Saved Policies Chapter 8 and 3.14 – 3.14D)
- Birmingham Development Plan (Adopted 2017)
- Places For Living (Adopted Supplementary Planning Guidance 2001)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
- Extending your Home (Adopted Supplementary Planning Document 2007)
- St Agnes Conservation Area

5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012)

6. Planning Considerations

6.1. The principal matters for consideration are the scale and design of the proposed extension, the impact on the architectural appearance of the property, general street scene (including Conservation Area) and the impact upon neighbouring properties' amenities.

6.2. The application site is located in the St. Agnes Conservation Area. There are Listed buildings nearby, but none adjacent. The site comprises the former drawing studio and garage to the house at 128b Oxford Road, from which it has been occupied as a separate dwelling for a significant period of time. No.128 was erected in the early 20th century (as the home of Frederick Lanchester, a prominent Birmingham Engineer) and is a two-storey house with substantial roof with attic accommodation with neo-Georgian referencing. The drawing studio and garage appear to have been constructed a little later, but appearing on maps in the 1930's. Whilst in a well-matched brick to no. 218b, the kneeler and eaves details to the application property are different, as are the window proportions and second entrance formation. The garage comprises a structure of a similar form to a traditional coach house with attic floor over a garage under a street facing gable. However, it also comprises a flat roof link across to the original main house (No.128b) and an elevated flat roof to the rear, forming the drawing studio.

6.3. The subdivision of the studio and garage into a separate dwelling has maintained the historic form of a principal house and coach house as little external changes have taken place. An application was approved (reference: 2016/00183/PA in 2016) which extended the rear of the main gabled roof over the former drawing studio continuing the form of the roof and therefore having no real impact on the street scene. The applicants now wish to explore an alternative first floor extension to that approved due to complications in constructing this approval based on the significant works needed to lower the existing height of the former studio room.

6.4. The proposed extension now avoids the former studio roof entirely and considers the flat roof link to the former main house (No.128b). Extensive discussions were held with the applicants over an appropriate form, position and style of extension that would not harm the appearance of the property or the conservation area (and pay due regard to neighbours' amenities). Due to the existing internal plan of the building it was originally designed using a separate staircase which resulted in a detached first floor structure. This was resisted by officers on the grounds that it would confuse the built form by creating a further independent structure between the

main house and the coach house structure. A design was finally arrived at that utilised the existing stairs and linked the extension properly with the rest of the house.

- 6.5. The design and scale of the proposal is considered acceptable. The proposed extension is set back 7.2m from the front elevation and 1.1m from the side elevation to No. 128b. Given the elevated position of the property from the road and the set-back nature of the extension I do not consider the extension would result in a prominent feature within the street scene or Conservation Area. The scale is proportionate to the main dwelling and would not visually dominate the existing property. Whilst the design is of a contemporary nature, there are other non-original timber-clad structures in the street, and I do not consider the proposed design and materials would be visually obtrusive within the existing street scene. The flat roof design reduces the overall visual mass of the extension and the modern design ensures the extension does not compete with the existing house and is both simple and neutral in its appearance, ensure the existing form of the property is retained.
- 6.6. The St Agnes Conservation Area Character Appraisal advises that *'The Council's policy is to protect significant buildings within conservation areas and improve their appearance and setting. This means that any proposals you may have for altering your property will need to be considered very carefully to ensure that the end result does not detract from, or conflict with, the character of the conservation area or indeed, the building itself.'* Whilst the Character Appraisal states that proposals should be carefully considered to ensure an extension does not detract from the Conservation Area, it does not state that the design should be pastiche or mock of existing housing design. The Conservation Officer has commented that whilst the design is unorthodox in this conservative and traditional suburb, this scheme can be considered acceptable based on its set back position, simple design, and subject to a quality finish and application of materials. The proposal will not set a precedent (due to its unique scenario) and a quality finish will minimize any harm caused to the conservation area. It is therefore considered that the proposed development does not harm the character and appearance of the St Agnes Conservation Area and accords with Policy TP12 of the Birmingham Development Plan and paragraph 134 of the National Planning Policy Framework.
- 6.7. The Character Appraisal also makes reference to the previous owner of the site (Frederick Lanchester) and comments have been received from neighbours with regards to the 'blue plaque' attached to neighbouring property No. 128B Oxford Road. Whilst this denotes the previous owner of the property, it does not prevent or detract from any changes or alterations being made to the property and has no impact when assessing this planning application.
- 6.8. The Conservation Officer advised: the distance at which the structure is set back from the front elevation is very generous and means the extension would not be prominent in the street scene. The colour finish and type of cladding remains a concern and should be left to condition. The design is unorthodox in this conservative and traditional suburb and therefore this scheme can only be considered appropriate based on its rear-set position, simple design, quality finish and application of materials. The proposal will not set a precedent (due to its unique scenario) and its quality finish will minimize any harm caused to the conservation area. Careful and full conditioning of all design details will be required including (1) materials, (2) rainwater goods, (3) windows, (4) roof and associated trim and (5) window reveal.

- 6.9. Comments have also been received from neighbouring properties concerning the Article 4 Direction. The Article 4 Direction removes 'permitted development' rights from certain properties however the proposal requires planning permission (as it does not constitute permitted development) and therefore the requisite planning application has been submitted and assessed. The presence of the Direction is not relevant to the current planning application.
- 6.10. The proposed development would comply with the objectives of your Committees' 45 Degree Code policy. Although technically the proposed single storey extension breaches the 45 degree line by 0.4m to the nearest ground floor rear window to No. 128B, given the larger existing single storey structure is to be removed from along the site boundary and the proposed extension is set away from the side boundary by 1m, I do not consider this breach would be sufficient to sustain a refusal of this application.
- 6.11. The proposed first floor extension would fail to meet the minimum distance separation guidelines to the side facing patio doors to the first floor rear corner balcony of No. 128c. However there is an additional large window to the rear elevation serving the same room that would be unaffected by the proposal so I do not consider the proposal would be sufficiently detrimental to outlook or light to refuse the application. Amended plans have been received incorporating high level screening to the other side elevation of the proposed balcony, removing any potential overlooking to the rear garden to No. 128. High level windows are proposed to either side of the first floor extension which, by their nature, allow light in but prevent any overlooking of neighbouring properties. The rear, first floor bedroom would just overlap a side-facing, first-floor window at 128C, 1m off the boundary and neighbour's window. The window serves a secondary, dressing room window only, so any effect on light and outlook to the neighbour would not necessitate withholding planning consent. Sufficient garden space is to be retained, with a distance of 24m to the rear boundary and properties along Dyott Road.
- 6.12. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. This application is recommended for approval as the proposal complies with the objectives of the policies as set out above.

8. Recommendation

- 8.1. Approve subject to conditions

-
- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | Requires the prior submission of window frame details |
| 4 | Requires the prior submission of fixtures and fittings Details |
| 5 | Requires the prior submission details obscure glazing for specific areas of the |
-

approved building

6 Removes PD rights for new windows

7 Implement within 3 years (Full)

Case Officer: Leah Russell

Photo(s)



Photo 1: Front elevation, application site in centre, no. 128 to right-hand side



Photo 2: Front elevation, application site to right-hand side, no. 128b to the centre (behind tree)

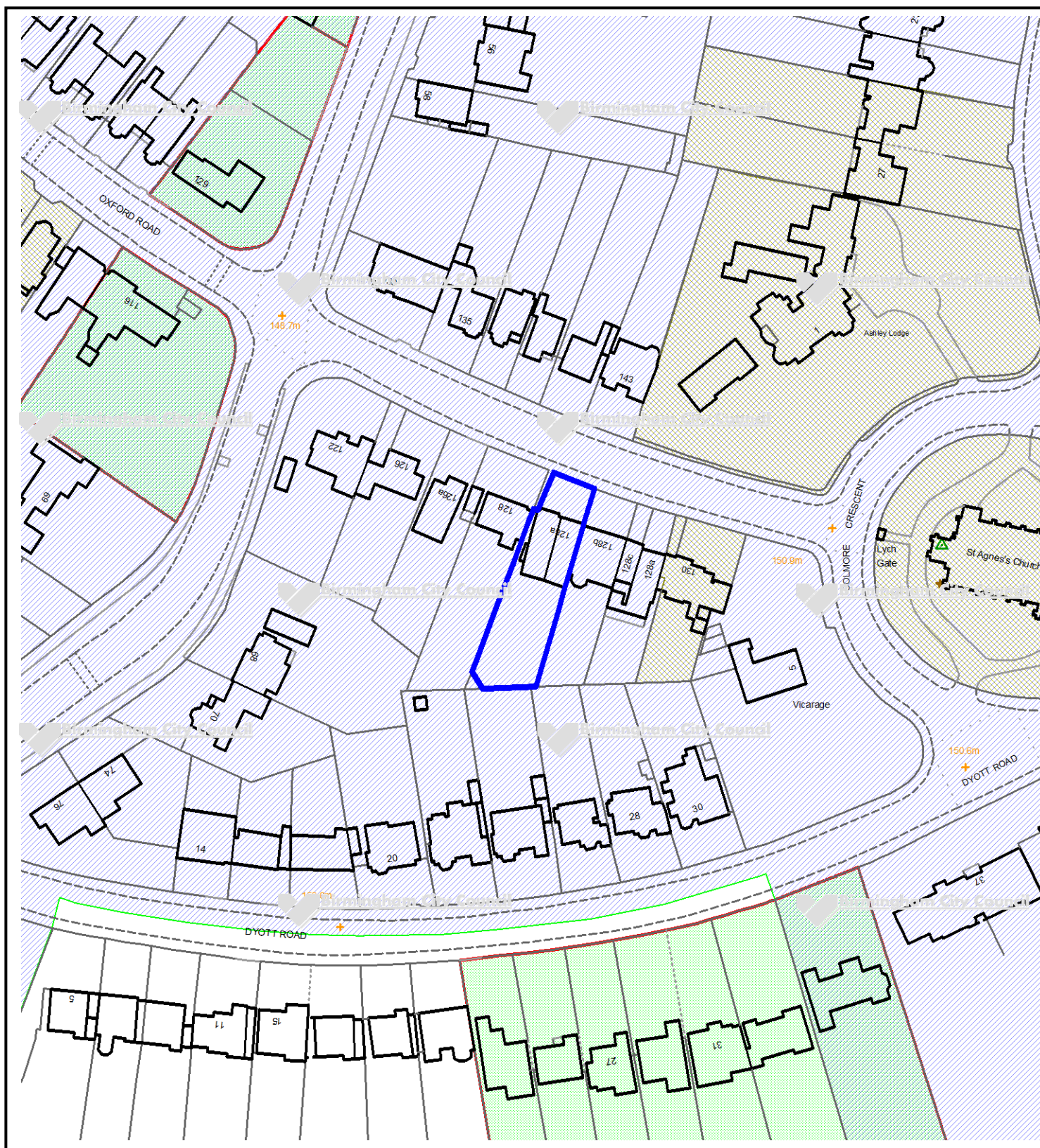


Photo 3: Rear corner balcony of 128b Oxford Road, application site in foreground



Photo 4: Rear 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

02 February 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>
Approve - Conditions	18	<p>2016/08528/PA</p> <p>Paragon Hotel 145 Alcester Street Highgate Birmingham B12 0PJ</p> <p>Erection of four storey extensions to the north and south facing internal courtyard elevations (creating additional 99 bedrooms), creation of secondary entrance and conversion of conference rooms, bar and cloakroom to 16 additional bedrooms in association with the existing hotel (use class C1).</p>
Approve - Conditions	19	<p>2016/08558/PA</p> <p>Paragon Hotel 145 Alcester Street Highgate Birmingham B12 0PJ</p> <p>Listed Building Consent for the erection of four storey extensions to the north and south facing internal courtyard elevations, conversion of existing staff entrance to a secondary entrance, addition of passenger lift together with minor internal alterations.</p>
Approve - Conditions	20	<p>2016/09617/PA</p> <p>Unit 66-70 Corporation Street, Units 99-102 Bull Street, Units 16, 18-20, 22, 26, 28, 30, 32, 21, 23A, 23B & 25 Martineau Place and Units 3, 5, 17 & 18-19 Martineau Way City Centre Birmingham B2 4UW</p> <p>Application for change of use to allow Retail (Use Class A1), and/or Financial and Professional Services (Use Class A2), and/or Restaurant and Cafe (Use Class A3), and/or Drinking Establishments (Use Class A4), and/or Hot Food Takeaways (Use Class A5)</p>

Defer - Informal Approval	21	<p>2016/04205/PA</p> <p>11-21 Great Hampton Street, 10 Harford Street and 20-26 Barr Street Jewellery Quarter Birmingham B18 6AX</p> <p>Conversion of 13-21 Great Hampton Street and conversion, extension and alteration of 20-26 Barr Street to residential apartments. Demolition and redevelopment of remaining site to provide an overall total of 156 residential units and 996 sqm of commercial floorspace (Use Classes A1, A2, A3, & B1a) together with associated works.</p>
Defer - Informal Approval	22	<p>2016/04206/PA</p> <p>13-21 Great Hampton Street Jewellery Quarter City Centre Birmingham B18 6AX</p> <p>Listed Building Consent for alterations including the installation of a new stairwell, new subdivisions and replacement windows to rear in association with the conversion of the building to form a commercial unit and 14 residential dwellings.</p>

Committee Date:	02/02/2017	Application Number:	2016/08528/PA
Accepted:	10/11/2016	Application Type:	Full Planning
Target Date:	09/02/2017		
Ward:	Nechells		

Paragon Hotel, 145 Alcester Street, Highgate, Birmingham, B12 0PJ

Erection of four storey extensions to the north and south facing internal courtyard elevations (creating additional 99 bedrooms), creation of secondary entrance and conversion of conference rooms, bar and cloakroom to 16 additional bedrooms in association with the existing hotel (use class C1).

Applicant: Mr Karim El Akabi
2nd Floor Office, 1-3 Crawford Place, London, W1H 4LA
Agent: Campbell Architects Ltd
Studio 23, 8 Hornsey Street, London, N7 8EG

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Until 2014, the site was used as a commercial. In 2014 when the number of asylum seekers increased in the UK, contractors such as G4S started to use hotels for the overspill from their hostels and initial assessment centres. The Paragon Hotel has been sporadically used in this way and served as emergency temporary accommodation. Once other facilities, such as hostels and assessment centres had capacity, people were dispersed accordingly. The demand became so significant; there were certain periods of time, when almost the entire hotel was being used by asylum seekers. This brought about the need for a change of use application. However since the application was submitted the situation has changed, and the owners of the hotel have stated they do not intend to use the hotel to house asylum seekers any longer. The description has therefore been altered to exclude the change of use to an asylum seeker centre. The hotel has 250 guest rooms and there are 56 car parking spaces located on the adjacent site on Moseley Street.
- 1.2. Consent is sought for the following alterations:
- Extensions to internal courtyard elevations
- 1.3. The extensions would be located on the north and south facing internal courtyard elevations from first to fourth floors. The 'U' shaped plan sits above a ground floor that extends over the entire site and the extension would be supported by walls and structures already in situ at this level.
- 1.4. The proposal would result in an additional 24 rooms on the first floor and 25 on each floor from the second to the fourth floors resulting in 99 overall additional bedrooms as a result of the extensions. Each standard room would have a net internal area of

approximately 16sqm and the extension would result in approximately 1800sqm internal floorspace. A glass balustrade is proposed at fifth floor on the north courtyard elevation and would provide a roof terrace with access from the lift lobby.

- 1.5. Proposed materials include contemporary oriel windows projecting beyond a brickwork façade with a flush window adjacent. The windows would have an aluminium frame and cladded base with structural glass and black silicon joints. Both sides of the projecting windows would contain ventilation louvers. Roman bricks would be used for the construction of the extensions.
- 1.6. A green roof is proposed on top of the existing ground floor which forms the courtyard which the extensions would overlook.

Additional Guest Rooms

- 1.7. 16 no. additional guest rooms are proposed to the ground floor, replacing the existing conference, office and storage rooms on the south side of the building. The rooms are organised to sit within the major structural elements of the ground floor as well as the existing window arrangement, with partition walls dividing the spaces. Openings to each of the rooms are to be formed in the existing corridor wall, with the existing corridor and escape routes remaining unchanged.

New Entrance

- 1.8. The existing staff entrance from Moseley Street would be converted to a secondary guest entrance with the addition of a new passenger lift installation. This would not involve any physical alterations as there is an existing opening in place.
- 1.9. 20 additional cycle spaces are proposed adjacent to the new guest entrance on Moseley Street. The existing stairs would be retained and fitted with a wheeling ramp to allow cyclists to get their cycles safely to ground floor level.
- 1.10. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The Paragon Hotel is a grade II listed building constructed in 1903-1904 as the Rowton House Hostel, which was intended to provide temporary accommodation for men seeking permanent employment within Birmingham. The building was converted into the Chamberlain Hotel in the early 1990s and had a number of alterations to the internal fabric including installation of partition walls, a new reception and entrance canopy and a refit of ground floor rooms and entrance stairs.
- 2.2. The building is 6 storeys high with a basement beneath and attic storage located in the roof. The ground floor occupies the entire footprint of the site, with accommodation wings forming a quadrangle at first floor. The wings surround the flat roof of the ground floor level on the north east, north west and south west sides, with the rooms below on the ground floor provided with natural daylight through the rooflights.
- 2.3. The existing ground floor of the building houses a bar, dining and meeting facilities; and serves as a 600 person capacity venue for weddings or large conferences. The main conference rooms are located around the perimeter of the building and can also be used for parties or private dining. The main banqueting suite is located in the

centre of the building. The hotel restaurant and kitchen are also located within the centre of the ground floor.

- 2.4. The building has 250 guest rooms with approximately 53 bedrooms per floor across 4 floors from the first floor to the fourth floor. The fifth floor houses 37 smaller bedrooms in the roofspace. The majority of the room sizes vary between 12sqm and 14sqm.
- 2.5. The building is served by 3 principal cores, 1 main stair and lift core located adjacent to the reception and main entrance and two escape stairs located at either end of the accommodation wings.
- 2.6. The prominent building is located at the corner of Alcester and Moseley Street. The surrounding area is made up of a number of industrial buildings, Highgate Park directly to the south and the grade II listed police barracks to the east which currently operates as a hostel.

2.7. [Site Location Plan](#)

3. [Planning History](#)

- 3.1. 01/06/1992 – 1992/02323/PA. Restoration, upgrading and fitting out of former hostel as 300 bed hotel with public rooms and demolition of outbuilding. Approved subject to conditions.
- 3.2. 22/06/1992 – 1992/01513/PA. Conversion of hostel to hotel including construction of stair towers and lift shaft and use of industrial building for parking. Approved subject to conditions.
- 3.3. 11/03/2008 – 2008/01433/PA. Refurbishment of ground floor public areas and basement, including new restaurant and kitchen on the ground floor, new W.C's and staff offices in the basement, and new plant room to the kitchen on the flat roof of the hotel. Approved subject to conditions.
- 3.4. Current application – 2016/08558/PA. Listed Building Consent for the erection of a four storey extension to the north and south facing internal courtyard elevations, conversion of existing staff entrance to a secondary entrance and addition of passenger lift.
- 3.5. Several applications in relation to minor alterations and advertisement consent.

Adjacent site – Former Westminster Works, Alcester Street (opposite the application site fronting Alcester and Moseley Street).

- 3.6. Current application 2016/08279/PA - Demolition of existing buildings and erection of 6-8 storey buildings to provide 156 no. residential apartments, car parking and associated development.

4. [Consultation/PP Responses](#)

- 4.1. Regulatory Services – No objections.
- 4.2. Transportation Development – No objections subject to a condition in relation to cycle storage.

- 4.3. Highways Agency – No comments to make given the proposal is a significant distance from the Highways Agency Strategic Network.
- 4.4. West Midlands Police – Recommends the installation of a CCTV system, lighting scheme and that each room should be treated as a separate dwelling in terms of door security.
- 4.5. West Midlands Fire Service – No objections.
- 4.6. Local Lead Flood Authority – No objections subject to a condition in relation to sustainable drainage and flood alleviation scheme.
- 4.7. CHP feedback from meeting on 09/01/2017:
 - Accepted that the courtyard elevations were utilitarian when compared to the external elevations.
 - Accepted the principle of an extension on the inner elevations.
 - Conflicting opinions regarding design and whether it should relate to the language of the existing building (more pastiche approach) or whether more of a 21st Century intervention should be adopted.
 - Suggestion was made that cladding may be more suitable than brickwork.
 - Concerns regarding structural integrity of the extension and whether it would harm the listed building.
 - Supported the green roof in the courtyard (on top of the ground floor) and highlighted the importance of this space appearing attractive.
 - Doesn't show details of the proposed door on the new entrance on Moseley Street.
- 4.8. Neighbours, Residents' Association, Councillors and MP consulted. Site and Press Notices posted. One letter of objection was received from Shabana Mahmood MP based on the earlier description raising the following issues:
 - Accommodation unsuitable for asylum seekers as it does not meet their needs.
 - Influx of asylum seekers is bad for the local community which has not been provided with additional funds to deal with approximately 400 additional people in the area.

5. Policy Context

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

6. Planning Considerations

Policy

- 6.1. Paragraph 56 of the NPPF states that the government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

- 6.2. Policy PG3 of the adopted BDP states that all new development will be expected to demonstrate high design quality; reinforce or create a positive sense of place and local distinctiveness with design that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design. In addition it encourages best use of existing buildings and efficient use of land in support of the overall development strategy.
- 6.3. Policy GA1.1 of the adopted BDP states that the Council will continue to promote the City Centre as the focus for retail, office, residential and leisure activity within the context of the wider aspiration to provide a high quality environment and visitor experience.
- 6.4. Policy GA1.2 of the adopted BDP refers to the expansion of the City Centre Core southwards through the comprehensive redevelopment of the wholesale markets site delivering a vibrant new destination for the City. Development should be supported that diversifies the City's offer as a retail and leisure destination.
- 6.5. Policy TP12 of the adopted BDP states that great weight will be given to the conservation of the City's heritage assets. Proposed for new development affecting a designated or non-designated heritage asset or its setting, including alterations and additions, will be determined in accordance with national policy. It also encourages innovative design which retains the significance of the heritage asset(s) and integrates into the historic environment.
- 6.6. The planning considerations relevant to the proposal are the impact the extensions and other proposed changes would have on the heritage asset, design, impact on the surrounding area and parking and highway safety.

Design/Impact on heritage asset

- 6.7. The Paragon Hotel is a beautiful Grade II listed building with articulate detail on the external elevations. However the detail of the internal envelope of the quadrangle is less significant as its architecture is entirely utilitarian. The principle of building onto these internal elevations is therefore considered acceptable subject to achieving an acceptable design and preserving the character and appearance of the listed building.
- 6.8. The proposed design would be of roman brick construction with a more contemporary style of oriel windows with ventilation louvers on the sides of the projecting frames. My Conservation Officer is generally supportive of the design but requires further detail on the ventilation panel, therefore its form, design and material will be safeguarded by condition. Concerns have also been raised in relation to the structural integrity of the existing building and how the new extensions would be attached to the existing elevations and on top of the ground floor. A further condition will require additional supporting structural information to ensure the original fabric of the listed building remains unharmed.
- 6.9. The extension would be 4 storeys high as would be built on top of the existing ground floor. The extension would be a storey lower than the existing building and set in from the end of the elevations so that it would not be visible from Alcester Street or Highgate Park and would only be partially visible from Moseley Street. This ensures that the extensions would remain subservient and would not conflict with the articulation of the external elevations or the Grade II listed police barracks located to the west of the application site.

- 6.10. With regard to access to the roof terraces, the applicant has confirmed that access would be created off the new lift lobby to provide access for the north courtyard elevation. The roof terrace on the south courtyard elevation has been omitted from the proposal.
- 6.11. The conversion of an additional entrance and conversion of rooms to additional bedrooms would have no adverse impact on the character and appearance of the listed building or the surrounding area.
- 6.12. The design approach adopted is acceptable subject to further details which will be secured by the necessary conditions. No harm would be caused to the heritage asset.

Impact on surrounding area

- 6.13. I do not consider that the surrounding area would be adversely affected by noise/overlooking/loss of privacy issues.

Parking and Highway Safety

- 6.14. An additional 115 bedrooms would be created as a result of the proposal. BCC car parking guidelines notes the existing 250 bedroom hotel would require 61 parking spaces maximum, and the additional 115 rooms would require an additional 26 spaces. The hotel have an agreement in place with the site opposite on Moseley Street (which is not within the applicant's ownership) to maintain the 56 spaces at all times. Therefore the existing parking situation would not change. This corresponds with the details provided current application 2016/08279/PA for the site opposite on Moseley Street.
- 6.15. Transportation Development do not raise an objection and note there is potential for additional on street car parking, however the site is located close to the city centre where taxi journeys from New Street Station and other train and coach stations are close by. In addition, there is unrestricted on street parking available. On this basis, I do not consider the proposal would have any adverse impact on parking or highway safety.

CIL

- 6.16. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. The proposed development would have acceptable implications on the surrounding area, the listed building and parking and highway safety. The design is acceptable subject to a number of safeguarding conditions.

8. Recommendation

- 8.1. Approve subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a CCTV scheme |
-

-
- 3 Requires the provision of cycle parking prior to occupation
 - 4 Requires the submission of a drainage scheme prior to first occupation of the extension.
 - 5 Requires the prior submission of sample materials
 - 6 Requires the submission of structural details
 - 7 Requires the submission of ventilation window details
 - 8 Requires the submission of access details to the rooftop terrace
 - 9 Roof Terrace on south elevation does not form part of the approval.
 - 10 Implement within 3 years (Full)
-

Case Officer: Joanne McCallion

Photo(s)

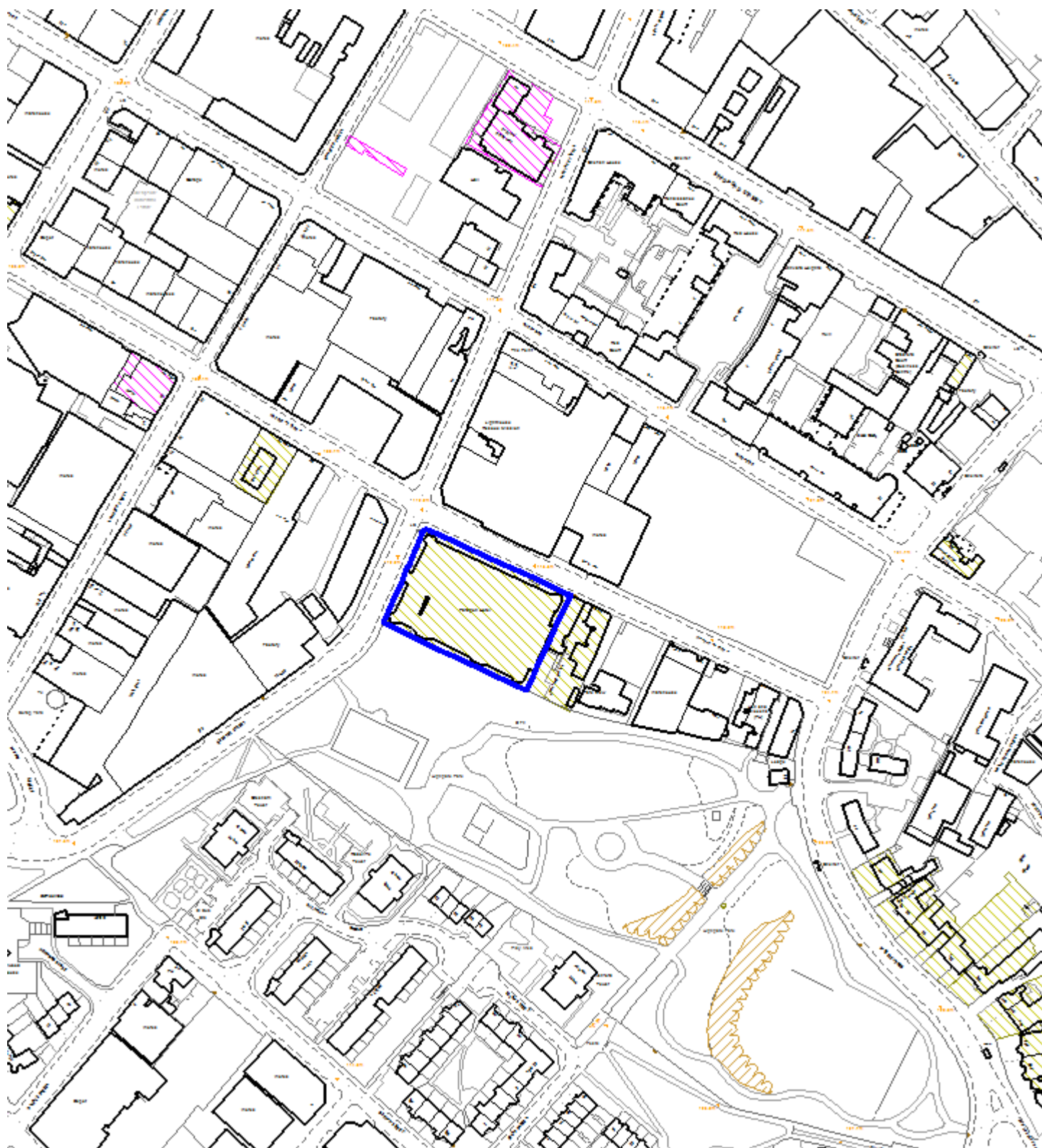


Figure 1 Corner of Moseley Street and Alcester Street



Figure 2 Front and part side elevation facing Highgate Park

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:	02/02/2017	Application Number:	2016/08558/PA
Accepted:	10/11/2016	Application Type:	Listed Building
Target Date:	09/02/2017		
Ward:	Nechells		

Paragon Hotel, 145 Alcester Street, Highgate, Birmingham, B12 0PJ

Listed Building Consent for the erection of four storey extensions to the north and south facing internal courtyard elevations, conversion of existing staff entrance to a secondary entrance, addition of passenger lift together with minor internal alterations.

Applicant:	Mr Karim El Akabi 2nd Floor Office, 1-3 Crawford Place, London, W1H 4LA
Agent:	Campbell Architects Ltd Studio 23, 8 Hornsey Street, London, N7 8EG

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. Listed building consent is sought for the following alterations:

Extensions to internal courtyard elevations

- 1.2. The extensions would be located on the north and south facing internal courtyard elevations from first to fourth floors. The 'U' shaped plan sits above a ground floor that extends over the entire site and the extension would be supported by walls and structures already in situ at this level.
- 1.3. The works would include the demolition of the existing brick piers and chimneys as well as part demolition to openings within the courtyard elevation to allow connection to the new bedrooms.
- 1.4. The proposal would result in an additional 24 rooms on the first floor and 25 on each floor from the second to the fourth floors resulting in 99 overall additional bedrooms as a result of the extensions. Each standard room would have a net internal area of approximately 16sqm and the extension would result in approximately 1800sqm internal floorspace. A glass balustrade is proposed at fifth floor on the north courtyard elevation and would provide a roof terrace with access from the lift lobby.
- 1.5. Proposed materials include contemporary oriel windows projecting beyond a brickwork façade with a flush window adjacent. The windows would have an aluminium frame and cladded base with structural glass and black silicon joints. Both sides of the projecting windows would contain ventilation louvers. Roman bricks would be used for the construction of the extensions.

- 1.6. A green roof is proposed on top of the existing ground floor which forms the courtyard which the extensions would overlook.

