

# **Birmingham City Council**

**Planning Committee**

**28 April 2016**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	8	2016/01063/PA  Masshouse Plot 7 (Exchange Square) Eastside Birmingham B7 4EH  Reserved Matters Application for approval of access, appearance, landscaping, layout and scale for Phase 1 of Exchange Square (formerly known as Masshouse Plot 7) for the erection of a mixed-use development of 43,326 sqm (GIA) comprising three buildings (9-Storey, 16-storey and 27-storey including ground and lower ground floors) to provide 603 dwellings (Use Class C3) and 2,653 sqm (GIA) retail and commercial floorspace (flexible within Use Classes A1-A3 and A5 and B1) with associated landscaping, public realm and car parking pursuant to outline planning permission 2014/06135/PA

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Committee Date:	28/04/2016	Application Number:	2016/01063/PA
Accepted:	10/02/2016	Application Type:	Reserved Matters Development
Target Date:	11/05/2016		
Ward:	Ladywood		

### Masshouse Plot 7 (Exchange Square), Eastside, Birmingham, B7 4EH

Reserved Matters Application for approval of access, appearance, landscaping, layout and scale for Phase 1 of Exchange Square (formerly known as Masshouse Plot 7) for the erection of a mixed-use development of 43,326 sqm (GIA) comprising three buildings (9-Storey, 16-storey and 27-storey including ground and lower ground floors) to provide 603 dwellings (Use Class C3) and 2,653 sqm (GIA) retail and commercial floorspace (flexible within Use Classes A1-A3 and A5 and B1) with associated landscaping, public realm and car parking pursuant to outline planning permission 2014/06135/PA

Applicant: Masshouse Developments Ltd  
c/o Agent  
Agent: Savills  
Innovation Court, 121 Edmund Street, Birmingham, B3 2HJ

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#### Recommendation

#### **Approve Subject To Conditions**

#### 1. Proposal

- 1.1. This application is for the reserved matters (access, scale, appearance, layout and landscaping) associated with the erection of a mixed use residential-led building with retail frontages at lower levels as the first part of the two phase Plot 7 Masshouse redevelopment known as Exchange Square. These proposals are accompanied by an updated masterplan showing how the final phase of development (phase 2) could compliment the application proposals.
- 1.2. Outline consent was granted subject to certain limits for the siting and scale of the buildings together with pedestrian routes across an approved master plan. Previous consents have introduced the flexibility for this to be either an office-led or residential-led development.

#### AMOUNT OF DEVELOPMENT

- 1.3. The application proposals show a podium concealing two levels of parking (187 spaces) with retail and the residential entrances wrapping around. Above this level three residential buildings rise to 27, 16 and 9 storeys.
- 1.4. The application proposes a total of 603 dwellings (40,665 sq.m GIA) and 3-storey commercial concierge/social hub and 2,785 sq.m GIA commercial/retail (flexible within uses A1-A5 and B1) with a maximum of 2,499 sq.m A1 retail.

1.5. The residential mix is as follows:

- 46 Studio apartments (37 sq.m – 39.2 sq.m) - 7.6%
- 279 one bedroom apartments (42 sq.m – 52 sq.m) – 46.3%
- 262 two bedroom apartments (52 sq.m – 83 sq.m) – 43.4%
- 16 three bedroom apartments (72.6 sq.m) – 2.7%
- 10.9% of apartments would have balconies and 30.3% would enjoy a dual aspect.

1.6. Maximum floorspace of the overall development, private rented sector residential, office and retail use is controlled by a condition of the outline consent. Noting that this applies to the whole of Plot 7, the consented overall maximum is 70,907 sq.m GIA of which 70,000 sq.m can be office or residential and a maximum of 5,000 sq.m GIA retail. The proposals are comfortably within these limits at 43,326 sq.m GIA overall of which 40,665 sq.m GIA is residential, and a total of 2,653 sq.m GIA is either office or retail.

## DESIGN

1.7. The proposed three blocks roughly describe an inverted 'U' shape surrounding a T shaped private amenity space at podium level. The block on the highest part of the site adjacent to the existing McLaren building would comprise of a 27 storey tower and have active retail frontages to Dale End, Chapel Street and the new pedestrian route through the site. In addition to the commercial uses, there would be a bespoke entrance for occupants of the apartments above, although alternative access via a shared 'Hub' would also be available. This tower provides a focal point for the development having a two storey glass box facing south-west at the top with glazing strips running the entire height of the tower down both gable ends resulting in an impression of elements of the building wrapping around other parts. This concept is also demonstrated in the brickwork. The podium of the entire development together with the Dale End-facing elevation of the tower would be constructed of 'rusticated' brickwork meaning that each course would alternate between projecting and recessed banding. This would contrast with a smooth coursing and treatment to the mortar on all other levels for all three buildings above podium level.

1.8. Moving clockwise around the site from the tower, beyond the vehicular access to the car park beneath the podium, block two would rise to 16 storeys. As Chapel Street falls towards Moor Street Queensway the opportunity to include retail space is taken which helps animate these street frontages. In terms of materials, in addition to the rusticated brick podium there would also be large shop front windows, and a band of fins to conceal (whilst ventilating) the car park at first floor level. Above this the smooth brickwork would provide a regimented frame for the double ordered eight floors of residential accommodation before the grid slightly changes on the upper floor (with the top six floors grouped in triple order).

1.9. At the top of the building at the bottom of Chapel Street there would be a large communal roof terrace providing views across Plot 3 and to the Eastside Park beyond. The brick skeletal framework would continue around this terrace, maintaining the ordered approach to the building and wider site.

- 1.10. Finally, to the south west of this block would be the lowest 9 storey element that has an identical approach to fenestration to block two, scaled down to the smaller proportions.
- 1.11. All windows would be powder coated bronze aluminium and balconies would have glass balustrades.
- 1.12. A communal Hub providing access to all three blocks would be situated adjacent to the new pedestrian route through the development in the corner of the location of the proposed public square shown on the Phase 2 proposals. This three-level hub would provide concierge/reception facilities together with a social hub and provide an opportunity for social interaction together with providing a practical function such as accepting deliveries for residents.
- 1.13. A new public route through the scheme measuring 6.5m wide would be provided connecting Dale End to Moor Street Queensway. The future phase two as currently proposed would widen this to a maximum of 11.5m wide.
- 1.14. In plan form Blocks 2 and 3 are angled to provide further interest.
- 1.15. During design development and in response to CABE and officers' concerns, the height of Block 3 has been reduced to provide improved light penetration to the private landscaped area and better outlook from the proposed residential units.
- 1.16. In response to concerns raised by Transportation the scheme has been amended to relocate the vehicular access location to its existing position and introduce measures to discourage parking on the public realm/footpaths.
- 1.17. Comprehensive plans; a Planning Statement; Design and Access Statement; Technical Transport Note; Air Quality Impact Assessment; Public Realm and Landscape Design Strategy; and Energy Statement have been submitted in support of this application. Since submission a Wind Assessment has also been carried out for the proposals and provided in support of this application.
- 1.18. The supporting Energy Statement states the building would utilise electric heating drawing on the proposed building's 400sq.m+ of rooftop photovoltaic equipment. It adds that in addition to a mechanical system, residents would be able to open their windows for additional ventilation if required.

1.19. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is some 0.7ha of cleared land bounded by Dale End, Chapel Street and Moor Street Queensway currently used as surface level car parking. The site has existing vehicular access off Chapel Street. Across the site, levels fall towards the southeast by approximately 6 metres.
- 2.2. Whilst outside of the application site, the McLaren Building (a 22-storey office tower) is also situated within this development block and would remain as part of the masterplan.
- 2.3. The surrounding area comprises a mixture of uses including:

- The Aston University and the Birmingham Metropolitan College Campus's, to the north on the opposite side of Chapel Street;
  - Birmingham Ormiston Academy to the north east, with the NTI Birmingham City University building and the listed Christopher Wray building adjacent;
  - Plot 3 of the wider Masshouse redevelopment site, situated due east. Within this site two of the apartment blocks are now complete ('the Hive') with the cleared site with full consent for a new Magistrate's Court on it. Permission has also been granted for a smaller tower block with ground floor commercial and 15 apartments above, to the south east part of this plot.
  - Plot 4 to the south east has been developed as a hotel which is triangular in plan – Hotel La Tour;
  - A public car park and cleared site is situated to the south, which is the subject of the Martineau Galleries redevelopment proposals; and
  - A further public car park with offices above and the crown court is situated to the west / north-west.
- 2.4 It should be noted that a future phase of the Metro tramway is proposed nearby connecting the most recently constructed Birmingham City Centre Extension (BCCE) at Bull Street with High Street Digbeth. The route is likely to travel along Bull Street crossing Moor Street Queensway in front of Hotel La Tour before travelling beneath the new High Speed Two Station on New Canal Street. A further phase of Metro/Sprint is likely to require the frontage of the application site when a link to the north of the city is constructed. Therefore the frontage of the site on Moor Street Queensway has been reserved in anticipation of this project and the buildings set back.
- 2.5 The site is a designated site within the Birmingham City Centre's Enterprise Zone.

#### [Site Location](#)

### 3. Planning History

- 3.1. 11.07.2002 – 2002/00412/PA – Approval - Mixed use development to include office (including public/civic uses), residential, 6,000sqm food store, leisure, hotel and educational buildings and associated infrastructure landscape and public realm works
- 3.2. 19.03.2008 – 2007/01816/PA – Approval - Outline planning application (all matters reserved) for the construction of a major mixed-use development of up to 70,907sqm (gross internal area) comprising of four buildings (22-storey, 2x16-storey, 12-storey) for retail (for use classes A1, A2, A3, A5) office (use class B1) and residential (use class C3) or hotel (use class C1) plus associated landscaping and car parking (502 spaces)
- 3.3. 21.12.2012 – 2012/04280/PA – Approval - Variation of Conditions C4, C8, C9, C10, C21, C22 and C23 of planning permission 2007/01816/PA to introduce increased flexibility over building heights and positions, establish parameters for pedestrian routes and public spaces, re-introduction of civic uses, and deletion of Condition C14 to remove the requirement for a minimum level of parking

- 3.4. 12.12.2014 – 2014/06135/PA – Approval - Variation of condition number 29 attached to approval 2012/04280/PA to allow the total floorspace to include additional provisions of up to 70,000 sq.m Use Class C3 (Residential) and 14,409 sq.m Use Class C1 (Hotel)
- 3.5. 15.02.2016 – 2016/01100/PA – Approval - Variation to condition 33 to alter wording to allow for the proposed roof terrace outside of the maximum building height parameter
- 3.6. Current Application - 2016/02326/PA - Reserved Matters Application for approval of access, appearance, landscaping, layout and scale for Phase 2 of exchange square (formerly known as Masshouse Plot 7) for the erection of a mixed-use development of 17,971 sqm (gia) comprising a part 9-storey, part 16-storey building (including ground and lower ground floors) to provide 223 dwellings (use class C3) and 2,097sqm (gia) retail use floorspace (flexible within use classes A1/A3 / A5 and B1) with associated landscaping, public realm and car parking pursuant to outline planning permission 2014/06135/PA

#### 4. Consultation/PP Responses

- 4.1. Transportation Development – No objection. Notes that the amended scheme maintains the existing access point and the detail of the extent of HMPE footpath can be agreed through the S278/S38 process. Notes that the previously consented maximum level of parking is unlikely to be reached.
- 4.2. Leisure Services – No objections and note the contribution of the public square as part of Phase 2.
- 4.3. Regulatory Services – Raise no objection. Whilst Air Quality is a matter controlled by condition of the outline, the supporting Air Quality Assessment is considered acceptable.
- 4.4. BCC Drainage Team – Requests that a Sustainable Drainage Assessment and Sustainable Drainage Operations and Management Plan be submitted.
- 4.5. Environment Agency – No objection
- 4.6. West Midlands Fire Service – No objection
- 4.7. West Midlands Police – Raise no objection but make specific recommendations regarding the operation of the car park, lighting, CCTV, natural surveillance and management of the security measures.
- 4.8. Site and Press Notices posted and Ward Members, the MP, Residents' Associations and neighbouring occupiers consulted with the following representations received:
- 4.9. One letter of support from a member of the public who is particularly supportive of the use of brick as a facing material. He has concerns regarding the level of planting proposed and would recommend further commercial use along Chapel Street.

#### 5. Policy Context

- 5.1. The Birmingham Unitary Development Plan (2005); submission draft Birmingham Development Plan; Steelhouse Conservation Area Character Appraisal and Supplementary Planning Policies (2007) SPD; Car Parking Guidelines SPD (2012);

Places for All SPG; High Places SPG; Places for Living (2001) SPG; and the National Planning Policy Framework 2012. Also the non-statutory Big City Plan and the Curzon Masterplan.

6. Planning Considerations

- 6.1. The remaining reserved matters for consideration are access, scale, appearance, layout and landscaping. The outline planning permission, establishes parameters within which the proposed development must fall. The application proposals are fully consistent with the approved parameters.

CABE REVIEW

- 6.2. An earlier version of the application proposals were presented to the CABE panel at pre-application stage. The supporting Design and Access Statement addresses the comments on a point by point basis, however the key themes identified by CABE were the residents' environment including legibility, access to daylight within corridors; and the environment created by the public and private landscaping including overshadowing.

SCALE

- 6.3. The floor areas proposed are wholly consistent with the parameters set by the outline planning consent. The development would be a significant addition to the existing residential community in this part of the City Centre, with commercial uses providing activity onto the surrounding public realm, including the new public square provided as part of Phase 2.
- 6.4. Through conditions, the outline consent establishes building zones including the overall height of development across the site. The principle set is that heights should fall in height in from the highest part of the site (Dale End) towards the west (Moor Street Queensway). Block 1, the proposed tower, would be 21.7m below the maximum permitted height. Block 2 is 5.3m below the maximum permitted height, and Block 3 is 20.25m below the maximum set at outline stage. Block 2, which adjoins Chapel Street, includes a large roof terrace which will provide the visual step down acknowledging the fall in levels along the street in accordance with the original design principles. The lowering of Block 3 during pre-application discussions further reinforces this concept.
- 6.5. The scale of the proposed development relates well to its context including neighbouring buildings and the sloping topography of the site. I therefore consider the scale of the development acceptable and consistent with the outline planning permission.

APPEARANCE / LAYOUT

- 6.6. In terms of the quality of the residential environment offered, all of the studio apartments meet or exceed the Nationally Described Minimum Standards and form a small overall percentage (7.6%) of the overall mix. The relatively large proportion of two bedroom units, at 43.4%, is welcomed.
- 6.7. The application proposals are the result of a refinement of the masterplan for this development block. The result is a scheme that is well considered, provides welcome additional pedestrian connectivity and exhibits good urban design quality.

Edges of the development are as active as the site will allow, helping to animate the streets around the development.

- 6.8. The tower will provide a landmark building that will work well with the existing McLaren tower. The level of detail and modelling to the building is welcome and demonstrates a commitment to providing a tall building of exceptional quality. The inclusion of a heavily glazed top will provide a design feature as well as maximising the wide-ranging views for future residents.
- 6.9. Whilst detailed plans have been provided, the applicant would like to retain flexibility over the location of the accesses into the retail uses which will be dictated by future occupiers. I raise no objection to this in principle and a condition is recommended.
- 6.10. I consider that the design of the proposed buildings are of a high quality and demonstrate a strong overall design concept across Phase 1. The use of brick as the principal facing material is supported and represents a welcome change to the typical approach for realising façades of tall buildings. The applicant has confirmed that the building would be of traditional brick construction and not 'brick slips'. The level of detail provided in support of this application demonstrates that the design features illustrated are fully resolved and can be implemented. This commitment to detail / quality can be secured via condition. I therefore raise no objections in relation to appearance.

#### LANDSCAPING

- 6.11. On site landscaping is divided between a private podium level residential garden, private roof top spaces on Blocks 2 and 3, and land around the development including the pavements around the site.
- 6.12. The substantial (circa 1,900 sq.m) private podium area is set out to provide both active and more passive areas creating a visual and functional resource for future residents. Its elevated nature provides relief from the surrounding busy roads. The more active zones would provide opportunities for social gathering and provide convenient connectivity between the three blocks and the access 'hub'. The supporting Public Realm and Landscape Design Strategy demonstrates a commitment to providing a high quality environment for this substantial residential community and has considered the practicalities of providing this space above the car park levels.
- 6.13. The Moor Street Queensway frontage, a large part of which may ultimately be developed as part of the tramway/Sprint network is shown as a well planted environment with trees creating a sheltered and defensible space from the busy road. The Planting Strategy proposes larger trees such as semi-mature London Planes along this part of the site. This will encourage food retail uses to 'spill out' onto the very wide pavement. Should a detailed proposal for a tram extension be forthcoming it would need to ensure that the quality of the public realm would be maintained, even at a reduced scale.
- 6.14. The central public route through the scheme would be formed of pavers to complement whilst being identifiably different to the surrounding public highway. This concept would be carried through into the new public square.
- 6.15. The surrounding pavement would be uplifted to granite pavers to match the relatively recent public realm enhancements carried out along Moor Street Queensway.



- 6.16. I consider that the landscape proposals are acceptable, with the variety of approaches appropriate to their context.

#### ECONOMIC BENEFITS

- 6.17. The proposed retail uses would be likely to generate between 106 and 141 jobs in addition to the 603 homes within the development above. The proposals would also deliver a further major piece of urban fabric within the wider Eastside area complementing the existing Eastside City Park, BCU and Eastside locks development and future developments, including the new High Speed 2 railway station.

#### ACCESS

- 6.18. The application proposals include a 187 space barrier controlled car park accessed directly off Chapel Street providing a multilevel on-site facility for future residents/commercial units. This represents a 31% provision. On site servicing would be limited to small transit type vehicles, with bays provided on Chapel Street and Moor Street Queensway for use by any larger vehicles. The supporting Transport Note states that the outline consent allowed for a maximum of 502 parking spaces across the wider site, however it concludes that the provision proposed is consistent with consents elsewhere in the city centre and is sufficient to meet likely demand. The Note adds that it is apparent that throughout the residential market in the city centre the supply of car parking far outstrips the demand from tenants and cites the previous phase of the Masshouse Development (Plot 3 – ‘The Hive’) where 66 spaces have been provided however only 10 have been taken up by residents.
- 6.19. I concur with this conclusion and note the site is readily accessible via a wide range of sustainable means and is on the doorstep of a future tramway extension and the new High Speed 2 railway station.
- 6.20. Whilst redevelopment is taking place a temporary access from Moor Street Queensway would be required in order to access the remaining 115 space surface level car park, with 53 spaces retained for the McLaren Building. Details of the construction arrangements would be controlled through the appropriate highway legislation. Once phase two is completed access to this facility would be via the newly created Chapel Street entrance through the new basement car park.
- 6.21. Transportation development raises no objection.
- 6.22. In respect of cycle storage a total of 78 spaces are proposed within the ground level car park, which represents a total provision of 13%. Transportation Development raise no objection to this level of provision which I consider reasonable on such a large scale scheme.

#### SECTION 106

- 6.23. The outline planning consent secures a 9% contribution towards affordable housing, with a provision to pay an off-site contribution in lieu of on-site provision. The applicant has elected to pay an off-site contribution for both Phases of Plot 7. In addition a £10,000 contribution to Shopmobility and £200,000 towards public art (across the wider scheme) is secured.

#### CIL

- 6.24. Due to the mix of uses proposed, the grant of consent before the implementation of CIL and the site's location within a 'low value' housing market area, the development would not attract a CIL contribution.

7. Conclusion

- 7.1. The development would deliver a mixed-use residential / retail building of the highest quality at an important junction between the city core and Eastside and the future HS2 station. The building, in conjunction with phase 2 of the development, would complete the redevelopment of the former Masshouse gyratory with the exception of the site previously benefitting from consent for a Magistrate's court. The massing, form and façades of the building represents a piece of high quality architecture and sets a high quality benchmark for Phase 2. The residential environment, particularly the large amount of private open space, would offer a high quality living environment with many apartments double aspect and commanding wide views across the city centre. The new public east/west route through the scheme combined with the existing route through Plot 3 would provide a high quality pedestrian route connecting the Snow Hill part of the city centre to Eastside.

