

Birmingham City Council

Planning Committee

22 December 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Refuse	8	2016/08132/PA C4 Castle Vale Enterprise Park Park Lane Castle Vale Birmingham B35 6LJ Retention of use of premises as a dance fitness studio (Use class D2)
Determine	9	2016/08228/PA 16 Flint Green Road Acocks Green Birmingham B27 6QA Erection of single storey side extension and conversion of garage to provide additional residential facilities with maximum number of residents at the care home to remain at 9
Approve - Conditions	10	2016/09092/PA Land adjacent Cascades Swimming Baths Station Road Stechford Birmingham B33 8QN Minor Material Amendment attached to approval 2016/03495/PA for building to be repositioned on the site approximately 5m further east

Committee Date:	22/12/2016	Application Number:	2016/08132/PA
Accepted:	08/12/2016	Application Type:	Full Planning
Target Date:	02/02/2017		
Ward:	Tyburn		

C4 Castle Vale Enterprise Park, Park Lane, Castle Vale, Birmingham, B35 6LJ

Retention of use of premises as a dance fitness studio (Use class D2)

Applicant: Addictive Fitness
C4 Castle Vale Enterprise Park, Park Lane, Castle Vale,
Birmingham, B35 6LJ

Agent:

Recommendation

Refuse

1. Proposal

- 1.1. This planning application relates to the retrospective change of use of an existing premises located on Castle Vale Enterprise Park from commercial / industrial (B1 / B2 / B8) use to a dance fitness studio (Use Class D2).
- 1.2. The unit amounts to 68.75sqm of floorspace set across a single floor plate. The application relates only to the retrospective change of use with no external alterations or extensions to the premises proposed.
- 1.3. The dance studio as currently operating employs 10 staff and runs 22 classes per week with a number of additional private tuition classes undertaken at the site. The classes predominantly take place in the evening and on the weekend. It is understood that there are a maximum of 20 places per class.
- 1.4. The application form refers to 10+ parking spaces, which are understood to relate to the parking spaces throughout the whole of the Castle Vale Enterprise Park and have been used on an ad-hoc basis over the course of the operation of the dance studio. Having reviewed the information submitted by the applicant, it appears that the unit benefits from 2 dedicated parking spaces.
- 1.5. It is understood that the premises has been in use as a dance studio since July 2014 and has been operating for the last two and a half years without the benefit of planning permission. Enforcement investigations have been ongoing at the site since June 2015.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises an existing single storey commercial unit located within a central block of Castle Vale Enterprise Park. Castle Vale Enterprise Park is accessed from Park Lane in Castle Vale. The entire estate is allocated as Core Employment Land within the adopted Birmingham UDP and the emerging Birmingham Development Plan.
- 2.2. The industrial estate is securely gated for both vehicles and pedestrians, is lit and has footway links between Park Lane and the application site. The application site benefits from dedicated car parking for each of the units.
- 2.3. The surroundings to the site are entirely industrial, with the closest residential property located approximately 225m to the north-west. Castle Vale Neighbourhood Centre is located 1.3 miles to the west of the application site.
- 2.4. The NEWM #71 bus service is accessible from Park Lane within walking distance from the site. This is an inter-suburban route which travels between Sutton - Walmley - Minworth - Castle Vale - Bucklands End - Kingshurst - Chelmsley Wood - Tile Cross - Sheldon - Hobs Moat - Solihull.
- 2.5. [Site Location](#)

3. Planning History

- 3.1. 26.04.2016 - 2016/02765/PA - Pre-application advice for the change of use to a dance fitness studio (Class D2). – Advice provided that the proposal would be contrary to planning policy and would be unlikely to be acceptable.
- 3.2. Under Investigation – 2015/0889/ENF – Change of use of industrial / commercial unit to a dance studio.
- 3.3. 30.10.1998 – 1997/05298/PA – Erection of 7 blocks of industrial/commercial premises, central facilities building, access and parking. – Approved subject to conditions and the completion of a Section 106 Agreement.

4. Consultation/PP Responses

- 4.1. Transportation Development – no objection subject to conditions to secure cycle parking and to restrict the use to current operational class sizes, e.g. max class size of 20 persons at any one time.
- 4.2. Regulatory Services – no objection.
- 4.3. Site notice erected. Ward members and neighbours notified. One letter of objection received, raising concerns regarding the impact that the use has on car parking within the estate.
- 4.4. Thirty five letters of support have been received, raising the following benefits of the site location:
 - Secure, well lit site with plenty of car parking;
 - Better safety for students attending evening classes;

- Good location for students travelling by car from various locations;
 - The unit provides height and floorspace ideal for dance class;
 - Creates awareness of other businesses in the area; and
 - The dance studio offers social and wellbeing benefits in respect of the community it supports and classes provided.
- 4.5. A petition in support of the planning application, signed by 75 people, has been submitted on the grounds that the site is accessible by private and public transport and is a secure location required by the evening operation of the dance studio.

5. Policy Context

- 5.1. National Planning Policy Framework (2012); Birmingham Unitary Development Plan (2005); Shopping and Local Centres SPD (2012); Loss of Industrial Land to Alternative Uses SPD (2006); Pre-Submission Birmingham Development Plan 2031 (2013)

6. Planning Considerations

- 6.1. Whilst this planning application relates to the proposed retention of an unauthorised change of use, consideration must be had towards the principle of the change of use and an analysis of the supporting information that has been provided as part of the planning application.

Principle of Change of Use

- 6.2. There is an in principle policy objection to the use of this industrial premises as a dance studio, on the grounds that there is a loss of industrial land implication. The use of the site as a D2 leisure use is also contrary to Shopping and Local Centres SPD, which encourages the provision of town centre uses within local centres in order to maintain their vitality and viability. This is reiterated by the National Planning Policy Framework at paragraph 23 where it sets out that town centres should be recognised as the heart of communities and their vitality and viability should be protected.
- 6.3. Further, Castle Vale Enterprise Park is designated as a core employment area and the loss of industrial units located within core employment areas is generally resisted on the grounds of adopted and emerging planning policy in the Birmingham UDP and the Draft Birmingham Development Plan. The key policies of the UDP are paragraph 4.31, which relates to the retention of employment land and recognises the need to maintain employment sites. BDP policies state that a reservoir of readily available employment land should be maintained, where policy TP19 relates to Core Employment Areas. The site is excellently located in terms of the strategic road network.
- 6.4. Paragraph 4.20 of the UDP identifies a requirement for a reservoir of land to be maintained for industrial development. In doing so it splits the industrial land market into sub-markets. It is considered that the application site falls into the 'good urban' sub-market, where the requirement is for a minimum reservoir of 31 hectares of readily available land going forward, as indicated in Policy TP17.

- 6.5. Chapter 7 of the UDP sets out policies for shopping and town centres. These policies support a 'town centres first' approach to the location of new retail development. However the detail of these policies has been superseded by the subsequent publication of the NPPF and Draft BDP which is summarised later on in this report.
- 6.6. Paragraph 5.8 of the Loss of Industrial Land to Alternative Uses SPD refers to other Strategic Planning factors and indicates that where a site lies within an area of strategic importance (for example, core employment land), it is expected that it should remain in industrial use. The SPD also supports the retention of sites within Core Employment Areas (for employment related use) as well as the resistance to loss of employment land uses in well-established industrial areas. The SPD requires a period of active marketing of vacant units prior to use change being considered.
- 6.7. Regard must also be had towards whether a change of use would undermine the retention or redevelopment potential of a larger industrial area. Planning Strategy colleagues have been consulted on the proposed retrospective change of use and raise a strategic objection to the proposals on the grounds that the site is part of a Core Employment Area within the BDP and it would be likely that the proposed use would undermine the long term viability of this Core Employment Area, setting a precedent for further changes of use to be considered in such locations.
- 6.8. In this case, it is the Council's view that the change of use of unit C4 would inhibit the re-use of the ground floor, purpose built units C1-C5 as industrial premises in the future and therefore undermines the overall function of the Castle Vale Enterprise Park. The proposed retention of the change of use is therefore unacceptable in principle.

Loss of Industrial Land

- 6.9. Unit C4 is a commercial unit of approximately 68.75sqm, located within an established and thriving industrial estate which is allocated as Core Employment Area. The unit benefits from planning permission for B1 / B2 / B8 use and the previous use of the site was a photography business, utilising the B1a use.
- 6.10. The site is classed as Core Employment Area for the purposes of applying the adopted policies contained within Loss of Industrial Land to Alternative Uses SPD.
- 6.11. There is a presumption against the loss of industrial land to alternative uses within the adopted UDP and the SPD. The guidance contained within the SPD does allow exceptions to this presumption, such as where an existing industrial use is non-conforming, or where an industrial use has been actively marketed without interest for a period in excess of 2 years.
- 6.12. I do not consider that the previous use of the site as a photography premises is non-conforming because the site is adjoined by other business uses and is part of a larger industrial estate. As such, this exception test does not apply.
- 6.13. Details of the marketing of the site were requested from the agent of the estate following a generic statement on the marketing being provided by the applicant. It is concluded that the site was marketed for approximately 12 months before a lease was offered to the applicant, between June 2013 and June 2014. A number of enquiries were made in respect of the site however it is noted that little interest was generated for the unit. It was confirmed by the agent of the estate that a number of

enquirers raised concerns regarding the lack of roller shutter doors. Marketing particulars were provided for the estate as a whole which refer to the site as warehouse / industrial and do not state that the permitted planning use should be checked with an agent or solicitor, which is considered to be bad practice.

- 6.14. It is good practice and confirmed to be appropriate by a number of appeals on similar cases in Birmingham that a minimum of 2 years of active marketing of a site in a Core Employment Area is required, given the buoyancy of the commercial market in the city.
- 6.15. In the commentary provided by the agent, it was suggested that there are challenges in the letting of these units, due to their design and size. It is understood that these units also tend to have shared corridors, toilets and kitchen facilities, which is stated to often not appeal to prospective industrial tenants because they don't need or want the shared facilities. Further, the electrical systems, which are geared to loads associated with studio users, rather than industrial users.
- 6.16. The commentary argues that the smaller units look like they were built to be more like studio spaces, than industrial units – possibly somewhere you might expect to find an architectural practise or photographic studio. It is the Council's view that given the site's allocation as a Core Employment Area, it was intended that the smaller units on the estate would have been expected to be used as small offices or for research and development (Use Class B1a / B1b).
- 6.17. Given that the site is located within a Core Employment Area, it is considered that the priority of the site owner should be to protect the viability of the estate within its allocation as a core employment area and therefore potentially undertake adaptations to the units in order to maintain the level of viability. It is considered that the costs of improving the electrical system and installation of roller shutter doors, whilst not a material planning consideration, would be outweighed through the likelihood of letting the units to industrial users and thereby preserving the estate in terms of the appropriate uses within the Core Employment Area allocation.
- 6.18. Furthermore, the piecemeal loss of industrial land would start to erode the industrial nature of the Castle Vale Enterprise Park, and would make it difficult for the Council to resist the loss of further industrial land, which would exacerbate the short fall of 'good urban' land. Industrial land supply is a key factor in facilitating economic activity. As of 2012, there were 16.69 hectares of readily available good urban land compared to the UDP target of 30 hectares. The emerging BDP refers to a minimum reservoir of 31ha of 'good urban' land, with a range of business premises required to meet a variety of business needs.
- 6.19. The applicant has requested consideration by the Local Planning Authority that a personal planning permission may be appropriate in the circumstances. Whilst this could be an option, I do not consider the personal circumstances of the applicant outweigh a substantial planning policy objection to the change of use, particularly where I do not consider that a convincing argument has been presented which demonstrates there are no other viable locations for the use to be located.
- 6.20. In light of the above, I consider that the proposals would result in an unacceptable loss of industrial land, and I do not consider that the justification provided outweighs the significant policy objection to the proposed retention of the unauthorised use.

Impact on Vitality and Viability and Sequential Site Assessment

- 6.21. Birmingham City Council encourages town centre uses within local centres, with secondary locations being considered only when local centre locations are unavailable, unviable and inaccessible. This approach is endorsed by paragraph 24 of the National Planning Policy Framework. Paragraph 27 of the NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on own centre vitality and viability or existing, committed and planned public and private investment in a centre or centres, it should be refused.
- 6.22. The Applicant has prepared and submitted a Sequential Site Assessment following discussions with Planning and Enforcement Officers in support of the retrospective planning application.
- 6.23. The Sequential Site Assessment submitted assessed a total of 20 units available within 5 miles of the application site, within a mix of local centres and industrial areas. Each of the sites were discounted by the Applicant on the grounds that the units would not meet the specific needs of the dance studio; would be located in a comparable or less sequentially preferable location; or would have insufficient parking and an inadequate drop off point. Some sites have been discounted due to financial constraints and concerns regarding the distance the owner must travel.
- 6.24. Despite the work that has been undertaken on the Sequential Site Assessment, I do not consider that this demonstrates that all sites assessed are unavailable, unviable and inaccessible pursuant to the proper application of planning policy. It is considered that rental values and personal travel arrangements are not material planning considerations. It is evident that there is a limited number of units that have been looked at which would meet the three tests as a sequentially preferable location. I consider that some sites identified would be a suitable alternative to the current premises, if financial constraints and lack of planning permission were not identified by the applicant as criteria with which to discount the units. Further, there are a number of sites that have not been considered which would demonstrate a more sustainable location (for example available units in Erdington District Centre at both Central Square and on the High Street, 3.6 miles to the north west) which should be considered as part of a sequential site assessment.
- 6.25. Whilst I acknowledge the specified requirements of the applicant in terms of the ceiling height and floorplates required in order to undertake the dance classes, I do not consider that an adequate site assessment has been undertaken which would take into account all available units within the nearest local centres, and I consider that inappropriate criteria has been used when discounting sites from the search.
- 6.26. The Sequential Site Assessment therefore is not considered to adequately address the requisite criteria, and has not demonstrated that there are no sequentially preferable sites for the relocation of the existing business.
- 6.27. I consider that the location of a town centre use outside of a local centre has an inherently adverse impact on the vitality and viability of the nearby neighbourhood, district and town centres as such town centre uses generally present opportunities for linked trips (i.e. linking to retail uses, café / restaurant uses, other leisure uses). This would be further contrary to the principles set out within Shopping and Local Centres SPD, the draft Birmingham Development Plan and the National Planning Policy Framework results in an isolated town centre use in an inappropriate location.

- 6.28. On this basis, I remain of the view that the proposed retention of the unauthorised use has an adverse impact on the vitality and viability of the closest Local Centres, and is therefore unacceptable.
- 6.29. An impact assessment has been provided but I do not consider this relevant in this instance given that the proposed retail floorspace would not exceed the 2,500sqm threshold within with NPPF requiring an impact assessment.

Impact on Residential Amenity

- 6.30. The application site is located within an entirely industrial area, with the closest residential property located approximately 225m to the north-west of the application site. Regulatory Services raise no objection to the proposal and I do not consider that the proposals would have an adverse impact on residential amenity.

Impact on Highway Safety

- 6.31. The application site is located within a predominantly industrial area. Whilst it is noted that there is a bus service which is routed within walking distance of the application site, I am mindful that a number of classes take place in the evening. I would expect a large number of members to drive to the application site given the inconvenience of multiple bus journeys (based on where a range of members travel from) and their concerns for security and safety. The application site is located in an inherently unsustainable location with the majority of site users depending on access to a private vehicle.
- 6.32. Paragraphs 29 and 30 of the NPPF relates to sustainable transport, which states that local planning authorities should support a pattern of development which facilitates the use of sustainable modes of transport, to include the location of town centre uses within local centres.
- 6.33. Transportation Development has been consulted and state that whilst it is noted that the site is out-of-centre and does not have especially good links to public transport, it is considered that the scale upon which the use operates in terms of attendance capacity is unlikely to result in a severe impact upon the safety of highway users or the capacity of surrounding highway links and junctions.
- 6.34. The industrial estate appears able to practically accommodate the parking demand attracted to the use, with a high likelihood that the majority of industrial / commercial uses in close proximity would have ceased trading at times when the D2 use is at its peak level of use.
- 6.35. Whilst it would clearly be preferable in sustainability and policy terms for a use of this type to be located closer to a centre with improved public transport links, the scale of the use in terms of attendance and movements is considered sufficiently low not to warrant an objection in terms of traffic generation.
- 6.36. Whilst I acknowledge that the proposed retention of the use would be unlikely to have an adverse impact specifically in terms of traffic generation to and from the site, I consider that the planning decision should place a greater emphasis on resisting the inappropriate use of sites in isolated locations which would require dependence on the private vehicle. Development in inherently unsustainable locations should not be encouraged, in accordance with adopted and emerging planning policy to secure town centre uses within local centres and to protect and preserve Core Employment Areas.

7. Conclusion

- 7.1. The application proposals relate to the retrospective change of use of an existing light industrial / business unit from B1 / B2 / B8 use to D2 use in order to facilitate the retention of a dance fitness studio which has been in operation since July 2014 at Unit C4, Castle Vale Enterprise Park.
- 7.2. Castle Vale Enterprise Park is allocated as a Core Employment Area within the Birmingham UDP and the emerging Birmingham Development Plan. On this basis, the loss of land within a Core Employment Area would be resisted subject to a the undertaking of a sufficient level of active marketing of the site for a period of 2 years without a positive outcome and a conclusive sequential site assessment.
- 7.3. The agent for the site has confirmed that the site was actively marketed for 12 months before a lease was agreed with the applicant. This period falls short of the 2 years which is considered to be good practice in relation to the potential loss of industrial land. Further, the agent agreed a lease to a non-business use without undertaking any enquiries of the Local Planning Authority to establish whether a material change of use would be acceptable at this location and in this context.
- 7.4. The proposals are considered to result in an unacceptable loss of industrial land and an adverse impact on the vitality and viability of the nearest Local Centres to the application site. Further, the site is isolated, being located in a solely industrial area and is therefore inherently unsustainable.
- 7.5. The Sequential Site Assessment is inconclusive and does not demonstrate that the application site is the only reasonable alternative for the operation of the existing business, having discounted sites for inappropriate reasons and having not considered more appropriate site within the Primary Shopping Areas of District and Neighbourhood Centres which are known to be available.
- 7.6. For the reasons set out above, I recommend that the application should be refused.

8. Recommendation

- 8.1. Refuse.

Reasons for Refusal

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- 1 The proposed retention of the D2 use class dance fitness studio at a location allocated as a Core Employment Area would amount to an unacceptable loss of employment land and would have an adverse impact on the supply of employment land in the city, contrary to paragraphs 3.8, 3.10, 4.20 and 4.31 of the Birmingham Unitary Development Plan, policies TP17 and TP19 of the emerging Birmingham Development Plan and Loss of Industrial Land to Alternative Uses SPD.
 - 2 The proposed continued use of the site as a D2 use class dance fitness studio would result in a town centre use being located in an out of centre location. The proposal fails to satisfy the sequential test as the applicant has not fully assessed sequentially preferable sites within local centres or edge of centre locations. The proposal conflicts with paragraphs 24 and 27 of the NPPF, paragraphs 7.21-7.30 of the Birmingham UDP, policies TP21 and TP24 of the Birmingham Development Plan, and Shopping
-

and Local Centres SPD.

Case Officer: Claudia Clemente

Photo(s)

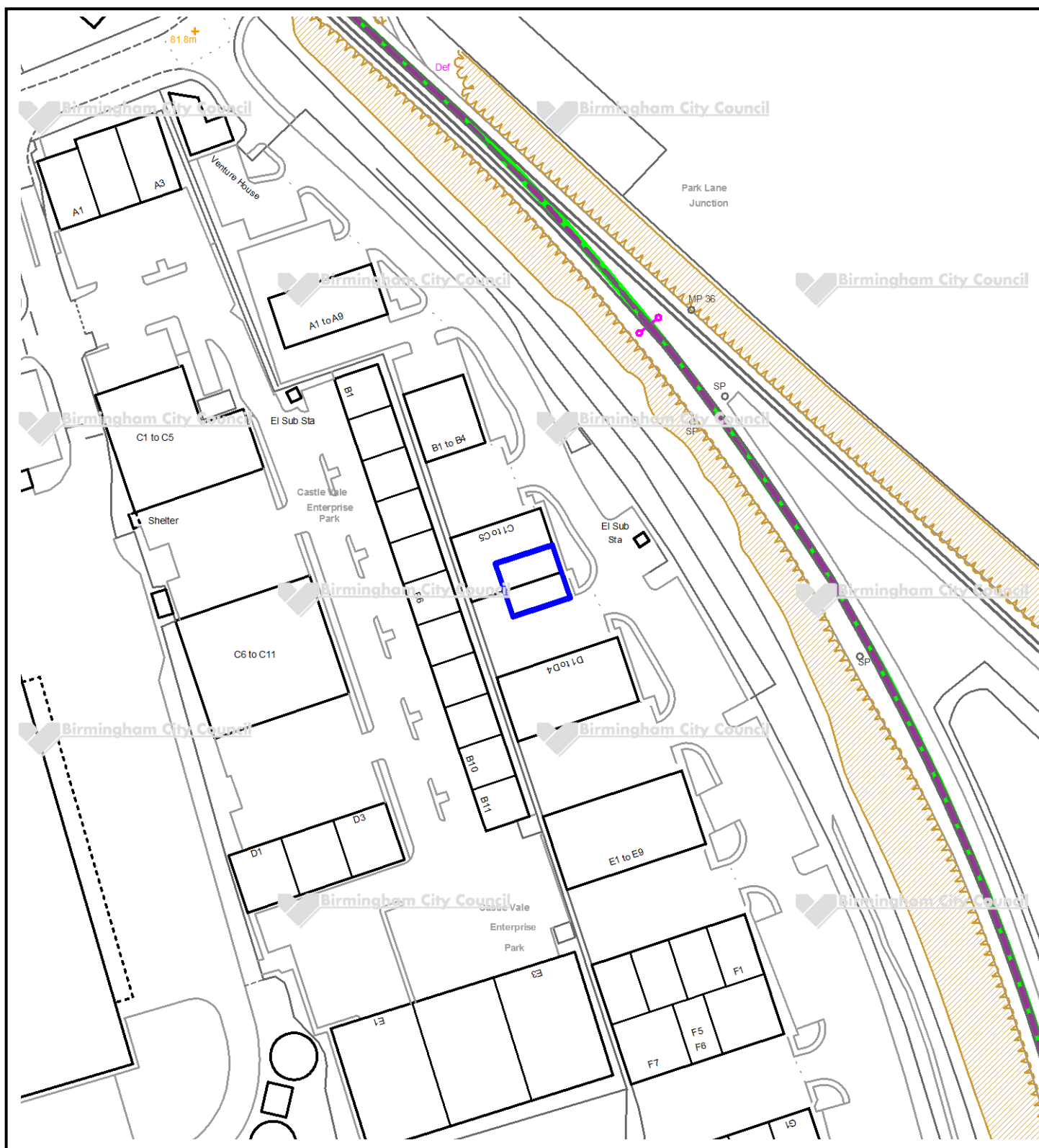


Figure 1: Application Site



Figure 2: Application Site Surroundings

Location Plan



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Committee Date:	22/12/2016	Application Number:	2016/08228/PA
Accepted:	13/10/2016	Application Type:	Full Planning
Target Date:	08/12/2016		
Ward:	Acocks Green		

16 Flint Green Road, Acocks Green, Birmingham, B27 6QA

Erection of single storey side extension and conversion of garage to provide additional residential facilities with maximum number of residents at the care home to remain at 9

Applicant:	New Leaf Recovery 16 Flint Green Road, Acocks Green, Birmingham, B27 6QA
Agent:	Iain Denton Ltd Milverton Villas, 8 Wilsons Road, Knowle, Solihull, West Midlands, B93 0HZ

Recommendation
Determine

Report Back

Members will recall that this application was recommended for approval at your meeting of the 8th December 2016. The Committee determined to defer the decision, with a 'Minded to Refuse' recommendation on the grounds of the commercialisation of the site to the detriment of the character of the area. A further representation has also been received from Councillor Stewart Stacey who supports the objections put forward by the Acocks Green Focus Group and other residents, and has particular concern about the 'creeping development' of the site. In addition, the management plan covered by condition attached to the original planning permission has been approved.

The site already has planning permission for use as a care home (C2 use class) and Members were of the opinion that the proposed external alterations, in the form of the extension and changes to the frontage to achieve car parking spaces, would commercialise the external appearance of the property to the detriment of the residential character of Flint Green Road.

The extension is modest and subordinate to the existing 3-storey building, being single storey and set back. It would also be subordinate to the neighbouring 2-storey house. It is considered that when viewed from Flint Green Road, it would have the appearance of a domestic extension, with bedroom windows and red facing brickwork to match the existing property. The alterations to the property's frontage would result in a reduction in the existing front boundary wall and hedge planting, which would be similar to many other houses on Flint Green Road and a condition was recommended relating to details of the retained front boundary wall.

In light of the above, officers advise that the recommended grounds for refusal is not consistent with planning policy / guidance and unlikely to be defensible at a Planning Appeal. However, if Members wish the application to be refused on the grounds given then the following reason for refusal is offered:

The proposal, by virtue of the visual impact of the proposed external changes to the application site would detract from the residential character of Flint Green Road and contrary to Policies 3.8 and 3.10 of the Birmingham Unitary Development Plan 2005, advice given in 'Specific Needs Residential Uses' SPG and 'Places for Living' SPG and the National Planning Policy Framework 2012.

Original Report

1. Proposal

- 1.1. Proposal for the conversion of the existing garage building to provide a bedroom with an en-suite and a staff room as well as a single storey extension to also accommodate an office and two further bedrooms, both with en-suites. The extension would sit to the front of the garage, occupying part of the existing driveway, with a maximum depth and width of 12.1m and 4.7m respectively. The extension would have a flat roof design to a height of 3.2m, with facing brickwork to match the existing property as well as corbelling detailing. 3 off-street parking spaces would be provided to the front, 1 space to the front of the extension and 2 further parallel spaces to the frontage which would require the removal of part of the non-original/rebuilt front wall/brick pier.
- 1.2. Planning permission was granted in July this year for a 9 person care home (2016/03916/PA), which included a number of twin rooms. The current proposal does not seek to increase the number of residents but to provide single person occupation rooms, some with en-suite facilities, and improved communal facilities as well as staff facilities in the form of an office and a staff room. Since the granting of planning permission earlier this year the property has been undergoing renovation and the first residents have begun to move in. The applicant provides detoxification and rehabilitation services.

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application premises are a 2.5-storey detached period property, with a long side private drive-way. The surrounding area is predominantly residential, many of which are also traditional properties from a similar era. Many properties on Flint Green Road are single-occupied family housing, though a number appear to have been converted to flats or HMOs. Many properties have on-site parking and on-street parking is also unrestricted except at its junction with Warwick Road.

2.2. [Site location](#)

3. Planning History

- 3.1. This site:
- 3.2. 21/07/16 – 2016/03916/PA. Change of use from residential dwelling (Use Class C3) to residential care home (Use Class C2). Approved.
- 3.3. 24 Flint Green Road:
- 3.4. 08/01/15 – 2014/06818/PA. Change of use from residential dwelling (C3 use class) to residential care home (C2 use class). Approved.

- 3.5. 22/07/09 – 2009/01546/PA. Erection of single storey building for training accommodation for persons with learning difficulties. Approved.
4. Consultation/PP Responses
- 4.1. Transportation Development – No objection subject to conditions relating to the design of the access, front boundary treatment and pedestrian visibility splays
- 4.2. Regulatory Services – No objection.
- 4.3. Neighbouring residents, and local residents groups and Councillors consulted with a site notice posted.
- 4.4. 2 representations received from Councillor Roger Harmer objecting to the application on the following grounds:
- Inappropriate design to original building and proposed Acocks Green Conservation Area.
 - Removal of off-street parking provision adding to known parking issues.
 - Assurances previously given that there would be no external alterations.
 - Previous consent restricted occupation to no more than 9 residents.
 - Failed to comply with the condition requiring a management plan.
- 4.5. Representation received from the Yardley Conservation Association who wish to support the residents of Flint Green Road and other Acocks Green organisations in their objection to this application on the following grounds:
- Too early to estimate the effect of another C2 use on the residents and road before increasing the size of the new C2 use.
 - The extension is out of character with this line of early Edwardian ‘cottages’.
 - This road is part of the proposed Acocks Green Conservation Area.
- 4.6. An objection has been received from the Acocks Green Neighbourhood Forum on the following grounds:
- The new owners said there would be no external changes and the driveway would be used for staff parking.
 - Loss of parking will put additional pressure on street parking.
 - This end of Flint Green Road is the gateway to the proposed Acocks Green Conservation Area.
 - The extension is out of character with the property and the rest of the road.
 - Extra residents and staff will put more pressure on drainage and water supply.
 - Too early to see what effect the granting of the earlier application will have on residents and the area.
- 4.7. An objection has been received from the Acocks Green Focus Group on the following grounds:
- Inappropriate design and out of character in the proposed Conservation Area.
 - Reference to the Conservation Area in the previous officer report is unhelpful with no respect for visual heritage or history, or for the work of local people.
 - Inaccuracies in the previous report in relation to the number of HMOs on the street.
 - There were previous assurances that there would be no external alterations.
 - Removal of off-street parking.
 - The number of residents to be accommodated is unclear.

- Too soon since after the previous consent in order to assess effects upon the road.
 - No management plan has been submitted to date.
 - Disability provision and building regulations needs to be addressed.
- 4.8. An objection has been received from Arden Residents' Association on the following grounds:
- Application cynically exploits the success of their previous application.
 - Reduction of off-road parking.
 - Design is out of character with the building and streetscene.
 - A slap in the face for those safeguarding their community.
- 4.9. 10 representations have been received from local residents objecting to the application on the following grounds:
- Contravenes conditions attached to the previous consent in relation to a management plan and a maximum of 9 residents.
 - Removes off-street parking.
 - Increase congestion and inadequate parking.
 - Undermines the integrity of the houses and the proposed Conservation Area.
 - Cynicism behind this application.
 - Loss of some of the rear garden.
 - Breaches Article 8 of the ECHR to have 'respect for private and family life, his home and correspondence'.
 - External works are now proposed.
 - The extension is not domestic in scale.
 - Proposal includes various breaches of building regulations.
 - Poor views from the bedroom windows.
 - Negative impact on neighbour amenity.
 - Strain on existing services.
 - Inadequate consultation period.
 - Current application should be withdrawn to investigate apparent breach of planning conditions.

5. Policy Context

- 5.1. Birmingham UDP 2005, Draft Birmingham Development Plan 2031, Places for Living SPG, Specific Needs Residential Uses SPG, Car Parking Guidelines SPD and the NPPF 2012.

6. Planning Considerations

- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005.
- 6.2. The NPPF is clear that "the purpose of the planning system is to contribute to the achievement of sustainable development... There are three dimensions to

sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment...".