Additional Guest Rooms

- 1.7. 16 no. additional guest rooms are proposed to the ground floor, replacing the existing conference, office and storage rooms to the south of the building. The rooms are organised to sit within the major structural elements of the ground floor as well as the existing window arrangement, with partition walls dividing the spaces. Openings to each of the rooms are to be formed in the existing corridor wall, with the existing corridor and escape routes remaining unchanged.
- 1.8. Other works in connection with the conversion of the rooms include:
- Removal of internal partitions between conference/storage rooms.
 - Removal of modern mineral fibre suspended ceiling system.
 - Removal of modern fitted storage shelving.
 - Removal of modern carpet to floor.
 - Removal of wall mounted services (electrical trunking etc)
 - Installation of new partitioning between proposed guest bedrooms – retaining existing windows and structural walls.
 - Careful creation of door openings in existing structural corridor wall to proposed guest bedrooms
 - Installation of new ceilings to proposed guest bedrooms
 - Installation of new carpet to floors of proposed guest bedrooms and redecoration to walls
 - Installation of sanitaryware (shower, WC and basin) to proposed ensuite bathrooms.
 - Installation of tiled floor finish to proposed ensuite bathrooms.

New Entrance

- 1.9. The existing staff entrance from Moseley Street would be converted to a secondary guest entrance with the addition of a new passenger lift installation. This would not involve any physical alterations as there is an existing opening in place.
- 1.10. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The Paragon Hotel is a grade II listed building constructed in 1903-1904 as the Rowton House Hostel, which was intended to provide temporary accommodation for men seeking permanent employment within Birmingham. The building was converted into the Chamberlain Hotel in the early 1990s and had a number of alterations to the internal fabric including installation of partition walls, a new reception and entrance canopy and a refit of ground floor rooms and entrance stairs.
- 2.2. The listing reads as follows:

*ALCESTER STREET 1. 5104 Highgate B12 Parkview House SP 08 NE 7/66
II 2. 1903-4 built as a massive Rowton House hostel on a scale and with a social purpose as characteristic of the city at this date as is the quality of the materials and the decorative finish. A vast quadriangular block of bright red*

quality brick with 5 storeys basement and attics. One long narrow windowed elevation articulated by shallow breaks with broad gables and triangular ribs rising from second floor sill course. The massiveness of the block is enlivened by good buff terracotta dressings and finials, with the feature of octagonal corner towers slightly stepped at each stage and crowned by copper sheathed conical roofs. There is decorative terracotta work in the gables and terracotta dragons with shields as gargoyles to the top stage of the towers. The gabled porch is entirely terracotta faced with flanking to cupola capped octagonal turrets. The central finial is surmounted by a finely modelled figure of a boy bearing what was probably a light fitting on his back whilst in the spandrels of the door arch are delicately wrought relief panels with boys of similar type representing industry and rural poverty or farming life. Tall cast iron railings to area. Commanding hillside site.

- 2.3. The building is 6 storeys high with a basement beneath and attic storage located in the roof. The ground floor occupies the entire footprint of the site, with accommodation wings forming a quadrangle at first floor. The wings surround the flat roof of the ground floor level on the north east, north west and south west sides, with the rooms below on the ground floor provided with natural daylight through the rooflights.
- 2.4. The existing ground floor of the building houses a bar, dining and meeting facilities; and serves as a 600 person capacity venue for weddings or large conferences. The main conference rooms are located around the perimeter of the building and can also be used for parties or private dining. The main banqueting suite is located in the centre of the building. The hotel restaurant and kitchen are also located within the centre of the ground floor.
- 2.5. The building has 250 guest rooms with approximately 53 bedrooms per floor across 4 floors from the first floor to the fourth floor. The fifth floor houses 37 smaller bedrooms in the roofspace. The majority of the room sizes vary between 12sqm and 14sqm.
- 2.6. The building is served by 3 principal cores, 1 main stair and lift core located adjacent to the reception and main entrance and two escape stairs located at either end of the accommodation wings.
- 2.7. The prominent building is located at the corner of Alcester and Moseley Street. The surrounding area is made up of a number of industrial buildings, Highgate Park directly to the south and the grade II listed police barracks to the east which currently operates as a hostel.
- 2.8. [Site Location](#)
3. [Planning History](#)
 - 3.1. 01/06/1992 – 1992/02323/PA. Restoration, upgrading and fitting out of former hostel as 300 bed hotel with public rooms and demolition of outbuilding. Approved subject to conditions.
 - 3.2. 22/06/1992 – 1992/01513/PA. Conversion of hostel to hotel including construction of stair towers and lift shaft and use of industrial building for parking. Approved subject to conditions.

- 3.3. 11/03/2008 – 2008/01433/PA. Refurbishment of ground floor public areas and basement, including new restaurant and kitchen on the ground floor, new W.C's and staff offices in the basement, and new plant room to the kitchen on the flat roof of the hotel. Approved subject to conditions.
- 3.4. Accompanying full application – 2016/08558/PA. Erection of a four storey extension to the north and south facing internal courtyard elevations (creating additional 99 bedrooms), creation of secondary entrance and conversion of conference rooms, bar and cloakroom to 16 additional bedrooms in association with the existing hotel (use class C1).
- 3.5. Several applications in relation to minor alterations and advertisement consent.

Adjacent site – Former Westminster Works, Alcester Street (opposite the application site fronting Alcester and Moseley Street).
- 3.6. Current application 2016/08279/PA - Demolition of existing buildings and erection of 6-8 storey buildings to provide 156 no. residential apartments, car parking and associated development.
4. Consultation/PP Responses
 - 4.1. Councillors, MP and Amenity Societies consulted. Site and Press Notices posted. No comments have been received.
 - 4.2. CHP feedback from meeting on 09/01/2017:
 - Accepted that the courtyard elevations were utilitarian when compared to the external elevations.
 - Accepted the principle of an extension on the inner elevations.
 - Conflicting opinions regarding design and whether it should relate to the language of the existing building (more pastiche approach) or whether more of a 21st Century intervention should be adopted.
 - Suggestion was made that cladding may be more suitable than brickwork.
 - Concerns regarding structural integrity of the extension and whether it would harm the listed building.
 - Supported the green roof in the courtyard (on top of the ground floor) and highlighted the importance of this space appearing attractive.
 - Doesn't show details of the proposed door on the new entrance on Moseley Street.
5. Policy Context
 - 5.1. Birmingham Development Plan (BDP) 2017; Birmingham Unitary Development Plan 2005 (Saved Policies); National Planning Policy Framework 2012.
6. Planning Considerations

Policy
 - 6.1. One of the core principles of the NPPF is that planning should conserve heritage assets in a manner appropriate to their significance. Account should always be taken of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; their

potential to contribute to sustainable communities; and the desirability of new development making a positive contribution to the historic environment.

- 6.2. Policy PG3 of the adopted BDP states that all new development will be expected to demonstrate high design quality; reinforce or create a positive sense of place and local distinctiveness with design that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design. In addition it encourages best use of existing buildings and efficient use of land in support of the overall development strategy.
- 6.3. Policy TP12 of the adopted BDP states that great weight will be given to the conservation of the City's heritage assets. Proposed for new development affecting a designated or non-designated heritage asset or its setting, including alterations and additions, will be determined in accordance with national policy. It also encourages innovative design which retains the significance of the heritage asset(s) and integrates into the historic environment.
- 6.4. The key matter for consideration is the impact the proposed changes would have on the character of the listed building. The key test is whether the proposal would lead to harm to the significance of the heritage asset.

Design/Impact on heritage assets

- 6.5. The Paragon Hotel is a beautiful Grade II listed building with articulate detail on the external elevations. However the detail of the internal envelope of the quadrangle is less significant as its architecture is entirely utilitarian. The principle of building onto these elevations is therefore considered acceptable subject to achieving an acceptable design and preserving the character and appearance of the listed building.
- 6.6. The proposed design would be of roman brick construction with a more contemporary style of oriel windows with ventilation louvers on the sides of the projecting frames. My Conservation Officer is generally supportive of the design but requires further detail on the ventilation panel, therefore its form, design and material will be safeguarded by condition. Concerns have also been raised in relation to the structural integrity of the existing building and how the new extensions would be attached to the existing elevations and on top of the ground floor. A further condition will require additional supporting structural information to ensure the original fabric of the listed building remains unharmed.
- 6.7. The extension would be 4 storeys high therefore would be a storey lower than the existing building and set in from the end of the elevations so that it would not be visible from Alcester Street or Highgate Park and would only be partially visible from Moseley Street. This ensures that the extensions would remain subservient and would not conflict with the articulation of the external elevations or the Grade II listed police barracks located to the west of the application site.
- 6.8. With regard to access to the roof terraces, the applicant has confirmed that access would be created off the new lift lobby to provide access for the north courtyard elevation. The roof terrace on the south courtyard elevation has been omitted from the proposal.
- 6.9. The conversion of the existing staff entrance combined with the conversion of ground floor rooms to additional bedrooms would have no adverse impact on the character and appearance of the listed building.

6.10. The proposed internal alterations would not lead to harm or loss of significance to the listed building. My Conservation Officer raises no objections subject to safeguarding conditions.

7. Conclusion

7.1. The proposed changes would not lead to any harm to the listed building subject to safeguarding conditions.

8. Recommendation

8.1. Approve subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires any damage to the listed building to be made good |
| 3 | Requires the prior submission of fixtures and fittings Details |
| 4 | Requires the prior submission of sample materials |
| 5 | Requires the submission of structural details |
| 6 | Requires the submission of access details to the rooftop terraces |
| 7 | Roof Terrace on south elevation does not form part of the approval. |
| 8 | Implement within 3 years (conservation/listed buildings consent) |
-

Case Officer: Joanne McCallion

Photo(s)

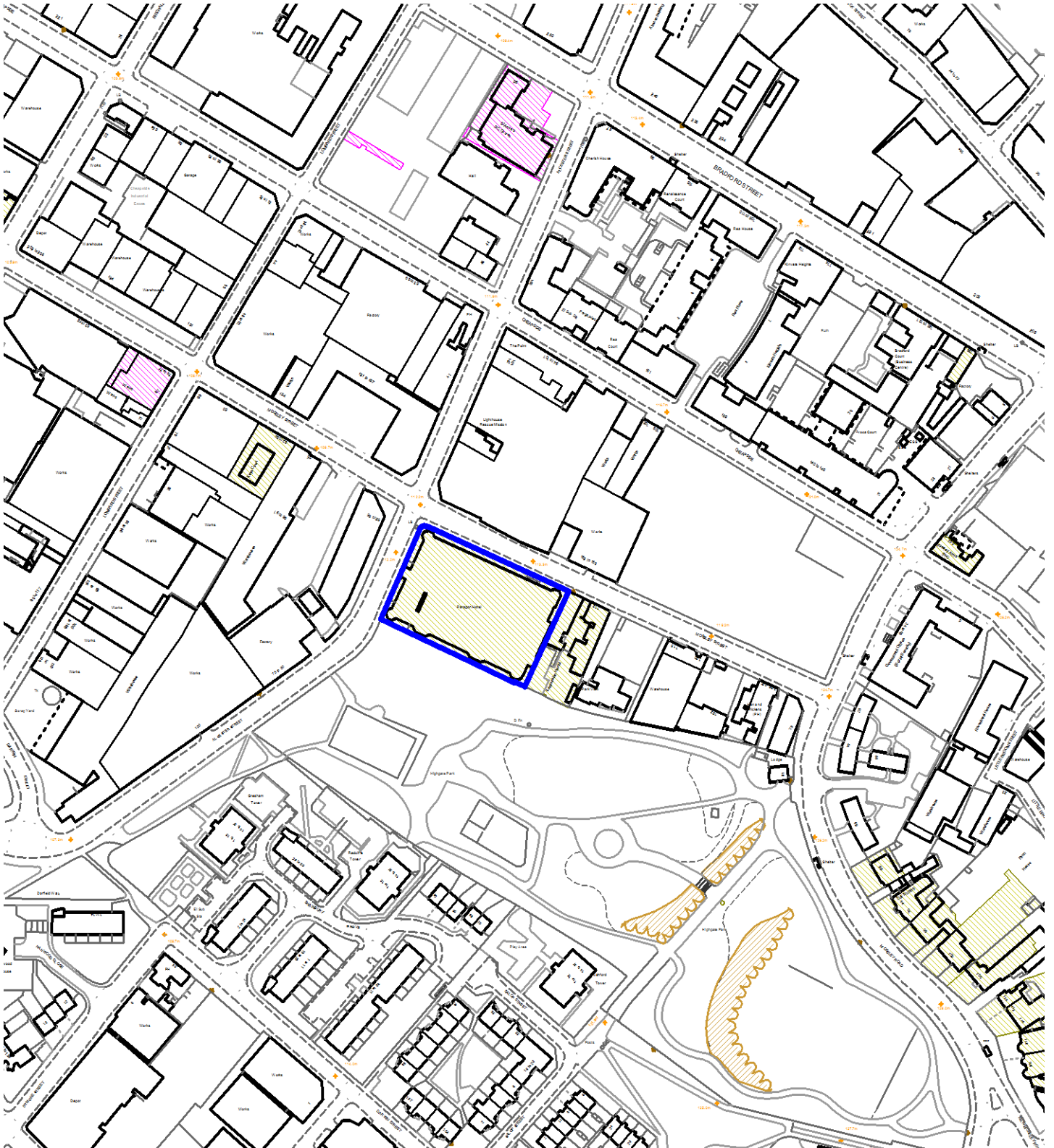


Figure 1 Corner of Moseley Street and Alcester Street



Figure 2 Front and part side elevation facing Highgate Park

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: 02/02/2017 Application Number: 2016/09617/PA
 Accepted: 17/11/2016 Application Type: Full Planning
 Target Date: 16/02/2017
 Ward: Ladywood

Unit 66-70 Corporation Street, Units 99-102 Bull Street, Units 16, 18-20, 22, 26, 28, 30, 32, 21, 23A, 23B & 25 Martineau Place and Units 3, 5, 17 & 18-19 Martineau Way, City Centre, Birmingham, B2 4UW

Application for change of use to allow Retail (Use Class A1), and/or Financial and Professional Services (Use Class A2), and/or Restaurant and Cafe (Use Class A3), and/or Drinking Establishments (Use Class A4), and/or Hot Food Takeaways (Use Class A5)

Applicant: Colony Capital (c/o Ellandi LLP)
 c/o Agent
 Agent: Williams Gallagher
 Studio 321, 51 Pinfold Street, Birmingham, B2 4AY

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1 The application seeks consent for a change of use to a flexible range of A1 to A5 retail uses at Martineau Place. The application site encompasses a total of 21 separate units out of a total of 35 units within the Martineau Place development. The units range in floorspace from 14sqm to 687sqm with the gross internal floorspace of the units combined to total 3,884sqm. and are:

Unit	Current Occupier
60-70 Corporation Street	Vacant
99 Bull Street	Vacant
100A Bull Street	Wok & Go
100B Bull Street	Speedy Cash
102 Bull Street	H&T Pawnbrokers
16 Martineau Place	Unis Internet lounge
18-20 Martineau Place	Vacant
22 Martineau Place	Yum Yum

26 Martineau Place	Vacant
27 Martineau Place	Top Tailor
28 Martineau Place	Nata Café
30 Martineau Place	Vacant
32 Martineau Place	Vacant
3 Martineau Way	Talk of the Town
5 Martineau Way	Vacant
17 Martineau Way	Vacant
18-19 Martineau Way	3 Threes Coffee
21 Martineau Way	La Vera
23A Martineau Way	Sharwarma City
23B Martineau Way	Vacant
25 Martineau Way	Vacant

- 1.2 Of the 21 units encompassed within the application site 10 are currently vacant and the agent has explained that the application has been submitted to facilitate the occupation of these units by ensuring that new tenants could be signed up quickly without having to wait for planning permission to be secured. It would also allow existing units to expand into the existing vacant units without requiring planning consent. The agent goes on to advise that the owners of Martineau Place would like to create a more resilient centre that could compete with other City Centre attractions.

1.3 [Link to Documents](#)

2. Site & Surroundings

- 2.1 Martineau Place is a recognised part of the City Centre's retail offer and has primary frontages to Corporation Street and the route of the Midland Metro, High Street, Bull Street and the pedestrianised Union Street.
- 2.2 Martineau Way is a pedestrian route that runs through the middle of the development connecting the entrances at Union Street and Bull Street. A third entrance off Corporation Street also allows access to the Staybridge Hotel and Suites. The three entrances lead to a covered central public square.
- 2.3 The externally facing and largest units of Martineau Place are occupied by a number of well known and established retailers including Boots, Sainsbury's and Poundland, fronting onto High Street, Union Street and Corporation Street respectively. Other national retailers include Argos, CEX, Deichmann, Burger King, KFC and Café Nero. The internal units facing the pedestrian walkways have been more prone to

vacancies but at present include Timpson and more independent businesses including the eateries known as Talk of the Town, Shawarma and Yum Yum.

- 2.4 The opposite side of Corporation Street and Union Street both lie within the Colmore Row and Environs Conservation Area whilst the Grade II* listed City Arcade that links Union Street and Union Passage also lies to the south west.

3. Planning History

- 3.1 2016/10646/PA - Installation of louvres to rear elevation of Staybridge Suites. (Awaiting determination)
- 3.2 2011/07906/PA - Change of use of existing retail and office accommodation into a 179 suite hotel with ancillary facilities and associated external alterations. Approved 20/02/2012
- 3.3 2002/04337/PA - Variation of condition C17 of Application 1997/00852/PA to extend period of time for submission of reserved matters by 3 years. Approved 26/11/2002
- 3.4 1998/03721/PA - Details submitted in compliance with reserved matters conditions design, external appearance, landscaping and siting (other than previously approved external perimeter siting of buildings) attached to planning permission reference C/00852/97/OUT consisting of alteration/demolition of existing buildings and new build to form mostly 3 storey retail development and associated highway works - Approved 06/04/2000
- 3.5 1997/00852/PA - Multi-storey city centre development comprising retail, leisure, cinema, health, hotel, car parking and associated facilities and highway works (Classes A1-shops, A2 - Financial and Professional Services, A3 - food and drink, C1 - Hotels, D1 - Non -Residential Institutions and D2 - Assembly and Leisure). Outline Planning Application approved 20/07/1998
- 3.6 Martineau Place as it exists today was delivered as Phase 1 of the above permission. This wider redevelopment scheme included the land to the north east of Martineau Place known as Martineau Galleries that currently operates as Priory Square Shopping Centre, or 'The Square'.
- 3.7 1995/03621/PA - Improvements to landscaping and lighting of Martineau Square. Approved 31/10/1996

4. Consultation/PP Responses

- 4.1 BCC Transportation Development – No objections.
- 4.2 BCC Regulatory Services – No objections subject to the following conditions:
- restrict the hours of opening to 0630-2330 for the A1, A2, A3 and A5 uses;
 - restrict the hours of opening to 0630-0000 for A4 uses; and
 - details of extraction.
- 4.3 Local Lead Flood Authority – No objections
- 4.4 Police - It is recommended that CCTV coverage is provided to all of the entrances and the public open space areas and a lighting scheme be produced for the site. It is recommended that each commercial unit have its' own CCTV coverage and be the subject of a police response alarm system. Any lighting scheme should be

sympathetic to the CCTV coverage. The work should be carried to the standards within the Secured by Design Commercial 2015 guide. Clarification is sought as to what measures are proposed to ensure that vehicles, either through deliberate action or poor driving, are kept separate from the pedestrian areas of the site. Whilst it is acknowledged that there will be a desire to obtain planning approval for as wide a variety of uses as possible, the different classes of permission could have differing levels of impact on crime and anti-social behaviour in and around the site. Comments on the proposed uses of the units are reserved until it is clear what the proposals for each commercial unit are. There are currently a larger percentage of hot food takeaways / eateries in certain areas of the site than others and this disproportionality will need to be taken into account when determining the suitability of certain uses in certain commercial units.

4.5 Birmingham City Centre Management, Centro Metro Extension, Birmingham Civic Society, Local Action Groups, Community and Neighbourhood Forums, Local Councillors, Retail BID Birmingham and Birmingham Public Health have been consulted but no replies received.

4.6 Neighbours have been notified and a site notice and press notice have been posted but no responses received.

5. Policy Context

5.1. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), City Centre Retail Strategy (2015) and the National Planning Policy Framework.

6. Planning Considerations

Principle of Proposed Uses

6.1 The Approved BDP Strategy explains that the priority will be to promote retail and office development within the defined centres and resist development that would undermine their strength. The site lies within the defined Retail Core and Policy GA1.1 states that improvements to the quality of the environment and the shopping experience within this area will be promoted. Furthermore it states that an appropriate scale of retail development will continue to be supported where it complements the existing Retail Core and as part of mixed use redevelopments throughout the City Centre.

6.2 Policy TP22 indicates that convenience retail proposals will be supported in the City Centre subject to the proposals being at an appropriate scale. Policy TP24 describes how it is important that centres maintain their predominantly retail function and it promotes Class A1 uses in preference to other non A1 retail and other uses.

6.3 The Retail Strategy acknowledges that parts of the Retail Core such as Corporation Street have suffered from investment elsewhere in the City and show higher vacancy rates than elsewhere in the Centre. This is alongside national changes resulting from the effects of the recession on spending patterns and the growth in online shopping. The Martineau Galleries area, comprising The Square and the surrounding blocks, is identified as an area of change and it is anticipated that the implementation of the HS2 proposals will enable a stronger link between the Colmore Row/Snow Hill area and Eastside. The Strategy explains that Martineau Galleries will become a location for prime offices, unlocking the potential for large floorplate Grade A office space immediately opposite Birmingham Curzon station. It is envisaged that buildings will

be set around new public squares and spaces, with strong pedestrian links through the development. Commercial uses are promoted at ground floor of this key route with residential uses above.

- 6.4 It is accepted that the Retail Strategy has aspirations for the redevelopment of the wider Martineau Galleries site, however it is considered that these are longer term plans that would build upon the HS2 momentum and the ambitions set out within the Curzon Masterplan.
- 6.5 In the short term the policies of the Adopted Development Plan promote development that would improve the vitality and viability of the City Centre and the Retail Core. Also the range of uses proposed accords with the NPPF definition of town centre uses and therefore it is considered that the range would be consistent with the functions of the City Centre. It is considered that allowing the 21 units to have a flexible use would increase their marketability and reduce the likelihood of vacancies thus enlivening this part of the City Centre that has suffered over recent years.
- 6.6 It is acknowledged that there is the opportunity for all 21 units within the application site to become food and drink outlets, in addition to the existing food and drink outlets. The covered central square offers a good setting for food and drink uses and provides adequate room for outdoor seating area. Incidentally the 1997 outline planning consent approved a total of approximately 118,000 square metres of retail floorspace, and whilst the application site was much more extensive in terms of area than the current site it restricted the amount of A2 and A3 floorspace to a combined total of 30% of the approved floorspace. Such a restriction could be applied via a planning condition again however the purpose of such a restriction, at a location that has a number of vacant units is not considered to be reasonable or worthwhile. The footfall that the proposed uses would encourage is considered to be preferable to vacant units, and again it would be difficult to resist the proposed town centre uses within the Adopted Retail Core.

Impact Upon Amenity

- 6.7 As explained above there is the potential for Martineau Place to become a food and drink destination. Whilst this part of the City Centre does not have a high proportion of residential uses it is understood that there are residential apartments on the upper floors to Victoria House on the opposite side of Union Street; plus there are the aparthotel rooms of the Staybridge Suites that are located above the development. However following the submission of additional information regarding the many extraction systems that currently serve the site BCC Regulatory Services are satisfied that the future occupiers could utilise the existing or provide a new extraction system that could terminate at roof level. A condition is proposed to require details to ensure that the routing of an additional extraction system(s) would be satisfactory.
- 6.8 Whilst BCC Regulatory Services have recommended conditions to require the units to close at either 23:30 or midnight it is considered that these are not reasonable taking their City Centre location into account.

Impact upon the Heritage Assets

- 6.9 Whilst the site lies close to the boundary of the Colmore Row and Environs Conservation Area it is considered that there would be no significant impact upon views into or out of the Area and negligible impact upon its character and appearance.

- 6.10 The units affected within the application site would not have an impact upon the setting of the Grade II* listed City Arcade on the opposite side of Union Street.

Highways

- 6.11 BCC Transportation consider that there would be no significant difference in trips generated by the lawful uses compared to the proposed uses, whilst the site is located in the City Centre that is accessible by a range of sustainable modes. Therefore no objections are raised.

Other

- 6.12 Comments from the Police request clarification regarding the measures proposed to ensure that vehicles would be kept separate from the pedestrianised areas. In response there are existing bollards at the entrances off Union Street and Corporation Street whilst this is considered to be a management issue for Martineau Place. Notwithstanding the request from the Police to reserve further advice once the end user of the individual units is known, unfortunately this is not possible as should approval be granted all of the 21 individual units would be able to change to any of the range of uses without requiring a further consent.

7. Conclusion

- 7.1. Martineau Place has a number of vacant units and at present these provide a blank frontage to Corporation Street and to Martineau Way that passes through the development. It is considered that a flexible use consent would enhance the marketability of the units and therefore would stimulate the vitality and viability of this part of the City Centre with town centre uses that would be appropriate to the Adopted Retail Core.

8. Recommendation

- 8.1. Approve subject to conditions.

1	Requires the scheme to be in accordance with the listed approved plans
2	Consent Only Relates to a Defined number of units
3	Requires the prior submission of extraction and odour control details
4	Implement within 3 years (Full)

Case Officer: Julia Summerfield

Photo(s)



Martineau Place

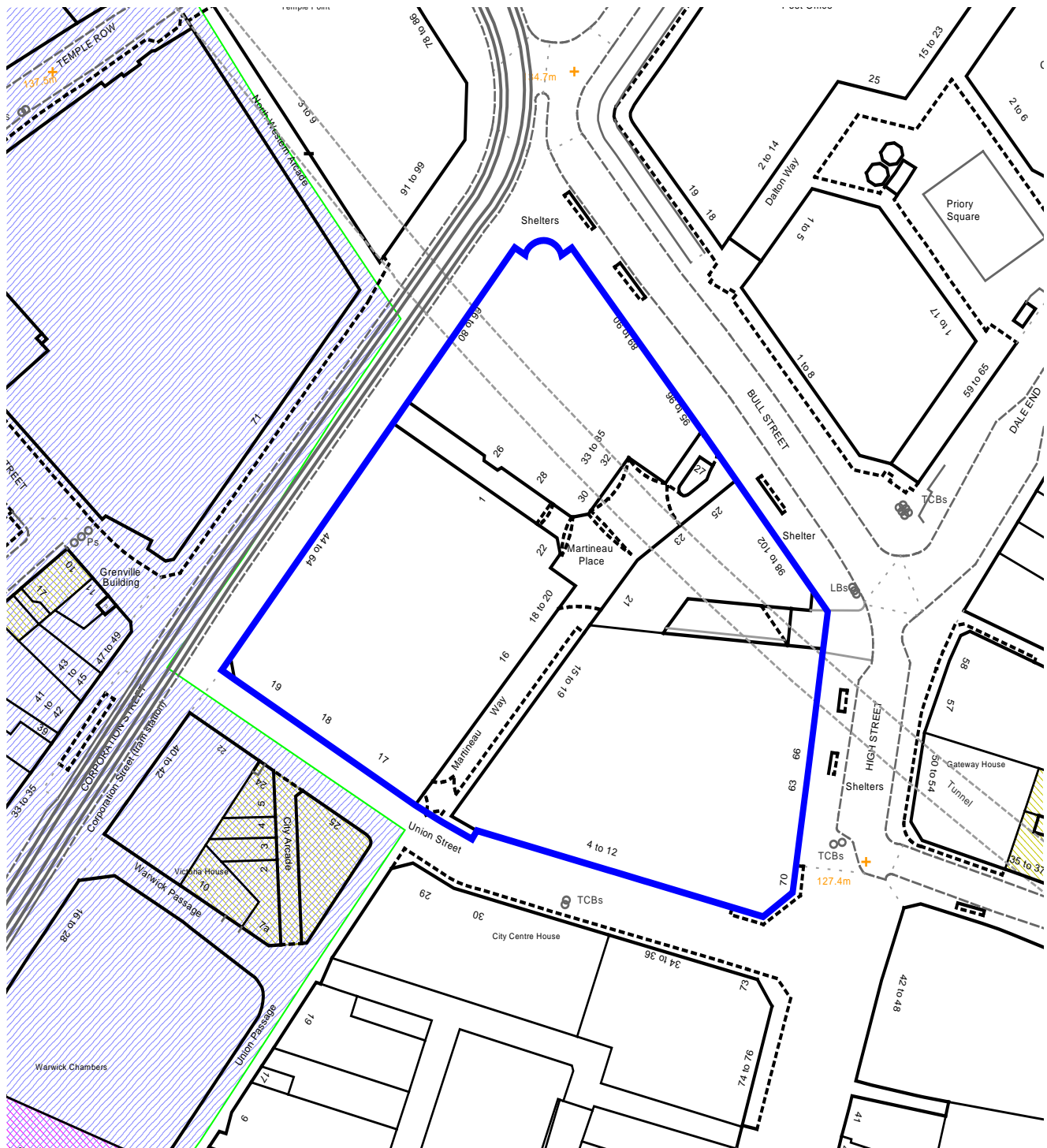


Entrance to Martineau Way off Union Street



Entrance off Corporation Street

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



Proposed Units Subject to Change of Use – Ground Floor



Proposed Units Subject to Change of Use – Lower Ground

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:	02/02/2017	Application Number:	2016/04205/PA
Accepted:	31/05/2016	Application Type:	Full Planning
Target Date:	27/01/2017		
Ward:	Aston		

11-21 Great Hampton Street, 10 Harford Street and 20-26 Barr Street, Jewellery Quarter, Birmingham, B18 6AX

Conversion of 13-21 Great Hampton Street and conversion, extension and alteration of 20-26 Barr Street to residential apartments. Demolition and redevelopment of remaining site to provide an overall total of 156 residential units and 996 sqm of commercial floorspace (Use Classes A1, A2, A3, & B1a) together with associated works.

Applicant:	Blackswan Developments Finance Ltd c/o Agent
Agent:	Phase 2 Planning & Development Ltd 250 Avenue West, Skyline 120, Great Notley, Braintree, Essex, CM77 7AA

Recommendation
Informal Approval

1. Proposal

1.1 The proposal is to redevelop a site of 0.485 ha within the Jewellery Quarter Conservation Area to provide 156 apartments and 996 square metres of commercial floor space with associated parking. The site is occupied by a number of vacant commercial buildings previously used by an Electroplating business. These fill most of the plot including the three site frontages and include the 1912 J. Ashford & Son premises on Great Hampton Street which is listed Grade 2*. This would be retained together with a 2 storey brick building at No's 20-26 Barr Street. The application, which has been amended since originally submitted and now proposes the following:-

1.2 **Demolition**

1.3 The proposals would require demolition of the following buildings:

- A modern warehouse/office buildings dating from the mid-20th Century fronting Great Hampton Street located on the north side of the listed building (apart from the basement which would be retained)
- A modern warehouse dating from the late 20th century located fronting Great Hampton Street located on the south side of the listed building.
- No's 11 and 12 Great Hampton Street a pair of retail units with two floors of living accommodation above dating from the mid-19th Century
- Late 19th century 2 storey shopping wings attached to the rear of No's 11 and 12 Great Hampton Street and extending through to the Barr Street frontage
- A two storey brick workshop and office building dating from 1905-1917 fronting Harford Street.

- A group of modern infill workshop buildings dating from about 1937 located to the rear of the listed building and the retained building fronting Barr Street.