8. Recommendation

- 8.1. Approve subject to the following conditions:

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- |    |   |
|----|---|
| 1  | Requires the submission of landscape feature details  |
| 2  | Allows the flexible location of building entrances for retail/commercial uses                                     |
| 3  | No obstruction, displays or signage fitted to shop front.   |
| 4  | Requires the prior removal of commercial advertisement hoardings  |
| 5  | Requires the prior submission and completion of works for the S278/TRO Agreement                                  |
| 6  | Requires the prior submission of sustainability features details (PV panels, rainwater harvesting and green roof) |
| 7  | Requires the completion of the landscaping scheme prior to occupation   |
| 8  | Requires a minimum of 6 no. electric vehicle charging points  |
| 9  | Requires the scheme to be in accordance with the listed approved plans  |
| 10 | Requires the scheme to be in accordance with the listed approved plans  |
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Case Officer:        Nicholas Jackson

## Photo(s)



Figure 1 – Looking north across the application site



Figure 2 – The application site looking west



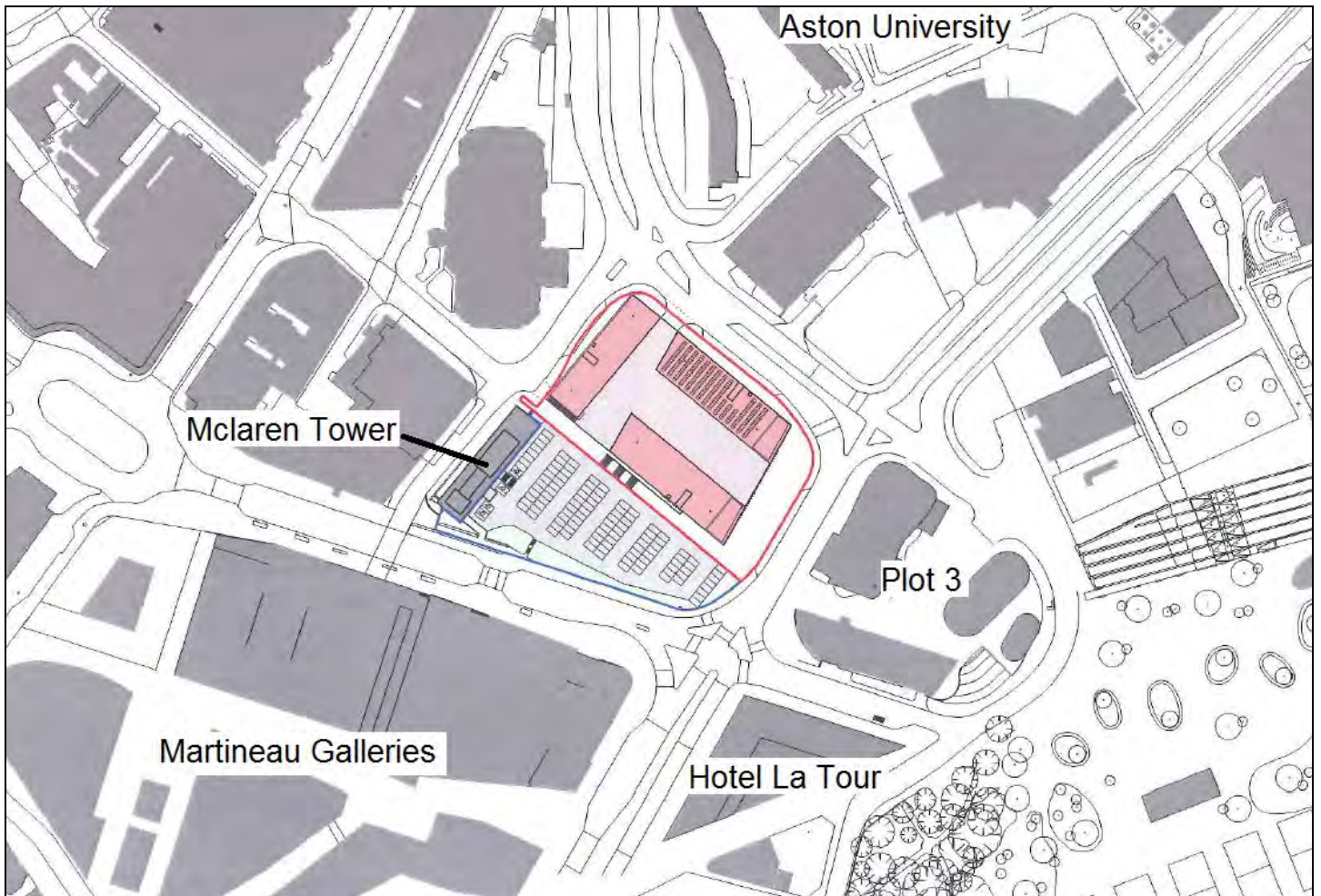
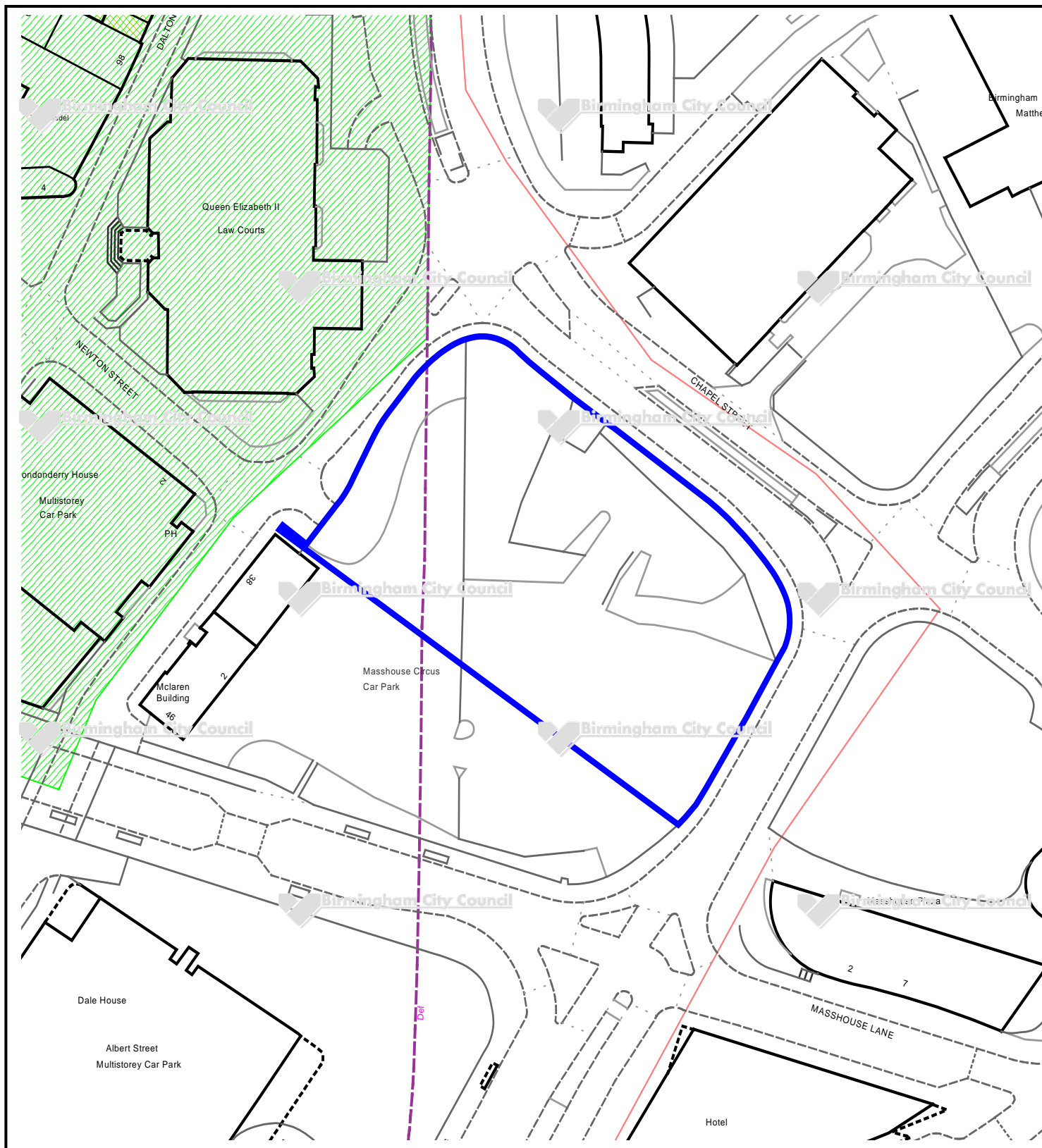


Figure 3 – The Updated Master Plan

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**28 April 2016**

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>
Defer – Informal Approval	9	2015/05549/PA  Platt Brook Way Sheldon Birmingham B26  Erection of 30 dwellings with associated parking
Defer – Informal Approval	10	2015/10201/PA  1 College Road Moseley Birmingham B13 9LS  Demolition of units 3 and 4, conversion and extension of units 1 and 2, and erection of two new build blocks to provide a total of 33 no. flats with associated parking
Approve - Conditions	11	2016/00704/PA  Kingsbury Road Car Park Castle Vale Birmingham  Replacement of existing surface level car park (1,122 Spaces) with multi storey decked levels and surface level car park (2,761 spaces) for staff and product parking, new signalised junction at Kingsbury Road (A38), construction of ramp access from Ashhold Farm Road and associated works
Approve - Conditions	12	2016/01146/PA  316 Green Lane Bordesley Green Birmingham B9 5DP  Retention of change of use from shop (Use class A1) to beauty salon (Use Sui Generis) and erection of first floor rear extension with external steel staircase

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Committee Date:	28/04/2016	Application Number:	2015/05549/PA
Accepted:	12/10/2015	Application Type:	Full Planning
Target Date:	11/01/2016		
Ward:	Sheldon		

Platt Brook Way, Sheldon, Birmingham, B26

Erection of 30 dwellings with associated parking

Applicant: Partner Construction Ltd  
c/o Agent  
Agent: rg+p Ltd  
130 New Walk, Leicester, Leicestershire, LE1 7JA

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Recommendation

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

1. Proposal

- 1.1. Proposal for the erection of 30 residential units consisting of 6 x 1 bed flats, 12 x 2 bed houses and 12 x 3 bed houses. Each of the 1 bed flats and 2 bed houses would have 1 parking space (100%), whilst the 3 bed houses would have 2 parking spaces (200%) creating a total of 42 spaces (140%). The layout consists of a frontage to Platt Brook Way with a new access leading to a cul-de-sac arrangement behind. The flats would be contained within a single 2-storey block and the houses would also be 2-storey in height and either detached, semi-detached or terrace units. The appearance of the housing is a simple contemporary approach on a traditional housing design, with red facing brick, render and tile and dark grey fenestration. The proposal represents a density of 53 dwellings per hectare.
- 1.2. The intended owner is Waterloo Housing with funding from the Homes and Community Agency (HCA).
- 1.3. The application has been accompanied by a Design and Access Statement, Ecology Report, Drainage Statement and viability assessment.
- 1.4. Members will recall that this application was previously considered by the Planning Committee on the 17<sup>th</sup> December 2015 and approved subject to the completion of a Section 106 Agreement to secure 50% on-site affordable housing (affordable rent) provision. This legal agreement was completed and planning permission was granted 8<sup>th</sup> January 2016. Following the issuing of the decision notice, a detailed pre-action protocol letter (PAP) threatening judicial review into this decision was served. The PAP set out the grounds of challenge and these included;
  1. Failure to determine the application in accordance with the statutory framework in Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (PCPA) and Section 70 (2) arising from the failings in the Officer's Report in that there was a failure to have regard to the provisions of the development plan and consider all material considerations. There was no reference within the Officer's Report to the legal parameters within which



planning decisions ought to be made, no reference to the statutory code for planning decisions, no indication that material considerations were identified, or which ones were considered to justify a departure from planning policy. The Officer's Report did not identify which particular policies apply, or summarise what they say, or give guidance as to whether the proposal is in accordance with policy, or contrary to it with material considerations to be taken into account. Furthermore, it did not identify/discuss all the consultation responses or conduct any planning balance exercise.

2. The Officer's report did not meet the minimum legal standard required to be lawful, in that the overall effect of the Report significantly misled the Committee about material matters which were thereafter left uncorrected at the Planning Committee meeting before the decision was taken.

3. The Officer's Report misled the Committee in general and in two key particulars:

i) Planning Obligations:

- No detail or analysis was provided as to why contributions and / or mitigation measures have not been required through a S106 with no explanation or justification for a policy departure.
- Committee Members were asked to make a judgement about viability without any proper viability assessment in the Officer's Report.
- There was no reference to the assessment being confidential or that it had been independently analysed, and not analysed in a planning balance exercise.
- The analysis did not differentiate between a scheme delivering 50% and 100% affordable housing whilst the viability appraisal relied on 100% affordable housing. The Officer report was misleading as to whether the scheme was offering 50% or 100% affordable housing.
- There was no justification or analysis as to why the other contributions were not sought.

ii) Parking and Traffic:

- The Officer Report does not indicate how Transportation Development's issue of concern over the width of the carriageway and footways had been addressed or resolved.
- No condition relating to parking.

1.5. The Council took Counsel advice on the matter as well as other considerations taken into account included limiting further costs exposure and the potential construction delay in the new houses. It was considered appropriate in this case to submit to the claim and the previous decision was subsequently quashed. As such the application has been returned to the Council to re-determine. The applicant has submitted a fresh viability appraisal based on 50% affordable housing provision and also taken the opportunity to submit additional information with a view of obtaining a planning permission with no pre-commencement conditions.

1.6. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The application site measures 0.57ha in area, is approximately rectangular in shape and accessed off Platt Brook Way. To the north and west are new 2-storey BMHT housing along Platt Brook Way, the modern 2-storey Anne Marie Howes Rehabilitation Centre to the northeast and inter-war 2-storey housing to the southeast facing Brays Road. The site is relatively flat due to its previous use as a sports ground and there is raised bank bordering the southern boundary containing a small number of trees and hedging. The levels of the gardens and houses to the south (Brays Road) are some 1.5m higher than the flat part of the application site.
- 2.2. [Site location](#)
3. [Planning History](#)
- 3.1. This site:
- 3.2. 27/09/07 – 2007/01213/PA. Erection of Primary Care Centre, associated access and parking. Approved.
- 3.3. Adjoining site (Anne Marie Howes Rehabilitation Centre):
- 3.4. 01/02/07 – 2006/01752/PA. Erection of a 2-storey, 64-bed residential special care centre and day facility and associated works. Approved.
- 3.5. Adjoining site (BMHT, Platt Brook Way):
- 3.6. 07/03/13 – 2012/08228/PA. Erection of 100 no. two, three, four and five bedroom dwellings for affordable rent and market sale with associated external works, parking and landscaping. Approved.
4. [Consultation/PP Responses](#)
- 4.1. Transportation Development – No objection subject to conditions relating to visibility splays and boundary treatment.
- 4.2. Regulatory Services – No objection subject to condition relating to electric vehicle charging points and contamination. No response received in relation to submitted Remedial Strategy and Verification Plan.
- 4.3. Lead Local Drainage Authority – No objection subject to condition relating to condition relating to Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan. In relation to the submitted Drainage Strategy additional information is required on further water quality measures and the use of impermeable geotextile liners as well as operation and maintenance schedules.
- 4.4. Leisure Services – Requires £85,000 compensation for the loss of the school playing field and £102,800 on the provision of public open space and play equipment at Gilberstone Recreation Ground and Lyndon Green within the Sheldon Ward.
- 4.5. Education – Require a financial contribution of £177,442.91 to cover additional nursery, primary and secondary places.
- 4.6. Severn Trent Water – No objection to submitted drainage details.

- 4.7. West Midlands Police – No objection and suitable for Secure By Design.
- 4.8. West Midlands Fire Service – No objection.
- 4.9. Local residents, neighbouring premises, residents associations, Councillors and MP consulted with site and press notices posted.
- 4.10. Petition received containing 59 signatures from local residents objecting to the application on the following grounds:
- Site would be better used as a car park for the rehabilitation centre, which has heightened the risk of road traffic accidents and address the inadequate parking for the new housing on Platt Brook Way.
  - There is no local play area for children and the closest on the opposite side of the busy Sheldon Heath Road.
  - Insufficient time to organise proper discussion with the community.
  - The consultation letter is misleading in that it only invites comments and the right to object is not made clear.
- 4.11. 29 representations also received from local residents making the following comments/objections:
- Site should be used as a car park for the rehabilitation centre and a play park.
  - No safety measures to the highway.
  - Area is subject to anti-social behaviour and criminal activities and it is not appropriate to add further houses to this area.
  - Site is too small for the houses.
  - Inadequate information and unanswered questions.
  - Loss of privacy.
  - There is an existing parking problem and the proposal will increase traffic and parking.
  - Highway safety risk for local residents.
  - Noise and disturbance during construction.
  - Devalue property.
  - Houses are a different design to the new housing on Platt Brook Way.
  - The Council has not handled the application well and is not listening to residents.
  - Understood that the land was to remain as 'green'.
  - Houses should be built on brownfield sites first.

## 5. Policy Context

- 5.1. Birmingham UDP, Draft Birmingham Development Plan, Places for Living SPG, Car Parking Guidelines SPD, Affordable Housing SPG, Public Open Space and New Residential Development SPD, Technical Housing Standards – Nationally Described Space Standard and the NPPF.

## 6. Planning Considerations

- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations

should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005.

- 6.2. The NPPF is clear that “the purpose of the planning system is to contribute to the achievement of sustainable development... There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - a social role – supporting strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
  - an environmental role – contributing to protecting and enhancing our natural, built and historic environment...”.
- 6.3. The NPPF and the Draft Birmingham Development Plan are material considerations. The Draft Birmingham Development Plan is at an advanced stage and as such holds some weight. The proposal raises a variety of planning-related matters which are discussed below.
- 6.4. Principle:
- 6.5. The application site does not have a specific allocation in either the UDP or Draft Birmingham Development Plan. The application site forms part of the former Sheldon Heath Playing Fields, which was previously used by Sheldon Heath School but declared surplus to requirements in 1997. Other parts of the playing fields have been redeveloped for the Ann Marie Howes Centre and a BMHT housing development. The application site represents the final parcel of land of these former playing fields. The principle of the loss of these former playing fields has been established and the current application site has previously obtained planning permission for a Primary Care Centre (2007/1213/PA), which was never built and the consent has subsequently expired. This consent included a compensatory sum £85,605 for the loss of this part of the former playing fields. Therefore no objection is raised in principle to the redevelopment of this former playing field.
- 6.6. A key objective of the NPPF (paragraph 47) is to boost significantly the supply of housing. The Draft Birmingham Development Plan reflects this and it is predicted that by 2031 the City’s population will rise by 150,000 resulting in an increase of 80,000 households. Policy PG1 seeks to deliver 51,000 homes over the plan period. It is expected that a minimum of 80% of all new homes provided will be built on previously developed land. In assessing the land supply for the new housing it is recognised that the provision will include unidentified windfall sites. Policy GA8 identifies the Eastern Triangle as a growth area to deliver regeneration and around 1000 new homes. A number of project areas are identified to deliver positive change and these are Stechford, The Meadway and Shard End. The application site falls within this growth area boundary but is not specifically allocated.

- 6.7. Regarding the location of new housing, the UDP (paragraph 5.25C) and the Draft Birmingham Development Plan (Policy TP27) seeks, amongst others, that they should be accessible to jobs, shops, and services by modes of transport other than the car. The application site is located within an established residential location within close proximity to the The Radleys Neighbourhood Centre (approximately 220m) and public transport links. The adjoining site has recently been redeveloped for new housing by BMHT and the redevelopment of the application site for new housing is seen as an appropriate alternative use for the site. As such no objection is raised in principle to the redevelopment of the site for new housing.
- 6.8. Representations have been received suggesting the land should be used as a car park associated with the Ann-Marie Howes Centre and a play area. However the application site has not been allocated for these particular uses and the use of the site for residential development is in accordance with planning policy detailed above. Therefore the application could not support a reason for refusal on the grounds that the land in question, or part of, should be developed as a car park. At 30 units, the application exceeds the 20 unit threshold in relation to public open space provision. 'Public open space in new residential development' SPD seeks, where practical to do so, that new public open space is provided on site. In addition, there are circumstances where it may be preferable for the public open space to be provided as an off-site monetary contribution. Such circumstances include new development being in close proximity to existing public open space or it may not be practicable to provide on-site. The closest public park with a play area and MUGA is located some 170m to the east, on the opposite side of Sheldon Heath Road and in light of this and the relatively small size of the site, it is considered that an off-site provision would be appropriate. Leisure Services raise no objection to an off-site monetary contribution. Public Open Space with regard to Planning Obligations is discussed later in this report.
- 6.9. Design / layout
- 6.10. The NPPF highlights that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. 'Places for Living' require proposals to respond to the context and reinforce and evolve local characteristics that are considered positive.
- 6.11. The proposed layout would create an appropriate frontage to Platt Brook Way with splayed corner units to the new access road leading to a new cul-de sac which is characteristic of the adjoining BMHT scheme. The proposal has been amended from its original submission, which has seen a reduction in units from 32 to 30 and changes to the layout. The previous scheme had 'exposed ends' to the access roads adjacent to the rear gardens of existing houses on Platt Brook Way and the Rehabilitation Centre. The exposed end to the existing gardens on Platt Brook Way has been 'closed up' by incorporating the space into the private parking court of the block of flats. The exposed end to the rehabilitation centre still remains but has been altered to incorporate the parking to the houses behind the build line and create large front gardens. Whilst, in urban design terms this exposed end is not ideal, on balance it is considered that the amendments have secured a compromise that still creates a sense of enclosure to this part of the site.
- 6.12. The appearance of the proposed houses are not identical to the adjoining BMHT scheme but of a similar architectural language and would complement the contemporary character on Platt Brook Way.
- 6.13. Residential amenity

- 6.14. The proposal meets separation and setback distances in relation to existing houses and private amenity space respectively as well as garden sizes contained within 'Places for Living' SPG with the exception of plots 4 and 23, which measure 38sqm and 40sqm respectively, rather than the 52sqm guideline. However these are considered acceptable under these circumstances as they contribute to an appropriate layout and convenient parking. Furthermore, the floorspaces for the 1 (47sqm), 2 (73-75 sqm) and 3 bed (84sqm) units are considered appropriate within the context of the 'Technical Housing Standards', which are currently guidelines and not formally adopted.
- 6.15. Highway safety / parking
- 6.16. Policy 6.39 of the UDP advises that on roads which do not form part of the Strategic Highway Network, the presumption is that local considerations should predominate in a decision regarding those roads. Car Parking Guidelines SPD sets out the car parking standards which the City Council will apply when considering planning applications for new development. The maximum standard for the proposal is 2 spaces per dwelling (200%) and the level of parking provision appropriate to any individual proposal will be assessed in the light of this standard, but will also take into account the circumstances of the particular scheme, including in particular:
- The size of the dwellings proposed.
  - The proximity of facilities such as schools, shops or employment areas.
  - The availability of on-street and off-street public car parking in the area.
  - The width of the highway, and its capacity for safe on-street parking in front of dwellings.
  - The likelihood that any existing on-street parking problems will be made worse and adding to congestion.
  - The availability of public transport provision and desire to achieve wider sustainability objectives.
- 6.17. The proposal provides off-street parking provision, which is similar to that at the adjoining BMHT scheme, consisting of 1 parking space (100%) per 1 bed flat and 2 bed house and 2 parking spaces (200%) per 3 bed house. The proposed layout achieves a 5.5m wide carriageway with 2m wide footpaths for the first section of the new road off Platt Brook Way, which then reduces to a 4.5m wide carriageway and 1.8m wide footpaths creating a pinch-point adjacent to plots 4 and 24, and then the carriageway increases back to 5.5m wide whilst the footpaths remains as 1.8m wide for the remainder of the road including the turning head. The proposed layout with associated carriageway and footpath widths would provide some capacity for appropriate on-street parking.
- 6.18. Representations relating to existing parking problems on Platt Brook Way are noted and it appears to be that this is predominantly associated with staff / visitors at the Ann-Marie Howes Centre. This facility does have on-site parking provision but this does appear to spill out onto the Platt Brook Way, where there is capacity for on-street parking. Furthermore, there is also some capacity to the front of the BMHT scheme for on-street parking. The carriageway to Platt Brook Way ranges from 5.5-7.25m wide with 2m deep footpaths.
- 6.19. Within the context of the Car Parking Guidelines detailed above, taking into account the proportion of smaller 1 and 2-bed units, its close proximity to the Radleys Neighbourhood Centre and public transport links, existing capacity on Platt Brook Way and proposed capacity on the new road for on-street parking, it is considered

that the proposed parking provision is acceptable. Transportation Development raises no objection to the proposal, including the layout, carriageway widths and car parking provision. Safeguarding conditions are recommended in relation to visibility splays and boundary treatment

- 6.20. S106 obligations
- 6.21. The application exceeds thresholds in relation to affordable housing (15 units) as well as public open space and play facilities (20 units). Policy contained within 'Affordable Housing' SPG seeks 35% provision. 'Public open space in new residential development' SPD seeks, where practical to do so, that new public open space is provided on site. In addition, there are circumstances where it may be preferable for the public open space to be provided as an off-site monetary contribution. Such circumstances include new development being in close proximity to existing public open space or it may not be practicable to provide on-site.
- 6.22. As discussed earlier in this report, the closest public park with a play area and MUGA is located some 170m to the east, on the opposite side of Sheldon Heath Road and in light of this and the relatively small size of the site, it is considered that an off-site provision would be appropriate. In accordance with the formula contained within the SPD, Leisure Services have requested £102,800 towards the provision of public open space and play equipment. It should be noted that this figure was originally reported at £110,960 but this was based on the originally submitted scheme for 32 dwellings. The figure of £102,800 is based on the current scheme for 30 dwellings. In addition, the financial contribution associated with the loss of the part of the former playing fields subject to this current application is also required (£85,605) as it was not paid in relation to the non-implemented planning permission for the Primary Care Centre.
- 6.23. Education has also requested a financial contribution of £177,442.91 to cover additional nursery, primary and secondary places. This consultation response and associated financial figure were, by mistake, not referred to in the previous officer report, though they were included in the applicant's viability appraisal and were taken into account when considering the proposal. It is worth noting that Education facilities are now raised from CIL liable development and the proposal does not attract a CIL contribution. CIL had not been formally adopted when the application was originally considered by the Planning Committee on 17<sup>th</sup> December 2015 but the Inspector's Report had been published and identified that Education facilities would be raised by CIL and not S106 obligations. CIL was formally adopted on the 4<sup>th</sup> January 2016, before the S106 was completed and the decision notice issued.
- 6.24. To summarise, the proposal generates S106 contributions consisting of 35% affordable housing, as well as financial contributions of £102,800 towards public open space and £85,605 compensation for the loss of this part of the former playing fields, totalling £188,405. The £177,442.91 contribution towards education facilities is not included as they are now raised from CIL liable development and the proposal does not attract a CIL contribution.
- 6.25. The applicant has expressed that these financial contributions would make the scheme unviable and supported this with viability appraisals. The NPPF (paragraph 173) places significant emphasis on ensuring viability and deliverability, adding that the costs of any requirements likely to be applied to development when taking account of the normal cost of development and mitigation provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. In support of this the applicant originally submitted a viability appraisal,

based on providing 100% affordable housing, as that is what the applicant intends to build. On the basis of an understanding of HCA funding on such schemes, in that it will not pay for S106 financial contributions as it is delivering affordable housing, as well as knowledge of the housing market in the locality it was decided at that stage that an independent appraisal was not required as the scheme was only being delivered due to HCA funding.