- 6.3. The NPPF and the Pre-submission Birmingham Development Plan are material considerations. The Pre-submission Birmingham Development Plan is at an advanced stage and as such holds some weight. The proposal raises a variety of planning-related matters which are discussed below.
- 6.4. Background:
- 6.5. Members will recall the previous application (2016/03916/PA), which was considered earlier this year and also subject to a site visit. This application for a change of use from a residential dwelling (C3) to a residential care home (C2) was approved subject to a number of conditions including a restriction of no more than 9 residents. Since planning permission was granted in July this year the property has been purchased by the applicant and refurbished. Only recently the first residents have started to move in. The applicants have been in communication with West Midlands Police about the facility who raised no objection to the original change of use application.
- 6.6. This current application is seeking an extension, and as such the principle of the use of the property as a residential care home (C2) is not for consideration. Further to the submission of the application clarity has been sought over the total number of residents as well as amendments to the layout and design secured.
- 6.7. Residential amenity:
- 6.8. The applicant has confirmed that the proposed extension is not seeking to increase the total number of residents at the premises but to improve the range of accommodation available to both residents and staff. As such, the maximum number of residents would remain at 9. Whereas the previous scheme had a number of twin rooms, all bedrooms are now proposed to be single with 3 provided within the extension at ground floor level, a further 4 at first floor level and the final 2 at second floor level. The ground floor would also accommodate a lounge, dining room, breakfast room, kitchen, lounge, bathroom as well as staff room and office, whilst there are 2 bathrooms to the first floor and a further bathroom to the second floor. The current scheme has been amended so that the windows to the new bedrooms now either look onto the rear garden or down the driveway towards Flint Green Road. Furthermore there would be no reduction in the size of the rear private garden space.

- 6.9. Reference has been made in relation to the scheme not meeting Building Regulations, which falls outside the remit of the determination of a planning application and as such cannot be considered. Local residents have also highlighted the breaches of human rights but it should be noted that the rights of the objectors need to be balanced with the rights of the applicant. This consideration is in essence an extension of the planning balancing exercise which already forms the heart of the UK planning system's approach to decision-making.
- 6.10. Any disturbance associated with the property is unlikely to be different to that previously approved on the basis that the number of residents and level of staffing would remain unchanged. Regulatory Services raise no objection to the current application. The extension would be visible from the rear elevation of the adjoining house at 14 Flint Green Road and would breach the 45 degree code in relation to a rear kitchen window/door. However, in light, of an existing outbuilding in the rear garden of 14 Flint Green Road which also breaches the 45 degree code, a high brick screen wall along the side boundary and the relatively low level of the extension (3.2m), it is considered that the impact would not result in demonstrable harm to neighbour amenity that could support a reason for refusal.
- 6.11. Visual amenity:
- 6.12. The single storey extension, like the existing garage structure, is subordinate to the main 2.5 storey house and would not dominate the streetscene. Concerns raised over its visual appearance are noted, however it is considered that the extension would not be intrusive and detailing such as matching brickwork and corbelling would help visually link it to the main house. The creation of 2 parallel parking spaces to the front of the property would result in the part-removal of the existing front boundary wall and associated brick pier. These are non-original and a sufficient balance between parking provision and front garden would be retained that again could not support a reason for refusal.
- 6.13. The application site falls within an area being investigated by local residents as a potential new conservation area. At present however, it has no formal recognition (e.g. as a draft conservation area). As detailed above the impact of the proposed extension and other external works would have no adverse impact on the character of the area that could sustain a reason for refusal.
- 6.14. Parking and highway safety:
- 6.15. The previous approval included the provision of 4 off-street tandem parking spaces. Car Parking Guidelines SDP seeks a standard of 1 parking space per 3 bed spaces, which would equate to 3 parking spaces for this development. The reduction of off-street parking spaces from 4 to 3 is therefore acceptable in policy terms. The site has good access to frequent bus and train services. Transportation Development have assessed the proposal and concluded that the proposed use is unlikely to have a material impact on the surrounding network.
- 6.16. Other matters:
- 6.17. The applicant has been made aware that a management plan was required prior to first occupation of the care home, who advises that it was an oversight to not submit one in relation to a condition attached to the previous consent. The applicant advises that it is being addressed.
7. Conclusion

7.1. The proposed extension would not result in an increase in the total number of residents at the care home but to improve the accommodation available to both residents and staff. The scheme has been designed to have an acceptable impact on neighbour amenity, visual amenity and highway safety. Therefore, the application is in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation

8.1. Approve subject to conditions.

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- | | |
|----|------------------------------------------------------------------------|
| 1 | Requires the prior submission of a management plan |
| 2 | Restricts the number of residents to a maximum of 9 persons. |
| 3 | Requires that the materials used match the main building |
| 4 | Requires the prior approval of the siting/design of the access |
| 5 | Requires the prior submission of details of pavement boundary |
| 6 | Requires the parking area to be laid out prior to use |
| 7 | Requires pedestrian visibility splays to be provided |
| 8 | Prevents the use from changing within the use class |
| 9 | Requires the scheme to be in accordance with the listed approved plans |
| 10 | Limits the approval to 3 years (Full) |
-

Case Officer: Peter Barton

Photo(s)

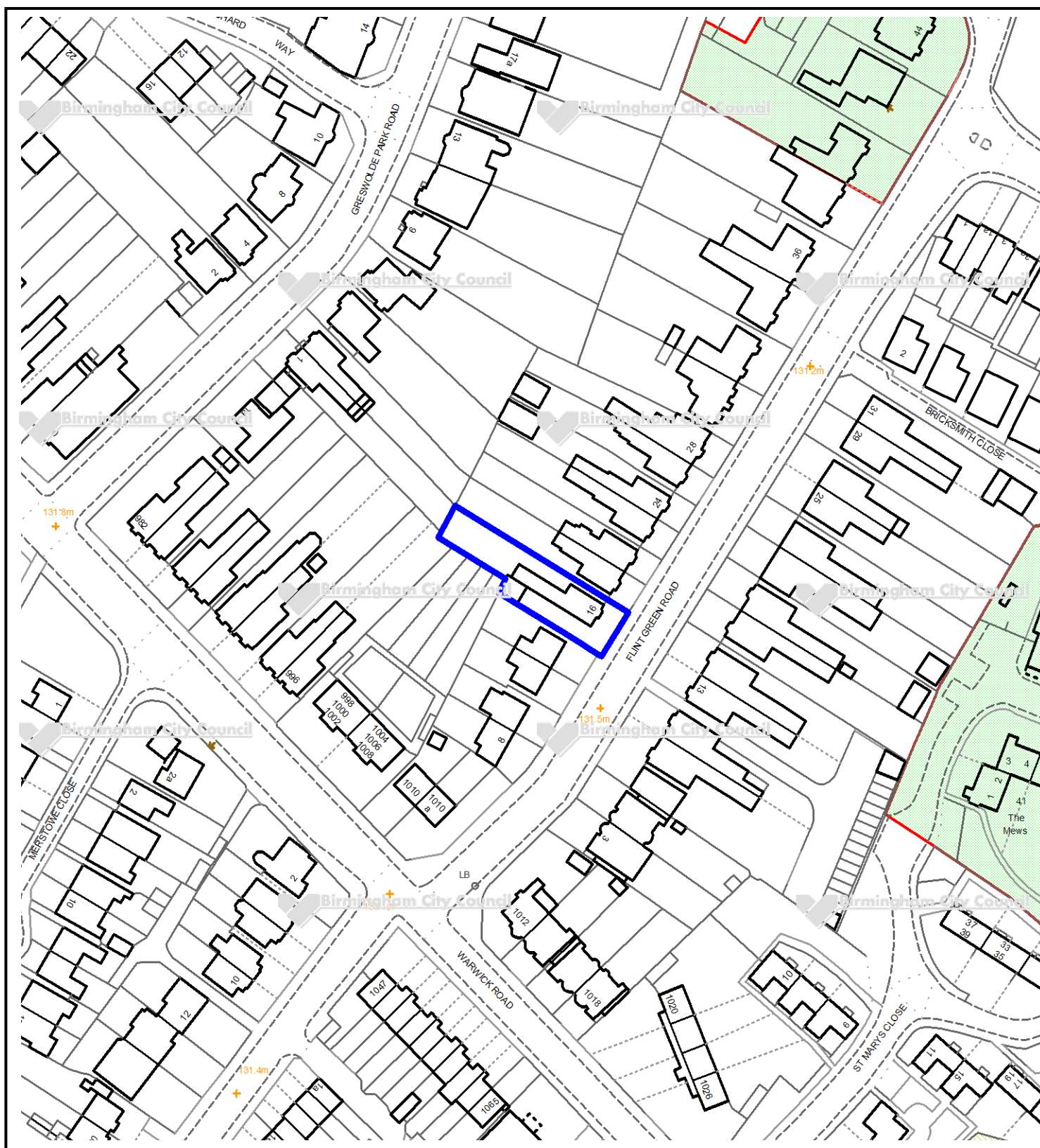


Figure 1 – Flint Green Road frontage



Figure 2 – View of private driveway with existing garage to the rear

Location Plan



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Committee Date:	22/12/2016	Application Number:	2016/09092/PA
Accepted:	01/11/2016	Application Type:	Minor Material Amendment
Target Date:	31/01/2017		
Ward:	Stechford and Yardley North		

Land adjacent Cascades Swimming Baths, Station Road, Stechford, Birmingham, B33 8QN

Minor Material Amendment attached to approval 2016/03495/PA for building to be repositioned on the site approximately 5m further east

Applicant:	Serco Group PLC Serco House, 16 Bartley Wood Business Park, Bartley Way, Hook, Hampshire, RG27 9UY
Agent:	PJ Planning Regent House, 156-7 Lower High Street, Stourbridge, West Midlands, DY8 1TS

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Minor material amendment to 2016/03495/PA for the erection of a new leisure centre consisting of a 6 lane, 25 metre main swimming pool and a learner pool, with poolside seating for up to 100 spectators, a 4 court sports hall, a large fitness suite with 120 stations, dance studio for up to 45 people, a café with community facilities and accompanying changing areas. The original scheme was approved in July this year.
- 1.2. The new leisure centre would be located to the immediate south of the existing Stechford Cascades Leisure Centre on land that was partially used for car parking as well as public open space including a children's play area. The principal changes are the re-siting of the building 5m eastwards, back from Station Road and subsequent changes to the access off Station Road, reconfiguration of the car park and coach drop-off area. These amendments are a result of the discovery of an 18" gas main close to the proposed extended entrances and coach drop off which, the applicant advises would require extensive works to the gas main, resulting in inconvenience to residents, protracted works to the new leisure centre and substantial additional costs.
- 1.3. To the front of the building there was originally proposed separate entrance and exit accesses off Station Road with 51 parking spaces (including 3 disabled spaces), a taxi drop-off bay and access to the service yard. The existing bus stop fronting the application site was also to be extended to provide a layby for coach drop-offs and the bus stop relocated just to the south of its current position on Station Road. The current proposal seeks to provide a single entrance/exit access with an enlarged car park that could accommodate coach drop offs and associated manoeuvring/

circulation. There would be 47 parking spaces (including 3 disabled spaces). The existing bus stop would not be altered from its existing location.

- 1.4. The design of the building would remain as previously approved, being split-level in response to changes in existing ground levels with a ground floor (containing the reception, café, and swimming pools with changing facilities) and first floor (containing the fitness suite, dance studio and changing facilities) to the front (western) section of the building. To the rear (eastern) section of the building is a lower ground floor (containing the 4 court sports hall and changing facilities). The building would have a total gross external floor space of 4,200sqm.
- 1.5. The external appearance of the building would be modern utilising black/grey brick, white, and Turquoise toned composite cladding, coloured reveals and powder coated aluminium framed glazing.
- 1.6. Ground works have begun on site and the previous children's play area has now been removed. The replacement of this play area forms part of the scheme.
- 1.7. The proposals have been screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 and there is no requirement for an Environmental Assessment.

1.8. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The 0.74ha application site is roughly rectangular in shape, previously occupying a car park to its western end, a play area to its middle section and public open space to its eastern end. The children's play area and area of public open space within the application site formed part of the wider Manor Road Recreation Ground to the east. A MUGA is located to the east of the application site. Ground levels fall from the play area to the MUGA and rise again to the high rise flats to the east. The car parking lost on the application site has been provided on a temporary basis on the hardstanding to the immediate north of the existing Cascades Swimming Baths via an existing access off Station Road.
3. To the north is the existing Cascades Swimming Baths, to the south a pedestrian link within the Manor Road Recreation Ground and residential properties beyond. To the west, on the opposite side of Station Road are terraced residential properties and commercial parades of shops. The application site is adjacent to the Stechford Neighbourhood Centre, which extends as far as the Cascades Swimming Baths and the shops to the opposite side of Station Road.

4. [Planning History](#)

- 4.1. This site:
- 4.2. 26/05/66 – 13101002. Layout of POS including Children's Play Areas. Approved.
- 4.3. 21/07/16 – 2016/03495/PA. Erection of new leisure centre, including 6 lane, 25 metre main swimming and learner pools, fitness and dance studios and indoor sports hall with car parking and landscaping. Approved.
- 4.4. Cascades Swimming Baths:

- 4.5. 09/07/59 – 18027000. Swimming baths. Approved.
- 4.6. 01/12/83 – 18027004. Use of part of the swimming bath building as a community recreation hall. Approved.
- 4.7. 17/11/88 – 18027006. Extensions to the existing swimming pools incorporating new leisure pools with a single flume. Approved.
- 5. Consultation/PP Responses
 - 5.1. Transportation Development – No objection.
 - 5.2. Regulatory Services – No objection subject to previous conditions.
 - 5.3. Lead Local Flooding Authority - No objection subject to previous conditions.
 - 5.4. Leisure Services – Supportive. The use of the existing Cascades site when returned back to Leisure as a vacant site remains within Leisure’s control.
 - 5.5. West Midlands Fire Service – No objection.
 - 5.6. West Midlands Police – No objection.
 - 5.7. Local residents, business premises, residents groups, Ward Councillors and MP consulted with site and press notices posted. No responses received.
- 6. Policy Context
 - 6.1. Birmingham UDP 2005, Draft Birmingham Development Plan 2031, Places for All SPG, Car Parking Guidelines and the NPPF 2012.
- 7. Planning Considerations
 - 7.1. 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 granting of the previous consent there has been no changes to relevant policy and guidance.
 - 7.2. The principle of the replacement leisure centre on this site has been established under 2016/03495/PA. The issues for consideration here are the impact of the relocation of the building and the changes to the access and car park on the public open space, visual amenity, neighbour amenity and highway safety
 - 7.3. Whilst the building would be located 5m further back from Station Road, it would still remain within the original planning application site and as such have no adverse impact on the adjoining Manor Road Recreation Ground. As with the previous scheme, the play area displaced by the new leisure centre is to be relocated within this public open space with the final location to be determined through consultation with local Members.
 - 7.4. The design of the proposed building would not alter but its repositioning 5m further back into the site would result in it sitting slightly back of the building line of the adjoining houses and the existing Cascades building. Notwithstanding this, it is considered that the impact would be acceptable, as the new building would now

have a looser relationship with the adjoining houses, due to the minimum 20m gap between the buildings. The existing Cascades building will be demolished after the new leisure centre is completed and the future plans for this site are still to be determined. The City Design Officer raises no objection to the amended scheme.

- 7.5. The relocated building would have no impact on the three Silver Birch trees to the immediate south, which would provide a good visual buffer to 246 Station Road, also to the south. The proposed larger car park would also incorporate larger areas for new planting, including additional tree planting to the site's Station Road frontage.
- 7.6. Neighbour amenity:
- 7.7. The public entrance to the building would remain at the junction between the building's south and west elevations as well as the terrace off the café would also remain to the south elevation overlooking the footpath link between Station Road and Manor Road Recreation Ground.
- 7.8. The approved distances between the first floor (fitness suite) glazing and the side boundary, side garage and side elevation (no windows to habitable rooms) of 246 Station Road is 14.5-15.5m, 17m and 20m respectively. The amended location has increased these distances to some 17.5-18.5, 20m and 23m. Furthermore, there is a good level of vegetation along the boundary as well as the retained Silver Birch trees discussed above.
- 7.9. Highways and parking:
- 7.10. The amended proposal has reduced the number of parking spaces from the previously approved 51 to 47. Transportation Development has considered these amendments along with the changes to the access and car park configuration and raises no objection subject to safeguarding conditions including, as previously attached, a funding mechanism to be made available to allow post-development implementation monitoring and modification/introduction of TRO's.

8. Conclusion

- 8.1. The principle of the new leisure centre on this site has previously been established and the building's modest relocation to address an 18" gas main and associated changes to the access as well as parking and coach drop off arrangements would have no adverse impact on the adjoining public open space, visual amenity, neighbour amenity and highway safety. The siting of the building 5m further back into the site has enabled the creation of additional landscaping to the site's frontage and an increase in distance from the new building to no. 246 Station Road. The removed play area is to be relocated in the Manor Road Recreation Ground, with the final location to be decided in consultation with Ward Members. As such the proposal is in accordance with relevant policy and guidance and the application for a material minor amendment should be approved.

9. Recommendation

- 9.1. Approve subject to conditions.

1	Requires the prior submission of the location, design and an implementation plan for the play area to be relocated within Manor Road Recreation Ground
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- 2 Requires the prior submission of a contamination remediation scheme
 - 3 Requires the prior submission of a contaminated land verification report
 - 4 Limits the hours of use (0700-2200hours Monday to Friday and 0700-2000hours Saturday, Sunday and Bank Holidays)
 - 5 Requires the prior submission of a drainage scheme for the disposal of foul and surface water flows
 - 6 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 7 Require the implementation of the approved ecological mitigation measures
 - 8 Requires the scheme for ecological/biodiversity/enhancement measures to be in accordance with the approved details
 - 9 Limits the noise levels for Plant and Machinery
 - 10 Requires the scheme to be in accordance with the approved Arboricultural Method Statement
 - 11 Requires the prior submission of hard and/or soft landscape details
 - 12 Requires the scheme to be in accordance with the approved hard surfacing materials
 - 13 Requires the prior submission of boundary treatment details
 - 14 Requires the prior submission of a lighting scheme
 - 15 Requires the scheme to be in accordance with the approved materials schedule
 - 16 Requires the scheme to be in accordance with the approved site and ground floor levels
 - 17 Requires the scheme to be in accordance with the approved construction method statement/management plan
 - 18 Requires the scheme to be in accordance with the approved interim parking provision
 - 19 Requires the scheme to be in accordance with the approved mud prevention statement
 - 20 Requires the prior installation of means of access
 - 21 Requires the prior submission of details of pavement boundary
 - 22 Requires the prior submission of a parking management strategy
 - 23 Requires the prior submission of a commercial travel plan
 - 24 Requires the delivery and service area prior to occupation
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- 25 Requires the parking area to be laid out prior to use
 - 26 Requires the prior submission of cycle storage details
 - 27 Requires the applicants to join Travelwise
 - 28 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 29 Provision of designated electric vehicle charging points
 - 30 Requires the scheme to be in accordance with the listed approved plans
 - 31 Limits the approval to 3 years (Full)
-

Case Officer: Peter Barton

Photo(s)

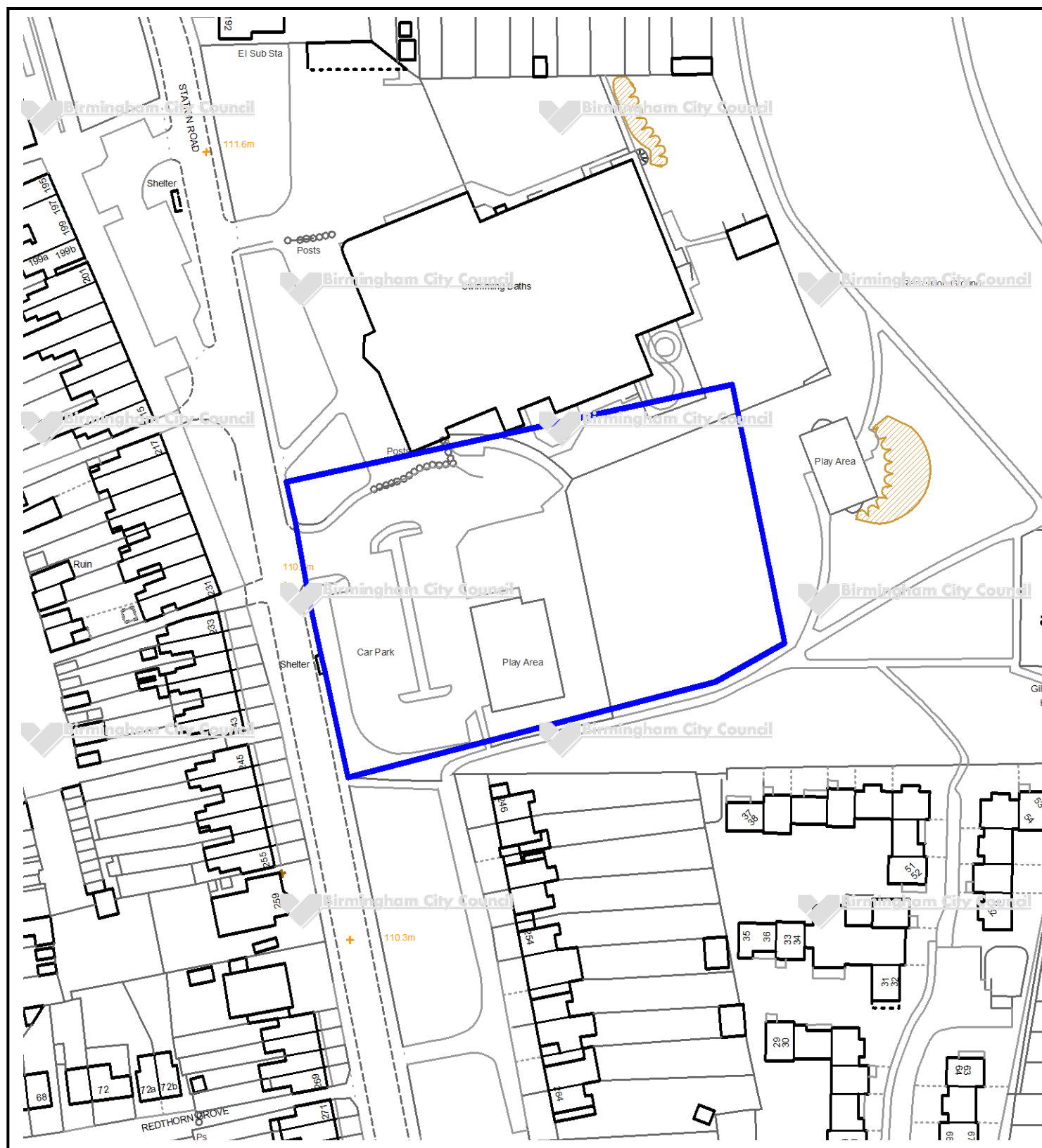


Figure 1 – site entrance off Station Road



Figure 2 – view of site from Manor Road Recreation Ground

Location Plan



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Birmingham City Council

Planning Committee

22 December 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Refuse	11	2016/08575/PA 32-35 Water Street Jewellery Quarter Birmingham B3 1HL Change of use to cafe (Use Class A3), bar (Use Class A4) and barbers (Use Class A1) and installation of acoustic louvres to basement entrance
Approve - Conditions	12	2016/07872/PA International House Staniforth Street City Centre Birmingham B4 7DN Demolition of existing buildings and the erection of a part 6 storey, part 10-storey, part 14 storey building to provide student accommodation (Sui Generis) comprising 586 student bedspaces; communal areas with associated landscaping and cycle parking and a Class A1/A3 commercial unit at ground floor level of 82m2.
Defer – Informal Approval	13	2016/05029/PA Phase 8A, The Mint Icknield Street Jewellery Quarter Birmingham B18 6RU Erection of a 4 storey building over existing basement car park to provide class B1 offices and one apartment on the ground floor with 12 apartments on the upper floors above and associated parking

Committee Date:	22/12/2016	Application Number:	2016/08575/PA
Accepted:	21/10/2016	Application Type:	Full Planning
Target Date:	16/12/2016		
Ward:	Ladywood		

32-35 Water Street, Jewellery Quarter, Birmingham, B3 1HL

Change of use to cafe (Use Class A3), bar (Use Class A4) and barbers (Use Class A1) and installation of acoustic louvres to basement entrance

Applicant:	Upstairs Downstairs Drinking Ltd 32-35, Water Street, Jewellery Quarter, Birmingham, B3 1HL
Agent:	Brooke Smith Planning Consultants The Cloisters, 12 George Road, Edgbaston, Birmingham, B15 1NP

Recommendation

Refuse

1. Proposal

- 1.1. Planning consent is sought for the change of use of the basement (112 sqm of floor space) at 32-35 Water Street (also known as the Rifle Makers building) to a mixed A1 barbers, A3 café and A4 bar use. Consent is also sought for the installation of acoustically controlled air cooling ventilation louvres above the basement entrance door.
- 1.2. This current application seeks to maximise the use of the basement area during daytime hours as well as provide an evening bar. The A1 barbers use would comprise a single barber's chair set within an alcove of the basement. The proposed A3 use would comprise space for the consumption of hot drinks and cold food purchased from the existing A3 coffee kiosk at ground floor level of this site. The proposal does not include the provision of a kitchen or food preparation area all cold food would be brought into the site.
- 1.3. The applicants vision for the proposed A4 bar is a "cellar speakeasy" with a doorman at the entrance to the site with waiting staff and bar staff serving within the venue. No food would be served as part of the bar use apart from cold bar snacks (such as pretzels) to accompany drinks.
- 1.4. The proposed hours of use would be 0900-1800 for the A1 barber use; 0730-1600 for the A3 café use; and 1700 – 22.30 Sunday to Thursday and 1700 – 23.00 Friday and Saturday for the A4 bar use.
- 1.5. Servicing of the proposed basement uses is expected to take place twice a week with a commercial bin being positioned within the car parking area at ground floor level and collection through a private operator.
- 1.6. The applicant has reviewed the proposed basement area with regard to fire regulations and it is understood that the basement could not accommodate more than 60 customers at any one time; this is therefore the proposed maximum capacity

of the basement for the mixed uses proposed. The applicant seeks to provide on-site management and control of numbers of customers.

- 1.7. The proposal seeks to create 8 full time job opportunities.
- 1.8. This application follows the recent refusal of application reference 2016/04210/PA for the change use of this basement area to an A4 bar use. This previous consent was refused on the grounds that the proposal would result in harm to nearby residential amenity in terms of noise and disturbance from patrons coming and going to the premises. The proposed hours of use for the bar under this current application are marginally reduced from the previous refusal where a 23.30 closure was proposed daily.
- 1.9. Submitted with this application is a noise assessment which has considered the impact of structure borne sound transmitted from the basement to the nearest residential dwelling on the first floor of this building complex and proposes limits for the control of amplified music in the basement accordingly with background music only being proposed.
- 1.10. A supporting Planning Statement and Design and Access Statement have also been submitted with this application. The submitted Planning Statement had taken into consideration the objections raised to the previous submission and asserts that *“the addition of a small bar with limited capacity, limited opening hours and no intention to be the venue for large scale live or amplified music, would not significantly affect the character of the area. It has been shown in the acoustic report that the venue itself is highly unlikely to be the source of any noise nuisance. It is contended that any perceived environmental issues such as noise from those attending the premises or gathering outside would have no more impact than the general public gathering in the street – or using the street as a route between established venues”*.

“The proposed closing time of the A4 activity in the evening is contended as reflecting other similar establishments and could not be seen as ‘anti-social’ in terms of any generated noise from attendees leaving the premises.”
- 1.11. The Planning Statement has noted that planning conditions can be imposed to limit hours of use, limit the capacity of the proposed uses and suggests that a temporary consent could be granted should members be minded.
- 1.12. The supporting Planning Statement also includes a plan highlighting a number of established bars and restaurants on adjoining and adjacent streets to the application site.
- 1.13. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site comprises a former 2 storey Victorian works building recently extended by additional set back storeys and converted to residential apartments from the first floor upwards. The ground floor is laid out mainly for car parking associated with the residential use above. A small parcel of the ground floor has recently been converted into use as a coffee kiosk (2016/02853/PA).

- 2.2. To the right of the site is the grade II listed Derwent Foundry which has been converted into apartments.
- 2.3. Opposite the site are offices and an area of open car parking land which have also been subject to a recent planning approval (2015/10410/PA) for partial demolition, extension and conversion to 10 apartments.
- 2.4. The site falls within the St Pauls/ Canal Corridor locality, with Water Street being the boundary between this locality and the City Fringe locality of the Jewellery Quarter Conservation Area. The wider area contains a mixture of uses including residential apartments, offices, bars, shops and restaurants in the near vicinity.
- 2.5. [Site location](#)
3. [Planning History](#)
 - 3.1. 04/08/2016 - 2016/04210/PA - Change of use from basement storage area (use Class B8) to drinking establishment (use Class A4) and installation of acoustic louvres above basement entrance – Refused on grounds of harm to nearby residential amenity in terms of noise and disturbance from patrons coming and going to the premises.
 - 3.2. 01/06/2016 – 2016/02853/PA - Retention of the change of use from storage (Use Class B8) to a small coffee kiosk (Use Class A3) – Approved subject to conditions.
 - 3.3. 16/05/2014 - 2014/01487/PA – Change of use from D1 to mixed use scheme containing A2 & D2 and 6no. 2 bedroom loft apartments with associated parking, demolition of rear warehouse roof and insertion of new steel frame third floor extension - Approved subject to conditions.
 - 3.4. 20/01/2010 - 2009/05296/PA – Change of use of Factory (B2) to a youth arts centre (D1) - Approved subject to conditions.
 - 3.5. 03/02/2006 - 2005/07647/PA – Conversion and extension of building, including addition of third storey to provide ground floor office with 8 flats above at 32-35 Water Street – Approved subject to conditions.
- 64 Water Street (opposite site)**
 - 3.6. 04/07/2016 - 2015/10410/PA – Demolition of existing 3 storey stairwell/lift area, conversion of existing building and extension to create additional floor and four storey side extensions to provide 10 two and three bed apartments with association parking and amenity areas – Approved subject to conditions.
4. [Consultation/PP Responses](#)
 - 4.1. Regulatory Services – Object - There is a potential for disturbance to adversely affect existing and future residential occupiers above and in the vicinity of the site arising from use of the street area by potential clients at the premises, for example from smoking. Regulatory Services previously recommended a temporary approval for a similar proposal at this site; however this included a smoking area opposite the site. Due to the lack of suitable provision or mitigation of disturbance arising from outside activity associated particularly with the proposed use as a bar, it is recommended that this application is refused. The proposed 07.30 opening hours for

the coffee shop element are also not supported.

- 4.2. Transportation Development – No objection - It is unlikely that the proposed development would have any significant impact in terms of highway safety and free flow. The site is situated within Jewellery Quarter and benefits from excellent links by all modes of transport. Cycle parking provision should be sought in conjunction with this proposal.
- 4.3. West Midlands Police – No objections – The proposed hours of use and city centre location appear suitable for this type of use. Applicant should consider installing CCTV and an intruder alarm.
- 4.4. Local occupiers and Ward Councillors notified. Site and Press notice displayed. This proposal has received comments both in objection and of support. These are summarised below:

10 objections received from local residents raising the following comment.

