

Birmingham City Council

Planning Committee

28 September 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	8	<p>2017/05933/PA</p> <p>Moor Hall Primary School Rowallan Road Sutton Coldfield Birmingham B75 6RE</p> <p>Erection of 2 storey block with 7 classrooms, 1 resource room and associated wc's and plant room, extension to existing kitchen and main hall with new car parking and covered cycle store</p>
Approve – Conditions	9	<p>2017/04289/PA</p> <p>Sites including land north of and part of Handsworth Golf Club; Hill Top Golf Centre, part of the grounds of Hamstead Hall Academy and land adjacent The Leverretts and Cradley Croft as well as Sunningdale Close and Park Lane Handsworth Wood. Birmingham B20 1HL</p> <p>Proposed River Tame flood defence work (phase 2 of the proposed Perry Barr and Witton flood risk management scheme) to include creation of new embankments (to include that part of a new cross river embankment structure falling in Birmingham to control water flows), new access paths for vehicles and cyclists, upgrade of existing pathways and creation of access routes to enhance/provide access to and from areas of work, new fencing, CCTV, removal of trees and woodland, new planting to include new trees and hedgerows and creation of wetlands.</p>

Defer – Informal Approval	10	<p>2017/01913/PA</p> <p>Land at Upper Thomas Street & Albert Road Aston Birmingham B6 6DJ</p> <p>Change of use from public open space to open space and installation of new ball court in association with King Edwards VI Aston School, associated boundary treatment, ground level changes and landscaping works</p>
Approve – Conditions	11	<p>2017/05612/PA</p> <p>Minworth Sewage Treatment Works Severn Trent Water Plc Kingsbury Road Sutton Coldfield Birmingham B76 9DP</p> <p>Alterations to the existing Anaerobic Digestion (AD) operations including erection of 14 No. kiosks, a gas to grid and gas to storage facility up to 18.2 metres in height, 4 No. 17 metre high Gas Storage Lightning Protection Masts and associated facilities</p>

Committee Date:	28/09/2017	Application Number:	2017/05933/PA
Accepted:	17/07/2017	Application Type:	Full Planning
Target Date:	11/09/2017		
Ward:	Sutton Trinity		

Moor Hall Primary School, Rowallan Road, Sutton Coldfield, Birmingham, B75 6RE

Erection of 2 storey block with 7 classrooms, 1 resource room and associated wc's and plant room, extension to existing kitchen and main hall with new car parking and covered cycle store

Applicant: EDSI
1 Lancaster Circus, Queensway, Birmingham, B4 7DJ
Agent: Acivico
PO Box 17211, Louisa House, 92-93 Edward Street, Birmingham, B2 2ZH

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal is to extend the existing school from the current 1 form entry to a 2 form entry primary school expanding from 210 pupils to 420 over the next 5 years. Staff numbers would increase by 4 full time to 17 and 7 part time staff to 33.
- 1.2. Proposal includes a new 2 storey block containing 7 classrooms and a resource room, minor extension to the school kitchen, new extension to the main hall and additional car and cycle parking.
- 1.3. The proposed 2 storey classroom block containing 7 classrooms and a resource room would have a flat roof with main windows overlooking the school sports pitches. It would be rendered with elements of horizontal timber cladding and projecting windows with red frames to reference cladding panels on the existing school. The rear elevation would also provide a sheltered canopy facing the garden courtyard.
- 1.4. The proposed extension to the hall would be clad in timber and would follow the roofline of the existing hall with a hipped end. A large glazed gable end with sliding doors would open out onto a new paved courtyard area to create a more useable space externally and internally.
- 1.5. The proposed new kitchen extension would be brick built with a flat roof (22.7sq.m) and provide additional kitchen facilities and staff area.
- 1.6. The proposed extension to the parking area on a grassed area to the rear of no's 51-57 Rowallan Road would provide 15 additional spaces including 2 disabled parking bays and an additional 22 cycle spaces would be provided adjacent to the

proposed kitchen extension. Additional planting and a 2.4m timber fence would be provided on the boundary with properties in Rowallan Road.

- 1.7. Plans have been submitted showing how the retained school playing fields could accommodate 2 under 7 and under 8 football pitches or alternatively a rounders pitch and running track.
- 1.8. The application is supported by a Design and Access Statement, Transport Statement, Ecological Appraisal, Tree Survey, School Travel Plan, Noise Assessment and Site Investigation.
- 1.9. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises Moor Hall Primary School on Rowallan Road constructed in the early 1960's. The school currently consists of 8 classrooms plus a nursery with a multi-purpose hall. All the buildings are single storey flat roofed with a double storey pitched roof main hall. The school grounds contain a playing field plus hard surfaced playground areas and courtyard garden spaces. The surrounding area is residential in character.

2.2. [Site Location and Street View](#)

3. Planning History

- 3.1. 17/08/2017. 2017/04750/PA. Retention of a single storey modular building (temporary 3 years). Approved Temporary.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objections subject to conditions.
- 4.2. Regulatory Services – No objections subject to conditions.
- 4.3. Severn Trent Water – No objections subject to conditions.
- 4.4. West Midlands Fire Service – No adverse comments.
- 4.5. West Midlands Police – Recommend development is in accordance with enhanced “Secure By Design” standards.
- 4.6. Sport England – No objections.
- 4.7. Royal Sutton Coldfield Town Council - Support with comment. Committee would request that BCC review and pay special attention to the travel plan and consultation process.
- 4.8. Councillors, Residents Associations, nearby occupiers notified. Site notice posted. 17 letters have been received objecting to the proposal on the following grounds;
 - Concern about increase in coaches and deliveries blocking lay-by and

- visitors/ambulances can't get to nearby properties.
- Increase in noise from school playgrounds and nursery.
- Traffic statement has made incorrect assumptions.
- Noise and disturbance during construction.
- No plans to improve access to the front of the school which gets congested and may lead to safety issues for children.
- No additional outdoor playing facilities.
- Catchment area for the school will become greater leading to an increase in traffic.
- There have been accidents and incidents around the school.
- Extra light pollution from extended car park and classroom block.
- Noise and fumes from car park.
- Overlooking from 2 storey extension.
- Impact on existing oak tree.
- Fundamental errors in Transport Statement, fails to recognise the risks to non-motorised users in the vicinity of the school due to localised congestion, narrow roads and location of school on a bend. Mitigation measures should be implemented such as modifying Rowallan Road between Essex Road and Homer Road to a one way street and reducing speed limit to 20 mph.
- Anti-social behaviour from parents trying to park and driveways are always being blocked will be made worse.
- Ground Investigation incomplete.
- Transport Statement ignores that children will be coming from a wider area.
- Measures to tackle parking issue are inadequate.
- No requirement for another dual entry school in the ward to the detriment of other schools in the area.
- Design and location unsuitable for double entry school.
- Hall not being extended adequately.
- Fire exits and fire assembly points in a different position.
- Playgrounds too small.
- Pupil entrance to new building is through the car park.
- Playing fields are inadequate, Sport England have not agreed to the change.
- Need to check cladding not flammable.
- School on a small housing estate and roads cannot cope with expansion.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, UDP 2005 (saved policies), Places for All, Car Parking Guidelines, NPPF.

6. Planning Considerations

- 6.1. **Policy** - The NPPF contains a presumption in favour of sustainable development and advises that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. One of the principles contained within the NPPF is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. It also requires consideration of whether the opportunities for sustainable transport modes have been taken up and safe and suitable access to the site can be achieved for all people. The NPPF also seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- 6.2. Policy TP36 of the draft Birmingham Development Plan states that as the City's population grows there will be a need for additional Primary school provision. Proposals for the upgrading and expansion of existing schools in locations where additional provision is required will be supported subject to schools having the following: safe access by cycle, walking and car; a school travel plan; safe drop off and pick up provision; acceptable provision of outdoor facilities for sport and recreation; and avoiding conflict with adjoining uses.
- 6.3. The Birmingham Development Plan also advises in the Education Chapter that the current forecasts on population growth suggests that in the next 10 years approximately 20,000 additional school places will be required at primary and secondary levels. It further highlights that this population growth is not uniform across the City with some areas experiencing growth beyond existing provision while others have a surplus in capacity.
- 6.4. **Principle of Development** - The expansion of the school is part of the City Council's additional places programme for schools and the NPPF and the BDP promote the provision of new or expanded schools.
- 6.5. The proposed development would be sited over informal grass and hard surfacing areas that do not form part of the school playing fields or playgrounds. The development would not result in the reduction or loss of any outdoor sports pitches. I am satisfied that adequate outdoor provision would be available to meet the additional demand following the expansion of the school.
- 6.6. I therefore consider that the principle of development is acceptable subject to the following site specific considerations in terms of the impact on highway safety, visual amenity, amenities of adjoining residents, trees and ecology.
- 6.7. **Design and Appearance** - The design, scale and layout of the proposed extensions to the school have been developed in conjunction with advice from officers and are acceptable. The 2 storey classroom block would integrate into the main school without dominating the existing school buildings or having any adverse impact on near residential dwellings. The design is simple in form and complemented by detailing such as projecting windows and canopy to the rear.
- 6.8. The proposed single storey kitchen extension is minor and would fit in with the appearance of the existing school while the full height extension to the main hall would be located in an existing courtyard within the school and designed to minimise any visual impacts.
- 6.9. **Residential Amenity** - The proposals would not have any adverse impact on residential amenity. The windows to classrooms in the 2 storey element facing the playing fields would be over 50 metres from the boundary with gardens in Homer Road.
- 6.10. The proposed extension to the parking area would be located to the rear of 51-57 Rowallan Road which have gardens approximately 15 metres in length. The applicants are proposing additional 2 metre high planting and a 2.4m timber fence on the boundary to protect the amenities of existing residents.
- 6.11. **Ecology** - The Planning Ecologist notes that there would be the loss of a small pond in the courtyard area and removal of a mature hedgerow adjacent to the proposed extension to the car park. He advises that suitable mitigation will be required

including replacement features within a landscaping scheme including a new hedgerow and replacement pond. A suitable condition is recommended.

- 6.12. **Playing Fields** – Sport England raise no objection to the proposal and the loss of a small area of the grassed playing field as the proposed development affects only land incapable of forming part of a playing pitch, and does not result in the loss of any playing pitch, a reduction in the area of a playing pitch or loss of any sporting/ancillary facility on the site.
- 6.13. **Trees** – A tree survey submitted with the application indicates that only 1 tree within the existing courtyard needs to be removed with a minor incursion into the root protection of 2 trees as a result of the proposed extension to the car park. A method statement has been submitted including a tree protection scheme during construction. The Tree Officer raises no objections.
- 6.14. **Environmental** – A preliminary Ground Investigation Report has been submitted in support of the application. Regulatory Services have recommended that further investigation is carried out together with the submission of a verification report for any remedial works.
- 6.15. A Noise Assessment submitted in support of the application concludes that the proposed development would not result in an unacceptable noise environment when assessed against the NPPF test points. Regulatory Services have reviewed the Noise Assessment and raise no objections. A condition is recommended requiring details of kitchen extraction.
- 6.16. **Highways and Parking** - The main issue in relation to this proposal is the impact of the proposed increase in pupils and staff on the highway network in the vicinity of the school, highway safety and the adequacy of the proposed additional car parking for staff and visitors.
- 6.17. The Transport Statement submitted in support of the application has concluded that although the proposed expansion of Moor Hall Primary School would have a significant impact on the surrounding highway network, the parking beat surveys undertaken have demonstrated that there is sufficient on-street parking capacity to accommodate the additional demand associated with the proposed expansion to Moor Hall School.
- 6.18. The School Travel Plan makes reference to encouraging parents to park further away and walk to the school, increase cycle parking provision, introduction of a walking bus and encouraging the use of sustainable travel.
- 6.19. Part of the current proposal is to increase the number of car parking spaces within the site from 13 to 28, however, it is considered that only 27 car parking spaces would be feasible as one of the proposed parking spaces would not be available when the school gates are open. The proposed increase in staff would be from 25 to 35 full time equivalents. Current parking guidelines specify a maximum of 1 space per 2 staff for schools, therefore, for 35 staff, 18 spaces would be required. The proposed provision would be well in excess of the maximum provision but would reduce the potential of staff parking on surrounding highways and enable some visitor car parking to be accommodated within the site. Cycle storage provision would increase by 22 spaces and the demand for cycle parking spaces would be monitored as part of regular Travel Plan updates.

- 6.20. Transportation Development have advised that the actual on-street parking capacity available within the parking beat survey area would be approximately 86 spaces, compared to the suggested 94 spaces which was identified in the revised Transport Statement because a number of the parking spaces referred to in the Transport Statement are located outside footway crossings or opposite highway junctions. Transportation Development further advises that the total future demand (highest 88 spaces during PM peak period) would slightly exceed the 86 available parking spaces within the selected area and because the majority of available capacity was observed to be further away from the school it may result in an increase in illegal and inconsiderate parking if appropriate mitigation measures are not implemented.
- 6.21. I agree with these comments from Transportation Development and consider that the submitted School Travel Plan would deliver sufficient mitigation measures to offset any adverse impact on highway safety and I have attached conditions accordingly to ensure the School Travel Plan is updated and reviewed annually and to secure appropriate cycle parking provision prior to occupation.

7. Conclusion

- 7.1. The proposed development would enable the school to provide additional school places which is supported by local and national planning policy. The proposed extensions would complement the scale, massing and design of the existing school building and would have no detrimental impact on the character of the area. They would be sited a sufficient distance from neighbouring residential properties and would not appear particularly prominent given the low scale of development.
- 7.2. The main objections that the application has attracted relate to parking and traffic congestion. In my view, the proposed development would not have a significantly detrimental impact on highway safety subject to mitigation measures required by conditions as outlined above. On-site parking for staff/visitors would be increased significantly and there is capacity for on-street parking further away from the school. I therefore consider that the proposed development would comply with policies set out in the adopted Birmingham Development Plan 2017, Car Parking Guidelines SPD and the NPPF.

8. Recommendation

- 8.1. Approve Subject to Conditions.

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| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the prior submission of a contaminated land verification report |
| 3 | Requires the prior submission of a drainage scheme |
| 4 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 5 | Requires the prior submission of extraction and odour control details |
| 6 | Requires the prior submission of hard and/or soft landscape details |
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- 7 Requires the prior submission of hard surfacing materials
 - 8 Requires the prior submission of boundary treatment details
 - 9 Requires the prior submission of sample materials
 - 10 Requires the prior submission level details on a phased manner
 - 11 Requires the prior submission of cycle storage details
 - 12 Requires the applicant to enter into an agreement with the Highway Authority to review Traffic Regulation Orders
 - 13 Requires the School Travel Plan to be reviewed annually.
 - 14 Requires the scheme to be in accordance with the listed approved plans
 - 15 Implement within 3 years (Full)
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Case Officer: John Davies

Photo(s)



Figure 1 – Site of proposed extension to car park



Figure 2 – Site of proposed classroom block and kitchen extension

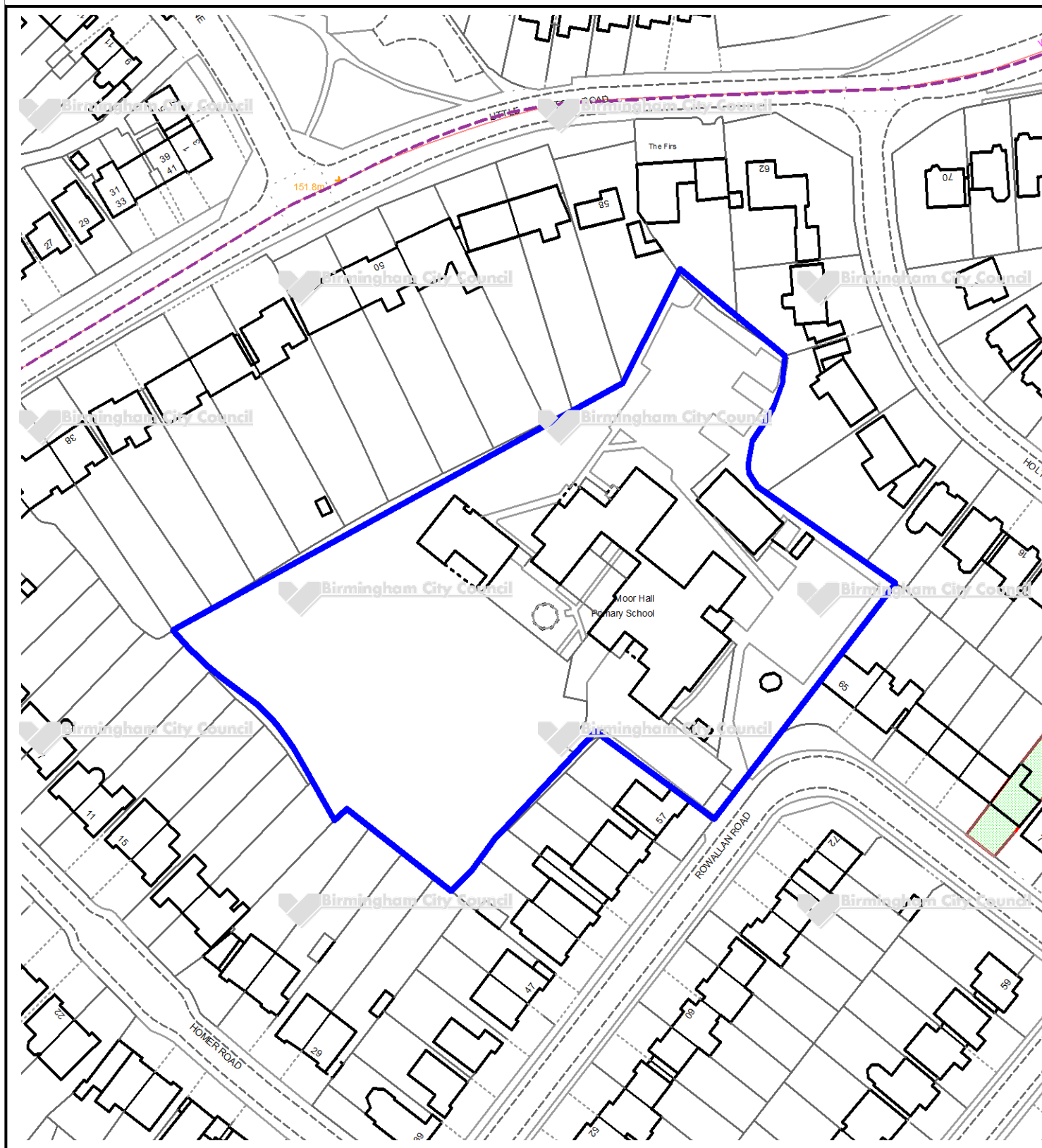


Figure 3 – Site of proposed classroom block extension



Figure 4 – Site of proposed main hall extension

Location Plan



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Committee Date:	28/09/2017	Application Number:	2017/04289/PA
Accepted:	15/05/2017	Application Type:	Full Planning
Target Date:	14/08/2017		
Ward:	Handsworth Wood		

Sites including land north of and part of Handsworth Golf Club; Hill Top Golf Centre, part of the grounds of Hamstead Hall Academy and land adjacent The Leverretts and Cradley Croft as well as Sunningdale Close and Park Lane, Handsworth Wood, Birmingham, B20 1HL.

Proposed River Tame flood defence work (phase 2 of the proposed Perry Barr and Witton flood risk management scheme) to include creation of new embankments (to include that part of a new cross river embankment structure falling in Birmingham to control water flows), new access paths for vehicles and cyclists, upgrade of existing pathways and creation of access routes to enhance/ provide access to and from areas of work, new fencing, CCTV, removal of trees and woodland, new planting to include new trees and hedgerows and creation of wetlands.

Applicant:	Environment Agency c/o Agent
Agent:	CH2M Lyndon House, 62 Hagley Road, Edgbaston, Birmingham, B16 8PE

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The applicant proposes the carrying out of flood defence works which would form phase 2 of the proposed Perry Barr and Witton flood risk management scheme. The proposed works form part of a larger scheme of works, which would also be undertaken within the adjoining council area of Sandwell, that together form this phase of the flood risk management scheme. This application runs parallel with a planning application submitted to Sandwell Council to cover the works that fall within their area.
- 1.2. The objective of the scheme is to hold water upstream during a flood event so that the flow in the River Tame does not overtop the walls downstream in Perry Barr and Witton. Once the floods subside water held in storage (to form part of other works of this scheme) would be released down the river channel slowly and safely in a controlled manner. The design of the overall works proposed by this phase would increase flood water storage capacity from 575,000 cubic metres (within Forge Mill lake storage area) to 1,680,000 cubic metres.

- 1.3. The larger proportion of the overall works that comprise this phase fall within Birmingham. The works would include the creation of an embankment structure which would run southwards from a new main embankment outlet structure (to control the flow of water within the river Tame). That main embankment outlet structure would sit across the river Tame, which would mean that it also falls partly within Sandwell (as the centre of the river forms the boundary between Birmingham and Sandwell in this location). The outlet structure would sit just over 5 metres high. The linked raised embankment would top out at a level height to that outlet structure and extend southwards incorporating a 7 metre wide crest on top with grassed slopes either side. The wide surface level of the top of the embankment and outlet structure would allow pedestrians, vehicles and cyclists to utilise it as a connecting route to and from Sandwell with the structures built and surface treated to accommodate such movements. In addition to being accessible from the end of either of the raised embankment, the top of the embankment would also be accessible by sets of stairs and slopes.
- 1.4. To the east of this main new embankment would also be created a narrower embankment that would run parallel to it having a 3 metre wide crest capable of being traversed by pedestrians and cyclists which would link up with the main new one. It is proposed to carry out an upgrade to the existing pathway that runs alongside the riverside so as to create a more suitable pedestrian and cycle path which itself would also link into the top of the main newly created embankment.
- 1.5. On land to the west of the above newly created embankment feature it is proposed to create a borrow pit, referred to as borrow pit 5 on the submitted drawings. This pit would provide materials (soils etc.) for construction of environmental mitigation and enhancement works throughout the site and will be returned to a wetland habitat location upon completion of the scheme. The main source of construction material for the development would be taken from borrow pit 4 which would be situated within Sandwell.
- 1.6. Other notable works of significance proposed include the reconfiguration of parts of Handsworth and Hill Top Golf courses (with works to include new mounds and bunkers), the lowering and reprofiling of existing riverside embankments to allow for channel re- naturalisation, placement of material within the river channel to facilitate the creation of geomorphical features (features that are created as a result of the natural mechanisms of weathering, erosion and deposition that result in the modification of the surface and land forming materials on the earths surface).
- 1.7. Other works proposed include the provision of CCTV and lighting on and near to the proposed embankments as well as new fencing along stretches of the proposed embankments and pathways.
- 1.8. Overall, the combined scheme (including that within Sandwell) is expected to lead to the loss of 18 hectares of existing habitat and 7,400 trees. However, the scheme will lead to total replacement habitat of 26 hectares being created and almost 30,000 new trees being planted.
- 1.9. The applicant has submitted the following supporting information with this application:- Design and Access Statement; Environmental Statement (this sets out the environmental, ecological, wildlife, transport, cultural, recreational, landscape, geological, visual, air quality and tree impacts of the development and how such impacts will be mitigated), Landscape and Visual Assessment, Arboricultural Impact

Assessment, Water Framework Directive Compliance Assessment Report, Archaeological Desk Based Assessment, Archaeological Evaluation Report, Cultural Heritage Gazetteer, Ground Investigation Report, Ground investigation Factual Report, Air Quality Technical Appendix, Water Framework Directive Options Report, Planning Policy Summary, EIA Scoping Opinion Response, Environmental Action Plan, Flood Risk Assessment (FRA), HGV Movement Assessment, Acoustic Technical Definitions document, Assumed Construction Plant and Equipment Noise Emissions, Noise Monitoring Results, Ecological Baseline Report, Extended Phase 1 Habitat Survey, Water Vole Information, Badger Survey, Bat Survey, Great Crested Newt Survey, Crayfish Survey, Environmental Statement, Non Technical Summary of Environmental Statement- Review Checklist, Statement of Community Involvement, Lighting Statement and Planning Statement.

- 1.10. The total size of the various pieces of land that comprise the site within Birmingham measures a combined 34 ha.
- 1.11. The development represents EIA schedule 2 development. The applicant has submitted an Environmental Statement (ES). The Environmental Statement details the Environmental Impact Assessment (EIA) that has been undertaken and reports the 'significant' environmental effects that are expected to arise. A non technical summary of the ES has also been provided which provides an overview of the main findings of the EIA.

- 1.12. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The development site sits within green belt. Parts of the site form part of a SINC and SLINC set in Sandwell Valley. The larger part of where the development is proposed under this application falls within both flood zone 2 and 3. The River Tame runs along the northern boundary of the site. The site also comprises parts of Handsworth golf course, Hill Top golf course and also takes in a small section of the curtilage of Hamstead Hall Academy.

- 2.2. [Site location and street view](#)

3. Planning History

- 3.1. Non relevant.

4. Consultation/PP Responses

- 4.1. Surrounding occupiers, local councillors, Local MP and resident associations notified as well as site and press notices displayed- 3 responses received from local occupiers (2 from the same person). The person who has written in twice states they object to the scheme whatever the works proposed. The other respondent request further clarification of matters related to the planning application.
- 4.2. Transportation Development- No objection and the comments provided will be forwarded to the applicant as an advisory.

- 4.3. Regulatory Services- recommends conditions to secure controls on noise from construction works outside specified hours and days; conditions to secure temporary noise barriers to further control noise from construction of the main embankment to specified nearby premises; the construction of the main embankment and the entrainment embankment to be undertaken outside of school term times; audible reversing alarms to vehicles shall be of the 'broadband' type and the submission of an updated Dust Management Plan (DMP).
- 4.4. Leisure Services- No objection.
- 4.5. Local Lead Flood Authority (LLFA)- Recommends the attachment of conditions to secure the prior submission of a sustainable drainage scheme for the proposed impermeable areas and structures and the submission of an assessment of surface water flood risk.
- 4.6. Environment Agency- no objection subject to conditions to secure the development is carried out in accordance with the approved FRA, submission of a scheme for the assessment of water quality and managed release of water in the event of mechanical failure or other faults in floodwaters not being discharged back in the river as designed.
- 4.7. Birmingham and Black Country Wildlife Trust- state the proposed mitigation, compensation and enhancement measures are sufficient and the project is in line with current policy, legislation and practice. Also seek assurances with respect to ecological features that were created or enhanced by partly using money from them in the past on islands within Forge Mill Lake (within Sandwell) are either being protected or that mitigation and compensation takes the sum previously invested on the affected land into account.
- 4.8. Canals and Rivers Trust- states no requirement to consult them.
- 4.9. West Midlands Police- Comments in the main relate to a proposed control structure, which actually falls within Sandwell.
- 4.10. Sport England- state they are minded to support the proposal subject to confirmation that Handsworth Golf Club are satisfied that the proposed mitigation is acceptable and that confirmation that any damage to Hamstead Academy playing fields during construction will be made good and clarity on how this can be secured.
- 4.11. Natural England- no objection.
- 4.12. Network Rail- state there are no comments from a planning perspective.

5. Policy Context

- 5.1. Birmingham Development Plan (2017), UDP (2005) Saved policies, Conservation Strategy SPG, Wildlife and Conservation Strategy SPG, Sustainable Management of Urban Rivers and Floodplains SPD (2007), Birmingham Strategic Flood Risk Assessment and the NPPF.

6. Planning Considerations

6.1. The proposed development has been considered in light of the following issues it gives rise to:-

6.2. Policy and Principle

6.3. The NPPF sets out that the aim of planning policy and decisions should be to achieve sustainable development. It sets out in part 7 that, "There are three dimensions to sustainable development: economic, social and environmental".

6.4. Part 8 states ". These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions".

6.5. The proposed works would seek to protect and enhance the natural, built and historic environment by seeking to undertake a series of mainly engineering works that would aim to help reduce and control flood risk whilst minimising their impact in ecological terms and on wildlife through a series of associated undertakings thereby aiming to improve biodiversity. The works would also aim to use natural resources prudently and minimise waste and pollution. Such impacts accord with the aims of the ecological aspect of seeking to attain sustainable development within the NPPF. The development also aims to have wider positive impacts in economic terms such as protecting and securing investment and employment and also with respect to its social impact in terms of securing land from flooding and enhancing access to and through the green belt and appreciation of it through the works proposed. Therefore, the principle of the development accords with the objectives of sustainable development as set out in the NPPF.

6.6. With respect to the appropriateness of the proposal in principle of this development in the green belt, guidance contained within Part 81 of the NPPF states "Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land".

6.7. Part 89 of the NPPF sets out that the new buildings in the green belt which are an exception to the general presumption against construction of new buildings in the green belt include the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

6.8. Part 90 of the NPPF also sets out that mineral extraction and engineering operations are other forms of development which are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

6.9. BDP policy in relation to the issue of developing in the green belt echoes that set out in the NPPF when it states in Policy TP10 (Green Belt) "...There is a general presumption against inappropriate development within the Green Belt, and such

development will not be permitted unless very special circumstances exist. Development proposals, including those involving previously developed land and buildings in the Green Belt, will be assessed in relation to relevant national planning policy". Policy TP 10 continues " The Green Belt in Birmingham includes a number of areas of countryside which extend into the City, often along river valleys, such areas are particularly important because of the valuable links which they provide to open countryside, their visual quality, and their accessibility". It then proceeds to identify Sandwell Valley/Tame Valley as forming part of the Green Belt.

- 6.10. Policy TP 10 of the BDP concludes by stating " measures to improve public access to these Green Belt areas and the wider Green Belt will be encouraged. Outdoor sport and recreational facilities will also be supported, provided that their provision preserves the openness of the Green Belt, and does not conflict with the purposes of including land within it".
- 6.11. Finally part 91 of the NPPF states "Community Forests offer valuable opportunities for improving the environment around towns, by upgrading the landscape and providing for recreation and wildlife. An approved Community Forest plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within Community Forests in the Green Belt should be subject to the normal policies controlling development in Green Belts".
- 6.12. Under section 10 of the NPPF, which covers meeting the challenge of climate change, flooding and coastal change part 93 states " Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development". Part 94 states "Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations".
- 6.13. For the reasons above, I consider the principle of the proposed development is acceptable because it accords with the objectives of attaining sustainable development as envisaged by part 90 of the NPPF. The reasons for this are that first and foremost, the proposed works do not represent inappropriate development in the green belt as they largely represent engineering works. The two linked criteria which any engineering works in the green belt need to meet to not qualify as inappropriate development in the green belt is (a) such works must preserve the openness of the Green Belt is a matter considered in detail in section 6.23 of this report titled 'Design and Visual impact'. However, I can confirm at this stage of the report that section arrives at the conclusion the works are expected to preserve the openness of the Green Belt.
- 6.14. With respect to the second criteria (b) this requires that such works do not conflict with the purposes of including land in Green Belt. Part 80 of the NPPF sets out that the Green Belt serves five purposes:
 - to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict

and other urban land.