- 6.26. Policy contained within 'Affordable Housing' SPG seeks 35% affordable housing provision to be secured by a S106 agreement to ensure this provision remains as affordable housing in perpetuity. In light of none of the financial contributions being offered, through negotiation, the applicant agreed to increase the affordable housing provision to be secured by a S106 agreement from 35% to 50% in lieu of these payments. It should be noted that the scheme is intended to be funded and built-out as 100% affordable housing, but the S106 agreement would only be able to secure 50% of the units as affordable housing in perpetuity if circumstances change, such as changes to 'right to buy' in relation to housing association properties. This was considered an appropriate 'planning gain' package, undertaking a planning balance exercise considering there is a departure from policy in relation to off-site public open space and playing fields monetary contributions not being secured, when the application and officer's recommendation were considered by the Planning Committee on 17<sup>th</sup> December 2015.
- 6.27. However, in light of the PAP, the applicant has submitted a further viability appraisal for 50% affordable housing, which will be secured by a S106 agreement, and this has been independently assessed on behalf of the Council. This assessment takes into account a number of factors, including development costs and a developer's realistic profit and concludes that the scheme is unable to support any S106 financial contributions based upon 50% of the units being offered as affordable housing to be secured under a S106 Agreement
- 6.28. Other matters
- 6.29. An Ecology Survey has been submitted in support of the application which concludes that the site is considered to be of limited ecological value, although it may still function as an ecological 'stepping stone' between urbanised areas. It also suggests ecological enhancements in the form of new tree planting that will retain the ecological 'stepping stone' function, as well as the installation of bird nest boxes and insect boxes. The submitted landscape scheme incorporates these features, which is supported by the City Ecologist. The Landscape Officer has requested amendments and as such the condition remains as a pre-commencement condition.
- 6.30. A tree survey and arboricultural method statement have also been submitted in support of the application which identifies that a Category C Goat Willow needs to be felled within the site as well as the minor pruning of a Category B Alder and two Category C Alder and a part crown lift of a Category C Ash. Relevant tree protection areas are also identified. The Tree Officer raises no objection and recommends the opportunity for new tree planting.
- 6.31. The applicant's Drainage Strategy identifies that the site has a high water table and therefore the use of infiltration drainage would not be suitable and recommends a controlled discharge rate to Platt Brook via a connection to the adjacent surface water infrastructure. Drainage details have been submitted and are acceptable to Severn Trent Water. The Lead Local Flooding Authority has requested additional information in relation to further water quality measures and the use of impermeable



geotextile liners as well as operation and maintenance schedules. As such these remain as pre-commencement conditions.

- 6.32. The applicant has also submitted additional information in relation to other pre-commencement conditions attached to the planning permission, which has now subsequently been quashed, in a view of obtaining a planning permission with no such conditions. This information relates to external materials, boundary treatment, contamination, lighting and levels. The information in relation to external materials and levels are acceptable. Transportation Development have requested a boundary treatment condition and that the lighting details are not approved at this stage as the cul-de-sac is prospectively adoptable and would be considered within the technical approval process as part of the road making agreement. As such these remain as pre-commencement conditions. Furthermore, no response has been received from Regulatory Services in relation to the Remediation Strategy and Verification Plan and as such this also remains as a pre-commencement condition.
- 6.33. Emerging policy, including within the Draft Birmingham Development Plan, seeks to assist in reducing the City's carbon footprint and improve air quality. Regulatory Services have requested the provision of electric vehicle charging points. It is considered that these are not necessary for the individual houses with in-plot parking as they are likely to be able to self-service. The provision of vehicle charging points is more relevant to larger flatted developments with communal parking. However, the block of flats proposed in this application consists of only 6 flats and is of such a scale to not justify the provision of vehicle charging points at this time.
- 6.34. Whilst construction has the potential to create some noise and disturbance, this is relatively short-lived for a scheme of this size and within the lifetime of the development. Furthermore, the impact a development might have on property values is not a material consideration in the determination of a planning application.

## 7. Conclusion

- 7.1. The proposal would result in a housing scheme, with a S106 Agreement securing 50% affordable housing provision to remain in perpetuity, on a parcel of land which is suitable for redevelopment within a sustainable residential location. Its design would complement the adjoining BMHT scheme, safeguard neighbour amenity, provide adequate amenity for future occupiers and have no adverse impact on highway safety. The application is acceptable within the context of the Development Plan and other material considerations. Financial contributions relating to off-site public open space and playing fields provision would make the scheme unviable and undeliverable. However, applying the planning balance exercise it is considered that the offer of 50% affordable housing to remain in perpetuity is acceptable and planning permission should be granted.

## 8. Recommendation

- 8.1. Approve subject to the completion of a Section 106 Agreement.
- 8.2. I. That application 2015/05549/PA be deferred pending the completion of a suitable Section 106 Planning Obligation to require:
- a) A 50% on-site Affordable Housing (affordable rent) provision.

b) Payment of a monitoring and administration fee of £1,500 associated with the legal agreement. To be paid prior to the completion of the S106 Agreement.

II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 28<sup>th</sup> May 2016 planning permission be REFUSED for the following reason;

a) In the absence of the provision of on-site affordable housing the proposal conflicts with Paragraph 5.37 A-G of the Birmingham UDP 2005 and the National Planning Policy Framework (2012).

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

IV. In the event of the Section 106 Agreement being completed to the satisfaction of the Local Planning Authority on or before 28<sup>th</sup> May 2016, favourable consideration be given to Application Number 2015/05549/PA, subject to the conditions listed below;

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1	Requires the prior submission of a contamination remediation scheme
2	Requires the prior submission of a contaminated land verification report
3	Requires the prior submission of a drainage scheme
4	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
5	Requires the prior submission of hard and/or soft landscape details
6	Requires the scheme to be in accordance with the approved hard surfacing materials
7	Requires the prior submission of boundary treatment details
8	Requires the prior submission of a lighting scheme
9	Requires the scheme to be in accordance with the approved external materials
10	Requires the scheme to be in accordance with the approved level details
11	Requires pedestrian visibility splays to be provided
12	Requires the scheme to be in accordance with the listed approved plans
13	Limits the approval to 3 years (Full)

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Case Officer: Peter Barton

## Photo(s)



Figure 1 – Application site's frontage to Platt Brook Way



Figure 2 – View of application site looking towards the rear boundary with properties along Bray's Road



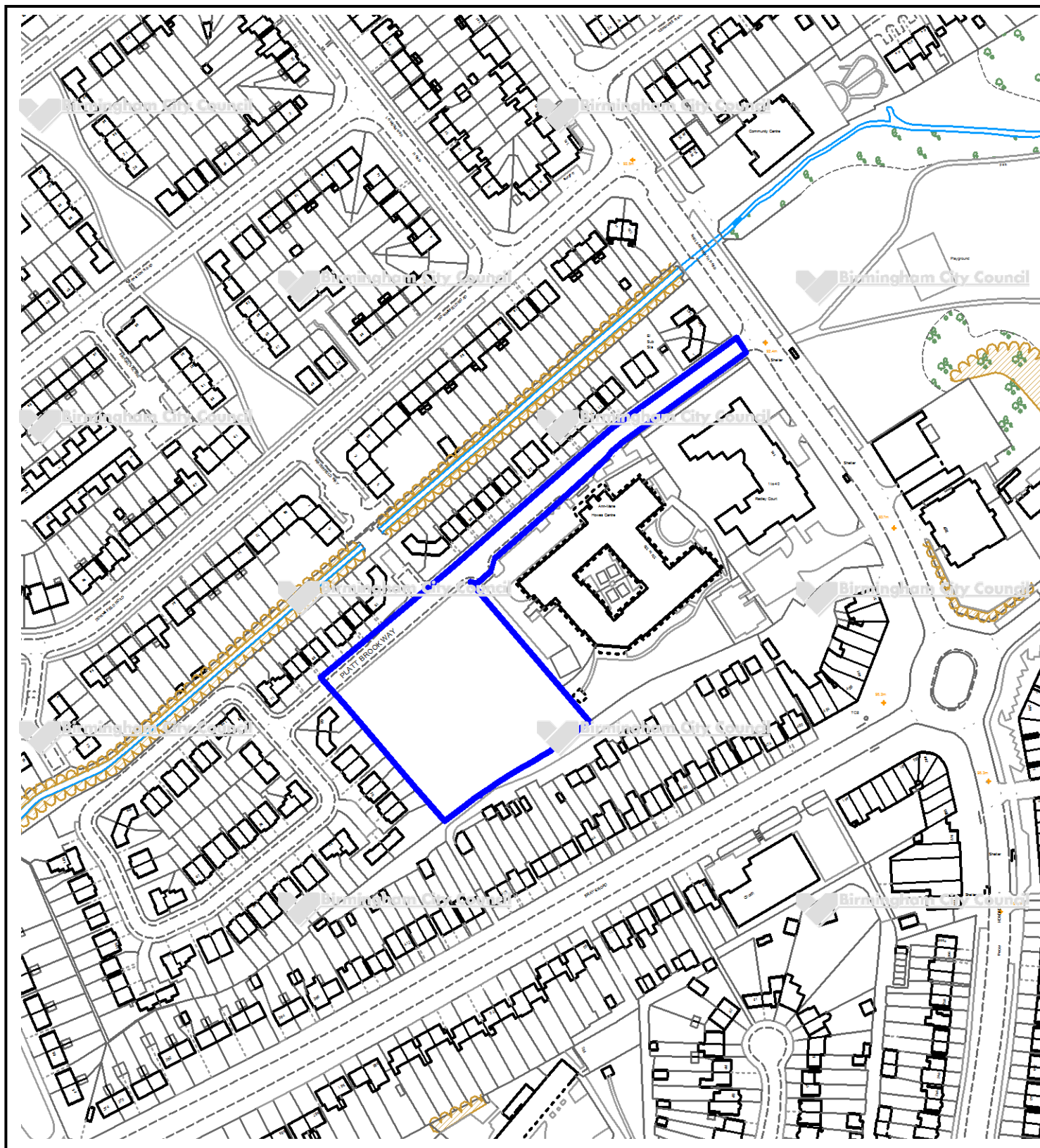
Figure 3 – View of BMHT development on Platt Brook Way opposite the application site



Figure 4 – Ann-Marie Howes Centre's frontage to Platt Brook Way



## Location Plan



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Committee Date:	28/04/2016	Application Number:	2015/10201/PA
Accepted:	05/02/2016	Application Type:	Full Planning
Target Date:	06/05/2016		
Ward:	Springfield		

**1 College Road, Moseley, Birmingham, B13 9LS**

**Demolition of units 3 and 4, conversion and extension of units 1 and 2, and erection of two new build blocks to provide a total of 33 no. flats with associated parking**

Applicant: Mr A Bashir  
1 College Road, Moseley, Birmingham, B13 9LS  
Agent: C14 Designs  
95 Spencer Street, Birmingham, B18 6DA

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Recommendation

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

1. Proposal

- 1.1. Proposal for the demolition of two buildings on the site (units 3 and 4) and extension of unit 1 (Lancaster House) from 2-storey to 2.5-storey in height and conversion to form six flats, and the extension of the College Road end of unit 2 (The Thistles) from 2-storey to 2.5-storey in height and conversion to form seven flats with undercroft parking for 9 cars. The application also includes the erection of a new 2.5-storey buildings between units 1 and 2 facing College Road for 10 flats and undercroft parking for 6 cars and another 2.5-storey building between unit 1 and no. 2 Tenby Road facing Tenby Road for 10 flats. A total of 33 flats would be created (32 x 1-bed and 1 x 2-bed) representing a density of 178 dwellings per hectare. An existing access off Tenby Road would be utilised, which would lead to a central courtyard containing 33 parking spaces (100% provision).
- 1.2. The design of the alterations/extension to the existing buildings and the new buildings are of a traditional approach consisting of brick and render treatment with a tiled roof. Bay windows would also be provided to the ground floor of the College Road and Tenby Road elevations with balconies to the rear elevations facing the courtyard.
- 1.3. A Viability Appraisal, Planning Statement, Design and Access Statement, Land Contamination Report and Sustainable Drainage Assessment have been submitted in support of the application. The applicant is also offering a financial contribution of £500 per unit, totally £16,500, which would be spent at Sparkhill Park.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The 0.186ha site is located adjacent to the southern tip of the Springfield Neighbourhood Centre and consists of four buildings that sit around the site

boundary with a hardstanding central courtyard. None of the buildings are statutory listed or locally listed and are of little architectural merit with the exception of unit 1 (Lancaster House), which is of good quality. There is a vehicular access off Tenby Road and the site is enclosed to College Road by galvanised palisade fencing. The buildings have been used for a variety of uses including storage/warehouse, offices and a teaching academy. A car wash facility is also operating from the courtyard car park.

- 2.2. To the immediate south and west of the application site are traditional terraced housing, with Springfield Primary School to the north on the opposite side of College Road and commercial premises to the north on the opposite side of Stratford Road. To the immediate east is an electrical sub-station and former public conveniences. Beyond that is the Grade II Listed former Sparkhill United Church, which has been converted to a restaurant with function room. Stratford Road is a red route with dedicated on-street parking bays, and College Road is one-way with parking restrictions fronting the application site which also continues around the junction with Tenby Road and past the existing access into the courtyard.

2.3. [Site location](#)

3. [Planning History](#)

- 3.1. 11/02/16 – 2015/08257/PA. Change of use of existing courtyard to a car wash for a temporary period of time. 1 year temporary approval.
- 3.2. 04/07/14 – 2014/03344/PA. Lancaster House and College Court - Prior Approval for change of use from offices (Use Class B1[a]) to residential apartments (Use Class C3). No prior approval required.
- 3.3. 09/05/06 – 2005/00858/PA. Retention of use of premises as an education centre (class D1). Approved.
- 3.4. 28/03/06 – 2005/05309/PA. Erection of 2 storey extension and alterations to existing store and warehouse and conversion to offices. Approved.
- 3.5. 10/02/99 – 1998/05181/PA. Outline application for residential development. Approved.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – Raise concerns over the original submission which proposed 27 car parking spaces (84% provision) and the need for amendments to the access off Tenby Road and the design of the cycle store within unit 2.
- 4.2. Regulatory Services – No objection subject to conditions relating to noise assessment/insulation details, contamination and electric vehicle charging points.
- 4.3. Leisure Services – The proposal generates a contribution of £77,200 to be spent on the provision, improvement or maintenance of POS and play facilities at Sparkhill Park or other priorities within the Springfield Ward.
- 4.4. Education – No objection.
- 4.5. Lead Local Flooding Authority (BCC) – No objection subject to a condition requiring the implementation of the submitted Drainage and SUDS Strategy, and Sustainable

Drainage Operation and Maintenance Plan. They would not consider a reduction in storage volume until evidence is provided that demonstrates that it makes the development unviable.

- 4.6. Severn Trent Water – No objection subject to drainage condition
- 4.7. Western Power Distribution – No objection.
- 4.8. West Midlands Police – No objection and suitable for Secure By Design.
- 4.9. Neighbouring premises/properties, local residents groups, Councillors and MP consulted with site and press notices posted.
- 4.10. 5 representations received objecting to the application on the following grounds:
  - Currently occupy one the buildings.
  - Over-intensive form of development in an already densely populated area.
  - Worsen existing parking problems and inadequate parking provision within the site.
  - 1-bed flats are out of character with the area which consists of family housing.
  - Scale (3-storey) is out of keeping. Tenby Road is 2-storey.
  - Over shadowing and loss of privacy.
  - Close proximity to a primary school.
  - No garden or green spaces proposed for residents and children.
  - No detail on who would live at the properties and if they would be rented.
  - Area already suffers from a high level of criminal and anti-social behaviour.
- 4.11. Representation received from The Moseley Society which has no objection to the change of use but considers it a very intense scheme consisting of small flats and question whether parking and amenity standards are met. They would prefer a more mixed scheme at a lower density providing a variety of housing types.

## 5. Policy Context

- 5.1. Birmingham UDP, Draft Birmingham Development Plan, Places for Living SPG, Car Parking Guidelines SPD, Affordable Housing SPG, Proposals involving the loss of industrial land to alternative uses SPD, Public Open Space in New Residential Development SPD and the NPPF.

## 6. Planning Considerations

- 6.1. Principle:
- 6.2. At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. The Draft Birmingham Development Plan, which is an advanced stage, recognises the need to make provision for a significant increase in the City's population over the Plan period through the promotion of sustainable neighbourhoods. In addition Policy TP27 of the Draft Plan requires new residential development to be, amongst others, accessible to jobs, shops and services by modes of transport other than the car. In assessing proposals for new housing development on previously developed sites, paragraph 5.25B of the UDP considers, again amongst others, the suitability of the location for housing and the accessibility of the site to jobs, shops and services by other modes other than the car.



- 6.3. The application site does not have a specific allocation in either the UDP or Draft Birmingham Development Plan. The site has been used for a number of uses, including industrial/warehouse uses. 'Loss of industrial land to alternative uses' SPD highlights a general presumption against the loss of industrial land to alternative uses and have a portfolio of employment land to ensure that desirable employment development is not lost due to a lack of site availability. However, it does recognise that there will be circumstances where the loss of industrial land could be appropriate. These circumstances include where the site is considered to be non-conforming. These are generally small (less than 1 acre), isolated industrial sites within predominantly residential areas. This application site is less than half an acre in size and is in an edge-of-centre location consisting of retail uses as well as a Primary School and residential housing. Within this context it is considered that the loss of this small industrial site is acceptable in principle. Furthermore, in light of the site adjoining the boundary of the Springfield Neighbourhood Centre and adjoining existing residential properties, it is considered that the site's proposed residential redevelopment is acceptable in principle and is considered to be in accordance with planning policy highlighted above. It is also noted that the site obtained outline planning permission for residential development in 1999.
- 6.4. Design:
- 6.5. The NPPF highlights that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. 'Places for Living' require proposals to respond to the context and reinforce and evolve local characteristics that are considered positive. The surrounding area is characterised by a mix of residential and commercial buildings that creates a strong perimeter block built form. The application site has a prominent position at the junction of Stratford Road and College Road as well as an impact on the setting of the nearby former Sparkhill United Church (Grade II Listed).
- 6.6. The proposed layout would reinforce the perimeter block characteristic of the area, retaining and adapting Lancaster House and The Thistles, demolishing existing industrial/workshop buildings on the site that are of little architectural merit, and providing a strong frontage by means of buildings to the site's College Road and Tenby Road frontages. The alterations to the existing buildings and new buildings would be traditional in appearance with architectural features that respond to those in the locality. The height of the buildings at 2.5-storey is appropriate to its context which consist of 2.5-storey terrace housing to College Road and 2-storey housing to Tenby Road. The originally submitted scheme had 3-storey buildings to College Road but this was reduced to 2.5-storey as a result of concerns over the impact of 3-storey buildings on the setting of the nearby listed building.
- 6.7. Residential amenity (neighbours and future occupiers):
- 6.8. The proposal would have no adverse impact on neighbour amenity and in some circumstances, improve the situation in relation to light and outlook. No. 2 Tenby Road currently has buildings within the application site running along the shared boundary. The demolition of these and the erection of the new block on Tenby Road, which would not project further than the rear wing to No. 2 Tenby Road, would represent a positive improvement to the amenity of the occupiers of this existing house. The conversion of Unit 2 will introduce new residential flats at first floor level, however these would be at a slight oblique angle to No. 2 Tenby Road with a separation distance of some 24m between facing windows whereby 'Places for Living' suggests a minimum guideline of 21m. A resident has objected on the grounds of overlooking from the upper floor flats on Tenby Road into their private

rear garden. The distance between these upper floor flats and the side boundary of No. 3 College Road, across Tenby Road, is 14.6m from a secondary window to the side elevation of the extended Unit 1, and 15.7m from the new-build block facing Tenby Road. 'Places for Living' seeks a 5m per storey set back where new development with main windows overlooking existing private space. To meet this guideline, a 15m set back would be required and the breach detailed above would have a shortfall of 0.4m. However, the window in question is considered to be a secondary window to a lounge/kitchen and not the main outlook to this room. In view of these factors, it is considered that this minor shortfall would not represent a reason for refusal.