This proposal has not overcome any of the previous reasons for refusing a similar application;

The building itself is not capable of housing appropriate associated signage – an A board is necessary for the coffee kiosk on the highway;

There are no refuse provisions;

Residents experience noise for the nearby Tunnel Club;

The proposal would result in noise disturbance both to existing local residents and new proposed residents of recently approved residential scheme opposite this site;

The basement has previously operated as a bar under Temporary Events Notices and caused considerable nuisance to local occupiers until the early hours of the morning;

The use of the basement as a bar would cause considerable impact on the desirability of apartments in this area;

The bar has already been fitted out;

The applicants previous application for a License at this site was refused by the licensing committee (admittedly for longer hours of use);

The licensing committee were critical of the Acoustic and Noise Control Assessment submitted as part of the licensing application as it did not take into account the physical proximity of the apartment terraces and windows within the complex;

The submitted noise assessment doesn't address noise from the proposed ventilation units which could cause a resonance throughout parts of the building whilst the system is in use and the outlet louvres from the system are directly under the second floor (residential) terrace;

Limiting of the numbers at the bar to 60 would result in patrons forming a queue on the street to get into the establishment, such a queue is likely to form beneath residential terraces and adjacent to the residential entrance to the Rifle Makers building;

A bar open into the later evening would increase footfall into Water Street with associated noise and litter including cigarette butts and recreational drug canisters;

Residents are not aware of acoustic sound checks being carried out from any of the apartments within the building bringing into question the validity of information within the noise assessment;

The original planning application for the approval apartments at this site was only approved once the proposal to convert the basement to a bar/ restaurant was omitted from the scheme;

Once drinking patrons have left the premise they are outside of the operators control;

The application submission fails to consider the presence of residential terraces above the proposed entrance to this use;

During the operation of the existing coffee bar and when the bar was run under Temporary Events Notices conversations of the patrons queuing for service, entry to the premises or consuming coffee on the seating outside the premises could be clearly heard when working or resting on the residential terrace – as such any suggestion that potential noise and disturbance can be mitigated and controlled is questionable in relation to the external terrace; and

Water Street is part of the lively environment of the Jewellery Quarter, within any mixed urban environment there are however quiet roads and dynamic roads. The wider area including Ludgate Hill and St. Pauls Square are lively, Water Street is considered a quieter road.

19 letter of support have been submitted from a mixture of local businesses, local residents and visitors to the Jewellery Quarter/ the existing coffee bar. These have raised the following comments:

The coffee shop has become an integral part of the community on Water Street, a bar open by the same management would be welcomed;

The interior of the coffee bar has taken specific regard to the history of the building; It is small businesses that drive the city forward, this type of enterprise should be encouraged;

The proposal would be an asset to the area and would meet with the demand expressed by tenants and purchasers that there are not enough bars and cafes in the area;

An independent business offer such as this is fully supported in this area;

The blossoming of hospitality opportunities in the area has been welcomed and an elegant evening drink and cocktail offer would add to this;

The applicant has sympathetically renovated the basement area and supports local businesses;

It is concerning that this modest and quality enterprise is experiencing difficulty in gaining the necessary permissions to operate;

The proposal is in keeping with the unique character of the Jewellery Quarter;

The current owner has operated the bar under the occasional Temporary Events Notices impeccably in comparison to the previous owner, evidencing the clientele that this proposal would attract;

Having a later evening and managed bar in this location would make the street feel safer and would deter anti-social behaviour;

The city cannot thrive from residential development alone, a full mix of uses side by side needs encouraging throughout;

Water Street has been a focus of regeneration to include both bars and residential and this is to be encouraged as the vibrancy of the street have improved after years as a dark and unsafe street;

This is the type of venue that is very much needed in Birmingham;

This bar would add to the tourist offer within the Jewellery Quarter, has been well considered and has given significant regard to the use of reclaimed materials within its interior;

Businesses such as this need to prosper in order to compete with other cities such as London and Manchester;

The site would provide a high quality service specialising in cocktails within the setting of a beautiful regional building that would otherwise not be occupied; and

The focus of this business is on quality rather than volume of people.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005 Saved Policies (UDP); Birmingham Development Plan (post examination); Jewellery Quarter Conservation Area Character Appraisal and Management Plan (2002) (JQCACAMP) adopted SPD and the National Planning Policy Framework 2012 (NPPF).

6. Planning Considerations

Principle of this proposal within this locality of the Jewellery Quarter

- 6.1. This site falls within the mixed commercial and residential area of St. Pauls corridor locality of the Jewellery Quarter Conservation Area. There are a number of restaurants, bars and shops at the ground floor level of premises within walking distance of this site. The JQCACAMP describes the character of this area to include a mixture of uses and as such the change of use of the basement of this site to a mixed use café and barbers in day and a drinking establishment at night is broadly acceptable with regard to the character of the conservation area.
- 6.2. The purpose of the planning system is to deliver sustainable development; there are three dimensions to sustainable development being economic, social and environmental. This proposal would create an economic use to the basement of this building and would add to the social offer of this area. It is apparent from the level of support received that the proposed mix of uses would create a social use that reflects the needs of the wider business and residential community, however in accordance with the NPPF an assessment is needed into whether this proposal would protect or enhances the built environment in this locality, in particular the quality of residential environment for existing local occupiers.
- Impact on existing residential amenity**
- 6.3. Objection has been raised that this proposal would result in a loss of residential amenity to nearby local occupiers as a result of noise from the bar itself and from outside noise associated with this proposed use. It is noted that there are residential premises within close proximity of this proposed use, including on the upper floors of this building and consent for new residential development directly opposite.
- 6.4. The submitted noise assessment has made a number of recommendations in order to mitigate for noise impact to local residents. The number of covers is proposed to be limited to 60 (which fall in line with fire regulations for a basement use with a single access door) and the hours of use limited until 23.00 at weekend and 22.30 during the week. The level of amplified noise is also proposed to be limited. The ground floor coffee bar of this building has been acoustically treated to prevent noise through the ceiling into the loft apartments above. The ground floor coffee bar and car parking area create an acoustic buffer to the residential apartments above.
- 6.5. I note comments received from local residents regarding the noise assessment submitted within this application. Regulatory Services have considered the noise assessment and have raised no objection to noise from inside the bar itself or from the proposed louvres. However Regulatory Services have raised concern with regard to noise from patrons outside of the premise. The previous application had included a smoking area on land opposite the site, this was outside of the applicants ownership and was subsequently omitted from the previous scheme and has also not been included in this current application. Regulatory Services consider that the lack of a controllable smoking area adds to the potential for disturbance to adversely affect existing occupiers above and in the vicinity of the site arising from use of the street area by potential customers at the premise.

- 6.6. The venue has had the benefit of Temporary Events Notices to operate under as a bar and residents have expressed that on the occasions that these were held that noise and disturbance was experienced.
- 6.7. The proposed hours of use in the evening have been marginally decreased from the previous submission. I also note that there are a number of other entertainment uses within close proximity to this site. The applicant's agent has asserted that Water Street is a vehicular and pedestrian link between a number of popular music and restaurant venues and that use of the highway is not restricted in any way and indeed is the location of a formal taxi rank. However, I concur with the view of local residents that although this site falls within a mixed character area, that Water Street itself is a quieter road than adjacent roads with a good proportion of residential units located on it. I consider that this road has a lower background noise level and different character than the primary streets in the area. The introduction of later evening use in this location that would introduce comings and goings into the evening and would harm residential amenity. I therefore consider that this proposal, particularly in relation to the bar element would harm the character and quality of the built environment in this location.

Air Cooling Louvres

- 6.8. The proposed ventilation louvres would be set above the basement entrance door and set within the limits of the existing door frame. These would be of a simplistic design and would not detract from the overall character of this building. I do not consider that the installation of these louvres would harm the character of the conservation area.
- 6.9. I note concerns relating to noise from the louvres from existing occupiers of the buildings. Regulatory Services have raised no objection to the noise assessment submitted in relation to this matter and I have no reason to raise any specific concern with regard to noise from this ventilation system.

Other

- 6.10. Transportation Development have considered this proposal and raised no objection in principle stating that the proposed uses would be unlikely to increase parking demand in this area, I concur with this view. Transportation Development have recommended that cycle parking provision is provided. Given the basement location of this use, I consider that there is insufficient space to provide cycle parking provision at this site for this use; however I note that this site is well located with access to good public transport links providing patrons with options for alternative sustainable modes of transport to travel to this site.
- 6.11. West Midlands Police have raised no objection to the proposal but have recommended that CCTV and an intruder alarm be installed. I concur that it would be advisable to install such security measures in association with the proposed uses. These could be required by planning condition.
- 6.12. Objection has been made that this site is not capable of displaying an advert. Any proposed advert for these uses would require advertisement consent and would be considered in its merits accordingly.
- 6.13. Objection has been made that there is insufficient refuse storage facilities. The applicant has stated that there is provision of refuse storage at ground floor level and has considered management of this through the use of a private contractor. I am satisfied that the refuse associated with the proposed uses could be adequately

facilitated within the existing building complex.

7. Conclusion

- 7.1. I have considered both the comments of support and objection to this proposal. The creation of a café, bar and barbers shop in this location would add to the offer of services available to both the local residential and business community in this locality. However the specific location of this proposed use in particular the bar element would create additional noise within a sensitive prevailing acoustic residential environment and would result in harm to existing and proposed residential amenity within this quieter area of the Jewellery Quarter. Although this proposal would promote an economic and social use, this would be to the detriment of the social and environmental well-being of existing residents. I do not consider that conditions could be imposed that would adequately safeguard existing occupiers. On this basis I consider that the proposal fails to meet with the tests for delivering sustainable development and consequently fails to meet with policy 3.8 and 5.20 of the UDP and the NPPF and NPPG.

8. Recommendation

- 8.1. Refuse

Reason for Refusal

-
- 1 This proposal would result in harm to nearby existing and proposed residential amenity in terms of noise and disturbance from patrons coming and going to the premises later in the evening. This proposal would therefore be contrary to policy 3.8 and 3.10 of the UDP which seeks to protect what is good in the City's environment and recognises the key relationship between environmental quality and levels of economic activity and policy 5.20 of the UDP which seeks to maintain and protect existing good quality residential environment. This proposal would therefore also be contrary to the principles of sustainable development as set out in NPPF and guidance in the NPPG.
-

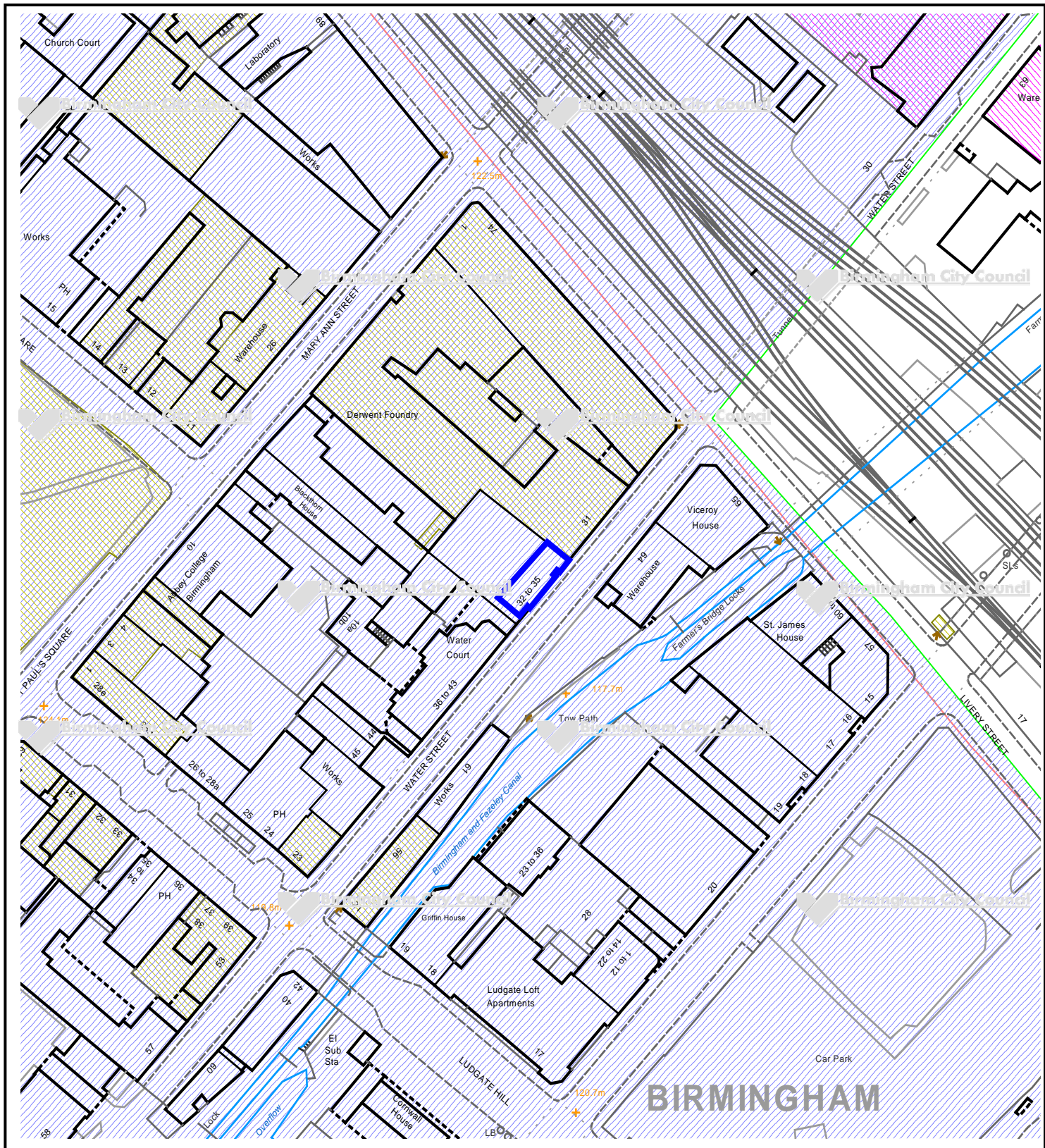
Case Officer: Victoria Chadaway

Photo(s)



Figure1. 32-35 Water Street front elevation including basement entrance (far door to the right).

Location Plan



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Committee Date:	22/12/2016	Application Number:	2016/07872/PA
Accepted:	27/09/2016	Application Type:	Full Planning
Target Date:	27/12/2016		
Ward:	Aston		

International House, Staniforth Street, City Centre, Birmingham, B4 7DN

Demolition of existing buildings and the erection of a part 6 storey, part 10-storey, part 14 storey building to provide student accommodation (Sui Generis) comprising 586 student bedspaces; communal areas with associated landscaping and cycle parking and a Class A1/A3 commercial unit at ground floor level of 82m2.

Applicant:	Unite Group PLC c/o Agent
Agent:	RPS CgMs 140 London Wall, London, EC2Y 5DN

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1 The application proposes the demolition of an existing two storey warehouse building known as International House and the erection of a replacement building of 14,201 square metres GIA between 6 -14 storeys high. The new building would provide 586 student bed spaces in the form of 525 cluster bedrooms with associated shared communal lounge/kitchens and 61 self-contained studios. The bedrooms would be approximately 11 square metres in size and the studios 22 square metres. The studios can be arranged to accommodate wheelchair bound students. In addition to the cluster bedrooms and studios the development would also provide a range of communal facilities for students including a games room, laundry, common rooms, cinema area, study rooms, reception area and a variety of internal and external landscaped amenity spaces including roof terraces. At ground floor level facing Staniforth Street an A1/A3 retail unit is proposed of 82 square metres.
- 1.2 The development has been designed with buildings facing the two site frontages with a link block positioned at an angle between the two. There is a one storey difference in height across the site with the lowest part being on Lancaster Street which is where the tallest element of the new building is proposed. Here the development would provide a double height ground floor area with a mezzanine and 13 floors of student bedrooms above. To the rear, the proposed link block would be 11 storeys but step down to 8 floors of bedrooms storeys above a double height ground floor area. On the lower section of the link block a large external covered roof terrace is proposed. On the Staniforth Street frontage the building would be at its lowest height with five floors of accommodation proposed above a double height ground floor also with a mezzanine area. Part of the flat roofed section of this block would provide additional communal student facilities including a roof terrace, common rooms and study areas.

- 1.3 On the Lancaster Street frontage the building has been designed so that the ground floor accommodation is recessed and set back from the footway by about 1.8 metres. The upper floors would be set closer to the highway but modelled in slight steps to form three bays. In order to remove student bedrooms from the street but provide an active frontage the first two floors of accommodation would be fully glazed behind brick piers and accommodate a common room and exposed plant room. There would be no direct access from Lancaster Street for either pedestrians or vehicles as the main approach to the building would be via Staniforth Street. Here it is proposed to provide the main entrance and retail unit/café at ground floor level which would be set back at an angle from the street frontage with the upper floors being stepped forward on brick piers to overhang the space below. This set back varies in width from about 7.5 to 2.4 metres and has been designed so there would be sufficient space for external seating for the café users.
- 1.4 The external design of the building has been amended since originally submitted. Originally it was proposed to clad the building with grey metal rain screen panels, to use the same sized grey framed window for all the bedrooms and add projecting metal fins to the main facades on Lancaster Street and Staniforth Street in three shades of yellow/orange. The application has now been amended to use brickwork as the main material, to omit the fins, provide articulation to the facades and to ground the building, provide more variation in the window sizes. It is also proposed to provide colour window reveals on street facades, use a different material on the top floor spaces and to incorporate variations to the brickwork using different bonds, soldier coursing and banding.
- 1.5 Some of the design elements of the proposed building are unchanged including the provision of a fixed louvered panel in front of a section of the glazing so it can be safely opened to provide ventilation. Where communal kitchen/living rooms are proposed the windows would be wider and full height but again would have fixed louvre panels over a section of the glazing. Some cladding panels are to still be used on the central side elevations of the link block and between proposed windows to add variety to the elevations. The roof top structures would be in the form of steel framed pergolas with metal louvres and glazed screens. The open terraced areas would be enclosed with 2 metre high structure comprising of a metal up stand and glass balustrading.
- 1.6 The main entrance into the development would be from Staniforth Street opposite The Heights student development which is also owned and operated by the applicants. It is not proposed to provide any on-site parking and the applicant advises that as with Unite's other student housing schemes the move in/out period would be staggered over two weeks when they arrange to rent the adjacent Council car parks solely for use by their students. Once students have unloaded they are provided with a list of local car parks to move to. Provision has been made on site for cycle storage with 32 spaces which equates to a 5.5% provision. It is intended the usage of cycle parking would be reviewed upon occupation and annually thereafter and that the applicant would seek to identify opportunities to provide additional capacity within the site if required.
- 1.7 It is intended to provide a gas fired CHP for the development which is to be designed to target a BREEAM excellent rating. On the unused flat roof areas of the building a green roof is proposed and around the site boundaries green screens are proposed.

- 1.8 The application has been supported by an Air Quality Assessment, Daylight and Sunlight Report, Design and Access Statement, Ecology Report, Energy Report and Sustainability Statement, Land Contamination Report, Heritage, Townscape and Visual Impact Assessment, Landscaping Scheme, Marketing Statement, Noise Impact Assessment, Wind Assessment, Planning Statement, Statement of Community Involvement, Flood Risk Assessment and SUDS drainage scheme, Student Needs Assessment, Student Management Plan and Transport Statement and Travel Plan. An EIA screening opinion has been carried out which concluded that an Environmental Assessment was not required.
- 1.1. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The application relates to a site of 0.25 ha which lies between Staniforth Street to the east and Lancaster Street (B4114) to the west. It is currently occupied by 2/3 storey warehouse building, with associated offices and was most recently as a self-storage facility. The site is of an irregular shape with the site frontages being off-set and there is a difference in levels across the site of about a storey.
- 2.2. The site sits between two surface car parks, known as Lawson Street and Staniforth Street owned by the City Council. Part of the south boundary also adjoins a single storey building used as a depot/industrial unit with an associated yard.
- 2.3. On the opposite side of Staniforth Street lies The Heights a student housing development also owned by the applicants in a part 3 storey and part 7 storey building. At the northern end of Staniforth Street at the junction with Bagot Street is a further student housing development in buildings of varying heights from 9 to 17 storeys. In the wider area there are also other student housing developments, the former Turks Head PH now used as an A5 pizza takeaway, the former Ben Johnson PH a vacant locally listed building and City Council offices. Aston University campus also lies nearby.
- 2.4. [Site Location](#)
3. Planning History
- 3.1. 25 May 2000 - 2000/01262/PA – Planning permission granted for change of use of building to self-storage units with office use on Lancaster Street.
4. Consultation/PP Responses
- 4.1. Transportation – Originally requested further information as the application originally included alterations to the footway and carriageway on Staniforth Street, improved paving on Lancaster Street and tree planting on the highway. The application has since been amended to exclude the works on the public highway and Transportation now have no objections subject to conditions requiring a Section 278 agreement, the provision of cycle parking and a construction management plan.
- 4.2. Lead Local Flood Authority - Originally requested further supporting information regarding the drainage rationale and on-going operation and maintenance of the proposed Suds features. Additional details have since been provided and no objection is now raised subject to suitable drainage conditions being imposed.

- 4.3 Regulatory Services – No objection subject to conditions being imposed to require the installation of the glazing and ventilation specification prior to occupation, submission of a site investigation and details of extraction equipment if the café is used for commercial cooking.
- 4.4 Ecologist – No objection subject to conditions but requests some amendments to the landscaping and sedum roofing to incorporate plants which can provide benefit to wildlife and better biodiversity.
- 4.5 Environment Agency – No objections
- 4.6 West Midlands Police – Originally raised a number of issues with regarding the process of students moving in/out, whether staff will be on site 24 hours, whether a CCTV is to be installed, whether there is adequate security to the building and to control the public café and expressed concerns about the use of external roof. The applicant has provided a response to the issues raised which generally addresses the points raised however the police still has some concerns that there is the potential for students bringing vehicles to the site and that reception staff are only on site from 08.00 to 20.00 hours but otherwise recommends suitable conditions including provision of CCTV, suitable lighting, to ensure that the landscaping does not conflict with safety measures and that any furniture/features on the roof terraces be fixed and located to avoid their use as potential climbing aids.
- 4.7 West Midlands Fire Service – No objections
- 4.8 The application was reviewed by Design Council Caba on 19TH October. They have made the following comments:-
- Consider the development of student accommodation on this site is appropriate.
 - That the approach to internal amenity space is particularly successful.
 - That the scheme would benefit from further refinement to the building layout, the proposed materials, the external shared private spaces and the street to ensure that it delivers the best possible quality and contributes to the wider street scene.
 - Recommends that the future of the wider neighbourhood and type of place being created, is given more consideration to ensure the provision of a good quality of place as this will be dependent on the undeveloped sites in the area, the future of the surrounding highways, the streetscape and the quality and legibility of pedestrian connections across the city centre.
- 4.9 Ward Councillors, MP, residents associations, neighbours, Aston and Birmingham City Universities notified of the application and site/press notices displayed. One letter received from Birmingham City University supporting the application and making the following comments:-
- They currently have just under 23,500 students but only 1600 purpose built student beds in their estate and 851 student beds with Unite which represents a significant shortfall.
 - Good quality managed accommodation in Birmingham is important to ensure the City is a sought after higher education destination and has facilities available for future students whether from the UK or overseas.
 - The University has expansion plans and for this to happen will require places to stay for teaching and student staff as well as those being taught.
 - Some of their existing students live in student accommodation in Selly Oak some distance from the University which is not ideal or sustainable.

- The applicants proposals for International House offer a quality of accommodation which their students like not only for the rooms but also because of the extent of communal and amenity space available.
- The applicants have a long standing presence and management experience in the City.

Councillor Chaudry Rashid has raised support for this proposal.

4.10 Any further comments received in responses to the amended plans will be reported at Committee.

5.0 Policy Context

5.1 Birmingham Unitary Development Plan (2005), National Planning Policy Framework, Birmingham Development Plan 2031, Birmingham Big City Plan, Places for All SPG, Places for Living SPG; Specific Needs Housing SPG.

6.0 Planning Considerations

6.1 The main issues are considered to be whether the provision of student accommodation in this location is acceptable in principle and if so whether the scale of the building proposed and layout is appropriate having regard to the site surroundings. Also to be considered is the external appearance of the building including the proposed materials, amenity and transportation issues.

6.2 **Policy**

6.3 Paragraph 14 of the National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development. For the decision maker this means approving development proposals that accord with the development plan without delay. Paragraph 17 states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

6.4 There is no specific policy relating to provision of student accommodation in the adopted UDP. The site is currently occupied by a B8 self-storage building and there are policies in the UDP which seek to retain employment land. However the site is not within a core employment area and is identified in the Big City Plan as suitable for student accommodation stating that *"we will continue to support student accommodation within the area of Moland Street and Staniforth Street and along the canal corridor where it enhances the quality of the built environment, provides part of a mixed and vibrant range of activities and contributes to improvements in connections to destinations for students and visitors alike"*. It is therefore considered that there is no requirement to retain the site for employment use and it is noted that the company that previously occupied the site have recently relocated to new premises in Newtown Row.

6.5 Within the Birmingham Development Plan 2031, Policy TP32 refers to student housing and although it has still to be formally adopted its policies have significant weight. Policy TP32 states that proposals for off campus provision will be considered favourably where:-

- There is a demonstrated need for the development.
- The proposed development is very well located in relation to the educational establishment that it is to serve and to the local facilities which will serve it, by means of walking, cycling and public transport.

- The proposed development will not have an unacceptable impact on the local neighbourhood and residential amenity.
 - The scale, massing and architecture of the development are appropriate for the location.
 - The design and layout of the accommodation together with the associated facilities provided will create a positive living experience.
- 6.6 The applicants have submitted a Student Needs Assessment with the application which identifies that in Birmingham the five main higher education providers in the City account for about 76,000 full time students of which about 61,000 study on a full time basis. They calculate that there are currently around 19,970 existing purpose built student bed spaces available and that University Halls and private purpose built developments have provision for about 33% of the full time students in Birmingham. A further 4,311 beds under construction or with planning permission which would provide a further 7% if they were all developed. They further comment that site is well located for Aston University and BCU, with international students making up a third of the student population at Aston. They consider the recent growth in student numbers will continue to drive demand for student accommodation, particularly in the city centre where their campus is situated. The applicants have also advised that the development would partly be a replacement for their student development known as Curzon Gateway which has 749 beds and is proposed for demolition being on the route for HS2.
- 6.7 Although the figures provided by the applicant vary from data provided by other applicants and this department, there is still considered to be a shortfall of bed spaces particularly in this part of the City to deal with the increase in student numbers, the development of the new BCU city centre campus at Eastside and the future loss of accommodation at Curzon Gateway. The application is also supported by BCU who have confirmed that there is a significant shortfall of accommodation available for their student intake. This part of the city has also been designated as the learning quarter and the site is considered to be in a suitable and sustainable location and within an area where there are already a number of existing student residential schemes and others under construction. Given these adjacent uses, and the close proximity of the site to public transport services and higher education institutions it is considered that the proposed use is acceptable in principle and would meet the aspirations of the adopted UDP, which identifies the City's education and training institutions as the key to achieving a successful economy by creating a skilled and motivated workforce.
- 6.8 **Layout and Scale**
- 6.9 The development would result in the demolition of the existing storage building on the site which is not considered to be of any visual or special interest architecturally. It is not statutorily or locally listed or in conservation area and no objection is therefore raised to its demolition.
- 6.10 For new developments national and local planning policies promote good urban design that responds to local context and emphasises that new developments should take the opportunities to enhance the character and quality of the area.
- 6.11 The replacement building has been designed to address the two site frontages which would be in keeping with the character of the area where buildings are located close to the street frontage. The inclusion of a retail unit and communal facilities at ground floor level on Staniforth Street would also bring activity to the street and enhance its appearance. The scheme also includes a linked block between the two frontage

buildings which is set at an angle to the boundary with windows to the north and south overlooking the neighbouring car parks and depot. Concerns have been raised that due to the proximity of the link block to the boundaries and the numerous windows overlooking the neighbouring land this could prejudice the redevelopment of the adjoining sites in the future. The CABA panel noted that further development is likely to take place along Staniforth Street in the future but without a master plan in place, there is a risk of missing the place making opportunities and being unable to deliver a range and scale of facilities and improvements for the neighbourhood.

6.12 The applicants have sought to address this by providing a sketch showing how the adjoining sites could be developed with commercial buildings and public and private spaces based on the principle of an urban campus removing the car, although they comment that car parking could be accommodated below the northern end of the site accessed from Staniforth Street if necessary. The applicants advise that the design would accommodate a phased solution and is adaptable to offer several forms or arrangements. Although the design solution offered by the applicants is illustrative and the form of development would not necessarily meet the aspirations of adjoining landowners it does indicate a possible way in which neighbouring sites could be developed. The applicants have also amended the original proposals to reduce the number of windows on the boundary although some remain close to it. Whilst it would have been preferable if the application proposed a comprehensive scheme for the site and neighbouring land it is not considered that permission could be refused on the grounds that it would prejudice the development of neighbouring sites particularly as there is no master plan or development brief for the land or any immediate prospect of those sites coming forward.

6.13 In terms of scale the application proposes building range in height from 6 storeys fronting Staniforth Street to 14 storeys from Lancaster Street although the double height ground floor also accommodates a mezzanine level. However these heights are considered to fit in with adjacent development which on the Lancaster Street /Newtown Row frontage comprises building heights up to 17 storeys in height whereas on Staniforth Street the buildings are lower and predominately 7 storeys high. The CABA review panel also felt that the massing of the building to be broadly appropriate although they expressed some reservations about the form of the 10 storey central section and considered it would benefit from a simple solution.

6.14 **Design**

6.15 The original design proposed was not considered to be of sufficient quality for the site and CABA also considered that it lacked presence, dignity and visual impact, particularly on the very visible Lancaster Street elevation. It was also felt that the use of the bright colour fins would not be a good long term choice, the way the building met the ground was unfortunate, the blank side elevations needed improving to enhance views along the street, and there needed to be more variety to the window types, materials and modelling of the facades.

6.16 The applicants have responded to these concerns by providing amended plans providing more modelling to the elevations to articulate the façades, and providing framing to break up the bulk of the building which would extend down to pavement level so the building is grounded. Window sizes have now been modelled to provide variation and more diversity to the building. The materials have also been changed to a blue brick on The Lancaster Street section of the building and a buff/brown brick on the main Staniforth elevation and for the main frame of the building but with metal panelling on the top floor that wraps round the side of the building. It is also proposed that the window reveals and panelling throughout the scheme be coloured to provide

an elevational variation that filters through the entire scheme. Although the flank return elevations to the main blocks are still blank it is now proposed to incorporate variations to the brickwork, using different bonds, soldier coursing and banding to ensure a high quality articulation of these end elevations. Soldier courses with brick piers corbelled out have also now been introduced to the scheme to provide further detail and ensure the building has a presence on the street scene. The amendments also propose to use differences in brickwork and materials on the main Staniforth Street and Lancaster Street two elevations to enable them to be read individually within their different settings.

- 6.17 Overall the amended plans are considered to represent a significant improvement on the original proposals and would provide a much higher quality of development on this site which will be prominent in the street scene particularly when viewed along Lancaster Street which is a busy route into and out of the City. It is now considered that the scale, massing and architecture of the development are appropriate for the location as required by Policy TP32.