- 6.15. With respect to these second criteria, I do not consider that the proposed engineering works (and associated environmental and ecological enhancements) conflict with the above purposes of including land in the green belt. Therefore, the proposed works are not considered inappropriate works in the Green Belt and add weight to the argument that the principle of the development is acceptable.
- 6.16. Furthermore, the proposed works will act to meet and deliver wider environmental, economic and social objectives such as protecting people and property from flood risk and would thereby encourage both private and public investment (thereby meeting the requirements of section 10 of the NPPF). Other ways that the principle of the works will help in achieving sustainable development would include improving access to and within the green belt for pedestrians and cyclists whilst enhancing the overall extent of habitat and number of trees which would help in trying to tackle matters such as green house emissions and enhancing bio-diversity. Therefore, I conclude on the basis of this assessment, the proposal is acceptable in principle.
- 6.17. Other relevant issues are considered below:
- 6.18. Dealing with Flood risk
- 6.19. In addition to the general principle of the seeking to address the effects of climate change such as rising flood levels which the NPPF seeks and which this application therefore complies with, more particular guidance on reducing flood risks and adapting to climate change is provided in the BDP. Policy TP2 of the BDP (Adapting to climate change) in the BDP states "The City will need to adapt to the impacts of extreme weather and climate change. Measures to help manage the impact will include:
- * Managing Flood Risk and promoting sustainable drainage systems (Policy TP 6).
 - * Promoting and enhancing a green infrastructure network in the City (policy TP 7).
 - * Protecting the natural environment and promoting and enhancing biodiversity and ecosystems (Policy TP 8).
 - * Encouraging greater resilience to extreme weather conditions in the built environment and to transport, energy and other infrastructure".
- 6.20. Policy TP 6 (Management of flood risk and water resources) covers the requirements for site specific Flood Risk Assessments. It also sets out the requirement for a Sustainable Drainage Assessment and Operation and Maintenance Plan for all major developments.
- 6.21. In seeking to meet the above policy objectives the applicant has submitted supporting information which includes a Flood Risk Assessment (FRA). The submitted FRA sets out to establish the suitability of the proposed works in relation to achieving flood reduction. In response, the Environment Agency have reviewed this and confirm that they raise no objection to the details contained within subject to conditions to secure the development is carried out in accordance with the approved FRA. They also provide advisory comments to be forwarded to the applicant related to operate best practice and in accordance with other legislation to reduce environmental associated impacts. I concur with this view. The submitted FRA correctly identifies and subsequently details that the proposed flood storage area development is and will meet the strict design and ongoing maintenance standards of the Reservoir Act. With specific reference to residual flood risk as a result of the

development, the applicant has addressed concerns within Appendix E of the FRA and that subject to the development being carried out in accordance with the FRA the matter of flood risk is deemed to have been satisfactorily addressed. This can be undertaken through the application of the conditions recommended by the EA and also through adherence to the advisory comments on procedures to follow provided by the EA that would be forwarded to the applicant.

- 6.22. With respect to the submitted Sustainable Drainage Assessment and Operation Management Plan, the LLFA recommends the attachment of a condition to secure the prior submission of an assessment of surface water flood risk. I concur with this view and consider that the attachment of such a condition should allow for the required drainage and operation details to be provided at a later stage and therefore not prevent the determination of this application on the grounds of inadequate information relating to such information.
- 6.23. Design and visual impact
- 6.24. Part 87 of the NPPF states “As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.
- 6.25. Part 88 continues when it states “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.
- 6.26. Mindful of the above policy guidance, members are reminded that I have already earlier set out in this report the acceptability of the principle of the proposal (engineering works and associated ecological and environmental improvements) being undertaken in the Green Belt as set out in part 6.2.
- 6.27. In terms of landscape and visual impact, the applicant has submitted a Landscape and Visual assessment that sets out the impact of the development on such matters in relation to various aspects of the scheme. It recognises the short and medium term negative visual and landscape impacts that would arise as a result of the development in particular during the site preparation and construction phases. However, it sets out a programme of mitigation measures such as land restoration and tree planting that would provide for longer term landscape and visual benefits. I concur with this view and set out my reasons below.
- 6.28. The proposed scheme would see various works undertaken, the most prominent being the establishment of a new embankment structure that would form the focus of the engineering works. Though forming an engineering feature that would serve the most important function of all the overall works in the scheme, in that it would help regulate water flows, the applicant has provided both engineering and photomontage (artistic) drawings that demonstrates that the extent, scale and mass of the embankment works would be incorporated into the landscape of this green belt setting without causing visual harm (and to the function of the Green Belt). The submitted drawings clearly demonstrate that the visual and functional impact of the proposed works (which are viewed as two intertwined matters in this proposal) would not undermine the fundamental aim of Green Belt policy (as set out in part 79 of the NPPF) which is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts which are their openness and their permanence. The overall scheme would allow for improvement in the function and

visual appearance of the green belt through not only the engineering works but also other undertakings proposed such as a net increase in tree numbers that would arise as a result of the development.

6.29. Environmental Impact

6.30. Regulatory Services recommends conditions to secure controls on noise from construction works outside specified hours and days; conditions to secure temporary noise barriers to further control noise from construction of the main embankment to specified nearby premises; the construction of the main embankment and the entrainment embankment to be undertaken outside of school term times; audible reversing alarms to vehicles shall be of the 'broadband' type and the submission of an updated Dust Management Plan (DMP).

6.31. I do not consider there is a requirement for the conditions recommended above by Regulatory Services. The reason for this is include the fact that the main source noise and dust would emanate from site preparation and construction works. The applicant has set out in part xxiv of their submitted Environment Statement that further appropriate mitigation measures would be applied to reduce adverse effects from temporary construction impacts as far as is reasonably practical. I also note that noise and dust emissions, are also subject to other legislation which the contractors would be expected to adhere to. I therefore do not consider that the conditions relating to noise and dust recommended by my environmental advisor are necessary in this instance.

6.32. With regard to matters centred around water quality, the Environment Agency recommend that conditions are put in place to ensure water quality before its release (after being stored) does not cause a pollution event that could result in a drop in dissolved oxygen and thereby potentially kill fish. I concur with this view and with the recommended condition by the EA to address this issue in the event of an unlikely failure of infrastructure.

6.33. In order to address other matters related to potential pollution of controlled waters the Environment Agency recommend a watching brief that sets out a set of requirements that they would be expect to be adhered to, to help ensure protection of controlled waters. I consider an informative is necessary to do this.

6.34. The above measures which seek to prevent pollution of controlled waters is a policy objective (policy 2) of adopted SPD Sustainable Management of Urban Rivers and Floodplains.

6.35. Ecology and Wildlife

6.36. The application site is located within green belt whilst also forming part of a SINC and SLINC set in Sandwell Valley. The impact of the proposal on ecology and wildlife is set out below.

6.37. The City Councils Nature Conservation Strategy SPG sets out in part 1.3.1 "Nature conservation can be defined as the conservation of animals, plants and other living things, the places where they live and the geological and physical features which form those places, to ensure their long term survival. It embraces protection, management, and the creation of new habitats". Policy one of that same document states "The City Council will seek itself and encourage others to conserve and enhance biological diversity within Birmingham and contribute wherever possible to the conservation of national and global biodiversity".

- 6.38. Part 3.4.10 of the Councils Conservation Strategy further states "The close relationship between nature conservation and archaeology is also important to note here. At least 50% of sites of quality identified contain archaeological remains. The protection of the nature resource therefore often ensures the preservation of archaeological site and vice versa". Mindful of this, the impact of the proposal on archaeology and listed buildings is considered elsewhere in this report.
- 6.39. Part 3.4.12 "The protection of sites of quality, is as we have seen (Sites of Quality) critically important to nature conservation. It is not enough though to simply protect a series of scattered, individual sites. There is a parallel need to protect a network of open spaces linking together linking together sites of quality and special habitats. Such a network can provide easy access to recreational facilities and recreational footpaths of great value to people. It may offer opportunities for access to key sites and experiences of nature in own right".
- 6.40. Part 3.4.15 continues by stating "The sites of quality are the foundation of the network and include canals, streams and stretches of river. In this context they can be seen as the beads of a necklace, strung together and augmented by a wide variety of open spaces, parks, golf courses, school playing fields, school playing fields, institutional grounds, vacant land, domestic gardens railway lines, gardens, allotments and other features".
- 6.41. Part 3.4.16 states "The network provides links to the City's urban fringe countryside, such as Sandwell Valley in the west".
- 6.42. Policy 5 states "The City Council will where possible protect, develop and extend the strategic network of open spaces identified on the Strategy Map. In particular it will safeguard the network, and its habitats, against any development which may sever corridors or otherwise harm their integrity". Policy 6 continues by stating "Links with open spaces beyond the City will be maintained, improved, and where possible, extended in cooperation with neighbouring authorities, statutory undertakers and others as appropriate".
- 6.43. The above protection and enhancement of land acts to support ecological assets and plays an important role in maintaining bio-diversity is also set out in the adopted Policy TP8 of the BDP (Biodiversity and Geodiversity) which states "The maintenance, enhancement and restoration of sites of national and local importance for bio diversity and geology will be promoted and supported. These Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNRs), Local Nature Reserve (LNRs), Sites of Importance for Nature Conservation (SINCS) and Sites of Local Importance for Nature Conservation (SLINCs)"
- 6.44. Part 11 of the NPPF 'Conserving and enhancing the natural environment' states in part 109 ". The planning system should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, geological conservation interests and soils;
 - recognising the wider benefits of ecosystem services;
 - minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - preventing both new and existing development from contributing to or

being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and

- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate”

- 6.45. The relevant sections of Part 18 of the NPPF in relation to this proposal states “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
 - development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
 - opportunities to incorporate biodiversity in and around developments should be encouraged;
 - planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”.
- 6.46. Taking the above policy guidance into account, I can confirm that the scheme has been developed with input from expert ecological guidance over a number of years including that from the City Councils ecologist.
- 6.47. The EA have been holding meetings of an Environmental Sub Group (on which the City Councils ecologist sits), involving all the principal land holders and other stakeholders in identifying the impact and range of surveys needed, suitable mitigation and compensation as well as methods of working. This has all been summarised in the submitted Environmental Statement and details in the assorted Landscape Master Plans.
- 6.48. The types, levels and locations of mitigation and compensatory habitat has been wholly guided by this working group and represents what they see as the preferred option following development.
- 6.49. Surveys for protected species have been undertaken in a comprehensive manner and where needed, such as for water vole and habitat disturbance, appropriate licencing is/ will be in place and suitable locations for translocation of this species have been identified (this is within the larger Sandwell valley site).

- 6.50. In my opinion the final mitigation, compensation and enhancement package will leave the site with a greater potential for biodiversity than in its current state and improve the currently degraded habitats for protected species. The overall scheme will enhance links between the City Councils green spaces and the neighbouring Authority (Sandwell) and will provide for a net increase in wildlife habitat and trees. Therefore once completed I foresee there should be net gain for biodiversity in the long term. I therefore conclude the ecological and wildlife impact of the proposal would accord with the objectives of the aforementioned policies. I recommend that a condition be applied to require the implementation of agreed ecological mitigation/enhancement. My ecological advisor concurs with this view.
- 6.51. Trees
- 6.52. The overall scheme which encompasses part of Sandwell would result in the loss of 7,400 trees. However, the overall scheme would result in almost 30,000 new trees being planted.
- 6.53. The applicant has submitted an Arboricultural Impact Assessment with this application which identifies those trees and groups of trees to be removed. The scheme, including that assessment, has been reviewed by my tree officer and she raises no objection to the impact on trees as a result of the development and further emphasises the need for landscaping and new tree planting. I concur with this view.
- 6.54. The trees that would be affected in Birmingham are generally set in a linear form along the river Tame and the boundary with Hamstead Academy. There are no TPO trees amongst the affected trees. Though the loss of the trees would result in a negative visual impact, this would be of a temporary nature as their loss would be more than off set through longer term ecological enhancements and new tree planting (that would provide more trees than are being lost) which the scheme is expected to deliver. The overall scheme, in the long term is expected to have a positive impact in terms of the quantity of trees and the extent of landscaping that the development would deliver which would a positive visual impact. For these reasons I raise no objection to the proposal with respect to the impact on trees.
- 6.55. Impact on existing sports facilities
- 6.56. Sport England state they are minded to support the principle of the proposed development subject to confirmation that Handsworth Golf Club are satisfied that the proposed mitigation measures are acceptable and that confirmation that any damage to the Hamstead Academy playing fields (as a result of the development) during construction will be made good and clarity on how this can be secured. I concur with this view.
- 6.57. The proposal has a potential impact on three sports facilities: Handsworth Golf Course, Hilltop Golf Course and the playing field associated with Hamstead Academy school which sits on the north east corner of the application site boundary. The main impacts in relation to these facilities are expected to be the creation of a flood storage embankment on Handsworth Golf Course which will also include modifications to the golf course to compensate the golf course due to the alignment of the flood storage embankment. These include a rearrangement of holes and raised green, tees, fairways and semi rough areas of up to 2 metres above existing ground level. Though not forming part of the application site, the neighbouring school playing field has the potential to be affected as the flood storage embankment

would skirt the south west edge of the school playing field whilst an entrainment bund would skirt the north west edge of Hamstead Academy.

- 6.58. Whilst the impact on Handsworth golf course appears mitigated, Sport England seek confirmation that the works proposed are acceptable to the golf club themselves. The bunds around the boundary of the school do not appear to have a direct impact on the playing field at Hamstead Academy. Therefore, Sport England seek reassurance that if any works lead to the damage of the playing field that they would be made good by the applicant.
- 6.59. Taking the above requests by Sport England into consideration, I note that no response has been received from Handsworth Golf Course as a result of the consultation process for this planning application. However, the applicants supporting Statement of Community Involvement (SOCl) sets out that Handsworth Golf Course were consulted and have agreed the design included within the proposed scheme for the reconfiguration of the golf course. A specialist consultant was engaged to ensure the design is sympathetic to the historic development of the course. The SOCl states designs developed have been accepted by the board of the club and presented to the membership at a meeting on the 16th March 2017.
- 6.60. It further states that a series of meetings and discussions had been held with Handsworth Golf Club starting in 2014 to discuss the likely impact and mitigation options. The matters included:-
- Golf mitigation options;
 - Amendments to the existing course to ensure playability during construction and operation of storage area in the future;
 - Design development for the reconfigured loss;
 - Safe separation during construction and reducing construction impact;
 - Construction access routes;
 - Future access and maintenance; and
 - Possible environmental improvements including planting on the course.
- 6.61. I am therefore satisfied that the views of Sport England in respect of the impact on Handsworth Golf Club have been satisfied.
- 6.62. In respect to the second matter that Sport England seek reassurance of i.e. that if any works lead to the damage of the playing field at the adjacent Academy that they would be made good by the applicant. A similar request is made by Leisure Services with respect to any damage that may occur to any land they own. In response to this, I consider damage to third party land is a matter covered through separate legislation and not a matter that should rely on planning to rectify.
- 6.63. In summary, for the reasons above, I consider that the proposed development would not have an adverse impact on existing sports facilities.
- 6.64. Conservation and Archaeology
- 6.65. Part 12 of the NPPF 'Conserving and enhancing the historic environment' states in part 131 "In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to

sustainable communities including their economic vitality; and

- the desirability of new development making a positive contribution to local character and distinctiveness”.

- 6.66. Part 132 of NPPF states “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”.
- 6.67. Part 133 states “Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use”.
- 6.68. Part 134 states “. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.
- 6.69. Policy TP12 (Historic environment) of the BDP states “The historic environment consists of archaeological remains, historic buildings, townscapes and landscapes, and include local significant assets and their settings in addition to designated and statutorily protected features. It will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness and sustainability and the Council will seek to manage new development in ways which will make a positive contribution to its character”. This policy sets out further detailed guidance in the assessment and evaluation of the impact of schemes on the historic environment.
- 6.70. Following discussions held between my conservation advisor and the applicant’s agents and the Environment Agency themselves, my archaeological advisor advises that as the works will involve a level of ground disturbance in an area of some known archaeological potential he recommends that a watching brief condition is attached if consent is granted. I concur with this view.
- 6.71. Though the application site encompasses a large area and includes a number of recorded archaeological features such as ‘Manwoods’ a former timber framed building ranging from between 1600 to 1699 AD, the proposed watching brief will

help identify any archaeological features that may be discovered as a result of the proposed works. No adverse impact on archaeological assets are therefore envisaged as a result of the proposed development.

- 6.72. In terms of listed buildings, the nearest one to the proposed works is Park Farm, a converted grade II listed barn and cottage that forms two dwellings. They fall outside the application site boundary. The nearest works to those listed buildings would be proposed woodland, tree and hedgeland planting to the north west of the curtilage of the grounds of Park Farm. I do not consider that such features, as well as the main engineering works which are set a distance to the north from them, would have a harmful impact on the significance of those designated heritage assets.
- 6.73. In summary, no adverse impact on archaeological or listed assets identified subject to safeguarding conditions.
- 6.74. Transport/highway impact
- 6.75. Transportation Development raise no objection and recommend conditions. I concur with this view but consider the recommended conditions can actually be forwarded to the applicant as an advisory rather than be applied as conditions. The development will see the establishment of a new embankment structure that would, in addition to helping control river flows, act as a bridge over the river Tame connecting Sandwell and Birmingham which would be capable of accommodating the passage of pedestrians, motorists and cyclists. I consider the submitted drawings demonstrate this satisfactorily. The wider works in relation to the impact on movements will entail the creation of and upgrade of existing footpaths and cycle ways. This will help facilitate non vehicular movement through the development area and improve accessibility.
- 6.76. With respect to the proposed access arrangements to the site during the construction period (for the main engineering works), the applicant has provided details of such in the submitted Design and Access Statement. This sets out that during construction, the main HGV access would be from Forge Lane (in Sandwell), down the existing access road past the Forge Mill car park (in Sandwell) where it will head south onto the footpath on the southern bank (in Birmingham). The HGVs will then follow this path until they reach the location of the proposed flood storage embankment. Traffic management will be implemented in the car park of Forge Mill (in Sandwell) to keep construction vehicles separate from the public. The proposed works will require the footpath that runs along the southern bank to remain closed during the expected period of construction autumn 2017 until 2020.
- 6.77. In consideration of the above traffic and highway matters, I consider they demonstrate that the necessary access arrangements for construction traffic can be accommodated in a safe manner. Though there will be some temporary out of bounds access to the southern footpath along Forge Mill that falls within Birmingham during the period of construction, this is necessary for health and safety reasons with the end goal being enhanced access to and through the green belt with a new link created for pedestrians, cyclists and motorists over the local authority border between Birmingham and Sandwell through the establishment of the engineering works.
- 6.78. In summary, I do not consider the proposed development would give rise to any adverse parking or highway impact.

7. Conclusion

- 7.1. The proposed development will seek to provide flood defence infrastructure which will link into the earlier phase 1 flood defence works carried out in Witton and Perry Barr. The development will have other wider environmental and ecological benefits and overall meet local and national planning guidance with respect to seeking to achieve sustainable development.
- 7.2. The measures set out to minimise the impact of the scheme are satisfactory.

8. Recommendation

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

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|----|---|
| 1 | Requires the prior submission of hard and/or soft landscape details |
| 2 | Requires the agreement of the hard surfacing materials prior to their first use. |
| 3 | Requires the prior submission of boundary treatment details |
| 4 | Requires the submission of a landscape management plan |
| 5 | Requires the submission of sample materials prior to their first use |
| 6 | The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated;25/03/17, Final version, ref:CH2M Hill. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangement embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. |
| 7 | Requires details of assesment of water quality and managed release of water |
| 8 | Requires the prior submission of a CCTV scheme |
| 9 | Requires the prior submission of an assessment of surface water flood risk |
| 10 | Requires the prior submission of investigation for archaeological observation and recording. |
| 11 | Requires the scheme to be in accordance with the listed approved plans and supporting information |
| 12 | Requires the scheme to be in accordance with the listed approved plans and supporting information. |
| 13 | Implement within 3 years (Full) |
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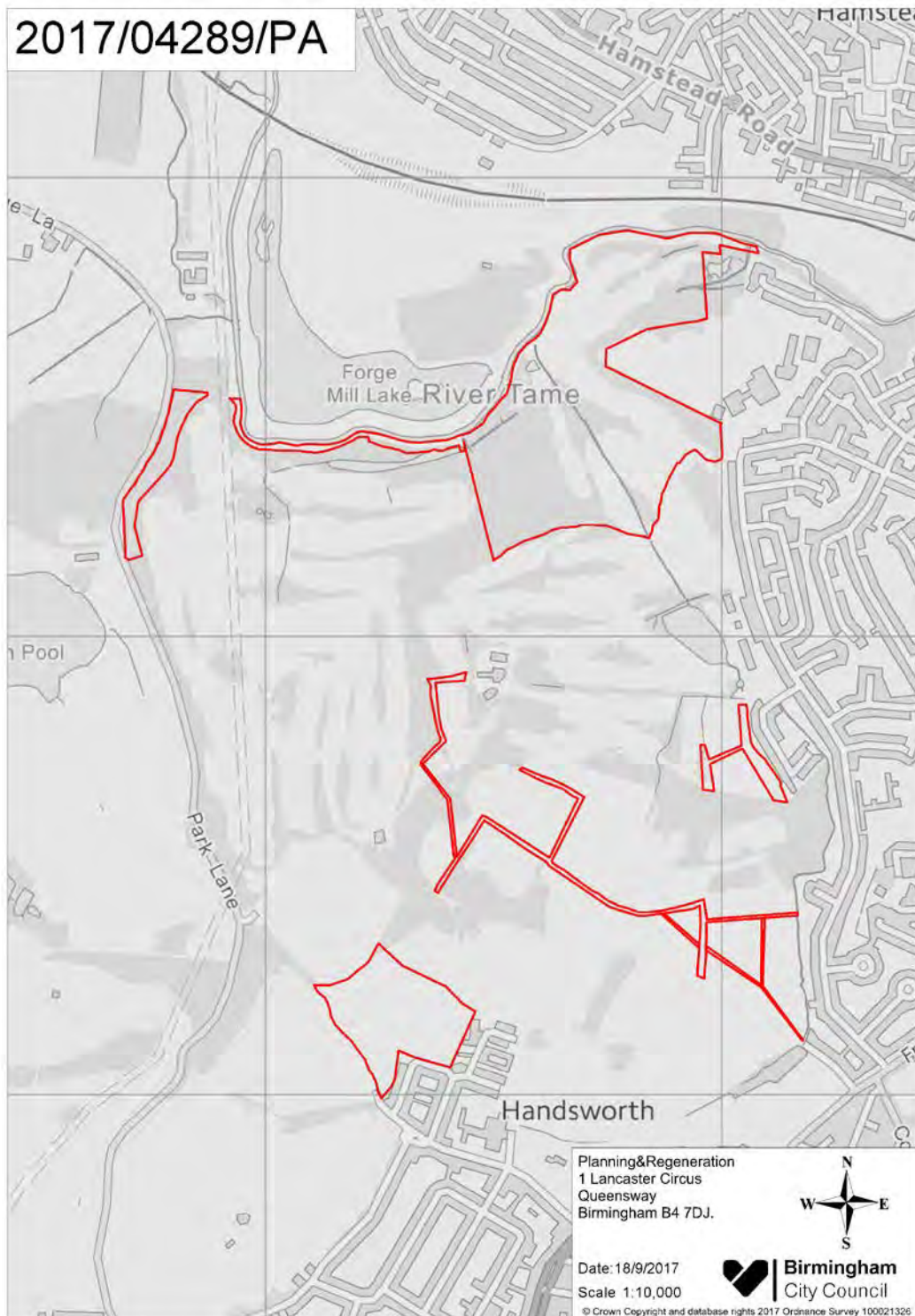
Case Officer: Wahid Gul

Photo(s)



View looking from Handsworth Golf Course looking at where borrow pit 5 and the proposed embankment works would go

Location Plan



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Committee Date:	28/09/2017	Application Number:	2017/01913/PA
Accepted:	05/04/2017	Application Type:	Full Planning
Target Date:	29/09/2017		
Ward:	Aston		

Land at Upper Thomas Street & Albert Road, Aston, Birmingham, B6 6DJ

Change of use from public open space to open space and installation of new ball court in association with King Edwards VI Aston School, associated boundary treatment, ground level changes and landscaping works

Applicant:	Schools of King Edward VI in Birmingham c/o Agent
Agent:	GVA 3 Brindleyplace, Birmingham, B1 2JB

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This application seeks planning permission for the change of use of an area of public open space of approximately 0.87 hectares to form open space with installation of a new sports court for King Edwards VI school. The court would be installed on part of the site with the remainder being retained as open space comprising areas of grass and trees. A new perimeter fence would be erected around the land to control access to it, with access gates for maintenance purposes. The works would also involve some tree felling, replacement tree planting and some re-grading works to level the site.
- 1.2. The applicant originally proposed to gate off the carriageway of Upper Thomas Street during school hours to create a 'play street', during which time the access to the park would not be available to the public, however this has now been withdrawn from the proposals and the highway would be unaffected.
- 1.3. The application is accompanied by a planning statement, supplemented by an addendum to consider matters relating to open space and policy TP9 of the BDP, landscape strategy, heritage statement, arboricultural impact assessment and a preliminary ecological appraisal.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site forms an area of land to the eastern side of Upper Thomas Street. It was once an area of housing that was cleared as part of the development of Aston Expressway to the east, with the residual land being incorporated into Aston Park. This area of land has an undulating level with banked areas and clusters of woodland trees. In the southern part of this area of open space is a Sea Cadets Hut which does not form part of the application site. The public open space wraps itself around this building. The eastern boundary of the site is formed by the boundary with Aston Expressway.
- 2.2. The existing school site is situated to the west of the application site within a predominantly Victorian housing area in Aston. The school is situated on the north side of Albert Road with two storey terraced housing on the south side of the street. The school's eastern boundary is formed by Upper Thomas Street beyond which is the application site to the east.
- 2.3. Aston Hall (a Grade I listed Building) is situated to the north within a Registered Park and Garden (Aston Park) that adjoins the northern boundary of the school and the application site. The Aston Hall and Church Conservation Area is also predominantly located to the north of the site, however there is a small spur that extends into the site in the north east corner adjacent to the expressway.
- 2.4. [Site location and street view](#)
3. [Planning History](#)
 - 3.1. 16/12/2016 – 2016/06819/PA – Formation of 30 no car parking spaces with electronically controlled gated access from Albert Road and 2.0m high vertical bar railings and associated landscaping at land at Upper Thomas Street and Albert Road – Approved subject to conditions.
 - 3.2. 23/08/2013 – 2013/04649/PA – Re-submission of 2012/04459/PA for erection of a two storey extension to existing school to accommodate a dining room and fitness suite, and formation of a new car park on adjoining public open space with associated landscape works – Approved subject to conditions and a s106 agreement. The s106 agreement comprised a community access agreement to secure the use of the school's sports hall, proposed fitness suite, and Trinity Road playing field for community use, and a financial contribution of £25,000 towards improvements to Aston Park, and tree planting works to mitigate the visual impact of the proposed car park.
 - 3.3. 22/11/2012 – 2012/04459/PA – Erection of a two storey extension to existing school to accommodate a dining room and fitness suite, and formation of a new car park on adjoining public open space with associated landscape works – withdrawn.
4. [Consultation/PP Responses](#)
 - 4.1. Press and site notice erected. Ward Members, residents associations and neighbouring occupiers notified. No representations received.
 - 4.2. Transportation Development – In respect of the original proposals to gate off Upper Thomas Street, comments were raised regarding the process for securing its closure, the need to provide an alternative pedestrian path appropriately connected to existing paths within the park which has not been provided, also comments on the impact on the school bus service which uses this part of Upper Thomas Street, and

the need to maintain unhindered access for maintenance to Aston Expressway structure that adjoins the site.

- 4.3. Lead Local Flood Authority – Recommends condition relating to sustainable drainage details.
- 4.4. Historic England – Comments that they do not object in principle but that they have concerns about some of the elements of the proposal. They comment that there is no convincing explanation for the removal of the existing gates, railings and bollards at the entrance to the park and the southern drive leading to Aston Hall and their replacement with taller gates and railings, and that they are concerned about the scale of the new boundary treatment. They object to the use of weld mesh fencing replacing a section of estate railings. They also comment on the play street and the addition of a second set of gates, closing off the vehicular access to Aston Hall and park for most of the week, which they consider would have a harmful effect on the setting of Aston Hall.
- 4.5. Leisure Services – Supports the use of the land for recreational purposes and would accept that the provision of out of hours use of the playing courts for the public would maintain the site as open space in private ownership with limited public access. This should safeguard the site from future built development should the school purchase the land from the City Council in that future development would constitute a loss of playing field/open space and the relevant policy would be applied at the time. Therefore they advise that they would not seek a full compensation sum for the loss of public open space in this instance but would require compensatory works within the site and to the adjacent Aston Park Requests that the off-site works sum be paid to the City Council so that the parks service could deliver the work directly themselves rather than relying on the developers contractors to seek permission to work on Park's land. This is particularly necessary as the land in question has previously benefitted from a Heritage Lottery Fund grant and that in order to avoid clawback payments the City must advise HLF of the nature and extent of compensatory works, retain recreational use of the land and any sale must seek best market value. In respect of the estimate for compensatory tree planting, assuming 17 new trees within Aston Park, they would require these to be semi-mature Category A minimum with girth 20-25cm and maintained for two years, which would equate to a sum of £14,025.
- 4.6. Regulatory Services – No objections.

