

Birmingham City Council

Planning Committee

04 July 2019

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>
Refuse	9	2019/03182/PA 315 Summer Lane Aston Birmingham B19 3RH Demolition of existing buildings and erection of a four and six storey student housing scheme comprising 174 bed spaces with associated communal space and associated works

Committee Date:	04/07/2019	Application Number:	2019/03182/PA
Accepted:	29/04/2019	Application Type:	Full Planning
Target Date:	29/07/2019		
Ward:	Newtown		

315 Summer Lane, Aston, Birmingham, B19 3RH

Demolition of existing buildings and erection of a four and six storey student housing scheme comprising 174 bed spaces with associated communal space and associated works

Recommendation

Refuse

1. Proposal
- 1.2 Planning permission is sought for the demolition of existing buildings and erection of a four and six storey student housing scheme comprising 174 bed spaces with associated communal space and associated works (2,364sqm).
- 1.3 The proposed plans are for three linked blocks positioned alongside one another, in parallel with the Summer Lane frontage. The frontage block would be positioned on the edge of the pavement with a repositioned central access leading to the first of two inner courtyards, a single parking / loading-unloading space and a covered link to a second, six storey, block. The link would continue through the six storey middle, block into a second inner courtyard and on to a third, four storey block located on the westernmost part of the site. The third block would be partly set into the ground with a subterranean basement. The link would be repeated at upper levels providing a bridge between access towers, containing lifts and stairs, and the student bedrooms and living accommodation.
- 1.4 The proposed accommodation is shown arranged across the floors in a mixture of studio and cluster units, on a 30:70 ratio, with communal lounge areas, gym, cinema, and laundry, refuse and cycle storage located at ground floor /basement level. Provision is made for disabled students. All windows are shown located on the proposed east and west facing elevations leaving the north and south elevations blank. According to the Design and Access Statement this is to allow light to permeate the site and to safeguard the potential similar redevelopment of neighbouring sites.
- 1.5 The proposed buildings are shown constructed from brick with an aluminium flat roof and uPVC windows.
- 1.6 The 25 existing parking spaces are to be replaced by one accessible space and 42 cycle parking spaces.
- 1.7 The application is accompanied by a suite of supporting information and reports:
 - Design and Access Statement
 - Planning Statement
 - Noise Assessment

- Statement on Loss of Employment Land
- Statement on Marketing
- Student Needs Assessment
- Ecological Impact Assessment
- Transport Statement
- Ground Contamination Desk Study
- Environmental Noise Assessment
- Air Quality Assessment
- BREEAM Pre-Assessment Report
- Sustainable Drainage (SuDS) Strategy

1.8 One letter in support of the application has been submitted with the application. It states:-

“Despite rigorous efforts to market the site for either occupancy, refurbishment or redevelopment the limitations of the site with regard to its condition, location and the availability of better premises in better locations has resulted in little interest, apart from limited, occasional and short term occupancy.”

1.9 [Link to Documents](#)

2. Site & Surroundings

2.1 The application site is a rectangular shaped piece of land (0.24ha) with a relatively narrow frontage onto Summer Lane. The frontage is occupied by a two storey commercial building which provides the only access, vehicular and pedestrian, to the rear units and their parking / service yard. Ten commercial units surround the courtyard. Some are occupied; including one by a religious use (Use class category D2), others are currently vacant but most have B1 engineering and B8 warehousing uses. The buildings and the rear service yard/ parking court appear in a good state of repair.

2.2 The surrounding area is predominantly commercial in character with industrial and warehouse buildings on the eastern side of Summer Lane, opposite the frontage building, and backing onto the rear of the site from Brearley Street and Hospital Street, to the north and west respectively.

2.3 Only the southern part of the site is separated from the neighbouring uses by a 3-4m high brick boundary wall. On the opposite side of this is a hardstanding which is used as a car park and a children's day nursery which occupies a large three storey former factory building.

2.4 The site lies within the designated Core Employment Area.

2.5 [site location](#)

3 Planning History

3.1 Ref 1998/02108/PA Retention of two 48 sheet illuminated advertisement signs
Refused, allowed on appeal 14/05/1999

4. Consultation/PP Responses

- 4.1 Lead Local Flood Authority –Given the information provided, the LLFA object to the proposed development.

A Sustainable Drainage Strategy report has been submitted in support of this application, however the following points should be addressed:-

- Where infiltration may be considered unviable, the LLFA require that all development (greenfield & brownfield) limit surface water discharge to the equivalent site-specific greenfield runoff rate for all return periods up to the 1 in 100 year plus climate change event. The LLFA does not accept the proposed discharge rate of 13l/s and as such this should be revised. The LLFA does accept 5l/s as a practicable minimum discharge rate.

- The LLFA actively promote and encourage the implementation of SuDS on all developments, and require evidence of the use of sustainable drainage principles and exploration of suitable SuDS to achieve the key principles of SuDS; Quantity Control, Quality Control and Biodiversity & Amenity Value. It is expected that the discharge hierarchy has been followed and all opportunities to implement green/traditional SuDS have been undertaken and as far as reasonably practicable. Some consideration has been given to SuDS selection however a number of features have been discount without providing justification. As such, further justification is required and the LLFA recommends further consideration be given to the inclusion of small-scale SuDS such as rain-gardens into the landscaping.

- 4.2 Seven Trent Water - Have no objections to the proposals subject to the inclusion of conditions requiring submission, approval and implementation of drainage detail plans. Advise that there may be an adopted public sewer located within the application site which may not be built close to, directly over or be diverted without consent.
- 4.3 BCC Transport - No objection subject to conditions relating to crossing provision and bollards; implementation of cycle parking and requiring the Student Management Plan to be in place prior to first occupation. Comment that BCC car parking guidelines seek a maximum 23 parking spaces and minimum 44 cycle spaces.
- 4.4 BCC's Employment Team:- Seek the inclusion of Employment Obligations within the planning approval for this development. S106 agreement or employment conditions
- 4.5 BCC Regulatory Services:- The site is located within an area of largely industrial/commercial uses and this will have an impact on this development and the existing site use is industrial. There are three key potential impacts of this scheme - contaminated land, air quality and noise.

Contaminated Land - the application is supported by a desk study that suggests that as the site has not been determined under Part 2A of the EPA'90 the site is low risk and concludes that contamination is unlikely. This is not accepted. The report further suggests possible further investigation - this can be dealt with by condition but the report does not fully scope the required investigation (for example we would require a ground gas and groundwater assessment) and we would expect a full intrusive investigation.

Air Quality - the application is supported by an air quality assessment. This report is not accepted. It does not provide any effective assessment of possible air quality impacts on new receptors at the development site, does not include any real assessment of traffic flows or air quality and incorrectly states that the nearest

diffusion tubes (BHM 67 and 93) are below the air quality objective limits. This is not correct - the data for these tubes has always exceeded the limit and by up to 40%. This is not an acceptable air quality assessment.

Noise - the application is supported by a noise assessment. The assessment fails to reference our PCGN guidance on noise assessments and does not make any assessment of potential industrial noise sources other than a statement that during a walk around the area no noise sources could be heard. The area has a distinctly industrial character and further details on local industry within the area and a thorough BS4142 assessment would be required to allow an effective assessment. The data provided on traffic noise is broadly consistent with our data sets. The report fails to provide an assessment of glazing performance required and although suggest air conditioning does not provide any further detail. Although the data is not provided in a summary form the report summarises that the 'It shows that the levels at the road side façade of the buildings would be around 71 in the daytime and 65 at night'. Assuming this refers to Laeq equivalent daytime and night-time this is very close to the levels included in the PCGN at which we would not support permission without a detailed design. I would expect additional monitoring to scope out the levels over a longer period, a noise mitigation design (ventilation, glazing and overheating assessments) and a thorough industrial noise assessment before I would be able to effectively assess this application.

Whilst the contaminated land investigations can be conditioned, the submitted information does not demonstrate the absence of significant air quality and noise impacts as outlined above.

Recommend refusal on the basis that there would be a significant adverse impact on the proposed development from noise and potentially air quality which would lead to harm to health and quality of life for future residents due to noise from nearby commercial uses and air pollution from road traffic and it would also introduce a noise sensitive use in an existing commercial area in circumstances where the resulting residential noise climate may represent a statutory nuisance which may have an adverse impact on the operation of existing businesses and potential loss of employment activities.

- 4.6 West Midland Fire Service:- Have concerns about charging provision of proposed risers on the face of the building and travel distances for fire fighters to proposed risers within the building also, seek clarity on access arrangements for the Fire Service.
- 4.7 West Midlands Police:- Recommends a condition requiring CCTV installation seeks clarity on a couple of points, but mostly offers advice.
- 4.8 Neighbour Representations:- A letter of representation has been received that raises objection to the proposal. It has been written on behalf of two neighbours. The main reasons for objection can be summarised as follows:-
 - The site is located in a Core Employment Area where Policy TP19 (Core Employment Areas) states applications for change of use outside industrial and warehousing uses will not be supported unless an exceptional justification exists.
 - The applicant's supporting documents do not provide an exceptional justification for removing the site from an employment use.
 - Draws attention to the loss of industrial land SPG which seeks to retain industrial uses in core areas and points out that loss would undermine the retention and redevelopment of larger industrial area.

- Emphasises that it would set a precedent quickly leading to the loss of large parts of the Core Employment Area to non 'B' class uses.
- States that the presence of residents could lead to complaints eroding the effectiveness of neighbouring businesses.
- There are many other suitable locations for student accommodation.
- The site is located in close proximity to neighbouring businesses premises. It will cause compatibility issues as well as overlooking.

5 Policy Context

Birmingham Development Plan, (BDP) 2017 Birmingham UDP saved policies Loss of Industrial Land to alternative uses, SPD 2006. Places for Living SPG, Specific Needs Residential Uses SPD, Sustainable Management of Urban Rivers and Floodplains SPD 2007 and NPPF.

6 Planning Considerations

6.1 The proposal generates a number of issues. Firstly, the principle, around the loss of the existing employment site, secondly its suitability for redevelopment as student accommodation and thirdly considerations around the design of the proposal, its overall sustainability and access arrangements.

6.2 **Loss of existing Employment Land**

6.3 Summer Lane Industrial Estate is located in the city centre, in Gun Quarter where Policy GA1.3 'The Quarters' is applicable. It states:-

'New development must support and strengthen the distinctive character of the areas surrounding the City Centre Core raising their overall quality offer and accessibility. The City Centre is formed by seven Quarters with the Core at its heart. Within each Quarter varying degrees of change are proposed that relate to the overarching objectives of delivering ambitious growth whilst supporting the distinctive characteristics, communities and environmental assets of each area. Gun Quarter – Maintaining the area's important employment role and industrial activity complemented by a mix of uses around the canal and improved connections to neighbouring areas.'

6.4 Birmingham's adopted UDP states that: - *'opportunities for industrial development in the built up areas of the city are diminishing. In order to reduce the pressure on Greenfield sites the loss of industrial land to retail or other non-industrial uses will be resisted except in cases where the site is a non-conforming use'.*

6.5 The application site is located within a Core Employment Area within the Gun Quarter as defined by Policy GA1.3 of the BDP and identified on the BDP policies map. Policies T19 Core Employment Areas and T20 Protection of Employment Land are relevant, and detail the need to retain and recycle the City's limited reservoir of good quality employment land to support the needs of businesses. Policy TP19 states:-

'Core Employment Areas will be retained in employment use and will be the focus of economic regeneration activities and additional development opportunities likely to come forward during the plan period.

For this purpose employment use is defined as B1b (Research and Development), B1c (Light Industrial), B2 (General Industrial) and B8 (Warehousing and distribution) and other issues appropriate for industrial areas.. Applications for uses outside these categories will not be supported unless an exceptional justification exists.'

- 6.6 The site sits within a core employment area as identified within Birmingham's Development Plan and this policy seeks to protect areas of mixed commercial/ industrial activity for these uses. As such the principle of the development is not in accordance with policy and should be refused.
- 6.7 The applicant has submitted a statement on loss of employment and marketing which argues that the proposal complies with policy TP20 Protection of Employment Land.
- 6.8 The applicant's case for approving the proposal as an exceptional justification rests on the fact that it would:- secure the redevelopment of an underused industrial site; and would provide purpose built student accommodation supporting the expansion of Birmingham's universities and colleges. The applicant has also made the following arguments:-
- (1) That the site is located on the 'feathered' edge of the Core Employment Area
 - (2) That the proposal complies with Policy TP20, as it is obsolescent for employment use, and finally
 - (3) That an 'exceptional justification' exists for approving this use within the Core Employment Area as provided for by Policy TP19
- 6.9 I do not agree with the above statements. The application site is not located on the boundary of the Core Employment Area which runs along Brearly Street to the north and Hospital Street to the west. Policy TP20 seeks to protect employment land. The provisions it makes for allowing redevelopment away from employment apply only outside Core Employment Areas.
- 6.10 In addition there is no overarching requirement for additional purpose built student accommodation in this location. The site is located some distance away from the main campuses for the large universities.
- 6.11 Securing redevelopment of the site is not, in itself, considered to provide an exceptional justification for allowing a use that is otherwise contrary to policy. The site currently provides accommodation for some employment uses and has the potential to do so more intensively in the future, if the vacant units were to be occupied, or if the site were to be redeveloped for employment uses, perhaps as part of a wider area redevelopment.
- 6.12 **Suitability of site for student accommodation**
- 6.13 The Homes and Neighbourhoods section of the BDP is relevant particularly policies TP27, sustainable neighbourhoods, TP28, the location of new housing, and especially Policy TP33 Student Accommodation.
- 6.14 Policy TP27, sustainable neighbourhoods, sets the overall context by requiring all new residential development to contribute towards making sustainable places.
- 6.15 Policy TP28, the location of new housing, reinforces the employment policies by stating clearly that: *new residential development should*
- *Not conflict with any other specific policies in the BDP, in particular the policies for protecting Core Employment Areas, open space and the revised green belt.'*
- 6.16 Notwithstanding Policy TP28, Policy TP33, specifically relates to proposals for student accommodation, it requires:-
- *Proposals for off campus provision will be considered favourably where:*
 - *There is a demonstrated need for the development*

- *The proposed development is very well located in relation to the educational establishment that it is to serve and to the local facilities which will serve it, by means of walking, cycling, and public transport.*
- *The proposed development will not have an unacceptable impact on the local neighbourhood and residential amenity.*
- *The scale, massing and architecture of the development is appropriate for the location.*
- *The design and layout of the accommodation together with the associated facilities provided will create a safe, secure welcoming living environment.'*

6.17 Based on the information submitted with the application it is not clear to the Local planning Authority that there is a demonstrable need for further purpose built student accommodation that can't be met with provision that is already in place, approved or proposed elsewhere. I consider that the applicant has provided insufficient evidence to show a need for the PBSA proposed.

6.18 **The adequacy of the environment for students**

6.19 An industrial area does not provide a good environment for a residential use. Noise and disturbance from industrial processes and deliveries is likely to disturb future residents. The site is within an area where there are a number of established industrial and employment uses adjoining and adjacent to the site, many of these uses are historic and have unrestricted hours of operation. This is typical of the industrial character of the Gun Quarter which makes an important contribution to the economic wellbeing of the City. Allowing development proposals, for uses such as student housing, which are more sensitive to noise vibration, dust etc. generates a potential for conflict that can result in limitations being placed on the industrial / warehousing activity with a detrimental effect upon their productivity.

6.20 Regulatory Services have raised concerns, as detailed in section 4 above, and I consider that student accommodation on this site, would be likely to result in unacceptable adverse living conditions for the students.

6.21 In addition the applicant has not demonstrated to the satisfaction of the Local Planning Authority that the air quality arising from traffic in the environs of the site is acceptable. There are concerns about the data and methodology used.

6.22 **The design and appearance of the proposed development**

6.24 Policy PG3, Place making, of the BDP is relevant to design and appearance considerations of the application. It includes requirements for *high quality design that responds to site conditions and local area context.*

6.25 The proposal does not respect the height, scale and mass of the surrounding area. It is considered to be incongruous and out of keeping. The Core employment area of the Gun Quarter is typified by perimeter blocks built on or close to the back of the pavement. There is a discernible pattern: involving a hierarchy of building heights and architectural detailing within the perimeter blocks in this area. The areas to the rear are the functional factory buildings, subservient, generally lower in height than the corner or frontage buildings.

6.26 The Summer Lane frontage of the application site is located in a middle section of a perimeter block, between Brearley Street and Tower Street. The proposal would increase the height, scale and mass of the frontage building on the site from the existing two commercial storeys to four domestic storeys. The resulting building

would exceed the height of all of the existing properties in the block and break with the existing pattern of building heights in the area.

- 6.27 It is proposed to erect a six storey linked block behind the proposed frontage block, separated by a distance of approx. 15m, and, behind this, another four storey block linked to the middle and front blocks. There are no buildings of similar height in the immediate area. The two inner blocks are not subservient to the frontage block and are shown located in such close proximity to each other that the inner courtyard amenity space between them is likely to be quite shaded. Some of the proposed student rooms, on the lower floors, would receive little direct sunlight and would have limited aspect, facing opposite student rooms across the courtyard at close distances (approx. 15m. and 20m. respectively).
- 6.28 The Core Employment area of Gun Quarter is predominantly industrial in character. It is an area which is quiet after working hours and has limited facilities. In this area such high density residential development would stand out as incongruous and out of keeping. It would not contribute towards the creation of as strong sense of place or provide the high quality of design required by Policy PG3 and paragraphs 127 and 130 of the NPPF
- 6.29 **Other Matters**
- 6.30 Sustainability and ecology – The applicant has provided insufficient justification to demonstrate that surface water discharge can be adequately dealt with on site, and has not explored the use of small scale SuDS. Given the problems with surface water flooding in the city, the absence of such detail provides a further refusal reason- albeit one that it may be possible to overcome.
- 6.31 The site is almost all hard surface. This means that there is little potential for ecological presence – although a condition in relation to potential presence of nesting birds in un-surveyed buildings would be prudent.
- 6.32 Contamination - In the event that the application were to be recommended for approval the Council is satisfied that issues around contamination can be dealt with by appropriately worded conditions. Similar considerations apply in relation to ecology and the potential presence of nesting birds etc. in the roofs of buildings that have not been investigated. Conditions can be added to ensure that BREEAM 'excellent' is met in respect to construction standards. And a condition can be added to make provision for a construction employment plan to be put in place.
- 6.33 Access and vehicle charging -In the event that the application were to be recommended for approval the crossing provision and bollards implementation of cycle parking and requiring the Student Management Plan to be in place prior to first occupation conditions, requested by Transport, could be appended to any approval.

7 Conclusion

- 7.1 There are three main objections to this application. Firstly, the proposal involves the loss of existing employment uses, within a Core Employment area, for which a convincing 'exception' case has not been made threatening the survival of existing businesses and failing to provide an adequate standard of amenity for future residents. Secondly, the proposal involves the development of a large, purpose built, student accommodation unit in a location that is some distance that from the main university campuses and therefore does not satisfy the basic Policy TP33

requirement that it is very well located in relation to the institution it serves.
And thirdly that the proposed design is incongruous fails to respond positively to the site conditions and local area context and would not contribute to a strong sense of place.

- 7.2 In addition the information submitted in relation to key considerations around surface water disposal, noise and air quality is insufficient to demonstrate that the proposal is acceptable.

8 Recommendation

8.1 Refuse Planning Permission

Reasons for Refusal

-
- 1 The development of purpose built student accommodation in this location would harm the long term employment and economic regeneration activities of the surrounding established industrial employment uses by virtue of the site's location within a core employment areas as identified in the Birmingham Development Plan. As such it would be contrary to Policy GA1.3, Policy 19, TP20 and Policy TP28 of the Birmingham Development Plan and Paras 60-62 of the NPPF.
 - 2 The proposed development of this site for residential purposes would lead to harm to the health and quality of life for future occupiers, by reason of noise and general disturbance from nearby industrial uses and air pollution from road traffic . As such the proposal would be contrary to policies TP2, TP33 and TP37 of the Birmingham Development Plan and the National Planning Policy Framework
 - 3 The proposed development would introduce a noise sensitive use on a site within the core employment area. The proposed development would be likely to give rise to complaints about noise and disturbance leading to restrictions being placed on the operation of adjacent industrial premises and the resultant loss of employment activities . the proposal would therefore be contrary to policies TP17 and TP19 of the Birmingham Development Plan and the National Planning Policy Framework
 - 4 The proposal involves the development of purpose built student accommodation and insufficient information has been submitted with the application to show a demonstrated need for the development. As such the scheme is contrary to policy TP33 of the Birmingham Development Plan.
 - 5 The proposed 4 and 6 storey linked buildings, on account of their excessive height, scale, and mass in relation to the surrounding industrial area, their arrangement on site, with the highest block centrally located, and their close proximity one to another, would result in an incongruous development that is out of keeping with the industrial character of the area. As such the proposed design fails to respond positively to the site conditions and local area context and would not contribute to a strong sense of place as required by Policy PG3
 - 6 The applicants has not demonstrated to the satisfaction of the Local Planning
-

Authority that a Sustainable Drainage Strategy can be put in place to limit surface water discharge to the equivalent site-specific greenfield runoff rate for all return periods up to the 1 in 100 year plus climate change event. In the absence of such strategy, or information that demonstrating that it cannot be reasonably practicable, the proposal is contrary to TP6 of the Birmingham Development Plan, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework

Case Officer: Jeremy Guise

Photo(s)



View of Building from Summer Lane frontage



View of internal part of the site looking east



View of internal part of the site looking south

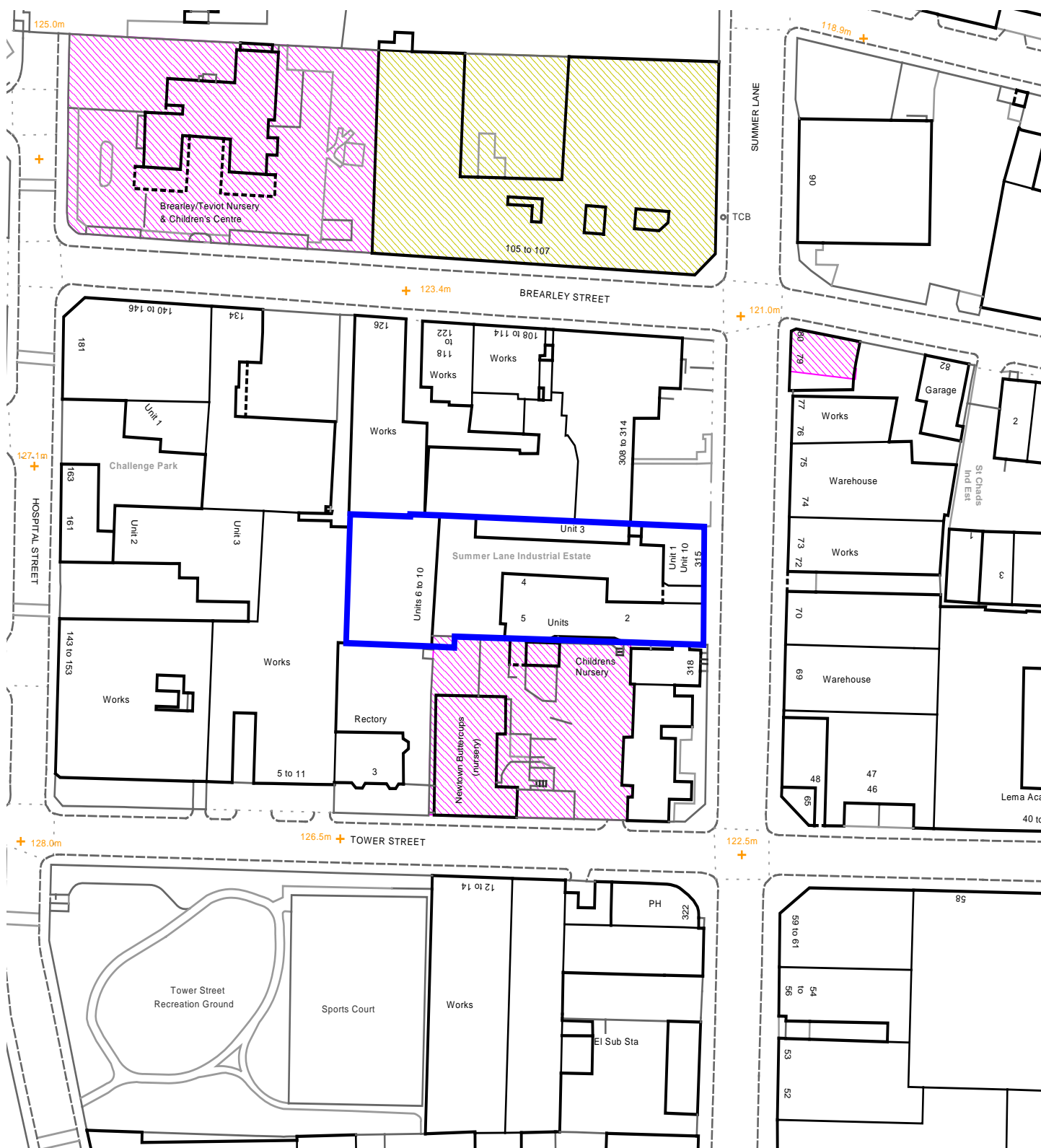


View of site & surrounding area looking north west



Frontage View of site looking south west

Location Plan



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Birmingham City Council

Planning Committee

04 July 2019

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>
Refuse	10	2019/02565/PA 916 Bristol Road Selly Oak Birmingham B29 6NB Change of use from dwelling house (Use Class C3) to a nursery and out of school club (Use Class D1) including external play area
Approve – Conditions	11	2018/09560/PA Land off Ash Bridge Court and rear of Leach Green Lane Rednal Birmingham B45 8EP Outline planning application with all matters reserved except access for the erection of ten dwellings.
Approve – Conditions	12	2019/01050/PA Yardley Wood Playing Field School Road Yardley Wood Birmingham B14 4EP Erection of a secondary school, 3G multi-sport pitch and associated floodlights, multi use games area together with associated access, parking, hardstanding, landscaping and fencing

Committee Date:	04/07/2019	Application Number:	2019/02565/PA
Accepted:	29/03/2019	Application Type:	Full Planning
Target Date:	24/05/2019		
Ward:	Bournville & Cotteridge		

916 Bristol Road, Selly Oak, Birmingham, B29 6NB

Change of use from dwelling house (Use Class C3) to a nursery and out of school club (Use Class D1) including external play area

Recommendation

Refuse

1. Proposal

- 1.1. Consent is sought for the change of use of an existing dwelling house (Use Class C3) to a nursery and out of school club (Use Class D1) including external play area. The use would operate in conjunction with the Christian Life Centre next door, who own the application property and the adjoining house at 918 Bristol Road.
- 1.2. The premises would accommodate 30 children, aged between 0 – 11 years over both floors of the existing house. The ground floor would provide two rooms for children aged 0-1 years, along with a sleep room, kitchen and staff toilets. At first floor there would be two rooms for children aged 3-5 years, along with a store room and office. Outside there would be a hard tarmac play area to the side of the building, with a soft play artificial grass area to the rear, taking up about a third of the original rear garden to the property. The remainder of the garden area would be seeded and left for more informal play, and has been fenced off from the main play area.
- 1.3. 8 members of staff are proposed, 5 full time and 3 part time.
- 1.4. Some staff parking is proposed to the front for 3 cars, with the remainder of staff and parent parking provided within the church car park to the north east of the site.
- 1.5. The premises would operate 7am-6pm Monday to Friday, and 9am-13:15pm on Sundays. The day nursery would operate until 3.30pm, then the afterschool club would operate.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site refers to a semi-detached property located on Bristol Road, on the edge of Selly Oak district centre. The property is the first in a row of similar designed and scaled residential properties, with residential properties to the rear along Langleys Road. To the northeast of the site is the Christian Life Church, with a car park accessed from Langleys Road. The church and the attached property No.

918 Bristol Road are under the same ownership as the application site. 918 has consent for a small HMO (4 bedroom) as does the application site.

- 2.2. The site benefits from an existing dropped kerb to the front with parking to the front of the site

2.3. [Site Location Plan](#)

3. [Planning History](#)

- 3.1. 30/08/2018 - 2018/04631/PA - Change of use from existing dwelling house (Use Class C3) to 4-bed HMO (Use Class C4) – Approved with conditions

4. [Consultation/PP Responses](#)

- 4.1. Local Councillors, Residents Associations and neighbouring properties have been consulted and a site notice has been displayed.

- 4.2. 25 letters of support and a petition signed by 56 people have been received stating the following:

- The proposal is needed within the area,
- Would be a benefit to the community,
- Great location and easy to access
- Will provide a facility for children to socialise and develop.
- Create employment opportunities

- 4.3. 6 letters of objection have been received raising the following concerns:

- Out of keeping within area
- Noise and disturbance
- Traffic implications and highway safety at drop off/collection times
- There is no need for this facility
- Bristol Road is heavily trafficked resulting in significant levels of pollution
- There is a covenant in the deeds for property to remain as a family house

- 4.4. Transportation Development – No objections subject to secure cycle storage

- 4.5. Regulatory Services – Objects to the proposal on the grounds of noise and disturbance and loss of residential amenity. Additional information has been provided by the applicant, but concerns still remain about the impact on amenity.

5. [Policy Context](#)

- 5.1. The following local policies are applicable:

- Birmingham Development Plan (2017),
- Birmingham Unitary Development Plan 2005 (saved policies),
- Car Parking Guidelines (SPD),

- 5.2. The following national policy is application

- NPPF – National Planning Policy Framework

6. Planning Considerations

6.1. Policy

6.2. Paragraph 8.15 of the UDP (saved policy) refers to the use of dwellinghouses as day nurseries. The relevant parts of this policy advise (in summary) that: *'day nurseries should generally be confined to detached houses. Properties which may be particularly appropriate are those which have good separation from adjacent residential properties or which are not adjoined on all sides by other residential uses and those which have adequate onsite parking with suitable and safe access and egress.'*

6.3. *'Semi-detached and terraced residential properties due to their proximity to other adjoining residential property are not generally suitable for the location of day nurseries, except where adjoined by non-residential uses. Proposals for semi-detached houses may be considered where it can be demonstrated that the number of children proposed or the location of nursery rooms is unlikely to cause undue noise and disturbance to adjoining residential occupiers, and no suitable alternative exists in a particular area'.*

6.4. *'Day nurseries will not be accepted in residential roads which have a general absence of non-residential traffic and contain houses capable of single family occupation'.*

6.5. Principle of development

6.6. The main considerations are whether this proposal would be an acceptable development in principle, whether any harm would be caused to neighbouring occupiers in terms of amenity and impacts on highway safety.

6.7. The application site refers to a semi-detached dwelling. The property is of a modest size, with a residential layout at ground and first floor. A previous approval was granted for a change of use to a 4 bedroom House in Multiple Occupation (HMO) however there is no evidence to suggest this permission has been implemented.

6.8. The adjoining property (918 Bristol Road) is a residential property of the same scale as the application site which has consent for a small HMO, including a bedroom at ground floor. There are also residential properties to the rear of the site, along Langleys Road whose rear gardens adjoin the application site. Policy 8.15 of the UDP advises that *'proposals for semi-detached houses may be considered where it can be demonstrated that the number of children proposed or the location of nursery rooms is unlikely to cause undue noise and disturbance to adjoining residential occupiers, and no suitable alternative exists in a particular area.'* The premises would accommodate upto 30 children between 0-11 years on both floors of the property and in the garden. The location of three of the main activity rooms within the nursery would be positioned along the shared party wall between the application and 918 Bristol Road. I have concerns over the number of children to be accommodated and the intensity of activity this would generate both within and outside the property. I am not convinced that this small semi detached property is suitable to be used as day nursery/after school club and certainly not for 30 children. It would effectively expand the church activities beyond their site into a residential dwelling. A much smaller scale operation with a much smaller number of children may have been more acceptable.

6.9. Impact on residential amenity

6.10. The proposed nursery would be for a maximum of 30 children. The Council's Regulatory Service department have assessed this proposal and raised concerns over how potential noise and loss of amenity associated with the proposed use would be mitigated, particularly given the residential use at No. 918. I concur with this view. I consider the location of the proposed nursery in a predominantly residential surroundings, immediately adjoining No. 918 Bristol Road (to the side) and in close proximity to dwellings in both Bristol Road and Langleys Roads, with the potential for large numbers of children (and resulting noise from comings and goings and when playing outside) would conflict with Saved Paragraph 8.15 of the UDP and would adversely affect the amenity of the adjoining residential occupiers as a result of noise and disturbance. I note that the applicant is prepared to install some acoustic protection along the party wall to reduce noise. I still believe that 30 children over an 11 hour period of the day would be noticeable, as would the general comings and goings and noise in the play areas. Although transportation have no objections, I believe there will be occasions when parents park on the Bristol Road frontage to drop children off, rather than parking in the church car park and walking round. This would cause further disturbance to nearby residents. I believe that this would adversely impact on the amenity of nearby residents.

6.11. Concern is also raised over the proposed hours of operation on Sundays and Bank Holidays although this could potentially have been conditioned out if the use was considered acceptable.

6.12. Highway safety

6.13. The objections regarding public and highway safety are noted. Transportation Development have assessed this proposal and raise no objection subject to the provision of secure cycle storage.

6.14. Car parking guidelines SPD states that a maximum parking provision of 1 space per 8 children for day nursery is required. Therefore, the proposed nursery would require 3-4 spaces based on the proposed 30 children. The drop off/collection demand could be accommodated within the car park next door owned by the church. Whilst on street parking is not permitted along this stretch of Bristol Road, the frontage would provide a parking facility for 3 staff. The very good transport links serving this location are acknowledged.

6.15. Whilst traffic and parking demand associated with this use would be expected to increase, the impact at this location would not be expected to be significant. As such it would be unlikely to have a detrimental impact on the highway and public safety that could sustain a reason for refusal. Subject to the condition being imposed, I am satisfied that this element of the proposal is acceptable.

6.16. Other considerations

6.17. I note the number of letters of support. I acknowledge the demand for these type of facilities and the positive impact they can have. However, this cannot be at the expense of resident amenity. There may be opportunities for the church to expand their own building to accommodate such uses where the impact may not be as great.

7. Conclusion

- 7.1. The provision of a day nursery and after school club in this semi detached property would have an unacceptable impact on adjoining residential properties in terms of noise and disturbance. It is not considered that concerns raised could be mitigated through enforceable conditions. The application is contrary to adopted policies above and planning permission should be refused.

8. Recommendation

8.1. Refuse

Reason for Refusal

-
- | | |
|---|---|
| 1 | The use of this semi detached property for a day nursery and after school club would have an adverse impact on the residential amenity of nearby occupiers, by reason of noise and disturbance. It would be contrary to saved policy 8.15 of the UDP and the NPPF |
|---|---|
-

Case Officer: Leah Russell

Photo(s)



Photograph 1: Front elevation from street

Location Plan



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Committee Date:	04/07/2019	Application Number:	2018/09560/PA
Accepted:	07/01/2019	Application Type:	Outline
Target Date:	07/06/2019		
Ward:	Rubery & Rednal		

Land off Ash Bridge Court and rear of Leach Green Lane, Rednal, Birmingham, B45 8EP

Outline planning application with all matters reserved except access for the erection of ten dwellings.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Outline planning permission with all matters (except access) reserved for future consideration is sought for the erection of ten dwellings with associated parking and landscaping.
- 1.2. The application site currently forms part of the rear gardens of 213 to 229 Leach Green Lane and would be accessed from the existing Ash Bridge Court (a development of 8 houses built on the site of 211 Leach Green Lane).
- 1.3. An indicative site plan, floor plans and elevations have been submitted to illustrate that the site can accommodate the proposed 10 dwellings and meet the required guidelines in Places for Living including separation distances and amenity areas, National Technical Space Standards and provide sufficient car parking. These details however remain illustrative and reserved for future consideration.
- 1.4. The illustrative plans indicate that the development could comprise 4, three bedroom properties and 6, four bedroom properties.
- 1.5. The application is accompanied by a Preliminary Ecological Appraisal, Drainage Strategy, Ecological Mitigation and Enhancement Strategy, Sustainable Drainage Assessment and Maintenance Plan, Energy Statement, Sustainable Construction Statement, Transport Statement, Design and Access Statement and Tree Survey.
- 1.6. Site area: 0.39ha. Density: 26 dwellings per hectare.
- 1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site forms part of the rear gardens of 213 to 229 Leach Green Lane. 213 to 229 Leach Green Lane are detached houses set within extensive front and rear gardens on the north-east side of Leach Green Lane. The surrounding area is residential with a mix of detached and semi-detached properties. The site slopes

gently downwards from Leach Green Lane to the rear site boundary with properties in Himley Grove with levels falling by approximately 8m over a distance of 93m. The application site would be accessed from the existing Ash Bridge Court which comprises 8 detached dwellings constructed around 2002/3 on the site of 211 Leach Green Lane.

- 2.2. Rubery centre is located approximately 1.4km west of the site whilst Longbridge town centre is located some 2.2km north east of the site. Rednal Infant and Junior School is approximately 600m east of the site and St James Catholic Primary School is approximately 650m north of the site.

[Site Location](#)

3. Planning History

- 3.1. 7 February 2002. 2001/04024/PA. Planning permission granted for the demolition of the existing house and the erection of 8 detached houses with associated road, drives and parking at 211 Leach Green Lane, Rednal.

4. Consultation/PP Responses

- 4.1. Local residents, Ward Councillors, MP and resident associations notified. Site and Press Notice posted. 21 letters of objection received from 14 residents in Ash Bridge Court, Leach Green Lane, Himley Grove, Chadwick Avenue and Ormscliffe Road based on the following grounds:

- The existing Ash Bridge Court Road is private and not adopted. It is therefore not constructed to take heavy vehicles and is a narrow road where turning is limited.
- Already have to pump sewerage from the previous development.
- Outlook would be compromised.
- Loss of privacy/overlooking
- The properties would be elevated and three storeys in places leading to direct views into bedrooms and living rooms.
- Proposal would make currently inaccessible rear gardens accessible for crime purposes.
- Impact on surface water from loss of gardens.
- Loss of trees.
- Object to 'garden grabbing'.
- Refuse has to be brought to top of road as refuse truck cannot access the road.
- Impact on adjacent residential amenity.
- Contrary to NPPF paragraphs 109/110.
- Impact on road safety.
- Loss of light to properties and rear gardens.
- Parking is already an issue.
- Impact on ecology.
- In 2013, development was acceptable as there were no residents but now this will cause problems for existing residents.

- 4.2. Councillor Adrian Delaney – Objects on the following grounds:

- Loss of privacy as the proposed new dwellings will overlook existing houses.
- Drainage and Surface Water flooding.
- Loss of trees

- Increase in crime due to opening up of rear boundaries.
 - Existing access is narrow and totally unsuitable to be used for and by any additional traffic especially refuse wagons and delivery vehicles.
 - Ash Bridge Court is a private road, who will pay for the maintenance and upkeep of the damage caused by an increase in traffic especially heavy goods vehicles that use this road to access the new development.
 - The cross bund approximately 50 metres from Leach Green Lane was installed to prevent heavy goods vehicles going past this point because the sub base of the road is not designed to take heavy loads from vehicles like refuse wagons.
 - The sharp bend which will need to be navigated by cars when entering and exiting the new development make this road unsuitable for the proposed increase in vehicle usage.
 - The usage of this road by heavy construction vehicles will seriously damage this road, who will pay for the repair and upkeep of this road if this development is given permission.
 - Please can the pictures provided by the local residents be included in any report that goes to the planning committee.
 - Impact on existing infrastructure, green space and ecology.
 - Impact on road safety.
- 4.3. West Midlands Police – No objection. The proposal site is policed by Longbridge Neighbourhood Team and calls for service are high. I have looked at recorded crime on Leach Green Lane and Ash Bridge Court and there have been 56 incidents in the past 12 months, these have included burglaries and vehicle crime. I have also looked at road traffic collisions (as this proposal, should it be allowed, will increase the traffic flow in the area) for the same locations, of which there have been 10 in the past 12 months. The proposed car parking spaces are in curtilage and this is supported.
- 4.4. West Midlands Fire Service – No objection. Building Regulations Approval is required. Access roads should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes. Any dead end greater than 20m in length should have an appropriate turning facility for a pump appliance.
- 4.5. Severn Trent Water Limited – With regards to drainage and sewerage – no objections subject to a drainage condition.
- 4.6. Lead Local Flood Authority - the LLFA are content to accept a surface water pumped solution as the current viable outfall and are thereby content to recommend the development to be conditioned. We note the submitted application is for outline permission with all matters reserved except for access. As such, there is suitable scope for the layout to be adapted to include a surface water pumping station if necessary and we understand discussions with adjacent land-owners for permission to connect to their drainage under a gravity solution remain on-going.
- 4.7. Regulatory Services – no objection.
- 4.8. Transportation - no objection. The development is to be an extension of Ash Bridge Court, noted to be privately maintained. The existing 4.8m carriageway width is continued, along with the addition of footway alongside. In terms of traffic, the addition of 10 dwellings would have a negligible impact upon the surrounding highway network. The current constrained layout of the site provides limited

opportunities to pass/manoeuvre. With the addition of a large turning head at the southern end it would be expected current issues would be improved. Regarding issues with the current road surface, this is a privately maintained road.

5. Policy Context

- 5.1. Birmingham BDP, Saved Policies of the UDP, NPPF, NPPG, Mature Suburbs SPD, Places for Living SPG, Car Parking Guidelines SPD, TPO 976 – The Birmingham (Ash Bridge Court, Rednal) TPO 2003.

6. Planning Considerations

Policy Context

- 6.1. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Paragraph 17 promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The BDP similarly supports a more sustainable pattern of development by re-using brownfield sites in suitable locations.
- 6.2. The NPPF, at Paragraphs 47-50, seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.3. Policy TP27 of the BDP explains that new housing in Birmingham is expected to contribute to making sustainable places by offering: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities within easy reach; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources and the use of green infrastructure; attractive, safe and multifunctional public spaces for social activities, recreation and wildlife; and effective long-term management of buildings, public spaces, waste facilities and other infrastructure.
- 6.4. With respect to the location of new housing, Policy TP28 of the BDP explains that proposals for new residential development should be located in low flood risk zones; be adequately serviced by existing or new infrastructure which should be in place before the new housing is provided; be accessible to jobs, shops and services by modes of transport other than the car; be capable of land remediation; be sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP.
- 6.5. Paragraphs 3.14D-E of the Saved Policies of the UDP explain that new housing development should be designed in accordance with good urban design principles. Policies PG3 and TP27 of the BDP also confirm the importance of place making and creation of sustainable neighbourhoods. Policy TP30 details density requirements and states that in areas well served by public transport developments should achieve at least 50 dwellings per hectare and elsewhere a minimum of 40 dwellings per hectare. The Council's Places for Living SPG encourages good quality residential accommodation in attractive environments. It contains a series of urban

design principles with emphasis to assessing context and responding positively to local character.

- 6.6. Policy TP6 of the BDP requires that as part of their Flood Risk Assessment (FRA) and Sustainable Drainage Assessment developers should demonstrate that the disposal of surface water from the site will not exacerbate existing flooding and that exceedance flows will be managed. Sustainable Urban Drainage Systems (SuDS) should also be utilised in order to minimise flood risk.
- 6.7. Paragraph 109/110 of the NPPF identifies that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* Within this context, development should give priority to pedestrian and cycle movements, to facilitate access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; create places that are safe, secure and attractive and allow for the efficient delivery of goods, and access by service and emergency vehicles. This is supported by Policy PG3 of the BDP.
- 6.8. Paragraph 170 of the NPPF states that the planning system should recognise the wider benefits of ecosystem services, minimise impacts on biodiversity, provide net gains in biodiversity where possible and contribute to the Government’s commitment to halt the overall decline in biodiversity (including by establishing coherent ecological networks that are more resilient to current and future pressures). Policy TP8 of the BDP similarly identifies that all development should, where relevant, contribute to enhancing Birmingham’s natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets.

Principle

- 6.9. The application site forms half of rear gardens to 213 to 229 Leach Green Lane and would be accessed via the existing Ash Bridge Court development comprising 8 dwellings and road constructed on the site of 211 Leach Green Lane in 2013. Whilst the site is excluded from being assessed as previously developed land due to their use as private rear gardens, Mature Suburbs SPD identifies that residential development in mature suburbs should be assessed against the characteristics of the suburb including built form, spatial composition, architectural style, density, landscaping and level of public realm. When assessed against this context, including surrounding density, built form, mix of architectural styles, size of plots and that the site would be accessed from a development that was already constructed on rear gardens and plot of an existing house, I consider that this proposal would be acceptable and as such, the principle of residential development in this location is acceptable and in accordance with BDP and NPPF policy.

Design, Layout and Scale

- 6.10. The application is supported by a detailed site plan along with elevations and floor plans for the proposed ten dwellings. These are for information and illustrative purposes only to indicate that the development can satisfactorily be accommodated within the red line site boundary. The detailed matters are reserved for future consideration within a future reserved matters submission – these will include matters of appearance, landscaping, layout and scale. However, based on the illustrative layout and taking into consideration the significant change in site levels across the site from Leach Green Lane to the west and Ormscliffe Road/Himley

Grove to the east of the site boundary, the proposed development would comply with all required layout guidelines including rear amenity areas, size of properties against the National Technical Housing Standards and relevant separation distances.

- 6.11. My City Design Officer considers that the proposed illustrative layout for ten dwellings would not be an over intensification of the application site as the Places for Living separation distances could be met by the illustrative layout. The access road would serve the proposed houses providing an active frontage and a secure and safe access, minimising the opportunity of potential crime. The properties would front on to the street and two plots would be directly visible from the entrance into the site providing a clear orientation into the site and clear sense of place should the illustrative layout be submitted for approval under reserved matters. The scale of the proposed residential development is considered appropriate to the local context and in keeping with the character and appearance of the neighbouring properties as these currently vary in scale and size. I concur with my City Design Officer's comments and consider that the site can satisfactorily comply with the guidelines in Places for Living and as such, the illustrative layout, elevations and floor plans would be considered acceptable.

