

# **Birmingham City Council**

**Planning Committee**

**20 June 2019**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	9	2019/02396/PA  1185 Bristol Road South Northfield Birmingham B31 2SL  Change of use from shop (Use Class A1) to restaurant (Use Class A3) and installation of extraction flue to rear

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Committee Date:	20/06/2019	Application Number:	2019/02396/PA
Accepted:	26/03/2019	Application Type:	Full Planning
Target Date:	24/06/2019		
Ward:	Northfield		

1185 Bristol Road South, Northfield, Birmingham, B31 2SL

Change of use from shop (Use Class A1) to restaurant (Use Class A3) and installation of extraction flue to rear

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Planning permission is sought for the change of use of the ground floor unit of 1185 Bristol Road South from a shop (Use Class A1) to a restaurant (Use Class A3) and the installation of an extraction system to the rear.
- 1.2. The application site is currently vacant and comprises an empty shop unit, store room, WC and kitchenette. The proposed restaurant would include 33 covers over 3 tables and 5 bar-style seating areas. There would be a reception area on the right hand side when entering the unit, a male/disabled WC, female WC and cloakroom. To the rear of the unit would be a kitchen and cold store. At the rear of the site would be bin and dry stores which could be accessed from the access road to the rear.
- 1.3. An extraction flue is proposed on the roof at the end of the single storey rear wing measuring 1.4m above the roof height.
- 1.4. The proposed opening hours would be 08:00-23:00 Monday to Saturday and 12:00-23:00 Sundays and on Bank Holidays. The use would employ 4 full-time and 2 part-time members of staff.
- 1.5. No off-street parking is proposed.
- 1.6. As background, planning permission was refused in March 2019 for the proposed change of use from shop (Use Class A1) to restaurant (Use Class A3) and hot food take-away (Use Class A5) and installation of extraction system. The single reason for refusal was that the proposal “would exceed the maximum allowance of ten percent for hot food takeaways within this local parade. This would further reduce the availability of A1 retail uses and would lead to a concentration of hot food uses which would adversely affect the vitality and viability of the frontage of which it forms part and would have a negative cumulative effect on the amenity of local occupiers by reasons of excessive noise and disturbance.” This application seeks to overcome the previous reason for refusal by omitting the hot food take-away (Use Class A5) element from the proposals and changing the use of the building to solely restaurant (Use Class A3).
- 1.7. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site relates to the ground floor unit of a mid-terrace property on Bristol Road South. The site is currently vacant but was previously used as a cake shop.
- 2.2. The property has a modest two storey rear wing and a large single storey rear extension. There are sheds and other structures to the rear of the site and a garage style storage area at the very rear of the site which can be accessed from the access road running along the rear of these units. There is a residential flat above the application site, with other flats above neighbouring units within this parade.
- 2.3. The site lies within a parade of 24 commercial units which run between No. 1143 and No. 1193 Bristol Road South. Of these 24 units, 6 no. contain a hot-food takeaway element (Use Class A5), either solely or as part of a restaurant or café use (Use Class A3). 11 units including the application site are shops/retail premises (Use Class A1). There is 1 unit operating as a children's day nursery, 1 no. hand car wash and car repairs business and 5 vacant units.

## 2.4. Site Location Plan

## 3. Planning History

- 3.1. 21109000 - 31/08/1961 - Store House - Approved
- 3.2. 21109001 - 25/07/1963 - Extensions of stores to existing premises - Approved
- 3.3. 21109002 - 29/08/1963 - Removal of unsound first floor bay window - Approved
- 3.4. 21109003 - 26/09/1963 - Extension to shop to form store - Approved
- 3.5. 21109004 - 03/12/1964 - Covering in of open yard - Approved
- 3.6. 21109005 - 17/12/1964 - Erection garage of loading area to shop - Approved
- 3.7. 2018/10395/PA – 01/03/2019 – Change of use from shop (Use Class A1) to restaurant (Use Class A3) and hot food take-away (Use Class A5) and installation of extraction system – Refused for following reason:

“The proposal would conflict with Policy 6 of the Shopping and Local Centres Supplementary Planning Document 2012, saved Paragraphs 8.6 and 8.7 of the Birmingham Unitary Development Plan 2005, the Birmingham Development Plan and the National Planning Policy Framework.

It would exceed the maximum allowance of ten percent for hot food takeaways within this local parade. This would further reduce the availability of A1 retail uses and would lead to a concentration of hot food uses which would adversely affect the vitality and viability of the frontage of which it forms part and would have a negative cumulative effect on the amenity of local occupiers by reasons of excessive noise and disturbance.”

#### 4. Consultation/PP Responses

4.1. Neighbouring residents, local Ward Councillors and residents associations have been consulted and a site notice displayed. Five letters of objection have been received from neighbouring residents on the following grounds:

- Over concentration of food establishments (i.e. takeaways/fast food outlets) in the area including proposed conversion of King George V pub to KFC; no need for another; would contravene BCC policy of 10%.
- Previous takeaways have failed.
- Sustainable businesses that can serve the local community during the day are needed; should be encouraged to sell vegetables and locally sourced produce; getting people to cook would be better than fast food.
- Proposal would contravene National Obesity Forum guidelines for such outlets in close proximity to a school.
- Impact on health, well-being and quality of life of neighbours.
- Extraction flue: its size and the smells it would generate. Existing flues prevent some residents from opening windows.
- Highways and parking concerns for businesses and flats above.
- Since opening of another takeaway nearby there has been anti-social behaviour; noise; criminal damage; littering; drunken customers; vehicle noise and fly tipping. Another takeaway would worsen this.
- Other takeaways operate delivery services using cars and mopeds which are parking on the pavement, grass verges, restricted single and double yellow lines and restricted areas and are noisy. Anti-parking bollards are constantly damaged or removed to create illegal on pavement parking for delivery drivers
- An additional restaurant / takeaway would worsen the existing problems

4.2. Regulatory Services - No objection subject to conditions

4.3. Transportation - No objection

4.4. West Midlands Police - No objection

#### 5. Policy Context

5.1. Relevant Local Planning Policy:

- Birmingham Development Plan (BDP) (2017)
- Birmingham Unitary Development Plan (UDP) Saved Policies (2005)
- Shopping and Local Centres SPD (2012)
- Parking Guidelines SPD (2012)
- Places for Living SPG (2001)

5.2. Relevant National Planning Policy:

- National Planning Policy Framework (2019)

#### 6. Planning Considerations

6.1. The main issues for consideration with this application are the principle of the proposed change of use, amenity impacts, and highway and parking impacts.

6.2. ***The Principle of the Development:***

- 6.3. This application has been assessed against the objectives of the policies as set out above. The Council is required to make a decision in line with the Development Plan, unless material considerations indicate otherwise. (Section 38 (6) PCPA 2004 and Section 70 (2) TCPA 1990). The National Planning Policy Framework (NPPF) is a key material planning consideration. The revised NPPF 2019 relates to sustainable development and Section 2 paragraph 7 advises that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The revised NPPF 2019 recognises that there is an economic, social and environmental objective to ensure new development is in a sustainable location in the longer term.
- 6.4. Section 38 of the NPPF requires that Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 6.5. Policy PG3 of the Birmingham Development Plan (BDP) states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. It states that the design of new development should respond to site conditions and the local area context.
- 6.6. Policy TP21 of the BDP states that proposals for main town centre uses outside a designated Local Centre will not be permitted unless they satisfy the requirements set out in national planning policy.
- 6.7. Paragraph 8.7 of the Birmingham UDP 2005 (Saved Policies) specifically relates to hot food shops, restaurants and cafes and advises that due to amenity issues, such uses should be located in shopping or commercial areas. Account will also be taken of the cumulative impact from similar uses, opening hours and the availability of parking, in addition to the impact that the change of use would have on the vitality and viability of the frontage. Where there is insufficient car parking or likely traffic movements are such as to create a traffic hazard planning consent is likely to be refused.
- 6.8. This planning application attempts to overcome the single reason for refusal identified on previous application 2018/10395/PA, namely that the proposed use of the building as a joint restaurant and hot food takeaway (Use Classes A3 and A5) would lead to an over-concentration of hot food takeaways within this local parade with resulting unacceptable negative impacts. Policy 4 of the 'Shopping and Local Centres SPD', which identifies that no more than 10% of units within the centre or frontage shall consist of hot food takeaways, is not applicable in this instance. This is because the 10% threshold only applies to Class A5 (Hot Food Takeaway) use and not Class A3 (restaurant) use, which is the subject of this application.
- 6.9. The proposed development under consideration removes the Class A5 Use element from the previous application and permission is sought to change the use of the building from Class A1 (Retail) to Class A3 (Restaurant) use only. I have visited the application site and wider local parade and note that there are a number of vacant

units. There is also a good range of Class A1 Uses within the local parade that would remain. I do not consider the change of use from Class A1 to Class A3 of the vacant ground floor unit at 1185 Bristol Road South would undermine the retail offer at this local parade.

- 6.10. Finally, it should be noted that the applicant can change the use of the building from Class A1 to Class A3 for a period of 3 years subject to Prior Approval from the Local Planning Authority under Class C, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This is a realistic and viable fall-back position.
- 6.11. As the site is located within a parade of commercial units, and is already in Class A1 Use, I consider that the principle of commercial development here is acceptable because this is a sustainable location and the proposed use of the site is defined as a main town centre use (as per Policy TP21 of the BDP).
- 6.12. ***Impact on Residential Amenity:***
- 6.13. The closest residential accommodation is situated on the first floor of the application building. Considering the location of the site within a commercial area, and its proposed opening hours, I am of the opinion that there would be no significant detriment to residential amenity. The main noise sources in this instance would be from patrons and from external comings and goings.
- 6.14. Regulatory Services have been consulted on this application. They have raised no objections subject to conditions for extraction and odour control details, noise insulation, hours of operation and noise levels for plant and machinery. As the proposed extraction flue would be located wholly to the rear of the unit and would not be visible from the street scene, I consider it would have an acceptable impact on visual amenity.
- 6.15. Officers consider that all conditions proposed are reasonable and necessary in order to safeguard the amenities of occupiers of the residential properties in the vicinity of the application site. As such, subject to the compliance with these conditions, the proposal is considered acceptable in terms of its impacts upon residential amenity.
- 6.16. In terms of potential crime issues, West Midlands Police raise no objections to the application subject to conditions requiring the installation of CCTV, for the building to be fitted with a security alarm and for the site to be closed to customers by 23:00 hours. Officers consider the proposed conditions to be reasonable to impose, given the nature of the proposed use and the benefits it could have for crime deterrence.
- 6.17. A number of third-party objections were submitted as part of the statutory public consultation period. Concerns in respect to an over-concentration of takeaways / food establishments, issues of noise and odour, as well as potential littering and anti-social behaviour were all raised. Whilst sympathetic to such concerns, Officers consider that the site is a sustainable location for the proposed restaurant (Use Class A3) and that the attachment of suitable conditions to any grant of planning permission would mitigate these concerns.

6.18. ***Highway and Parking Impacts:***

- 6.19. Policy TP38 of the BDP states that “The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported.” One of the criteria listed in order to deliver a sustainable transport network is ensuring that land use planning decisions support and promote sustainable travel. Policy TP44 of BDP is concerned with traffic and congestion management. It seeks to ensure amongst other things that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.20. No off-street parking is provided with the proposal and I acknowledge the concerns raised by neighbouring residents relating to transportation and parking related issues. However, Transportation Development have been consulted on the application and have raised no objection. It is not anticipated the works would result in a notable change to levels of traffic and parking demand at this location, with an A3 (restaurant) use not expected to differ significantly to some consented A1 uses. During evening hours and weekends, when this use would be expected to be busiest, unrestricted on street parking is available. While parking is not permitted during peak weekday hours, unrestricted options can be found within reasonable walking distance, in nearby side roads. Therefore, it is not considered that the proposal would result in any transportation related issues.

7. Conclusion

- 7.1. The proposal has been judged to be acceptable in principle. Whilst it is not located within a centre designated in the Birmingham Development Plan, the site is located within a parade of commercial units and already has an authorised A1 retail use. The principle of some commercial development is considered acceptable.
- 7.2. The proposed use of the site would have similar impacts to those associated with its former uses and the proposal would result in a vacant building being brought back into use. It would provide a suitable destination for the local population and, subject to safeguarding conditions, I am satisfied that there would be no detrimental impact to the amenities of surrounding area or occupiers. As such it is recommended that the proposal is approved, subject to relevant conditions as outlined below.

8. Recommendation

- 8.1. Approve subject to the following conditions.

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|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans                                   |
| 2 | Requires the submission of extraction and odour control details  |
| 3 | Limits the noise levels for Plant and Machinery  |
| 4 | Requires the prior submission of noise insulation (variable)   |
| 5 | Limits the hours of use (Monday - Saturday 08:00 - 23:00 hours, Sundays and Bank Holidays 12:00 - 23:00) |
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- 6 Requires the submission of a CCTV scheme
  - 7 Requires the building to be installed with a security alarm
  - 8 Implement within 3 years (Full)
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Case Officer: Richard Bergmann



## Photo(s)

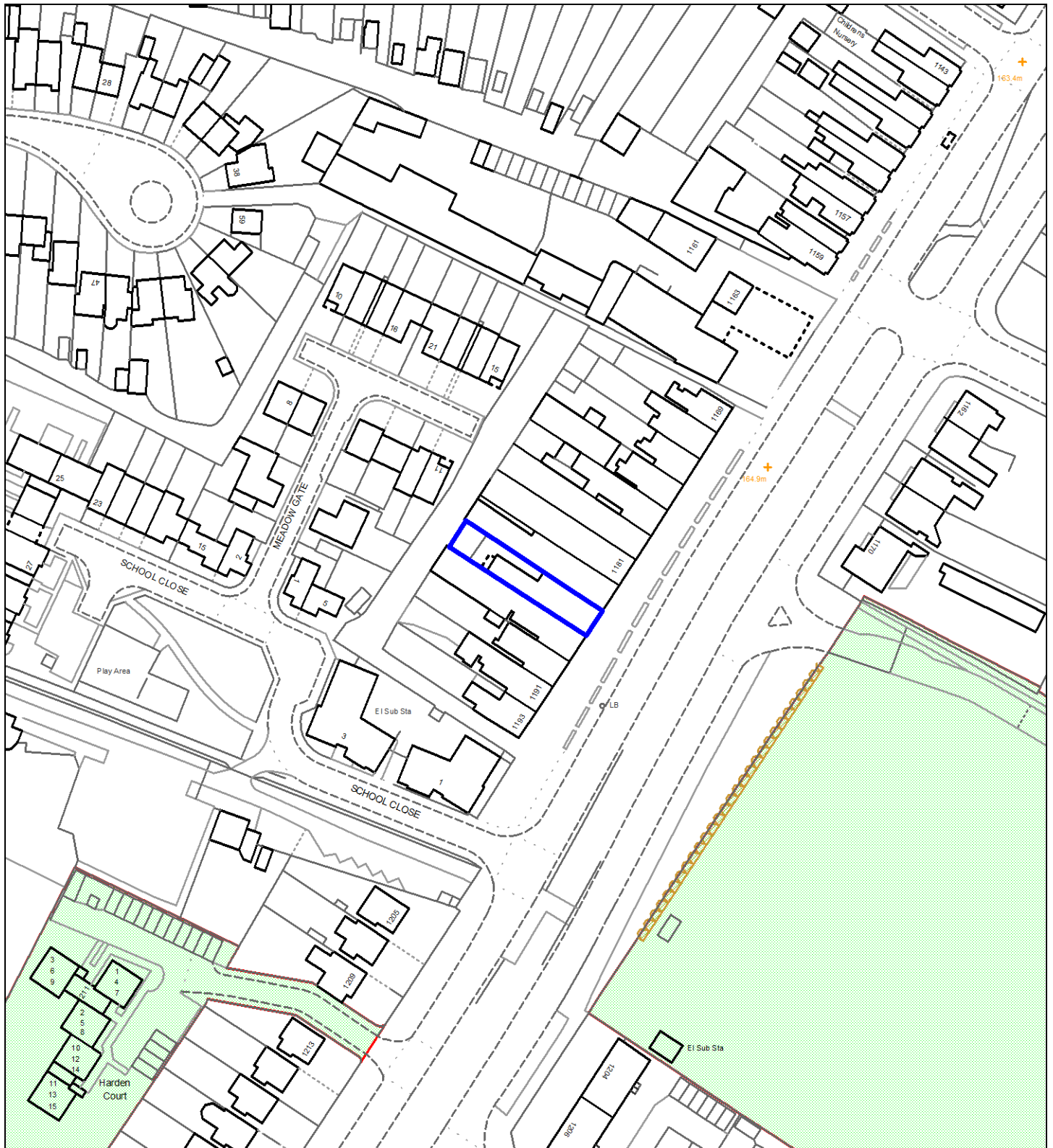


Photo 1 – View of application property's front facing elevation from Bristol Road South



Photo 2 – View of application property's rear facing elevation

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**20 June 2019**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Determine	10	2018/10286/PA  61 Gravelly Hill North Erdington Birmingham B23 6BP  Change of use from existing 3 no. self contained flats to 1no. flat and 8 bed HMO (Sui Generis) and retrospective erection of single storey rear extension.
Approve - Conditions	11	2019/02464/PA  693 Chester Road Erdington Birmingham B23 5TH  Change of use from dwelling (Use Class C3) to a care home for up to 4 children (Use Class C2) and installation of footway crossing
Approve - Temporary	12	2019/03126/PA  Orphanage Road/Chester Road roundabout Birmingham B24 0BE  Display of 2 no. freestanding post mounted signs

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Committee Date:	20/06/2019	Application Number:	2018/10286/PA
Accepted:	10/01/2019	Application Type:	Full Planning
Target Date:	10/05/2019		
Ward:	Gravelly Hill		

61 Gravelly Hill North, Erdington, Birmingham, B23 6BP

Change of use from existing 3 no. self contained flats to 1no. flat and 8 bed HMO (Sui Generis) and retrospective erection of single storey rear extension.

Recommendation  
**Determine**

1. Report Back

1.1 Members will recall that this application was presented to Committee on 23<sup>rd</sup> May 2019. The decision was deferred by Members, minded to refuse on the following grounds:

- Adverse impact on the character of the area;
- Proliferation of this type of development within the area;
- Lack of private amenity space within the development.

1.2 Information contained within the Public Register of HMO Licences shows that there are currently 4 HMOs along Gravelly Hill North (no.s 13, 15, 80 and 82). With regard to the second bullet point above Officers consider that this does not constitute a proliferation of such uses within this area and would refer Members to paragraph 7.2 below relating to BDP requirements for the provision of a wide choice of housing types and tenures catering for all incomes and ages. Officers are of the opinion that refusal of the application in connection with this issue could be difficult to defend on appeal and may lead to an award of costs against the Council.

1.3 With regard to private amenity space, Officer would refer Members to paragraph 7.6 of the report. The amount of amenity space provided at the site is significantly in excess of the Places For Living SPG requirement – refusal on this ground is likely to lead to an award of costs against the Council at appeal.

1.4 Given the above, should Members remain minded to refuse the application Officers advise that the refusal should only relate to impact on the character of the area. The following reason for refusal is suggested:



'The use of the building as an HMO has an adverse impact on the prevailing character of the wider area and as such is contrary to saved Paragraphs 8.24 and 8.25 of the Birmingham UDP 2005 and guidance in the Specific Needs Residential Uses SPG'.

## **ORIGINAL REPORT**

### **2. Proposal**

[Link to Documents](#)

- 2.1 Retrospective consent is sought for the conversion and rear extension of this building and outbuildings to a HMO. The building was previously in use as 3 flats. The site currently has 11 rooms in HMO use, one of which is accommodated within the extension. During the course of the assessment of the application revised plans were submitted to reduce the number of rooms to 9, in order to provide improved accommodation.
- 2.2 One of the rooms is a former integral garage and is set over two floors. At ground floor level there are 4 other rooms (each with ensuite), two communal kitchens and laundry room. At first floor there are three rooms (one with ensuite), two communal kitchens and a communal shower. There is also a room within the roof space. Room sizes range between 11.4 sq.m and 26.3 sq.m.

### **3. Site & Surroundings**

- 3.1 The site lies within a row of dwellings (no.s 49-71 on the western side of Gravelly Hill North), several of which appear to have been subdivided to form flats/HMO's - this includes the adjacent property, no.63, which is currently in use as an HMO. There is a driveway to the front of the building which can accommodate several vehicles. To the rear is a courtyard and outbuildings which have been converted to habitable rooms as part of the development, and a rear garden of approximately 45 metres length.

## **SITE LOCATION PLAN**

### **4. Planning History**

- 4.1 An enforcement investigation into the alleged unauthorised use of the property as an HMO commenced in August 2018.

### **5. Consultation/PP Responses**

- 5.1 Transportation – Should permission be granted it is recommended that details of vehicle parking/turning and cycle storage and a car parking management plan are sought by condition.

Environmental Pollution Control – No objection.

West Midlands Police - No objection.

- 5.2 Local residents and Ward Councillors have been notified and a site notice displayed. Two letters of objection have been received from properties on Gravelly Hill North, raising the following concerns:
- Subdivision of the property has increased overlooking between it and adjacent properties, resulting in a loss of privacy;
  - The development provides poor quality living accommodation as a result of small room sizes and the conversion of the garage and outbuilding to provide rooms;
  - Insufficient parking provision;
  - Increased anti-social/criminal behaviour;
- 5.3 Councillor Mick Brown has submitted a letter of objection on behalf of local residents. The residents are concerned that the increasing number of such facilities in their immediate area has changed the nature of their neighbourhood to the extent that it has almost completely lost its sense of community. Concerns over potential for crime have also been raised.
- 5.4 One letter of support has been received from a property on Gravelly Hill North. The letter states that there are *'no noise issues, no litter issues, no parking issues'*.
- 5.5 A letter of support has been received from Prospect Housing, stating the following:
- 'Prospect Housing is a registered provider of social housing and currently manages 1800+ rooms in Birmingham, Telford and Solihull for single, homeless people. We provide much needed accommodation in all parts of Birmingham and there is particular demand for this in Erdington. This is evidenced by the referrals we and other providers receive for the area.*
- The applicant is one of a number of hand-picked Managing Agents who work in partnership with Prospect Housing. There is an excellent relationship between the two companies and Prospect's role is to provide support to residents and monitor the performance of the applicant in their areas of responsibility, namely property and housing management.*
- The applicant provides Prospect with consistently high-quality accommodation and is very responsive to the need for repairs and general refurbishment to be undertaken quickly and regularly in this type of accommodation'.*

## 6. Policy Context

National Planning Policy Framework 2019  
Birmingham Development Plan 2017  
Saved 2005 UDP Policies  
Car Parking Guidelines SPD  
Places For Living SPG  
Specific Needs Residential Uses SPG

## 7. Planning Considerations

7.1 With regard to Saved Policies 8.23 - 8.25 (Houses in Multiple Paying Occupation) of the 2005 UDP, the main issues in the assessment of this application are:

- The impact of the development on the character of the area and on adjoining premises;
- The size and character of the property and whether the development provides satisfactory living accommodation for the occupants.
- The impact of the development on highway safety.