5. Policy Context

- 5.1. Adopted BDP, UDP (saved policies), Aston, Newtown and Lozells AAP, Places for All, NPPF. Aston Hall and Church Conservation Area, Aston Hall Registered Park and Garden and Aston Hall Grade I listed.

6. Planning Considerations

- 6.1. Members may recall the previous proposals by the school to develop part of this public open space to form a car park for the school. This was part of package of proposals to free up space within the existing confines of the school so that they could extend the school premises to provide a new dining room and fitness suite. The original application in 2012 was withdrawn having been deferred by Planning Committee due to concerns regarding the loss of public open space. A subsequent

re-submission that provided further information and analysis of the policy issues around the loss of public open space, and the provision of a package of compensatory measures including a community access agreement resulted in the development being approved.

- 6.2. Notwithstanding that planning consent was obtained, the development was unable to proceed as the applicant was unable to agree the purchase of the land from the City Council. There were concerns about selling the land for the purpose of providing a car park.
- 6.3. Subsequently, discussions have taken place regarding a potential alternative scheme of works that would not require the land to be used for parking. Instead, a smaller new car park is proposed to the south on an area of incidental space bounded by Upper Thomas Street and Albert Road, for which planning consent was granted under 2016/06819/PA. The school also propose to use part of their existing hard court for parking which would then provide them with sufficient car parking going forward. The applicant considers that the proposed new sports court would address previous concerns to be a more appropriate use of the public open space, and subject to obtaining planning consent they would propose to enter formal negotiations to acquire the site for this purpose.

Policy

BDP

- 6.4. Policy TP9 of the BDP states that planning permission will not normally be granted for development on open space except where :
- It can be shown by an up to date assessment of need that the open space is surplus taking into account of a minimum standard of 2 hectares per 1000 population and the accessibility and quality criteria set out in the policy.
 - The lost site will be replaced by a similar piece of open space, at least as accessible and of similar quality and size.
 - Where an area of open space is underused, as it has inherent problems such as poor site surveillance, physical quality or layout, which cannot be realistically dealt with, then in this case proposals that would result in the loss of a small part of a larger area of open space will be considered if compensation measures would result in significant improvements to the quality and recreational value of the remaining area.
 - The development is for alternative sport or recreational provision, the benefits of which clearly outweigh the loss.
- 6.5. The policy goes on to state that playing fields will be protected and will only be considered for development where they are either shown to be surplus for playing field use, taking account of the minimum standard of 1.2 hectares per 1000 population, through a robust and up to date assessment and are required to meet other open space deficiencies, or alternative provision is provided which is of equivalent quality, accessibility and size.
- 6.6. The policy states that public open space should aim to be provided throughout Birmingham in line with the following standards :

- All residents should have access within 400m to an area of publically accessible open space of at least 0.2 hectares in size which includes children's play facilities
 - Within 1 km of all residents there should be an area of publically accessible open space of at least 2 hectares in size, capable of accommodating differing recreational activities.
 - Within 3 km of all residents there should be access to a publically accessible park which has a wide range of facilities and features including water, children's play facilities, cafes and formal landscaping, being capable of holding local/national events.
- 6.7. The emphasis will be on good quality, accessible public open space that people want to use and feel safe to use. There should be well maintained paths, hard and soft landscape elements, bins, seats and other appropriate site furniture and the needs of people with disabilities should be taken into account.
- 6.8. Policy TP11 relates to sports facilities. This sets out that the provision and availability of facilities for people to take part in formal and informal activity that contributes to healthier lifestyles and can provide a stepping stone into more informal sport will be supported and promoted. Sports and physical activity facilities will be protected from development, unless it can be demonstrated that they are surplus to requirements through a robust and up to date assessment of need. Where there is identified need for particular sports and physical recreation facilities, the loss of existing sports facilities for these sports will not be allowed unless an equivalent or better quantity and quality replacement provision is provided.
- 6.9. The policy also states that facilities within the City's educational establishments that can be used by the community provide a useful contribution towards recreational and leisure requirements of the City and this will be encouraged.

Aston, Newtown and Lozells AAP

- 6.10. The site is located within the boundary of the Aston, Newtown and Lozells AAP. Policy OS1 of the AAP relates to green links. It sets out that a network of green routes linking residential areas to key open spaces such as Aston Park and open space corridors is where street tree planting will be encouraged. The policy reaffirms the minimum target of 2 hectares per 1000 population standard for open space and 1.2 hectares per 1000 population for playing fields. There is a presumption against development on open space unless it can be demonstrated that it is surplus to requirements.

NPPF

- 6.11. Paragraphs 69-78 of the NPPF relate to promoting healthy communities. Paragraph 69 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning policies and decisions should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity. They should promote safe and accessible developments containing clear and legible pedestrian routes and high quality public space, which encourage the active and continual use of public areas.

- 6.12. Paragraph 70 sets out that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision of shared space and community facilities (including sports venues) and other local services to enhance the sustainability of communities and residential environments.
- 6.13. Paragraph 73 sets out that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 6.14. Paragraph 74 states that existing open space, sports and recreational buildings and land including playing fields, should not be built on unless:
- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss
- 6.15. The applicant has provided their analysis of the proposal in respect of these policies with particular regard to policy TP9 regarding the loss of public open space. The applicant's case is summarised as follows :
- The Council's definition of open space in paragraph 6.57 of the BDP does not distinguish between areas of open space of different quality. In their view the land in question is poorly maintained and is heavily littered as a consequence of fly-tipping, having a negative impact on the recreational and amenity value of the land.
 - Local residents are more likely to use Aston Park for recreational and leisure purposes than the application site
 - Paragraph 6.57 confirms that open space does not need to have free public access. The proposal is for a pitch, with the remainder continuing to be laid out as grass with tree planting and landscaping on it. The whole site will therefore comprise open space once the development is completed. Even if BCC took a contrary view, and concluded that the proposed pitch does not comprise open space, it remains that the majority of the site will remain as open space following the development.
 - Our interpretation of policy TP9 where it states that planning permission will not "normally" be granted for development on open space, is that there may be occasions where development may be permitted, and that the policy identifies four circumstances in which this may be the case, only one of which needs to be satisfied in order for planning permission to be granted.
 - The applicant provides information regarding accessibility to open space within 400m and 800m catchments, and in both cases the provision is in excess of the 2 hectares per 1000 population.

- As the site will remain as open space, the provision will remain in excess of the standard. Even if officers took a different view and concluded that the court did not constitute open space there would still be provision locally in excess of the standard.
- The school propose that the court will be made available for community use alongside some of the School's other facilities. The school is part of the King Edwards School Sports Partnership, a programme which enable primary schools in Birmingham to have access to the school's existing sports facilities at Trinity Road and so that primary aged pupils can benefit from a high quality environment for sporting lessons and activities. They provide a list of 19 schools that currently have membership to the programme. The proposed pitch would be made available for use by these schools generating more beneficial use of the site compared to its existing use.
- The school are also proposing to make its facilities at Trinity Road, and the Sports Hall within the main school site at Frederick Road available to be used by the local community, other not-for-profit groups and also profit-making organisations.
- All the facilities would be available to book on a pay as you play basis during defined periods when they are not required for use by the school.
- This is proposed to be secured by entering into a Community Use Agreement (CUA), replicating the CUA that was previously agreed in 2013, which will define the groups who may have access, identify a charging regime and confirm the times when the facilities would be available for use. This will include weekday evenings during school terms, everyday (except Sundays) in school holidays and on Saturdays during term times by special arrangement.
- By making the proposed pitch available for use by the community, the school considers that the application site will have significantly greater recreational and amenity value to the local community than it does at the current time.
- They conclude that the proposal does constitute a proposal for alternative sport or recreational use in accordance with the policy.
- They also comment that as the site will remain as open space they consider that they will meet the 2nd bullet point in the policy.
- They add that the proposed works to re-model the land to make it suitable for a ball court and to enclose it to prevent litter and fly-tipping will enhance the recreational value of the site and therefore accords with the 3rd bullet in the policy.

6.16. In my view, the land is currently public open space and although not part of the Registered Park and Garden, its physical relationship abutting up to Aston Park means that it is seen as a continuation of that open space, albeit it is separated by a boundary railing and contains a more undulating land form with woodland clusters of trees that contrasts with the more uniform level and open aspect of the adjoining parkland. Whilst the land has been subject to fly-tipping in recent times, I would disagree with the applicant's view that the land is low quality.

6.17. The proposal would add a small hard surfaced area for sport and recreation and would be enclosed by fencing such that the land would no longer being public open space as it would not be freely accessible to the public at all times. That said, in terms of policy TP9 there is no loss of open space, there is a change in the type of open space. Providing the trees and landscaping are retained the site will still provide a green space which marks the presence of Aston Park and one of its entrances. This function is arguably more important than the direct recreational use it gets.

- 6.18. There is however a loss of public open space in a ward which is deficient in provision, although as the applicant has noted there is plenty of provision based on the catchment thresholds they considered. Notwithstanding this point, quantity is only one aspect of open space provision assessment, and I do not consider that the land could be considered to be surplus.
- 6.19. The proposed provision of the sports facility and the recreational use of the site would in my view outweigh the loss from public open space to open space. Policy TP9 allows for the loss of open space where the proposal is for indoor or outdoor sports or recreational facilities which outweighs the loss and as the land will still be open space, any further development of the land by the school in the future would still have to meet the requirements of open space policy.
- 6.20. I consider that the proposals to provide community access to both the pitch and the schools existing sporting facilities are a positive consideration as this will enhance the available facilities by formalising existing arrangements for schools use and promoting this further. Allowing community use will also contribute to meeting the Council's objectives in improving health and well-being of the City's residents. When this offer is weighed with the assessment I have set out above, my overall conclusion is the proposal will accord with the relevant open space policies in the BDP and the NPPF.

Other issues – Impact on trees, heritage assets, ecology, drainage

Impact on trees

- 6.21. Policy TP7 of the BDP sets out the Council's policy on green infrastructure network, including trees. This states that the City Council will seek to conserve and enhance Birmingham's woodland resource. Particular attention will be given to protecting the City's ancient woodlands as irreplaceable semi-natural habitats. All trees, groups, areas and woodlands will be consistently and systematically evaluated for protection and all new development schemes should allow for tree planting in both private and public domains. The importance of street trees in promoting the character of place and strengthening existing landscape characteristics will be recognised.
- 6.22. The applicant has submitted an arboricultural impact assessment to consider the impact of the development on existing trees. The assessment identifies 20 individual trees and two large groups of trees within the application site. Group G2 would be affected by the proposed sports court, which is estimated to currently contain approximately 37 trees of which 31 trees would be removed to make way for the proposed court. These trees are mix of field maple, ash, aspen, rowan and beech and are category B trees. Collectively the trees form a large group that is visible in the public domain alongside the entrance into the park.
- 6.23. The applicant is proposing to undertake some new tree planting which includes 27 new trees in two groups in the eastern part of the site next to the Aston Expressway, 5 new trees within the site along its northern boundary adjacent to the hard court area, and 3 new trees on the south edge of the site adjacent to Albert Road. They also propose some shrub planting and two trees in the south eastern corner of the site where the proposed maintenance access is proposed.
- 6.24. In addition to the proposed on-site landscaping, the submitted plans show proposals to plant a further group of trees outside the site within Aston Park to the north to

mitigate the visual impact of the sports court and to further mitigate for the proposed tree loss.

- 6.25. My tree officer advises that the trees to be lost are seen when approaching from Upper Thomas Street towards Aston Park. He comments that there are trees behind these so the removals would open new views to canopy and not to the A38. He comments that if the proposal is deemed acceptable as a whole, that the proposed impact on trees is arboriculturally acceptable. He comments that the proposed details of tree protection are acceptable and recommends a condition relating to these works.

Heritage assets

- 6.26. Policy TP12 of the BDP relates to the historic environment. This sets out that the historic environment will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness and sustainability and the Council will seek to manage new development in ways which will make positive contribution to its character. Great weight will be given to the conservation of the City's heritage assets and proposals affecting them will be determined in accordance with national policy.
- 6.27. The NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 6.28. The applicant has provided a heritage statement to consider the heritage implications of the proposed development. The report considers the impact on the setting of Aston Hall and Church Conservation Area, and on the setting of Aston Hall Registered park and Garden. The respective boundaries of the Registered Park and the conservation area correspond where they abut the school site, only differing at the south-east corner of the park where the conservation area includes an additional spur of land outside the park and adjoining Aston Expressway.
- 6.29. The report comments that although there is no published conservation area character appraisal, the conservation area was clearly designated to primarily protect the Hall and the park setting for the Hall, and Aston's Parish church of St Peter and St Paul. The report comments that the setting of Aston Park has changed dramatically since the park was first laid out, initially enclosed by a semi-rural landscape on the outskirts of the City and then in the 19th century significantly truncated and enveloped by housing developments, this late Victorian suburban landscape in its turn severed by the Aston Expressway.
- 6.30. The report explains that the significant setting of the hall itself is clearly contained within the boundaries of the park and will be unaffected. The school buildings to the south of the park are considered to neither contribute to nor particularly detract from the park setting to the hall.
- 6.31. The report also comments that the landscape of the site and the area within the park that adjoins it has seen significant landscape changes in the past when the former terraced housing on the site was demolished with the cleared land being remodelled and planted. As such, it lies outside the southern entrance to the park and has no historic significance in relation to the park. The report concludes that proposed

works are considered to be appropriate for the site and will not have a negative impact on the significance of the park or the conservation area.

- 6.32. The scheme has been amended since Historic England made their comments, such that the proposals to remove the existing park gates has been omitted, and the type of boundary fencing have now been revised to be a more appropriate vertical bar railing, that will be more appropriate to the parkland edge. My conservation officer has no objections and I consider that the proposal will have an acceptable impact on the setting of the Grade I listed Aston Hall and its setting within the historic park and garden.

Ecology

- 6.33. Policy TP8 of the BDP states that all development should, where relevant, support the enhancement of Birmingham's natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets. Biodiversity and geo-diversity enhancement measures should be appropriate to the nature and scale of the development proposed.
- 6.34. The applicant has provided a preliminary ecological appraisal to consider the existing ecological and biodiversity value of the site and to determine whether there are any habitats or features of ecological or biodiversity value present at the site which may be impacted by the proposed development.
- 6.35. The report sets out that the site contains a mix of amenity grassland, semi-improved grassland, broad-leaved semi-natural woodland, scattered broad leaved trees and other habitat features. No amphibians, reptiles or bats were recorded during the survey, and no potentially suitable roosting features were identified. No evidence of active bird's nests or nesting activity was identified. The report provides a series of best practice recommendations to undertake clearance works outside of the nesting season and other precautionary measures.
- 6.36. My ecologist comments that they have no objections to the proposal, noting that there will be an acceptable percentage of existing trees retained, with a degree of loss and replanting that is supported. He also comments on the proposals for tree planting within the adjoining park which are considered to be beneficial to diversify the tree species to provide greater wildlife benefit. It is suggested that in conjunction with the Parks Service, this could be delivered through the City's tree planting partner Birmingham Trees for Life who would be well placed to deliver these works as they would involve the local community and children from the school in this activity. I concur with this advice and refer to my section below on section 106 obligations that considers this matter further.

Drainage

- 6.37. The comments of the Lead Local Flood Authority are noted. At this stage, no specific details of drainage works are provided however it would be appropriate to provide further details by condition.

Section 106 obligations

- 6.38. As set out above, the applicant is proposing that a community use agreement be prepared to secure the use of the proposed court, and their existing sports hall and Trinity Road playing field for community use. The intention is to be broadly consistent with the agreement previously prepared in 2013. In addition, some off-site

tree planting works have been proposed for which a sum of £14,025 has been identified by Leisure Services for enhancements to provide additional tree planting within Aston Park in the vicinity of the northern boundary of the application site to mitigate the visual impact of the proposed sports court and the associated sports fencing. I consider that these obligations are appropriate with regard to the CIL Regulations and have recommended an appropriate resolution for this.

- 6.39. The site is Council owned, the school do not currently have any ownership interest such that at the present time it is not possible for them to enter into a section 106 agreement. I have therefore recommended that a section 111 agreement be completed that would secure the completion of a section 106 agreement at the point where the school secure ownership of the land. The approval of planning consent subject to the section 111 agreement would then allow the land negotiations to proceed.

7. Conclusion

- 7.1. The application will result in the loss of a small area of public open space that adjoins Aston Park, by enclosing the land with a fence so that the school can maintain it as part of their site, the land will then form an area of open space. Within the open space a sports court will be provided and this will serve the school, however the school are committed to making this available for community use thereby enhancing access to sports and recreation facilities. In my view this offsets the change from public open space to open space, in that the grass and trees that form the approach to the park will remain for the public to enjoy as a visual amenity, which is the primary function of the land. Enclosing it to form part of the school will allow for it to be better managed and maintained by them, and will address current problems of fly-tipping. In my view the proposals will therefore accord with policy TP9 of the BDP, the AAP, and the advice contained in the NPPF. I have therefore recommended approval subject to the completion of a suitable section 111 agreement.

8. Recommendation

- 8.1. That consideration of application 2017/01913/PA be deferred pending completion of a suitable Section 111 agreement to be completed between the landowners in respect of the City Council owned land within the application site to secure the completion of a suitable s106 legal agreement on the City owned land when it is sold for the following :
- a) That a community use agreement be prepared to secure the use of the proposed sports court, the school's Sports Hall and the Trinity Road playing field for community use which is to be annexed to the agreement, and that this community use agreement is to be completed on or before date of the service of the Implementation Notice
 - b) A financial contribution of £14,025 (index linked from the date of this resolution) towards tree planting works within Aston Park in the vicinity of the northern boundary of the site to mitigate the visual impact of the proposed development
 - c) Payment of a monitoring and administration fee associated with the legal agreement of £1500.
- 8.2 That the City Solicitor be authorised to prepare, seal and complete the appropriate agreement,

- 8.3 That in the event of the s111 legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 13th October 2017, that planning permission be refused for the following reason :

In the absence of any suitable planning obligation to secure a community use agreement of the school's proposed sports court, Sports Hall and Playing Field, and a contribution towards tree planting works in Aston Park, the development would be contrary to paragraphs 8.50-8.54 of the adopted UDP (saved policies), policies TP7 TP9, TP11, TP47 of the Draft Birmingham Development Plan and the NPPF.

- 8.2. That in the event of the above Section 111 agreement being completed to the satisfaction of the Local Planning Authority by 13th October 2017, that favourable consideration be given to the application 2017/01913/PA subject to the conditions listed below :

-
- | | |
|---|--|
| 1 | Requires the prior submission of a sustainable drainage scheme and associated details. |
| 2 | Arboricultural Method Statement and Tree Protection Plan - Implementation |
| 3 | Requires the development to be implemented in accordance with the approved landscaping and boundary treatment details. |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
| 5 | Implement within 3 years (Full) |
-

Case Officer: Stuart Morgans

Photo(s)

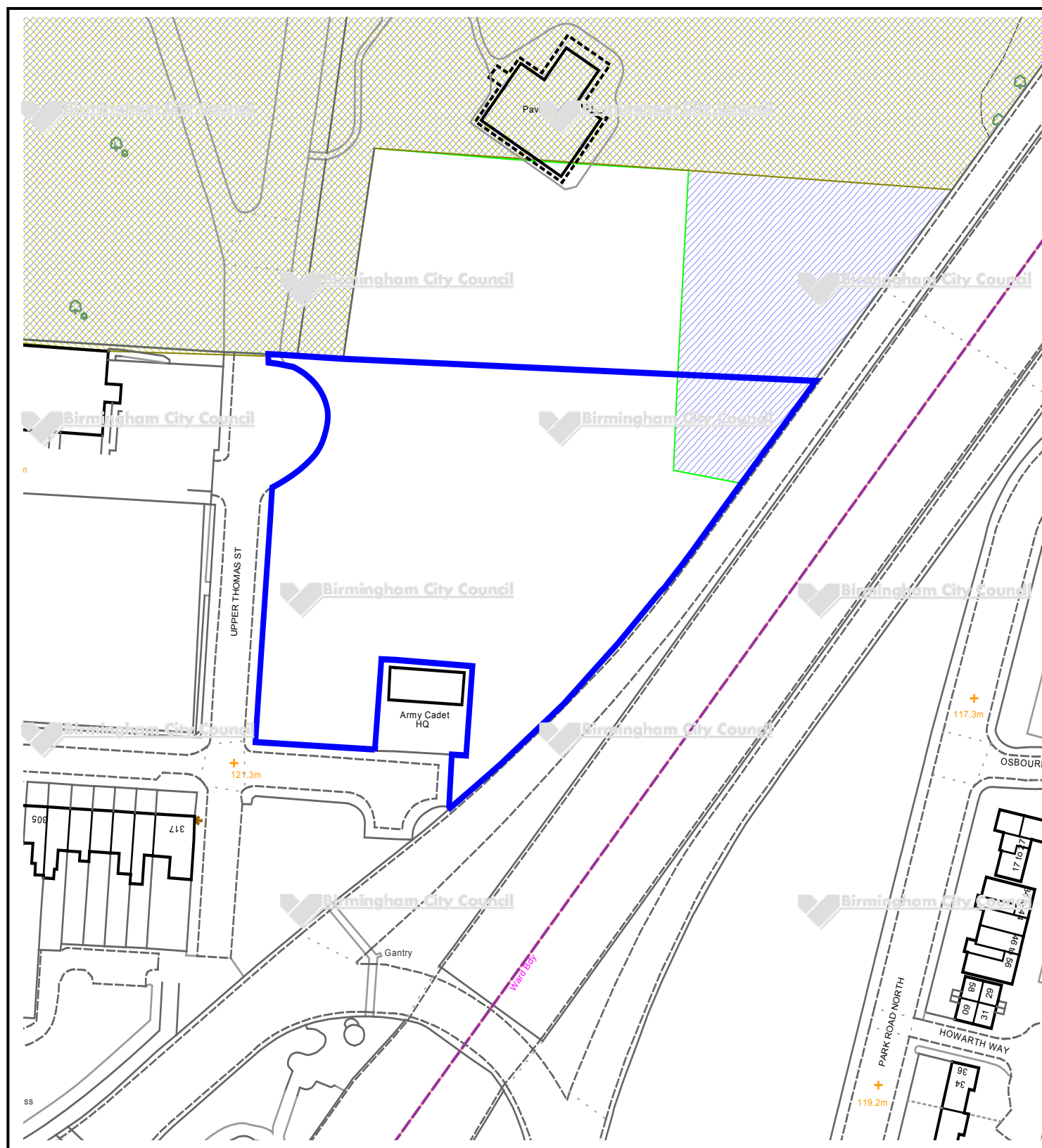


Figure 1 : existing trees facing towards Aston Park



Figure 2 : Existing trees facing away from Aston Park

Location Plan



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Committee Date:	28/09/2017	Application Number:	2017/05612/PA
Accepted:	06/07/2017	Application Type:	Full Planning
Target Date:	05/10/2017		
Ward:	Sutton New Hall		

Minworth Sewage Treatment Works, Severn Trent Water Plc, Kingsbury Road, Sutton Coldfield, Birmingham, B76 9DP

Alterations to the existing Anaerobic Digestion (AD) operations including erection of 14 No. kiosks, a gas to grid and gas to storage facility up to 18.2 metres in height, 4 No. 17 metre high Gas Storage Lightning Protection Masts and associated facilities

Applicant:	Severn Trent Water Limited c/o Agent
Agent:	Wardell Armstrong LLP Sir Henry Doulton House, Forge Lane, Etruria, Stoke-on-Trent, ST1 5BD

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal is for alterations and expansion of the existing Anaerobic Digestion (AD) operations involving the re-tasking of existing apparatus, erection of 14 kiosks and associated facilities and the installation of four 17 metre high Gas Storage Lightning Protection Masts on existing operational land within the existing Severn Trent sewage treatment works at Minworth.
- 1.2. The proposed scheme seeks to improve the way in which liquid commercial waste is treated by diverting it from landfill and utilising it to generate renewable energy and to produce agricultural fertiliser to help reduce the reliance on chemical fertilisers.
- 1.3. The process would begin with the liquid commercial waste being delivered separately to the site by tankers, utilising the existing access off Kingsbury Road. The liquid waste would then be deposited into the proposed Import Facility and transferred through the proposed Low PH Imports Facility located near the entrance of the site. The liquid waste would then be pumped through four of the existing Digesters through a sealed system to maintain the anaerobic conditions, which would prevent the escape of odour and through a series of proposed facilities. During the digestion process a large proportion of the liquid waste would be converted into biogas, which would be fed into the existing gas to grid plant, cleaned, and injected into the National Grid system as a sustainable biofuel. Once the digestion process is complete, the treated liquid waste would be pumped into the proposed De-Watering Facility so that a dry product can be extracted and the remaining water, treated, and returned back to be used for conventional treatment within the sewage treatment works. The resultant dry product would be exported

from the site and would be suitable for agricultural use as a soil conditioner, which would help to reduce the reliance on chemical fertilisers.

- 1.4. The proposed scheme would comprise elements requiring planning permission and also some that are permitted development under Part 13, Class B(d) and Class B(f) of the Town and Country Planning (General Permitted Development) Order 2015. The elements requiring planning permission comprise:
- LCW Import Facility: three building kiosks (12.2m in length x 3.7m in width x 3m in height) to be used for LCW Administration, LCW Welfare and Sampling/Laboratory and three standard kiosks (5m in length x 3.5m in width x 3m in height) for LCW FE/Washwater Booster Station, LCW Potable Water Booster Station and LCW Import Facility.
 - Low PH Import Facility: Low PH Dosing Plant Kiosk measuring 6.7m in length x 4m in width x 3m in height and a Low PH Import MCC Kiosk measuring 10.5m in length x 3.5m in width x 3m in height.
 - Digester Block A Works comprising a Block A Disgestate Transfer PS MCC Kiosk measuring 5m in length x 4m in width x 3m in height.
 - Gas compression/storage facility: 4 x Gas Storage Lightning Protection Masts, all measuring 17 metres in height and with a maximum diameter of approximately 0.3m and situated on a 3m x 3m base.
 - Gas to Grid Facility: LCW Biogas to Grid Facility would include several apparatus with a spherical-shaped design which would range in height between 14.3m and 18.2m and two Gate Entry Units (GEU 1 and 2) which would consist of kiosks measuring 8m in length x 3m in width x 3m in height.
 - Secondary Sludge Tanks Works: LCW Secondary Area MCC kiosk measuring 10.5m in length x 3.5m in width x 3m in height.
 - Block A Disgestate De-watering Facility: De-watering Equipment would consist of two kiosks measuring 8m in length x 2.1m in width x 2.7m in height, which would be mounted on 3m high columns with external stair access; a Polymer Dosing kiosk measuring 5m in length x 3m in width x 3m in height; De-watering MCC Kiosk measuring 15m in length x 5m in width x 3m in height; and a De-watering Washwater Booster Station Kiosk measuring 5m in length x 3.5m in width x 3m in height.
 - Centrate Liquor Treatment Plant (LTP): Standard LPT MCC Kiosk measuring 15m in length x 5m in width x 3m in height.
- 1.5. The capacity of the proposed development would be 300,000 tonnes per annum, however, the majority of this would be water and only 1.5% of the overall amount (approximately 4,500 tonnes per annum) would be dry solid content (i.e. actual waste element).
- 1.6. The AD process would operate continuously 24 hours per day and it is anticipated that liquid commercial waste would be delivered to the site between the hours of 06:00 and 18:00 Monday to Saturday.
- 1.7. The proposed scheme would create 2 to 4 full time job opportunities.
- 1.8. A small group of semi-mature trees of limited amenity value, located within the site, would need to be removed.
- 1.9. The application is supported by a Planning Statement, Noise Assessment, Preliminary Ecological Appraisal, Landscape and Visual Impact Appraisal, Specification for Odour Control and an Archaeological Desk Based Assessment.

- 1.10. The applicant submitted an EIA screening request at pre-application stage where it was concluded that an EIA was not required as the proposed development would not have a markedly different effect on the environment than the existing use, the development is considered to be only of local importance and any environmental effects restricted to this part of Sutton Coldfield and subject to the submission of the above technical reports.

- 1.11. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site involves 8 specific areas within the west area of the existing Severn Trent Water sewage treatment works at Minworth. The main vehicular entrance to the site is off the Kingsbury Road and the site is wholly within designated Green Belt.
- 2.2. The site contains a variety of operational plant, machinery and buildings of varying shapes and sizes and the site is largely screened from external view points by carefully developed planting that has matured over many years. This includes a dense mature woodland to the south of the application site adjacent to Water Orton Lane and to the west adjoining Minworth Parkway.
- 2.3. The nearest residential property is Mill House, a stand-alone dwelling in Water Orton Lane to the south of the application site.

[Site Location and Street View](#)

3. Planning History

- 3.1. 21 November 2013 - 2013/07287/PA - Construction of a Bio-methane Gas to Grid plant comprising Biogas Scrubbing Plant and MCC kiosk, approved.
- 3.2. 5 August 2016 - 2016/04110/PA - Installation of a Thermal Hydrolysis Process (THP) Plant on existing operational land, approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Local Ward Councillors, M.P, Residents Associations and nearby occupiers were notified. Press Notice advertised and Site Notice displayed outside site.
- 4.2. North Warwickshire Council - No objection.
- 4.3. Transportation Development – No objection following receipt of additional information about traffic generation to the site as a result of the proposals.
- 4.4. Local Lead Flood Authority - No objection subject to a condition to require a surface water drainage scheme for the site to be submitted and agreed by the Local Planning Authority.
- 4.5. Regulatory Services – No objection following receipt of additional information about potential odour.
- 4.6. Environment Agency – No objection in principle, but recommends a condition to ensure the development is carried out in accordance with the approved Flood Risk

Assessment (ref: 41521914_FRA – Minworth Sewerage Treatment Works Flood Risk Assessment for Proposed Thermal Hydrolysis Process (THP) Plant, by CIM6), including the implementation of the suggested mitigation measures to ensure the finished floor levels are set no lower than 79 metres above Ordnance Datum (AOD).