Impact on Existing occupiers

- 6.12. The illustrative layout of the proposed residential development has been designed to minimise the impact on adjacent occupiers. The proposed houses would continue the existing building line along Ash Bridge Court with fronts facing the rear boundaries of properties fronting Leach Green Lane and their backs abutting rear garden boundaries of properties in Himley Grove. A further 6 houses would then be at a right angle to the existing Ash Bridge Court as a turning head would be provided at the end of the cul-de-sac extension. The 6 houses would face the turning head and would look up Ash Bridge Court. Plots 9 and 10, if developed as shown on the illustrative layout would face the side wall and rear garden of plot 4. The illustrative layout provides sufficient separation distances between the front elevations of the new properties and the rear windowed elevations (in excess of 40m) and rear garden boundaries of properties (15m) fronting Leach Green Lane (which sit higher than the proposed development). The layout also illustrates separation distances exceeding the Places for Living guidelines for the existing properties located at the rear of the site in Himley Grove (28-38m) and Ormscliffe Road (number 69) (approximately 13m at a 45 degree angle) and 12m to 71/73 Ormscliffe Road, taking into consideration the level differences between the site and the existing houses to the rear. On the basis of the illustrative layout; I consider that the site could be developed with no impact on residential amenity through overlooking or loss of privacy. Garden sizes and relevant separation distances would comply with Places for Living.
- 6.13. In terms of loss of light, the properties backing onto the rear boundaries of houses in Himley Grove would be located on the same alignment as the existing and as such, their impact on the adjacent properties would be the same. No loss of light would occur to morning sunlight and there may be some shadowing from western sun. However, given the separation distances that would occur between the new and existing houses; I do not consider that this would be of sufficient impact on residential amenity to warrant a refusal of planning permission. The proposed houses would comply with the 45 degree code to existing houses in Ash Bridge Court. There would be a breach in the code from the existing property at 69 Ormscliffe Road however, this breach would occur some 13m from the windowed elevation and despite the proposed plot 10 being sat some 2m above number 69, I

do not consider that this breach would create sufficient loss of light to sustain a refusal of planning permission.

- 6.14. As such, I consider that there would be no impact on the amenity of existing occupiers bordering the application site and that the proposal complies with the relevant policy.

Highway impacts, access and parking

- 6.15. The application seeks outline planning permission for the erection of 10 dwellings with access to be agreed through this application. All other matters are reserved for future consideration. The application is accompanied by a transport assessment. This supporting statement identifies that Ash Bridge Court is an existing 4.6m wide cul-de-sac accessed from Leach Green Lane, a single carriageway road, with an approximate width of 7m and subject to a 30mph speed limit. Bus service provision is assessed as part of the existing situation and identifies that the bus stop is approximately 100m from the site on Leach Green Lane. 3 bus services are available within walking distance of the site being the 19, 42 and 202. These services would link to Maypole, Northfield, Longbridge, West Heath, Frankley, Halesowen and Bromsgrove. Longbridge railway station is located approximately 2.6km north east of the site and has regular services to Bromsgrove, Redditch, City Centre, Sutton Coldfield and Lichfield.
- 6.16. The Assessment identifies that the number of road accidents in the vicinity of the site in the last five years is low and as such, the development would not be detrimental to the safe operation of the local highway network. Access would be via an extension to the existing 4.6m wide Ash Bridge Court for a length of approximately 44m. The road would terminate as a 'T' creating a turning head for vehicles. The proposed road extension would provide a turning head at its culmination to allow vehicles to enter and exit Ash Bridge Court on a forward gear. It is proposed that each dwelling would be provided with 2 parking spaces. The Assessment identifies that the trip generation associated with the site would be negligible as it would amount to 1 vehicle every 12 minutes during both the morning and evening peak hours.
- 6.17. Transportation note that the existing Ash Bridge Court road is privately maintained and that the proposal would see the existing 4.6m carriageway width continued, along with the addition of footway alongside. They have advised that they have no objection in principle to this residential development, with consideration of Access only as the access is a continuation of an existing carriageway.
- 6.18. Transportation also notes that in terms of traffic, the addition of 10 dwellings would have a negligible impact upon the surrounding highway network. The current constrained layout of the site provides limited opportunities to pass/manoeuvre. With the addition of a large turning head at the southern end it would be expected current issues would be improved. Regarding issues with the current road surface, this is a privately maintained road.
- 6.19. I concur with Transportation and consider that whilst the existing development is constrained by its road width and existing residential parking; the extension of the road to provide a further ten dwellings and a turning head, which doesn't exist within the existing Ash Bridge Court development, would improve the existing situation. 200% parking provision is considered acceptable and in accordance with policy. I note the reference to paragraphs 109/110 of the NPPF by objectors. As already identified, the proposed development would not have an unacceptable impact on

highway safety or have a severe impact on the existing road network. As such, I consider that the proposed development is in accordance with paragraphs 109/110 of the NPPF. I note the comments received from the existing residents of Ash Bridge Court regarding the road being privately owned and maintained. As the residents own and maintain the road, a separate civil agreement would be required for the applicant (and future occupiers) to progress the proposed development in order to utilise the existing road. As such, this is not a planning matter.

Ecology/trees

- 6.20. The application is supported by a Preliminary Ecological Appraisal that identifies the site as primarily amenity grass, scrub, vegetation and an ornamental pond alongside a number of native and non-native mature trees. No notable species were recorded on site.
- 6.21. The City Ecologist notes that the proposal would result in a loss of mature gardens located within part of a corridor that links to the Rednal section of Lickey Hills Country Park. A revised ecological mitigation plan has been submitted that addresses and mitigates for the loss as far as practicable. The City Ecologist therefore raises no objection to the proposed development subject to conditions relating to the inclusion of hedgehog passing points within boundary treatments, provision of bird and bat boxes and lighting. Whilst I concur with this recommendation and the appropriate conditions are recommended below, I do not consider that a lighting scheme condition is required. The existing road has one road lamp standard for the existing eight dwellings and whilst further road lighting would be required, I do not consider that this would be of such significance as to cause disturbance to foraging bats.
- 6.22. The tree survey has identified and surveyed 58 individual trees and 6 tree groups within/adjacent to the application site. Of the individual trees, the survey identified 1 Category B Maple; 9 Category U Hazel, Apple, Birch, Cherry, Goat Willow and Sycamore and 48 Category C trees comprising Birch, Cherry, Ash, Holly, Plum, Sycamore, Hazel, Goat Willow, Cypress, Rowan, Maple, Hawthorn and Pine. The 6 tree groups all fall within Category C and comprise Hawthorn, Apple, Cypress and Holly.
- 6.23. At present, given the illustrative layout, the number of trees proposed to be removed is unknown. It is likely that a significant number of those surveyed would be required to be removed. My Arboricultural Officer, whilst concerned over the loss and the inability to replace a significant number of trees on site considers the proposed development acceptable and raises no objection subject to a condition relating to the prior submission of an Arboricultural Method Statement. The trees are within Categories C and U and the applicant has confirmed that as many trees as possible would be retained on site. I concur with the view of my Arboricultural Officer and the relevant condition is recommended below.

Flooding

- 6.24. A Sustainable Drainage Assessment and Maintenance Plan; Drainage Strategy and Sustainable Drainage Options accompany the submitted planning application. The supporting documents identify that a full flood risk assessment is not required as the site is located within Flood Zone 1 and is less than 1 hectare in size and the existing surface water currently drains through the land towards the lower eastern boundary of the site.

- 6.25. The proposed scheme would provide porous paving within the driveways; an attenuation tank within the car parking area providing 120 cubic metre storage and surface water would drain and connect to the existing surface water drain between 69 and 71 Ormscliffe Road at a maximum 2 litres per second.
- 6.26. The Lead Local Flood Authority (LLFA) has reviewed the submission and further supporting information has been provided during the course of the application. The LLFA accepts the submitted SuDS assessment and notes above-ground SuDS may be considered cheaper to install, maintain and provide additional water quality and amenity benefits and as such, further consideration should be given at the next stage of design as to the inclusion of above ground SuDS.
- 6.27. With regards to drainage; the applicant is currently in negotiations with third parties. The LLFA accept that whilst these negotiations continue, the drainage would be pumped up to Leach Green Lane, whilst noting that the preferred option would be downstream via third party land. As such, the LLFA are content to accept a surface water pumped solution as the current viable outfall and are thereby content to recommend the development to be conditioned. Severn Trent Water has also raised no objections to the proposed development subject to a drainage condition.
- 6.28. I concur with the views provided by Severn Trent and the LLFA and the relevant conditions are recommended below. Detailed drainage design will come forward as part of a reserved matters submission for layout and is also covered under Building Regulations.

Other issues

- 6.29. The proposed development does not attract a CIL contribution.
- 6.30. I note the issue of crime raised by the objector's and Ward Councillor. West Midlands Police has raised no objections to the proposed development. Should the illustrative layout be submitted for reserved matters approval, whilst the new road extension would further expose rear boundaries, all of these would be overlooked by the proposed dwellings. As such, I concur with the view of West Midlands Police and consider that the illustrative layout would be acceptable and would create a safe environment that has designed out crime in accordance with Policy PG3 of the BDP.
- 6.31. I also note Councillor Delaney's request regarding photographs submitted by local residents being provided to Members prior to determination. This is not normal practice and the photographs attached to this report taken by the Principal Planning Officer are considered sufficient for determination purposes.

7. Conclusion

- 7.1. The development of the site for housing accords with both national and local planning policy. The proposed development would provide new housing within the City boundary; would not have an adverse impact on the adjacent residential amenity and would have a beneficial impact on the character and amenity of the surrounding area.
- 7.2. I note that key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three principle stems of economic, social and environmental. The proposal would see the extension of an existing development for a further ten houses providing further local housing provision which, would in turn, provide economic and social benefits for the existing and new

residential occupiers. The development would support the provision of local employment in construction and would not have an adverse environmental impact. As such, I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

8.1. That outline planning permission with all matters reserved except access is granted subject to the conditions listed below.

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- | | |
|----|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a sustainable drainage scheme |
| 3 | Requires the prior submission of a drainage scheme |
| 4 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Operation and Maintenance Plan |
| 5 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 6 | Requires the prior submission of details of bird/bat boxes |
| 7 | Limits the maximum number of dwellings to 10. |
| 8 | Requires the submission of hard and/or soft landscape details |
| 9 | Requires the submission of boundary treatment details |
| 10 | Requires the prior submission of a construction method statement/management plan |
| 11 | Requires the submission of sample materials |
| 12 | Prevents occupation until the service road has been constructed |
| 13 | Arboricultural Method Statement - Submission Required |
| 14 | Requires the submission of reserved matter details of appearance, landscaping, layout and scale following an outline approval |
| 15 | Implement within 3 years (outline) |
-

Case Officer: Pam Brennan

Photo(s)



Photograph 1 – properties fronting Leach Green Lane looking south



Photograph 2 – Properties fronting Leach Green Lane and towards Ash Bridge Court entrance looking north



Photograph 3 – View of Ash Bridge Court from Leach Green Lane

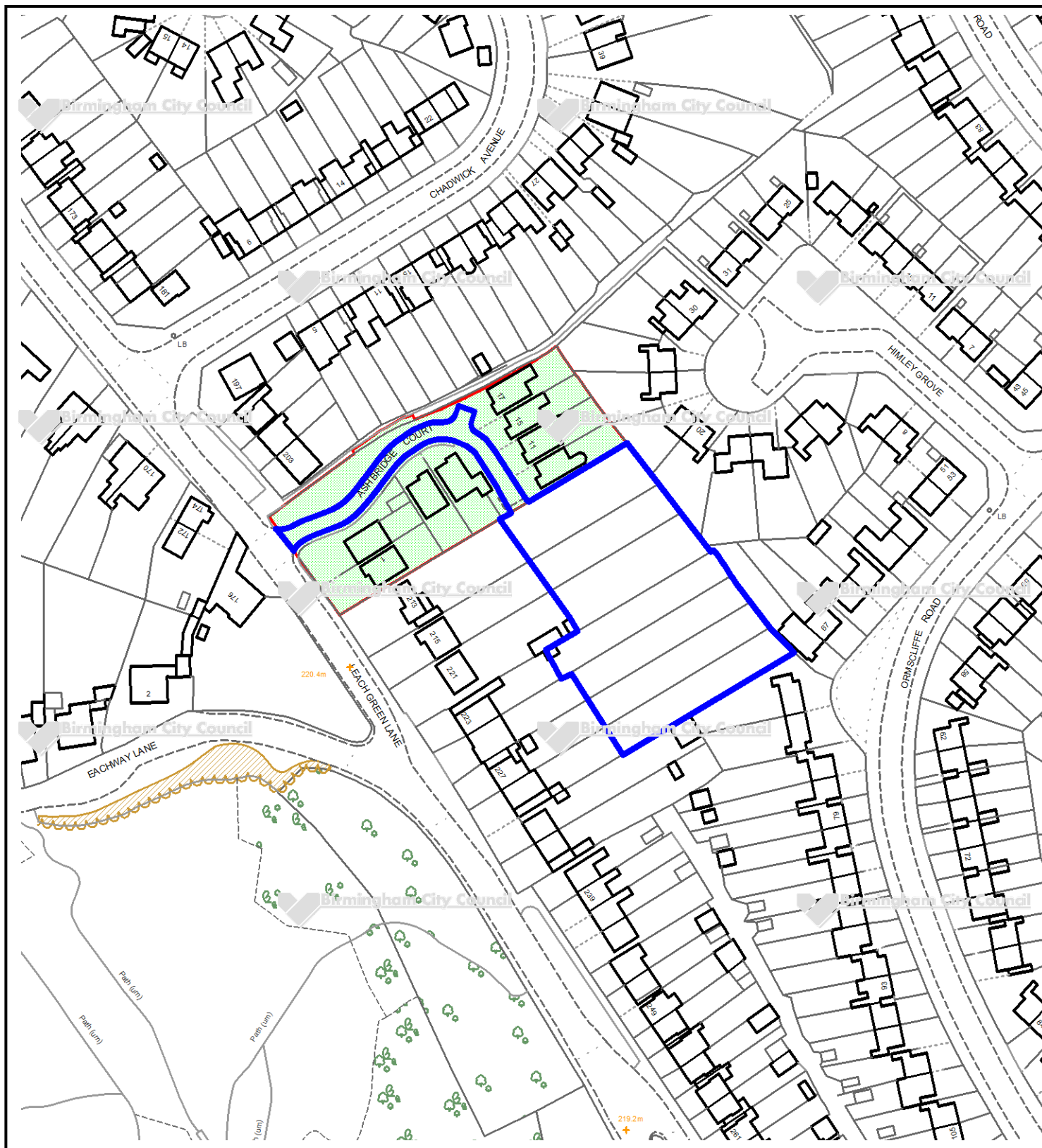


Photograph 4 - View East into Ash Bridge Court



Photograph 5 – 9 Ash Bridge Court, Corner of Number 7 and Road for Extension

Location Plan



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Committee Date:	04/07/2019	Application Number:	2019/01050/PA
Accepted:	07/02/2019	Application Type:	Full Planning
Target Date:	05/07/2019		
Ward:	Billesley		

Yardley Wood Playing Field, School Road, Yardley Wood, Birmingham, B14 4EP

Erection of a secondary school, 3G multi-sport pitch and associated floodlights, multi use games area together with associated access, parking, hardstanding, landscaping and fencing

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Permission is sought by the Department for Education to erect a secondary school on land that was last used as playing fields. Two buildings are proposed, the first being the main school building which is 3 storeys in height and covers a footprint of approximately 2700sqm. The second is a sports hall which is 9.6m high and has floor area of approximately 1700sqm. These buildings are attached by a small glazed corridor. The building has a flat roof and materials include the use of buff and grey bricks at ground floor level with the use of light grey render and dark grey render panels above. To provide added visual interest yellow reveals have been utilised around some of the aluminium framed windows. The choice of colour is reflective of the school emblem which appears on the east and north elevations.
- 1.2. The school includes a number of classrooms, including specialist rooms for food technology, Information Technology and Resistant Materials as well as science labs and music rooms. The school also includes a main hall, library, kitchen, toilets as well offices and meeting rooms for staff and visitors.
- 1.3. A single vehicular and pedestrian access is proposed off Daleview Road. This lead to 2 car parks. The northern most car park in front of school includes 68 spaces and an additional 9 spaces in an area designated for drop offs. The second car park consists of 52 spaces and is designated for staff and users of the sports facilities. Excluding the drop off area, a total 122 parking spaces are proposed. In addition 125 cycle spaces are proposed in 4 separate cycle racks which are in close proximity to the school building.
- 1.4. The Academy School would have the capacity to accommodate 1,150 pupils (including 250 in a sixth form) and around 100 staff. The mixed school would be operated by Birmingham Diocese and would be open to all faith and non-faith pupils.
- 1.5. A Tree Report, Design and Access Statement, Planning Statement, Transport Assessment, Travel Plan, Ecological Appraisal, Noise Assessment, Community Use Agreement and Planning Statement have been submitted in support of this application.

- 1.6. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site consists of a number of playing pitches that were historically used by local schools. The southern part of the site still has pitches marked out which are utilised by the adjacent football club, Maypole FC. There are no public rights of way across the site but the site is regularly utilised for recreational purposes despite attempts by the landowner to secure the site.
 - 2.2. The site is bound by residential development to the north and east with numerous properties sharing a boundary with site including dwellings on Moorside Road, Greenaleigh Road, Daleview Road and Ravenhill Road. Maypole FC is located to the south of the site and Christ Church and its associated grounds are located to the west. The Church is Grade II listed. A dense band of trees are located along the western boundary of the site.
 - 2.3. [Site Location Plan](#)
3. Planning History
 - 3.1. None relevant
4. Consultation/PP Responses
 - 4.1. Transportation Development – No objections subject to conditions regarding the provision of a Construction Management Plan, measures to prevent mud on the highway, the construction of the access, no occupation until turning and parking areas constructed, details of pavement boundaries, the submission of a parking management strategy, cycle storage details, requirement for the applicant to sign up to the Birmingham Connected Business Travel Network, completion of a S278 agreement and the provision of electric charging points.
 - 4.2. Regulatory Services – Conditions regarding the submission of a contamination remediation scheme, contaminated land verification report, noise levels for plant and machinery, noise mitigation scheme, scheme of lighting, hours of use and limit times for refuse collection and deliveries are suggested.
 - 4.3. West Midlands Police – No objection subject to the provision of a scheme of CCTV
 - 4.4. Severn Trent Water – No objection subject to drainage scheme.
 - 4.5. West Midlands Fire Service – No objection
 - 4.6. Sport England – No objection subject to conditions requiring the provision of a scheme of playing field improvements, schedule of playing field maintenance, certification and registration of pitches with FIFA and FA, hours of use, installation of acoustic fence, submission of community use agreement and details of the specification of the sports hall and MUGA.
 - 4.7. Canals and Rivers Trust – No objection subject to conditions regarding drainage details, priority proposals for canal bridge to be implemented prior to occupation and lighting details

- 4.8. Lead Local Flood Authority – awaiting comments on recently submitted Sustainable Drainage Assessment and Operation & Maintenance plan.
- 4.9. Education - Support the application as it assists our Basic Need requirements for additional secondary places in that area of the city.
- 4.10. Leisure Services – Require commuted sum of £150,000 to address loss of sports pitches totalling 17,680sqm.
- 4.11. Site notices posted and press notice published. Local MP, Councillors, Residents' Associations and the occupiers of nearby properties notified of the application.
- 4.12. 4 letters of support have been submitted raising the following issues:
 - New school is needed to meet demand;
 - No good quality mixed schools locally; and
 - Local schools are over subscribed
- 4.13. 269 objections have been received raising the following matters:
 - Narrow bridge on School Road cannot accommodate additional traffic;
 - Increased congestion;
 - Increased levels of street parking;
 - Insufficient parking on site;
 - Increased air pollution;
 - Single access point via narrow cul de sac is unacceptable;
 - Baverstock School site should be used or other local brownfield sites;
 - Unnecessary use of public money;
 - Loss of open space used by local residents for walking and playing;
 - Not enough children to serve Church of England School;
 - Loss of sports pitches and green space;
 - Increased levels of obesity through inactivity;
 - Light pollution in evenings and weekends;
 - Increased levels of anti-social behaviour;
 - Increased litter;
 - Increased levels of noise throughout daytime, evenings and weekends;
 - Disruption during construction phase;
 - Covenant means land cannot be built on;
 - Impact on local wildlife including buzzards, woodpeckers, bats, foxes and other birds;
 - Impact on priory field nature reserve;
 - Building is unattractive and excessive in scale;
 - Loss of privacy;
 - Houses overlook the school;
 - School children would damage adjacent graveyard;
 - Harmful impact on local house prices;
 - Parents would rather send children to schools in Solihull;
 - Not safe near to canal;
 - Area will become too busy for emergency vehicles;
 - Loss of view;
 - Development prevents access to canal towpath;
 - Insufficient infrastructure for new school in this location;
 - Insufficient consultation; and
 - Residents should be compensated

- 4.14. Three petitions have been received which object to the development. These contain 96, 90 and 42 signatures.
- 4.15. A joint letter of objection has been received by Councillors Philip Davis and Lucy Seymour-Smith. The following concerns are raised:
- Loss of open space;
 - Loss of privacy for local residents;
 - Increased traffic and parking demand;
 - School Road canal bridge cannot accommodate additional traffic;
 - Additional financial burden on City Council;
 - Alternative brownfield sites should be considered; and
 - If approved conditions should be attached requiring highway improvements and parking management measures.
- 4.16. A letter of support has been received by Councillor Timothy Huxtable which highlights:
- The academy will provide much needed secondary school places for Hall Green South Ward residents;
 - There will need to major infrastructure works to the bridge along School Road over the Stratford upon Avon canal by Christchurch;
 - This site also needs to be connected to Hall Green South by bus. The Baldwin, Baldwins Lane, Hall Green would seems to be a good location for any stop in Hall Green.
- 4.17. A letter of objection has been received by Steve McCabe MP raising the following matters:
- Baverstock School should never have been closed;
 - The playing fields are a valuable asset to the local community;
 - Increased traffic and parking;
 - Improvements to the canal bridge are needed;
 - Loss of privacy for local residents;
 - Major disruption on a daily basis for residents;
 - Conditions needed to ensure continued access of pitches for Maypole FC; and
 - Supportive of the principle of a new school but it should be located on the Baverstock site.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan 2005 (Saved Policies)
 - Birmingham Development Plan (2017)
 - Places for Living (Adopted Supplementary Planning Guidance 2001)
 - Places for All SPG
 - Car Parking Standards SPG
- 5.2. The following national policy is applicable:
- NPPF – National Planning Policy Framework (2019)

6. Planning Considerations

- 6.1. I consider the key planning issues to be considered are: the principle of the new development, site selection, loss of sports pitches, the design and scale of the proposed development, the impact on residential amenity, the impacts on traffic and highway safety, the impact on ecology, and the impact on Landscape and Trees.
- 6.2. The principle of the Development
- 6.3. Paragraph 94 of the NPPF highlights that it is important that a sufficient choice of school places are available to meet the needs of existing and new communities. It goes on to state that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. In particular this paragraph emphasises that local planning authorities should give great weight to the need to create, expand or alter schools through decisions on applications.
- 6.4. Policy TP36 (Education) of the adopted Birmingham Development Plan supports the provision of new schools subject to the following criteria:
- Safe access by cycle and walking as well as by car and incorporate a school travel plan;
 - Safe drop-off and pick-up provision;
 - Provide outdoor facilities for sport and recreation; and
 - Avoid conflict with adjoining uses;
- 6.5. There is an identified shortfall of secondary school places in South Birmingham that will only rise in the future. Without further provision in this part of South Birmingham it is expected that there will be a shortfall of approximately 300 spaces by 2023/24. This proposed school has been specifically identified within the Education Departments document entitled 'School Places Planning Requirements 2018/19–2024/25' (December 2018). The Education Department is therefore relying on this school to help address the identified shortfall in school places. In light of the above, the principle of the development is supported. Although the impact on adjoining residential uses, the highway network, sustainable access and sports provision are considered below to determine whether the proposal fully complies with Policy TP36.
- 6.6. Site Selection
- 6.7. The choice of site has been a major issue for local residents with many suggesting that a new school should be located on the former Baverstock School site. This school was closed in summer 2017 by the Department for Education as it was under-subscribed and deemed to be consistently performing poorly. The proposed free school will be run by the Birmingham Diocesan Academies Trust and at the time of their application to Central Government they indicated that the site would fall within Yardley Wood Parish boundary as this is the area with the greatest shortfall of school places in South Birmingham. The Baverstock site falls within the Selly Oak Secondary Planning Area where there is not such a great shortfall in school places. Therefore the Baverstock site is not so well positioned to meet current and future needs. It is important to note that the Baverstock School site falls within the Phase 1 plans for the regeneration of the Druids Heath Estate which means the former school site will be utilised for housing. The full business case for this project was approved by Cabinet in October 2018. If planning permission is refused for a school on this application site there is no realistic prospect of it being located on the Baverstock site. Our Education Department support this application.

- 6.8. In considering this proposal it is simply necessary to determine whether the detailed proposals as submitted are acceptable on the application site, rather than comparing other sites in the area.
- 6.9. Loss of Sports Pitches
- 6.10. Paragraph 96 of the NPPF emphasises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and wellbeing of communities. Paragraph 97 states that playing fields should not be built on unless one of the following criteria can be met:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 6.11. Policy TP9 of the BDP indicates that the development of open space would not normally be granted unless one of the following criteria could be met:
- There is a surplus of open space locally;
 - Replacement open space of similar size and quality will be provided;
 - The space is of poor quality and the remaining smaller parcel of open space is substantially enhanced; and
 - The development is for an alternative sport/recreational use and the benefits would outweigh the loss
- 6.12. The policy goes on to state that playing fields will be protected and will only be considered for development where they are shown to be surplus and alternative provision can be provided.
- 6.13. There is currently space for 6 playing pitches for football on the site consisting of 1 adult pitch and 5 youth pitches. Yardley Wood Playing Fields has been assessed within the Playing Pitches Strategy (PPS) and has been described as unattached playing fields. The assessment concludes that the pitches are generally of poor quality and not fully utilised with 2 pitches not laid out. It is also acknowledged that the ancillary facilities at the site need to be enhanced. The PPS indicates that there is a current shortfall of adult and youth pitches within this area of the City. This currently equates to a shortfall of 1.5 match sessions for adults, 1 match session on youth pitches and 0.5 match sessions on mini pitches.
- 6.14. As part of the proposals 2 youth pitches would be lost which results in a loss of 17,690sqm of playing fields. In its place four pitches are proposed consisting of 1 youth football pitch, 1 adult pitch, 1 3G floodlit pitch that can be utilised by children or adults and a multi-Use Games Area (MUGA).
- 6.15. In terms of the criteria within Policy TP9, the most relevant to this case is whether 'the space is of poor quality and the remaining smaller parcel of open space would be enhanced'.
- 6.16. As stated above 2 pitches would be lost, however the remaining pitches would be of much higher quality, encourage a wider range of sports and would also have a

greater level of accessibility to the general public. The Community Use agreement indicates that the pitches would be available for community use at evenings and weekends. Maypole FC would also have continued access to the pitches. One of the pitches would be floodlit which increases the number of hours the facility can be used. New changing facilities would also be provided. Bearing in mind the pitches on site are currently fairly basic with no changing facilities and there is no community access other than for Maypole FC this is considered to be a substantial improvement.

- 6.17. Leisure Services consider that a commuted sum of £150,000 is required to improve facilities locally to make up for the loss of 2 pitches on site. Bearing in mind the substantial improvements being made to the facilities on site it is considered that this outweighs the loss of the pitches. It is also important to note that the pitches lost have not been laid out or used for sporting purposes for a number of years. Importantly Sport England have assessed the proposals raising no objection. They also feel that no financial sum is required when taking into account the applicants substantial investment in enhancing sporting facilities at the site.
- 6.18. In summary the enhancement of sporting facilities at the site fully accords with Policy TP9 of the BDP.
- 6.19. Siting and Design
- 6.20. Policy PG3 of the BDP explains that “All new development will be expected to demonstrate high design quality, contributing to a strong sense of place.” It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.
- 6.21. The proposal results in the erection of school building and an associated sports hall. The buildings are attached via a narrow link which is heavily glazed. The buildings both have a flat roof with the main building being 3 storeys high and the adjacent sports hall being the equivalent of 2 storeys in height. Whilst there are no buildings of this size in the locality the development fits comfortably within the spacious site and is set back from Ravenshill Road to reduce its prominence. The building incorporates a 2 storey glazed entrance which provides a focal point thereby aiding legibility.
- 6.22. The palette of materials proposed includes grey and buff bricks at ground floor with a mix of light grey render and dark grey render panels above. In the wider area residential properties consist of a mix of brick and render. Such a mix of materials on this scheme is therefore considered to be acceptable. The scheme includes some yellow reveals around some the aluminium windows and coloured glass in a variety of colours is also utilised within the windows of the main hall. These elements add vibrancy and visual interest to the building.
- 6.23. The school is in close proximity to the Grade II listed Christ Church which is located to the north west of the proposed school. In light of the physical separation and substantial tree coverage it is considered that the proposal would have no impact on

the setting of the listed church. The Conservation Officer has raised no objection to the proposals.

- 6.24. This purpose built educational building is considered to be of an appropriate scale, massing and detailed design thereby retaining the character and appearance of the area.
- 6.25. Residential Amenity
- 6.26. The Places for Living SPG sets out a number of numerical standards which help to ensure that acceptable amenity standards are retained for the occupiers of adjacent properties.
- 6.27. The applicant has sought to minimise the impact on adjoining residents by locating outdoor spaces on the west side of the site with the building itself acting as a barrier between the outdoor space and residential properties. The sports pitches are proposed in locations where they already exist but one would be floodlit although this has been located in the south corner of the site away from residential properties and the lights chosen do not result in light spill into nearby residential properties. Conditions are recommended to control both the hours of use of the site generally and also to control the times that the floodlights can be utilised. Regulatory Services do not object to the proposal on light pollution or noise grounds.
- 6.28. The closest properties to the school building are the properties on Moorside Road with the closest being No. 35. The rear boundary of this property is 9m from the sports hall. However, as windows are located only at ground floor level there is no potential for a loss of privacy. The residential dwelling itself is 29m from the sports hall. It is considered that the level of separation is sufficient to prevent the school hall appearing overbearing. Where there are windows at third floor level on the main school building a distance of 25m has been retained to the shared rear boundary with properties on Moorside Road. This comfortably exceeds the 5m per storey required within the Places for Living SPG to prevent a loss of privacy.
- 6.29. Concerns were raised over the loss of a view; however this is not a material planning consideration. Concerns have also been raised over noise and distribution during the construction phase however this would only be temporary and can be controlled through a condition requiring a construction management plan to be submitted and agreed.
- 6.30. In summary, the scheme has no undue amenity impact on the occupiers of adjoining residential properties.
- 6.31. Access, Traffic and Highway Safety
- 6.32. Policy TP38 of the BDP states that “The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported.” One of the criteria listed in order to deliver a sustainable transport network is ensuring that that land use planning decisions support and promote sustainable travel. Policy TP44 of BDP is concerned with traffic and congestion management. It seeks to ensure amongst other things that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.

- 6.33. The site has a single pedestrian and vehicular access of Dale View Road. The pedestrian route will be separated from the car park by a 1.2m high barrier to prevent pupils cutting across the car park.
- 6.34. The scheme provides 122 car parking spaces which comfortably exceeds the maximum requirement that would be expected for a school of this size. The Transport Assessment indicates that the car park with its dedicated drop off facility for up to 9 cars would prevent the need for on street parking at peak hours in the morning. Whilst the assessment does indicate there would be increased on street parking around school closing time this would be for a short period of time and fall well below the maximum capacity that can be accommodated on the local roads.
- 6.35. Capacity and traffic flow across the School Road canal bridge has been one of the major concerns for local residents. Currently there is no formal priority control over the canal bridge, with drivers giving way to each other as required. Whilst the Transportation Officer is of the view that the school will have only a minimal impact on the operation of the School Road canal bridge, he supports formalising the priority working arrangements through the introduction of signage and road markings which can be completed through a condition requiring the developer to complete S278 works prior to occupation. Consequently the Transportation Engineer raises no objection to the scheme subject to conditions.
- 6.36. Concerns have been raised over the loss of access to the canal network. However, there is public footpath directly to the west of the church which connects with both the canal and Priory Pool and Priory Fields.
- 6.37. In summary, it is considered that the proposal will not have an adverse impact on the highway network.
- 6.38. Ecology
- 6.39. The Council has a duty to consider the impact of any proposal on protected species and designated habitats.
- 6.40. There are no specific environmental designations covering the site although there are two in relatively close proximity. The Stratford Upon Avon Canal is designated as a Site of Local Importance for Nature Conservation (SLINC) and is located to the west of the application site. Priory Pool and Priory Fields is designated as a Site of Importance for Nature Conservation (SINC) to the south of the application. Due to the nature of the proposed use and the physical separation from the application site to these designations it is considered that there will be no undue impact upon them.
- 6.41. An Extended Phase 1 Habitat Survey has been submitted which highlights that further survey work is required to fully assess the impact on bats, badgers and reptiles and nesting birds.
- 6.42. Concerns have been raised over the impact of the proposal on the bat population that utilises the adjacent wooded area along the western boundary of the site. A preliminary ground level roost assessment indicates that a number of trees adjoin the site have moderate or high potential for roosting bats. Three further surveys have been undertaken including a nocturnal emergence and dawn re-entry. These surveys have identified that one of the trees in the south west corner of the site is utilised as a bat roost. In addition it is clear that both the wooded areas adjacent to the west boundary of the site and the tree lined hedgerows to the south are utilised by a number of bats for foraging purposes.

- 6.43. The Council's Ecologist initially raised concerns that the lighting scheme could impact on foraging and roosting bats in autumn and spring in the hour after darkness. Since this time an alternative lighting scheme has been proposed that results in no spill of light into the identified bat habitats. The Bat Protection Strategy submitted with the application recommends a Biodiversity Enhancement Management Plan with measures including tree planting, erection of bat boxes and additional surveys. The Council's Ecologist is fully supportive of this approach and subject to a condition requiring a Biodiversity Enhancement Management Plan he raises no objection. In summary it is considered that the proposal will not unduly impact on the local bat population.
- 6.44. Landscape and Trees
- 6.45. The only trees being removed are categorised as category U. The removal of such trees is advisable whether or not development is taking place. There are 7 trees in total that will be removed which consist of 4 sycamore, 2 english oak and a single hawthorn bush. The submitted landscape plan indicates substantial planting across the site consisting of approximately 110 trees. These are primarily located on the boundaries of the site, particularly along the eastern boundary of the site adjacent to the residential properties. No objection has been raised by the Tree Officer subject to the protection of the existing trees during construction. In conclusion, it is considered that the proposed landscaping scheme provides sufficient mitigation to overcome the loss of trees.
- 6.46. Other Considerations
- 6.47. Concerns have been raised over the level of consultation however 156 letters were sent to neighbouring properties, 2 site notices were posted and a press notice was published. This comfortably exceeds the minimum statutory requirements. It is understood that the applicant also undertook some public consultation prior to the submission of the application.
7. Conclusion
- 7.1. The proposed development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. The scheme is acceptable in terms of its design, amenity, highways and ecology considerations and would address the need for secondary school places in the Yardley Wood area. Therefore the proposal would constitute sustainable development and it is recommended that planning permission is granted.
8. Recommendation
- 8.1. Approval subject to conditions.

1	Requires the scheme to be in accordance with the listed approved plans
2	Requires the submission of sample materials
3	Arboricultural Method Statement - Submission Required
4	Requires tree pruning protection

-
- 5 Requires the submission of hard and/or soft landscape details
 - 6 Requires the submission of a landscape management plan
 - 7 Requires the submission of boundary treatment details
 - 8 Requires the submission of hard surfacing materials
 - 9 Requires the prior submission of level details
 - 10 Requires the prior submission of a drainage scheme
 - 11 Requires the prior submission of a sustainable drainage scheme
 - 12 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 13 Scheme of playing field improvements
 - 14 Schedule of playing field maintenance
 - 15 Certification of artificial grass pitch and registration of facility
 - 16 Hours of use of 3G pitch and associated floodlighting of 08:00-22:00 Monday to Saturday and 08:00 to 20:00 on Sundays (and bank holidays)
 - 17 Installation of acoustic fence prior to use
 - 18 Submission of community use agreement
 - 19 Details of the design and specification of the sports hall
 - 20 Design and specification details of the MUGA
 - 21 Requires the prior submission of a contamination remediation scheme
 - 22 Requires the submission of a contaminated land verification report
 - 23 Limits the noise levels for Plant and Machinery
 - 24 Requires the implementation of a lighting scheme (including flood lighting)
 - 25 Requires the submission of a CCTV scheme
 - 26 Requires the submission of a commercial travel plan
 - 27 Requires the prior submission of a construction method statement/management plan
 - 28 Requires the submission and completion of works for the S278/TRO Agreement
 - 29 Requires the submission of extraction and odour control details
 - 30 Submission of a noise management plan
-

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- 31 Limits the hours of use of the site to 07:00 - 22:30 Monday to Friday, 08:00 -22:30 on Saturdays and 08:00 to 20:30 on Sundays and Bank Holidays.
 - 32 Requires the submission of a Biodiversity Enhancement and Management Plan
 - 33 Requires the submission of details to prevent mud on the highway
 - 34 Requires the prior installation of means of access
 - 35 Prevents occupation until the turning and parking area has been constructed
 - 36 Requires the submission of details of pavement boundary
 - 37 Requires the submission of a parking management strategy
 - 38 Requires the provision of cycle parking prior to occupation
 - 39 Requires the submission of cycle storage details
 - 40 Requires the applicants to sign-up to the Birmingham Connected Business Travel Network
 - 41 Requires the provision of 2 vehicle charging points
 - 42 Implement within 3 years (Full)
-

Case Officer: Andrew Fulford

Photo(s)

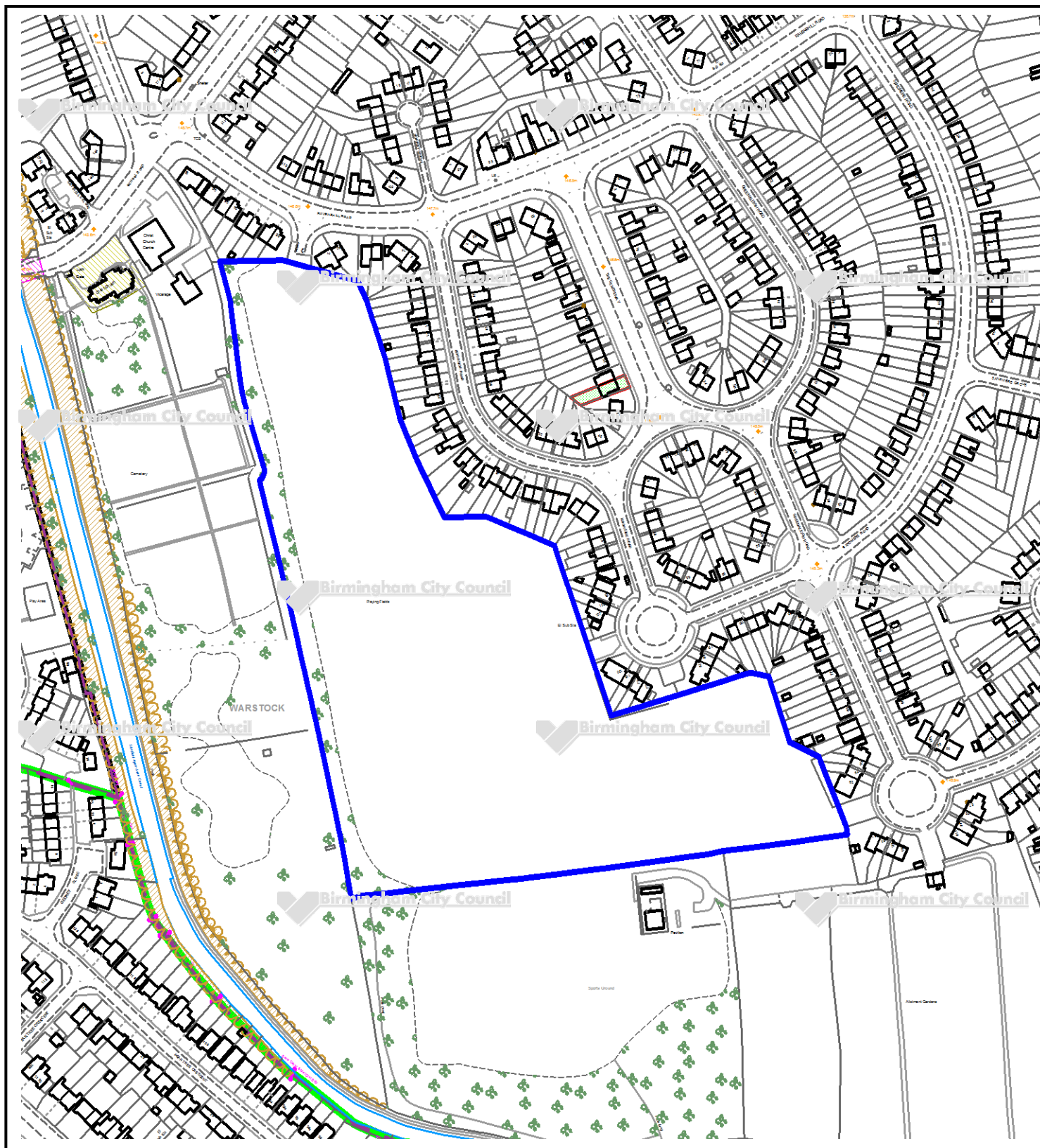


Photo 1: View south from Ravenshill Road towards proposed site entrance



Photo 2: View north across application site towards Dale View Road

Location Plan



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Birmingham City Council

Planning Committee

04 July 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	13	2018/09836/PA Frank Stones Garage Ltd School Lane Stechford Birmingham B33 8PD Erection of metal railing fence and sliding mechanical vehicular access gate
Approve - Conditions	14	2018/07578/PA Former Yardley Sewage Works Cole Hall Lane Shard End Birmingham B34 Erection of 298 dwellings alongside associated works, the remediation of the site, provision of public open space and pumping station
No Prior Approval Required	15	2019/03597/PA Lea Hall Council Depot off Lea Hall Road Yardley Birmingham B33 8JU Application for Prior Notification for the demolition of existing buildings

Committee Date:	04/07/2019	Application Number:	2018/09836/pa
Accepted:	05/12/2018	Application Type:	Full Planning
Target Date:	23/04/2019		
Ward:	Yardley East		

Frank Stones Garage Ltd, School Lane, Stechford, Birmingham, B33 8PD

Erection of metal railing fence and sliding mechanical vehicular access gate

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application seeks consent for the construction of metal railings on top of a wall, metal electronic sliding gates and brick pillars. The applicant also proposes to construct 1.8 metre tall timber panel fence set within the site boundary.
- 1.2. The two brick pillars are proposed to be approximately 2.15 metres tall, the electronic sliding gates between these pillars are proposed to be set back from the carriageway by approximately 5 metres. They are proposed to be approximately 3.5 metres wide and 2 metres tall. The remaining 9 metres of the site frontage is proposed to be constructed of a 1.1 metre high brick wall with 900mm black metal railings on top.
- 1.3. The gates, wall and metal railings are proposed to provide security to the car garage and vehicles on site.
- 1.4. The application has been amended through the planning application process. Initially larger 2 metre tall railings were proposed with the gates set back from the highway by 3.5 metres. The application has amended in response to comments raised by the Council's Conservation Officer and the Transportation department.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is an existing operational car garage within the Old Yardley Conservation Area and is part of the identified Yardley Medieval Village which is around St Edburgha's Church. At the present time there is no barrier to site access and the site is open. The western boundary of the site consists of hedging, to the west of the application site is a small green, to the south west of the site approximately 60, metres away is St Edburgha's Church a grade I listed building.
- 2.2. The church has thirteenth century origins, and acquired a tower and spire in the fifteenth century. Next to the church is the Trust School, which is 16th century.

Blakesley Hall to the west is a yeoman's farmhouse of 1590. These buildings and Hay Hall are the oldest surviving buildings in what is now understood as Yardley.

- 2.3. Approximately 55 metres east of the application site is 'Holly Croft' a grade II listed building. This building is accessed via School Lane and vehicles need to travel past the application site.
- 2.4. To the east and adjoining the application site are two dwellings Ivy House and Ivy Cottage. These dwellings face towards the application site and are accessed via the application site. It is understood these properties have a right of access through the application site.
- 2.5. An Article 4 (2) direction has been made covering the conservation area. this requires applications to be submitted for permitted development of Class I (1-5 inclusive) and Class II (1,2 and 3).
- 2.6. The report prepared for the Article 4 direction details that Yardley old village is one of the Cities' most significant Conservation Areas and retains much of the character and atmosphere of a rural village.

[Site map](#)

3. Planning History

- 2006/03264/PA - Installation of a vehicle lift on driveway for vehicle repair – refused – 12/09/2006
- 2002/00489/PA - Erection of dwelling house and garage – withdrawn – 17/06/2002
- 1992/04295/PA – erection of new boundary wall – withdrawn 08/06/1995
- 1991/05571/PA – extension of commercial garage for MOT testing and repairs – withdrawn – 11/06/1992

Enforcement History:

- 2006/0041/ENF - Erection of ramp outside garage in a conservation area – case closed – 04/04/2006
- 2018/1569/ENF - Alleged unauthorised erection of fence and gates – no evidence of breach – 19/01/19

4. Consultation/PP Responses

- 4.1. Site and Press notices posted. Neighbours and local Councillor notified.
- 4.2. Regulatory Services - No objections.
- 4.3. Transportation Development - No Objection in principle, although it would be preferable for the proposal to be amended for the access gate to be set back into the site by a further 1.5m, giving a 5m setback from the carriageway edge.

- 4.4. Yardley Conservation Society – objects. Plans do not show sufficient information and confusing information. Concerns are raised regarding the presence and protection of the hedge on the site boundary, the proposed scheme gives the impression of a fortress.
- 4.5. Two letters of objection were received from local residents, objectors outlined the following concerns:
- 4.6.
- Plans submitted are not accurate and do not detail all properties in the area
 - The proposals are very 'industrial' by design
 - The hedge should not be removed
 - Fence proposed is very high
 - Access to site frontage is needed for maintenance
 - External lighting could impact upon ecology
 - Concern about future access to properties adjacent to the site.

5. Policy Context

- 5.1. The following national policies are applicable:

- National Planning Policy Framework (NPPF)

- 5.2. The following local policies are applicable:

- Birmingham Unitary Development Plan (UDP) (Saved Policies)
- Birmingham Development Plan (BDP)
- Car Parking Guidelines SPD
- Places for Living SPG
- Places for All SPG
- Nature Conservation Strategy for Birmingham SPG
- Mature Suburbs SPD
- Regeneration through conservation, Birmingham Conservation Strategy

6. Planning Considerations

6.1. Background

- 6.2. The site has a longstanding history related to vehicle repairs, with references dating back to 1952. In recent years there have been a number of applications for various extensions / operational development, the majority of which have been refused or withdrawn.