6.18 Amenities

- 6.19 Policy TP32 also requires the design and layout of the accommodation together with the associated facilities provided to create a positive living experience. The size of the proposed cluster bedrooms at about 11 square metres is on the small side compared to other student schemes however this is the standard used by the applicants nationally throughout their student developments. In addition a significant amount of communal activity space is proposed including games room, laundry, common rooms, cinema area, study rooms, reception area and a variety of internal and external landscaped amenity spaces including roof terraces, new landscaped areas and green walling to boundaries.
- 6.20 In terms of security for the development and occupants most of the issues previously raised by the Police have been addressed in the additional information provided or can be controlled through conditions. The applicants have confirmed that the development will have a 24 hour presence on site with management and security staff, all external access points will be adequately secured and monitored to prevent unwanted/unauthorised entry and they will install and operate a CCTV system covering the common parts and exterior of the building.
- 6.21 There is also a policy requirement that the development should not have an unacceptable impact on the local neighbourhood and residential amenity. The applicants have provided an Air Quality Assessment, Noise Impact Report and Wind Assessment with their application. These documents conclude that the development would not have any significant impact on air quality and with regard to noise a glazing and ventilation specification for the development is proposed to control any adverse impacts. The results of the wind assessment show that there would be a moderate increase in the general windiness of the site due to the proposed development, but that it would remain within the recommended safety criterion guidance. Regulatory Services have raised no objections to the development subject to suitable conditions.
- 6.22 With regard to the impact on adjacent buildings and uses the proposed noise mitigation measures would address any possible disturbance from the adjacent car parks or depot use. A Heritage, Townscape and Visual Impact Assessment has been submitted which evaluates the potential impact of the scheme on the local area, including on the setting of nearby locally listed former Ben Johnson PH and concludes there would be no harm in this respect and that the development would

improve the streetscape character and frontage along Staniforth Street. Officers concur with these conclusions.

- 6.23 The application site lies opposite The Heights student development which occupies buildings of between 3 and 7 storeys in height and with bedroom windows facing the application site. The submitted a Daylight and Sunlight report found some of the rooms at lower levels would suffer a loss of light and sunlight rooms but that only 2 of the rooms out of the 601 considered would fail to achieve compliance with all three recognised daylight indicators. It is however considered that given the use of the rooms as student bedrooms and the transitory nature of this type of accommodation this limited infringement can be accepted. In addition the windows affected are within a student development that is also owned and managed by the current applicants.

6.24 Transportation Issues

- 6.25 The application proposals do not include the provision of any on site car parking but would include 32 cycle spaces which equate to a 5.5% provision a similar ratio to other student schemes. Disabled persons would be able to use on street parking spaces including those available on Staniforth Street and are also able to use areas with double yellow lines for a limited period. Transportation has no objection in principle to the proposals but like the Police had expressed concerns about the move in and out periods for the proposed accommodation. In response the applicants have advised that the move in period will be staggered over two weeks when the adjacent Council car parks will be rented out for sole use by their students. Once unloading has taken place they are provided with a list of local car parks to move to. They comment that the move out period is usually spread across the months April-July which they consider does not cause any issues. Conditions are recommended to ensure that a plan for the move in/move out period are provided and that it is regularly reviewed as the Council car parks may not always be available.

- 6.25 Transportation officers had also expressed concern that the application included proposals to remove an on-street parking bay, plant street trees and provide build outs on the highway which would affect the existing and proposed parking measures. These proposals have been now been removed and although some tree planting would be welcomed in Staniforth Street it was unlikely trees would be able to be planted in the carriageway due to the presence of service runs and the effects on drainage. No objection is now raised by Transportation subject to conditions to ensure that required highway works are undertaken and that cycle parking and a construction management plan is provided.

- 6.26 Policy TP32 requires student accommodation to be well located in relation to the educational establishment that it is to serve and to the local facilities by means of walking, cycling and public transport. The site is located on the fringe of the city centre, in close proximity to the higher education establishments in this part of the City and within easy walking distance of public transport facilities. It is therefore considered to be well located. There are also a number of similar student schemes in the immediate area which also have low or zero parking levels and no major highway problems have occurred with these to date.

6.27 Other Matters

- 6.28 The development would be liable for CIL following its adoption on 4th January 2016. The submitted application forms specify that the development would provide 10,222 square metres of net additional gross internal floor space which would equate to a payment of £705,318.

7.0 Conclusion

- 7.1 It is considered that the proposed development complies with the UDP, the submitted BDP and National Planning Policy Framework and that there is still a need for further student accommodation in this locality. The scheme would be well located in relation to several Higher Education establishments and can be accommodated without any adverse impact on its surroundings. The scale, massing and architecture of the development as now proposed is considered to be of a high quality and appropriate for the location and would not have an adverse impact on the setting of the adjacent sites or developments. Although no on-site parking is proposed this is considered to be acceptable having regard to the sites highly accessible location and experience with regard to other similar student schemes.

8. Recommendation

- 8.1 Approve subject to the following conditions

-
- 1 Requires the prior submission of a contamination remediation scheme
 - 2 Requires the prior submission of a sustainable drainage scheme
 - 3 Requires the prior submission of a contaminated land verification report
 - 4 Requires the submission prior to occupation of the building a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 5 Requires the prior submission of window frame details
 - 6 Requires the prior submission of a sample panel of brickwork
 - 7 Requires the prior submission of details of the facade design and brick detailing
 - 8 Requires the prior submission of sample materials
 - 9 Requires the prior submission of hard surfacing materials
 - 10 Requires the prior submission of a scheme for ecological and biodiversity enhancement measures.
 - 11 Requires the prior submission of hard and/or soft landscape details
 - 12 Requires the prior submission of boundary treatment details
 - 13 Requires the prior submission of extraction and odour control details for any commercial cooking associated with the A3 use.
 - 14 Requires the installation of the specified glazing and ventilation scheme.
 - 15 Limits the noise levels for Plant and Machinery
 - 16 Requires the prior submission of a lighting scheme
 - 17 Requires the prior submission of details of green/brown roofs
-

-
- 18 Requires the prior submission of a construction method statement and management plan
 - 19 Requires the prior submission of a CCTV scheme
 - 20 Requires the provision of cycle parking prior to occupation
 - 21 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 22 Requires the prior submission of a residential travel plan
 - 23 Requires provision of a management plan for the move in/move out of students at the beginning and end of term.
 - 24 Requires details of the design of the A1/A3 Shop Front
 - 25 No obstruction, displays or signage fitted to the shop front or ground floor glazing.
 - 26 Limits the hours of operation of the retail unit to 0700- 23.00 Monday to Saturday and 08.00 - 23.00 on Sundays and Bank Holidays
 - 27 Limits delivery time of goods to or from the site in relation to the retail unit outside of the hours of 0700-23.00 Monday to Saturday and 09.00 - 23.00 on Sundays and Bank Holidays
 - 28 Requires implementation of the Student Management Plan.
 - 29 Limits the occupation of the development to students in full time education
 - 30 Prevents any plant or equipment being installed on the roof
 - 31 Requires the prior submission of details of the roof top structures and balustrading
 - 32 Requires the scheme to be in accordance with the listed approved plans
 - 33 Limits the approval to 3 years (Full)
-

Case Officer: Lesley Sheldrake

Photo(s)



Figure 1: View of existing building from Lancaster Street

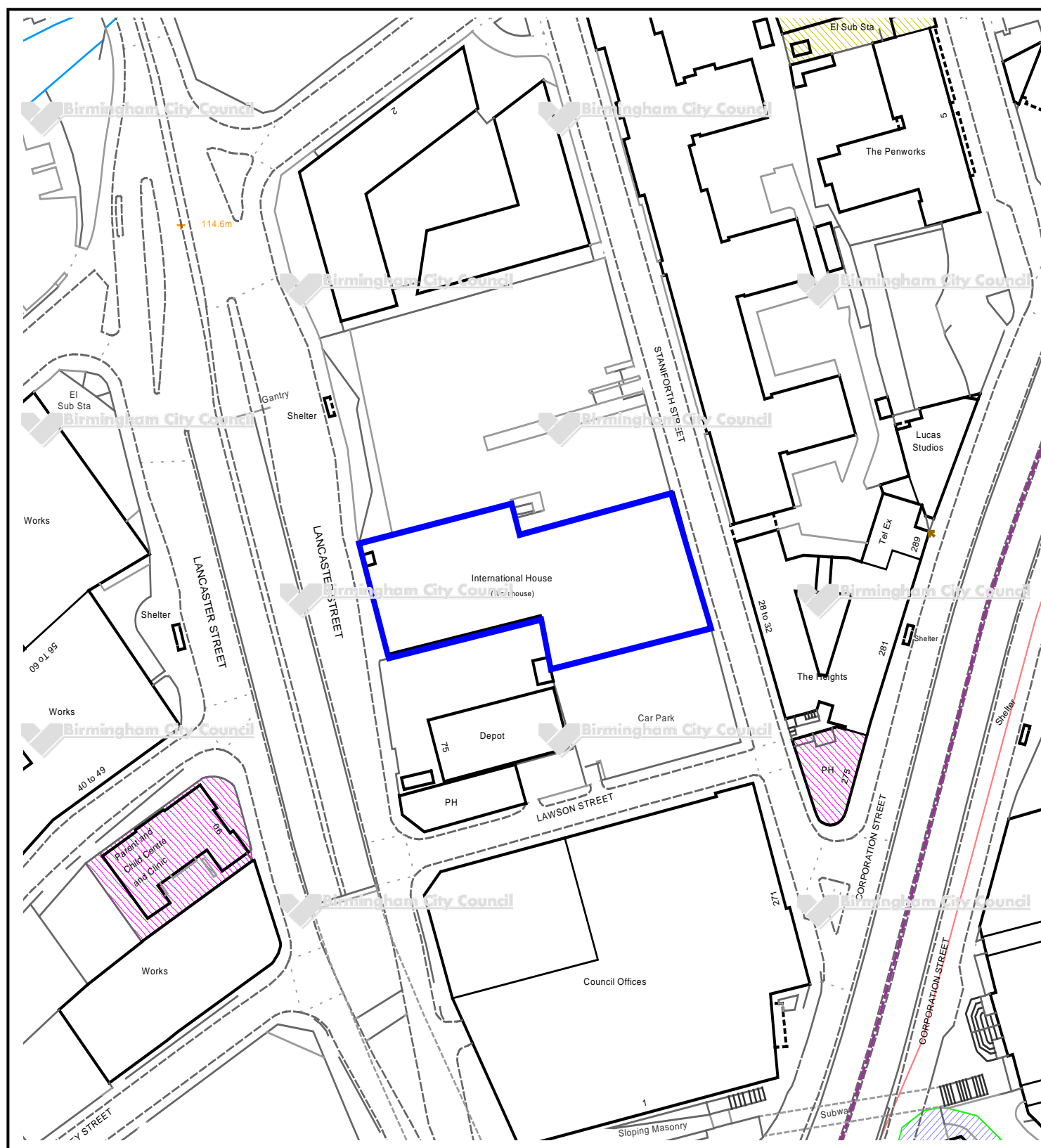


Figure 2: Wider view of site from Lancaster Street



Figure 3: Wider view of site from Staniforth Street

Location Plan



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Committee Date:	22/12/2016	Application Number:	2016/05029/PA
Accepted:	13/07/2016	Application Type:	Full Planning
Target Date:	06/01/2017		
Ward:	Ladywood		

Phase 8A, The Mint, Icknield Street, Jewellery Quarter, Birmingham, B18 6RU

Erection of a 4 storey building over existing basement car park to provide class B1 offices and one apartment on the ground floor with 12 apartments on the upper floors above and associated parking

Applicant:	Mint Property Developments Ltd 121-125 Wellington Street, Winson Green, Birmingham, B18 4NN
Agent:	Richard Cobb Planning 84 Kimberley Road , Solihull, B92 8PX,

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. Planning consent is sought for the erection of a 4 storey building comprising offices and a two bedroom apartment at ground floor level and 12 two-bedroom apartments on the upper floors. This scheme follows an approval granted under reference 2003/00393/PA for wider development across the entire Mint site including the demolition of buildings, conversion of frontage buildings to (B1) commercial, new build (B1) commercial units, 180 new apartments, 6 live-work units, new access points, parking and external works. This previously approved scheme was partially implemented.
- 1.2. This current application proposal relates to block 8 of this previously approved scheme. Under the previous approval a commercial building was approved at block 8. The basement of the commercial block has been built out at this application site. This current application seeks to build above the previously constructed basement level.
- 1.3. This proposal also follows the refusal of a scheme at block 8 for a 5 storey building (reference 2015/01643/PA) and subsequent extensive pre-application discussions. The proposed building follows the design influence of a "striped down" interpretation of a Georgian town house. A proposed photomontage has been submitted showing the use of modern and striking materials including blue/black facing bricks and cast stone cornice and parapet coping. Windows are to have cast stone cills and brick arches. The proposal results in a contemporary building with Georgian influence.
- 1.4. To emphasis the commercial uses proposed at ground floor level large modern windows are proposed to be framed in cast stone. Signage areas have been indicated on the glazed section of the windows in order to not interrupt the

appearance of the main building.

- 1.5. The proposed ground floor would comprise two office spaces measuring 105sqm and 445.5sqm. The offices would be street facing. To the rear of the ground floor and accessed from the rear of the site a two bedroom apartment is proposed. This apartment would measure 63.8sqm and comprise a double bedroom with en-suite, a single bedroom, open plan kitchen/living/dining area and a bathroom.
- 1.6. The first, second and third floor would follow the same internal layout plan with four apartments being proposed across each floor. All of these proposed apartments would achieve independent living accommodation with a kitchen/ living area, bathroom and 2 bedrooms in each flat. These apartments would range from 61.8sqm to 67.95sqm in size.
- 1.7. The site benefits from 24 allocated parking spaces, 2 disabled parking bays, 2 motorcycle stand and bicycle stand provision. The parking provision is situated within the previously constructed basement level to this proposed building and will be allocated to both the proposed offices and residential units.
- 1.8. The applicant proposes a financial contribution of £19,000 towards affordable housing provision and £10,000 towards public open space as a pro-rata contribution in relation to the wider development across the former Mint site.
- 1.9. In support of this application a Design and Access Statement, Planning Statement, Sustainable Drainage Assessment, Heritage Statement and Transportation Statement have been submitted.
- 1.10. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site occupies a section of the street frontage towards the southern end of Icknield Street close to a two-storey workshop that sits at the lower end of the Mint site. The adjacent 19th century workshop building is very typical of the industrial character of the Jewellery Quarter. It is built in a hard red brick with blue brick banding, string courses, cills, arch springers and plinth and has a series of blind arches with metal windows inserted within them. The roof comprises a 'monitor' running along the ridge (originally for ventilation or light).
- 2.2. The wider Mint site is partly redeveloped following previous consents in 2005 under references 2003/00393/PA (LBC) and 2003/00394/PA (FUL) and a minor amendment to this full planning consent in 2013 under reference 2013/08007/PA. The recently developed elements of the site include a mixture of residential and commercial uses.
- 2.3. The application site falls within the area defined as the 'Industrial Fringe' in the Jewellery Quarter Conservation Area Character Appraisal and Management Plan and within the curtilage of the Mint which has grade II listed building status.
- 2.4. [Site location](#)

3. Planning History

- 3.1. 17/06/2015 - 2015/01643/PA - Erection of five storey building comprising ground floor office space and 13 apartments on upper floors, with fifth floor penthouse and associated parking – Refused on the grounds of poor quality design, height and scale fails to protect or enhance the character or appearance of the Jewellery Quarter Conservation Area and the heritage assets contained within the Mint complex as a whole and proposal would result in the poor quality living accommodation within 3 of the apartments proposed with bedroom sizes significantly below recommended guidance set out in Places for Living SPG.
- 3.2. 14/11/14 - 2014/06109/PA - Erection of two storey building to provide 3 apartments at Block 8B of the Mint – Approve subject to condition.
- 3.3. 14/11/14 - 2014/06110/PA - Listed Building consent for the erection of a replacement two storey building to provide 3 apartments – Current Listed Building application for the erection of two storey building to provide 3 apartments – Approved subject to conditions.
- 3.4. 17/06/14 – 2014/02717/PA - Listed Building Consent granted for re-roofing of Block 8B building and reinstatement of original projecting roof enclosure – Approved subject to conditions.
- 3.5. 28/11/13 – 2013/08007/PA – Minor Material Amendment to approval 2003/00394/PA for minor alterations to elevations – Approve subject to conditions.
- 3.6. 08/12/05 - 2003/00394/PA - Demolition of buildings, conversion of frontage buildings to (B1) commercial, new build (B1) commercial units, 180 new apartments, 6 live-work units, new access points, parking and external works – Approve subject to conditions.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection, the level of parking proposed is similar to that previously agreed. Cycle parking provision should be sought by planning condition.
- 4.2. Lead Local Flood Authority – No objection in principle to the proposed drainage strategy of the development subject to appropriate conditions.
- 4.3. Regulatory Services – No objection – conditions for glazing and ventilation to the apartments and noise insulation to the commercial premises being installed as per the conclusions of the submitted acoustic noise assessment. The site is also in a minor category for Air Quality and as such electric vehicle charging points should be sought as part of any approval.
- 4.4. West Midlands Police - No objection in principle, access to the building should be restricted to those who need to again access to each element of the building only. The proposal should accord with the principles of secure by design and it is recommended that CCTV and a security lighting scheme is installed.
- 4.5. Historic England - No comments to make on this proposal.
- 4.6. Severn Trent Water – No objection in principle subject to a condition for details of the drainage plans for the proposed development.

- 4.7. Local occupiers and Ward councillors notified. Site and Press notice displayed. No comments received.

5. Policy Context

- 5.1. UDP (2005), Birmingham Development Plan (post examination), Jewellery Quarter Conservation Area Design Guide (2005), Jewellery Quarter Conservation Area Character Appraisal and Management Plan (2002), grade II listed building, NPPF.

6. Planning Considerations

Principle

- 6.1. The NPPF outlines a presumption in favour of sustainable development and underlines the Government's commitment to securing economic growth and job creation together with high quality design. Paragraph 17 of the NPPF supports sustainable economic development to deliver new homes and encourages the use of brownfield land. Paragraph 19 states that significant weight is placed on economic growth within the planning system, with paragraph 50 highlighting that residential development should reflect local demand and create mixed and balanced communities. Policies 4.33 and 4.38 of the UDP and TP21 of the Birmingham Plan support the principal of the growth of the office sector in the City Centre.
- 6.2. The application site is located in an area designated as 'Industrial Fringe' in the Jewellery Quarter Conservation Area Character Appraisal and Management Plan (JQCACAMP) where residential and mixed commercial uses are considered acceptable. As such I consider that the board principle of a mixed use office and residential scheme in this location is acceptable.

Design and Impact on Heritage Assets

- 6.3. Policies 3.8 and 3.14 of the UDP require high quality design which is appropriate to its context. Policy PG3 of the Birmingham Plan (post examination) states that all new development will be expected to be designed to the highest possible standards, contributing to the a strong sense of place including by reinforcing or creating a positive sense of place and local distinctiveness, with design that responses to site conditions and the local area context, including heritage assets and appropriate use of innovative design.
- 6.4. The NPPF makes specific reference to 'Heritage Assets', which includes conservation areas and listed buildings. Paragraph 129 refers to a need to assess the significance of a proposal on any heritage asset, with paragraph 131 stating that local planning authorities should take into account the desirability of sustaining and enhancing heritage assets and the positive contribution that the new development would make to local character and distinctiveness.
- 6.5. The site falls within the curtilage of the Birmingham Mint which is a grade II listed building in the south west corner of overall Mint site and within the Jewellery Quarter conservation area. My Conservation Officer has considered this proposal and fully supports the design now proposed. The proposal has taken reference from architecture within the Jewellery Quarter, the scale of the proposal against the listed building is considered appropriate and the proposed building reflects the hierarchy of buildings on the site. The building proposed accords with the design principles set out the Jewellery Quarter Design Guide SPD.

- 6.6. The detailed design is crucial if this scheme is to be successful and not clumsy in its execution. It is important that details including materials, window details and rainwater goods are carefully considered. I have recommended conditions reserving this level of details for further consideration and agreement.
- 6.7. I consider that this proposal would protect the character and appearance of the Jewellery Quarter Conservation Area and the heritage assets contained within the Mint complex as a whole. This proposal therefore meets with policies 3.8, 3.10, 3.14, 3.25 and 3.27 of the UDP; policy PG3 of the Draft Birmingham Plan; Jewellery Quarter Conservation Area Design Guide SPD (2005), Jewellery Quarter Conservation Area Character Appraisal and Management Plan SPD (2002) and the NPPF.

Amenity

- 6.8. Policy 5.20 of the UDP and PG3 and TP9 of the Birmingham Plan seeks to create good quality living accommodation. Places for Living SPG provides guidance on how to achieve high quality living accommodation. The government have also provided technical housing standards – nationally described space standards which provide guidance on the provision of internal space that is considered to be acceptable for residential occupancy.
- 6.9. The applicant's agent has provided the proposed internal space for each of the apartments. All apartments would achieve bedroom size provision set out in Places for Living SPG. The ground floor apartment would meet with the nationally described space standards, the upper floor apartments are all below this guidance by between 5-9sqm. Although the apartments are smaller than nationally described space standards I consider that they are practically laid out and would still provide a good standard of accommodation. All proposed habitable rooms would be served by a window.
- 6.10. Regulatory Services have considered this proposal and raised no objections. A noise assessment has been submitted which demonstrates that with the inclusion of acoustic insulation that a reasonable level of noise amenity can be achieved to these units. I concur with this view and have recommended an appropriate condition to ensure residential amenity accordingly.
- 6.11. The proposed building would be adjacent to a recently constructed residential apartment block to the north of the site. There would be a 12m distance between this proposed block and the adjacent residential block. Although I consider this is a tight separation space, I am satisfied that this would provide a sufficient distance between the blocks to not cause a significant impact on privacy to existing local occupiers.
- 6.12. The proposal does not include any amenity space provision. I do not raise objection on these grounds on the basis that this site is located close to good levels of public amenity and in a sustainable location close to the city centre.

Planning Obligation

- 6.13. The original planning permission for the development of the Mint site (2003/00394/PA) was subject to a Section 106 Agreement requiring provision of affordable dwellings (14% overall provision) and contributions towards off site highway works, public open space, play equipment and public realm works. The applicant proposed £19,000 affordable housing contribution as an off-site contribution and £10,000 public open space contribution.

- 6.14. I consider that these contributions are in line with the original agreement. The public open space contribution should be used for on-going works to the maintenance of the nearby cemeteries which provide open space provision within the Jewellery Quarter.

Transportation Development

- 6.15. This proposal seeks to utilise the previously consented parking provision within the basement level already constructed on site. Transportation Development have considered this proposal and raise no objections. I concur that there is sufficient parking available on this site for this proposed development.

Other

- 6.16. West Midlands Police have suggested a number of security additions to this scheme in order to ensure occupier safety. I consider that the suggested security measures could readily be accommodated within the scheme (such as controlled access). I therefore raise no concerns with regards to crime or fear of crime in the assessment of this proposal.

7. Conclusion

- 7.1. This proposal incorporates a high quality design in keeping with the unique character of the Jewellery Quarter Conservation Area and taking into account the historic assets within the former Mint. The proposal has regard to the architecture and rhythm of the existing area and has taken account of sustaining and enhancing heritage assets local character and distinctiveness. This proposal would also result in a mixed used scheme with good quality living accommodation. This proposal is therefore recommended for approval subject to appropriate safeguarding conditions and S106 legal agreement.

8. Recommendation

- 8.1. That consideration of planning application 2016/05029/PA be deferred pending the completion of a planning obligation agreement to secure the following:-
- a) An off-site affordable housing contribution of £19,000 to be index linked from the date of this committee resolution and paid upon completion of development;
 - b) A financial contribution of £10,000 towards the maintenance and improvement of the boundary treatment to the Warstone Lane and Key Hill Cemeteries open space to be index linked from the date of this committee resolution and paid upon completion of development;
 - c) Payment of a monitoring and administration fee associated with the legal agreement of 3.5 % of the affordable housing and public open space contribution subject to a maximum fee of £10,000 and a minimum fee of £1,500.
- 8.2 In the absence of the suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 5th January 2017 the planning permission be refused for the following reason(s):
- a) In the absence of any suitable legal agreement to secure a financial contribution towards off site affordable housing the proposal conflicts with Policies 5.37 A-D of the Birmingham Unitary Development Plan 2005, Affordable Housing SPG and Policy TP31 of the Birmingham Development Plan 2031.

- b) In the absence of any suitable legal agreement to secure the provision and continued maintenance of the public open space then the proposal conflicts with Policies 3.53, 5.53A and B, 5.20B and 5.20C and public open space in new residential development SPG.
- 8.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 5th January 2017, favourable consideration be given to this application, subject to the conditions listed below.

-
- | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Required the prior approval of an Advertisement Strategy |
| 2 | Requires the window not to be obscured |
| 3 | Requires the prior submission of a parking management strategy |
| 4 | Requires the provision of cycle parking prior to occupation |
| 5 | Limits the noise levels for Plant and Machinery |
| 6 | Requires the prior submission of window frame details |
| 7 | Requires the prior submission of sample materials |
| 8 | Requires the prior submission of sample walling showing brickwork and mortar detailing |
| 9 | Details of Rainwater goods |
| 10 | Requires the prior submission of a sustainable drainage scheme |
| 11 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan |
| 12 | Requires the scheme to be in accordance with the listed approved plans |
| 13 | Limits the approval to 3 years (Full) |
-

Case Officer: Victoria Chadaway

Photo(s)



Figure 1. Existing site as viewed from Icknield Street

Location Plan



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Birmingham City Council

Planning Committee

22 December 2016

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	14	2016/04344/PA 276 Soho Road Handsworth Birmingham B21 9LZ Erection of two storey building to accommodate two retail units (Use Class A1) at ground floor and one (1 x bed) flat (Use Class C3) at first floor
Determine	15	2016/06059/PA 51 Upper Holland Road Sutton Coldfield Birmingham B72 1SU Erection of detached garage/workshop to rear

Committee Date:	22/12/2016	Application Number:	2016/04344/PA
Accepted:	27/05/2016	Application Type:	Full Planning
Target Date:	09/12/2016		
Ward:	Lozells and East Handsworth		

276 Soho Road, Handsworth, Birmingham, B21 9LZ

Erection of two storey building to accommodate two retail units (Use Class A1) at ground floor and one (1 x bed) flat (Use Class C3) at first floor

Applicant:	Mr S Singh c/o The Agent
Agent:	a.i.architecture 66 Barlich Way, Lodge Park, Redditch, B98 7JP,

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks consent for the erection of a two-storey mixed use development consisting of two A1 retail units at ground floor and a one bedroom self-contained residential flat at first floor.
- 1.2. The application has been significantly amended from the original submission which consisted of two retail units and two car parking spaces at ground floor and two one bedroom flats at first floor.
- 1.3. The building would be located between a row of terraced houses on Murdock Road and a retail shop on the corner of Soho Road. The building would be constructed in brick, with a tiled roof. The ground floor retail units would follow the building line of the adjacent shops to the south at Soho Road/Murdock Road and the upper floor would be set back to follow the building line of the adjacent two-storey terraced houses to the north.
- 1.4. The ground floor retail units would consist of two separate retail units each with a toilet. The tradeable floor area for each shop would be 40m² and 41m². Each shopfront would consist of a central doorway with a gradient access for ease of access. Two large display windows would be positioned to either side of each entrance doorway and each of the shopfronts would consist of a stall riser and fascia.
- 1.5. The first floor flat would consist of a bathroom, bedroom (12.7m²) and living room and kitchen. Each room would be served by two windows. Access to the flat would be via an external entrance and staircase to the southern end of the building. No off-street car parking spaces have been proposed.

1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located within the defined boundary of the Soho Road District Centre.
- 2.2. The application site consists of a rear yard on Murdock Road that is associated with the commercial premises on 276 Soho Road. The site is currently occupied by a large temporary building going along the full length of the site. The site is enclosed by a 3m high brick boundary wall with an additional 1m section of fencing above.
- 2.3. The site is located between a row of two-storey Victorian terraced houses and the two-storey rear wing of a commercial building to the corner of Soho Road and Murdock road. A mature street tree is located immediately in front of the application site.
- 2.4. Murdock road is characterised by Victorian properties and is lined with mature street trees to both sides.
- 2.5. [Site Location](#)

3. Planning History

- 3.1. No relevant history.

4. Consultation/PP Responses

- 4.1. Ward Councillors, M.P., Residents Associations and adjoining occupiers notified and a Site Notice displayed – 22 objections received with concerns relating to:
 - Noise and disturbance
 - Loss of parking
 - Anti-social behaviour
 - Loss of sunlight
 - Incompatible use
- 4.2. Regulatory Services: No objection, subject to conditions for:
 - Noise insulation between the commercial and residential uses
 - Residential acoustic protection
 - Hours of use of the retail units restricted 0700-2300 daily
- 4.3. Transportation Development: No objection
- 4.4. West Midlands Police: No objection, subject to:
 - Proposal to be built in accordance with 2016 Secured by Design guidance
 - Proposal to be built in accordance with Lighting Against Crime guidance
 - Condition for installation of intruder alarms to commercial units

- Condition for installation of CCTV scheme to cover external boundaries of commercial units

5. Policy Context

- 5.1. Adopted Birmingham Unitary Development Plan (UDP) (2005); Places for All SPG (2001); Shopfronts Design Guide SPG (1995); Shopping & Local Centres SPD (2012); A41 Soho Road Framework (2015); 2016 Nationally Described Space Standards; National Planning Policy Framework (NPPF) (2012); and Draft Birmingham Development Plan

6. Planning Considerations

- 6.1. The proposal should be assessed against the objectives of the policy context set out above. The main issues for consideration are whether the principle of the development is acceptable; the design of the proposed building; impact on amenity; highway safety and parking; and impact on crime.

Principle

- 6.2. Policy 7.22 of the UDP states that individual centres will be encouraged to evolve in line with local circumstances. Where centres have capacity for additional growth, this will be encouraged. Policy 7.23 of the UDP goes on to state that proposals for additional retail development will normally be encouraged provided that they are of an appropriate scale in relation to the size and function of the centre; integrated with the existing shopping centre; have no significant adverse effect on the vitality and viability of the centre; and help to maintain a range of shops to meet the needs of the local community.
- 6.3. Places for Living SPG encourages a range of dwelling types so they can provide for the diverse cultural, social and physical needs of people as well as allowing an area to adapt to social and economic changes over time.
- 6.4. The site is located within the Soho Road District Centre boundary and the proposal is a small-scale mixed use development consisting of two small retail units and single self-contained flat. I therefore consider the proposal accords with the abovementioned policy and that the principle of a small mixed use retail-residential development is appropriate and acceptable within this location.

Design

- 6.5. UDP policies recognise the need to protect and enhance what is good in the City's environment and improve what is less good. Proposals which would have an adverse impact on the quality of the environment will not be allowed.
- 6.6. Places for Living SPG sets out design principles to promote good design and highlights the importance of design in achieving places that are successful and sustainable in social, economic and environmental terms.
- 6.7. The application has been significantly amended so that the siting, form, massing and design are now more sympathetic to the design and built form of the area. The

building line of the proposed buildings respects the different building lines of the adjacent buildings and the overall design is considered in keeping with the character of the surrounding Victorian buildings. The proposed shopfronts have been appropriately designed to include all elements of a traditional shopfront and would also provide ease of access for disabled users.