- 6.9. The proposed 1 bed flats would have internal floor areas ranging from 35sqm to 52 sqm and the 2 bed flat would have an internal floor area of 58sqm. Five of the 1 bed flats measure 35sqm, which represents 15% of the total proposed residential accommodation. These total floor areas and the size of the bedrooms are appropriate for the nature of the accommodation proposed and within the context of the 'Technical housing standards – national described space standard' and would provide an acceptable level of internal accommodation for future occupiers. 2 bedroom windows at first floor to Unit 2 would overlook an access to an adjacent electrical sub-station. Whilst not ideal, they would not overlook a private amenity space and would not detract from the amenity of occupiers of these rooms.
- 6.10. Externally, the originally proposed communal outdoor amenity space (240sq) has been replaced with additional parking (see highways / parking section below) and now provides none. 'Places for Living' normally seeks 30sqm per unit of communal outdoor amenity space. A number of the flats also have useable balconies overlooking the internal courtyard. In light of the nature of the predominantly 1-bed flats in a highly sustainable location adjacent to Springfield Neighbourhood Centre, the removal of a non-conforming use and the provision of existing public open space alongside the River Cole less than 100m to the east of the site, it is considered that the scheme is acceptable with the benefits of the additional on-site parking outweighing the harm of the lack of on-site communal amenity space.
- 6.11. Regulatory Services have raised no objection subject to conditions including a noise assessment to determine the relevant level of noise insulation required to the scheme in relation to noise from Stratford Road. They have also requested that the scheme makes provision of electric vehicle charging points. In light of emerging policy, including within the Draft Birmingham Development Plan, relating to reducing the City's carbon footprint and improving air quality this is considered appropriate for this development and covered by a planning condition.
- 6.12. Highways / Parking:
- 6.13. Transportation Development raised concerns over the original scheme which proposed 27 car parking spaces (84% provision) and that this was likely to create additional overspill parking demand in problematic locations surrounding the site given the typical lack of on-street parking. The scheme has subsequently been amended to provide 33 car parking spaces (100% provision).
- 6.14. 'Car Parking Guidelines' SPD seeks a standard of 2 spaces per dwelling (200%) for new residential development within Area 3. The level of parking provision appropriate to any individual proposal is assessed in the light of this guideline, but also takes in to account the circumstances of the particular scheme, including the size of the dwellings, proximity to facilities such as shops and the availability of public transport. The proposal consists of small non-family accommodation made

up of 32 x 1-bed flats and 1 x 2-bed flat immediately adjacent to Springfield Neighbourhood Centre and Stratford Road with good public transport links. In light of all these factors, it is considered that the provision of 33 parking spaces is an appropriate level of on-site parking that would not adversely impact upon highway safety whilst also reducing reliance on the private car.

- 6.15. Transportation Development also raises matters in relation to cycle storage provision and the width of the access drive off Tenby Road, which can be addressed through planning conditions.
- 6.16. Planning Obligations:
- 6.17. At 33 units, the application exceeds necessary thresholds in relation to affordable housing (15 units) as well as public open space and play facilities (20 units). Policy contained within 'Affordable Housing' SPG seeks a minimum 35% provision. 'Public open space in new residential development' SPD seeks, where practical to do so, that new public open space is provided on site. In addition, there are circumstances where it may be preferable for the public open space to be provided as an off-site monetary contribution. Such circumstances include new development being in close proximity to existing public open space or it may not be practicable to provide on-site. Due to the constrained nature of the site it is considered that on-site provision would be problematic in this instance. In addition the linear Public Open Space running along the River Cole is only some 100m to the east along Stratford Road. Therefore, it is considered that an off-site financial contribution would be appropriate in this case.
- 6.18. A viability appraisal has been submitted in support of the application as the applicant advises that for the scheme to be policy-compliant with regard to planning obligations, it would make the development unviable. The NPPF (paragraph 173) places significant emphasis on ensuring viability and deliverability, adding that the costs of any requirements likely to be applied to development when taking account of the normal cost of development and mitigation provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. No affordable housing but a financial contribution of £16,500 is proposed as part of this application. The viability appraisal has been independently assessed and concludes that the scheme is marginal from a viability perspective and unable to support any further liabilities in respect of affordable housing or further financial contributions. Due to the size of the financial contribution, it is considered that this should be spent at Sparkhill Park, as suggested by Leisure Services. In light of the above, it is considered that the proposal accords with planning policy within the context of viability and deliverability. The proposal is a non CIL liable development and as such does not attract a CIL contribution.
- 6.19. Other matters:
- 6.20. The Council's Sustainable: Guide to Design, Adoption and Maintenance Document highlights that Planning Practice Guidance supports the use of Sustainable Urban Drainage Systems (SUDS). It emphasises that generally the aim should be to discharge surface run off as high up the hierarchy of drainage options as reasonably practicable, with infiltration to the ground the most preferred and connection to a combined sewer the least. A Drainage and SUDS Strategy has been submitted in support of the application and recognises that the ground has low infiltration capacity and there would be no infiltration devices proposed for the disposal of surface water. The proposal originally proposed a buried geo-cellular storage tank to attenuate flows and prevent surface water flooding. The Lead Local Flooding Authority raised

no objection to these proposals. However, it has been demonstrated that the cost of these measures would make the scheme unviable and as such the proposed drainage would need to remain as existing, which is served by public water sewers. The cost of the SUDS / drainage storage significantly exceeds the £16,500 contribution sum being offered by the applicant. Therefore, it is considered that the non-provision of SUDS is justified and in accordance with relevant policy and national guidance.

- 6.21. It is recognised that the proposal represents an intensive form of development, at 178 dwellings per hectare, and objections have been received in relation to this and that the provision of flats are out of character with the surrounding family housing. However, such forms of development are acceptable in principle in highly sustainable locations, in this case being immediately adjacent to Springfield Neighbourhood Centre. It is considered that the proposal would not represent an over-intensive form of development or the provision of flats in this location would not be out of character with the locality.
- 6.22. An objection has also been made in relation to who would occupy the flats, though this is not a planning matter and due to the issue of viability discussed above, there would be no affordable housing provision secured as part of the planning application.
- 6.23. Criminal and anti-social behaviour concerns have also been raised and the proposal would create overlooking of the public realm to both College Road and Tenby Road, increasing natural levels of surveillance and security. Furthermore, the internal courtyard would be a secure area.
- 6.24. Representation has also been received by a current occupier of one of the buildings on the application site regarding the owner not advising him of the proposal. This is a private matter between the landlord and tenant.

## 7. Conclusion

- 7.1. The proposal would create a high density residential scheme in a sustainable location adjacent to Stratford Road and on the edge of Springfield Neighbourhood Centre. The scheme would reinforce characteristics that are considered positive in the locality, safeguard existing neighbour amenity and provide suitable amenity to future occupiers. Furthermore, an appropriate level of parking is proposed for this type of residential accommodation in this highly sustainable location resulting in no adverse impact on highway safety. The scheme exceeds thresholds relating to affordable housing and public open space provision, but a viability appraisal has been independently assessed and provision over the £16,500 offered would make the scheme unviable and is therefore undeliverable. The application is in accordance with relevant policy and guidance and planning permission should be granted.

## 8. Recommendation

- 8.1. Approve subject to the completion of a Section 106 Agreement.
- 8.2. I. That application 2015/10201/PA be deferred pending the completion of a suitable Section 106 Planning Obligation to require:
  - a) A financial contribution of £16,500 (index-linked to construction costs from the date of the committee resolution to the date on which payments are made) towards

the provision, improvement and / or maintenance of public open space and play facilities at Sparkhill Park to be paid prior to first occupation of the housing.

b) Payment of a monitoring and administration fee of £1,500 associated with the legal agreement. To be paid prior to the completion of the S106 Agreement.

II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 5th May 2016 planning permission be REFUSED for the following reason;

a) In the absence of any suitable legal agreement to secure a financial contribution towards off-site public open space the proposal conflicts with 3.53B of the Birmingham Unitary Development Plan 2005, Public Open Space in New Residential Development SPD and Policy TP9 of the Draft Birmingham Development Plan 2031.

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

IV. In the event of the Section 106 Agreement being completed to the satisfaction of the Local Planning Authority on or before 5<sup>th</sup> May 2016, favourable consideration be given to Application Number 2015/10201/PA, subject to the conditions listed below;

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1	Requires the prior submission of a contamination remediation scheme
2	Requires the prior submission of a contaminated land verification report
3	Requires the prior submission of a drainage scheme for the disposal of foul and surface water flows
4	Requires the prior submission of hard and/or soft landscape details
5	Requires the prior submission of boundary treatment details
6	Requires the prior submission of a lighting scheme
7	Requires the prior submission of sample materials
8	Requires the prior submission of level details
9	Requires the prior submission of a noise assessment and any associated measures to secure appropriate noise levels for habitable rooms
10	Requires the prior submission of amended cycle storage details
11	Requires the prior approval of an amended site access off Tenby Road
12	Requires the provision of a vehicle charging point
13	Requires the scheme to be in accordance with the listed approved plans
14	Limits the approval to 3 years (Full)

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Case Officer: Peter Barton

**Photo(s)**



Figure 1 – College Road frontage



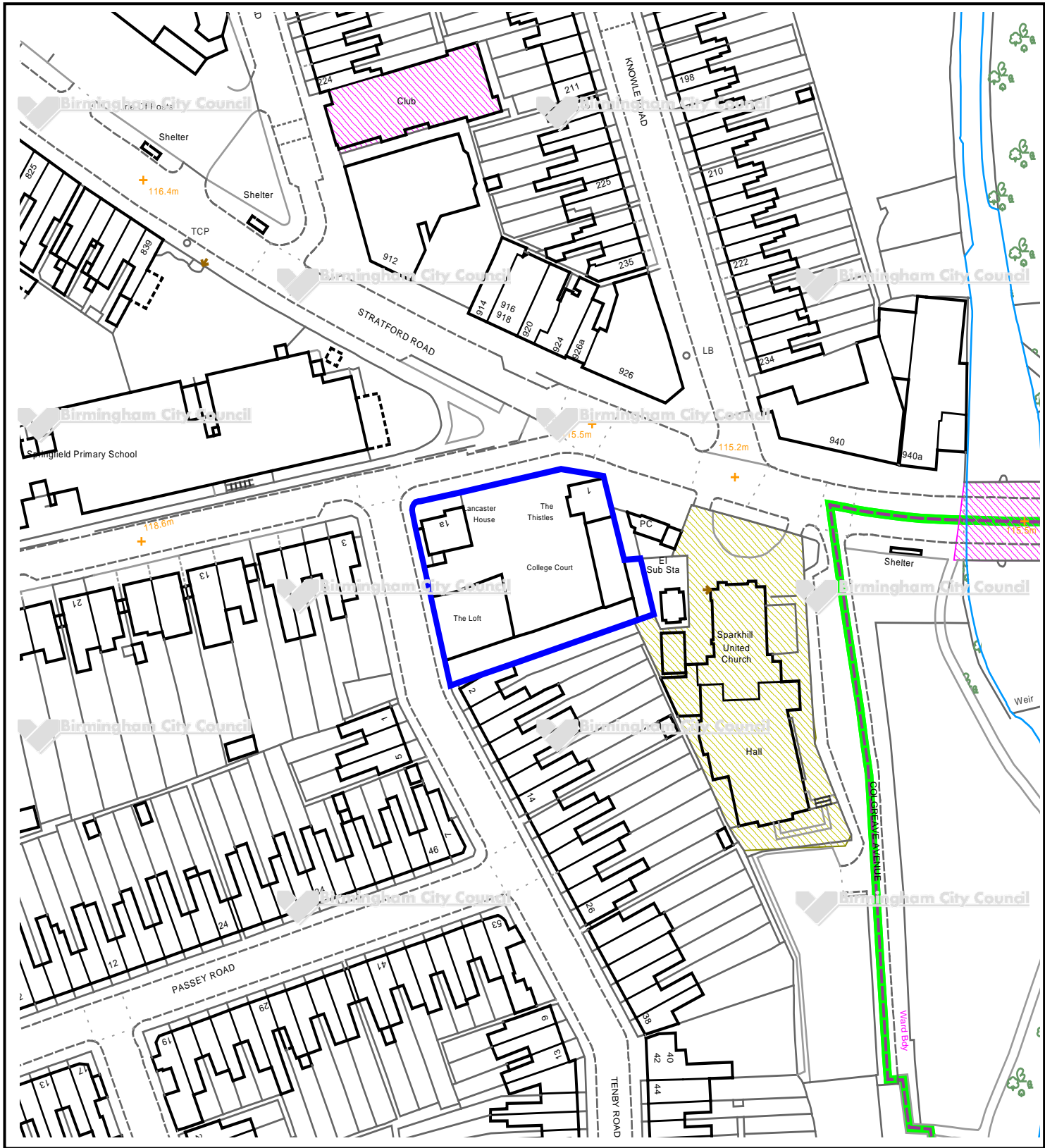
Figure 2 – Tenby Road frontage



Figure 3 – View from Stratford Road



Location Plan



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Committee Date:	28/04/2016	Application Number:	2016/00704/PA
Accepted:	28/01/2016	Application Type:	Full Planning
Target Date:	28/04/2016		
Ward:	Tyburn		

### Kingsbury Road Car Park, Castle Vale, Birmingham,

Replacement of existing surface level car park (1,122 Spaces) with multi storey decked levels and surface level car park (2,761 spaces) for staff and product parking, new signalised junction at Kingsbury Road (A38), construction of ramp access from Ashhold Farm Road and associated works

Applicant:	Jaguar Land Rover Ltd c/o Agent
Agent:	CgMs Consulting 7th Floor, 140 London Wall, London, EC2Y 5DN

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#### Recommendation

#### **Approve Subject To Conditions**

##### 1. Proposal

- 1.1. Consent is sought for the replacement of existing surface level car park with multi-storey decked level and surface level car park for staff and product parking, new signalised junction at Kingsbury Road (A38), construction of ramp access from Ashold Farm Road and associated works.
- 1.2. The proposed multi-storey decked and surface level car park would be situated on the Kingsbury Road car park (former Showcase cinema) and former Frankie and Benny site. The proposed "L" shaped decked car park structure is articulated by two interlinked rectangular blocks with a chamfered corner form to address the Kingsbury Road frontage. The main part of the multi-storey decked car park comprises ground floor with five decked floors on the eastern side of the site. The smaller adjoining decked structure reflects existing site levels and lies adjacent to the Kingsbury Road boundary comprises a ground floor with three decked floors. The proposed staircase would be located to the south and northwest of the structure also includes a lift. The surface level car park would surround the site to the west of the site. The main decked structure would be approximately 15 metres in height at the uppermost decked parapet wall rising to 16.1 metres with vehicle ramps on the eastern and western part of the proposed structure. The subservient element of the decked car park would be approximately 13 metres in height. The proposed footprint of the multi-storey decked car park would be 56,760 sq. metres with approximately 550 sq. metres of external surface parking to the western side of the proposed structure at ground level.
- 1.3. The car park is proposed to be constructed through a steel or concrete framed structure. The palette of cladding material would comprise:
  - Dark grey double banked louvres to the ground floor of the taller section of the structure

- Expanded metal mesh to the upper levels of the taller section of the structure that reflect the applicants' adopted corporate metallic silver colour
- Aerofoil Fins to the upper levels of the lower section of the structure
- Cable mesh to the upper levels of the taller section of the structure around a chamfered corner

- 1.4. Currently, the surface level car park on Kingsbury Road provides 1,122 spaces for employees. The quantum of parking spaces for both product and employee parking within the proposed multi-storey decked and surface level car park is shown in the table below:

	Employee Spaces	Product Spaces	Total Spaces
<b>Surface Parking</b>	571	43	614
<b>MSCP Parking</b>	1,436	711	2,147
<b>Total</b>	2,007	754	2,761

- 1.5. There would be a net gain of 1642 spaces above the existing surface level car park (1,122 spaces). The proposal also includes two electric vehicle charging bays at ground floor level. Supporting statements have also confirmed that the infrastructure to the multi-storey decked floor car park has been designed with potential to add electric charging points to bays at all levels to address future consumer needs to any emerging technology.
- 1.6. The proposed ramped access from Ashold Farm Road would be positioned about halfway between Gate 4 and the existing access to the car park on Kingsbury Road frontage. The applicant has confirmed that this is the only location which would work practically with the required slope and position for the ramp. The ramp would provide two lanes for movement of product vehicles from/ to the plant and car park without the need to use any of the adjoining highways. There would be improvement to the existing landscaping areas to help conceal and soften the ramps appearance. A 3 metre high security fence from ground floor level is proposed for product vehicles towards the eastern end of the site that would comprise one metre concrete base with mesh above and dark grey cladged panelling.
- 1.7. Other minor works also include a new sprinkler tank, pump house and sub-station to the west of the decked car park structure.
- 1.8. The proposal also includes the replacement of the existing junction and creation of a new signalised cross junction at Kingsbury Road (A38), which would cut across centralised grass verge and removal of two street trees. The proposed junction would provide dedicated left and right turn facilities via filter lanes from Kingsbury Road. The proposed junction would provide two lanes for vehicles turning right and one for left turn from the curtilage of the site. The proximity of the access into Birmingham Trade Park would also mean that this junction would also require signalisation at this junction which will continue to operate left-in/ left-out out of Kingsbury Road. The signalised junction would allow the two junctions to operate safely and in a coordinated manner. The signals would be vehicle activated meaning that flowing traffic on Kingsbury Road would only be interrupted when vehicles approach either access road to Kingsbury Road car park exit arm or Birmingham Trade Park.

- 1.9. The internal access road would provide two lanes and continue to run along the northern boundary of the site and provide access arrangements to the surface level parking and upper levels of the decked floors of the car park. The existing egress from Ashold Farm Road would remain in place and continue to be available for the car sharing car park. The employees would continue to access the plant via Gate 4 .
- 1.10. The applicants have confirmed that majority of the existing landscaping would be retained within the curtilage of the site. There would be a buffer of new trees and shrubs planted on Kingsbury Road frontage. The boundary treatment would comprise 2.4 metres high paladin fencing above ground level. There are also various access gates, turnstiles and security barriers installed within the curtilage of the site.
- 1.11. The lighting columns to be installed would vary in design and height according to the zones across the site. Supporting information confirms that the lighting would comprise low voltage LED down lighters for the surface car park, access roads and an internal lighting system within the decked car park. A maximum of 3 metres high columns would be installed on the roof. The proposed columns would not exceed the height of existing columns within the street on Ashold Farm Road between the building and car park. There would be building mounted LED luminaires will be provided around the perimeter of the building.
- 1.12. The proposal would improve the existing operation on site and there would be no additional roles created to the existing 3,500 people employed at the site. The existing plant together with proposed multi-storey decked/ surface level car park would be available for use by employees and product parking on a 24-hour basis.
- 1.13. The proposals incorporate the demolition of existing former Frankie and Benny's building within the application site, of which a separate application for prior approval for their demolition has been determined. The application within Parking Management Strategy confirmed that the displacement of car parking would be provided within other owned/ leased by JLR sites such as the Cyclone site on Chester Road.
- 1.14. The following documents have been submitted in support of the proposal:
- Design and Access Statement
  - Planning Statement to include Statement of Consultation
  - Flood Risk Assessment
  - Drainage Strategy
  - Construction Traffic Management Plan
  - Updated Environmental Summary Report
  - Arboricultural Report
  - Updated Air Quality Assessment
  - Lighting Impact Assessment and Lighting Strategy
  - Transport Assessment and Travel Plan
  - Parking Management Strategy
  - Air Quality Assessment
  - Lighting Strategy and Impact Assessment
  - Archaeology and Heritage Assessment
  - Noise Impact Assessment Report
  - Ecology Assessment

- 1.15. An Environmental Impact Assessment (EIA) screening opinion was issued by the Local Planning Authority concluding that the development proposed does not require an Environmental Impact Assessment.

[Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site comprises the former Frankie & Benny's and Jaguar Land Rover Road Kingsbury Road car park, which was previously occupied by Showcase Cinema. The combined triangular shaped site area is 4.5 hectares. Currently, the Kingsbury Road surface level car park site provides 1122 employee parking spaces. The site levels vary substantially with the highest point at the boundary in the north west corner to the lowest along the easterly edge along Ashold Farm Road, where there is a difference of 9.95 metres. The access arrangements to the application site are currently provided from Kingsbury Road and to the south from Ashold Farm Road to the south via a roundabout junction with Spitfire Road. The arrangement provides a left in/ left out at Kingsbury Road junction. There is a centralised U-turn facility provided on Kingsbury Road (A38) situated approximately 300 metres to the east and west of the junction to the application site.
- 2.2. The surrounding context is predominately commercial in character, comprising large purpose-built industrial/ warehouse premises, small light industrial/ warehouse/ industrial buildings, Ravenside Retail Park and car showrooms. To the north of the site lie Kingsbury Road (A38), beyond which is Birmingham Trade Park. Birmingham and Fazeley canal and its towpath are situated to the north-west of the site. To the east lies the Ford motor dealership and Ravenside Retail Park. To the south, beyond Ashold Farm Road lies Jaguar Land Rover's main Castle Bromwich plant and Tyburn Trading Estate. Holly Industrial Park and Spitfire Park are situated to the west of the site. The Fort Dunlop building is Category "A" Locally Listed building is situated approximately 500 metres to the south of the site. Dunlop Exhibition Centre is Category "B" Locally Listed building and is situated on Wood Lane approximately 280 metres to the southwest of the application site. The nearest residential property is approximately 75 metres from the application site, beyond Kingsbury Road and the Birmingham and Fazeley Canal.

[Location Map](#)

## 3. Planning History

### 3.1. Application site:

- 3.2. 19/03/2015 - 2015/01123/PA - Application for prior approval for proposed demolition of former Frankie and Benny's Building - No prior approval required.
- 3.3. 01/03/13 – 2013/00909/PA. Application for prior notification of proposed demolition of existing cinema. No prior approval required.
- 3.4. 17/09/2013 - 2013/05995/PA - Formation of temporary surface car park – Temporary 5 year approval
- 3.5. Jaguar Land Rover main plant:

- 3.6. 04/04/2016 - 2016/01266/PA - Minor Material Amendment to approval 2015/09800/PA to change materials, roof design and increase in height of "Block L" building – Approved subject to conditions
- 3.7. 11/03/2016 - 2016/00372/PA - Erection of single storey extension to existing 'block L' building – Approved subject to conditions.
- 3.8. 02/02/2016 - 2015/09800/PA - Demolition of existing and erection of extension to Block 'L' (storage) – Approved subject to conditions
- 3.9. 17/10/2014 - 2014/06186/PA - Erection of canopy to northern elevation of 'B' Block – Approved subject to conditions.
- 3.10. 03/07/2014 - 2014/03302/PA - Non Material Amendment to approval 2013/07480/PA for minor alterations of elevations and small additional lean to building – Approved.
- 3.11. 19/05/2014 - 2014/01931/PA - Erection of extension to existing battery charge house – Approved subject to conditions.
- 3.12. 23/01/2014 - 2013/08638/PA - Application for approval of details reserved by condition no's: 1, 2, 3 & 4 attached to planning approval 2013/03767/PA – Approved.
- 3.13. 08/11/2013 - 2013/07480/PA - Erection of a block extension to accommodate new conveyor – Approved subject to conditions.
- 3.14. 25/07/2013 - 2013/03767/PA - Erection of extension and raising of the roof to the existing press shop building – Approved subject to conditions.
- 3.15. 04/04/2013 - 2013/01031/PA - Demolition of existing buildings and erection of a blanking press shop building – Approved subject to conditions.
- 3.16. 24/01/13 – 2012/07983. Demolition of existing buildings (Block E, EPS Canopy, Garage and Sports & Social Club) and erection of new Body Shop with associated landscaping and minor works. Approved subject to conditions.
- 3.17. 30/11/12 – 2012/07524/PA. Application for prior notification of proposed demolition. No prior approval required.
- 3.18. 22/11/12 – 2012/06679/PA. Relocation of panel storage to a temporary building for 5 years and relocation of forklift truck/HGV and pallet repair activities to a permanent building. Approved subject to conditions.
- 3.19. Cyclone:
- 3.20. 30/11/12 - 2012/07529/PA. Application for prior notification of proposed demolition. Prior approval required and approved.
- 3.21. 08/02/13 – 2012/08341/PA. Temporary five year planning permission for employee car parking and ancillary works – Temporary Approval subject to conditions.
- 3.22. 27/06/2013 - 2013/03386/PA - Temporary planning permission for five years to use part of the Cyclone site for trailer parking (30 spaces) including the erection of security hut, lighting and associated ancillary works – Temporary Approval subject to conditions.