5. Policy Context

- 5.1. Saved Policies contained within the UDP (Adopted 2005), Birmingham Development Plan (2017), Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. I consider that the main considerations are whether the proposed development would be acceptable in principle, and if so, whether the development would have a detrimental impact on the Green Belt and visual amenity, on the environment, residential amenity and on highway safety.
- 6.2. Policy Context
- 6.3. The NPPF contains a presumption in favour of sustainable development. The application site forms part of the Severn Trent Sewage Treatment works at Minworth, which falls within the Green Belt. Paragraph 87 of the NPPF contains a presumption against inappropriate development which would harm the openness of the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the NPPF goes on to state that new buildings within the Green Belt are inappropriate with a number of exceptions. One of the exceptions is limited infilling of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and do not conflict with the purposes of including land within it than the existing development.
- 6.4. Paragraph 91 of the NPPF makes specific reference to renewable energy projects “When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”
- 6.5. Paragraph 93 of the NPPF states that planning plays a key role in helping places to secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy and associated infrastructure. Paragraph 98 states that local planning authorities should approve applications for renewable or low carbon energy developments if its impacts are acceptable.
- 6.6. Policy PG1 of the Birmingham BDP recognises that new waste facilities are critical to facilitate sustainable growth, increase recycling and disposal capacity and minimise amount of waste sent directly to landfill. Policy TP1 states that the City Council is committed to reducing the City’s carbon footprint and Policy TP4 states that developers will be expected to incorporate the provision of low and zero carbon forms of energy generation.
- 6.7. Policy TP5 of the BDP states that the development of innovative technologies to reduce the use of fossil fuels and CO2 emissions and promotion of low carbon industries will be supported and encouraged including Bioenergy initiatives including

Biogas. Policy TP13 states that the City Council will seek to prevent the production of waste wherever possible.

- 6.8. Policy TP14 of the BDP further states that the expansion or the development of new waste management facilities will be supported, provided that the proposals satisfy the locational criteria set out in Policy TP15 which include; effect of proposal on the environment and neighbouring land uses, impact on traffic generation, need for pollution control measures, impact on residential amenity and design of the proposal.
- 6.9. Principle of Development
- 6.10. The application site is located within the existing Severn Trent sewage treatment works at Minworth and the proposed development would improve the existing liquid commercial waste treatment process. It would increase the production of renewable biogas and the production of a suitable by-product for agricultural use as a soil conditioner, which would reduce the reliance on chemical fertilisers.
- 6.11. I consider that the proposed development would accord with the aims of national and local planning policy by moving waste up the waste hierarchy as well as contributing to achieving the aims of Policies TP1 and TP5 of the BDP in terms of minimising the amount of waste sent directly to landfill, provide environmental enhancements and contributing to a reduction in greenhouse gas emissions and an increase in renewable energy production.
- 6.12. I therefore consider that the proposed development is acceptable in principle, subject to the locational requirements of the National Planning Policy Framework for Waste and Policy TP15 of the BDP in regards to the impact on the Green Belt and the effect of the proposals on the environment and neighbouring land uses; the impact on traffic generation, need for pollution control measures, impact on residential amenity and design of the proposal.
- 6.13. Impact on Green Belt and Visual Amenity
- 6.14. The application site and the wider sewage treatment works are located within designated Green Belt. Despite the general presumption against new buildings in the Green Belt, paragraph 89 of the NPPF allows for exceptions to this including limited infilling of previously developed sites which would not have a greater impact on the openness of the Green Belt. In this instance the proposed development involving the erection of kiosks, associated facilities and the four 17 metre high masts would be located on areas of land directly adjacent to existing operational buildings and plant within a long established sewage treatment works. I do not consider that there would be any adverse impact on the openness of the Green Belt as a result of this proposed development.
- 6.15. I note that paragraph 91 of the NPPF advises that when located in the Green Belt, many elements of renewable energy projects will comprise inappropriate development and in such cases, developers would need to demonstrate very special circumstances if developments are to proceed. The proposed scheme includes significant wider environmental benefits including the increased production of energy from renewable sources, the management of this waste stream further up the waste hierarchy and the recovery of nutrients to produce an enhanced soil conditioner as a valuable by-product which would help to reduce the reliance on chemical fertilisers.

- 6.16. I therefore consider the proposed development would constitute limiting infilling within an established site and would not impact on the openness of the Green Belt. I also consider there are exceptional circumstances and wider environmental benefits to justify the proposal in policy terms and comply with the requirements of the NPPF and Policy TP10 of the BDP.
- 6.17. In terms of the visual impact, the applicant has submitted a Landscape and Visual Impact Appraisal in support of the application. It advises that the site is well screened by surrounding vegetation and existing industrial and commercial development and that any views from external viewpoints are limited due to the flat topography; existing development within the site; and vegetation around the periphery of the site. The Landscape and Visual Impact Appraisal concludes that where it is possible to view the proposals from external viewpoints, the new development would be partially screened by intervening vegetation and existing development and would be viewed within the context of the existing works.
- 6.18. I am satisfied that the proposed development would be seen as an integral part of the sewage treatment works and would be well screened by existing vegetation. Twelve of the fourteen proposed kiosks are all of low scale (measuring 3 metres) and only two kiosks (the De-watering Equipment kiosks) would be mounted on 3 metre high columns, however, these would be sited near to the centre of the site and would be well screened by existing vegetation. The proposed 17 metre high Gas Storage Lightning Masts would consist of a slim-line design and would not appear prominent in the skyline and the proposed gas to grid and gas to storage facility (up to 18.2 metres in height) would be sited near existing tall apparatus within the site. I therefore do not consider the proposal would have any adverse impact on visual amenity.
- 6.19. Environmental Issues
- 6.20. The applicant has submitted technical assessments in relation to noise pollution. The nearest residential property is Mill House on Water Orton Lane to the south of the site, over 130 metres from the nearest point of the application site on the opposite side of the woodland tree belt. There are also residential dwellings on Water Orton Lane to the east over 230 metres from the nearest point of the application site separated from the site by woodland and Minworth Parkway.
- 6.21. A Noise Assessment of the proposed development has been undertaken in relation to the nearest noise sensitive uses which are the residential properties at Mill House and at 111 Water Orton Lane. The Noise Assessment concluded that the proposed scheme, including the proposed fixed plant associated with the bio-methane to grid facility, would cause a 'low impact' in accordance with BS4142, and is likely to be inaudible in the vicinity of the nearest residential properties during the night time period. It therefore advised that no noise mitigation would be required. Regulatory Services concur with this view and raise no objections in respect of noise.
- 6.22. During the consideration of this application, the applicant has advised that "The proposed development would not increase intrusive odour from the site and that a waste permit from the Environment Agency would be required, before the waste involved within the proposals can be received from the site, which would ensure that odour is appropriately mitigated and monitored throughout the lifetime of the development to avoid intrusive odour". It is further noted by the applicant that "The proposed development is a largely sealed process, with the only potential odour source at the improved Imports Facilities. At these locations enhanced odour control measures would be in operation, including activated carbon filtration or equivalent

techniques". Regulatory Services consider that the proposed scheme is acceptable in terms of odour and emissions.

6.23. Impact on Highway Safety

6.24. The proposed development would not increase the amount of deliveries by tankers to the site, as the proposal only involves the segregation of existing waste streams to allow more efficient treatment of commercial liquid waste, rather than additional waste being treated at the site.

6.25. The proposed development would create 2 to 4 additional employees and from my officer's site observations I am satisfied that the existing car parking provision on site is sufficient to accommodate the additional parking demand. Transportation Development raises no objection to the proposed development. I therefore consider that the proposed development would not have a detrimental impact on highway safety.

6.26. Flood Risk

6.27. The southern part of the application site falls within Flood Zones 2 and 3 which suggest the proposal is at higher risk from fluvial flooding, however, the NPPF points out that development associated with sewage works is classified as less vulnerable development and is suitable development within these flood zones. The applicants have consulted with the Environment Agency and a Flood Risk Assessment was submitted with the previous 2016 application for the proposed Thermal Hydrolysis Process (THP) Plant (application reference 2016/04110/PA), which recommended a mitigation measure to ensure all finished floor levels are set no lower than 79 metres above Ordnance Datum (AOD). The Environment Agency has raised no objection subject to a condition to require this mitigation measure to be implemented. The applicant has confirmed that this is feasible and I have attached a condition accordingly.

6.28. In relation to drainage the Lead Local Flood Authority have raised no objection, however, they have recommended a condition requiring a Sustainable Drainage Assessment prior to commencement of development. I have attached a condition accordingly.

6.29. Ecology

6.30. The site is designated as a Site of Importance for Nature Conservation (SINC), which is mainly for its value to birds. A Preliminary Ecological Appraisal has been submitted in support of the application that confirms the proposed development would not have a detrimental impact in terms of ecology as most of the application site is previously developed land. The Council's Ecologist has considered the application and raises no objection in principle. However, they have advised that one of the installations, the Gas to Grid and Gas to Storage Facility, would be sited in close proximity to areas of scrub woodland and that consideration needs to be given to the potential for mammals to fall into open trenches or access large diameter pipes (if left open). I agree and consider it necessary and reasonable to attach a condition to ensure all excavations are covered over or have ramps fitted and pipework should be stopped up when left unattended for any period in order to protect wildlife.

6.31. Archaeological Impacts

6.32. The supporting Archaeological Desk Based Assessment demonstrates that there are no designated assets within the site boundary or within the 1km search area. It concludes that there is no evidence to suggest the presence of archaeological assets which would preclude the development of the site. The Council's Conservation Officer raises no objections to the application and I concur with this view.

6.33. CIL

6.34. The development is not liable for CIL payment as the development does not include any new build floorspace of 100sqm or above.

7. Conclusion

7.1. I consider that the proposed development would provide a sustainable form of development through improved treatment of liquid commercial waste and the increase in production of renewable energy and a solid by-product that can be used as an agricultural soil fertiliser. It would be an acceptable development in the Green Belt as it involves minor infilling of a previously developed site and exceptional circumstances such as the wider environmental benefits of the scheme have been demonstrated which is in accordance with the requirements of the NPPF. I also consider that the proposed development would not be visually intrusive due to its siting within an existing operational site with mature screening along the site boundaries and the proposal would not result in any significant adverse amenity impacts from odour, emissions or noise levels. I therefore consider that the proposed development would be in accordance with policies contained within the Birmingham Development Plan and the NPPF.

8. Recommendation

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

-
- | | |
|---|---|
| 1 | Requires the prior submission of a sustainable drainage scheme |
| 2 | Requires a Ecological Construction Management Plan for installations close to areas of nature conservation interest |
| 3 | Requires the implementation of the mitigation measure detailed within the approved Flood Risk Assessment. |
| 4 | Requires the development to be constructed in the building materials agreed. |
| 5 | Requires the scheme to be in accordance with the listed approved plans |
| 6 | Implement within 3 years (Full) |
-

Case Officer: Helen Hawkes

Photo(s)



Low PH Imports Facility and Kiosks



Proposed Low PH Import Facility



Proposed Digestate Transfer



Gas to Grid and Gas to Storage Facility



Gate Entry Unit



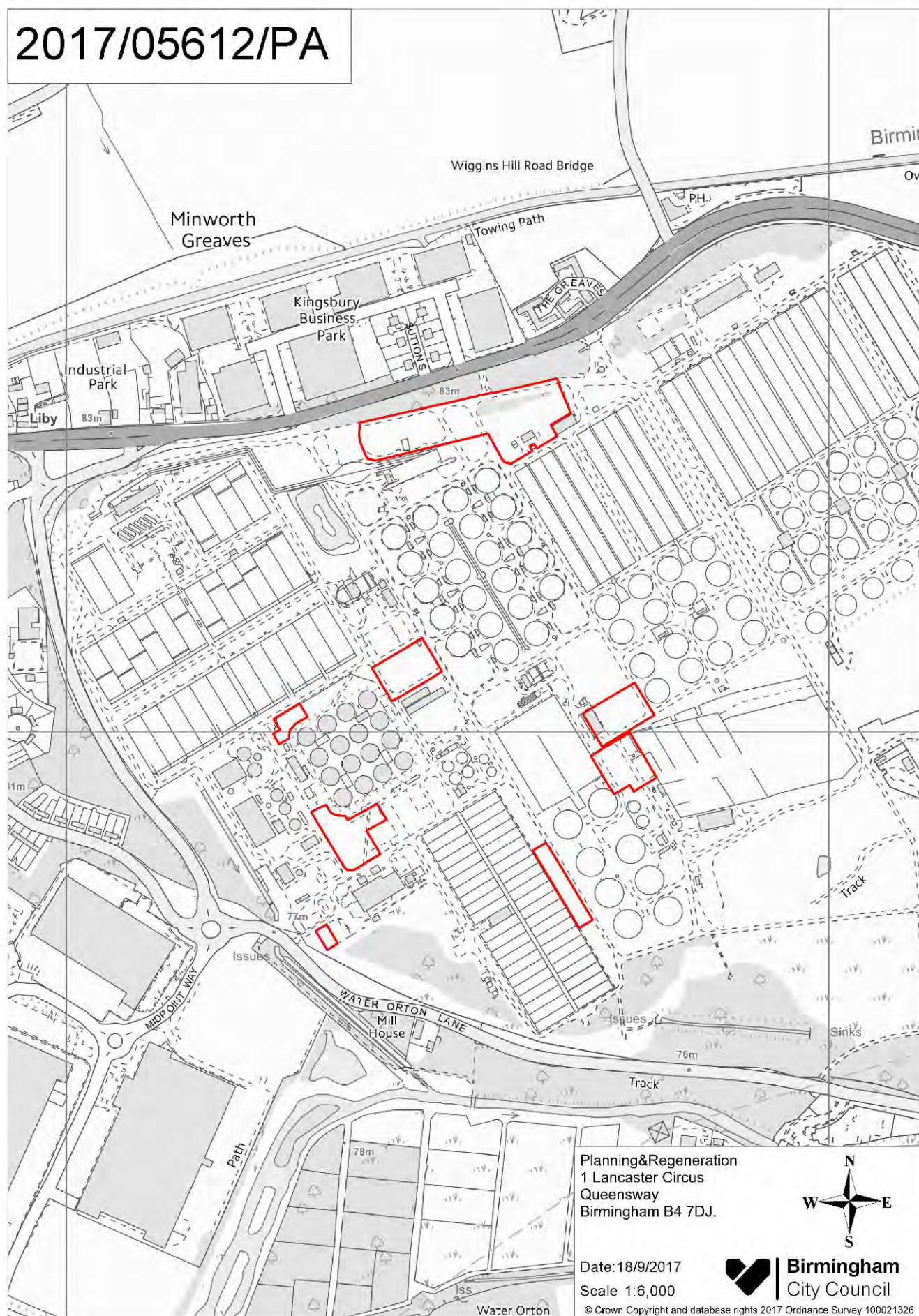
Secondary LCW Area Digestate Liquid Export and Transfer



Proposed LCW LTP Facility and LCW De-Watering Facility

Location Plan

2017/05612/PA



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Birmingham City Council

Planning Committee

28 September 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	12	2017/06730/PA Battery Way Tyseley Birmingham Section 73 application to vary condition 5 (approved plans) attached to planning approval 2015/02506/PA for the creation of a link road between Battery Way and Reddings Lane and Olton Boulevard West to amend the site boundary and a minor realignment to the road

Committee Date:	28/09/2017	Application Number:	2017/06730/PA
Accepted:	07/08/2017	Application Type:	Variation of Condition
Target Date:	06/11/2017		
Ward:	Springfield		

Battery Way, Tyseley, Birmingham

Section 73 application to vary condition 5 (approved plans) attached to planning approval 2015/02506/PA for the creation of a link road between Battery Way and Reddings Lane and Olton Boulevard West to amend the site boundary and a minor realignment to the road

Applicant: Birmingham City Council
 1 Lancaster Circus Queensway, Birmingham, B4 7DJ

Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. A Section 73/Variation of Condition application relating to the creation of a new link road that would form an extension to the existing Battery Way, which would provide a through link from Warwick to Reddings Lane. The proposed changes consist of the slight realignment to the middle section of the road as a consequence of the original route being affected by a piece of communal land that would have required agreement with eight stakeholders. The applicant has advised that the logistics of obtaining agreement from each stakeholder would have either taken a very long time or required a lengthy Compulsory Purchase Order (CPO). They add that it was originally decided to narrow the section of road affected but later negotiated with an adjacent land owner (Mucklows), as part of an ongoing land swap deal, to increase the area to be swapped to allow a full width road to be built and avoid the communal land. The original red edge/application site also needs to be amended to reflect this.
- 1.2. The Road would still comprise of a 9.5 wide single lane carriageway in both directions that will be able to accommodate right turn lanes at future access points as well as the signal junction Reddings Lane, with 1.8m wide footpaths and 1.5m wide segregated cycle lanes. Access points into adjoining land (Mucklows Business Park) has been omitted in agreement with the land owners as the exact locations of new access points is currently not known. To the east, the road would tie into a new traffic signal controlled junction, incorporating pedestrian facilities, with Reddings Lane and Olton Boulevard West, replacing the existing mini-roundabout arrangement. To the west the road would tie back into Battery Way.
- 1.3. The proposal required the demolition of 152 Reddings Lane, which has been undertaken under the existing consent and condition details relating to this element (i.e. construction management plan and acoustic barrier details) have been approved.

- 1.4. Both sides of the link road originally included a 3m landscaping strip to both sides of the road consisting of hedges, shrubs and trees. A short stretch (75m) to the north side of the middle section of the road would no longer be provided partially due to the constraints identified above as well as the need to provide a replacement car park and associated retaining feature for an existing commercial operator located on Weston Lane.
- 1.5. The new link road would be funded by the Government as part of the Greater Birmingham and Solihull Growth Deal. The funding would be provided through the Local Growth Fund programme administered by the Greater Birmingham and Solihull Local Enterprise Partnership.
- 1.6. The proposals have been screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and there is no requirement for an Environmental Assessment.
- 1.7. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site cuts across the wider former Yuasa Battery site, which has been cleared. To the northwest is the existing Battery Way as well as vehicular access to Weston Lane, which runs to the northeast and consists of a mixture of traditional terrace housing as well as long established small and medium sized industrial premises. At the junction of Battery Way and Weston Way is an area of Public Open Space. To the east are Reddings Lane and its junction with Olton Boulevard West, surrounded by a mixture of housing and Eatons industrial site. To the south are the majority of the cleared Yuasa Battery Site, as well as Al Furquan Primary School and a currently vacant industrial building (205 Formans Road). To the west are modern industrial buildings and the Cole Valley Park.
 - 2.2. [Site Location](#)
3. Planning History
 - 3.1. Application site and wider former Yuasa Battery Site:
 - 3.2. 09/08/2007 - 2007/02828/PA. Outline planning application for industrial development with use classes B1(c) Light Industry, B2 general Industrial and B8 Storage and Distribution – Approved with conditions and unilateral agreement
 - 3.3. 20/12/2007 - 2007/05636/PA. Reserved matters submission for the layout, scale and appearance for Phase 1 – Erection of 2 units for uses B1c, B2 and B8, a gatehouse and internal access road in accordance with outline consent – Approved with conditions.
 - 3.4. 22/01/2008 - 2007/07006/PA. Reserved matters submission for the approval of landscaping details for Phase 1 – Approve subject to conditions.
 - 3.5. 12/08/2010 - 2010/03120/PA. Application to replace extant outline consent 2007/02828/PA – approved with conditions and unilateral agreement.
 - 3.6. 08/10/2013 - 2013/04953/PA. Application for a new planning permission to replace extant planning permission 2010/03120/PA [Outline planning application for

industrial development with use classes B1(c) - Light Industry, B2 - General Industrial and B8 Storage & Distribution] in order to extend the time limit for implementation – approved with conditions and unilateral agreement.

- 3.7. Application site, wider former Yuasa Battery Site and Eaton Electric:
- 3.8. 05/09/2012 - 2011/08182/PA. Outline consent (all matters reserved except access) for a mixed use development, including demolition of all buildings and erection of class A1 food store (up to 6350 sq m), small, medium and large class A1 non - bulky retail units (up to 6500 sq m), class A3 restaurant (up to 500 sq m), PFS, class B1/B2/B8 industrial, distribution – approved with conditions and Section 106 Agreement.
- 3.9. Eaton Electric:
- 3.10. 09/12/16 – 2015/10025/PA. Hybrid planning application (part full and part outline) comprising: 1. Full planning application for the demolition of existing buildings and erection of 204 dwellings and formation of access off Olton Boulevard West and internal circulation roads. 2. Outline planning application for a three form entry primary school on the western part of the site (all matters reserved). Approved.
- 3.11. 27/04/17 – 2016/10651/PA. Reserved Matters application for access, appearance, landscaping, layout and scale for a 2 storey Primary School pursuant to outline planning permission 2015/10025/PA. Approved.

4. Consultation/PP Responses

- 4.1. Transportation Development – Reiterates previous comments: – No objection subject to Construction Management Plan. Advise that detail design, including required road safety audits, delivery process / agreements / programme are still to be confirmed. The proposal will also require a formal (Highways Act) extinguishment of some 60 metres of the existing adopted Battery Way.
- 4.2. Nearby premises, local residents groups, Ward Councillors and MPs consulted with site and press notices posted.
- 4.3. 1 representation received from a local resident requesting works/landscaping to reduce the footway to the front of 195 Olton Boulevard West and 269 Reddings Lane, or install parking restrictions as the area if used for dangerous parking. An entrance to Al Furqhan School should be provided with drop off spaces and school pick-up and drop-off facilities.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, Birmingham Unitary Development Plan (Saved Policies) 2005, Places for All SPG 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 and the Birmingham Development Plan 2017. The NPPF is also a material consideration.

- 6.2. In determining variation of condition Section 73 applications the DCLG advises Local Planning Authorities to focus on national or local policies or other material considerations which may have changed since the original grant of permission, as well as the changes sought. Since the previous planning permission was granted in 2015 the Birmingham Development Plan 2017 has been adopted
- 6.3. The principle of the road has been established under 2015/02506/PA and seeks to provide access and assist in the industrial redevelopment of the extensive Yuasa Battery Site, which is allocated Core Employment Land. The road also seeks to improve traffic distribution through the area and remove through traffic from Weston Lane and ease congestion at the junction of Reddings Lane and Olton Boulevard West.
- 6.4. The proposed changes affect the middle section of the new road, which is located amongst vacant industrial land and, at most, would see the road move some 3-4m south from the approved alignment. In terms of neighbour amenity, within the context of the vast industrial site, the impact is negligible and conditions relating to acoustic barriers would remain. Likewise the visual impact would be negligible with the exception of the break in the landscape strip to the northern side of the middle section of the road to accommodate a replacement secure car park and new retaining feature associated with an existing commercial premises located on Weston Lane. Whilst not ideal, within the context of delivering this road and the related highway and economic benefits, on balance it is considered acceptable. In terms of highway safety, the road width would remain the same and new access points would need to be constructed at a later date once the details of the industrial redevelopment of the former Yuasa Battery Site have been finalised.
- 6.5. The proposal also sees a minor change of the approved red edge / application site boundary. This realigned road would remain within the ownership of the City Council who is working closely with the adjacent landowner (Mucklows) to deliver the industrial redevelopment of the former Yuasa Battery site. Within this context, the proposed alteration to the boundary line is acceptable and it is appropriate to deal with this by means of this Section 73 application.
- 6.6. Comments made by a local resident in relation to parking prevention measures are noted and as part of the delivery of this scheme, The Highway Authority would be incorporating appropriate parking prevention measures (e.g. double yellow lines, street furniture) but these do not form part of this planning application.

7. Conclusion

- 7.1. The proposed changes subject to this variation of condition application are acceptable and in accordance with relevant policy and guidance. As such planning permission should be granted.

8. Recommendation

- 8.1. Approve subject to conditions.

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- 1 Requires the prior submission of landscape details based on the landscape strategy
 - 2 Requires the prior submission of acoustic barrier details
 - 3 Requires the prior submission of a construction method statement/management plan
 - 4 Requires the implementation of the Flood Risk Assessment
 - 5 Requires the scheme to be in accordance with the listed approved plans
 - 6 Limits the approval to 25/06/18
-

Case Officer: Peter Barton

Photo(s)

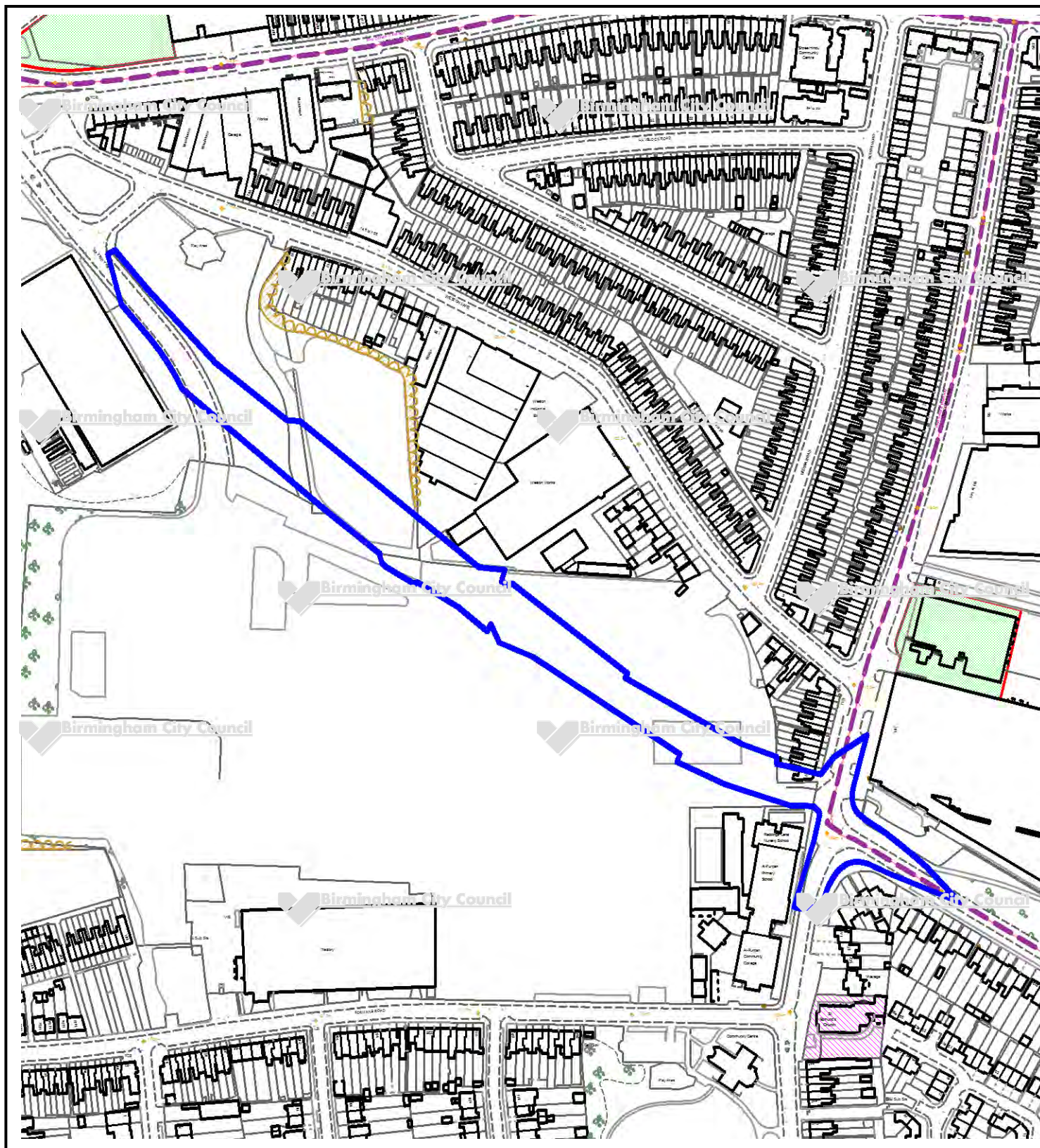


Photo 1 – Reddings Lane frontage



Photo 2 – Battery Way frontage

Location Plan



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Birmingham City Council

Planning Committee

28 September 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	13	2017/04628/PA Land to rear of Park Regis Birmingham Broad Street City Centre Birmingham B15 1DL Erection of 228 residential units varying between 6 & 17 storeys together with 6 no. ground floor retails units (Use Class A1), car parking & associated works.
Defer – Informal Approval	14	2017/02454/PA Land bounded by Green Street, Birchall Street and Bradford Street Digbeth Birmingham B12 0QY Demolition of existing buildings and erection of 140 residential units over 5/6 storeys together with 42 car parking spaces and associated works
Endorse	15	2012/05116/PA Land at and bounded by Paradise Circus Queensway and surroundings including Chamberlain Square, Parade and Paradise Street City Centre Birmingham B3 3HJ Amendments to the existing Section 106 agreement to enable changes to the phasing of the delivery of the public realm enhancements secured by the Paradise redevelopment.

Committee Date: 28/09/2017 Application Number: 2017/04628/PA
 Accepted: 06/06/2017 Application Type: Full Planning
 Target Date: 27/10/2017
 Ward: Ladywood

Land to rear of Park Regis Birmingham, Broad Street, City Centre, Birmingham, B15 1DL

Erection of 228 residential units varying between 6 & 17 storeys together with 6 no. ground floor retail units (Use Class A1), car parking & associated works.

Applicant: Ace Sino Group Ltd c/o Seven Capital
 112 Colmore Row, Birmingham, B3 3AG
 Agent: WYG
 54 Hagley Road, 3rd Floor, Edgbaston, Birmingham, B16 8PE

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This proposed development seeks the erection of 228 residential units varying between 6 and 17 storeys, car parking and associated development.