- 6.8. Subject to a condition for all external facing materials to be agreed in writing with the Local Planning Authority, I consider the overall design of the building acceptable and in keeping with the character and form of the surrounding buildings and area and that the development of the site would improve upon the existing situation, as the site is currently occupied by a large temporary building.
- 6.9. I therefore consider the proposal accords with both the Places for Living and Shopfronts Design Guide SPG documents.

Impact on Amenity

- 6.10. The applicant had originally proposed two one-bedroom flats to the first floor and has revised the proposal so that it now consists of a single, but larger, one-bedroom flat. The floor areas of the proposed first floor flat accord with the Nationally Described Space standards and all rooms are well served by daylight and outlook. No amenity space would be provided and I acknowledge that it can be difficult to provide amenity space in such circumstances. However, the site is in close proximity to Handsworth Park and Leisure Centre. I therefore consider that the proposed flat would provide a good standard of living and amenity for future occupiers.
- 6.11. Due to the siting and orientation of the proposed building on the western side of Murdock Road; the overall built up form of the existing area; and tall tree to the front of the application site, the proposal would not result in a significant loss of sunlight or daylight to occupants of the neighbouring house at number 11 Murdock Road. Concerns have been raised by local residents about the impact the proposal would have on sunlight and daylight to occupants of houses to the opposite side of Murdock Road. For the same abovementioned reasons, I consider the proposal would not adversely compromise the amenities of occupants of these houses in terms of loss of sunlight or daylight.
- 6.12. Notwithstanding the objections received, subject to conditional control, I would not expect any additional noise to give rise to unacceptable levels of noise and disturbance to adjoining residents. Regulatory Services raise no objection to the proposal subject to conditions to safeguard the amenities of future occupiers of the proposed flats. I concur with this view and consider these recommended conditions reasonable and necessary.
- 6.13. I therefore consider that the amenities of future occupiers of the proposed flat and existing occupiers of the adjacent dwellings would not be adversely affected by the proposal

Highways and Parking

- 6.14. The application has received a significant number of objections relating to how the proposal would impact upon loss of parking and highway safety; however, I note that Transportation Development raise no objection to the proposal.
- 6.15. The application has been amended from the original proposal and the number of flats has been reduced from two flats to one. In addition, the two off-street car

parking spaces originally proposed have now been removed from the proposal. The result of this is that the existing on-street parking provision would no longer be affected by the inclusion of a footway crossing and the reduction in the number of flats to just one one-bedroom flat would mitigate any adverse pressure on on-street parking.

- 6.16. The site is located within a sustainable location and within close proximity to excellent public transport links. The two proposed retail units are small in scale at approximately 40m² for each unit and therefore unlikely to generate significant amounts of traffic.
- 6.17. Given the sustainable location of the site and small scale nature of both the proposed residential and retail uses, I consider the proposal would not have an adverse impact on highway safety and parking to warrant refusal.

Impact on Crime

- 6.18. West Midlands Police raise no objection to the proposal, subject to the installation of a CCTV system and intruder alarm. I consider the inclusion of a condition for a CCTV system would help mitigate anti-social behaviour.

7. Conclusion

- 7.1. I consider that the proposal would improve the existing visual appearance of the application site, as it would result in the existing temporary building being removed and replaced with a permanent structure. The proposed mixed used development is appropriately located and has been designed to be in keeping with the design and built form of the area and would not appear as an incongruous feature in the street-scene. Due the small scale nature of the proposed development and the Local Centre location, I consider the proposal would not result in any adverse harm to highway safety.

8. Recommendation

- 8.1. Approve subject to conditions:

1	Requires the prior submission of sample materials
2	Requires the prior submission a noise study to establish residential acoustic protection
3	Requires the prior submission of noise insulation
4	Limits the hours of use to 0700-2300 daily
5	Requires the prior submission of a CCTV scheme
6	Requires the scheme to be in accordance with the listed approved plans
7	Limits the approval to 3 years (Full)

Case Officer: Faizal Jasat

Photo(s)

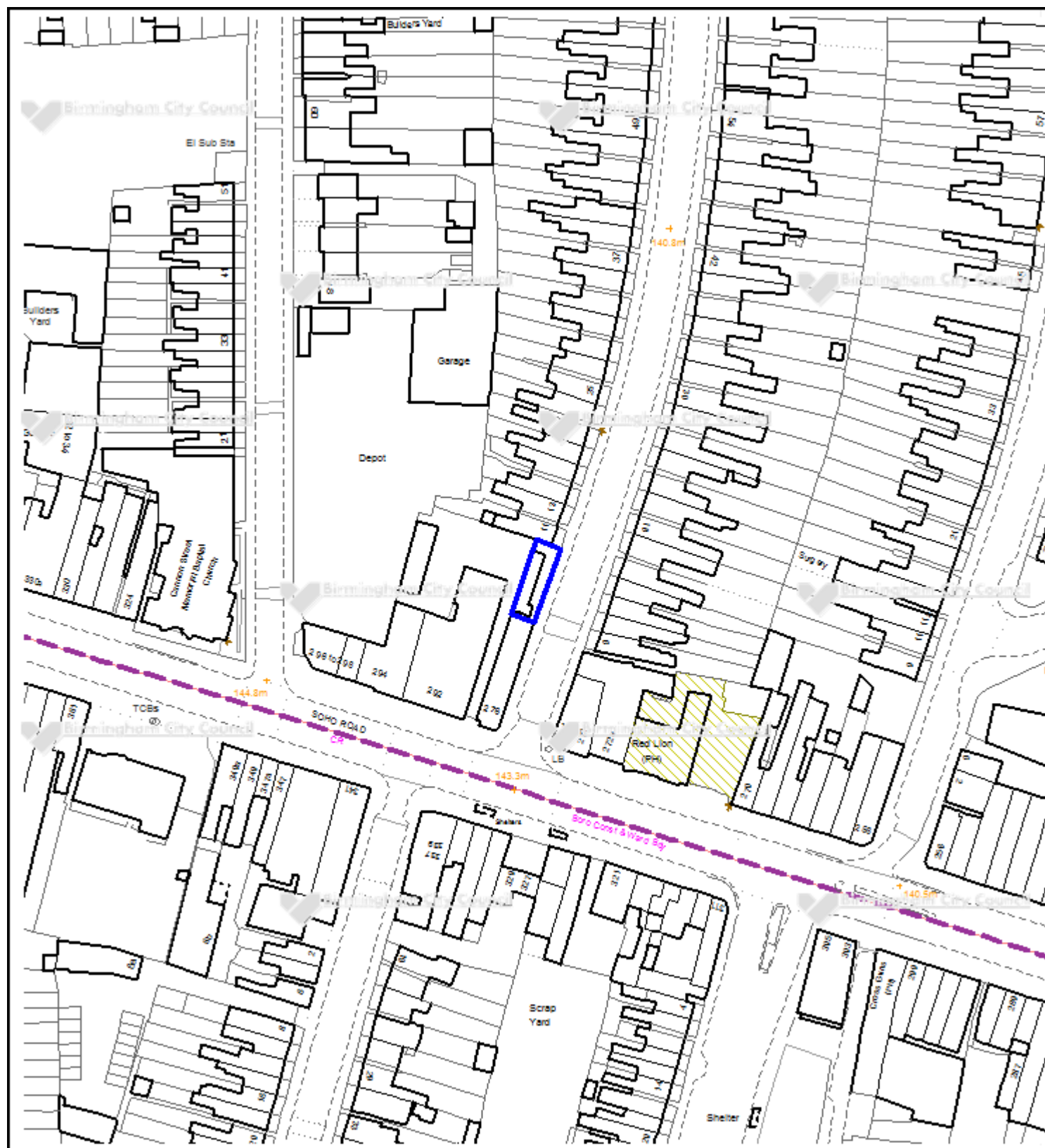


Figure 1: Site of proposed building on Murdock Road



Figure 2: View down Murdock Road

Location Plan



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Committee Date:	22/12/2016	Application Number:	2016/06059/PA
Accepted:	28/07/2016	Application Type:	Householder
Target Date:	22/09/2016		
Ward:	Sutton Trinity		

51 Upper Holland Road, Sutton Coldfield, Birmingham, B72 1SU

Erection of detached garage/workshop to rear

Applicant: Mr Jas Bamsal
51 Upper Holland Road, Sutton Coldfield, Birmingham, B72 1SU
Agent: Mr John Sharpe
64 Streetly Lane, Four Oaks, Sutton Coldfield, Birmingham, B74 4TA

Recommendation
Determine

Report Back

Members will recall that this application was recommended for approval at your meeting of 8th December 2016. You determined to defer the decision, requesting further information regarding the access to the rear detached garage/workshop.

The applicant has confirmed that the existing attached garage to the side of the main house will be used to access the proposed garage. The existing side garage has a front door and a rear door allowing access for vehicles to the proposed garage.

Your committee are requested to determine the application with this additional information.

Original Report

1. Proposal

1.1. Consent is sought for the erection of a detached building at the end of the rear garden of the house. This would measure 7m by 7m and designed with a pitched roof at a total maximum height of 4.5m (2.2m to eaves). The outbuilding would be used as a garage/workshop for the applicant's hobby of storing and maintaining classic cars.

1.2. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises of a semi-detached dwelling house with a gable-end roof design and bay window to the front. There is a single storey attached garage to the side with a pitch roof. To the rear is an original two storey rear wing and single storey attached outhouse.

2.2. The rear garden is predominately grassed and the boundary treatment consists of 2m wooden fencing and approximately 2.5m-3m mature hedging. The surrounding properties are of a mixture of semi-detached and terraced dwelling houses of similar age and character.

2.3. There are other detached structures/garages visible in the surrounding area; these all differ in scale and design.

2.4. [Site Location](#)

3. [Planning History](#)

3.1. 01/09/2015 - 2015/06841/PA - Pre-application advice for the erection of a detached garage to rear – advice given that the principle of a detached outbuilding could be supported in this location.

4. [Consultation/PP Responses](#)

4.1. Local ward councillors and the occupiers of neighbouring properties have been consulted; a petition containing 6 signatures has been received. Objections have been raised to the proposed development on the grounds of:

- Size and scale of the proposed detached building
- Potential disruption from building works associated with construction of the proposed garage/workshop and its future use
- Proposed development would set a bad precedent within the residential area
- Inadequate neighbour consultation was carried out
- Potential use of the detached building for commercial purposes

4.2. In addition to the petition, 5 letters of objection have been received which have raised the same concerns as above.

5. [Policy Context](#)

5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan (Adopted 2005)
- Draft Birmingham Development Plan (2013)
- Places For Living (Adopted Supplementary Planning Guidance 2001)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
- Extending your Home (Adopted Supplementary Planning Document 2007)

5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012).

6. [Planning Considerations](#)

- 6.1. The principal matters for consideration are the scale and design of the proposed detached building, the impact on the architectural appearance of the property and the impact upon neighbouring properties' amenities.
- 6.2. The proposed detached building complies with your Committee's 45 Degree Code and meets the distance separation guidelines contained in 'Extending your Home' and 'Places for Living'. 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.
- 6.3. As originally submitted the proposed detached building was designed with a pitched roof totalling 5.6m in height. Amended plans have been secured that have altered the rear roof design and reduced the overall height of the building to 4.5m. I consider that the scale, mass and design of the amended detached outbuilding is acceptable. The proposed detached building would be of domestic proportions and would not form an overbearing development within the curtilage of the application site or in relation to neighbouring dwellings.
- 6.4. Notwithstanding the concerns raised by neighbouring occupiers, I consider that the detached structure would have a limited impact on the visual amenity of the surrounding area. As such the development would comply with the design principles contained within your Committee's adopted design guide 'Extending Your Home' (Supplementary Planning Document).
- 6.5. I consider the proposed detached outbuilding would not set an undesirable precedent. There are already other detached structures/outbuildings visible in the local vicinity and any further applications for outbuildings would be considered on their individual merits.
- 6.6. Neighbour notification has been carried out which is in accordance with the Council's registration requirements.
- 6.7. With regards to the proposed use of the detached outbuilding, the plans indicate that the detached building will be used as a garage/workshop. The applicant has confirmed the garage/workshop is not for commercial purposes but for the storage and maintenance of his personal classic cars. A condition is attached to ensure that the use is incidental to the residential use of the main property as a single dwelling house. On this basis I would not expect the use to result in an unacceptable level of noise or disruption to neighbours.
- 6.8. I consider other concerns raised have been addressed above.
- 6.9. The proposed development does not attract a CIL contribution.
7. Conclusion
- 7.1. Notwithstanding the objections received from neighbouring occupiers I consider that the development as amended complies with the objectives of the policies outlined above and is of an acceptable design. I therefore recommend approval.
8. Recommendation
- 8.1. Approve subject to the following conditions

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires that the materials used match the main building
 - 3 Requires that the approved scheme is incidental to the main use
 - 4 Limits the approval to 3 years (Full)
-

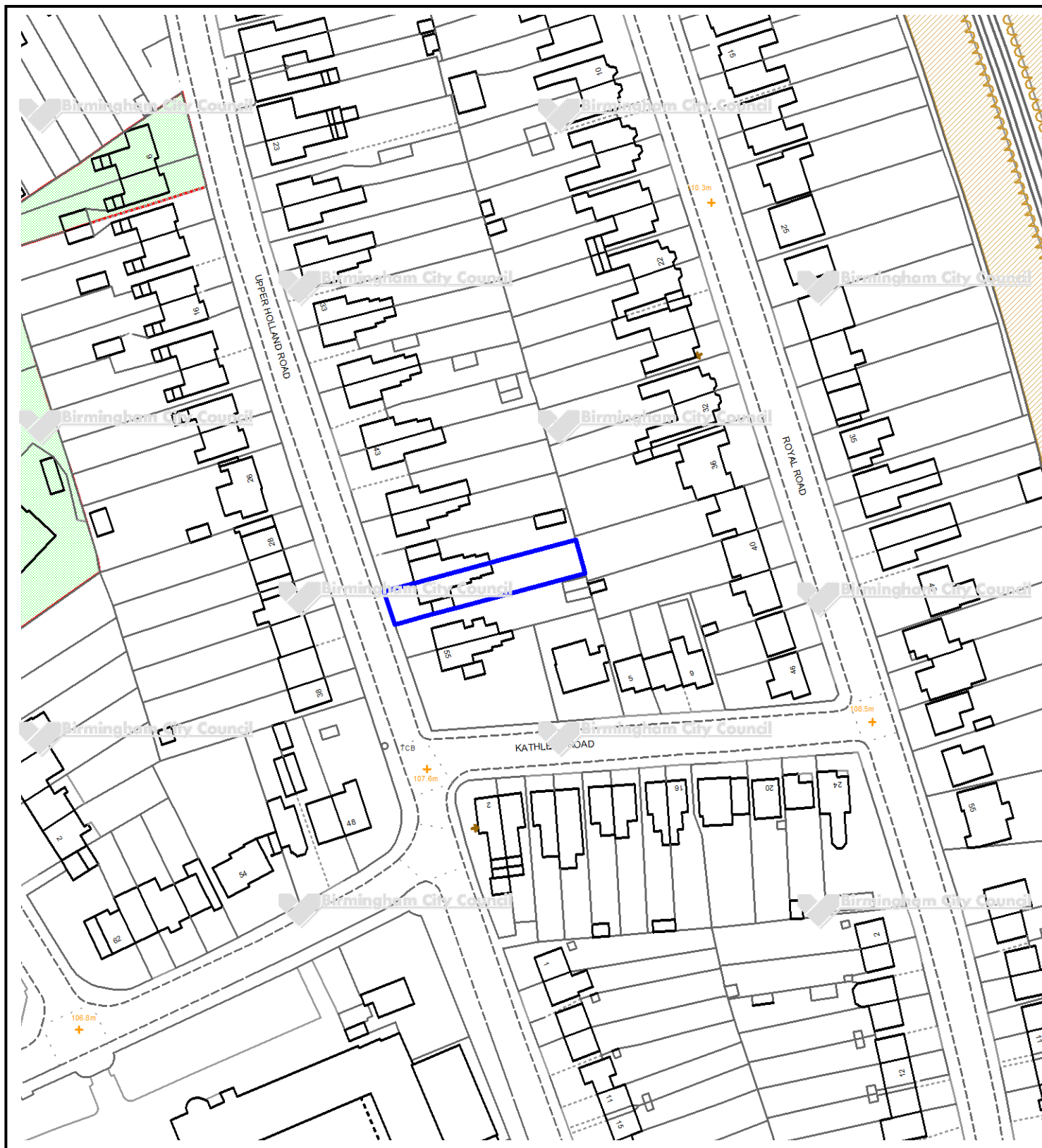
Case Officer: Ricky Chima

Photo(s)



Figure 1 – Rear Garden

Location Plan



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Birmingham City Council

Planning Committee

22 December 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Determine	16	2016/00664/PA Fitness First Health Centre Persnore Road Selly Oak Birmingham B30 2YB Demolition of existing buildings and erection of Class A1 retail foodstore with associated works.
Approve - Conditions	17	2016/06603/PA B A P S Shri Swaminarayan Mandir 75 Pitmaston Road Hall Green Birmingham B28 9PP Demolition of existing buildings and erection of new single storey and two storey temple/community building (Use class D1) with associated car parking spaces, landscaping and boundary treatment to Pitmaston Road
Approve - Conditions	18	2016/09173/PA 10 Bournville Lane Bournville Birmingham B30 2JT Erection of two storey side extension to form enclosed staircase and entrance to new residential dwelling and erection of first floor side extension

Committee Date:	22/12/2016	Application Number:	2016/00664/PA
Accepted:	27/01/2016	Application Type:	Full Planning
Target Date:	15/12/2016		
Ward:	Selly Oak		

Fitness First Health Centre, Pershore Road, Selly Oak, Birmingham, B30 2YB

Demolition of existing buildings and erection of Class A1 retail foodstore with associated works.

Applicant:	Lidl UK GmbH c/o Agent
Agent:	Gva Grimley Ltd 3 Brindleyplace, Birmingham, B1 2JB

Recommendation
Determine

Report Back

Members will recall that this application was recommended for approval at your meeting of 8th December. The Committee determined to defer the decision, with a 'Minded to Refuse' recommendation in order for a report to be prepared with the Reasons for Refusal set-out. The main areas of concern were:

- Loss of community facilities;
- Wrong location for a supermarket, with respect to the local centre;
- That the proposal therefore does not constitute Sustainable Development.

Loss of community facilities

Members were concerned that both the gym and the ten-pin bowling facilities would be lost to the local area and community, with no form of replacement or return. Officers noted in the debate that they considered there were a collection of benefits resulting from the scheme to balance against the dis-benefit of the loss of community/leisure facilities. These benefits were summarised as replacement of an unsightly and large building located close to the nearest residents, an increased/widened retail offer, improved traffic management coordination with the nearby Cartland Road junction, improved pedestrian crossing, ecology/landscaping, and drainage. The Committee report also set out the S.106 offer of £50,000 for local public realm/environmental enhancements. The Committee was not convinced that the benefits outweighed the dis-benefits and voted to defer Minded to Refuse. I can offer the following Reason for Refusal:

The proposed development requires the closure of the gym and the ten-pin bowling facilities, which are community/social/leisure facilities valued by the local community. The loss of these facilities (NPPF 'social role') would significantly and demonstrably outweigh the development's 'economic' and 'environmental' roles, and therefore the proposals do not

constitute Sustainable Development. As such, the proposed development conflicts with Paragraphs 14, 17 and 70 of the National Planning Policy Framework.

Wrong location for a supermarket, with respect to the local centre

Councillor Henley noted that another discount small supermarket retailer (Aldi) operates not far away (1½ miles to the north) just off the same Pershore Road, opposite Warwickshire County Cricket Ground. As such, he considered another discount retailer was not necessary, i.e. there is no 'retail choice' argument. There was a concern about undermining other retailers in Stirchley. There was also some comment in your meeting about the site's location with respect to local centre boundaries.

I can confirm that the site lies outside the Primary Shopping Area, but within the local centre boundary. I can confirm that, broadly speaking, local and national policies do not suggest an in-centre site for a retail scheme of this size (2,408 sqm gross internal, 1,424 sqm net sales area) should be resisted in principle on retail matters. Nor are there any policy requirements for a scheme of this size at this location to be tested with respect to retail impact or a sequential assessment. The only relevant policy which I consider could possibly be aligned with Members' concerns is Policy 7.23 of the UDP, which seeks to avoid a 'significant adverse effect on the continued vitality/viability of an existing shopping centre as a whole'. However, I do not see how the proposal could cause such a *significant* adverse effect, nor on the *whole* centre. So, I continue to advise that the proposal is broadly in-line with the local and national retail policies set out in the original Committee report.

Councillor Williams asked whether a dis-used retail site on Hazelwell Street opposite the British Oak Public House could accommodate the Applicant. That site measures 0.22 ha, less than a third of the application site (0.77 ha), so is clearly too small to meet the Applicant's operating model/size of store and parking. It was discussed whether the development would impact on either the Coop supermarket or the future Tesco supermarket in the same way as the previously-proposed Asda supermarket further south in Stirchley. Your Committee was advised that it would not, due principally to the much smaller size of the current proposal. The discount nature of the Applicant's business was not to be controlled by condition, so the different sector of the convenience market that the Applicant seeks compared to Coop and Tesco is not a factor that can be relied upon.

The proposed development clearly does not offend any of the local and national retail/local centre policies set out in the original officer report. Given the above, officers strongly advise that the following Reason for Refusal is not progressed:

The proposed development would adversely impact upon the retail vitality and viability of Stirchley District Centre, contrary to Policy 7.23 of the Unitary Development Plan.

That the proposal does not constitute Sustainable Development

NPPF 'Sustainable Development' was cross-referenced in your meeting to both retail matters and traffic. With respect to retail, I cannot add to the above text. With respect to traffic, I can confirm that the transportation modelling predicts that the proposed store and associated traffic management coordination with the nearby Cartland Road junction shows a clear improvement on the current traffic/congestion situation. However, other aspects of development can also be cross-referenced to NPPF 'Sustainable Development' - I consider that the issue of Sustainable Development naturally follows from the Committee's view on the loss of community facilities and so Members will see I have already incorporated this matter into the first Reason for Refusal above.

Original Report

1. Proposal

- 1.1. Planning permission is sought for the demolition of the existing indoor ten pin bowling centre and gymnasium and the erection of a Class A1 retail food store of 2,408sq.m gross internal floor area (GIA), with a 1,424sq.m net sales area.
- 1.2. The proposed store would comprise – lobby, sales area, two publicly accessible toilets, bakery area along with storage/warehousing, cash office and delivery area at ground floor, with a staff room/canteen; office and other staff facilities at first floor.
- 1.3. The store would be positioned along the site's southern boundary, which runs parallel with the Bourn at this point. The proposed store entrance would be located on the corner of the western elevation fronting Pershore Road and the northern elevation fronting the car park. Servicing would be located to the north eastern corner of the building, away from the adjacent residential in Bewdley Road to the north and adjacent to the site's rear boundary, beyond which is a small pumping station building. Next to the loading bay would be a relocated sub-station measuring 4m by 4m.
- 1.4. The store building would measure approximately 76.9m in length at its maximum, 32.9m in depth and would have a mono-pitch roof sloping from north to south - maximum height 7.6m reducing to 5.3m on the south side (the Cartland Road frontage).
- 1.5. The building design would be contemporary in nature and would utilise a contemporary palette of materials. The store would have a fully glazed elevation to Pershore Road, which would provide activity onto the street/public realm area and this treatment would return round the northern corner to provide activity/interest at the main entrance to the store. Scale would be created by the use of a mono-pitch roof, with Alucobond aluminium cladding proposed on the upper parts of the north and east elevations (with the main body of the walls finished in white-finished render) and to form a frame to the glazing on the main road frontage. In contrast, high levels windows in a brick elevation would front the Bourn Brook. The building would be grounded by the proposed use of a grey rendered plinth contrasting with the main body of the walls.
- 1.6. The site would be accessed by both car borne customers and delivery vehicles via an existing access point (which would be upgraded) off Pershore Road at the site's south-west corner. A second existing access point at the north-west corner would be closed. Pedestrian access would be from the same point, with a new toucan crossing to be provided across Pershore Road opposite the store entrance.
- 1.7. 125 car parking spaces would be provided, largely within a car park to be located to the north of the building (although a small number of spaces are also proposed directly in front of the store). The 125 space car park would include 8 accessible spaces and 4 parent and child spaces. The proposed trolley park and cycle parking would be located close to the store entrance in the main car park area and would provide 10 cycle hoops. The car park would be for short-term parking, not exclusive to the store i.e. also for potential use in connection with the wider Starchley centre.
- 1.8. Ongoing discussions with the Environment Agency (EA) regarding the redevelopment of the site have resulted in the incorporation of 2 no. potential points

of access from the area directly in front of the store to the Bourn. These would be hard surfaced and gated at the site's southern boundary. The incorporation of this feature would necessitate the removal of 2 no. trees (T8 and T14) - a Common Ash (Category B) and an Acer (Category C). Only one other tree would be removed as a result of the proposal – a Category C Common Ash, on the southern boundary, which is currently growing through an existing metal palisade fence. The layout has been designed to allow sufficient space to negate any impact on other existing trees/vegetation beyond the site's boundaries.

- 1.9. New landscaping areas would be introduced along the western boundary adjacent to Pershore Road, consisting of low level evergreen shrubs, with a trip-rail to back of pavement. Five new Hornbeam trees would be planted along the Pershore Road frontage. Paving is proposed for use in the pedestrian areas within the site with small block paving units in Anthracite to demarcate the entrance to the store. Around the site boundary, landscaping is proposed utilising plant species that would improve and encourage greater biodiversity and connectivity to the wildlife corridors along the watercourses.
- 1.10. Site Area: 0.77Ha.
- 1.11. The proposed opening hours of the foodstore would be 0700-2200 hours Mondays to Saturdays and 1000-1700 hours on Sundays and Bank Holidays. Delivery times would be restricted to 0700-2200 daily. It is estimated that the equivalent of 20 full time staff would be employed.
- 1.12. The application submission included a Planning and Retail Statement, Transport Assessment and Travel Plan, Acoustic Report, Ecological Appraisal, Arboricultural Impact Assessment and Tree Protection Plan, Design and Access Statement, Ground Investigation Report and Flood Risk Assessment/drainage proposals.
- 1.13. The proposal has been amended since its original submission, the key changes being:
 - Relocation of the site access from the north-west to south-west corner;
 - Relocation of off-site toucan crossing and subsequent realignment of pedestrian route to the store entrance;
 - 3 no. additional car parking spaces/relocation of cycle parking;
 - Relocation of sub-station to rear of site;
 - Plant compound relocated to roof;
 - Revised treatment to south elevation (Cartland Road/Bourn frontage);
 - Introduction of 2 no. slipways to the Bourn for EA access; and
 - Tree removals to southern boundary (with replacement trees proposed).
- 1.14. These amendments have been made in response to issues that have arisen during the consultation process. A significant amount of additional information has also been provided, specifically in respect of highways and flooding matters.
- 1.15. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located on the east side of Pershore Road, adjacent to its junction with Cartland Road, at the northern end of Stirchley District Centre (outside

the Primary Shopping Area). It is currently occupied by a substantial, flat-roofed building, part of which is 'on stilts' with undercroft parking. The building is currently utilised for ten-pin bowling and as a gym/fitness centre.

- 2.2. There are two existing vehicular access points from Pershore Road, with further parking provided in front of the building. There is a large hard surfaced area to the rear, which, although accessible, is not laid out formally and does not appear to be utilised.
- 2.3. The gardens of houses on Bewdley Road back onto the northern boundary of the site, with further residential properties beyond this (mixed with some commercial uses on the Pershore Road frontage). The Bourn runs parallel to the southern boundary, largely obscured by trees and other vegetation at this point. Beyond this is a wide grassed buffer extending to the back of pavement on Cartland Road, within which is an existing pumping station. Pedestrian routes exist across this area, providing access to the Bourn and the River Rea, which runs parallel to the site's rear (eastern) boundary beyond a further pumping station building, with a footpath/cycle path extending from here northwards to Dogpool Lane.
- 2.4. There is a busy traffic-light junction where Cartland Road meets Pershore Road, which incorporates pedestrian crossing facilities. In addition, slightly to the north of this, opposite the application site, are two further junctions (on the west side of Pershore Road) with Ribblesdale Road and Warwards Lane. There are groups of commercial units located around these junctions, although the side roads themselves are predominantly residential. Beyond Cartland Road to the south, Pershore Road is predominantly residential on its east side (up to Church Drive). In contrast, the west side is commercial, with a number of units being set back from the main road behind a landscaped frontage.
- 2.5. The topography of the site gently falls to the south towards the River Bourn. There are no significant trees within the site, but substantial planting along the eastern and southern boundaries. The site is located in Flood Zones 2 and 3.

2.6. [Site Location Plan](#)

3. [Planning History](#)

- 3.1. There is extensive planning history associated with the former/current use of the site, including extensions, alterations, signage and antennae. More significant/recent applications of note include:
- 3.2. 19th July 2001. PA No. 2001/02910/PA Removal of condition 2 of planning permission E/C/21709/9 to accommodate a health and fitness centre within Class D2 (Assembly and Leisure) Use – approved.
- 3.3. 2nd September 2015. PA No. 2015/05680/PA. Pre-application advice for the demolition of existing building and erection of retail foodstore.
- 3.4. 26th January 2016. PA No. 2015/08699/PA. Demolition of existing buildings and erection of Class A1 retail foodstore with associated works – withdrawn.

4. [Consultation/PP Responses](#)

- 4.1. The application has been subject of two full rounds of consultation due to the submission of significant amendments and additional information.

Consultations

- 4.2. Transportation – No objection subject to conditions/s278 Agreement.
- 4.3. Regulatory Services - no objection subject to conditions in respect of noise from plant/machinery, delivery code of conduct, hours of opening, deliveries and contamination.
- 4.4. Local Lead Flood Authority – proposed discharge rate is acceptable, as is the use of bio-retention and permeable paving with underground attenuation storage and the proposed attenuation volume. Clarification sought regarding potential impact on outfall and revised drainage layout required to provide further details of attenuation volumes, SUDS features, pipe layouts and discharge locations. An operation and maintenance plan is required.
- 4.5. Canal and River Trust – no requirement for consultation, therefore have no comments to make.
- 4.6. Environment Agency (on amended submission) – objection withdrawn. Conditions requested in respect of groundwater/contamination, requirement for development to be carried out in accordance with the submitted Flood Risk Assessment, and submission/approval and implementation of a flood management scheme. In addition, an informative/condition is recommended in respect of the need for a flood warning and evacuation plan.
- 4.7. West Midlands Police - site should be developed to enhanced security standards.
- 4.8. Severn Trent – no objection subject to conditions to require drainage details. Advise that there may be a sewer crossing the site.