1.4 **Conversions**

- 1.5 Listed Building - It is proposed that the grade 2* listed building fronting Great Hampton Street and its 3 storey shopping wing to the rear be retained and refurbished. The floor space would be used to provide a commercial unit for A1, A2, A3 or B1a uses at basement, ground floor and within part of the first floor fronting Great Hampton Street. The remaining floor space would be converted into 14 one and two bed apartments. This would require alterations to the building including the installation of a replacement staircase, new internal subdivisions and replacement windows to the rear shopping wing. This work is also subject to an application for listed building consent under reference 2016/04206/PA.
- 1.6 20-26 Barr Street – This building is not listed or locally listed but is considered to be of historic interest and the frontage block is to be retained, converted and extended to provide a mix of one and two bed apartments. The proposed extension would add 2 floors of accommodation to the existing building with the third floor space provided within a mansard style roof to provide 4 storeys of accommodation overall. The existing building is of brick which would be retained and also used to rebuild a new rear wall. The new second and third floors would be of Corten steel cladding. The existing casement windows would be replaced with new small paned double glazed aluminium windows on the street frontage. Within the new extension and rear courtyard the windows would be also be double glazed aluminium framed but with larger panes. Roof lights flush with the steel cladding would be provided in the roof slope on the site frontage.

1.7 **New Buildings**

- 1.8 The application proposes to erect a range of 4 and 5 storey building to replace the buildings to be demolished on the three site frontages with wings to the rear to form two internal courtyards either side of the shopping wing attached to the listed building. There is a difference in levels of about 1.5 metres across the site and it is proposed that this be used to provide a semi basement parking area. The new buildings proposed are as follows:-
- 1.9 *Great Hampton Street* - On the north side of the listed building a new building would front the street and have a wing at the rear to adjoin the new building proposed on the Hartford Street frontage. The would provide a mix of one and two bed apartments apart from on the Great Hampton Street frontage where a commercial unit for A1, A2, A3 or B1a use is proposed using the retained basement and ground floor space. The new building including the rear wing would be would be 4 storeys high with a flat roof.
- 1.10 Materials proposed for the Great Hampton Street front are an ebony coloured plinth with red terracotta blocks on the ground floor and large bronze aluminium framed windows. The upper floors would be constructed from red linear stock bricks with a red terracotta cornice line and coping and would also have bronze aluminium framed windows which would be of a floor to ceiling height. On the side return of the building adjoining The Church PH red brickwork is proposed with the wording Gilders Yard added at high level. On the 4 storey wing to the rear facing an internal courtyard a blue brick would be used and the design incorporates large double glazed aluminium windows set within a deep reveal. A blank brick elevation is proposed to the rear of the Church PH but with ghost writing added at a high level.

- 1.11 *Great Hampton Street/Barr Street* – On the south side of the listed building a new building 4/5 storey building is proposed to fill the gap in the street frontage which would extend the full depth of the site through to Barr Street and adjoin the retained building at 20-26 Barr Street. The would also provide one and two bed apartments apart from on the Great Hampton Street frontage where a ground floor commercial unit for A1, A2, A3 or B1a use is proposed together with a reception area for the apartments and cycle store with 28 spaces. A semi basement area is proposed in the courtyard area to the rear for plant and an under croft car park of 47 spaces which would be served by a new access from Barr Street. The new building would provide 4 floors of accommodation on the Great Hampton Street and Barr Street frontages with the connecting wing providing four floors of apartments above the under croft car park.
- 1.12 The design of the new building on the Great Hampton Street frontage would be similar in terms height, scale and proportions to the building proposed on the north side of the listed building. The materials and detailing proposed would however be different and use bespoke cream faience terracotta panels with inlaid decorative panels in gold reflecting the Ashford and Sons “Regnum” cuff link design. The building would have a cream coloured terracotta panel to the window heads, cornice and parapet. Above the ground floor windows and to the side of the upper floor windows bespoke gold coloured mesh is proposed using a design from the pattern book of Francis Webb the pencil case maker who occupied the site prior to Ashford and Sons. Large floor to ceiling bronze aluminium framed windows are also proposed.
- 1.13 On the Barr Street frontage the new four storey building would be of red brickwork with the ground floor having alternative a frame of protruding brick courses and gates and a bin store clad with a corten steel mesh set within a black painted steel framework. The upper floors would have recessed aluminium framed windows with a recessed corten steel panel to the side. Between the two frontage building the rear courtyard wing would also be of bricks with aluminium framed windows and gold coloured panels to the upper levels set within a white framed panel revels. The semi basement car park area would be clad with gold coloured mesh screen panels.
- 1.14 *Harford Street* – On this frontage a new 5 storey building is proposed between the Church PH and an existing commercial building at 11 Harford Street. This would provide a further commercial unit for A1, A2, A3 or B1a use on the ground floor, entrance to the apartments and a vehicle access to provide a loading area to serve the commercial units. Apartments would occupy the upper floors. The new building would be built from blue brickwork with a regular pattern of large recessed aluminium double glazed windows with small panes. The ground floor on Harford Street would have a dark grey rendered finish with timber cladding to the loading bay gates. A flat roof is proposed hidden by a brick parapet.
- 1.15 The building has been designed to be double fronted so that the rear elevation faces onto the rear courtyard opposite the wing to the listed building. Attached to the side and rear of this new building a 4 storey wing is proposed to infill the space between the buildings fronting Harford Street and Great Hampton Street. Its main elevation would front the courtyard but its rear elevation would be blank as it adjoins the curtilage to the Church PH. The design is the same as that proposed on the Harford Street frontage being of blue brickwork with a regular pattern of large recessed aluminium double glazed windows and a parapet to the roof.

- 1.16 *Courtyard* – Within the rear courtyard area the existing shopping wing to the listed building would occupy roughly the centre of the site and the development would deliver two new shopping style wings to either side with courtyards between. The existing courtyard building covering the space would be demolished to a height of 450mm and used to demark areas of private space and the historic plot boundaries. Existing blue pavers are to be retained where possible and new ones provided to areas where the existing building slabs have been removed. Elsewhere the existing concrete slabs are to be kept and repaired. Within the courtyard a limited number of new trees are proposed to be planted in containers and railway sleepers used to form benches and boundaries between ground floor apartments to allow small external terraces to be provided. Small terraces are also proposed for ground floor apartments above the basement car park roof. The applicant has also offered to replace the existing footways along the site frontages with blue brick paviors.
- 1.17 Overall the development would provide 87 one bed and 69 two bed apartments, 4 commercial units, 47 car parking spaces (a 30% provision) and 28 cycle spaces. The proposed apartments vary in size from between 42.1 and 86 square metres for the 1 bed and between 61 – 117.8 square metres for the 2 bed units. As the site covers 0.485 ha this gives a density of 321.6 dwellings per ha. The application has been supported by a Design and Access statement, viability appraisal, ecological appraisal, heritage statement, flue and ventilation strategy, structural survey, geo environmental report, noise report, transport statement and drainage scheme.
- 1.18 [Link to Documents](#)
- 2.0 [Site & Surroundings](#)
- 2.1 The application site occupies a block of land within the Jewellery Quarter Conservation Area with frontages to Great Hampton Street, Harford Street and Barr Street. It is almost entirely occupied by existing 2 and 3 storey commercial buildings last used by Frost Electroplating Ltd who have relocated to Kings Norton. On the Great Hampton Street frontage in roughly the centre of the site is an attractive Grade 2* three storey listed building with a long shopping wing to the rear. It was built in 1912 has a stone name-plate runs across its central two bays with the name J Ashford & Sons Ltd. Internally the frontage section of the building retains its original plan form and historic detailing and at the rear is a wing of open plan workshops constructed in red brick with the elevations dominated by large windows but now largely obscured by modern infill extensions.
- 2.2 On the north side of the listed building is a collection of 2 storey commercial buildings built in the mid-20th Century which have been located well back from the street frontage behind railings and a forecourt area. It is of concrete and buff brick and has a full-height roller-shutter fronting Great Hampton Street to a vehicle access and loading bay. The buildings form one large open internal space and have a corrugated roof with and skylights. On the south side of the listed building, also set back from the road frontage, are a modern group of warehouse buildings of similar design and materials dating from the late 20th century located behind railings and a forecourt area.
- 2.3 Adjacent to this building lie 11 and 12 Great Hampton Street a pair of vacant three storey buildings located to the back of the footway which date from the mid-19th century. They originally provided ground floor retail units with two floors of living accommodation above, but have been extensively altered including ground floor roller shutters. No 12 is boarded/bricked up and has had its first floor bay window removed. Late 19th Century storey shopping wings are attached to the rear of these

building which extend through to the Barr Street frontage. These brick buildings have also been subject to change and have been damaged by a recent fire.

- 2.4 On the remainder of the site's Barr Street frontage at no's 20-26 Barr Street lies a 2 storey brick industrial building which was also used as workshops for the listed building. It has large windows, brick detailing and two entrances one of which is enclosed with a roller shutter door. At the rear of the building is a group of infill workshop buildings which extend to the rear of the listed building which are roofed with corrugated plastic sheeting. On the Harford Street frontage lies a two storey workshop building constructed in red brick covered by a corrugated asbestos gambrel roof.
- 2.5 Adjacent to the site boundaries lie locally listed buildings at No's 9 and 10 Great Hampton Street (known as Hampton House) which are three storey commercial properties built in 1912 of brick of stone with brick detailing and a pitched slate roof. They are currently used as a retail unit and takeaway at ground floor level with offices above. The locally listed Church PH abuts the northern boundary and sits at the junction with Harford Street. It is a two storey Victorian building constructed in brick with a pitched slate roof. At the rear of the pub fronting Harford Street is a single storey wing used as a function room with an external terrace/roof garden.
- 2.6 Other buildings abutting the site include No 11 Harford Street/36 Barr Street a 2/3 storey commercial building used by a company exporting/importing clothes which also has a retail unit on the ground floor and No 184 Great Hampton Row a 3 storey brick commercial building also used by a clothing manufacturer.
- 2.7 Other buildings in the surrounding area comprises of a mix of mainly 2 and 3 storey commercial premises many of which are occupied by wholesale fashion businesses. On the opposite side of Harford Street and fronting Great Hampton Street are the premises of the TSB bank which are listed Grade 2 and date from 1880's. Opposite the site on Great Hampton Street is the Quartz block of modern apartments 6/7 storey high which also have a retail unit and theatre at ground floor level.

2.8 [Site Location](#)

3. [Planning History](#)

- 3.1 22/12/99 - 1999/05217/PA - Hazardous substances licence granted for storage of zinc/ silver/copper cyanide for N T Frost Ltd at 19-21 Great Hampton Street.
- 3.2 2016/04206/PA - Listed Building Consent for alterations including the installation of a new stairwell, new subdivisions and replacement windows to rear in association with the conversion of the building to form 14 residential dwellings. Current application reported on this agenda.

4. [Consultation/PP Responses](#)

- 4.1 Transportation – No objection subject to conditions requiring a package of highway works and provision of car parking and cycle parking before occupation. Transportation officers also requested that the new car park access onto Barr Street be widened to 4 metres which is now shown on the amended plans.
- 4.2 Regulatory Services – No objection subject to conditions requiring a site investigation, details of any extraction/odour control systems if any of the commercial

units are used for A3 purposes, provision of noise insulation measures, a limit on noise levels from any plant and machinery and 10% provision of charging points for electric vehicles. Officers originally expressed concern regarding possible impact of noise on future residents from the roof terrace in operation at The Church PH and requested that this be assessed and the 4th floor terraces be removed. Additional information has been provided and the application amended to remove any windows overlooking the roof terrace of The Church PH, to remove the top floor terraces and to set the apartments back from the boundary. No further concerns have been raised.

- 4.3 Lead Local Flood Authority – No objection in principle but requested additional information and imposition of a drainage condition. Additional information has been provided and conditions are now recommended.
- 4.4 Severn Trent Water – No objections subject to drainage conditions being imposed and to no development being built over any public sewers within the site.
- 4.5 Environment Agency – No objection subject to conditions requiring a site investigation, validation report and require that any piling or any other foundation designs using penetrative methods are not undertaken without approval.
- 4.6 Ecologist – No objection subject to a condition requiring provision of Biodiversity/ brown roofs on the flat roofs of the development
- 4.7 West Midlands Police- No objection in principle and comments that Building Regulations will place an obligation on the applicant to conform to Approved Document Q - Security - Dwellings. Also requests that individual dwellings have their own access controls meeting Secure by Design standards, a lighting plan for the site be produced, a CCTV scheme be installed for the site, that refuse and cycle stores be secured and that there is appropriate internal access controls throughout the building.
- 4.8 West Midlands Fire Service – No objections
- 4.9 Network Rail – Comment that whilst the proposal is not directly adjacent to the operational railway the proposal includes a new basement structure on the site of an old underground petrol tank, left over from a former use. As this tank needs to be excavated from the site and it is proposed to form the new basement by linking through to the existing 1960's concrete basement behind the developer will need to obtain a BAPA (Basic Asset Protection Agreement) with Network Rail as this work is in the vicinity of a Network Rail tunnel. They will also need to submit directly to Network Rail a Risk Assessment and Method Statement (RAMS) for the works, including the demolition works.
- 4.10 Health and Safety Executive – No objection subject to the existing Hazardous Substance Consent being formally revoked.
- 4.11 Historic England – In their original comments commented that: -
 - They welcome the proposal is to convert the site primarily into residential units and to renovate the listed building but object to the replacement windows proposed.
 - Have no objection to the principle of the change of use throughout the site.
 - Support the erection of new flanking blocks in line with the listed building but have concerns regarding their heights in relation to the listed building and consider they should be lower.

- They welcome the retention of Neo-Georgian/Art Deco building on Barr Street, and its incorporation into the scheme but do not support the location of the new openings proposed on the ground floor because of the intrusion into this classical modernist facade.
 - Regret the loss of the early 20th-century brick building on Harford Street, with its finely detailed end bays and large metal windows.
 - Regret the loss of the two oldest buildings on the site at Nos. 11-12 Great Hampton Street, which appear to be two early 19th-century Georgian-style three-storey houses with their associated red brick ranges to the rear.
- 4.12 Following the amendments made to the application Historic England now comment that they consider that the additional information and amendments have been very useful. Their revised comments are that:-
- They still recommend the retention and repair of some of the metal windows in shopping wing of the listed building rather than the replacement of all.
 - They find that the omission of the parapet, the photomontage provided and the setting back of the new buildings on Great Hampton Street behind the quoins (piers) of the listed building have been persuasive and although they still recommend the new buildings be lower they do not object to them.
 - They welcome the amendments made to the Neo-Georgian/Art Deco building on Barr Street, and the photomontage provided.
 - They are convinced by the proposed loss of the red brick shopping wings to the rear of 11-12 Great Hampton Street and frontage building on Barr Street and by the replacement new building element onto Barr Street.
 - Their main concerns are now the loss of Nos. 11 and 12 Great Hampton Street which they consider to be very interesting buildings which appear to date from the first decades of the 19th century. They consider that despite their condition they have architectural and historic value, proportionate to their undesignated heritage status. They recommend they be retained and consider that the restoration of their external envelope would enhance the significance of the area and that harm will be caused to the conservation area by their removal as well as the waste of the opportunity to enhance the conservation area through their retention and restoration.
- 4.13 Conservation and Heritage Panel – The pre-application proposals for the redevelopment of the site were considered at the Conservation and Heritage Panel meeting on 11 April 2016. At that time the proposed development was similar to that originally submitted for the conversion and erection of new buildings to provide approximately 148 apartments with ground floor commercial uses. The Panel strongly welcomed and supported the scheme and viewed the proposals as the much needed start to the regeneration of this side of Great Hampton Street. The panel noted the loss of the Georgian buildings on the site but accepted their extremely poor structural condition. The panel also welcomed the retention of the building on Barr Street but felt the plans of the proposed roof top extension were lacking information to fully understand its relationship to the retained buildings. It was also suggest that the scheme could be improved by reducing the height of the new building between the Church Public House and the principal listed building.
- 4.14 Ward Councillors, MP, residents associations, Jewellery Quarter Development Trust nearby local residents and businesses notified of the application and site/press notices displayed. Seven letters received from local residents and businesses and two letters from the brewery solicitors and owner of The Church PH. Of the letters from local residents/businesses two support the application particularly the revocation of the Hazardous Substances Consent which they consider will enhance

the Quarter and allow further investment to take place. Two other letters objects on the grounds of:-

- overdevelopment that will add to parking and traffic issues in the area
- They currently allow Vodafone to have a mast on their building and the new buildings could block the mobile phone signals meaning the loss of their rent agreement and loss of income
- Overlooking of 30-36 Barr Street
- Development would cause air and noise pollution and will affect my business and other businesses in the area.

4.15 The other 3 letters support the regeneration and the retention of the listed building but raise the following issues:-

- Concern that the development will lead to more indiscriminate parking outside the Tesco store, illegal right turning off Great Hampton Street conflict with existing bus stops and measures should be taken to mitigate this.
- Concern regarding possible noise issues from the proposed commercial units That the construction work will cause disruption, noise, pollution and obstruction.
- That the design of the new buildings be of a high quality that fit in with the Jewellery Quarter but include modern environmental features and good outside space for residents.

4.16 The letters received on behalf of the brewery and from the owner of The Church PH contain the following objections:-

- The proposal represents an overdevelopment of the site and has given little consideration to the impact on The Church PH.
- The scale of the development has an unacceptable overbearing impact on the adjoining Grade 2* listed building of significant heritage importance.
- The development will unacceptably overlook and overshadow The Church PH and its rooftop terrace.
- There is a poor relationship between the apartments and The Church PH caused by the scale of the development
- The development would be contrary to national and local planning policies as it would harm the setting of the listed building and the character of the conservation area. There are no public benefits identified that would outweigh this harm.
- The development will have an adverse impact on the well-established local business at The Church PH contrary to the policies of the UDP which state that residential development will not be allowed where it had an adverse impact on the primary commercial function of an area.
- The noise report submitted is inadequate and the proposed windows and balconies overlooking the Church PH threaten to undermine to viability of the business.
- The 44 car parking spaces for 156 apartments is totally inadequate
- There is already a significant problem with on street parking on the surrounding roads which will only get worse and impact on both our trade levels and ability to take deliveries etc.
- Do not have a lot of faith in the Traffic Survey/Transport Statement submitted with the as most people will have cars.
- Kerbside deliveries for the retail units will be problematic.
- Concerned about the effect on the pub of contractors parking, traffic, noise, pollution, dust, impact on the roof terrace during the construction phase of the project and the disruption to the business.

- That the development will overshadow and cause a loss of sunlight to their roof terrace and loss of light to the function room below having a detrimental impact on the business.
 - The development will significantly impact on the amount of natural light in the Residential accommodation above the pub.
 - The development dwarfs The Church which is a grade B locally listed building that should retain its current architectural prominence.
 - The pub sign on the gable end that will be covered by the development which is significant for our visibility for customers.
 - There could be a conflict between the pub and new residents with noise as ground floor flats are proposed immediately adjacent to the function room and terrace which can be open until 2am and also used for some live music. If this became a noise issue it could affect our viability.
 - We will have to significantly raise the level of our kitchen extraction to ensure that all the fumes from the kitchen are clear the new flats and our main boiler flue will need to be re-sited causing a bad effect on The Church's aesthetic.
 - There is already a large problem with vermin around this area, demolishing and redeveloping that site will be an issue that affects the whole area
- 4.17 A letter of objection was also originally received from Vodafone who have a mobile phone base station on the neighbouring property and were concerned that the increase in building heights would obstruct the service provision from our site. Following the receipt of additional information they have withdrawn their objection.

5.0 Policy Context

- 5.1 Birmingham Development Plan 2031, National Planning Policy Framework, Birmingham Unitary Development Plan 2005 saved policies, The Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Conservation Area Design Guide, Conservation Through Regeneration SPD; Places for All SPG, Places for Living SPG, Car Parking Guidelines SPD, National Technical Housing Standards.

6.0 Planning Considerations

6.1 **The Issues**

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

6.3 **Land Use Policy**

- 6.4 The BDP aims to provide for significant new growth in the most sustainable way, ensuring that the development of new homes is matched by the provision of opportunities for new employment, accessible local services and a high quality environment. Sustainable growth in housing, retail and employment development is to be supported including a continuation of new development accommodated through the regeneration, redevelopment and renewal of its urban areas. In the Jewellery

Quarter the aim is to create an urban village which supports the area's unique heritage with the introduction of an appropriate mix of uses and radically improved connections to the City Centre Core

- 6.5 The NPPF also contains a presumption in favour of sustainable development and underlines the Government's commitment to securing economic growth and job creation together with high quality design. Paragraph 17 of the NPPF supports sustainable economic development to deliver new homes and encourages the use of brownfield land. Paragraph 19 states that significant weight is placed on economic growth within the planning system with paragraph 50 highlighting that residential development should reflect local demand and create mixed and balanced communities.
- 6.6 The application site is located in the Great Hampton Street designation in the Jewellery Quarter Conservation Area Character Appraisal and Management Plan (JQCACAMP) where residential uses are considered acceptable. The plan encourages the re-use of vacant premises as the best means of ensuring the long term up keep of buildings of architectural merit. It also states that it is vital to encourage the regeneration of Great Hampton Street with its use as a local service centre with fashion, jewellery retailing, commercial and workshop uses and that new residential accommodation should occupy the upper floors. As such the broad principle of a residential led redevelopment scheme in this location would be acceptable particularly as commercial uses are proposed at ground floor level on Great Hampton Street and Harford Street.
- 6.7 **Hazardous Substances Consent**
- 6.8 The site has the benefit of a hazardous substances licence as approved in 1999 when N T Frost Ltd occupied the site in connection with their electroplating business. This licence has to date prevented residential development being approved in the vicinity of the application site as the Health and Safety Executive have advised against the granting of planning permission in order to safeguard residents from any potential health and safety risk resulting from the storage of the hazardous materials. However NT Frost no longer occupies the site and it is understood that company informed the HSE in March 2012 that they no longer held quantities of dangerous substances.
- 6.9 If the existing hazardous substances licence was therefore revoked this would allow the redevelopment of the site to take place and it is also likely to help the wider regeneration of this part of the Jewellery Quarter due to the constraints the current consent has on potential development opportunities in the surrounding area. Birmingham City Council is the hazardous substances authority for the purposes of the Hazardous Substances Act 1990 and Section 14 of the Act gives hazardous substances authorities the power to make an order revoking or modifying a hazardous substances consent where they consider it expedient to do so. However the licence provides an entitlement that runs with the land and compensation can be payable when loss or damage results from a revocation or modification.
- 6.10 The applicant has therefore been asked to confirm that compensation would not be sought if the Council seek the revocation of the licence and that they would be willing to pay any legal costs in seeking a revocation order which the Secretary of State must confirm before it can take effect. This would need to be in place before planning permission could be granted for the redevelopment and therefore any decision to approve this current application would need to be subject to a revocation order being approved.

6.11 Demolition

- 6.12 As the application site is in a conservation area, planning permission is required for the demolition of any buildings. The statutory requirement is to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage and that proposals for new development will be determined in accordance with national policy. It requires that applications for development affecting the significance of a designated or non-designated heritage asset, including proposals for removal, provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.
- 6.13 The Jewellery Quarter Conservation Area Appraisal and Management Plan states that demolition of buildings will not normally be permitted and there is a presumption against alterations to buildings which adversely affect their character or that of the conservation area. The NPPF requires the conservation of heritage assets in a manner appropriate to their significance. In considering the impact of a proposed development on the significance of a designated heritage asset, great weight is to be given to the asset's conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 6.14 In support of the application a Heritage Statement and visual Structural Survey Assessment have been submitted. Following the original comments from Historic England this has been updated to provide additional information. The applicants report concludes that although the proposals will remove several buildings these have been either so heavily altered, or is in such poor condition, as to only make a marginal contribution to the aesthetic, evidential and historic values of the conservation area. The assessment comments that their removal, would result in a negligible degree of harm and that the removal of the modern warehouses fronting Great Hampton Street and replacement with new buildings would improve the character and appearance of the conservation area. Therefore, they conclude that whilst there is a minor degree of harm through the loss of some historic fabric throughout the site, the benefits to the conservation area outweigh such a negligible degree of harm.
- 6.15 At the pre application stage it was proposed only to retain the listed building on the site but following concerns about the loss of 20-26 Barr Street the applicants agreed to its retention. Historic England also initially expressed concerns about the loss of the brick building on Harford Street and the loss Nos. 11-12 Great Hampton Street with their brick ranges to the rear. They have since withdrawn their objections other than to the proposed demolition of the front section of No's 11 and 12 Great Hampton Street which they consider to be early 19th century buildings, to have architectural and historic value proportionate that should be retained and be restored.
- 6.16 No's 11 and 12 Great Hampton Street are two rooms deep built as retail unit's with two floors of living accommodation above. They are disused and neither listed or locally listed. Their front facades have been significantly altered, by modern shop fronts, large facias and roller shutters on the ground floor with the upper floors being boarded up. The original brickwork at No 11 has been covered with cement render and side wall of No 12 has a modern brick skin and brick buttresses. The slate roof has also been repaired with a combination of bitumen and corrugated iron sheeting. The applicants consider that any historic significance is negligible and these

conclusions are accepted by the Council's conservation officer who does not consider that this pair of buildings should be retained. The demolition of these non-listed buildings is considered to be acceptable and it is not considered that their loss would cause harm to the conservation area.

6.17 **Design and Layout**

6.18 Policy TP12 of the BDP states that where a Conservation Area Character Appraisal or Management Plan has been prepared, it will be a material consideration in determining applications for development, and will be used to support and guide enhancement. The application site falls within the designated Great Hampton Street area within the JQ Conservation Area Appraisal and Management Plan. It notes a wide variation in the scale of the buildings in the area from two and three storey domestic properties converted to workshop uses, to later three to five storey manufactories. It also comments that there is a varied use of materials in this area including red brick and slate but also faience, terracotta and stone. The Management Plan requires the design of new development to respect the scale, form and density of development and states that building heights should generally respect the height of buildings within the locality and normally limited to four storeys. The Jewellery Quarter Design Guide also outlines principles for good design including guidance on scale, form, grain, hierarchy and materials.

6.19 There is also a statutory requirement to have special regard to the desirability of preserving listed buildings and their settings and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The NPPF requires new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Decisions should address the integration of new development into the historic environment.

6.20 *Great Hampton Street frontage*

6.21 On the Great Hampton Street the retained listed building is to be restored and repaired and converted into a commercial unit and 14 apartments most of which would be in the shopping wing to the rear. The detailed conversion work is covered by the listed building consent application 2016/04206/PA which is also reported to this committee. However in terms of the uses and intention to restore the building is considered to be acceptable and would bring an important Grade 2* listed building back into use.

6.22 On the north side of the listed building the new 4 storey building proposed would be located close to the back of the footway on Great Hampton Street to reinstate the original building line although behind the quoins (piers) of the listed building as requested by Historic England. In terms of the design, the new building addresses that street frontage by providing a ground floor commercial unit with apartments above which will add to the diversity of built form and activity along Great Hampton Street. As this street is a major thoroughfare into the city with a number of substantial commercial premises of between 2-7 storeys nearby it is considered that the 4 storey building proposed is not out of scale and contrasts with the roof line of the new building south of the listed building. Materials are generally more varied in this part of the Jewellery Quarter and the use of a bespoke terracotta block and red linear bricks are considered to be acceptable and pick up on the use of narrow bricks in Birmingham's legacy of arts and crafts masonry. The conservation officer supports the proposals and although Historic England has commented that they would prefer the new buildings be lower they do not object to them.

- 6.23 The new building and its wing to the rear would adjoin The Church PH; a lower 2 storey locally listed building which has a terrace at the rear fronting Harford Street. It will be noted from the consultee responses that objections have been received from The Church PH who consider the proposal represent an overdevelopment of the site, has an unacceptable overbearing impact the pub and the adjoining Grade 2* listed building, will overlook and overshadow the pub and would harm the setting of the listed building and the conservation area. They also are concerned that there would be overlooking and a loss of sunlight to their roof terrace and function room to the detriment of their well-established local business.
- 6.24 The comments received relate to the proposals as originally submitted and since then amendments have been made to the proposals and to date no further representations have been made. The amendments include the removal of the windows, external walkways and roof top terrace originally proposed to the Harford Street elevation to address the concern regarding overlooking. The height of new works on the side elevation has also been reduced by removing a mansard roof originally proposed and as a result the side elevation to The Church PH on Harford Street would now be a solid wall with no openings. The rear wing has also been moved further back from the shared boundary. Sun path diagrams have been provided to show that the proposed development would not result in any adverse effect in terms of loss of sunlight and shadowing to the roof terrace compared to the existing situation, where the roof terrace is already flanked by a tall brick wall.
- 6.25 Although the new building at 4 storeys high would be taller than The Church PH officers do not consider it would overbearing or out of keeping with the character of development in the area which has a range of building heights up to 7 storeys. The Conservation Officer and Historic England do not object to the building heights or to the relationship with the Grade 2* listed building or the locally listed Church PH. The redevelopment of this large vacant site and the revocation of the Hazardous Substances Licence are also likely to regenerate and significantly improve this part of the Conservation Area to the benefit of existing local businesses.
- 6.26 *Great Hampton Street/Barr Street*
- 6.27 On the south side of the listed building fronting Great Hampton Street the new 4 storey building proposed has also been amended since originally submitted to delete the parapet which reduces its height as requested by the conservation officer and Historic England. Otherwise the form of the building and uses are similar to that proposed on the north side of the listed building with a ground floor commercial unit fronting Great Hampton Street and apartments above. The materials proposed however are very different being bespoke cream faience terracotta panels with inlaid decorative panels in gold inspired by the Ashford and Sons "Regnum" cuff link design. The building would also have cream coloured terracotta panel to the window heads, cornice and parapet and above the ground floor windows and to the side of the upper floor windows bespoke gold coloured mesh is proposed with a design from the pattern book of Francis Webb the pencil case maker who occupied the site prior to Ashford and Sons.
- 6.28 The conservation officer comments that the use of faience (glazed terracotta) is very encouraging and could bring much to the quality of this scheme and its association with the Jewellery Quarter and the wider legacy of terracotta in the city where cream and buff was a common choice. He also supports the depth and form of the geometric design in the faience as it makes reference to the cross over between the chequer board geometry of the arts and crafts movement seen in the listed building at 13-21 Great Hampton Street and the emerging Art deco more abstract form. He

considers the mesh panel to the windows is accepted in principle subject to further details in terms of design/pattern, fixing and finish.

- 6.29 At the rear of the new building fronting Great Hampton Street a 4/5 storey wing is proposed extending through to a new 4 storey building on the Barr Street frontage to replace the existing fire damaged buildings. The new 4 storey building fronting Barr Street would be of a similar height to the neighbouring building on the corner of Great Hampton Row and Barr Street and although it would be higher than the existing building and those on the opposite side of Barr Street which are 3 storeys high it is considered to be of an suitable scale and height. It would have a comparatively narrow frontage reflecting the original plot boundary and be built from red brick with large recessed windows. At ground floor level the frontage would provide the bin storage area and entrance to the car park. Although this is less active use this part of the site does not occupy a main road frontage. Most other buildings on this street have roller shutters at ground floor level but the application proposed to use corten steel mesh to the entrance gates which would give a more open appearance.
- 6.30 The wing proposed between the two frontage buildings facing the courtyard would provide 4 floors of accommodation but above a semi basement car park making it taller than the frontage buildings and the 3 storey listed building shopping wing in the centre of the site. The wing however is set back from the site frontages by about 10 metres on Great Hampton Street and 9 metres on Barr Street so will not be prominent from the site frontages. Whilst the new building would about 3.5 metres higher than the listed building there is a distance of 9 metres between the two leaving sufficient space to avoid an overbearing impact. The proposed design using brickwork, aluminium framed windows, gold coloured panels, white framed trespa panel reveals and gold coloured mesh screen panels for the basement parking are considered to be acceptable in principle subject to satisfactory samples being provided.
- 6.31 *Barr Street .*
- 6.32 The other proposals on Barr Street are the retention and extension of No's 20-26 Barr Street. The proposal to retain and convert the existing building to apartments is supported and the proposed two 2 storey mansard roof extension of corten steel is considered to be acceptable. The Conservation officer comments that the retention of this façade is welcomed as is the formation of an interesting corten steel roof extension. He considers that whilst over two floors, the extension would add interest to this street and make the division between new and old very clear. Conditions will be required regarding the details of the form of the steel, its fixing, how the windows will sit within this structure. The objections originally raised by Historic England to the ground floor windows have been addressed in the amended plans submitted.
- 6.33 *Harford Street.*
- 6.34 A number of amendments have also been made to the design of the new buildings proposed fronting Harford Street to address design issues raised and to reduce the impact on The Church PH. The amendments have improved the relationship with this neighbour by reducing the height of the courtyard building to the rear but as a result it is now proposed to increase the height of the building directly fronting Harford Street to 5 storeys due to the need to provide a viable development. In terms of design the conservation officer comments that the building is of an acceptable height and quality design that sits very comfortably with the Jewellery Quarter 'type'. He supports the use of grey render and blue brick subject to a good blue brick with purple fleck being used and a dark render.