- 3.23. Former Dunlop Motorsport site
- 3.24. 22/02/2016 - 2015/09648/PA – Erection of two new storage and logistics buildings (Use Class B8) with associated infrastructure works – Approved subject to conditions.
- 3.25. 18/01/2016 - 2015/09103/PA - Creation of car parking for vehicle storage for a temporary period of two years – Temporary approval subject to condition
- 3.26. 24-06-2015 – 2015/04360/PA – Application for prior notification for the proposed demolition of the Dunlop Motor Sports buildings – No prior approval required.
- 3.27. 18-03-2015 – 2015/00275/PA – Erection of 1000 sq. metres detached warehouse – Approved subject to conditions.
- 3.28. Jaguar Land Rover Rail Head
- 3.29. 31/12/2015 - 2015/07730/PA - Replacement of existing and installation of single storey demountable structures to be used as gatehouse and staff welfare facility – Temporary 5 year approval
4. Consultation/PP Responses
- 4.1. Press and site notices displayed. Adjoining occupiers, Resident Association, Ward Councillors and MP consulted. 5 letters have been received from adjoining neighbours, who comment on the following grounds:
- Supportive of car park that would deter inconsiderate employees parking and benefit local environment.
  - No objection to the car park but object to the access that would lead to traffic congestion, additional noise and air pollution.
  - No objections to the construction of the car park but JLR must make more effort to restrict employees harming the local community.
  - Additional cars being parked on local roads during construction stage and capacity issues on Burcote Road and Cranwell Grove.
  - Assurance is required that employees will not be allowed to park on adjoining roads during construction process of the car park
  - Issues of parking were raised on open day/ consultation event and JLR promised to raise and warn employees. Inconsiderate parking has been exacerbated further with delivery vans and emergency vehicles unable to obtain access to Cranwell Grove
  - Block pavement and driveways caused by JLR employees
  - Current visibility splays from leaving Birmingham Trade Park due to canal bridge and proposed access would increase risk of accidents further.
  - Object to on-going and future road works around Kingsbury Road, which has affected travel time in reaching destination
  - Height of the car park is above the existing level and would obscure view across Birmingham
  - Question to confirm where the 1,122 spaces will be allocated to whilst this multi-storey car park is being built?
  - Question time period for completion of the project ? – it has been suggested that 12 months but no definitive answer
  - Suggestion that a clause into the decision of the planning application to try and prevent this parking problem on the local roads.



- Traffic lights and junction would improve safety with respect to other drivers and lane discipline
  - Devalue property within the area
- 4.2. BCC as Local Lead Flood Authority - No objections subject to modified conditions requiring a Sustainable Drainage Assessment and Operation and Maintenance Plan.
  - 4.3. Highways England – Initially recommended withholding response to allow time for the provision, review and agreement of additional information to include likely highway generation together with simulation model to be used to assess the impacts of the proposals at the interactions of M6 junction 5, Spitfire Island and A452 Chester Road improvement scheme. Additional information was provided by the applicants and Highways England raise no objections to the proposal.
  - 4.4. West Midlands Police – No objections subject to Secure by Design commercial developments and new build car park initiative
  - 4.5. National Grid – No objections
  - 4.6. West Midlands Fire Service – No objections
  - 4.7. Employment Access Team – Awaiting comments
  - 4.8. Severn Trent – No objections subject to drainage condition for the disposal of foul and surface water flows. Advisory that there may be a public sewer located within the application site and encourage the applicant to investigate and obtain necessary consent from Severn Trent Water.
  - 4.9. Regulatory Services – Initially raised concerns to the Environmental Summary report that assumed that the site once development would be entirely covered in hardstanding and that no buildings or structures would be constructed. Further information is required for the Environmental Summary to reflect the actual proposal. Updated Environmental Summary reports were submitted by the agents that concluded that the risk to human health is low and that no further works are required. Regulatory Services have reviewed the information and are satisfied with the finding of the Updated Environmental Report. They have also recommended a condition for provision of vehicle charging points.
  - 4.10. Canal & River Trust – Amendments required as records show that the north-western corner of the site includes land in the ownership of Canals Rivers Trust. Concerns were also raised to the existing access point from the northern part of the site to the canal towpath, which is required for maintenance purposes. Amended plans have been submitted that have modified the boundary to remove the land in ownership of Canal and Rivers Trust. Overall to the proposal, they have raised no objections subject to landscaping, external lighting and CCTV condition
  - 4.11. Transportation Development – No objections subject to conditions to include updated parking management strategy, travel plan, cycle storage, construction management plan and S.278 (highway works) that include details of a phased programme of works (employees/ construction traffic), access arrangements etc.
  - 4.12. Environment Agency – No objections subject to a modified condition to ensure that if any unsuspected contamination is found, an updated report is provided.



- 4.13. City Ecologist – No objections subject to conditions for the proposed development to be implemented in accordance to the recommendations set out with Ecology report and method statement for the removal of invasive weeds (Virginia Creeper) on site.

5. Policy Context

- 5.1. NPPF (2012), Adopted UDP 2005, Draft Birmingham Development Plan (2013), Places for Living SPG (2001), Car parking Guidelines SPD (2012), Loss of Industrial Land to Alternative Uses (2006), Grade “A” & “B” locally listed building

6. Planning Considerations

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

- 6.2. **Planning Policy** – The NPPF sets out that the purpose of the planning system is to contribute towards achieving sustainable development and that at the heart of the NPPF is a presumption in favour of sustainable development. It also includes a section highlighting the Government’s commitment to building a strong and competitive economy in order to create jobs and prosperity and requires Local Planning Authorities to support business sectors (Section 1, par. 14, 18-22). The general acceptability of the proposals should be considered against the three dimensions of sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals.

- 6.3. The application site lies within the existing urban area and is designated for “Industrial Regeneration”, where land is safeguarded for predominantly industrial uses (Para. 4.24 of the UDP). Para 11.26 of the UDP outlines the fundamental importance of the employment area (termed as Bromford) within which the site is located: ‘the wedge of land bounded by the M6, Tyburn/Kingsbury Road and Chester Road is over 200 hectares in size and is one of the city’s key industrial areas where industrial regeneration will be encouraged’ under policy IR1 and that ‘Jaguar is a major employer within the area’.

- 6.4. Policy 7.12 and Policy TP18 of the BDP outlines the Core Employment Areas that will ‘be retained in employment use and will be the focus of economic regeneration activities’. The Castle Bromwich Jaguar Land Rover plant has been identified as being located within core employment area and the policy acknowledges the contribution of companies such as Jaguar Land Rover make in generating and developing these areas’.

- 6.5. **Principle of use** – The application site is situated within an Industrial Regeneration area within the adopted UDP and a Core Employment Area within the emerging Draft Birmingham Development Plan. The application represents a strategic opportunity for the applicant to provide additional parking for both employees and product parking on land that is adjacent to the existing plant. The proposal is part of on-going programme of investment that has seen an increase in the number of employees within the Jaguar Land Rover Plant over the past few years. The proposed incidental multi-storey decked and surface level car park with a net gain of 1,654 spaces is an essential development to support the economic growth and operational efficiency of the wider JLR plant. The proposed car park would also address parking pressures on site and also benefit local residents by reducing the level of inconsiderate parking by employees on adjoining roads. Consequently, the proposal would comply with aspirations laid out within the NPPF, UDP and Draft Birmingham Development Plan and is considered acceptable in principle

- 6.6. **Design/ character and impact on visual amenity** – Currently, the application site is occupied by as a surface level car park. Previously, the Showcase Cinema building occupied part of the site, which was approximately 12 metres in height with two feature towers that were approximately 16 metres in height. The approved consent under ref: 2015/09648/PA for the storage and logistics buildings (former Dunlop Motorsport site) associated to the wider JLR plant to the rear of the application site ranges from 15 metres to 17.5 metres with the tallest element containing an industrial crane some 30 metres in height. There have also been implemented consents within the wider JLR Plant for a new body shop building and extension to Block “L” that are approximately 24 metres and 30 metres in height respectively. The proposed multi-storey decked structure (including the parapet wall) would range from 16.1 metres for the main element and 13 metres to the subservient element. Consequently, the proposal is considered acceptable in scale and massing terms and would reflect the prevailing character of taller industrial and leisure buildings within the immediate area.
- 6.7. The design of the car park has evolved taking into account of the requirements of the business and physical constraints on site such as site levels, the presence of a brick sewer, primary water main and position of the existing site entrance. The application site is a prominent site within the immediate area and the design of the multi-storey decked car park has been the subject of detailed negotiation prior to the submission of the application and further discussion and amendments have been carried out following the submission of the application with my City Design and Conservation Officers. Amendments have been provided that have replaced the continuous horizontal runs of mesh cladding with vertical panels that all vary in width, reduced the overall height of the parapet wall of the decked car park by 1.9 metres, and the choice of materials.
- 6.8. The proposed "L" shaped building is a simple 3D geometrical form that comprises two distinct elements. The intersection of two building masses at different heights gives added articulation to the long north and west elevation on the Kingsbury Road frontage. The expression of the building as two units together with the vertical emphasis on the taller part of the building and horizontal emphasis with use of louvres in the lower part would break up overall scale and massing. The use of cable mesh on splayed corner would also provide a degree of permeability and reveal the curved ramp by expressing the use and also allow modest levels of light to filter through at night. The use as a decked car park would be compatible with the existing and neighbouring uses, and would contribute to an improvement in environmental quality over the appearance of its previous use as a surface level car park. The proposed landscaping with additional tree and shrub planting along Kingsbury Road would build on strong principles of good quality that would soften appearance and provide views into the structure.
- 6.9. **Impact on residential amenity** – Paragraph 17 of the NPPF seeks to protect the amenities of all existing and future occupants including from pollution through noise. Currently, the site is laid out as a surface level car park and proposed decked and surface level car park would be of the same activity and continue to operate 24 hours day and 7 days a week reflecting the existing operations of the main JLR plant. There would be an additional gain of 1639 spaces out of which 754 spaces are allocated for product parking that would be accessed via a ramp from/ to the plant without the need to use the adjoining highways. The nearest residential dwellings on Burcote Road to the north-west are situated approximately 75 metres away from the site. The impact on neighbouring residential occupiers would be limited, due to the proposal being within a well-established industrial area,

intervened by the busy Kingsbury Road, the canal and existing/ proposed landscaping on the Kingsbury Road frontage. Regulatory Services have raised no objections to the proposal. Consequently, it is considered that the proposal is unlikely to have an adverse impact on the amenities of residential occupiers within the vicinity of the site.

- 6.10. Paragraph 124 of the NPPF also seeks to protect air quality. The proposal seeks to incorporate two electric vehicle charging points. Paragraph 35 of the NPPF specifically states that development should be located and designed where practical to, inter alia, “incorporate facilities for charging plug in and other ultra-low emission vehicles”. The application lies within an Air Quality Management Area (AQMA) declared by BCC for nitrogen dioxide. Air Quality Assessment has been submitted in support of the application. Regulatory Services are satisfied with the methodologies and approaches used and raise no objections to the proposal.
- 6.11. Regulatory Services have recommended a condition that no fewer than 10% of non-dedicated parking spaces are allocated with vehicle charging points on site. I do not consider that this extent of provision is justified in this case; bearing in mind that policy requirement for such provision is only emerging. However, I do note that the supporting statements confirm that the scheme would incorporate two spaces on the ground floor with infrastructure provision in place for further electric charging points added to all levels depending on future consumer needs for emerging technology. Consequently, I consider that the provision together with mitigation measures put forward by the applicant is acceptable in this instance.
- 6.12. **Land contamination** – Part of the site is currently used as a car park and the remaining part is the former Frankie and Benny’s site. A desk top land contamination study has been provided as part of the supporting submission. On advice received from Regulatory Services, the applicants have also updated their remediation strategy to take account of the actual proposal for the multi-storey decked structure rather than an initial report that was based on entire site being covered in hardstanding area with no buildings or structures to be constructed on site. The Council’s Regulatory Services and Environment Agency agree with the findings of the Updated study and confirm that further intrusive investigations are not required. However, Environment Agency have recommended a condition is imposed on any approval to ensure that if any unexpected contamination is encountered during groundworks, then remediation strategy is submitted detailing how to deal with unsuspected contamination.
- 6.13. **Flood risk and drainage** - A Flood Risk Assessment has been submitted as part of the application as the site covers an area of approximately 4.5 hectares. It identifies the site as being entirely within Flood Zone 1 and therefore the site is at low risk of flooding. The Environment Agency have raised no objections to the proposal based on a Drainage Strategy together with various email correspondence from Severn Trent. The Council as Local Lead Flooding Authority have also raised no objections subject to a number of conditions to include submission of further drainage details to minimise the risk of off-site flooding caused by surface water run-off and submission of a maintenance and management plan relating to a sustainable drainage scheme. Severn Trent have also recommended a drainage condition for the connection and disposal of foul waste. I concur with this view and attach appropriate conditions.
- 6.14. **Impact on trees, landscaping and ecology** - The Arboricultural Report has been submitted as part of the supporting statements that states that majority of individual or groups of trees are small or young mature trees. In order to screen parts of the buildings, the application seeks to retain existing trees such as along the canal

corridor. There are a number of trees to be felled within the curtilage of the site to make way for the new multi-storey decked car park and modification to the access from Kingsbury Road frontage. There are however also additional trees and shrubs proposed as part of the landscaping scheme for the site to include main car park access to the north of the site. My Landscaping and Tree Officers together with Canal and River Trust has raised no objections subject to conditions to include landscaping, tree protection, site levels and hard surfacing that would ensure that the proposal makes a substantial contribution to the site and overall area in amenity and biodiversity terms.

- 6.15. The majority of the cleared site is hardstanding and used as surface level car park. The applicants have submitted an ecological report, assessing the development's potential impact on protected species. The survey plans show that the former Frankie and Benny's building will be demolished, which has been considered and is of limited ecological value and limited supporting value for ecologically sensitive and/or legally protected species. The report highlights that invasive species (Virginia Creeper) was recorded on site. The City Ecologist has raised no objections subject to a condition is imposed for a method statement to be submitted for the removal or long-term management/ eradication of invasive species on site.
- 6.16. The City Ecologist suggests inclusion of the recommendation made within the mitigation section of the Ecology Assessment for the demolition of the Frankie and Benny's building outside core nesting bird season and core roosting season. However, this demolition has already been considered as part of demolition notification, which concluded that no prior approval is required for that demolition. However, I consider that the condition would modified to include any removal of trees or vegetation is undertaken with a watching brief by a suitable qualified Ecologist.
- 6.17. Canal and Rivers Trust have also recommended that a lighting condition is imposed for further details of the proposed lighting strategy to be submitted to show the reduction of light spillage towards the canal corridor to protect bats and other species. This condition is added, albeit also from a more general amenity protection perspective and highway safety. The applicants have also confirmed there would be security measures installed at the site to include CCTV cameras.
- 6.18. **Impact on highway safety** – A Transport Assessment, Framework Travel Plan and Parking Management Strategy have been submitted in support of the application. There would be additional 1,639 spaces proposed within the multi-storey deck car park and this would increase the number of spaces within JLR's control to 2,761 spaces within Kingsbury Road car park. The employee spaces would increase by 884. The applicant has confirmed that there is operational need due to the recent expansion of the plant over the year to cater for both product and employee car parking. The proposed car park would also address current parking problems from JLR employees/ contractors on the adjoining residential roads. There would be no increase in employee numbers at the site.
- 6.19. In order to forecast the traffic impact of the development, the local highway network assessment undertaken by JLR at peak periods (0600-0700, 1400-1500) and network peak periods (0800-0900 and 1700-1800) demonstrates that the majority of development-related movement occurs outside the local network peak period. There would be 375 car sharing spaces within the development site, which is increase from 100 spaces allocated within West car park. A Travel plan condition would be imposed in line with the supporting document "Framework Travel Plan" to

implement sustainable initiatives and to meet targets for the reduction in single car occupancy trips.

- 6.20. I note concerns have been raised by neighbours with regards to displacement of parking during construction of the decked car park. The parking management strategy states that there would be a displacement of 500 non-car-share parking spaces as a result of development of the storage building on West car park and the proposed Kingsbury Road multi-storey car park. The supporting statements confirm that there is some capacity at the Cyclone site (Chester Road) and JLR are in negotiation to lease further sites to accommodate displaced parking provision and provision of a shuttle bus. Transportation Development have recommended a condition for an updated parking management strategy to be submitted prior to any reduction in capacity at Kingsbury Road car park.
- 6.21. The applicant has confirmed that the current Kingsbury Road left-in/ left-out priority junction suffers from congestion at JLR's peak periods with queues forming at the access to the Kingsbury Road frontage. The replacement of the existing junction and creation of a new signalised cross junction would allow additional turning movements on Kingsbury Road (A38) that would be subject to a S.278 (highway works) condition. The existing surface level car park to the west of the site would remain operational during the construction process, Transportation Development have recommended that there would be a need to provide a programme of phasing works to ensure that the delivery of S.278 works can satisfactorily and safely accommodate employee and construction traffic without undermining safety and free-flow of traffic on adjoining highways. Transportation Development have also recommended as part of S.278 agreement to provide lighting spillage details for any on-site lighting and its potential impact on adjoining highways.
- 6.22. With regards to the adjoining neighbours' concerns about the impact of construction traffic and overspill of parking onto residential roads during construction, I consider that it is reasonable to attach a condition for construction management requiring details to be provided for the routing of HGV's and other construction related vehicles to include a plan that identifies contractor parking, loading/ delivery areas etc. within the site.
- 6.23. I consider that, subject to the above conditions, the proposal is unlikely to have an adverse impact on highway safety within the immediate area.
- 6.24. **Impact on locally listed buildings** – An Archaeology and Heritage Statement accompanies the application. There are two Locally Listed Buildings – the Dunlop Exhibition Centre to the west and Fort Dunlop to the south of the application site. The surrounding area is predominantly industrial in character. There are also no known archaeological remains within the site or within the wider study area. The Conservation and Archaeological Officer has raised no objections to the proposal.
- 6.25. **Other third party concerns** - I note concerns have been raised by The Canals and River Trust with regards to the existing access arrangement to the canal towpath from the application site. The applicants have been liaising with The Canal and River Trust and have been unable to obtain any new information on their access rights over third party land. Access issues over third party land are civil and not matters over which the Council can arbitrate. The applicants have however designed the car park to show the existing access to the canal towpath being retained.
- 6.26. **Community Infrastructure Levy** - The proposed development would not attract a CIL contribution.

## 7. Conclusion

- 7.1. The proposal is considered to accord with the guidance contained within the NPPF, Adopted UPD and Draft BDP as it would provide multi-storey decked and surface level car park to the wider Jaguar Land Rover Plant. The proposed scheme is well-designed; scale, massing and appearance is considered acceptable and would accord with the general character and appearance of the surrounding area. The proposal would not adversely impact upon highway safety or residential amenity. The proposal is therefore recommended for approval subject to conditions.