Public Participation

- 4.9. Adjacent occupiers, residents associations, M.P. and Councillors for Bournville and Selly Oak wards notified and site/press notices posted.
- 4.10. 416 responses have been received from individuals - 405 objections, 6 in support and 5 commenting. A petition in objection has also been received, signed by 65 people, (3 of whom also sent in separate objections).
- 4.11. Objections relate to:
- 4.12. **Loss of existing gym** (Fitness First):
- Serves the community, keeping people fit/healthy, thereby reducing pressure on the NHS. Encourages children/young people to be active – tackling obesity;
 - Is the only gym in the local area (no others in walking distance). Other nearest are University, Kings Heath, Cotteridge and Harborne (all very busy/have parking issues) – existing users unlikely to join these. Tiverton Pool is also closing soon;
 - Always busy, used by people of all ages/ethnicities (2000-4000 members), including university students, people running for charities, and Clubs/leagues who practice there;
 - Adds to sense of community/provides a social life – people get to know each other;

- Brings in revenue to the local area/economy and provides jobs (net loss of jobs - 50 at Fitness First and bowling, replaced by 20 at Lidl). Encourages people to visit Stirchley, – good for local businesses;
- Local people would like additional facilities e.g. a pool or badminton courts;
- This would be the second leisure centre to be sacrificed for a supermarket;
- Makes the area more attractive to live in than a supermarket will;
- Fitness First is one of the better gyms people have been to. Expert/ friendly staff. Provides a much used ladies only section and facilities for disabled customers. Very reasonably priced;
- Provides services other than usual gym equipment – pre and post natal classes, back injury classes, sports/nutritional information and massage;
- Many people walk to/from the gym. Those going to the supermarket would use cars;
- Good for the community – provide mobile exercise equipment to the QE for charity;
- It is privately owned so does not cost the council to be run;
- Goes against government objectives to get rid of health and fitness centre.

4.13. Loss of existing bowling alley:

- Very popular/used by generations. Cheap family day out;
- Encourages people to socialise and exercise – good for the community;
- Good to have something in the community that is not focused around shopping. Provides a venue for groups to have fun;
- Local bowling teams hold competitions and people travel from afar to use the facility;
- Buildings have historic significance to the community;
- Is an independent business/should be supported. Very few non ‘corporate’ bowling places left;
- Do a lot of work with local charities.

4.14. Already enough supermarkets/other shops:

- 19 supermarkets in a 3 mile radius. Provision includes Aldi in Selly Oak and Edgbaston, Lidl in Kings Heath;
- Stirchley is like a shopping mall;
- Small/local businesses should be supported. Could be detrimental to local shops/undercut independent stores;
- There are many other sites where a Lidl could be built;
- Recent planning permission for a tesco nearby;
- Easy to buy food in the area, not easy to exercise;
- Site is outside of the primary shopping area as set out in the Stirchley SPD.

4.15. Traffic/parking:

- Pershore Road is already very busy, noisy and polluted – this would increase;
- Concerns over volume of traffic, road accidents and congestion. Supermarkets bring more daytime traffic. Pershore Road is too narrow/slow moving and roads are ‘rat runs’ already. Would exacerbate existing problems (already a bottle neck);
- No provision to include a cycle lane on Pershore Road;
- Impact on residents’ parking during construction;
- Concerns over large delivery lorries;
- Problems for those turning right from Cartland Road onto Pershore Road. Ineffective road layout between Pershore Road Warwards Lane;

- Disruption to bus routes (site close to a bus stop) and those trying to access the city centre;
- Risk to children crossing roads;
- Could delay emergency services to become delayed and therefore put lives at risk;
- Very little public parking. Concerns about shoppers parking on already busy streets.

4.16. **Impact on local area:**

- Area is already deprived. If approved, leisure facilities (and parking) should be moved to another nearby site (needed for the community). Residents want recreational space not supermarkets;
- Increased litter;
- Concerns about environmental damage on the River Rea. Kingfishers nesting nearby;
- Potential increase in anti-social behaviour. People want a sense of community;
- These facilities encourage people to live or move to the area. People would consider moving out if the facilities went;
- Area already has noise and air pollution;
- Need better infrastructure locally;
- Stirchley needs investment – this will not regenerate area. Area needs more diversity;
- Stirchley baths are welcomed but not sufficient compensation for the loss of gym/bowling in terms of community facilities – already seen the loss of this pool;
- Local residents concerned about reduced privacy;
- Would be detrimental to public health and social mobility;
- Area dominated by food and restaurants;
- Affordable housing would be a better use of the site;
- Site at risk of flooding from River Rea and Bourn– both have flooded recently;
- Area is losing its village feel;
- Front elevation to Pershore Road is angled and does not respect the building line.

4.17. **Suggested amendments:**

- Request that ornamental trees, similar to those shown on the west/Pershore Road side of the site, be planted on the north side to break up the view from houses on Bewdley Road;
- Other unused building should be demolished and other areas used as they are becoming derelict and have rats and dirt etc.;
- Additional planting needed to soften the landscaping;
- Need secure cycle storage.

4.18. **Objection received from Steve McCabe M.P.:**

- Demolition of well-used leisure facility and bowling alley is not in the interests of the local community. One of only two gyms in Bournville Ward – the other is a specialist body building gym (Fitness First is welcoming to everyone);
- No need for another supermarket in Stirchley. Potential threat to the viability of the long-awaited Tesco store, on vacant site with regeneration benefits. Asda was refused (on Fordhouse Lane) on the grounds that Tesco had been approved and another supermarket would threaten its viability;
- Impact on traffic management. Busy part of Pershore Road. Would increase traffic and modifications to the junction layout would be needed to accommodate large

numbers of vehicles. Already recent changes at Warwards Lane through Local Sustainable Transport Fund – waste of resources if has to be re-visited.

4.19. Objection from Councillor Timothy Huxtable:

- Site is not within the Primary Shopping Area;
- Stirchley already has a number of derelict sites;
- Existing use is viable/worthwhile to community. Lack of things for young people to do;
- Would result in a net loss of jobs (Lidl would lead to a net increase on another site);
- Existing facilities form part of a diverse local centre;
- Traffic around the site is already an issue;
- Supermarket would add to existing issues;
- Part of the site is on a flood plain, therefore there is a flood risk.

4.20. Objection from Councillor Sealey:

- Additional traffic pressures on the already congested Pershore Road and nearby junctions;
- Existing facilities are well-used and these businesses have no desire to move;
- Other sites in nearby location could accommodate a Lidl in parts of Stirchley that need regeneration.

4.21. Objection from Stirchley Neighbourhood Forum:

- Would be welcomed elsewhere;
- Concerns over traffic;
- Site should keep its leisure use;
- Retail use not mentioned in the Stirchley SPD.

4.22. Comments in support:

- Would provide some jobs;
- Would be welcome because it would bring cheap food. Many people in the area have financial constraints and would benefit from a Lidl;
- Development proposes improved design/would make the area look better. Existing site is ugly and looks derelict;
- Lidl would be an asset;
- No major issues on roads.

5. Policy Context

- 5.1. UDP (2005); Pre-Submission BDP (2031); Places for All SPG (2001); Car Parking Guidelines SPD (2012), Shopping and Local Centres SPD (2012); Stirchley Framework SPD (2015); NPPF; NPPG; Flood Zones 2 and 3.

6. Planning Considerations

Principle of Development

- 6.1. The National Planning Policy Framework (NPPF) confirms that there is a presumption in favour of sustainable development (Para. 14), with the three dimensions to sustainable development being economic, social and environmental.

- 6.2. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Paragraph 17 promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The Birmingham UDP similarly supports a more sustainable pattern of development by re-using brownfield sites in suitable locations.
- 6.3. The NPPF emphasises that planning law requires that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 12 confirms that the NPPF "...does not change the statutory status of the development plan as the starting point for decision making" and goes on to say that: "...development that accords with an up-to-date local plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise".

Loss of Leisure Uses

- 6.4. Paragraph 17 of the NPPF seeks to deliver sufficient community and cultural facilities and services to meet local needs and Paragraph 70 seeks to guard against the unnecessary loss of valued social, recreational and cultural facilities and services. Paragraph 70 states that *"planning policies and decisions should*
- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
 - guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
 - ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
 - ensure an integrated approach to considering the location of housing, economic uses and community facilities and services".*
- 6.5. There are no relevant planning policies in the Birmingham UDP or the Pre-submission BDP relating to loss of leisure/community facilities. The current uses – bowling alley and fitness centre –are not classified as 'sports' and, as such, policies relating to loss of sporting facilities do not apply.
- 6.6. The Stirchley Framework SPD recognises the importance of community uses. It states that there is scope for new/improved facilities and that existing community uses will be supported, with investment in new/existing facilities to be encouraged.
- 6.7. The popularity of these existing facilities is evident from the level of objection received in response to this proposal and, for that reason, their loss would be regrettable. However, the potential impact of this loss needs to be weighed up in the determination of the application against the positive aspects of the proposed development in meeting other national and local planning policies. Account must also be taken of the availability of similar facilities or the potential for re-provision, and any implications this has for meeting the day to day cultural, leisure and community needs of the City.

- 6.8. I note objectors' comments regarding the loss of jobs from the existing leisure uses and the role played by the facilities in attracting people to this part of Stirchley, but consider that concerns in this regard must be balanced against the economic benefits associated with the construction and operation of a new retail store in terms of job creation and the implications for wider regeneration benefits.
- 6.9. In considering alternative provision, it must be borne in mind that, even if the current proposal were to be resisted, there would be no guarantee of the continued operation of the bowling alley and fitness centre. This would be a commercial decision for the parties involved. Typically, it appears that the current trend is for bowling alleys to be provided as part of a wider package of leisure facilities (including cinemas climbing centres, arcades and restaurants) and I acknowledge that such a facility is unlikely to be re-provided in this locality. However, I do not consider that its loss would have a demonstrable harm on the day-to-day needs of the community. Similarly, whilst the fitness centre has much support locally, it is not the only available option.
- 6.10. In the light of the above, I do not consider that the loss of the existing facilities would result in any adverse impact sufficient to justify the refusal of the current proposal on these grounds.

Retail Development

- 6.11. The NPPF requires Local Planning Authorities to define a network and hierarchy of centres and to set out clear policies in respect of appropriate uses for such areas, recognising that town centres are the heart of their communities and, as such, their vitality/viability should be supported. Paragraphs 23 to 27 of the NPPF are particularly relevant in this respect. Paragraph 23 states that planning policies should promote competitive town centre environments. In addition, the National Planning Practice Guidance (NPPG) under the chapter 'Ensuring the Vitality of Town Centres' identifies that "Local planning authorities should plan positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work".
- 6.12. Policies in both the NPPF (Paragraph 24) and UDP (Chapter 7) direct new retail development to 'in centre' locations first, with a sequential approach to be applied if such development cannot be accommodated within a centre.
- 6.13. It should be noted that, whilst most of the relevant retail policies in the UDP remain broadly consistent with the NPPF, there are some aspects of the relevant policies that are not fully consistent (for example, the scale and needs tests incorporated in Paragraphs 7.23 and 7.27) and, as a consequence, the retail policies in the UDP are unlikely to be accepted as being fully 'up-to-date'. However, the main thrust of the relevant UDP policies is echoed throughout policy guidance today and therefore retains the weight of the development plan in determining this application.
- 6.14. The UDP advises at paragraph 7.23 that proposals for additional retail development/redevelopment in existing centres will normally be encouraged where the scale of the new development is appropriate to the size and function of the centre; is well integrated; has no significant adverse effect on the continued vitality/viability of an existing shopping centre as a whole; and maintains a range of shops to meet the needs of local communities.

- 6.15. Policy TP21 of the Pre-Submission Birmingham Development Plan states that proposals for convenience retail development in defined centres will be supported in principle, subject to proposals being at an appropriate scale for the individual centre. It states that proposals should deliver quality public realm and create linkages and connections with the rest of the centre and improve accessibility.
- 6.16. The City's Shopping and Local Centres SPD identifies this site as being within the Stirchley District boundary (although outside the Primary Shopping Area (PSA). The SPD identifies that town centre uses (including retail) will be encouraged within centres, recognising them as the most sustainable locations for such investment with optimum accessibility by a range of means of transport.
- 6.17. The Stirchley Framework SPD recognises that "at the heart of Stirchley, there will be a revitalised district centre with new retail provision in larger stores". It states that "new retail led developments are encouraged and should normally be located within the PSA. Outside the PSA and within the centre proposals for re-use or conversion/redevelopment will be encouraged for uses in keeping with a district centre".
- 6.18. Concerns have been expressed locally about over-provision of supermarkets/other shops in this area, and the potential impact of approving a store in this location for existing small businesses. Objectors state that there is no need for any further stores, particularly as Tesco already have an approval nearby. However, the application site is 'in centre' and, as such, there is no requirement to test the proposal in sequential or impact terms nor to demonstrate need.
- 6.19. I note also the concern raised that the site is outside the PSA and, as such, there is a potential conflict with the Stirchley Framework. Notwithstanding the aspirations of the SPD in terms of focusing new retail provision in the PSA, it does not preclude development elsewhere within the district centre boundary.
- 6.20. In addition, the applicant has provided supporting information in respect of this issue, in recognising that the site is 'edge of centre' in relation to the actual PSA. This information relates to Lidl's business model and specific operating requirements, including site size (minimum 0.8ha), net floorspace (minimum 1,424sqm) and car parking spaces (approximately 120) which, it is argued, cannot be accommodated elsewhere within the district centre. It is acknowledged that there are vacant units in the PSA, but none of these would provide sufficient floorspace (even considering potential for utilising a group of units). The only larger vacant site is the one at Hazelwell Lane, which already has consent for a Tesco store (with work due to commence on its construction in the new year).
- 6.21. The applicant also identifies that Lidl makes a different retail 'offer' to other stores such as Tesco and Co-op, through the aforementioned business model, and this offers a benefit to the local community. It has a more limited product range and its primary trade is in bulk, not 'top-up' shopping. As such, it is suggested that the store would not be in direct competition with typical town centre convenience stores or independent operators (such as butchers, bakers and greengrocers). Reference is made to various appeal decisions on Lidl proposals, including an acknowledgement of the store's specialist discount model and the implications of this for it being complementary to other activities within an existing centre.
- 6.22. The application site directly fronts Pershore Road, has other retail units immediately opposite and has very direct links with the wider centre, the regeneration of which I consider it would contribute towards. Notwithstanding the concerns raised by the

local community about the impact on existing local businesses, in the light of the above, I consider that the principle of a retail use on this site accords with policy.

Layout and Design

- 6.23. Chapter 7 of the NPPF focuses on good design as a key element of sustainable development. Paragraph 56 states: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."
- 6.24. Paragraphs 3.14A-E of the Birmingham UDP sets out design principles that should be applied to any new development. Among the good urban design principles set out in the UDP at Paragraph 3.14D are that "The City Council will have particular regard towards the impact that the proposed development would have on the local character of an area, including topography, street patterns, building lines, boundary treatment, views, skyline, open spaces and landscape, scale and massing, and neighbouring uses".
- 6.25. The Council's Places for All SPG also provides detailed design guidance based around the principles of: creating diversity; moving around easily; safe places/private spaces; building for the future; and building on local character.
- 6.26. The Stirchley Framework requires that "all new developments ... will contribute to the street scene by presenting the very best design". New large-scale retail developments should be integrated with the centre and maintain an active frontage on Pershore Road/other road frontages "in order to provide legibility for the scheme, and encourage the flow of customers to and from the High Street".
- 6.27. There would be no objection in principle to the demolition of the existing building, which is of no architectural merit or historic significance and makes no positive contribution in the street scene.
- 6.28. The design of the redevelopment proposal has been developed in consultation with Officers, with amendments made in response to concerns raised. The general arrangement of the building and parking in the context of the site constraints is considered acceptable. The orientation of the store with the primary glazed elevation and entrance next to Pershore Road creates an active, interesting built edge that is closer to the Pershore Road site boundary than the existing building. It also provides activity at ground floor level (which the existing building does not).
- 6.29. The basic architectural form is a standard approach, similar to stores elsewhere in the city, although it has been enhanced to respond to the site's context. For example, the use of brick on the Cartland Road elevation is welcomed as this will make this largely blank elevation recede behind existing tree cover on the south side of the Bourn (immediately adjacent, outside the development site) and, consequently, it should not adversely impact on the character of this part of Cartland Road or the outlook of nearby houses.
- 6.30. Overall the proposed development is considered acceptable from an urban design perspective.

Landscape, Trees and Ecology

- 6.31. Paragraph 109 of the NPPF states that the planning system should recognise the wider benefits of ecosystem services, minimise impacts on biodiversity, provide net gains in biodiversity where possible and contribute to the Government's commitment to halt the overall decline in biodiversity (including by establishing coherent ecological networks that are more resilient to current and future pressures).
- 6.32. Paragraphs 3.37-3.39 of the Birmingham UDP explain the importance of safeguarding and enhancing the natural environment of the City, improving the protection of existing areas of nature conservation importance and measures to improve the diversity and quality of wildlife habitats throughout the City. Policy TP8 of the Pre-Submission BDP similarly identifies that all development should, where relevant, contribute to enhancing Birmingham's natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets.
- 6.33. Paragraph 3.16A of the UDP considers trees and landscape, stating that "trees are important for their visual amenity, benefits to health, historical significance and nature conservation value. They help to improve air quality and can be used to screen development and soften building lines". It advises that developers will be expected to give priority to the retention of trees/landscaping and, where they would be lost as a result of development, replacement trees will be required, with suitable additional planting will be required to complement/enhance existing landscaping.
- 6.34. The application site is in close proximity to the River Rea and Bourn, both of which have importance for wildlife. A Preliminary Ecological Appraisal was submitted in support of the application. An ecological survey was undertaken of the site and buildings in November 2015. Your Ecologist is satisfied that, while this is outside of the optimal survey time, given the built nature of the site, a realistic appraisal could be given. The appraisal concludes that there is currently little opportunity for wildlife within the site, the greatest potential lying along the Bourn corridor to the south and your Ecologist accepts these findings. The submitted report makes a number of recommendations including the requirement for a construction ecological mitigation plan and scheme for ecological/biodiversity measures, which can appropriately be secured by conditions.
- 6.35. Your Ecologist also suggests that the soft landscaped buffer strip that would adjoin the Bourn corridor should be designed to act as a SUDs for the site and help to attenuate run-off before entering the storm water/ river network.
- 6.36. The proposal, which now incorporates the access 'slipways' required by the Environment Agency, would result in the loss of 3 trees adjacent to the site's southern boundary – two Common Ash specimens (Category B and C) and an Acer (Category C). Your Tree Officer notes that there is no statutory tree protection within or around the site and that most of the existing site is covered in hard standing which is intact and a constraint to root growth from adjacent property. The exception is the roughly triangular area of soft landscape adjacent to T11 (an Ash at the south-west corner), at which point the soft landscape is truncated in the proposal to the depth of the root protection area of this tree, which your Tree Officer considers to be a reasonable approach.
- 6.37. No objection is raised to the loss of the aforementioned trees, one of which is already growing through a metal palisade fence, with the other removals being unavoidable in the light of the EA requirements. An Arboricultural Impact Assessment has been submitted and your Tree Officer is satisfied with the proposal,

subject to the implementation of these recommendations (to be secured by condition).

- 6.38. The proposal includes the introduction of new landscaping areas along the western boundary adjacent to Pershore Road, consisting of low level evergreen shrubs, with a trip-rail to back of pavement. Five new Hornbeam trees would be planted along the Pershore Road frontage. Paving is proposed for use in the pedestrian areas within the site with small block paving units in Anthracite to demarcate the entrance to the store. Around the site boundary, landscaping is proposed utilising plant species that would improve and encourage greater biodiversity and connectivity to the wildlife corridors along the watercourses.
- 6.39. My Landscape colleague recommends that significant native tree/hedge and thicket planting will be required in the site's south-west corner. Your Tree Officer notes that the new tree planting on the frontage would benefit greatly from construction of the adjacent parking spaces in a way which is permeable and allows root growth below. He advises that, with the careful design of surface layers and edging, root disturbance immediately below the surface could easily be avoided. I consider that these matters in respect of landscaping and surface treatment could appropriately be secured by condition.

Residential Amenity

- 6.40. The only residential properties immediately abutting the site are those on Bewdley Road, whose back gardens abut the northern boundary. The access to the site and the store/servicing are all located along the southern boundary, away from these houses. There is a vehicular route and parking along this northern boundary currently and, as such, I do not consider that the proposed car park would result in any significantly increased impact. A substantial landscaped buffer would be provided adjacent to this boundary.
- 6.41. Regulatory Services have raised no objection to the proposals, subject to conditions in respect of opening hours (0700-2200 hours Mondays to Saturdays and 1000-1700 hours on Sundays and Bank Holidays), delivery code of conduct, deliveries, noise from plant/machinery and contamination.
- 6.42. Subject to these details, I am satisfied that the proposals would have no unacceptable impact on residential amenity.

Transportation

- 6.43. Paragraph 32 of the NPPF explains that plans and decision should: take up opportunities for sustainable transport modes, that safe and suitable access to the site can be achieved for all people, and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to explain that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 40 continues "Local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles."
- 6.44. The Council's Car Parking Guidelines SPD recommends a maximum of 1 space per 14sqm in this location.

6.45. The Stirchley Framework requires that (in order to improve centre parking overall) when off-street parking is provided as part of any major retail/mixed use development, developers will be expected to:

- Provide parking for shoppers using other stores in the area;
- Include a car park management scheme;
- Replace on-street parking lost as a result of highway improvements;
- Provide car parking facilities.

6.46. The Framework also refers to a potential requirement for junction improvements at Warwards Lane/Ribblesdale Road/Pershire Road (opposite the site) and new pedestrian crossings.

6.47. The proposal has been amended significantly since its original submission, one of the key changes being the re-positioning of the site access from the north-west to south-west corner. This change resulted from concerns emerging from a Road Safety Audit (RSA) undertaken as part of the design work, which identified a potential conflict resulting from the proximity of the original access position to the junctions opposite (Warwards Lane/Ribblesdale Road).

6.48. My Transportation colleagues raise no objections to the amended proposals, subject to conditions and s278 Agreement. The package of developer funded off-site mitigation would include:

- * Relocation and upgrade of the existing pelican crossing on Pershire Road (to become a 'Toucan' crossing);
- * Upgrading of the existing traffic signal controlled junction at Pershire Road/Cartland Road to 'MOVA' operation (in order to accommodate proposed development related traffic growth);
- * Linking the Toucan and traffic signals (Cartland Road) in order to assist in managing stacking space (for consideration at the detail design stage);
- * RSA items, including that related to the relocation of the bus stop;
- * Removal of redundant accesses; and
- * Creation/modification of existing accesses.

6.49. I am satisfied that the proposed level of parking provision is appropriate for a store of this size and acknowledge the benefits to the wider shopping area that would result from the general availability of this car park on a short-term basis (details to be secured through a management plan). Similarly, my Transportation colleague is satisfied that the proposal would have no unacceptable impact on the surrounding highway network, subject to the identified package of mitigation measures. In addition, pedestrian safety would be improved through the delivery of the relocated/upgraded crossing, which will be linked into the operation of the traffic light junction at Cartland Road.

Drainage/Flooding

6.50. The NPPF, at paragraph 100, states that "Inappropriate development in areas at risk of flooding should be avoided ... but where development is necessary, making it safe without risking flood risk elsewhere".

6.51. Paragraphs 3.71-3.76 of the Birmingham UDP explain that proposals for new development will be expected to take account of any of any effects they might have

upon water and drainage. Policy TP6 of the Pre-Submission BDP requires that as part of their Flood Risk Assessment (FRA) and Sustainable Drainage Assessment developers should demonstrate that the disposal of surface water from the site will not exacerbate existing flooding and that exceedance flows will be managed. Sustainable Urban Drainage Systems (SuDS) should also be utilised in order to minimise flood risk.

- 6.52. The Stirchley Framework identifies that Flood Risk Assessments (FRAs) in areas of mapped flood plain, susceptible to surface water flooding. Specific reference is made to area around the confluence of the Bourn and the Rea. These will include mitigation measures to address any issues and reductions in surface water discharge. The Framework states that opportunities for flood risk management/improvement will be encouraged including flood alleviation works, easements to facilitate maintenance access at appropriate locations and reductions in surface water discharge through sustainable drainage systems.
- 6.53. The Environment Agency (EA) originally objected to the proposal, requiring a significant amount of additional modelling work to be undertaken to satisfy their concerns in respect of flooding. This work was undertaken over several months, in consultation with the EA, who have now withdrawn their objection.

Planning Obligations/CIL

- 6.54. Paragraph 204 of the NPPF states that planning obligations should only be sought where they are necessary, directly related to the development, and fairly/reasonably related in scale and kind to the development. Paragraphs 8.50-8.54 of the Birmingham UDP set out the Council's approach towards securing planning obligations, providing examples of what such obligations might involve, including 'improvements to public parking' and 'environmental enhancement'. Similarly, the Pre-Submission BDP (at paragraph 10.12) identifies that "...The City Council will, where appropriate, seek to secure site specific measures through planning obligations".
- 6.55. The Stirchley Framework supports the improvement of the attractiveness of the centre through public realm improvements. In considering 'Public space and connectivity', the Framework refers to improvements to public spaces/the pedestrian environment and cites examples including the 'micro parks' outside 1219-1239 Pershore (opposite the junction of Cartland Road with Pershore Road).
- 6.56. The applicant has committed to a contribution of £50,000 towards public realm/environmental improvements within Stirchley District Centre and I am satisfied that this level of contribution would be appropriate for a development of this scale. An opportunity exists for the potential delivery of the next phase of the aforementioned 'micro parks' project, in the immediate vicinity of the site. I consider that such provision would accord with the aspirations of the Stirchley Framework.
- 6.57. The applicant will also bear the costs of the Highway Works, currently estimated to be in excess of £100,000.
- 6.58. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. Whilst the loss of the existing facilities is regrettable, the redevelopment of this site (within the existing district centre) for retail purposes accords with both national and local planning policy. The proposed development would provide an alternative retail offer and would support the ongoing regeneration of Stirchley centre in accordance with the aspirations of the recently adopted Framework.
- 7.2. The proposal would have no adverse impact on the adjacent residential amenity and would have a beneficial impact on the character and amenity of the surrounding area. In addition, the proposed package of mitigation works would ensure that there would be no unacceptable impact on the highway network and would assist in the improved operation of the adjacent traffic light junction and pedestrian crossing facilities. The proposed flood mitigation works, in consultation with the EA and LLFA, would also be beneficial in an area where flooding has been a concern in the past.
- 7.3. In considering the three elements of sustainable development - economic, social and environmental – I conclude that, on balance, the benefits offered by the redevelopment of the site as proposed outweigh any concerns in respect of the loss of the bowling alley and fitness centre. The proposal constitutes sustainable development and, therefore, should be supported.

8. Recommendation

- 8.1. That planning application 2016/00664/PA be deferred pending the completion of a suitable legal agreement to secure the following:
 - a) A financial contribution of £50,000 (index linked to construction costs from the date of the Committee Resolution to the date on which payment is made) towards public realm/environmental improvements within Stirchley District Centre (as defined in the Shopping and Local Centres SPD 2012).
 - b) Payment of a monitoring and administration fee associated with the legal agreement of £1,750.
- 8.2. That, in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority on or before 13 December 2016, favourable consideration will be given to application 2016/00664/PA subject to the conditions listed below.
- 8.3. That the City Solicitor be authorised to prepare, seal, and complete the appropriate agreement.
- 8.4. That in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority, on or before 13 December 2016, planning permission be refused for the following reasons:
 - a) In the absence of any suitable planning obligation to secure a financial contribution of £50,000 towards public realm/environmental improvements within Stirchley District Centre the proposed development conflicts with Paragraph 204 of the NPPF, Paragraphs 8.50-8.54 of the Birmingham Unitary Development Plan, Paragraph 10.12 of the Pre-submission Birmingham Development Plan, and the Stirchley Framework SPD.

1	Requires the scheme to be in accordance with the listed approved plans
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- 2 Limits the noise levels for Plant and Machinery
 - 3 Limits the hours of use - 0700-200 Mon-Sat and 1000-1700 Sun/BH
 - 4 Limits delivery time of goods to/from the site - not outside of 0700-2200 daily
 - 5 Requires the prior submission of a contamination remediation scheme
 - 6 Requires the prior submission of a contaminated land verification report
 - 7 Requires the prior submission of sample materials
 - 8 Requires the prior submission of a sustainable drainage scheme
 - 9 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 10 Requires the prior submission of hard and/or soft landscape details
 - 11 Requires the prior submission of a parking management strategy
 - 12 Requires the prior submission of a lighting scheme
 - 13 Requires the prior submission of level details
 - 14 Requires the prior submission of details of refuse storage
 - 15 Requires the prior submission of cycle storage details
 - 16 Requires tree pruning protection
 - 17 Requires the prior submission of a landscape management plan
 - 18 Requires the prior installation of means of access
 - 19 Requires the prior approval of the siting/design of the access
 - 20 Requires the prior submission of details of pavement boundary
 - 21 Requires the delivery and service area prior to occupation
 - 22 Requires the parking area to be laid out prior to use
 - 23 Requires the prior submission of a car park management plan for disabled spaces
 - 24 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 25 Requires the prior submission of a method statement for the removal of invasive weeds
 - 26 Requires the prior submission of a construction ecological mitigation plan
 - 27 The development shall be undertaken and maintained in accordance with the
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submitted Arboricultural Impact Assessment (Ref: JKK8887.)