6.3. Design and conservation

- 6.4. The NPPF states in paragraph 184 that heritage assets '...are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations'.
- 6.5. The BDP relating to the historic environment states in Policy TP12 that 'it will be valued, protected, enhanced and managed for its contribution to character, local

distinctiveness and sustainability and the Council will seek to manage new development in ways which will make a positive contribution to its character.'

- 6.6. It goes on to state that 'great weight will be given to the conservation of the City's heritage assets'. This reflects national policy relating to conserving and enhancing the historic environment.
- 6.7. The application site is within a conservation area, within the defined Yardley Medieval Village and adjacent to and within the setting of listed buildings. The article 4 direction has ensured the high quality character of the area has been retained over the years and has not been eroded by successive developments.
- 6.8. In terms of design and conservation, the proposal has been amended from initial submission. Securing the site frontage and access has the potential to create a development which does not relate to its surroundings, however, the applicant has proposed to break up the railings with a low brick wall which reduces the impact of metal railings. The gates have been set back further which assists with highway safety but also moves the gates further into the site reducing their impact on the street frontage. The Conservation Officer initially objected to the application as they viewed the design was harmful to the character and appearance of the Yardley Conservation Area. However, following receipt of amended plans the Conservation Officer has withdrawn their objections.
- 6.9. The proposal is within a conservation area, therefore in a sensitive environment which can be severely harmed by inappropriate development. The existing use on site is a car garage and has associated vehicles being present; the site has therefore the appearance of a light industrial use. The development proposed being appropriately designed is therefore not at odds with the surrounding land uses.
- 6.10. The proposal is considered to be an appropriate form of development which would not harm the character and appearance of the area and would be sympathetic to the historic asset of the Conservation Area complying with Policy TP12 and TP28 of the BDP.
- 6.11. Residential Amenity
- 6.12. It is not considered the proposed development would harm residential amenity in terms of loss of light, outlook or privacy.
- 6.13. Concern has been raised by residents that the proposed gates would restrict access to their properties and obstruct their right of access across the land. Whilst this concern is noted, matters relating to access are a civil matter between the parties and cannot be considered as part of the planning application.
- 6.14. The agent for the application has stated that the applicant has visited all of the adjoining/affected properties and has an agreement to provide keys for access should it be required. Any resident either current or future will be given keys to access the gates after business hours.
- 6.15. It is not proposed to make this agreement a condition on the application. Paragraph 55 of the NPPF sets out the six tests which need to be passed before planning conditions are imposed, these are:
1. necessary;
 2. relevant to planning and;

3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects.

6.16. As the matter is related to a civil matter it is considered the imposition of such a condition would not meet the six tests set out above

6.17. Transportation

6.18. Transportation Development has no objection to the application subject to the requests to move the gate further back on site. Amended plans have been received which addresses this issue. It is therefore considered the proposed development would have no adverse impact upon highway safety and the highway network.

7. Conclusion

7.1. The proposed development would not harm the character and appearance of the Conservation Area, would reinforce and create a positive sense of place and distinctiveness and would therefore be compliant to Policy PG3 and TP12 of the BDP.

8. Recommendation

8.1. Approve subject to Conditions

1 Requires the submission of sample materials

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

3 Implement within 3 years (Full)

Case Officer: Kirk Denton

Photo(s)



Fig 1 – view to Ivy Cottage on the right, Ivy house on the left



Fig 2- site entrance



Fig 3 – site entrance



Fig 4 site entrance

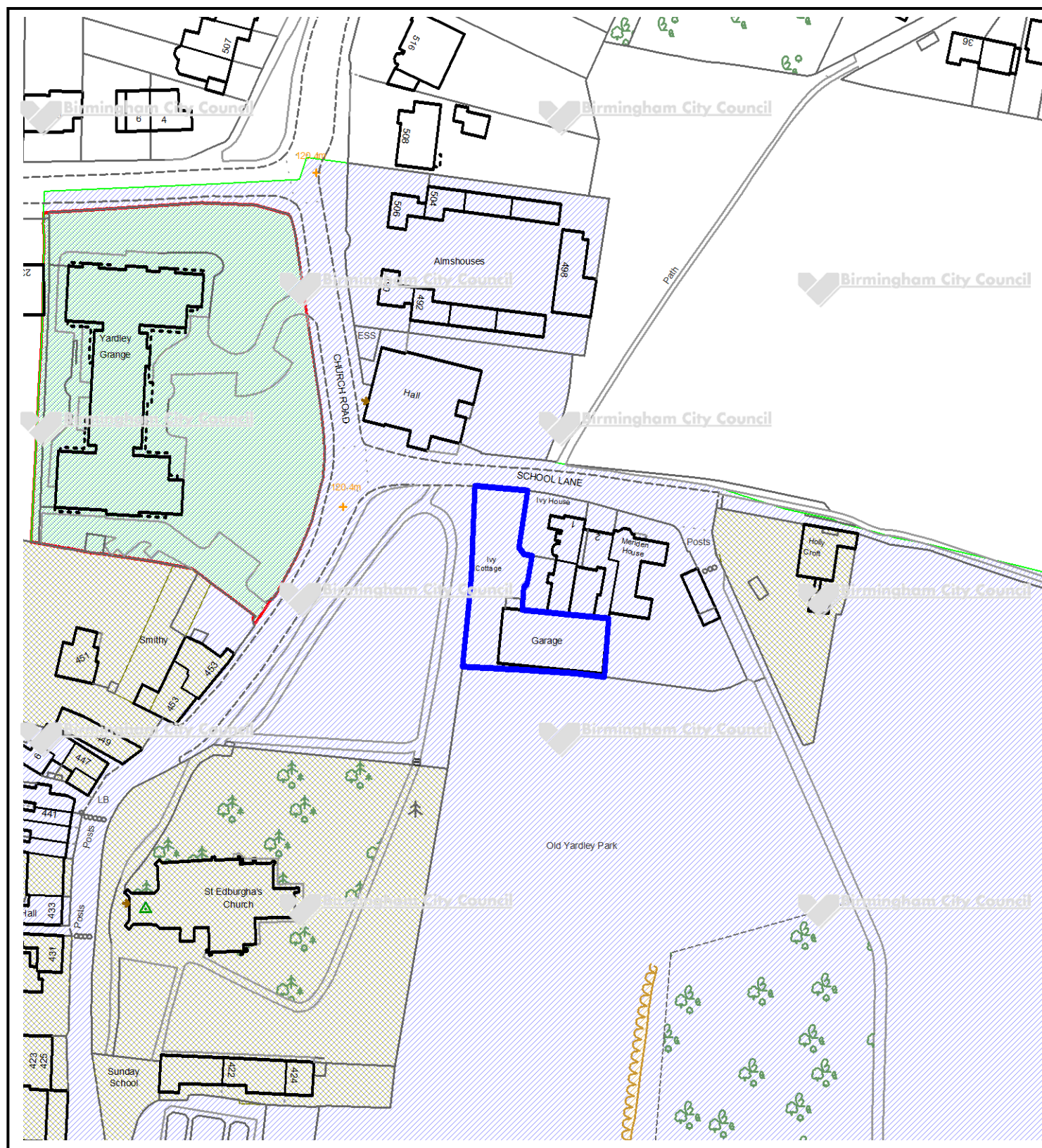


Fig 5 – site entrance, garage viewed in the background.



Fig 6- view to site entrance

Location Plan



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Committee Date:	04/07/2019	Application Number:	2018/07578/PA
Accepted:	09/10/2018	Application Type:	Full Planning
Target Date:	29/01/2019		
Ward:	Glebe Farm & Tile Cross		

Former Yardley Sewage Works, Cole Hall Lane, Shard End, Birmingham, B34

Erection of 298 dwellings alongside associated works, the remediation of the site, provision of public open space and pumping station

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This Planning Application seeks consent for the erection of 298 dwellings alongside associated works, the remediation of the site, provision of public open space and pumping station at the former Yardley Sewage Works, Cole Hall Lane, Shard End. The site was removed from the Green belt through the preparation and adoption of the Birmingham Development Plan and is allocated for residential development of approximately 350 dwellings.
- 1.2. Birmingham Municipal Housing Trust proposes to erect 298 dwellings on previously developed land formally occupied by Yardley Sewage Works. The proposal includes the provision for public open space and a pumping station to allow the surface water to be drained. BMHT propose to remediate the site as part of the work to construct dwellings.
- 1.3. The proposal would provide a high quality mixed tenure residential development comprising 148 dwellings for market sale and 150 social rent dwellings to be controlled by the applicant. The proposed quantum of development equates to a density of approximately 31dph and a contribution toward affordable housing of 50%.
- 1.4. The proposal includes a mix of semi-detached, two(46%), three (45%), and four (9%)bedroom homes, including bungalows and comprise both wide and narrow frontage options in varying sizes. The development proposes 461 car parking spaces to serve the dwellings equating to a provision of 158%. Cycle parking is provided within the curtilage of the dwellings. This is on the basis of 1 space for 1-2 bedroom dwellings and 2 spaces for 3 or more bed dwellings.
- 1.5. The open space to the south would comprise of both natural and formal play facilities, as well as a nature trail across the existing mound. The mound would be increased in height through remediation works and capped with an appropriate material before trees and shrubs are planted. Pathways would be provided across the mound, connecting to existing walking routes through the Cole Valley. Both the 'Green Spine' and the southern public open space would be ecologically enhanced to encourage wildlife.

- 1.6. To facilitate the development attenuation ponds would be created along the eastern boundary. The attenuation ponds would be created in part of the site that is currently designated as a SINC. The ponds would be permanently “wet” and partially planted to provide an ecological enhancement for wildlife and improved wildlife habitats. This area of the site constitutes the third area of open space.
- 1.7. Vehicle access to the site is proposed to the south of the Rugby Club and via a second access position approximately 30m further south. Pedestrian access would utilise the new vehicle access positions and a third pedestrian only access is provided to the very south of the site.
- 1.8. As part of the proposals, remediation of contaminated material would be required. At present it is thought that the existing contaminated material on the site is beneath an existing overburden depth material which will need to be excavated and stockpiled. The contaminated material will be placed on top of the existing mound to the south along with the overburden, capped and landscaped appropriately.

1.9. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The former Yardley Sewage Works site is located approximately 4.8 miles (7.7km) to the east of Birmingham City Centre. It is situated within the suburb of Shard End but is in close proximity to Castle Bromwich, Stechford and Lea Hall. The Site has an area of approximately 13.4 hectares and falls within Flood Zone 1.
- 2.2. The wider area is characterised by a mixture of open and wooded spaces with larger open spaces, scrub land, wetland and parks that follow the River Cole and the Cole Valley, with highly urbanised areas either side. The parks and public open spaces form Norman Chamberlain Playing Fields, Leaford Playing Field and Kingfisher Country Park. The majority of the urbanisation is residential but there are existing industrial and town centre uses in places.
- 2.3. The site is situated in close proximity to a number of local centres including Stechford and Shard End. Within these centres there are a number of conveniences. Primary schools are situated within 15 minutes walk of the site, with secondary schools within 6 minutes. Lea Hall Railway Station is approximately 1.2 km away from the site. The site is made up of 2 previously developed areas of land that were utilised as a sewage plant.
- 2.4. Its immediate northern and eastern boundaries are delineated by a belt of trees and vegetation which follow the banks of the River Cole to the north. Open space and residential dwellings continue beyond the river. The surrounding woodland is designated as a Site of Importance for Nature Conservation (SINC) in the Birmingham Development Plan.
- 2.5. The south eastern boundary is formed by open space leading to Packington Avenue/Lea Ford Road. Further open space and a number of commercial/industrial buildings form the southern boundary. The Brook itself emerges within the public open space from a culvert. To the south west is more open space, within which

sits the Grade II listed Coles Hall and Barn (Poacher's Pocket Public House). As a result, the sites boundary is separated from the open space at this point in a roughly triangular shape for 100m.

- 2.6. The remainder of the south eastern and south western boundary abuts the open space. To the west of the site is Cole Hall Lane and Yardley & District Rugby Football Club, beyond which is a residential estate. The Site is delineated from Cole Hall Lane by a historic hedgerow. To the North West, directly adjacent to Cole Hall Lane and abutting the site boundary to the east and Yardley District RFU to the south is an area of woodland that is designated as a Site of Local Importance to Nature Conservation (SLINC).
- 2.7. There is no formal vehicular or pedestrian access onto the Site from Cole Hall Lane. However, informal walking routes have been created across the Site from the rugby club grounds.
- 2.8. The site can be accessed by regular public transport providing access to the Birmingham City Centre, Birmingham International Airport, the National Exhibition Centre, and Solihull Town Centre.

[location map](#)

3. Planning History

- 3.1. No historic Planning Applications directly relevant to this application site or the proposals.

4. Consultation/PP Responses

- 4.1. Site and press notices displayed. MP, Ward Members and neighbours notified. Four letters of representation have been received regarding this application. The main points of comment detailed below:
 - The roads will continue to become run down as a result of the development.
 - The sites floods.
 - The site is green with numerous wildlife species.
 - Schools and Doctors surgeries are already at breaking point.
 - The sites form part of a band of connectivity following the River Cole in a loosely east west direction. Project Kingfisher SLINC, SINC, Local Nature Reserve and PSI form a band along the river, extending both up and downstream from the site forming a strong commuting route through the wider.
- 4.2. **BCC Transportation:** No objections received in principle subject to the imposition of conditions relating to the following;
 - Amended car parking layout
 - Design and means of access
 - S278/TRO Agreement
 - No occupation of dwellings until service road completed
 - Submission of highway measures to be approved
 - Rugby Club car parking arrangement
 - Retention of bell mouth access
 - Footway link to north eastern side of Cole Hall Lane

- Submission of vehicle swept path analysis

4.3. **Historic England:** No objections

4.4. **West Midlands Fire Service:** No objection.

4.5. **Employment Access Team:** No objection subject to the submission of a construction employment plan.

4.6. **BCC Leisure Services:** Our service has been working with the applicant to ensure high quality on site POS and play facilities will be created and delivered within the site area.

Taking into account the financial viability of the scheme and particularly the expected high site remediation costs a minimum sum of £900,000 has been agreed with housing to cover both the capital and revenue costs of the main area of POS. This sum is to be a guaranteed minimum but will be reviewed following completion of the housing tender process to see if it can be increased without endangering the overall financial viability of the scheme. To allow the main area of POS to be developed and laid out at the same time as the housing is being constructed a sum of £50,000 will be made available from the £900,000 on the commencement of the first house to fund the design development and initial implementation proposals with the remaining £850,000 being released within 3 years from the date of the date of the first occupation

4.7. **BCC Ecology: Response November 2018** - Subsequent discussions and further and revised Framework Ecological Mitigation Strategy (FEMS), lighting strategy and revised land scape proposals have been submitted in response to the Ecology consultation comments received in November. The proposals, as detailed in paragraph 6.37 have meant removal of a number of issues, and no objection subject to the imposition of conditions relating to the following;

- Construction Ecological Management Plan (CEcMP)
- Landscape and Ecological Management Plan (LEMP)
- Design of Public open space and SuDS
- SuDS management and monitoring plan – needs to tie in with LEMP
- Information relating to bird and bat boxes
- Lighting design strategy for biodiversity

4.8. **BCC Regulation Services:** No objection subject to the imposition of conditions relating to;

- Noise and Vibration Assessment
- Contamination Remediation Scheme
- Contaminated Land Verification Report
- Unexpected Contamination
- Submission of a travel plan

- 4.9. **BCC Arboriculture:** No objection subject to conditions relating to
- 4.10. **Environment Agency:** No objection subject to the imposition of conditions relating to the following;
- Submission of survey covering the following:
- A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - detailed assessment of the risk to all receptors that may be affected, including those off site.
 - The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
 - Restriction on Piling or any other foundation designs using penetrative methods shall not be permitted
 - Submission of a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas
- The scheme shall include the following elements:
- 4.11. **Severn Trent Water Ltd:** No objections subject to the imposition of a drainage condition;
- 4.12. **Canal and River Trust:** No objection.
- 4.13. **West Midlands Police:** No objection.
- 4.14. **Local Flood Authority and Drainage:** No objection.
- 4.15. **Natural England:** No objection – Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutory protected sites.
- 4.16. **BCC Education:** The School Organisation Team requested a contribution under Section 106 for any potential development that is for at least 20 dwellings and would impact on the provision of places at local schools. However, as the applicant is BMHT a Section 106 agreement cannot be entered into. Moreover the proposed site is within a low CIL area and therefore a contribution is not deemed appropriate. No objections.
- 4.17. **Hodge Hill District Service Integration:** No response received to date.

5. **Policy Context**

- 5.1. National planning Policy Framework(2019); DCLG Technical Housing Standards- Nationally Described Spatial Standard(2015); Birmingham Development Plan

(2017); Birmingham Unitary Development Plan Saved Policies(2005); Places for living SPG(2001); Car Parking Guidelines SPD(2012); Public pen Space in New Residential Development SPD (2007)

6. Planning Considerations

- 6.1. **Background** – In 2010, Birmingham City Council consulted on a Draft Core Strategy which included releasing the former Yardley Sewage Works site from the Green Belt and allocating it for the construction of 350 dwellings. The site appeared in the 2012 Strategic Housing Land Availability Assessment (SHLAA) as an allocated site in the Draft Plan. The site then appeared between 2013 and 2015 editions of the SHLAA. The latter revised the capacity of the site to 300 dwellings. The site also appears in the 2016 SHLAA with a capacity of 260 dwellings before increasing to 273 in the 2017 SHLAA.
- 6.2. The site was then removed from the Green Belt through the adoption of the Birmingham Development Plan in 2017. It allocates the site for the development of up to 350 residential dwellings. Shortly after allocation, BMHT begun pre-application discussions with Birmingham City Council with a view to promoting a satisfactory residential development.
- 6.3. **Principle of Development** - The application site is a former sewage works site located within the suburb of Shard End and is in close proximity to Castle Bromwich, Stechford and Lea Hall.
- 6.4. Chapter 11 of the revised National Planning Policy Framework relates to making effective use of land. Paragraph 119 of the NPPF 2019 indicates that Local Planning Authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes..” The Birmingham Local Plan has identified this brownfield site for residential development.
- 6.5. Policy TP27 of the Birmingham Development Plan relates to sustainable neighbourhoods, and sets out that new housing in Birmingham is expected to contribute to making sustainable places. New residential development would need to demonstrate that it is creating sustainable neighbourhoods, characterised by:
- A wide choice of housing sizes, types and tenures to ensure balanced communities catering for all incomes and ages.
 - Access to facilities such as shops, schools, leisure and work opportunities within easy reach.
 - Convenient options to travel by foot, bicycle and public transport with reduced dependency on cars and options for remote working supported by fast digital access.
 - A strong sense of place with high design quality so that people identify with, and feel pride in, their neighbourhood.
 - Environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources and the use of green infrastructure.
 - Attractive, safe and multifunctional public spaces such as squares, parks and other green spaces for social activities, recreation and wildlife.

- Effective long-term management of buildings, public spaces, waste facilities and other infrastructure, with opportunities for community stewardship where appropriate.
- 6.6. Policy TP28 relates to the location of new housing, stating that it should:
- Be located outside flood zones 2 and 3a (unless effective mitigation measures can be demonstrated) and 3b.
 - Be adequately serviced by existing or new infrastructure which should be in place before the new housing for which it is required.
 - Be accessible to jobs, shops and services by modes of transport other than the car.
 - Be capable of remediation in the event of any serious physical constraints, such as contamination or instability.
 - Be sympathetic to historic, cultural or natural assets.
 - Not conflict with any other specific policies in the BDP, in particular the policies for protecting Core Employment Areas, open space and the revised Green Belt.
- 6.7. The proposed residential development comprises a mix of two, three and four bedroom properties in the form of bungalows and houses. The development would comprise the redevelopment of an existing allocated brownfield site, which benefits from access to a range of facilities and amenities, situated in close proximity to numerous local centres, whilst being accessible by public transport. I am satisfied that the application proposals would contribute positively towards the existing sustainable neighbourhood of Shard End whilst making effective use of land, as advocated by the NPPF.
- 6.8. Policy TP30 relates to the type, size and density of new housing, and states that developments should be provided at a target density responding to the site, its context and the housing need with densities of at least:
- 100 dwellings per ha within the City Centre.
 - 50 dwellings per ha in areas well served by public transport.
 - 40 dwellings per ha elsewhere.
- 6.9. The application proposals comprise a density of 31 dwellings per hectare. The site comprises of two tenures, Affordable Rented and Sale. The number and mix of tenures has been devised with internal sales, housing management and lettings teams from an affordable and commercial perspective. The mix of units across the tenures will provide a variety of housing covering the needs in the area. Given the considerable constraints on the site, the level of remediation required on the site, the need for onsite POS and in the trying to secure the most suitable and cohesive layout, a reduction in densities in this case was discussed and supported at pre application stage.
- 6.10. Given the vacant nature of the site, and the surrounding residential character of the area, the site is considered to be appropriate for residential development. The proposals comply with the overriding adopted planning policies and accordingly are considered to be acceptable.
- 6.11. Policy GA8 concerns the Eastern Triangle area of Birmingham which includes the application site as a housing allocation. The area generally provides approximately 1000 new homes which aim to be delivered through regeneration offering a range of house types. It also provides for the removal of the Green Belt of part of the formal Yardley Sewage Works for the provision of 352 new Homes. Policy GA8 stipulates

that the provision will provide high quality new housing that will ensure wider housing choice within the Shard End area in line with the principles of Local Plan Policy TP27. GA8 also aims to enhance the Cole Valley in terms of access, amenity and landscape along the wider corridor with the aim of improving the offer of the Cole Valley in terms of leisure, recreation, education and nature conservation. This includes the enhancement of community facilities both on and off site.

- 6.12. Policy TP1 'Reducing the City's carbon footprint' – outlines the Council's commitment to reducing carbon emissions by 60% in the city by 2027 from 1990 levels. It expects new developments to contribute towards reaching this target by reducing carbon emissions and water consumption, and promoting sustainable modes of transport.
- 6.13. Policy TP2 'adapting to climate change' – expects new developments to demonstrate; how the design of the development minimises overheating and reduces reliance on air conditioning systems and, inter alia integrates green infrastructure.
- 6.14. Policy TP3 'Sustainable construction' – requires new developments to be designed and constructed to sustainability standards which maximise energy efficiency, conserve water and minimise waste.
- 6.15. Policy TP4 sets out the expectation that new development will incorporate the provision, or connect to existing sources, of low and zero carbon forms of energy generation. The exceptions to this are where this is not practical or would make the development unviable.
- 6.16. **Affordable Housing** – Policy TP31 of the Birmingham Development Plan relates to affordable housing, setting out that 35% of residential developments of 15 dwellings or more should be delivered as affordable housing. The application proposals comprise 50% of dwellings would be proposed as affordable rented, to be delivered by BMHT. It is accepted that the proposals would exceed the policy requirement set out within adopted planning policy, and would be compliant with affordable housing obligations.
- 6.17. Analysis of waiting list data shows significant unmet need for social housing in the area. The proposal to build 150 dwellings for social rent in this location would significantly contribute towards meeting demand for affordable family housing. The proposed mix meets the aims of the UDP for "a variety of housing" identified in the City Councils Strategic Housing Market Assessment. The 148 homes provided for sale would contribute to the variety of housing choice also required by the Birmingham Development Plan 2031.
- 6.18. **Planning Obligations** – Policy TP9 of the Birmingham Development Plan relates to public open space, playing fields and allotments. The policy sets out that public open space should aim to be provided throughout Birmingham and in new residential developments provision of new public open space will be required broadly in line with the standard of 2 ha per 1000 population. In most circumstances, residential schemes of 20 or more dwellings should provide on-site public open space and/or children's play provision. Developer contributions could be used to address the demand from new residents on other types of open space such as allotments and civic spaces.
- 6.19. Leisure Services have been consulted on the planning application. This scheme would normally generate a substantial off site POS and Play area contribution

however Leisure services have been working with the applicant to ensure high quality on site POS and play facilities will be created and delivered within the site area.

- 6.20. In accordance with the BDP the 298 residential units being provided would generate the need for 1.514 hectares. The application states that it is providing a total of 3.76 hectares of POS split between three different locations on the site which is considered more than adequate in this respect.
- 6.21. BMHT have been in dialogue with the appropriate service. It has been agreed that due to the expected high site remediation costs a minimum sum of £900,000, to cover both the capital and revenue costs of the main area of POS outlined in paragraph 6.23 below. This sum is to be a guaranteed minimum but will be reviewed following completion of the housing tender process to see if it can be increased without endangering the overall financial viability of the scheme.
- 6.22. The other areas of subsidiary POS outlined in paragraphs 6.23 sections 2) and 3) below which will remain in housing ownership and which will be laid out by them as part of the housing scheme will be funded in capital and revenue terms separately from this amount. To allow the main area of POS to be developed and laid out at the same time as the housing is being constructed a sum of £50,000 will be made available from the £900,000 on the commencement of the first house to fund the design development and initial implementation proposals with the remaining £850,000 being released within 3 years from the date of the date of the first occupation.
- 6.23. Of the three pieces of open space being provided support for the application is on the following understanding. 1) Main Open Space containing play facilities located in the mounded area to the south of the site; This area will be initially created by the applicant from the material generated from the site and graded to inclines that will provide a stable landform and following completion the POS will be adopted by Parks and managed and maintained using the commuted sum provided by the applicant. 2) Linear Open space adjacent to Cole Hall Lane: This POS will be designed and laid out by the applicant and housing will be responsible for managing and maintaining this area post completion of the works. 3) Land between the development and the River Cole (owned by both Housing and Economic Development) which is designated as Project Kingfisher SINC which will contain SUDS features necessary for draining the housing development. This area will be designed and laid out by the applicant and following completion Housing will be responsible for its maintenance and management including all aspects of SUDS drainage maintenance.
- 6.24. Leisure Services have confirmed support of the application on the basis as detailed in their consultation response detailed in paragraph 4.6 of this report. It has also been agreed, post consultation response that a staggered payment, to condition the timings of the payments as agreed between BMHT, the Local Planning Authority and Leisure Services.
- 6.25. It is noted that a local resident raises concerns with regards to the lack of play area for children to be provided as part of the development. It is considered that the play area agreed planning obligations would address this concern with the financial compensation contributing towards the enhancement and maintenance of public open space and recreation areas in the Shard End area.

- 6.26. The proposal is the subject of public subsidy to allow the remediation of the site. There are also abnormal development costs associated new infrastructure, including the relocating of a 132kv cable that is buried across the site and the provision of a new substation. Therefore no further obligations can be met beyond those that already form part of the proposal. These include: the provision of open space (3.76ha) with biodiversity improvements and ecological enhancements for nature conservation; addressing issues related to Cole Hall Lane through the installation of traffic calming measures and a 50% affordable housing contribution. Both the open space provision and affordable housing contribution exceed the policy requirements. The proposed development is not liable for CIL.
- 6.27. **Impact on Visual Amenity** – The application site comprises a vacant Sewage works which has been cleared of buildings. The site is bounded by a number existing residential areas, in the larger context and forms part of the wider locale. The character of the surrounding properties is mixed with regards to appearance and design. There is a number of walking and cycling routes located throughout the area in association with the Cole Valley. The overriding character of the area is predominantly suburban.
- 6.28. The proposed residential development comprises are a mix of dwelling types, to be constructed of two different bricks (light grey and dark red), cladding on more prominent corner properties with tiled roofs, UPVC windows, grey canopies and UPVC / wooden doors. This composition would be considered to be characteristic of the area, albeit in a more contemporary guise, with many of the existing residential dwellings being of a similar appearance.
- 6.29. The proposed development would also retain existing links throughout the site and provide further walking routes within the immediate locale. I consider that the proposed layout would have an acceptable relationship with existing streets and would comprise a comprehensive redevelopment of the site, which has been vacant for a considerable amount of time.
- 6.30. Given the current condition of the vacant site which presents risks for fly tipping and anti-social behaviour, although used considerably by dog walkers, I consider that the proposals would have an acceptable impact on visual amenity, improving the appearance of the site and the street scene.
- 6.31. **Impact on Residential Amenity** – The proposed residential dwellings would comprise a mix of house types and sizes. The mix of dwellings is understood to have been designed through an assessment of established housing needs in the area. The proposal to build 150 dwellings for social rent in this location would significantly contribute to meeting demand for affordable family housing. Furthermore, the 148no. dwellings proposed for market sale would also contribute towards Birmingham's housing requirement as identified within the Birmingham Development Plan.
- 6.32. The proposed internal floorplans present is considered to achieve an acceptable level of residential amenity for prospective residential occupiers at the development, providing functional layout for family living. The proposed bedroom sizes are considered to ensure that the bedrooms would be of a regular size and would achieve a functional layout which would be conducive to a good quality living environment and comply with the relevant National standards..
- 6.33. The proposed dwellings would each benefit from a rear private garden and garden or driveway to the front. The guidance set out within Places for Living SPG

recommends that 70sqm private garden should be provided for family dwellings and 52sqm private garden should be provided for smaller dwellings. As indicated in the proposed site layout plan, the vast majority of dwellings would achieve the minimum required garden space. It is noted that the sizes set out within the SPG form guidance only and I consider that when weighed against the condition of the site at present, and the wider benefits that the residential development of the site could deliver to the existing community, the instance of slight shortfall would be acceptable and would not have an adverse impact on residential amenity for prospective occupiers.

- 6.34. The separation distances proposed between the new dwellings within the site would be compliant with Places for Living SPG. This document recommends a separation distance of 21.5m between windowed elevations and 10m garden length for two storey dwellings. These distances are therefore compliant and would be unlikely to result in unacceptable instances of overlooking or loss of privacy. All separation distances to windowed elevations or flank walls would comply with Places for Living SPG. I am satisfied on this basis that the proposed residential development would be unlikely to generate any unacceptable instances of overlooking or loss of privacy to the existing dwellings located within the vicinity of the application site.
- 6.35. The proposed residential development would be accepted as introducing an increased residential population in the Shard End area. Regulatory Services has been consulted on the planning application and have not raised any issues that cannot be adequately addressed through the imposition of conditions relating to potential noise and vibration, contaminated land and remediation and submission of a travel plan. No issues were raised in relation to air quality as it has been determined that levels of air pollution in the vicinity of the site are below the respective air quality objectives and that the site is suitable for residential development. The proposed development scenario is considered to be reflective of the density of the surrounding area and accordingly would be comparable to the existing circumstances found in the area. On this basis, I am satisfied that the proposed development would be unlikely to have an adverse impact on neighbouring residential amenity in terms of additional noise and disturbance.
- 6.36. **Impact on Landscape and Ecology** – The proposed residential developments would comprise front and rear gardens to the proposed residential dwellings, with the front gardens comprising a mix of driveway parking and landscaped areas. This approach is considered to be characteristic of the surrounding area, with many dwellings within the immediate locale presenting this arrangement. Landscaped areas throughout the development would be created, with shrubs, turfs and hedges proposed as the soft landscaping for the development.

National Planning Policy Framework 2019, requires that new development creates a net biodiversity gain. Paragraph 170 states: *“Planning policies and decisions should contribute to and enhance the natural and local environment by...minimising impacts on and providing net gains for biodiversity...”*

- 6.37. The applicant has undergone extensive discussions with the Local Planning Authority and the Ecology officer to deliver a development which adheres to national and Local Plan guidance. The original consultation response from BCC Ecology raised a number of issues with regards to removal of vegetation along the Cole Hall Lane; the fact that the ES demonstrated that there will be a net loss of biodiversity of 3.08%, not considering the loss of the hedge; and, the development has been positioned to not impact on the SINC and SLINC resulting in detrimental impacts on semi-improved grassland, broad leaf woodland and dense scrub.

- 6.38. It was advised that the scheme should consider additional habitat creation/retention as well as the submission of a revised Biodiversity Impact Assessment which should demonstrate a biodiversity net gain. There were no objections to the mitigation measures described in the ES.
- 6.39. Post the original Consultation response from the Ecology Team, extensive discussion have resulted in the submission of a revised Framework Ecological Mitigation Strategy (FEMS), lighting strategy and revised landscaping proposals.
- 6.40. The scheme has been designed to avoid direct habitat losses in the SINC and SLINC. The new SuDS features will be located partially within the SINC on the eastern edge of the development, and landform re-modelling associated with the new POS will affect a small section of SINC on the south-west edge of the site. The proposals will result in the loss of the majority of the Potential Site of Importance (PSI, which has been assessed as being of SINC quality).
- 6.41. The revised FEMS states approximately 0.66 ha of semi-natural habitats (semi-improved grassland, broadleaved woodland and dense scrub) will be retained. In terms of compensating for habitat losses, the creation of 3.7 ha of public open space is proposed, comprising the following:
- 0.15 ha tussock grassland
 - 0.55 ha wildflower grassland
 - 0.28 ha amenity grassland
 - 2.54 ha semi-improved grassland/successional habitat mosaic
 - Retained and newly planted scattered trees
- In addition, sections of native hedgerow will be planted across the site, including along the Cole Hall Lane frontage, where much of the existing mature hedgerow/tree belt will be removed. A series of SuDS features (attenuation ponds and swales) covering c. 0.47 ha along the eastern edge of the site will be designed to maximise their ecological value by including permanently wet areas and being planted/seeded with native species (marginal, aquatic and wet grassland plants). Amenity planting across the residential area will include native trees, fruit trees and a proportion of ornamental shrubs with known wildlife value (eg for pollinating insects).
- 6.42. A Biodiversity Impact Assessment of the originally submitted proposals concluded the scheme would result in a biodiversity loss of 3% of the site's overall biodiversity. Revisions to the proposed habitat retention, creation and enhancement to be incorporated into the scheme design, as described in the revised FEMS and accompanying landscape drawings, have reduced the extent of the expected biodiversity loss to 1.95%. Based on informal discussion with the scheme ecologist, there is no further scope to amend the landscaping and layout to achieve additional habitat measures; however it is the scheme ecologists' view that a small net gain could be achieved through appropriate management of existing grasslands to improve their condition. Moreover, in the longer term, as Planting matures a net gain will be achieved.
- 6.43. The Biodiversity Impact Assessment calculation is based on habitat changes associated with the proposals. In addition to the habitat retention, creation and enhancement measures described above, the scheme will incorporate species-specific habitat measures (bird and bat boxes, amphibian hibernacula), which help to mitigate and compensate for habitat losses. Taken collectively, the proposed habitat retention, creation and enhancement measures (including ensuring appropriate long term management of existing (ie retained) and newly created

habitats) and species-specific measures should result in no net loss of biodiversity. This is not the accepted policy position, which is for development proposals to deliver a biodiversity net gain; however, in view of the constraints with this scheme in terms of the lack of opportunity to look beyond the redline boundary to deliver ecological measures, this would appear to be most positive outcome that is achievable.

- 6.44. The Council's Landscape Officer provides comments with regards to the proposed planting and boundaries, removal of the existing historic hedge bounding Cole Lane. These details would be appropriate to secure by planning conditions.
- 6.45. With regards to the proposed Landscaping plans and proposals there were no objections received from the BCC Landscaping Team-. Through conditions the appellant will be required to demonstrate a greater variety of tree planting which would be beneficial on such a sizeable site as this. The planting of native trees (oak, field maples, hornbeam, limes, etc. Conditions requesting further details of planting on visible rear gardens will ensure a more cohesive and visually attractive layout as will conditions relating to boundaries which reinforce ownership of front gardens and areas of open space. -
- 6.46. **Impact on Flood Risk and Drainage** – The application site is located within Flood Zone 1. The application has been supported by a Flood Risk Assessment which includes an evaluation of the site in terms of existing and proposed levels, existing drainage system assessment of risk, the proposals and probability and rate of potential flooding. The application proposals seek to incorporate a drainage scheme to be delivered through the installation of private storage areas and a public drainage system.
- 6.47. The Local Lead Flood Authority raises no objection. Severn Trent also has been consulted on the planning application and raise no objection subject to a drainage condition.
- 6.48. The Environment Agency was consulted on the application given the scale of the proposed development. They raise no objection subject to the imposition of conditions as detailed within their Consultation response(Paragraph 4.10 of this report).
- 6.49. The proposed development is not considered to have an adverse impact on drainage or flood risk. I consider that the recommended conditions with regards to flood risk and drainage would be reasonable and necessary in the context of the application proposals.
- 6.50. **Impact on Highway Safety** – The development would comprise a mix of detached, semi-detached dwellings arranged in a series of perimeter blocks with through streets and private drives forming the various accesses to the properties. The vehicular accesses and highways would have footpaths located on both sides of the highway in the majority of cases. It is considered that the proposed arrangement would achieve acceptable levels of pedestrian accessibility and permeability and would be reflective of the arrangements in neighbouring residential areas.
- 6.51. The proposed development would secure 461no. residents car parking spaces. The car parking amounts to the equivalent of 158% provision. The majority of car parking would be delivered as a mix of frontage / driveway car parking for the majority of the

proposed development. It is noted that there are a few plots throughout the proposed development which have car parking located remotely from the plots.

- 6.52. Vehicle access to the site is proposed to the south of the Rugby Club and via a second access position approximately 30m further south. However, this aspect of the proposals does not form part of the approval from the Planning Authority and further discussions are required to achieve a suitably safe means of vehicular access. Pedestrian access will utilise the new vehicle access positions and a third pedestrian only access is provided to the very south of the Site.
- 6.53. Transportation Development has been consulted on the planning application. A number of issues have been raised with regards to the proposals, however it is considered acceptable to cover these through the imposition of conditions. There are no objections to the general internal road layout or numbers, types or position of units proposed. Discussions have been ongoing since the pre-application stage of these proposals which would ensure that the most cohesive overall network, both internal and offsite is achieved.
- 6.54. The residential development of the site is accepted in principle and the proposed vehicular and pedestrian links proposed to be achieved from existing streets would have a positive impact in respect of the integration of the development with the existing residential communities.
- 6.55. I consider that, given the current condition of the site and the benefits that the proposed redevelopment could deliver in terms of affordable housing and financial contribution towards public open space, whilst making the most effective use of land, the satisfactory development of the site can be achieved with the provision of conditions being attached to any grant of planning permission.

7. Conclusion

- 7.1. The application proposals seek to deliver a comprehensive redevelopment of a vacant Sewage works site located within the Shard End area. The proposals are in accordance with adopted planning policy and would have an acceptable impact on residential and visual amenity. Acceptable arrangements are proposed with regards to access and parking, public open space and landscaping is proposed to be delivered as part of the scheme. The proposals would be unlikely to have an adverse impact on flood risk and drainage throughout the site and surrounding area. For the reasons set out above, I recommend that planning permission be granted subject to conditions.

8. Recommendation

- 8.1. Approve subject to condition.

-
- | | |
|---|---|
| 1 | Requires the provision of the affordable homes |
| 2 | Restricts implementation of the permission to Birmingham Municipal Housing Trust. |
| 3 | Requires the submission of material samples |
| 4 | Requires the prior submission of level details |
-

5	Requires the submission of cycle storage details
6	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan in a phased manner
7	Requires the prior submission of a construction method statement/management plan
8	Requires the submission of details to prevent mud on the highway
9	Suitable water supplies for firefighting should be provided. This shall be subject to consultation with West Midlands Fire Service once a Water Scheme plan has been produced and approved by the relevant Water Company.
10	Submission of Employment Access Plan
11	Arboricultural Method Statement - Submission Required
12	Requires tree pruning protection
13	Requires the submission of boundary treatment details
14	Requires the submission of hard and/or soft landscape details
15	Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
16	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
17	Requires the prior submission of a drainage scheme
18	Requires the prior submission of drainage plans for the disposal of foul and surface water flows
19	Requires the scheme to be in accordance with the listed approved plans
20	Implement within 3 years (Full)
21	Contamination remediation
22	Piling and foundation design
23	Pollution Control run off prevention and containment
24	Environmental Permit submission prior to commencement
25	Public Open Space Payment
26	Requires the prior submission of a contamination remediation scheme
27	Requires the submission of a contaminated land verification report

-
- 28 Requires the submission of unexpected contamination details if found
 - 29 Secures noise and vibration levels for habitable rooms
 - 30 Requires the submission of a residential travel plan
 - 31 Requires the submission of a commercial travel plan
 - 32 Construction Ecological Management Plan (CEcMP)
 - 33 Requires the submission of a landscape management plan
 - 34 Requires the submission of hard and/or soft landscape details
 - 35 Requires the prior submission of details of bird/bat boxes
 - 36 Requires the submission of a lighting scheme
 - 37 Requires the submission of an amended car park layout
 - 38 Requires the submission of the siting/design of the access
 - 39 Prevents occupation until the service road has been constructed
 - 40 Requires the submission and completion of works for the S278/TRO Agreement
 - 41 Location of proposed carriageway pinch points
 - 42 Commencement of Construction of Dwellings
 - 43 Vehicular Access completion timings
 - 44 Bellmouth Removal
 - 45 Footway Link detail submission
 - 46 Submission of internal Swept Path Analysis
 - 47 Submission of Refuse Collection strategy
-

Case Officer: Gavin Forrest

Photo(s)

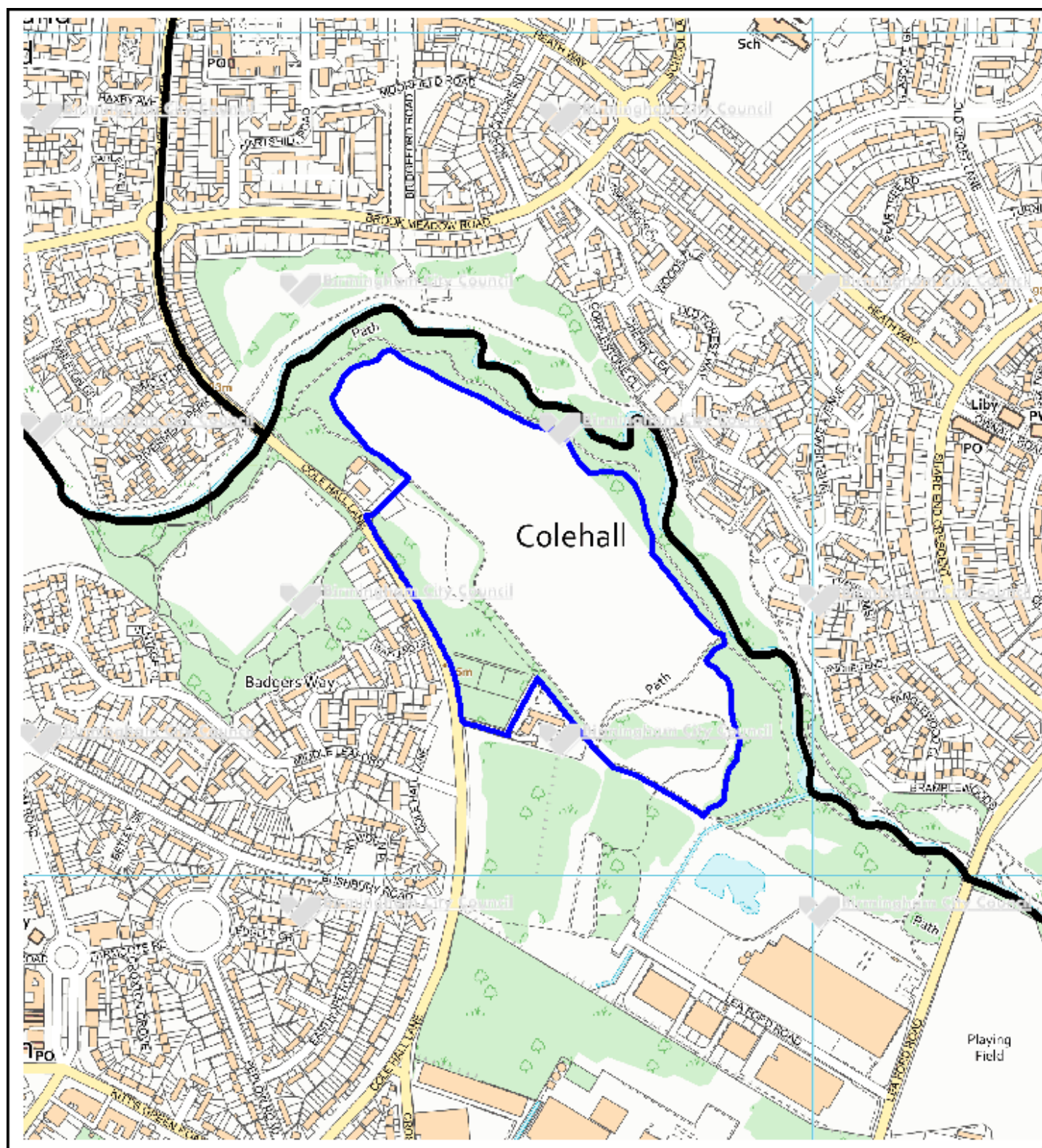


FIG 1. VIEW WESTWARDS

FIG 2. LINEAR VIEW OF THE SITE



Location Plan



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Committee Date:	04/07/2019	Application Number:	2019/03597/pa
Accepted:	02/05/2019	Application Type:	Demolition Determination
Target Date:	08/07/2019		
Ward:	Garretts Green		

Lea Hall Council Depot, off Lea Hall Road, Yardley, Birmingham, B33 8JU

Application for Prior Notification for the demolition of existing buildings

Recommendation

No Prior Approval Required

1. Proposal

- 1.1. This application is made under the provisions of part 11 of the Town and Country Planning (General Permitted Development) Order 2015 and seeks a determination as to whether prior approval is required for the method of demolition and site restoration
- 1.2. The applicant states the building is no longer required and they intend to redevelop the site at a later stage.
- 1.3. A method statement has been submitted. It details that the demolition contractor would notify local residents in writing at least 2 weeks prior to setting up site of the pending demolition. Prior to mechanical demolition works a soft strip of the buildings will take place to remove all combustible items, fixtures, fittings, M&E and precious metals. Manual hand demolition tools will be used to strip and pry away the materials/items. Waste will be split into separate stockpiled areas/loads. They will be taken off site where possible by tipper transit or container. Once all asbestos has been removed from the buildings and a soft strip has been completed, a 360° excavator fitted with demolition attachments will be utilised in the demolition of the buildings. During the demolition, a sighting operative will be on hand with a water supply/bowser/water jet sprayer to suppress the arising dust from the demolition process. This process will also be carried out when loading containers/wagons for removal of the materials off site. All wagons leaving site will be sheeted to reduce dust leaving the container.
- 1.4. It is proposed to restore the site by graded the land to surrounding levels. The existing palisade & close board fencing is to be retained to secure the site.
- 1.5. The application has been brought to Planning Committee as the applicant is Birmingham City Council.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a single storey office building and storage portage sheds, the office building is approximately 30 years old. To the north and directly adjacent to the application site runs a railway line, to the south are a number of residential properties which back onto the application site.