## 8. Recommendation

### 8.1. Approved subject to conditions

- 
- |    |  |
|----|--|
| 1  | Requires the prior submission of sample materials  |
| 2  | Requires the implementation of a contamination remediation scheme in accordance with approved Remediation Strategy.    |
| 3  | Requires phasing plan for the retained operation of Kingsbury Road car park and associated access                      |
| 4  | Requires the submission of cycle storage details prior to occupation   |
| 5  | Requires the prior submission of a parking management strategy   |
| 6  | Requires the prior submission of a construction method statement/management plan                                       |
| 7  | Requires the prior submission and completion of works for the S278/TRO Agreement                                       |
| 8  | Requires the applicants to join Travelwise   |
| 9  | Requires the parking area to be laid out prior to use  |
| 10 | Requires the prior submission of a drainage scheme   |
| 11 | Requires the submission of a sustainable drainage scheme prior to construction of any buildings or above ground works. |
| 12 | Requires the scheme to be in accordance with the listed approved plans   |
| 13 | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan                                 |
| 14 | Requires the prior submission of level details   |
| 15 | Requires the submission of hard and/or soft landscape details prior to occupation                                      |
| 16 | Requires the submission of hard surfacing materials prior to occupation  |
| 17 | Requires the submission of a landscape management plan prior to occupation   |
| 18 | Requires the submission of boundary treatment details prior to occupation  |
-



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- 19 Requires removal of any trees and vegetation on former Frankie and Benny's site under a watching brief by qualified ecologist.
  - 20 Requires the submission of a method statement for the removal of invasive weeds prior to occupation
  - 21 Requirements within pre-defined tree protection areas
  - 22 Requires the prior submission of a lighting scheme
  - 23 Limits the approval to 3 years (Full)
- 

Case Officer: Mohammed Akram

## Photo(s)



Figure 1: View from Kingsbury Road



Figure 2: Aerial view of the proposed multi-storey decked and surface level car park



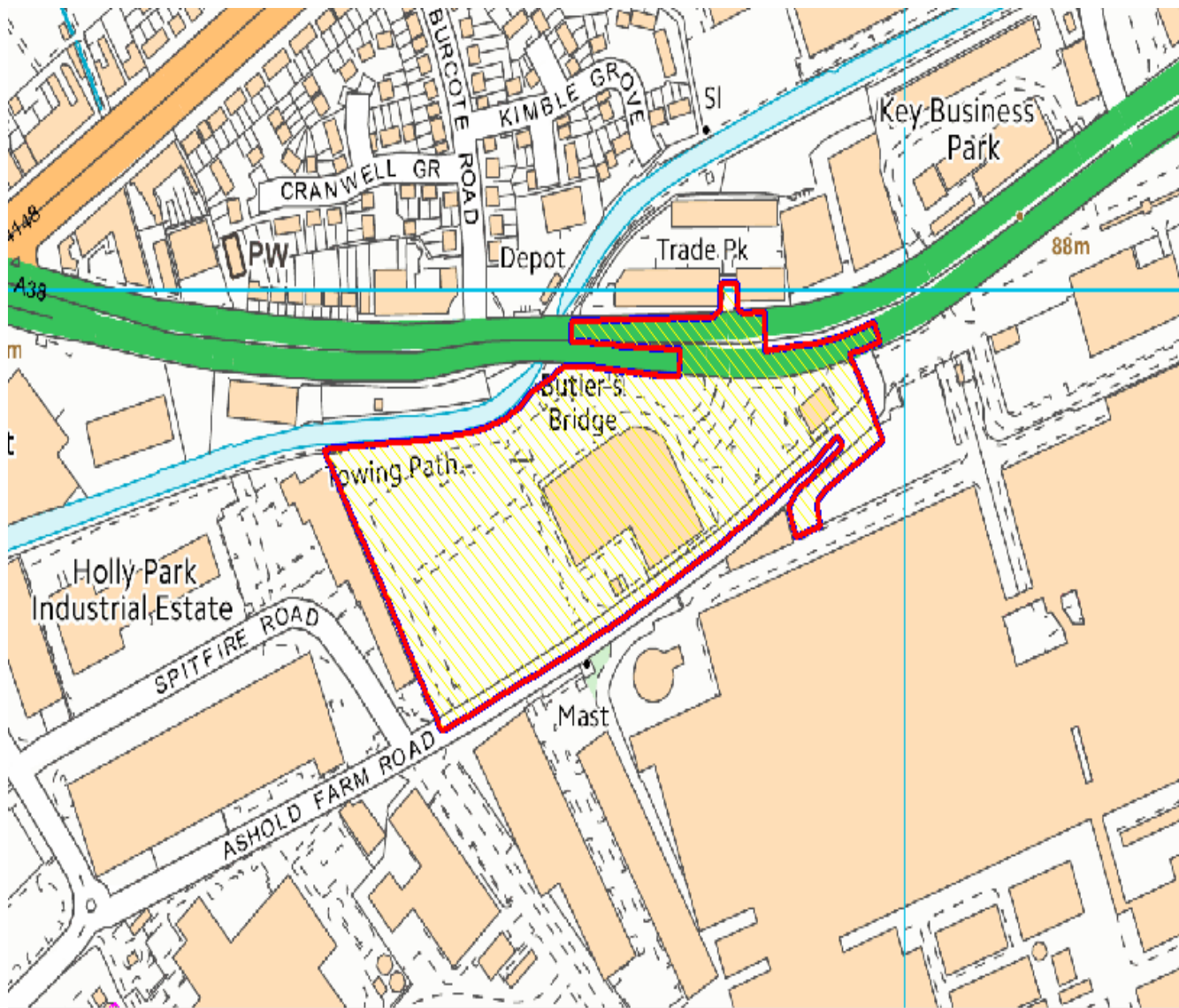


Figure 3: View from Kingsbury Road



Figure 4:View from Kingsbury Road

## Location Plan



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Committee Date:	28/04/2016	Application Number:	2016/01146/PA
Accepted:	15/03/2016	Application Type:	Full Planning
Target Date:	10/05/2016		
Ward:	Nechells		

316 Green Lane, Bordesley Green, Birmingham, B9 5DP

Retention of change of use from shop (Use class A1) to beauty salon (Use Sui Generis) and erection of first floor rear extension with external steel staircase

Applicant: Mr M Rashid  
 316 Green Lane, Small Heath, Birmingham, B9 5DP  
 Agent: Space Design Planning  
 75 Drews Lane, Ward End, Birmingham, B8 2QE

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Consent is sought for the retention of change of use of ground floor from shop (Use class A1) to beauty salon (Use Sui Generis), erection of a first floor rear extension and installation of an external staircase to the rear of 316 Green Lane, Bordesley Green.
- 1.1. The hours of operation are 0800 hours to 2100 hours daily. There would be 2 full-time and 1 part-time employment positions.
- 1.2. The internal floor plans of the ground floor show a reception area, two treatment rooms and WC facilities.
- 1.3. The proposed extension would provide additional storage space on the first floor for the existing beauty salon. The proposed development would be designed with a pitched roof and would be constructed out of brickwork. The extension would measure approximately 6.8m in depth, 3.7m in width and 4.26m in height. There would be an external steel staircase and handrail above an existing single storey flat roof extension. The new internal usable floor area created would be approximately 21.5sqm (total).
- 1.4. The application has been referred to Committee as the applicant is related to a member of staff.

1.5. [Link to Documents](#)

2. Site & Surroundings



- 2.1. The application premises is a beauty salon (Use Sui Generis) with storage at first floor level. There is a two storey rear wing and a single storey infill extension. The premise is located within a predominately commercial area with residential properties to the rear. The application premise is located within the Primary Shopping Area of Green Lane Neighbourhood Centre.
- 2.2. The neighbouring premises have similar extensions to the rear; in particular, No. 318-324 and 312-314 Green Lane which have single storey and first floor rear extensions. These properties have retail uses on the ground floor with residential accommodation above.
- 2.3. The nearest residential dwelling is No. 1 Palace Road which is separated by a shared alley to the rear of the application premise. There is a two storey rear wing and a single storey rear extension.

2.4. [Site Location](#)

3. [Planning History](#)

- 3.1. No relevant planning history.

4. [Consultation/PP Responses](#)

- 4.1. Adjoining occupiers and Ward Councillors consulted – One response has been received. Objections have been raised with regards to overlooking and loss of privacy. Further concerns have been raised with regards to noise and rubbish dumped in the shared alley during construction.
- 4.2. Regulatory Services - No objections, subject to conditions for noise insulation, restrictions on noise levels for plant and machinery and hours of operation.
- 4.3. Transportation Development – No objections.

5. [Policy Context](#)

- 5.1. Relevant National Planning Policies:
  - National Planning Policy Framework (2012).
- 5.2. Relevant Local Planning Policies:
  - UDP (2005);
  - Draft Birmingham Development Plan (2013);
  - Places for Living – SPG (2001);
  - SPD Shopping and Local Centres (2012).

6. [Planning Considerations](#)

- 6.1. The main considerations in the determination of this planning application are the principle of the proposal in this location, the effect upon the visual amenity of the site and surrounding area, residential amenity and highway implications.

**Principle of Development**



- 6.2. The application site is located within the Primary Shopping Area of Green Lane Neighbourhood Centre. The beauty salon (Sui Generis use) with storage above, would comply with the SPD Shopping and Local Centre policy, which seeks to locate such uses within neighbourhood centres. Policy 1 of the SPD Shopping and Local Centre advocates that 50% of units within the Neighbourhood Centre should be retained in retail (Use Class A1). There are a total of 51 units within Green Lane Neighbourhood Centre, out of which there would be 38 units (approximately 74.5%) retained within retail (Use Class A1), including 1 vacant unit. Consequently, I consider that the proposal would accord with aspirations laid out within the Unitary Development Plan and NPPF, and the Council's own SPD.

### **Design and Visual Amenity**

- 6.3. The proposed layout, design and external appearance of the development including the proposed external staircase is appropriate in this location and would be consistent the general character of the surrounding area. The proposed extension would be constructed of brick with a pitched roofed design. There are a number of similar extensions at neighbouring premises and the proposed development would not compromise the existing character or have a detrimental impact on the street scene being located to the rear of 316 Green Lane. I therefore consider that the scale, mass and design would be acceptable.

### **Residential Amenity**

- 6.4. The proposal would provide additional storage space for the existing premises with an external staircase to the rear. I note the objections raised above, however, the proposal directly faces the flank wall of 1 Palace Road. As such, there would be no adverse impact on the amenities of the occupiers of the adjacent properties by virtue of loss of privacy/overlooking. Consequently, all distance separation guidelines contained within 'Places for Living' would be met in terms of windowed elevations and existing private amenity space.
- 6.5. It is acknowledged that the development fails to meet the required 12.5m distance separation for windowed elevations and one and two storey flank walls opposite as contained with 'Places for Living'. I note that there is a first floor side facing kitchen window to No. 312-314 Green Lane. However, this is not the sole source of light to this room. As such, the development would not compromise the amenity levels of that room to warrant refusal of the application. The proposed development also complies with your Committee's 45 Degree Code.
- 6.6. I note that Regulatory Services have assessed the scheme and raise no objections, subject to conditions for noise insulation, restrictions on noise levels for plant and machinery and hours of operation. The application premise is located in an established local centre; as such I consider that it is not necessary to impose a condition to restrict the hours of operation between 0800 hours to 2100 hours daily. The appropriate noise insulation/noise levels conditions are attached.

### **Highway Safety**

- 6.7. Transportation Development have raised no objections to the proposals. It is considered that the additional storage space created would not result in an increase in parking demand. The site is located within the Primary Shopping Area of Green Lane Neighbourhood Centre which benefits from good public transport accessibility. The traffic generated is unlikely to differ from that generated by the existing use. I

consider that proposal is unlikely to undermine highway safety within the vicinity of the site.

### **Other Matters**

- 6.8. Notwithstanding the neighbour objection raised above, the proposed development may generate some noise issues during building works and any debris created would be for a short term period.

*“The proposed development does not attract a CIL contribution.”*

### 7. Conclusion

- 7.1 The proposed development is appropriate in this location and would be unlikely to have an adverse impact upon residential or visual amenity or highway safety. The application is in accordance with relevant policy and guidance and planning permission should be granted subject to the following conditions.

### 8. Recommendation

- 8.1. Approve subject to conditions.

- 
- |   |  |
|---|--|
| 1 | Limits the noise levels for Plant and Machinery                        |
| 2 | Requires details of noise insulation (variable) within 1 month         |
| 3 | Requires that the materials used match the main building               |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
| 5 | Limits the approval to 3 years (Full)                                  |
- 

Case Officer: Chantel Blair

## Photo(s)



Figure 1: Front view



Figure 1: Rear View



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**28 April 2016**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	13	2016/01385/PA  Newman University Genners Lane Bartley Green Birmingham B32 3NT  Demolition of existing education use buildings (855sqm GIA) and student residences (520sqm GIA, 18 bedspaces- Newman Close), change of use of students halls of residence (362sqm GIA, 16 bedspaces) to further education space, erection of new education building (966sqm GEA) and three new phased blocks for the purpose of Halls of Residence (10,446sqm GEA, 298 bedspaces), improved/reconfigured car parking resulting in an increase of parking from 265 spaces to 350 spaces and associated landscaping.
Approve - Conditions	14	2016/01039/PA  Land to rear of Nos. 9, 11 & 15 Lutley Grove Bartley Green Birmingham B32 3PN  Erection of 2 bungalows and associated works



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Committee Date:	28/04/2016	Application Number:	2016/01385/PA
Accepted:	18/02/2016	Application Type:	Full Planning
Target Date:	19/05/2016		
Ward:	Bartley Green		

Newman University, Genners Lane, Bartley Green, Birmingham, B32 3NT

Demolition of existing education use buildings (855sqm GIA) and student residences (520sqm GIA, 18 bedspaces- Newman Close), change of use of students halls of residence (362sqm GIA, 16 bedspaces) to further education space, erection of new education building (966sqm GEA) and three new phased blocks for the purpose of Halls of Residence (10,446sqm GEA, 298 bedspaces), improved/reconfigured car parking resulting in an increase of parking from 265 spaces to 350 spaces and associated landscaping.

Applicant:	Newman University
Agent:	Genners Lane, Bartley Green, Birmingham, B32 3NT, Delta Planning 1 Chester Court, 1677a High Street, Knowle, Solihull, West Midlands, B93 0LL,

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Recommendation

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

1. Proposal

1.1. This application seeks planning permission for the erection of student halls of residence, the erection of a new building for education purposes, the change of use from some existing halls of residence to further teaching area and the reconfiguration/creation of car parking. To enable some of these works to take place it is proposed to demolish Newman Close (four houses on the western corner of the campus used as student residence) and four free-standing buildings, on the east side of the campus.

1.2. The proposal is set out as a multi-phased project with 6 separate phases forming the full scheme. They consists of;

- Phase 1A – Newman Close demolition, change of use of Littlemore and Oxford Halls and formation of new car park
- Phase 1B – student residential block 1, new education building, and further parking
- Phase 2A – reconfigured car park in between Newman Close and the main buildings
- Phase 2B – demolition of education buildings, erection of student residential block 2 and new car park to the east of the main buildings

- Phase 3A and 3B – student residential block 3
- 1.3. The phasing is set out on phasing plan ADP-00-00-DR-A-1030.
  - 1.4. Halls of residence
  - 1.5. The proposed Halls of Residence would consist of three blocks with 298 bed-spaces, each block being 47m long and 14m wide. These are proposed to be built as three separate phases, phase 1 being most northerly, phase 2 to the south of phase 1 and phase 3 being in the southeast corner of the campus. These blocks would be 5 stories (19m high), apart from phase 3 which would include a lower ground floor for its northern wing. The blocks would be arranged in a loose 'string of pearls' adjacent to the eastern boundary to the campus. The blocks would be adjacent to a strip of public open space. These blocks would be set back from the boundary of the open space by varying distances, ranging from 2m to 8m. The halls would have a total floor-area of 10,446sqm (Gross External Area- GEA). Front doors would face west, into the campus.
  - 1.6. The halls would have two 'wings' and a centre glass lobby as circulation space, lift and stairwell access. Each wing would consist of brick walls, with 'floor to ceiling' aluminium framed glass panels and integrated louvres, marking the location of each student room and creating a strong horizontal and vertical grid form. The buildings would also have a parapet top creating a crisp finish with lift over-runs in small brick clad buildings in the centre of each roof. Each student living area would consist of a modular design, with either 5 or 6 bedrooms (with en'suite) and a communal lounge/kitchen area. Student bedrooms would be either 13.5sqm or 27sqm (for accessibility rooms). A wing, in the student blocks of phase one and two, would include some servicing areas including office, laundry, IT /Comms, heating and switch room. The blocks would have photovoltaic panels installed on their flat roofs-behind the parapet walls.
  - 1.7. New education building
  - 1.8. A two storey extension, of the main teaching building, is also proposed. This is annotated as the 'Sturge' extension. It would be 32m wide and 15m deep. This would be located on the eastern side of the main campus buildings. It would be of a similar architectural style of the existing building, but with contemporary styling. This extension would consist of brick with large vertical glazed sections, providing light to both ground and first floor space (with a small spandrel band to the floor slab between ground and first). It would have a total floor-area of 966sqm (GEA) and provide 10 new classrooms.
  - 1.9. Proposed change of use
  - 1.10. The scheme also includes the change of use of an existing integrated students halls of residence Littlemore and Oxford Halls (362sqm GIA, 16 bed-spaces) to further education space in two wings in the NW area of the main buildings.
  - 1.11. Changes to the Car Parking
  - 1.12. The proposed changes to the car park areas would result in a reconfigured car park and new landscaped areas which would result in an increase of parking from 265 spaces to 350 spaces. The two main areas subject to change would be to the west and northeast of the main campus. The area to the west of the main building is currently occupied by Newman Close and consists of 4 houses. The new car park

would connect into the main car park, behind 42-46 Genners Lane and the current access onto Genners Lane (for Newman Close) would be blocked off. This car park provides areas for landscaping to its perimeter. The second area of new parking, to the northeast of the main building, is located to the rear (west) of two flats located above 6 garages; 37-39 Grazebrook Croft. This area is currently a grassed space between buildings.

1.13. Proposed demolition

1.14. To facilitate the above new works some demolition is required. This requires the removal of existing education buildings; principally the Friere Building, MaCauley Building, a substation and nursery (855sqm GIA), and Newman Close (student residences of 520sqm GIA) consisting of 4 two storey flat roofed houses with a total of 18 bed-spaces.

1.15. The scheme includes the removal of 10 trees and 2 tree groups, the individual trees consist of 4 category B trees and 6 category C. The two tree groups consist of category C and category U (dead/dying/diseased).

1.16. The application has been supported by a Design and Access statement and Phasing Plan, Transport Assessment, Travel Plan, Tree Survey, Drainage Strategy, Site Investigation, Planning Statement and Ecological Survey (including bat survey).

1.17. Site area 2ha.

1.18. An Environmental Impact Assessment (EIA) Screening opinion was undertaken at a pre-submission stage and it was determined that an EIA would not be required.

1.19. [Link to Documents](#)

2. Site & Surroundings

2.1. The campus consists of a range of education buildings ranging in height from 2 stories to 6 stories. The site slopes from east down to the west dropping from 192AOD to 177AOD, with a consequent fall of 15m (west to east). Equally the site slopes from the front (south) to the rear (north) with a variance of 190AOD to 184AOD, as such the site falls by 6m, front to back. There is also an embankment on the NE boundary (facing onto 18-28 Grazebrook Croft) this results in the off-site houses being around 3m lower than the lowest part of the application site.

2.2. The site lies on the very south-western fringe of the city, adjacent to Green Belt countryside. Bartley Reservoir lies on the opposite (south) side of Genners Lane, including Bartley Sailing Club and its vehicular access. School playing fields are opposite to the south-west, with frontage vegetation screening. The college site is bounded by grassed public open space to the east, with housing beyond on Kineton Croft. More 1960s - 1970s housing lies on the site's north-eastern boundary, on Grazebrook Croft.

2.3. The site's western, northern and north-western boundaries are formed by the back gardens of semi-detached houses on Highmore Drive, Grazebrook Croft and Genners Lane. Apart from a few later buildings, most of the college site dates from 1968, with red-brown brick buildings with concrete horizontal banding, and of single and two stories. A recent new frontage extension has been completed which is part three and part two stories consisting of a new library, classrooms and entrance

lobby. The campus ownership has recently been extended to the northeast incorporating a site which was formerly a 12 storey residential block of flats (now demolished).

- 2.4. Two student residential accommodation blocks at the western side of the campus are of six stories each and consist of 183 student bed-spaces.
- 2.5. The campus has many trees providing a strong coverage with trees located both within the site and on large parts of the perimeter.

2.6. [Site Location Plan](#)

3. [Planning History](#)

- 3.1. Various planning application for extensions and alterations.
- 3.2. 11/03/10. Pa no 2009/06353/PA. Erection of two and three storey entrance, library and teaching building, with associated new parking, fronting onto Genners Lane. Two storey extension and external ground-works to gymnasium. Two storey extension, new canopy and external ground-works to sports hall. Sixteen new parking bays sited near, but not accessed off, Grazebrook Croft, and seven new parking bays to the rear of 19 and 21 Highmore Drive. Approved.
- 3.3. 29/01/16. Pa no 2015/10374/PA. Refurbishment and improvements to the Julian of Norwich building including full refurbishment of the ground floor into purpose designed teaching accommodation, erection of a new single storey teaching extension and bridge link above, repairs and improvements to the existing chapel, external landscape changes to accommodate the bridge link, removal of existing step and planting beds. Approved.
- 3.4. PENDING. 2016/01996/PA. Installation of replacement artificial sports pitch and associated 5m high ball stopping steel mesh fencing, relocation of fencing enclosure and creation of new hard standing accesses, external storage container for maintenance equipment and refurbishment of existing floodlights. No yet determined.

4. [Consultation/PP Responses](#)

4.1. [Consultation](#)

- 4.2. Transportation – No objection, subject to conditions to require cycle parking, car park management plan, prevent mud on the highway, signage for the entry and exit points into the car park, details of public right of way route through the new car park and subject to the applicants entering into a S106 Agreement to provide the funding for Traffic Regulation Orders to manage any off-site parking issues.
- 4.3. Police – No objection, they advise that this development is built to security standards suggested within Police crime reduction initiative guidance 'Secured by Design'.
- 4.4. Local Lead Flood Authority – The proposed discharge rates 5l/s for the Eastern Area, 2.2l/s for the new western car park and use of infiltration with overflow for the existing car park are acceptable, in principle, to the LLFA. As the proposed discharge is to Severn Trent Water (STW) sewers, evidence that the proposed discharge location(s) and rate(s) are acceptable to STW is required. No objection to

the application subject to conditions for a surface water drainage scheme and sustainable drainage operation and maintenance plan

- 4.5. Severn Trent – No objection subject to a condition to secure a sustainable drainage plan.
- 4.6. National Grid – No response.
- 4.7. Regulatory Services – No objection subject to conditions to secure contamination investigation, associated verification report, cumulative plant noise limits, construction method statement/management plan and the provision of a vehicle charging point.
- 4.8. Leisure Services – No objection to the application, this development would not be subject to any off site Public Open Space (POS) or play area contributions. We would point out that the application site is adjacent to existing POS owned and maintained by the Parks service. We would expect a secure and robust boundary to be maintained with this POS with existing trees and vegetation currently along the boundary to be protected and retained during the construction process.
- 4.9. Centro – no response.
- 4.10. Public Participation
- 4.11. Residents, Resident Associations, Councillors and the MP consulted. 4 Site Notices erected, press notice made.
- 4.12. Two letters of objection with concerns in regard to;
  - On-street parking problems on Genner's Lane and the impact this has on the safety of pedestrians.
  - The use of car park behind 37-39 Grazebrook Croft would cause disturbance to residents through noise.
  - The new student halls would cause noise and disturbance.
  - Disturbance during construction.
  - Impact on wildlife

## 5. Policy Context

- 5.1. National Planning Policy Framework (2012), National Planning Policy Guidance (2014).
- 5.2. Birmingham UDP (2005); Draft Birmingham Development Plan; Car Parking Guidelines (2012) SPD. Places for All (SPD). Places for Living (SPG)

## 6. Planning Considerations

### 6.1. Principle of use

- 6.2. The NPPF includes three dimensions to sustainable development, being; Economic, Environmental and Social. Recently the NPPF and appeal decisions have

established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. There is also a strong emphasis on providing new development, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising previously developed (brown-field) sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling.

- 6.3. Policy 4.55, of the adopted UDP, acknowledges that a skilled and motivated workforce is a pre-requisite for a successful economy and the City's education and training institutions are the key to help achieve this. The Policy concludes that "it is important that these institutions are encouraged to thrive..." and that their "...improvement and expansion will be encouraged".
- 6.4. In terms of principle, I consider that improved education and resident facilities on this campus, can be acceptable in principle subject to considerations in regard to design, scale, parking and impact on residential amenity.
- 6.5. Design
- 6.6. In terms of design, paragraph 3.14 of the UDP identifies that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It also requires developers to consider the site in context and states that to avoid problems of piecemeal and incremental development, comprehensive master plans should be prepared. Paragraph 56 of the NPPF states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."
- 6.7. The scheme consists of a new education building and three blocks of new student halls and is supported by a detailed master-plan with the three student blocks proposed to be delivered as three phases of development.
- 6.8. The education building would have a total floor area of 966sqm (GEA). It would be arranged over 2 floors with a similar design which would be high quality and continue the themes and scale established in the refurbished main building with flat roofed contemporary components and the use of contemporary materials. The original building has an established grid form with wings either running north/south or east/west. The proposed footprint reinforces this with a similar arrangement.
- 6.9. The halls of residence would have a total floor area of 10,446sqm (GEA). It would be arranged over 5 floors (apart from block 3 which would have a small lower ground floor level) with a contemporary design, with large glass areas and a brick grid form which would result in a high quality design.
- 6.10. The issue of scale has been carefully considered by officers. The campus has some significant scale on-site with existing halls being 6 stories, located on the highest land. The scheme proposes to locate three new blocks (each 5 stories high) adjacent to an area of public open space. The scale is appropriate due to the context of existing buildings on-site. The proposed scale also suits the site due to the scale of the demolished 12 storey tower block on site, the change in levels, the

mass of the existing university buildings, separation distance from adjacent residential properties and space created to the side of the blocks by being located adjacent to the 50m wide area of open space to the east. The three new blocks would form a defined boundary to the POS and would create a successful form of enclosure to the open area to its east.