- 28 Requires the prior submission of a commercial travel plan
 - 29 Requires development to be carried out in accordance with the Flood Risk Assessment
 - 30 Flood Warning and Evacuation Plan
 - 31 The development hereby permitted shall not be commenced until such time as a flood management scheme to provide a suitable engineered flood wall on the northern boundary of the site and floodplain compensation within the car park has been submitted to, and approved in writing by, the local planning authority.
 - 32 Requires the prior submission of details of a delivery vehicle management scheme
 - 33 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 34 Limits the approval to 3 years (Full)
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Case Officer: Alison Powell

Photo(s)



View of site from Cartland Road, adjacent to junction with Pershore Road



View of rear of site from Cartland Road beyond pumping station

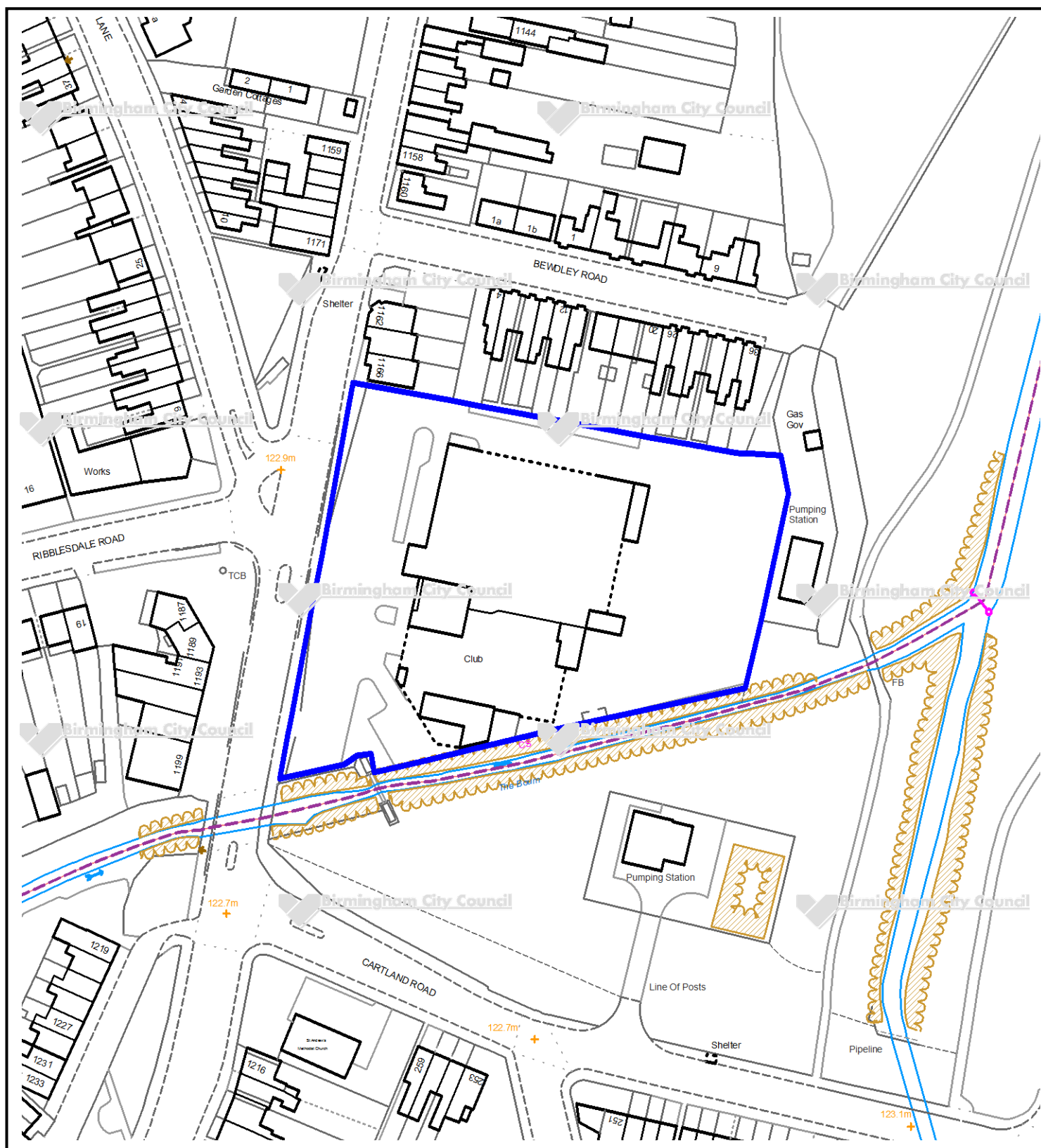


View of Pershore Road from front of site



Existing building

Location Plan



Committee Date:	22/12/2016	Application Number:	2016/06603/PA
Accepted:	13/09/2016	Application Type:	Full Planning
Target Date:	13/01/2017		
Ward:	Hall Green		

B A P S Shri Swaminarayan Mandir, 75 Pitmaston Road, Hall Green, Birmingham, B28 9PP

Demolition of existing buildings and erection of new single storey and two storey temple/community building (Use class D1) with associated car parking spaces, landscaping and boundary treatment to Pitmaston Road

Applicant:	Nilkanth Estates 105-119 Brentfield Road, London, NW10 8LD
Agent:	Studio D5 & Design Group 3 13 Grosvenor Gardens, London, SW1W 0BD

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal is for the demolition of the existing Hindu temple/community centre buildings at Pitmaston Road and their replacement with a new single and two storey Hindu temple/community centre building (Use Class D1). The total gross external floorspace of the existing buildings to be demolished is 2410sqm. The total gross external floorspace provided by the proposed building would be 3590sqm (2535sqm on the ground floor, 909sqm on the first floor, and 145sqm within the basement). The proposed building would occupy 38% of the site coverage, with the remainder of the site occupied by hardstanding, mainly for the provision of 97 car parking spaces, and soft landscaped areas (totalling 1065sqm).
- 1.2. The proposed building would have a similar siting as the existing buildings to be demolished i.e. oriented east-west across the site. The proposed building would be set back from Pitmaston Road by 35m. The existing car parking area would be retained on the northern part of the site, and a smaller car parking area and landscaped area created on the western part of the site fronting Pitmaston Road. The existing vehicular access into the site off Pitmaston Road would be retained and widened to allow two way traffic, with a new separate pedestrian access created off Pitmaston Road.
- 1.3. The proposed building would measure a maximum length of 75m, a maximum width of 48m, a maximum height to eaves of 8.6m, and a maximum height to roof ridge of 10.7m. The top of the decorative tower would measure 13.1m above ground level. The proposed building would comprise of a series of separate spaces/functions connected by a strong east-west primary circulation spine, with a courtyard located towards the centre. There would be three entrances into the building – two on the north elevation and one on the west elevation.

1.4. The proposed building would accommodate the following main uses:

- **Main Hall** - Located at ground floor in centre of building - Double height space and stage – Used for holding sermons, educational and cultural activities - Maximum seated occupancy of 684 people
- **Temple** – Located at ground floor at western end of building - Double height prayer space with a shrine, where people come individually to pray for short periods of time - Maximum occupancy of 110 people on floor
- **Courtyard** – Located between Temple and Main Hall – Contemplative landscaped space also used to accommodate occasional overspill from Temple
- **Dining Hall** – Located at ground floor at eastern end of building – Dining space can be partitioned off into male and female halls – Maximum seated occupancy of 187 people
- **Kitchen** – Located at ground floor at eastern end of building
- **8 Classrooms** - Located at first floor to north of Main Hall - Maximum seated occupancy of 187 people
- **Living Quarters for Priest** – Located at ground floor to rear of Temple – Comprises of bedroom, kitchen/lounge/diner and bathroom
- **Accommodation for Visiting Priests/Guests** – Located at first floor to west of Main Hall – Comprising of en-suite bedroom, living/kitchenette space and bathroom
- **Plant Room** – Located in basement at centre of site
- **Toilets / circulation / lobby space**

1.5. The existing Temple has a floor area of 136sqm, the proposed Temple would have a floor area of 165sqm.

1.6. The existing Main Hall, which is used for holding sermons, educational and cultural activities, has a floor area of 166sqm and cannot currently accommodate all of the congregation, which overflows into other areas of the building. The proposed main hall would measure 488sqm.

1.7. The total worship/instruction space of the existing building is 1,475sqm and the total worship/instruction space of the proposed building would be 1,480sqm.

1.8. On a Sunday, typically the busiest day of the week, devotees arrive at the building, remove their shoes and then go into the Temple to pray individually. Following this, the devotees are split into age groups and use different rooms (main hall, activity rooms, classrooms and the dining hall) for instruction and further worship. Finally the devotees eat in the dining rooms, again this is undertaken by age group and devotees have to sit on the floor due to constraints on space. The typical peak period for the Temple occurs on a Sunday when the weekly assembly is held. A maximum of 250 devotees can be in attendance at this time. However, arrival and departures are spread between 9am and 2pm, with the main congregation service around 11am. Once a year when Diwali is celebrated, attendance throughout the day is increased (circa 1,900 people attended in 2013) drawn from the normal Sunday worshippers who live more locally and devotees from other areas in the West Midlands. The number of devotees in attendance is staggered throughout the day (in 2013 there was a maximum of just under 300 devotees on site in any one hour) with devotees attending one of the 30 minute services held every hour on the hour, each service being exactly the same.

- 1.9. A key feature of the proposal is the expanded Main Hall space. Although bigger than the existing, the Applicant has explained that this room would rarely be used at full size (maximum seated occupancy of 684 people) and the Hall would be divided into four instruction/worship rooms by movable partition walls. The Applicant has confirmed that the new Hall space would only be opened up at Diwali and the number of seats shown on the layouts is purely illustrative to demonstrate the total capacity of the space.
- 1.10. The proposed building would be constructed of white facing brickwork, and for the most part would be flat roofed - with the exception of pitched roofs, constructed of standing seam metal, over the Main Hall and Temple. The former pitched roof would accommodate six large rooflights. Decorative pre-cast concrete coping would be incorporated around roof edges on the north and west elevations of the building. An ornate arched covered walkway, comprising of a steel frame on to which is fixed concrete pillars, arches and artwork, would wrap around the building's north and west elevations. Two ornate domed sections of the walkway would project out to signify building entrances on the north and west elevations respectively. The domes would be constructed of concrete with integrated artwork. Nine smaller domes/chattri would be positioned on the roof of the walkway. A decorative tower constructed of concrete fixed on to a lightweight internal structural frame would be sited above the Temple foyer. Windows would have dark grey aluminium composite frames, with those positioned on the north and west elevations of the proposed building incorporating sculpted decorative concrete surrounds. External doors would be of timber.
- 1.11. The proposal would provide a total of 97 car parking spaces, 8 of which would be disabled parking spaces. 88 of these car parking spaces would be located in the main car parking area to the north of the proposed building, and 9 of these spaces would be located to the west of the proposed building.
- 1.12. The Applicant has explained that the proposal does not seek to expand the existing levels of worship or increase numbers of devotees.
- 1.13. A Transport Statement, Design and Access Statement, Noise Report, Planning Statement and Sustainable Drainage Assessment/Sustainable Drainage Operation and Maintenance Plan have been submitted in support of the application.
- 1.14. The site area is 0.78ha in size.
- 1.15. The proposed development would not attract a CIL contribution
- 1.16. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of an existing Hindu temple/community centre and its car park. The site and surroundings are generally level. The existing brick buildings, of Inter-War origin, originally formed part of Robin Hood Junior and Infant School (now Robin Hood Academy) and have, since 2002, been used by the Applicant. The existing buildings comprise of a single storey wing fronting Pitmaston Road (also still physically linked to the School) and then extending east-west and linking with a single storey and two storey quadrangle building in the centre of the site. There is a further single storey detached storage outbuilding located in the

north east corner of the site. The northern half of the site accommodates a hard surfaced car parking area.

- 2.2. There is a single vehicular access into/out of the site off Pitmaston Road, adjacent to No. 77 Pitmaston Road and leading to the existing hard surfaced car parking area.
- 2.3. The site is located in a predominantly residential area. Immediately adjoining the site to the north are the rear gardens of houses fronting Pitmaston Road and Arkley Grove. Immediately adjoining the site to the east are the rear gardens of houses fronting Mapleton Road. Immediately adjoining the site to south is Robin Hood Academy. Located opposite the site to the west are houses fronting Pitmaston Road.
- 2.4. The western site boundary to Pitmaston Road is defined by metal railings, the northern boundary to the site is defined by timber close boarded fencing to rear gardens, the eastern boundary of the site comprises of brick wall and metal fence with heights varying from 2.6m to 3m, and the southern boundary of the site comprises of high metal fencing to the School site.

2.5. [Site Location Map](#)

3. [Planning History](#)

- 3.1. There is no relevant planning history relating to the temple/community use on the site, all previous applications relate to the former School use.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objection – Subject to conditions requiring details of widened footway crossing and cycle storage
- 4.2. Regulatory Services – No objection – Subject to conditions requiring details of extraction/odour control, restriction on noise levels for plant and machinery, restriction of hours of use to between 0700-2100 hours, and requiring provision of vehicle charging point.
- 4.3. West Midlands Police – No objection
- 4.4. Severn Trent Water – No objection – Subject to condition requiring details of drainage to be submitted
- 4.5. Lead Local Flood Authority – No objection – Subject to conditions requiring submission of a revised Sustainable Drainage Assessment and a revised Sustainable Drainage Operation and Maintenance Plan
- 4.6. Environment Agency – No objection
- 4.7. Local residents, Ward Councillors, Robin Hood Academy, M.P., and Residents Associations notified. Advertised by press and site notice – Three letters of objection received from local residents raising the following concerns:
 - Loss of light
 - Loss of privacy from overlooking

- Additional traffic generation. Already currently difficulties on Pitmaston Rd due to schools and buses
- Additional noise and disturbance
- Construction noise and disturbance
- Odours from development
- Disruption to the school and children that attend

One letter of support, raising the following points:

- Development is making more of space and yet not enlarging footprint of building
- Use has been in this location for many years and is integral part of community
- Parking issues have been addressed.

One letter of general comment received from Robin Hood Academy explaining that they do not object to the application but seek amendments to reduce the scale and number of towers, increase screening of the boundary fence with School site through landscaping to protect privacy and safety of children, and deal with overlooking issues into School playground from first floor windows serving Priest's living accommodation. They also note the proximity of the new buildings to surrounding neighbours, in terms of scale, may be an issue.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham UDP
- Pre-Submission Birmingham Development Plan
- Places for All SPG
- Places of Worship SPD
- Car Parking Guidelines SPD

5.2. The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

6.1. The National Planning Policy Framework (NPPF) confirms that there is a presumption in favour of sustainable development (Para. 14). Paragraph 17 of the NPPF sets out the 12 'core planning principles' that should underpin decision making. The final such 'principle' states that planning should *"take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs."*

6.2. The Applicant has been operating at Pitmaston Road within the old School buildings for almost 14 years. In that time the Community has matured and grown, whilst the School buildings have deteriorated, are inefficient, and need constant maintenance just to keep them in a useable state. A series of modifications and renovations have been undertaken to meet these challenges. However, the Applicant has explained that the needs and numbers of the Community have now outgrown the limited facilities of the existing School buildings and a replacement facility on the same site would be the ideal solution to overcome these issues. They also confirm that with the existing buildings there is insufficient space and no flexibility to allow multi-functional use of the space e.g. there is no outdoor landscaped area or defined play

space for children. Other factors include that the current building is not best suited for older people, children and young people and people with disabilities and special needs.

- 6.3. The Applicant first decided to undertake the scheme for a new temple/community centre circa 2008, and since then has undertaken consultation with the Community itself and with the Local Planning Authority, with fundraising for the scheme starting during the recession years. The Applicant invited local residents to a Neighbour's Appreciation Day in August 2015, where the scheme was displayed on notice boards for viewing. The Applicant has explained that in 2014 there was a real focus and enthusiasm to realise this scheme, and various organisations, community people, leaders and Councillors were consulted on the scheme. Discussions and meetings with Robin Hood Academy over the scheme have been held over many years.
- 6.4. The 'Proposals' section above describes the existing and proposed sizes of temple, main hall, and overall worship/instruction space, and how the existing and proposed buildings function/would function, including approximate numbers of visitors. This information is taken into account as consultees and I have assessed the proposal on matters such as noise and residential amenity, and traffic and parking.

Use / Location

- 6.5. One of the core planning policies set out in the NPPF is that planning should *"take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs."*
- 6.6. Although there are no specific policies relating to the proposed use within the Pre-Submission BDP, Policy TP24 relating to tourism and tourist facilities explains: *"Proposals which reinforce and promote Birmingham's role as a centre for tourism, culture and events and as a key destination for business tourism will be supported...This provision will not just be focused on major sporting, business tourism and visitor attractions but also on protecting and promoting the City's strong industrial heritage and the smaller scale venues and attractions that are an important part of creating a diverse offer."*
- 6.7. Paragraphs 8.31-8.35 of the Birmingham UDP set out guidelines for assessing applications for places of worship. This policy guidance was updated by the Council's 2011 Places of Worship Supplementary Planning Document (SPD)
- 6.8. Paragraph 4.1 of Places of Worship SPD explains that *"Faith groups are a significant contributor to society, and it should be recognised that many of the current faith based facilities go beyond just being a place of worship. In fact, the place of worship acts as a support for its users and the wider community by catering for additional activities such as employment training, education and marriage counselling, as well as other initiatives that are of direct benefit to the community at large."*
- 6.9. Paragraph 5.2.2 of Places of Worship SPD sets out guidelines for assessing the suitability of a location of a place of worship. It states *"if suitable sites cannot be found within designated centres then a site within easy walking distance of a centre, and on the fringe of residential areas, should be identified."* Paragraph 5.2.3 of the SPD goes on to explain that *"As a general rule, because of the likelihood of adverse*

impact from noise disturbance and traffic problems, predominantly residential areas are not suitable for places of worship if they attract large numbers of people.”

- 6.10. The above policies within the SPD are more tailored to assessing the impact of new places of worship on sites, as opposed to the redevelopment of sites where there is already an established place of worship, as is the case in this instance where the temple/community centre has been operating from the site at Pitmaston Road for the past 14 years. Given there is an established place of worship on this site I consider the principle of retaining this use on the site, albeit arguably not in an ideal location within a residential area, would be acceptable.
- 6.11. Paragraph 5.2.5 sets out criteria for the location of places of worship with a ‘city wide need’. Of relevance it states that:
- The place of worship is likely to include a variety of other community uses and should be sited on a main arterial route near other city-wide and town centre activities.
 - The site must be accessible by public transport.
 - Low quality industrial sites may be considered if this does not impact on the City’s supply of industrial land/employment sites. Core employment land will be protected.
 - Car parking provision should be provided based on the guidelines set out in Paragraph 5.6.2 (i.e. 1 space per 4.5sqm worship space).
- 6.12. The site is not located on a main arterial route but is located within a five minute walk of other City wide and town centre activities at Robin Hood, Hall Green Neighbourhood Centre. The site is accessible by public transport, being served by the No. 31 bus which runs along Pitmaston Road and connects the site to Birmingham City Centre, Solihull and Robin Hood Neighbourhood Centre. There is a bus stop located immediately outside the site on Pitmaston Road, and frequent buses on nearby Stratford Road. The site is not an industrial site, and car parking provision shall be discussed later in this report.
- 6.13. I consider the application site provides an appropriate location for the retained temple/community use, largely complying with the location policies set out above in the Places of Worship SPD, subject to further consideration in respect of: the siting, scale and appearance of the proposed development; traffic and parking; noise; drainage; and the impact on neighbouring amenity.

Siting, Scale and Appearance

- 6.14. Chapter 7 of the NPPF focuses on good design as a key element of sustainable development. Paragraph 56 states *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 6.15. Paragraphs 3.14D-E of the Birmingham UDP advises that new development should be designed in accordance with good urban design principles. The Council’s Places for All SPG provides more detailed design guidance. Policy PG3 of the Pre-Submission BDP also confirms the importance of place making. Paragraph 5.5.5 of the SPD explains that *“Extensions and alterations to existing buildings should respect the local character of the building and its surroundings.”*

- 6.16. The Council's City Design Officer originally raised some concerns regarding: the scale, height and massing of the proposed building; the tension between the need for a landmark building and the need to respect the suburban character and grain; the relationship of the proposed building to Pitmaston Road and the remainder of the School building to be retained; the nature and quality of the architecture visible from the public realm; the integrity of the decorative elements within the overall structure of the building; and the use and quality of the outdoor space/courtyard.
- 6.17. The Applicant has adjusted the scheme in accordance with the concerns raised by the Council's City Design Officer and amended plans have been submitted which amongst other things: reduce the gross external area of the proposed building by 218sqm (making for a smaller sized Temple); replace parking bays with soft landscaping immediately in front of the boundary to Pitmaston Road; extend the walkway further and increase articulation along the west elevation of the proposed building; reduce parapet heights to the Temple, Main Hall and classrooms; increase the size of the courtyard; reduce the height of clerestorey rooflights to the Main Hall; and reduce the number of towers on the roof from three to one -relocating the single tower to the front of the Temple. The Council's City Design Officer has raised no objection to the proposal and is satisfied that the amendments to the scheme overcome previous concerns.
- 6.18. The proposed building would have its primary elevation facing north on to the existing car park, and would therefore admittedly be somewhat at odds with the existing urban grain where properties front on to the street. However, it would successfully turn the corner on to Pitmaston Road and continue to have an active frontage facing the street, with its pedestrian entrance on this elevation. I consider there is justification for the proposed building being oriented in this manner given it would: make best use of the shape of the site in creating a building that has a strong east-west circulation spine/axis that links all the building functions in a systematic, cohesive manner; utilise a similar footprint to the existing building; utilise the existing vehicular access and parking area; and minimise its visual impact on the residential properties adjoining to the north and east of the site. The rationale for setting back the proposed building from Pitmaston Road, and behind the retained School building, is to allow for a landscaped setting for the building in keeping with the private, contemplative nature of the Temple element, and for the proposed building not to compete architecturally with the retained School building allow both buildings space to breathe.
- 6.19. The proposed building form would comprise of a series of masses at various heights in keeping with the functions of the different spaces. The double height of the Assembly Hall and Temple signify, in a legible manner, that these are the two most important functional spaces within the proposed building. These two storey elements would generally reflect the height of existing two storey buildings in the vicinity and I am satisfied that the proposed development would be in keeping with the streetscene along Pitmaston Road in terms of its massing and scale.
- 6.20. The north and west elevations of the proposed building are the two most important elevations, being visible from the public realm, and as such are required to have active and attractive frontages. I am satisfied that there would be sufficient interest and articulation to these facades, with the ornate arched walkway and domed elements wrapping around these elevations, and the two main building entrances being located on these elevations respectively (with domed arches projecting forward and appearing visually striking and ornate, as well as legible as the building entrances).

- 6.21. As noted earlier there is a tension between the need for a landmark building and the need to respect the suburban character and grain. I consider that the proposed building manages to balance this tension appropriately in that the decorative tower, ornate artwork and domed elements creates a building that would arguably be a local landmark, but is still of a scale and mass that sits comfortably in relation to its neighbours and suburban location. The proposed front boundary treatment to the site, comprising of a red brick boundary wall, would reflect the local vernacular.
- 6.22. I consider the proposed material palette of a light, white/sand colour facing brick, with banding, together with the traditional Hindu domes, columns, doors and window surrounds, would create a building aesthetic which manages to balance both the traditional and modern, and which also creates sufficient articulation and interest. I recommend attaching conditions to any consent to ensure that the decorative and artistic façade elements are fully realised.
- 6.23. Whilst accepting that the existing Inter-War buildings on the site (other than the detached outbuilding in the car park) have some architectural merit, I consider their architectural value is more fully realised as a grouping, in combination with the existing Inter-War School buildings, rather than being of individual architectural merit. The existing building fronting on to Pitmaston Road, which is shared by both the Applicant and the School, has a symmetrical composition comprising of a two storey central element (occupied by the School) with single storey elements on either side (the northern element occupied by the Applicant and the southern element occupied by the School). The proposed demolition of the northern single storey element, which is under the Applicant's ownership, would affect the symmetry of the resulting retained building. However, I consider this needs to be balanced against the other positive benefits of the proposed development, the understandable aspirations of the Applicant to have their own building, and the fact that the more architecturally attractive two storey centrally located element of the building occupied by the School would be retained.

Traffic and Parking

- 6.24. Paragraph 32 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.25. Paragraph 6.39 of the Birmingham UDP continues that matters such as environmental impact, safety, access control, pedestrian and cyclist needs and the function of the road will be key factors in determining planning applications for all roads that do not form part of the Strategic Highway Network.
- 6.26. Policy TP43 of the Pre-Submission BDP is concerned with traffic and congestion management. It states that the efficient, effective and safe use of the existing transport network will be promoted through a series of measures including targeted construction of new accesses to provide access to development/redevelopment sites, and ensuring that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.27. Policy TP44 of the Pre-Submission BDP explains that major developments should aim to provide an appropriate level of public transport provision to main public transport interchanges at the most relevant times of day, associated public transport stop(s), with shelters and seating, within 80m of the main focal point(s) for the location, real time information as appropriate, good cycle access with cycle storage, and good pedestrian access.

- 6.28. Both the Council's Car Parking Guidelines SPD and Places of Worship SPD recommends a maximum of 1 space per 4.5sqm for 'wider need' places of worship uses. This equates to a maximum of 144 spaces for the proposed development (taking the combined total floor area of the Temple and Main Hall). The proposal would comply with these SPDs, providing a total of 97 spaces on the site.
- 6.29. There are currently shown to be 121 parking spaces within the site, although 11 of these spaces, to the rear of the existing building, are not particularly practical. The proposed development would provide 97 spaces in a workable layout, including 8 spaces suitable for disabled use. The access to the car park would be improved, extending the footway crossing to allow for a two way vehicular flow, along with providing a separate pedestrian access. Beyond the site, parking on-street is largely unrestricted and regular buses serve this location throughout the day.
- 6.30. The submitted Transport Assessment includes parking surveys of the site to assess the existing levels of parking demand associated with the use. Surveys include Sundays, typically being the busiest day, along with observations of a festival day and Diwali which occurs once a year, when attendees are at the maximum level. The Transport Assessment explains that the maximum parking level on standard Sundays was observed at 40 spaces, 77 on the festival day and during Diwali the maximum demand of 113 cars was noted. There is a longstanding arrangement with the adjacent School that their car park can be used for overspill parking on special occasions when attendee numbers are increased and this arrangement would continue, as confirmed in a letter from the School submitted with this application (in return the School would continue to use the temple/community centre car park for overspill parking on occasions).
- 6.31. Transportation Development have raised no objection to the proposal. They note that the total active worship/instruction space would remain similar following the development i.e. the existing Temple has a floor area of 136sqm and the proposed Temple would have a floor area of 165sqm, the total worship/instruction space of the existing building is 1475sqm and the total worship/instruction space of the proposed building would be 1480sqm. The Applicant has explained that the proposal does not seek to expand from existing levels of worship or increase numbers of devotees. Transportation Development note that the layout of the site would be improved by allowing two way movements at the access and providing parking spaces which are all workable. They are satisfied that the survey work undertaken as part of the Transport Assessment has sufficiently demonstrated that the level of parking provided within the site would be sufficient to accommodate demand for the vast majority of time. The only exception to this would be during Diwali, where the maximum demand observed was 113, being 16 more than the new capacity. However, with the arrangement at the adjacent School for overspill parking to take place on these busy days, they have raised no concerns in terms of highway impact.
- 6.32. I concur with Transportation Development that because there would be no anticipated increase in demand for the proposed use and little in the way of additional worship floor area, there are no reasons to believe that there would be a material increase in parking demand and traffic associated with the proposed development. With the proposed widening of the vehicular access, traffic should flow easier rather than worsen. The framework travel plan provided within the Transport Assessment is noted, within which a commitment is stated to encourage car sharing and alternative modes of travel to the private car. Transportation Development have recommended that conditions be attached to any consent to

provide details of secure and sheltered cycle storage, and that the footway crossing would be widened to the appropriate City specification.

- 6.33. Regulatory Services have recommended attaching a condition requiring provision of a vehicle charging point. However, I consider this would be overly onerous on the Applicant to provide, particularly given most visits to the proposed temple/community centre would be of a short stay nature.

Noise

- 6.34. Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and that decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 6.35. The Applicant's submitted Noise Report includes a noise survey undertaken at the application site during a five day period in July 2016 (including a Sunday when the site is at its busiest). The exact plant and machinery for the proposed development has not yet been chosen but the Applicant has confirmed that the proposed plant and machinery would not exceed the relevant plant noise limits (which would be LAeq,5min 29 dB during the day, and LAeq,5min 21 dB during the night as recommended in Regulatory Services Technical Guidance Note No. 1 Noise & Vibration) at 1m from the worst affected noise sensitive premises.
- 6.36. The Report explains that any entertainment noise arising from the proposed development would not exceed LAFmax 17 dB at 1m from the worst affected windows of the nearest residential premises (as based on the Technical Guidance Note No.1 Noise & Vibration). The Report goes on to specify the required acoustic performance of the proposed development façade in order to meet the recommended entertainment noise levels, and also provides guidance on the ventilation strategy of the proposed building.
- 6.37. Regulatory Services have raised no objection to the proposed development and I concur that there is unlikely to be a material increase in noise and disturbance to adjoining residential occupiers as a result of the proposed use, when compared to the existing use on the site. Notwithstanding, Regulatory Services have recommended conditions be attached to any consent requiring details to be submitted of extraction/odour control, a restriction on noise levels for plant and machinery, and a restriction of hours of use to between 0700-2100 hours.
- 6.38. I note local residents concerns about potential construction noise and disturbance. However, such construction works whilst potentially being inconvenient for adjoining occupiers, would be for a temporary period only and consent could not be withheld on this basis.

Drainage

- 6.39. Paragraphs 3.71-3.76 of the Birmingham UDP explain that proposals for new development will be expected to take account of any of any effects they might have upon water and drainage. Policy TP6 of the Pre-Submission BDP requires that as part of their Sustainable Drainage Assessment developers should demonstrate that the disposal of surface water from the site will not exacerbate existing flooding and that exceedance flows will be managed. Sustainable Urban Drainage Systems (SuDS) should also be utilised in order to minimise flood risk.

- 6.40. The application site is located within Flood Zone 1. The Environment Agency have raised no objection to the proposal and the site is at least risk of flooding. The Applicant's submitted Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan explain that foul water outfall would be to the existing public sewer. The Lead Local Flood Authority (LLFA) have raised no objection to the proposed development and accept, in principle, the use of the SuDS measures the Applicant is proposing for surface water discharge which include swales around the car park, permeable paving on the site (except for the existing car park), an underground attenuation tank, oil interceptor and flow control device. Notwithstanding, the LLFA recommend attaching conditions to any consent requiring submission of a revised Sustainable Drainage Assessment and a revised Sustainable Drainage Operation and Maintenance Plan to deal with the detailed drainage design.

Impact on Neighbouring Amenity

- 6.41. Both existing and proposed buildings have single storey elements located close to the boundary with residential properties fronting Mapleton Road e.g. the existing building is located 8m from the boundary with these properties, and the proposed building would be located between 3.4m-5.1m from the boundary with these properties. The proposed building would be sited a minimum of 14.7m from the rear elevation of the nearest residential property, No. 42 Mapleton Road. This would comply with the guidance in Places for Living SPG which recommends a minimum separation distance of 12.5m between windowed elevations of existing residential properties and new single and two storey flank walls. Whilst acknowledging that the proposed building would be located closer to the boundary with these residential properties I do not consider that the impact on residential amenity, in terms of outlook from their rear elevations/gardens, would be materially harmed as a result, particularly given the existing boundary treatment in this location comprises of tall triple point fencing with chainlink fencing atop both covered in climbing vegetation.
- 6.42. The two storey element of the existing building is located approximately 50m from the boundary with residential properties on Mapleton Road, and the two storey element of the proposed building (corridor/classrooms) at its nearest point would be located 11m from the boundary with Nos. 44 and 46 Mapleton Road. However, these residential properties are obliquely oriented in respect of the nearest proposed first floor element and I consider the impact on their outlook as a result of the proposal therefore reduced. The remainder of the first floor (main hall) would be located between 15m-18m distant from the boundary with residential properties at Nos. 40 and 42 Mapleton Road. Whilst acknowledging that the proposed first floor would be located much closer to residential properties on Mapleton Road than the existing situation, it would comply with the relevant 10m setback distances and 12.5m flank wall distances recommended in Places for Living SPG and I am satisfied that there would be no material loss of light or outlook to the adjoining residential occupiers of Mapleton Road as a result of the proposed development. I note that only one objection has been received from the adjoining neighbours. Similarly, those residents of Pitmaston Road and Arkley Grove, which also immediately adjoin the site, would not have their amenity harmed as a result of loss of light, outlook or privacy as a result of the proposed development. I recommend attaching a condition to prevent any new windows being installed in the future at first floor on the east elevation of the proposed building to prevent overlooking into the neighbouring Mapleton Road gardens.