[Site map](#)

3. Planning History

- 3.1. 1990/02216/PA Proposed building services depot – withdrawn 7/9/90
- 3.2. 09013005 - Erection of offices for housing department technical staff construction of car parking area – approved – 20/12/1984
- 3.3. 09013006 – Erection of single storey extension to existing offices – 10/01/1986
- 3.4. 09013007 - Siting of portable building for storage use – approved 25/08/1988

4. Consultation/PP Responses

- 4.1. Site notice displayed. Adjoining neighbours, Ward Councillors consulted.
- 4.2. Regulatory Services - No objection.
- 4.3. Transportation Development - No objection.
- 4.4. Network Rail – no objection although have commented on the application in relation to the protection of the adjacent railway.

5. Legislation/Policy Context

- 5.1. The Town and Country General Permitted Development (England) Order 2015 as amended Schedule 2, Part 11 and Class B.

6. Planning Considerations

- 6.1. Schedule 2, Part 11, Class B of the General Permitted Development Order 2015 states that any building operation consisting of the demolition of a building is permitted development subject to a number of criteria, including the submission of a prior notification application in order to give local planning authorities the opportunity to assess the details of demolition and site restoration only, to minimise the impact on the local amenity.
- 6.2. Schedule 2, Part 11, Class B of the General Permitted Development Order 2015 also states that an application to the local authority must be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with paragraph (b)(iv) and any fee required to be paid. In this instance, the fee has been paid and a statement and photograph of the relevant notice provided.

- 6.3. The Council's Transportation and Regulatory Services have commented on the application and have raised no objection to the proposal. It is therefore considered the proposal would have no adverse harm on the local highway network and minimal impact upon the amenity of local residents.
- 6.4. In regards to the adjacent railway line, the applicant has stated in the supporting statement that the demolition contractor is to notify Network Rail Asset Protection Engineer with details of the demolition for any works within 40m of the railway boundary. A Risk Assessment and Method Statement (RAMS) for the demolition works and a Basic Asset Protection Agreement (BAPA) would be required to facilitate works on site (including site safety, possession costs, asset protection presence) as well as any oversight of the demolition documentation and plans and site meetings.
- 6.5. Network Rail have raised no objections to the proposal and have comments in relation to the protection of the adjacent railway. These comments relate to requiring a method statement to be undertaken by a Network Rail engineer, a Risk Assessment and Method Statement to be undertaken and a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. These can be added as informatives on any consent granted.
- 6.6. It is considered appropriate written description of the development in terms of the method of demolition and information in relation to any proposed restoration of the site has been provided.
7. Conclusion
- 7.1. Following assessment of this proposal against the requirements of the GPDO (2015), it is considered that the proposed demolition of 170-172 Kings Road would be permissible under Part 11 B.
8. Recommendation
- 8.1. No Prior Approval is required.

Case Officer: Kirk Denton

Photo(s)



Fig 1 – Aerial photo of existing office building with storage shed on the right of the image.



Fig 2 – Aerial photo of the whole site

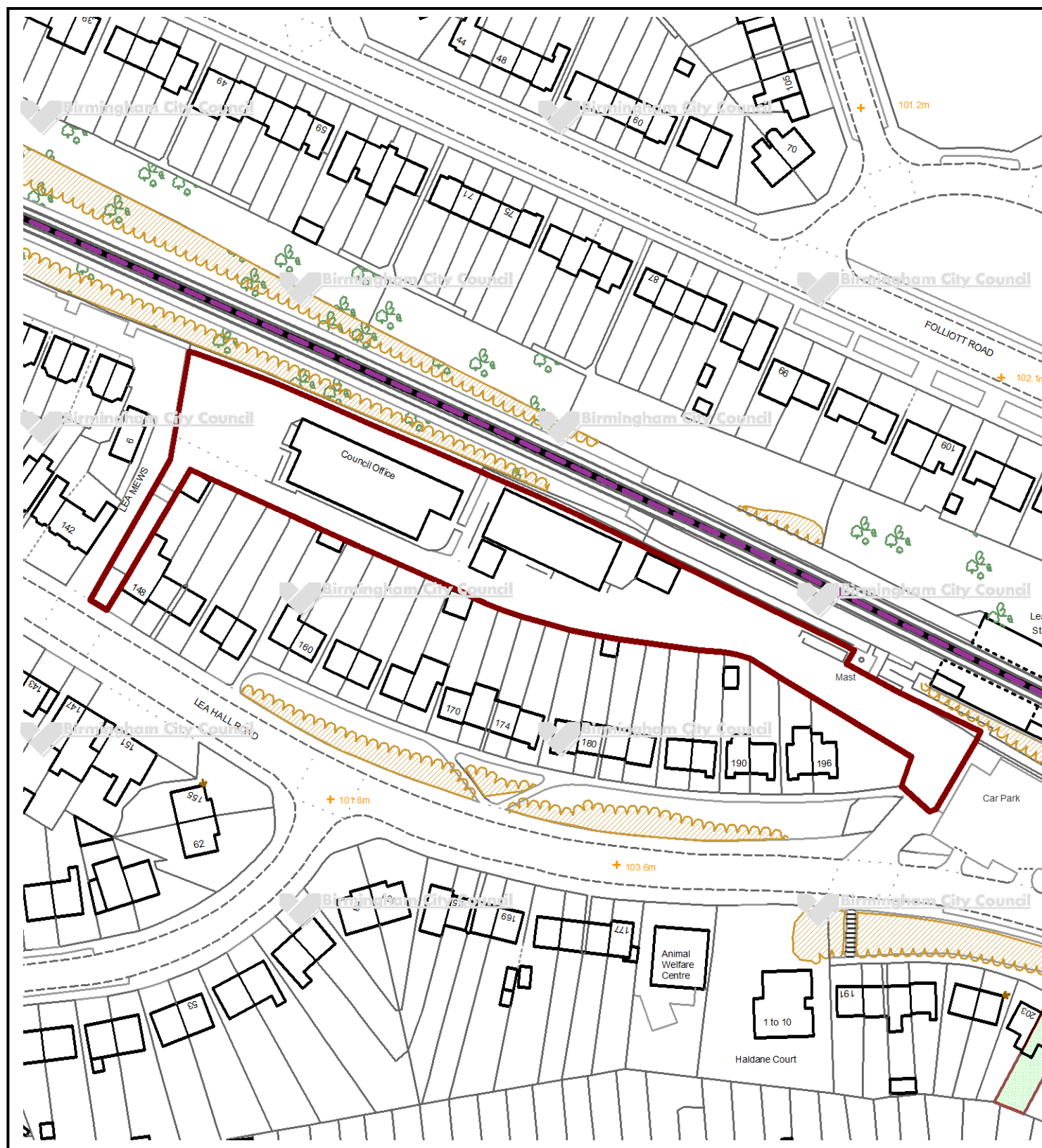


Fig 3 – Western site access (between 142 and 148 Lea Hall Road)



Fig 4 – Eastern site access (adjacent to car park)

Location Plan



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Birmingham City Council

Planning Committee

04 July 2019

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	16	2019/03457/PA 1 Calthorpe Cottages Wood Lane Handsworth Wood Birmingham B20 2AX Installation of new timber gate to side
Approve – Conditions	17	2019/03494/PA 1 Calthorpe Cottages Wood Lane Handsworth Wood Birmingham B20 2AX Listed Building Consent for the installation of a new timber gate to side
Approve – Conditions	18	2018/01106/PA Police Station 394 Walsall Road Perry Barr Birmingham B42 2LX Change of use from police station (Sui Generis) to a community and education centre (Sui Generis) together with external works which include new ramp and cycle store.
Approve – Conditions	19	2018/09535/PA Land to the rear of 77 Selwyn Road Edgbaston Birmingham B16 0SL Erection of single storey community centre (Use Class Sui Generis) together with associated landscape and access improvements

Approve – Conditions	20	<p>2018/10465/PA</p> <p>136 Lawley Middleway Birmingham B4 7XX</p> <p>Demolition of existing retail unit and erection of purpose built student accommodation building (Sui Generis) between 5 and 15 storeys with associated internal and external amenity space, landscaping, cycle parking and associated works</p>
Approve – Conditions	21	<p>2018/10195/PA</p> <p>Birmingham (Vernon) Unit 40 of The Sea Cadet Corps Osler Street Ladywood Birmingham B16 9EU</p> <p>Demolition of existing boathouse and ancillary structures and erection of new boathouse to include classrooms, short stay sleeping accommodation and a multi purpose hall together with associated access, car and boat parking facilities, boundary treatment and landscaping.</p>
Approve – Conditions	22	<p>2018/10328/PA</p> <p>Land to rear of Regina Drive Situating between One Stop Shopping Centre and Perry Hall Park Birmingham B42 1BZ</p> <p>Demolition of existing structures and redevelopment of land to accommodate two industrial units for use class B1(c) and B8 purposes (with ancillary office floor space) together with new site access, associated servicing/parking, sprinkler tanks and landscaping</p>

Committee Date:	04/07/2019	Application Number:	2019/03457/PA
Accepted:	23/04/2019	Application Type:	Householder
Target Date:	04/07/2019		
Ward:	Handsworth Wood		

1 Calthorpe Cottages, Wood Lane, Handsworth Wood, Birmingham, B20 2AX

Installation of new timber gate to side

Recommendation

Approve subject to Conditions

1. Proposal

1.1. This application seeks full permission for the replacement of a side gate at 1 Calthorpe Cottages. The proposed gate would be located to the side of the property providing access to Wood Lane. The proposed gate would be a timber panel construction and measure approximately 1.5m in height.

1.2. [Link to Documents](#)

2. Site & Surroundings

2.1. The application property is a small estate cottage, erected from red brick, with clay roof tiles. The application site is Grade II Listed and sits at the end of a row of terraced housing, comprising a further 3 estate cottages; these are also Grade II listed. This block of four properties are accessed via a low wrought iron gate to the side of the site, off Wood Lane.

2.2. The surrounding area is largely residential with traditional two-storey semi-detached and detached dwellings located on Wood Lane and Butlers Lane. St Teresa's RC Junior and Infant school is located to the northwest on Butler's Road.

2.3. [Site Location](#)

3. Planning History

3.1. 14/07/2010 - 2010/01275/PA – Restoration works to Grade II Building – Approved subject to conditions – Approved subject to conditions

3.2. 26/05/2010 - 2010/01274/PA – Alterations and extensions to Grade II Listed Building to include rebuilding of chimney, replacement tiles and guttering, new porch to front and 1.1m rear boundary wall – Withdrawn

3.3. 20/07/2017 - 2017/04726/PA - Listed Building Consent for retention of relocated boiler flue - Approved subject to conditions

3.4. 08/04/2019 - 2019/01127/PA – Installation of replacement gate – Refused

3.5. 08/04/2019 - 2019/01128/PA - Listed Building Consent for installation of replacement gate – Refused

4. Consultation/PP Responses

4.1. Local ward councillors and the occupiers of neighbouring properties have been consulted. 46 letters of objection have been received in addition to comments from the Handsworth Wood Residents Association, Birchfield Neighbourhood Forum and Councillor Kooner on behalf of local residents. Objections in respect of:

- Detract from the original character and appearance of the listed buildings
- Will remove views of the cottages for passers by
- Will remove resident's right of access to the properties.
- Applicant has caused existing anti-social issues and anxieties caused by their dog.
- Would increase security concerns as it would reduce natural surveillance.
- Not in keeping with guidance contained in the Town and Country Planning (General Permitted Development) (England) Order
- Works having commenced on site

4.2. Transportation Development - No objections subject to conditions requiring the proposed new gate to open into the application site rather than over the footpath

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (2017)
- Birmingham Unitary Development Plan 2005 (Saved Policies)

5.2. The following national policies are applicable:

- National Planning Policy Framework (2018)
- Planning (Listed Buildings and Conservation Areas) Act 1990

6. Planning Considerations

6.1. This application has also been submitted together with a Listed Building Consent for the erection of the new gate (2019/03494/PA).

6.2. The National Planning Policy Framework (2018) contains a presumption in favour of sustainable development and it requires planning to secure economic growth and a good standard of amenity for existing and future occupiers of land.

6.3. Paragraph 192 of the NPPF state that when determining applications, local planning authorities should take account of:

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

6.4. Policy PG3 of the Birmingham Development Plan (BDP) advises that all new development would be expected to demonstrate high design quality, contributing to

a strong sense of place' and to 'make best use of existing buildings and efficient use of land in support of the overall development strategy'.

- 6.5. Policy TP12 of the Birmingham Development Plan advises that great weight will be given to the conservation of the City's heritage assets. Proposals 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.
- 6.6. The application follows a recently refused scheme (2019/01127/PA full application and 2019/01128/PA Listed Building Consent). The previous scheme was submitted at a height of 2.1m and was refused due to its scale and impact on the character of this statutory listed building. The scale of the proposed gate has now been reduced in height.
- 6.7. The Conservation Officers has raised no objection in respect of the proposed new gates impact on the character or appearance of the listed building subject to the inclusion of a safeguarding condition relating to matching materials. I concur with this view and consider that the scale and design of the proposal is acceptable.
- 6.8. The development would not have a detrimental impact on the amenities of the occupiers of neighbouring properties by way of loss of light, outlook or overlooking.
- 6.9. Comment has been raised that the proposal falls outside the provision of the GDPO for gates and boundary treatments. It is acknowledged that this is the case and the applicants require full planning consent and listed building consent, and is therefore the reason for the submission of this application and the listed building application.
- 6.10. Concern has been raised that some works have started on site and a timber gate frame erected. This does not prevent the determination of this submission.
- 6.11. With respect to the concerns that have been raised, rights of private access are not material planning considerations and are a civil matter between neighbours. Anti-social issues and anxieties caused by the applicant and their dog is also not a material consideration in the determination of this planning application.
- 6.12. Finally security concerns have been raised in respect on the replacement of the existing low metal gate with a taller timber one. The proposed new gate at 1.5m in height will still allow a degree of outlook over the top.

7. Conclusion

- 7.1. Notwithstanding the comments received, this application is recommended for approval because the proposal complies with the objectives of the policies as set out above and is of acceptable scale and design. The previous reasons for refusal have been suitably overcome.

8. Recommendation

- 8.1. Approve subject to Conditions

1	Requires matching materials as the existing fence
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2	Requires the scheme to be in accordance with the listed approved plans
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3 Requires the gate to open into the site

4 Implement within 3 years (Full)

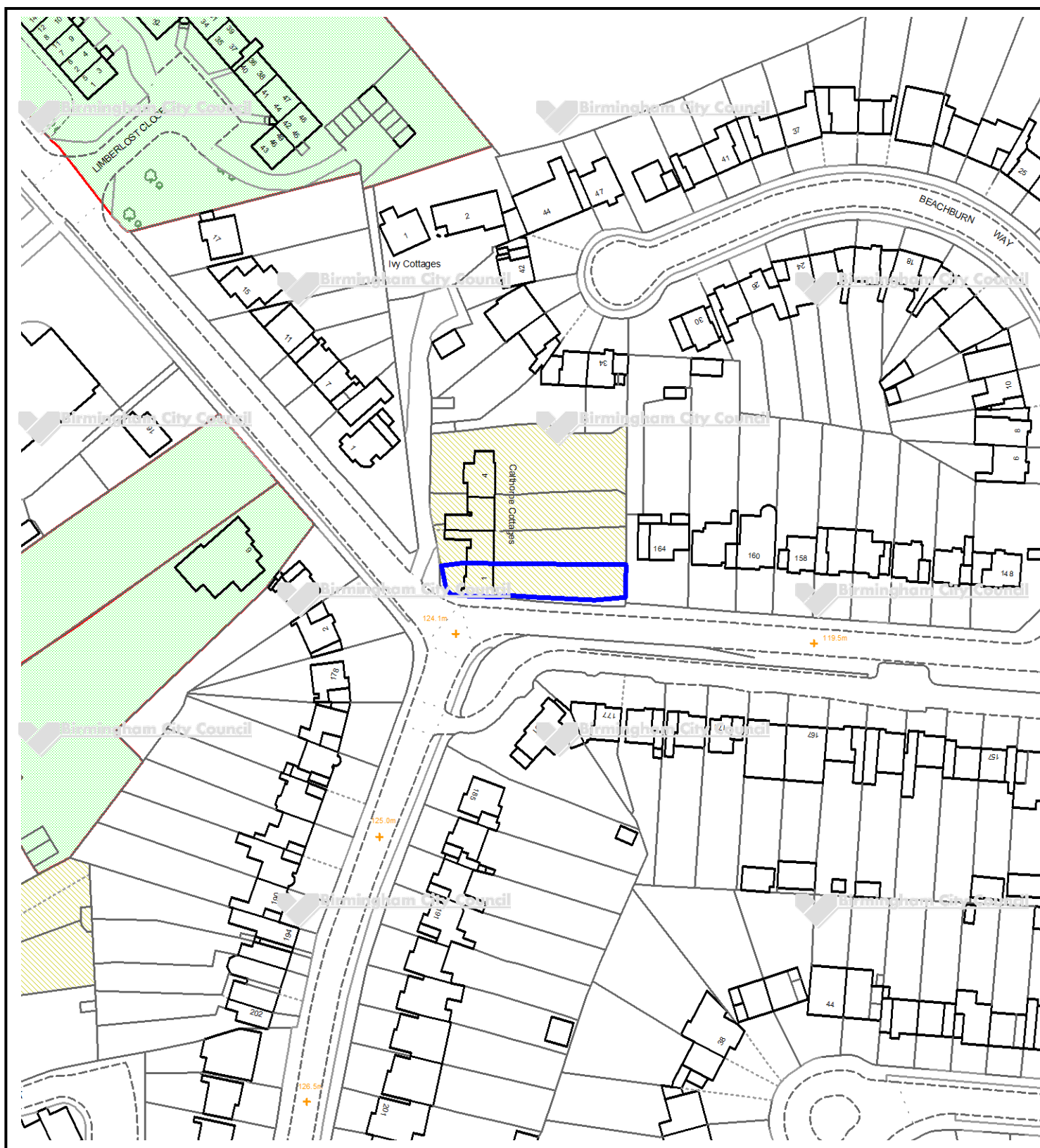
Case Officer: Philip Whittaker

Photo(s)



Photo 1: View from highway

Location Plan



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Committee Date:	04/07/2019	Application Number:	2019/03494/PA
Accepted:	23/04/2019	Application Type:	Listed Building
Target Date:	04/07/2019		
Ward:	Handsworth Wood		

1 Calthorpe Cottages, Wood Lane, Handsworth Wood, Birmingham, B20 2AX

Listed Building Consent for the installation of a new timber gate to side

Recommendation

Approve subject to Conditions

1. Proposal

1.1. This application seeks Listed Building Consent for the replacement of a side gate at 1 Calthorpe Cottages. The proposed gate would be located to the side of the property providing access to Wood Lane. The proposed gate would be a timber panel construction and measure approximately 1.5m in height.

1.2. [Link to Documents](#)

2. Site & Surroundings

2.1. The application property is a small estate cottage, erected from red brick, with clay roof tiles. The application site is Grade II Listed and sits at the end of a row of terraced housing, comprising a further 3 estate cottages; these are also Grade II listed. This block of four properties are accessed via a low wrought iron gate to the side of the site, off Wood Lane.

2.2. The surrounding area is largely residential with traditional two-storey semi-detached and detached dwellings located on Wood Lane and Butlers Lane. St Teresa's RC Junior and Infant school is located to the northwest on Butler's Road.

2.3. [Site Location](#)

3. Planning History

3.1. 14/07/2010 - 2010/01275/PA – Restoration works to Grade II Building – Approved subject to conditions – Approved subject to conditions

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3.3. 20/07/2017 - 2017/04726/PA - Listed Building Consent for retention of relocated boiler flue - Approved subject to conditions

3.4. 08/04/2019 - 2019/01127/PA – Installation of replacement gate – Refused

- 3.5. 08/04/2019 - 2019/01128/PA - Listed Building Consent for installation of replacement gate – Refused
4. Consultation/PP Responses
- 4.1. Site and press notices posted. Correspondence received from Councillor Kooner on behalf of local residents who raises objections in respect of:
- Detract from the original character and appearance of the listed buildings
 - Will remove resident's right of access to the properties.
 - Applicant has caused existing anti-social issues and anxieties caused by their dog.
 - Would increase security concerns as it would reduce natural surveillance
5. Policy Context
- 5.1. The following local policies are applicable:
- Birmingham Development Plan (2017)
 - Birmingham Unitary Development Plan 2005 (Saved Policies)
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (2018)
 - Planning (Listed Buildings and Conservation Areas) Act 1990
6. Planning Considerations
- 6.1. This application has also been submitted together with a full planning for the erection of the new gate (2019/03457/PA).
- 6.2. The National Planning Policy Framework (2018) contains a presumption in favour of sustainable development and it requires planning to secure economic growth and a good standard of amenity for existing and future occupiers of land.
- 6.3. Paragraph 192 of the NPPF state that when determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.4. Policy PG3 of the Birmingham Development Plan (BDP) advises that all new development would be expected to demonstrate high design quality, contributing to a strong sense of place' and to 'make best use of existing buildings and efficient use of land in support of the overall development strategy'.
- 6.5. Policy TP12 of the Birmingham Development Plan advises that great weight will be given to the conservation of the City's heritage assets. Proposals 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.

- 6.6. The application follows a recently refused scheme (2019/01127/PA full application and 2019/01128/PA Listed Building Consent). The previous scheme was submitted at a height of 2.1m and was refused due to its scale and impact on the character of this statutory listed building. The scale of the proposed gate has now been reduced in height.
- 6.7. The Conservation Officer has raised no objection in respect of the proposed new gates impact on the character or appearance of the listed building subject to the inclusion a safeguarding condition relating to materials and finish. I concur with this view and consider that the scale and design of the proposal is acceptable.
- 6.8. With respect to the concerns that have been raised, rights of access are not material planning considerations and are a civil matter between neighbours. Anti-social issues and anxieties caused by the applicant and their dog is also not a material consideration in the determination of this application.
- 6.9. Finally security concerns have been raised in respect on the replacement of the existing low metal gate with a taller timber one. The proposed new gate at 1.5m in height will still allow a degree of outlook over the top.

7. Conclusion

- 7.1. Notwithstanding the comments received, this listing building application is recommended for approval because the proposal complies with the objectives of the policies as set out above and is of acceptable scale and design. The previous reasons for refusal have been suitable overcome.

8. Recommendation

- 8.1. Approve subject to Conditions

-
- | | |
|---|--|
| 1 | Requires matching materials as the existing fence |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Implement within 3 years (conservation/listed buildings consent) |
-

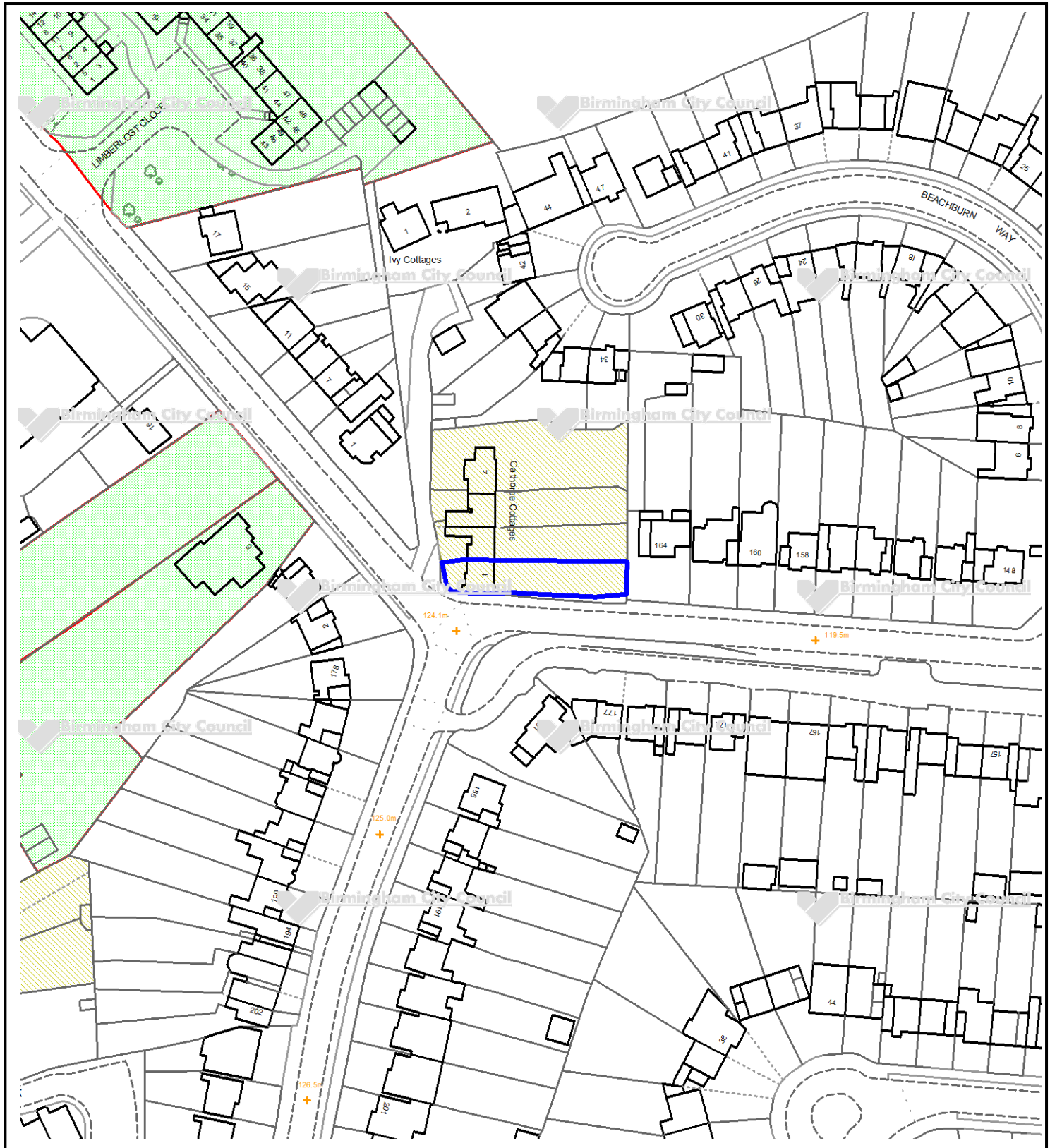
Case Officer: Philip Whittaker

Photo(s)



Photo 1: View from highway

Location Plan



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Committee Date:	04/07/2019	Application Number:	2018/01106/PA
Accepted:	19/02/2018	Application Type:	Full Planning
Target Date:	27/07/2018		
Ward:	Perry Barr		

Police Station, 394 Walsall Road, Perry Barr, Birmingham, B42 2LX

Change of use from police station (Sui Generis) to a community and education centre (Sui Generis) together with external works which include new ramp and cycle store.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The applicant proposes to convert an existing vacant former police station (Sui Generis) into a community centre and education centre (Sui Generis) together with external works which include new ramp and cycle store.
- 1.2. The applicant has indicated that space within the premises would be allocated to allow users of the premises to undertake part in Islamic prayers as and when they would occur during the time the premises would be open. These prayers would be undertaken on an ancillary basis to the use of the premises as a community centre and education centre (Sui Generis).
- 1.3. It is also the stated intention of the applicant to allow the attendees of the various activities who would wish to stay after the last scheduled event at 2100 hours to remain on site to undertake the remaining two prayers in the day which at their latest in summer are staged at approximately 2130 hours and 2300 hours. To that effect and mindful of the agents confirmation that the premises will not operate outside the hours of 0830 and 2300 hours, this implies that the later prayer which can occur approximately at 2300 hours at the peak of summer would be brought forward to allow for the prayer to occur earlier and allow for the premises to empty and close by 2300 hours. I understand there is scope in the Islamic religion for this to occur.
- 1.4. In terms of a detailed breakdown of the various uses to be undertaken at the site, the applicant has provided a supporting schedule within the submitted Planning Statement that sets out the following uses:-
 - Youth activity (sports and social activity) 1600 hours to 1900 hours Mondays to Fridays and 0900 hours to 2000 hours Saturdays to Sundays (100 attendees).
 - Day centre (OAP's) (social use, befriending, socialising) 0900 hours to 1700 hours Mondays to Fridays (25 attendees).
 - Library/community room (educational material of all types) 0900 to 1700 hours Monday to Friday (15 attendees).
 - Classrooms (supplementary school educational opportunity – teaching English, Maths and Sciences and also Islamic Education) 1600 hours to 1900 hours Mondays to Fridays and 0900 hours to 2000 hours Saturdays to Sundays (65 attendees).

- 1.5. The above activities and numbers includes reference to on site staff such as teachers. The total number of people on site at any one time could be 205.
- 1.6. The building would also provide ancillary features such as store rooms, toilets, plants rooms and kitchen.
- 1.7. External works to the building include the provision of new replacement window frames where required and the provision of entrance ramp to the front. It is also proposed to install a bicycle store within the existing rear car park that would provide for 16 storage spaces. No elevation details of this cycle store have been provided.
- 1.8. The site would provide for a total of 42 car parking spaces and these would be provided in the existing rear and front site curtilage.
- 1.9. The total floorspace of the premises is given as 910 sq.m.
- 1.10. The applicant has provided supporting drawings and a Planning Statement and Sequential Approach Statement incorporating Design and Access Statement as a well as a noise assessment with this application.
- 1.11. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a former detached now vacant police station (Sui Generis) that is situated at the end of a parade of commercial premises (some with living accommodation above) to the south east, to the north west are houses. To the rear of the site, to the south west, runs a service route for vehicles that provides service vehicle access to the commercial premises mentioned above as well as the sites rear car park. Beyond that service route is a vacant piece of land (currently overgrown with vegetation).

2.2. [Site map](#)

3. Planning History

- 3.1. Various historical applications relating to the use of the site as a police station.

4. Consultation/PP Responses

- 4.1. Surrounding occupiers, local councillor, local MP and community groups notified as well as site notice displayed- 22 responses received which either object or raise concerns about the proposal. These objections/concerns raised can be summarised as follows:-
 - the level of car parking capacity will be insufficient for the development;
 - Will add to congestion, noise pollution and harmful emissions,
 - Questions about where the money for the development is coming from,
 - Concern about impact on local homes and businesses,
 - Will lead to illegal parking and illegal u turns at Walsall Road and Beeches Road,
 - Why does it have to be a muslim community centre ?, why not just a community centre?,

- An example of the bad impact inadequate parking and excessive noise can be seen by the operation at Badshah Palace on Walsall Road (which is feared will happen here)
- Will cause friction between communities,
- Believe the development description is misleading (as the community centre is geared towards accommodating one section of society),
- Will exacerbate existing parking problems in the area,
- Increase in traffic to the site will compromise pedestrian safety,
- Is it necessary for the property to be open until 2300 hours? As the only other properties that are open that late are two takeaways,
- Adversely impact on the quality of life of local people,
- Will block the rear access drive which are used by commercial and residential unit.
- Represents over development and is an inappropriate development in a busy residential area.
- With regard to non-residential uses in the area highlighted by the applicant these are either small in scale or have different operating hours.
- If on site traffic management is considered necessary shows that a considerable number of vehicles are expected to attend at peak times,
- The application references The Birmingham Development Plan 2017-2031 which refers to business and tourism visitors, implying that users of the centre will not be local. Therefore, it is expected that users will travel in their own vehicles, which reinforces concerns about parking impact.
- There will be no benefit whatsoever to the wider Perry Barr/Great Barr community,
- The use of the site is better suited for use for the Commonwealth games;
- Demand a local meeting is held with the wider community and residents, who would be affected drastically by such a change in use of this venue, to allow them to voice their concerns.
- There is already a venue not far from the site at 124 Walsall Road that currently offers a range of community activities many of which are similar to those that are being proposed.
- Across the road there is a sports stadium with plenty of facilities for younger people to use rather than having a community hall. On Church Road there is a community hall which is part of a church.
- A community centre and education centre is not needed in the area as there are local ones within 2 miles, a college and community hall on college road,
- Did not realise "Community Centre" is a euphemism for a mosque and madrassa school;
- The noise levels (upto 11pm) is simply unacceptable in what is currently a very tranquil environment,
- There are other nearby places of worship e.g. Birmingham Jamia masjid on Birchfield Road just 1.7 miles away,
- Will lead to an increase in litter.

4.2. 34 responses of support received and can be summarised as follows:

- the local community will benefit from the proposed activities by the community centre team;
- Will meet an unmet need;
- would be a great achievement for local residents
- will help local people access facilities who do not have private transport

- will help youth stay off the streets, help people with personal issues and feeding the homeless;
 - it will benefit all members of the community
 - it will allow the elderly in the community to meet up and encourage them to walk more contributing to the social/neighbourly, body, mind and so many other spiritual benefits;
 - Will enhance childrens education and allow them to benefit from sports and leisure activities;
 - There is a need for the proposal
 - Will help rejuvenate the area and improve business due to the attendance at the centre;
 - Will provide a local facility for teaching where children currently travel miles
 - Will promote community cohesion and social harmony
- 4.3. An objection from Councillor Miriam Jan has also been received. Her objections can be summarised as follows:- The car parking capacity is inadequate, Walsall Road has a lot of traffic and there is another organisation that delivers Quran lessons, womens group and activities for young people which is only literally 5 minutes away.
- 4.4. A response received from Councillor Hunt which states the 3Bs Neighbourhood Forum, which he is chair, does not have a position or view on this application in so much as the forum has developed no policies that relate to it. He expresses that the overwhelming comments he has received from local residents and from some local businesses have been about traffic volume and parking. He and Councillor Jan are impressed by the developer's commitment to their project and gave them ideas about how they might increase parking capacity. However, he remains concerned about potential for major disruption from the peak time use of the premises. Recommends a strict cap on the number of attendees to the premises that relates to the number of parking spaces it can provide. Request the applicants are required to provide TRO's to provide neighbouring residents and businesses some protection against parking problems. Request the developers work with Transportation to enhance signage for drivers coming down from the north along Walsall Road to advise there is no U-turn into the site when coming from the north and finally it might provide reassurance to neighbours if an 11pm closing time was put on the venue.
- 4.5. Regulatory Services- no objection subject to safeguarding conditions relating to lighting, hours of use, electric vehicle charging points, low emission vehicle parking, noise levels from plant and machinery and noise mitigation.
- 4.6. Transportation Development- State they consider that all of the traffic associated with the proposed community centre would be unlikely to coincide with peak traffic periods on the highway, and therefore it is unlikely to have a severe impact on surrounding highways. Advise that mindful to approve, they recommend a set of parking/transport related conditions be applied to any approval.
- 4.7. West Midlands Fire Service- state water supplies for fire fighting should be in accordance with National Guidance Document.
- 4.8. West Midlands Police- support proposed retention of exiting boundary treatment and gates; the management of the traffic associated with the development will be key as to whether this could have a serious impact on congestion on the surrounding highways and also whether it would adversely impact on the lives of the existing surrounding community; the potential for congestion along the current access route from Rocky Lane is very real; consideration has been by the police to reversing the

one way system i.e. entrance from Walsall Road and exit onto Rocky Lane though this carried obvious potential issues around potential congestion on Walsall Road, questions level of on site parking capacity, lack of proposals around how the staff of the site will manage any excessive number of vehicles attending the site at the same time; appears to be no easy turn away facility either on Walsall Road (should the one way system be reversed) or from the access Lane in Rocky Lane; recommend a CCTV system is installed; recommend a lighting plan is produced, that the site is subject of an intruder alarm system and that if the application is approved they ask that any work is carried out to the standards within 'Secured by Design Commercial 2015'.

5. Policy Context

- 5.1. Saved UDP (2015) policies; BDP (2017), adopted SPD Car Parking Guidelines and the NPPF.

6. Planning Considerations

- 6.1. The proposed development raises a number of issues which are considered below:-
- 6.2. Principle- The proposed development seeks to use the site for a variety of uses, some of which are considered local centre uses by the BDP. Given the site falls outside the boundaries of a defined local centre, the applicant has submitted a sequential appraisal as part of this application in order to try and demonstrate that the development would comply with the requirements of the sequential site selection process set out in the NPPF.
- 6.3. BDP policy TP21 identifies the network and hierarchy of centres in the city. It states that these centres will be the preferred location for community facilities (e.g. health centres, education and social services and religious buildings). With this in mind, it is noted the applicants intends to provide a range of services (community centre and children's education facility) which generally fall under such categories.
- 6.4. TP21 also states "...proposals for main town centre uses outside of the boundaries of the network of centreswill not be permitted unless they satisfy the requirements set out in national planning policy."
- 6.5. The NPPF (Annex 2) defines 'Main Town Centre Use' and this does not specifically include community centres, education facilities and or places of worship. NPPF paragraph 86 requires a sequential test for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date local plan. Although TP21 states centres are the preferred location for community facilities, the proposed uses do not fall within the definition of 'main town centre uses' set out in the NPPF and I therefore do not consider a full sequential assessment is required. My Strategic Planning advisor concurs with this view.
- 6.6. Members are also reminded that previous use of the premises had a public enquiries desk that served the local community and further adds weight the principle of the establishing this use in this location as being acceptable.
- 6.7. Parking- Transportation Development state they consider that all of the traffic associated with the proposed community centre would be unlikely to coincide with peak traffic periods on the highway, and therefore it is unlikely to have a severe impact on surrounding highways. They advise that mindful to approve, they recommend a set of parking/transport related conditions be applied to any approval.

Other than their request as a condition to reduce the level of prayer areas shown on the submitted drawings, I concur with this view.

- 6.8. The submitted location plan includes a PROW (Public Right of Way) to the rear of the site within the blue line boundary, therefore it is understood that the applicant has a right of way over this. It is considered that all of the traffic associated with the proposed community centre would unlikely to coincide with the peak traffic periods on the highway, and therefore unlikely to have severe impact on surrounding highways.
- 6.9. No alterations or modifications are proposed to the current access arrangement between the site and highway.
- 6.10. The applicant is proposing to retain the existing car parking spaces and not proposing to increase the parking provision. According to the revised planning statement, various activities will operate at different time periods and some of the activities will not coincide with the other (e.g. 'youth activity' and educational classes (total 113 attendees) would operate only during 4 – 7pm during week days), however when combined with other activities, the maximum number of people at the site could be 205 people.
- 6.11. The applicant has provided assurance that those using the prayer areas will be those attending the premises for the various community and education functions and therefore the prayer areas denoted on the submitted drawings would not be used to accommodate people on a walk in basis solely to undertake prayers.
- 6.12. Therefore, whilst we would traditionally evaluate the parking demand that we may expect to be generated for a traditional place of worship based on the floor area to be created, given the end users are attending primarily for the community centre and education functions to be hosted on site, with respect to the potential parking demand the education use may generate adopted SPD Car Parking Guidelines requires 1 space per two staff and 1 space per 15 students. The stated combined occupancy of the 5 classrooms would be 60 pupils and 5 staff generating a parking demand of approx. 7 parking spaces for the education use.
- 6.13. Whilst adopted SPD Car Parking Guidelines do not contain any specific car parking space requirement guidelines for community uses, the specified community uses vary in nature and include activities such as social use and sports. In order to try and arrive at a fair evaluation of the potential parking demand that may be generated by the community uses, if we use the sports use as a benchmark for all potential car parking that may be generated by the various community activities this would require 1 car parking space per 22 sq.m of floor space dedicated to such activity. Based on the submitted drawings approximately 615 sq.m of floor space would be allocated for such (included plant rooms etc.). This would therefore generate a potential demand for 28 car parking spaces, based on adopted Car Parking Guidelines. When the two car parking figures for education and community centre use are combined, we arrive at a potential parking demand of 35 car parking spaces. This falls well within the sites on site car parking capacity.
- 6.14. Furthermore, TROs regulate stopping / waiting on Walsall Rd and part of Rocky Lane in the immediate vicinity of the site and the site also has a good level of accessibility to public transport. The site is located within a large residential area, therefore there is a possibility of some of the attendees visiting the site on foot which all combine to further reduce parking demand.

- 6.15. In summary, I consider that based on the above assessment no adverse parking or highway impact is expected to arise as a result of the development subject to conditions recommended by Transportation Development other than their request to show a reduction in prayer areas, as I consider the above assessment clarifies that if the development operates as claimed e.g. with the use of the prayer areas on an ancillary basis only by those using the premises for either community and or education use, then such a condition is not deemed necessary.
- 6.16. Environmental issues- Regulatory Services most recent consultation response confirms no objection to the proposal in terms of noise and disturbance subject to safeguarding conditions. They have previously confirmed, that with respect to the issue of air quality, they do not consider they could support a reason to refuse on that ground. I concur with this view.
- 6.17. The applicant has clarified the premises will only be used for community and education purposes. He has also provided reassurance that the premises will only operate between 0830 and 2300 hours. These confirmations coupled with an updated schedule of activities to be undertaken on site (page 5 of the March 2019 revised Planning Statement) provides reassurance that the proposed hours of use and general activities on site would not be expected to give rise to any adverse noise and disturbance impact in this setting subject to safeguarding conditions. I consider what has been set out in terms of how this detached property would operate in the latest submitted schedule of operations within the Planning Statement, submitted drawings and email communication from the planning agent that the proposed use would not be expected to give rise to any adverse noise and disturbance impact subject to safeguarding conditions (including controls on the hours of use). In respect to the issue of noise, members are also reminded that that at the time of the officer site visit the gable wall of number 406 Walsall Road to the immediate north of the site and 392 Walsall Road to the immediate south of the site were noted as being blank. Furthermore, the previous use of the premises was as a Police station where there would have been coming and going of police and associated civilian staff as well as members of the public which in itself would have been noise generating.
- 6.18. Design- No objection raised to the visual impact of the proposed external proposed works proposed.
- 6.19. Cumulative impact- The application site sits to the immediate north west of a parade of commercial premises (some with first floor residential occupiers). Of those ground floor units in that parade, at the time of the officer site visit, there were 11 units with active commercial frontages. Of the 11 active ground floor frontages mentioned above, 6 were A1 retail; 2 were in A2 use and 3 were A5 takeaways. Given the proposal involves the conversion of a detached sui generis police station to a sui generis community centre and education use which would not introduce uses that are already in the commercial parade to the south of the site, no adverse cumulative impact is identified.
- 6.20. Other matters- I consider many of the matters raised by the objectors to the scheme such as on noise and traffic grounds have been addressed earlier in this report. With respect to other matters raised such as the claim it will create friction between communities, there is no evidence to support this. With regard to the claim that there are other facilities nearby for education and prayer, members are reminded the prayer element proposed would be ancillary and the premises prime use if not proposed to be a place of worship so it would be wrong to point to other places of worship elsewhere as an alternative to this site which in any instance, given the

alternatives mentioned by the objectors, are situated a distance away and would only increase travel for locals with associated impacts on road networks, the environment and congestion. Similarly, the alternative education centre (124 Walsall Road) pointed to by one of the objectors is also set a distance away and would also potentially impose the same travel implications on locals wishing to use this site.

- 6.21. In respect of the comments which question why the premises has to be Muslim community centre and not just a community centre, I respond by noting that there is nothing in the law from preventing groups and individuals through their own endeavours and appropriate legal process to seek to address gaps in their community requirements through the provision of premises to address such. Furthermore, discrimination against others in the use of the premises for the purpose allowed is illegal therefore all sections of the community can use the premises for the purposes proposed.
- 6.22. With regard to the request that the site is better used for the Commonwealth Games, I respond by noting that I have not been made aware of the need for the use of the premises for the Commonwealth Games by the organisers of the Games.
- 6.23. With regard to the demand that a local meeting is held with the wider community and residents, who would be affected drastically by such a change of use of the venue, to allow them to voice their concerns, I can confirm that with regard to Planning, appropriate consultation has been carried out on the application in accordance with planning requirements and the planning matters raised in the responses received have been considered and given due weight in the assessment of the application in this report. With regard to the matter of concerns about litter, the applicant has identified a waste and recycling area would be provided to the rear of the premises.
- 6.24. Finally, with regard to the claim by the applicant that the premises benefits from Use class D1 rights having been a police station and therefore its use if for solely D1 uses such as education and or as place of worship would not require consent, I can inform members that my research has concluded that police stations are sui generis (as defined by the Use Class Order 1987) and consequently the opportunity to use it for D1 purposes without planning permission is not considered to be allowed under the Use Class Order. The classification of the proposed use as Sui Generis has been arrived at on the basis that there will be clearly two interrelated main uses of the site the first being a community use which will entail many, but not all, the characteristics of a D2 leisure and assembly whilst the second main use would be the educational use. Combined these two uses, together with the ancillary function of accommodating ancillary prayer for attendees of the other functions has lead to the classification of the proposed use as Sui Generis.

7. Conclusion

- 7.1. The proposed development represents an appropriate use of the premises and subject to safeguarding conditions, not adverse impacts are expected to arise.

8. Recommendation

- 8.1. That the application is approved subject to safeguarding conditions.