#### Character of the area/residential amenity impacts

7.2 Policy TP27 (Sustainable Neighbourhoods) of the BDP requires that new housing contributes to making sustainable places. This is to be achieved by providing a wide choice of housing types and tenures to ensure balanced communities catering for all incomes and ages, within easy reach of local facilities and public transport. It is considered that, in principle, this development accords with these aims particularly given that the site does not lie within an 'Area of Restraint'.

7.3 The row of properties within which the building lies are all in some form of residential use. Subdivision of a number of the properties has taken place and this now forms part of the character of this part of the road. The use of the building as an HMO is acceptable within this context and the cumulative effect is not considered harmful to the character and appearance of the wider area, given also that the property retains the appearance of a family home.

7.4 The nature of the use may generate more activity in terms of comings and goings than would be the case with single family homes. Given that the building is located on a busy classified road this activity would not be readily noticeable at existing nearby properties and no demonstrable harm to existing amenity can be identified in terms of undue noise disturbance. No objections have been received from either of the neighbouring properties in relation to this matter. The siting of the rear extension does not breach the 45 degree code in respect of outlook from those properties. With regard to the concerns of the objectors there is no substantive evidence that the HMO is or would be occupied by persons likely to commit crimes or behave in an antisocial manner. In relation to this West Midlands Police have confirmed no objection to the proposal.

#### Size and character of the property/living accommodation

7.5 Saved Policy 8.25 of the UDP advises that the use of small terraced and semi-detached houses as HMO's should be resisted. This is a large semi-detached building, the scale of which allows for it to be converted to multiple occupation use.

7.6 The floor space of each of the rooms exceeds the City's minimum room size requirement of 6.5 sq.metres for a single room within an HMO, where there is a separate communal living room. Places For Living SPG requires the provision of 30 sq.metres per unit of amenity space, equating to 270 sq.metres for this development – the site has a rear courtyard within the immediate vicinity of the building and a garden of approximately 45 metres in length; sufficient private amenity space is therefore available for the occupants.

#### Highway safety

- 7.7 The Specific Needs Residential Uses SPG states that proposals should not prejudice the safety and free flow of traffic and that parking guidelines for HMO's should be treated on their individual merits. Given that Transportation have not identified any specific highway safety implications resulting from the use, it is considered that the development complies with BDP Policy TP44 (Traffic and Congestion Management) which seeks to ensure the safe use of the existing transport network. The car park management plan and details of vehicle parking requested by Transportation are not considered to be necessary given that no highway safety issues have been identified.
- 7.8 The site is located within 500m walk of Six Ways Erdington and associated amenities and 600m from Gravelly Hill Station . Frequent bus services are available within the immediate vicinity. A reduced level of vehicle ownership is generally anticipated in bed-sit type accommodation and BCC Car Parking Guidelines SPD (2012) does not provide parking provision standards for large HMOs. Gravelly Hill is subject of Traffic Regulation Order parking restriction (double yellow lines/no stopping or waiting at anytime). The impact of any 'displaced' parking from the site is likely to be in terms of amenity & increased competition on side roads rather than potential adverse highway safety implications.

8. Conclusion

- 8.1 The proposal constitutes a sustainable form of development in this location which provides satisfactory living accommodation for its occupants and has no harmful effect on the existing character of the area, residential amenity or highway safety. As such the proposal complies with the relevant policy documents referred to in Section 5 above.

9. Recommendation

- 9.1 Approve subject to conditions.

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- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of cycle storage details                       |
- 

Case Officer: Faisal Agha



## Photo(s)



Figure 1: Application Site



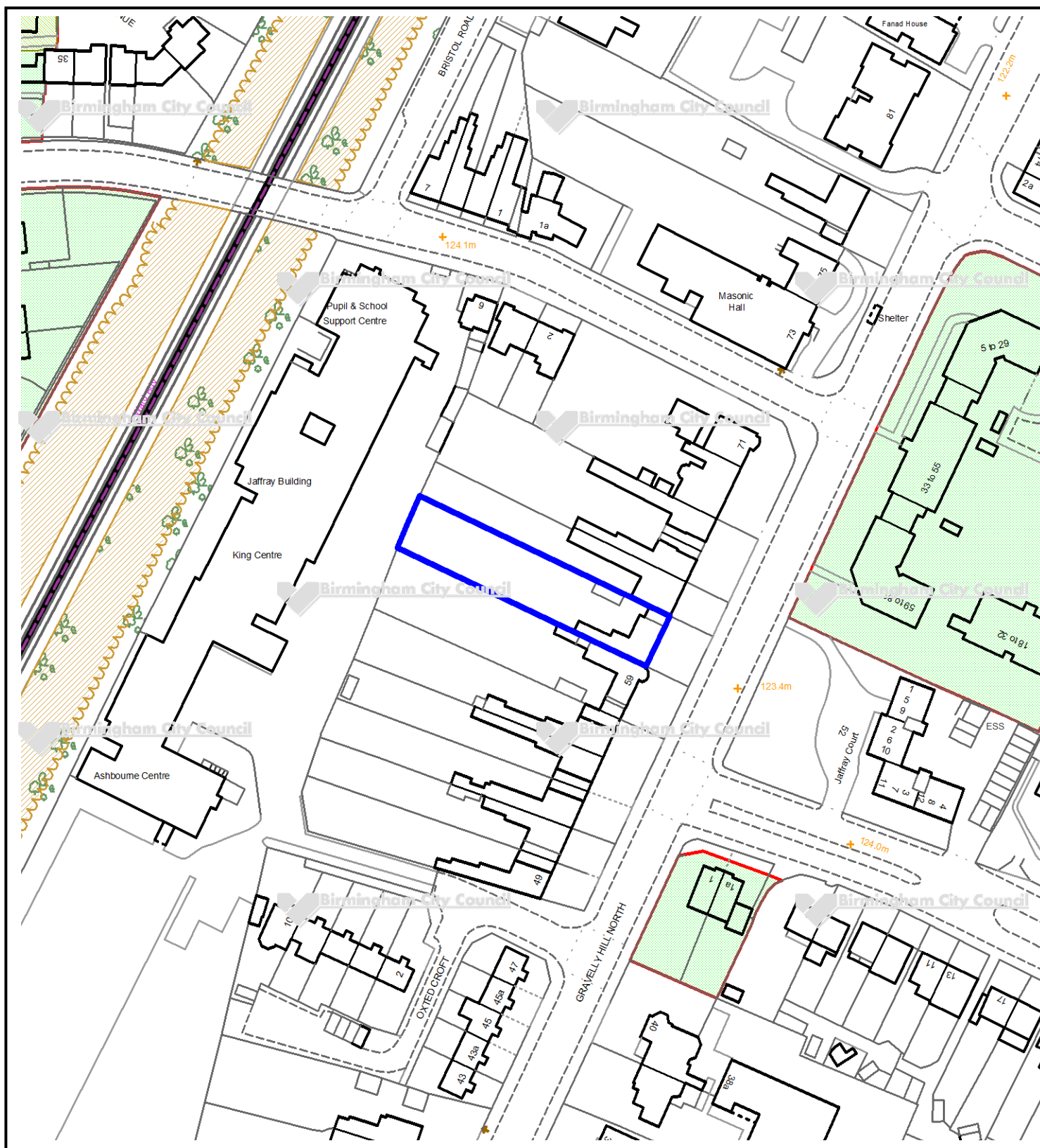
Figure 2: Adjoining site to the north



Figure 3: Application Site and adjoining site



## Location Plan



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Committee Date:	20/06/2019	Application Number:	2019/02464/pa
Accepted:	28/03/2019	Application Type:	Full Planning
Target Date:	20/06/2019		
Ward:	Erdington		

693 Chester Road, Erdington, Birmingham, B23 5TH

Change of use from dwelling (Use Class C3) to a care home for up to 4 children (Use Class C2) and installation of footway crossing

Recommendation

**Approve subject to Conditions**

1. Proposal

1.1. [Link to Documents](#)

1.2. This is an application to convert a 5 bedroom house (C3 use) to a care home for up to 4 children (C2 use). The applicant has advised that 2-3 staff will be present during the day, and that 2 staff will be on site overnight. Parents will visit on a pre-planned basis. The only internal alterations proposed are the conversion of a gym room to a laundry at ground floor and an existing office at the top floor to be used as a store. The proposal involves the installation of a footway crossing to provide vehicular access to the forecourt of the property.

2. Site & Surroundings

2.1. The site lies within a row of large, three storey terraced dwellings on the northern side of the A452 Chester Road. The forecourt can accommodate two vehicles. The rear garden is 16m long and approximately 100sq.m in area. The site lies on the edge of the primary shopping centre within Wylde Green Neighbourhood Centre, although the immediate surrounding area within the vicinity of the site is residential. Chester Road railway station is approximately 225m walking distance from the site to the north-west.

[Location Plan](#)

3. Planning History

3.1. None relevant to the assessment of the application.

4. Consultation/PP Responses

4.1 Regulatory Services – No objection subject to a condition requiring the submission of a noise insulation scheme.

- 4.2 Transportation Development - The site is located in an edge of centre location with good public transport accessibility. There are minimal opportunities for on-street parking in the vicinity of the site, with the single yellow TRO fronting the site enforcing a clearway restriction on all days from 0800-0000 for this length of Chester Rd, with double yellow TROs in force nearer to the signal controlled junction to the south-east of the site.

The Car Parking Guidelines SPD recommends a maximum provision of 1 parking space per 3 bed spaces for C2 specialist care uses. The installation of a footway crossing to serve the proposed forecourt parking is considered acceptable. Details of cycle store facilities for staff use and a commercial travel plan to maximise use of sustainable modes of travel by staff and visitors should be provided.

- 4.3 Local residents and Ward Councillors have been notified and a site notice displayed. Letters of objection have been received from 4 properties on Chester Road, raising the following concerns over the proposal:

- Noise disturbance as the building has not been sound-proofed;
- There are already multiple care homes and HMOs in the vicinity of the site which have caused 'disruptions' within the community, resulting from residents, visitors and ambulance and police vehicles frequenting the area at all hours. The establishment of an additional care home would overcrowd the area with such facilities, and detract from its character and the ability of residents to enjoy the use of their property and neighbourhood;
- The proposed use will exacerbate existing parking problems in the area.

- 4.4 A petition of objection, signed by the occupants of 7 properties on Chester Road, has also been received. The petition states the following:

- Proliferation of care homes/HMO's in the area, which adversely affects community spirit and the character of the area;
- Noise disturbance from activities at the property;
- The development will result in additional on-street parking.

## 5. Policy Context

National Planning Policy Framework 2019  
Saved 2005 UDP Policies  
Car Parking Guidelines SPD  
Specific Needs Residential Uses SPG

## 6. Planning Considerations

- 6.1 The guidance set out in Paragraph 8.29 of the Saved 2005 UDP and the Specific Needs Residential Uses SPG is of paramount relevance in the assessment of planning applications for proposed residential care uses. Paragraph 8.29 sets out several criteria against which a proposal should be addressed:

### Harm to the occupiers of nearby properties

- 6.2 The development of residential care homes in terraced houses will not be acceptable unless adjoining occupiers can be safeguarded against loss of amenity due to undue noise and disturbance. It is not considered that the proposed use would be so

intensive so as to result in undue noise disturbance over and above that of a large family home. In addition, Regulatory Services have raised no objection subject to a noise insulation requiring the submission of details of measures to be incorporated to minimise sound leakage to neighbouring properties. The site lies on a busy main road and is on the edge of a local centre – noise from activities associated with the proposed use, including the comings and goings of staff members in particular, would to some extent be screened by the existing noise climate within the area and as in this respect would not be so harmful to amenity as to warrant refusal of the application.

#### Impact on the character of the area

- 6.3 The cumulative effect of existing uses in the area similar to that proposed, as well as existing HMOs and flats, will be taken account of in the context of the residential character and appearance of the area. The appearance of the building will not be altered as a result of the development. In terms of the character of the area, the prevailing residential nature will be maintained by the use – a small scale care home accommodating up to 4 children would not be unsuitable in this location, particularly as the necessary services and community facilities for the occupants would be readily accessible.

#### Highway safety

- 6.4 The site can accommodate sufficient parking in accordance with Parking Guidelines SPD requirements. With regard to the comments of Transportation it is considered that the proposed use would not have any detrimental impact on the safety and free flow of traffic on the adjoining highway. The Travel Plan condition recommended by Transportation is not considered to be necessary as there would be limited on site parking provision available, staff would have good access to public transport.

#### Amenity space

- 6.5 The garden area at the site exceeds the SPG requirement for outdoor amenity space of 16 sq.m per occupant. A satisfactory living environment would therefore be provided.

### 7. Conclusion

- 7.1 Paragraph 59 of the NPPF stresses the importance of addressing the needs of groups with specific housing requirements. This proposal meets these aims and does not contravene the specific criteria for assessment set out in the Saved 2005 UDP and the Specific Needs Residential Uses SPG.

### 8. Recommendation

- 8.1. Approve with conditions.

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans                         |
| 2 | Requires the provision of cycle parking prior to occupation                                    |
| 3 | Requires the submission a Noise Insulation Scheme to establish residential acoustic protection |
-

- 
- 4 Requires the prior submission of noise insulation (variable)
  - 5 Implement within 3 years (Full)
  - 6 Non Standard Condition
- 

Case Officer: Faisal Agha



## Photo(s)



FIG 1: FRONT OF THE SITE (APPLICATION PROPERTY HAS THE WHITE DOOR)



## Location Plan



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Committee Date:	20/06/2019	Application Number:	2019/03126/PA
Accepted:	11/04/2019	Application Type:	Advertisement
Target Date:	21/06/2019		
Ward:	Erdington		

Orphanage Road/Chester Road roundabout, Birmingham, B24 0BE

Display of 2 no. freestanding post mounted signs

Recommendation

**Approve Temporary**

1. Proposal

1.1. This application seeks advertisement consent for the display of 2 no. freestanding post mounted signs on Orphanage Road / Chester Road Roundabout, Erdington. The proposed signs would be located close to the edge of the roundabout in the following locations:

- near the junction with Chester Road, at the northern end of the roundabout; and
- near the junction with Chester Road, at the southern end of the roundabout;

1.2. The proposed signs would each have a width of 1.0m and height of 0.5m and would be mounted on posts giving an overall height of 0.65m above ground level. The signs would be made of aluminium composite panel and steel end mounted posts.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises the whole of the roundabout which forms the junction between Orphanage Road / Chester Road Roundabout, Erdington. There is element of soft landscaping on the roundabout and a statue of Josiah Mason. Other street furniture currently located at the edges of the roundabout includes directional highway signage. Pedestrian crossing is located on Orphanage Road. The surrounding area contains predominantly residential uses.

2.2. [Site Location Map](#)

3. Planning History

3.1. There is no relevant planning application associated with this application site.

4. Consultation/PP Responses

4.1. Transportation Development – No adverse highway safety implications. No objection subject to conditions as signage would be located within the public highway and it would require suitable licence from Local Highway Authority.

## 5. Policy Context

- 5.1. National Planning Policy Framework (2019), Birmingham Unitary Development Plan (2005) and Birmingham Development Plan (2017).

## 6. Planning Considerations

### *Principle of Development*

- 6.1. The NPPF restricts Local Planning Authorities to considering only amenity and public safety when determining applications for consent to display advertisements (paragraph 132).
- 6.2. Paragraph 132 of the NPPF states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building or on their surroundings should be subject to a Local Authority's detailed assessment. Finally, it states that the cumulative impact of advertisements should be considered.

### *Amenity*

- 6.3. The proposed adverts would be situated at appropriate locations on the roundabout and as there are no existing elements of advertising on the roundabout, I consider the proposal would not over-burden the roundabout with advertising. The proposed adverts would be of a modest size, in keeping with the residential nature of the surroundings and would not dominate the highway environment.
- 6.4. The proposed signage is in context to the roundabout and surrounding area. The scale of the proposed advertisement signs is considered acceptable and would not constitute clutter within the street scene.

### *Highway Safety*

- 6.5. The proposed signs would form part of the highway environment and an appropriate level of visibility would be provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such adverts are not an unusual feature on roundabouts and therefore would not cause an unacceptable degree of driver distraction.
- 6.6. Transportation Development has no objection in principle.
- 6.7. On this basis, it is considered that the application proposals are acceptable and would not have a detrimental impact on highway safety.

## 7. Conclusion

- 7.1. The proposed adverts would not have an adverse impact on amenity or public safety and I therefore recommend consent is granted subject to conditions.

## 8. Recommendation

- 8.1. Temporary consent subject to the following conditions:

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Requires permission be obtained for siting the advertisement
  - 3 Advertisement not to hinder road signage and use
  - 4 Advertisement condition to be maintained
  - 5 Advertisement condition not to endanger public
  - 6 Maintain condition of site after advertisement removal
  - 7 Limits the approval to 5 years (advert)
- 

Case Officer: Obafemi Okusipe

## Photo(s)



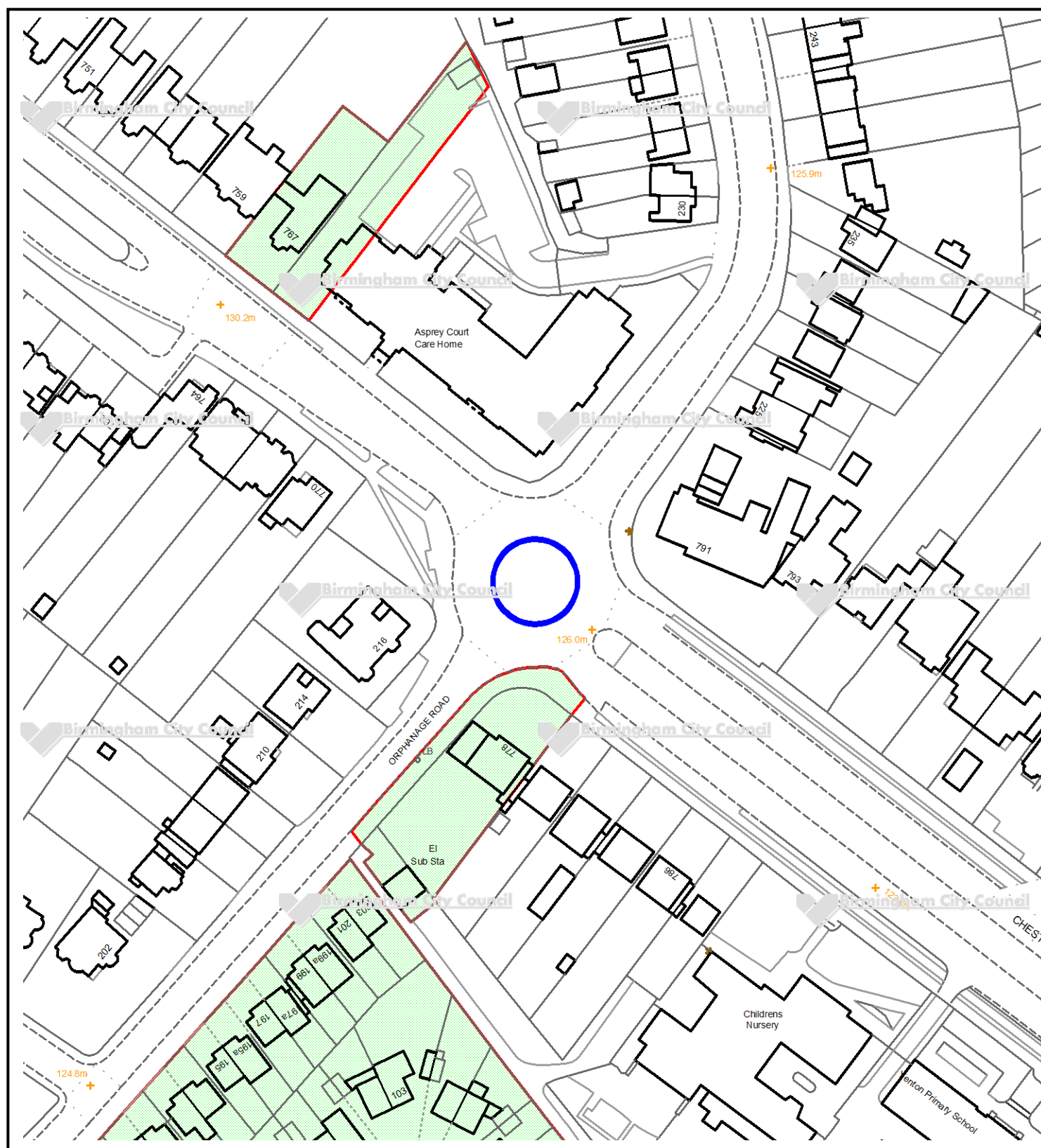
Figure 1 – View from Orphanage Road (towards northeast direction).





Figure 2 – View from Chester Road (towards northwest direction).

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**20 June 2019**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	13	2017/06376/PA  Sutton United Football Club Coleshill Nurseries Coleshill Road Sutton Coldfield Birmingham B75 7BA  Installation of a floodlit synthetic football pitch including perimeter fencing, tiered covered stands, changing block to replace existing grass pitch and new parking and revised site entrance.
Approve – Temporary 1 year	14	2017/07875/PA  Bishop Veseys Academy 36 Lichfield Road Sutton Coldfield Birmingham B74 2NH  To extend the hours of use of the existing artificial pitch and floodlights from 9.00am to 9.00pm (from 6.30pm) on Monday to Thursday.
Approve – Temporary 1 year	15	2019/00546/PA  2 & 4 Goldieslie Road Sutton Coldfield Birmingham B73 5PQ  Removal of Condition No. 4 attached to approval 2010/04501/PA to allow children associated with the nursery to use the private amenity space to the rear of No. 4 Goldieslie Road



85 Chester Street  
Aston  
Birmingham  
B6 4AE

Variation of hours of use condition attached to planning permission 1998/03293/PA in order to allow for operations between 0600 hours and 2100 hours Monday to Friday and 0700 hours to 1800 hours on Saturdays (as well as hours of despatch and deliveries) as well as attachment of two new conditions to control the Maximum Instantaneous Noise Levels (LAFmax) from the development and also the impact of the cumulative noise from all activities on the site.

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Committee Date:	20/06/2019	Application Number:	2017/06376/PA
Accepted:	02/05/2019	Application Type:	Full Planning
Target Date:	01/08/2019		
Ward:	Sutton Reddicap		

Sutton United Football Club, Coleshill Nurseries, Coleshill Road, Sutton Coldfield, Birmingham, B75 7BA

Installation of a floodlit synthetic football pitch including perimeter fencing, tiered covered stands, changing block to replace existing grass pitch and new parking and revised site entrance.