- 6.43. Concerns were originally raised by the School in terms of the potential for overlooking from the Priest's first floor living quarters into the School playground. However, amended plans have relocated the Priest's living quarter's to the ground floor at the rear of the Temple. The separation distance to the boundary with the School would exceed the 5m set back distance recommended in the Council's Places for Living SPG. In addition, the Applicant has advised that they will create a landscaped boundary and screen between the site and the School to provide total visual screening of children. I am satisfied that this detail could be resolved through a boundary treatment condition.

7. Conclusion

- 7.1. I consider that the retained temple/community centre use on the site would be the most sustainable option, with the proposed development providing regeneration benefits in the form of construction employment, and improved social, cultural and educational facilities for the Hindu community, many of whom live in south Birmingham. I consider that the siting, scale and appearance of the proposed building would be acceptable, and there would be no adverse material impact on traffic and parking, noise, drainage or the amenity of neighbouring occupiers. The proposal would meet a number of sustainability objectives including re-using a brownfield site, being well served by public transport, and delivering community cultural facilities and services to meet local needs. As such I consider that the proposal would constitute sustainable development and I recommend that planning permission is granted.

8. Recommendation

- 8.1. Approve subject to conditions

-
- | | |
|----|-------------------------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | Requires the prior submission of sample brickwork |
| 4 | Requires details of decorative artwork to be applied to tower, domes, columns and walkway |
| 5 | Requires the prior submission of extraction and odour control details |
| 6 | Limits the noise levels for Plant and Machinery |
| 7 | Limits the opening hours for users of temple and community facilities to 0600-2230 |
| 8 | Requires the prior submission of cycle storage details |
| 9 | Existing footway crossing to be widened |
| 10 | Requires the prior submission of a revised sustainable drainage scheme |
| 11 | Requires the prior submission of a revised Sustainable Drainage Operation and |
-

Maintenance Plan

- 12 Requires the prior submission of hard and/or soft landscape details
 - 13 Requires the prior submission of boundary treatment details
 - 14 Requires the prior submission of a lighting scheme
 - 15 Removes PD rights for new windows to be inserted at first floor in east elevation
 - 16 Requires the first floor window in the east elevation to be obscurely glazed
 - 17 Limits the approval to 3 years (Full)
-

Case Officer: Andrew Conroy

Photo(s)

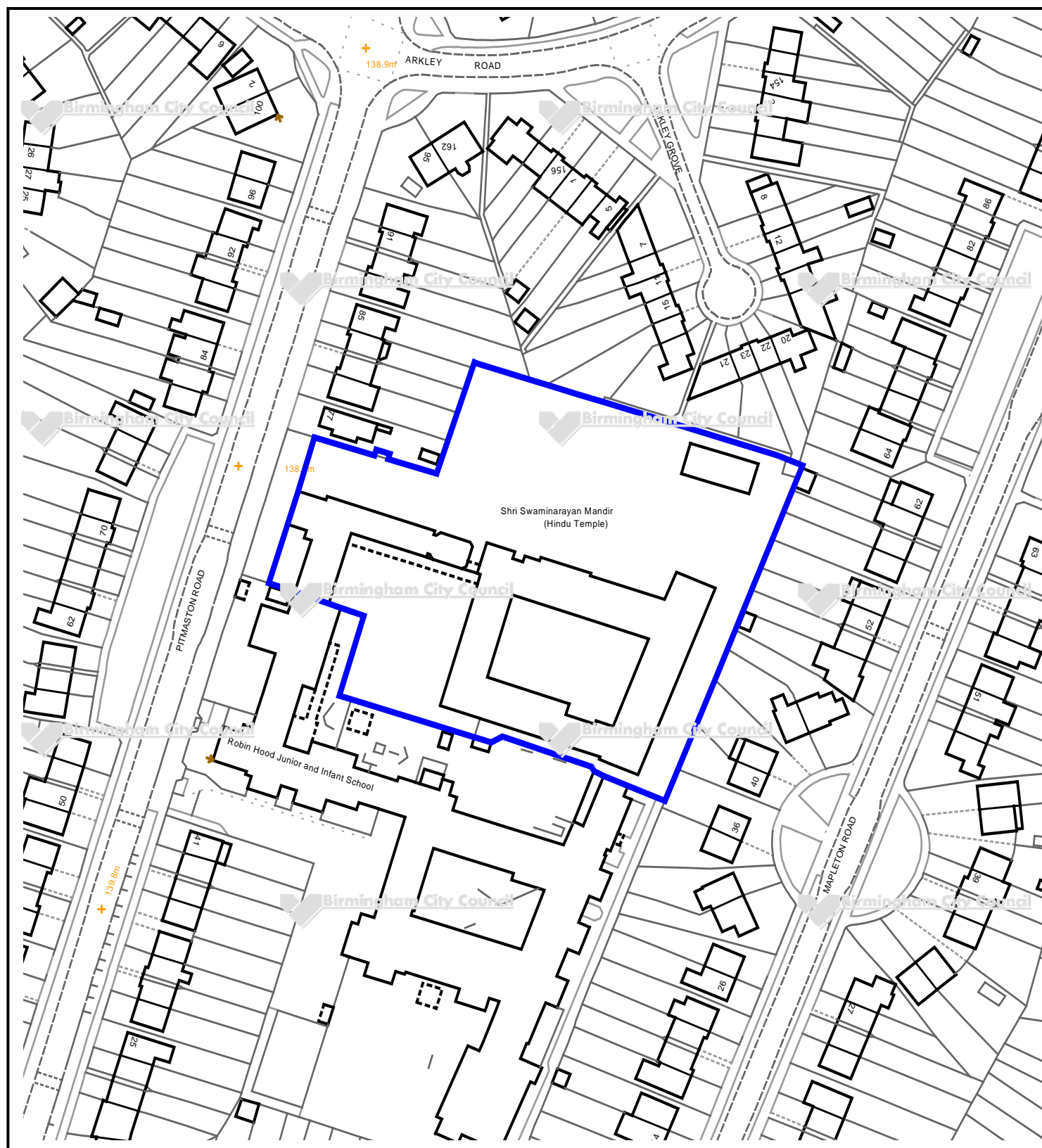


Figure 1 – North elevation as viewed from vehicular entrance into site



Figure 2 – Front (west) elevation with boundary to School

Location Plan



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Accepted:	08/11/2016	Application Type:	Full Planning
Target Date:	03/01/2017		
Ward:	Bournville		

10 Bournville Lane, Bournville, Birmingham, B30 2JT

Erection of two storey side extension to form enclosed staircase and entrance to new residential dwelling and erection of first floor side extension

Applicant: Calibre Security Systems
1a Cherington Road, Selly Oak, Birmingham, B29 7ST
Agent: Integrated Designs & Associates Limited
38 Old Walsall Road, Great Barr, Birmingham, B42 1NP

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is for the erection of a two storey extension and first floor extension to the side and rear of 10 Bournville Lane, Stirchley. One extension would form an enclosed staircase and create separate accesses to a first floor flat, and the second would provide a new building small office area in connection with the ground floor commercial use.
- 1.2. The staircase extension proposed would consist of a two storey element to the side being 1.2m wide, 7.3m in depth and 7.4m high. The other extension (the new office room) would be at first floor level and sit on top of an existing single storey extension. It would be to the same depth as the existing first floor wing (approx. 4.1m) and would have a maximum width of 3m extending off the side of the wing up to the east boundary. It would be 4.2m high (7.4m in total) with a pitched roof and would be constructed with materials to match the existing building. Internally it would provide an office area for the ground floor commercial use.
- 1.3. An existing metal external staircase to the rear of the sire would be removed.
- 1.4. This is a revised scheme from one previously refused and dismissed at appeal (ref: 2016/00028/PA). The previous application proposed a deeper first floor extension and members considered that it would have caused unacceptable overshadowing, loss of light, and loss of outlook to surrounding residential properties. This new application is submitted to try and overcome these matters.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is 10 Bournville Lane, Stirchley. This is a two storey end terrace property with roofspace accommodation, with a two storey wing at the rear.
- 2.2. The property is currently vacant, however was previously in use as a tailors (use class A1) on the ground floor, with a flat on the first and second floors. The construction of a recently approved single storey extension has been completed.
- 2.3. The site is within Stirchley Local Centre, however outside the Primary Shopping Area. Other uses in the area include the Grade II Listed Bournville Lane Baths, which has been refurbished into a community facility and Stirchley Library; also Grade II listed neighbouring the application site. Adjoining the application site at number 12 is a residential property; however there are further commercial uses at no.16 (Fish and Chip shop) and no.18 (Fire Extinguishers Sales and Service). Adjoining the site to the north is a residential property, at 4 Bond Street.

[Location map](#)

3. Planning History

- 3.1. 19/07/1991 – 1991/02517/PA Alterations to living accommodation over shop to provide separate access and new shower room and kitchen. Approved subject to conditions.
- 3.2. 15/07/2015 – 2014/05249/PA Prior Approval for change of use from Retail (Use Class A1) to Residential (Use Class C3) with associated operational development. No prior approval required.
- 3.3. 07/05/2015 - 2015/01522/PA Display of 2no internally illuminated fascia signs and 1no internally illuminated projecting sign. Part approved/Part refused.
- 3.4. 13/05/2015 – 2015/01389/PA Erection of single storey rear extension; change of use at first and second floor from residential (Use Class C3) to offices (Use Class B1) and installation of a replacement shop front. Approved subject to conditions.
- 3.5. 11/11/2015 – 2015/07605/PA Erection of first floor rear extension and new access staircase. Withdrawn.
- 3.6. 15/04/2016 -2016/00028/PA Erection of part two storey, part first floor extension and new external access staircase. Refused: position and size would cause unacceptable loss of amenity for adjacent residential properties due to overshadowing, loss of light and loss of outlook. Appeal dismissed 24th August 2016.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection.
- 4.2. Regulatory Services – No comments received.
- 4.3. Letters of notification have been sent to surrounding occupiers, local residents associations Bournville Ward Councillors and Planning Committee members from the Selly Oak Constituency. A site and press notice have been posted.

4.4. One letter of objection has been received from a neighbouring occupier, stating the following.

- The Inspector on the previous application noted the gap between the property and library “creates a feeling of openness and introduces shafts of light through to kitchen and gardens from a southerly direction”. This is material to the consideration of this revised application. The proposed extension would infill this gap and therefore would still have a significantly detrimental impact on residential amenity.

4.5. One further letter from a neighbouring occupier seeks clarification of the height of the extension.

5. Policy Context

5.1. The following national policy is relevant.

- The National Planning Policy Framework (2012)

5.2. The following local policy is relevant.

- The Birmingham Unitary Development Plan (2005)
- Draft Birmingham Development Plan (2013)
- SPD: Shopping and Local Centres (2012)
- SPG: Stirchley Framework (1994)
- Draft Stirchley Supplementary Planning Document.
- SPG: 45 Degree Code

6. Planning Considerations

6.1. Policy 3.8 of the UDP recognises the need to protect and enhance what is good in the city's environment and improve what is less good. Policy 3.10 states proposals which would have an adverse impact on the quality of the environment will not normally be allowed. Policy PG3 of the Birmingham Development Plan, states all new development will be expected to be designed to the highest possible standards, noting it should reinforce or create a positive sense of place.

6.2. The main issue therefore is the impact of the new extensions and works on the visual and residential amenities of the surrounding area and occupiers and any highway implications. In addition the impact on the setting of the adjacent listed building needs to be considered.

6.3. This is a resubmission of a previously refused application. The revised plans address the previous reasons for refusal, with the first floor extension now being no closer to the residential properties at the rear than the existing first floor wing of the application property.

6.4. The reduced length of the extensions has removed a significant amount of built form from the rear. The extension is now set back 5.8m from the boundary of the site to residential neighbours to the north, in line with the existing wing of the property, therefore limiting its overall impact. I note the comment of the Inspector, regarding the gap between the property and library creating a feeling of openness and introducing shafts of light through to kitchen and gardens. The significant reduction of the extension, satisfactorily addresses in my opinion the issue of openness and

daylight. Photograph 4 at the end of my report demonstrates that the proposed extension would not project much above existing buildings and not significantly affect openness and outlook.

- 6.5. With respect to the shaft of light reaching properties to the north, these shafts would be passing between and/or above the gap between no.10 and the library, around the middle of the day. Earlier or later in the day, the buildings fronting Bournville Lane would block the lower sun. Photograph 3 at the end of this report shows the gap between buildings is not very wide. The site plans and Photograph 4 show that sunlight passing through this gap could only land towards the rear (east) of the residents' back gardens. Therefore, I consider development would only block sunlight to a limited part of neighbours' properties, only at certain times of the year, only for a short period around the middle of the day, and only if it is a sunny day. As such, the effect of the extensions upon the 'shafts of light' would, in my opinion, be fleeting, occasional and very limited.
- 6.6. The revised application also removes any built form beyond the existing rear wing and such would have limited impact on outlook and openness on the adjoining residential property at 12 Bournville Lane. I also note that the existing rear staircase would be removed; therefore eliminating any overlooking issues at the rear and the resulting internal accommodation provides a more suitable layout.
- 6.7. Therefore, taking all the above into account, I consider that this revised scheme would not cause significant impact on surrounding residential properties and occupiers in terms of overshadowing and/or loss of light significant, so would not warrant the refusal of the application.
- 6.8. The building would be constructed with a facing brick which would match the existing building. Its size and scale is in proportion with the existing building and is appropriate within the rear yard area and sits comfortably within its context.
- 6.9. The extension would extend to the eastern boundary of the site adjacent to the Grade II listed Stirchley Library. The historical part of the library building itself however does not extend as far back to the site of the proposed extension and therefore it is considered that the extension would not impact on the historical integrity of the listed building. Furthermore, being located to the rear of the site, it is considered that the extension would not have any detrimental impact on the setting of the listed building, a view which is shared by the Council's Conservation Officer.
- 6.10. Transportation Development officer raise no objection to the proposal, noting that the proposed use of the extension raises no significant concern regarding parking provision. It is considered that the site is within a highly sustainable location. Bournville train station is within 250m of the site and there are bus stops within reasonable walking distance. Furthermore, on street parking is available on Bournville Lane and the surrounding area.
- 6.10. Community Infrastructure Levy – This proposal is not liable for a CIL contribution.

7. Conclusion

- 7.1. It is considered that the proposed extension would not have any significant impact on the visual or residential amenities of the surrounding area or occupiers and would not have any negative impact on the integrity and setting of the adjacent listed building. I consider the proposal constitutes sustainable development. It is therefore recommended that the application be approved subject to the attached conditions.

8. Recommendation

8.1. Approve subject to conditions.

-
- | | |
|---|------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires that the materials used match the main building |
| 3 | Removes PD rights for new windows |
| 4 | Limits the approval to 3 years (Full) |
-

Case Officer: James Mead

Photo(s)



Photograph 1: Existing rear of application site



Photograph 2: Boundary between 10 and 12 Bournville Lane

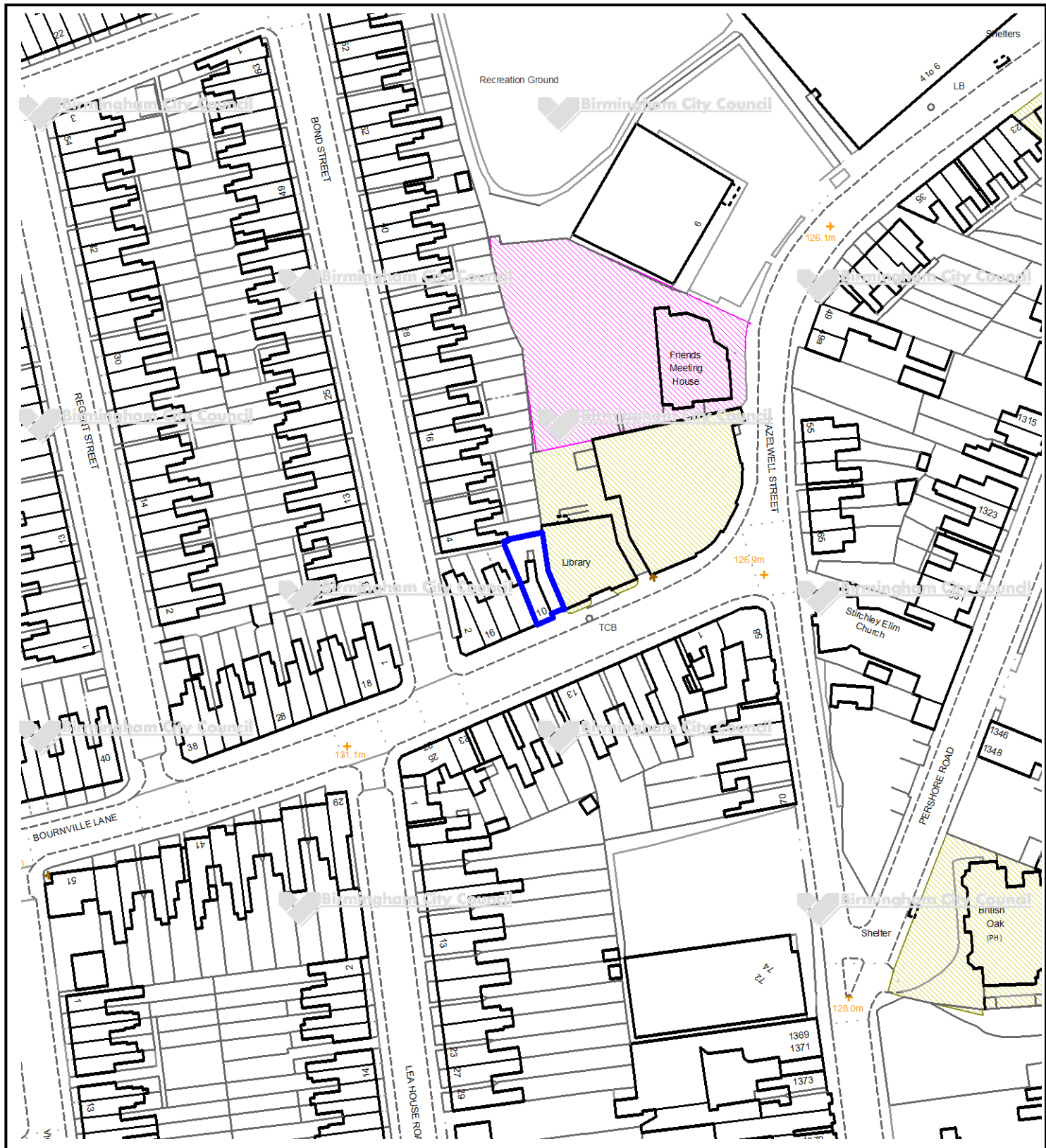


Photograph 3: Front of application site.



Photograph 4: Rear elevation as viewed from No 6 Bond Street

Location Plan



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Birmingham City Council
Planning Committee 22 December 2016

Appeal Decisions Received from the Planning Inspectorate in November
2016

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Enforcement	Land at 80 Clarence Road, Erdington	Material change of use of the property from a single dwellinghouse into two self-contained flats on the ground floor and two non-self-contained bedsits on the first floor. 2012/0806/ENF	Dismissed	Enf	Written Representations
Householder	8 Pickwick Grove, Moseley	Erection of first floor side extension. 2016/03942/PA	Dismissed	Delegated	Written Representations
Advertisement	Land at Loveday Street, St Chads Queensway	Display of 1 internally illuminated digital advertisement display. 2016/03424/PA	Dismissed	Delegated	Written Representations
Other	57 Lee Crescent, Edgbaston	Listed Building Consent for the replacement of two first floor windows with double glazed units. 2016/01251/PA	Dismissed	Delegated	Written Representations
Other	Colston Health Centre, 10 Bath Row	Demolition of existing Health Centre and erection of a 700 place Primary School in a part 5 storey and part 2 storey building with associated external works including a roof top play area. 2015/04556/PA	Allowed (see note1 attached)	Committee	Hearing

Total - 5 Decisions: 4 Dismissed (80%)

Cumulative total from 1 April 2016 - 70 Decisions: 48 Dismissed (69%), 20 Allowed, 2 Part Allowed

Notes relating to appeal decisions received in November 2016

Note 1: (Colston Health Centre, 10 Bath Row)

Application refused because the development would lead to: 1) loss of trees, 2) inadequate on-site car parking, servicing facilities and drop-off and pick-up provision, 3) inadequate provision of on-site facilities for outdoor sport and recreation, 4) an adverse effect on amenities of occupiers of dwellings in the vicinity by reason of noise and general disturbance and 5) the provision of a play area on the roof that would not provide a suitable and safe facility for use by school pupils.

The appeal was recovered by the Secretary of State for determination, who agreed with the Inspector's recommendation to allow the appeal and grant planning permission subject to a list of conditions.

BIRMINGHAM CITY COUNCIL

REPORT OF THE STRATEGIC DIRECTOR OF ECONOMY

PLANNING COMMITTEE

22nd December 2016

WARDS: Hodge Hill, Ladywood, Nechells, Sutton New Hall, Tyburn and Washwood Heath

Provision of Delegated Powers and Consultation Arrangements

in Respect of the High Speed 2 (HS2) (London to West – Midlands) Bill

1. Subject and Brief Summary of Proposals

- 1.1 This report seeks authority to provide delegated powers to the Strategic Director of Economy and establish consultation arrangements for submissions made in accordance with the Bill. These changes would enable decisions on submissions made pursuant to the HS2 Bill to be delegated to individually named officer posts, as detailed in the Appendix.
- 1.2 The powers would not amend or supersede existing powers in respect of other planning applications and notifications.
- 1.3 In addition, Members are requested to endorse the proposed consultation arrangements.
- 1.4 It is important for these specific matters to be addressed to ensure key officers in Planning and Regeneration have the correct authority and that the changes proposed are implemented with immediate effect in order to effectively determine HS2 submissions and comply with the Planning Memorandum that Members have previously seen and endorsed.

2. Recommendations

- 2.1 That the Strategic Director of Economy be authorised to exercise and sub-delegate the delegated powers as detailed in the Appendix.
- 2.2 The Strategic Director of Economy in consultation with the Chairman of Planning Committee be authorised in cases of referral to Planning Committee but where 8 week expiry will arise before the next available meeting of Planning Committee to exercise all of the powers of Planning Committee in respect of High Speed 2 (HS2) (London to West Midlands).
- 2.3 That these additional delegations be referred to the Chief Executive for noting, in accordance with constitutional requirements.
- 2.4 That the proposed approach to public and statutory consultation is agreed and implemented.

3. CONTACT OFFICER

Nicholas Jackson, Principal Planning Officer, Planning and Regeneration
nicholas.jackson@birmingham.gov.uk

4. BACKGROUND

- 4.1 Members will be aware that the Government plans to implement a new high speed rail link connecting Birmingham to London, Manchester and Leeds. This is a major national infrastructure proposal that would be progressed over several years, by two Hybrid Bills through Parliament. Phase One of the network, between London and the West Midlands (including into Birmingham City Centre), will be progressed through the first Hybrid Bill, which was deposited in Parliament on 25th November 2013. Within the city, HS2 Phase One will include a new rail line from Water Orton through Castle Vale, Bromford, and Saltley to a new City Centre station at Curzon Street. Phases Two 2A, between the West Midlands and Crewe (completed 2027), and 2B between Crewe to Manchester (completed 2033) will be progressed through further Hybrid Bills.
- 4.2 The Phase One Bill has now completed the House of Lords Select Committee stage and it is anticipated that Royal Assent will be secured in early 2017.
- 4.3 Further to the previous report to your Committee on the 29th September, the City Council resolved on the 18th October 2016 to sign the Planning Memorandum and become a Qualifying Authority giving a greater level of control over the consents and approvals in relation to such matters as buildings and road vehicle parks; terracing; cuttings; embankments and other earthworks; fences; walls or other barriers; transformers; telecommunication masts; pedestrian access to the railway line; artificial lighting; waste and spoil disposal; and borrow pits. This will therefore include both the new Curzon Station building in the City Centre and the Rolling Stock Maintenance Depot and Network Control Centre at Washwood Heath.
- 4.4 Applications for consent would be pursuant to Schedule 17 of the High Speed Rail (London – West Midlands) Bill. As the submissions for approval would be pursuant to the Hybrid Bill changes to the Delegation Agreement are required in advance of the Bill being enacted and applications being lodged.
- 4.5 As a Qualifying Authority both the City and the Nominated Undertaker (the HS2 contractor) are bound by the requirements of the Planning Memorandum that sets out the administrative arrangements and required conduct in terms of the approval process. This includes the requirement for the Local Planning Authority to deal with applications in an expedient manner and to be sufficiently resourced to do so. The timescale for applications will be 8 weeks and therefore amendments to the delegated powers will be required so that only the most significant/controversial submissions are brought before Planning Committee.
- 4.6 If a Qualifying Authority repeatedly fails to expedite requests for approval or seriously fails to act in accordance with the Planning Memorandum the Secretary of State may order that an authority shall cease to have the powers of a Qualifying Authority.
- 4.7 It is proposed to broadly align the delegated powers with the existing arrangements relating to planning applications.
- 4.8 In summary the arrangements include:

- Member requests to consider a Schedule 17 submission at Planning Committee would need the approval of the Chair of Planning Committee, which is consistent with the existing arrangements for Planning Applications
- The threshold for considering Schedule 17 schemes under delegated powers would be for buildings not exceeding 5,000 sq.m, which is consistent with the existing threshold for major industrial developments
- Where approval is recommended on proposals that attract substantial local public opposition, in the context of the scale of the HS2 proposals, the submission would be required to be determined at Planning Committee
- Where there is a significant objection from an Appropriate Body (the equivalent of a statutory consultee) as set out in Schedule 17, Part 3, 18 (1-5) the submission would be required to be determined at Planning Committee

4.9 The appendix also below sets out the sub delegation arrangements.

4.10 In addition, this report seeks to endorse the proposed approach to consultation on Schedule 17 submissions. The Bill requires that particular organisations (Appropriate Bodies) are consulted where detailed proposals could have certain impacts. These are set out below in the following table:

Request for Approval	Environment Agency	Historic England	Natural England
Plans and Specifications	Where Appropriate	Where Appropriate	Where Appropriate
Lorry Routes	N/A	N/A	N/A
Construction Arrangements	N/A	N/A	Where Appropriate
Site Restoration	N/A	N/A	Where Appropriate
Non-Material Change	N/A	N/A	N/A
Bringing Into Use	Where Appropriate	Where Appropriate	Where Appropriate

Figure 1 - Consultation Requirements with Appropriate Bodies

4.11 These are the only statutory consultations that would be required to take place for Schedule 17 submissions. Any further consultation is a matter for each determining Local Authority to determine. When determining supplementary consultations a balance must be had between ensuring the public, Members and other Departments are kept informed and the relatively tight timescales set out in the Planning Memorandum.

- 4.12 It is therefore recommended that in respect of each Schedule 17 application a site notice(s) is displayed for each application. It is recommended that such notices clearly state the limited areas under which proposals can be considered. These are limited to the following:
- i. That the design or external appearance of the works ought to be modified:
 - a) To preserve the local environment or local amenity,
 - b) To prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area,
 - c) To preserve a site of archaeological interest or nature conservation value; and
 - d) Is reasonably capable of being so modified.
 - ii. That the development ought to, and could reasonably, be carried out elsewhere on land within the Act limits.
- 4.13 For the most significant developments over 5000sq.m (the Washwood Heath Depot and the new HS2 Station) it is proposed to undertake a fuller public consultation exercise akin to a major planning application where letters are sent to individual occupiers within 50m of the site and both site and press notices are displayed.
- 4.14 In addition, it is proposed that Members are consulted on each Schedule 17 application. In addition, those Departments and internal consultees that are relevant to the considerations of each particular application would also be consulted.
- 4.15 In light of operational experience the proposed approach may be subject to changes, with any material amendments brought before Planning Committee for consideration.

5. IMPLICATIONS FOR RESOURCES

- 5.1 As HS2 presents a new burden upon the City a Service Level Agreement is being negotiated that seeks to ensure that the City Council is fully reimbursed for the additional work generated by the consents and approvals process.

6. PUBLIC SECTOR EQUALITY DUTY

- 6.1 No equality analysis has been undertaken as the content of this report is a procedural matter in terms of the City Council's proposed approach to the planning regime to be introduced by the Hybrid Bill. It is noted that the Government is assessing equality issues on the HS2 scheme and line:-

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/484618/CS439A_Final_Routewide_EqIA_Update_web.pdf

7. IMPLICATIONS FOR POLICY PRIORITIES

- 7.1 Amendments to the delegated powers agreement and establishing a consistent approach to consultation could improve performance when determining submissions in relation to HS2, increasing the likelihood that the City's status as a Qualifying Authority is maintained.

- 7.2 The delivery of HS2 will contribute to the Council's regeneration objectives as set out in the Curzon Masterplan, the Smithfield Masterplan and the Birmingham Development Plan.

Delegated Authority to Economy Directorate Officers

It is proposed to delegate the powers detailed below to the holders of the following posts:

Director

Strategic Director, Economy/Chairman of Planning Committee
Strategic Director, Economy

Assistant Director

Assistant Director, Development, Planning and Regeneration
Assistant Director, Regeneration, Planning and Regeneration

Planning and Regeneration

Head of Planning Management
Area Planning and Regeneration Manager
Area Planning Manager
Development Planning Manager

HS2 Decisions

- A) Deal with, issue, review, approve, grant, allocate, refuse and determine all applications and notifications pursuant to Schedule 17 of the High Speed 2 (HS2) (London to West – Midlands) Bill EXCEPT applications or notifications comprising items I – VIII; and
- B) Notwithstanding the provisions of I-VIII set out below, deal with issue, review, approve, grant, allocate, refuse and determine all applications and notifications where the Strategic Director of Economy has authorised a decision, in consultation with the Chairman of Planning Committee, in cases where the 8 week expiry will arise before the next available meeting of Planning Committee.
- I) where a member of the Planning Committee requests at a meeting of the Committee that the application or notification is determined by the Committee, giving the planning grounds in the context of Schedule 17 for such a request, and whether any or all recommendations should be presented to the Planning Committee, with the agreement of the Chairman of the Planning Committee.
- II) that any member of the Council requests that the application or notification be determined by the Planning Committee (such request to be made in writing to the Strategic Director of Economy specifying the planning grounds in the context of Schedule 17 on which the request is made and received by the Strategic Director of Economy within the specified consultation period for the application or notification), with the agreement of the Chairman of the Planning Committee.

III) where there is substantial local public opposition in the context of the scale of High Speed 2 proposals, and where it is proposed to approve the application or notification.

IV) for which there is substantial local public support in the context of the scale of High Speed 2 proposals, but where it is proposed to refuse the application or notification.

V) where the Strategic Director of Economy is informed that a member of the Council or an officer of his/her Department has an interest in the property or land which is the subject of the application or notification.

VI) where there is a significant objection from an Appropriate Body (Natural England, the Environment Agency, or Historic England).

VII) which is likely to have, in the Strategic Director's opinion, a significant impact on the environment or to be particularly controversial or contentious.

VIII) which relate to developments comprising buildings providing in excess of 5000 square metres of floorspace EXCEPT for applications and notifications for construction arrangements, lorry routing, bringing into use, agreeing details reserved by condition, site restoration and any associated application for a non-material change where no significant objections have been received.

[ENDS]