1 Limits the hours of operation (0830 - 2300)

-
- 2 Requires that the materials used match the main building
 - 3 Requires the submission of a CCTV scheme
 - 4 Prevents the use from changing within the use class
 - 5 Requires the submission of a lighting scheme
 - 6 Requires the parking area to be laid out prior to use
 - 7 Requires the submission of cycle storage details
 - 8 Requires the submission of a car park management plan
 - 9 Requires the submission of a Community Travel Plan
 - 10 Defines the prayer feature of the development
 - 11 Requires the provision of a vehicle charging point
 - 12 Requires the submission of an amended car park layout detailing designated parking spaces for low emission vehicles
 - 13 Limits the approved activities to within the building only
 - 14 Limits the noise levels for Plant and Machinery
 - 15 Requires the submission of a noise mitigation scheme
 - 16 Prevents the use of amplification equipment
 - 17 Requires the scheme to be in accordance with the listed approved plans
 - 18 Implement within 3 years (Full)
-

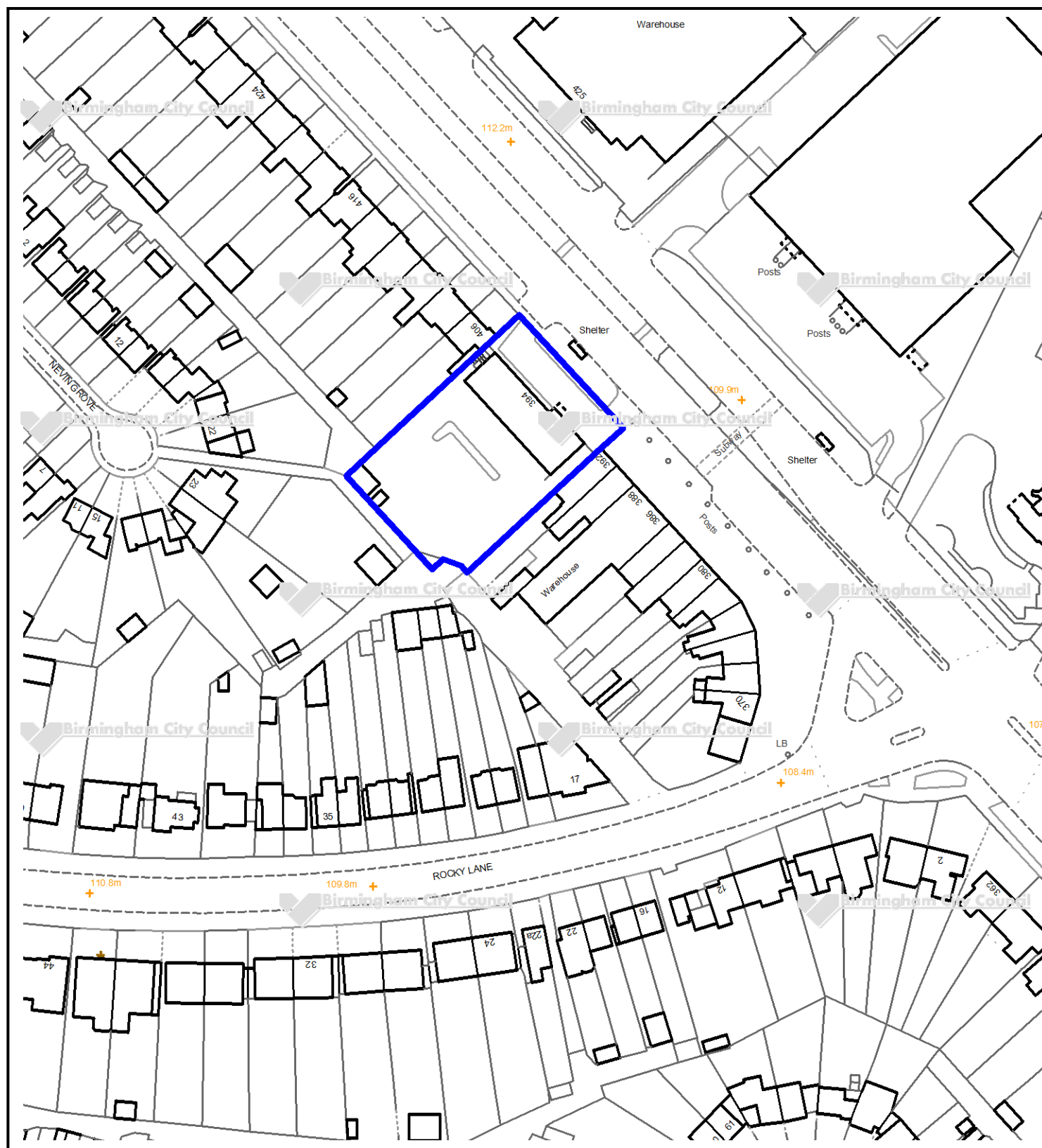
Case Officer: Wahid Gul

Photo(s)



Front of application property

Location Plan



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Committee Date:	04/07/2019	Application Number:	2018/09535/PA
Accepted:	27/11/2018	Application Type:	Full Planning
Target Date:	01/04/2019		
Ward:	North Edgbaston		

Land to the rear of 77 Selwyn Road, Edgbaston, Birmingham, B16 0SL

Erection of single storey community centre (Use Class Sui Generis) together with associated landscape and access improvements

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for the erection of a single storey community centre (Use Class Sui Generis) together with associated landscape and access improvements. The proposed community centre would be run by the charity - Birmingham Settlement and would provide wellbeing and physical activities such as low-level sports and exercise; walking clubs as well as activities for horticulture and nature/environmental awareness; training and learning opportunities e.g. forest schools; arts and craft and other activities.
- 1.2. The proposed community centre would be built on and around an existing floor slab relating to the original pavilion that served the playing fields with changing facilities, destroyed in the late 1980s/1990s by fire and never replaced. The proposed building would measure 14.5m in depth x 5.8m in width with a maximum height to a ridgeline of 4.8m. The internal layout would comprise a community room, office and toilet facilities. The building would be single storey designed with high level windows and a ceiling open to the rafters. A duo-pitched roof is proposed over the primary space with variation of the roof form at the western end of the building. Roof orientation has also been designed to allow for renewable energy choices to be included such as photovoltaic or solar thermal panels.
- 1.3. The proposed materials include a robust sinusoidal metal cladding in a single bold 'barn red' colour, aluminium pale yellow composite aluminium windows with tiled finish to the entrance. A cellular, earth-filled surface is being proposed for the access road and staff parking area which will be gravel-filled along the length of the access drive.
- 1.4. The vehicular access to the site would be provided via the existing access road, off Selwyn Road which would undergo improvements. The site would be secured by inward-opening lockable gates. The pedestrian access would be available from the public route at the Edgbaston Reservoir edge. Ramped access to the building, to allow wheelchair access, as well as stepped access would be provided along the north-west face of the building adjacent to the car park. There would be a further access from the south-east face of the building as well as a terrace area.
- 1.5. No trees are proposed for removal and the landscaping beyond the main building entrance in the south-east and north-east area are intended to be left untouched.

New native shrub planting between the parking area and western boundary is being proposed; with planters integrated into the hard landscape around the building and terrace area.

- 1.6. The proposed opening hours would be 08:00-19:00; 7 days a week.
- 1.7. 4 no. car parking spaces for staff only are being proposed.
- 1.8. A Design and Access Statement, a Tree Survey, a Preliminary Ecological Appraisal and a Sequential Test were submitted in support of this application.

1.9. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a large plot of land adjacent to Edgbaston Reservoir. To the west, the site is bounded by rear gardens of residential properties on Selwyn Road and to the north, east and south by the margins of Edgbaston Reservoir. The vehicular access to the site is available via existing access road between No. 77 and No. 81 Selwyn Road, and the site is also accessible via the public footpath at the reservoir edge.
- 2.2. While historically the site has been identified as 'playing fields', it is privately owned by the charity (Birmingham Settlement), not used as a public open space and has been dormant for a number of years. Nevertheless, during the summer it is occasionally being used for community events organised by the site owners. The site had been previously served by a pavilion which provided changing facilities; this building however burned down in the late 1980s /1990s with only a concrete floor slab still remaining on site.
- 2.3. The site is surrounded by mature trees; which are not subject to a Tree Preservation Order.

2.4. [Site Location](#)

3. Planning History

- 3.1. No planning history.

4. Consultation/PP Responses

- 4.1. Site notice had been posted and local ward Councillors and the occupiers of neighbouring properties have been consulted;
- 4.2. 5 letters of support have been received, supporting the proposed development for the following reasons:
 - The site operates as a key physical asset
 - It would provide space for local community to come together and continue to build a sense of community
 - It would transform the space, create greater accessibility and increase use of the site
 - It would provide basic facilities including toilets, water and electricity
 - It would be used to promote local wellbeing and improve biodiversity and used as a hub for all kinds of nature-based activities

- 4.3. 5 letters of objection have been received objecting to the proposed development on the following grounds:
- Inadequate parking and access route
 - Loss of privacy
 - Loss of view
 - Prostitution and drug dealing in the area
 - No demand or need for a community building in this area
 - Height, colour and design of the building
 - Development would undermine the green space and lead to possible future development on the field
 - Building would not be maintained and become an eyesore
- 4.4. 2 letters of comments have been received stating:
- That additional measures are included to support the wildlife
 - Concerns of anti-social behaviour and burglary in the area
 - Concerns about travellers possibly settling on the field
- 4.5. Friends of Edgbaston Reservoir – Supporting the application.
- 4.6. West Midlands Housing Group – Supporting the application.
- 4.7. Regulatory Services – No objections.
- 4.8. Transportation Development – No objections subject to conditions in relation to pedestrian visibility splay, car parking management plan, secure and covered cycle storage, restriction on number of people within the site.
- 4.9. Leisure Services – No objections subject to a condition in relation to maintenance of the application site.
- 4.10. Canal & River Trust - No objections subject to conditions in relation to landscaping and drainage arrangements.
- 4.11. West Midlands Police – No objections and recommended that the applicant adopts the enhanced security standards produced by Police Crime Reduction initiative 'Secured by Design Commercial 2015 Guide'. In addition, recommendations have been made in relation to lighting, security measures, boundary treatment and gating.

5. Policy Context

- 5.1. Relevant Local planning policy:
- Birmingham Development Plan (BDP) 2017
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
 - Places For All SPG (2001)
 - Car Parking Guidelines SPD
 - Edgbaston Reservoir and Icknield Port Loop Development Framework 2005
 - Edgbaston Reservoir Masterplan Draft SPD (2019)
- 5.2. Relevant National planning policy:
- National Planning Policy Framework (NPPF) (2019)

6. Planning Considerations

Policy

- 6.1. Policy TP21 of the BDP states that preferred location for community facilities is within the network of centre identifies. The Policy further states that except for any specific allocations, proposals for main town centre uses outside the boundaries of the network of centres identified in Policy TP21 will not be permitted unless they satisfy the requirements set out in national planning policy.
- 6.2. Paragraph 86 of the National Planning Policy Framework (NPPF) states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre sites be considered.
- 6.3. Policy TP9 of the BDP refers to open space, playing fields and allotments and states that where an area of open space is underused; the proposals that would result in the loss of small part of a larger area of open space will be considered if compensation measures would result in significant improvements to the quality and recreational value of the remaining area.
- 6.4. Paragraph 91 of the NPPF states that planning policies and decision should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyle. Paragraph 92 of the NPPF continues by stating that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should; plan positively for the provision and use of shared spaces, community facilitates and other local services; take into account and support the delivery of local strategies to improve health, social and cultural well-being; guard against the unnecessary loss of valued facilities and services; ensure that established shops, facilitates and services are able to develop and modernise, and are retained for the benefit of the community and ensure an integrated approach to considering the location of community facilitates and services.
- 6.5. Paragraph 96 of the NPPF refers to open space and recreation and states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 97 of the NPPF further states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements or; the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location or; the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 6.6. Paragraph 5.8.1 of Edgbaston Reservoir and Icknield Port Loop Development Framework 2005 states that the application site forms part of Selwyn Road Playing Fields. Should this site fall out of playing field use, there will be a presumption in favour of retaining the site as open space. It would form an attractive extension to the Reservoir's surroundings and the opportunity to secure wider public access will be explored. This will also include the possibility of enhancing the open space of the site though the provision of associated facilities.

- 6.7. It is noted that the Council has published the Edgbaston Reservoir Masterplan, Draft Supplementary Planning Document (SPD). This document outlines the vision for the Reservoir to provide a regional destination where residents and visitors can enjoy a mix of land and water-based leisure and recreation. The natural landscape, biodiversity, and heritage will be protected to create a safe distinctive place that supports the improved health and wellbeing of residents. The transformation of key development sites around the reservoir will introduce new life and activity. It will enhance the visitor experience and quality of place, and provide the opportunity for new and existing residents to come together.
- 6.8. Policy GA2 of the BDP (Greater Icknield) seeks to encourage greater use of Edgbaston Reservoir for community, leisure, sport and education based activities.
- 6.9. Relevant Saved Policies of the Birmingham UDP, comprising of Chapter 8 and policy 3.14, emphasise the need to secure high quality design. Policy 3.14 states that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. The policy further states that the design and landscaping of new developments will be expected to contribute to the enhancement of the City's environment. Policy PG3 of the Birmingham Development Plan 2017 (BDP) reiterates the importance of high design quality.
- 6.10. The National Planning Policy Framework (NPPF 2019) states that good design is a key aspect of sustainable development and is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 130 of the NPPF further 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.
- 6.11. The main issues for consideration in determination of this planning application are the principle of development on site, impact on visual amenity, residential amenity, ecology and trees as well as highway safety and parking.

Principle

- 6.12. The proposal is for a single storey community centre which would be located on open space on the edge of Edgbaston Reservoir. As stated above, Policy TP21 of the BDP states that preferred location for community facilities is within the network of centre identifies and except for any specific allocations, proposals for main town centre uses outside the boundaries of the network of centres identified in Policy TP21 will not be permitted unless they satisfy the requirements set out in national planning policy. As such, the applicant was required to justify by means of a 'sequential exercise' that the proposal does not conflict with Policy TP21.
- 6.13. The sequential exercise that had been submitted by the applicant in support of this application identified that there were no suitable sites within the nearest Local Centre (Dudley Road) that could provide such a facility to serve the proposal's purpose as a community facility closely linked to the reservoir and the leisure and education opportunities it would provide. My Strategic Advisor accepts the conclusion of the sequential exercise undertaken and supports the proposal. I concur with this view and I am satisfied that the applicant has demonstrated there are no sequentially preferable sites currently available in the nearest Local Centre (Dudley Road).

- 6.14. Turning to the loss of open space. Policy TP9 of the BDP states that the proposals that would result in the loss of small part of a larger area of open space will be considered if compensation measures would result in significant improvements to the quality and recreational value of the remaining area. While historically the site has been identified as 'playing fields', it is privately owned and not being used as such. The submitted Design and Access statement identifies that the playing field by the Edgbaston Reservoir has been dormant for many years. The proposal would aim at bringing *'a dead piece of land back into use as a community-led project to secure and protect the site for the benefit of those in the immediate and surrounding areas'*. It is also stated that the proposal would *'provide a safe, sheltered space for people to meet, to take part in activities and develop the activities they want that they cannot do as there is no physical space on the field or indeed around the reservoir where they can do this'*. It is also noted that the proposed building would replace one in almost the same location which was burned down several years ago. Moreover, it would result in the loss of only a very small part (approximately 160m²) of a larger area of open space (approximately 14,000m²).
- 6.15. My Strategic Advisor consider that the loss of open space would be mitigated by the fact that the proposed facility would encourage greater use of the Reservoir and its surrounding open space and would be linked to providing education on the ecology and nature conservation value of the Reservoir and its surroundings. I concur with this view. Leisure Services have assessed the proposal and given its community use and small footprint which is comparable to the former building on site, they raise no objections. They recommended, however, that a condition is attached that would require the applicant to be responsible for the repair and maintenance of the current fenced perimeter with the reservoir and the application site in its entirety. Given that the application site is privately owned by the applicant and has been historically fenced off from the rest of the Reservoir, I consider that a condition to this effect is not necessary in this instance.
- 6.16. Finally, the proposal is also in line with Policy GA2 of the BDP and the Edgbaston Reservoir Masterplan Draft SPD 2019 which seek to encourage greater use of the Edgbaston Reservoir for community, leisure, sport and education based activities. This application is located within the Natural Parkland element of the masterplan, which seeks to enhance the natural environment by creating a tranquil setting for the local community and visitors. It also seeks to create a family-friendly environment, promote education and recreation uses that encourage interaction with the natural environment, and ensure that the valuable biodiversity is protected. Given the above, I consider that the principle of the erection of a community centre in this location is acceptable, subject to other site specific material planning considerations.

Visual Amenity

- 6.17. Relevant Saved Policies of the Birmingham UDP as well as Policy PG3 of the BDP emphasise the need to secure high quality design. The proposed community centre would be a single storey throughout designed with high level windows and a ceiling open to rafters. A duo-pitched roof is proposed over the primary space with variation of the roof form at the western end of the building. The proposed materials include a robust sinusoidal metal cladding in a single bold 'barn red' colour, aluminium pale yellow composite windows with a tiled finish to the entrance. The submitted Design and Access Statement states that *'building form and detailing of the scheme have been chosen with the aim of creating an architecturally interesting building which would be visible from the public route around the Reservoir'*.

- 6.18. My City Design Officer have assessed the proposal and supports the general scale and massing of the development. It is considered that the varied roof form at the western end of the building adds to its visual interest and allows for higher level windows providing more natural light to the interior. The proposed robust sinusoidal metal cladding in a barn red colour could potentially contribute to the creation of a visible and an architecturally interesting building. Further details on the colour, materials, windows and entrance will be secured by a condition. Other on site works such as landscaping and improvements to the parking area would further enhance the visual appearance of the site. Details of such can also be controlled by a way of conditions.
- 6.19. It is therefore considered that the proposed development would have a positive visual impact on the surrounding area.

Residential Amenity

- 6.20. The proposed development would be located well within the open space and away from residential buildings located on Selwyn Road. As such, there would be no detrimental impact on the amenities of the occupiers of the properties on Selwyn Road adjacent to the playing field, by virtue of loss of light, outlook or privacy. It is noted that concerns had been raised by a local resident with regards to loss of private view of the Edgbaston Reservoir. However, this matter is not a material planning consideration and cannot be taken into account when assessing this planning application. The proposed opening hours would be 08:00-19:00; 7 days a week, which is considered to be reasonable for the community centre and the safeguarding condition to this effect is also attached. Regulatory Services have assessed the proposal and raise no objections. It is therefore considered that the proposal would have no detrimental impact on residential amenity of the occupiers of adjoining residential properties along Selwyn Road.

Ecology

- 6.21. The application site is adjacent to Edgbaston Reservoir which is a Local Nature Reserve. A Preliminary Ecological Appraisal (PEA) was submitted in support of this application. The PEA concluded that the site is of 'moderate ecological value' consisting primarily of amenity grassland with mature and semi-mature woodland fridge along the edge of the site. The PEA found the tress on the site to have high suitability for breeding birds and a Common Pipistrelle and Brown Long Eared Bats are found roosting within 3km of the site. In terms of protected species; four bat species are recorded within 1 km of the site, with Great Crested Newt and Badger at 5km.
- 6.22. The City Ecologist assessed the proposal and raised no objection. It is recommended that any site clearance is undertaken outside of the bird breeding season (mid-March to mid-August), unless suitably qualified ecologist is employed to ascertain the presence of any breeding birds within the site. This has been secured by a way of condition. In addition, the City Ecologist recommended further conditions in relation to bird/bat boxes; lighting scheme; a scheme for ecological/biodiversity/enhancement measures; fencing and mitigation/enhancement plan, in order to safeguard the nature conservation value of the site. I concur with this view and recommended conditions are attached.

Trees

- 6.23. A full tree survey has been undertaken and submitted which assessed species and status of all trees present within the footprint of the proposed development. The tree survey indicates that the majority of the on-site trees are of high quality, classified as B1. None of these trees are, however, protected by a Tree Preservation Order. It is also understood from the submitted Design and Access statement, as well as plans, that no trees are proposed for removal to accommodate the scheme.
- 6.24. The Tree Officer has assessed the proposal and raised no objections subject to conditions in relation to an arboricultural method statement and a pre-commencement site meeting to discuss the approved details of working procedures and tree protection. I concur with this view and I consider that whilst no trees would be removed; it is necessary to safeguard trees of high quality on the site from accidental damage during the construction period. As such, I consider that subject to the recommended safeguarding conditions; the proposed development would have no adverse impact on trees within the development site or during construction works.

Highway safety and parking

- 6.25. The pedestrian and vehicular access (for staff members only) to the site would be provided via the existing access road off Selwyn Road, which would be secured by inward-opening lockable gates. The existing access will be widened to provide passing space and to also improve pedestrian visibility. The existing pedestrian access is also available from the existing public route at the Edgbaston Reservoir edge. 4 no. parking spaces are being proposed for staff members to the front of the proposed building.
- 6.26. Transportation Development have assessed the proposal and raise no objection subject to conditions requiring car parking management plan, pedestrian visibility splays and secure and covered cycle storage. I concur with this view and I consider that whilst the proposed development could potentially increase the traffic to/from the site; subject to the above conditions the proposed development would have no adverse impact on highway or pedestrian safety.
- 6.27. With regards to a condition that has been requested by Transportation Development that would restrict the number of people to be accommodated at any one time within the site; the NPPF clearly states in Paragraph 55 that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I consider that the recommended condition is not necessary, enforceable and/or reasonable and as such, cannot be attached.

Community Infrastructure Levy (CIL)

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

Other matters

- 6.29. West Midlands Police have assessed the proposal and raise no objections. Concerns have been raised, however, with regards to accessibility and remoteness of the site which offers a very limited surveillance. WM Police therefore recommends the installation of the CCTV, intruder alarm and appropriate security shutters to all accessible windows and doors. Moreover, they recommend that any works should

be carried out to the standards within the 'Secured by Design Commercial 2015' guide and that a lighting plan for the site is produced which should follow the guidelines and standards as indicated in 'Lighting Against Crime' guide. It is also noted that concerns had been raised by local residents with regards to prostitution and drug dealing in the local area and that the proposed development could potentially attract these activities and/or anti-social behaviour. It is therefore considered that recommended safeguarding conditions in relation to a CCTV and lighting scheme are attached to any subsequent planning consent.

- 6.30. The Canal and River Trust have been consulted. They assessed the impact of the proposed development on the water quality of the reservoir and on the biodiversity of the reservoir and its margins. With regards to the water quality; the submitted Design and Access statement states that service connections to the site are no longer viable and the proposed development and on-site management of surface water as well as the inclusion of a septic tank for foul drainage would be required. Canal and River Trust therefore recommend that an appropriate condition is attached to any planning permission with regards to drainage arrangements. I concur with this view and the recommended condition is attached. With regards to biodiversity, the Canal and River Trust recommended that a condition is attached in terms of a landscaping scheme.

7. Conclusion

- 7.1. The proposed community centre would encourage greater use of the Edgbaston Reservoir and its surrounding open space and would be linked to providing education on the ecology and nature conservation value of the Reservoir and its surroundings. Moreover, it would bring back into use land which had been dormant for years for the benefit of the local community and visitors. The proposed development would have no adverse impact on residential or visual amenity and subject to safeguarding conditions would not adversely impact on ecology, trees or highway safety and parking in the area. The proposed development is therefore in accordance with relevant local and national policy and guidance and planning permission should be granted.

8. Recommendation

- 8.1. Approve subject to the following conditions.

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|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Prevents the use from changing within the use class |
| 3 | Arboricultural Method Statement - Submission Required |
| 4 | No commencement until pre-commencement meeting held |
| 5 | Requires the prior submission of details of bird/bat boxes |
| 6 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 7 | Requires the prior submission of fencing around areas of nature conservation interest |
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|----|--|
| 8 | Requires the submission of a lighting scheme |
| 9 | Requires the submission of hard and/or soft landscape details |
| 10 | Requires the submission of hard surfacing materials |
| 11 | Requires the submission of boundary treatment details |
| 12 | Requires the submission of sample materials |
| 13 | Requires the prior submission of level details |
| 14 | Requires the submission of a CCTV scheme |
| 15 | Requires the implementation of the submitted mitigation/enhancement plan |
| 16 | Requires the submission of a parking management strategy |
| 17 | Requires pedestrian visibility splays to be provided |
| 18 | Requires the submission of cycle storage details |
| 19 | Limits the hours of operation (08:00 -19:00) |
| 20 | Requires the prior submission of a drainage scheme |
| 21 | Implement within 3 years (Full) |
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Case Officer: Lucia Hamid

Photo(s)

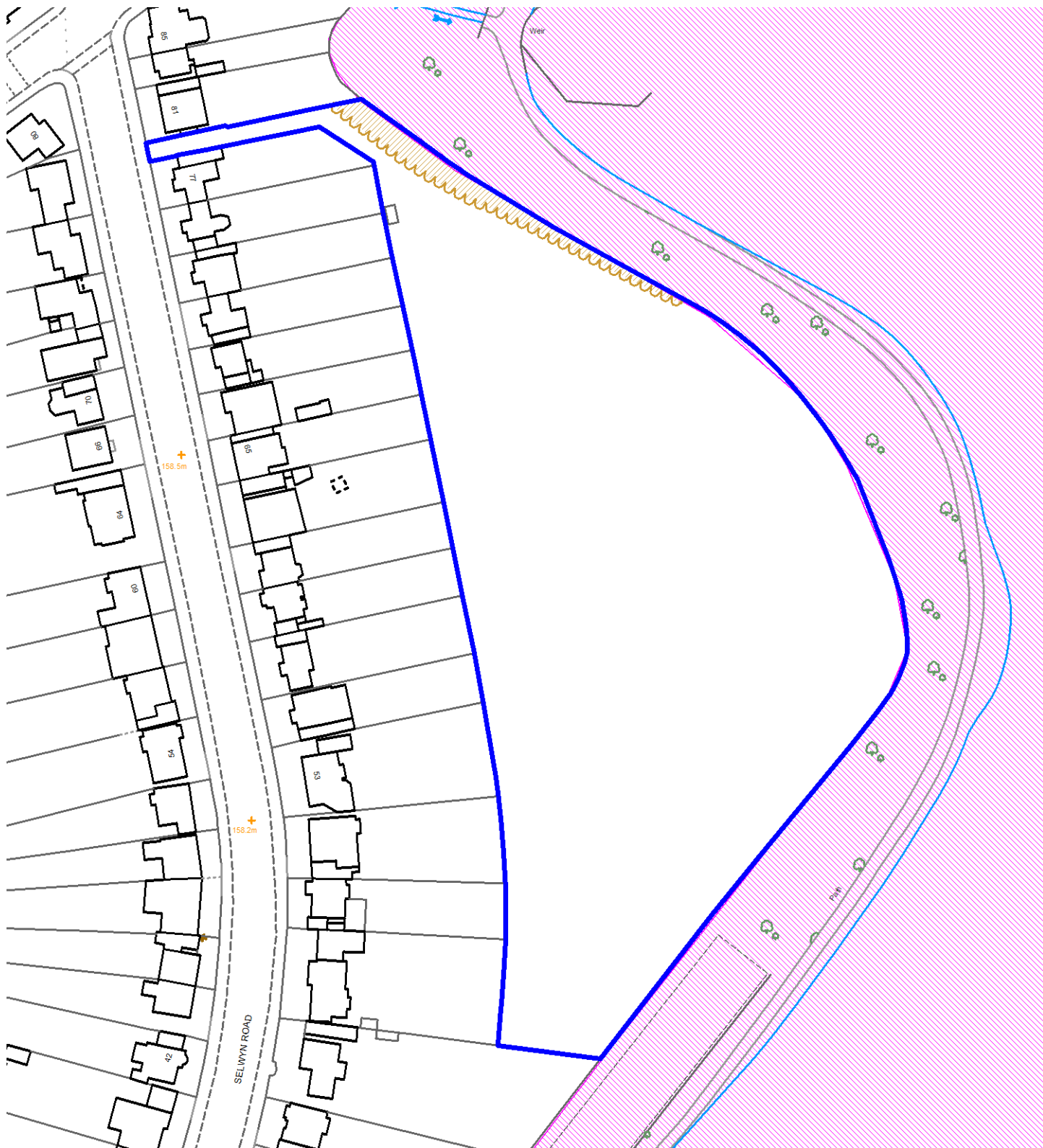


Picture 1: Access road from Selwyn Road



Picture 2: View towards the site

Location Plan



Committee Date:	04/07/2019	Application Number:	2018/10465/PA
Accepted:	03/01/2019	Application Type:	Full Planning
Target Date:	04/04/2019		
Ward:	Nechells		

136 Lawley Middleway, Birmingham, B4 7XX

Demolition of existing retail unit and erection of purpose built student accommodation building (Sui Generis) between 5 and 15 storeys with associated internal and external amenity space, landscaping, cycle parking and associated works

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The application proposals include the demolition of the existing retail unit and the erection of a building with a 5 storey shoulder height and 15 storey tower element. The proposed accommodation would provide 365 student bed spaces in a mix of studios and cluster flats together with associated internal and external amenity space, landscaping and cycle parking.
- 1.2. The proposed building would follow the footprint of the site fronting Curzon Circus, Vauxhall Road and Lawford Close to the rear with the tower element fronting Curzon Circle. The ground floor would be fully glazed with the upper floors constructed of concrete and aluminium panels with glazed opening windows. The podium element would comprise an alternating pattern of openings with a more regular pattern on the tower. The plant would be located at roof top level and screened behind a plant screen.
- 1.3. The proposed development would be car free (with the exception of 3 disabled car parking spaces at ground floor level) but contain 114 covered cycle spaces. Temporary arrangement are proposed to cater for the start and end of term drop-off and collection by means of a management strategy allocating time slots to students over the course of two weekends, with short term parking managed utilising car parks and on-street parking in the vicinity of the site.
- 1.4. An external amenity area would be provided at the rear of the building at first floor level with access to all occupiers and a lounge area would be provided within the lobby.
- 1.5. The application is supported by a Planning Statement, Design & Access Statement, Market Demand Report (Student Needs Assessment), Air Quality Assessment, Noise Assessment, Heritage & Archaeological Statement, Ecology Report, Energy Statement, Sustainable Construction Statement, Sustainable Drainage Statement, Transport Assessment & Travel Plan and Land Contamination Assessment.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site (0.35ha) is located to the east of Curzon Circle roundabout on Lawley Middleway. It currently contains a flat roofed single storey building in retail use. The site lies on the junction of Lawley Middleway and Vauxhall Road.
- 2.2. To the north of the site is the White Tower Public House (Locally Listed). To the east are a number of fenced off industrial units, the site of which will become a compound for HS2. To the south-west, opposite Curzon Circle is the former Curzon Gateway Unite student accommodation which is being demolished as part of the plans for the Curzon Street HS2 Station. To the north-west, opposite Curzon Circle is University Locks student accommodation which rises to 18 storeys.
- 2.3. The proposed HS2 viaduct and track will run adjacent to the site to the south, however, the site is not within the HS2 safeguarding area.
- 2.4. [Site Location and Street View](#)

3. Planning History

- 3.1. 14/06/1994. 1994/00043/PA. Change of use from furniture showroom to children's indoor play arena. Withdrawn.

4. Consultation/PP Responses

- 4.1. MP, Councillors, Residents Associations, nearby occupiers, Aston University, University of Birmingham, Birmingham City University notified. Site and press notices posted. 1 letter has been received making the following comments;
 - What is lacking, and an enhancement to the application, is a clear commitment to environmental and ecological restoration.
 - The Nature Conservation Strategy for Birmingham sets out to provide comprehensive advice and guidance concerning Birmingham's nature conservation resource. Development Guideline 13 requires that the design of structures should take full account of the opportunity or need to accommodate features that support nature conservation.
 - One measure for birds, swifts, that nest in buildings, is to build-in provision in the Parapet at roof level, the Ibstock bricks (or Forticrete ones) can be built in.
 - Then there is the roof. Flat roofs can be 'green roofs' that mitigates the storm run-off. This also supports essential wildlife such as bees. Special measures can accommodate birds such as the Black Redstart.
- 4.2. Transportation Development – No objections subject to conditions requiring a management plan for drop-offs/pick-ups, a travel plan, highway works to be carried out at the applicants expense, funding of a review/implementation of amendments to Traffic Regulation Orders in the area and provision of the secure cycle parking prior to occupation..
- 4.3. Regulatory Services – Object to the proposal on air quality grounds due to the high level of concentrations of nitrogen dioxide at the building façade which far exceed the air quality objective and the proposal for student accommodation is considered

to be a sensitive receptor.

- 4.4. Local Lead Flood Authority – No objections subject to conditions requiring the submission of a sustainable drainage scheme and maintenance plan.
- 4.5. Severn Trent Water – No objections subject to a condition to secure drainage plans for the disposal of foul and surface water drainage.
- 4.6. BCC Employment and Skills – Recommend a construction employment plan to secure local employment and training.
- 4.7. West Midlands Police -
 - there is no car parking provided and staff or residents would have to use the existing nearby provision, which is often in high demand from existing, neighbouring uses. Details of the moving in / moving out process of students are therefore needed;
 - recommend that 24 / 7 staffing is employed;
 - request conditions requiring lighting details and CCTV;
 - all access points should be fitted with self-closing mechanisms and there should be access control within the building to restrict unwanted / unauthorised access;
 - recommend that Secured by Design 'Homes 2016' guide be used as a reference for the appropriate standards;
 - access into the post room needs to be controlled;
 - the refuse collection management plan for the site needs clarification as any site could be particularly vulnerable during the refuse collection process when it could be easy for off-site staff to leave doors / gates open or unlocked;
 - query the smoking policy for the site, i.e. where do smokers go?
 - the location of the post boxes, near to the reception desk where staff can keep an eye on it, is supported; and,
 - the cycle storage area, which would be accessed from the building lobby and from Lawford Close, should be fully covered by CCTV. Also, both entrances should be the subject of robust access control and an appropriate security standard.
- 4.8. West Midlands Fire Service - Water supplies for firefighting should be in accordance with national guidance. The approval of Building Control will be required with regard to Part B of the Building Regulations 2010. Where fire mains are provided in the building there should be access to the riser inlet within 18 metres and each access point should be clearly visible. Buildings over 30m should be fitted with a sprinkler system.
- 4.9. Canals & Rivers Trust – Would like to make the applicants aware of potential benefits of their proximity to a canalside location including use of towpath for students and residents to walk/cycle and use of the waterspace for leisure activities as well as heritage and cultural benefits.
- 4.10. High Speed 2 – The application site sits outside but immediately adjacent to the HS2 safeguarding zone. HS2 do not wish to object to the proposal subject to the inclusion of conditions requiring the submission of a construction management plan and to ensure any overlapping construction logistics programmes and delivery are co-ordinated.
5. Policy Context

- 5.1. Birmingham Unitary Development Plan Saved Policies (2005), Birmingham Development Plan 2017, High Places SPG; Places for All SPG, Places for Living SPG; Specific Needs Housing SPG; Car Parking Guidelines SPD and Revised National Planning Policy Framework 2019.
6. Planning Considerations
- 6.1. **Policy and Principle of Development** - The Revised National Planning Policy Framework states at paragraph 117 that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
- 6.2. At a local level, the Birmingham Development Plan 2017 in Policy TP33 advises that proposals for purpose built student accommodation provided for off campus provision will be considered favourably where:
- there is a demonstrated need for the development.
 - the proposed development is very well located in relation to the educational establishment that it is to serve and to the local facilities which will serve it, by means of walking, cycling and public transport.
 - the proposed development will not have an unacceptable impact on the local neighbourhood and residential amenity.
 - the scale, massing and architecture of the development is appropriate for the location.
 - the design and layout of the accommodation together with the associated facilities provided will create a safe, secure and welcoming living environment.
- 6.3. Policy PG3 of the Birmingham Development Plan requires that all new developments will be expected to demonstrate high design quality, contributing to a strong sense of place and reinforcing local distinctiveness.
- 6.4. The main issues are considered to be whether the provision of student accommodation in this location is acceptable in principle and if so whether the scale of the building proposed and layout is appropriate having regard to the site surroundings. Also to be considered is the external appearance of the building including the proposed materials, amenity and transportation issues.
- 6.5. The site is currently in retail use and is not designated for any particular purpose. It is close to Eastside which is designated as the "learning quarter" and within easy walking/cycling distance of Birmingham City and Aston Universities. There are other student schemes in the vicinity although the Curzon Gateway Unite student accommodation is currently being demolished as part of the HS2 Curzon Station scheme. University Locks student accommodation also fronts Curzon Circle. The application site lies just outside the HS2 safeguarding zone, however the HS2 viaduct will be constructed adjacent the site to the south.
- 6.6. **Student Need** – The applicants have submitted a Market Demand Report (Student Needs Assessment) in support of the application. The Student Needs Assessment undertaken by the applicant confirms the research undertaken by the City Council.

There has been a significant growth in the development of Purpose Built Student Accommodation (PBSA), particularly in and around Birmingham City Centre. In considering PBSA it is acknowledged that, currently, all students have accommodation and there is, therefore, sufficient accommodation to house all students in the City Centre. This suggests that any new PBSA would primarily be to serve a growth in student numbers, rectify a mismatch in the type of accommodation which is available and that which is needed, respond to changing student preferences or replace existing PBSA accommodation.

- 6.7. There are three main campuses located in the city centre. These serve Aston University, Birmingham City University and University College Birmingham. Taking account of students living in their own home, living with their parents/ guardian and 'not in attendance' e.g. due to industrial placement, there is a demand of 13,884 BCU, UCB and Aston University students needing accommodation. It should be noted that the number of students requiring accommodation each year will fluctuate.
- 6.8. Based on current figures (April 2018) the existing supply of PBSA at April 2018 in the city centre was 12,749 bedspaces. A further 2,147 bedspaces were under construction with a further 2,461 bedspaces having planning permission but are not yet started. The total existing supply and pipeline (including 10% non-implementation rate applied to detailed consents not started) would be 17,111 bedspaces.
- 6.9. If all consented PBSA is built out and the demand for accommodation remains the same, the level of supply of student accommodation in the City Centre would exceed the demand arising from the 3 main City Centre institutions. However, demand may also not be exclusively restricted to these three institutions. There is a significant shortfall of PBSA to serve the University of Birmingham (Selly Oak) with an existing supply of 8,226 bedspaces with a demand of 22,011 bedspaces. In addition to the city-wide shortfall, some flexibility in supply is beneficial as student numbers can change relatively quickly but development takes much longer to be provided, so capacity in the existing stock is necessary to accommodate growth. Overall therefore I consider that applicant has demonstrated that there is a need for the development.
- 6.10. This application site is close to Eastside, which is designated as the "learning quarter" and is considered to be in a suitable and sustainable location for student accommodation, in particular Birmingham City University and Aston University. The site is within an area where there are already a number of existing student residential schemes and in close proximity to public transport services, therefore I consider the proposed use complies with Policy TP33 of the BDP and is acceptable in this location.
- 6.11. **Design and Visual Impact** - The proposed scheme has been subject to an extensive design evolution process. This process has resulted in a scheme with a 15 storey tower and a 5 storey shoulder which aims to positively define Curzon Circus and relate well to the scale and massing of buildings in the locality including University Locks on the opposite side of Curzon Circus.
- 6.12. The scale of the building at 15 storeys would not constitute a tall building as defined in High Places SPG and the site is just outside the defined boundary of the City Centre. The site, however, is in a location which can support a taller building being located on a major junction and the height of the tower element fronting Curzon Circus is considered acceptable. The 5 storey shoulder height is also considered to

be appropriate for a building of the scale proposed.

- 6.13. In terms of the detailed design, the elevations would have an alternating pattern of solid pre-cast concrete panels and glazed openings that would “animate the elevation by catching light and shadow, and create long rising lines to emphasize the tower’s verticality. I consider the proposed building is well designed and conditions are attached to secure high quality building materials.
- 6.14. A Heritage Statement has been submitted in support of the application and concludes that the impact of the proposals in terms of the height, scale and massing is considered to have a minimal and neutral to positive impact on the settings of the Warwick Barr Conservation Areas and the identified locally listed buildings including the White Tower Public House on the opposite corner of Curzon Circus/Vauxhall Road.
- 6.15. A desktop Archaeological Assessment has been submitted with the application. It notes that the site has only been developed from the early 19th century with low potential for any archaeological remains. It is not therefore considered that any additional assessment or fieldwork is necessary prior to the commencement of the proposed works. The Conservation Officer concurs with the conclusions of the Heritage Statement and Archaeological Assessment and raises no objections to the proposal.
- 6.16. **Highways** – The applicants have submitted a Transport Assessment in support of the application which describes the proposal as a “no car development” (3 disabled car parking spaces are proposed with access off Lawford Close). It states that even without on-site car parking provision, the proposed student accommodation would generate some vehicle movements to/from the site, in particular during drop off periods, however, it is considered that the proposed student accommodation would be unlikely to increase traffic to/from the site significantly during highway peak periods.
- 6.17. The Transport Assessment also refers to “the accessible nature of the site via sustainable transport”. The site is located close to educational establishments and has a good level of accessibility to public transport. The assessment also refers to the provision of a travel plan and traffic management framework for drop off/pick-ups.
- 6.18. Transportation Development has raised a number of concerns which the applicants have addressed with the submission of an amended ground floor layout showing 3 disabled parking bays and that the proposed servicing arrangements would not impact on visibility at the junction of Lawford Close and Vauxhall Road. Transportation Development has also recommended a number of conditions be attached should the application be approved. The Local Engineer has raised concern that other student schemes in the area have led to a significant amount of on-street parking issues in the vicinity, therefore, a condition is recommended that the applicants provide funding for a review/implementation of Traffic Regulation Orders in the area, if it is shown that the proposed student accommodation causes parking issues in the area.
- 6.19. I have no objection to the proposal on highway grounds subject to conditions requiring a management plan for drop-offs/pick-ups, a travel plan, highway works to be carried out at the applicants expense, funding of a review/implementation of amendments to Traffic Regulation Orders in the area and provision of the secure cycle parking prior to occupation.

- 6.20. **Environmental – Contamination** - A Land Contamination Assessment submitted with the application recommends further intrusive site investigations are carried out. Conditions are recommended requiring further site investigation and the submission of a verification report prior to occupation.
- 6.21. **Air Quality** - The applicants have submitted an Air Quality Assessment in support of the application. The assessment concludes that the combined effects of emissions from local traffic and proposed plant on the air quality for residents living in the proposed development have been shown to be “significant” at the worst case locations with annual mean concentrations of nitrogen dioxide being well above the air quality objectives at locations within the ground, first, second and third floors. The air quality effects on these floors are judged to be “significant” without mitigation. The fourth floor and above would experience annual mean concentrations of nitrogen dioxide below the air quality objective and thus impacts would not be significant. Less than 20% of the overall units would require sealed units.
- 6.22. The applicants propose mitigation in the form of a ventilation/filtration system which would provide adequate air to all habitable rooms and communal lounge areas on the ground, first, second and third floors. With this mitigation in place, the assessment concludes that road traffic and plant emissions do not provide any constraints to the proposed development.
- 6.23. Regulatory Services have considered the Air Quality Assessment and noted that the application site is located adjacent to the proposed Clean Air Zone and Air Quality Management Area and the annual mean concentrations of nitrogen dioxide at the building façade at ground level (80ug/m³) far exceed the air quality objective (40ug/m³). They accept that a filtration system can mitigate what happens within the building, however, their concern is the external environment. Regulatory Services view is that air quality has clear and significant health impacts and the proposed development albeit for student residential accommodation is a sensitive receptor and their recommendation is that the application is not supported.
- 6.24. The National Planning Policy Framework (NPPF) states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones and the cumulative impacts from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
- 6.25. National Planning Practice Guidance (NPPG) notes that whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor and if the development is likely to adversely impact on the implementation of air quality strategies, action plans or lead to a breach of EU legislation. The NPPG also advises that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would expose people to different sources of air pollutants. This could be by building new homes, workplaces or other development in places with poor air quality.
- 6.26. The NPPG notes that mitigation options where necessary will be locationally specific, depend on the proposed development and be proportionate to the likely impact. Local planning authorities should work with applicants to consider

appropriate mitigation (eg. means of ventilation) to ensure new development is appropriate for its location and unacceptable risks are prevented. Planning conditions can be used to secure mitigation.

- 6.27. It is accepted that the levels of nitrogen oxide at ground level at the façade of the building are well in excess of what are considered to be acceptable levels and pavements immediately adjacent to the site are likely to experience high concentrations. The applicants are clear that it is possible in this case for mitigation to take the form of a ventilation system with inlets drawing in air from a location where air quality has been shown to meet the objectives (in this case at the height of fourth floor or above) or a ventilation system drawing air from the façade of the building but fitted with NO_x filters. The approach taking air from a source at the rear where the air quality was of an acceptable level was accepted by Regulatory Services on the University Locks scheme diagonally opposite the application site which was approved in 2014 and where external nitrogen oxide levels at ground floor at the façade of the building were similar to the application site.
- 6.28. Air quality objectives apply at locations where members of the public are likely to be regularly present and are likely to be exposed over a period of time. Defra guidance states that the 1 hour mean nitrogen dioxide objective applies at “all locations where members of the public might reasonably expect to spend one hour or longer”. The applicants are of the view that it is not considered reasonable that residents of the proposed development will spend one hour or longer on the pavement immediately adjacent to the proposed development close to the roundabout and therefore this location is judged to represent relevant exposure for this objective. The occupancy of the proposed development being for students would also be more transient than if the proposal was for permanent residential accommodation.
- 6.29. Regulatory Services do not agree with the above views and maintain that air quality has possibly clearer and more significant health impacts, and given that a sensitive receptor is defined as residential properties and schools, we should not differentiate between student accommodation and permanent residential accommodation where air quality is a factor.
- 6.30. The air quality issue is finely balanced, however, there is no clear current guidance or policy which would enable a refusal of planning permission on air quality grounds where it relates solely to the external environment to be justified or robustly defended at appeal. Guidance in the NPPF and NPPG point towards looking at ways in which mitigation such as means of ventilation can be utilised to reduce any adverse air quality impacts internally and also preventing the introduction of uses within a Clean Air Zone or Air Quality Management Area which would worsen the air quality. Regulatory Services accepted mechanical ventilation taking cleaner air from the rear of the building on the University Locks scheme which has a similar external air quality climate to the application site. There is also a residential area in close proximity to the application site on Vauxhall Road and Windsor Street South where residents may walk past the application site on a regular basis and the White Tower Public House opposite whose customers would be exposed to similar short term exposures as occupiers of the proposed development would.
- 6.31. Nitrogen dioxide concentrations are expected to reduce significantly in the coming years as a result of Government policy and the introduction of a signalised junction at Curzon Circus in the near future is also likely to improve the air quality climate as it has done in the vicinity of Ashted Circus.