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Consent is sought for the installation of a floodlit synthetic football pitch including perimeter fencing, tiered covered stands, changing block, car parking and revised site entrance at Sutton United Football Club, Coleshill Nurseries, Coleshill Road, Sutton Coldfield.
- 1.2. It is proposed to upgrade the existing grassed pitch with a 3G all-weather synthetic football pitch. The new pitch would measure 100m x 64m and would be enclosed with a 1.83m high solid timber fence, double gates and a 1.2m high spectator fence. The proposed use of the facilities would be between 10:00 hours to 22:00 hours (with activities ceasing at 21:30 allowing 30 mins to vacate the site) Monday to Friday and 10:00 hours to 20:00 hours Saturday, Sunday and public holidays. There would be two turnstiles at the entrance to the pitch. Each would measure 2.5m in height x 2.2m wide x 2.8m length and would have external cladding. There would be hard-standing areas around the pitch, new 1.8m wide footpaths, planting including grassed areas and existing trees which would be retained.
- 1.3. There would be 8 no. x 15m high floodlight columns with 2/3 no. lamps per column, 20 no. x LED bollard lights and 25 no. x LED bulkhead/wall lights located around the pitch and car park. The applicant has indicated that floodlight use would be adjusted throughout the year in line with natural daylight but would not extend beyond the hours of 16:00 – 22:00 Monday to Friday and 16:00 to 20:00 on Saturdays, Sundays and public holidays.
- 1.4. The proposal includes the installation of two tiered covered stands, (a) 1 no. x 150 person seated spectators stand measuring approximately 19.6m in length x 2.9m wide x 2.7m high with olive green cladding and Wimbledon green seats; and (b) 1 no. x 150 person standing stadium measuring approx. 13.8m in length x 2.9m wide x 3.3m high with handrails and olive green cladding.
- 1.5. The proposed single storey changing block would measure 4.75m in height x 9.21m wide x 16.86m in length with an open canopy over the main entrance door. The changing block would be a brick built building and designed with a pitched roof. The proposed internal layout consists of 2 no. changing rooms with W.Cs, showers and

drying areas, 2 no. officials changing rooms with showers and W.C, a store room/first aid room, boiler room, disabled toilet and spectator's toilet to the appropriate Football Association standards.

- 1.6. A revised car park layout is proposed and would consist of a widened access from Coleshill Road with appropriate road markings to provide two way vehicle traffic and linked footpaths. Such works would also require the relocation of an existing flagpole, telephone pole, street light and sign post. Furthermore, the number of car parking spaces would be increased by a further 46 no. to an overall total of 75 no. spaces, including 2 no. disabled bays parking and 8 no. larger mini-bus bays.
- 1.7. The application is not liable for a CIL payment.
- 1.8. The applicants advise that the purpose of the proposal is to expand the football provision on site and increase access to a wider range of participants. Adding that the new facility is aimed at local residents of all ages and would be available at any time during opening times to the public for bookings at a competitive hourly rate. The pitch would offer facilities for games and training facilities for all ages and the pitch can be split into three or four sections allowing each section to be hired out for separate activities. The rental income would pay for management staff, maintenance and guarantee the future sustainability of the facility. The Club emphasises that the floodlit pitch would enable them to play night games which in turn would allow the first team to progress further through the Leagues as well as provide a much needed training facility for the Club's current 22 teams.

1.9. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site relates to an existing grass football pitch, car park and associated facilities. Access to the pitch is via a driveway off Coleshill Road, to the north-east, which also serves as one access to New Hall Valley Country Park, allotment gardens and Coleshill nursery. There is an existing pavilion and storage container sited to the south-west, close to the boundary with the nursery, to the north. The existing container would be relocated as part of this proposal.
- 2.2. The site falls within the New Hall Valley Country Park area (Plants Brook Valley) and Sutton Coldfield Green Belt. The adjacent sites include New Hall Valley Country Park to the east, nursery immediately to the north, allotment gardens to the south and an industrial estate to the north-east on the opposite side of Coleshill Road. A rail track runs along the western boundary of the application site with residential properties beyond. The surrounding area consists of residential properties to the north-east. Whilst the site entrance is located between existing residential dwellings, the main body of the site, i.e. where the pitch is situated, is located approx. 100m away which front onto Coleshill Road.

2.3. [Site Location](#)

## 3. Planning History

- 3.1. 29 July 1993 - 1993/01942/PA – Temporary approval granted for the siting of metal container for storage of dog training equipment, subject to conditions. Condition required building to be removed and the land restored by 29 July 1998.

- 3.2. 9 December 1998 - 1998/04286/PA - Temporary approval granted for the retention of storage container, subject to conditions. Condition 2 required building to be removed and the land restored by 9 December 2001.
- 3.3. 9 November 2001 - 2001/04612/PA - Temporary approval granted for renewal of planning permission for siting of container, subject to conditions. Condition 1 required building to be removed and the land restored by 9 November 2004.
- 3.4. 14 December 2004 - 2004/06684/PA – Temporary approval granted for renewal of application 1993/01942/PA for temporary use of metal container for dog training equipment, subject to conditions. Condition 1 required building to be removed and the land restored by 10 December 2008.
- 3.5. 9 February 2009 - 2008/06266/PA – Temporary approval granted for renewal of application 1993/01942/PA for retention of metal storage container for dog training equipment, subject to conditions. Condition 1 required building to be removed and the land restored by 10 February 2013.
- 3.6. 28/03/2013 - 2013/00443/PA - Renewal of application 2008/06266/PA for retention of metal storage container for dog training equipment – Approved temporarily to be removed by 28<sup>th</sup> March 2016.

#### 4. Consultation/PP Responses

- 4.1. Adjoining residents, Resident Associations, Ward Councillors and Andrew Mitchell MP were consulted. Site and Press notice displayed – 33 no. letters of objection and a petition comprising of 23 no. of signatures including representation from Andrew Mitchell MP, Newhall Allotments Association and Sutton Coldfield Town council have been received. Objections are summarised below:
  - Increase in traffic/congestion,
  - Parking issues, use of car parking area, overspill onto surrounding roads and within the widened access,
  - Concerns regarding when the transport survey data was collected (during school holidays).
  - Relocation of street furniture.
  - Noise and disturbance issues.
  - Flood lights would be bright, disturbing, intensity of light levels affecting nearby residential dwellings.
  - Hours of use, particularly in noise sensitive hours.
  - Overlooking from tiered stands.
  - Loss of informal recreation space.
  - Concerns for wildlife habitats.
  - Loss of light, privacy, outlook/views.
  - Devaluation of property.
  - Fear of crime and antisocial behaviour
  - Drainage concerns and flooding issues.
  - Increase in visitors and use of the site.
- 4.2. Sport England – No objection, subject to conditions;
  - Community use agreement to be entered into.
  - Registration with Football Association.

- 4.3. West Midland Police – Recommends that the perimeter fence is increased to at least 2.4m high with see-through metal fencing used or that proposed timber panels are treated with a flame retardant covering. In addition, CCTV and an alarm should be fitted.
- 4.4. Transportation Development – No objection, subject to conditions;
- Modification of site access from Coleshill Road to BCC specification at the applicant's expense.
  - Revised access, parking and circulation areas to be provided and made available for use prior to first occupation of facilities.
  - Car Parking Management Plan (including measures to prevent obstructive parking within the widened access road).
  - Details of secure/sheltered cycle parking to be provided.
  - Provision of a commercial travel plan.
  - Construction Management Plan.
  - Measures to prevent mud on highway.
  - S.278/TRO agreement and funding for such assessment and works.
- 4.5. Regulatory Services – Raise concerns regarding the proposals potential impacts upon residential amenity and suggest the following conditions to alleviate such concerns;
- No external amplification of music,
  - Tanoy only to be used during matches and emergency broadcast,
  - Car park management plan,
  - Traffic Regulation Order to restrict parking along Coleshill Road frontage (double yellow lines),
  - Hours of use restriction in accordance with the submitted hours of use schedule,
  - Floodlighting to be turned off at 22:00 weekdays and 20:00 at weekends and bank holidays,
  - Provision of floodlighting details,
  - Car park to be closed overnight (between hours of 22:00 and 08:00).
- 4.6. Network Rail – Advise that a Risk Assessment and Method Statement (RAMS) would be required for all works within 10m of railway boundary. Advisory comments relating to construction, drainage and maintenance works have also been provided.
- 4.7. Lead Local Flood Authority (LLFA) – No objection, subject to conditions;
- Detailed sustainable drainage scheme.
  - Sustainable drainage operation and maintenance plan.
- 4.8. Severn Trent Water – No objection, subject to imposition of a drainage condition.
- 4.9. Leisure Services – Supports objection made by Newhall Allotments on the basis that the plots currently suffer waterlogging as a result of run off from the existing Sports field drainage and feel that the current proposal to drain a greater area of hard sport pitch drainage into the adjacent ditch that runs parallel to the allotments would make this flooding issue significantly worse.

5. Policy Context

- 5.1. National Planning Policy Framework (2019), Birmingham UDP (2005) (Saved Policies), Birmingham Development Plan (2017), Car Parking Guidelines SPD, Floodlighting of Sports Facilities, Car Parks and Secure Areas SPG, Council's Playing Pitch Strategy (2017), Places for All SPG.

6. Planning Considerations

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

*Principle of Development*

- 6.2. The NPPF (2019) advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Paragraph 92 states that in order to deliver the social, recreational and cultural facilities and services the community needs, planning decisions should (amongst other things) guard against the unnecessary loss of valued facilities and ensure established facilities are retained for the benefit of the community.
- 6.3. The NPPF (2019) and Policy TP10 of the Birmingham Development Plan (2017) seeks to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt is openness and permanence. New buildings in the Green Belt are generally considered to be inappropriate and likely to be resisted. There are exceptions to this policy stance, such as the provision of agricultural buildings, replacement buildings or modest extension to existing buildings. Furthermore, Paragraph 145 (b) of the NPPF (2019) outlines that the provision of appropriate facilities, in connection with the existing use of land or a change of use, for outdoor sport and outdoor recreation are considered to be appropriate development within the Green belt, on the proviso that the proposed facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within in.
- 6.4. Policy TP11 of the BDP notes that 'Proposals for' the 'enhancement of existing facilities will be supported subject to compliance with other relevant planning policies' whilst developments such as this, 'involving sports lights' paragraph 1.2 of Floodlight SPG (specifically subjecting current floodlighting technologies and screening to E2 criterion assessment) advises that the height and size of floodlighting columns and equipment should be kept to the minimum needed for operational purposes.
- 6.5. The application site falls within the New Hall Valley Country Park, which is located within Sutton Coldfield Green Belt. The application site relates to an existing grassed pitch, car park and associated facilities including sports pavilion. This part of the country park is used as a football pitch and there is a sports pavilion and metal container located along the south-east boundary adjacent to the football pitch which would be retained.
- 6.6. The proposed development would result in the existing pitch being updated to a 3G all-weather synthetic football pitch with new floodlights, covered stands to provide seating for 300 spectators a changing block and improvements to access and parking provision. The proposed upgrading of the site is considered acceptable, in principle. The proposed development accords with the principles of the NPPF, in particular, paragraph 145 (b) where the proposal, i.e. outdoor sport provision, is considered to be appropriate development. The scale of the associated infrastructure has been minimised as far as practicable so as to provide sufficient and appropriate facilities. I note that the application has included provision for security fencing around the site at a height of 1.8m approx. and would be close

boarded timber fencing. The provision of such is considered to be acceptable and proportionate to the security needs of the site (I note West Midlands Police requirements to provide higher and more utilitarian fencing types) whilst reducing visual impact as far as practicable and I am of the view that the provision of such preserves the openness of the Green Belt and renders the proposal to be appropriate development within the Green Belt.

- 6.7. The proposal would result in works to an existing playing field for which Sport England is a statutory consultee. In this case, Sport England has raised no objections to the proposal and considers that the proposed improvements to the pitch and associated facilities (i.e. so that it can be used in all weathers) are a positive factor. They have however, requested that planning conditions securing an appropriate community use agreement and registration of the facility with the Football Association (FA) be attached to any consent issued. It is understood that the registration with the FA will ensure that the pitch is built to the correct specification and ensures compliance with minimum pitch quality standards. I consider such conditions to be reasonable and necessary in the context of this scheme so as to justify the loss of playing field, to enable the local community to use the facilities and to ensure its long term maintenance and management. As such, these conditions are attached.
- 6.8. The Strategy Officer has commented upon the principle of development and is of the view that the proposal generally accords with the principles contained within BDP policy TP10 in that the proposal is appropriate development within the green belt given that it relates to 'outdoor sport and recreational facilities', although it is noted that conflict surrounding the preservation of open space may arise from the floodlighting proposals if light spill is not contained by landscaping.
- 6.9. Further 'leisure uses which operate for many hours of the day should be located in highly accessible locations, preferably in or adjacent to town centres'. The development satisfies this requirement being located near Sutton Coldfield Town Centre and they have raised no objection to the scheme and are of the view that it accords with the 'green belt' and 'sports facilities policies' contained within the BDP and the green belt policies of the NPPF.

#### *Design and Visual Impact*

- 6.10. The proposed changing block would be located to the south of the existing pavilion and the existing container would be relocated and positioned in between the proposed changing block and existing pavilion adjacent to the proposed turnstiles. There would also be two turnstiles at the entrance to the pitch, which are small in scale and would be painted dark green. There would be double gates for entry to the pitch and secured areas, 1.8m high solid fencing and two turnstiles at the entrance to the pitch. The size of the main football pitch would remain unchanged and the proposed 3G surface and associated fence and floodlights have been designed to both minimise the amount of infrastructure required within the site and to also reduce their visual impact and also impact upon openness to a sufficient level.
- 6.11. The application site is located set back from the public highway behind residential dwellings that front onto Coleshill Road. Whilst limited views of the proposal could be made from Coleshill Road, specifically the floodlight columns, it is not considered that such views would be significant in this suburban environment and would instead be an expected feature. Furthermore, the total number of columns proposed has been reduced as far as practicable so as to reduce visual impact further. It is noted that further views could be made from within Newhall Valley Country Park and the

adjacent allotments site. However, the scale of development proposed is of a low level nature and akin to single storey structures adjacent to the proposed playing pitch which again would be an expected feature within a country park i.e. sport and recreation facilities. I am satisfied that the proposal has been designed to be as minimally visually intrusive as possible whilst providing appropriate sports provision.

- 6.12. The City Landscape Officer has suggested that native tree and hedgerow planting should be provided along all site boundaries and to both sides of the access drive. I agree with the provision of a consistent approach to landscaping across the site (although not necessarily within areas around the site access that may impede vehicular visibility) and consider that such matters can be addressed by a suitably worded landscaping planning condition which I recommend.
- 6.13. It is also noted that West Midlands Police have recommended that the perimeter fencing proposed be increased in height from the submitted 1.8m timber board to at least 2.4m high and of a different design, such as metal fencing in addition to other appropriate security measures be installed, including CCTV and an alarm. I consider it appropriate to ensure that the site is adequately secured and that the provision of CCTV and an alarm system can be secured by a planning condition. However, I do not consider the increase in the proposed fencing height or the change to the fencing type proposed, which would result in a more urban and utilitarian design, to be appropriate given the site's green belt location. I am of the view that such changes could have an adverse impact upon the openness of the green belt. I am of the view that the timber board fencing to a more modest height maintains openness in this case. I do accept their suggestion that the proposed timber fencing is treated with a flame retardant covering so as to minimise potential arson attacks, particularly at times when the site is unoccupied. Such measures can also be secured within a site security planning condition.

#### *Amenity Matters*

- 6.14. The application site is located set back from Coleshill Road by an access road and behind existing two storey residential dwellings that front onto Coleshill Road with rear gardens, garage buildings and a separate access track between the properties and the application site.
- 6.15. A number of comments have been received, including concerns raised by Regulatory Services, regarding the likely increase in the intensity of use of the site, which includes the number of visitors to the site and associated activities, along with the use of flood lights. It is noted that leisure uses which operate for many hours of the day should be located in highly accessible locations, preferably in or adjacent to town centres (policy TP11). In this case, the development satisfies this requirement being located within walking distance of Sutton Coldfield Town Centre and within a wider suburban location.
- 6.16. In order to address concerns/comments raised the applicant has provided detailed information related to the site's hours of use and how it would likely be used during such times (e.g. training, matches, community use, etc.) and has indicated that the proposed use of the new facilities would be between 10:00 hours to 21:30 hours Monday to Friday and 10:00 hours to 20:00 hours Saturday, Sunday and public holidays.
- 6.17. In addition, the proposed floodlights would be 15m high and would have a light spillage of 200 Lux. The floodlights would be used throughout the winter months/times of darkness and would operate as a maximum between the hours of



16:00 – 22:00 Monday to Friday and 16:00 to 20:00 on Saturdays, Sundays and public holidays. The provision and siting of the proposed floodlighting has been designed so as to reduce potential impacts upon surrounding land uses as far as practicable whilst also providing sufficient light for the proposed use. Subject to the imposition of conditions restricting the use of floodlighting to within suitable time periods the provision of such infrastructure is considered to be appropriate.

- 6.18. Furthermore, with regards to the intensity of the use it is acknowledged that the improved facilities are anticipated to result in an increase of visitors to the site. Currently, the club gets approximately 50 spectators on a match day. Ultimately the number of visitors will be determined by the success of the club. The FA requires 2 covered stands preferably on 2 sides, with a capacity of up to 300. However, subject to the imposition of a variety of planning conditions to ensure that the hours of use are enforced, parking management both within the site and along Coleshill Road are imposed and that the car park is closed overnight, that no external amplification of music is undertaken and that any tannoy system used on site are only to be used during matches and emergency broadcasts it is considered that the site would not adversely impact upon residential amenity sufficient to justify refusal.

#### *Highway Safety*

- 6.19. The application site would continue to be served by the existing site access from Coleshill Road to the northern site boundary, albeit in a revised format to include a widened access point so as to enable two way traffic movements into and out of the site. Such alterations are welcomed as it removes the requirement for vehicles entering the site to wait on Coleshill Road for vehicles to exit the site, aiding throughput of traffic and improving highway safety.
- 6.20. The applicant has indicated that the car park layout would be extended and altered with a revised layout so as to provide 75 no. parking bays and 2 no. disabled bays compared to the site's current 29 no. spaces which results in a substantial increase of on-site provision. Furthermore, 9 no. bays would be larger, dedicated mini-bus parking bays located close to site's main entrance so as to accommodate the football teams/schools/clubs that would likely use the site.
- 6.21. Transportation Development has been consulted on the proposal and have raised no objection to the scheme subject to a number of conditions related to the provision of a revised site access to the appropriate specification at the applicants expense, improved car parking provision and management of it, the provision of secure cycle storage, the provision of a commercial travel plan so as to encourage more sustainable forms of transport to the site and a construction management plan so as to address highway safety matters during the construction period.
- 6.22. I am of the view that the provision of the conditions as outlined above are considered necessary in order to make the development acceptable and to maintain highway safety. Furthermore, the revised access arrangement would require the relocation of existing street furniture which will require the provision of S.278 agreement. Also, in order to ensure that parking associated with the use does not adversely impact upon the surrounding road network, with particular reference to Coleshill Road, it is considered necessary to impose a planning condition to secure appropriate funding to monitor and review parking impacts upon Coleshill Road along with the ability to secure mitigation measures through a traffic regulation order (TRO) if required. I consider such conditions to be appropriate and necessary in this case so as to ensure that the through flow of vehicle traffic and highway safety is maintained.

### *Flooding and Drainage Matters*

- 6.23. The application site falls within Flood Zone 1. The Lead Local Flood Authority (LLFA) have been consulted on the proposal and have indicated that they accept the overarching principles of the submitted drainage scheme which would see foul drainage connected to an existing drainage system at the adjacent pavilion and for surface water drainage to be stored underground and dispatched into an existing ditch to the south of the proposed pitch. The design of which has been modelled on maximum discharge rates and which would also be subject to filters and flow limits with a high level overflow. The LLFA have raised no objection to these design principles subject to the provision of two planning conditions related to the provision of a sustainable drainage scheme and a sustainable operation and maintenance scheme. I agree with this approach.
- 6.24. Leisure Services (which own and manage the adjoining allotment site) along with a number of local residents have objected to the proposal on the basis that flooding and drainage issues would have an adverse impact upon the adjacent allotment site. However, the applicant has demonstrated through the submitted flood assessment to the satisfaction of both the LLFA and Severn Trent Water that subject to safeguarding conditions around the provision of a sustainable drainage scheme and an ongoing operation and maintenance schedule, that such matters can be satisfactorily resolved without adverse impacts upon the adjacent allotment site.

### *Ecological Matters*

- 6.25. The City Ecologist has raised no objections to the proposal. It is noted that there is a wildlife corridor to the west of the application site and the ecologist have indicated that the proposed flood lighting could cause disturbance to bat activity and that further consideration should be given to reducing such impacts, specifically around the railway line where light levels are the highest. They have requested that a condition is imposed to secure a revised lighting scheme to assess and address this concern.
- 6.26. The City Ecologist notes that the overarching drainage principles as submitted shows all water from hard surfaces and the pitch draining to a ditch in the south of the site bordering the allotments and notes that this is already the subject of high flow rates through into the adjoin country park. They have requested that further information be provided regarding the restriction of flow rates. Such measures have been assessed in part by the LLFA with detailed design details requested to be secured by planning conditions, specifically, the provision of SUDS and a SUDS Operation and Maintenance Plan. Furthermore, the provision of such conditions would allow the suggestion that the existing ditch line be enhanced to create a natural SUDS feature (e.g. Swale) be explored.
- 6.27. In addition, the ecologist has also recommended that conditions for grassland enhancement, woodland planting be secured. I agree within this approach.
- 6.28. The Tree Officer has raised no objections to the scheme.

### *Other Matters*

- 6.29. Network Rail has been consulted on the proposal and whilst they have raised no objection to the proposal they have advised that a Risk Assessment and Method Statement (RAMS) would be required for all works undertaken within 10m of the

railway boundary. This falls outside the scope of the planning application but the applicant has been advised of such comments during the planning assessment process.

7. Conclusion

- 7.1. The provision of an improved sports facility within this suburban location would be of benefit to a large local population which is to be supported. Furthermore, the proposal represents appropriate development within the Green Belt. Subject to the imposition of a variety of planning conditions, the proposal would not adversely impact upon highway safety, neighbour amenity and visual amenity. As such, the proposal accords with the provisions of both national and local planning policies and is recommended for approval on this basis.

8. Recommendation

- 8.1. Approve, subject to conditions.