- 6.11. In terms of intensity the scheme represents a significant uplift of floor area, mass and scale. This is partly off-set by the proposed demolition and partly acceptable as the site is large enough to accommodate further development within its limits on land which could be considered as underused. Furthermore, the proposal is supported by a comprehensive master-plan which explains how increased parking demand can be accommodated on-site and which represents a coordinated and holistic design solution for the campus.
- 6.12. The scheme is proposed to be built using best sustainability principles through the use of PV solar panels, sustainable drainage, energy efficient lighting, low water usage, a CHP system and solar control glazing.
- 6.13. Impact on residential amenity
- 6.14. The scheme includes three key areas of change; the new car park to the northwest, the new car park behind 37 and 39 Grazebrook Croft and the row of new student halls to the east.
- 6.15. The new car park, to the northwest would include the demolition of four flat roofed houses and laying out for 80 parking spaces, associated manoeuvring areas and landscaping. Re-configured parking would also be provided between Highmore Drive houses and the main campus buildings. The car parking is adjacent to the residential properties to the northwest and northeast boundaries and University owned houses to the south east. There is one house to the distant southeast, which is privately owned (46 Genners Lane) currently in use as a house in multiple occupation. The house to the northwest boundary (16 Genners Lane) is 5m from the development site boundary and presents its flank wall and rear elevation to the site. The houses to the northeast boundary (7-21 Highmore Drive) are pairs of two storey semi-detached houses and a minimum of 11m from the boundary. The proposed new car park area would remove 4 houses which are set at a minimum of 8m from NE and 3m from the NW boundaries. Trees on the NE boundary would be retained to provide screening. A landscape strip would be provided between the car park edge and street boundary to enable some screening to be provided. I consider that the proposed new car park would remove some overlooking from houses proposed to be demolished and create a more open site which would include outlook. I also consider that a detailed landscape scheme would suitably soften and screen the car park with benefits to both residential outlook and create an improved impact on the street-scene. I recommend that any car park lighting is detailed by a carefully designed lighting scheme and the location and height of luminaires is agreed by condition.
- 6.16. The second area of change would result in the creation of a new car park behind 37 and 39 Grazebrook Croft. These residential properties are flats above a row of 6 garages. The rear gardens range from 5m to 8m deep. New parking beyond the rear gardens would be a minimum of 1.5m but mostly 3-8m distant. There would be further new parking between Grazebrook Croft and Building 1B. There is an existing car park to the south of these properties, 40m distant, and therefore some noise (from the cars manoeuvring and from car users) would already be evident to some extent in this part of the campus. I note that Regulatory Services have not raised



concerns in regard to noise nuisance, on this part of the campus nor the north-western proposed car park extension. Whilst car parking would be closer to residential properties at both sites, I find the relationships acceptable subject to boundary treatment, landscaping and a detailed lighting scheme being agreed by condition.

- 6.17. The third area of change would be in regard to the proposed three blocks of student halls of residence. These would be 5 stories each and arranged adjacent to the eastern boundary. The eastern boundary of the campus is adjacent to a wide strip of public open space, which connects to Sennellys Park in the distant north. The strip is a minimum of 50m wide and residential estates are beyond (Athol Close and Kineton Croft). The main fenestrated elevations of the proposed blocks look east and west. Most dwellings of Athol Close and Kineton Croft look north and south and as such direct overlooking would be impossible from the student blocks. Two dwellings (30 and 32 Kineton Croft) present rear elevations onto the strip of POS and would directly face windowed elevations of the student blocks, however as the separation distance is over 50m I do not consider that any substantial overlooking would occur. I am mindful of 'Places for Living' separation distance expectations which would require a separation of 22m, between principal elevations and 5m per storey; requiring 35m. The space defined exceeds both of these expectations. I am also satisfied that the new car parking shown in front of block 1 would not cause significant noise disturbance as it is adjacent to the existing road (Grazebrook) and as such would not appreciably raise ambient noise.
- 6.18. There is a pinch point at the northern most part of the site where the proposed student block 1 would present an end wing 24m from a two storey row of terraced properties (18-28 Grazebrook Croft), the submitted cross section (reference ZZ-DR-A-1102) illustrates that the 5 storey block (18m high) would be 13m from the NE boundary of the site, and 22m from the front elevation of the nearest house on Grazebrook Croft and a land level fall of 2.4m down to 28 Grazebrook Croft. The Floor plan illustrate that the northern wing, of this block, has two six bedroom modular student 'flats' with a communal room (lounge and kitchen) adjacent to the end wall on each floor. The layout plan shows that the principal windows are on the front and rear and the side elevation only has a much smaller (0.8m wide) secondary kitchen-lounge window which would reduce the opportunity for overlooking. The end elevation would mostly consist of aluminium panels that would maintain the architectural brick grid formation evident on the adjacent elevations. I consider that it is necessary, in the interest of overlooking, to require all side widows to be obscurely glazed; this can be secured by condition. I am mindful that separation distance expectations within 'Places for Living' would seek 12.5m between a principal elevation and a side elevation; this is well exceeded in this case.
- 6.19. I am also mindful that the site, for proposed block 1, was previously the site of a residential tower block which was 12 stories high. This was demolished 5 years ago but would have had a greater impact on the local residential area, in terms of outlook, overlooking and overshadowing, than the current scheme due to its height. Although, it is noted also that the previous tower was set slightly further away from 28 Grazebrook Croft, with a separation distance of 29m. There is scope for screen planting to help mitigate this impact but overall I consider that the distance, use of obscure glazing and the orientation of the block results in an acceptable relationship.
- 6.20. Transportation Issues
- 6.21. Policy 6.49B, of the UDP, seeks new development to make adequate parking provision to meet all transport needs. The NPPF states that "when setting parking

levels LPA's should take into account the accessibility of the site, the type, mix and use, access to public transport, local car ownership and the overall need to reduce high emission vehicles". It is considered that the site is in a sustainable location with good access to public transport and the City Centre generally. Five bus routes provide a frequent public transport service from the site to other destinations, including the City Centre and University Station (via the 002, 18,22, X64 and 202 services).

- 6.22. The University has a capacity to accommodate 3,000 Full Time Equivalent (FTE) students, but this roll has dipped in recent years (to 2,377FTE). However, the University has confirmed that a recent student survey audit showed that the peak number of students on site at any one time was only 820, and this peak only occurs during their Autumn term, before students begin to go out onto placements in local schools. The application includes improvements to the campus (and especially the on-site residential accommodation offer) to help return the roll to previous levels of occupancy. The University also seek to increase staff numbers from 320 to 351.
- 6.23. The scheme includes the provision of 298 new bed-spaces in three blocks of halls of residence. The University have 183 bed-spaces in existing halls, the current proposal includes the demolition of Newman Close (consisting of 18 bed-spaces) and a change of use of 16 further bed-spaces (within the main campus) to educational use. As a result, the proposal includes the removal of 34 bed-spaces from the existing 183 provision, giving a reduced offer of 149 bed-spaces of existing stock. The reduced accommodation, plus the proposed, would result in a maximum number of 447 bed-spaces being potentially available on-site at any one time. The University intends to remove sub-standard halls in due course (all the existing 183 bedspaces), as the new-build accommodation becomes available.
- 6.24. The adopted Car Parking guidelines SPD, identifies that the site is within area 3. In this location the Car parking SPD seeks maximum parking provision of 1 space per 2 staff, 1 space per 15 students for education space and 1 space per 5 bedrooms for halls of residence.
- 6.25. Parking is currently provided on-site (with 265 spaces) and through an agreement with the sailing club opposite (for a further 66 spaces). The scheme proposes an increase of 85 spaces, resulting in parking provision of 350 spaces. Based on a maximum 820 students being on site, the parking guidelines (1 space per 15 students) could have up to 55 parking spaces. For 351 staff this would be 176 spaces (1 space per two staff). The halls of residence would have a maximum of 89 spaces. This facility therefore should have as a maximum around 320 spaces considering total students, resident students and staff numbers based on the City parking guidelines. However, as the site is on the fringe of the City and with a limited bus service survey, an analysis of the actual parking/travel situation is prudent.
- 6.26. The University undertook a recent parking survey of students, who live on-site within the halls, only 12% drive (22 students of the existing 183 bed-spaces). A second broader survey was undertaken to consider the modal travel habits of both students and staff, this indicated that 60% of staff and 40% of students drive to the site. This data enables a prediction to be made regarding how many parking spaces would be required for the expanded facility. 12% of 447 would result in 54 students potentially arriving to the site by car, 60% of 351 staff would result in 211 staff driving to the site and 40% of (820-447) 373 students who drive but don't have on-site accommodation results in 149 students driving to the site. This would create a predicted demand for 414 spaces, the scheme offers 350 spaces on site and 66 at the sailing club creating a total provision of 416 spaces.

- 6.27. Transportation colleagues are satisfied that there would be sufficient capacity on site for parking needs and recognise that there is on-street parking available if necessary without causing an obstruction in the highway. They recommend that a sum of £15,000 is secured, through a S106 Agreement, to fund the delivery of Traffic Regulation Orders and parking restrictions if on-street parking manifests in unsafe/anti-social locations. Transportation colleagues will undertake some parking monitoring in the unlikely event that on-street parking problems are identified once the works are complete.
- 6.28. It is also noted that a public right of way runs through the site, adjacent to 42 Genners Lane. This is proposed to be retained and accommodated into the new car park. The path is not explicitly detailed through the car park itself and it is recommended that this further detail is required by condition to ensure pedestrian safety.
- 6.29. Trees
- 6.30. Paragraph 3.38, of the UDP, states that "...new developments, particularly those on open land, will be expected to respect, and where possible enhance, the local environment... through the retention of existing trees and through... landscaping schemes". Policy TP7, of the draft BDP, reinforces the importance of the protection of trees and requires new development to allow for new tree planting in public and private domains.
- 6.31. The scheme includes the removal of 10 trees and 2 tree groups, the individual trees consist of 4 category B trees and 6 category C. The two tree groups consist of category C and category U (dead/dying/diseased) trees. There are subsequently relatively few tree removals, proportional to the many retained trees on site. Of the removals, the most notable is the B category Lime tree T1 where the new parking at the North West corner on Genners Lane is within the soft landscape and there are 2 trees in the field alongside Grazebrook Croft. There are several other removals of low quality and U category trees but generally the impact is low considering the scale of the site and the substantial replanting that is proposed including the planting of 47 new trees.
- 6.32. My tree officer notes that there is no statutory tree protection for the site and he does not consider that statutory tree protection is justified to enable refusal for the proposed removals. There are also some points where particular attention would be required in considering how levels would be achieved to retain trees. A condition is recommended to address this issue.
- 6.33. Ecology
- 6.34. Paragraph 3.37, of the UDP, states that the importance of safeguarding and enhancing the natural environment of the City is recognised. Paragraph 3.38 continues that "...schemes...on open land , will be expected to respect, and where possible enhance, the local environment.. with the objective of maximising wildlife value". The NPPF, at paragraph 109, requires the planning system to seek to minimise the impact of schemes on Biodiversity and halt the overall decline. The draft BDP, at Policy TP8, requires all development, where relevant, to contribute to enhancing Birmingham's natural environment.
- 6.35. The application is supported by an ecological assessment and a bat survey. The Ecological Assessment notes that the site is close to Bartley Green Reservoir, this is

a Site of Interests in Nature Conservation (SINC) and a Site of Interest of Local Nature Conservation (SLINC). The report identifies that the proposal itself would include the demolition of some buildings, the loss of some trees and grassland and some land reforming. It found limited ecological interest on-site but included a series of recommendations to respect good practice including a further bat survey of the buildings prior to demolition, ecological enhancement measures where appropriate and good practice during construction. My ecologist has raised no objection to the application and I concur with his findings.

- 6.36. The submitted bat survey makes a number of recommendations for further survey work to be undertaken (sections R1 and R2 of the ecological report). These can be secured by condition. The detailed ecological enhancement strategy can also be secured by condition and would incorporate reference to plant species for pollinators and birds, and bird and bat boxes.

6.37. Drainage

- 6.38. The scheme proposes the introduction of sustainable drainage in the form of permeable paving, infiltration and attenuation.

- 6.39. The proposed discharge rates are acceptable, to the Local Lead Flood Authority (LLFA). The detailed design of the proposed drainage network would be required prior to the discharge of the proposed conditions.

- 6.40. The LLFA recommend that all property floor levels should be set to a minimum of 150mm above surrounding ground levels. It is noted that significant consideration has been given to the Operation and Maintenance of the drainage system. The submission of a copy of the maintenance agreement between Newman University (the identified party responsible for maintenance) and the developer is required which can be secured by condition. A full sustainable drainage scheme and operation and maintenance strategy is recommended to be secured by condition.

6.41. CIL and S106 matters

- 6.42. The Council has adopted CIL charge from 4<sup>th</sup> January 2016. The proposed expanded education space would attribute a zero charge. However, the student accommodation component would attribute a charge of £69 per sqm (GIA).

- 6.43. The CIL regulations allow for CIL money to be paid per building if they are clearly marked as phased development and can be delivered one block at a time. The submission shows how each phase could be built sequentially, with the northern most block being constructed first and the block nearest Cromwell Road being completed last. The submitted application forms specify that the floor area of the student accommodation would be 8,667 sqm GIA (following the deduction of the proposed to be demolished student accommodation of 882sqm GIA). The student accommodation would consist of three distinct phases being;

- Phase One, 108 bed-spaces 3,329sqm GIA following the deduction of 520sqm of existing buildings proposed to be demolished as part of the initial works and the proposed change of use of 362sqm from existing student accommodation to educational use. This would result in 2,447sqm GIA and a CIL sum of £168,843..
- Phase Two, 90 bed-spaces 2,947sqm GIA, and a CIL sum of £203,343.

- Phase Three, 100 bed-spaces 3,581sqm GIA, and a CIL sum of £225,837.

6.44. In terms of S106 matters, the proposal has created the requirement for a sum of £15,000 to be provided to enable Traffic Regulation Orders to place on local roads if parking habits change as a result of this proposal. I am satisfied that this sum is necessary and reasonable to satisfy the tests set out in the CIL regulations.

## 7. Conclusion

7.1. The planning application proposes an extension to the campus building and three blocks of halls of residence within a residential (suburban) area, with residential areas to the north, west and east and open green belt land to the south. It is within a sustainable location with access to public transport and which complies with the requirements of the UDP and the draft BDP. The scheme also supports the City's aspirations to see investment and improvement to education establishments.

7.2. The scale of development is appropriate to the local context, the design meets best design practice in terms of layout, form and appearance and satisfies the design aspirations of the UDP and the NPPF. I do not anticipate undue effects on neighbouring residential amenity due to noise or outlook.

7.3. The scheme retains the majority of trees on site, is designed to retain the most important trees and offer significant compensation to off-set the limited degree of tree removal necessary to facilitate the scheme (to satisfy the UDP). The proposal also satisfies ecological requirements of the UDP.

7.4. The scheme is expected to have no impact on highway safety subject to further Traffic Regulation Orders being deployed on some local roads and constitutes sustainable development.

## 8. Recommendation

8.1. I. That no objection be raised to the stopping up of the areas of public highway on Grazebrook Croft, and within the application site, and that the Department for Transport be requested to make an Order in accordance with Section 247 of the Town and Country Planning Act 1990.

8.2. II. That consideration of Application No. 2016/01385/PA be deferred pending the completion of a suitable Section 106 Legal Agreement to require:

a) A contribution of £15,000 (index linked to construction costs from the date of the committee resolution to the date on which payment is made) to be paid prior to the commencement of development to be spent towards the delivery of Traffic Regulation Orders in the vicinity of the campus, should surveys demonstrate such orders are necessary.

b) Payment of a monitoring and administration fee associated with the legal agreement subject to a maximum contribution of £1,500.

III. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 12<sup>th</sup> May 2016 planning permission be REFUSED for the following reason:-

a) In the absence of a financial contribution (in association with the impact of changes to campus car parking) towards potential local highway improvement

measures and/or parking and traffic monitoring the proposal conflicts with Paragraph 8.51-8.53 of the Birmingham UDP 2005.

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

V. In the event of the Section 106 legal Agreement being completed to the satisfaction of the Local Planning Authority on or before 12<sup>th</sup> May 2016, favourable consideration be given to Application Number 2016/01385/PA, subject to the conditions listed below;

- 
- |    |  |
|----|--|
| 1  | Requires the scheme to be in accordance with the listed approved plans                                       |
| 2  | Requires the scheme to also be in accordance with the listed approved plans                                  |
| 3  | Introduction to Phased Conditions  |
| 4  | Requires the prior submission of a phased contamination remediation scheme                                   |
| 5  | Requires the prior submission of a phased contaminated land verification report                              |
| 6  | Requires the prior submission of recycling centre details  |
| 7  | Requires the prior submission of phased hard and/or soft landscape details                                   |
| 8  | Requires the prior submission of boundary treatment details in a phased manner                               |
| 9  | Requires the prior submission of a lighting scheme   |
| 10 | Requires the prior submission of sample materials in a phased manner   |
| 11 | Prevents occupation until the parking areas have been constructed  |
| 12 | Requires the prior submission of a parking management strategy   |
| 13 | Requires compliance with the Travel Plan   |
| 14 | Requires the prior submission and completion of works for the S278 Agreement                                 |
| 15 | Arboricultural Method Statement - Submission Required  |
| 16 | Requires the prior submission of a sustainable drainage scheme   |
| 17 | Requires the submission of a sustainable Operation & Maintenance Plan  |
| 18 | Limits the noise levels for Plant and Machinery  |
| 19 | Requires the prior submission of a construction method statement/management plan                             |
| 20 | Requires the prior submission of an additional bat survey  |
| 21 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis |
-

- 
- 22 Requires the prior submission details obscure glazing for specific areas of the approved building
  - 23 Requires the prior submission of the Public Right of Way footpath route
  - 24 Requires the prior submission of a landscape management plan
  - 25 Requires the provision of cycle parking prior to occupation
  - 26 Requires the dedicated use of access and egress points
  - 27 Limits the approval to 3 years (Full)
- 

Case Officer: Ben Plenty



## Photo(s)



Fig 1. Newman Close looking south



Fig 2. View of the southeast corner of the campus looking northwest from Cromwell Road

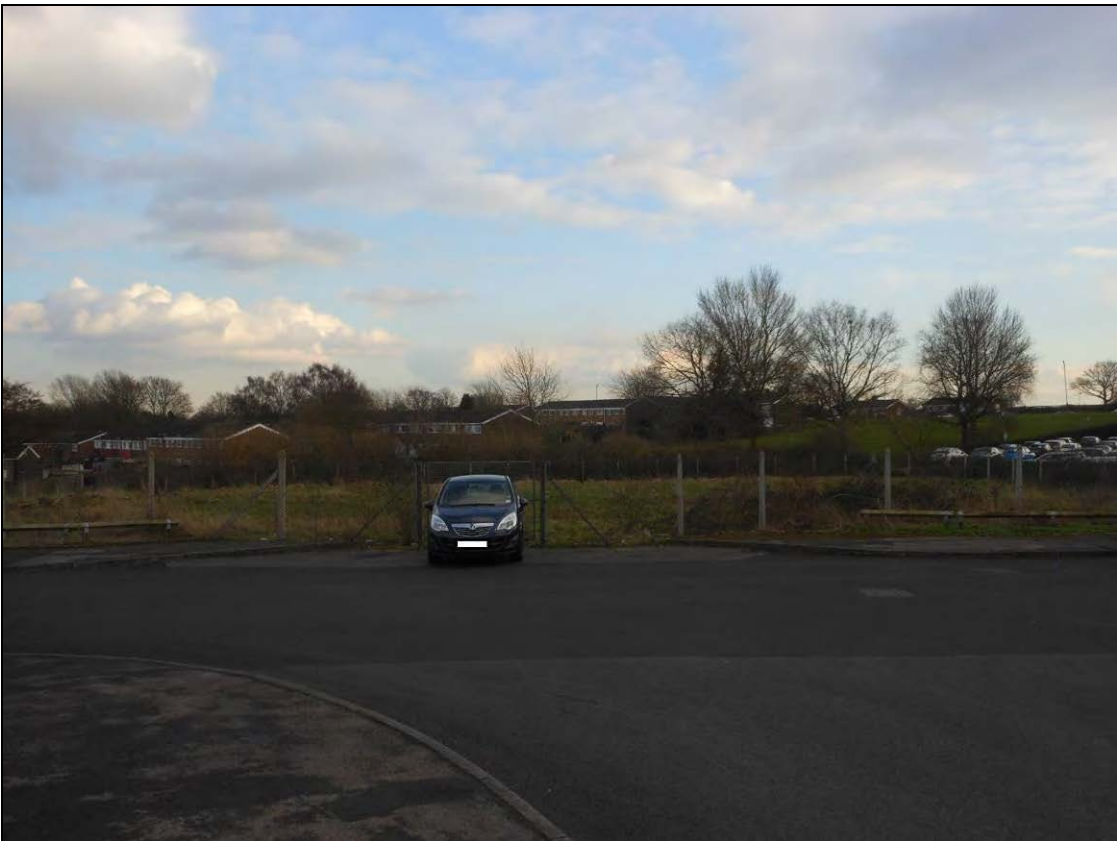


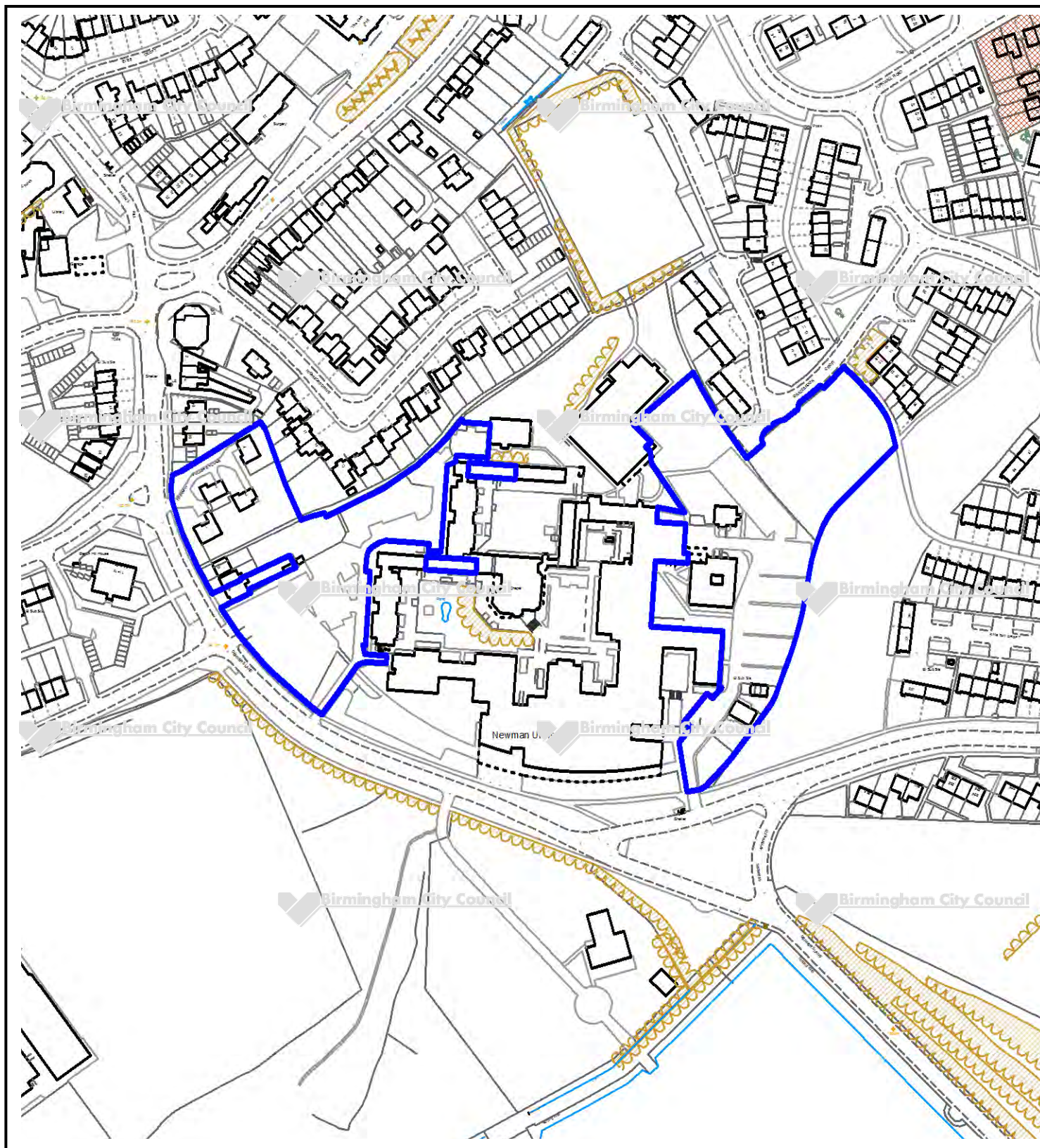
Fig 3. Northeast corner of the campus, site of former tower block, looking south from Grazebrook Croft.