- 6.32. In conclusion, on the issue of air quality, on balance I do not consider that a refusal of planning permission solely on this ground could be justified or robustly defended at appeal. I recommend a condition requiring details of the proposed means of ventilation/filtration systems be submitted for approval.
- 6.33. Noise – The applicants have submitted a Noise Assessment in support of the application. The Noise Assessment is primarily concerned with road traffic noise and the data gathered has been used to undertake a road traffic noise modelling exercise to determine likely noise levels across all facades of the proposed development. The assessment showed that internal noise levels meeting the design criterion advocated in BS 8233:2014 “Guidance on Sound Insulation and Noise Reduction for Buildings” would unlikely to be achieved at all facades with a standard façade specification such as closed standard thermal double glazed windows.
- 6.34. The assessment concludes that the proposed development would therefore, likely require glazing and/or ventilation specifications with uprated acoustic attenuation properties. The specific requirements for different facades are detailed in Section 7 of the Noise Assessment.
- 6.35. Regulatory Services have raised concern with 2 main elements of the Noise Assessment. Firstly, night-time noise monitoring was insufficient and secondly, that the assessment did not take into account noise generation from the construction and operational phases of HS2 which lies to the south of the application site.
- 6.36. In respect of night-time monitoring, the applicants have responded that the methodology for night-time monitoring was agreed with Regulatory Services and that undertaking further noise monitoring at night-time would be unlikely to change the conclusion of the Noise Assessment. With regard to the HS2 issue, they have responded that construction activities will be transient and the proposed development would benefit from the same noise reduction controls on construction activities required due to the existence of other existing noise sensitive receptors within the vicinity of the proposed development.
- 6.37. The applicants have also responded that it is unreasonable to test predicted, protective noise levels associated with HS2 construction works as the information required to undertake this assessment accurately is not readily available. Despite this they have submitted a “Technical Note” on Construction Noise Assessment based on pertinent construction data and based on reasonable assumptions.
- 6.38. The “Technical Note” includes example construction noise calculations with reference to likely set back distances from the proposed development site. Whilst the construction noise calculations show that at the very closest approach some exceedances may occur if high level construction plant equipment is used and noise mitigation is not adopted (instances likely to be few and far between in the wider context), when this equipment is operated at distances of 75m or greater (i.e. the station itself) from the proposed development, the proposed noise insulation scheme would over-perform in terms of noise reduction from construction related activities.
- 6.39. The applicants also understands that the current programme suggests deck works closer to the site at the Curzon Street No.3 Viaduct could take place prior to the occupation of the proposed development. In any event, HS2 have a requirement to adopt best practice measures, as per the HS2 Code of Construction Practice to limit impact on existing nearby receptors close to the application site.

- 6.40. Regulatory Services are currently seeking further information from HS2 in response to the above and their further views will be reported. Subject to a satisfactory resolution to the issue of HS2 noise, I recommend conditions to secure the glazing specification as outlined in Section 7 of the Noise Assessment and a further condition requiring the submission of an internal noise validation report prior to occupation.
- 6.41. **Drainage** – The applicants have submitted a Sustainable Drainage Assessment in support of the application which has been assessed by the Local Lead Flood Authority who raise no objections subject to conditions requiring the submission of a sustainable drainage scheme and maintenance plan. Severn Trent Water recommend a condition requiring details to be submitted for the disposal of foul and surface water.
- 6.42. **Sustainable Energy** - The Energy Statement submitted with the application outlines that the proposed development aims to include a range of sustainability measures which contribute towards a high quality, energy and resource efficient building in line with Policy TP4 of the Birmingham Development Plan which promotes low carbon energy forms. It also states the building aims to achieve BREEAM standard excellent. The proposed development would incorporate passive design measures, efficient mechanical services, use of an air source heat pump and efficient lighting. I consider the proposed development would meet the sustainability policies and objectives of the Birmingham Development Plan.
- 6.43. **Ecology** – The Planning Ecologist has assessed the Ecological Survey submitted with the application and considers the site has negligible potential for bats or black redstarts. He considers the proposed roof terrace facing Lawford Close provides an opportunity for the inclusion of biodiversity roofing which will benefit a number of bird species including the black redstart. A suitable condition is recommended.
- 6.44. **Community Infrastructure Levy (CIL)** – The proposal is liable for CIL at the rate of £69 per sq.m. At 9,357sq.m the CIL payment would be in the region of £645,633.

7. Conclusion

- 7.1. The proposal would provide a high quality, sustainable brownfield development which would be located close to existing higher education establishments, in particular Birmingham City University. The scale, mass and design of the building has developed through extensive discussions with officers and is considered to be of good architectural quality and would make the best use of this prime location in accordance with the general principles of Policy PG3 of the Birmingham Development Plan.
- 7.2. Although no on-site parking is provided the site is located in close proximity to a choice of modes of public transport and within easy walking/cycling distance of Birmingham City and Aston Universities. A condition is recommended to secure details of a management plan for pick-ups and drop-offs.
- 7.3. In conclusion, on the issue of air quality, on balance I do not consider that a refusal of planning permission solely on this ground could be justified or robustly defended at appeal and a condition requiring details of the proposed means of ventilation/filtration systems be submitted is recommended.

8. Recommendation

8.1. Approve Subject to Conditions.

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- | | |
|----|---|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the submission of a contaminated land verification report |
| 3 | Requires the prior submission of a sustainable drainage scheme |
| 4 | Requires the prior submission of a drainage scheme for the disposal of foul and surface water |
| 5 | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan |
| 6 | Requires the submission of extraction and odour control details |
| 7 | Limits the noise levels for Plant and Machinery |
| 8 | Requires the scheme to be in accordance with the glazing specification |
| 9 | Requires the prior submission of an internal noise validation report |
| 10 | Requires the prior submission of ventilation details |
| 11 | Requires the submission of hard and/or soft landscape details |
| 12 | Requires the submission of boundary treatment details |
| 13 | Requires the submission of a lighting scheme |
| 14 | Requires the submission of details of green/brown roofs |
| 15 | Requires the prior submission of a construction method statement/management plan |
| 16 | Requires the prior submission of a construction employment plan |
| 17 | Requires the submission of sample materials |
| 18 | Requires window/door reveal/setbacks |
| 19 | Requires the submission of a CCTV scheme |
| 20 | Removes PD rights for telecom equipment |
| 21 | Requires the submission of a commercial travel plan |
| 22 | Requires the provision of cycle parking prior to occupation |
| 23 | Requires the submission of details of a service vehicle management scheme |
| 24 | Requires the submission and completion of works for the S278/TRO Agreement |
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- 25 Requires the applicant to enter into an agreement to find/implement a review and alterations to Traffic Regulation Orders
 - 26 Limits the occupation of the development to students in education
 - 27 Requires provision of a management plan for the move in/move out of students at the beginning and end of term.
 - 28 Requires the scheme to be in accordance with the listed approved plans
 - 29 Implement within 3 years (Full)
-

Case Officer: John Davies

Photo(s)

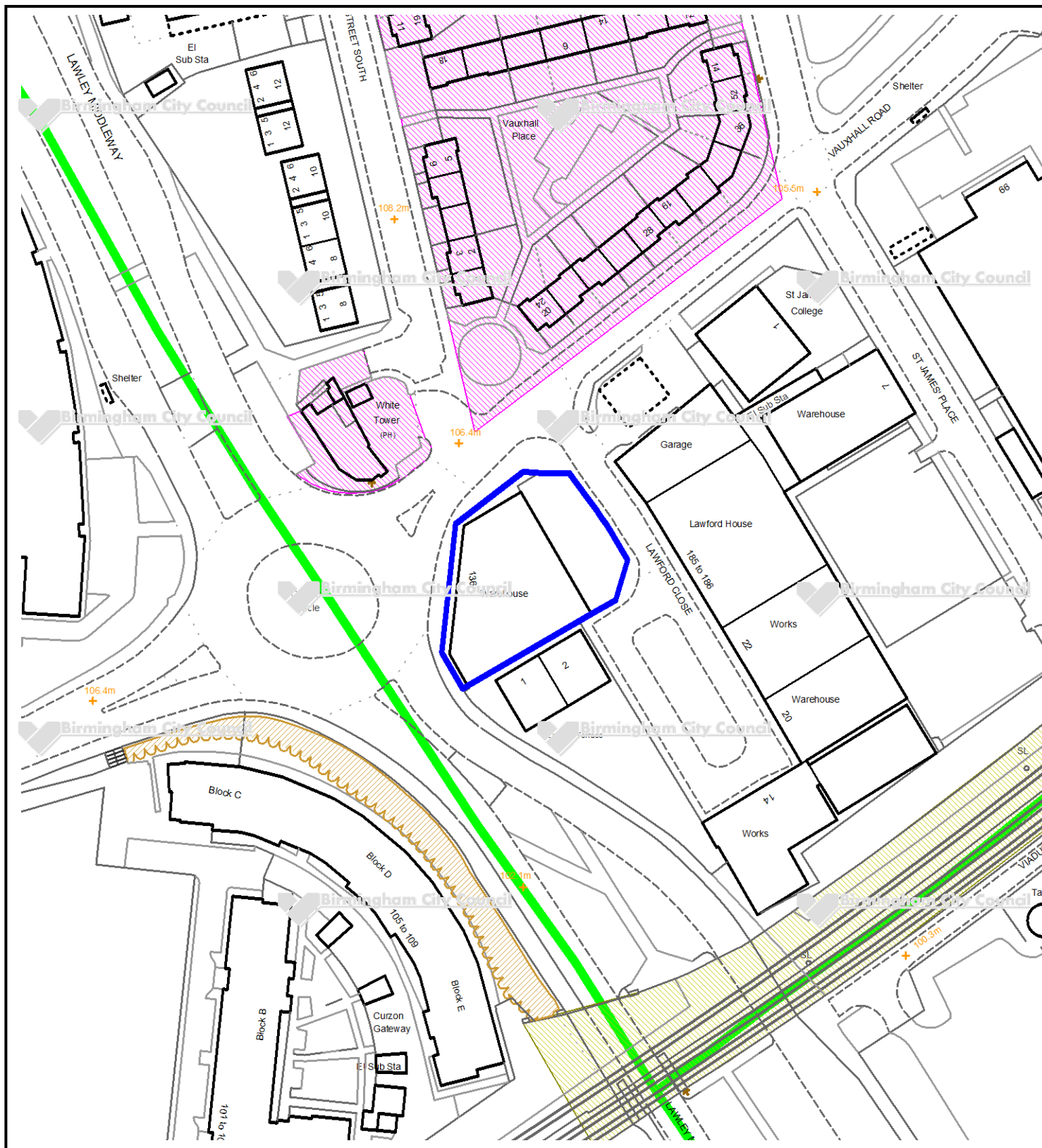


Figure 1 – Site View 1



Figure 2 – Site View 2

Location Plan



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Committee Date:	04/07/2019	Application Number:	2018/10195/pa
Accepted:	18/12/2018	Application Type:	Full Planning
Target Date:	08/07/2019		
Ward:	Ladywood		

Birmingham (Vernon) Unit 40 of The Sea Cadet Corps, Osler Street, Ladywood, Birmingham, B16 9EU

Demolition of existing boathouse and ancillary structures and erection of new boathouse to include classrooms, short stay sleeping accommodation and a multi purpose hall together with associated access, car and boat parking facilities, boundary treatment and landscaping

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The application relates to the erection of a new Boathouse building for the Sea Cadets based at the Edgbaston Reservoir, Osler Street, Edgbaston. The proposals would see the demolition of the existing boathouse building on site, alongside its ancillary structures, to allow for the erection of a two storey, detached, replacement boathouse building, sited to the site's north-western most side, fronting onto the reservoir. The new boathouse would provide additional facilities at the site which would include: classrooms, short stay accommodation, a multipurpose hall, alongside changing facilities, showers and an external storage area for boats. The proposals would further include the erection of new areas of hard and soft landscaping provision, alongside areas designated for the parking of vehicles and cycles.
- 1.2. The proposed new boathouse would take on the form of a contemporary two storey structure, with a U-shaped foot-print. At ground floor level the building would feature a multi-purpose hall, entrance lobby, kit store and changing facilities. The north-eastern most wing of the building would house a staff room and short stay living accommodation, in the form of cadet dormitories. At first floor level, the building would comprise a number of classrooms within its south-western most wing, with activity spaces proposed towards the front north-western section of the building, fronting onto the reservoir. These spaces would open out onto an external balcony/terrace area, with a stairwell leading down to ground level. The north-western most wing would feature additional dormitory accommodation. The building would comprise a total gross floor area of 898sqm.
- 1.3. The proposed boathouse would be erected from a pallet of different materials. These would include brickwork and cladding for the external facades, alongside large sections of glazing, taking on the form of window openings, bi-fold doors and infinity windows. The boathouse would have a pitched roof, with this falling from west-east.

- 1.4. Two disabled parking spaces are proposed directly to the east of the building, with 2no. mini-bus spaces proposed to its north. A large area for further parking is also proposed to the east of the site, fronting onto Osler Street. A bin store and cycle store are also proposed to be sited to the north of the site, with parking bays for boats proposed to the site's west. No further details of the site's hard and soft landscaping provision or boundary treatments have been provided at this stage.

- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a large rectangular sized plot of land, which is accessed from its east, via Osler Street. The application site is bound by residential dwellings to its east and a Buddhist Temple to its north, with industrial unit's sited further north. To the site's south lies an existing tower ballroom building, alongside its various ancillary structures. To the site's west lies the Edgbaston Reservoir. This can be accessed directly from within the site, via a gated entrance.

- 2.2. The application site currently features a largely single storey boathouse building, alongside various external structures and areas of hard standing which are used for the storage of boats and other equipment. The site's eastern side is largely used for informal car parking.

- 2.3. Although not formal policy, it should be noted that the site is situated within the upcoming Masterplan for this area of the city, labelled as "The Edgbaston Reservoir Masterplan SPD". This would see the site and its wider area redeveloped to create a mixed used environment, taking full advantage of the reservoir and its surroundings. A large public square is proposed to the site's south, where the Tower Ballroom is currently situated, with other two and three storey commercial units sited further south. The application site however remains allocated as a sporting facility, within this document. It should however be noted that the Masterplan, is currently out for consultation and is not formal policy.

- 2.4. [Site location:](#)

3. Planning History

- 3.1. 1995/03290/PA - Erection of single storey Marley building to be used as a training school classroom and new boundary wall – Temporary approval with conditions.

4. Consultation/PP Responses

- 4.1. Canals and Rivers Trust: Raise no objections, subject to conditions relating to: drainage, the construction method, lighting and landscaping.

- 4.2. Regulatory Services: Raise no objections, subject to a condition limiting the living accommodation to short term use only.

- 4.3. Severn Trent: Raise no objections, subject to the addition of a drainage condition.

- 4.4. Transportation: Raise no objections, subject to conditions which seek to: control the level of parking on site, ensure safe visibility splays and require the applicant to monitor the site's parking situation.

- 4.5. Press and site notices erected. MP, Ladywood and Edgbaston ward members, residents associations and neighbouring occupiers/residents notified, of the proposals.
- 4.6. A single letter has been revived in response to the development proposals. This raised the following point:
- The existing trees to the sites east, fronting onto Osler Street should be retained, given their ecological and visual amenity value.
5. Policy Context
- 5.1. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (saved policies), Places for All (SPG), Car Parking Guidelines SPD, NPPF & Edgbaston Reservoir Masterplan 2019 - (Draft).
6. Planning Considerations
- 6.1. Principle:
- 6.2. The application site is situated within the Greater Icknield Growth Area and forms part of the Icknield Port Loop Development site, as set out within Policy GA2 of the BDP. Policy GA2 from the BDP supports the growth of the application site and its wider setting for family housing, alongside a mix of other commercial and community facilities.
- 6.3. The application site, in this case, features an existing well established outdoor sport and recreation club, the Sea Cadets. The application proposals would see this existing use retained and would present opportunities for the existing club to grow, though creating a more modern and better facilitated hub for the local community. The proposed boathouse would allow the site to be used as a modern day sports facility, improving its facilities and making this much more accessible and attractive to local people and the community as a whole. As such the development proposals are considered to be in line with policy TP11 of the BDP, which focuses on the city improving its existing Sports Facilities, alongside policy GA2, given the community use of the site.
- 6.4. It should also be noted that the Council has published the Edgbaston Reservoir Masterplan, Draft Supplementary Planning Document (SPD). This document outlines the vision for the reservoir to provide a regional destination where residents and visitors can enjoy a mix of land and water-based leisure and recreation activities. The transformation of key development sites around the reservoir is something that the Council therefore wish to support. This application is located within the Thomas Telford Place element of the masterplan, which seeks to create a landmark development that provides a mix of community, commercial, leisure, and residential uses. The development proposals are therefore considered to be in line with the aims of the Masterplan, as the proposed modern facility will improve the sports offer, and make the reservoir available to a wider group of people, creating a regional destination. (Although currently in draft form, the public consultation on the Draft SPD will close on Friday 26th July and the Council is seeking have the SPD formally adopted in November 2019).
- 6.5. It is therefore considered that the proposals would support Policies GA2 and TP11 of the BDP and the relevant sections of the NPPF. The principle of the development is therefore accepted, subject to the proposals meeting the wider considerations of

the Local Plan which include: design, transportation and parking, alongside ecological issues.

6.6. Design:

6.7. In terms of design, policy PG3 of the BDP states that a high standard of design is essential to the continued improvement of Birmingham, as a desirable place to live, work and visit. It also requires developers to consider the site in context and states that to avoid problems of piecemeal and incremental development; comprehensive master plans should be prepared. 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”.

6.8. The proposed development works look to maximise the site’s unique setting, allowing the replacement boathouse building to open out onto the Edgbaston Reservoir. Given that the proposed boathouse would be the first development of this nature within this area, much attention has been paid to the design.

6.9. The proposed boathouse would be sited to the site’s north-west, with its principal elevation sited to its south-west fronting the reservoir. The building would have a modern and contemporary appearance, being laid out over two floors with a low lying pitched roof, falling from west to east. The proposed pallet of materials are detailed to be a mixture of both rustic and modern elements, allowing this to tie in with the site’s wider setting. The boathouse would be erected in a dark coloured brick at its lower level, with a rustic grey finished cladding above, up to ridge level. A condition requiring further details of these materials will be recommended as part of any subsequent planning.

6.10. The various elevations of the building have been broken down through the use of design features and openings. The reservoir facing elevation would have a number of single and double door openings at ground level, with large expanses of glazing proposed at first floor level, opening out onto an external terrace, overlooking the reservoir. The building’s southern side facing elevation would have a number of full length window openings, with a double height entrance, providing the elevation with a focal point. The remaining elevations would also carry forward this design theme, with varying window and door sizes, alongside the same pallet of materials.

6.11. The wider site would be landscaped and new areas of planting and hardstanding would be added to formalise the parking and enhance the building’s setting, both towards its west, fronting the reservoir and to its east, opening out onto Osler Street. Although full details of landscaping and hardstanding works have not been provided at this stage, a condition to secure these, alongside a condition to secure details of the site’s boundary treatment, access gates and the proposed materials are proposed.

6.12. It is therefore considered that the proposals would make a positive contribution to the application site and the visual amenities of the wider area. The proposals are therefore considered to be in line with relevant policies from the BDP and the relevant sections of the NPPF.

6.13. Transportation:

6.14. The application site currently has an informal car park area sited to its east, fronting onto Osler Street. The applicants seek to see this retained and currently lease this

area of land for car parking purposes from the Council. While this arrangement is to remain in place for the foreseeable future, it is intended that through the wider Edgbaston Reservoir Masterplan, which is currently out for consultation, the Council would create a larger shared car park area to the site's southern end. As such, the current set up is considered acceptable. The Council's Transport Officers have also raised no objection in this regard and have recommended the use of the following conditions:

- The submission of a demolition and construction management plan;
- The submission of a car parking management and allocation plan, to highlight the proposed car parking spaces/overflow spaces;
- The submission and implementation of a travel plan;
- A requirement to ensure adequate visibility splays at the site's entrance;
- And a secure cycle storage space to be provided.

- 6.15. It is considered that subject to the addition of the above conditions within any subsequent planning consent, the development proposals would be acceptable in this regard and would not result in any new undue highway or pedestrian safety concerns.
- 6.16. Trees:
- 6.17. Policy TP7, of the BDP, reinforces the importance of the protection of trees and requires new development to allow for new tree planting in public and private domains.
- 6.18. The application site features a number of mature trees throughout, with the vast majority of these sited to the site's east, fronting onto Osler Street. The applicants have stated that these would be retained as part of the development works that and no trees would be lost, as part of the development works. A tree protection condition will be recommended in this regard.
- 6.19. The current application however, is considered to allow for an opportunity to improve the site's existing landscaping provision, through improved planting and landscaping across the site. As such, a condition which requires a landscaping scheme to be submitted to the Council, prior to the building coming into first use is recommended as part of any subsequent consent, alongside a suitable condition for tree protection.
- 6.20. Subject to the addition of these conditions, the development proposals are considered to be in accordance with policy TP7 from the BDP.
- 6.21. Ecology:
- 6.22. The NPPF requires the planning system to seek to minimise the impact of schemes on Biodiversity and halt the overall decline. The BDP, at Policy TP8, requires all development, where relevant, to contribute to enhancing Birmingham's natural environment.
- 6.23. The application site has been highlighted as holding a very negligible amount of Ecological Value, with this mainly deriving from nesting birds, nesting within the trees, sited to the site's east. With reference to roosting Bats, a preliminary roost assessment was submitted in support of the application and this found the site to hold a limited potential for nesting Bats.

- 6.24. As such, given that the trees within the site are to be retained, with a suitable tree protection condition, the application proposals are considered to be acceptable in this regard. The City Ecologist shares this view and has further recommended an ecological enhancement condition. This will enable the site to improve its existing level of Ecological Value, in line with policy TP8 from within the BDP.
- 6.25. Residential amenity:
- 6.26. The application site is bound to its east by residential dwellings, sited on Osler Street. These residential units however, are sited in excess of 75m away from the proposed boathouse building and would be screened from view, via the site's existing planting, which is to be retained and further enhanced as part of these proposals. It should further be noted that the site as existing, is home to an existing boathouse facility and the application would merely be replacing the existing building, with an improved and more modern facility. The proposed development is further not considered to result in an over-intensification of the site, which would result in the detriment of residential amenity.
- 6.27. It is however considered, in order to safeguard the amenity of the site's existing neighbouring residents, a condition to ensure that the site only be used as an outdoor sports and recreation centre and for no other purposes within the D2 Use class, be recommended as part of any subsequent planning consent. A further condition that the temporary accommodation proposed as part of the development is retained as such will also be recommended.
- 6.28. It is therefore considered that on the basis of the two recommended conditions being attached to any subsequent planning consent, the proposals would be accepted in this regard.
- 6.29. Community Infrastructure Levy:
- 6.30. The Council has adopted CIL charge from 4th January, 2016. The proposed boathouse would attribute a zero charge.

7. Conclusion

- 7.1. The development proposals would see an existing boathouse building removed from the application site, in order to allow for the erection of a replacement boathouse building, alongside its landscaping and hardstanding provision. The proposed development would allow for a much improved sporting centre to be erected on site and this would further provide this area of the city with much improved and modern sports and recreation facilities. The proposed development is further considered to be of a high design merit, which would enhance and improve this area of Edgbaston, allowing the site to maximise its location and the views that it has to offer, through being sited adjacent to the Edgbaston Reservoir. As such, the development proposals, subject to the addition of the recommended conditions, are considered to be acceptable and in compliance with relevant planning policy from within the BDP and the NPPF.

8. Recommendation

- 8.1. That planning permission be approved subject to the following conditions.

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the submission of dormer window/window frame details
 - 3 Requires the submission of sample materials
 - 4 Requires the submission of a parking management strategy
 - 5 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 6 Requires the submission of boundary treatment details
 - 7 Requires the submission of a lighting scheme
 - 8 Requires the prior submission of a construction method statement/management plan
 - 9 Requires the submission of a CCTV scheme
 - 10 Prevents the use from changing within the use class
 - 11 Requires that the temporary living accommodation is incidental to the main use.
 - 12 Requires the submission of vehicle parking and turning details
 - 13 Requires the submission of a commercial travel plan
 - 14 Requires gates to be set back
 - 15 Requires the submission and completion of works for the S278/TRO Agreement
 - 16 Requires the submission of hard and/or soft landscape details
 - 17 Requires pedestrian visibility splays to be provided
 - 18 Requires the submission of cycle storage details
 - 19 Requires the implementation of tree protection
 - 20 Requires the prior submission of a drainage scheme
 - 21 Implement within 3 years (Full)
-

Case Officer: Idris Gulfraz

Photo(s)

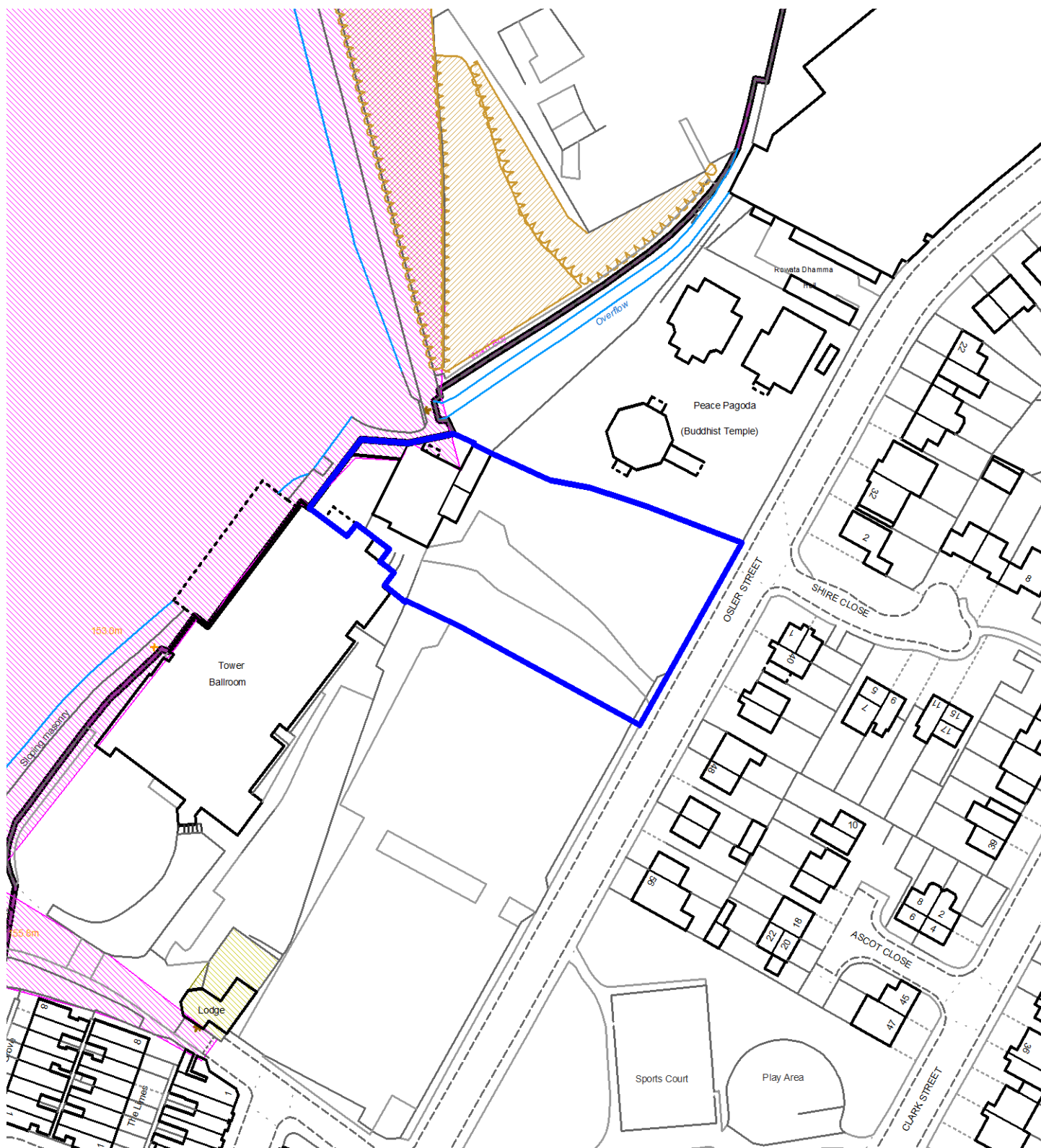


Photo 1 - The Application site looking east from the Reservoir.



Photo 2 - View from the application site looking north-west towards the reservoir.

Location Plan



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Committee Date:	04/07/2019	Application Number:	2018/10328/PA
Accepted:	10/01/2019	Application Type:	Full Planning
Target Date:	05/07/2019		
Ward:	Perry Barr		

Land to rear of, Regina Drive, Situated between, One Stop Shopping Centre and Perry Hall Park, Birmingham, B42 1BZ

Demolition of existing structures and redevelopment of land to accommodate two industrial units for use class B1(c) and B8 purposes (with ancillary office floor space) together with new site access, associated servicing/parking, sprinkler tanks and landscaping

Recommendation

Approve subject to Conditions

1. Proposal

1.1. This application proposes the demolition of existing structures and construction of two industrial units for use class B1(c) and B8 purposes. The proposed units would comprise the following:

- Unit A would be located on the northern section of the application site. It would accommodate 3,003m² B1c/B8 use, including 300m² of office space at 1st floor level, supported by 26 car parking spaces (including a disabled bay), 3 articulated HGV bays and 2 LGV bays
- Unit B would be on the southern section and would accommodate 4,938m² B1c/B8 use, including 432m² of office space at 1st floor levels, supported by 49 car parking spaces (including 2 disabled bays), 4 articulated HGV bays and 1 LGV bay.

1.2. The units would be linked back-to-back to allow independent control of their own operations, security, entrance and parking and would be placed centrally within the site. Both units have a central spine approximately 125m long enclosing two main functions, which consist largely of general industrial floor space at the ground floor level of both units, with plant and support sections on north-eastern corner of Unit A and south-eastern corner to Unit B, with ancillary offices above the plant and support units.

1.3. The buildings would have a pitched roof with a 6 degree pitch and ridge height of about 14.8m and eaves of each building sitting at 12m height. The units would share the same insulated composite metal panel construction. The lower cladding would be trapezoidal and installed vertically from the base up to 5m high, which highlights the underside of the office windows on the first floor; the colour coating is yet to be confirmed. The top panels would be rectangular light grey and laid horizontally in orientation all the way to ridge level.

1.4. The buildings would be constructed using sustainable building techniques, with the use of natural daylight through introduction of rooflights. The supporting Energy

Statement Report concludes that the proposed scheme exceeds current Building Regulations Energy Efficiency Standards by 57.25% (108.06 tonnes of CO₂) of Carbon reduction based on an ADL2A 2013 limiting standards baseline model approach.

- 1.5. The remainder of the site is shown with a circulated road, parking, landscaped areas; silo area and cycle parking areas for both units are shown adjacent the eastern boundary wall.
- 1.6. There would be a perimeter of a 2.4m high close boarded acoustic fence flush to the service yard to the north boundary. Beyond the acoustic fence, the land would be reprofiled and landscaping would be introduced up to the public footpath to improve the walkway through Perry Hall Park. The riverside pedestrian corridor would also be widened out as part of the proposals.
- 1.7. The large perimeter of the site would be enclosed by a 2.4m Round Bar Metal Fence, except for the southern boundary which would have 2.4m Trispike Galvanised Steel Security Fence.
- 1.8. The main access to the site would be off Birchfield Road with two separate vehicular entrances. The pedestrian route from Regina Drive and Perry Hall Park to the One Stop Shopping Centre is proposed to be realigned to improve visual amenity, linkage and a safer crossing point on Birchfield Road.
- 1.9. Each unit would have a separately gated access for vehicles and pedestrians. Internally the layout of the parking and the loading bays would be further segregated by use of Armco crash barriers and demarcations. Each vehicular access would be secured by a double gate. Both the access for delivery vehicles and pedestrian would be separated. The main pedestrian gate for each unit would provide level access as well as a route through a covered bicycle store.
- 1.10. The existing access route into the site via Regina Drive and the bridge to the north of the site would be removed as part of the proposals, with bollards installed at either end of the bridge to prevent motorised vehicle traffic crossing the bridge. The existing public pedestrian and cycle route that runs between Regina Drive, Perry Hall and Birchfield Drive would be maintained and improved by the provision of new footway and the installation of a new zebra crossing connecting to the footway on the eastern side of Birchfield Drive.
- 1.11. The proposed development would attract approximately 39 traffic movements during the typical AM peak period and 36 traffic movements during typical PM peak period on the local highway network. In terms of HGV movements, there would be 11 HGV movements during the AM peak hours (or one HGV arrival or departure every 5 minutes) and 9 HGV movements during the PM peak hour (or one HGV arrival or departure every 7 minutes).
- 1.12. The occupiers for the buildings have not been identified at present and therefore, the application seeks a flexible permission for employment Use Classes B1(c) (Light Manufacturing) and B8 (Warehousing and Distribution). Once operational, the facility would employ approximately 260 staff, working in a shift pattern.
- 1.13. All 20 individual trees and 9 groups of trees are proposed to be removed from the site in order to facilitate the development. As part of the proposals, additional tree and hedgerow planting is to be introduced largely along the western and northern boundary.

1.14. The application is accompanied by the following:

- Planning Statement and Design and Access Statement;
- Transport Statement and Travel Plan
- Noise
- Drainage Strategy and Flood Risk Assessment
- Archaeological Survey
- Ecological Appraisal
- Bat Survey
- Tree Survey
- Gas Survey and Geo Environmental Desk Study
- Energy Assessment
- Lighting Assessment

1.15. [Link to Documents](#)

2. Site & Surroundings

2.1. The 1.54 hectares site is currently vacant land, which was previously in industrial use (Use Class B2). It comprises a collection of vacant, disused and derelict industrial buildings, which are all subject for demolition following the prior-notification for demolition (ref. 2018/09129/PA).

2.2. The site is broadly rectangular in shape and bound by the River Tame to the north, One Stop Shopping Centre to the east, the Birmingham to Walsall railway line to the south and Perry Hall Park to the west. Vehicular access is currently from Regina Drive with pedestrian access provided off Birchfield Road as well as Regina Drive. The site is currently a derelict scrapyard occupied by 8 vacant buildings.

2.3. Birchfield Road encircles the One Stop Shopping Centre on all sides save to the east, where the northbound Walsall Road provides access between the shopping centre and the wider highway network via the A34 and A453. This stretch of Birchfield Road is subject to a 15mph speed restriction along its length and provides access to the shopping centre's car park and service yards.

2.4. The nearest residential properties are located across the railway line to the south west (in Lea Hill Road and Bromford Hill) and to the south east (St Theresa Court and the rear of dwellings fronting Wellington Road). The site to the south of the railway line containing a building with a planning permission for a change of use to a place of worship currently provides visual and acoustic screening to these properties. The residential properties on Regina Drive are located to north-east of the site.

2.5. The western site boundary is adjacent the Perry Hall Park which also forms part of Beacon Regional Greenbelt.

2.6. [Site and Surrounding](#)

3. Planning History

3.1. 2016/07266/PA - Outline application to determine the access only for a development of up to 50 residential units (Use Class C3) with all other matters reserved – withdrawn;

- 3.2. 2018/09129/PA - Prior Notification of Demolition of all existing buildings and structures – deemed consent obtained on 20 November 2018
4. Consultation/PP Responses
- 4.1. Press and site notices erected. MP, ward member, local community association and neighbouring occupiers notified.
- 4.2. One representation from a local resident has been received raising a concern about the amount of noise generated by traffic, loading and unloading during night hours.
- 4.3. Beeches Booths and Barr Neighbourhood Forum – no objection but requested that the access from Perry Hall Park should remain open as this would be an access point for a National Cycle route and access to the One Stop Shopping Centre from Regina Drive should also remain available to members of the local community.
- 4.4. Canal & River Trust – no comments
- 4.5. Network Rail – no objection, subject to conditions to ensure that any demolition and construction works, any planting and use of the facilities, including drainage do not adversely impact the operations of Network Rail.
- 4.6. West Midlands Police – makes detailed comments that the development should be undertaken in accordance with Secured by Design ‘Commercial 2015’ guide and request for a condition to submit details of CCTV.
- 4.7. West Midlands Fire Service - Water supplies for firefighting should be in accordance with “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and Water UK.
- 4.8. Severn Trent Water (STW) – no objection, subject to a pre-commencement condition relating to drainage plans for the disposal of foul and surface water flows.
- 4.9. Environment Agency – no objection, subject to a condition which requires submission of a remediation strategy should contamination not previously identified should to be present at the site.
- 4.10. Regulatory Services – no objection, subject to conditions requesting submission of the following details:
- plant/machinery to be installed;
 - an acoustic barrier;
 - A Code of Best Practice for the management and operation of the delivery process;
 - Construction Method Statement/Management Plan;
 - Restricting activities to take place only within the building other than access, egress and manoeuvring of vehicles
 - Restriction of storage to authorised area only
 - Contamination remediation scheme
- 4.11. Transport Development – no objection subject to the recommended conditions requesting to submit a pedestrian / cycle movement audit and details of cycle storage.

- 4.12. Local Lead Flood Authority – no objection, subject to a condition requesting submission of details of surface water drainage, SuDs and its maintenance.
- 4.13. Leisure Services - no objection but request consideration to extend the fencing to the side of the zebra crossing; signage/notice board, gateway feature, litter bins at the entrance to the park; consider any impacts on the designated off road cycle route.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, Adopted UDP 2015 (saved policies), Aston Newtown and Lozells Area Action Plan 2012, Car Parking Guidelines SPD, National Planning Policy Framework (updated in February 2019).

6. Planning Considerations

- 6.1. Having given careful consideration to the application and supporting information, and consultation responses received, the relevant development plan and documents and the other material consideration referred to above, the key issues are considered to be:

- Principle of development
- Design, Visual Impact and Landscaping
- Traffic and Parking
- Noise
- Impact on Ecology/Biodiversity
- Drainage
- Archaeology
- Other matters

Principle of development

- 6.2. The site is currently vacant and has historically been in employment use, although not specifically allocated as such within the Aston Area Action Plan. The principle of the development remaining in employment use, with the ancillary office space is acceptable. Demolition of the existing structures and construction of two industrial units for use class B1(c) and B8 purposes would introduce a high quality built environment and would better the existing circumstances. The proposals will therefore accord with the Council's Policy TP20.

Design, Visual Impact and Landscaping

- 6.3. The proposed layout and design of the scheme has been subject to detailed pre-application discussions with officers in the Planning, Transport and Landscape teams. The submitted scheme in terms of its general layout, positioning of the building, building mass and design accords with the general guidance provided during those discussions.
- 6.4. The new building would relate well in terms of mass and scale to nearby commercial premises within One Stop Shopping Centre. The units would share the same insulated composite metal panel construction. The lower cladding would be trapezoidal and installed vertically, with the top panels being rectangular light grey and laid horizontally in orientation all the way to ridge level, whilst incorporating

office elements at the prominent corners of both buildings facing site entrances. The office features would help break up the main cladding to the façade and massing of the elevation with some glazing, providing visual balance to the front elevation. The provision of landscaping, including new tree planting, would help soften the appearance of the overall development.

- 6.5. The proposal incorporates improved walking and cycling movement between Perry Hall Park and One Stop, including a buffer between the path and the site boundary, which is welcomed. There is also an acoustic barrier which is proposed to the northern edge of the site. Considering that it would need to be carefully designed to take account of the sensitivity of its location, a condition requesting details of the proposed fencing is considered to be reasonable to ensure that it is designed using materials that complement the adjacent public green space and river corridor. Landscaping is peripheral and would be introduced to the northern and western boundary, and does provide some softening of the development.
- 6.6. In summary, the proposed development would be an improvement and would bring back into use the vacant site through a development that would visually improve the appearance of the site and the street scene. No adverse visual impact identified, subject to safeguarding conditions.

Traffic and Parking

- 6.7. The access to the site would be off Birchfield Road with two separate vehicular entrances. The visibility splays are satisfactory for both cars and HGVs and the road can accommodate additional traffic.
- 6.8. The submitted Transport Statement demonstrates that traffic would likely to increase traffic to/from the site compared to the previous use; however the level of additional traffic would unlikely to have significant impact on surrounding highways.
- 6.9. The Council's maximum parking guideline is 1 space per 90m² of B2/B8 use and 1 space per 45m² of B1 use in 'Area 2'. Therefore, the specified maximum parking provision for B8 use and B1 use would be 88 and 177 spaces respectively for both units. The applicant is proposing only 77 spaces (28 within unit A and 49 within unit B) alongside a cycle parking within both units and a commercial travel plan. Transport Development has recommended conditions to secure the appropriate approval of a pedestrian/cycle movement audit and commercial travel plan.
- 6.10. It has been demonstrated that the development is well located in terms of access by other sustainable modes of travel. Bus services are available at the southern corner of the One Stop Shopping Centre, which is located approximately 450m of the site and the train station located 430m to the east of the site. The latter lies on the London Midland rail line between Birmingham New Street to the south and Walsall to the north.

Noise

- 6.11. The originally submitted scheme has been amended to remove B2 use from the proposals. Following extensive discussions with Regulatory Services, it is felt that with the reduced intensity of the use, the development would be acceptable in terms of impact on the amenities of the nearest residential properties.

- 6.12. One representation from the local resident has been received raising a concern about the amount of noise generated by traffic, loading and unloading during night hours.
- 6.13. As no occupiers for the buildings have yet been identified at present and the application seeks a flexible permission for the facility that would be operated in a shift pattern, no working hours and site management/maintenance are known at this stage. Having said this, there would be a perimeter of a 2.4m high close boarded acoustic fence along the north boundary that would mitigate the noise impact to the properties on Regina Drive. The details of the noise attenuation fencing are yet to be finalised as Regulatory Services have requested a condition to ensure this.
- 6.14. There are residential premises located across the railway line to the south west and to the south east, which could potentially be exposed to noise. The site to the south of the railway line, containing a large industrial building with a planning permission for a change of use to a place of worship, currently provides visual and acoustic screening to these properties. The building is subject to demolition (ref. 2017/06821/PA); however only partial demolition has been carried out so far with the remainder of the building being clad and retained. Any building along the boundary will provide acoustic screening and therefore is likely to provide noise attenuation mitigation. The Regulatory Services have considered the revised noise assessment acceptable and, subject to removal of B2 Use from the proposals and recommended condition to require a noise management plan at the point, at which exact site usage is known and other safeguarding conditions. On this basis, no unacceptable adverse noise impact is identified.

Impact on Ecology/Biodiversity

- 6.15. The ecological statements demonstrate that the site has been occupied by roosting bats. These surveys also recorded some foraging and commuting activity, most notably by common and soprano pipistrelles present in two buildings. Demolition of the buildings would result in the loss of the day roosts. The Council's Ecologist has found the information acceptable and noted that the applicant would need to submit an application to a Natural England European Protected Species (EPS) Mitigation Licence to ensure compliance with the legal protection afforded to bats and their roosts and ensure the favourable conservation status of the local population of common pipistrelles is maintained. A condition is recommended to provide a copy of the obtained bat licence from the Natural England or a statement in writing from Natural England to the effect that it does not consider that the specified activity/development would require a licence. A condition is considered to be reasonable and necessary and therefore should be added.
- 6.16. The proposals provide an opportunity to enhance the habitat value on the northern boundary. Some of the enhancement measures recommended by the applicant, include bird and bat boxes and hedgehog houses on the northern boundary (beyond the acoustic fence); provision of 150mm gap for hedgehog access between the ground and boundary fencing. The Council's Ecologist has requested a condition to submit details of these measures. The condition would achieve appropriate mitigation and enhancement on site and as such are considered appropriate and relevant.

Drainage

- 6.17. The majority of the site is located in Flood Zone 1, with a small section inside the site boundary to the east located within Flood Zone 2. A pre-commencement

condition has been recommended by the LLFA to ensure sustainable drainage scheme, drainage operational and management plan are provided for the site.

Archaeology

- 6.18 The archaeological statement submitted with the application identifies that the site has the potential for archaeological remains associated with Perry Mill which is shown on the 1860 Ordnance Survey Map and it is likely that a mill existed here since the medieval period. The Council's Archaeologist has agreed with the recommendation of the submitted archaeological statement that a programme of archaeological work should take place ahead of development. This should consist of an evaluation with trial trenches and potentially followed by more substantial excavation by way of mitigation. A condition for an archaeological evaluation and a condition for a programme of archaeological mitigation work are therefore recommended to ensure the development does not impact directly on any potential heritage assets.

Other Matters

- 6.19. Council's Leisure Services have requested details of signage/notice board, gateway feature and litter bins at the entrance to the park. The request is not considered to be necessary and reasonable in planning terms and therefore not supported.