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| 1  | Requires the scheme to be in accordance with the listed approved plans   |
| 2  | Limits the hours of use to between the hours of 10:00-22:00 Monday-Friday and 10:00-20:00 Saturday, Sunday and Public Holidays |
| 3  | Requires the prior submission of a construction method statement/management plan   |
| 4  | Requires the submission of a scheme for ecological/biodiversity/enhancement measures   |
| 5  | Requires the submission of details to prevent mud on the highway   |
| 6  | Prevents occupation until the parking area and altered service road has been constructed                                       |
| 7  | Requires the submission of the siting/design of the access   |
| 8  | Requires the submission of a parking management strategy   |
| 9  | Requires the submission of a commercial travel plan  |
| 10 | Requires the submission of cycle storage details   |
| 11 | Requires the submission and completion of works for the S278/TRO Agreement   |
| 12 | Requires the applicant to enter into an agreement with the Highway Authority to review Traffic Regulation Orders               |
| 13 | Requires the submission of sample materials  |
| 14 | Requires the submission of tanoy details   |
| 15 | Requires the prior submission of a detailed sustainable drainage scheme  |
| 16 | Submission of a Sustainable Drainage Operation & Maintenance Plan  |
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| 17 | Requires the prior submission of a drainage scheme (foul and surface water)   |
| 18 | Requires the submission of a community access agreement   |
| 19 | Requires registration with the Football Association (FA)  |
| 20 | Requires the submission of an overall site security scheme  |
| 21 | Requires the submission of a floodlighting scheme   |
| 22 | Hours of use of approved floodlighting (16:00-22:00 Monday-Friday and 16:00-20:00 Saturdays, Sundays and Public Holidays) |
| 23 | Requires the submission of hard and/or soft landscape details   |
| 24 | Requires the submission of details of refuse storage  |
| 25 | Implement within 3 years (Full)   |
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Case Officer: Christopher Wentworth



## Photo(s)

**Fig 1 – Aerial photograph of application site with site access indicated.**

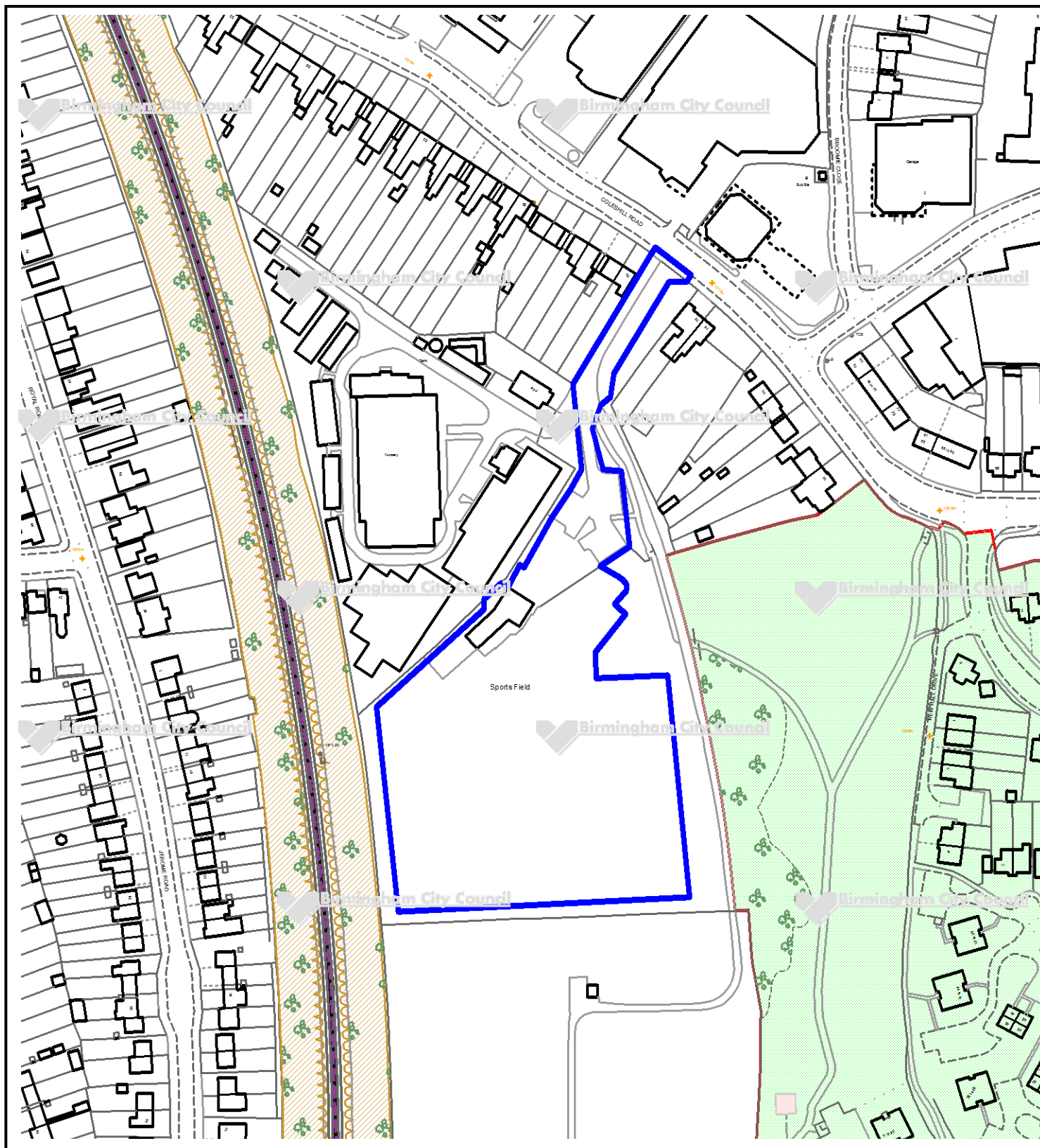


**Fig 2 – Existing Pitch.**





## Location Plan



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Committee Date:	20/06/2019	Application Number:	2017/07875/PA
Accepted:	13/10/2017	Application Type:	Full Planning
Target Date:	08/12/2017		
Ward:	Sutton Trinity		

Bishop Veseys Academy, 36 Lichfield Road, Sutton Coldfield, Birmingham, B74 2NH

To extend the hours of use of the existing artificial pitch and floodlights from 9.00am to 9.00pm (from 6.30pm) on Monday to Thursday.

Recommendation

**Approve Temporary**

1. Proposal

- 1.1. The proposal is to extend the hours of use of the existing artificial pitch facility and floodlights from 9.00am to 9.00pm (from 6.30pm) on Monday to Thursday with the hours of use on Fridays, remaining 9.00am to 6.30pm, Saturdays, 9.00am to 6.00pm and Sundays and Bank Holidays 9.00am to 1.00pm.
- 1.2. The increase in the hours of use of the artificial pitch and floodlights is to enable greater access to the facility for community sports groups and provide more opportunity for the local community to engage in sporting activities whilst the site is not in use by students at the school.
- 1.3. The application is supported by a Transport Statement and an Illumination Study of the Floodlights.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is an artificial pitch within the grounds of Bishop Vesey Grammar School, which bounds Boswell Road to the north and Sutton Coldfield College to the south. To the west, on higher ground, is the sports hall and main car park and beyond the school buildings (which lie within Anchorage Road, Sutton Coldfield Conservation Area), and to the east is the informal small lower car park and the Lichfield - Sutton Coldfield railway line, on an embankment. To the east of the railway line, with pedestrian access under the railway, is the main part of the school playing fields. Sutton Coldfield Railway Station is 400m to the south, and beyond is Sutton Coldfield Town Centre. Residential properties face the application site, on the other side of Boswell Road, which serves other residential roads off it and which has parking restrictions on one side.

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

3. Planning History

- 3.1. 14/06/2007. 2006/07235/PA. Laying out of all-weather sports pitch on existing school playing field. Approved subject to conditions.
- 3.2. 16/08/2012. 2011/08620/PA. Erection of 6 no. external column floodlighting system for artificial sports area to be used during the hours of 9am-6.30pm Mon-Fri, 9am-6pm Sat & 9am-1pm Sundays and Bank Holidays. Approved subject to conditions.
4. Consultation/PP Responses
  - 4.1. Transportation Development – No objections subject to a 1 year temporary permission for the additional hours of use of the floodlight/all-weather pitch to monitor any highway impacts.
  - 4.2. Regulatory Services – No objections subject to a 1 year temporary permission to monitor any impacts on the amenities of nearby residents.
  - 4.3. West Midlands Police – No objections
  - 4.4. Royal Sutton Coldfield Town Council – Object on the grounds of noise disturbance and cumulative impact of traffic.
  - 4.5. Councillors, Residents Associations and nearby residents notified. Site Notice posted. 42 letters of objection, 2 petitions of objection (67 signatures from Boswell Road residents and 13 signatures from Radbourn Drive residents) received to the original proposed extension of hours of use of the floodlights/all-weather pitch objecting to the proposal on the following grounds;
    - There are already considerable problems with the congestion of traffic on Boswell Road which have been added to over the years as more parents drop off and more users visit the site. It's often impossible for residents to leave or access their homes.
    - Traffic has increased on Lichfield Road over the years so it would still be difficult to exit Boswell road outside hours.
    - The additional restrictions in Boswell Road would not cover the hours of the proposed application.
    - School should find alternative routes from the site to not impact on residents as they wish to expand use of the site.
    - If you live near a school you should accept some degree of inconvenience but this is an increasing use beyond normal school hours on a more frequent basis that could be accepted and is thus impacting on the quality of life for residents.
    - If residents cannot get in or out then emergency vehicles will have the same problem. We know there is a police station nearby but with tight resources they are often unable to help so there is a disaster waiting to happen here .
    - Increased noise and disturbance on the evenings and weekends from increased use of the pitch.
    - Light spillage and noise pollution from use of the pitch in the evening period.
    - School promised it would not attempt to increase the hours of use when the original application was approved.
    - Conditions put on for a reason to protect the amenities of local residents.
    - Information submitted with Transport Statement is inaccurate and inadequate.
    - Proposal to extend hours will adversely impact on the health and safety of local residents.
    - Planning Committee should visit between 3pm and 4pm to understand the traffic problems associated with the school.
    - School did not consult with local residents prior to submitting an application.

- 4.5. Councillors Pears and Mackey supported the objections of local residents.
- 4.6. A further 4 letters have been received objecting to the reduced extended hours of use of the floodlights/all-weather pitch on the following additional grounds;
- Increased traffic and disruption in Boswell Road.
  - Intensification of use.
  - Increased light pollution adjacent conservation area.
  - What makes additional hours acceptable now?
  - School increasing commercial usage bit by bit.
  - Cars may not park on yellow lines but they still park on pavements.
  - Visual intrusion of floodlights when artificial pitch is in use.
  - Increased usage could double parking demand.
5. Policy Context
- 5.1. Birmingham Development Plan 2017, Floodlighting of Sports Facilities, NPPF 2019
6. Planning Considerations
- 6.1. **Background** – Planning permission was granted in 2007 for an artificial pitch on the existing playing field with the condition that the pitch shall only be used between 9am and 8.30pm Mondays to Fridays, 9am and 6pm Saturdays and 9am and 1pm Sundays. It was also conditioned that the pitch shall not be used when school events occur outside of school times (other than school sports matches), other than in accordance with the agreed details of the car park management plan.
- 6.2. Subsequent to this in 2012 planning permission was granted for the erection of 6no. floodlighting columns with a condition restricting the hours of use of the floodlights to 9am to 6.30pm Mondays to Fridays, 9.00am to 6.00pm Saturdays and 9.00am to 1pm Sundays and Bank Holidays.
- 6.3. This proposal seeks to extend the hours of use of the artificial pitch from 8.30pm to 9pm on Mondays to Thursdays and use of the floodlights from 6.30pm to 9pm Mondays to Thursdays. Originally the applicants had proposed to extend the hours of use of the artificial pitch and floodlights on Fridays, Saturdays and Bank Holidays, however, following discussions with officers, extended hours on these days are no longer being sought.
- 6.4. **Residential Amenity** – The application seeks an additional 2 and a half hours use of the floodlights and a half hours use of the artificial pitch on Monday to Thursday evening. The additional impacts would relate to noise and light from the extended use of the artificial pitch and floodlights. The suitability of the floodlights was assessed during the consideration of application no. 2011/08620/PA and they were considered acceptable and would not have an adverse impact on the amenities of nearby residents in terms of light spillage.
- 6.5. The additional impact on nearby residents would likely to be from the additional hours of use of the artificial pitch and floodlights later into the evening during the winter months. I have consulted with Regulatory Services and they are of the view that a 1 year temporary consent for the additional hours of use would be reasonable and enable monitoring and a full assessment any additional impacts to be undertaken during the temporary period.

- 6.6. **Highways** – In terms of the impact of the additional hours of use of the artificial pitch, the applicants have submitted a Transport Statement in support of the proposal. The Transport Statement demonstrates that the site is highly accessible by sustainable modes of travel as well as pedestrian and cycle links. Numerous bus routes are accessible within a 1 or 2 minute walk and Sutton Coldfield Railway Station is also within an approximate 8 minute walk.
- 6.7. The Transport Statement also highlights that the school's main car parking areas provide capacity for up to 112 vehicles and there are also overspill areas within the school grounds which could be utilised for additional parking if required. The condition attached to planning approval 2006/07235/PA that the pitch shall not be used when school events occur outside of school times (other than school sports matches), other than in accordance with the agreed car park management plan would be re-attached to the temporary consent if approved by your Committee.
- 6.8. Transportation Development have taken the above and concerns of local residents into account and also recommend a 1year temporary permission is appropriate to monitor and fully assess the impact of the additional hours of use on the surrounding highway network and on-street parking in the vicinity of the site.
7. Conclusion
- 7.1. I consider that it is reasonable that a 1 year temporary approval is given to the reduced, additional hours of use for the artificial pitch and floodlights requested by the applicant in order that any additional impacts can be monitored and reviewed at the end of the temporary consent.
8. Recommendation
- 8.1. Approve Temporary.

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|---|---|
| 1 | Limits the hours of use of the artificial pitch and floodlights to 0900-2100 Monday to Thursday, 0900 to 1830 Fridays, 0900-1800 Saturdays and 0900-1300 Sundays and Bank Holidays for a temporary 1 year period. |
| 2 | The artificial pitch shall remain available for community use when not used by the school other than in accordance with the car park management plan  |
| 3 | Requires the scheme to be in accordance with the listed approved plans  |
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Case Officer: John Davies

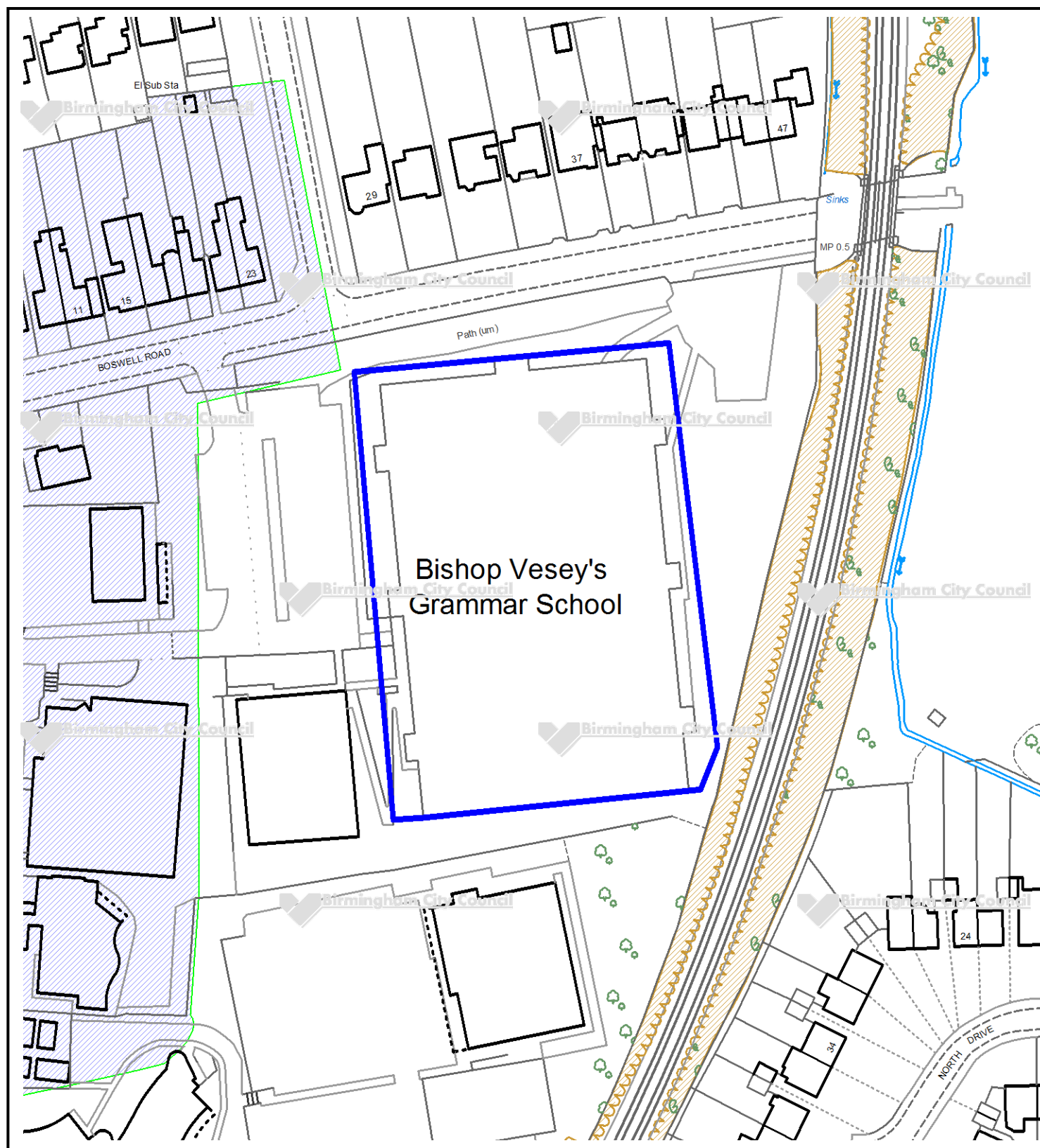
## Photo(s)



Figure 1 – View of all-weather pitch from Boswell Road



## Location Plan



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Committee Date:	20/06/2019	Application Number:	2019/00546/PA
Accepted:	22/01/2019	Application Type:	Variation of Condition
Target Date:	19/03/2019		
Ward:	Sutton Wylde Green		

2 & 4 Goldieslie Road, Sutton Coldfield, Birmingham, B73 5PQ

Removal of Condition No. 4 attached to approval 2010/04501/PA to allow children associated with the nursery to use the private amenity space to the rear of No. 4 Goldieslie Road

Recommendation

**Approve Temporary**

1. Proposal

- 1.1. This application seeks consent to remove condition 4 attached to planning approval 2010/04501/PA to allow children associated with the nursery to use the private amenity space to the rear of No. 4 Goldieslie Road, Sutton Coldfield. The private amenity space would be used as a natural discovery garden for the children at Little Ripley's Day Nursery at 2 & 4 Goldieslie Road, Sutton Coldfield, with no physical exterior changes or alterations proposed. The applicant is seeking consent for a maximum of 12 no. children to use the space at any one time between the hours of 10:00 and 17:00 hours Mondays – Fridays only, supervised by up to 3 no. members of staff in addition to the 12 no. children. The proposal would have no increase in capacity of children on site.
- 1.2. Approval was originally granted on 10<sup>th</sup> December 2010 under planning ref: 2010/04501/PA for the change of use from residential at No.4, (use class C3) to a day nursery at ground floor level (use class D1) with a manager's flat to the first floor, revised access and additional parking. It was approved subject to a number of conditions including no use of the private amenity space to the rear of No. 4 and existing play area in association with No. 2 to be used only.
- 1.3. Condition No. 4 was originally requested in order to safeguard neighbouring occupiers of any noise implications of the intended use of the site, which currently states:

*"No children associated with the nursery hereby approved at Number 4 Goldieslie Road shall use the private amenity space to the rear of No. 4 Goldieslie Road at any time. Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 8.15 of the Birmingham UDP 2005."*

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of the Little Ripley day nursery in operation at No. 2 & No. 4 Goldieslie Road, accommodating up to a maximum of 79 children with staff accommodation on site. The site is located on the west corner of the junction of

Jockey Road and Goldieslie Road. There is a double frontage to No. 2 with parking provisions and a drop off zone accessed via the main entrance off Goldieslie Road and the egress point to Jockey Road. The front boundary comprises of a mixture of low level brick walls, high hedging and wooden fencing.

- 2.2. The surrounding area consists predominantly of a mix of semi-detached and detached two storey dwellings on Goldieslie Road however the character changes somewhat towards the north end of the site with flat accommodation directly opposite. Jockey Road is predominantly residential in character with an element of non-residential uses which includes the Sutton Coldfield Grammar School for Girls located directly north of the application site and the Horse and Jockey Public House located to the north east. The Cross City railway line runs to the west of the application site (to the rear of the gardens on Goldieslie Road) and Jockey Road forms a bridge over this. There are double yellow line parking restrictions outside of the premises which extends down the main road.

2.3. [Site Location](#)

3. [Planning History](#)

***Planning Application History***

- 3.1. 13/10/2005 – 2004/07698/PA – 2 Goldieslie Road. Change of use from dwelling house to children's day nursery for 32 children, with staff living accommodation and car parking. Applicant appealed non-determination. Appeal allowed subject to conditions (11/01/06) to control disabled access, refuse, noise insulation, car parking, access and drop off zone, no of children attending, times and numbers of children playing outdoors, opening hours, no fixed outdoor play equipment, first floor to be occupied by staff.
- 3.2. 11/09/2008 - 2008/02463/PA – 2 Goldieslie Road. Variation of condition 8 attached to planning consent 2004/07698/PA to increase the number of children from 32 – 40. Approved on a temporary basis until 11/09/08 to monitor the impact on highway safety.
- 3.3. 10/12/2010 - 2010/04501/PA - 2 & 4 Goldieslie Road. Change of use from residential at No.4, (use class C3) to day nursery at ground floor level (use class D1) with manager's flat to first floor, revised access and additional parking. – Approved subject to conditions.
- 3.4. 18/04/2013 - 2012/08192/PA – 2 Goldieslie Road. Variation of condition 8 attached to planning approval 2008/02463/PA to increase the number of children to 51 - Approved subject to conditions.
- 3.5. 31/12/2013 - 2013/08167/PA – 2 Goldieslie Road. Variation of Condition 5 to allow use of first floor residential accommodation at 2 Goldieslie Road as ancillary office accommodation to ground floor day nursery attached to planning approval 2012/01892/PA – Refused. Applicant appealed and dismissed (07/05/2014).
- 3.6. 19/05/2014 - 2014/03494/PA – 4 Goldieslie Road. Variation of Condition 1 of planning application 2010/04501/PA to permit the use of two bedrooms at first floor level as ancillary offices – Approved subject to conditions.

- 3.7. 01/10/2015 - 2015/06019/PA – 2 & 4 Goldieslie Road. Erection of single storey rear extension to 4 Goldieslie Road to enlarge children's play areas in association with use as a children's day nursery – Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Local residents, ward councillors, neighbourhood forums and MP were consulted and a site notice was displayed for the statutory period of 21 days.