- 6.35 The rear elevation of the Harford Street building faces the courtyard and its wing provided 4 floors of accommodation and both would lie opposite the 3 storey listed building shopping wing in the centre of the site. Whilst the new building would be higher than the listed building there is a distance of 9.5 metres between the two leaving sufficient space to avoid an overbearing impact. No windows are proposed in the side elevations which would overlook the commercial premises at Nos 30-36 Barr Street.
- 6.36 Overall the proposed layout and design of the proposed development are considered to be appropriate for the Jewellery Quarter Conservation Area, would not harm its significance or adversely affect adjacent uses including The Church PH.
- 6.37 **Impact on the setting of listed buildings**
- 6.38 Consideration also needs to be given to the impact of the development on the setting of the listed buildings both on and adjacent to the site. The statutory test for development involving listed buildings is that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses and the NPPF contains similar requirements.
- 6.39 In terms of the Grade 2* listed building on the site the development would bring the building back into use, restore it and require only minimal alterations to its fabric to accommodate the proposed uses. Currently the Great Hampton Street frontage of the building adjoins two car parking/delivery areas and its rear wing is adjoined to a range of modern workshops and storage buildings. The redevelopment of the site and demolition of the modern buildings would help to reinstate its original setting between buildings fronting Great Hampton Street with the wing located within a courtyard at the rear. The replacement buildings are considered to be of an appropriate scale and design and would enhance the setting of the listed building.
- 6.40 The other listed building in close proximity to the site is the premises of the TSB bank which lie on the opposite side of Harford Street and also fronts Great Hampton Street. The side elevation of this Grade 2 listed building lies opposite the Church PH and it is not considered that the proposals would have an adverse impact on its historic interest or setting.
- 6.41 **Residential amenity**
- 6.42 The proposed apartments vary in size with the 1 bed properties being between 42.1 and 86 square metres, the 2 bed properties being between 61 – 117.8 square metres. The nationally described space standards set minimum space standards of between 39-50 square metres for a 1 bed dwelling and 61-70 square metres for a 2 bed depending on the number of occupants. The proposed apartments are considered to be of an acceptable size and although 22 of the 1 bed units are below 50 square metres this represents only a small percentage of the total number of units and a number of the other 1 bed units are considerably larger with 7 being more than 80 square metres in size.
- 6.43 The proposed separation distances between windows of dwellings within the courtyards are between 9 and 9.5 metres which are below the distances recommended in Places for Living. However this is considered to be acceptable in this instance due to the need to bring the listed building back into use, the need to provide a viable development on this site and having regard to the character and sight

grain of the Jewellery Quarter Conservation Area. Most of the apartments would also not have any private amenity space but residents would be able to make use of the space within the central courtyard.

- 6.44 Objections have been raised by the Church PH that residents may be disturbed by noise from the pub which can be open until 2am and have live music. A noise assessment has been submitted with the application which concludes that traffic noise will have the greatest impact on the development but has also assessed noise from The Church PH and recommends specific attenuation to residential facades having a direct line-of-sight to the adjacent road network and a line-of-sight to The Church PH which will require specific enhanced glazing and ventilator attenuation performance. Regulatory Services also raise no objection to the application subject to conditions as it has been amended to remove any windows or terraces overlooking the public house and its terrace. They also recommend a restriction on hours of opening of the commercial units from 8am -23.00pm which would help address the issue raised by a local resident that there could be noise disturbance from these uses.

6.45 Transportation issues

- 6.46 The application proposes 47 on-site car parking spaces a 30% provision and a cycle store with 28 spaces. A number of objections have been raised that the parking will be inadequate for the scale of development however Transportation raises no objection to this provision. They comment that the submitted Transport Statement notes the levels of traffic generation and parking demand are similar between existing and proposed uses on the site with 37 and 42 vehicle trips two way in the am and pm peak periods. Parking is restricted on Great Hampton Street with double yellow lines, but unrestricted on Harford Street and Barr Street. It is noted that the parking provision is 30% where guidelines seek a maximum 150% but this has to be compared to the previous use which had minimal provision. In addition the site lies in a city centre location and has good accessibility to services and is also well served by public transport including St Paul's metro station.
- 6.47 A local resident has expressed concern that the development will lead to more indiscriminate parking outside the Tesco store, illegal right turning off Great Hampton Street conflict with existing bus stops and measures should be taken to mitigate this. The Tesco store is in the Quartz development opposite the site on Great Hampton Street. It is not considered that it could be shown that the redevelopment of the application site would lead to its occupants or visitors parking outside this store and therefore it would not be reasonable to require this developer to militate against this. Other comments received regarding on street parking problems in the area and that deliveries to the retail units could be difficult are not considered to be issues by Transportation Officers who do not object to the development.

6.48 Other matters

- 6.49 With regard to the other issues raised the noise report submitted has been amended and the plans revised to address issues raised by the Church PH. Conditions are recommended to require a construction management Plan to deal with contractors parking, traffic, noise, pollution, dust, arising from the demolition and construction phase of the project and possible disruption to business. The Church PH have also expressed concern that they may need to alter kitchen extraction system and boiler flue to ensure that any fumes are clear the new flats however the amendments have moved the development further from the pub and positioned windows facing the

internal courtyard. If planning permission is required for any new extraction system this would be treated on its merits.

6.50 In response to the comments from the police the applicant has advised that a lighting plan for the site will be developed and that a CCTV scheme is to be installed at front and rear entrances. Comments have also been raised by the Council's ecologist and a local resident regarding the need to provide green roofs and all modern environmental technology. In response the applicants advise that the development will comply with all Building performance standards and in addition they will re-using existing building and materials, will provide high standard of noise insulation over and above building regulation requirements and retained windows will be upgraded. It is not however possible to provide green/brown roofs/ or solar panels as this will impact on the scheme's viability but they are able to provide electric vehicle charging points.

6.51 The comment that there is a problem with vermin in the area that will be increased by demolishing and redeveloping the site is not considered a material planning matter. Likewise the objection received for a neighbour that they may lose their rent arrangement with Vodafone cannot be given weight and it is noted that Vodafone have withdrawn their objection to the application. The comments raised by Network Rail about the need for their consent for works to the basement have been forwarded onto the applicant.

6.51 **Section 106**

6.52 As the application is for 156 dwellings policies require 35% affordable housing to be provided and on site public open space or off site contributions. The applicant has however submitted a financial appraisal to demonstrate that due to the high levels of contamination on the site, the need to retain the listed building and No's 20-26 Barr Street the scheme would not be viable if it was required to provide affordable housing or public open space. The applicant has however offered to carry out public realm improvements on the site frontages to provide blue brick paving to enhance the conservation area and setting of the listed building. It is recommended that the delivery of these improvements is covered by conditions.

6.53 The applicant's viability assessment is currently being independently assessed and it has been indicated that the site would not be able to fund any further contributions or provide affordable housing. This will be confirmed at committee. The application site does not lie in a CIL charging area.

7.0 Conclusion

7.1 As the application site currently has a Hazardous Substances Licence it has prevented the redevelopment and investment in this part of the Jewellery Quarter for a number of years. If this consent is revoked it would allow the site to be redeveloped and bring back into use the vacant land and buildings on the application site to the benefit of the Conservation Area. The scale and design of the new buildings proposed are considered to be acceptable and that the proposal to retain and reuse use the listed building and No's 20- 26 Barr Street would retain the historic significance of the site. A number of amendments have been made to the application to address concerns initially raised by officers, Historic England and adjoin businesses and have allowed an appropriate scheme to be brought forward to regenerate the area.

8.0 Recommendation

- 8.1 That consideration of application 2014/04205/PA be deferred pending the completion of a revocation or to secure without compensation or any cost to the City Council the revocation of Hazardous Substances Licence 1999/05217/PA
- 8.2. That the City Solicitor be authorised to prepare, complete and obtain appropriate Revocation Order and submit it to the Secretary of State for approval.
- 8.3. That in the event of the Hazardous Substances Licence 1999/05217/PA being revoked to the satisfaction of the Local Planning Authority, favourable consideration be given to this application, subject to the conditions listed below:

-
- 1 Requires the prior submission of a phasing plan
 - 2 Prevents demolition prior to a redevelopment contract being entered into
 - 3 Requires the prior submission of a demolition method statement
 - 4 Requires the prior submission of building recording
 - 5 Requires the prior submission of a condition survey
 - 6 Requires the prior submission of a method statement
 - 7 Requires the prior submission of architectural details
 - 8 Requires the prior submission of sample materials
 - 9 Requires the prior submission of mortar details
 - 10 Requires details of security measures.
 - 11 Requires the prior submission of a lighting scheme
 - 12 Requires the prior submission of contamination remediation scheme on a phased basis
 - 13 Requires the prior submission of a contaminated land verification report
 - 14 Requires the submission of the Shop Front Design of the commercial units
 - 15 Requires the prior submission of a sustainable drainage scheme in a phased manner
 - 16 Requires the submission prior of a Sustainable Drainage Operation and Maintenance Plan
 - 17 Requires the submission and implementation of noise mitigation measures
 - 18 Requires the prior submission of noise insulation (variable)
 - 19 Limits the hours of operation of the commercial units to 08:00 to 23:00 hours
-

-
- 20 Limits delivery time of goods to or from the commercial premises to 08:00 to 19:00 Mondays to Saturdays and 10:00 to 18:00 Sundays
 - 21 Requires the submission of extraction and odour control details
 - 22 Limits the noise levels for Plant and Machinery
 - 23 Requires the provision of a vehicle charging point
 - 24 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 25 Requires the prior submission and completion of works to upgrade the public realm fronting the site.
 - 26 Requires the parking area to be laid out prior to use
 - 27 Requires the provision of cycle parking prior to occupation
 - 28 Requires the prior submission of a construction method statement/management plan
 - 29 Requires the prior submission of hard and/or soft landscape details
 - 30 Requires the prior submission of a scheme for ecological and biodiversity enhancement measures.
 - 31 Requires the prior submission of boundary treatment details in a phased manner
 - 32 Removes PD rights for any roof top equipment
 - 33 Requires prior details of any adverts
 - 34 Requires the works to the listed building to be carried out prior to the occupation of the final phase of development.
 - 35 Requires the scheme to be in accordance with the listed approved plans
 - 36 Implement within 3 years (Full)
 - 37 Prevents any infiltration of surface water drainage into the ground
-

Case Officer: Lesley Sheldrake

Photo(s)

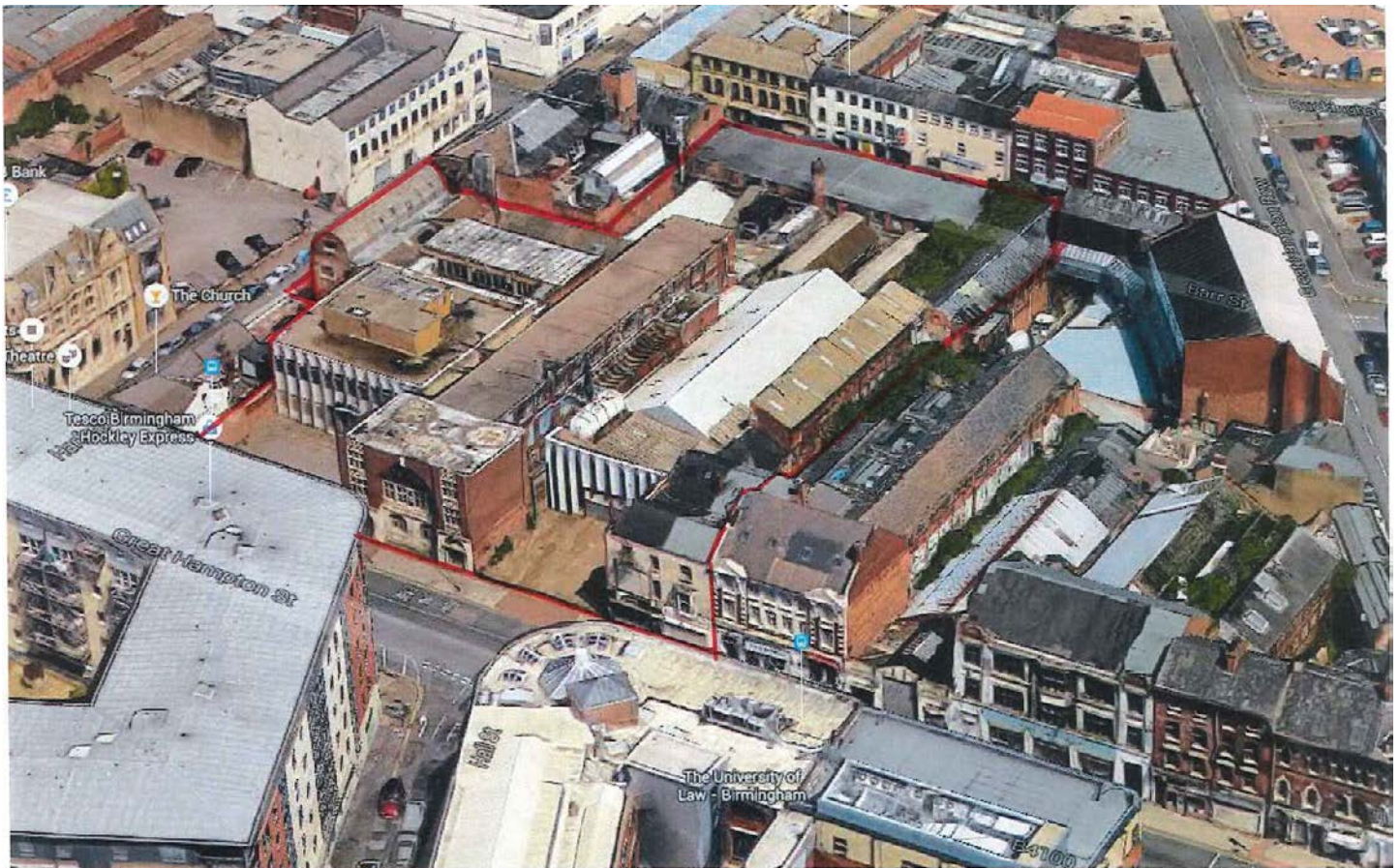


Figure 1: Birds Eye view of application site



Figure 2: View of listed building from Great Hampton Street frontage



Figure 3: View of No's 12 and 11
Great Hampton Street proposed for demolition

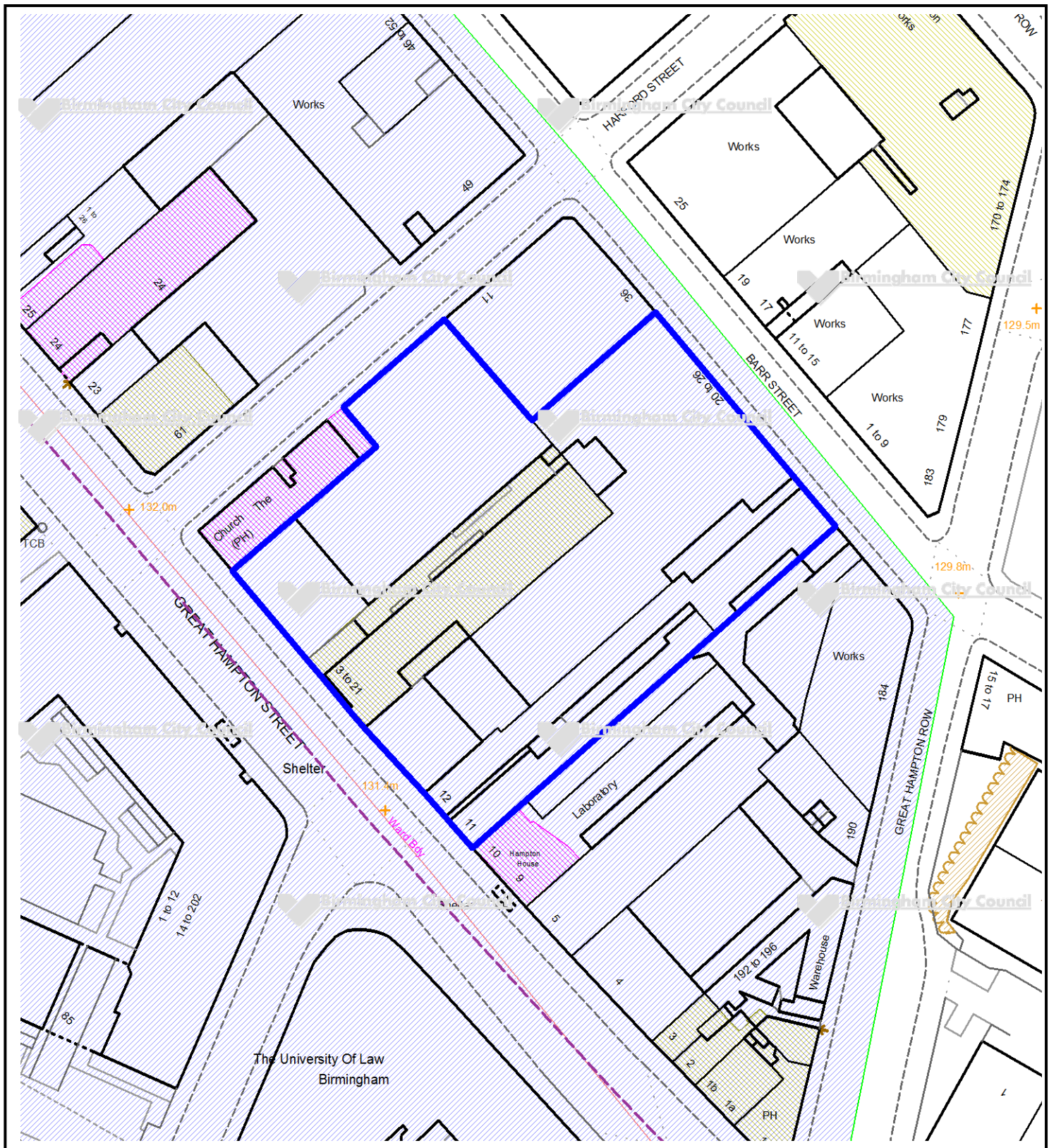


Figure 4: View of site from Harford Street



Figure 5 : View of site from Barr Street

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:	02/02/2017	Application Number:	2016/04206/PA
Accepted:	26/05/2016	Application Type:	Listed Building
Target Date:	27/01/2017		
Ward:	Aston		

13-21 Great Hampton Street, Jewellery Quarter, City Centre,
Birmingham, B18 6AX

Listed Building Consent for alterations including the installation of a new stairwell, new subdivisions and replacement windows to rear in association with the conversion of the building to form a commercial unit and 14 residential dwellings.

Applicant: Blackswan Developments Finance Ltd
c/o Agent
Agent: Phase 2 Planning & Development Ltd
250 Avenue West, Skyline 120, Great Notley, Braintree, Essex,
CM77 7AA

Recommendation
Informal Approval

1. Proposal

- 1.1 The application relates to the 3 storey 1912 J. Ashford & Son premises on Great Hampton Street which is a Grade 2* listed building. Listed building consent is sought to convert the building into a commercial unit at ground floor and on part of the first floor fronting Great Hampton Street and to convert the rest of the first floor, second floor and 3 storey shopping wing at the rear of the building into 14 apartments. An associated planning application for the conversion of the listed building and demolition of modern buildings attached to it, together with demolition, conversion, extension, new build and alterations at No's 11-21 Great Hampton Street, 10 Harford Street and 20-26 Barr Street to provide 156 residential units and 996 sqm of commercial floor space has also been submitted under ref 2016/04205/PA. The planning application is also reported to this committee meeting.
- 1.2 The main alterations required to the listed building to allow the proposed uses are -
- the provision of a replacement timber staircase at ground floor level
 - provision of internal partitions to form the apartments
 - erection of new aluminium rain water pipes
 - provision of a new roof construction to provide insulation
 - replacement of existing windows in the rear wing of the building with new single glazed steel framed windows.
- Otherwise the works proposed involve primarily repairs to the building, stripping out modern fixtures and fittings and cleaning of the existing fabric.
- 1.3 At the ground floor level of the building fronting Great Hampton Street the existing passageway would be used to provide access to the rear wing. The ground floor main entrance would be opened up to serve the commercial unit which at first floor

level would include the 4 original customer counters associated with the previous use of the building. The rear wing would be subdivided so that the apartments make use of the large window openings on either side of the building facing new courtyards. A basement area under part of the rear wing is to be inspected following the removal of asbestos to see if it is suitable for use and whether existing light wells can be opened up.

- 1.4 Following the removal of the buildings abutting the listed building two new courtyards are proposed on either side of the shopping wing which occupies roughly the centre of the redevelopment area. The walls of the demolished structures would be retained to a height of 450mm and used to demark areas of private space for the new ground floor apartments as well as show the historic plot boundaries. Existing blue pavers are to be retained where possible and new ones provided to areas where the existing building slabs have been removed.

- 1.5 [Link to Documents](#)

- 2 [Site & Surroundings](#)

- 2.1 The application site comprises of an attractive Grade 2* three storey listed building dating from 1912 with its principal façade to Great Hampton Street. It is three storeys high and has a rusticated ashlar stone façade with four arched openings at ground floor including a carriageway arch to the left-hand bay and office entrance door to the right. At first and two floors are stone mullioned window separated by bands of buff and red brick set in geometric designs with gabled parapets. A stone name-plate runs across the central two bays the name JA Ashford & Sons Ltd. Internally the building retains much of its original plan form and historic detailing including a waiting area on the first floor to four private cubicles, each having a teller's counter.

- 2.2 At the rear of the main building is a three storey industrial shopping wing which provided workshop space. It is linked to the main building at first and second floor level whilst the ground floor is separated by a carriageway it is constructed in red brick and the side elevations are dominated by large windows although in recent years many have been obscured by a range of modern extensions. The listed building is vacant and was last used by Frost Electroplating Ltd.

- 2.3 Surrounding the listed building and forming part of the larger redevelopment site are a range of industrial buildings used in connection with the previous industrial uses. These date from the early to late 20th century and are predominantly 2 and 3 storeys in height. The wider area comprises of a mix of commercial buildings many of which are occupied by wholesale fashion businesses together with The Church PH a locally listed building. Other listed buildings nearby include the premises of the TSB bank which are listed Grade 2 and lie at the junction of Great Hampton Street and Harford Street, Opposite the listed building on Great Hampton Street is the Quartz block of modern apartments 6/7 storey high which have a retail unit and theatre at ground floor level.

- 2.4 [Site Location](#)

- 3 [Planning History](#)

- 3.1 22/12/99 - 1999/05217/PA - Hazardous substances licence granted for storage of zinc/silver/copper cyanide for N T Frost Ltd at 19-21 Great Hampton Street.

- 3.2 2016/04205/PA - Conversion of 13-21 Great Hampton Street and conversion, extension and alteration of 20-26 Barr Street to residential apartments. Demolition and redevelopment of remaining site to provide an overall total of 156 residential units and 996 sqm of commercial floor space (Use Classes A1, A2, A3, & B1a) together with associated works. Current application reported elsewhere on this agenda.

4 Consultation/PP Responses

- 4.1 Historic England – Comment that the site includes Ashford & Sons, a jewellery works from 1912 by Arthur McKewan with a highly decorative and distinctive facade and original interior features including tiled entrance halls and stair halls and some original joinery. It has a long rear workshop range in a concrete structure clad in brick, with metal windows. Both the front and rear blocks have flat asphalt roofs. This building is Grade II* listed, placing it in the top 8% of listed buildings in the country. In their original comments they stated that-
- They welcome the proposal is to convert the site primarily into residential units and to renovate the listed building but object to the replacement windows proposed.
 - Have no objection to the principle of the change of use throughout the site.
 - Support the erection of new flanking blocks in line with the listed building but have concerns regarding their heights in relation to the listed building and consider they should be lower.in line with the eaves of Nos. 9 and 10 Great Hampton Street.
- 4.2 Following the amendments made to the application Historic England now comment that they consider that the additional information and amendments have been very useful. Their revised comments are that:-
- They still recommend the retention and repair of some of the metal windows in shopping wing of the listed building rather than the replacement of all.
 - They find that the omission of the parapet, and the setting back of the new buildings on Great Hampton Street behind the quoins (piers) of the listed building have been persuasive and although they still recommend the new buildings be lower they do not object to them.
- 4.3 Conservation and Heritage Panel – The pre-application proposals for the redevelopment of the site, which were similar to those originally proposed for this application, were considered at the Conservation and Heritage Panel meeting on 11 April 2016. The panel strongly welcomed and supported the scheme and viewed the proposals as the much needed start to the regeneration of this side of Great Hampton Street. The panel noted the loss of the Georgian buildings on the site but accepted their extremely poor structural condition. The panel also welcomed the retention of the building on Barr Street but felt the plans of the proposed roof top extension were lacking information to fully understand its relationship to the retained buildings.
- 4.4 Ward Councillors, MP, amenity societies, residents associations, Jewellery Quarter Development Trust nearby local residents and businesses notified of the application and site/press notices displayed. Seven letters received from local residents and businesses and two letters from solicitors acting for the brewery and the owner of The Church PH. The representations make comments on the planning application proposals and do not specifically comment on the works proposed to the listed building. Therefore the representations received have been addressed in the report

on the planning application 2016/04205/PA which is also to be considered at this committee meeting.

5 Policy Context

- 5.1 Birmingham Development Plan 2031, National Planning Policy Framework, Birmingham Unitary Development Plan 2005 saved policies, The Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Conservation Area Design Guide, Conservation Through Regeneration SPD

6 Planning Considerations

- 6.1 The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. National Planning Policy as set out in the NPPF is that in determining planning applications, local planning authorities should take account of -

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

It also requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

- 6.2 Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage and that proposals for new development will be determined in accordance with national policy. It requires that applications for development affecting the significance of a designated or non-designated heritage asset, provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.

- 6.3 The applicants have submitted a heritage statement with the application which considers the significance of the listed building. In terms of the frontage section facing Great Hampton Street it concludes that it is both an outstanding building in its own right and also an important component of the Jewellery Quarter conservation area. It represents the trend at the start of the twentieth century, of the construction of large purpose-built manufactories and the architecture clearly reflects the increased wealth and importance of the area. Externally the building is highly decorative and incorporates elements of Arts & Crafts reflecting the highly skilled hand crafted materials produced within the Jewellery Quarter. Internally the building retains many of its historic features, from door cases and skirting through to wrought iron balustrading, tiled walls and stained glass doors and windows. The work-shop at the rear of listed building is largely hidden from view, by the modern additions that adjoin it. However it does retain its red brick facades, the open working space and large windows designed to maximise light and minimise heat gain and loss.

- 6.4 The proposals for the site involve the demolition of the modern industrial/warehouse buildings surrounding the listed building which would improve its setting and appearance. Although replacement buildings are proposed, as described in the

planning application report, they would reinstate the original building line on Great Hampton Street and allow the rear wing to be restored and situated within a courtyard setting.

- 6.5 The listed building is currently vacant so the intention to bring it back into a viable use which would comply with policy. Minimal alterations are proposed to the frontage section of the building other than replacing an internal existing staircase and repairing the existing fabric where necessary. Initially the conservation officer was concerned about the viability of the commercial unit and use of the first floor original glazed timber customer booths. The amended plans have since improved the commercial unit and included the first floor customer booths as part of the unit rather than leaving the space vacant as originally proposed. The proposals are not considered to cause any harm to this important heritage asset and the conservation officer and Historic England now raise no objections to the proposals subject to appropriate conditions being imposed.
- 6.8 In the rear wing some demolition is proposed on the south side of the building to remove a lean-to and tanking which cover windows and internally a number of partitions would be removed. These works are supported by the conservation officer subject to conditions to ensure other fixtures and fittings are retained and re-used and are recorded in a full photographic survey and audit. He comments that the proposed layout of the apartments within the listed buildings means that minimal impact needs to take place its fabric and considers the layout to be is generous and very sympathetic to the building. Various conditions are recommended to ensure the details of the conversion works are appropriate.
- 6.9 In the rear wing it is however proposed to remove the existing windows and provide like for like replacements. Originally it was proposed that the replacement windows be double glazed which was not acceptable to officers or Historic England but they are now to be single glazed. The applicant has advised that a survey of the windows has been undertaken by a specialist steel window repair company, which advises that the vast majority of the original Crittall windows are now beyond economic repair, with 70% of the original metal needing to be replaced in each frame. They have therefore concluded that they should all be replaced with new single glazed Crittall style windows to the original fenestration arrangement including the 1930's style windows which are a later addition. They have however amended the application so that the timber windows and doors within the rear range will be retained and made good.
- 6.10 Although Historic England still recommend the retention and repair of some of the metal windows in shopping wing of the listed building rather than total replacement of officers consider this work to be acceptable given the poor condition of the existing windows. Amendments have been made to the application to keep the timber windows and provide only single glazed replacements and this is considered to be a suitable compromise. The removal of the original windows would present a small degree of harm to historic significance to this section of the listed building but overall proposals will result in considerable benefit to the building, by removing all the additions attached to it, restoring its fabric and by making it the centre-piece for the regeneration of this part of site.
- 6.11 Although the proposals for the reuse of the listed building, as now amended, are considered to be acceptable the development would result in the provision of dwellings in a location currently subject to a Hazardous Substances Licence. It is not considered appropriate to allow the listed building to be converted to residential apartments whilst the licence is still in place and it is therefore recommended that any

decision to approve the listed building consent should be subject its revocation which will be secured through the accompanying planning application ref 2016/04205/PA

7. Conclusion

- 7.1 The proposed works to this important Grade 2 * listed building are considered to be acceptable subject to the Hazardous Substances licence being revoked. Its reuse and restoration would have a positive contribution on the significance of this heritage asset and on its local character and distinctiveness.