Overview of the Proposed Replacement Development

- 1.2. It is proposed to erect a predominantly residential apartment scheme that would have frontages onto Broad Street, St Martin's Street and Tennant Street. The highest point of the building would be on the Broad Street frontage and would consist of 17 storeys whilst it would step down to 10 storeys on part of St Martin's Street and 6 storeys on Tennant Street. 6 commercial units are proposed at ground floor level.
- 1.3. A total of 152 on site car parking spaces are proposed on the ground, first and second floors; 117 of which would be retained for the use of the adjacent Park Regis hotel only. 37 car parking spaces (16%) would be dedicated to the residential use.
- 1.4. Overall the proposed development would provide 228 apartments with the following breakdown:

Apartment Type	Number	Percentage	Min. Size	Max. Size
1 bedroom 1 person	86	37.7%	43.2 sqm	48.8 sqm
1 bedroom 2 person	31	13.5%	50.5 sqm	68.9 sqm
2 bedroom 3 person	96	42%	60.9 sqm	68.9 sqm
2 bedroom 4 person	9	3.9%	78.5sqm	81.6 sqm
3 bedroom 4 person	3	1.3%	81.4 sqm	81.6 sqm
3 bedroom 5 person	1	0.4%	89.7 sqm	89.7 sqm
3 bedroom 6 person	2	0.8%	129.6 sqm	129.6 sqm

3 bedroom	6	3%	81.4 sqm	129.6 sqm
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Detailed Proposals

- 1.5. The Broad Street elevation would be 17 storeys high and would turn the corner onto part of St Martin's Street before the height would decrease to 10 storeys, and to 6 storeys on Tennant Street. This roughly L shaped perimeter block would form the taller elements to the building which would contain residential apartments whilst the ground floor would contain commercial units, car parking, cycle storage and refuse stores both for commercial and residential units. The first and second floors would consist of predominantly car parking and cycle storage and apartments. The upper perimeter storeys would be arranged around a landscaped courtyard which corresponds to the roof level of the lower storeys of the Park Regis Hotel adjacent, and at these higher levels there would be apartments facing the road as well as the internal landscaped rooftop.
- 1.6. The scheme would be predominantly single aspect onto the surrounding roads or internal courtyard with a few of the units dual aspect. Plant is proposed on the first and second floors set behind the residential units and not visible to the surrounding streets. 284 cycle spaces are proposed across the ground, first and second floors. An existing substation would be retained and a new substation proposed, both on Tennant Street.
- 1.7. Architecturally, the building would have a flat roof and adopt a simple grid pattern appearance created by the pre-cast concrete, with recessed dark infill openings. The grid would be broken and or extended to articulate different elements of the massing and design and the openings would be two storeys high framed with a stone surround. The curtain walling infill to these openings is further articulated with opening lights, dark grey louvres as well as grey cladding panels expressing the floors between the arrangement of the apartments. Window and door reveals would be framed within deep recesses.
- 1.8. The building would be split at the level of the top of the podium and the lower storeys treated differently. To St Martin's Street the apartments at the lower levels are expressed in a framed recess with darker material, similarly the lower levels of Tennant Street are expressed in a framed stoa, with the infill in a darker material; either louvres, black brick or dark coloured curtain walling.
- 1.9. The buildings would be set to back of pavement and access to the apartments would be provided on two points located on the internal road between the hotel and the application site, one opposite the entrance to the hotel and the other on the southern end of the internal road adjacent to Tennant Street.
- 1.10. The landscaped rooftop above the car park would provide an amenity area of approximately 180sqm for residents and would consist of a variety of planting, framed structures, artificial grass, timber decking, granite paving and low level lighting and would be accessible from various points of the circulation corridors on level 3. Brown roofs are proposed on level 10.
- 1.11. This application is accompanied by detailed plans; a Planning Statement; Design and Access Statement, Heritage Statement, Air Quality Assessment, Daylight/Sunlight Assessment, Noise Assessment, Sustainable Drainage Assessment, Ground Contamination Report, Wind Micro-climate Assessment, Transport Assessment, Travel Plan, Tall Buildings Assessment, Viability Assessment and Affordable Housing Statement.

- 1.12. EIA screening Opinion was undertaken by the Local Authority and it was confirmed that an EIA is not required.

- 1.13. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The triangular application site is 0.41ha and currently operates as a surface level car park with frontages onto Broad Street, St Martin's Street and Tennant Street. The previous Auchinleck House, a 12 storey building is located directly adjacent to the west and has recently been refurbished and converted to a hotel, occupied by Park Regis. Retail/commercial units are located at ground floor of Auchinleck House.

- 2.2. The application site and the adjoining Park Regis site are divided by an internal street which was originally publicly accessible however this was removed as part of the refurbishment works to the hotel site as it was poorly overlooked and lit. A cinema complex is located to the north east which has a blank elevation onto St Martin's Street apart from some louvres. The southern boundary on Tennant's Street consists of 4 storey maisonettes.

- 2.3. The application site is positioned at the southern end of Broad Street on a key radial route heading west from the City Centre towards Five Ways traffic junction. Broad Street is a predominantly social and leisure destination of the City Centre containing several of the City's businesses and leisure attractions such as the Barclaycard Arena, ICC and Symphony Hall, Brindley Place. Broad Street includes a mixture of commercial, residential, retail and leisure uses.

- 2.4. [Location Plan](#)

3. Planning History

- 3.1. 27/02/2015 – 2014/08688/PA. Minor Material Amendment to planning permission 2012/08251/PA to vary conditions 9 (vehicular access and egress), condition 10 (public realm) and condition 12 (approved plans). Approved subject to conditions.

- 3.2. 11/03/2014 - 2014/01488/PA. Minor Material Amendment attached to planning approval 2012/08251/PA to amend the design and materials of previously approved mixed use scheme comprising part demolition of existing shopping centre, change of use of Auchinleck House to a 254 bedroom. Approved subject to conditions.

- 3.3. 11/03/2013 - 2012/08251/PA. Mixed use scheme comprising part demolition of existing shopping centre, change of use of Auchinleck House to a 272 bed hotel, rooftop restaurant & bar, refurbished retail facilities, temporary car park and to allow for the phasing for new banqueting & conference halls with business centre, car parking and associated works. Approved subject to conditions.

- 3.4. 01/03/2012 - 2011/08518/PA. Mixed use scheme comprising part demolition of the existing shopping centre, change of use of Auchinleck House to 300 bed hotel, rooftop restaurant & bar, refurbished retail facilities and erection of new banqueting and conference halls with business. Approved subject to conditions.

- 3.5. 03/02/2012 - 2011/07552/PA. Change of use of office (B1a) to a 300 bed hotel (C1) with ancillary restaurant, meeting rooms, fitness room, office accommodation, plant

and service area with associated external alterations. Approved subject to conditions.

- 3.6. Various applications relating to signage on Auchinleck House.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to conditions in relation to parking management strategy, cycle parking, parking areas are laid out prior to use and provision of a construction management plan.
- 4.2. Regulatory Services – No objection subject to conditions in relation to a scheme of glazing and ventilation to support the findings of the submitted WYG noise report (A100238), contaminated land studies and air quality assessment.
- 4.3. Local Lead Flood Authority – No objection subject to conditions requiring further drainage details and a sustainable drainage operation and maintenance plan.
- 4.4. Severn Trent Water – No objections to the proposals.
- 4.5. Leisure Services – No objection and request a contribution towards off site public open space of £518,700.
- 4.6. West Midlands Police – Recommends that the development follows Secured by Design principles for residential and commercial units, and that conditions in relation to lighting, CCTV, keep recesses on the ground floor to a minimum, queries the postage arrangements and notes that refuse collection should be carefully managed at access points to ensure it is secure.
- 4.7. Environment Agency – No objection.
- 4.8. Highways England – No objection.
- 4.9. Site and Press Notices posted. Residents' Associations; Ward Members; the MP and neighbours consulted. One letter of objection was received raising the following matters:
- Loss of natural light to properties at Moss House.
 - The development will create more parking demand.

5. Policy Context

- 5.1. Birmingham Development Plan 2031; Birmingham Unitary Development Plan (saved policies) 2005; Places for Living SPG 2001; Places for All SPG 2001; Car Parking Guidelines SPD; Affordable Housing SPG 2001; Public Open Space in new Residential Development SPD 2007; High Places SPG; Shopfronts Design Guide SPG; National Planning Policy Framework 2012; The Big City Plan.

6. Planning Considerations

POLICY

Local

- 6.1. Policy GA1.2 of the BDP states that in order for the City Centre to maintain and develop its position as a top visitor destination and driver of the City's economy, significant new levels of growth will be accommodated. The City Centre has potential to accommodate in the region of 12,800 new homes, 700,000 sq.m. gross of office floorspace and 160,000 sq.m. gross of comparison retail floorspace. Policy GA1.1 of the BDP supports residential development in the City Centre where it provides well-designed high quality living environments. Developments will need to provide flexible and adaptable accommodation meeting a range of needs including for families. With regard to Westside and Ladywood it aims to create a vibrant mixed use area combining visitor, cultural, commercial and residential uses.
- 6.2. In respect to housing need the Big City Plan, referenced in the BDP, sets out the aspirations for development within the City Centre. The BDP also sets out the city's approach to the historic environment, the scale of need (51,100 residential units to be delivered in the city over the plan period), location and type of new housing and connectivity issues. The approach to developer contributions is set out in policy TP47, with Policy TP31 setting out that in developments of 15 or more dwellings a contribution of 35% of the scheme as affordable housing will be sought. Policy PG3 sets out the requirement for place making, setting out the key considerations that contribute to a successful place.
- 6.3. Relevant Saved Policies of the Birmingham UDP, comprising of Chapter 8 and policy 3.14, emphasise the need to secure high quality design and set out the circumstances when Planning Obligations may be sought.

National

- 6.4. Sustainable Development is at the heart of the National Planning Policy Framework (NPPF), which establishes a presumption in favour of such development. Development is required to address the three key aspects of sustainability (economic, social and environmental) in order to constitute sustainable development. The NPPF breaks development down to key themes and provides guidance on each, with those key to this application explored in more detail below.
- 6.5. Chapter 6 sets out the need to deliver a wide choice of high quality homes. Chapter 7 puts good design at the heart of the definition of sustainable development. Chapter 11 seeks to conserve the historic environment.
- 6.6. Key issues for consideration are therefore the principle of the development, design, heritage implications, residential amenity, highway impact, sustainability, and viability/S106 issues.

PRINCIPLE

- 6.7. The BDP states that its objectively assessed housing need is 89,000 across the plan period (until 2031) to meet the forecast increase in Birmingham's population of 150,000. Due to constraints across the administrative area the Plan aims to provide 51,100 homes, with 12,800 earmarked for the city centre. Considering housing mix, the BDP sets the following targets for market dwellings: 1-bedroom 13%, 2-bedroom 24%, 3-bedroom 28%, and 35% 4-bedroom. By comparison the proposed housing mix for this 228 apartment scheme would be 51% one bedroom, 46% two bedroom and 3% three bedroom apartments. Although the housing mix figures are not ceilings, given the city's overall housing requirement, there is a need to ensure that the right type and mix is provided in the city as a whole. It is accepted that in the city centre a higher percentage of one and two bedroom apartments are going to be

delivered. Although the development is for predominantly one and two bedroom units, given the overall housing needs to the city it is considered acceptable, particularly given the site's location. In addition given there is communal amenity space proposed in an area where external amenity is not normally provided, I consider the scheme provides a good level of accommodation.

- 6.8. The proposed development is consistent with the broad policy context outlined above. The scheme would deliver residential accommodation in a sustainable city centre location. My Strategic Planning Officer raises no objections and considers the scheme to be an appropriate form of regeneration for this site. The proposal would result in the redevelopment of a brownfield site and the removal of a surface level car park in a prominent city centre location. Therefore, subject to more detailed considerations explored below, I raise no objection to the principle of the proposals.

DESIGN

- 6.9. Both at pre-application stage and during the course of determination of this application Officers have secured changes to the scale and design of the proposed development. Massing has been redistributed to provide a more comfortable relationship with the adjacent buildings and the development has been rearranged to have a more direct relationship with the surrounding streets. The heights have been reduced on Broad Street from 30 to 17 storeys, from 18 to 10 storeys on St Martin's Street and from 18 storeys to 6 storeys at Tennant Street. The initially proposed heights were considered unacceptable as would have competed with Auchinleck House which marks the corner and should remain the focal point at this key location.
- 6.10. The High Places SPG sets the policy framework for development proposals for tall buildings in Birmingham. The guidance states that generally tall buildings should be limited to a defined zone on the central ridge where they can emphasise the City's topography. The application site is located within the Central Ridge Zone on Map 2 within the High Places SPG.
- 6.11. Further, key viewpoints have been included within the submitted Tall Building Assessment and it is considered that these views demonstrate that the scale of development is appropriate for the location.
- 6.12. The proposed design forms a simple grid pattern appearance created by pre cast concrete with recessed dark infill openings. The grid is successfully broken up articulating different elements of the massing and design. Active frontages on Broad Street and St Martin's Street are welcomed and shop fronts will be controlled by condition to ensure consistency. The building would be set back from Broad Street thereby reducing its impact on the streetscene and reduces its dominance in terms of Auchinleck House.
- 6.13. The proposed materials have two contrasting tones consisting of light acid etched pre cast concrete and dark grey either polyester powder coated metal windows/louvres and black brick or dark grey cladding panels. These materials are acceptable in principle and the City Design Officer raises no objection. Further examination of the materials would take place on site and this will be safeguarded by condition. The varying heights and contrasting materials are supported as it would successfully break up the massing of the elevations whilst adding further interest to the elevations. *To ensure deep window and door recesses are achieved cross sections have been provided.*

- 6.14. Consequently, the resultant scheme is acceptable in its existing context, and within the scale and nature of the large-scale redevelopment envisaged by the BDP and Big City Plan in this location.
- 6.15. Subject to appropriate safeguarding conditions to ensure an appropriate design quality is secured I raise no design based objections and this conclusion is supported by my City Design Officer.

HERITAGE IMPLICATIONS

- 6.16. The proposed building would be visible from the Edgbaston Conservation Area which is located on the opposite side of Islington Row approximately 50m from the application site. The closest statutory listed building is the City Tavern located on Tennant Street some 115m to the north east.
- 6.17. Whilst the proposed building would be 17 storeys at its tallest, tall buildings are characteristic of this part of the city and would have no impact on the significance of any heritage assets in the area. My Conservation Officer raises no objection to the proposal.

AMENITY

- 6.18. It is acknowledged that Broad Street is currently one of the main entertainment streets within the City, much of which is based around the evening and night time economy. During the day time, there is less activity and the street has suffered from a number of vacant units and lack of daytime uses. There is an aspiration to see a number of sites along this street being invested in, introducing a range of uses, which could include more residential and more active daytime uses.
- 6.19. The application site is located at the Five Ways end of the Broad Street where there is generally less activity in association with bars and clubs as the character differs to that of the remainder of Broad Street in that there are more residential and office uses. In addition, the cinema complex is located between several of the bars and clubs and the application site acts as a buffer to much of the noise and disturbance generated by entertainment uses.
- 6.20. Regulatory Services have raised no objections to the proposal and note that the submitted noise report identifies that some of the windows will require enhanced glazing. However in order to establish the specification of glazing required, further details should be provided and this will be controlled by condition.
- 6.21. With regard to air quality, a full air quality assessment and a further revised report was carried out, which identified that some of the units on the lower floors requires mechanical ventilation system to provide clean air. I raise no objection to the introduction of mechanical ventilation to some of the units and confirm that all windows would be openable. My Environmental Protection Officer raises no objection however states that in order for the mechanical ventilation to work properly, the filter system contains a chemical that absorbs the pollution and this needs replacing over time. A condition will be attached to ensure the ongoing maintenance and effective operation of the filter units.
- 6.22. Whilst there is no adopted local policy the Nationally Described Space Standards provides a reliable guide regarding residential unit sizes. One bedroom units would range from 43.2sqm to 68.9sqm, two bedroom units would range from 60.9sqm to 80.2sqm and three bedroom units would range from 81.4sqm to 129.6sqm. All but 7

of the two bedroom units proposed comply and these 7 are only 0.1sqm short of the recommended 61sqm. Given this modest shortfall I consider this is negligible and I am satisfied that the layouts demonstrate that adequate furniture could be provided. I therefore raise no objection to the proposed unit sizes.

- 6.23. Two apartments at first floor level would have a limited outlook however; to improve this would compromise the design of the overall scheme. The proposed landscaped rooftop area would provide a pleasant outlook and amenity area for residents to use. On balance the proposed apartments would have a satisfactory outlook in this city centre context.
- 6.24. The closest residents are located on the opposite side of Tennant Street where the proposed building would be 6 storeys in comparison to the maisonettes which are 4 storeys. The maisonettes are set back from the pavement therefore the separation distance achieves 31m. On this basis, I consider the proposal would have no adverse impact on surrounding residential amenity.
- 6.25. I therefore conclude that the development would not materially harm the residential amenity of future or existing occupiers and consider the impact of the proposals are justified.
- 6.26. Subject to the aforementioned conditions I raise no amenity-based objections.

HIGHWAY IMPACT

- 6.27. The existing car park contains 115 car parking spaces for the use of the general public and residents of the hotel adjacent. The applicant has stated that the parking provision needs to be retained for hotel residents. Resulting in 37 car parking spaces being provided for the proposed apartments (16%) as well as 284 cycle spaces. Transportation Development raise no objections to the proposal.

ECOLOGICAL IMPACT

- 6.28. Given the site is currently being used as a car park this has a negligible value for wildlife however; its redevelopment provides an opportunity to enhance the biodiversity value of this highly urbanised context. The City Ecologist has welcomed the inclusion of the landscaped rooftop at level 3 as well as the brown roofs on level 10 and requests that this provision remains and that specific details will be secured by condition. In addition, bird boxes suitable for urban bird species such as black redstarts should be installed in close proximity to the brown roof blocks and again further details will be secured by condition. I consider both these conditions as appropriate.

DRAINAGE / FLOODING

- 6.29. The site falls within Flood Zone 1 and the Environment Agency raise no objection to the development. The supporting Sustainable Drainage Assessment concludes that sustainable drainage systems would be incorporated within the site drainage where practical. In addition sustainable drainage such as brown and green roofs would be incorporated into the scheme. Subject to agreed mitigation measures, the development should not be subject to significant flood risk and should not increase the flood risk to the surrounding area.

- 6.30. Severn Trent and the BCC Lead Local Flood Authority raise no objection subject to a condition requiring the prior approval of further drainage details. I concur with these recommendations/conclusions and appropriate conditions are recommended.

MICROCLIMATE AND SHADOWING

- 6.31. A Wind Assessment accompanies this application. This assesses the impact of the development on pedestrian safety and comfort and concludes that wind levels after the development would be within recommended criteria and no mitigation is required.
- 6.32. I note the concerns of local residents about loss of light and overshadowing, however, a Daylight and Sunlight Assessment has been submitted, which notes that there would be no significant loss of sunlight to nearby properties

SECTION 106 / FINANCIAL VIABILITY

- 6.33. Following the detailed independent assessment of the applicant's Financial Appraisal the applicant has agreed to offer a sum of £365,000 towards Section 106 Contributions. The sum of money would be allocated to off-site affordable housing. The city's independent assessor considers this reasonable in the context of the scale and nature of the development and I consider that such a sum is consistent with CIL legislation and the Affordable Housing SPG.
- 6.34. Whilst there have been requests from Leisure regarding S106 contributions, one of the key priorities of the BDP is to tackle the housing need by securing a wide range of affordable homes and therefore the sum of money will be invested into achieving this goal.
- 6.35. The site is located in a high value CIL area and the amount required is £1,229,988.91.

7. Conclusion

- 7.1. The proposed development offers a high quality residential scheme on a sustainable brownfield site. The changes secured to scale and massing results in a proposal that would relate to both its existing and future contexts. I consider that the proposals constitute sustainable development in NPPF terms and therefore conclude that this application should be supported subject to appropriate safeguarding conditions and Section 106 Agreement.

8. Recommendation

- 8.1. Approve application number 2017/04628/PA subject to the conditions listed below and a Section 106 Legal Agreement to secure the following:
- i) a financial contribution of £365,000 as a commuted sum towards the provision of off-site affordable housing within the Birmingham City Council administrative boundary;
 - ii) a financial contribution of £10,000 for the administration and monitoring of this deed to be paid upon completion of the legal agreement.

- 8.2 In the absence of a planning obligation being completed to the satisfaction of the Local Planning Authority by the 26th October 2017, planning permission be refused for the following reason:-
- i) In the absence of a legal agreement to secure a commitment to affordable housing provision the proposal conflicts with policy 3.14 of the Birmingham Unitary Development Plan (Saved Policies) 2005, policy PG3 and TP31 of the Birmingham Development Plan 2031 and Affordable Housing SPG.
- 8.3 That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 26th October 2017 favourable consideration be given to this application, subject to the conditions listed below.

-
- | | |
|----|---|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the prior submission of a contaminated land verification report |
| 3 | Requires the prior submission of a sustainable drainage scheme |
| 4 | Requires the submission of a Sustainable Drainage Operation & Maintenance Plan |
| 5 | Requires the submission of details of green/brown roofs prior to occupation |
| 6 | Requires the submission of details of bird/bat boxes prior to occupation |
| 7 | Requires the prior submission of a lighting scheme |
| 8 | Requires the prior submission of a construction method statement/management plan |
| 9 | Requires the prior submission of sample materials |
| 10 | Requires the submission of a CCTV scheme prior to first occupation |
| 11 | Requires the prior submission of cross sections of the proposed windows and doors |
| 12 | Requires prior submission of cross sections of the balconies |
| 13 | Requires the submission of a shop front design prior to first occupation |
| 14 | Requires the prior submission of a parking management strategy |
| 15 | Requires the provision of cycle parking prior to occupation |
| 16 | Requires the parking area to be laid out prior to use |
| 17 | Removes PD rights for telecom equipment |
| 18 | Requires the scheme to be in accordance with the listed approved plans |
| 19 | Requires Local Employment Provision |
-

-
- 20 No obstruction, displays or signage fitted to shop front.
 - 21 Requires the prior submission of glazing details
 - 22 Requires works to be implemented in accordance with submitted Air Quality Assessment
 - 23 Requires the submission of maintenance schedule for ventilation strategy
 - 24 Implement within 3 years (Full)
-

Case Officer: Joanne McCallion

Photo(s)



Figure 1 – Application Site including St Martin's Street from Broad Street



Figure 2 – Application Site from Broad Street

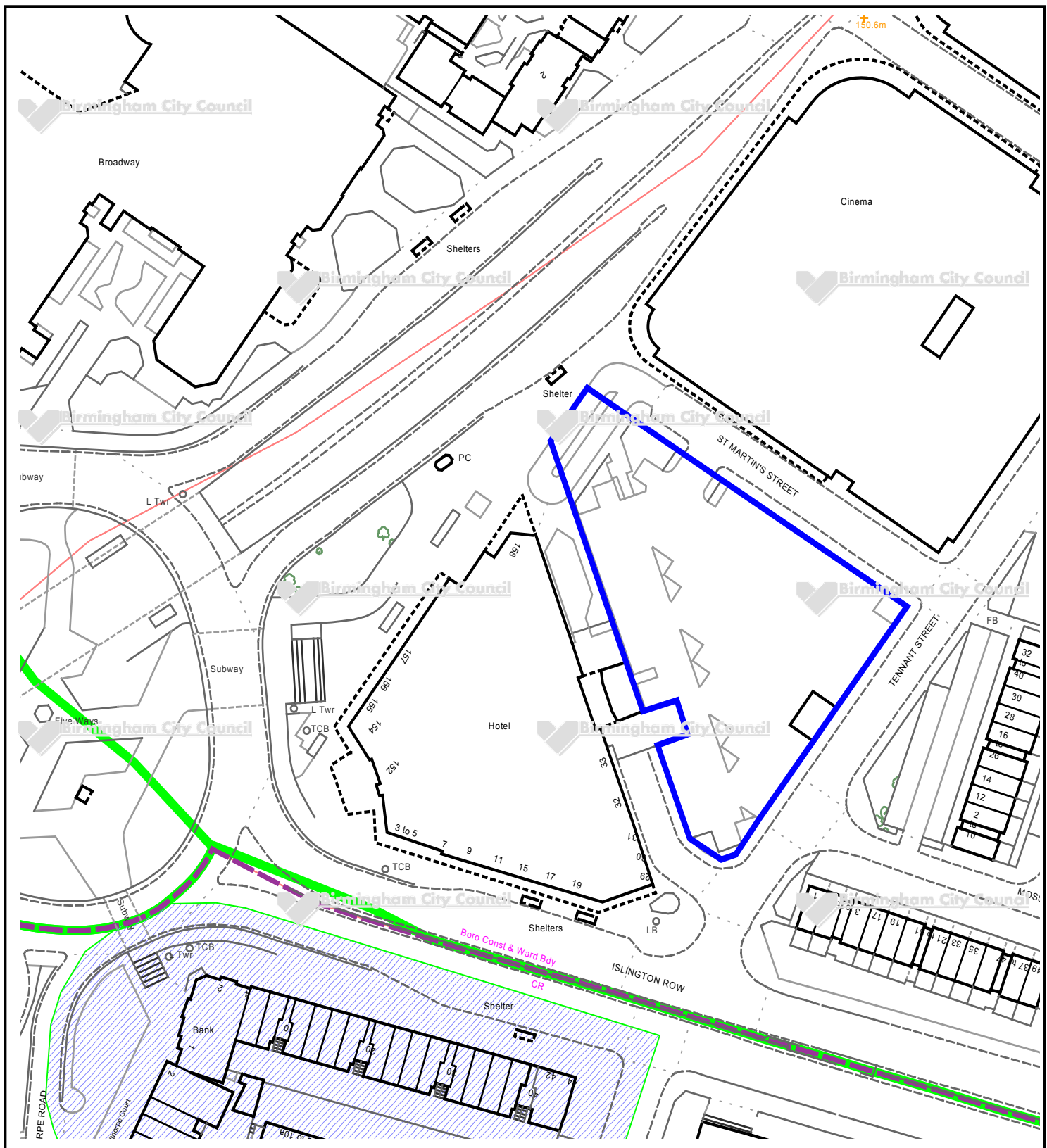


Figure 3 – Side of Cinema on St Martin's Street



Figure 4 – Side of Hotel

Location Plan



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Committee Date: 28/09/2017 Application Number: 2017/02454/PA
 Accepted: 03/04/2017 Application Type: Full Planning
 Target Date: 31/10/2017
 Ward: Nechells

Land bounded by Green Street, Birchall Street and Bradford Street,
 Digbeth, Birmingham, B12 0QY

Demolition of existing buildings and erection of 140 residential units over
 5/6 storeys together with 42 car parking spaces and associated works

Applicant: ESRG Developments Ltd
 c/o Agent
 Agent: DPP Planning
 Sophia House, 28 Cathedral Road, Cardiff, CF11 9LJ

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. The proposed development seeks complete demolition of all buildings on the application site and the erection of a 5-6 storey development providing 140 no. residential apartments, car parking and associated development.

Demolition

- 1.2. This square shaped application site would see demolition of all existing buildings on the site which front onto Bradford, Birchall and Green Streets. The buildings are mostly in a poor state of repair.

Overview of the Proposed Replacement Development

- 1.3. It is proposed to erect a wholly residential apartment scheme in the form of a perimeter block fronting Bradford, Birchall and Green Streets.
- 1.4. A total of 42 on-site parking spaces are proposed (30%) within the private courtyard and vehicular access would be off Green Street.
- 1.5. Overall the proposed development would provide 140 apartments with the following breakdown:

Apartment Type	Number	Percentage	Min. Size	Max. Size
1 bedroom 1 person	27	19%	46.3 sqm	49.6 sqm
1 bedroom 2 person	28	20%	50.2 sqm	60.3 sqm
2 bedroom 3 person	72	51%	57.1 sqm	68.3 sqm
2 bedroom 4 person	13	10%	70.3 sqm	74.4 sqm

- 1.6. During the course of determination officers have secured amendments to the design, massing, number and mix of dwellings proposed. Initially 165 apartments were proposed with a greater proportion of one bedroom apartments.

Detailed Proposals

- 1.7. The Bradford Street frontage would comprise 6 storeys. As the building would turn the corner onto Birchall Street and Green Street the height is reduced to 5 storeys. The scheme would be entirely single aspect onto the surrounding roads and the internal courtyard area. Side elevations onto adjoining sites would be blank. Vehicular access is proposed from Green Street.
- 1.8. A bin store and plant room are proposed on Green Street and a second plant room on Birchall Street. 144 cycle spaces and a further plant room are proposed in the undercroft.
- 1.9. Architecturally, the proposed perimeter block building would be flat roofed and the elevations propose two different treatments breaking up the elevation with regimented columns and detailing around the openings. The two styles proposed consist of feature brickwork detailing and window and door reveals to include soldier course, stretcher bond and flemish bond within. The elevational detail would include glass Juliette balconies with stainless steel fixers. The second approach consists of a metal rainscreen system and the elevation would be articulated with framing around the windows to break up the façade. This is proposed at either end of the building and to highlight the entrances therefore is less dominant than the brickwork.
- 1.10. Window and door reveals are framed within deep recesses, with further contrasting metal cladding frames set inside some of the reveals. Dark grey metal window frames are also proposed to all openings.
- 1.11. The ground floor units would be set back approximately 2m from the street to allow defensible space to the front of the ground floor residential units. Boundary treatment on all 3 elevations would consist of glass panels with stainless steel fixings on masonry walls.
- 1.12. There are two communal access lobbies, one on Birchall Street and the other on Bradford Street.
- 1.13. A landscaped rooftop amenity area is proposed and would be accessed from the circulation corridor on the fifth floor. Brown roofs are also proposed.
- 1.14. This application is accompanied by detailed plans; a Planning Statement; Design and Access Statement; Noise Assessment; Flood Risk Assessment and Sustainable Drainage Report; Transport Assessment, Preliminary Energy Strategy and Viability Assessment.
- 1.15. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site, totalling 0.33ha is square shaped and has frontages onto Bradford, Birchall and Green Streets. The site contains a number of dilapidated industrial buildings and the only active uses within the site are a car wash/valeting business and a shisha lounge. The City Centre Car Care Company Ltd forms part of the southern boundary to the site as do other active industrial uses.

- 2.2. The surrounding area is made up of a number of industrial/warehouse buildings, many of which have fallen into disuse leading to the sites coming forward for alternative uses including residential. More specifically, opposite the site on Bradford Street there is the recently constructed Harrison Drape site which is predominantly residential. Opposite the site on Birchall Street there is a Grade II listed White Swan Public House as well as the Connaught Square site on which there is a current application for mixed use scheme which is also predominantly residential. The River Rea runs through Connaught Square site. Opposite the site on Green Street there is the Bull Ring Trading Estate which is set back some distance from the street. The Irish Centre is located at the corner of Birchall Street and Green Street.
- 2.3. Therefore there are a number of different uses in the vicinity including residential, commercial, industrial/warehouses, specialist body and paint repairers, public houses and a number of vacant buildings.
- 2.4. Heritage assets include the Digbeth, Deritend and Bordesley High Street Conservation Area which is situated some 85m to the north. Locally listed buildings are also located at 27 Alcester Street (Grade B) and St Anne's Church (Grade A) also on Alcester Street.
- 2.5. The wider area can be considered as an area of transition, with a broad trend of commercial and industrial uses being replaced with residential schemes.