- 4.2. 14 objections were received from 11 residences, raising the following issues:

- Noise and nuisance
- Infringement of human rights
- Disturbance to privacy and enjoyment of home
- Lower quality of life and disturbance to mental and physical health/wellbeing
- Increased stress and disruption
- Unwelcome intrusion
- Would not respect occupiers of surrounding residences
- A full environment impact assessment should have been made
- Why was the garden of No.4 referred to as a private amenity space?
- Gardens of No.4 and No.6 are only divided by 6ft close boarded fence
- Applicant was disingenuous in the original application
- Reasons for this planning condition have not changed
- Number of children have increased by 28 to 79 children
- Devaluation of houses
- Nursery has eroded a desirable residential area with increased traffic, noise and a negative visual impact

- 4.3. Councillor Alex Yip objects to the proposal on the following grounds:

- It would be highly disingenuous for this to be removed when this was one of the conditions for its granting
- Goldieslie Road is a relatively quiet condense residential road where noise will carry
- Granting of the original application was out of keeping and resisted because of fears of noise
- The number of children's homes have quickly changed the nature of the ward and the wider character should be taken into consideration
- Repeated undermining of set conditions causes frustration and anxiety to residents
- Parking issues

- 4.4. A representation was received from Councillor Alex Yip on behalf of a local resident which stated that acceptance of this application would cause further stress and health implications on an elderly resident.

- 4.5. Regulatory Services – No objections subject to the following conditions:

- Restrict the number of children playing outside at any one time to 12
- Restrict the times children can play outside in the private amenity space to the rear of No. 4, to between the hours of 10:00 and 17:00 hours Mondays – Fridays only

- Recommends a one year temporary permission to assess the likelihood of noise problems

## 5. Policy Context

### 5.1. The following policies are applicable:

- Birmingham Unitary Development Plan (2005) – Saved Policies
- Birmingham Development Plan (2017)
- NPPF – National Planning Policy Framework (2019)

## 6. Planning Considerations

- 6.1. The principle of the day nursery use at this location has already been established and it is therefore only necessary to consider the impact of the removal of the condition for the use of the rear private amenity space at the nursery and the potential impact that this might have on residential amenity and cumulative impact.
- 6.2. When considering planning applications for the use of dwelling houses as day nurseries, Policy 8.15 of the UDP (Saved Policies) states that day nurseries should generally be confined to detached houses and properties which have good separation from adjacent residential properties or which are not adjoined on all sides by other residential uses.

### **Background**

- 6.3. The original planning application (Ref. N/07698/04/FUL) for the proposed change of use from dwelling house to children's day nursery for 32 children with staff living accommodation and car parking at No. 2 Goldieslie Road was allowed on appeal on 11th January 2006. More recent applications were submitted for the variation of condition 8 to increase the number of children to 40 which was approved on 31st March 2011 (Ref: 2011/00422/PA) and a further increase to a maximum of 51 children approved on 18<sup>th</sup> April 2013 (Ref: 2012/08192/PA).
- 6.4. This application should be considered in relation to the adjacent detached property, No. 4 Goldieslie Road, which was subject to approval for a change of use from a residential dwelling to a nursery at ground floor level with up to 28 children and a managers flat at first floor on 9th December 2010 (Ref. 2010/04501/PA). A single storey rear extension was later granted for this property to enlarge the children's play areas in association with use as a children's day nursery on 1<sup>st</sup> October 2015 (Ref: 2015/06019/PA). There is an overall total of 79 children at the two properties.

### **Residential Amenity**

- 6.5. The application site is located within an area of a predominantly residential nature, adjoined by a residential use at No. 6 Goldieslie Road and commercial use at No. 2 Goldieslie Road (associated nursery premises). Goldieslie Road is viewed as a through road not used solely by residential traffic. For example, it is used by parents/students attending the Girls Grammar School and it is partly used as a through road by motorists to avoid the Jockey Road/Birmingham Road traffic systems.
- 6.6. Numerous concerns have been raised by local residents regarding the implications the use of the private amenity space will have on the adjacent property and other

dwellings in close proximity to the site along Goldieslie Road. I consider that the character of the area is not completely uniform, as the north end of Goldieslie Road towards Jockey Road differs in character to the remainder of the road. This is due to the existence of flat accommodation opposite to the nursery, Sutton Girls Grammar School to the north and The Horse and Jockey Public House to the north east compared to the purely residential premises to the south. Furthermore the Cross City rail line runs along the rear of the application site to the west. The day nursery is already established on site and the proposal would not increase the capacity of children on site nor would it change the exterior or appearance of the nursery. There is already external noise at the nursery and whilst the use of the garden area in question will increase the number of children outdoors at any one time, it would be to a limited number and during specific hours. Bearing in mind these factors, I consider that there is a high degree of commercial and non-residential activity within the locality and I am therefore of the view that the potential noise created in terms of use of this amenity space would not raise disturbance levels by an unprecedented and unmanageable amount that could not be mitigated by appropriate measures. This material consideration also needs to be balanced against the benefit to the children's experience at the nursery.

- 6.7. I note that the existing boundary treatment between No. 4 and No.6 Goldieslie Road of 1.8m wooden fencing along with mature shrubbery and trees would remain in place and I consider that this may be useful in providing a noise buffer/mitigation to an extent between the two different residential uses.
- 6.8. Regulatory Services raise no objection to the removal of the condition to use the private amenity space in principle, however it is considered necessary to place restrictions of the usage of the area, in terms of activity hours and children numbers, to safeguard any noise implications for neighbouring occupiers. In order to control the number of children playing outside, a condition has been recommended to restrict the number of children to a maximum of 12 at one time. It is also considered appropriate to condition the hours to restrict the use of this space to be between 10:00 and 17:00 hours Monday – Fridays (both of these conditions apply to No. 4 Goldieslie Road only and the previous conditions attached regarding No. 2 Goldieslie Road shall remain). I concur with the views of Regulatory Services and I consider that these restrictions should provide a level of mitigation to the concerns raised by local residents.

### **Cumulative Impact**

- 6.9. Residents raised concern in relation to the motivations behind the use of the rear garden space at No.4, when a play area associated with No. 2 is already in operation and subsequently what the cumulative impact the removal of this condition would have.
- 6.10. Regulatory Services and I note the noise implications the removal of this condition may have, however it is important to consider that there would be no increase in capacity on site and the existing staff and children shall use the space only. In order to address local resident's concerns, Regulatory Services have recommended for a year's temporary permission to be granted in the first instance to assess the cumulative effect the two play areas may have. Granting approval on a temporary basis only, will allow the level of noise generated to be assessed and to determine its suitability at this site.
- 6.11. Regulatory Services note that condition No. 4 was attached to the original planning application (Ref: 2010/04501/PA) in order to protect the occupiers of the residential

area as a nursery had not been located at the site before. I note the concerns raised stating that the reasons for this planning condition have not changed, however I consider that this advised imposition of a temporary consent will be able to determine the noise levels generated in operation and activity shall only commence at the recommended specifications for a one year period only until another assessment has been undertaken.

- 6.12. It is clear that the proposed use of the garden space as a natural discovery garden would be providing an open environment to allow nursery children the freedom of activity time to perform as part of their early year's education. It would be creating a safe and stimulating experience and thus the intent of this proposal is clearly in the public interest and for those of the children in attendance at the nursery.

### **Other Matters**

- 6.13. Devaluing neighbours' properties and civil disputes between the applicant and local residents are not material planning considerations and cannot be taken into consideration for the assessment of the application.
- 6.14. Comments regarding the approval of the previous application, including parking provision and traffic generation are noted, however, it is important to note that the proposal would not be increasing the capacity of children or staff on site.

### **7. Conclusion**

- 7.1. I consider that the removal of condition No. 4 to use the private amenity space of No. 4 Goldieslie Road can be accepted on a temporary basis of 1 year to allow impact to be assessed on the amenity of adjoining residential occupiers within the immediate vicinity of the site. The proximity to residential dwellings is largely associated with the noise implications of this proposal, however Regulatory Services raise no objections subject to the necessary safeguarding conditions to ensure that residential amenity is not adversely affected by noise. I am therefore satisfied that the restriction of a maximum number of 12 children at one time between 10:00 and 17:00 hours Mondays-Fridays on a temporary basis is acceptable. The proposal is therefore recommended for temporary approval subjected to the aforementioned conditions.

### **8. Recommendation**

- 8.1. Approve subject to conditions.

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|---|--|
| 1 | Limits the hours of use to 10:00-17:00 Monday-Friday and no more than 12 children at any one time for a temporary 1 year period. |
| 2 | Requires the scheme to be in accordance with the listed approved plans   |
| 3 | Limits the number of children able to attend the day nursery   |
| 4 | Limits the hours of use and number of children at No. 2  |
| 5 | Retention of use of first floor residential accommodation  |
| 6 | Requires the garage to No.6 to be retained as storage purposes   |
-



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- 7 Removal of PD rights for boundary treatment removal
  - 8 Requires the retention of entry and exit signs
  - 9 Limits the hours of operation
  - 10 Requires retention of vehicular visibility splays
  - 11 Requires retention of pedestrian visibility splays
  - 12 Requires ancillary use of No. 4 with No.2 Goldieslie Road
- 

Case Officer: Chloe Faulkner

## Photo(s)



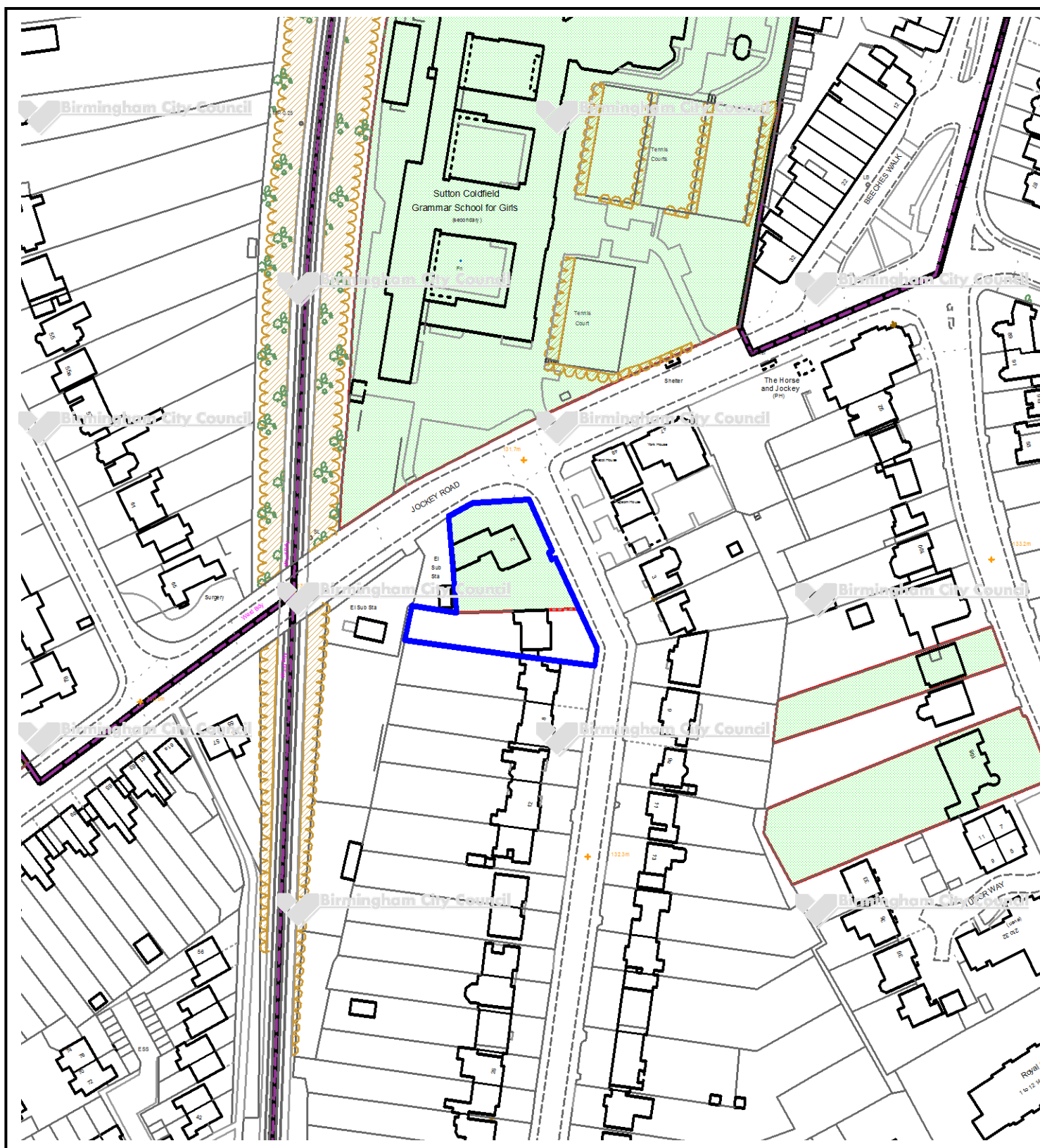
Figure 1 - Garden of No. 4 Goldieslie Road



Figure 2 – Proximity and boundary treatment between garden of No. 4 Goldieslie Road and neighbouring residential dwelling No.6 Goldieslie Road



## Location Plan



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Committee Date:	20/06/2019	Application Number:	2017/09182/PA
Accepted:	26/10/2017	Application Type:	Variation of Condition
Target Date:	25/01/2018		
Ward:	Nechells		

85 Chester Street, Aston, Birmingham, B6 4AE

Variation of hours of use condition attached to planning permission 1998/03293/PA in order to allow for operations between 0600 hours and 2100 hours Monday to Friday and 0700 hours to 1800 hours on Saturdays (as well as hours of despatch and deliveries) as well as attachment of two new conditions to control the Maximum Instantaneous Noise Levels (LAFmax) from the development and also the impact of the cumulative noise from all activities on the site.

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. The applicant originally proposed to remove the hours of use condition associated with planning approval 1998/03293/PA so that the site operations could operate on a 24 hour basis. Further to this, the applicant has agreed to modify the hours of use condition so that it reflects the hours of use considered appropriate for the neighbouring site at 91 Chester Street (ref 2017/08994/PA) which was granted a variation of condition consent for such operating hours in April of this year.
- 1.2. As part of the applicant's wish to mimic the conditions for number 91 Chester Street granted under that site's variation of condition application, this proposal would therefore require the application of two new conditions in relation to controls on the Maximum Instantaneous Noise Levels (LAFmax) and also the impact of the cumulative noise from all activities on the site.
- 1.3. Application 1998/03293/PA approved the erection of light assembly unit with ancillary distribution/warehousing and offices, car parking, access, servicing and landscaping at the site.
- 1.4. The hours of use condition currently reads "The premises shall be closed for business, and there shall be no deliveries or collections of goods to or from the premises on Sundays, Bank or Public Holidays, or on Mondays to Fridays between midnight and 0700 hours and 2000 hours and midnight or on Saturdays between midnight and 0900 hours and 1300 hours and midnight. REASON: In order to safeguard the amenities of the occupiers of dwellings in the vicinity".
- 1.5. This will be changed to "Limits the hours of use- The uses hereby approved shall only take place between 0600 hours to 2100 hours Monday to Friday, 0700 hours to 1800 hours on Saturdays and not at all on Sundays or Bank Holidays. Reason: In order to secure the satisfactory development of the application site and safeguard

the amenities of occupiers of premises/dwellings in the vicinity in accordance with policy TP 37 (health) of the BDP (2017) and the NPPF”.

- 1.6. The new LAFmax condition to be introduced would read “Limits the maximum noise levels- The Maximum Instantaneous Noise Levels (LAFmax) from the proposed development shall not exceed the background (LA90) noise level by more than 10dB, between 06:00 - 07.00hrs at any noise sensitive premises, with the exception that if the background noise level is 45dB or less, the maximum instantaneous noise level shall not exceed 55dB LAFmax. Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with policy TP 37 (health) of the BDP (2017) and the NPPF”.
- 1.7. The new cumulative noise condition would read “Limits cumulative noise from all activities on the site- The impact of the cumulative noise from all activities on the site shall not have an adverse impact when assessed in accordance with British Standard 4142 (2014) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification. Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with policy TP 37 (health) of the BDP (2017) and the NPPF”
- 1.8. The application is supported by a Noise Impact Assessment and Planning Statement.
- 1.9. [Link to Documents](#)
2. Site & Surroundings
  - 2.1. The application site is set on the eastern side of Chester Street and has commercial operators to the north and a nursery set across Richard Street to the south. The site is situated within Windsor Core Industrial Area. To the immediate east of the site is a canal whilst to the west, across Chester Street, are residential dwellings and a commercial operation.
  - 2.2. [Location map](#)
3. Planning History
  - 3.1. 18.02.1999- 1998/03293/PA-Erection of light assembly unit with ancillary distribution/warehousing and offices, car parking, access, servicing and landscaping- approved with conditions.
4. Consultation/PP Responses
  - 4.1. Surrounding occupiers, local councillors, local community forum and local MP notified as well as site and press notices displayed- 19 responses (including a petition containing 119 signatures) which set out their objection to the proposal. These were submitted in relation to the original proposal which proposed a 24 hour use. The objections can be summarised as follows:-
    - \* will cause disturbance to their sleep
    - \* will disrupt the studies of students
    - \* will cause increased traffic volume and noise and problems with parking
    - \* will increase noise pollution

- \* will disturb the peaceful enjoyment of nearby residential premises
- \* will negatively affect other road users
- \* existing traffic on the road has an adverse impact on other road users and pedestrians which will be made worse by the proposal
- \* question why the applicant no longer feels the need to safeguard the amenity of nearby residents (which the current conditions seek to) and why is this no longer necessary?
- \* how are they going to make sure the amenities of nearby residents are protected?
- \* is contrary to the Council own BDP policy TP37 (health)
- \* nothing has changed since the condition was originally applied and the proposal will endanger the amenity of locals
- \* do not agree with the noise impact assessment submitted
- \* has the local authority carried out its own noise survey and road safety assessment?
- \* the list of consultees for the application notably does not include Midland Heart or Aston Students Union which it is felt they should be as they own or manage properties at Aston Brook Green.
- \* biggest concern is about intermittent noise which is much more disturbing
- \* will have an adverse impact on highway congestion and parking

- 4.2. Regulatory Services- on balance it should be possible to operate this business as proposed with no significant impact as long as the following conditions are also attached to the planning consent.

New condition 1 - Limits the maximum noise levels

The Maximum Instantaneous Noise Levels (LAFmax) from the proposed development shall not exceed the background (LA90) noise level by more than 10dB, between 06:00 - 07.00hrs at any noise sensitive premises, with the exception that if the background noise level is 45dB or less, the maximum instantaneous noise level shall not exceed 55dB LAFmax.

Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.

New condition 2 - Limits cumulative noise from all activities on the site

The impact of the cumulative noise from all activities on the site shall not have an adverse impact when assessed in accordance with British Standard 4142 (2014) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification.

Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with policy TP 37 (health) of the BDP (2017) and the NPPF

- 4.3. Transportation- no objection.
- 4.4. West Midlands Police- state they have no comment to make.
- 4.5. Severn Trent- state they have no comment to make.
- 4.6. Canal and River Trust- no substantive response received.
5. Policy Context
- 5.1. Birmingham Development Plan (2017), NPPF and NPPG.



6. Planning Considerations

- 6.1. The proposed modifications to the conditions associated with the original planning permission give rise to a number of issues which are considered below.
- 6.2. Paragraph 7 of the NPPF states “The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs”.
- 6.3. Paragraph 8 states “Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): a) an economic objective; b) a social objective and c) an environmental objective”.
- 6.4. Paragraph 10 states “So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)”.
- 6.5. Paragraph 11 states “Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:..... any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.
- 6.6. Policy TP 37 (Health) of the BDP (2017) sets out that “The City Council is committed to reducing health inequalities, increasing life expectancy and improving quality of life by: Seeking to improve air quality and reduce noise within the City”.
- 6.7. Noise and disturbance- Regulatory Services raise no objection to the extension in operating hours controlled under condition 26 sought subject to the attachment of two new conditions that would (a) limit the Maximum Instantaneous Noise Levels and (b) limits cumulative noise from all activities on the site. I concur with this view.
- 6.8. The proposal would seek to extend the approved operating hours by commencing one hour earlier at 0600 hours and finishing 1 hour later at 2100 hours (Mondays to Fridays) and two hours earlier from 0700 hours and finishing five hours later until 1800 hours on a Saturday.
- 6.9. Whilst I recognise the considerable level of opposition to the modifications sought, an evaluation of the potential noise impact of the proposal has been undertaken to evaluate the impact on sensitive noise receptors. Following that evaluation it is considered that, on balance, the proposed extended hours of use should be possible to operate as proposed with no significant impact (on sensitive noise receptors) subject to the inclusion of the two new aforementioned conditions.
- 6.10. It is noted that the applicant originally proposed a 24 hour use, upon evaluation of the proposal as originally submitted (to extend the operating hours) it was considered that it such a proposal would be difficult to support from a noise perspective, hence the modification of the proposal to allow for extended hours rather than simply a full 24 hour use.

6.11. Members are also reminded that notwithstanding the above assessment of the proposal and with safeguarding conditions, this does not preclude the Council's legal obligations and powers under other statutory frameworks (including nuisance provisions of EPA 1990). In summary, subject to the aforementioned conditions no adverse noise or disturbance impact identified.

6.12. Highway impact- Transportation Development raise no objection to the proposal. I concur with this view. I acknowledge the objections received with respect to matter relating to transport/highway issues through the consultation process, however after an evaluation of the proposal which in the main relates to extending the opening hours, it is not considered that the extended operating hours would lead to any demonstrable harm relating to highway safety and that that it is considered that the proposed use of the site under extended hours of operation would not be likely to have a detrimental impact on the safe operation of surrounding streets.

## 7. Conclusion

7.1. The proposed modification in the operating hours and the new conditions recommended by Regulatory Services related to controlling noise levels is acceptable.