7. Conclusion

- 7.19. The proposed scheme facilitates the redevelopment of the site for industrial/distribution purposes with a high quality new building with new landscaping and parking. Subject to controlling conditions, the scheme would not adversely affect the amenities of adjoining occupiers or residents and therefore complies with relevant national and local 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 submission of sample materials |
| 3 | Requires the submission of a CCTV scheme |
| 4 | Requires the prior submission of pedestrian/cyclist movement audit |
| 5 | Requires the prior submission of a drainage scheme (foul and surface water) |
| 6 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 7 | Requires the prior submission of Lighting Design Strategy for Biodiversity |
| 8 | Requires the submission of a lighting scheme |
| 9 | Requires the prior submission of a legally protected species and habitat protection |
-

	plan
10	Requires the prior submission of a method statement for the removal of invasive weeds
11	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
12	Requires the prior submission of details of bird/bat boxes
13	Requires the submission of hard and/or soft landscape details
14	Requires the submission of boundary treatment details
15	Requires the provision of cycle parking prior to occupation
16	Requires the submission of a commercial travel plan
17	Requires the provision of parking and vehicle circulation areas
18	Requires submission of Sound Insulation for Plant/Machinery
19	Requires the submission of a noise management plan prior to first occupation
20	Requires details of an acoustic barrier
21	Requires the Delivery Code of Best Practice
22	Requires the prior submission of a construction method statement/management plan
23	Requires the prior submission of a construction ecological mitigation plan
24	Limits the approved activity to within the building only
25	Requires the prior submission of a contamination remediation scheme
26	Requires the submission of a contaminated land verification report
27	Requires the prior submission of a written scheme of investigation for an archaeological evaluation
28	Requires the prior submission of Archaeological mitigation
29	Tree Protection Plan - Implementation
30	Requires the prior submission of ecological information
31	Prevents the use from changing within the use class
32	Implement within 3 years (Full)

Case Officer: Alfia Cox

Photo(s)

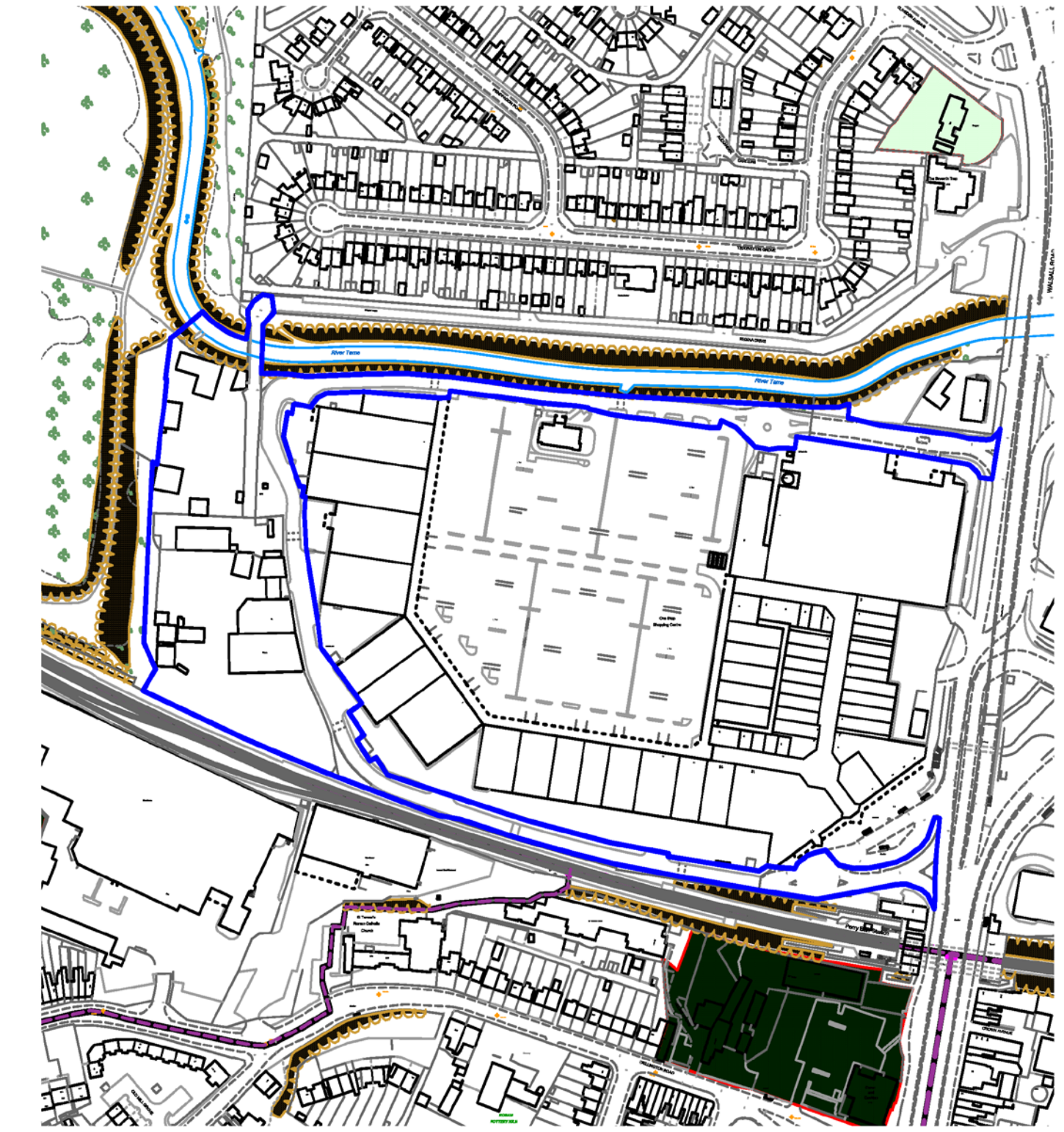


Figure 1: aerial view of the site from North



Figure 2: view of the site from Regina Drive

Location Plan



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BIRMINGHAM CITY COUNCIL

REPORT OF STRATEGIC DIRECTOR FOR INCLUSIVE GROWTH

PLANNING COMMITTEE

4/07/2019

Public Consultation on the updated Statement of Community Involvement (SCI)

1 Subject and Brief Summary

- 1.1 This report is to provide information on the consultation currently being carried out on the updated Statement of Community Involvement (SCI) which runs until 6th September 2019.
- 1.2 The SCI outlines how the Council will consult, who we will consult with and when we will consult for both planning applications and planning policy documents. The purpose of the SCI is therefore to guide and help make public consultation more effective and meaningful and encourage more people to take part in the planning process.
- 1.3 The City Council originally adopted a SCI in 2008 but this now needs updating to reflect legal changes and changes to the ways in which the Council now communicates with stakeholders and citizens. This final version, once adopted, will therefore supersede the existing 2008 SCI.
- 1.4 Consultation on a draft update of the SCI (attached as Appendix 1) was approved by Council Cabinet and began on 3rd June 2019 for three months until 6th September. The final version will then be presented to Cabinet for approval and adoption by the City Council later this year.

2 Recommendations

- 2.1 That Planning Committee notes the contents of this report, and takes the opportunity to consider providing comments on the updated SCI consultation document.

3 Contact Officers

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Planning and Development
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Email: uyen-phan.han@birmingham.gov.uk

4 Background

- 4.1 It is a legal requirement for an up-to-date Statement of Community Involvement (SCI) to be adopted and published by local planning authorities under the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008, the Localism Act 2011 and Neighbourhood Planning Act 2017).

- 4.2 The SCI is part of Birmingham's local planning framework and sets out how the Council will engage people in various aspects of its land use planning work. It outlines how the Council will consult, who we will consult with and when we will consult for both planning applications and planning policy documents. The purpose of the SCI is therefore to guide and help make public consultation more effective and meaningful and encourage more people to take part in the planning process.
- 4.3 The purpose of the consultation document is to invite comments on the draft version of the SCI which will then inform the preparation of the final version to be adopted by the City Council. The consultation began on 3rd June 2019 and is envisaged to end on 6th September 2019.
- 4.4 The City Council originally adopted a SCI in 2008. This document now needs to be updated to reflect the legal changes which have taken place since, but also to reflect changes in the way the Council engages and communicates with stakeholders and citizens. This final version, once adopted, will therefore supersede the existing 2008 SCI.
- 4.5 The main changes to the SCI since the original version published in 2008 are as follows:-
- Updated references to legislation including the Housing and Planning Act 2016, the Neighbourhood Plan Act 2017 and the latest regulations associated with them (the SCI therefore includes new sections on Neighbourhood Plans and the Community Infrastructure Levy (CIL).
 - Updates to reflect the latest national and local planning documents including the National Planning Policy Framework (NPPF) and Birmingham's Local Plan.
 - Increased emphasis on the Council's commitment to equality and inclusivity as part of its statutory duty under the Equality Act 2010.
 - Updated references to the latest Council Plan and corporate policies on community cohesion and localism.
 - References to the latest forms of consultation including more emphasis on online consultation and the increased use of social media in engaging a wider audience for consultation on planning matters.
- 4.6 Following the end of the consultation, the final version will then be presented to Cabinet later on in 2019 for approval and adoption by the City Council.

5 **Financial Implications**

- 5.1 The SCI Consultation Document has been prepared using existing Inclusive Growth Directorate (Planning and Development) staff resources and budgets. Following consultation, the drafting and adoption of the final version of the SCI will also be met by the Planning and Development revenue budget for 2019/20. There are no additional financial implications to the City Council from the production of the SCI.

6 Implications for Policy Priorities

- 6.1 The SCI is consistent with the Council Plan 2018-2022 and, in particular, helps to deliver Priority 6 of the outcome; 'Birmingham is a great City to live in' which states that we will 'foster local influence and involvement to ensure that local people have a voice in how their area is run'.
- 6.2 The principles of the SCI reflect those of the Community Cohesion Strategy for Birmingham, particularly in promoting inclusive economic growth that benefits everyone across Birmingham and helping to empower and engage neighbourhoods to be active participants in local solutions and decisions.
- 6.3 The SCI will also deliver the objectives set out in the Council's framework on Localism in Birmingham as it will help to tailor future engagement on planning matters to be more efficient, better suited to the area and aim to make residents feel that they are more in control of decision making in their local area.

7 Implications for Equalities

- 7.1 The SCI is being prepared in line with Section 149 of the Equality Act 2010 in ensuring that public bodies consider the needs of all individuals in shaping policy and decision making. The purpose of the SCI document is to ensure inclusive consultation and engagement to achieve positive social, economic and environmental impacts.
- 7.2 An Equality Analysis has been carried out on the decision to prepare the SCI document. This has not identified any specific impacts on the protected characteristics and there will be positive outcomes for the local population from ensuring that future engagement on planning matters will be more efficient, better targeted and give residents more control of local decision making.

8 Appendices

- 8.1 Appendix 1 – Statement of Community Involvement Public Consultation Document
- 8.2 Appendix 2 – Council Cabinet Report 14th May 2019

9 List of Background Documents used to compile this report

- 9.1 None



Waheed Nazir
Strategic Director Inclusive Growth



STATEMENT OF COMMUNITY INVOLVEMENT

Consultation Document

June 2019

Statement of Community Involvement

Consultation Document

The Council is inviting comments on the draft Statement of Community Involvement (SCI) as part of a formal public consultation that runs from 3 June 2019 until 6 September 2019.

You can view the document and find out more about the document and the consultation on the Council's website: www.birmingham.gov.uk/SCI or by calling: (0121) 303 4323

How do I comment?

You can respond directly to the document online at our website: www.birmingham.gov.uk/SCI

Alternatively, you can also respond by completing a comment form, available from the Planning and Development offices or downloaded from our website, and returning this to us:

- Email: planningstrategy@birmingham.gov.uk
- Write: Planning and Development, PO Box 28, 1 Lancaster Circus, Birmingham, B1 1TU

Hard copies of the SCI are available to view during normal opening hours at the Planning and Development offices or local libraries.

What happens next?

At the end of the consultation period, all of the responses will be analysed. The Council will then compile the results of the consultation in a report which will be made available on our website in due course. All responses received will be taken in to account and used to prepare the final version of the SCI which will then be formally adopted by Birmingham City Council.

The City Council will communicate this document in a suitable way to all audiences. In addition to the online and printed documents, and meetings, requests for the document in alternative formats will be considered on a case by case basis including large print, another language and typetalk.

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1

Introduction

Introduction

What is the Statement of Community Involvement (SCI)?

1.1 Planning for land use and development in the city is one of the Council's key responsibilities, impacting directly and indirectly on residents and communities. The Council is committed to engaging with local people, organisations, businesses and other interested parties to get their views on different aspects of its planning work.

1.2 The Statement of Community Involvement (SCI) sets out how the Council will involve local communities, businesses and other stakeholders in the preparation and review of planning policy and the consideration of planning applications. It explains who will be consulted, when and how.

1.3 The SCI is a Local Development Document and forms part of the Council's statutory local planning framework. The Council must comply with it in the preparation of any planning policy documents and when determining planning applications.

Why is the SCI being updated?

1.4 Birmingham's first SCI was adopted in 2008. An update of the SCI is required to reflect the Housing and Planning Act 2016, the Neighbourhood Plan Act 2017, the latest regulations, changes in national planning policy and guidance, as well as changes in communication over the past 10 years. The revised SCI, once adopted, will replace the current SCI.

1.5 The Council is consulting on this document from 3 June 2019 until 6 September 2019. You can comment in the ways described at the front of this document. Following this consultation period,

all comments will be considered and the final SCI will be prepared for adoption.

What is the aim of the SCI?

1.6 Consultation is crucial in helping the Council and its partners make decisions which affect the City. By involving the community in the planning process the Council can ensure that the planning and development of the area meets the aspirations of the widest possible range of people, communities, organisations and businesses. The aims of the SCI are to:

- Help promote participation and involvement in the planning process by presenting clear opportunities for people to make their views known.
- Help make the planning system more accessible, transparent and inclusive.
- Harness the views, aspirations and knowledge of local communities and stakeholders to improve the quality and efficiency of planning decisions.
- Promote social cohesion by making connections with communities and offering them a tangible stake in decision making.

Consultation Principles

1.7 The SCI is guided by the Government's Consultation Principles: Guidance (2018) which provides guidance on how consultations should in general be conducted. The Council wishes to involve people in a meaningful way using timely, proportionate, and appropriate consultation techniques. This document has been prepared in the context of the following overarching consultation principles:

- Have a purpose and is proportionate, asking relevant questions on the issues that are to be decided on.
- Be clear and informative, using plain English that is clear to help everyone contribute to the process.
- Be open, transparent and responsive, allowing the opportunity for all to take part and showing how comments and views have been considered.
- Be targeted on the most affected people, but also promote consultations as widely as possible.
- Promote equality through ensuring vulnerable people or disadvantaged groups are involved in the planning process.
- Promote social cohesion by involving as many sectors of the local community as possible and recognising their different consultation needs.
- Use appropriate methods to engage with people constructively whilst, at the same time, ensuring Council resources are used in the most effective and efficient manner.
- Commit to working with partners and communities.

Consultation Policy Framework

1.10 The duty to engage the community in planning matters and to prepare the SCI arises from the Planning and Compulsory Purchase Act 2004 (section 18) as amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017. This legislation requires the Local Planning Authority (in this case the Council) to prepare a statement for how it will involve those with an interest in development in the area.

There is a clear emphasis through national policy on encouraging early and consistent community involvement.

1.11 Legislation sets out the minimum standards for publicity and consultation on planning applications and plan-making, which are set out in the next chapter. The Council will always meet these requirements and, where appropriate and resources allow, will seek to go beyond them to secure wider-ranging involvement in plan-making.

Commitment to Equality and Inclusive Consultation

1.12 In addition to its legal and statutory requirements, the SCI also captures the City Council's commitment to equality, diversity, involvement and community cohesion in line with the following policies and strategies.

- Equality - The Council has a commitment to equality which is also a statutory duty under the Equality Act 2010. The Act aims to promote equality, eliminate discrimination and encourage good relations between different groups associated with age, disability, gender/ gender reassignment, race, religion and other protected characteristics. Engaging with residents and other stakeholders is key to meeting this duty to better understand the needs of diverse groups. An up-to-date SCI demonstrates that the Council has had due regard to this statutory duty in terms of public consultation on planning documents and applications.
- Council Plan - This SCI will contribute to the endeavours of the Council Plan by 'proactively strengthening our partnerships with key institutions and

businesses to create a strong civic family to lead the city' and 'fostering local influence and involvement' so as 'to ensure that local people have a voice in how their area is run'.

- Community Cohesion - the principles and practices of the SCI reflect those of the Community Cohesion Strategy for Birmingham, particularly in promoting inclusive economic growth that benefits everyone across Birmingham and helping to empower and engage neighbourhoods to be active participants in local solutions and decisions.
- Localism in Birmingham - the SCI will also deliver the objectives set out in the Council's framework on Localism in Birmingham as it will help to tailor future engagement on planning matters to be more efficient, better suited to the area and aim to make residents feel that they are more in control of decision making in their local area.

What will we consult on?

1.13 The SCI relates to the engagement and consultations that the Local Planning Authority carries out; it does not cover all Council related consultations and engagement activities. The SCI specifically sets out how the Council will engage with people on the following matters:

- Planning Policy Documents which are set out as a programme within the Local Development Scheme (see below) including:
 - Development Plan Documents (which make up the Local Plan) which sets the strategic planning direction for the city, allocates land for development and policies to guide development decisions.

- Supplementary planning documents which support the Local Plan by providing detailed guidance.

- Informal planning documents, such as area frameworks.

- Neighbourhood Plans, which are prepared by communities.

- Planning applications.

- Community Infrastructure Levy which is a charge that allows local authorities to raise funds from most types of new development in their area to fund essential infrastructure.

Local Development Scheme

1.14 The Local Development Scheme (LDS) lists the planning policy documents that the Council intends to produce or review and the timetables for their preparation. When the LDS is updated it will be published on the Council's website. Notifications will be sent to the consultation bodies listed in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and those on the planning policy consultation database.

2

Consultation on planning policy documents

Consultation on planning policy documents

Introduction

2.1 There are various planning documents prepared by the Council. Each of these is described below and the process for their preparation is set out in the tables overleaf. This chapter sets out how and when people can get involved during the process. To make consultation as effective as possible, an engagement strategy will be put in place for the consultation on each planning document.

2.2 The engagement strategy will ensure that the engagement is relevant to the area being planned for, that key stakeholders have been identified, and that suitable methods of engagement are put in place. The methods used should inform people, and allow opportunities to engage and collaborate as part of the consultation. The strategy should be informed by the community profile for the area being planned.

2.3 It is recognised that some parts of the community are not always adequately represented. The Council will work closely with relevant organisations that have experience in a particular matter to find the best way of consulting and liaising with these groups.

Development Plan Documents

2.4 Development Plan Documents (DPDs) are statutory documents which set out strategic policies, allocate sites for development, and sets policies for decision making on planning matters. Collectively, the DPDs comprise the Local Plan, which forms part of the development plan. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

2.5 DPDs need to follow a statutory process set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. This is set out in Table 1 (page 11) along with how the City Council will engage with stakeholders and communities at each stage.

Supplementary Planning Documents and other Informal Planning Documents

2.6 Supplementary planning documents (SPDs) and other informal planning documents do not have statutory status and cannot set new policy. Rather they provide more detailed guidance on how the policies in the Local Plan are applied. While SPDs are adopted formally by the Council and are material considerations in the determination of planning applications, they do not form part of the development plan.

2.7 SPDs and other informal planning documents may cover a range of issues - thematic and site specific. They may take the form of design guides, area development briefs, masterplans or issue-based documents. Birmingham has a number of SPDs and informal planning documents adopted and there are also a number currently in preparation. Find out more on: www.birmingham.gov.uk/directory/10/approved_planning_policies/category/55

2.8 There are a number of key stages in preparing SPDs which are set out in Table 2 along with how the City Council will engage with stakeholders and communities at each stage. The level and extent of consultation required in the preparation of a SPD is generally less than that for a DPD and the methods used will vary, according to its content.

Sustainability Appraisal (SA) and Strategic Environmental Assessment

2.9 A Sustainability Appraisal (SA) seeks to assess how the policies reflect sustainable development objectives. This will be consulted on at certain key stages of the plan-making process.

2.10 All DPDs must be subject to a Sustainability Appraisal. Most DPDs and some SPDs are also subject to a Strategic Environmental Assessment (SEA), the latter normally being incorporated into the SA via a combined 'Sustainability Report'. The Sustainability Appraisal Scoping Report, which sets out the methodology for the appraisals, will be updated as necessary and be the subject of consultation with relevant stakeholders each time a DPD is prepared to ensure that it provides for an up-to-date and appropriate appraisal of the likely impacts of the document's policies. The Sustainability Report will be published alongside the relevant DPD.

2.11 Natural England, Historic England and The Environment Agency are 'Strategic Environmental Assessment Consultation bodies' who will be specifically consulted on the requirement for and on the scope of any Strategic Environmental Assessments (SEAs).

Who will be consulted?

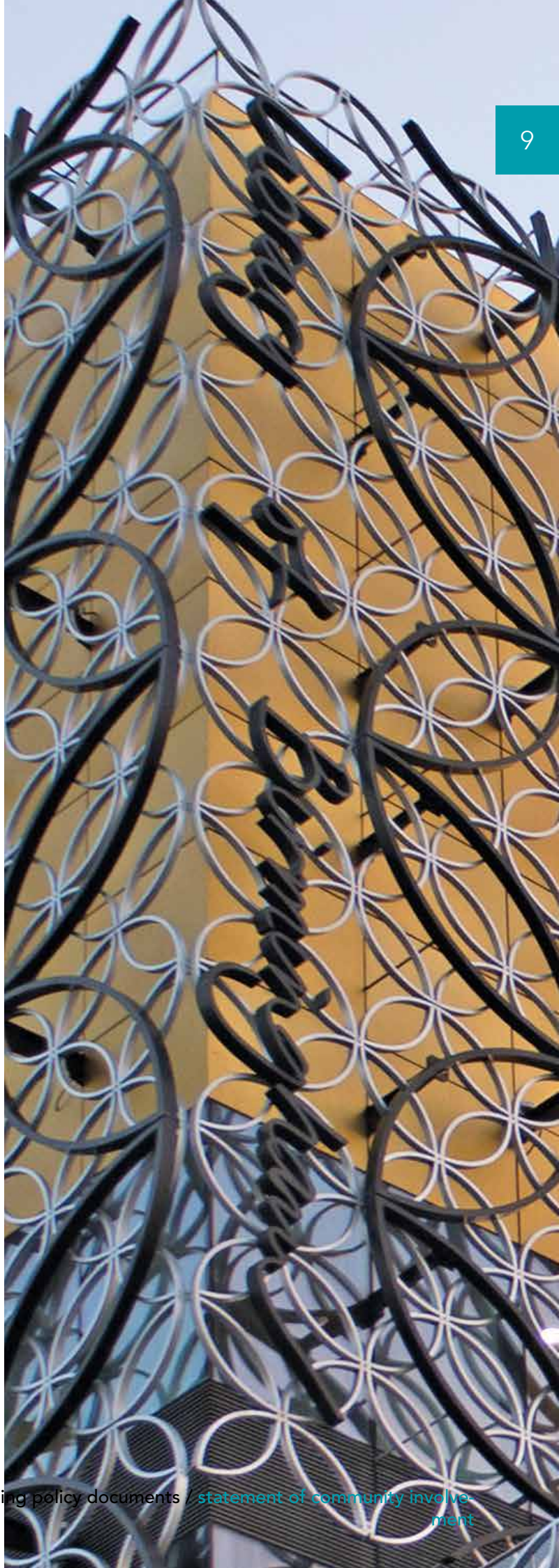
2.12 All planning policies and decisions have the potential to impact on people, and with a number of statutory and non-statutory consultees. Among these are residents, councillors, businesses, interest groups, agents, developers, community groups, West Midlands Combined

Authority, Transport for the West Midlands, and the Greater Birmingham and Solihull Local Enterprise Partnership.

2.13 The minimum legal requirements for consultation and public participation in DPDs and SPDs are set down in the Town and Country Planning (Local Planning) (England) Regulations 2012. Specified bodies must be consulted where the Council considers that the body may be affected by what is proposed.

2.14 The 2012 Regulations also require consultation with other interest groups, which cover a whole range of voluntary, community, special interest, amenity and business interests, referred to as 'general consultation bodies'. The Council maintains an up to date database of such contacts which is used to notification of consultations. Individuals and organisations can ask to be included on the database at any time. If you wish to be included please contact the Planning Policy team or fill in a form on the Council's website.

2.15 The Council also has a legal 'duty to co-operate' with other local planning authorities, county councils and other the 'prescribed' public bodies (as defined by the Town and Country (Local Planning (England) Regulations 2012) (as amended)), in relation to strategic cross boundary issues, such as housing, transport and flood risk. The Council will continue to positively address cross boundary issues in its plan making. This duty is additional to the basic legal requirements for consultation when plan making.



How will we consult and engage?

2.16 The Council considers wide engagement to be important so suitable methods to engage and consult need to be considered in order to meet and build on the statutory regulations. We will carefully consider how consultations are run in order to ensure that the city's diverse community are made aware of relevant planning proposals and opportunities to comment on them. Different methods will be used according to the scope of the consultation, the target audience and the resources available. The following outlines some of the different methods of consultation which will be utilised:

- Online engagement - this has become the primary method of engagement for the Council which includes the use of websites, online questionnaires, social media and email alerts. The Council's website will be regularly updated with information about the Local Plan and other planning documents. The Council will advertise all consultations on its website with documents available to view on dedicated pages. The Council will make use of social media where appropriate and will post information on Facebook, Twitter and other social media platforms to promote consultations, as suitable.
- Face to face engagement - sometimes speaking directly to someone is the best way to understand a person's point of view. Depending on the issues involved, this can include drop-in events, exhibitions, meetings with relevant groups or organisations, and presentations at public meetings such as ward committees. Meetings and exhibitions will be held at accessible and appropriate locations.
- Written notifications - for all statutory consultations, the Council will directly contact by email or letter all known consultation bodies, along with anyone who has asked to

be notified when consultation is taking place. Details of consultation and the availability of documents will be set out in this communication. Consultation notification e.g. letters and e-mails, may be accompanied by specially designed comment forms to assist people with their responses.

- Publicising consultations - the Council will publicise consultations through a variety of means, including advertisements in the local press, public notices, media releases, newsletters, posters and site notices (for planning applications). Public notices will be published in local newspapers when appropriate and press releases and/or briefings to convey information to wider audiences will also be used where appropriate.
- Making consultation material available - as well as publishing documents and consultation material online, hard copies will be made available for inspection at the Council's main planning offices or to purchase in hard copy form.

What happens to your views and comments?

2.17 All comments received on planning policy documents including the person/organisation's name and contact details will be recorded. Your details will not be passed onto third parties however, they will be used to notify you of progress with the document that you have made comments on and any subsequent planning policy consultations, if you do not wish to receive these notifications please let us know.

2.18 At the draft document stage for DPDs or following consultation on a draft SPD, comments will be reported to the decision making body. The comments received will be reported as summaries or summary reports. All comments will however be available to inspect in full on request. Addresses and contact details will not be

published. Generally anonymous comments are not accepted for consultation purposes. Individual written responses to the comments received will not normally be sent.

2.19 For DPDs, the Council has to prepare a Consultation Statement for publication alongside the Proposed Submission/ Publication DPD, which summarises the consultation that has been undertaken to date in connection with the preparation of the document and the responses received.

2.20 For SPDs the Council has to prepare a Consultation Statement for publication alongside both the draft and final versions of the SPD, which summarises the consultation that has been undertaken in connection with the preparation of the document and the responses received.

2.21 For DPDs at the formal Proposed Submission stage, representations made in relation to the Tests of Soundness or legal compliance matters will not normally be considered by the Council as they will be passed to the Inspector. These representations will be assessed and along with a summary of key issues raised, will form a Statement of Representations. All the original comments as submitted will be sent to the Inspector when the Plan is submitted for Examination and will be published via the Council's website in full but with addresses and contact details removed (redacted). All comments will be available to inspect in full upon request.

2.22 All comments will be fully considered and, where appropriate, the Council will make decisions or changes as a result. However, it is important to note that it may not always be possible or appropriate to decide the matter in accordance with the comments(s) received. Sometimes there may be other material considerations to which the Council must adhere such as requirements of legislation or national/local policies.

Table 1: Process for preparing a Development Plan Document

Key stage	Process and requirements	Opportunities for engagement
1: Pre-production (Regulation 18).	<ul style="list-style-type: none"> • Collect evidence and establish wider policy framework. • Informal consultation and early engagement may be carried out. • Consider issues and alternatives. • Consult with statutory bodies on the scope of the SA/SEA. 	<ul style="list-style-type: none"> • Carry out informal consultation and early engagement. The nature/extent of this will be determined by the evidence gathered, subject matter and scope of the consultation. • Consult with statutory bodies on the scope of the SA/SEA. • Early engagement with relevant groups and organisations. • Carry out the 'duty to co-operate' requirement.
2: 'Preferred Options' Draft Plan (Regulation 18).	<ul style="list-style-type: none"> • Prepare and publish 'Preferred Options' Draft Document. • Consult for a minimum statutory period of six weeks. • Prepare Consultation Statement. • Council considers the comments made. 	<ul style="list-style-type: none"> • Write to specific, general and all other consultees who the Council consider may have an interest, including everyone on the planning policy consultation database. • Make consultation documents available for inspection including on the Council's website, planning offices and other locations as considered appropriate. • Hold public exhibitions, events and workshops or more focused meetings where appropriate. • Use social media and/or local media to raise awareness
3: Publication/ Proposed Submission Document (Regulations 19 and 20).	<ul style="list-style-type: none"> • Having considered the comments and evidence gathered, the Publication/ Proposed Submission Document and SEA/SA Report is prepared. • Statutory consultation for a minimum of six weeks to comment on the Plan, the SA/ SEA and supporting evidence. • Comments will be considered by the Inspector at the Examination. • Prepare Consultation Statement. • Council considers the comments and may propose further amendments to be considered by the Inspector. 	<ul style="list-style-type: none"> • Write to specific, general and all other consultees who the Council consider may have an interest, including everyone on the planning policy consultation database. • Make consultation documents available for inspection including on the Council's website, planning offices and other locations as considered appropriate. • Hold public exhibitions, events and workshops or more focused meetings where appropriate. • Use social media and/or local media to raise awareness.

Continued



4: Examination (Regulation 22).	<ul style="list-style-type: none"> • Main issues raised at Stage 3 are summarised and made publicly available. • Plan submitted to Secretary of State for independent examination. • Independent Examination likely to involve hearing sessions (6 weeks prior notice to people who have requested to appear at the hearings). • Planning Inspector issues report if main modifications are not required, or; • Optional Stage where the City Council agrees, the Inspector can propose changes or 'main modifications' to the plan to avoid it being found 'unsound'. • Inspector considers representations on main modifications. • The hearing may be re-opened. • Planning Inspector issues report. 	<ul style="list-style-type: none"> • Use Council's website and social and/or local media to raise awareness of the Examination. • Make Examination documents available on the Council's website. • The Inspector will consider all representations made at Stage 3. • The Inspector will decide whether to conduct the examination via written representations or hearings and who is invited to participate. • Notice of Examination is given six weeks in advance to people who have requested to appear at hearing sessions. • Hearing sessions are generally open to the public. • Examination documents are published on the Council's website.
5: Adoption (Regulation 26).	<ul style="list-style-type: none"> • Plan adopted by the City Council if found 'sound' by Inspector. • Six week period for legal challenge to the High Court. 	<ul style="list-style-type: none"> • Publish the Plan, adoption statement and other relevant evidence base documents on the Council's website, and make available at Planning offices and other locations as considered appropriate. • Send Adoption Statement to consultees on the Planning Policy Consultation Database and others who have asked to be notified. • Use social media and/or local media to advertise adoption of the Plan.
6: Monitoring and Review.	<ul style="list-style-type: none"> • Plan is monitored to make sure it is achieving its aims. • The plan will be reviewed where necessary and at least every 5 years. 	

Table 2: Process for preparing Supplementary Planning Documents and Informal Planning Documents

Key stage	Process and requirements	Opportunities for engagement
1: Evidence gathering.	<ul style="list-style-type: none"> • Collect evidence and establish wider policy framework. • Consider issues and alternatives. • Screen to determine whether an SEA and Habitats Regulations Assessment is required. 	<ul style="list-style-type: none"> • Carry out informal consultation and engagement. The nature/extent of this will be determined by the evidence gathered, subject matter and scope of the consultation. • Early engagement with relevant groups and organisations.
2: Consultation on Draft Plan (Regulation 13).	<ul style="list-style-type: none"> • Statutory consultation for a minimum of four weeks to comment on the draft SPD and any supporting evidence. • Comments considered and SPD amended where necessary. • Prepare Consultation Statement. 	<ul style="list-style-type: none"> • Write to specific, general and all other consultees who the Council consider may have an interest, including everyone on the planning policy consultation database. • Make consultation documents available for inspection including on the Council's website, planning offices and other locations as considered appropriate. • Discuss the document with relevant stakeholders including statutory consultees. • Use social media and/or local media to raise awareness. • Depending on the content, consultation may also be supported by workshops/meetings.
3: Adoption (Regulation 13).	<ul style="list-style-type: none"> • Council adopts Plan. • Publish adoption documents including Consultation Statement. • Six week period for legal challenge to the High Court. 	<ul style="list-style-type: none"> • Send Adoption Statement to consultees on the Planning Policy Consultation Database and others who have asked to be notified. • Use social media and/or local media to advertise adoption of the Plan.
4: Monitoring and review.	<ul style="list-style-type: none"> • Plan is monitored to make sure it is achieving its aims. • SPD may be reviewed, where necessary. 	

GRAND CENTRAL



3

Neighbourhood planning



Neighbourhood planning

3.1 Neighbourhood planning was introduced by the Localism Act (2011). It is a way for communities to decide the future of the places where they live and work by having more of a say in where new homes, businesses, shops and community facilities should be placed in their local area, along with being able to allocate sites for development. Neighbourhood Plans, once adopted, are statutory plans which carry equal weight to any Local Plan.

3.2 Unlike DPDs, Neighbourhood Plans are produced by local communities themselves with the support of the Council. These plans must be in general conformity with the strategic policies in the Birmingham Development Plan and have regard to national planning policy.

3.3 Where they choose to, local people can draw up a plan or a development order:

- Neighbourhood Plans allow communities to establish general planning policies for the development of land in the area. A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum. This means that the council and planning inspectors will need to take the plan into consideration when making planning decisions.

- Neighbourhood Development Orders (including community right to build orders) grant planning permission for a specific type of development in a particular area. This could be either a particular development or a particular class of development such as housing or retail.

3.4 Like DPDs, there are regulations which cover the preparation of neighbourhood plans/orders including consultation requirements. Regulations also cover the referendum stages. The Council's role is to provide advice and support to groups developing a plan. Up to submission of the final draft ('proposed submission') plan, it is the town or parish council (or forum) that is responsible for public consultation and engagement in its preparation.

3.5 It is only at submission stage that the Council takes a lead on finalising the plan. This includes consultation and a referendum, which will be publicised on the website and in local press adverts.

3.6 The Council will expect the consultation principles in this document to be followed and a clear engagement strategy in place. Table 3 sets out the key stages in the process and the Council's role and the qualifying body's role in relation to consultation and engagement.

3.7 The Council supports and promotes neighbourhood planning and is committed to providing advice and support to groups who wish to prepare neighbourhood plans and orders. As part of this commitment, the Council will:

- Designate a planning officer to act as the first point of contact between neighbourhood planning groups and the Council. The officer will provide appropriate help and advice on planning policy matters and facilitate access to other teams within the Council where specialist advice is needed.
- Provide appropriate technical advice and assistance, for example, advice on the planning policies applying to the area, the steps involved in the preparing a plan or order, the formulation of a qualifying body.
- Share evidence and information on planning matters.
- Advise on consultation and engagement.
- Provide a formal consultation response at the draft plan consultation stage.

Table 3: Neighbourhood planning key stages

Key stage	Opportunities for engagement	
	Parish/Neighbourhood Forum role	Birmingham City Council's role
1: Designation of Neighbourhood Area and Neighbourhood Forum (where appropriate).	<ul style="list-style-type: none"> Before submitting an application to designate the neighbourhood area the Parish Council/Neighbourhood Forum may decide to consult with the local community about preparing a neighbourhood plan/order. 	<ul style="list-style-type: none"> With the exception of applications which are for an entire parish area, the Council will formally publicise and consult on applications to designate a neighbourhood area (minimum consultation period is 6 weeks) and publish details in relation to the designation or refusal of a neighbourhood area. Where appropriate, consultations on the designation of a Neighbourhood Area and a Neighbourhood Forum will be combined. Write to specific, general and all other consultees who the Council consider may have an interest. Make documents available on the Council's website, planning offices and other locations as considered appropriate. Use social media and local media/press to raise awareness.
2: Preparing the Draft Neighbourhood Plan/Order: <ul style="list-style-type: none"> - Develop vision, aims and objectives. - Gathering baseline information and evidence. - Identify and assess options. - Determine need for SEA. 	<ul style="list-style-type: none"> Undertake ongoing consultation and engagement with the community and relevant consultees. 	<ul style="list-style-type: none"> Initial screening (5 weeks) consulting the statutory consultees to determine if an SEA is required. Provide advice on relevant national and local planning policies and guidance. Share evidence and information on planning issues and on funding and skills for neighbourhood planning. Provide relevant contact information to assist consultation, publicity and engagement.

Continued »

3: Pre-submission publicity and consultation.	<ul style="list-style-type: none"> • Publicise the draft neighbourhood plan or order and invite representations (minimum of six weeks consultation). • Consider the comments and amends plan/order if appropriate. • Prepare Consultation Statement. • Consult the consultation bodies as appropriate. 	<ul style="list-style-type: none"> • The Council will continue to provide informal advice and support and a formal response to consultation.
4: Submission of Neighbourhood Plan/ Order to the Local Planning Authority.	<ul style="list-style-type: none"> • Submit plan or order and supporting documents to the Council including basic conditions statement, SEA and Consultation Statement. 	<p>If the Council finds that the plan or order meets the legal requirements it will formally publicise and consult (for a minimum of 6 weeks) as follows:</p> <ul style="list-style-type: none"> • Write to specific, general and all other consultees referred to in the Consultation Statement. • Make documents available on the Council's website, planning offices and other locations as considered appropriate. • Use social media and/ or local media to raise awareness. • Collate the representations made to send to the examiner.
5: Independent examination.	<ul style="list-style-type: none"> • The Examiner issues a report to the local planning authority and qualifying body. 	<ul style="list-style-type: none"> • Make arrangements for the independent examination of the neighbourhood plan. • Submit the plan or order, relevant documentation and representations to independent examiner. • Publish the Examiner's report on the website. • If the Council is satisfied that the plan/ order meets the basic conditions the neighbourhood plan proceeds to referendum, working with the qualifying body in light of any changes. • If the Council doesn't think the basic conditions have been met, they will work with the qualifying body to determine the way forward. • If a decision is taken to differ from any recommendation then arrange for a further six week consultation as required.

Continued

6: Referendum plan/ order.	<ul style="list-style-type: none"> • Raise awareness of referendum through publication of neutral promotional material. 	<ul style="list-style-type: none"> • Make arrangements and publish information statement and notice of the referendum. • Publish referendum results on the website and issue news release.
7: Making the neighbourhood plan/ order.		<ul style="list-style-type: none"> • If more than 50% vote in favour, the Council 'makes' the plan via Council resolution. • Publish the Neighbourhood Plan, adoption statement and SEA adoption statement (where relevant) on the Council's website, at the council offices and other locations as considered appropriate.
8: Monitoring and review.		<ul style="list-style-type: none"> • Advise on the options, process and timing for reviewing neighbourhood plans.



4

Community Infrastructure Levy

Community Infrastructure Levy (CIL)

4.1 The Community Infrastructure Levy (CIL) is a charge that allows local authorities to raise funds from development in their area to fund essential infrastructure. CIL is a set charge that is applied to planning approvals for certain types of development in certain parts of the city. The Council's CIL Charging Schedule is subject to periodic review and can be found at: www.birmingham.gov.uk/CIL

4.2 CIL Regulations set out the procedure that charging authorities must follow prior to adopting or changing a Charging Schedule. These are summarised in Table 4 along with the key opportunities for engagement.

Table 4: Setting or changing the Community Infrastructure Levy

Key stage	Process and requirements	Opportunities for engagement
1: Preliminary Draft Charging Schedule.	<ul style="list-style-type: none"> • Prepare evidence base to inform the Preliminary Draft Charging Schedule (PDCS). • Publish the PDCS. • Consult on the PDCS with consultees Consider representations when preparing the PDCS. 	<ul style="list-style-type: none"> • Informal consultation and engagement with key stakeholders and interested parties. • Make consultation documents available for inspection including on the Council's website, planning offices and other locations as considered appropriate. • Use social media and/ or local media to raise awareness.
2: Draft Charging Schedule.	<ul style="list-style-type: none"> • Publication of Draft Charging Schedule (DCS) and a statement of representations procedure. • Statutory consultation for a minimum of six weeks on the DCS and supporting evidence. • Prepare Consultation Statement. • An Examiner is appointed. 	<ul style="list-style-type: none"> • Write to specific, general and all other consultees who the Council consider may have an interest, including all those who have requested to be notified. • Make consultation documents available for inspection including on the Council's website, planning offices and other locations as considered appropriate. • Use social media and local media to raise awareness. • Consultation may also be supported by workshops/meetings. • Consultees can request to be heard by the Examiner and notified of further stages.

Continued

<p>»</p> <p>3: Examination.</p>	<ul style="list-style-type: none"> • Submission of Draft Charging Schedule, a summary of main issues raised by the consultation, copies of the representations and relevant evidence. • Examiner submits recommendations and the reasons. 	<ul style="list-style-type: none"> • Documents made available and persons notified as above. • If the DCS had been modified following Regulation 16 all consulted under Regulation 15 must receive a copy of the statement of modifications. • Notice of Examination given 4weeks in advance to people who have requested the right to be heard. • Local publicity for the Examination. • Publish Examiner's recommendations and inform all who requested notification.
<p>4: Adoption, monitoring and review.</p>	<ul style="list-style-type: none"> • Council approves Charging Schedule and date of effect. • Six week period for legal challenge to the High Court. • Details of CIL income received and spent will be published in the AMR. • Review in line with BDP progress and changes in costs and values of development. 	<ul style="list-style-type: none"> • Adoption Statement, Charging Schedule and associated maps published on website. • Use social media and/or local media to advertise adoption.



5

Consultation on planning applications

Consultation on planning applications

Introduction

5.1 The SCI must set out standards of consultation to be achieved by the Council in making decisions on planning applications. Planning applications can range from modest extensions to existing dwellings to major development schemes for urban expansion or regeneration.

5.2 The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out a minimum standard of publicity and notification of applications to the local community, depending on the nature of the application.

5.3 There are a number of different types of application depending on the specific type of consent sought. For most types of application, the process and approach to engagement is set out in Table 5 below. This explains the process for determining a planning application and when, how and who will be consulted.

Pre-application consultation

5.4 The aim of pre-application consultation is to encourage engagement before a formal application is made, enabling communities and stakeholders to have an influence on a planning proposal before it is finalised. The process can help to identify improvements and overcome objections at a later stage.

5.5 The Council welcomes and encourages pre-application consultation where it is appropriate

and beneficial. It is recognised that the parties involved at the pre-application stage will vary on each proposal, and the level of engagement needs to be proportionate to the nature and scale of a proposed development. Any pre-application consultation should follow the general consultation principles set out in section 1 of this document. The Council has no formal role in pre-application consultations, but will encourage other parties to take maximum advantage of the pre-application stage.

5.6 The details of pre-application consultations with the Council, local community and statutory consultees, should form the basis of a Statement of Community Involvement at Pre-Application, which is submitted with the planning application. (See the Planning Local Validation List): www.birmingham.gov.uk/downloads/file/7362/local_validation_criteria_2018

What happens to your views and comments?

5.7 Anyone can comment on a planning application either in support or to object. Any comments can only be made on the basis of material planning considerations. Material planning considerations are only those matters that can be considered within planning law in assessing and determining a planning application. For example, issues regarding traffic, wildlife, historic interests are all material considerations.

5.8 Comments which relate to 'non-material' considerations cannot be taken into account. Non-material considerations include issues such as the loss of property value, boundary and other legal disputes between neighbours, potential problems associated with construction work, competition between businesses and structural and fire precaution issues.

5.9 All relevant comments received within the defined consultation period will be fully considered and, where appropriate, the Council will make their decision as a result. However, it is important to note that it may not always be possible or appropriate to decide the matter in accordance with the comments(s) received. Sometimes there may be other material considerations to which the Council must adhere such as requirements of legislation or national/local policies.

5.10 Any comments can be made available upon written request. We will remove any personal details such as signatures, phone numbers and email addresses. Any support, objections and comments will be noted in the planning case officer's report, along with how they have been considered in the decision. The Council also reserve the right to withhold any comment(s) considered defamatory or harmful to an applicant, a consultee or the wider community.

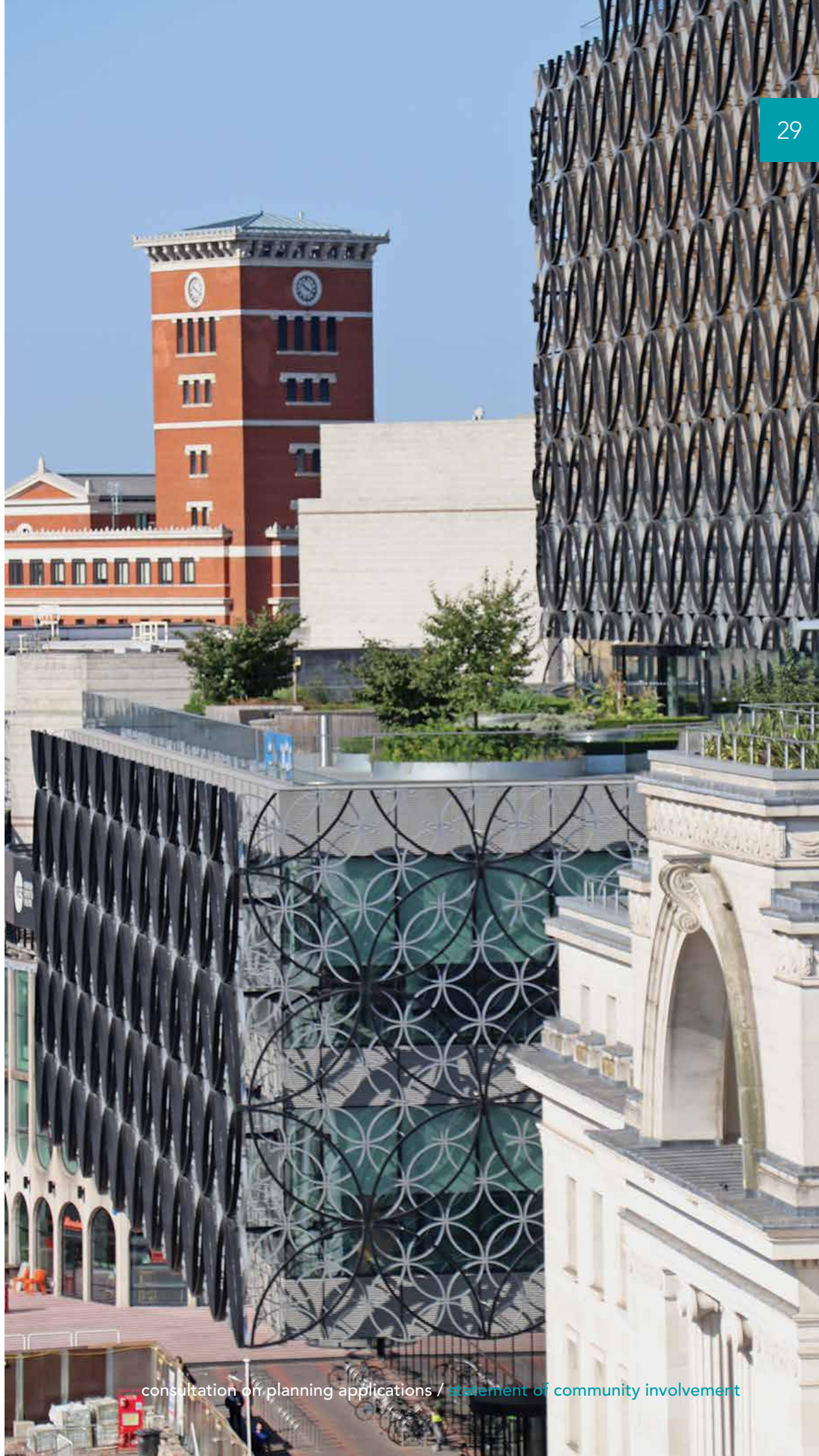
Table 5: Process and Consultation on Planning Applications

Key stage	Process and requirements	Opportunities for engagement
1: Receipt and registration.	<ul style="list-style-type: none"> • Check compliance with relevant national and local validation requirements. • Check all relevant information and appropriate fee has been provided. 	<ul style="list-style-type: none"> • The application will be available to view on the Council's website.
2: Consultation and publicity.	<ul style="list-style-type: none"> • Consult in line with current regulations currently for a minimum of 23 days (to cover postal delays). - If the scheme is amended, and we consider that those amendments raise new issues which could lead to further comment, we will seek to re-consult for a further 10 days. 	<p>The Council notifies stakeholders and the community in accordance with the regulations by:</p> <ul style="list-style-type: none"> • Publishing the application details on the Council's website and how to comment. • Letter to the owners/occupiers of properties adjoining the application site advising of application and the period in which to submit comments; and/or • Site notice placed on or near sites subject to applications for development; and or • Publishing a notice in the local press for certain types of development (Major applications; Listed Building Consent; development affecting Conservation Areas; Development subject to an Environmental Impact Assessment; Departures from the Development Plan; Development affecting a Public Right of Way). • A weekly list of all new applications received by the Council is posted on the Council's website. <p>Depending on the proposal, we will also consult with:</p> <ul style="list-style-type: none"> • Various statutory and non-statutory consultees (as defined by the Town and Country (Local Planning (England) Regulations 2012) (as amended)). • Other bodies and interest groups relevant to the proposal. • Duty to Cooperate bodies on major strategic applications or neighbouring authorities on applications for development close to the City boundary.