2.6. [Site Location](#)

3. [Planning History](#)

- 3.1. Various historic applications relating to alterations and changes of use within the buildings. The more recent and relevant applications are:
- 3.2. 01/02/2012 - 2011/08345/PA. Change of use of first floor (vacant unit) to tearooms/shisha lounge and hard surfacing yard to shisha garden. Temporary approval.
- 3.3. 09/06/2006 - 2006/01518/PA. Construction of 108 apartments and ground floor commercial units (A1), means of access and car parking. Approved subject to conditions.

Other current/recent applications in the vicinity include:

Connaught Square

- 3.4. Current application - 2016/08273/PA. Clearance of site and the erection of new buildings ranging from 4 storeys to 20 storeys to provide 725 residential units and 3,529 sq.m of commercial/retail/leisure and community uses (Use Classes A1, A2, A3, A4, B1, D1 and D2) together with car park.

Bradford/Lombard/Birchall Street and Cheapside (Harrison Drape)

- 3.5. 10/09/2014 - 2014/00452/PA. Application for the part demolition, refurbishment, conversion and extension to the former Harrison Drape building and the erection of three new buildings to provide a total of 313 residential dwellings and retail unit (Use Class A1) with associated infrastructure, parking and landscaping. Approved subject to conditions. Currently under construction.

Corner of Alcester Street and Bradford Street

- 3.6. 18/07/2017 - 2016/08443/PA. Demolition of existing buildings and erection of 130 residential units varying from 4-8 storeys together with 40 car parking spaces and associated works

27 Alcester Street

- 3.7. 29/06/2017 - 2017/01389/PA. Selective demolition and extensions to existing building to form 14 no. of apartments.

Bradford/Lombard Street and Cheapside

- 3.8. 05/10/2015 – 2015/05172/PA. Erection of 5 storey building to accommodate 170 residential dwellings, a ground floor retail unit, car parking and associated landscaping. Approved subject to conditions. Currently under construction.

4. Consultation/PP Responses

- 4.1. Transportation Development – Raise no objection subject to conditions requiring a S278 agreement (to include alterations to the existing footway crossing on Green Street and reinstatement of redundant footway crossings on all roads around the site frontage), that parking areas are laid out prior to use, the provision of cycle parking and provision of a construction and demolition plan, plant room doors should open inwards.
- 4.2. Regulatory Services – No objections subject to conditions requesting the windows are sealed units, mechanical ventilation is implemented, glazing specification to achieve a minimum 37dB, provision of bin storage, provision of electric vehicle charging spaces, low emission vehicle parking, travel plan and ground contamination.
- 4.3. Local Lead Flood Authority – No objection subject to conditions requiring further drainage details and a sustainable drainage operation and maintenance plan.
- 4.4. Severn Trent Water – No objection subject to conditions requiring the prior approval of drainage details and that the development is carried out in accordance with any approved details.
- 4.5. Environment Agency – No objections subject to conditions to ensure particular finished floor levels are achieved, ground contamination, restrictions on the method of foundation works and surface water drainage.
- 4.6. Leisure Services – No objection and request a contribution towards public open space of £344,500 for the creation of new POS in the Southern Gateway or an extension of improvement to Highgate Park.
- 4.7. Children, Young People and Families – Request contribution of £528,103 towards the provision of school places.
- 4.8. West Midlands Fire Service – No objections to the application subject to access arrangements being satisfactory.

- 4.9. West Midlands Police – Recommends that the development follows Secured by Design principles for residential units, that adequate lighting and CCTV are installed. Notes that refuse collection should be carefully managed at access points. Supports the two layers of entrance doors. Requests a video intercom to control access into the site and further details on the postal delivery plan.
- 4.10. Site and Press Notices posted and Residents' Associations; Ward Members; the MP and local occupiers consulted. 2 letters of objection were received from local residents raising the following concerns:
- Building is too high.
 - Insufficient level of car parking.
 - The loss of the Park Works frontage is unacceptable and will have an adverse impact on the setting of the listed White Swan public House opposite.
 - Lack of mixed use within the scheme especially on prominent corners.
 - Encourages red terracotta bricks instead of the buff brick which is alien to the area.
 - The proposal represents dead frontage or apartments on the ground floor and should have some commercial use on the ground floor facing Bradford Street.

5. Policy Context

- 5.1. Birmingham Development Plan 2017; Birmingham Unitary Development Plan (saved policies) 2005; Places for Living SPG; Car Parking Guidelines SPD; Affordable Housing SPG 2001; Public Open Space in new Residential Development SPD 2007; Loss of Industrial Land to Alternative Uses SPD 2006; National Planning Policy Framework 2012; The Big City Plan.

6. Planning Considerations

POLICY

Local

- 6.1. The application site is within the Southern Gateway area of transformation as set out in the Big City Plan. The Southern Gateway seeks to expand the City Core southwards with the redevelopment of the wholesale markets providing the opportunity for creating a new destination in Birmingham. A whole range of uses including new residential neighbourhoods are envisaged.
- 6.2. The Birmingham Development Plan sets out the ambitious growth of the City Centre and identifies five strategic allocations for the centre, including the Southern Gateway which is situated to the east of the site, with the Smithfield Masterplan acting as a centrepiece. The plan states that new investment in office, retail, cultural and residential provision will be supported.
- 6.3. The Big City Plan, referenced in the BDP, sets out the aspirations for development within the City Centre. The Big City Plan identifies Bradford Street as a key connection within the City Centre. The BDP also sets out the city's approach to the historic environment, the scale of need (51,100 residential units to be delivered in the city over the plan period), location and type of new housing and connectivity issues. The approach to developer contributions is set out in policy TP47, with Policy TP31 setting out that in developments of 15 or more dwellings a contribution of 35%

of the scheme as affordable housing will be sought. Policy PG3 sets out the requirement for place making, setting out the key considerations that contribute to a successful place.

- 6.4. Relevant Saved Policies of the Birmingham UDP, comprising of Chapter 8 and policy 3.14, emphasise the need to secure high quality design and set out the circumstances when Planning Obligations may be sought.

National

- 6.5. Sustainable Development is at the heart of the National Planning Policy Framework (NPPF), which establishes a presumption in favour of such development. Development is required to address the three key aspects of sustainability (economic, social and environmental) in order to constitute sustainable development. The NPPF breaks development down to key themes and provides guidance on each, with those key to this application explored in more detail below.
- 6.6. Chapter 6 sets out the need to deliver a wide choice of high quality homes. Chapter 7 puts good design at the heart of the definition of sustainable development. Chapter 11 seeks to conserve the historic environment.
- 6.7. Key issues for consideration are therefore the principle of the development, design, heritage implications, residential amenity, highway impact, sustainability, and viability/S106 issues.

PRINCIPLE

- 6.8. The BDP states that its objectively assessed housing need is 89,000 across the Plan period (until 2031) to meet the forecast increase in Birmingham's population of 150,000. Due to constraints across the administrative area the Plan only provides 51,100 homes, with 12,800 earmarked for the city centre. Considering housing mix, the BDP sets the following targets for market dwellings: 1-bedroom 13%, 2-bedroom 24%, 3-bedroom 28%, and 4-bedroom 35%. By comparison the proposed housing mix for this 140 apartment scheme would be 39% 1-bedroom and 61% two bedroom apartments. Although the housing mix figures are not ceilings, given the city's overall housing requirement, there is a need to ensure that the right type and mix is provided in the city as a whole. It is accepted that in the city centre a higher percentage of one and two bedroom apartments are going to be delivered. Although the development only provides 1 and 2 bedroom units, given the overall housing needs in the city this amended mix containing 61% two bedroom units is considered acceptable, particularly given the site's location. In addition external amenity space would be provided on the rooftop in an area where external amenity is not normally provided.
- 6.9. Internally the accommodation would range in size between 41.6 sqm – 70 sqm and would provide accommodation in line with national standards with a good percentage of 2 bedroom units (66%). A number of the apartments would have patio/balcony areas and there would be 2 private courtyard areas which would provide in excess of 800sqm of communal amenity space. I therefore consider the scheme would provide a good level of accommodation, particularly given its location within the City Centre where external amenity is not normally provided.
- 6.10. It is acknowledged that the development would result in the loss of industrial land. Policy 5.6 of the Loss of Industrial Land to Alternative Uses SPD acknowledges that a more flexible approach to loss of former industrial use is required within the City

Centre. In addition the buildings are dilapidated and have been vacant for some time I do not raise any objection in this location.

- 6.11. The proposed development is consistent with the broad policy context outlined above. The scheme would deliver residential accommodation in a sustainable city centre location. My Strategic Planning Officer raises no objections and considers the scheme to be an appropriate form of regeneration for this site. The proposal would result in the redevelopment of a number of buildings that are detrimental to the visual amenity of the area. Therefore, subject to more detailed considerations explored below, I raise no objection to the principle of the proposals.

DESIGN

- 6.12. Both at pre-application stage and during the course of determination of this application Officers have secured significant changes to the scale and design of the proposed development. Massing has been reduced to provide a more comfortable relationship with the listed public house opposite, Connaught Square application, and other recently approved schemes in the surrounding area. The heights have been reduced on all 3 elevations either at pre application stage or application stage.
- 6.13. The proposed height on Bradford Street was initially higher than the Harrison Drape building opposite and this was not considered appropriate therefore it was advised that the new building should be no higher than the Harrison Drape scheme which has recently been completed. Bradford Street is the principal street and therefore it was considered this was the most appropriate location for the tallest element of the new build.
- 6.14. Consideration has been given to the loss of the unlisted Park Works terracotta façade on Birchall Street but it would have been difficult to integrate successfully into a modern building without compromising the design of the rest of the site and its retention was not therefore justified. My City Design Officer and Conservation Officer concur with this view.
- 6.15. Initially the entire ground floor to Green Street comprised of fully bricked up recesses thus providing no overlooking or activity to the street. In order to activate part of the frontage, some plant and back of house equipment was relocated and two apartments were introduced at the corner of Birchall Street and Green Street and half way along Green Street. This amendment improved the level of active frontage.
- 6.16. Whilst it is characteristic in the area to build to back of pavement, the building is set back on the ground floor with boundary treatment increasing in height in response to safety concerns regarding flooding, raised from the Environment Agency. Therefore the boundary treatment was largely dictated by this important safety factor and whilst this reduces the scope for activity onto the street it is considered that the safety of the building in the event of flooding outweighs aesthetics.
- 6.17. The proposed cladding material is not characteristic of Digbeth, where the traditional material is red brick; however the City Design Officer raises no objection to the principle of its limited use. Further examination of the materials will take place on site and this will be safeguarded by condition. The varying heights and two different design approaches are supported as it successfully breaks up the massing of the building and adds further interest to the elevations.

- 6.18. The resultant scheme is acceptable within both its existing context, and with the scale and nature of the large-scale redevelopment envisaged by the BDP and Big City Plan as part of the Southern Gateway Area of Transformation.
- 6.19. The proposed development would not prejudice the adjacent sites being brought forward for redevelopment.
- 6.20. Subject to appropriate safeguarding conditions to ensure an appropriate design quality is secured I raise no design based objections and this conclusion is supported by my City Design Officer.

HERITAGE IMPLICATIONS

- 6.21. The development would result in the loss of existing buildings that make no impact on the significance of surrounding heritage assets. The building heights have been revised to reduce the impact on the Grade II listed building opposite at the corner of Bradford Street and Birchall Street and generally to respect agreed building heights in the locality. My Conservation Officer acknowledges that the reduced building heights have a better relationship with the listed building.
- 6.22. The Digbeth, Deritend and Bordesley High Streets Conservation Area is approximately 85m to the north beyond High Street Digbeth. The proposed development would have no significant impact on the Conservation Area and thus would preserve its setting.
- 6.23. The site is located within the Digbeth/Deritend medieval and post medieval settlement, therefore my Conservation Officer has recommended the imposition of a condition in relation to an archaeological watching brief, which is attached.
- 6.24. In conclusion, the development would have an overall neutral impact upon existing heritage assets and my Conservation Officer raises no objection.

AMENITY

- 6.25. Regulatory Services raised some concerns regarding noise from the Irish Centre and C.B. Frost on Green Street. However as part of the series of attended surveys conducted at the Bradford Street site and sites in the local area, at no time was noise break-out from C.B. Frost or Kaug Refinery Services audible and it was noted that the dominant noise source was road traffic on the surrounding streets. In addition, whilst the submitted noise report does not specifically reference these companies, the layout of the proposed building has been designed with potential noise impact from surrounding properties in mind to ensure that future residents are not impacted by either existing or future activities associated with these industrial units.
- 6.26. In order to safeguard residential amenity, specific noise mitigation measures include glazing to achieve 37dB on all elevations. Regulatory Services are satisfied that residents would not be adversely affected by noise when the windows are closed and have requested that the units are sealed. However, sealed units would create an unacceptable living environment and are not therefore deemed acceptable. Instead it is necessary to provide alternative means of ventilation throughout the development, to ensure that adequate ventilation is provided when windows are closed. I therefore conclude that an adequate noise environment can be created subject to suitable safeguarding conditions in relation to glazing specification and

ventilation details. Further conditions in relation to contaminated land and electric vehicle parking are recommended and attached.

- 6.27. These conditions would help prevent any unreasonable restrictions being applied to existing businesses in the vicinity due to changes in nearby land uses in line with paragraph 123 of the NPPF.
- 6.28. Whilst there is no adopted local policy the Nationally Described Space Standards provides a reliable guide regarding residential unit sizes. One bedroom units would range from 46sqm and 60sqm and two bedroom units would range from 57sqm to 74sqm. I consider the proposed apartment sizes are acceptable and the layouts demonstrate that adequate furniture can be accommodated; I therefore raise no objection to the proposed unit sizes.
- 6.29. I am satisfied that the proposed development would have access to adequate levels of natural light and outlook either onto surrounding roads or the courtyard due to the shape of the perimeter building.
- 6.30. Considering the amenity of occupiers of adjacent apartments on the Harrison Drape site, the building would be located 19m from the application site on the opposite side of Bradford Street which is a busy transport corridor which I consider is a satisfactory distance given the City Centre context. I do not consider there would be any loss of light or overlooking private amenity space issues. The two side elevations on to the adjoining sites would be completely blank. There are some windows overlooking the site to the east however given this is a commercial building, it is not a material planning consideration and would not prejudice the future redevelopment of the site.
- 6.31. I am satisfied that the amended scheme has an acceptable relationship in this City Centre context.
- 6.32. I therefore conclude that the development would not materially harm the residential amenity of adjoining occupiers and consider the impact of the proposals are justified.
- 6.33. Subject to the aforementioned conditions I raise no amenity-based objections.

HIGHWAY IMPACT

- 6.34. The supporting Transport Statement acknowledges that the site is well served by existing public transport and is a short walk to Moor Street and New Street Railway Stations. The statement also acknowledges that the Car Parking Guidelines SPD sets a minimum of 100% cycle storage spaces and a maximum parking level of 1.5 spaces per dwelling. The Statement concludes that based upon the site's accessible location the level of parking and cycle storage provision is appropriate. I concur with this conclusion and consider that the on-site provision of 42 car parking spaces for 140 apartments (equates to 30%) is an acceptable amount in this location.
- 6.35. In terms of predicted traffic flows, the Statement anticipates a marginal increase of vehicular movements to and from the site during peak hours (compared with the existing permitted uses) and concludes that this would have a negligible impact.
- 6.36. Transportation Development raise no objection subject to safeguarding conditions. I concur with this conclusion and appropriate conditions are recommended.

ECOLOGICAL IMPACT

6.37. A Preliminary Ecology Appraisal has been submitted with the application and the conclusions are:

- With regard to roosting bats the recommendations provided within the Preliminary Bat Roost Assessment should be adhered to;
- With regard to nesting birds building demolition should be undertaken outside the nesting bird season;
- With regard to terrestrial mammals including hedgehogs any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape.

6.38. The City's Ecologist recommends conditions in relation to a scheme for ecological/biodiversity/enhancement measures, a further bat survey and green/brown roofs. I consider these conditions as appropriate.

DRAINAGE / FLOODING

6.39. Most of the site falls within Flood Zone 1 however the edge of the site on Birchall Street falls within Flood Zone 2/3. An objection was raised from the Environment Agency and further modelling works were carried out by the applicant. A solution was reached by increasing the finished floor levels of the proposed development which resulted in the Environment Agency removing their objection subject to conditions in relation to ground contamination, restrictions on the method of foundation works and surface water drainage. These issues will be safeguarded by condition.

6.40. Severn Trent and the BCC Lead Local Flood Authority raise no objection subject to a condition requiring the prior approval of further drainage details. I concur with these recommendations/conclusions and appropriate conditions are recommended.

SECTION 106 / FINANCIAL VIABILITY

6.41. Following the detailed independent assessment of the applicant's Financial Appraisal the applicant has agreed to offer a sum of £372,000 towards affordable housing and public realm improvements. The City's independent assessor considers this reasonable in the context of the scale and nature of the development. In addition this contribution of £372,000 is comparable with 2016/08444/PA for 237 apartments at 230 Bradford Street which secured in excess of £600,000. Therefore I consider that such a sum is acceptable.

6.42. Whilst there have been requests both from Leisure and Education regarding S106 contributions, one of the key priorities of the BDP is to tackle the housing need by securing a wide range of affordable homes and therefore the sum of money will be divided between affordable housing and public realm improvements.

6.43. A commitment to local employment and training during the construction of the development will be written into the Section 106 Agreement.

6.44. I note the site is located outside of the CIL residential high value area.

7. Conclusion

7.1. The proposed development offers a high quality residential scheme within the Southern Gateway Area of Transformation and represents a sustainable brownfield development. The changes secured to scale and massing results in a proposal that would relate to both its existing and future contexts. I consider that the proposals constitute sustainable development in NPPF terms and therefore conclude that this application should be supported subject to appropriate safeguarding conditions and Section 106 Agreement.

8. Recommendation

8.1. Approve application number 2017/02454/PA subject to the conditions listed below and a Section 106 Legal Agreement to secure the following:

- i) a financial contribution of £72,000 (index linked to construction costs from the date of this resolution to the date on which payment is made) towards the provision and/or improvement of public realm to the Digbeth High Street Improvements;
- ii) The phased payment of a total of £300,000 as a commuted sum towards the provision of off-site affordable housing within the Birmingham City Council administrative boundary;
- iii) a commitment to local employment and training during the construction of the development; and
- iv) a payment of £10,000 for the administration and monitoring of this deed to be paid upon completion of the legal agreement.

8.2. In the absence of a planning obligation being completed to the satisfaction of the Local Planning Authority by the 27th October 2017, planning permission be refused for the following reason:-

- i) In the absence of a legal agreement to secure a commitment to local employment/training, affordable housing provision and public realm the proposal conflicts with policy 3.14 of the Birmingham Unitary Development Plan (Saved Policies) 2005, policy PG3 and TP31 of the Birmingham Development Plan 2017 and Affordable Housing SPG and Public Open Space in New Residential Developments SPD.

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

8.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 27th October 2017 favourable consideration be given to this application, subject to the conditions listed below.

-
- | | |
|---|---|
| 1 | Requires the prior submission of investigation for archaeological observation and recording |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the prior submission of a contaminated land verification report |
| 4 | Requires the prior submission a noise study to establish residential acoustic protection |
-

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- 5 Requires a minimum of 1 no. electric vehicle charging point
 - 6 Requires prior approval of a ventilation strategy
 - 7 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 8 Drainage plans for the disposal of foul and surface water
 - 9 Requires the prior submission of a sustainable drainage scheme and associated details
 - 10 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 11 Requires the prior submission of an additional bat survey
 - 12 Requires the prior submission of details of green/brown roofs
 - 13 Requires the prior submission of a lighting scheme
 - 14 Requires the prior submission of hard and/or soft landscape details
 - 15 Requires the prior submission of sample materials
 - 16 Requires the prior submission of level details
 - 17 Requires the prior submission of a CCTV scheme
 - 18 Requires the prior submission of window details
 - 19 Requires prior submission of balcony details
 - 20 Requires the prior submission of boundary treatment and railing details to Bradford Street, Birchall Street and Green Street and the roof gardens
 - 21 Requires the provision of cycle parking prior to occupation
 - 22 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 23 Requires the parking area to be laid out prior to use
 - 24 Removes PD rights for telecom equipment
 - 25 Requires the scheme to be in accordance with the listed approved plans
 - 26 Requires the prior submission of vehicular gate detail
 - 27 Gates to plant rooms must open inwards only
 - 28 Sets the level of the finished floor levels
 - 29 Requires the prior submission of piling/boreholes details
-

30 No infiltration of surface water drainage

31 Implement within 3 years (Full)

Case Officer: Joanne McCallion

Photo(s)



Figure 1 Green Street (towards Connaught Square)



Figure 2 Green Street (Abacus in background)

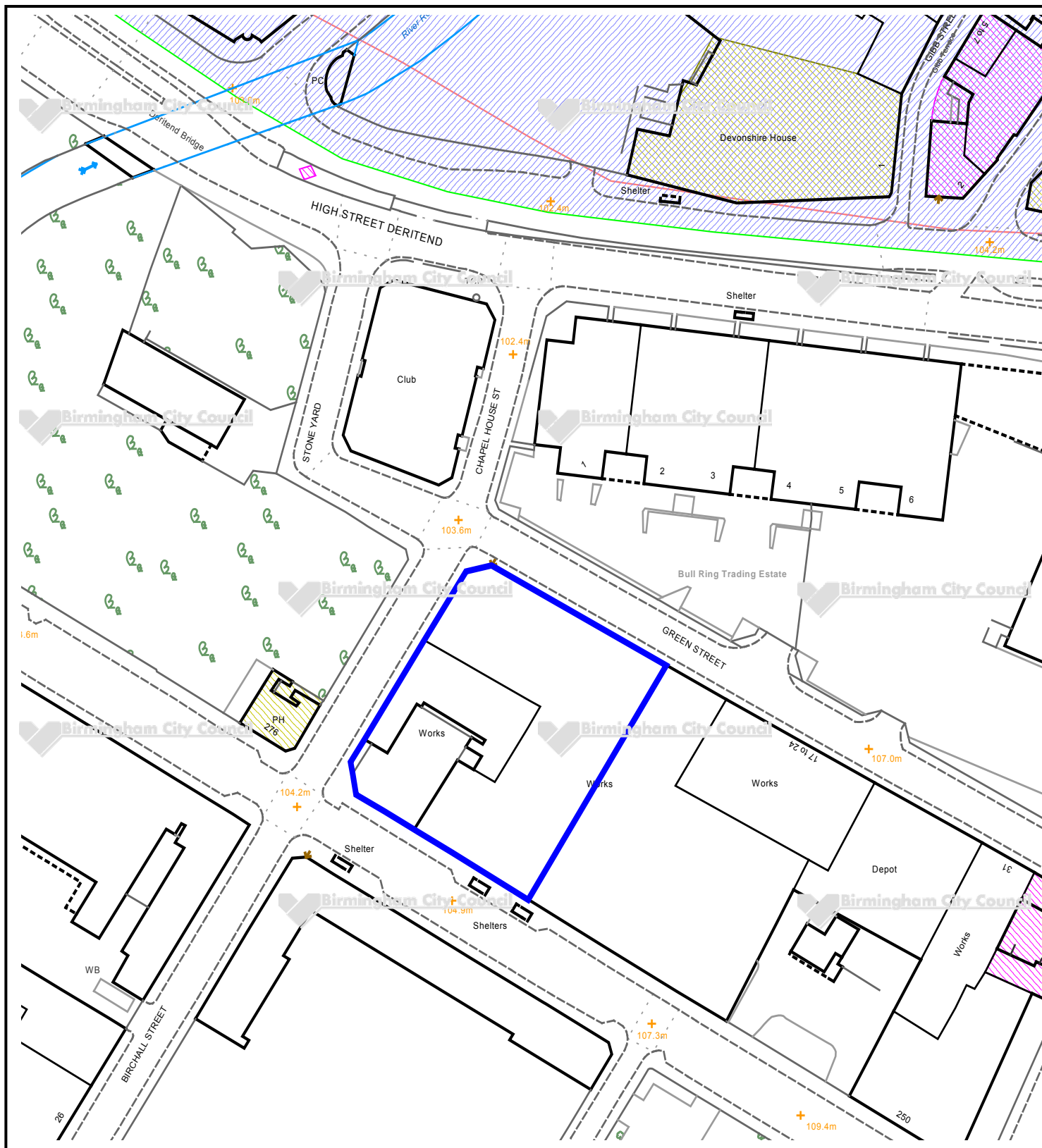


Figure 3 Corner of Birchall and Bradford Street



Figure 4 Birchall Street (Harrison Drape in scaffold)

Location Plan



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BIRMINGHAM CITY COUNCIL**REPORT OF THE CORPORATE DIRECTOR, ECONOMY****PLANNING COMMITTEE****28th September 2017****WARD: LADYWOOD****VARIATION TO AN EXISTING S106 AGREEMENT****LAND BOUNDED BY PARADISE CIRCUS QUEENSWAY AND
SURROUNDINGS INCLUDING CHAMBERLAIN SQUARE, AND PARADISE
STREET, CITY CENTRE, BIRMINGHAM, B3 3HJ****1. SUMMARY**

- 1.1 This report advises Members of proposed amendments to the existing Section 106 Legal Agreement associated with the Paradise Circus redevelopment. The changes concern the area of and timing of the delivery of the public realm associated with the development and are required to reflect the phasing of the development as it is being delivered.
- 1.2 The report sets out the reasoning for the proposed changes and seeks authority to proceed with completing an appropriate obligation under section 106 of the Town and Country Planning Act 1990 in order to vary the current section 106 agreement.

RECOMMENDATIONS

- I) That the changes to the existing Section 106 Obligation as set out in this report are agreed and that the City Solicitor be authorised to prepare, complete and seal an appropriate legal agreement under Section 106 of the Town and Country Planning Act 1990.

2. CONTACT OFFICER

Nicholas Jackson
Planning and Regeneration
Tel. No. 0121-675-0506
Email: nicholas.jackson@birmingham.gov.uk

DISTRICT: LADYWOOD

LOCATION: Land at and bounded by Paradise Circus Queensway and surroundings including Chamberlain Square, Parade and Paradise Street, Birmingham, B3 3HJ

PROPOSAL: Amendments to the existing Section 106 agreement to enable changes to the phasing of the delivery of the public realm enhancements secured by the Paradise redevelopment.

APPLICANT: Paradise Circus Ltd Partnership

3. RELEVANT PLANNING HISTORY:

- 3.1 11.01.2011- Certificate of Immunity from Listing issued for the Central Library for 5 years.
- 3.2 21.12.2012 - 2012/05118/PA – Approval – Application for Listed Building Consent for the demolition of Congreve House (the two-storey bridging structure between the Paradise Circus complex and the Grade II* Council House Extension), and restoration works to the first and second floor facade of the Council House Extension.
- 3.3 08.02.2013 – 2012/05116/PA – Approval - Outline planning application (all matters reserved save for access) for demolition of all buildings on the site (save for the Joseph Chamberlain Memorial) and commercial led mixed use redevelopment of up to 170,012 square metres gross internal floorspace, comprising offices (Use Class B1a), retail and leisure units (Use Classes A1/A2/A3/A4/A5/D1/D2), concert hall (D2), energy centre (Sui Generis), together with a hotel of up to 250 bedrooms (Use Class C1), car parking, highways works (to include the closure of eastern arm of Paradise Circus gyratory), public realm improvements and associated works including alterations to public rights of way.
- 3.4 10.10.2014 – 2014/05319/PA – Approval - Variation of Conditions 2, 5, 6, 7, 10, 11, 12, 13, 15, 16, 18, 22, 24, 25, 26, 27, 29, 30, 32, 36 and 55 attached to planning permission 2012/05116/PA to reflect the proposed phasing of development.
- 3.5 17.09.2015 – 2015/05012/PA; 2015/05010/PA and 2015/05009/PA – Reserved matters consent granted for the first two buildings and the Phase 1 public realm proposals.
- 3.6 11.09.2017 – 2017/03356/PA – Approval - Variation of conditions 40, 43 and 44 to allow for changes to the approved plans and design protocol, variation of condition 56 to allow for a reduction in the minimum distance between the hotel and building F, variation of condition 41 to allow for an increase in the number of hotel bedrooms and the removal of condition 53 to remove the requirement for the replacement of the Adrian Boulton Hall of application 2014/05319/PA.

4. DETAILS OF PROPOSAL:

- 4.1 As the development has progressed on site the scheme has been divided into three broad phases of development. Phase one consists of; the first two buildings (Plots D and E) together with Chamberlain Square, part of the new east/west route connecting Chamberlain and Centenary Squares (Centenary Way), and Congreave Passage. Phase two will consist of the remainder of the development south of Centenary Way which includes three further buildings (one of which would be the new hotel) and further public realm including the new southern square, the remodelled Western Terrace and an upgraded and extended Easy Row subway connecting the development to Alpha Plaza to the west. Phase three consists of the remaining four buildings north of Centenary Way.
- 4.2 The existing Section 106 agreement requires the value of an element of the public realm works (Chamberlain Square, Radcliffe Passage and an area to the south of the Town Hall) to be no less than £1,650,000. In the event that these public realm works cost less the difference would be paid to the city for further public realm and/or art.
- 4.3 In addition, the agreement sets out various triggers for when certain elements of the public realm have to be completed.
- 4.4 The proposed amended phasing reflects how the development is being delivered and would ensure that the public realm improvements are delivered at an appropriate time.