## 8. Recommendation

8.1. Approve as requested with two new conditions to control noise levels.

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- |    |   |
|----|---|
| 1  | Requires all loading and unloading of goods to take place within the application site     |
| 2  | Removes PD rights for telecom equipment   |
| 3  | Requires the scheme to be in accordance with the listed approved plans                    |
| 4  | Prevents open storage taking place within the application site                            |
| 5  | Prevents refuse or waste being disposed of by burning it on site                          |
| 6  | Prevents the use from changing within the use classes                                     |
| 7  | Restricts the use the car parking and vehicle circulation areas to those purposes only    |
| 8  | Limits the hours of use (0600-2100hours Monday to Friday and 0700-1800hours on Saturdays) |
| 9  | Controls any industrial plant and machinery within the application building               |
| 10 | Prevents retail sales from occurring from the application premises                        |
| 11 | Limits the maximum noise levels   |
| 12 | Limits cumulative noise from all activities on the site                                   |
- 

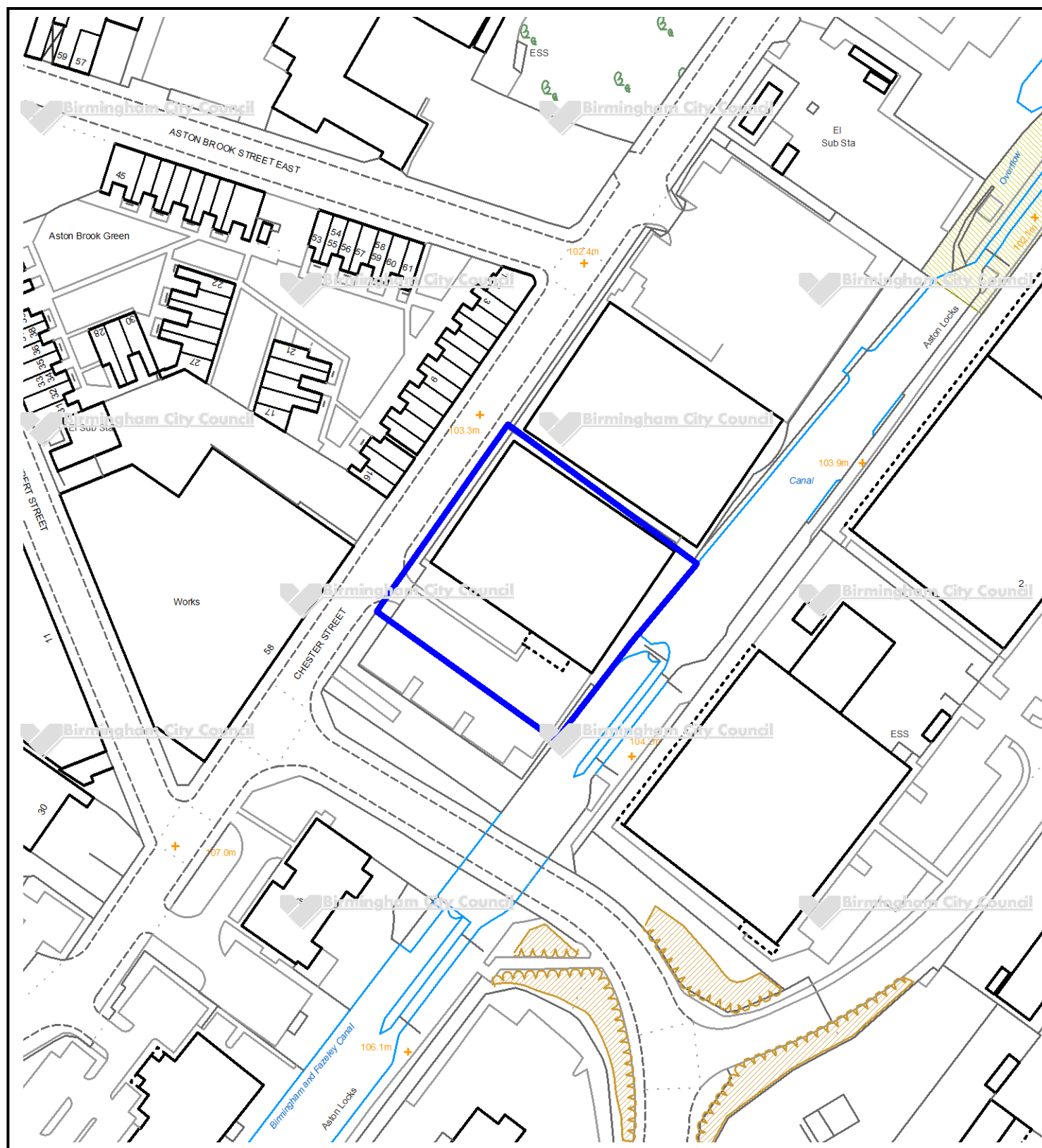
Case Officer:        Wahid Gul

**Photo(s)**



Site entrance

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**20 June 2019**

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

<b><u>Recommendation</u></b>	<b><u>Report No.</u></b>	<b><u>Application No / Location / Proposal</u></b>
Determine	17	2018/00484/PA  Old Union Mill 17-23 Grosvenor Street West Ladywood Birmingham B16 8HW  Proposed two storey extension to rear of original building to facilitate refurbishment to provide office floorspace (Use Class B1a), two new residential blocks within rear courtyard rising to 3 and 4 storeys to provide 13 apartments (5 x 1-bed, 7 x 2-bed, 1 x 3-bed), re-levelling and landscaping to form parking courtyard and communal gardens
Determine	18	2018/00505/PA  Old Union Mill 17-23 Grosvenor Street West Ladywood Birmingham B16 8HW  Listed Building Consent for demolition of 20th century extension to rear, internal and external alterations to existing building including two storey extension to provide additional access to the rear; replacement archway at front elevation (works associated with refurbishment to provide office floorspace)

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Committee Date:	20/06/2019	Application Number:	2018/00484/PA
Accepted:	22/01/2018	Application Type:	Full Planning
Target Date:	18/02/2019		
Ward:	Ladywood		

Old Union Mill, 17-23 Grosvenor Street West, Ladywood, Birmingham, B16 8HW

Proposed two storey extension to rear of original building to facilitate refurbishment to provide office floorspace (Use Class B1a), two new residential blocks within rear courtyard rising to 3 and 4 storeys to provide 13 apartments (5 x 1-bed, 7 x 2-bed, 1 x 3-bed), re-levelling and landscaping to form parking courtyard and communal gardens

Recommendation

**Determine**

**Report back**

1. Background

- 1.1. This application was first reported to the meeting of the Planning Committee on 14<sup>th</sup> February 2019 when it was deferred to allow further consideration of a Heritage Report commissioned by the neighbours of Sherborne Lofts and submitted to the Council the day before the meeting. Members also requested that the committee report include comments made previously by Historic England and further explanation with respect to the proximity of the development to the neighbours existing apartment block.
- 1.2. The Heritage Report has now been considered by the applicants and the Council's Conservation Officer. Neighbours have also been re-consulted following the receipt of amended plans that re-position the closest proposed west block, allowing a slightly increased separation distance between the proposed development and Sherborne Lofts.
- 1.3. Further explanation and responses are included in the report which has been updated. To avoid repetition the previous comments made by Historic England in response to both the planning and listed building applications can be found in the updated listed building report (2018/00505/PA) which is also on the agenda.

2. Additional representations received

- 2.1. Public comments verbally updated at February committee meeting:
  - Places for Living recommends a distance of 27.5m between buildings of 3 storeys or above, there is only 13m proposed and it is compounded by large areas of glazing to the existing and proposed buildings with no regard to privacy or amenity to current residents.



- A 30cm gap to Sherborne Lofts causes us grave concerns for security as people will be able to climb or jump between buildings easily;
- Why is the potential for structural damage to Sherborne lofts as a result of digging foundations and providing inadequate access for maintenance purposes not part of the planning process? What is the process to address these issues?
- The separation distances given in the Committee report are misleading. The simple fact is that the distance from the edge of the Sherborne Lofts 4th floor balcony to the edge of the new east block balcony is 13.4m as per the officially submitted drawing. Varying the distance depending on how far back from the edge a person stands is simply muddying the waters.
- The 13.4m between the balconies would be increased to 17m.
- Where are the other examples in Birmingham where the distance of a new build block is as close (front to front) to an existing residential building as in this case?
- The required separation distance in London is no less than 22mm. Therefore why does Birmingham need to flaunt its own guidelines so heavily?

2.2. Public comments received since February committee meeting:

- Members at the last committee thought it would be a matter of good practice to have a meeting with the Council's specialist design team to try to develop a better design which would not compromise the long term maintenance of the existing and proposed buildings.
- The separation distances were played down at the committee meeting by officers saying that the guidelines referred to balconies overlooking gardens and living area in suburbia. The reality is that this situation here is far worse. The new residents will be looking directly into our living space at 13 – 15m. This is lounge staring at lounge.

3. Planning considerations

*Principle of the proposed residential and office uses*

- 3.1. The application site is located within the Westside and Ladywood Quarter within the City Centre Growth Area as defined by Policy GA1.1 of the BDP. The Policy supports residential development where it provides well designed, high quality living environments. Policy GA1.3 advises that the Westside and Ladywood Quarter should combine a visitor, cultural, commercial and residential offer.
- 3.2. The above policies are against the backdrop of Policy PG1. This strategic policy outlines that over the plan period from 2011 to 2031 there is a need for 51,100 additional homes and a minimum of 745,000sqm of office floorspace. Policy T28 also promotes new residential development at locations that create a sustainable pattern of development, with the reasoned justification explaining that the City Council expects that a minimum of 80% of new homes will be built on previously developed land.
- 3.3. It is therefore considered that the principle of residential development at this location would be acceptable, however more detailed matters of design and impact upon residential amenity are considered later in the report.

*Proposed Design and Impact upon Heritage Assets*

- 3.4. According to the revised NPPF development should be designed to be visually attractive additions to the overall quality of an area. Saved Policy 3.14 of the BDP (2005) reiterates the need for a high standard of design with regard given to, amongst other matters, the character of the area, scale and massing and views.

- 3.5. The new built development comprises a two storey flat roof extension to the rear of the listed building to provide an access core to two of the five office units. It is proposed to be clad in high quality contemporary material, primarily glass and anodised metallic cladding to give the extension a distinct and separate character to the listed building, and this is considered to be the correct approach.
- 3.6. Two new residential blocks at 4 and 3 storeys are proposed behind the listed building. The siting of the new blocks around a central courtyard is considered to be appropriate, maintaining a sense of space to the rear part of the site and providing natural surveillance of the parking and amenity space. The position of the four storey east block, with balconies to the end gable would result in the development overlooking the canal which is welcomed. The east block would also have balconies facing the central courtyard. The boundary wall to the canal is to be retained with railings atop. The three storey west block would similarly address the courtyard with balconies at all levels. Both new blocks would have a contemporary character with flat roofs and evenly spaced floor to ceiling windows. Anodised metal cladding is proposed to the top storey of the new blocks, together with the exterior of the stair cores to provide a common element to the new floorspace. The chosen materials are again considered to be appropriate to provide clean, simple elevations that would not significantly detract from the listed building.
- 3.7. Recognising that the proposed new residential and office extension would be either attached to or positioned closed to a listed building, and acknowledging that Oozell Street Loop Canal is on the Historic Environment Record (HER) it is also necessary to consider the impact upon the setting of these historic assets, in accordance with the NPPF and Policy TP12 of the BDP. This Policy gives great weight to heritage assets but encourages innovative designs that retain the significance of a heritage asset and integrates it into new development. Furthermore sections 16(2) and 66(1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act requires that special regard be given to the desirability of preserving the setting of the listed building.
- 3.8. The setting of a heritage asset is described as the surroundings in which it sits. It is not fixed and is often expressed by reference to views of or from an historic asset. Whilst it is acknowledged that the new development would have an impact upon the setting of the listed building and the canal the impact is such that there would be minimal harm to their significance, which would still be able to be appreciated. Furthermore the proposed layout would reflect that of the original Flour Mill site reinstating more of an enclosed courtyard and an improved relationship with the canal.
- 3.9. A neighbour has commented that the new residential block would be taller than the listed building facing Grosvenor Street West. Whilst this would be true the plans submitted include views from five different positions along the street to demonstrate that, due to the taller buildings to either side, namely the Dakota apartments and electricity substation, the proposed residential blocks would not be visible from the street.
- 3.10. Since the date of the last Committee meeting and the receipt of the Heritage Report the City Design Manager / Conservation Officer has re-visited the application site though to give more particular consideration to the proposed works to the archway. With respect to the proposed scale of the new build the Conservation Officer acknowledges that the west block would be half a storey higher than the listed building which is acceptable on two grounds. Firstly, the additional scale would step

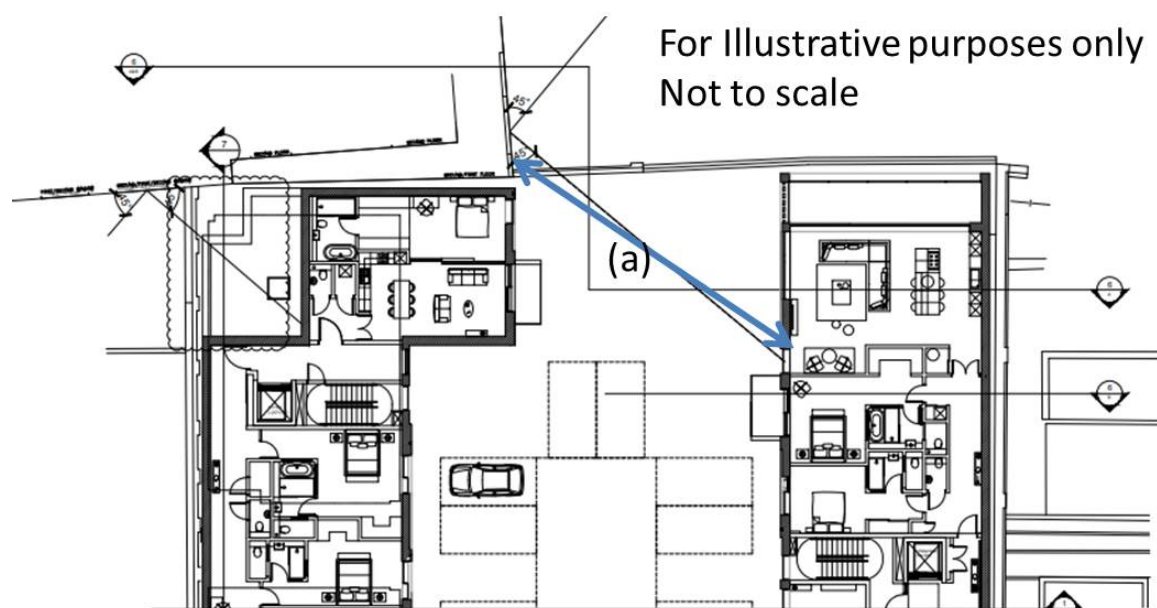
the development up to the much large building to the rear, known as Sherborne Lofts, thereby delivering a gentler setting to the listed building by stepping up the townscape around it. Secondly, architecturally the building uses a brick elevation that terminates in line with the eaves of the listed building, helping relate the scale to the historic structure. The proposed east block would be taller, but is separated by a proposed neutral link block and again it would step up to the adjacent neighbour, a substantial substation that towers over the listed building. The east block would therefore partly screen this building, but mainly soften the change in scale between the two buildings.

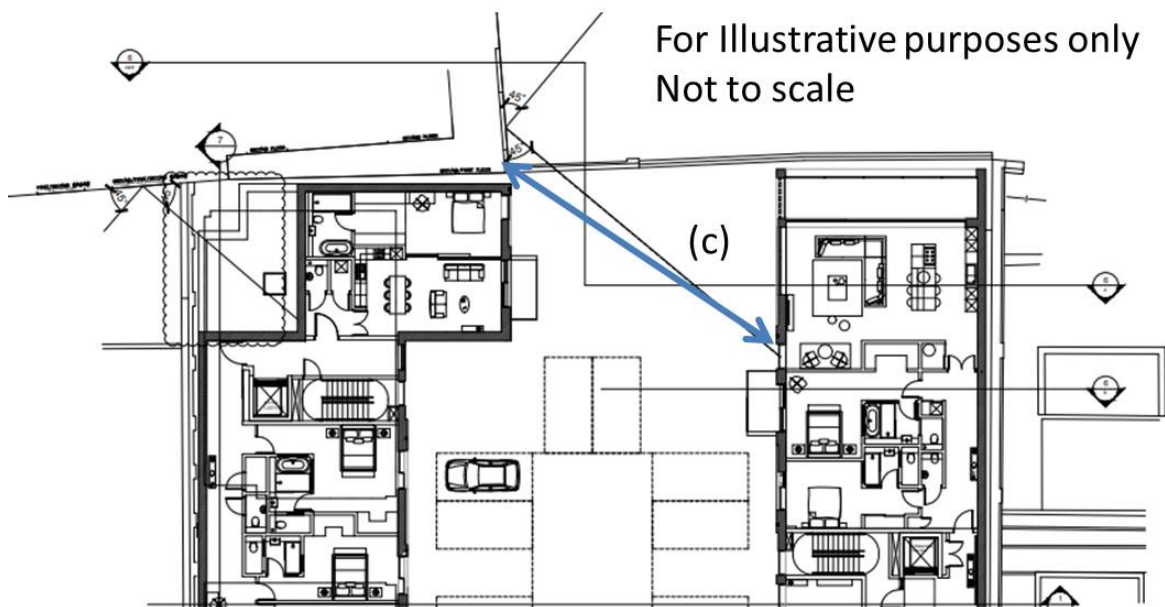
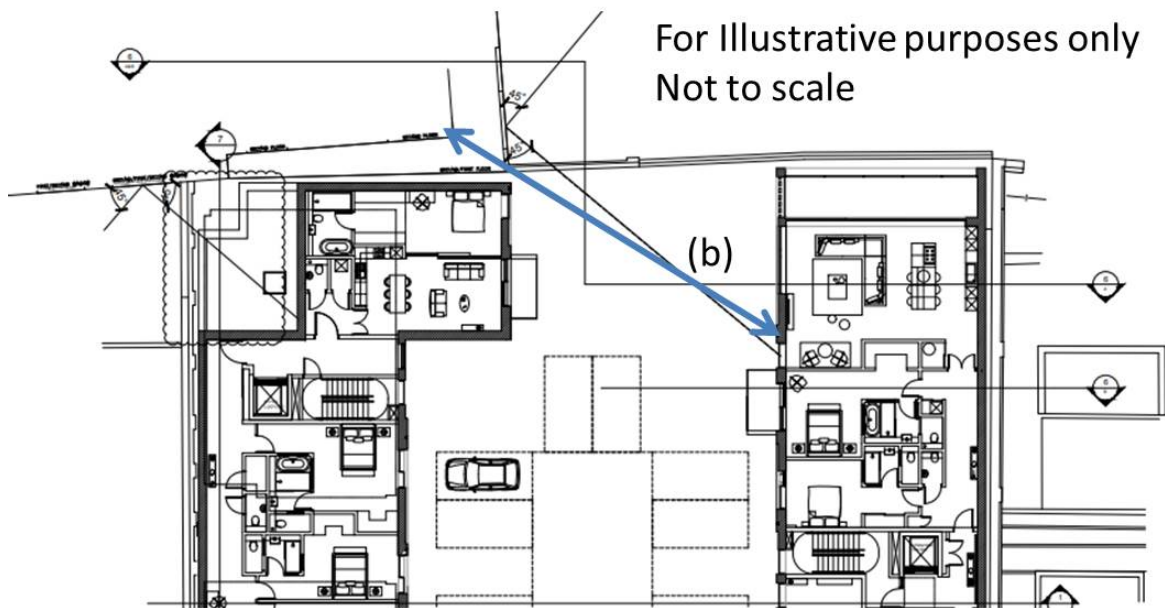
- 3.11. Paragraph 196 of the NPPF establishes the tests by which a development that results in 'less than substantial harm' should be undertaken. Such harm must be weighed against public benefits. In this case the new build is considered to cause limited less than substantial harm and this harm is offset by the following public benefits;
- overall repair and restoration of the listed building securing its long term future;
  - the provision of new commercial office floorspace;
  - the development of a prominent, long vacant, brownfield canalside site for an appropriate mix of uses;
  - additional community safety as a result of overlooking the canal and street frontages;
  - improving the general outlook and character of the area; and
  - construction and longer term employment relating to the site.
- 3.12. It is considered that whilst the proposed design and materials of the new buildings would contrast with that of the listed building they are appropriate because they would be distinct from the original structure. Furthermore the impact of the proposed development upon the setting of the heritage assets and their significance, taking into account the Heritage England good practice advice would be acceptable. It is also considered that the proposed design and materials would sit well within the context of the design of Sherborne Lofts to the rear. Notwithstanding this comment it is also necessary to consider the impact upon the amenity enjoyed by existing occupiers, and this matter is addressed below.
- 3.13. Separately an Archaeological Assessment has been submitted stating that the ground level within the courtyard appears to have been lowered when the modern warehouse block was constructed, and this may have truncated any surviving remains associated with the original use of the site as a mill. However the Assessment also acknowledges that it remains unclear as to whether the warehouse range along the north eastern side of the site was cellared and it may be appropriate to undertake a watching brief. A condition to this effect is attached.

***Impact upon the Amenity of Existing Residential Occupiers***

- 3.14. Policy PG3 expects new development to demonstrate high design quality, whilst saved Policy 3.14 states that development should have regard to the development guidelines set out in the Places for Living SPG.
- 3.15. The proposed layout shows a three storey block (the west block) close to existing residential developments. The Dakota Apartments face Grosvenor Street West towards the front of the site whilst Sherborne Lofts are sited to rear. Both share a common boundary to the application site. The latter would also face the front elevation of the proposed four storey block (the east block).

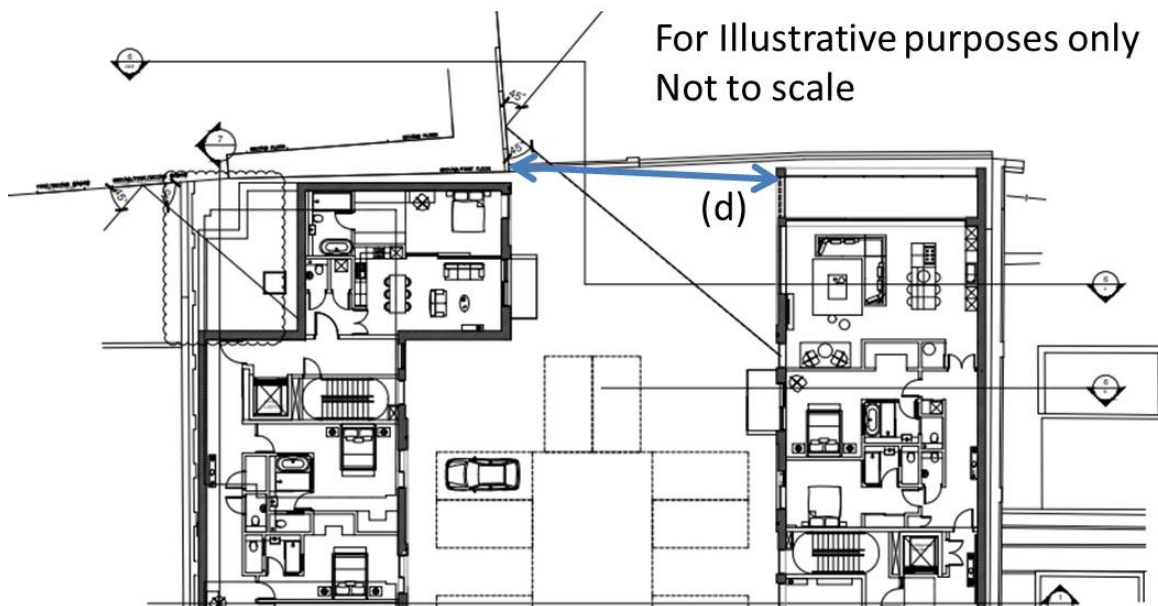
- 3.16. The design and siting of the proposed blocks have gone through various iterations however the most recent amendments show a scheme more closely aligned to the development approved in 2007. Application reference 2006/06914/PA approved a part single, part two and part three storey west block and a four storey east block.
- 3.17. In the current plans the mass of the three storey element of the west block has been cut back at either end closest to the Dakota apartments and Sherborne Lofts and the previously proposed external terraces have been removed. This is in an attempt to increase outlook and sunlight to the existing occupiers and to reduce overlooking between the previously proposed west block terrace and the balcony serving the fourth floor to Sherborne Lofts.
- 3.18. Neighbours have raised concern with respect to the scale of the proposed blocks, first specifically with respect to the impact of the four storey east block upon the privacy of Sherborne Lofts and the windows facing the canal to this development. As highlighted by neighbours the Places for Living SPG guideline for separation distances between facing windows is 27.5m for 3 storeys and above. The drawings submitted indicate that the distance between the closest full height windows of the east block and the windows to the front of Sherborne Lofts is approximately 16.8m (a) on the lower floors and 19.3m (b) on the top or fourth floor where they are recessed behind a balcony. It would also be approximately 16m (c) between the east block window and the edge of the balcony to Sherborne Lofts. These dimensions are illustrated on the diagram below.