Fig 4. Northeast corner of the campus, Southeast view of the edge of the site of the former tower block and the frontages of 18-28 Grazebrook Croft.



## Location Plan



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Committee Date:	28/04/2016	Application Number:	2016/01039/PA
Accepted:	26/02/2016	Application Type:	Full Planning
Target Date:	22/04/2016		
Ward:	Bartley Green		

Land to rear of Nos. 9, 11 & 15 Lutley Grove, Bartley Green,  
Birmingham, B32 3PN

Erection of 2 bungalows and associated works

Applicant:	Birmingham City Council BMHT, 1 Lancaster Circus, Queensway, Birmingham, B4 7DY
Agent:	Acivico 1 Lancaster Circus, Queensway, Birmingham, B4 7DG

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This application seeks planning permission for the erection of two semi-detached bungalows to the rear of 11 and 15 Lutley Grove, on a cleared former garage court. The proposed dwellings would be constructed in brickwork to match the character of the adjacent buildings and would include grey tiled roofs. The bungalows would be symmetrical in design and would have a hipped roof, with a projecting gable to the front of each.
- 1.2. The proposed dwellings would provide the same internal accommodation with the second layout being "handed". Each unit would accommodate an entrance hall, bathroom living/dining room, two bedrooms, kitchen and bathroom.
- 1.3. Each dwelling would be 9.6m wide, 10.8m in depth and have a height of 5.3m (2.5m to eaves). The proposed bedrooms would offer room sizes of 14.4sqm for bedroom 1 and 12.5sqm for bedroom 2. Private amenity space of 90.5sqm would be provided to the rear of plot 1 and 126.5sqm to the rear of plot 2.
- 1.4. The dwellings would be sited adjacent to the northern boundary of Woodgate Primary School with a 7.85m separation between the side elevation of plot 1 and the closest part of the school building which is the northern elevation, facing the application site. The rear elevation of plot 1 would face the side elevation of 12 Carmel Grove and would have a separation distance of 12.5m. To the eastern elevations of the two bungalows, there would be a separation of 22m between their projecting gables and the rear elevations of 11 and 15 Lutley Grove.
- 1.5. The bungalows would be located in an area which was previously developed land and contained garages serving the adjacent dwellings. These garages have since been removed and the land is now cleared and is currently unused.
- 1.6. Each bungalow would benefit from one parking space with additional informal visitor parking on the tarmacked area fronting the proposed dwellings.

- 1.7. Site area is 0.08 hectares, density is 25 dwellings per hectare.
- 1.8. The proposed development does not attract a CIL contribution.
- 1.9. Supporting documents include:
  - Design & Access Statement
  - Ground Condition Desk Study
  - Ground Investigation Report
  - Underground Services Search Report

[Link to Documents](#)

[Site Location Plan](#)

## 2. Site & Surroundings

- 2.1. The site is currently an unused piece of land located to the rear of Lutley Grove and its entrance is formed from an access road between 9 and 11 Lutley Grove. The character of the local area is primarily residential with the site surrounded to the west, north and east by residential properties. To the south is Woodgate Primary School which is accessed from the furthest southern part of Lutley Grove.
- 2.2. The architectural character of the area is of two storey red brick dwelling houses in within a housing estate context, constructed in the 1960s and 1970s. Lutley Grove is located on a gradient with the overall street scene sloping down from the southern part (Woodgate Primary) to northern section of the road which meets Adams Hill.

## 3. Planning History

- 3.1. None relevant

## 4. Consultation/PP Responses

- 4.1. Transportation – No objection
- 4.2. West Midlands Fire Service – No objection
- 4.3. Regulatory Services – No objection subject to conditions requiring a contamination remediation scheme, a contaminated land verification report and a provision of an electric vehicle charging point.
- 4.4. Severn Trent Water – No objection subject to a drainage condition
- 4.5. West Midlands Police – No objection
- 4.6. Local occupiers, Ward Councillors, Member of Parliament, and Residents/Traders Associations notified and site notice posted.



- 4.7. Two letters from local residents received, which although not objecting to the application are seeking assurance that access to the rear of their properties will not be lost as a result of the development. One of the letters further expressed concern about environmental disturbance during construction and the potential for the bungalows to be converted to “dormer bungalows” at a later stage.
- 4.8. The head teacher from Woodgate Primary School raised concerns in respect of works on the school boundary and potential safety issues for pupils and parents in regard to general construction matters, including but not restricted to dust, debris, drainage and deliveries to the site.
- 4.9. A letter has been received from a School Governor who has expressed support for the application overall, but raised concerns about access to and from the site (both during and post construction) and requested a condition which would restrict the hours in which construction vehicles would be permitted access to the site.

## 5. Policy Context

- 5.1. The following local policies are applicable:

- Birmingham UDP (2005)
- Draft Birmingham Development Plan
- Places For Living (2001)
- Mature Suburbs (2008)
- 45 Degree Code (2006)
- Car Parking Guidelines (2012)

The following national policies are applicable:

- National Planning Policy Framework (NPPF)

## 6. Planning Considerations

- 6.1. The main issues for considering of this application concern the principle of development, the design, scale, siting and appearance of the proposed bungalows, impact on the amenity of neighbouring properties, living conditions, and the impact on the highway.

### *Policy Considerations and Principle*

- 6.2. Paragraph 3.8 of the adopted Unitary Development plan states that the City's environmental strategy is based on the need to protect and enhance what is good in the City's environment and to improve what is less good. The keynote is on quality and paragraph 3.10 of the UDP states that proposals which would have an adverse effect on the quality of the built environment will not normally be allowed.
- 6.3. The proposal would contribute towards housing demand within the City on a brownfield site (previously developed land) and I therefore raise no objections in principle to the use of this site for residential development. Furthermore, the site is within an established residential area which further supports the development of the site for residential.
- 6.4. Paragraph 49 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development”. Paragraph 56



of the NPPF places great importance on the design of the built environment and sees design as being a key aspect of sustainable development. The site is sustainably located and within close walking distance of a range of services and facilities, and also benefits from good access to public transport links.

- 6.5. The Council's Mature Suburbs Residential Development Guidelines SPD states that proposals should be informed by a detailed contextual appraisal to determine the character of the area, including consideration of built form, spatial composition, architectural style, enclosure, density and levels of vegetation. It recommends that the appraisal should be incorporated in a design statement showing how the proposal fits into the character of the area. It goes on to say that plot size, building form, landscape and boundary treatment, plot access, parking provision and design style will be considered when appraising the design proposals. It also notes that proposals that undermine and harm the positive characteristics of a mature suburb will be resisted.

*Design, Scale, Siting and Appearance*

- 6.6. The Mature Suburbs SPD relates to the development of infill plots and back land areas, amongst other things. It recognises that, whilst this form of development can have positive benefits through increasing housing stock and leading to more efficient use of land, it can also have a significant impact on local distinctiveness by the erosion of the unique character of an area. It is considered essential that such developments should be appropriate in their design and all other respects such that they make a positive contribution to the environment within which they are located.
- 6.7. The site is within an established residential area and in principle the site is suitable for a residential development. I note that the character of the surrounding area consists of two storey red brick post war dwelling houses with front parking/garden areas. The mature suburbs guidance specifies seven criterion which set out whether a development would result in a suitable addition to the street scene. These consist of Built Form, Spatial Composition, Architectural Style, Enclosure, Density, Landscaping and Public Realm.
- 6.8. Built Form – The character of the residential part of Lutley Grove is that of post war two storey semi-detached buildings set in small to medium plots with front and rear gardens. The built form is that of a ribbon development running parallel with Lutley Grove. As a backland development, the proposed bungalows would result in an anomalous addition to the street, but I am satisfied that the position, layout and design would not result in harm to the overall street scene, and the proposal represents a positive reuse of the site. I note that the proposed bungalows would broadly respect the footprint size that has been established on Lutley Grove.
- 6.9. Spatial Composition – Plot size is an important design criterion which should reflect the typical form of plots in the area. Again, as this development would come forward after the surrounding housing, the site's form and position does not correspond with local character. However, I consider building's orientation and site layout, with respect to the established surroundings, would not adversely affect local character or amenity. Adequately-sized front and back gardens would be provided, as well as access, parking and turning space.
- 6.10. Architectural Style – I note that the architectural style of properties in the surrounding area is predominantly 1960's housing. The design of the proposed bungalows would retain the brick built character with a pitched roof and the proposed dwellings would be of a design which would contribute positively to the

overall street scene. As such I consider that the building is well designed in all respects, I consider it accords with the character of surrounding development.

- 6.11. Enclosure – The layout shows that the rear garden would provide in excess of 70sqm of private amenity area as advocated in "Places for Living". The position of the bungalows has been fully considered in the context with the existing constraints, particularly the access road. I consider that this has made best use of the space and this would provide sufficient space for future occupiers to access their property.
- 6.12. Density – The applicant has demonstrated that two dwellings can comfortably fit in the site without resulting in a cramped or contrived development site and be commensurate with the local density.
- 6.13. Landscaping – The applicant has demonstrated how new landscaping could be introduced to the site and I welcome this. The site currently is a former garage site and is hard surfaced resulting in negative visual amenity within the context of this area. The applicant has demonstrated that new areas of hedging and trees would be introduced to the site, in addition to lawned front gardens. Therefore I consider the overall redevelopment of this site would result in a positive visual improvement to the local area.
- 6.14. I note that there are no trees on site but some on the boundaries, and having consulted with the City's tree officer he is satisfied that there are no significant tree constraints around the site or significant potential for damage to 3rd party trees. I concur with this view and am satisfied that the development would not result in harm to trees.
- 6.15. Public Realm – I note the existing area is a former garage site with the garages having since been removed. The proposal would return to use a currently derelict site and the proposal represents an overall redevelopment of the site which would introduce new landscaping opportunities and improve the overall visual impact of this site when viewed from Lutley Grove.

#### *Impact on Residential Amenity*

- 6.16. I note that the site is located within an established residential area with dwellings surrounding the site to the west, north and east and to the south is Woodgate Primary School. I note the addition of two further dwellings in this location would not result in any undue increase in disturbance to existing occupiers. The applicant has demonstrated that a gap of at least 12.5m can be achieved between the side wall of 12 Carmel Grove (West) and the nearest side elevation of the nearest proposed bungalow. I further note that a gap of 22m is evident between the front elevation (projecting gable) of the proposed bungalows and the rear elevation of 11 and 15 Lutley Grove which fully complies with the separation distances prescribed in places for living. In all cases the separation distances exceed the expected minimum of 5m per storey.
- 6.17. A minimum gap of 7.85m between the southern elevation of the development site and Woodgate Primary School elevations would be achieved. I note that as the dwellings would be single storey, intervisibility between the two sites would be unlikely. In addition the school playground would not be visible from the bungalow as it is positioned centrally within the school grounds. To conclude I am satisfied the proposed bungalows would not introduce any overlooking or loss of privacy to existing occupiers nor would any further noise disturbance be introduced.

- 6.18. As part of the submission the applicant included a ground investigation report which concluded that ground contamination is evident on site and as such Regulatory Services have therefore requested conditions to be applied to have this fully investigated and any necessary works undertaken. I concur with this view and consider these conditions to necessary to the consent.

#### *Living Conditions*

- 6.19. I am satisfied that living conditions within the proposed bungalows would be acceptable, with bedroom sizes exceeding the minimum size requirements set out in the National Technical Standards. I note that these standards have not yet been adopted by Birmingham City Council; however I note the value of these standards in terms of assessing whether sufficient amenity space has been made available to potential future occupiers. The rear gardens would provide private amenity space that would exceed the recommended amenity space for family accommodation on both plot 1 and plot 2.

#### *Highway Safety*

- 6.20. Transportation Development do not object to the proposed development and I do not consider that the proposed dwellings would cause a significant increase in traffic compared to the former garage court. The Council's Car Parking Guidelines SPD recommends a maximum of two spaces per dwelling in this location. The proposal would provide one parking space per bungalow which would be incorporated into the amenity space at the front. I note that further parking would be available fronting the proposed bungalows. I further note that unrestricted parking exists on Lutley Grove which would be available for visitors to the site. I share Transportation's view that the proposal would not result in an overall detriment to the traffic on Lutley Grove and I conclude that the proposal would acceptable on highway safety grounds. I further note that site is sustainably located close to public transportation links (bus) for travel around the city.
- 6.21. Having spoken with residents on site, it is noted that the single track access way off Lutley Grove is currently heavily used by parents picking up and dropping off children at the adjacent school, which has resulted in some ill feeling and a resident has started using the access way as an extended drive in an effort to discourage this. I have concerns that this practise may continue following occupation of these dwellings which would result in the entrance to the bungalows being blocked for potential future residents. I have therefore discussed the matter with the applicant and a solution has been identified that involves the installation of double height kerbing stones which would inhibit the opportunity for parking within the access. Amended plans have been provided which highlight the areas to be installed with the double height kerb and I am satisfied that this is the most logical solution to this problem, and I attach a condition to secure the matter.

#### *Reaction to Objections*

- 6.22. A primary concern raised by two local residents is with respect to access to the rear of their properties (9 and 11 Lutley Grove). I note from the site plan that access to these properties would not be lost and vehicular access to the garage at the rear of 11 Lutley Grove would be retained. Whilst I note the concerns of the neighbours, I accept that ultimately this would be a private matter between the applicant and the developer and would not be a reason to withhold consent.

- 6.23. A neighbour did express a concern that should the bungalows be converted to dormer bungalows then overlooking issues, which are not currently evident, may be introduced. I share this concern and consider it appropriate to attach a condition which removes permitted development rights for dormer windows. I am satisfied that sufficient space exists for extension to the rear and as such I consider there would be no justification for removing all permitted development rights.
- 6.24. A further concern raised by a local resident and the head teacher of Woodgate Primary School related to dust and debris around the site during construction. Whilst unfortunate, this is not a matter that planning can address and therefore no conditions relating to this matter would be reasonable. I note that this would result in relatively short term inconvenience and once construction is complete this would cease.
- 6.25. Finally, the Head Teacher and a School Governor raised a concern with respect to deliveries to the site during construction. This would be regulated by separate legislation, but in any event I will bring it to the developer's attention to try to minimise possible construction issues with the school.

#### *Other Issues*

- 6.26. In addition to the ground contamination Regulatory Services, requested a condition which requires the applicant to provide an electric vehicle charging point. Unlike a flatted development, I consider such charging to be more achievable with a housing development so do not consider it appropriate to impose a condition to this development.
- 6.27. I note that Severn Trent Water have requested a condition which requires the development to be subject to a drainage condition. I consider this to be appropriate and as such a condition is attached. I further note no objection from West Midlands Police or Fire services.

### 7. Conclusion

- 7.1. I consider the proposed development would help meet the City's housing demand by providing two dwelling houses on a brownfield site, which positively responds to the local distinctiveness and character of its surroundings. There would be no greater impact of the proposed development on traffic and parking compared to the existing lawful use or the amenity of adjoining occupiers. I am satisfied that the layout of the proposed development would accord with the character of the area and the proposal would result in sufficient separation between the existing and proposed buildings. I conclude that the proposal would constitute sustainable development and I recommend that planning permission be granted.

### 8. Recommendation

- 8.1. Approve with conditions

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a contamination remediation scheme    |
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| 3  | Requires the prior submission of a contaminated land verification report |
| 4  | Requires the prior submission of a drainage scheme                       |
| 5  | Requires the prior submission of hard and/or soft landscape details      |
| 6  | Requires the prior submission of hard surfacing materials                |
| 7  | Requires the prior submission of boundary treatment details              |
| 8  | Removes PD rights for new dormer windows                                 |
| 9  | Requires the prior submission of sample materials                        |
| 10 | Requires the prior submission of details of the double height kerb       |
| 11 | Limits the approval to 3 years (Full)                                    |
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Case Officer:        Martin Mackay

## Photo(s)



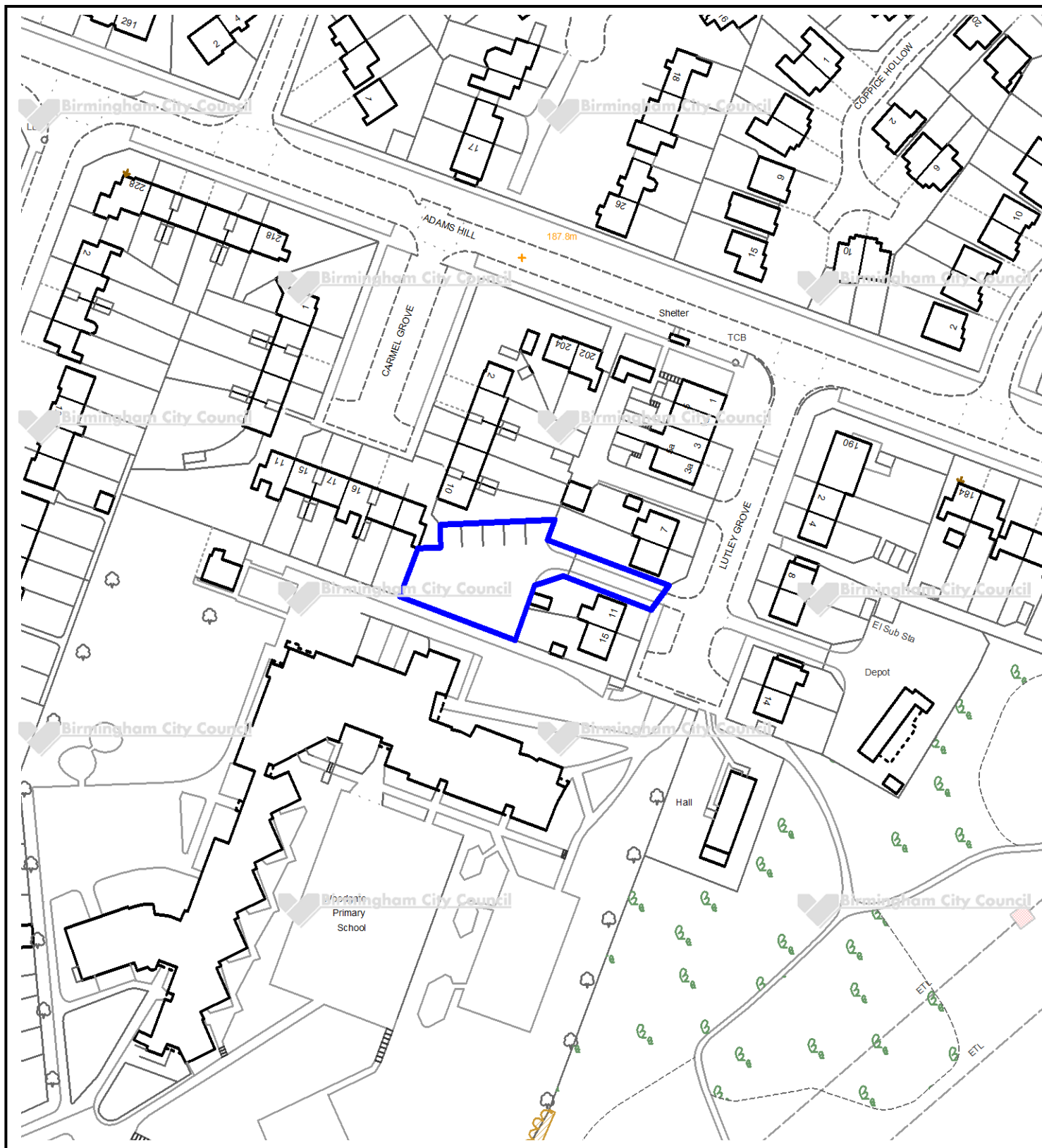
Photo 1 - Proposed access to the site facing west





Photo 2 - Proposed site area facing south west

## Location Plan



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