Chamberlain Square / Town Hall Public Realm

- 4.5 Since the grant of planning permission the proposals for the extension of the tramway from Stephenson Street to Centenary Square have progressed. The route passes directly to the south of the Town Hall along Paradise Street. The developer, Paradise Circus Ltd, has agreed to Phase 2 of the highway works comprising of Paradise Street and its junction with the remodelled Paradise Circus being delivered by the Midland Metro Alliance (MMA) on behalf of Transport for West Midlands.
- 4.6 Therefore it is proposed to remove a narrow strip of proposed public realm to the south of the Town Hall as it is being delivered by the alternative tram project.
- 4.7 In addition, due to levels, the position of the buildings and the highway layout, the demolition and construction access for Phase 2 will remain to the western side of the Town Hall. This is where the remodelled Radcliffe Passage will be provided, which will include new surfaces and street furniture.
- 4.8 Therefore it is proposed to amend the agreement to require the timing of the delivery of Radcliffe Passage to be linked to the adjacent new building on Plot F, which would be the final Phase 2 building.
- 4.9 The remainder of the Chamberlain Square / Town Hall public realm works would remain as per the original agreement, requiring their completion prior to the occupation of the Phase 1 buildings currently on site (plots D and E).

Western Terrace / Easy Row Subway Public Realm

- 4.10 The existing agreement requires the subway between what is now Fletcher's Walk and Alpha Plaza to the west to be extended and visually upgraded (surfaces and lighting). It also requires no less than £150,000 to be spent on the new Western Terrace area of public realm. The Western Terrace is

required to be delivered prior to the occupation of the hotel. The subway enhancements are required prior to the completion of Phase 2 of the highway works or occupation of the hotel, whichever is sooner.

- 4.11 As noted above, the MMA will be constructing the second phase of the highway works as part of the extension of the tramway. These works will include the installation of a new track slab structure, the widening of the elevated road on the bend at the head of Paradise Street and associated development.
- 4.12 These works will be in advance of a number of the triggers for Phase 2 of the development and therefore the Section 106 agreement requires changes to the requirement for the delivery of public realm works.
- 4.13 The proposed amendment would require only the design of the extension to the subway to be provided prior to the completion of the highway works. The detailed proposals for the subway enhancements and the Western Terrace would be required when the reserved matters application is submitted for the hotel.
- 4.14 In relation to the delivery of these works, the amended agreement would require the subway extension works to be completed prior to the completion of the highway works or the occupation of the hotel. The remainder of the subway improvements and the Western Terrace works would be provided either prior to the occupation of the hotel or December 2021, whichever is sooner.
- 4.15 Below is a summary of the proposed changes to the delivery triggers

Public Realm Works	Existing Trigger	Proposed Trigger
Chamberlain Square	Occupation of Blocks D and E	No Change
Town Hall Public Realm	Occupation of Blocks D and E	Occupation of Block F
Western Terrace	Occupation of Hotel	Earlier of occupation of Hotel or 31 December 2021
Existing Subway Enhancements	Earlier of occupation of Hotel or completion of the phase 2 highway works	Earlier of occupation of Hotel or 31 December 2021
Subway Extension Enhancements	Earlier of occupation of Hotel or completion of the phase 2 highway works	No Change

5. CONCLUSIONS

- 5.1 The proposed alterations to the agreement are logical and reasonable and do not impact upon the overall amount, value or quality of the works that will be delivered. I therefore recommend that your committee approves these minor changes and endorses the recommendation set out on page one.

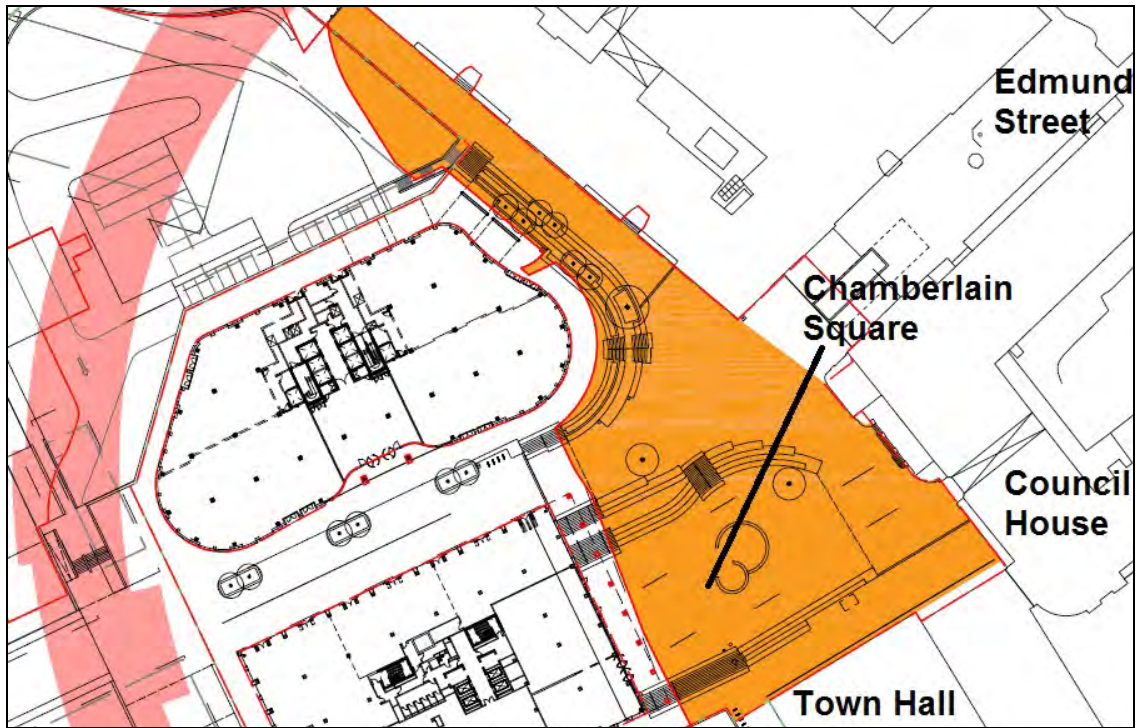


Figure 1 – Chamberlain Square Public Realm Works



Figure 2 – Town Hall Public Realm Works

Birmingham City Council

Planning Committee

28 September 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	16	2017/05884/PA Lifford Park - Former Arvin Meritor Works Fordhouse Lane Stirchley Birmingham B30 3BW Reserved matters application for the approval of appearance, landscaping, layout and scale in connection with outline application 2016/03703/PA for the erection of 101 residential units with associated infrastructure and open space.
Approve - Conditions	17	2017/05133/PA 7 Montague Road Edgbaston Birmingham B16 9HR Erection of 4-storey block containing 7 apartments with associated access, rear parking area and erection of single garage
Approve - Conditions	18	2017/06359/PA 16 Somerset Drive Longbridge Birmingham B31 4RA Erection of canopy roof on front elevation

Committee Date:	28/09/2017	Application Number:	2017/05884/PA
Accepted:	06/07/2017	Application Type:	Reserved Matters Development
Target Date:	05/10/2017		
Ward:	Bournville		

Lifford Park - Former Arvin Meritor Works, Fordhouse Lane, Stirchley, Birmingham, B30 3BW

Reserved matters application for the approval of appearance, landscaping, layout and scale in connection with outline application 2016/03703/PA for the erection of 101 residential units with associated infrastructure and open space.

Applicant: Taylor Wimpey West Midlands Ltd
Second Floor, Fore 2, Fore Business Park, Solihull, B90 4SS

Agent: PlanIT Planning & Development Ltd
The Steeples, Mulberry Court, Stockton On Teme, WR6 6UT

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This is a reserved matters submission which seeks approval for details relating to appearance, landscaping, layout and scale pursuant to outline planning application 2016/03703/PA for the erection of 101 residential properties with associated infrastructure and open space at Former Arvin Meritor Works, Fordhouse Lane, Stirchley. An outline application was approved in 2016 which included means of access.
- 1.2. The layout broadly follows the indicative layout submitted with the outline application, with vehicular access of an existing access point off Fordhouse Lane, at the site's south-east corner. This access would be extended to form a circular route around a large, central perimeter block, with a row of 12 no. houses also fronting onto it along the site's western boundary, and a further 15 no. units to its north side. The road layout follows the line of a series of existing sewers/associated easements. It would terminate at the northern end in 3 no. small turning heads.
- 1.3. The layout shows a total of 101 dwellings, with the following mix:
 - 12no. 1 bed flats
 - 6no. 2 bed flats
 - 26no. 2 bed houses
 - 46no. 3 bed houses
 - 11no. 4 bed houses
- 1.4. A variety of house-types are shown, all of which are 2 or 2.5 storeys in height. The layout also shows 2no. 3 storey block of flats.

- 1.5. The flatted blocks would be sited to the south east (plots 1-9) and north east (plots 16-24) corners of the perimeter block. They would be three storeys with a total height of 12.3m and width of 18.9m. They would have a simple design, with hipped roofs and gable features. A canopied front entrance would be provided to the eastern elevation (frontage), with a secondary access provided to the rear. Nine car parking spaces would be provided to each block (100% parking provision). There would be amenity space around the buildings, with a total of approximately 298sqm (plots 1-9) and 245sqm (plots 16-24) of usable space.
- 1.6. Internally, the flats would generally comprise: – open plan kitchen/living room, one or two bedrooms and bathroom. The total area of the one bed flats is 50sqm with a bedroom of 13.3sqm. The total area of the two bed flats 67.7sqm with bedrooms of 11.5sqm and 10.2sqm. A bin store and secure cycle store area would be provided for each block.
- 1.7. The rest of the dwellings would comprise of 19no detached; 58no. semi-detached and 6no-terraced properties providing a mix of 2 to 4 bedrooms. They would be of a traditional design, constructed in brick, with tiled pitched roofs and canopy above entrances. Dual fronted properties would be provided at corners. They would all be 2 or 2.5 storeys in height ranging from 7.5m to 9.7m. Each would generally comprise of kitchen/dining room and living room at ground floor with two, three or four bedrooms and bathroom at first floor. All properties would be provided with a private garden area.
- 1.8. Parking provision for the houses is shown as 200% with all properties having two car parking spaces. Six properties would be provided with a detached single storey garage. The garages would be 6.2m in length, 3.2m wide and 4.7m high with a pitched roof.
- 1.9. A footpath/cycleway is proposed to link the site (at its north-west corner) with Mayfield Road, which would thereby provide direct access for pedestrians and cyclists to Pershore Road/Stirchley centre beyond. This route would link across the site, with the River Rea cycleway beyond the site boundary to the east.
- 1.10. The development would deliver 0.4 hectares of public open space throughout the site, the majority of which would be in the form of a grassed 'corridor' along the east side of the access road, running parallel to the River Rea beyond the site's boundary on this side. This has been designed to provide a buffer to the river corridor and would also provide a balancing pond.
- 1.11. The site itself is largely devoid of trees/planting. However, there is a significant group running parallel to the eastern boundary (outside the site), next to the River Rea, and there are some trees beyond the northern boundary forming a partial screen to existing properties adjacent to this side of the site. The proposals would not impact on these trees.
- 1.12. A new substation is proposed near the site entrance. This would be constructed with brick and a prefabricated tiled effect roof. It would be 3.4m in height; 3.3m wide and have a depth of 3m. It would be positioned within a landscaped area.
- 1.13. Gross Site Area – 2.6 hectares. Net Site Area (excluding roads/open space) – 2 hectares. Density –50 units per hectare (based on net area).
- 1.14. In addition, details have been submitted that would discharge a number of conditions attached to the outline application. This includes a schedule of hard surfacing

materials (Condition 4); Boundary details (Condition 6) which propose to include 1.8m high close boarded fencing for rear boundaries and 1.8m garden walling for corner properties; and a Landscape Management Plan (Condition 7).

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The site covers an area of approximately 2.6 hectares and is located immediately adjacent to the south-eastern boundary of Stirchley District Centre. It comprises previously developed land, the majority of which was formerly occupied by the Arvin Meritor works. Most of the buildings relating to the former works were demolished in November 2009 following the relocation of the business to new premises. The site is now almost entirely cleared.
- 2.2. The site is surrounded by a mix of residential and commercial uses. Immediately to the west, running along the A441 Pershore Road are shops and services that form part of the Stirchley District Centre, whilst residential properties on Ivy Road are located to the north. The area of land immediately south of the site also once formed part of the Arvin Meritor site, but has been redeveloped as offices (Lifford House), which are currently occupied by the City Council.
- 2.3. To the east of the site is the route of the River Rea (a Site of Importance for Local Nature Conservation (SLINC) and wildlife corridor) and its associated riverside path/cycleway that forms part of the National Cycle network. Beyond this is industrial development and land formerly occupied by the Lifford Curve public house, now utilised by a car rental firm. Beyond this to the east, along Fordhouse Lane and side roads, is predominantly residential.

[Location map](#)

3. Planning History

- 3.1. The majority of the site formed part of the Arvin Meritor works and, as such, much of the site's planning history relates to the former industrial operations on the site. More recent history of relevance to this current application includes:
- 3.2. 5 February 2003. PA No. 2001/05426/PA. Outline application for the demolition of existing buildings and erection of 7125sq.m (gross)/3716sq.m (net) retail store (Class A1) and 18 residential units. Non-determination appeal – dismissed.
- 3.3. 25 September 2003. PA No. 2003/04833/PA. Change of use from industrial/offices to TV production studios/offices, workshops and storage (B1) part demolition and parking. Approved with conditions.
- 3.4. 8 March 2007. PA No. 2006/04402/PA. Demolition of industrial building, change of use, extension and refurbishment of existing buildings to provide new office accommodation (B1) and provision of associated car parking. Approved with conditions.
- 3.5. 27th September 2012. PA No. 2011/03485/PA. Demolition of remaining buildings on site and erection of food store and associated service areas, car parking, public realm works and landscaping – refused. Subsequent appeal dismissed.

- 3.6. 17th December 2015. PA No. 2015/09493/PA. Pre-application enquiry for proposed residential development. Principle of development likely to be acceptable.
- 3.7. 28th November 2016. PA No. 2016/03703/PA. Outline planning application for the removal of buildings and other structures and construction of up to 101 dwellings, together with parking spaces, landscaping, open space, footpaths and cycleways (all matters reserved except access). Approved subject to conditions.
- 3.8. 4th May 2017. PA No 2017/03022/PA Pre-application enquiry for reserved matters following outline approval ref:- 2016/03703/PA in respect of the erection of 101 dwellings, together with parking spaces, landscaping, open space, footpaths, access and all ancillary works.
4. Consultation/PP Responses
 - 4.1. Transportation – No objection.
 - 4.2. Lead Local Flood Authority (LLFA) – No objection.
 - 4.3. Regulatory Services – No objection.
 - 4.4. Leisure Services – Note that no off site contribution has been included as part of the original application due to a viability assessment. They reiterate that there is no interest in adopting the newly created POS including any SUDS features contained within it now or at any future review.
 - 4.5. Education – Reiterate a contribution may be requested through a S106 agreement.
 - 4.6. Canal and River Trust – The application falls outside the notified area for a proposal of this scale. As such, they have no comments.
 - 4.7. West Midlands Police – No objections recommend that the proposal is designed to enhanced security standards ‘Secured by Design’
 - 4.8. West Midlands Fire Service – Note that dead end/cul-de-sac access routes must not exceed 180 metres in length unless an emergency vehicle access is provided, which is accommodated within this proposal.
 - 4.9. Environment Agency – No objection.
 - 4.10. Severn Trent – No response received.
 - 4.11. Letters of notification have been sent to surrounding occupiers, local residents associations; local Ward Councillors and the MP for Selly Oak. Site and press notices have also been posted. No comments have been received.
5. Policy Context
 - 5.1. Birmingham Development Plan (BDP) 2017; Birmingham Unitary Development Plan (UDP) 2005 (saved policies); Places for Living SPG (2001); Stirchley Framework SPD (2016); Loss of Industrial Land to Alternative Uses SPD (2006); Public Open Spaces in New Residential Development SPD (2007); Access for People with Disabilities SPD (2006); NPPF (2012).
6. Planning Considerations

Policy

- 6.1. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Planning is required to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It should also encourage the effective use of land by reusing land that has been previously developed and focus development in locations that are sustainable and can make the fullest use of public transport walking and cycling. The NPPF seeks to boost the supply of housing and seeks the delivery of high quality housing that is well designed and built to a high standard; a mix of housing, particularly in terms of type and tenure to create sustainable, inclusive and mixed communities.
- 6.2. The BDP emphasises the importance of the City's housing policies in contributing to the strategy for urban regeneration and economic revitalisation, and states that one of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City. The BDP also aims to create a more sustainable pattern of development by re-using brown field sites in suitable locations with good access to jobs, shops and services by modes other than the car. It requires that that new housing developments should provide an appropriate environment (Policy TP27), a suitable housing density and mix (Policy TP30) and encourages a full range of housing types. Policy TP30 identifies that densities of at least 50 dwellings per hectare will be sought in areas well served by public transport, with 40 dwellings per hectare elsewhere. The saved Paragraph 3.14 (inclusive) of the saved policies of the UDP identifies that new housing development should be designed in accordance with good urban design principles.

Background

- 6.3. The applicant has engaged in pre-application discussions with the Local Planning Authority (Ref. 2017/03022/PA) and the proposed scheme has been modified, and additional work undertaken/information provided, to take on board officer comments made.
- 6.4. This application is a reserved matters submission for the development of 101 dwellings on the Former Arvin Meritor works off Fordhouse Lane, Stirchley. An outline application (2016/03703/PA) for the removal of buildings and other structures and construction of up to 101 dwellings, together with parking spaces, landscaping, open space, footpaths and cycleways was submitted in June 2016 and was subsequently approved in November 2016.
- 6.5. The outline submission included consideration of access, with all other matters reserved. It included an indicative layout, which established a number of principles for development, including land use, residential densities, scale/massing, and access/movement strategy. This proposed development is in general accordance with the previously approved indicative plans and represents a refinement of the development proposals.

S106 Contributions/Community Infrastructure Levy

- 6.6. A financial appraisal submitted at outline stage was independently assessed and the City Council's Viability Consultant concluded that the scheme would be unviable if there was to be any requirement for affordable housing, further open space/play or any contribution towards off-site provision. This resulted from a number of factors, the most significant of which are the substantial CIL sum that would be generated by the scheme and abnormal costs associated with remediation works (as a result of the site's former industrial use).

- 6.7. The site falls within a designated 'High Value' residential area and, as such, the development is subject to CIL. On the basis of the floorspace being provided for the 101 dwellings (8,291sqm total floorspace), this would equate to a payment of £572,079 (index linked).
- 6.8. Notwithstanding the above, some on-site open space provision (approximately 0.4ha in total), is provided. This is predominantly in the form of a green corridor running parallel to the River Rea (measuring between 8.5m and 20m in width) and, as such, has only limited use for recreational purposes. It would, though, form an attractive area to be enjoyed by residents visually at least. The nearest park/play facilities are located at Cotteridge Park, approximately a 15 minute walk away, and to the north in the Rea corridor.
- 6.9. I also note the request of my Education colleague for a financial contribution be spent on provision of additional school places. However, any Education funding via the planning system is now derived from city-wide CIL monies.

Layout and Appearance

- 6.10. The submitted layout generally reflects that shown on the indicative plan considered at the outline application stage, including the road layout and the incorporation of perimeter block. It shows that proposed new housing would generally front on to the public realm/public open space in order to encourage natural surveillance, and that rear gardens would generally back on to other rear gardens or secure areas. It shows a perimeter block could be achieved, meeting most separation distances, and providing a pedestrian and cycle route through the development, linking the River Rea corridor/cycle route to Pershore Road. The layout also shows adequate space can be provided on the site to accommodate parking, for a mix of house-types, along with new soft landscaping to frontages.
- 6.11. There are significant constraints imposed on the layout by existing sewers crossing the site (and associated easements), which have dictated the position of the internal roads. This has resulted in the need to create an unusually large perimeter block in the middle of the site, which in turn, necessitates the introduction of properties at the centre of it. Whilst this is not ideal, the orientation of the properties and the overall size of the block allow for an acceptable relationship between the new houses.
- 6.12. Meetings have taken place between the applicant and City Council Officers prior to this formal submission and during the consideration of the application, which have resulted in amendments to the scheme. I am satisfied that the current proposal now reflects the advice provided in terms of the design of the detailed elements and the overall character of this development.
- 6.13. The proposal follows the design principles supported in 'Places for Living' SPG, providing 'perimeter block' development and houses facing onto public realm and back gardens onto proposed or existing rear gardens. The proposal generally meets the recommended guidelines standards therein in respect of garden sizes and separation distances. There are some 'pinch points' as a result of achieving a well-designed layout. One such example is in regard to some new 'front to front' relationships where 18m is provided, instead of the 21m advocated in 'Places for Living'. In addition, plots 36-41 provide a 9m rear garden length. However, all houses maintain 21m between 'rear to rear' facing elevations. The three storey flats provide 13.8m from the rear of the building to boundaries of plots 25 and 52 respectively, 1.2m below the 15m recommended. Seven plots provide less than 70sqm of private garden space (the lowest being 60sqm). The flatted blocks would

provide 33sqm of amenity space (per flat on plots 1-9) and 27sqm of amenity space (per flat plots 16-24). Due to the identified 'pinch points' I recommend that the Permitted Development rights are removed to some plots to ensure the protection of future amenity.

- 6.14. Internally, all houses and flats are of an adequate size and in most cases accord with the Nationally Described Space Standards which are not yet adopted in Birmingham, however, provide a useful yardstick for assessing size of dwellings. Some single bedrooms are 0.7sqm short of the recommended 7.5sqm and the double bedroom within the 4 bedroom houses are 0.7sqm below that recommended. However adequate storage areas are provided and a furniture layout confirms that there would be sufficient space.
- 6.15. In terms of the general layout, I am satisfied that the proposal reflects the character envisaged in the original outline application in terms of scale, density and mix. I consider that the development is sensitive to the context of the surrounding area and appropriate to its character. The architectural style would be traditional in design utilising brick as the primary material. Buildings are designed to include details such as front door canopies, a mid band soldier course and soldier course detailing around windows. A pallet of three primary types of brick is proposed - two red multi and a sandstone Buff. A palette of two tiles/colours would be used.
- 6.16. The closest existing residential properties are those on Ivy Road to the north. These are generally two-storey terraces with single-storey rear wings and long gardens, which back onto the site at a slightly higher level. The layout proposes 2 storey houses positioned side-on to this boundary, at the end of two small turning heads. To the west boundary a row of new houses are shown, with gardens (11m long) backing onto the rear of existing properties fronting Pershore Road and Mayfield Road, which are predominantly in commercial use (some with residential accommodation at upper floors). Otherwise, the proposed development would have no direct relationship with any existing residential occupier, with the car park for the City Council offices being closest to the south (beyond an internal road) and the river corridor lying adjacent to the east. I am satisfied that the layout would have an acceptable relationship to existing properties immediately abutting the site.

Landscape and Ecology

- 6.17. The River Rea runs parallel to the eastern side of the site and is a designated SLINC and wildlife corridor. An Ecological Appraisal was submitted at outline stage and the Council's Ecologist considered the proposed layout acceptable, as the new area of open space widens the buffer zone and foraging route between the development and the River Rea (compared to the previous development). The Ecological Appraisal made recommendations for enhancements to improve the site for biodiversity and these have been included in the submitted landscape strategy and management plan submitted as part of this reserved matters application with further measures secured through condition clearance. The Ecologist notes that there are good biodiversity elements contained within the landscape plan and the management details should ensure long term benefit if implemented as described.
- 6.18. My Landscape colleague raises no objection. The applications shows walling to all rear garden/site boundaries visible from the public domain, along with appropriate boundary treatments between properties. It has been confirmed that the open space areas would be maintained by a management company. Hard surfacing details are submitted confirming tarmacked road and buff paving to paths leading to front doors, which is considered acceptable.

- 6.19. No tree removals are proposed. The majority of the site has already been cleared and was previously predominantly hard-surfaced. The only significant trees are located beyond the eastern boundary, alongside the River Rea outside of the application site.

Drainage/Flood Risk

- 6.20. The application site is located within Flood Zone 1 and is considered to be at low risk of flooding. the LLFA confirmed that the proposed strategy to utilise above ground storage features (swales, basins, and ponds) is considered acceptable in principle and the appropriate conditions were added to the outline application.
- 6.21. Neither the LLFA or Environment Agency raise objection to this reserved matters application.

Transportation

- 6.22. The proposed development would utilise an existing access road off Fordhouse Lane, which previously served a large car park (in the region of 180 car parking spaces) and servicing to the former industrial use on the site. The means of access was approved at outline stage.
- 6.23. Parking provision on the layout is shown as 200% for all 2, 3 and 4 bed houses, with the flats all having one space each (100%). I am satisfied that the scheme provides an appropriate level of parking, particularly bearing in mind the site's sustainable location, close to local services and good public transport links. In reflection of this, Transportation Development officers have raised no objections subject to conditions attached to the outline application. A trip rail is proposed adjacent to the Public Open Space to prevent errant parking.
- 6.24. Comments from the Fire Service regarding the emergency access onto Mayfield Road have been taken into account in the design of the layout, with bollards provided to ensure emergency vehicles would have access and prevent the need to widen the access from Fordhouse Lane.

Ground Conditions

- 6.25. The site was formerly used for industrial purposes. A desk-based geo-environmental report was submitted at outline stage and Regulatory Services colleague raised no objection subject to conditions requiring a contamination remediation scheme and verification report, which are attached to the outline approval.

Substation

- 6.26. A new substation is proposed near the site entrance. This would be constructed with brick and a prefabricated tiled effect removable roof. It would be 3.4m in height; 3.3m wide and have a depth of 3m. It would be positioned within a landscaped area. It would not have any detrimental impact on the visual or residential amenities of the surrounding area or occupiers and as such, I consider it would be acceptable.

Discharge of conditions

- 6.27. I have addressed the issues of the hard surfacing; boundary treatment and the landscape management plan above. I am therefore satisfied that the information is acceptable to discharge condition 4 (hard surfacing details); 6 (boundary details) and 7 (landscape management plan) of outline planning application 2016/03703/PA.

7. Conclusion

- 7.1. The layout accords with the principles set out in the approved outline application. The proposed mix of dwellings and house types would help to provide a balanced community and widen the choice of property available within the Stirchley area. The scale, layout and design are acceptable and appropriate for the area and would deliver a significant contribution to meeting the City's housing needs.
- 7.2. The proposal would see the redevelopment of a former heavily contaminated industrial site for new residential development and which would in turn provide economic and social benefits for the existing and new residential occupiers, whilst supporting the provision of local employment in construction and does not have an environmental impact, I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

- 8.1. Approve, subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Removes PD rights for extensions (Plots 36-41) |
-

Case Officer: James Mead

Photo(s)

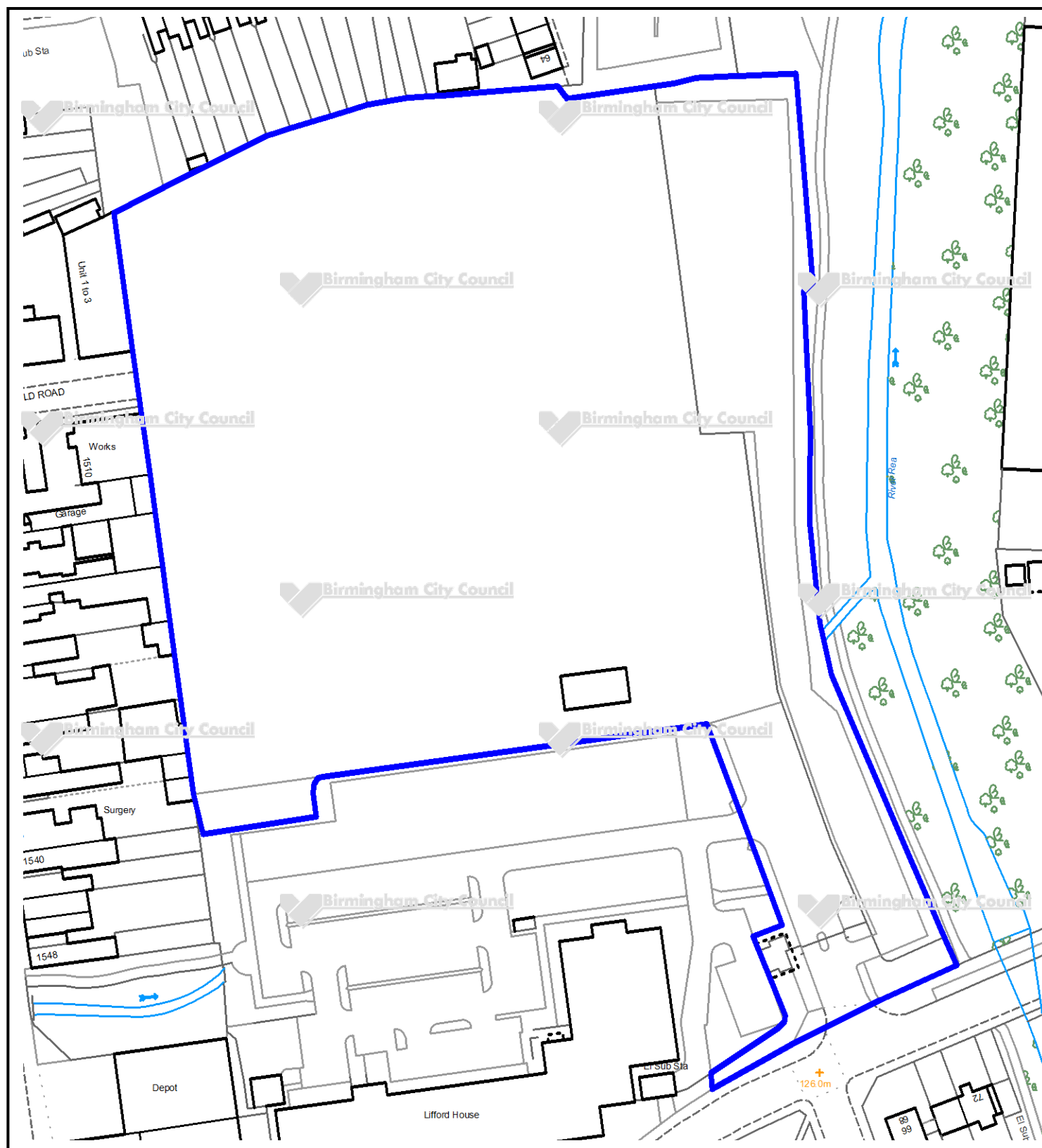


Photograph 1: View of the eastern boundary with River Rea Corridor.