- 3.19. To clarify, this distance has been measured from the closest full height windows to the east block not the closest windows which are high level; designed as such to prevent overlooking.
- 3.20. Meanwhile the distance between the edge of the 4<sup>th</sup> floor balcony of Sherborne Lofts and the edge of the balcony to the new east block is approximately 13.7m (d), however there is a privacy screen to the edge of the proposed east block to restrict overlooking.





- 3.21. It is acknowledged that these distances fall short of the 27.5m standard, however the Places for Living SPG, approved in 2001 is guidance rather than a statutory requirement and should not be applied as a blanket set distance across all development. As in 2007, when the previous application was approved, there should be a consideration of design and context.
- 3.22. In this case the balconies to the gable end of the proposed east block overlooking the canal have been filled with fret brickwork to the lower floors and a frosted glass privacy screen to the fourth floor to significantly reduce overlooking between these apartments and Sherborne Lofts. Next, as referenced above the closest windows to the east block are high level to significantly reduce overlooking, whilst the north facing affected windows to Sherborne Lofts are sited at an angle to the proposed windows rather than directly opposite.
- 3.23. Furthermore the proposed distances between windows would reflect the separation between other buildings in the vicinity and a City Centre context where high density living accommodation continues to replace previous industrial sites and premises. Policy TP30 expects densities of at least 100 dwellings per hectare and in this case, excluding the listed building, the proposals would deliver an estimated 108 dwellings per hectare. It should be acknowledged that the approved scheme in 2007 showed the previous east block was also four storeys in height and closer, at approximately 5.1m to Sherborne Lofts, although it presented a blank gable end rather than habitable windows.
- 3.24. Reference is made to other developments in the area. The redevelopment of Sherborne Wharf, to the west of Sherborne Lofts shows a windowed elevation facing Sherborne Mill (also known as Jupiter 1) at a distance of between 14m to 16.6m across the canal inlet (reference 2017/08095/PA). Secondly, whilst at a lower scale of two storey to two storey, the redevelopment of the former Council depot at Sherborne Street permitted a separation distance of 11m across the Sherborne Gate and a distance of between 14m to 16m window to window across Sherborne Street (reference 2016/10683/PA).



- 3.25. Sherborne Lofts also has windows to habitable rooms on its side elevation facing the west block where the separation distance between the two buildings has been increased following the receipt of amended plans last month. The proposed west block would be positioned at a right angle but close to existing habitable windows on the second and third floors. However the scale and design of the west block has been amended so that the siting of the tallest parts of the block align more closely to the scheme approved in 2007 to reduce the impact on Sherborne lofts. A single storey element would be closest to the affected windows the height of which would be lower than the existing brick wall that aligns the common boundary. Meanwhile the second and third storey element of the west block have been pushed further away from the affected side facing windows to provide a separation distance between the edge of these windows and the rear elevation of the west block to approximately 6.3m and approximately 7.7m from the midpoint of the windows facing the proposed rear elevation.
- 3.26. The west block would also be positioned close to the rear facing habitable windows of the Dakota apartments. Again the plans have been amended by removing an external terrace overlooking these neighbours and by pushing the highest part of west block further away from the affected windows to give neighbours better outlook.
- 3.27. It is acknowledged that the proposed west block would have an overall height approximately 1.8m taller than the equivalent block approved in 2007, however as a result of the latest amended plans it is considered that the impact upon outlook and loss of sunlight would be acceptable. Notably a Daylight and Sunlight Study has been submitted to accompany the application. It reports the findings of the Study carried out in accordance with the recommendations of the Building Research Establishment (BRE) based on four different tests. The Study concludes that only one bedroom window within Sherborne Lofts would fail to comply with BRE guidelines, and these results refer to the original rather than the latest amended scheme.
- 3.28. The concern with regards to loss of privacy, sunlight and outlook to the existing occupiers has been considered, however further to the amended plans and for the reasons given above it is considered that the losses would not be so significantly adverse as to warrant refusal.

#### 4. Conclusion

- 4.1. The principle of residential development on this previously developed site within the City Centre is acceptable. The proposed layout and design of the development together with the impact upon heritage assets is considered to be appropriate. The concerns of neighbours have been considered however the impact upon their amenity is considered not to be so adverse as to warrant refusal.

#### 5. Recommendation

- 5.1. Approve approval subject to conditions

## **Original report**

### **1. Proposal**

- 1.1 The application seeks consent to carry out alterations to convert the existing listed building and construct two new blocks of residential apartments within the rear courtyard.
- 1.2 In more detail the first part of the proposals seek consent to part demolish part extend the existing frontage building facing Grosvenor Street West. This listed building would then be converted to offer five office units (Use Class B1a) ranging from 65sqm to 161sqm net indoor area (NIA). The proposed extension comprises a two storey addition to the rear measuring approximately 10.1m by 6.0m that would provide an external core and access to two of the five office units. The courtyard elevation would be constructed in a light weight contemporary modern glazed structure to contrast with the original red brick listed building. Access to the remaining three office units would be via existing doorways to the rear of the building. The renovation of the building would also include the demolition of an early 20th century extension to the original building together with repairs to the fabric, including the entrance archway and internal alterations to bring the building back into use. A separate listed building application for internal and external works has also been submitted and is reported on this agenda (2018/00505/PA).
- 1.3 Secondly it is proposed to demolish the existing modern two storey 'L' shaped building within the rear courtyard to provide two residential blocks that would align the west and east boundaries of the site. The blocks would fill the depth of the courtyard to provide 13 apartments; 1 x 3 bed, 7 x 2 bed and 5 x 1 bed ranging in area from 70sqm to 237 sqm NIA.
- 1.4 The proposed west block sited closest to the Dakota Apartments and Sherborne Lofts would reach a total of 3 storeys. The proposed east block close to the common boundary with an existing electricity substation would reach four storeys in height. The facades of the two new residential blocks would primarily have a brick finish combined with metal cladding and brick detailing to the front elevations to provide some discrete interest. Elements of the materials to the apartments are echoed in the proposed extension to the listed building to create a visual link between the two parts of the scheme.
- 1.5 Pedestrian and vehicular access would be obtained via the arched opening within the listed building from Grosvenor Street West to the re-levelled and re-designed courtyard a new courtyard providing 16 parking spaces.
- 1.6 The proposed layout would also present an area of private amenity space at the end of the courtyard measuring approximately 11.4m by 7.6m where residents would be able to access views across the canal.

### **1.7 [Link to Documents](#)**

### **6. Site & Surroundings**

- 2.1 The layout of the existing site presents a two storey listed building to the front facing Grosvenor Street West and a two storey L shaped modern workshop building within the rear courtyard that was constructed in the 1990's. The Grade II listed building, formerly known as the New Union Mill was constructed in 1813 with buildings arranged around three side of the rear courtyard; only the south east range, or

frontage building facing Grosvenor Street West that accommodates a gated central archway providing access to the courtyard remains. It is proposed to demolish the modern two storey workshop block and it is understood that both of these buildings have been vacant for in excess of 15 years.

- 2.2 The application site lies within a largely residential part of the City Centre. The Dakota apartments, which also front onto Grosvenor Street West, adjoin the site to the south west. Part of the rear boundary has a common boundary to Sherborne Lofts, a four storey apartment block and part to the Birmingham Canal and towpath which lies at more than 2.5m lower than the application site. To the north east of the site is a substation that is located at the corner of Grosvenor Street West and Sheepcote Street and reaches a height of approximately 4 storeys..

### 3. Planning History

- 3.1 2018/00505/PA Listed Building Consent for demolition of 20th century extension to rear, internal and external alterations to existing building including two storey extension to provide additional access to the rear; replacement archway at front elevation (all works associated with refurbishment to provide office floorspace) (Awaiting determination)
- 3.2 2017/03387/PA - Proposed two storey extension to rear of original building to facilitate refurbishment to provide office floorspace; two new residential blocks within rear courtyard rising to 3 and 4 storeys to accommodate 13 apartments (6 x 1 bed, 6 x 2 bed and 1 x 3 bed); re-levelling and landscaping to form parking courtyard and communal gardens. Withdrawn
- 3.3 2017/03515/PA - Listed Building Consent for demolition of 20th century extension to rear, internal and external alterations to existing building and proposed two storey extension to provide additional access to the building to the rear (all works associated with refurbishment to provide office floorspace). Withdrawn
- 3.4 2017/02644/PA - Listed Building Consent for replacement archway at front elevation. Approved 18/05/2017 12 month consent for implementation. (Expired)
- 3.5 2017/00632/PA - Application for Prior Notification of proposed demolition of rear workshops. Accepted as needing prior approval from the Council and that permission be granted. 06/03/2017
- 3.6 2006/06914/PA - Demolition of workshops, conversion of existing buildings into apartments and offices, construction of town houses (of 1, 2, 3 and 4 storeys) with associated parking & external works. Approved 19/02/2007
- 3.7 2006/06918/PA - Listed building consent application for demolition of workshops, conversion of existing buildings into apartments and offices, construction of new town houses with associated parking and external works. Approved 19/02/2007
- 3.8 2002/05934/PA and 2002/05934/PA. - Planning and listed building consent for demolition of workshops, conversion of existing building into apartments and offices. Approved 11/03/2004
- 3.9 1992/03666/PA and 1992/04402/PA - Planning and listed building consent granted for demolition of existing sheds and provision of landscaped and car parking areas. Approved 29/04/93

## 7. Consultation/PP Responses

- 4.1 Transportation - No objection subject to the following conditions:
- All works to remain within the private landownership; no works to infringe out onto the highway;
  - All vehicle parking to be designed in accordance with Manual for Streets and to be formally marked out on the ground; and
  - Secure cycle storage to be provided
- 4.2 Local Lead Flood Authority (LLFA) - Given the information provided the LLFA are content with the proposals and recommend standard conditions to require the submission and implementation of a sustainable drainage scheme.
- 4.3 Canal & River Trust (CRT) – The existing and proposed buildings are located close to the offside retaining wall of the canal basin. The proposed development is likely to include demolition operations, foundation removal/construction, earthmoving, excavations or other construction works which could, through increasing load and/or vibration, adversely affect the stability of the retaining wall and therefore the structural integrity of the adjacent canal. The responsibility for securing a safe development rests with the developer and the planning system is the appropriate method for dealing with this matter, because Building Regulations do not cover structural issues beyond the site area.
- 4.4 We appreciate that the issue of land stability can be complex and often also involves other regimes such as Building Regulations and legislation such as the Party Wall Act 1996. However, the NPPF is clear that planning decisions should ensure that new development is appropriate for its location in the context of avoiding unacceptable risks from land instability and being satisfied that a site is suitable for its new use, taking account of ground conditions and land instability. We therefore consider that the potential effect of this application proposal on the structural integrity of the canal should be considered as part of the decision-making process. We therefore consider that the submission of a Method Statement for all demolition and construction operations should be secured either prior to the approval of planning permission, or by pre-commencement condition.
- 4.5 Furthermore, a condition is required to ensure appropriate “clear stem” tree species are chosen adjacent to the retaining wall. The incorrect species choice could have structural implications for the retaining wall arising from root growth etc.
- 4.6 The Oozells Street Loop is a basin with various mooring sites, many of which are residential. To heat and power the narrow boats engines may be run or wood burning stoves used. The relationship between these moorings and future occupiers of the apartments should be taken into account, particularly those apartments with balconies overlooking the canal.
- 4.7 Although it is positive that the proposal provides views to the basin from the amenity space, the drawing details are unclear on the exact form of the proposed boundary treatment. The Design and Access Statement suggests that there would be views from the amenity space down to the canal via a lowered boundary wall with railings. This would promote visual surveillance and encourage use of the waterways as a public amenity, place of wellbeing within the urban environment and a sustainable safe vehicle free route through the City. The quality of the detailing of the northern boundary is important to the character and amenity of the locality. The proposal involves works to the existing wall, but no assessment of this wall is provided within the application. Further detail is required upon the existing wall, along with a

schedule of the works proposed so that the impact upon the character of the area can be assessed. The wall may have historic value, connected to the Listed Old Union Mill, in which case a repairs schedule and plan for the extent of the alterations proposed to this wall should be resolved prior to development taking place.

- 4.8 For this reason, the Trust requests the consideration of the detail and long-term maintenance of the canal boundary wall and railings. Such details should be secured either prior to the approval of planning permission, or by pre-commencement condition. We note that the revised documentation upon which re-consultation has occurred does not include information to deal with this matter.
- 4.9 Regulatory Services - No objections subject to conditions to
- Restrict cumulative noise from all plant and machinery;
  - Require until a scheme of noise insulation between the commercial and residential premises;
  - Require a scheme of noise insulation for all windows, any other glazed areas and external doors to habitable rooms on the North West Façade (overlooking the canal) of the residential part of the development;
  - Provide no fewer than one charging point for electric vehicles at each residential unit with dedicated parking; and
  - Require a site assessment to determine if any land contamination remedial measures are necessary.
- 4.10 Education School Places – No comments or objections
- 4.11 West Midlands Fire Service - No objections, subject to access for a pump appliance to within 45m of all points within each dwelling. Water supplies for firefighting should be in accordance with National Guidance Document on the Provision for Fire Fighting published by Local Government Association and WaterUK. The approval of Building Control will be required with regard to Part B of the Building Regulations 2010.
- 4.12 Severn Trent Water - No objections to the proposals subject to the inclusion of a condition to require submission and agreement of drainage plans for the disposal of foul and surface water flows.
- 4.13 Heart of England Foundation Trust (HEFT) - Based on HEFT 2016/17 National Reference Cost Submission formula a contribution of is £378.00 is requested to be used directly to provide additional services and capacity to meet patient demand.
- 4.14 Historic England – We do not wish to offer any comments and suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.
- 4.15 Civic Society – The following comments were received in respect of the previous application that was withdrawn but of a similar scale and design.
- The general principle of the development are acceptable in terms of use, amount, scale and massing;
  - It was felt that the poor quality of the visuals do not do the overall designs justice;
  - The appearance of the proposed buildings are too elaborate/over-worked and dominate the existing buildings. The elevational treatment to the proposed buildings should be more subservient;
  - The proposed materials are out of character and detracts from the well-articulated facades of the original buildings;
  - The level of detail shown in the landscape proposals is very good and would create a positive space for residents that is not dominated by cars; and
  - The opening up of views to the canal is welcomed.



- Due to the concerns raised regarding the appearance of the proposed buildings, the current proposals cannot be supported. However we feel these concerns could be resolved with some minor revisions to the materials.
- 4.16 No comments have been received from Birmingham Public Health, local residents groups, local councillors, the MP, National Grid and Western Power.
- 4.17 A site notice and press notice have been posted and neighbours notified. Twenty six letters have been received from 12 neighbours raising the following concerns:
- Some changes have finally been made to take away the most egregious element of the design - roof terraces adjacent to existing residents, but there are still major issues regarding the proximity and height of the new development. Four storeys so close to Sherbourne Lofts will have a huge impact in terms of privacy, noise and light issues.
  - The 4 storey building which face Sherborne Lofts is too close and too high. It is 13-14m away corner to corner of the terraces of both buildings against a planning guideline of 27m. This is unacceptably close.
  - The 4 storey building will mean a loss of amenity for all of the Lofts (16 in number) facing the canal (north facing), in terms of noise pollution, loss of light, loss of privacy and will curtail the use of balconies.
  - All proposed windows and balconies of the 4th floor of the east block will look directly into our living areas. We are being given a fait accompli as existing residents. Both parties will be able to hear each other's conversations.
  - The impact on the Lofts below the top floor is devastating as the new development blocks out their natural light completely, and in one case this is the only window for that apartment.
  - There is nowhere else in Birmingham where a new building has been put so close to an existing residential building or where the amenities of the inhabitants of the existing building have been so grossly affected.
  - Sherborne Lofts is a feature building in the area and is in real danger of being overwhelmed and hemmed in by the height and the extending footprint of this modern development. We feel the height and footprint should be restricted to preserve the balance and look of the area.
  - We can see that a light report was produced, but this was merely a desktop survey, which does not take into account the unique layout of the Lofts and didn't recognise that it was impacting living areas as well as bedrooms. We have not seen any evidence of a noise pollution report being carried out. We believe that a full professional onsite review should be carried out, and this should be a planning condition.
  - The sunlight report concluding that only one bedroom window to Loft 210 would be adversely affected by the building of Old Union One and Two is incorrect, and the report identifies rooms to this existing apartment incorrectly. To have a building so close will cause this apartment to lose any sunlight from noon onwards which, particularly in the winter months, will be devastating to the general amenity of the loft and the owner's living conditions.

- Obvious noise pollution, loss of privacy and loss of amenity that will come simply with a large building positioned 22cm away from another. Any external conversations in either building will be heard by all and sundry.
- The mass and design of the proposed development is not in keeping with that found on the entrance from Sheepcote Street onto Grosvenor Street West either. Directly opposite the existing façade of the Old Union Mill are rows of two storey terrace houses with small front gardens to the front. A modern four storey extension to the rear of Old Union Mill does bear any resemblance to what is already in place.
- The modern design and palette of building materials proposed in the Old Union Mill development does not in any way tie in or complement Sherborne Lofts and the historical nature of the warehouse buildings. We would ask that it is a planning condition that the developer also uses a brickwork matching that of the Old Union Mill façade and Sherborne Lofts to make a seamless palette of materials across all sites.
- Sherborne Lofts is an iconic building which was at the forefront of the modern Birmingham revolution that seeks to preserve and renew existing historical buildings. At the very least the building deserves respect.
- It is a shame that the proposed developments are not more in keeping with the look of the Old Mill
- It is important to get some assurances as to the quality and style of the materials to be used in the development.
- The look and feel of the overall development is strange. The council is rightly at pains to preserve the façade of the Old Union Mill, yet the two new buildings are in complete contrast both in size and style to the protected building.
- When the proposals were initially discussed it was agreed that the proposed buildings would be no higher than 3 stories on both the new blocks. This was the basis of previous planning approvals and I made it very clear that we would work with the developer on the understanding the new buildings were 3 stories or lower.
- The 3 storey building which abuts Sherborne Lofts is too close, and possibly too high. It is 225mm away at one end, and 560mm at the other end. is the potential for serious structural damage to Sherborne Lofts - the developers will be digging deep foundations right next to an established building which was built 80 years ago in 1938 - it is likely they will be drilling through the foundations of the Sherborne Lofts building itself. If there is any damage caused, there will be no way of fixing it as the new building is so close, and there will be no room in which to work. We must have evidence that no damage will be caused before this development can be sanctioned, and we would want that to be a planning condition.
- Maintenance of the Sherborne Lofts building will be impossible due to the proximity of the new building. It is not possible for a human to get into the gap between the buildings, which means all of the brickwork, pipe work, rendering and signage on one side of the building will be inaccessible. The same will of course be true for the side of the new building. We must introduce a working gap of at least 3 metres to allow for ongoing maintenance of both Sherborne Lofts and Old Union Mill along with a working agreement for either side to have access to the gap for ongoing maintenance. Again, this must be set as a condition in the planning application.

- Amongst local city centre residents and workers Sherborne Lofts has become a feature building and one that is regularly used on marketing photographs promoting Birmingham's historical and cultural heritage; to then compromise the building by allowing a new build to abut the eastern boundary wall of Sherborne Lofts is not sympathetic and certainly not forward thinking.
- As the gap is so minimal between the end facades and Sherborne Lofts and the canal towpath wall it may mean that scaffold would over sail and scaffold footings would need to be dropped onto the below towpath. This towpath is owned by the Canal and River Trust (CRT) and is open to the public so it could be a considerable issue getting permissions from the CRT to access the end facades from the towpath.
- It is a condition of the lease to Sherborne Lofts that a complete exterior refurbishment must be undertaken every five years and I fail to see how we can honour this if the new blocks come close to our Sherborne Lofts or even abut our building
- Due to piling close to our wall associated with the ongoing Crest Nicholson development at Sherborne Street we have had to ask for 24-hour monitoring of the wall with high tech sensors fitted to the wall, we have had to have the wall braced by scaffold and weighted down and all vehicles and pedestrians moved from the area. This has been a significant upheaval for Sherborne Lofts residents but talking to the developer it will have cost them a significant amount of money in the region of £7000 per day for the duration of the piling expected to take five weeks. I fail to see how the owner of Old Union Mill will be able to offer the same protection to our wall and the canal wall.
- This building looks from the drawing as if it will come up to a level 1.45m below the parapet of the Sherborne Lofts terrace parapet, though I am not yet convinced as the architects are being very coy about providing the levels. The height of this building verses Sherborne Lofts is critical, and must be confirmed as part of the planning submission. It would be helpful if the fixed floor levels and parapet wall heights could be defined by the developers and become 'planning conditions' to give some teeth in terms of policing the build, and ensuring the height is as presented in the drawings.
- The security of Sherborne Lofts is seriously compromised by anyone who gains access to the new building roof. At only 4ft higher and a 1ft gap, it is a simple step over to the terraces of the Lofts and easy entry to all other Lofts as a result.
- We have suffered a breach of security in the past when scaffold was erected around the building during a refurbishment where the height and proximity of the scaffold to Sherborne Lofts allowed someone to climb up the scaffold and gain entry to balconies.
- The entrance archway height is a concern for not only emergency vehicles being able to get in and out of the site quickly and easily but also for vehicles such as dry riser testing vehicles who will need access into the site for six monthly testing.
- Birmingham City Centre is becoming saturated with new builds of 1-2 bedroom modern apartments, notably just around this area, with the buyers seemingly private investors
- There is a good opportunity to develop something different such as mews houses, town houses or live work units which would be in keeping with and enhance the listed

facade.