Continued



3: Assessment.	<ul style="list-style-type: none"> • The planning case officer will normally visit the site. • All material considerations will be taken into account in assessing the application, including comments received, relevant local and national planning policies and guidance. • Any comments received can be made available upon written request. We will remove any personal details such as signatures, phone numbers and email addresses. • The Council reserve the right to withhold any comment(s) considered defamatory or harmful to either an applicant, consultee or the wider community. 	
4: Making a decision.	<ul style="list-style-type: none"> • The planning case officer will make a recommendation on the application in a report which sets out the reasoning, along with a summary and consideration of comments and consultation responses. • The majority of planning applications are determined under delegated powers. • Decisions for such applications will be made in accordance with the Council's 'Scheme of Delegation': www.birmingham.gov.uk/downloads/file/9180/directorate_for_economy_-_delegated_authority_to_economy_directorate_officers • In certain circumstances, outlined within the 'Council's Scheme of Delegation', a planning application will be reported to, and determined by Planning Committee. 	<ul style="list-style-type: none"> • If you have supported or objected to an application which is to be reported to Planning Committee you will be invited to speak/address the Committee for a specified time. • The Planning Committee currently meets regularly in the Council House in Birmingham. The meetings are open to the public, however certain items may be discussed in private. • The Committee meetings are broadcast live on the Council's website. • Once a decision has been issued, a decision notice will be sent to the applicant and/or agent to inform them of the decision. • If you have commented on an application, you will be notified of the decision. • All planning decisions are published on Planning Online (the public register of applications) available on the Council's website.
5: Post decision.	<ul style="list-style-type: none"> • If the applicants disagree with our decision, they have the opportunity to make an appeal to the Secretary of State. • There is no right of appeal for third parties. This means that if planning permission is granted a member of the public cannot take the application to an appeal. 	





6

Monitoring and review

Monitoring and review

6.1 The SCI will be kept under regular review and be updated at least every 5 years. The effectiveness of the SCI will be monitored through the Authority Monitoring Report (AMR) Changes to the SCI may also be instigated by further revisions of the regulations which govern publicity and involvement in the planning policy preparation and planning application processes.

6.2 The monitoring indicators that will be used to measure the effectiveness of the SCI are:

- 100% of decisions in line with statutory consultee advice on major applications.
- 100% policy consultations in line with SCI requirements as demonstrated in the Consultation Statement.





Glossary

Authority Monitoring Report (AMR) - The requirement for a local authority to produce an Authority Monitoring Report (AMR) is set out in Section 113 of the Localism Act 2011. This includes reporting on implementation of the Local Development Scheme (LDS), performance against housing targets set out in the Local Plan, neighbourhood planning, Community Infrastructure Levy implementation, and the Duty to Cooperate.

Birmingham Development Plan (BDP) - The BDP was adopted in January 2017 and is the key planning document which sets out the vision, objectives, and strategy for the future development of the whole of the City.

Community Cohesion - Where there is a common vision and a sense of belonging for all communities across the City.

Community Infrastructure Levy (CIL) and Charging Schedule - The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force through the Community Infrastructure Levy Regulations 2010 and has been operating in Birmingham since January 2016. The Charging Schedule specifies the specifics of that charge.

Council Plan - Plan setting out the vision and priorities for the citizens of Birmingham across all disciplines and service provision within the Council.

Development Plan Documents (DPD) - Documents that sets out policies for the strategic and overarching vision and development for the Borough or particular area. Development Plan Documents include the Birmingham Development Plan and Area Action Plans.

Duty to Cooperate - This requires cooperation between us and our neighbouring councils/planning authorities and other public bodies to maximise the effectiveness of strategic planning within the borough, particularly to ensure that regional planning issues are properly addressed.

Equality - Protection of people from discrimination in the workplace and in wider society legally embedded into the Equality Act 2010. Organisations such as local authorities have a duty to comply with the Act and uphold its principles.

Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) - One of 39 Local Enterprise Partnerships set up by Government to drive economic development in England. It covers the geographical boundaries of the local authorities of Birmingham, Bromsgrove, Cannock Chase, East Staffordshire, Lichfield, Redditch, Solihull, Tamworth and Wyre Forest and is made up of representatives from the public and private sectors, in addition to skills providers.

Informal Planning Documents - Documents which are not statutory and do not set policies but provide planning guidance and additional information for a type of development or the future development of a particular area.

Localism - Enabling people to have control over what happens in their local area, that local businesses should be supported, and differences between places should be respected.

Local Planning Authority (LPA) - An LPA is the local authority or council that is empowered by law to exercise statutory town planning functions for a particular geographical area of the UK.

Local Development Document - Any document which makes up the suite of documents within the Council's development plans and policies.

Local Development Scheme (LDS) - Document setting out timescales and milestones for the production of Development Plan Documents and Supplementary Planning Documents.

Localism Act (2011) - An Act of Parliament that changes the powers of local government in England. The aim of the act is to facilitate the devolution of decision making powers from central government control to individuals and communities.

Local Plan - In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004.

Neighbourhood Plans - a way of helping local communities to influence the planning of the area in which they live and work.

Non-statutory Consultees - In addition to Statutory Consultees, there are other consultees for which there are planning policy reasons to consult on planning applications and who are likely to have an interest in a proposal, but who are not required to be consulted by law.

Planning Aid (England) - Organisation that provides free advice on planning related matters. Planning Aid is staffed by experienced town planners and is a valuable source of support to many individuals and groups.

Planning and Compulsory Purchase Act 2004 - Government Act which reforms the town planning and compulsory purchase framework in the United Kingdom.

Planning Policy Consultation Database - Individuals and organisations who have asked to be informed of consultations on any planning policy documents or those who the council view as needing to be informed of various stages in the planning policy formulation.

Secretary of State - Refers to the Secretary of State within the national government responsible for planning matters which is currently the Secretary of State for Communities, Housing and Local Government.

Statutory Consultees - Individuals or groups that the Council is required to consult. This list of Consultees is provided in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Strategic Environmental Assessment (SEA) - The process by which environmental considerations are required to be fully integrated into the preparation of plans and programmes prior to their final adoption. The objectives of SEA are to provide for a high level of protection of the environment and to promote sustainable development.

Supplementary Planning Documents (SPDs) - Documents intended to provide support or additional guidance to Development Plan Documents. Although they will not have development plan status they will be subject to procedures of community involvement and Sustainability Appraisal and are a material consideration in the determination of planning applications.

Sustainability Appraisal (SA) - An assessment of the likely significant social, economic and environmental impacts of policies.

Transport for the West Midlands (TfWM) - The public body responsible for co-ordinating transport services in the West Midlands metropolitan county. It is an executive body of the West Midlands Combined Authority (WMCA), with bus franchising and highway management powers similar to Transport for London.

West Midlands Combined Authority (WMCA) - This is a strategic authority with powers over transport, economic development and regeneration. The authority formally came into being on 17 June 2016 by statutory instrument under the Local Democracy, Economic Development and Construction Act 2009.

Contact

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Inclusive Growth Directorate
Birmingham City Council

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APPENDIX 2

Birmingham City Council

Report to Cabinet

14th May 2019



Subject: PUBLIC CONSULTATION ON THE 'STATEMENT OF COMMUNITY INVOLVEMENT'

Report of: DIRECTOR, INCLUSIVE GROWTH

Relevant Cabinet Member: Councillor Ian Ward, Leader of the Council

Relevant O &S Chair: Councillor Tahir Ali, Economy and Skills;

Report author: Uyen-Phan Han, Planning Policy Manager, Telephone No: 0121 303 2765
Email Address: uyen-phan.han@birmingham.gov.uk

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 006329/2019		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 To seek authority to undertake public consultation on the revised draft Statement of Community Involvement (SCI) for a period of 12 weeks starting in early June 2019.

2 Recommendations

- 2.1 That Cabinet approves the revised draft Statement of Community Involvement (SCI) for public consultation commencing early June 2019 for a period of 12 weeks.

APPENDIX 2

- 2.2 That Cabinet receives a further report following consultation and adopts the final SCI.

3 Background

- 3.1 It is a legal requirement for an up-to-date Statement of Community Involvement (SCI) to be adopted and published by local planning authorities under the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008, the Localism Act 2011 and Neighbourhood Planning Act 2017).
- 3.2 The SCI is part of Birmingham's local planning framework and sets out how the Council will engage people in various aspects of its land use planning work. It outlines how the Council will consult, who we will consult with and when we will consult for both planning applications and planning policy documents. The purpose of the SCI is therefore to guide and help make public consultation more effective and meaningful and encourage more people to take part in the planning process.
- 3.3 The purpose of the consultation document is to invite comments on the draft version of the SCI which will then inform the preparation of the final version of the SCI to be adopted by the City Council. It is envisaged that the consultation will commence in early June 2019 for a period of 12 weeks.
- 3.4 The City Council originally adopted a SCI in 2008. This document now needs to be updated to reflect the legal changes which have taken place since, but also to reflect changes in the way the Council engages and communicates with stakeholders and citizens. This final version, once adopted, will therefore supersede the existing 2008 SCI.
- 3.5 The main changes to the SCI since the original version published in 2008 are as follows:-
- Updated references to legislation including the Housing and Planning Act 2016, the Neighbourhood Plan Act 2017 and the latest regulations associated with them (the SCI therefore includes new sections on Neighbourhood Plans and the Community Infrastructure Levy (CIL).
 - Updates to reflect the latest national and local planning documents including the National Planning Policy Framework (NPPF) and Birmingham's Local Plan.
 - Increased emphasis on the Council's commitment to equality and inclusivity as part of its statutory duty under the Equality Act 2010.
 - Updated references to the latest Council Plan and corporate policies on community cohesion and localism.
 - References to the latest forms of consultation including more emphasis on online consultation and the increased use of social media in engaging a wider audience for consultation on planning matters.

APPENDIX 2

- 3.6 Following Cabinet approval, public consultation on the SCI is to take place starting early in June 2019 for a period of 12 weeks after which all comments received will be considered to inform the final version of the SCI. The final version will then be presented to Cabinet in the Autumn of 2019 for approval and adoption by the City Council.

4 Options considered and Recommended Proposal

- 4.1 Do Nothing: It is a legal requirement for an up-to-date Statement of Community Involvement (SCI) to be adopted and published by local planning authorities under the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008, the Localism Act 2011 and Neighbourhood Planning Act 2017). The localism Act 2011 in particular emphasises the importance of enabling communities to contribute towards shaping the places where they live. This is therefore not deemed an option.
- 4.2 The SCI was previously updated in 2008 since when legal requirements and consultation methodologies used by the City Council have changed sufficiently to warrant an updated version of the SCI to be produced.

5 Consultation

- 5.1 Officers from the Inclusive Growth Directorate have been involved with the preparation of the Statement of Community Involvement (SCI) consultation document. The launch of the public consultation on the SCI will be the start of both internal and external consultation on the document. This is the first and only consultation stage for the SCI which will commence shortly following Cabinet approval. The consultation process will be carried out under the provisions of the Planning and Compulsory Purchase Act 2004, and the revised procedures required by the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 5.2 The consultation document and relevant material will be published online and all those on the Planning Policy Consultation Database including all Birmingham City Council Members will be notified. All feedback and comments received will be taken into consideration in formulating the final version of the SCI document which will be presented to a subsequent Cabinet meeting for recommended adoption by the City Council.

6 Risk Management

- 6.1 The programme for completion and adoption of the SCI including the consultation allows flexibility to account for any potential issues. This allows time for discussion with stakeholders and for issues to be addressed, as well as the processing of any comments made.
- 6.2 Other risks are addressed elsewhere in this report, including Section 4 on the risks of not having the SCI, and section 7.3 on the financial implications.

APPENDIX 2

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 The SCI is consistent with the Council Plan 2018-2022 and, in particular, helps to deliver Priority 6 of the outcome; 'Birmingham is a great City to live in' which states that we will 'foster local influence and involvement to ensure that local people have a voice in how their area is run'.
- 7.1.2 The principles of the SCI reflect those of the Community Cohesion Strategy for Birmingham, particularly in promoting inclusive economic growth that benefits everyone across Birmingham and helping to empower and engage neighbourhoods to be active participants in local solutions and decisions.
- 7.1.3 The SCI will also deliver the objectives set out in the Council's framework on Localism in Birmingham as it will help to tailor future engagement on planning matters to be more efficient, better suited to the area and aim to make residents feel that they are more in control of decision making in their local area.

7.2 Legal Implications

- 7.2.1 The preparation of the SCI is being carried out in accordance with the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008, the Localism Act 2011 and Neighbourhood Planning Act 2017) and is prescribed under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012. Once adopted, it will replace Birmingham's existing SCI which was adopted in 2008.

7.3 Financial Implications

- 7.3.1 The SCI Consultation Document has been prepared using existing Inclusive Growth Directorate (Planning and Development) staff resources and budgets. Following consultation, the drafting and adoption of the final version of the SCI will also be met by the Planning and Development revenue budget for 2019/20. There are no additional financial implications to the City Council from the production of the SCI.

7.4 Procurement Implications (if required)

- 7.4.1 No implications.

7.5 Human Resources Implications (if required)

- 7.5.1 No implications

7.6 Public Sector Equality Duty

APPENDIX 2

7.6.1 The SCl is being prepared in line with Section 149 of the Equality Act 2010 in ensuring that public bodies consider the needs of all individuals in shaping policy. Preparation of the SCl includes carrying out an Equality Analysis (Appendix 2) which identifies that the report recommendations will not have an adverse impact on the protected groups and characteristics under the Equality Act 2010.

8 Appendices

8.1 List of Appendices accompanying this Report (if any):

- Appendix 1 – Statement of Community Involvement Public Consultation Document
- Appendix 2 – Equality Analysis

9 Background Documents

9.1 None

BIRMINGHAM CITY COUNCIL

REPORT OF STRATEGIC DIRECTOR FOR INCLUSIVE GROWTH

PLANNING COMMITTEE

4/07/2019

Houses in Multiple Occupation Article 4 Direction

1 Subject and Brief Summary

- 1.1 This report is to provide information on the background and publicity for a new city-wide Article 4 Direction that will remove permitted development rights for the change of use of C3 dwellinghouses to C4 houses in multiple occupation (HMOs), accommodating between 3 and 6 people. This will require planning applications to be submitted for any such changes of use from the date that the Article 4 Direction comes in to force.
- 1.2 The decision to apply a new city-wide Article 4 Direction was made by Cabinet on 14th May 2019 and a six week period to publicise the Direction commenced on Thursday 6th June. The purpose of this publicity period is to make property owners and occupiers in the area affected aware of the Direction and to seek their views and comments on it. The closing date for any comments to be submitted is Thursday 18th July 2019.
- 1.3 An existing Article 4 Direction for this purpose is already in place in parts of Selly Oak, Harborne and Edgbaston. To avoid duplication in coverage, this existing Direction will be cancelled, but to ensure that there is no gap in coverage the cancellation will only happen on the same day that the new city-wide direction will come in to force.
- 1.4 The comments received during the publicity period will be used to inform a decision by Cabinet to confirm the new city-wide Direction and the cancellation of the existing Direction. It is anticipated that this decision will be made by Cabinet in Autumn 2019. Following this, the new city-wide Direction is expected to come in to force on Monday 8th June 2020.

2 Recommendations

- 2.1 That Planning Committee notes the contents of this report, and takes the opportunity to consider providing comments on the publicising of the city-wide Article 4 Direction and the cancellation of the existing Selly Oak, Harborne and Edgbaston Article 4 Direction.

3 Contact Officers

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4 **Background**

- 4.1 The Government re-categorised the change of use of C3 family housing to C4 small HMOs as permitted development in April 2010. This means that any such proposals do not require a planning application to be submitted to the City Council. Larger HMOs accommodating more than 6 people are classed as Sui Generis use and have continued to require planning approval. The proposed city-wide Article 4 Direction will therefore only apply to the creation of smaller HMOs but it will allow a consistent approach to be applied for all HMO developments throughout the city.
- 4.2 In response to concerns raised by councillors and residents from across the city regarding high concentrations of HMOs in certain areas, officers undertook an exercise to identify and map the existing distribution of such properties across the city. This exercise used council tax, HMO licensing and planning application data to identify individual properties in HMO use. The exercise confirmed that significant concentrations exist in particular areas of the city, particularly in Bournbrook / Selly Oak / Harborne / Edgbaston, North Edgbaston / Ladywood, Handsworth / Lozells / Soho, Erdington / Gravelly Hill and Balsall Heath West / Moseley. It also confirms that there is also a reasonably even spread of HMOs across the rest of the city with the exception of the far north where the distribution is more sparse.
- 4.3 Taking these findings in to account, officers then identified a number of different options for how Article 4 Directions could be applied to tackle these concentrations. These included a single city-wide Direction, multiple area-based Directions focused on where concentrations were identified, or not applying any further Article 4 Directions. After considering the advantages and disadvantages of each option, a recommendation was made to Cabinet that a city-wide Article 4 Direction should be applied, as this will enable the most consistent and comprehensive approach to be applied to manage the distribution of HMOs across the city.
- 4.4 Following Cabinet approval for this city-wide option on 14th May 2019, a publicity period commenced on Thursday 6th June 2019 to make owners and occupiers who may be affected by the new Direction aware of it. The regulations contained in the Town and Country Planning (General Permitted Development) (England) Order (2015) state that this publicity period should last for at least six weeks. The closing date for comments to be received is therefore Thursday 18th July 2019.
- 4.5 Publicity of the Direction has so far involved the following:
- Information relating to the Article 4 Direction has been placed on the City Council's website, with a link to the BeHeard page where comments can be submitted online;
 - A Public Notice was placed in the Birmingham Post on the first day of the publicising period on 6th June 2019;
 - Site notices were placed in each ward, with a minimum of one site notice per city ward.
 - Emails and letters were sent out to notify every contact on the City Council's planning policy consultation database;
 - Focused meetings are planned to take place to engage with specific groups, e.g. landlords and residents groups.

- Notification has been sent to the Secretary of State for review, as required by the national regulations.
- 4.6 Following the publicity period, any comments received will be used to inform a further report to Cabinet to seek a decision on the confirmation of the Direction in Autumn 2019.
- 4.7 The city-wide Direction and the cancellation of the existing Direction are anticipated to take effect from Monday 8th June 2020. This is 12 months after the Direction was first publicised and is intended to allow landowners and developers within the affected area to become aware of the new planning rules, so that they do not experience abortive expenditure or losses and damages directly related to the withdrawal of permitted development rights. Compensation claims for any such losses or damages could otherwise be made to the City Council if the Article 4 Direction was brought in to force any sooner.
- 4.8 Landlords of existing C4 HMOs are also being encouraged to declare these to the City Council so that we can make a record of them before the Article 4 Direction comes in to force. This will ensure that landlords do not need to apply for Certificates of Lawful use after this date and the City Council will not pursue enforcement action on any HMO properties that have already been declared. Landlords will be able to declare such properties up until Monday 8th June 2020 when the Article 4 Direction will come in to force. After this date, Certificates of Lawful use will have to be applied for if a property is in HMO use.
- 4.9 The new Direction will also be supported by the preferred policy approach to manage the distribution of HMOs, which was subject to public consultation within the Development Management in Birmingham document earlier this year. This policy would apply criteria to ensure that no more 10% of residential properties within 100 metres of an application site would be in HMO use, that C3 housing would not become sandwiched between C4 HMOs or other non-family housing, and also to prevent a continuous frontage of three or more non-family houses. These criteria take forward and build upon the policy approach that has been applied within the existing Article 4 Direction area in Selly Oak since 2014.

5 **Financial Implications**

- 5.1 The resource cost implications arising from processing increased numbers of planning applications and enforcing the city-wide Direction are anticipated to be met from within existing Inclusive Growth planning budgets and from additional planning fee income generated as a result. However, this will be closely monitored to ensure that sufficient resources are available.

6 **Implications for Policy Priorities**

- 6.1 The city-wide Article 4 Direction will contribute towards the vision contained in the City Council's Plan 2018-2022, in particular Outcome 4 'Birmingham is a great city to live in'. It will also have a role to play in the City Council's management and control of

‘insecure housing and high levels of transience’ which is identified as a concern within the Community Cohesion Strategy (2018).

- 6.2 Implementation and enforcement of the Direction will be supported by preferred policy DM10 in the Development Management in Birmingham document which has recently been subject to public consultation. It will also support policies PG3 (Place making), TP27 (Sustainable neighbourhoods), TP30 (The type, size and density of new housing), TP31 (Affordable housing), TP32 (Housing regeneration) and TP35 (The existing housing stock) of the adopted Birmingham Development Plan (2017).

7 Implications for Equalities

- 7.1 Maintaining an appropriate proportion of HMOs in an area will help to create more mixed and balanced communities and provide a greater choice of accommodation for local residents. The impacts and benefits of HMOs will become more manageable through the application of the city-wide Article 4 Direction. The results of the publicity period will be used to update the Equalities Analysis and inform the final policy when it is brought forward for adoption by the City Council.

8 Appendices

- 8.1 Appendix 1 – 14th May Cabinet Report, seeking approval for a city-wide Article 4 Direction
- 8.2 Appendix 2 – signed and sealed Article 4 Direction documents and public notices that were placed in the press, in City Council Customer Service Centres and in prominent public locations

9 List of Background Documents used to compile this report

- 9.1 Technical Paper containing an analysis of different options for applying new Article 4 Directions to remove permitted development rights for C4 HMOs.



Waheed Nazir
Strategic Director Inclusive Growth

Birmingham City Council

Report to Cabinet

14th May 2019



Subject: Houses in Multiple Occupation Article 4 Direction

Report of: Director, Inclusive Growth

Relevant Cabinet Members: Councillor Ian Ward, Leader of the Council
Councillor Sharon Thompson, Cabinet Member for Homes and Neighbourhoods
Councillor John Cotton, Cabinet Member for Social Inclusion, Community Safety and Equalities

Relevant O &S Chair(s): Councillor Penny Holbrook, Housing & Neighbourhoods

Report author: Uyen-Phan Han, Planning Policy Manager,
Telephone No: 0121 303 2765
Email Address: uyen-phan.han@birmingham.gov.uk

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, name(s) of ward(s): All wards		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 006417/2019		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

1 Executive Summary

- 1.1 Cabinet approval is sought to authorise the making of a city-wide direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This will remove permitted development rights for the change of use of dwelling houses (C3 Use Class) to houses in multiple occupation (C4 Use Class) that can accommodate up to 6 people.
- 1.2 Cabinet approval is also sought to authorise the cancellation of the Selly Oak, Harborne and Edgbaston Article 4 Direction made under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 1995. This is to avoid duplication as the city-wide Article 4 Direction will cover these areas.

2 Recommendations

- 2.1 That Cabinet authorises the Director, Inclusive Growth to prepare a non-immediate Article 4 direction which will be applied to the City Council's administrative area to remove permitted development rights for the change of use of dwelling houses (C3 use) to small houses in multiple occupation (C4 use).
- 2.2 That Cabinet authorise the cancellation of the existing Article 4 direction covering Selly Oak, Harborne and Edgbaston. The cancellation will take effect on the same day that the new city-wide Article 4 direction comes in to force.
- 2.3 That notice of the new Article 4 direction, and cancellation of the existing Article 4 direction, are publicised for a period of at least six weeks, to allow members of the public to submit comments on the proposals.
- 2.4 That Cabinet receive a further report following the end of the representation period to consider any comments received during the representation period and to consider whether in light of these comments, the new direction should be confirmed and the cancellation of the existing direction should be confirmed.

3 Background

- 3.1 The Government re-categorised the change of use of C3 family housing to C4 small HMOs as permitted development in April 2010. This means that any such proposals do not require a planning application to be submitted to the City Council. Larger HMOs accommodating more than 6 people continue to require planning approval. The proposed city-wide Article 4 Direction will therefore only apply to the creation of smaller HMOs but it will allow a consistent approach to be applied for all HMO developments throughout the city.
- 3.2 HMOs are recognised as meeting important and specific housing needs within the city. Policies TP27 and TP30 of the adopted Birmingham Development Plan (BDP) seek to create mixed, balanced and sustainable neighbourhoods by requiring all new residential development to deliver a wide choice of housing sizes, types and tenures. High concentrations of HMOs can present challenges to the future sustainability of neighbourhoods and impact on their character and residential amenity. In connection with this, the Community Cohesion Strategy identifies that insecure housing and high levels of transience are an area of concern in the city.
- 3.3 Local councillors and residents in a number of wards across the city have expressed concern about the high concentration of HMOs in their area. Some of these comments have suggested that it may be appropriate to apply further Article 4 directions, to enable the creation of new HMOs to be managed in these areas.
- 3.4 In response to these concerns, the City Council has undertaken an exercise to identify and map the existing distribution of HMOs across the city. The distribution of these HMOs confirms that there are significant concentrations in particular areas of the city, particularly in Bournbrook / Selly Oak / Harborne /

Edgbaston, North Edgbaston / Ladywood, Handsworth / Lozells / Soho, Erdington / Gravelly Hill and Balsall Heath West / Moseley. It also confirms that while there are concentrations in such areas, there is also a reasonably even spread of HMOs across the rest of the city with the exception of the far north where the distribution is more sparse.

- 3.5 Taking in to account this pattern of distribution, officers have identified a number of different options for how Article 4 directions could be applied. These are explained in more detail below but in summary they include a single city-wide direction, multiple area-based directions which are focused on the locations where concentrations have been identified, or not applying any further Article 4 directions.
- 3.6 Having considered the advantages and disadvantages of each option, officers recommend to Cabinet that a city-wide Article 4 direction should be applied, as this will enable the most consistent and comprehensive approach to be applied to manage the distribution of HMOs across the city.
- 3.7 All of the options are capable of being supported by the new preferred policy approach to manage the distribution of HMOs, which was recently subject to public consultation within the Development Management in Birmingham document. The preferred policy would carry forward the criteria contained within the Planning Policy Document for the existing Article 4 direction covering parts of Selly Oak, Harborne and Edgbaston Wards, i.e. that an over-concentration of HMO properties would be considered in cases where they constitute more than 10% of residential properties within 100 metres of an application site. The proposed new policy also includes criteria to prevent the sandwiching of C3 housing by C4 uses and other non-family housing, and also to prevent a continuous frontage of three or more non-family houses.
- 3.8 The existing Selly Oak, Harborne and Edgbaston Article 4 direction was confirmed by Cabinet in September 2014. It will be necessary to cancel the existing direction as the removal of permitted development rights will be covered by the proposed new city-wide Article 4 direction. It is proposed that the cancellation will take place at the same time as the confirmation of the new city-wide Article 4 direction.
- 3.9 The process for making and cancelling Article 4 directions is set out within Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This requires local authorities to publicise the proposed direction via the following means;
- Local advertisements of the direction;
 - Display of a minimum of two notices in different locations for a minimum period of six weeks;
 - Notifying owners and occupiers within the affected area (these regulations can be relaxed where this would be impractical, for example across a very large area such as the entire city)

- Sending the above documentation to the Secretary of State for review.
- 3.10 Although not a statutory obligation, it is considered good practice for notice of the direction to be published on the local authority website.
- 3.11 Following this representation period and after considering any comments received, a further report to Cabinet will be required to consider any comments and seek approval to confirm the direction if appropriate. It is recommended that if Cabinet confirm the direction, the direction should not come into force until a period of 12 months has passed. This is because there is a risk that in the event of an immediate Article 4 direction, compensation claims could be made against the City Council by landowners and developers for abortive expenditure or losses and damages directly related to the withdrawal of permitted development rights. Allowing a 12 month grace period for enforcing the city-wide Article 4 direction would enable developers of new small HMOs to become aware of the removal of these rights before planning and commencing the conversion of such properties. The date that the Article 4 direction is confirmed must be within two years following the date on which the representation period began.
- 3.12 Once the Article 4 direction has been confirmed, the local planning authority must as soon as practicable:
- a) Give notice of the confirmation and date the Article 4 direction comes into force to affected owners and occupiers in the same way as required for the notification of the making of the direction (see paragraph 3.9 above);
 - b) Send a copy of the Article 4 direction to the Secretary of State.
- 3.13 The same process is to be followed in order to cancel the existing Article 4 direction covering the Selly Oak, Harborne and Edgbaston wards and it is proposed that this should take place alongside the process for the new Article 4 direction as set out above.
- 3.14 The evidence underpinning the proposed Article 4 direction can also be used to support the work of the Neighbourhood Directorate in exploring potential ways that selective and additional licencing can be introduced and monitored in the city, including addressing the impacts of increasing numbers of unregulated supported exempt providers.

4 Options considered and Recommended Proposal

Option 1: City-Wide Article 4 Direction

- 4.1 **This is the recommended option.** It will provide a blanket approach to be applied across the city, with an Article 4 direction put in place to remove permitted development rights for all future conversions of family housing to HMOs. The advantages of this option are that it would ensure consistency and more comprehensive management of HMO distribution in the future. The disadvantages include greater demands on the City Council's resources to process planning applications and enforce planning decisions.

Option 2: Area-Based Article 4 Directions

- 4.2 This option would involve applying a number of smaller Article 4 directions to cover locations where high numbers and concentrations of HMOs appears to be an issue and where the impacts of them are being felt. The advantages of this option are that it would be a more targeted approach that would be less resource intensive to administer, although the disadvantages would be that the designation process would be more resource intensive as it would require multiple periods of publicity and overall there would be an inconsistent approach to managing the creation of new small HMOs across the city.

Option 3: Do Nothing

- 4.3 This option would see a continuation of the existing approach, with the existing Article 4 direction covering Selly Oak, Harborne and Edgbaston remaining in place and no further Article 4 directions being applied. The advantages of this option would be that there would be no further resources required to apply further Article 4 directions but the disadvantages would include the lack of management and potentially increased proliferation of new HMOs across the city.

5 Consultation

- 5.1 The work has been led by officers in the Planning Policy and the Service Development teams within the Inclusive Growth Directorate. Officers from the HMO Licensing, Development Management and Council Tax teams have been heavily engaged, particularly in providing the data to identify the locations and extent of existing HMOs across the city. Meetings have been held with individual Elected Members who have raised concerns about the numbers and concentrations of HMOs within their Wards.
- 5.2 The views of all of the City Council's Elected Ward Members, residents, property owners and businesses within the city will be sought as part of the representation period for the direction. These views will then be considered as part of the process for confirming the Article 4 direction, which will be the subject of a further Cabinet Report.

6 Risk Management

- 6.1 With an immediate Article 4 direction there is potential for applicants to claim compensation from local planning authorities if they have had planning permission refused for a development scheme that they would normally be able to carry out under permitted development rights. Any such compensation claims can only be made against abortive expenditure or losses and damages directly related to the withdrawal of permitted development rights¹. To avoid the risk of such compensation claims being made against the City Council it is recommended that a non-immediate Article 4 direction is applied, with a lead-in

¹ Provision made under [Section 108 of the Town and Country Planning Act 1990](#)

time of 12 months to be provided before the direction would be brought in to force. The maximum period of time that an Article 4 direction can be applied after being confirmed is two years following the date on which the representation period began.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 The city-wide Article 4 direction will contribute towards the vision contained in the City Council's Plan 2018-2022, in particular Outcome 4 'Birmingham is a great city to live in'. It will also have a role to play in the City Council's management and control of 'insecure housing and high levels of transience' which is identified as a concern within the Community Cohesion Strategy (2018).

7.1.2 Implementation and enforcement of the direction will be supported by preferred policy DM10 in the Development Management in Birmingham document which has recently been subject to public consultation. It will also support policies PG3 (Place making), TP27 (Sustainable neighbourhoods), TP30 (The type, size and density of new housing), TP31 (Affordable housing), TP32 (Housing regeneration) and TP35 (The existing housing stock) of the adopted Birmingham Development Plan (2017).

7.2 Legal Implications

7.2.1 Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows local planning authorities to make Directions withdrawing permitted development rights where the authority considers it expedient that development should not be carried out unless express planning permission has been obtained for the same. Government Guidance contained in the National Planning Policy Framework and the Planning Practice Guidance advises that Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified. There should be a particularly strong justification for the withdrawal of permitted development rights relating to a wide area (e.g. those covering the entire area of a local planning authority).

7.2.2 Once a non-immediate Direction comes into force, a planning application will be required for any change of use from C3 (dwellinghouse) to C4 (small HMO) city wide. Permitted development rights will remain to change from C4 use to C3.

7.2.3 Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) also allows local planning authorities to cancel existing Article 4 directions so that permitted development rights which were previously removed are restored. Once the non-immediate Cancellation Direction comes into force, the new City-wide Article 4 Direction will also take effect which means that a planning application will be required for any change of use from C3 (dwellinghouse) to C4 (small HMO) city wide. Permitted development rights will remain to change from C4 use to C3.

7.3 Financial Implications

7.3.1 The total estimated revenue cost of publicising both the City-wide Article 4 Direction and the Selly Oak, Harborne and Edgbaston Cancellation Direction, principally through notices in the local press, is £5,000, to be funded from existing service budgets.

7.3.2 The resource cost implications arising from processing increased numbers of planning applications and enforcing the city-wide Direction are anticipated to be met from within existing Inclusive Growth planning budgets or from additional planning fee income generated as a result. However, this will be closely monitored to ensure that sufficient resources are available.

7.3.3 As detailed within Section 6 'Risk Management', there is potential for applicants to claim compensation from local planning authorities if they have planning permission refused for a development scheme that they would normally be able to carry out under permitted development rights. Whilst a lead-in time of 12 months is proposed to be provided before the city-wide Article 4 direction is brought into force to limit such compensation claims, it is anticipated that any residual compensation claims arising after this time will be limited and met from within existing budgets or from additional planning income generated as a result of the Direction.

7.4 Procurement Implications (if required)

7.4.1 No implications

7.5 Human Resources Implications (if required)

7.5.1 No implications

7.6 Public Sector Equality Duty

7.6.1 The proposal supports good relations and community cohesion between different communities by encouraging greater mixed housing provision. The initial findings of the equality assessment will be updated following the review of representations received.

7.6.2 The results of the public consultation on the draft document will be used to update the Equalities Analysis and inform the final policy when it is brought forward for adoption by the City Council.

7.6.3 Maintaining an appropriate proportion of HMOs in an area will provide more mixed and diverse communities, increase custom for local businesses, provide a greater local workforce and provide a greater choice of accommodation for local residents. The impacts and benefits of HMOs will become more manageable through the application of one or more Article 4 directions and the policy approach proposed within preferred policy DM10 of the Development Management in Birmingham DPD.

8 Appendices

8.1 Draft City-Wide Article 4 Direction

8.2 Draft Notice for Proposed City-Wide Article 4 Direction

8.3 Draft Selly Oak, Harborne and Edgbaston Article 4 Cancellation Direction

8.4 Draft Notice for Cancellation of Selly Oak, Harborne and Edgbaston Article 4 Direction

8.5 Technical Paper – Options for Applying Article 4 Directions for the Creation of New Small HMOs

9 Background Documents

9.1 Cabinet Member Report 9th September 2014; Policy for managing houses in multiple occupation in the proposed Article 4 Direction area

9.2 Cabinet Report 15th September 2014; Confirmation of Article 4 direction relating to houses in multiple occupation in parts of Selly Oak, Harborne and Edgbaston

9.3 Article 4 Direction and supporting Planning Policy Document for Selly Oak, Harborne and Edgbaston (2014)

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 (AS AMENDED)**

**DIRECTION MADE UNDER ARTICLE 4(1) OF THE TOWN AND COUNTRY
PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER
2015 (AS AMENDED)**

CITY WIDE ARTICLE 4 DIRECTION 2019

WHEREAS BIRMINGHAM CITY COUNCIL being the appropriate local planning authority within the meaning of article 4(5) of the Town and Country Planning (General Permitted Development) Order 2015 ("the Order"), are satisfied that it is expedient that development of the description(s) set out in Schedule 1 below should not be carried out on the Land shown edged red on the attached plan at Schedule 2 ("the Land"), unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 as amended.

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Order hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description(s) set out in Schedule 1.

THIS CITY WIDE ARTICLE 4 DIRECTION 2019 if confirmed shall take effect on Monday 8 June 2020.

SCHEDULE 1

Development consisting of a change of use of a building from a use falling within Class C3 (dwellinghouses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) to a use falling within Class C4 (houses in multiple occupation) of that Schedule, being development comprised within Class L(b) of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 and not being development comprised within any other Class.

Made under the Common Seal of Birmingham City Council this ^{23rd} day of ^{May} 2019.

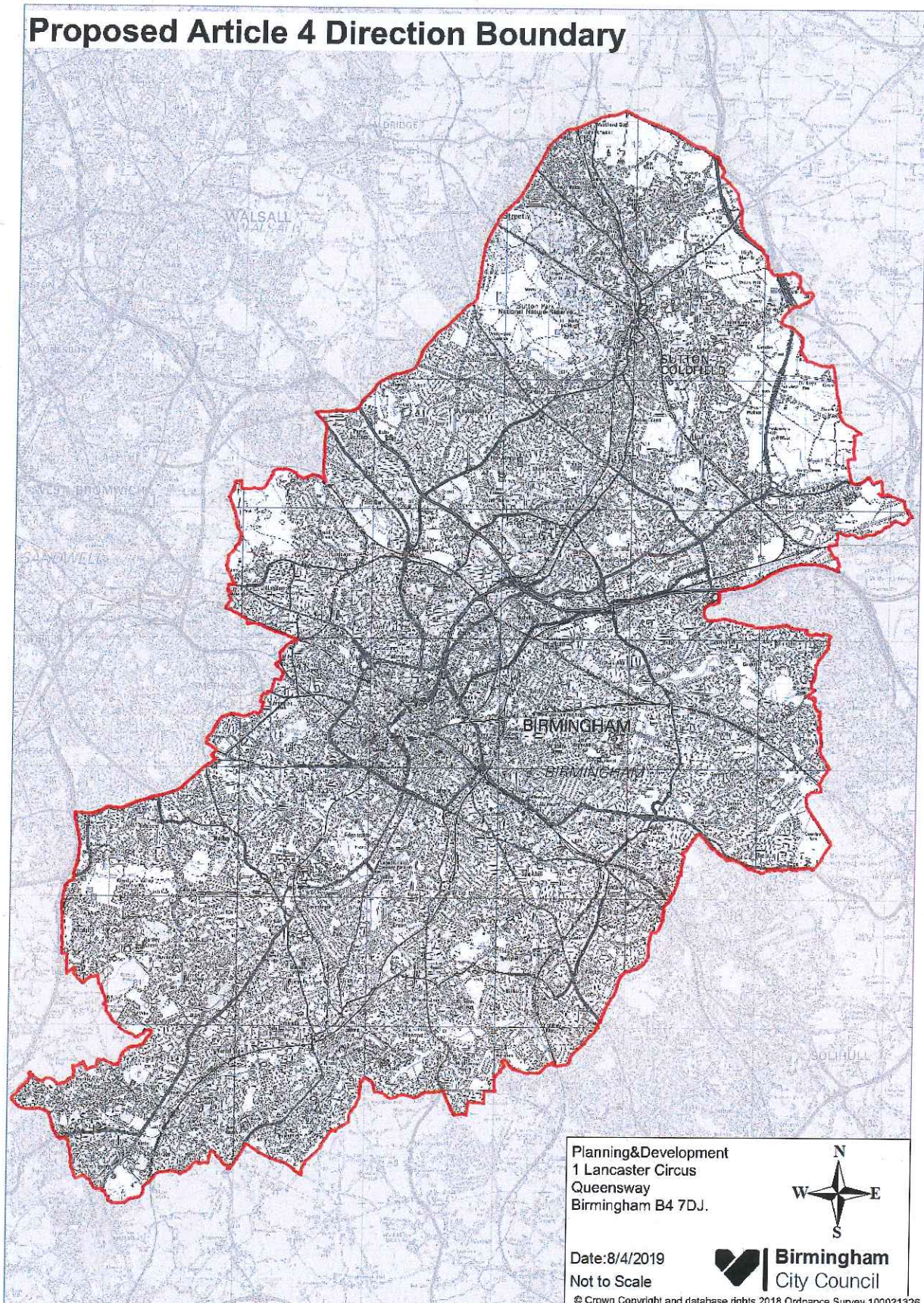
The Common Seal of Birmingham City Council was affixed to this Direction in the presence of:



Authorised signatory

SCHEDULE 2: PLAN

Proposed Article 4 Direction Boundary



**BIRMINGHAM CITY COUNCIL
PLANNING COMMITTEE BRIEFING REPORT 4th JULY 2019**

Public Consultation on the Draft Supplementary Planning Document for the Rea Valley Urban Quarter

Purpose of Report:

- 1.1 To inform Planning Committee of the public consultation on the Rea Valley Urban Quarter Supplementary Planning Document (SPD) and the vision and framework to guide the future redevelopment of the area.
- 1.2 The Rea Valley Urban Quarter covers one of Birmingham's oldest neighbourhoods comprising parts of Digbeth, Southside, Cheapside and Highgate, renamed given the focus of the SPD, on the transformation of the River Rea to create a unique waterside development. The wider Southern Gateway area is identified within the Birmingham Development Plan (BDP) (2017) as the largest 'Area of Transformation' within Birmingham City Centre which includes Birmingham Smithfield and the area around the River Rea.
- 1.3 The Rea Valley Urban Quarter SPD boundary area extends from the Bull Ring and City Centre Retail Core in the north-west. It is bounded by Digbeth High Street to the north-east, the B4100 Camp Hill to the south-east and Gooch Street to the south-west. The designation of the Smithfield, Enterprise Zone sites, and several sites on the periphery of the SPD boundary will bring added impetus to regenerate the area, boosting economic activity and supporting the delivery of the area's evolution.
- 1.4 The SPD provides a vision for developing and delivering a sustainable mixed-use neighbourhood, focused around an improved River Rea corridor that will offer new waterside development opportunities within the city centre. The River Rea sits deep below street level behind industrial buildings and derelict sites in a modest brick lined channel.
- 1.5 The City Council has been working with the Environment Agency to develop proposals for the river channel to address flood risk and the future of the existing Victorian structures. Proposals to remodel the river channel, both within the SPD area and upstream, once complete will allow development opportunities to come forward in areas currently restricted by the risk of flooding.
- 1.6 The Rea Valley Urban Quarter area will offer an attractive, vibrant and well-connected place in the city centre. A place to live, work and invest. The vision for the SPD will be secured through the delivery of Five Big Moves;
 1. *Transformation of the River Rea* – opening up the watercourse to address flood risk, provide new green spaces and opportunities to increase biodiversity alongside sustainable development opportunities fronting the river;

2. *Park Link* – forming part of a network of green routes and spaces, the Park Link will become a major pedestrian route linking Smithfield to Highgate Park;
3. *St David's Place* – a vibrant mixed use area providing workspace and living in a high quality environment around the regenerated River Rea;
4. *Cheapside* – local employment uses will be integrated alongside city centre living, making use of the wealth of industrial buildings and heritage in the area; and
5. *Highgate Park Neighbourhood* – creation of an improved, sustainable and connected neighbourhood, centred on a refurbished and extended Highgate Park.

1.7 The Big Moves are underpinned by three key development principles, these are central to the SPD in informing the creation of a distinctive and high quality urban environment;

- *Resilience* – the SPD sets out the need to cultivate a sustainable neighbourhood that is resilient to socio-economic and environmental challenges. This includes a water sensitive design approach to the existing flooding issues in the area, a focus on well-designed sustainable buildings, and green infrastructure across the area;
- *Design* – the SPD takes a place-making approach that focuses on delivering distinctive environments, health and wellbeing. This will be delivered through urban design that sets out desired building heights, street patterns and building design.
- *Connectivity* – the SPD will provide a focus on improving the quality of the built environment and promoting travel by sustainable modes (walking / cycling / public transport). This will include the enhancement of existing streets and connections, the introduction of new links and legible routes, the introduction of new public transport services, and the reduction of parking and servicing that dominates the area;

1.8 In order to enhance the character of the area, the SPD has identified several distinctive neighbourhoods that have a unique character, topography, natural features, street pattern and heritage assets. They are:

- Digbeth High Street Frontage;
- Cheapside;
- St David's Place;
- Highgate Park; and
- Moseley Street.

- 1.9 The SPD concludes by setting out the anticipated model of delivery for the Rea Valley Urban Quarter, including land acquisition, phasing, transport and a Delivery Plan.

2 Consultation

- 2.1 The Draft SPD is subject to a public consultation running for 8 weeks from the 17th May until 12th July 2019. The City Council is encouraging people and organisations to submit their views as the adopted SPD will be used to assess planning applications in this area. People can get involved in the public consultation by:

- Heading to <https://www.birminghambeheard.org.uk/economy/rea-valley-spd/> where you can view the draft SPD, and submit comments via the online survey.
- Viewing paper copies of the draft SPD at the Library of Birmingham, and 1 Lancaster Circus Queensway.
- Visiting one of the following public drop-in sessions:

Date	Venue	Times
4 th June	Stanhope Wellbeing Centre	10:00 – 14:00
14 th June	Custard Factory	10:00 – 13:00
20 th June	Stanhope Wellbeing Centre	11:00 – 14:00
21 st June	Custard Factory	10:00 – 13:00
22 nd June	St Martins Youth Centre, Highgate	11:00 – 15:00
25 th June	South & City College, Digbeth Campus	09:30 – 11:30
25 th June	Irish Association, St Anne's Parish Centre	12:00 – 14:30
26 th June	St Martins Youth Centre, Highgate	10:00 – 14:00
27 th June	Stanhope Wellbeing Centre	11:00 – 14:00
29 th June	Eden Bar	14:30 – 17:30
5 th July	Custard Factory	10:00 – 13:00

3 Next Steps

- 3.1 Following the consultation, responses will be reviewed and any revisions will be prepared. It is anticipated that the Rea Valley Urban Quarter SPD will be adopted by the end of the year as part of the City Council's planning framework. This will form part of the City Council's Big City Plan objective to guide investment and development decision-making within the boundary of the SPD area.

Contact Officer:

Tim Brown, Principal Development Planning Officer, City Centre Area Team