8. Recommendation

- 8.1 That in the event of the Hazardous Substances Licence 1999/05217/PA being revoked to the satisfaction of the Local Planning Authority, favourable consideration be given to this application, subject to the conditions listed below:-

-
- | | |
|----|--|
| 1 | Requires prior building recording survey |
| 2 | Requires prior submission of a condition survey |
| 3 | Requires the prior submission of a method statement |
| 4 | Requires prior submission of architectural details |
| 5 | Requires prior submission of mechanical and electrical systems strategy and water utilities strategy |
| 6 | Requires the prior submission of sample materials |
| 7 | Requires the prior submission of mortar details |
| 8 | Requires details of any works to reuse the basement |
| 9 | Prevents installation of further signage |
| 10 | Requires the scheme to be in accordance with the listed approved plans |
| 11 | Implement within 3 years (conservation/listed buildings consent) |
-

Case Officer: Lesley Sheldrake

Photo(s)



Figure 1: View of listed building from Great Hampton Street

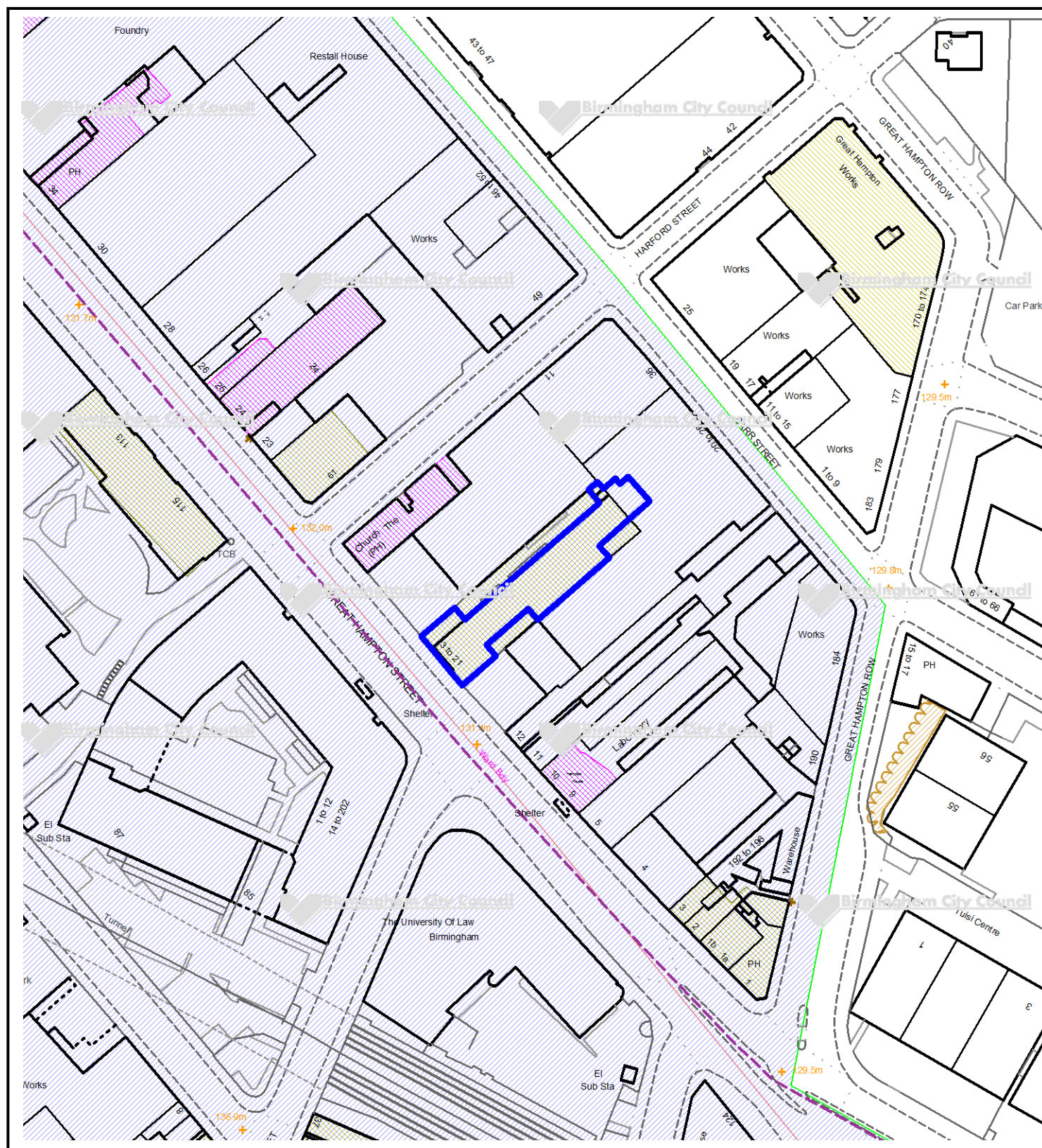


Figure 2: Internal view of rear shopping wing to listed building



Figure 3: External view of rear shopping wing

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

02 February 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Refuse	23	2016/05594/PA Land west of 257-259 Cateswell Road Sparkhill Birmingham B11 Outline planning application for the demolition of existing buildings and residential development for up to 44 dwellings with all matters reserved
Defer – Informal Approval	24	2016/07628/PA Land of Former International School Sheldon Hall Avenue Shard End Birmingham B33 0HA Demolition of existing buildings and erection of 64 dwellings with associated infrastructure works

Committee Date:	02/02/2017	Application Number:	2016/05594/PA
Accepted:	04/11/2016	Application Type:	Outline
Target Date:	03/02/2017		
Ward:	Springfield		

Land west of 257-259 Cateswell Road, Sparkhill, Birmingham, B11

Outline planning application for the demolition of existing buildings and residential development for up to 44 dwellings with all matters reserved

Applicant:	Mr Amar Mehli c/o Dukes Hill Grange, Bracknell Road, Bagshot, GU19 5HT
Agent:	PJ Planning Regent House, 156-7 Lower High Street, Stourbridge, DY8 1TS

Recommendation

Refuse

1. Proposal

- 1.1 This application seeks outline planning consent for the demolition of existing buildings and the development of the site for residential use up to 44 no. dwellings, with all matters reserved although access has been shown to be taken from Cateswell Road (indicative only as access is reserved).
- 1.2 The application is accompanied by an indicative layout and access which identifies that there would be 44 no. dwellings proposed, with a mix of 6 no. 1 bed apartments within a three storey building and 3 no. 2 bed dwellings, 17 no. 3 bed dwellings and 18 no. 4 bed dwellings within two storey houses, all with off road parking and number with onsite garage/car ports.
- 1.3 No draft heads of terms have been submitted regarding whether the proposal would be policy compliant with respect to the provision of 35% affordable housing or public open space contributions whilst no draft S.106 agreement has been put forward.
- 1.4 The application is accompanied by a Design and Access and Planning Statement, Noise Assessment, Geo-Environmental Survey, Sustainable Drainage Assessment, Ecological Appraisal and Bat Survey.

[Link to Documents](#)

2. Site & Surroundings

- 2.1 The application site is approximately 0.92 hectares and comprises of a number of vacant industrial buildings ranging in height between one and two storeys which are currently accessed from an existing vehicle access/driveway from Cateswell Road on its western boundary.

- 2.2 The site is enclosed by existing built development to all boundaries with a mixture of commercial, industrial (manufacturing) and residential uses with the Rolls Royce Control Systems site, to the east, which operates 24 hours a days, 7 days a week.
- 2.3 Beyond this site, the former Denso site, is a cleared site and lies adjacent to the Spring Road railway station. The Denso works comprised substantial manufacturing, administrative and storage buildings ranging in height between one and five storeys with an additional eight-storey tower to the south-east corner.
- 2.4 To the south of the site are a range of employment uses within the Shaftmoor Lane and Spring Road Industrial Estates whilst to the western boundary of the site is a line of residential properties (two storey semi-detached dwellings) which front Cateswell Road which itself is predominantly residential in character.
- 2.5 To the north of the site are a range of commercial and industrial buildings that contain a car parts operation, a joinery business and a window manufacturer which front onto Spring Road and are accessed from this public highway.

[Site Location](#)

3. Planning History

Application Site

- 3.1 None relevant.

Adjacent Site ('Denso / Former Lucas Site')

- 3.2 2011/06775/PA – Outline application (all matters reserved) for the demolition of all existing buildings and the construction of up to 120 residential units, means of access, car parking and landscaping – Approved, subject to conditions and S.106 agreement – 26/07/12.
- 3.3 2008/06278/PA – Detailed planning application to provide a retirement village (comprising 278 apartments in a 4 and 5 storey building, means of access, car parking and landscaping) and outline planning application for affordable and private housing, means of access, car parking and public open space – Withdrawn 06/02/09.
- 3.4 2009/03352/PA – Resubmission of the 2008/06278/PA application. Not determined by the LPA as an appeal against non-determination was submitted to the Planning Inspectorate. However, report to planning committee on 4/11/2010 recommended that, if the Local Planning Authority had been given the chance to determine the proposals, refusal would have been recommended on the following grounds: applicant had not demonstrated that acceptable living conditions for prospective residents could be achieved, taking into account noise nuisance from the adjoining factory uses, the proposal would have resulted in the loss of “good urban” industrial land, contrary to UDP and SPD policies, proposals may bring about complaints from adjoining industrial uses, which in turn could result in a further loss of employment uses, air quality concerns and the proposals would provide a poor area of public open space and the absence of a legal agreement to secure affordable housing and public open space

4. Consultation/PP Responses

- 4.1 Press and Site Notices erected, MP, Ward Members, residents associations and neighbouring occupiers/residents notified with 2 letters of comments on the following points;
- Residents currently experience high levels of traffic along Cateswell Road which acts as a cut through between the Warwick and Stratford Roads which would become worse should the proposal be approved.
 - Cateswell Road already experiences high levels of on road vehicle parking (highway verges) which would increase with a greater number of residents.
 - Construction traffic would adversely impact existing residents.
 - No car park is proposed within the proposed application.
 - The proposed dwellings should have car ports rather than garages to ensure that they are used.
 - Highway improvements along Cateswell Road, especially at the access to the site should be proposed.
 - Request that the existing access gates are replaced at the start of the rear driveway before any work commences to limit anti-social behaviour.
- 4.2 Regulatory Services – Recommend refusal of the application on noise grounds. The Noise Assessment report submitted in support of the application recognises that night time noise in habitable rooms will exceed the criteria. The proposed mitigation assumes that windows will be kept closed. This is not considered to be reasonable as the suggested trickle vents in isolation are unlikely to provide sufficient cooling, especially during summer months. The noise identified is not from an anonymous background source, such a traffic noise, but is from specific industrial sources and is described as humming, banging, sawing, grinding and drilling, amongst other things. Therefore the noise may have an adverse impact on future occupiers such that an adequate level of amenity cannot be achieved.
- 4.3 Transportation Development – Whilst the Design and Access Statement makes a number of references to, and draws conclusions from, a Transport Statement this document has not been submitted as part of the application and therefore the authority has been unable to assess the likely traffic impacts of the proposal.
- 4.4 Lead Local Flood Authority (LLFA) – No objections in principle, subject to conditions related to a Sustainable Drainage Scheme and a Sustainable Drainage Operation and Maintenance Plan.
- 4.5 West Midlands Police – No objection. This outline application reads well for this brown field site in relation to good land use, density and amenity space and has the potential to achieve Secured by Design Accreditation.
- 4.6 West Midlands Fire Service – No objection, subject to adequate water supplies and access for fire service vehicles.
- 4.7 Leisure Services – Comments that in accordance with the UDP, the development should be subject to off-site play and public open space contributions. There is no detail within the application of what the schedule of accommodation would be, but the exact amount would have to be determined at full application stage (they estimate the contribution to be in the region of £201,475 index linked), which would be spent on the provision, improvement and/or maintenance of POS/play/public realm within Acocks Green Ward application site is in close proximity of Fox Hollies Park).

4.8 Education – Requires a contribution of £331,649.24 for nursery, primary and secondary education provision.

4.9 Natural England – No objection.

5. Policy Context

5.1 Birmingham Unitary Development Plan 2005 (Saved Policies), Birmingham Development Plan (BDP) 2017, Loss of Industrial Land to Alternative Uses SPD, Places for Living SPD, Car Parking Guidelines SPD, Provision of public open space within new residential development SPD, NPPF.

6. Planning Considerations

Planning Policy

6.1 Whilst the application site, along with the wider industrial sites, are allocated within the Strategic Housing Land Availability Assessment (SHLAA) for residential development, the site is currently vacant industrial land, for which the Council's industrial land policies apply.

6.2 Policies TP19 and TP20 of the BDP sets out that opportunities for industrial development in the built up area of the City are diminishing and in order to reduce pressure on greenfield sites, the loss of industrial land to retail or other non-conforming uses will be resisted except in cases where the site is a non-conforming use.

6.3 Policy TP17 sets out 5 sub-industrial land markets, comprising, 'Major Investment', 'Premium', 'Best Urban', 'Good Urban' and 'Other Urban' land. In my view, the application site would fall within the 'Good Urban' category (defined as 'Good Quality' in the draft BDP), given its location adjacent to existing industrial uses within a wider industrial/urban area, which are described as sites of good quality suitable for locally based clients.

6.4 Policy TP28 states that in assessing proposals for new housing development on previously developed sites, the City Council will take into account; the suitability of the site for housing; the need to maintain a diversity of uses within the built up area; whether there are any serious physical constraints, such as contamination, instability or flooding; any intrinsic historic, cultural or natural asset; the accessibility of the site to jobs, shops and services by modes other than the car; and the capacity of existing and potential infrastructure to absorb further development.

6.5 Notwithstanding that this is an outline application, the Council's urban design policies such as saved policies 3.14-3.14D of the Birmingham UDP and policies TP27 and TP30 within the adopted BDP 2017 relating to the design of housing development and the provision of open space to meet the needs of the development are all relevant whilst policy TP31 sets out that the Council will normally seek the provision of 35% of units being affordable housing within the scheme.

6.6 Policy TP16 of the BDP relates to the portfolio of employment land which is summarised to be provision of a 5 year minimum reservoir of 96 hectares of readily available land to be maintained throughout the plan period in addition to the Regional Investment Sites, of which land in the 'Good Urban' category will make up a minimum of 31 hectares. As of April 2014, the reservoir of readily available land in this

category was 20.79 hectares in the City. There is therefore a shortfall of land within the 'Good Urban' category to maintain a 5 year supply.

- 6.7 Policy TP19 of the BDP relates to the protection of employment land, which sets out that employment land and premises are a valuable resource to the Birmingham economy and will be protected where they contribute to the portfolio of employment land and are needed to meet the longer term employment land requirements set out in Policy TP16.
- 6.8 Outside Regional Investment Sites and Core Employment Areas there may be occasions where employment land has become obsolete and can no longer make a contribution towards the portfolio of employment land. In such cases, change of use proposals from employment land to other uses will be permitted where it can be demonstrated that either the site is considered a non-conforming use; or the site is no longer attractive for employment having been actively marketed. Where it is argued that redevelopment for employment purposes would be commercially unviable, a viability assessment may also be required.
- 6.9 The BDP policies TP16 and TP19 are consistent with the loss of Industrial Land to alternative uses SPD which provides further detail on the consideration of these issues. In respect of demonstrating that the site has been appropriately marketed for industrial use, the SPD sets out in paragraph 5.3 that this would normally be for a minimum of two years by an established industrial property agent and would include adverts being placed in publications such as Birmingham Post and Estates Gazette, mail shots to the agents client base, and a 'for sale' board being placed outside the site. The SPD sets out that evidence would need to be provided that the site is being marketed for a price which accords with other industrial property of a similar type in the area.
- 6.10 In regard to industrial land, the NPPF states in paragraph 22 that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose, and that in such circumstances applications for alternative uses should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 6.11 Paragraph 120 states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to the adverse effects of pollution, should be taken into account.
- 6.12 Paragraph 123 sets out that planning policies and decisions should aim to; avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse effects on health and quality of life arising from noise from new development, including through the use of conditions; and recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.
- 6.13 The NPPG provides more detailed guidance on noise setting out that the significant observed adverse effect level is the level of noise exposure above which significant adverse effects on health and quality of life occur.

Principle of the Development

- 6.14 The application site is an existing, vacant industrial site for which the Council's industrial land supply policies apply, in particular policies TP16 and TP19 of the adopted Birmingham Development Plan 2017 (BDP) and the Loss of Industrial Land SPD whereby the application site is a 'Good Urban' site where there is a shortage of land in this category.
- 6.15 As such, any proposal on the application site for alternative non-industrial uses must therefore demonstrate that it meets the identified tests for the release of the industrial land to comply with the City Council's adopted and emerging industrial land policies.
- 6.16 The applicant has made reference to the relevant BDP policies and Loss of Industrial Land SPD within their submission but other than the statement "Despite widespread advertising as available for employment use, no commercial use has been found since the wider site was vacated in 2006" contained within the D&A Statement, the applicant has failed to provide any form of evidence that demonstrates compliance with the SPD tests regarding the marketing of the site. They have also not sought to make the case that the site is non-conforming, or that the site is unviable for industrial use.
- 6.17 I therefore consider that the applicant has not provided sufficient evidence to demonstrate compliance with the Council's adopted policies relating to the loss of industrial land and recommend refusal on this ground.
- 6.18 The wider area, within which this site is located, comprises a variety of existing industrial and commercial uses, some of which are of a large scale, along with a large parcel of land, previously used for industrial purposes, has already been cleared ready for future development.
- 6.19 This wider area is referred to as the former Lucas/DENSO site and has been identified within the authorities 2015/2016 Strategic Housing Land Availability Assessment (SHLAA) as suitable land for residential development with a vision for residential development over the wider area.
- 6.20 However, whilst it is noted that there is no dedicated masterplan for the area, it is considered that development of the application site needs to be undertaken in an appropriate phased manner with the wider site so as to achieve a cohesive and suitable regeneration package for the wider area.
- 6.21 In respect of new housing, the BDP sets out in Policy TP27, that proposals for new residential development should, amongst other things, not conflict with any other specific policies in the BDP.
- 6.22 Also, there is evidence that existing occupiers of industrial premises have the real potential to have unacceptable adverse impacts upon the residential amenity of future occupiers of the proposed scheme from noise generation and the siting of new residential development, i.e. sensitive receptors, in a piecemeal fashion close to established and unrestricted industrial uses could jeopardise the operation of these businesses and that the relocation of such operations and land acquisition should be undertaken prior to residential development taking place.
- 6.23 As such, whilst the authority is of the view that there is scope for the site's redevelopment for residential or industrial uses in the medium to long-term and as

part of a comprehensive/cohesive approach, I feel that bringing this particular scheme forward at this stage could not be currently supported and would be likely to adversely impact upon the continued operation of existing businesses within surrounding industrial land and compromise future occupants levels of residential amenity. It is therefore recommended for refusal for these reasons.

Noise Impacts

- 6.24 The applicant has submitted a noise assessment which identifies potential noise sources as being noise from existing industrial and commercial uses and road noise along with potential mitigation measures including suitable glazing, mechanical ventilation for dwellings and 2m high acoustic barriers along the sites boundaries.
- 6.25 The report sets out that during the attended noise survey, activities from the adjacent manufacturing/industrial site (Rolls Royce Controls System) to the south and south east of the application site, consisting of a low 'hum' occasional metallic banging, vehicle movements, alarms, talking, sawing, grinding and drilling, was considered to be the dominant noise source. Road traffic noise was also audible along the western boundary to the site access (Cateswell Road), which was considered to be of low impact.
- 6.26 In considering glazing and ventilation requirements, the noise assessment makes specific reference to the proposed site plan, even though this is only submitted for indicative purposes, which identifies a range of attenuation requirements to achieve a required reduction of up to 24dB Rw +Ctr. It recommends that all dwellings are fitted with trickle vent/through wall ventilation systems such that there is no need to open the windows under normal circumstances along with external 2m high acoustic fencing, although the location of such fencing has not been identified.
- 6.27 In respect of achieving appropriate ventilation of habitable rooms the applicant considers that due to the site location in close proximity to adverse noise sources, trickle vents/through wall ventilation systems are recommended to be provided to meet the requirements of Part F of the Building Regulations, without the need for opening windows which the applicant considers would result in internal noise levels that comply with BCC guidance.
- 6.28 Whilst I note the applicants comments regarding the mitigation proposed including their views on the appropriateness of relying on trickle vents/through wall ventilation, to prevent the need for an open window (with the consequential exposure to noise that would result), I am of the view, shared with Regulatory Services, that being able to open a window and also to enjoy the garden areas free from significant noise impacts should be enjoyed by future occupiers of the residential dwellings, which cannot be achieved in this case.
- 6.29 I am mindful of recent appeal decisions at Aston Lane, Birmingham (APP/) and Backworth Busines Park, North Tyneside (APP/W4515/W/15/3137995) for proposed residential sites adjacent to industrial uses that generated adverse levels of noise pollution, where the same conclusion in respect of the use of mechanical ventilation was reached and deemed to be an unsatisfactory way to deal with potential noise issues impacting upon residential amenity.
- 6.30 In both cases the Inspector had specific regard to the National Planning Practice Guidance (NPPG) which advises that it is undesirable for material changes in behaviour to be caused by noise, such as the need for keeping windows closed for most of the time, which would be the case with the current application site.

- 6.31 I note the comments made by Regulatory Services who recognise that night time noise in habitable rooms would exceed the criteria and that the proposed mitigation assumes that windows will be kept closed which they do not consider to be reasonable as the suggested trickle vents in isolation are unlikely to provide sufficient cooling, especially during summer months.
- 6.32 In addition, they note that the noise identified within the assessment is not from an anonymous background source, such as traffic noise, but is from specific industrial sources and is described as humming, banging, sawing, grinding and drilling, amongst other things and therefore the noise may have an adverse impact on future occupiers such that an adequate level of amenity could not be achieved.
- 6.33 I share these concerns and consider that the application should be refused on noise grounds, specifically in relation to noise impacting upon future residential occupiers, as the application has failed to adequately demonstrate that an appropriate noise climate for residents could be provided, contrary to saved paragraphs 3.14-3.14D of the UDP, policies TP27, TP28 and TP30 within the Birmingham Development Plan 2017 and guidance within the NPPF.

Design and Layout

- 6.34 Notwithstanding that the proposed layout has been submitted for indicative purposes only it is considered that the layout is poor in terms of its layout, massing and appearance. Houses south of the site entrance are too tight to the road and should be set back to provide small private front gardens enclosed by brick walls to enhance residential amenity by forming a buffer to the street.
- 6.35 Whilst the main part of the site is discrete from existing residential neighbourhoods, further work is needed to create a strong character and sense of place. At present the layout is too dominated by the access roads and frontage parking and should be revised so that buildings better define, enclose and overlook streets.
- 6.36 This means frontages face streets, public and private spaces are better defined with parking in more discreet arrangements and with buildings that turn corners more successfully. The end of each street should be marked with a well-defined courtyard enclosed by housing rather than an engineered highway dominated by either parking or a 'dead-end'/blank boundary treatment.
- 6.37 It is also noted that the sizes of many of the rear gardens are significantly below the minimum required space guidelines (70sq.m) contained within Places for Living SPD, e.g. plots 6, 7, 8, 14, 15, 26, 27 etc. (not an exhaustive list) whilst the separation and setback distances for a number of plots e.g. 3, 4, 5, 9 etc. are also significantly under the minimum distances as outlined within Places for Living SPD which are both considered to be unacceptable design solutions and to the detriment of future occupiers.
- 6.38 An assessment of the proposed unit sizes to ensure compliance with minimum space guidelines along with ensuring that each unit complies with the minimum separation distances as contained within Places for Living SPD has not been undertaken as such details have not been submitted as part of this outline application.
- 6.39 Whilst access, layout, scale, appearance, and landscaping are reserved matters and not the subject of this current outline application, it is considered that it has not been demonstrated that the site could accommodate up to 44 no. dwellings in a manner

that would achieve key urban design principles and would instead suggest that this number represents over-development of the site.

Ecology

- 6.40 The submitted ecological appraisal advises that the location of the site offers limited potential for wildlife as the site is dominated by buildings and hardstanding, with small areas of vegetation along the southern and eastern boundaries, in the south-eastern and north-western corners and along the access from Cateswell Road.
- 6.41 I note the comments of the City's Ecologist who considers that there will be a minimal impact as long as best practice is followed in terms of site clearance and recommends suitable mitigation be provided in terms of nesting boxes and a scheme of ecological enhancement which can be secured via planning conditions.

Flood Risk and Sustainable Urban Drainage (SUD's)

- 6.42 The submitted flood risk assessment specifically refers to the indicative layout in setting out proposals for slab levels of the units, levels of the proposed highway and in providing a proposed drainage strategy.
- 6.43 Surface water drainage is proposed to drain within private parking areas to porous paving with voided stone while the access road is drained using open trapped gullies located within the highway and ultimately oversized pipes to accommodate 1 in 100 year event plus 30% flows.
- 6.44 No details have been provided in respect of proposed future operation and maintenance of the proposed SUD's at this stage and I note the comments from the Lead Local Flood Authority (LLFA) who is a statutory consultee in respect of surface water drainage matters for all major developments. The LLFA have no objections in principle to the proposal but would require further details of the operation and maintenance of the proposed SUD's, which could be agreed by condition.

Planning Obligations

- 6.45 The proposed development of the site for residential purposes would trigger the need for s.106 obligations towards affordable housing and public open space provision. In respect of affordable housing whilst the applicant has acknowledged the authority's policies on affordable housing, including 35% provision, confirmation as to the provision of such has not been put forward within the submission in the form of draft heads of terms which is contrary to the Council's affordable housing policies.
- 6.46 In respect of public open space contributions, I note the advice received from Leisure Services seeking a contribution towards the provision, improvement and or maintenance of public open space and children's play, within the ward, to be calculated at reserved matters stage but estimate to be in the region of £201,475. Whilst the site falls within Springfield ward, the nearest public open space is Fox Hollies Park, located within Acocks Green ward and so opportunities to improve existing open space provision may be relevant in both of these wards.
- 6.47 It is noted that no public open space provision is made within the submitted indicative layout. However, given the sites constrained nature and positioning, i.e. set back from the public realm it is considered that offsite provision would be more suited to this scheme so that the maximum amount of use can be derived from a greater number of people.

- 6.48 Again, whilst the applicant has acknowledged the authority's public open space policies/SPD, no confirmation as to the provision of such has been put forward within the application and is therefore contrary to the Council's public open space provision policies/SPD.
- 6.49 Given that no affordable housing or public open space provision is proposed and no viability assessment to demonstrate that such provision cannot be provided has been submitted with the application, the proposal would not accord with the affordable housing or public open space and children's play policies in the UDP, SPD and NPPF, the proposal is recommended for refusal on this basis.
- 6.50 It is also noted that the City Council's Education Department has requested a contribution of £331,649.24 for nursery, primary and secondary education provision. However, education contributions are now included within the Community Infrastructure Levy (CIL) and the application site is not located within a CIL charging area. Therefore no contribution is required in this case.

7. Conclusion

- 7.1 The proposal raises several issues of concern. The site is existing industrial land within the 'Good Quality' category (as defined within the BDP), for which there is a shortfall to meet the minimum reservoir in the BDP. The case for its loss has not been sufficiently demonstrated in terms of adequate marketing and so the application is contrary to the Council's policies for the loss of industrial land in the adopted UDP, BDP and the Loss of Industrial land to alternative uses SPD.
- 7.2 The impact of noise from surrounding noise sources has been inadequately addressed. Noise from various sources, particularly noise from the adjacent Rolls Royce Control Systems, are potential sources of noise and vibration that could adversely affect the amenity of future occupiers of the proposed dwellings, and I therefore recommend refusal on these grounds.
- 7.3 Also, it is considered that the introduction of sensitive receptors, i.e. residential dwellings, in close proximity to existing, unrestricted industrial businesses in a piecemeal fashion could jeopardise the continued operation of these businesses and their associated employment provision as a result of adverse levels of noise generation which could reach statutory noise nuisance levels. As such, the proposal is recommended for refusal on this basis.
- 7.4 The longer term vision of the wider site for housing is recognised but without a comprehensive approach, including the removal of industrial uses currently creating an unacceptable noise environment for future occupiers, the scheme cannot be supported.
- 7.5 In the absence of draft heads of terms the application should also be refused due to a lack of a suitable contribution towards affordable housing and the provision of public open space and children's play in accordance with adopted policy.
- 7.6 Whilst access, layout, scale, appearance, and landscaping are reserved matters and not the subject of this current outline application, it is considered that it has not been demonstrated that the site could accommodate up to 44 no. dwellings in a manner that would achieve key urban design principles along with securing sufficient levels of residential amenity and would instead suggest that the site is being overdeveloped.

- 7.7 It has not been adequately demonstrated and therefore the planning authority has been unable to assess the traffic generation impacts of the proposal its impacts upon highway and pedestrian safety due to the lack of a submitted Transport Statement (or similar document) and as such the proposal is recommended for refusal on this basis.
- 7.8 In reaching this recommendation, I have considered the advice within the NPPF as a whole, with particular reference to paragraph 14 which establishes the presumption in favour of sustainable development and the three dimensions to sustainable development set out in paragraph 7 (economic, social and environmental roles).
- 7.9 Whilst there are positive implications from the provision of new housing in contributing to meet local housing needs, I consider that the negative implications of this development in its current piecemeal fashion outweigh this benefit, and the application is therefore contrary to adopted and saved development policies and the guidance in the NPPF. These are sufficient justifiable reasons to refuse planning consent.
8. Recommendation
- 8.1 Refuse.

Reasons for Refusal

-
- 1 Results in the loss of industrial land
The application has failed to demonstrate that the site has been adequately marketed for industrial use in accordance with the Council's adopted planning policies for industrial land, and is therefore contrary to policies TP16, TP18, TP19, TP27 and TP28 of the adopted Birmingham Development Plan 2017, the Loss of Industrial Land to Alternative Uses SPD and the guidance contained in the NPPF.
- 2 Adverse Noise Impacts from Adjacent Land Use
The application has failed to adequately demonstrate that noise from adjacent industrial uses, such as the Rolls Royce Aerospace Engine Plant has been adequately assessed and appropriately mitigated (including the impact on habitable rooms and on outside amenity spaces), to the detriment of the occupants of the proposed residential development. As such the proposal would be contrary to Policies PG3, TP17, TP20 and TP28 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
- 3 Provision of new sensitive receptors (residential) in close proximity to existing noise generators (industrial units)
In the absence of having adequately assessed and mitigated the impacts of noise and vibration on the proposed development, this could result in complaints being made by proposed residents and give rise to actions having to be taken to restrict or curtail the activities of existing neighbouring industrial uses having a consequential detrimental impact on the continuing operation of these established businesses and on local employment, contrary to policies PG3, TP17, TP20 and TP28 of the adopted Birmingham Development Plan 2017, the Loss of Industrial Land to Alternative Uses SPD and the guidance contained in the NPPF.
- 4 No affordable housing or public open space contribution - Lack of section 106 planning agreement
The applicant has failed to negotiate a section 106 planning agreement to secure the
-

provision of affordable housing and a financial contribution towards the provision or improvement of public open space and children's play in accordance with the formula set out within the Council's adopted Supplementary Planning Guidance entitled Public Open Space in new Residential Development (2007). As such, the development is contrary to policies PG3, TP9, TP31 of the adopted Birmingham Development Plan 2017, saved paragraphs 8.51-8.54 of the saved Birmingham Unitary Development Plan 2005, the guidance contained in the aforementioned Public Open Space in New Residential Development SPD and the guidance contained in the NPPF.

- 5 Not demonstrated that up to 44 no. dwellings could be adequately accommodated on the site in a manner that achieves good urban design principles and satisfactory standards of residential amenity

The application has failed to demonstrate that the residential development of the site for up to 44 no. dwellings could be achieved in a manner that achieves good urban design principles and satisfactory standards of residential amenity for future occupiers. This is contrary to policy PG3 of the Birmingham Development Plan 2017, saved paragraphs 3.14C-3.14D of the Birmingham UDP 2005, guidance in Places for Living SPG and the NPPF.