Photograph 2: View of the wider side from the south east corner, looking North West across the site

Location Plan



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Committee Date:	28/09/2017	Application Number:	2017/05133/PA
Accepted:	08/06/2017	Application Type:	Full Planning
Target Date:	03/08/2017		
Ward:	Edgbaston		

7 Montague Road, Edgbaston, Birmingham, B16 9HR

Erection of 4-storey block containing 7 apartments with associated access, rear parking area and erection of single garage

Applicant:	Rendulick Construction 7 Montague Road, Edgbaston, Birmingham, B16 9HR
Agent:	K G Bramwell MCIAT 65 Brookhus Farm Road, Walmley, Sutton Coldfield, Birmingham, B76 1QQ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application proposes the erection of a block of 7 apartments within a 4-storey building with a vehicular access along the south side of the building leading into a rear parking area.

Site layout

- 1.2. The building would have two parts: a main front section and a subservient rear wing. The front elevation would be positioned 8.7m from the back of the footpath behind a landscaped front garden and would be broadly in line with the front elevations of adjacent properties at Nos. 5 and 9 Montague Road. The front block would be a maximum of 13m deep and 7.7m deep. The connected rear wing would be set slightly south of the front block and would measure up to 12.5m deep and 6.9m wide.
- 1.3. The existing access would be altered and extended to serve a new drive into the site which would run along the full south elevation of the building and into a rear parking area comprising 1 single garage and 6 parking spaces (equivalent to 100% parking provision per flat). The bin store would be located within the parking area and screened with planting.
- 1.4. Amenity space would be provided to the north and east of the rear wing, 135sqm (approximately 20sqm per unit) in between the building and the parking area
- 1.5. The existing low boundary wall would be rebuilt taking account of the relocated access point.

External appearance

- 1.6. The property would have a traditional appearance with two-storey bay windows, gable features and pitched roof dormers on the front and rear elevations. A covered porch would be located to the side of the front block giving access to all flats.

Internal arrangements

- 1.7. The three lower floors would have virtually identical layouts each comprising two flats with the following accommodation: living room/kitchen, one or two bedrooms one with ensuite shower room, bathroom and store. Flat and bedroom sizes as follows:

Front flats x 3:

Total floorspace per unit:	70sqm
First double bedrooms:	14.7sqm
Second bedroom:	10.2sqm plus ensuite shower room

Rear flats x 3:

Total floorspace per unit:	48.9sqm
First double bedroom:	12.7sqm.

- 1.8. The 7th flat would be located within the roofspace (3rd floor) and would comprise living room/kitchen, two bedrooms, bathroom and stores. All rooms would have some restricted head height. Floorspace as follows:

Total floorspace:	145sqm
First double bedroom:	24sqm plus ensuite shower room and store
Second bedroom:	17sqm

- 1.9. Site area: 0.09ha Density: 77dph

- 1.10. The application is supported by a tree survey which recommends that one Holly tree be removed (located to the northern boundary, category U)

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located on the east side of Montague Road approximately 90m north of the junction with Portland Road. It is a vacant site, although the foundations and concrete slab of a former planning permission are visible on the ground. To the front the site boundary is marked by a low wall. The boundary to the north, with No. 9 Montague Road, is fenced and densely planted, as is the east boundary which adjoins properties on Clarendon Road. The south boundary, to No. 5 Montague Road, is only marked by a low rail towards the front of the site and is open towards the rear. No. 5 is a flatted development constructed about 9 years ago.

- 2.2. The surrounding area is predominantly residential and comprises a mix of large traditional family dwellings, some converted to flats, and purpose-built flats. Development is generally two or three storeys tall. Gardens are well landscaped.

[Location map](#)

3. Planning History

Application site

- 3.1. 07/10/1999 - 1999/02406/PA - Erection of 3-storey detached building to form 6 flats and ancillary parking – Approved with conditions including 5-year implementation period.

- 3.2. 16/02/2016 - 2016/00420/PA Pre-application advised for alteration to the main roof to create new apartments with a rear extension – Advised a new application would be needed for the whole development given the passage of time since the original 1999 consent and, subject to design, parking, amenity space and impact on neighbours, the extra (7th) flat may be acceptable.

No. 5 Montague Road

- 3.3. 25/11/2004 – 2004/03992/PA Demolition of block of flats and erection of 14 serviced apartments with new access, underground car park (16 spaces) and associated amenity space (sui generis). Approved with conditions.
- 3.4. 02/02/2006 – 2005/07068/PA Erection of a part 3 1/2, part 2 1/2 storey block of 14 apartments with basement car parking. Approved with conditions.
- 3.5. 20/09/2007 – 2007/03695/PA - Demolition of the existing flats, and the erection of a four storey building and a full basement to accommodate 14 flats for the 'near-retired', including communal facilities at basement level and a summer house to the rear. Approved with conditions.
- 3.6. 18/08/2010 – 2010/03313/PA Erection of bin store to serve 5 Montague Road and 19 Portland Road, extension of informal parking area at rear of 19 Portland Road, erection of bike store at rear of 5 Montague Road, amended parking layout at 5 Montague Road, and provision of four parking spaces at rear of 7 Montague Road to serve 5 Montague Road. Deletion of two conditions attached to planning consent 2007/03695/PA at 5 Montague Road: C3 restricts the age of occupiers; C6 restricts use of the basement communal leisure facilities to site occupiers only. Approved subject to conditions. .
- 3.7. 30/01/2014 – 2013/08668/PA Conversion of reception area of existing building into 1 no. one bed apartment and conversion of existing Wellness Suite (basement) to 1 no. two bed apartment with creation of 1 no. car park space on flat roof area. Approved with conditions.

4. Consultation/PP Responses

- 4.1. Transportation Development: No objection subject to conditions requiring secure and sheltered cycle storage of at least 1 per apartment and the amended access being constructed to heavy duty specification.
- 4.2. Regulatory Services: No objection.
- 4.3. Severn Trent Water: No objection subject to a drainage condition.
- 4.4. West Midlands Police: No objection.
- 4.5. Site notice posted; local MP, Councillors and Residents' Associations; and the occupiers of nearby properties all notified of the application: Three responses received from local residents objecting on the following grounds:
- Increased density on an already densely populated road.
 - Limited parking is provided, especially for existing residents.
 - A 'residents only' parking scheme should be introduced.
 - The size and scale of the building is out of scale with the small size of the plot.
 - Loss of natural habitats for wildlife.

- Loss of trees.
- Increased proportion of tenanted properties as opposed to owner-occupiers may cause more noise.
- The plot has been vacant for over 30 years; residents should not expect it to be overdeveloped.
- Loss of privacy.
- The building won't match the rest of the road
- Overlooking of the garden and dwelling at No. 9 Montague Road.
- Loss of light to the garden at No. 9 Montague Road due to the size of the development and higher ground level of the application site.
- Rear car park would cause noise in the garden of No. 9 Montague Road.
- The height of the development should match that of No. 9 Montague Road, not be taller, so the streetscene is more pleasant.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017; UDP 2005 (saved policies); SPG Places for Living 2001; SPD Mature Suburbs – Guidelines for Residential Intensification 2008; SPD Car Parking Guidelines 2012; Technical Housing Standards – nationally described space standards; NPPF; NPPG; TPO 365.

6. Planning Considerations

Principle

- 6.1. The application site is located within a primarily residential area and the proposed flats would accord with the general character of the surroundings. The site has been previously developed and is in an area well-served by public transport, the proposal represents efficient use of the site and I consider it would accord with sustainable development principles set out in the NPPF.
- 6.2. I note the objections regarding the nature of the accommodation proposed – flats rather than traditional family dwellings. The area already contains a good mix of flats and large family houses and I do not consider the addition of 7 flats would materially or detrimentally affect this balance.

Impact on the character of the area

- 6.3. The proposed block is appropriately located on the site with its front elevation in line with those of Nos. 5 and 9 Montague Road. The proposed wing extends the building further down the garden than No. 9 but less so than No.5 and I consider it to be a suitable transition between the two types of development either side of the application site. The position of the access drive, alongside the flats at No. 5, lessens the impact on the family dwelling at No. 9. Parking in the rear garden area is similar to that on other neighbouring plots, including No. 5 and opposite the site at Nigel Court and the impact of vehicles in this part of the site on the domestic garden at No. 9 would be mitigated by the existing vegetation and the additional planting proposed, secured by condition.
- 6.4. In terms of scale, the proposal would sit well within the streetscene. The proposed ridge would be approximately 1m taller than that of No. 9 and 1.5m lower than that of No. 5, and gaps would be retained to the side boundaries. The four-storey nature of the development would accord with that of No. 5 and would not appear at odds with No. 9 which has more traditional floor-to-ceiling heights.

- 6.5. The proposed architectural style is traditional, as per the modern block at No. 5, and reflects the largely Victorian character of surrounding development.

Impact on residential amenity for adjoining occupiers

- 6.6. *No. 5 Montague Road:* The proposed development would sit alongside the north elevation of this property and would not extend beyond its front or rear elevation. The north elevation of No. 5 has windows that serve habitable rooms these are a kitchen and three bedrooms on the ground floor and four bedrooms each on the first and the second floors.
- 6.7. Whereas, the south elevation of the proposed block has only windows of non-habitable rooms with four windows on each floor - kitchens, bathrooms and hallways. *Places for Living* recommends a distance of 12.5m between buildings with active elevations and flank walls, which this is considered to be. However, in this case the gap ranges between 4.4m and 6.7m. Normally, such close proximity would not be appropriate as it would lead to an overbearing impact on the existing habitable rooms and a loss of light and privacy. However, in this case I am mindful of the planning history, the impact on the site of preventing development and the mitigation proposed as set below.
- 6.8. In 1999 approval was granted on the application site for a very similar development to that proposed now (1999/02406/PA). It was granted with a condition requiring implementation within 5 years and the foundations and slab were laid in 2003, although pre-commencement conditions were not discharged in advance. This planning permission would have been a material consideration in the determination of the application for the development at No. 5 in 2004. The apartments at No. 5 were assessed against the same *Places for Living* numerical guidelines as are used now and were still found to be acceptable. To take a different view now would effectively blight the application site and prevent its development since a new building, which sits within the site in accordance with the general pattern of development on Montague Road, would not be able to meet the *Places for Living* guidelines. I note that the applicant is proposing to obscurely glaze all windows in the south elevation of the proposed development which would prevent a direct loss of privacy between the two developments. Taking account of the unusual circumstances I consider this to be an acceptable compromise. I note that none of the occupiers of No. 5 Montague Road have objected to the proposal and assume that they would expect the application site to be eventually developed as they should have occupied their flats in the knowledge of this planning history.
- 6.9. *No. 9 Montague Road:* In respect of rear-facing habitable room windows at No. 9, the rear wing of the proposed block would conflict with the 45 Degree Code at a distance of approximately 4.6m. The wing would be 11.5m tall. I note there are two trees, one Holly 6m tall and the other Lime 11m tall, on the shared boundary close to the rear elevation of No. 9 which already causes a loss of light to No. 9. Of these trees, the 6m tall Holly (Category U), which is closest to the rear of No. 9 is proposed for removal, not to facilitate the development but because it is growing towards No. 9. This removal would allow for a little additional light to reach the affected windows whilst retention of the 11m tall holly would help to screen the proposed development. Once again mindful of the planning history of the site, I consider this relationship to be acceptable in this instance.
- 6.10. In respect of privacy, windows to the north elevation are proposed on all floors of the rear wing of the development to serve the stairwell and kitchens. All are proposed to be obscurely glazed serving kitchens that are combined with the living rooms and

there is a larger window on the end elevation of the wing overlooking the car park of the application site.

- 6.11. I note that objections have been received in regards to the potential impact on No. 9 of the proposed rear parking area. As noted above (para. 6.3) rear parking areas are seen elsewhere in the vicinity of this site and the impact of noise and car head lights would be minimised by existing and proposed vegetation and by an existing boundary fence on the shared boundary.

- 6.12. It is accepted that the development would have an impact on the occupiers of No. 9 Montague Road however taking account of the planning history, the boundary screening and the use of obscure glazing; I do not consider a refusal on the grounds of the effects on this property alone could be sustained.

Impact on residential amenity for prospective occupiers of the application site

- 6.13. Internally, the three rear facing flats fall short of the recommended 50sqm, for a 1 bed 2 person flat, by 1.1sqm, which I do not consider would be a significant amount. Also, the second double bedrooms in the front three flats, are slightly small but by no more than 0.5sqm which again is not significant. These *Standards* have not been adopted locally yet and therefore serve only as a useful guide to the size of units and rooms within them at this time and I am comfortable with the space available to occupants.

- 6.14. In accordance with *Places for Living* amenity space for 7 apartments would be 210sqm. Adjacent to the rear wing a useable area of 135sqm would be laid out as amenity space enclosed by landscaping, equivalent to 20sqm per flat. In addition, there would be a small area underneath the trees along the rear boundary of the site, although this is separated from the main amenity space by the car park and would offer a pleasant outlook rather than be considered as useable space. Although below the recommended amount, I am satisfied that what amenity space is proposed would be useable as it is large enough for residents to sit in without being uncomfortably close to the ground floor flat windows. The site is also on close proximity to open space including Edgbaston Reservoir to the north.

- 6.15. I note that the main outlook from habitable rooms would be either to the front or rear of the development.

Parking/highway safety

- 6.16. The combination of 100% parking provision within the site and the good access to public transport on Hagley Road and Portland Road is satisfactory and is unlikely to result in any significant on-street parking. The proposal accords with the Car Parking Guidelines SPD. Transportation Development recommended an alteration to the access drive to allow two vehicles to pass, which has been made. The rear car park has also been reduced from 1 garage and 8 spaces to 1 garage and 6 spaces and reorganised to improve the amenity space.

- 6.17. *Impact on trees*

The site is subject to Tree Preservation Order 365. A total of 10 trees within the site are covered by this order. 5 limes to the rear of the site would be unaffected by the proposal. A further five trees are sited along the northern boundary with No9. Of these, one Holly, which is considered of a low quality category 'U' tree is proposed for removal. This is leaning towards the adjacent property. The Council's Tree Officer notes that this tree is of a low amenity value and raises no objection to its removal. Conditions for tree protection are recommended.

- 6.18. *Other matters*
Objection has been received regarding the loss of habitats for wildlife. The site is not known to have any ecological value and is not near to any site of importance nature conservation. In addition, just one tree is recommend for removal.
- 6.19. Severn Trent have not objected to the application and it is recommended that a condition of any approval be that a suitable drainage scheme be provided.
- 6.20. Community Infrastructure Levy – The application is not liable for CIL.
7. Conclusion
- 7.1. I consider that the proposed layout builds on local character, and am satisfied that a proposal of this nature could be accommodated on this site with limited impact on the quality of the existing residential environment and create a satisfactory living environment for prospective residents of the site itself. Additionally, the proposals would redevelop a vacant site and contribute to the City's housing stock. The proposals constitute sustainable development.
8. Recommendation
- 8.1. Approve subject to conditions.

1	Requires the scheme to be in accordance with the listed approved plans
2	Requires the prior submission of a drainage scheme
3	Requires the prior submission of hard and/or soft landscape details
4	Requires the prior submission of boundary treatment details
5	Requires the prior submission of sample materials
6	Heavy duty footway crossing to be constructed and redundant footway crossings to be re-instated as footway
7	Requires the prior submission of cycle storage details
8	Arboricultural Method Statement - Submission Required
9	Requires the implementation of tree protection
10	Implement within 3 years (Full)

Case Officer: James Mead

Photo(s)



Photograph 1: View of application site from the front of the site

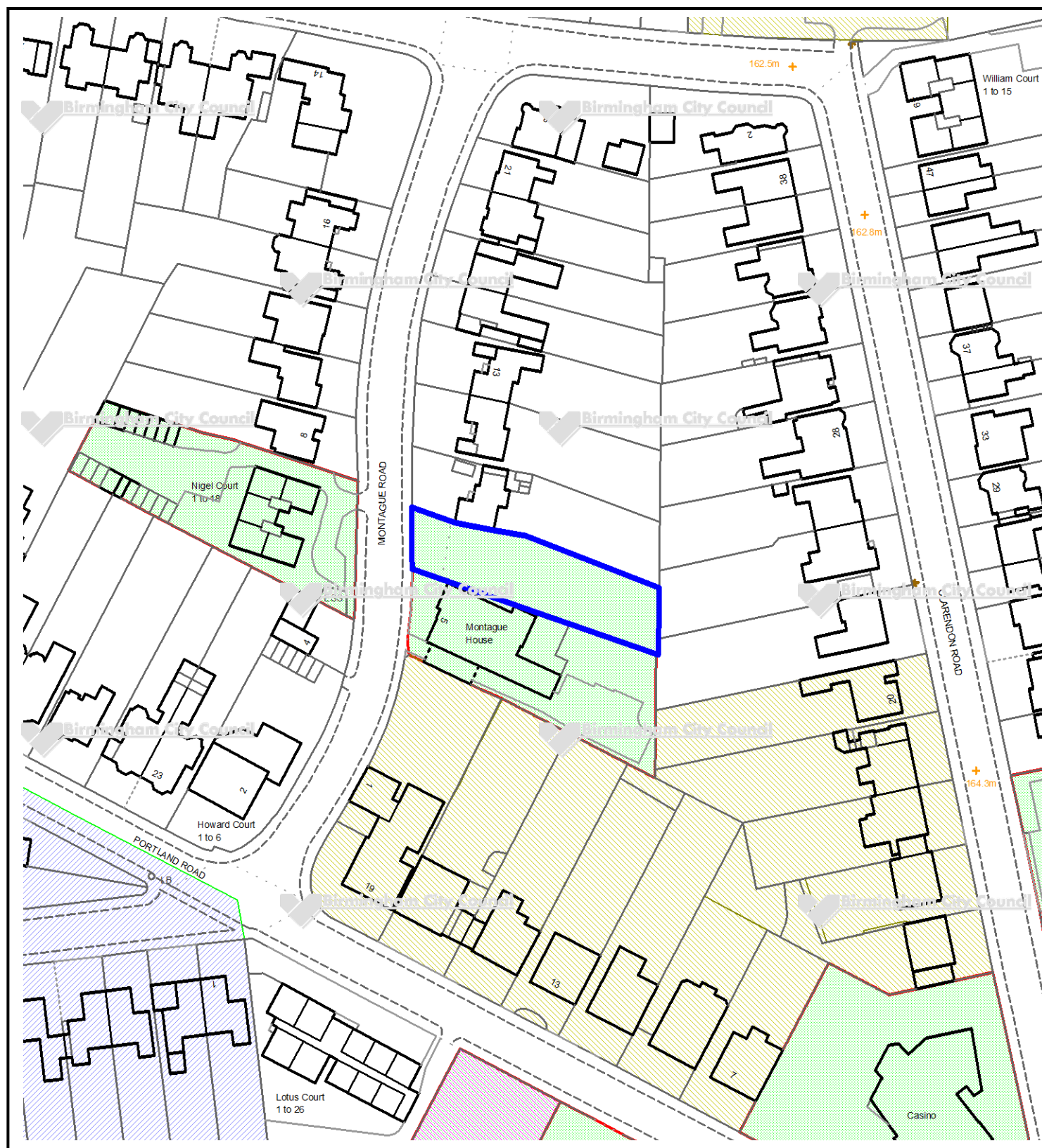


Photograph 2: Side elevation of No. 5 Montague Road



Photograph 3: Side elevation of No.9 Montague Road

Location Plan



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Committee Date:	28/09/2017	Application Number:	2017/06359/PA
Accepted:	01/08/2017	Application Type:	Householder
Target Date:	26/09/2017		
Ward:	Northfield		

16 Somerset Drive, Longbridge, Birmingham, B31 4RA

Erection of canopy roof on front elevation

Applicant: Mr Karl Belte
 16 Somerset Drive, Longbridge, Birmingham, B31 4RA
 Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought for the erection of a canopy roof on the front elevation of No. 16 Somerset Road, Northfield.
- 1.2. The canopy would project 0.75 metres from the front elevation of the property and would measure 5.0 metres in width. It would be constructed of concrete interlocking tiles, to match the existing main roof. The canopy would be supported by three timber supports. The canopy would be set back from the highway by a driveway of 10 metres in length.
- 1.3. This application is being reported to Planning Committee for determination as the applicant is an employee of Acivico.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a traditional semi-detached property located in a residential cul-de-sac in Northfield. The property is designed with a pitched roof and the front elevation is rendered a cream colour; a common characteristic within the street scene. The front elevation of the property shows evidence of a previous porch feature which has been removed.
- 2.2. The property is located near to the end of the cul-de-sac and is set back from the neighbouring property No 14. The property is set back from the highway by a large gravel driveway which provides off street parking. A low level hedge forms the boundary treatment between the application property and that adjoining: No. 18. The design of the property is typical of the cul-de-sac, however there is great variety in the design of porches in the vicinity.
- 2.3. [Site Location](#)

3. Planning History

3.1. No recent planning history.

4. Consultation/PP Responses

4.1. Neighbouring residents and local Ward Councillors have been consulted. No responses have been received.

5. Policy Context

5.1. Relevant Local Planning Policy:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005
- Places for Living SPG 2001
- Extending Your Home 2007
- 45 Degree Code

5.2. Relevant National Planning Policy:

- National Planning Policy Framework (NPPF) 2012

6. Planning Considerations

6.1. This application has been assessed against the objectives of the policies set out above.

6.2. The principal matters for consideration in the determination of this application are the impact on the residential amenity of neighbouring properties and the impact on the architectural appearance of the property and the general street scene.

6.3. The proposal would comply with your Committee's 45 Degree Code and the numerical guidelines contained within 'Places for Living' and 'Extending your Home'. As such, the development would not result in a detrimental impact on the amenities of the occupiers of neighbouring properties by way of loss of light, outlook or overlooking.

6.4. I consider that the proposal would comply with the guidelines contained within your design guide 'Extending your Home' (Supplementary Planning Document). The scale, mass and design of the proposal would be acceptable and in keeping with the character and appearance of the original property. I also consider that the proposal would be in keeping with the general street scene, given the diverse range of porches and canopies on display within the vicinity.

7. Conclusion

7.1. I consider that this application complies with the policies outlined above and would not harm the residential amenity of neighbouring occupiers, nor would it cause visual

harm to the existing property or street scene. I therefore recommend that this application is approved subject to conditions.

8. Recommendation

8.1. Approve subject to conditions.

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

Case Officer: Caroline Featherston

Photo(s)

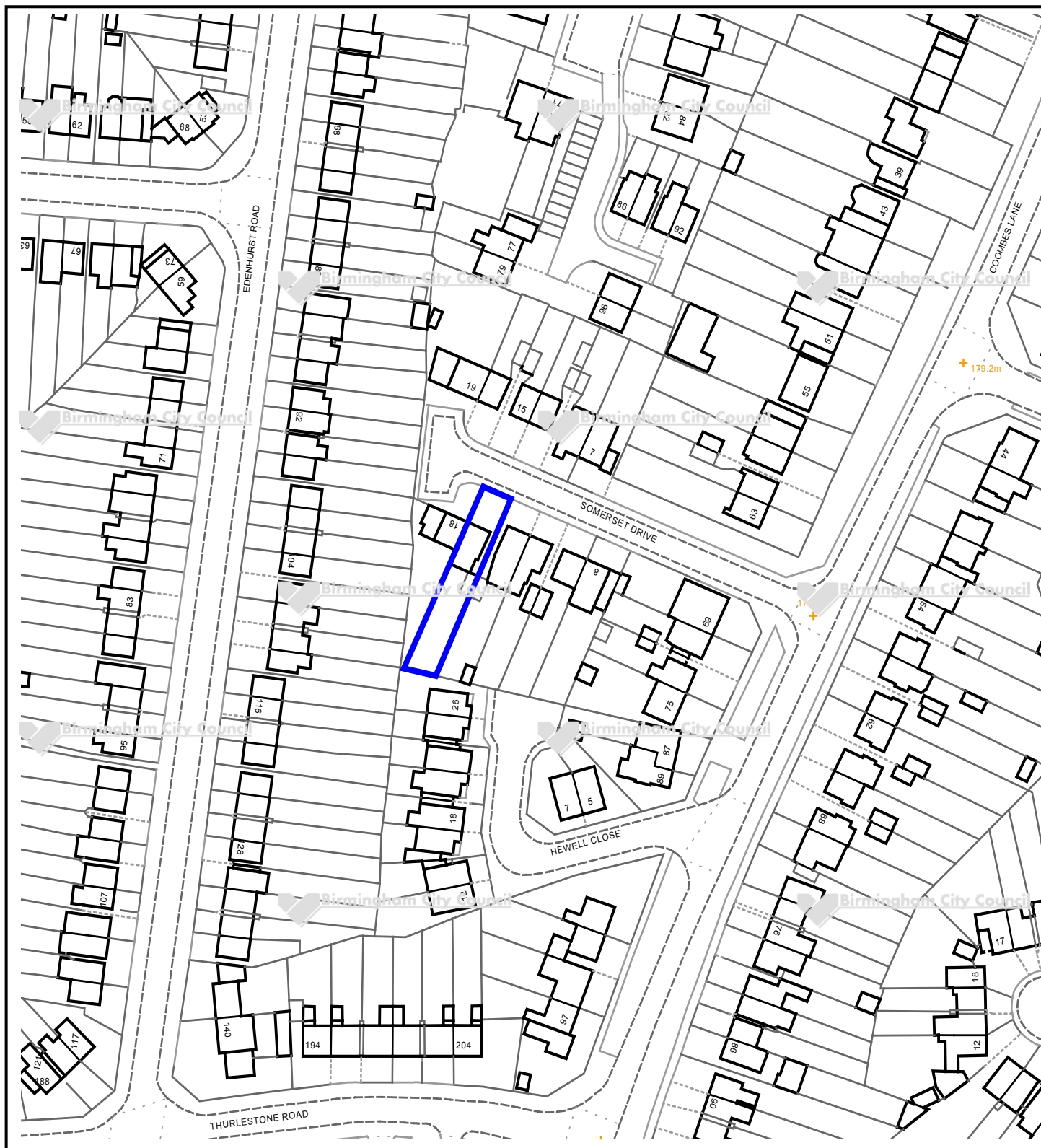


Application Site



Existing Front Elevation

Location Plan



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Birmingham City Council
Planning Committee 28 September 2017

Appeal Decisions Received from the Planning Inspectorate in August 2017

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Householder	14 Grange Road, Erdington	Erection of two storey side & rear extension and single storey forward and rear extensions. 2016/08574/PA	Dismissed	Delegated	Written Representations
Householder	120 Little Sutton Lane, Sutton Coldfield	Erection of two storey and single storey rear extensions. 2017/01159/PA	Part Allowed (see note 1 attached)	Delegated	Written Representations
Advertisement	Moor Street Railway Station, Moor Street Queensway	Listed building consent for the display of 2 freestanding digital displays. 2016/07536/PA	Dismissed	Delegated	Written Representations
Residential	25 Mickleton Avenue, Garretts Green	Erection of 2 no. 1 bed apartments and provision of 1 no. door and 1 no. window to front elevation of no. 25 Mickleton Avenue	Dismissed	Delegated	Written Representations
Residential	Land adjacent 25 Mickleton Avenue, Garretts Green	Erection of 1 dwelling house to existing terrace. 2017/01671/PA	Allowed (see note 2 attached)	Delegated	Written Representations
Other	Four Oaks Methodist Church, 155 Lichfield Road, Sutton Coldfield	Partial demolition of boundary wall and construction of new parking area with new access from Four Oaks Road. 2016/06066/PA	Dismissed	Delegated	Written Representations
Other	Navigation Street, outside car park before Brunel Street	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00325/PA	Dismissed	Delegated	Written Representations
Other	Junction of New Street and Lower Temple Street, City Centre	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00327/PA	Dismissed	Delegated	Written Representations

Birmingham City Council
Planning Committee 28 September 2017

Appeal Decisions Received from the Planning Inspectorate in August 2017

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Other	Outside 30 The Priory Queensway, City Centre	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00332/PA	Dismissed	Delegated	Written Representations
Other	Outside 72 Digbeth, Corner of Rea Street	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00334/PA	Allowed (see note 3 attached)	Delegated	Written Representations
Other	Opposite 26 Waterloo Street, City Centre	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00326/PA	Dismissed	Delegated	Written Representations

Total - 11 Decisions: 8 Dismissed (73%), 2 Allowed, 1 Part Allowed

Cumulative total from 1 April 2017 - 40 Decisions: 31 Dismissed (77%), 8 Allowed, 1 Part Allowed

Notes relating to appeal decisions received in August 2017

Note 1: (120 Little Sutton Lane)

Application refused because the proposed extension does not comply with the 45 Degree Code for House Extensions and would lead to a loss of outlook and light to the study at No. 122 Little Sutton Lane.

Appeal allowed for the single storey rear extension because the Inspector found this element of the appeal scheme to be acceptable as it would be a proportionate addition and in keeping with the character and appearance of the host building, with no material harm to the living conditions of others. The appeal was dismissed insofar as it relates to the erection of a two storey rear extension.

Note 2: (Land adj. 25 Mickleton Avenue)

Application refused because 1) the proposed development by virtue of its design and siting would adversely affect the character and appearance of the existing residential area and 2) inadequate private amenity space is proposed.

Appeal allowed because: 1) the Inspector considered that on balance the proposed dwelling would not significantly detract from the spacious layout of this part of the estate or be at odds with the general pattern and grain of development in the area. 2) Given the reasonable extent of the overall garden area, the proposal would provide acceptable living conditions for future occupiers in terms of private amenity space.

Note 3: (Outside 72 Digbeth)

Application refused because the proposed siting and appearance of the telephone kiosk would be obtrusive and create additional visual and physical clutter, creating barriers to pedestrian movement and an adverse impact on the character of this street.

Appeal allowed because the Inspector considered that whilst the proposed kiosk would undoubtedly add to the amount of structures in the area, there is not an excessive amount of street furniture in the immediate setting of the appeal site and moreover, within this particularly busy and commercial context, the kiosk would not unduly add to the degree of visual clutter. The kiosk would leave sufficient room between it and the front of the buildings such that it would not significantly impede pedestrian or wheelchair movement in its immediate vicinity.