- 6 Not demonstrated that the proposed use would not detrimentally impact upon pedestrian and vehicle safety

The application has failed to demonstrate that the residential development of the site for up to 44 no. dwellings could be achieved in a manner that would not detrimentally impact upon pedestrian and vehicle safety both within the site and on the surrounding highway network. As such the proposal would be contrary to Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Case Officer: Mohammed Nasser

Photo(s)

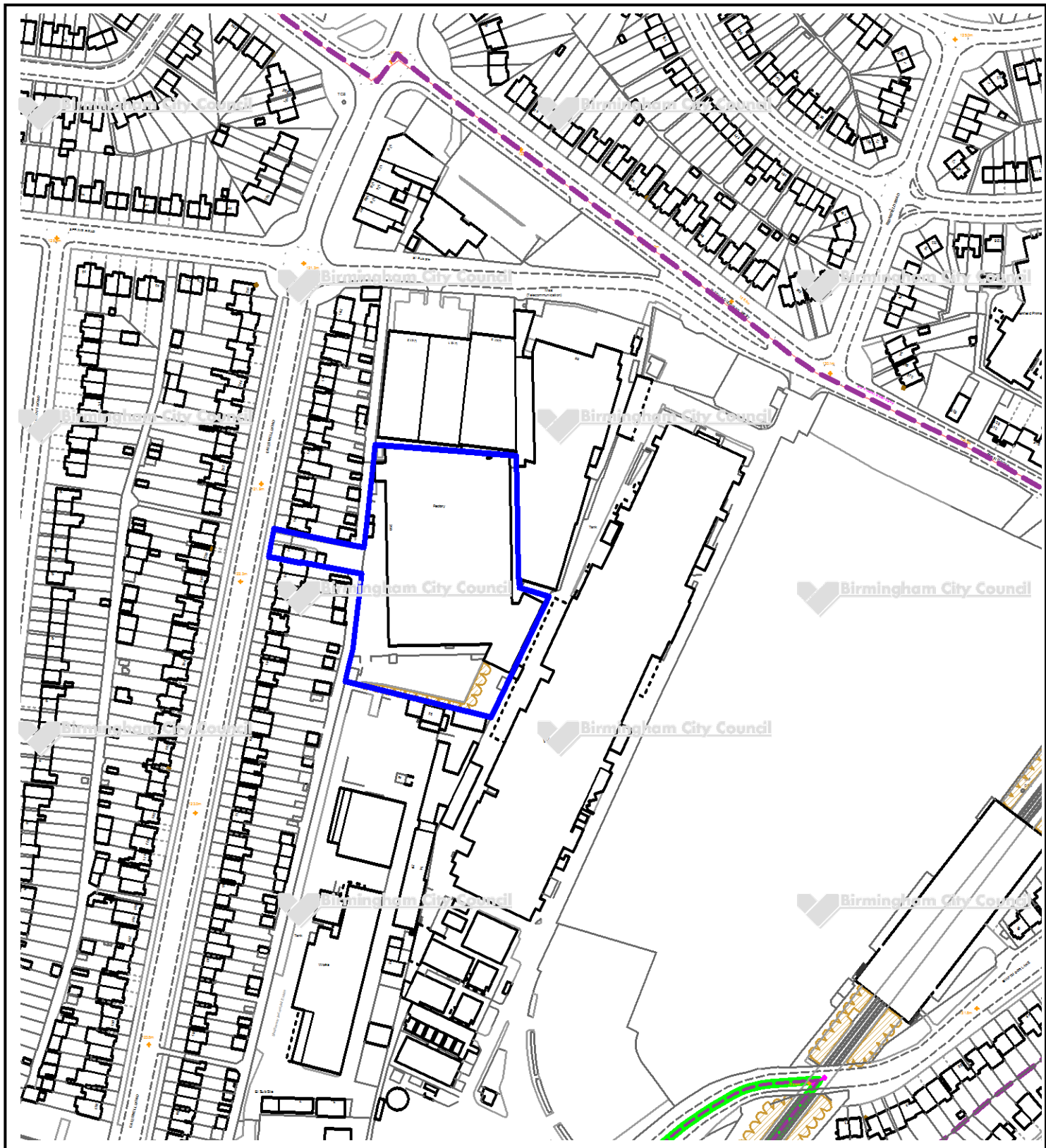


Figure 1 : Site view from existing access off Cateswell Road.



Figure 2: View of access and existing dwellings along Cateswell 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:	02/02/2017	Application Number:	2016/07628/PA
Accepted:	20/10/2016	Application Type:	Full Planning
Target Date:	19/01/2017		
Ward:	Shard End		

Land of Former International School, Sheldon Hall Avenue, Shard End, Birmingham, B33 0HA

Demolition of existing buildings and erection of 64 dwellings with associated infrastructure works

Applicant:	Westleigh Partnerships Ltd c/o Agent
Agent:	Pegasus Group 5 The Priory, Old London Road, Canwell, Sutton Coldfield, West Midlands, B75 5SH

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. Consent is sought for the demolition of all existing buildings and erection of 64 residential units (50 dwellings and 14 apartments) with associated infrastructure works.
- 1.2. The application site is 1.26 hectares and comprises of vacant former Sixth Form Centre education buildings together with associated hardstanding areas. The proposed development would be designed as perimeter blocks and be focused around the new internal loop access road that runs through the entire site with two new access points onto Sheldon Hall Avenue. All of the proposed properties would provide active frontages and face onto Sheldon Hall Avenue, the internal access road and adjoining public open space area to the north-east of the site.
- 1.3. The design of the dwellings and apartments across the whole site would be two-storey in height. They would be built from a red brick or render elements above with a slate roof, with generous sized recessed grey double glazed windows.
- 1.4. A total of 64 units are proposed and would provide 100% affordable rent and shared ownership homes. The proposed breakdown of accommodation mixes as follows:
 - 14o. one-bed two-person apartment units (ranging from 45 to 46.5 sq. metres in size)
 - 24 no. two-bed four person dwellings (ranging from 68.5 sq. metres to 71.4 sq. metres in size)
 - 20 no. three-bed five person dwellings (Each unit being 83.6 sq. metres average in size)
 - 6no. four bed 7 person dwellings (Each unit being 107 sq. metres in size)
- 1.5. Internal accommodation within the units varies, but generally comprises:

- 1 bed apartments (Type A/ A1/ F/F1) – Open plan kitchen and lounge, bedroom (ranging from 12.9 sq. metres to 14.5 sq. metres), bathroom.
- 2 bed units (Type B & C) – hallway, living/dining room, kitchen and WC at ground floor, with 2 no. bedrooms (approximately 13 sq. metres for first double and 10.2 sq. metres for second double), bathroom and a/c store above.
- 3 bed units (Type D) – hallway, open plan living/ dining room, kitchen, store and WC at ground floor, with 3 no. bedrooms (11.5 sq. metres for the first double, 10.24 sq. metres for second double and 6.56 sq. metres for single) and bathroom above.
- 4 bed units (Type E) – hallway, large kitchen/dining room, living room and WC at ground floor. 4 no. bedrooms (12.4 sq. metres for first double, 10.3 sq. metres and 9.6 sq. metres for second and third double and 6.6 sq. metres for single) and bathroom at first floor level.

1.6 Private amenity area sizes for:

- Three and four bed family dwellings ranging from 70 sq. metres to 190 metres with the exception of Plot 22, 23, 24 and 64 (Unit D – three bedroom), where there would be a shortfall of ranging from 2 sq. metres to 10 sq. metres.
- Two-bed dwellings range from 52 sq. metres to 156 sq. metres with the exception of Plots 44, 45, 49, 52 & 53 (Unit B), where there would be shortfall ranging from 3-10 sq. metres.
- The apartments would have communal space to the front/ side/rear of the building which would range from 220 sq. metres for Plot 26-31, 85 sq. metres for Plots 32-35 and approximately 80 sq. metres for Plot 38-41.

1.7 The proposal would also include a small section public open space area of approximately 170 sq. metres to the north-east that would be incorporated into the application site. This would allow two new vehicular access points to be created from Sheldon Hall Avenue and facilitate a new internal access road that would run through the entire site. The proposal also includes an extension to the existing pedestrian footpath linking Gressel Lane from Sheldon Hall Avenue adjacent to the public open space area. All dwellings would have either parking bays to the front or to the side of the property. The total number of car parking spaces across the site would be 90 spaces. The proposed 4-bed and 3-bed dwellings would have 200% (2 spaces) and 100% (1 space) parking provision for 2-bed dwellings (with the exception of Plot 55-56 that would have 200%) within the site. The two-storey apartment blocks would also have 100% provision. Amended plans have been provided, which have reduced excessive length of footways to create kerbside parking spaces for visitors within the loop access road.

1.8 The proposal would result in loss of 24 existing trees, including a buffer of poplar trees to the north-east of the site adjacent to the public open space area. A landscaping plan has been submitted that includes replacement of four native oak trees to be situated along side of access road adjacent to the public open space area.

1.9 Site area: 1.26 Hectares. Density: 50.79 dwellings per hectare.

1.10 The following documents have been submitted in support of the proposal:

- Design and Access/ Planning Statement
- Drainage Strategy and Flood Risk Assessment
- Land Contamination Assessment
- Transport Statement

- Noise Assessment Report
- Phase 1 Ecological Appraisal and bat surveys
- Tree Survey Report/ Plan
- Construction Environment Management Plan (Including a Waste Management Plan)
- Statement of the Sustainability Performance of the Dwellings

- 1.11 A Financial Viability Assessment has been submitted as part of the supporting statement on the application. The assessment concludes that 100% affordable housing provision (58 affordable rented accommodations and 6 shared ownership) is proposed on site and the proposed development therefore cannot afford to provide any further financial contributions for public open space provision. The intended owners would be Midland Heart Housing Association with funding from the Homes and Community Agency (HCA).

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises 1.26 hectares and was previously used as a Sixth Form Centre and part of the former International School. The site was declared surplus in 2015. The Sixth Form Centre was relocated to the new school site on Gressel Lane in 2012 and was part of the Building Schools for the Future Programme that merged three separate schools onto one enlarged site. Currently, there are a number of part single-storey and part two-storey buildings together with large hard standing areas that are used for outdoor play and parking and servicing purposes. There are also a number of trees on the northern, eastern and western parts of the site that also includes a buffer of poplar trees on the north-eastern boundary that adjoin the public open space area. The ground levels on site are relatively flat with a slight fall eastwards heading towards the public open space area and Hawkesford Road. The existing vehicular and pedestrian access is from Sheldon Hall Avenue.
- 2.2. The surrounding area is predominately residential in character. To the south is characterised by mix of house tenures that front onto Sheldon Hall Avenue and East Meadway. Adjoining the site to the south and west is a Jehovah's Witness Kingdom Hall and a retail parade that include a Lidl supermarket on East Meadway. To the east of the site is a linear open space corridor that leads to the Cole Valley and Norman Chamberlain Playing Fields. The International School is situated on Gressel Lane, which is approximately 100 metres northwest of the application site. There are two primary schools – Our Lady's Catholic School and Shirestone Academy Primary School to the south of the site accessed from East Meadway and Shirestone Road. Lea Village Neighbourhood Centre is situated approximately 700 metres from the application site.

[Location Map](#)

3. Planning History

- 3.1. 23-01-1997 – 1996/04860/PA – Erection of single-storey portacabin to be sited next to school building – Temporary Approval.
- 3.2. 14-07-1994 – 1994/00062/PA - Construction of new staff car park – Approved subject to conditions.

3.3. 15-08-1991 – 1991/03055/PA – Installation of portable mobile classroom – Temporary Approval.

4. Consultation/PP Responses

4.1. Site and press notices displayed. Adjoining residents, Ward Councillors and MP consulted. Councillor Marje Bridle and John Cotton raised number of concerns on behalf of residents as follows:

- Lack of car parking provision to the number of dwellings proposed on site.
- Overspill parking onto Sheldon Hall Avenue from the development, which is a narrow street and would create significant traffic and parking problems.
- Additional housing and population growth will place pressure upon local services, including GP practices and school places.
- Tenure mix - Question as whether it is appropriate for the whole development to be composed solely of homes for rent or part rent/ part buy. Suggestion that the incorporation of a number of homes for outright sale would strength the tenure mix and sustainability of the development.
- Any S.106 financial contribution should be dedicated to strengthen local community infrastructure within the immediate vicinity of the site.

5 letters of objection have been received, where local residents object on the following grounds:

- Family and kids need a quiet and safe place to live and proposal would lead to noise and disturbance with all green landscaping area and big trees removed.
- Effect on wildlife living on site and trees.
- Overdevelopment due to a number of houses proposed on a tight site.
- Traffic congestion due to number of houses being proposed and unable to turn into cul-de-sac on opposite side of Sheldon Hall Avenue.
- Poplar trees on the boundary of the school site should be protected as they are mature and healthy. They are also of historical interest as they were used during the Second World War by the RAF as a focal point to help navigate aircraft.
- Concerns raised to the ways that community and public consultation was carried out by the developer and Midland Heart, which was one meeting that was arranged by Councillor Marje Bridle and John Cotton.
- Further consultation should be undertaken and any planning decision deferred to ease concerns in relation to traffic and parking congestion during and after the development is complete.
- Any money received from S.106 should be allocated to make a positive impact on the community around the development.
- Outlook of the area and suggest the land should be put to better use.
- Query to the disruption and type of boundary treatment to be proposed to the rear common boundary to adjoining properties on Gressel Lane during construction and completion.

A petition comprising 57 signatures received from Councillor Marje Bridle on behalf of residents at Harvey Court, who object to the four and five bedroom dwellings as they “have enough trouble with the International School”.

4.2. Environment Agency – No objections.

4.3. Severn Trent – No objections subject drainage condition for the disposal of foul and surface water flows.

- 4.4. Transportation Development – No objections subject to conditions to include construction management/ method statement, S.278 highway works, pedestrian visibility splays and parking areas to be laid out prior to use.
- 4.5. City Ecologist – No objections subject to conditions for an Ecological Enhancement Strategy based on recommendations contained within supporting surveys/ reports and provision of bird/ bat boxes.
- 4.6. Regulatory Services – No objections subject to conditions to include land contamination investigations/ mitigations, provision of electric charging points and acoustic noise insulation and ventilation to habitable doors and windows.
- 4.7. West Midlands Police – No objections subject to Secure By Design Accreditation New Homes principles.
- 4.8. West Midlands Fire Service – No objections.
- 4.9. BCC Local Lead Flooding Authority – No objections subject to a modified condition for the completion of sustainable drainage and a drainage system operated in accordance with the approved sustainable drainage operation and maintenance plan.
- 4.10. Education & Skills Infrastructure – A response has been received that the consultation has been forwarded to the School Organisation team who may request a contribution under Section 106 from any potential development. No further response has been received.
- 4.11. Leisure Services - They note there is no reference contained within the applicant's supporting statement that the loss of playing field issue has been considered either at pre-application discussion stage or as part of this application. They object to the loss of hard surfaced playground on the site, which is regarded by DFE definition as a playing field. If the developer can demonstrate, 'exceptional circumstances' or appropriate financial contribution payable for the loss as follows:

School playground area	= £78,925
Off-site public open space	= £131,430
New junior play area	= £110,000

Total	£320,255

The financial contribution for the loss of playing fields should be spent on the provision, improvement and /or maintenance of POS and play at both Tile Cross Park and Tile Cross Recreation Ground within the Shard End Ward.

No objections have been raised to the loss of small section of public open space area of approximately 407 sq. metres adjacent to the application site as the landowners have agreed with Council's housing department subject to separate agreement on the value of this land transfer.

5. Policy Context

- 5.1. NPPF (2012), Birmingham UDP (Saved Policies) (2005), Birmingham Development Plan (2017), Places for Living SPG (2001), Mature Suburbs SPD (2006), Car Parking Guidelines SPD (2012), Affordable Housing SPG (2001), Public Open Space and New Residential Development SPD

6. Planning Considerations

6.1. The main considerations for the determination of this application are:

6.2. **Planning Policy/ Principle of Use** – Paragraph 14 of the National Planning Policy Framework (NPPF) sets out that the purpose of the planning system is to contribute towards achieving sustainable development. Sustainable development is defined at paragraph 7 as comprising three dimensions – an economic role, social role and environmental role. Paragraph 17 supports sustainable economic development to deliver new homes and encourage the effective use of land by re-using land that has been previously developed (brownfield land). Paragraph 19 states that significant weight is placed on economic growth within the planning system, with paragraph 47-50 highlighting that windfall sites may consistently become available and will continue to provide a reliable source of housing land supply. Local planning authorities should deliver a wide choice of high quality homes and residential development should reflect local demand and create mixed and balanced communities.

6.3. Policy PG3, TP27, TP30 and TP31 seeks to provide an appropriate environment and identify sites for allocation using a sequential approach with the re-use of previously developed land and buildings. One of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City. A suitable housing density and mix as encouraged and a full range of housing types and sizes to include affordable housing (35%).

6.4. The NPPF, saved policies within the Adopted UDP and the Birmingham Development Plan are material considerations. Within the Birmingham Development Plan, Policy TP26 and TP27 states that the location of new housing should be accessible to jobs, shops and services by other modes of transport, sympathetic to historic, cultural and natural assets and not conflict with other development policies in relation to employment land, green belt and open space. Policy PG1 of the BDP also identifies that within the urban area there is capacity for some 51,100 homes including bringing vacant property back into active use and utilising some open space that no longer performs its original function. Policy TP30 of the BDP identifies that densities of at least 50 dwellings per hectare will be expected in local centres and corridors well served by public transport with 40 dwellings per hectare elsewhere. Policy GA8 identifies the Eastern Triangle as a growth area to deliver regeneration and around 1000 new homes. A number of sites are identified to deliver positive change within the Shard End area. Although the application site just falls outside the growth area boundary, it would contribute to the delivery of homes within Shard End area and city as a whole in principle as a windfall site.

6.5. The application site was a formerly Sixth Form Campus, which was previously used by the International School but declared surplus to requirements in 2015. The application sites has been identified for residential development within the Strategic Housing Land Availability Assessment (SHLAA) and would constitute a windfall housing site as identified by paragraph 48 of the NPPF. In terms of economic, environmental and social dimensions of sustainable development, the proposal would constitute re-use of brownfield land and make a valuable contribution to identified housing need for the Birmingham area for present and future generations. The social role is enhanced with the provision of affordable housing. The application site is in a sustainable location and lies within an established residential area, close to transport corridors that have good public transport links, with a future extension

proposed to the Metro Line along East Meadway/ Meadway from the City to Birmingham Airport. The application site also provides a range of local services within walking distance of the site that includes a parade of shops and large supermarket (LIDL) on East Meadway. There is also Lea Village Neighbourhood Centre within 700 metres of the site, two primary and one secondary schools and a number of community/ leisure facilities within 1 mile of the site. Consequently, it is considered that the use of this site for residential development would comply with aspirations laid within BDP and NPPF and is acceptable in principle.

- 6.6. Concerns have been raised by Ward Councillors and neighbour to the high number of units proposed and suggestion that it needs to be reduced on site. Amended plans have been provided and there has been a reduction of one unit in order to reduce footway crossings and improve internal layout across the site. The total site area is 1.26 ha and the erection of 64 residential units as proposed represents an overall density of 50 dwellings per ha and would comply with Policy TP30 of the BDP.
- 6.7. Concerns have also been raised to whether the whole site should be used for affordable housing with the suggestion that it needs to incorporate a number of homes for outright sale. One of the core priorities of BDP is the provision of as much affordable housing as is viable within a residential scheme due to the pressing needs for the City as a whole. The Strategic Housing Market Assessment (2012) sets out that the realistic target of 1,989 affordable units need to be provided per annum across the city. The proposal would deliver 64 affordable units (58 rented affordable accommodations and 6 shared ownership) across the entire site and therefore contribute to the delivery of affordable housing needs across the city. It should also be noted that the scheme is intended to be funded and built-out as 100% affordable housing with intended owners Midland Heart (Housing Association). My Housing Regeneration and Development Officers have raised no objections as the number of units together with number of affordable mix tenure units is appropriate for this location. It is worth noting that the construction of the proposed dwellings brings with it economic benefits in terms of jobs and additional spending power, and these also weigh in favour of the proposal.
- 6.8. **Loss of open space** – The proposal would result in loss of approximately 170 sq. metres of public open space area (not 407 sq. metres as specified by Leisure Services) to the north-east of the site in order to allow a satisfactory layout and the creation of two accesses and loop access road into the site. The small section of area of land to be lost is small in size and does not have any recreational or amenity value. The creation of new residential dwellings facing the recreation ground to the east would provide natural surveillance and security to assist in making the area feel safer and more user-friendly. The retained rectangular public open space of approximately 0.48 hectares would remain adjoining the site. The loss of this small area of open space would equate of around 3% of the total area of the adjoining linear public open space area and is not considered to be significant in terms of the quality or character of the local environment. The public open space is not within an area which is deficient in the quantity of open space (5.23 hectares per 1000 population). The formal public notice for the loss of public open space has been advertised twice by Council's Housing Department for a period of two weeks in local newspapers with no objections received to its loss. My Development Planning and Leisure Services colleagues have raised no objection to the loss of this area. Consequently, I consider that the small loss of public open space does not demonstrably outweigh the benefits of the current proposal and as such it is considered that the application is in accordance with the NPPF and Birmingham Development Plan.

- 6.9. I note comments have made by Leisure Services, where they have applied Department for Education guidelines that the school hard surfaced playgrounds as playing fields and are seeking compensation for their loss. Leisure Services have applied incorrect guidelines and their comments would not be relevant in this instance. Sport England being statutory consultee on playing fields and their definition would be relevant and is contained within D2 *“Playing Pitch of Planning Policy Statement – A sporting Future for the Playing Fields of England”* states that a playing pitch is a delineated area which, together with any run off area, is of 0.2h hectares or more, and which is used for association football, American Football, etc. The former playgrounds associated with the Sixth Form Centre is private enclosed space and was used for informal play with no form of delineation or particular allocation for any particular sport. Furthermore, this issue was considered as part of 2010/03238/PA for the merger of three sites (included Sixth Form Centre) and redevelopment of school site for International School and Community College on Gressel Lane funded through Building School for Future, where there were upgrade and provision of new sporting facilities with community use agreement that included new sports hall, changing facilities etc.
- 6.10. Public Open Space with regard to Planning Obligations is discussed later in this report.
- 6.11. **Design and character** – The proposal would result in the demolition of redundant part single-storey and two-storey buildings on site, which are not considered to be of significant visual interest architecturally. The buildings are not statutorily or locally listed or in conservation area and no objection is therefore raised to its demolition. I consider that the redevelopment of this site would improve the appearance of street scene, tidy up this area and contribute to the enhancement of the City's environment.
- 6.12. The design of the development has been subject of detailed negotiation prior to the submission of the application and further discussion and amendments have been carried out following submission of the application that has resulted in the area of public open space area incorporated into the site, slight reduction in number of units and reduction in the excessive length of footway crossings in order to address general layout and street frontages. The proposed layout is mainly informed by the proposed access road through the site and the relationship with adjoining residential properties is considered acceptable. The location, size and shape of the site together with the number of units proposed imposes some constraints upon the potential layout of the development with regards to first floor of apartment blocks all to be single-aspect adjacent to the eastern public open space. The corner apartment buildings and corner turning dwellings have all habitable rooms that address street frontages and provide good natural surveillance.
- 6.13. The proposed dwellings and apartment blocks would all be two-storey in height similar to majority of other properties that prevail within the immediate area. The proposed buildings are generally contemporary in nature and incorporate a range of house styles and materials including brick, render and tiled roof. The proposed dwellings also incorporate a range of local contextual interest that include gabled frontages (some expressed through contrasting materials), vertical alignment windows with a sense of rhythm and pitched roofs. At ground floor level, the elevations provide clear entrances and front gardens which provide activity and interaction with the street. The designs of the proposed dwellings are considered to be in scale with neighbouring dwellings.

- 6.14. **Impact on residential amenity** – Paragraph 56-58 of NPPF, saved policies within the UDP, PG3 and TP27-28 of the BDP seeks to create good design and quality living accommodation, which contribute positively to making places better for people. Places for Living SPG provides guidance on how to achieve high quality living accommodation. The “Nationally Described Spacing Standards” provides guidance on the provision of internal space that is considered to be acceptable for residential occupancy.
- 6.15. The proposal would provide affordable housing units across the entire site, bringing forward a mix of 1 and two bed flats and 2, 3 and 4 bedroom dwellings. The plans provided shows that all of the house types fall short of the minimum gross floor area guidelines as prescribed within Nationally Described Spacing Standards ranging from by 3.5 sq. metres to 5 sq. metres for one-bed two person flats and 7.6 sq. metres to 10 sq. metres for 2, 3 and 4 bedroom dwellings. All internal double bedrooms (minimum of 11.5 sq. metres) to proposed dwellings and apartments would achieve adequate size provision contained within the Nationally Described Spacing Standards. A supporting statement has been submitted that confirms that the sizes for all of the housing units are based on Housing Quality Indicator (HQI), which incorporates required design standards for affordable housing providers who receive funding through different programmes. The unit sizes are considered acceptable under Homes and Communities Agency and Midland Heart (grant funding). Consequently, I do not consider that there is sustainable reasons to refuse the application on these guidelines as internal furniture layout plans has been provided that ensures that a good standard of accommodation is being provided for future residential occupiers on site. All habitable rooms would be served by a window.
- 6.16. Currently, the existing school buildings to the south of the site are situated approximately 10 metres from the rear boundary to the adjoining residential dwellinghouses no. 8 Sheldon Hall Avenue and no. 18-20 Rowley Grove. The ground and first floor windows of the school building overlook onto the rear of the dwellinghouse and private amenity area. The separation distances between rear to rear faces of the existing dwellings on 18-20 Rowley Grove and the proposed dwellings (Plot 1-9) ranges from approximately 22 metres to 29 metres, which would exceed the minimum requirement contained with the guidance contained in “Places for Living” SPG. The nearest residential dwellings at no. 8 Sheldon Hall Avenue to proposed dwelling (Plot 3) would be separated by a distance of approximately 11 metres to the rear boundary and approximately 19 metres to the rear habitable windows. However, due to orientation to the existing and proposed dwelling (Plot 3), any overlooking from an obscure angle would be minimal to the rear of habitable windows of the existing and proposed dwellings. The rear facing windows of proposed dwelling (Plot 3) would also overlook onto the rear third proportion of the garden of no. 8 Sheldon Hall Avenue, however I consider that this relationship is acceptable. The proposal would also exceed the minimum 21 metre separation distance between rear habitable windowed elevations to the adjoining residential properties on Gressell Lane as recommended in SPG “Places for Living”. Internal site separation distances of proposed dwellings within the site would also meet SPG Places for Living guidelines.
- 6.17. With regards to the proposed apartment block (Units AFF - Plots 27-32), there is a distance of 6 metres to the adjoining residential boundary with no. 201 Gressell Lane. The same would apply to two apartment blocks (Units FF - Plots 32-35 & 38-41) in relation to proposed dwellings to the rear of the access road and Sheldon Hall Avenue. All apartments (Units A & F) at first floor would be single-aspect with all habitable windows within the front elevation and obscurely glazed/ secondary

windows to the rear at first floor level. A condition is recommended requiring that all windows to the rear first floor of the two-storey block to the rear are obscurely glazed in order to safeguard privacy to the gardens of the adjoining residential dwellings.

- 6.18. The rear private amenity areas would be separated from frontage areas (with exception of the apartment blocks), creating distinction between public and private spaces. The private amenity area within the plots would average 10 metres in depth and are considered appropriate.
- 6.19. There would be 35 to 45 sq. metres shortfall in communal amenity space provision for the apartment blocks (Plots 27-32 – Units F). However, in this instance, such communal gardens are considered acceptable given that all of the apartments are considered as ‘starter’ units in order to deliver an appropriate layout, are located at difficult corners and provide outlook/ natural surveillance in conjunction with the adjoining open space. There would also be a shortfall of private amenity area ranging from approximately 2 sq. metres to 10 sq. metres for 4no. three-bed and 5no. two-bed dwellings (Plots 22, 23, 24, 44, 45, 49, 52, 53, and 64 - Unit B & D). However, these are small in number to the overall scheme and their layout achieves good urban design principles in relation to perimeter blocks and active frontages. I also consider that this site is situated adjacent to good level of public amenity areas such as the linear public open space area adjoining the site and is in close proximity to Norman Chamberlain Playing Fields and Babbs Mill Park/ Kingsfisher Country Park, which are 500 metres and 750 metres away from the application site. The site is also in sustainable location close to neighbourhood centres and shopping parades. A condition would be attached removing permitted development rights for extensions and outbuildings to all residential dwellings preventing the loss of rear garden space.
- 6.20. I note concerns have been raised by a neighbour with regards to outlook. Given the site is currently vacant and contains redundant buildings; there would be less impact on neighbouring residential properties as a result of any development on site. However, as outlined above the separation distances are acceptable in excess of minimum standards set out within SPG Places for Living. It is considered that the scale, layout and location of proposed dwellings would not give rise to an unacceptable impact on outlook or create a sense of enclosure to the detriment of neighbouring residential amenity.
- 6.21. **Noise, land contamination and emissions** - A Noise Assessment Report has been submitted that takes into consideration noise levels from the nearby Birmingham International Airport. Regulatory Services agree with the recommendations of the report that acoustic glazing and ventilation is provided to all habitable rooms to include any external doors in order to achieve a reasonable level of noise amenity to all units within the site. I concur with this view and impose such a condition accordingly.
- 6.22. Paragraph 121 of the NPPF states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. Regulatory Services have reviewed the submitted Phase 1 and 2 land contamination reports and are happy with the findings that shows no significant contamination have been encountered on site. However, the scope of investigations is limited as it was carried out while the existing buildings are still present on site. Consequently, they have recommended that land contamination conditions be

imposed as further investigations need to be undertaken post demolition of the buildings to assess the risk of potential on site contamination.

- 6.23. Policy TP1 and TP43 within the Birmingham Development Plan, seeks to assist in reducing the City's carbon footprint and improve air quality. Regulatory Services have recommended imposing a condition in relation to electric vehicle charging points on site. I concur with this view in relation to communal for the apartments and consider that, subject to the above recommended conditions; the proposal is unlikely to affect the amenity of existing and future residential occupiers within the immediate vicinity of the site and allow the potential to reduce vehicle emissions and improve air quality associated with the development.
- 6.24. **Impact on highway safety** – Objections have been raised on grounds of insufficient parking and traffic congestion within the area. Transportation Development have raised no objections to the proposal subject to a number of conditions. Transportation Development are content that the proposed highway layout within the site with loop access road and two access points from Sheldon Hall Avenue is acceptable on highway safety grounds. There have been vehicle swept path plans provided to demonstrate that refuse vehicles would adequately access and manoeuvre within the site. The parking provision for apartments would be 1 spaces, 1 space for small dwellings (with exception of Plot 55-56 with two spaces) and two spaces for larger 3 and 4 bed room dwellings which would be acceptable and there are alternative sustainable transport options that are available in close proximity to the site that includes frequent bus services to and from the City Centre along East Meadway, Kitts Green Road and Mackadown Lane. There is provision for on-street bays for visitor parking within the access road. There would be an appropriate level of secure cycle storage provided for all future residents of the apartment buildings and dwellings. Consequently, the proposal is unlikely to have an adverse impact on highway safety within the immediate vicinity of the site.
- 6.25. With regards to residents' concerns about the impact of construction traffic, it is inevitable that building works anywhere would cause some disturbance to adjoining residents. However, I consider that it is reasonable to attach a construction management condition.
- 6.26. **Impact on landscaping, trees and ecology** – Concerns has been raised by neighbours to the removal of category B & C poplar trees on the site boundary with the adjoining public open space area. There have been extensive discussions during pre-application and at planning application stage that majority of Lombardy poplar trees adjacent to public open space cannot be retained as they are unsuitable adjacent to residential properties and clearance of equal height of the trees would be required to new residential buildings. This would not be possible as it would reduce a significant number of units on site and make the proposed scheme financially unviable. Other options were explored such as reducing them in size, however this would lead to decay in the stem and decline of the trees and branch dieback/ failure. A tree survey and constraints plan have been submitted in support of the application which identifies a total of 39 individual trees and 7 groups of trees, where the majority are situated on the site boundary. There are 25 trees identified for removal to include poplars on the site boundary adjacent to the public open space. My Tree Officer has reviewed the submitted Tree Survey and constraint plan and supports the applicant's commitment to plant four additional oak trees as part of landscaping proposal on the northwest perimeter adjacent to the public open space area. My Tree Officer has raised no objection subject to tree protection and recommends the opportunity for further tree planting as part of landscaping scheme around the entire site.

- 6.27. The landscaping plan provided has been reviewed by my Landscaping Officer and concerns have been raised to the lack of variety of mixed tree, shrub and hedge planting on site. He recommends that conditions be imposed to include landscaping, site levels, boundary treatment etc. that would ensure that the proposal makes a substantial contribution to the site and overall area in amenity and biodiversity terms.
- 6.28. An Ecological Appraisal has been submitted that includes Phase 1 Habitat, Bat Roost and Bat Surveys, which identify key habitats on site such as the buildings, amenity grassland and trees. The surveys conclude that the majority of the habitats have negligible value and low potential for bats. The City Ecologist has reviewed the surveys and raised no objections to the demolition of the existing buildings or developing the site. They do note that the site does offer some value for the commoner mammals such as hedgehog and fox although this is limited by the habitat quality. The trees and public open space area may offer some value to commoner bird species but also to House sparrows and Starlings. City Ecologist notes that recommendations were made in the surveys for the inclusion of Bat and bird boxes on site, which need to be integral boxes built into the fabric of the building. Other specific recommendations to include a planting scheme that incorporates pollinator species, use of permeable boundary features between residential plots and low lux/ directional lighting to ensure that there is no overspill onto adjoining gardens and open space area. I concur with this view and conditions would be imposed accordingly.
- 6.29. **Impact on flooding and drainage** - A Flood Risk Assessment and Drainage Strategy has been submitted as part of supporting documents as the site covers an area of approximately 1.26 hectares. It identifies the site as being entirely within Flood Zone 1 and therefore the site is at low risk of flooding. The Environment Agency is satisfied with the assessment and no objections have been raised to the proposal. The Lead Local Flooding Authority has also recommended a modified condition which requires the completion of Sustainable Drainage to be operated and maintained in accordance with the Drainage Operation and Maintenance Plan. I concur with this view.
- 6.30. **Planning Obligations** – The application is currently a City Council-owned site and the Council cannot enter into a S106 with itself. The alternative, appropriate mechanism in these circumstances would be for the use of a S.111 agreement, which commits the applicant to enter into a S106 agreement upon the sale of the application site.
- 6.31. **Public Open Space** - The proposal exceeds the 20 residential unit thresholds in relation to public open space provision. Public Open Space in New Residential Development SPD seeks, where practical to do so, that new public open space is provided on site. In addition, there are circumstances where it may be preferable for the public open space to be provided as an off-site monetary contribution. Leisure Services have raised no objection subject to an off-site monetary contribution.
- 6.32. Leisure Services have stated that a contribution of £241,430 towards provision, improvements and/ or maintenance of public open space at Tile Cross Park and Tile Cross Recreation Ground within the Shard End Ward would normally be required in line with UDP policies. The contribution for school playground areas of £78,925 would not be applicable as they do not constitute playing fields defined within the BDP and Sport England guidelines as specified above.

- 6.33. **Affordable Housing** - Policy TP30 of the Birmingham Development Plan, and the Council's Affordable Housing SPG, require 35% of the total residential accommodation to be affordable. Paragraph 50 of the NPPF explains that where LPAs have identified that affordable housing is needed, they should set policies of meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified... such policies should be sufficiently flexible to take account of changing market conditions over time.
- 6.34. As previously explained above the development proposes 100% affordable housing scheme (58 affordable rented accommodations and 6 shared ownership) on the understanding of HCA funding on this scheme. The applicant has confirmed that a housing association (Midland Heart) would be the intended owners of the site.
- 6.35. A financial viability assessment has been submitted as part of supporting document. This was assessed independently on behalf of the Council and concluded that the proposal is unable to support any S.106 financial contributions as affordable housing to be secured on site. Notwithstanding the above, the applicant has offered to ensure 100% affordable housing to be secured through S106 agreement in lieu of any contribution towards public open space contribution. If circumstances change, the S.106 agreement allows lower provision of 35% affordable housing in accordance with Council policy as long as financial contributions are payable for public open space. This is considered an appropriate package that would deliver much needed affordable housing within the city.
- 6.36. **Education** - No comments have been received however any Education funding via the planning system is now derived from city-wide CIL monies (Community Infrastructure Levy).
- 6.37. **S.106 Summary** – Paragraph 173 of the NPPF places significant emphasis on ensuring viability and deliverability, adding that the costs of any requirements likely to be applied to development when taking account of the normal cost of development and mitigation provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
- 6.38. The scheme would fulfil a significant planning obligation by delivering a much needed mix of 1, 2, 3 and 4 bedroom properties for social housing on a site to be occupied by a housing association. Consequently, I consider that the offer of 100% affordable housing is considered appropriate in this instance. It would be necessary to ensure that the 100% of units are affordable through an appropriate S.106 (Planning Obligations) / S.111 agreement.

7. Conclusion

- 7.1. The proposed development is acceptable in land use terms. It would comprise 64 units, with a S106 Agreement securing 100% affordable housing provision to remain in perpetuity, on a brownfield site within a sustainable residential location. The housing offers a good choice of house types with start-up to family sized units with good size private amenity areas that would meet recognised need. There would be some deficiency in private amenity areas for certain plots but this would be outweighed by affordable housing delivery on a brownfield site. The proposed scheme is well-designed; scale, massing and appearance is considered acceptable and would accord with the general character and appearance of the surrounding area. The proposal is considered acceptable in highway safety and residential amenity terms.

7.2. I therefore consider that the application is acceptable subject to conditions subject to the satisfactory completion of a Section 111 Agreement with a draft 106 Legal Agreement to secure 100% affordable housing units on site.

8. Recommendation

8.1. Deferral

1. That consideration of Application No. 2016/07628/PA be deferred pending the completion of a suitable Legal Agreement under Section 111 of the Local Government Act 1972 which requires the applicants to complete a Section 106 Planning Obligation simultaneously with the completion of the land sale. The Section 106 Agreement shall require:

- i) 100% of houses (64 units) on the site being 90% affordable/ social rent and 10% shared ownership.
- ii) In the event that 100% (64 units) affordable housing cannot be delivered and only 35% of houses (23 units) is provided on the site of which 90% would affordable/ social rent and 10% shared ownership, the payment of £241,430 (index linked to construction costs from 2nd February 2017 to the date on which payment is made) towards the provision, improvement and maintenance of public open space and recreational facilities at both Tile Cross Park and Tile Cross Recreation Ground within the Shard End Ward that shall be agreed in writing between the Council and the party responsible for paying the sum provided that any alternative spend purpose has been agreed by the Council's Planning Committee.
- iii) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.

2. In the event of the above Section 111 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 24th February 2017 planning permission be REFUSED for the following reason:

- i) In the absence of a suitable planning obligation to secure affordable housing on the site, the proposed development conflicts with policy TP31 of the Birmingham Development Plan 2016 and with policy 50 of the National Planning Policy Framework (2012).

That the City Solicitor be authorised to prepare, complete and seal the appropriate planning obligation under Section 106 of the Town and Country Planning Act.

That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 24th February 2017, favourable consideration will be given to the application subject to the conditions listed below:

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the prior submission of a contaminated land verification report |
| 4 | Requires the prior submission of sample materials |
| 5 | Requires the prior submission of a sustainable drainage scheme |
-

-
- 6 Requires the prior submission of a drainage scheme
 - 7 Arboricultural Method Statement - Submission Required
 - 8 Requires the prior submission of level details
 - 9 Requires the submission of boundary treatment details prior to occupation
 - 10 Requires the submission of hard and/or soft landscape details prior to occupation
 - 11 Requires the submission of hard surfacing materials prior to occupation
 - 12 Requires the prior submission of a landscape management plan
 - 13 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 14 Requires the prior submission of details of bird/bat boxes
 - 15 Requires the prior submission of a lighting scheme
 - 16 Requires the prior submission details obscure glazing for specific areas of the approved building (Plots 26-31, 32-35 & 38-41)
 - 17 Requires the prior submission a noise study to establish residential acoustic protection
 - 18 Requires the provision of a vehicle charging point
 - 19 Requires the prior submission of a construction method statement/management plan
 - 20 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 21 Requires pedestrian visibility splays to be provided
 - 22 Requires the parking area to be laid out prior to use
 - 23 Removes PD rights for extensions
 - 24 Removes PD rights for new windows
 - 25 Implement within 3 years (Full)
-

Case Officer: Mohammed Akram

Photo(s)



Figure 1: View from adjoining Public Open Space Area - Sheldon Hall Avenue

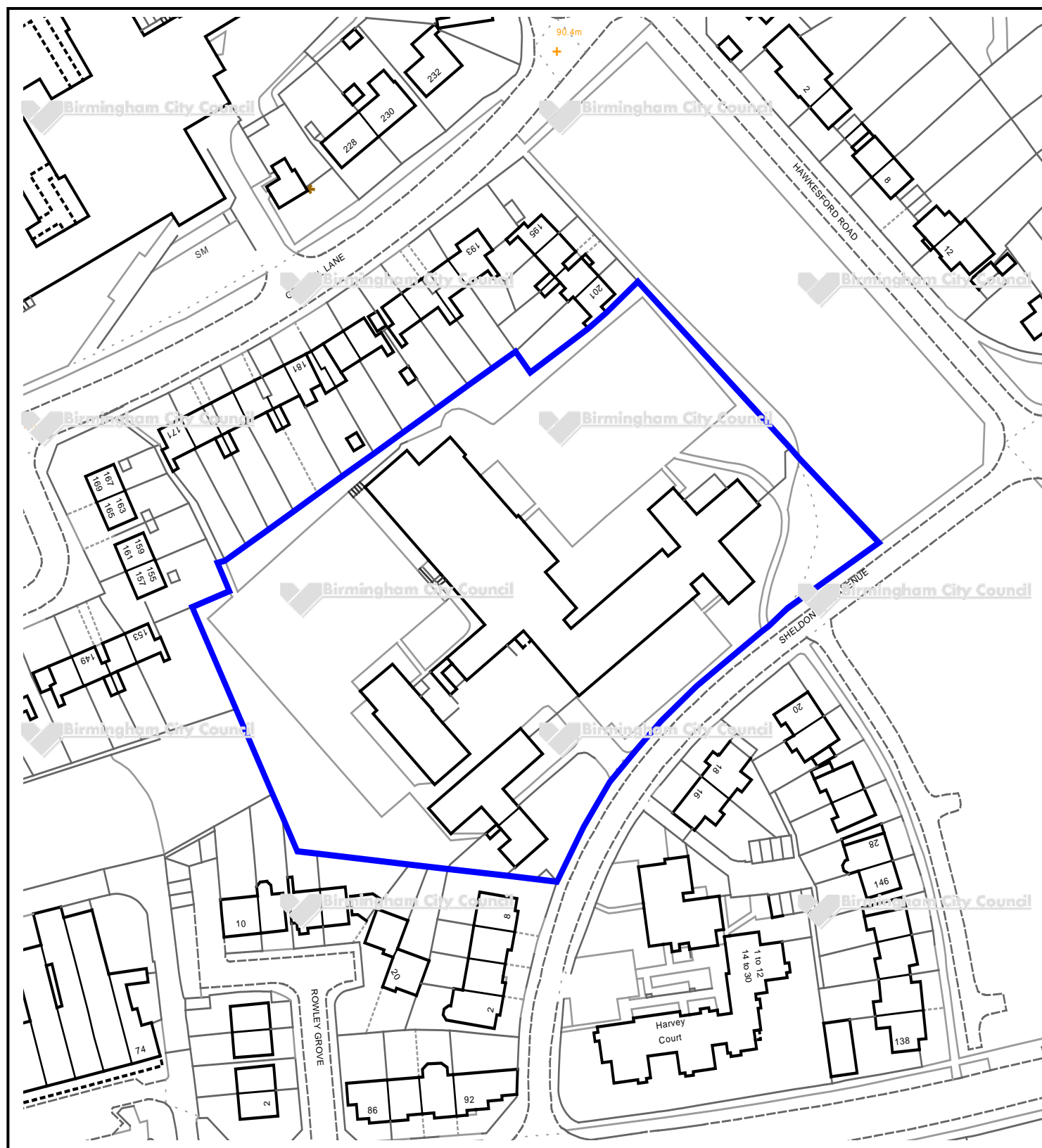


Figure 2: View from no.8 Sheldon Hall Avenue



Figure 3: View from Hawkesford 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

BIRMINGHAM CITY COUNCIL

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

PLANNING COMMITTEE – 2nd FEBRUARY 2017

DRAFT LOCAL DEVELOPMENT ORDER

TYSELEY ENVIRONMENTAL ENTERPRISE DISTRICT, BIRMINGHAM

1. Subject and Brief Summary of Proposals

- 1.1 This report advises your Committee of the responses from the consultation exercise for the proposed Local Development Order (LDO) for the Tyseley Environmental Enterprise District, Tyseley, Birmingham.
- 1.2 The report also advises on suggested revisions to the draft LDO document and the suggested changes are highlighted in red bold text within the draft LDO document.
- 1.3 By way of background, an initial 6 week consultation exercise on the Draft Tyseley Environment District LDO was undertaken in April and May 2014 and gave the most affected residents, occupiers and landowners six weeks to comment on the document. Following this exercise the comments received were analysed and amendments to the draft Order undertaken where considered necessary.
- 1.4 In late 2015 and early 2016 a further round of consultation was undertaken with a number of technical consultees to ensure that any legislative updates, e.g. such as the introduction of the Lead Local Flood Authority in April 2015, were incorporated into the draft LDO document.
- 1.5 Additional work was also undertaken to incorporate policy requirements of the draft Birmingham Development Plan (BDP). However, the placing of the holding direction upon the BDP in July 2016 resulted in a 6 month abeyance period. The holding direction was lifted and the BDP adopted in January 2017.
- 1.6 The draft LDO document has now been updated to included reference to the newly adopted Birmingham Development Plan (BDP) 2017 policies along with continued reference to the saved policies contained within the Birmingham Unitary Development Plan (UDP) 2005.
- 1.7 Following comments received during the reconsultation exercise the two maps within the LDO document, specifically the proposed LDO area

boundary and the LDO constraints map (appendix E), have also been refined to provide greater clarity on the proposed boundaries and constraint areas.

2. Recommendations

- 2.1 That the revisions to the LDO document as set out in the following report are agreed and the LDO is formally adopted for use.

3. Contact Officer

Mohammed Nasser, Planning and Regeneration

Tel: 0121 675 3758

Email: mohammed.nasser@birmingham.gov.uk

4. Background

- 4.1 A report was presented to Planning Committee on 6th February 2014, detailing the draft Local Development Order for the Tyseley Environmental Enterprise District (TEED) in Tyseley, Birmingham. Committee endorsed the report for consultation purposes.
- 4.2 Formal consultation was undertaken on the draft LDO, which finished on 28th May 2014 and consisted of the following;
- Press Notice,
 - Site Notices displayed around the boundaries of the LDO area,
 - Notification letters sent to all land owners within the LDO area,
 - Consultation letters to owners and occupiers of premises adjacent to the LDO area,
 - Consultation letters to statutory consultees as defined by Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015,
 - Website with information and opportunity to comment online.

5. Consultation Responses

- 5.1 The consultation exercise on the Draft Tyseley Environment District LDO, which was approved by Members on 6th February 2014, ended on 28th May 2014 and gave the most affected residents, occupiers and landowners six weeks to comment. A total of 9 no. responses were received from;

- 5 no. from local residents/businesses;
 - 1 no. from a land owner;
 - 1 no. from Canal & River Trust;
 - 1 no. Birmingham Airport; and
 - 1 no. from Network Rail.
- 5.2 The comments received from the parties outlined above are specified in more detail below;
- 5.3 *Local Business – More detailed plan required* – It is not clear from the plan included within the LDO which area individual properties fall within and consequently what type and level of development is permitted.
- 5.4 *Land Owner & Local Business – Major boost for Tyseley* – The proposals will help create a new greener, more attractive area and along with the ERDF funding will help create much needed jobs.
- 5.5 *Local Business – Too complex and onerous* – The Planning Practice Guidance states that the idea of an LDO is to streamline the planning process by removing the need for a planning application, thereby creating certainty and saving time and money for developers. As proposed, the LDO requires the upfront submission of the same level of information required for a planning application, and is then subject to an assessment. The LDO does not therefore appear to streamline or simply the process.
- 5.6 *Local Business – Clarification of implementation of development* – The phased delivery of larger schemes may need to take place outside the life of the LDO i.e. over more than the 3 years. A request is therefore made to clarify the implementation period.
- 5.7 *Local Business – Amendment to the definition of Environmental Technologies* – There may be other environmental technologies, such as waste/resource management and treatment, which could be defined as sustainable, but would not clearly fall into the current definition of environmental technologies.
- 5.8 *Local Business – Ancillary development to be included within the scope of the LDO* – Ancillary development such as pipework, cabling or site improvements should be permitted.
- 5.9 *Local Business – Notification of development/determination* – In light of the level of information that will need to be provided for some development proposals, is the proposed 28 day determination period realistic? If the decisions are not going to be made within the 28 day period this would not provide the certainty to developers.
- 5.10 *Canal and River Trust & Network Rail – Typing Errors within the document*

- i) Appendix B, Section 3, Proposed details – the last point reads ‘Details of...’ recommend this is deleted;
 - ii) Appendix B, Section 9, Flood Risk and Drainage – replace ‘Environment Agencies’ with ‘Environment Agency’s’;
 - iii) Replace all references of ‘Canals and Rivers Trust’ to Canal & River Trust;
 - iv) Structural integrity needs to be included within Para 5.2 of the report.
- 5.11 *Local Business – Ecological Survey requirements* – The requirements for an ecological survey should be less prescriptive.
- 5.12 *Local Business – Requirement for written agreement with Canal & River Trust* – Questions have been raised in relation to the extent of the consultation zone in relation of the canal and railway line, which is deemed excessive. Moreover negotiations with either party can be time consuming and defeat the object of the LDO.
- 5.13 *Local Business – Energy Efficient condition* – The BREEAM ‘very good’ standard should not be applied to existing buildings which are being retained as part of the wider proposals. Furthermore, it should also be noted that the BREEAM standard goes beyond energy efficiency.
- 5.14 *Local Business – Noise Condition* – Question why a condition to restrict cumulative noise AND the submission of a noise impact assessment is required.
- 5.15 *Local Business – Increased lifetime of LDO* – The lifetime of the LDO should be increased from 3 years to allow more businesses to take advantage of the simplified planning process.
- 5.16 *Local Residents – No case by case public consultation* – Concerns have been raised that if adopted there would be no case by case public participation on each proposal.
- 5.17 *Local Residents – Concerns in relation to noise* – Some of the proposed LDO area is in close proximity to residential properties, and concerns have been raised that development under the LDO would adversely affect the amenities of the residential occupiers.
- 5.18 *Birmingham Airport – Airport Safety Issues* – To ensure that the north-eastern corner of the zone would not be developed in a way that may infringe the obstacle limitation surfaces, paragraph 4.12 should be amended. Instead of "152m Above Ordnance Datum", this should read "147m above Ordnance Datum". However, higher development elsewhere within the zone may be acceptable subject to an assessment by the Airport to ensure compliance with Civil Aviation Authority obstacle limitation requirements. Paragraph 4.13: The final sentence should read:- "Birmingham Airport therefore advises that

development should not include process, design or landscaping features that will attract significant bird activity.

5.19 In addition, since the formal consultation period was undertaken in 2014 changes in legislation have occurred, specifically regarding the creation of the Lead Local Flood Authority (LLFA) and the devolvement of certain functions from the Environment Agency to the LLFA. As such, further consultation was undertaken with both BCC LLFA and with BCC Legal Services, with comments outlined below.

5.20 *Lead Local Flood and Drainage Authority*

- All major planning applications require the submission of a Sustainable Drainage Assessment and a Sustainable Drainage Operation & Maintenance plan.
- Information requirements for a submitted Surface Water Management (Sustainable Drainage) Assessment should be outlined within Appendix B
- Remove ‘*and Drainage*’ from item 9 of Appendix B.

5.21 *Legal Services*

- The reasons for imposing conditions in Table 2, Appendix C still make reference to the Birmingham Unitary Development Plan. Given that the Birmingham Development Plan is to be adopted in the near future, quite possibly before the LDO is made, the reasons should be updated to reflect the newer equivalent policies in the BDP.
- Amendments to legislation references to ensure that they are current and up to date.
- Given the passage of time since the LDO was conceived and initially drafted, it would also be advisable to do a review/refresh of the equalities analysis in Appendix G.
- The scope/definition of ‘environmental technology uses’ should be revisited.

6. **Response to Consultation Responses**

6.1 *More detailed plan required* – The provision of two detailed plans have been undertaken that show the different classification areas within the LDO area with show individual buildings whilst a separate plan showing the area constraints has also been produced which also shows individual buildings. The provision of two no. plans ensures that each plan clearly shows the required information rather than an overconcentration on one plan and has

been undertaken in suitable file formats for online viewing – *Amendments already undertaken.*

6.2 *Major boost for Tyseley* – This is considered to the main objective of the LDO – *No amendments necessary.*

6.3 *Too complex and onerous* – A number of different scenarios have been investigated such as;

- A reduction in the level of development permitted i.e. smaller extensions/changes of use would not trigger the same informational requirements;
- To reduce the area covered by the LDO by removing the areas with the most constraints such as land in flood zone 1 and away from the consultation areas of the canal and railway;
- A combination of these two points; or,
- To leave the LDO as it is with the benefits to the developer being the removal of the need for public consultation on a site by site basis and a speedier determination period.

Given the overall aim of the LDO is to provide a more streamlined planning process it is considered that the level of information required is proportionate to the development ranges proposed and the complexity of the area and that the scope of the LDO area is sufficient – *No amendments necessary.*

6.4 *Clarification of implementation of development* – Clarification is written into the LDO to the effect that development would only need to commence within the life (initial 3 year period) of the LDO rather than be completed. If development does not commence within the life of the LDO then planning permission would be required. This also applies to phased developments, but the developer would need to inform the LPA of all phases upfront, rather than adding phases later, potentially after the LDO expires – *No amendment necessary.*

6.5 *Definition of Environmental Technologies* – Further work has been undertaken regarding the definition of ‘Environmental Technologies’ and as such the definition for LDO purposes should be amended to also refer to Energy Recovery Uses – ***Amendment necessary.***

6.6 *Ancillary development to be included within the scope of the LDO* – Such details should be provided within the pre-information and agreed at that stage or included within the wider development proposal – *No amendments necessary.*

6.7 *Notification of development/determination period* – The determination period was initially conceived to be for a period of 28 days based upon previous examples of LDO documents within the Birmingham area. However, these LDO's are of a less complex nature and given the comments received and the

level of information required to be assessed with such a notification it is considered appropriate to extend the notification / determination period to a period of up to 56 days. However, for the more complex/larger proposals prior engagement with the LPA to agree a level of detail to inform this process is encouraged with the opportunity mutually agree an extension of time between both parties if required – ***Amendment necessary.***

- 6.8 *Typing Errors – Amendments already undertaken.*
- 6.9 *Ecological Survey Requirements – The requirements for the submission of such a survey and its contents have been put forward by the City's Ecologist and are deemed to be appropriate and necessary. However, a developer would be free to discuss the requirements of each site on a case by case basis prior to submission if desired – No amendments necessary.*
- 6.10 *Requirement for written agreement with Canal & River Trust and Network Rail – Various discussions between the Authority and landowners have been undertaken in order to define such consultation boundaries. These need to strike an appropriate balance between onerous and lax information requirements as part of the LDO to ensure that such proposals do not adversely impact upon existing infrastructure (i.e. canals and railways) – No amendments necessary.*
- 6.11 *Energy Efficient Condition – It is considered appropriate to amend this condition to clarify that the BREEAM standard only applies to new build development within the LDO area – ***Amendment necessary.****
- 6.12 *Noise Condition – It is considered that the provision of a noise condition and the submission of a noise survey are both required to ensure that a proposed development could comply with the condition, and avoid a situation whereby a development is approved that cannot comply with the condition – No amendments necessary.*
- 6.13 *Increased lifetime of LDO – The LDO would be subject to a review after a period of 3 years and can be extended at this point if required and would not automatically expire after 3 years. It is also considered that a 3 year period would allow for an adequate period of monitoring – No amendments necessary.*
- 6.14 *No case by case public consultation – LDO's are a tool available to local planning authorities to grant planning permission to certain types of development with a defined area, removing the need for a planning application and the associated public participation. Public input is sought at the time of drafting the LDO, as has been the case here and would allow further opportunities for engagement at the review stage of the LDO. The procedures for making a Local Development Order are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended and articles 38 of the Town and Country Planning (Development Management Procedure) Order 2015, as amended. The Growth and Infrastructure Act 2013 simplified the Local Development Order process by*

removing the requirement for the LPA to submit the Order to the Secretary of State before adoption for consideration on whether to intervene. This was replaced by a requirement to notify the Secretary of State, via the National Planning Casework Unit as soon as practicable after adoption. The Act also removed the requirement for Local Development Orders to be reported on as part of Authorities' Monitoring Reports. – *No amendments necessary.*

- 6.15 *Concerns related to noise* – It is considered that both the cumulative noise condition and the requirement to submit a noise impact assessment are necessary to safeguard the amenities of the occupiers of the nearby residential properties – *No amendments necessary.*
- 6.16 *Airport safety issues* – Paragraph 4.12 should read “147m above Ordnance datum” and paragraph 4.13, specifically the final sentence should read “Birmingham Airport therefore advises that development should not include process, design or landscaping features that will attract significant bird activity. It is considered appropriate to make the suggested changes within the LDO document in relation to the 147m height reference within the relevant paragraphs which have changed since the draft document was drawn up (to include appendix A, Permitted Development – General Limitations B & C and Appendix F Table – ***Amendments necessary.***
- 6.17 In addition, since the formal consultation period was undertaken in 2014, changes in legislation have occurred, specifically regarding the creation of the Lead Local Flood Authority (LLFA) and the devolution of certain functions from the Environment Agency to the LLFA. As such, further consultation was undertaken with both BCC LLFA and with BCC Legal Services, with responses to their comments outlined below.
- 6.18 *Lead Local Flood Authority (LLFA)* – It is considered appropriate to impose additional information requirements for major development in relation to the provision of a Sustainable Drainage Assessment and to ensure that the mitigation measures outlined within such assessments are adhered to – ***Amendments necessary.***
- 6.19 *BCC Legal Services* – Given that the Birmingham Development Plan is to be adopted in the coming weeks it is considered appropriate to ensure that the LDO document reflects the incoming policy details rather than the outgoing and as such shall be amended to reflect this stance along with references to other legislation within the document. The definition of ‘Environmental Technologies’ has already been discussed within paragraph 6.5. The definition is to be revised to include reference to energy recovery technologies. Whilst the equalities analysis (Appendix G) was undertaken approximately two years (2014) since the current request to formally adopt the LDO, the data used within the analysis was derived from the latest census results (2011) which remain unchanged at the present time. As such, it is not considered necessary to undertake a fresh equalities analysis – ***Amendments necessary.***

7. Suggested Revisions to the LDO document

- 7.1 Amendments to legislation references throughout the document to ensure that they are current and up to date.
- 7.2 Amendments to planning policies referenced within the document to remove reference to outgoing Unitary Development Policies (UDP) and to instead include reference to the adopted Birmingham Development Plan (BDP) 2017 policies and saved policies from the Birmingham Unitary Development Plan (UDP) 2005.
- 7.3 The inclusion of additional information requirements within appendix B related to the provision of a Sustainable Drainage Assessment and the adherence to mitigation measures as outlined within a submitted Sustainable Drainage Assessment within appendix C as requested by the Lead Local Flood Authority.
- 7.4 Provision of a 56 day determination period and extension of time process if required.
- 7.5 To amend the LDO document within appendix A, Permitted Development – General Limitations B & C to include reference to “147m above Ordnance datum”.
- 7.6 To amend the energy efficiency condition within appendix C of the LDO document to clarify that the BREEAM standard only applies to new build development within the LDO area.
- 7.7 Definition of ‘Environmental Technologies’ to be updated within appendix A of the LDO document to include reference to energy recovery technologies.

8. Conclusions

- 8.1 With the conditions and restrictions proposed and with the revisions detailed above it is considered that the LDO achieves an appropriate balance between streamlining the planning system and promoting economic growth in this area, in line with the aspirations of the TEED designation, whilst maintaining or improving the character and quality of the area and protecting public and highway safety, residential amenity and heritage and environmental assets.

Appendix A

Local Development Order (LDO) for Tyseley Environmental Enterprise District

Within the areas 1 to 4 defined by Plan 1 (Appendix E) – planning permission is hereby granted for changes of use to, and demolition followed by operational development, relating to use classes B1(b), B1(c), B2, B8, and for **environmental technology and/or energy recovery uses** deemed to be Sui Generis, under the Town and Country Planning (Use Classes) Order 1987 (as amended) subject to the general limitations set out below and compliance with the requirements of the 'Notification of Development under the LDO' process set out in table 1 appendix B and subject to the conditions stipulated in Appendix C.

Note - For the purposes of the LDO, environmental technologies and energy recovery uses are defined as, uses that harness biomass fuels or other waste streams to produce renewable energy, and/or useful bi-products, that will in the opinion of the Local Planning Authority help to conserve the natural environment and resources.

Permitted Development – General Limitations

The development permitted by this Order is subject to the following general limitations (this information is also set out within a table in appendix F):

- a) Change of use of existing buildings to use classes B1(b), B1(c), B2 or B8 uses, or for **environmental technology and/or energy recovery uses** deemed to be Sui Generis, shall be permitted in areas 1, 2, 3, 4, 5a and 5b to a unrestricted maximum gross external floor space.
- b) Erection of new buildings for use within classes B1(b), B1(c), B2 or B8, or for **environmental technology and/or energy recovery uses** deemed to be Sui Generis, shall be permitted in areas 1 and 4 providing they do not exceed **147m Above Ordnance Datum (AOD)** or 15m in height whichever is the lower, and providing the gross external floor space of the new building is not greater than 5000sqm. The erection of new buildings in areas 2, 3, 5a and 5b are not permitted.

- c) The installation of stack(s) to be used in association with B1(b), B1(c), B2 or B8, or for **environmental technology and/or energy recovery uses** deemed to be Sui Generis, shall be permitted in areas 1, 2 and 4 providing they not exceed **147m Above Ordnance Datum (AOD)** but are not permitted in areas 3, 5a or 5b.
- d) Enlargement of existing buildings in use under classes B1(b), B1(c), B2 or B8 uses, or for **environmental technology and/or energy recovery uses** deemed to be Sui Generis, shall be permitted, providing they do not exceed the height of the highest part of the existing building and in areas 1 and 4 providing the gross external floor space of the extension is not greater than 5000sqm and in areas 2 and 3 providing the gross external floor space of the extension is not greater than 250sqm. The enlargement of existing buildings is not permitted in areas 5a and 5b.

Development not permitted under this Order

- 1. Where the proposal is Schedule 1 EIA development.
- 2. Any development that after following the 'Notification of Development under the LDO' process set out in table 1 appendix B, the Local Planning Authority has advised the developer in a screening opinion pursuant to The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) that the development proposed requires an environmental impact assessment.
- 3. The display of any advertisement.
- 4. Any development which fails to comply with the requirements of, or does not supply all of the information required by, the 'Notification of Development under the LDO' process, which is set out in table 1 appendix B.
- 5. Any development that after following the 'Notification of Development under the LDO' process set out in table 1 appendix B, the Local Planning Authority has advised the developer is not permitted by this Order.
- 6. Any development that after following the 'Notification of Development under the LDO' process set out in table 1 appendix B, the Local Planning Authority advises the developer that the proposed development include effects that cannot be adequately mitigated by the conditions listed in table 2 appendix C.
- 7. Any development within any of the 'exclusion zones' shown on plan 1 in appendix E.
- 8. Wind turbines other than those already permitted under the **Town and Country Planning (General Permitted Development) Order 2015 (as amended)**.

9. Development affecting a Listed Building.
10. Development that would use or store hazardous substances as defined by the Planning (Hazardous Substances) (England) Regulations as amended.
11. Any development within 20m of the top of a bank of the River Cole.

Appendix B

Developers are required to provide the information set out in the table below to the Local Planning Authority for approval prior to the commencement of development. The Local Planning Authority will then confirm within **56 days (or later within a mutually agreed extension of time period)** whether the proposal is permitted development under this Order. If the proposal is considered to be permitted development under the provisions of this Order development can commence in accordance with the agreed details and subject to the conditions. However, if the details are considered unacceptable, the proposals would not be permitted under the provisions of this Order, and a planning application will be required.

Table 1

'Notification of Development under the LDO' process		
	Information Required	Reason
1	<p>Notification of Development under the LDO Form:</p> <p>A completed Notification of Development under the LDO Form, included in appendix D, shall be completed and submitted to the Local Planning Authority.</p>	<p>In order to determine whether the proposed development is permitted under the provisions this Order.</p>

2	<p>An EIA Screening Opinion request:</p> <p>For sites of 0.5ha and greater, a request for an Environmental Impact Assessment Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) shall be submitted to the Local Planning Authority for assessment.</p> <p>The request must be supported by the other information detailed in this table. The Local Planning Authority will provide the applicant with a formal Screening Opinion within 28 days of the submission of the information listed in this table.</p> <p>Additionally, the Local Planning Authority may provide the application with a Screening Opinion if they anticipate any significant environmental impacts, regardless of the size of the site.</p>	<p>In order to determine whether the proposed development requires an EIA.</p>
3	<p>Proposal Details:</p> <p>Full details including location plan, site plan and proposed plans and elevations shall be submitted to the Local Planning Authority.</p> <p>The plans shall specifically show the following details:</p> <ul style="list-style-type: none"> - Landscaping details to include quantities, densities, species and planting schedule; - External lighting to include LUX levels at nearest first floor habitable windows if needed; - Car parking layout; - Cycle store details including location and design of store; - Details of new/existing accesses 	<p>In order to determine whether the proposed development is permitted under the provisions this Order and to safeguard visual amenity and the amenities of the surrounding residential occupiers in accordance with policy PG3 of the Birmingham Development Plan, saved paragraphs 3.14-3.14D of the Birmingham Unitary Development Plan and the National Planning Policy Framework.</p>

	<p>including sightlines;</p> <ul style="list-style-type: none"> - Sustainable drainage details to deal with surface and foul water; - Details of site access to include, siting, method of construction, and pedestrian and vehicle visibility splays; 	
4	<p>Noise:</p> <p>A Noise Impact Assessment shall be submitted to the Local Planning Authority outlining the potential sources of noise generation, and how these may have a negative effect on local amenity. The assessment shall also outline how the developer intends to overcome these issues, to accord with the noise conditions in table 2 appendix C.</p> <p>For uses where plant and/or machinery, including extraction equipment, is required, plans shall be submitted to the Local Planning Authority showing details of the location, design and appearance of any external flue and technical specification of the proposed plant. The technical specifications shall include:-</p> <ul style="list-style-type: none"> • A schematic of the proposed ducting showing the location of all components (fans, filters, silencers, etc.), • The noise levels generated by the fan in decibels (dB) at a specified distance (i.e. 1.0m / 3.0m / etc.), • Details of the means of mounting the ducting to the structure including details of all anti-vibration measures proposed. 	<p>To ensure the proposed development does not have an adverse impact on residential amenity in accordance with policy PG3 of the Birmingham Development Plan and the National Planning Policy Framework.</p>
5	<p>Contamination:</p> <p>A site assessment and, if required, a remediation scheme to deal with the risks associated with contamination of the site for the intended use shall be submitted in respect of:</p> <ul style="list-style-type: none"> • Operational development in areas overlying made ground to determine if there is contamination of the site and associated mitigation measures are required. • Operational development on land that has 	<p>To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies PG3 and TP8 of</p>

	<p>historically been used for industrial purposes as it is likely to be contaminated.</p> <p>I note that all of the land within areas 1, 2, 3, 4, 5a and 5b shown on plan 1 appendix E would fall within either of these categories and would therefore require the submission of a site investigation.</p> <p>The assessment shall include:</p> <p>1) A preliminary risk assessment, which has identified:</p> <ul style="list-style-type: none"> o all previous uses o potential contaminants associated with those uses o a conceptual model of the site indicating sources, pathways and receptors o potentially unacceptable risks arising from contamination at the site. <p>2) A site investigation scheme, based on (1) to provide information for a detailed risk assessment of the risk to all receptors that may be affected, including those off site.</p> <p>3) If contamination is found present and assessed as an unacceptable risk to human health safety and the environment an options appraisal and remediation strategy shall be submitted giving full details of the remediation measures required and how they are to be undertaken, timetable of works and site management procedures.</p> <p>4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p>	<p>the Birmingham Development Plan and the National Planning Policy Framework.</p>
6	Air Quality:	In the interests of air quality in accordance with

	<p>An Air Quality Assessment shall be submitted to the Local Planning Authority for applications that require a Transport Assessment and significantly alter the traffic composition in an area (i.e. bus stations, HGV Parks, etc.) include proposals for new car parking (>300 spaces) or coach / lorry parks.</p>	<p>policies TP1, TP2 and TP3 of the Birmingham Development Plan and the National Planning Policy Framework.</p>
7	<p>Highway Safety:</p> <p>A Transport Statement or Assessment, to include Travel Plan, in accordance with Planning Policy Guidance (PPG) document on 'Transport Evidence Base' shall be submitted to the Local Planning Authority for any development where the gross external floor space in total exceeds the following thresholds (including changes of use):</p> <ul style="list-style-type: none"> - B1 (a) (b) or (c) - >1,500sqm; - B2 - >2,500sqm; - B8 - >3,000sqm; - Sui Generis (Environmental Technology Uses) - >1,000sqm. <p>Where the Local Planning Authority confirms that development is permitted under this order, and is satisfied with the recommendations of the Transportation Statement/Assessment, the development shall only be implemented in accordance with any agreed mitigation measures.</p> <p>The Transportation Statement or Assessment shall also include the following details:</p> <ul style="list-style-type: none"> • Affiliation to Travelwise (if more than 50 employees); • Construction management plan; • Details of a package of highway works that fall within s278 such as bell mouth agreements, relocation of street furniture, traffic regulation orders etc. 	<p>In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with policies PG3, TP43, TP44 and TP45 of the Birmingham Development Plan and the National Planning Policy Framework.</p>
8	<p>Ecological Surveys:</p>	<p>In order to safeguard any protected species present on the site in accordance with policy TP8 of the</p>

	<p>A bat survey shall be submitted to the Local Planning Authority prior to the demolition of any building or structure, which shall, if required, include details of mitigation.</p> <p>Additionally, an Extended Phase 1 Habitat Survey, to include details of any required mitigation, compensation and enhancement measures, shall be submitted to the Local Planning Authority for any operational development within 100m of the following:</p> <ul style="list-style-type: none"> • Wildlife Corridors along the Grand Union Canal, River Cole and Birmingham to London (Marylebone) Railway Line; • A Site of Importance for Nature Conservation (SINC); • A Site of Local Importance for Nature Conservation (SLINC). 	<p>Birmingham Development Plan, the National Planning Policy Framework, the Nature Conservation Strategy for Birmingham SPG, the Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act (As amended) 1981.</p>
9	<p>Flood Risk:</p> <p>A Flood Risk Assessment (FRA), including mitigation measures, shall be submitted to the Local Planning Authority for any development within Area 2 or 5a, shown on plan 1 in appendix E. However, for changes of use to B1, B2 and B8 uses and the sui generis environmental technologies and energy recovery uses and for non-residential extensions with a footprint of less than 250sqm within this area, the applicant will be required to follow the Environment Agencies online Flood Risk Standing Advice and complete and submit the online pro-forma to the Local Planning Authority to demonstrate that flood resiliency and resistance has been incorporated into the proposed design.</p> <p>In Areas 1, 3, 4 and 5b shown on plan 1 in appendix E, any developments with a site area of 1ha or more will need to be supported by a FRA.</p>	<p>To reduce the risk of flooding to the proposed development and future occupants in accordance with policy TP6 of the Birmingham Development Plan, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.</p>

10	<p>Archaeological Matters:</p> <p>For operational development falling within any of the brown hatched areas, as shown on plan 1 appendix E, a programme of archaeological work, including details of excavation, post-excavation analysis and publication of a report is required, to be submitted to the Local Planning Authority.</p> <p>If appropriate excavation details cannot be agreed, then the development would not be permitted under this Order.</p>	<p>In order to safeguard the sites of known archaeological significance and to ensure that the archaeological remains are observed and recorded during development in accordance with policy TP12 of the Birmingham Development Plan, the National Planning Policy Framework and the Archaeology Strategy SPG.</p>
11	<p>Surface Water Management (Sustainable Drainage)</p> <p>For all ‘Major Developments’ (as defined within ‘The Town and Country Planning Order 2015’), a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan, in accordance with Birmingham City Council Sustainable Drainage: Guide to Design, Adoption & Maintenance (www.birmingham.gov.uk/sustainabledrainage), shall be submitted to the Local Planning Authority for approval.</p>	<p>In order to secure satisfactory development and in the interests of Surface Water Management, particularly Sustainable Drainage in accordance with the National Planning Policy Framework, policy TP6 of the Birmingham Development Plan, Sustainable Drainage – Birmingham City Council Guide to Design, Adoption and Maintenance and Sustainable Management of Urban Rivers and Floodplains SPD.</p>
12	<p>Hazardous Installation</p> <p>For any development falling within the middle or outer zone of the hazardous installation identified on Plan 2 Appendix E, the Local Planning Authority would enter the proposal details into the Health</p>	<p>In order to secure the satisfactory development of the application site in accordance with policies PG1 and PG3 of the Birmingham Development Plan and</p>

	<p>and Safety Executive on-line software support tool - the PADHI+ system (Planning Advice for Developments near Hazardous Installations). This is a codified version of the HSE's land use planning methodology available for Local Planning Authorities to use. If a problem was identified at this stage, the enquiry would be deemed not to be permitted under the Local Development Order.</p>	<p>the National Planning Policy Framework.</p>
13	<p>Tree Survey:</p> <p>For any development that affects or removes trees or hedges on, or adjacent to, the proposed site should be accompanied by a full Tree Survey in accordance with 'BS5837: Trees in relation to design, demolition and construction – Recommendations'.</p>	<p>In order to secure the satisfactory development of the application site in accordance with policy TP7 and TP8 of the Birmingham Development Plan and the National Planning Policy Framework.</p>
14	<p>Other Matters:</p> <p>The applicant must first obtain written approval from The Canal and River Trust for all development falling within area 4, shown on plan 1 in appendix E and this written approval from the Canal and Rivers Trust shall be submitted to the Local Planning Authority as part of the 'Notification of Development Under the LDO' process. Failure to provide written approval from The Canal and River Trust will mean that the development cannot be considered permitted under this Order and will require the submission of a planning application.</p> <p>The applicant must also obtain written approval from Network Rail for any development falling within the area hatched green on plan 1 in appendix E. This written approval from Network Rail shall then be submitted to the Local Planning Authority as part of the 'Notification of Development Under the LDO' process. Failure to provide written approval from the Network Rail will mean that the development cannot be considered permitted under this Order and will require the</p>	<p>In order to secure the satisfactory development of the application site and to protect the Grand Union Canal in accordance with policies PG3, TP6 and TP7 of the Birmingham Development Plan and the National Planning Policy Framework.</p> <p>In order to secure the satisfactory development of the application site and to protect the operational railway in accordance with policies PG3 of the Birmingham Development Plan and the National Planning</p>

	submission of a planning application.	Policy Framework.
--	---------------------------------------	-------------------

Appendix C

General LDO Conditions:

This LDO grants planning permission (as detailed) only. It remains necessary for all LDO permitted development to comply with relevant licences, permits and controls required under other legislation.

The LDO is subject to conditions which are detailed in Table 2 Appendix C. For development to be permitted under LDO the development must strictly comply with these conditions.

Table 2

General conditions	Reasons
Energy Efficiency	
All 'new build' buildings must be designed to ensure energy consumption is minimised and meets the Building Research Establishment's Environmental Assessment Method (BREEAM) "very good" ratings as a minimum.	To ensure that new build development is energy efficient.
Noise	
The rating levels for cumulative noise from all activities, including plant and machinery, shall not exceed 5dB(A) below the existing LA90 background levels and 10dB(A) below the existing LAeq at any noise sensitive premises adjacent to the development as assessed in accordance with British Standard 4142 (1997) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification.	In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with policies PG3 of the Birmingham Development Plan and the NPPF.

Before the industrial plant and machinery is used on the premises it shall be mounted in a way that will minimise the transmission of noise and vibration, in accordance with a B6472 and EPU Planning Consultation Guidance Note 1 (Noise and Vibration) and NPPF compliant scheme to be submitted to and approved in writing by the Local Planning Authority before the development hereby approved takes place.	In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with policies PG3 of the Birmingham Development Plan and the National Planning Policy Framework.
--	--

Contamination

Prior to the occupation of any part of the site, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.	In order to secure the satisfactory development of the application site in accordance with policy TP8 of the Birmingham Development Plan and the National Planning Policy Framework
--	--

Storage

Loading/unloading of vehicles shall only take place within the buildings hereby approved.	In order to define this permission, in the interests of highway safety in accordance with policies PG3, TP43 and TP44 of the Birmingham Development Plan and the National Planning Policy Framework
---	--

No equipment, raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site at any time except within the buildings or storage areas approved by the Local Planning Authority in writing.	In order to define this permission in accordance with policy PG3 of the Birmingham Development Plan and the National Planning Policy Framework.
--	--

Transportation

All redundant footway crossings shall be restored to Birmingham City Council specification before the use commences.	In the interests of highway safety in accordance with policies TP38 and TP44 of the Birmingham Development Plan and the National Planning Policy Framework.
No building shall be occupied until the parking area has been laid out and surfaced in accordance with the details agreed as part of the 'Notification of Development Under the LDO Process'. These areas shall not be used for other than their designated purpose.	In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with policies TP44 of the Birmingham Development Plan and the National Planning Policy Framework.
The building(s)/site/premises/dwellings(s) shall not be occupied until a means of vehicular/pedestrian and/or cyclists access has been constructed in accordance with the details agreed as part of the 'Notification of Development Under the LDO Process'.	In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with policies TP37, TP39, TP40, TP43, TP44 and TP45 of the Birmingham Development Plan

	and the National Planning Policy Framework.
--	---

Design

The erection of new buildings or extensions are not permitted within 10m of the curtilage of existing residential properties.	In the interests of visual amenity in accordance with policies PG3, TP26 and TP27 of the Birmingham Development Plan, saved paragraphs 3.14-3.14D of the Birmingham Unitary Development Plan and the National Planning Policy Framework.
The erection of all new buildings or extensions shall be in accordance with the guidance contained within Places for All, adopted as Supplementary Planning Guidance.	In the interests of visual amenity in accordance with policies PG3 and TP27 of the Birmingham Development Plan, saved paragraphs 3.14-3.14D of the Birmingham Unitary Development Plan and the National Planning Policy Framework.

Other Matters

Vehicles transporting waste to and from the site shall be sheeted at all times, apart when during loading and unloading within the building.	In order to secure the satisfactory development of the application site and in the interests of
--	---

	aerodrome safety in accordance with policy TP14, TP42 and TP44 of the Birmingham Development Plan , Places for All SPG and the National Planning Policy Framework.
Soft landscape works and building design shall take account of CAA Advice Note 3 'Potential Bird Hazards from Amenity Landscaping and Building Design', and minimise the use of plant species highlighted in Chapter 3, Page 5, Paragraph 4.4.3 of CAP772 'Bird strike Risk Management for Aerodromes'.	To ensure a high quality of external environment and in the interests of aerodrome safety in accordance with policies PG3 and TP8 of the Birmingham Development Plan, saved paragraphs 3.14-3.14D of the Birmingham Unitary Development Plan , Places for All SPG and the National Planning Policy Framework.
<p>The development shall only be implemented in accordance with all mitigation measures approved by the Local Development Order pursuant of the 'Notification of Development under the LDO' process set out in table 1 appendix B, as set out in the following assessments:</p> <ul style="list-style-type: none"> • Transportation Assessment; • Noise Assessment; • Site Assessment and Remediation; • Flood Risk Assessment; • Sustainable Drainage Assessment; • Archaeological Assessment; • Ecological Assessments/Phase I Habitat Assessments. 	In order to secure the satisfactory development of the application site in accordance with policies TP3, TP6, TP8, TP12, TP15, TP18, TP38, TP43 TP44 and TP45 of the Birmingham Development Plan , Places for All SPG and the National Planning Policy Framework.

The development hereby permitted shall be begun before the expiration of 3 years from the date of written confirmation that the development conforms with the provisions of the Local Development Order.	In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.
--	---

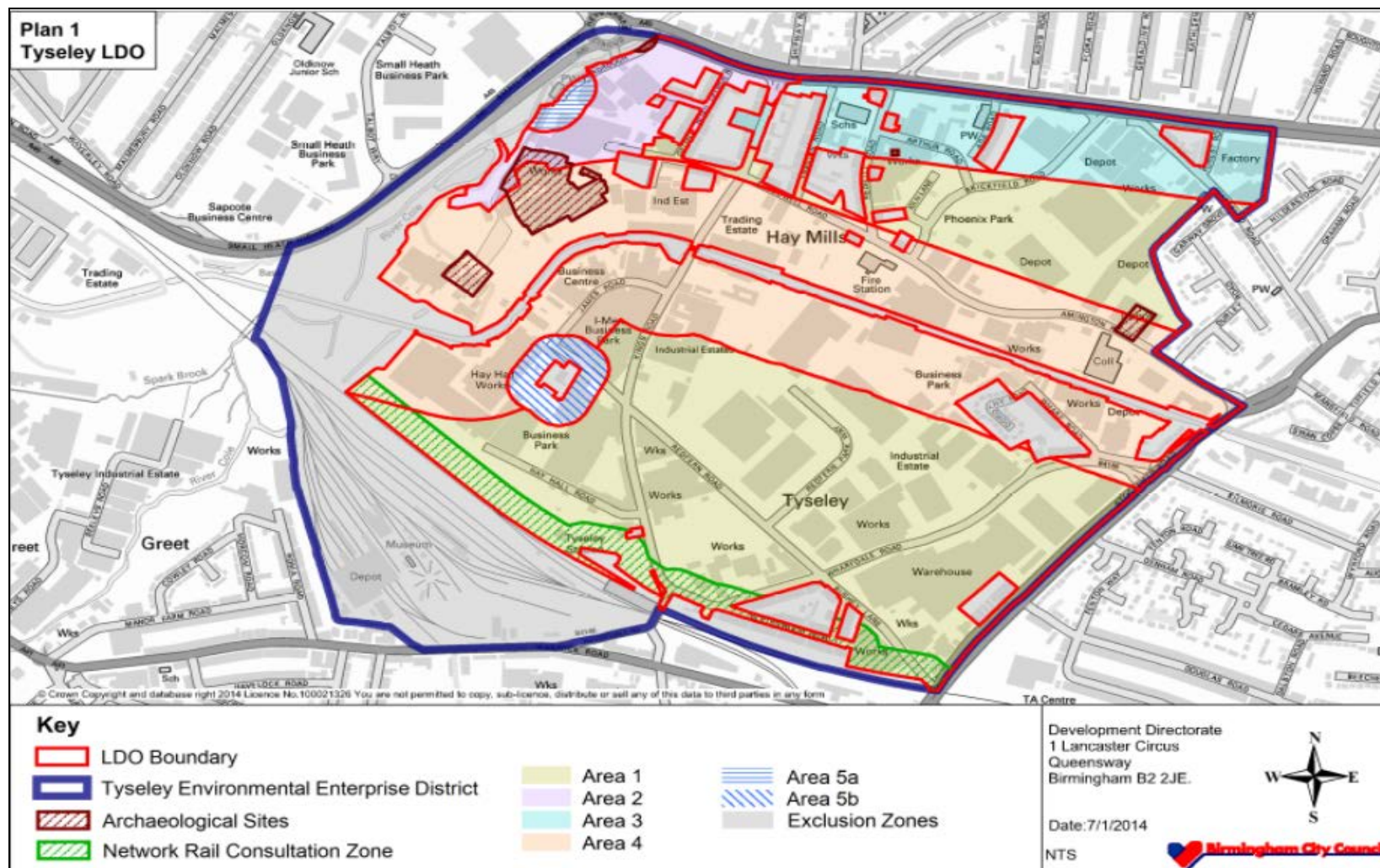
Appendix D

Notification of LDO Development Form:

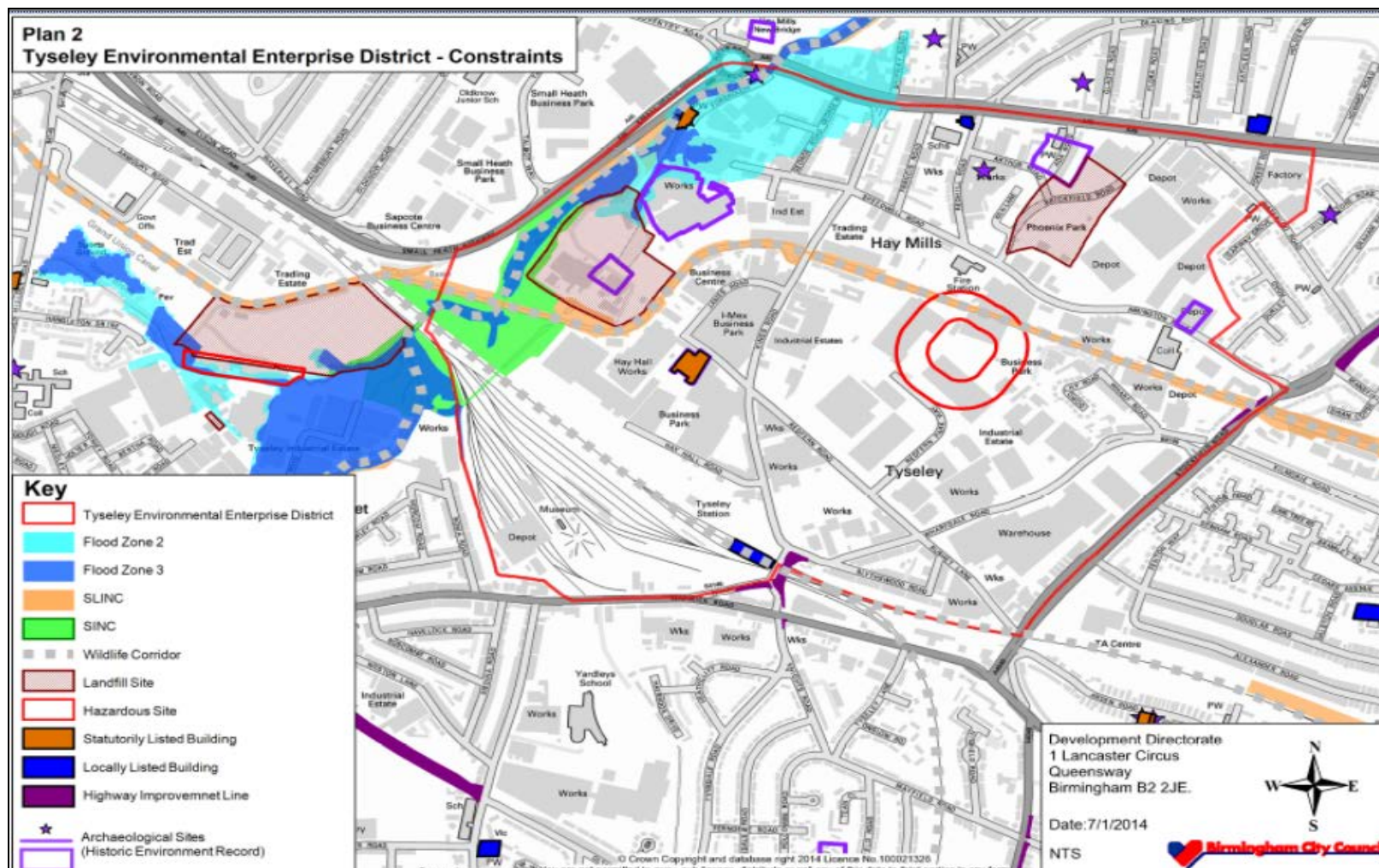
1. Application Name(s):	
2. Agent Name (if applicable):	
3. Description of Proposal, including description of any industrial activities and processes involved:	
4. Site Address:	
5. Materials to include manufacturers brochure or website link (only required where new build or extensions are proposed, or where new car park or boundary treatment is proposed alongside a change of use):	Roof – Windows – Walls – Car park – Boundary treatment (including height) –
6. Vehicle Parking (existing and proposed):	Cars – Light goods/public carrier vehicles – Motorcycles – Disability spaces – Cycle spaces – Other –

7. Description of Existing Use of the site? If vacant please specify and indicate the last known use:	
8. Floor space proposed:	
9. Existing and Proposed Numbers of Employees:	
10. Operating Hours, if 24 hours please specify which activities are 24 hours and whether they occur internally or externally:	
11. Delivery Hours:	
12. Site area:	
13. Floor area:	
14. Number of storeys:	
15. Is any hazardous waste involved? If so, please list	
16. Please specify any existing buildings that are to be demolished, include details of the method of demolition and the size of the building to be demolished	

Appendix E – Plan 1 (Proposed LDO Area)



Appendix E – Plan 2 (Map of Constraints)



Appendix F

Table of General Limitations:

	a) Change of use of existing buildings to use classes B1(b), B1(c), B2 or B8 uses, or for environmental technology and/or energy recovery uses deemed to be Sui Generis.	b) Erection of new buildings for use within classes B1(b), B1(c), B2 or B8, or for Environmental Technology and/or Energy Recovery uses deemed to be Sui Generis.	c) The installation of stack(s) to be used in association with B1(b), B1(c), B2 or B8, or for Environmental Technology and/or Energy Recovery uses deemed to be Sui Generis.	d) Enlargement of existing buildings in use under classes B1(b), B1(c), B2 or B8 uses, or for Environmental Technology and/or Energy Recovery uses deemed to be Sui Generis
Area 1	Is permitted to an unrestricted maximum floor space	Is permitted providing they do not exceed 147m Above Ordnance Datum (AOD) or 15m in height (whichever is lower) and providing the gross external floor space of the new building is not greater than 5000sqm.	Is permitted providing they do not exceed 147m Above Ordnance Datum (AOD)	Is permitted providing they do not exceed the height of the highest part of the existing building and providing the gross external floor space of the extension is not greater than 5000sqm
Area 2	Is permitted to an unrestricted maximum floor space	Not permitted	Is permitted providing they do not exceed 147m Above Ordnance Datum (AOD)	Is permitted providing they do not exceed the height of the highest part of the existing building and providing the gross external floor space of the extension is not greater than 250sqm.

Area 3	Is permitted to an unrestricted maximum floor space	Not permitted	Not permitted	Is permitted providing they do not exceed the height of the highest part of the existing building and providing the gross external floor space of the extension is not greater than 250sqm.
Area 4	Is permitted to an unrestricted maximum floor space	Is permitted providing they do not exceed 147m Above Ordnance Datum (AOD) or 15m in height (whichever is lower) and providing the gross external floor space of the new building is not greater than 5000sqm	Is permitted providing they do not exceed 147m Above Ordnance Datum (AOD)	Is permitted providing they do not exceed the height of the highest part of the existing building and providing the gross external floor space of the extension does not exceed 5000sqm
Area 5a & 5b	Is permitted to an unrestricted maximum floor space	Not permitted	Not permitted	Not permitted

Appendix G

Tyseley Local Development Order (LDO) – Equalities Analysis

Background – Tyseley

Tyseley is located within the South Yardley Ward and the population trends, as per the 2011 census data are as follows:

- 30,786 residents;
- Average (mean) age of residents is 33.5%, compared to Birmingham's average age of 35.3%;
- 30% of residents are aged between 24-44, 27% are aged between 0-15 and 20% are aged between 45-64;
- 55% of residents are white (British, Irish and Other);
- 3% of residents are mixed/multiple ethnicity;
- 34% of residents are Asian (including Indian, Pakistani, Bangladeshi or Other);
- 6% of residents are Black African (African, Caribbean or Other);
- 3% are within Other Ethnic Groups.

Within the South Yardley Ward there are 19,184 residents aged between 16-64 and 13,421 (70%) of these residents are economically active. The key figures are:

- 58% of residents are in either full or part time employment;
- 9% are classed as unemployed;
- This is compared to an unemployment rate of 8% for Birmingham as a whole and 5% for England;
- 2% of the unemployed residents have never worked;
- 3% are classed as long term unemployed.

Tyseley Industrial Area / Economic Zone Development

The Tyseley Industrial Area covers over 230 businesses and around 100 hectares of traditional industrial and employment land. As well as being recognised as an important industrial location it has been identified as needing investment in the physical environment - particularly in underutilised sites and premises.

The Prospectus for the Economic Zones; Investing in Birmingham and the draft Birmingham Development Plan Tyseley Environment Enterprise District (TEED) have identified Tyseley as a principal location in Birmingham for CO2 reduction as part of a low carbon, low waste economy through encouraging recycling, energy production and renewables including manufacturing and supply chain development.

Local Development Order (LDO)

The aim of the LDO is to help to provide the conditions to stimulate new economic development through reducing costs and providing certainty for potential developers and businesses through a simplified planning process.

The development permitted by the LDO will be subject to general limitations, set out in Appendix A, and safeguarding conditions, set out in Appendix C, which seek to protect the amenities of the existing residential occupiers affected by development within the LDO area. Furthermore, the local and wider population will benefit from new job opportunities created by any development permitted by the LDO.

Consultation Methodology

All residents will be given an opportunity to comment on the LDO:

- * A hard copy of the LDO will be sent to all local residents
- * LDO will also available to view on the BCC website / Be Heard consultation platform;
- * Comments can be returned by post, email, Be Heard or by phone

All representations will be recorded and taken into account when considering potential modifications to the draft LDO. Thereafter the modified draft LDO and statement of reasons shall be forwarded to the Secretary of State for adoption.

Monitoring

It is proposed that the LDO is operational for 3 years, during which time it will be monitored to assess any new development and employment that has been created through the LDO.

The LDO can be modified during its lifetime to take into account changing circumstances including impacts on local residents and would be undertaken through a review process at the end of the initial 3 year period.

Conclusion

The LDO, which will increase investment via permitted development rights, represents one of the measures employed by the City Council that will support development of the Tyseley Environment Enterprise District. It is anticipated that this Economic Zone will ultimately provide in excess of 100,000sqm of new floor space as well as 1,500 jobs.

The Tyseley LDO will support equality of opportunity in an area of relatively high unemployment by encouraging development and creating the conditions for private sector job creation.

From the initial analysis it is felt that the LDO will not disproportionately affect one protected group over another and will contribute to equality of opportunity by providing the conditions for development and further employment. This assumption will be tested through the consultation process which will ensure that all members of the local community have opportunity to respond to the LDO proposals and will be assessed through ongoing monitoring of the LDO.

Appendix H

List of Useful Documents:

- National Planning Policy Framework (2012);
- Birmingham Development Plan (2017);
- Prospectus for the Economic Zones; Investing in Birmingham;
- Places for All – SPG;
- Car Parking Guidelines – SPD;
- Transport Evidence Bases in Plan Making and Decision Taking (2015), PPG;
- National Planning Policy for Waste October 2014;
- <https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>
- www.birmingham.gov.uk/tpap

List of Useful Contacts:

- Planning & Regeneration – t: 0121 303 1115
planningandregenerationenquiries@birmingham.gov.uk
- Transportation Development – t: 0121 303 6896 paul.cowan@birmingham.gov.uk
- Regulatory Services – t: 0121 303 9957 paul.burns@birmingham.gov.uk
- City Ecologist – t: 0121 675 0938 simon.needle.@birmingham.gov.uk
- Tree Officer – t: 0121 464 0681 trees@birmingham.gov.uk