- The proposals will devalue all of our properties.
- The drawings submitted contain a number of inaccuracies and omissions. There are errors in the scales provided which are misleading
- There is no analysis of the way in which the west block will abut Sherborne Lofts; one drawing even shows it overlapping the building; others show it adjacent or connecting
- No noise study has been carried out by the developers to address noise of occupiers living in the existing and proposed apartments.
- We have concerns over the noise that will be created in the short term from construction and in the long term from new residents and office workers coming and going from Old Union Mill development
- Nearby dentists and GP practises are working at capacity and so where are the additional resources coming from to accommodate additional residents?
- Together with other developments in the immediate area there will be great strain placed on the general infrastructure. Traffic flow along Grosvenor Street West, Sherborne Street, Ryland Street is already difficult particularly Morville Street which is sometimes gridlocked
- Concern by elderly resident and disabled badge holder that the road will be very busy and family members will be unable to park.
- Request a CAD to see a 3D version of what the development may look like if approved? Have commissioned a 3D scan of the exterior of Sherborne Lofts and some of the interiors as well which could be shared with the developer to produce a scheme both parties are happy with.
- The titles and drawing scales on some of plans have caused confusion. It would seem to the residents that the information that has been provided is very misleading with some believing that incorrect scales and poor quality information has been deliberately provided to create difficulty and confusion for the lay residents.
- the density of accommodation is now too great and needs to be reduced to avoid the well known problems of over crowding and development.
- A neighbour has written to all members of the planning committee requesting that a site visit is undertaken.

## 5. Policy Context

- 5.1 Birmingham Development Plan 2017, Birmingham Unitary Development Plan (saved policies), Places for Living (SPG), Places for All (SPG), Car Parking Guidelines (SPD), Public Open Space in New Residential Developments (SPD), Regeneration Through Conservation (SPG) and the Revised NPPF.

## 6. Planning Considerations

### *Principle of the proposed residential and office uses*

- 6.1 The application site is located within the Westside and Ladywood Quarter within the City Centre Growth Area as defined by Policy GA1.1 of the BDP. The Policy supports residential development where it provides well designed, high quality living environments. Policy GA1.3 advises that the Westside and Ladywood Quarter should combine a visitor, cultural, commercial and residential offer.
- 6.2 The above policies are against the backdrop of Policy PG1. This strategic policy outlines that over the plan period from 2011 to 2031 there is a need for 51,100 additional homes and a minimum of 745,000sqm of office floorspace. Policy T28 also promotes new residential development at locations that create a sustainable pattern of development, with the reasoned justification explaining that the City Council expects that a minimum of 80% of new homes will be built on previously developed land.
- 6.3 It is therefore considered that the principle of residential development at this location would be acceptable, however more detailed matters of design and impact upon residential amenity are considered later in the report.

#### *Proposed Design and Impact upon Heritage Assets*

- 6.4 According to the revised NPPF development should be designed to be visually attractive additions to the overall quality of an area. Saved Policy 3.14 of the BDP (2005) reiterates the need for a high standard of design with regard given to, amongst other matters, the character of the area, scale and massing and views.
- 6.5 The new built development comprises a two storey flat roof extension to the rear of the listed building to provide an access core to two of the five office units. It is proposed to be clad in high quality contemporary material, primarily glass and anodised metallic cladding to give the extension a distinct and separate character to the listed building, and this is considered to be the correct approach.
- 6.6 Two new residential blocks at 4 and 3 storeys are proposed behind the listed building. The siting of the new blocks around a central courtyard is considered to be appropriate, maintaining a sense of space to the rear part of the site and providing natural surveillance of the parking and amenity space. The position of the four storey east block, with balconies to the end gable would result in the development overlooking the canal which is welcomed. The east block would also have balconies facing the central courtyard. The boundary wall to the canal is to be retained with railings atop. The three storey west block would similarly address the courtyard with balconies at all levels. Both new blocks would have a contemporary character with flat roofs and evenly spaced floor to ceiling. Anodised metal cladding is proposed to the top storey of the new blocks, together with the exterior of the stair cores to provide a common element to the new floorspace. The chosen materials are again considered to be appropriate to provide clean, simple elevations that would not significantly detract from the listed building.
- 6.7 Recognising that the proposed new residential and office extension would be either attached to or positioned closed to a listed building, and acknowledging that Oozell Street Loop Canal is on the Historic Environment Record (HER) it is also necessary to consider the impact upon the setting of these historic assets, in accordance with the NPPF and Policy TP12 of the BDP. This Policy gives great weight to heritage assets but encourages innovative designs that retain the significance of a heritage asset and integrates it into new development.



- 6.8 The setting of a heritage asset is described as the surroundings in which it sits. It is not fixed and is often expressed by reference to views of or from an historic asset. Whilst it is acknowledged that the new development would have an impact upon the setting of the listed building and the canal the impact is such that there would be minimal harm to their significance, which would still be able to be appreciated.
- 6.9 A neighbour has commented that the new residential block would be taller than the listed building facing Grosvenor Street West. Whilst this would be true the plans submitted include views from five different positions along the street to demonstrate that, due to the taller buildings to either side, namely the Dakota apartments and electricity substation, the proposed residential blocks would not be visible from the street.
- 6.10 It is considered that whilst the proposed design and materials of the new buildings would contrast with that of the listed building they are appropriate because they would be distinct from the original structure. Furthermore the impact of the proposed development upon the setting of the heritage assets and their significance, taking into account the Heritage England good practice advice would be acceptable. It is also considered that the proposed design and materials would sit well within the context of the design of Sherborne Lofts to the rear. Notwithstanding this comment it is also necessary to consider the impact upon the amenity enjoyed by existing occupiers.
- 6.11 Separately an Archaeological Assessment has been submitted stating that the ground level within the courtyard appears to have been lowered when the modern warehouse block was constructed, and this may have truncated any surviving remains associated with the original use of the site as a mill. However the Assessment also acknowledges that it remains unclear as to whether the warehouse range along the north eastern side of the site was cellared and it may be appropriate to undertake a watching brief. A condition to this effect is attached.

#### *Impact upon the Amenity of Existing Residential Occupiers*

- 6.12 Policy PG3 expects new development to demonstrate high design quality, whilst saved Policy 3.14 states that development should have regard to the development guidelines set out in the Places for Living SPG.
- 6.13 The proposed layout shows a three storey block (the west block) close to existing residential developments. The Dakota Apartments face Grosvenor Street West towards the front of the site whilst Sherborne Lofts are sited to rear. Both share a common boundary to the application site. The latter would also face the front elevation of the proposed four storey block (the east block).
- 6.14 The design and siting of the proposed blocks have gone through various iterations however the most recent amendments show a scheme more closely aligned to the development approved in 2007. Application reference 2006/06914/PA approved a part single, part two and part three storey west block and a four storey east block.
- 6.15 In the current plans the mass of the three storey element of the west block has been cut back at either end closest to the Dakota apartments and Sherborne Lofts and the previously proposed external terraces have been removed. This is in an attempt to increase outlook and sunlight to the existing occupiers and to reduce overlooking between the previously proposed west block terrace and the balcony serving the fourth floor to Sherborne Lofts.

- 6.16 Neighbours have raised concern with respect to the scale of the proposed blocks, first specifically with respect to the impact of the four storey east block upon the privacy of Sherborne Lofts and the windows facing the canal to this development. As highlighted by neighbours the Places for Living SPG guideline for separation distances between facing windows is 27.5m for 3 storeys and above. The drawings submitted indicate that the distance between the windows of the east block and the closest full height windows to the front of Sherborne Lofts is approximately 16.8m on the lower floors and 19.3m on the top or fourth floor where they are recessed behind a balcony. It would also be approximately 16m between the east block window and the edge of the balcony to Sherborne Lofts.
- 6.17 To clarify, this distance has been measured from the closest full height windows to the east block not the closest windows which are high level; designed as such to prevent overlooking.
- 6.18 Meanwhile the distance between the existing fourth floor balcony to Sherborne Lofts and the proposed fourth floor gable end balcony to the east block would be approximately 17m.
- 6.19 It is acknowledged that these distances fall short of the 27.5m standard, however the Places for Living SPG, approved in 2001 is guidance rather than a statutory requirement and should not be applied as a blanket across all development. As in 2007, when the previous application was approved, there should be a consideration of design and context.
- 6.20 In this case the balconies to the gable end of the proposed east block overlooking the canal have been filled with fret brickwork to the lower floors and a frosted glass privacy screen to the fourth floor to significantly reduce overlooking between these apartments and Sherborne Lofts. Next, as referenced above the closest windows to the east block are high level to significantly reduce overlooking, whilst the affected windows to Sherborne Lofts are sited at an angle to the proposed windows rather than directly opposite.
- 6.21 Furthermore the proposed distances between windows would reflect the separation between other buildings in the vicinity and a City Centre context where high density living accommodation continues to replace previous industrial sites and premises. Policy TP30 expects densities of at least 100 dwellings per hectare and in this case, excluding the listed building, the proposals would deliver an estimated 108 dwellings per hectare. It should be acknowledged that the approved scheme in 2007 showed the previous east block was also four storeys in height and closer, at approximately 5.1m to Sherborne Lofts, although it presented a blank gable end rather than habitable windows.
- 6.22 Sherborne Lofts also has windows to habitable rooms on its side elevation facing the west block where the separation distance between the two buildings would be between 225mm and 560mm. The proposed west block would be positioned at a right angle but close to existing habitable windows on the second and third floors. However the scale and design of the west block has been amended so that the siting of the tallest parts of the block align more closely to the scheme approved in 2007 to reduce the impact on Sherborne lofts. A single storey element would be closest the affected windows the height of which would be lower than the existing brick wall that aligns the common boundary. Meanwhile the second and third storey element of the west block have been pushed further away from the affected side facing windows to provide a separation distance between the edge of these windows and the rear

elevation of the west block to approximately 6.1m and approximately 7.7m from the midpoint of the windows facing the proposed rear elevation.

- 6.23 The west block would also be positioned close to the rear facing habitable windows of the Dakota apartments. Again the plans have been amended by removing an external terrace overlooking these neighbours and by pushing the highest part of west block further away from the affected windows to give neighbours better outlook.
- 6.24 It is acknowledged that the proposed west block would have an overall height approximately 1.8m taller than the equivalent block approved in 2007, however as a result of the latest amended plans it is considered that the impact upon outlook and loss of sunlight would be acceptable. Notably a Daylight and Sunlight Study has been submitted to accompany the application. It reports the findings of the Study carried out in accordance with the recommendations of the Building Research Establishment (BRE) based on four different tests. The Study concludes that only one bedroom window within Sherborne Lofts would fail to comply with BRE guidelines, and these results refer to the original rather than the latest amended scheme.
- 6.25 The concern with regards to loss of privacy, sunlight and outlook to the existing occupiers has been considered, however further to the amended plans and for the reasons given above it is considered that the losses would not be so significantly adverse as to warrant refusal.

#### *Apartment Size and Mix*

- 6.26 All of the proposed 14 apartments would meet national space standards comfortably, and with a dominance of two bedroom units it is considered that the mix is appropriate to this City Centre location in accordance with Policy TP30 of the BDP.

#### *Transportation*

- 6.27 According to the Car Parking SPD the proposed mixed use development would require a maximum of 32 parking spaces. Only a total of 16 spaces are proposed however the guidelines provide maximum rather than minimum standards and the site benefits from excellent transport links and would be likely to result in the office workers and potential residential occupiers making trips by alternative sustainable modes of transport. Whilst neighbours have raised concerns at the lacking of parking and traffic congestion Transportation officers advise no objections subject to conditions to require the formal marking out of the parking spaces and to require cycle storage. These conditions are attached. The last condition suggested would require all works to remain within the private landownership with no works to infringe onto the public highway. Such a restriction is governed by other legislation and therefore this condition is considered not to be necessary.

#### *Drainage*

- 6.28 The submitted drainage strategy proposes a surface water system based on sustainable drainage principles including the use of permeable paving and below ground geocellular storage, bio-retention tree pits and rain water harvesting. Such a sustainable strategy has raised no objections from the LLFA subject to conditions to require firstly further details to be agreed and secondly to ensure that the agreed details are implemented.

- 6.29 It is proposed to discharge foul water from the new development utilising an existing foul water connection within the site which discharges into Grosvenor Street West. Severn Trent Water have raised no objections subject to a condition to require further details.
- 6.30 The site is located within flood zone 1, and therefore it is considered that there would be no flooding implications.

### *Ecology*

- 6.31 The Birmingham Canal is a wildlife corridor and a designated Site of Local Importance for Nature Conservation (SLINC). An Ecological Impact Assessment including a Phase 1 Habitat Survey and protected species assessment has been submitted. The Assessment reports that habitats noted within the site are areas of hardstanding and scrub, buildings and walls and that all of these have low intrinsic ecological value. All of the existing buildings have also been surveyed for potential roost sites and signs of bats although none have been found. A condition is proposed to require details of enhancements, in accordance with Policy TP8 and a lighting condition to ensure that there would be no harm to a potential foraging area for bats.

### *Noise Impact*

- 6.32 An acoustics report has been submitted to set out the noise emissions that would affect the residential element of the scheme, including noise from the adjacent substation. The report concludes that the noise levels affecting the site are considered not to be high and therefore potentially the proposed apartments would be suitable for natural ventilation. Regulatory Services have raised no objections subject to conditions to restrict cumulative noise from plant and machinery and to require a scheme of noise insulation for windows overlooking the canal. This would mitigate against the concerns raised by the CRT regarding noise from narrowboats on the canal.
- 6.33 Another suggested condition to require a scheme of noise insulation between the commercial and residential premises is not considered to be necessary as the commercial use would be located in a physically separate building.
- 6.34 Neighbours have raised issues of noise pollution during the construction phase and resulting from future occupiers within the apartments. In response the former would last for a temporary period where nuisance is restricted by legislation enforced by Regulatory Services. The latter is considered has been mitigated by the removal of the external terraces to the west block. The noise between existing and proposed private amenity space is considered would not be so significant as to warrant refusal.

### *Other*

- 6.35 Regulatory Services have suggested conditions to require no fewer than one charging point for electric vehicles at each residential unit with dedicated parking. With no dedicated parking a condition is attached to require a minimum of one vehicle charging point within the scheme. A further condition is suggested to require a land contamination report with remedial measures if required. As no land contamination report has been submitted this is considered to be reasonable.
- 6.36 The CRT have requested a method statement for all demolition and construction operations to protect the integrity of the canal wall and to require a schedule of works

and repairs also to the canal wall. Two conditions to this effect have been attached. The CRT also want details of a long term maintenance plan for the canal wall however it is considered that this should be an agreement between the two land owners as monitoring the compliance with such a condition would not be easily achievable. Another suggestion to require clear stem trees is not considered to be necessary as these are already indicated on the proposed landscaping plan.

- 6.37 Neighbours have also raised concern regarding the potential for structural damage to Sherborne Lofts as a result of digging foundations, lack of separation between the proposed west block and Sherborne Lofts providing inadequate access for maintenance purposes, scaffolding oversailing the canal towpath and devaluation of property however these are private matters for the land owner and relevant parties to resolve independently of the planning process.
- 6.38 In respect of other concerns raised by neighbours the agent has advised that there would be no emergency access via the archway from Grosvenor Street West as at present. The strategy that has agreed with Building Control and the local fire service is that a fire tender would be able to pull up at the street frontage and connect onto a dry riser inlet just inside the development, which would feed into each apartment block, ensuring access to a pump appliance with 45m of each dwelling. A drawing has been submitted to illustrate the proposed strategy.
- 6.39 Another neighbour has raised concern at the pressure upon local dentists and GP's whilst the Heart of England Foundation Trust (HEFT) has requested a Section 106 contribution of £378.00 to provide additional services and capacity to meet patient demand. However, it is considered that the request for a contribution would not meet the tests for such Section 106 contributions in particular the necessity test (Regulation 122.(2)(a) necessary to make the development acceptable in planning terms). The interval from approval to occupation of the proposed development, along with published information (such as the BDP and SHLAA) gives sufficient information to plan for population growth. Discussions with the relevant Trust are continuing on this matter in order to understand more fully their planned investments in the City and how best to be able to support that.
- 6.40 Finally the plans indicate a bin store within the rear listed building. This would serve both the residential apartments and the proposed offices, and the agent has confirmed that, having checked with refuse officers, it is of a sufficient size to meet requirements.

## 7. Conclusion

- 7.1 The principle of residential development on this previously developed site within the City Centre is acceptable. The proposed layout and design of the development together with the impact upon heritage assets is considered to be appropriate. The concerns of neighbours have been considered however the impact upon their amenity is considered not to be so adverse as to warrant refusal.

## 8. Recommendation

- 8.1 Recommend approval subject to conditions.



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1	Implement within 3 years (Full)
2	Requires the scheme to be in accordance with the listed approved plans
3	Listed Building to be Restored Prior to Occupation of 10th residential apartment
4	Prior Submission of Method Statement for the demolition of the existing building and the construction of the new development
5	Prior Submission of Method Statement and Repairs Schedule for the canal boundary wall
6	Requires the prior submission of a contamination remediation scheme
7	Requires the prior submission of a sustainable drainage scheme
8	Requires the prior submission of a programme of archaeological work
9	Details of Materials
10	Retention of High Level Windows to East Block Facing Courtyard
11	Implementation and Retention of Privacy screens to balconies overlooking canal on east block
12	Implementation of parking & marking out of parking bays prior to occupation
13	Secure cycle storage to be provided
14	Implementation of Approved Landscaping Scheme
15	Noise Levels for Plant and Machinery
16	Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
17	Requires the provision of a vehicle charging point.
18	Requires the submission of a contaminated land verification report
19	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
20	In accordance with Levels Plan
21	Lighting Strategy

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Case Officer: Julia Summerfield

## Photo(s)



Grosvenor Street West



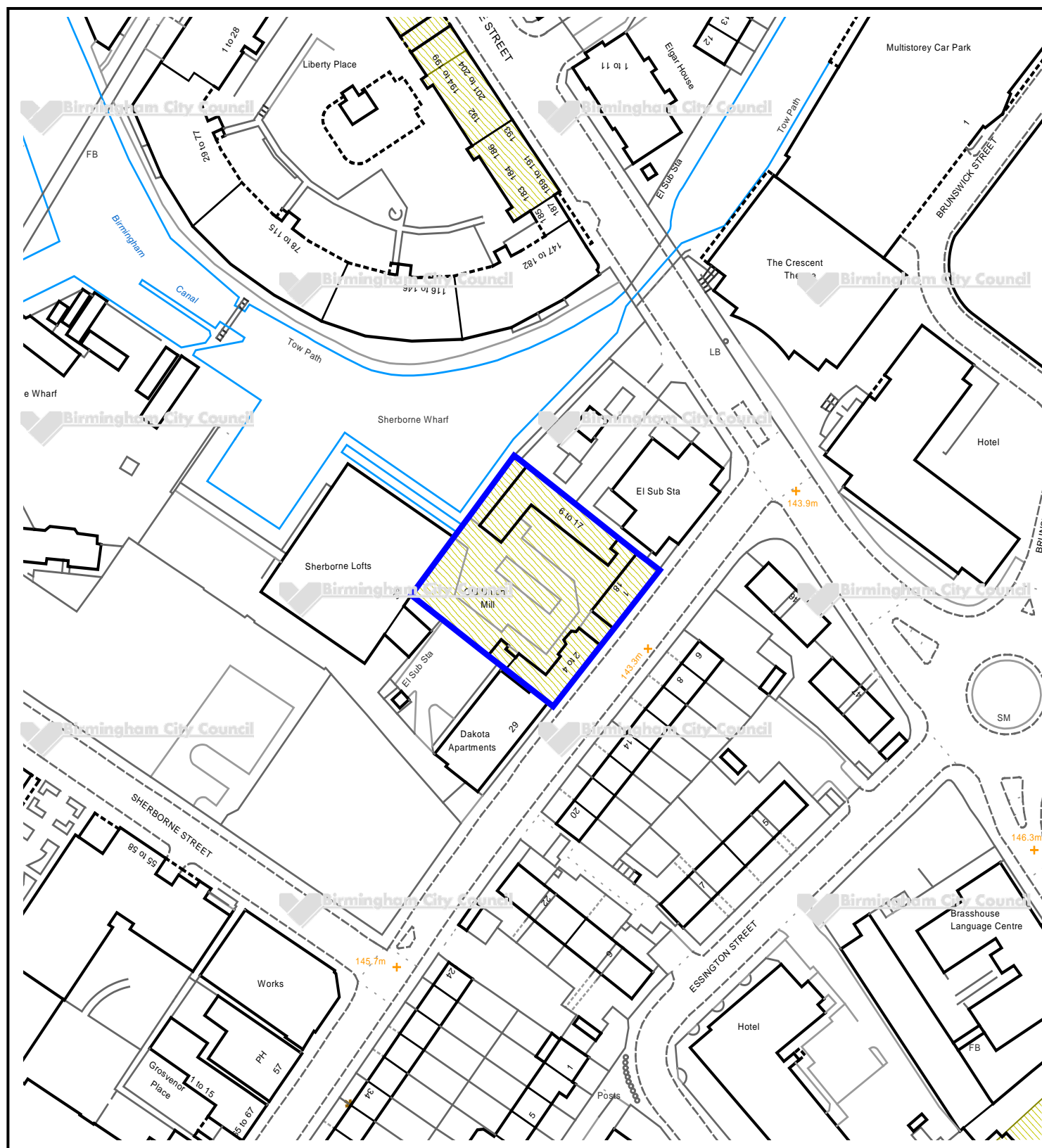
Sherborne Lofts to rear



Taken from Footbridge over Canal to Rear



# Location Plan



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Committee Date:	20/06/2019	Application Number:	2018/00505/PA
Accepted:	22/01/2018	Application Type:	Listed Building
Target Date:	18/02/2019		
Ward:	Ladywood		

Old Union Mill, 17-23 Grosvenor Street West, Ladywood, Birmingham, B16 8HW

Listed Building Consent for demolition of 20th century extension to rear, internal and external alterations to existing building including two storey extension to provide additional access to the rear; replacement archway at front elevation (works associated with refurbishment to provide office floorspace

Recommendation

**Determine**

**Report back**

1. Background

- 1.1. This application was first reported to the meeting of the Planning Committee on 14<sup>th</sup> February 2019 when it was deferred to allow further consideration of a Heritage Report commissioned by the neighbours of Sherborne Lofts and submitted to the Council the day before the meeting. Members also requested that the committee report include comments made previously by Historic England.
- 1.2. The Heritage Report has now been considered by the applicants and the Council's Conservation Officer. Neighbours have also been re-consulted.
- 1.3. Further explanation and responses are included in the report which has been updated.

2. Additional representations received

- 2.1. Public comments verbally updated at February committee meeting:
  - We would like the opportunity for you to visit the site and realise that another more sensitive way of redeveloping the site should be sought.
  - Why is there the need to replace the sash windows rather than repair?
- 2.2. Public comments received since the date of the last Committee meeting:
  - The conditions would allow the listed building to be left dismantled or scaffolded for 2 years, risking the listed building.
  - Historic England's advice should be taken on significant issues with this site.
  - Ask that the Council's Conservation Heritage Panel are made aware of the Heritage Report and that this is discussed at their next meeting.

- My objection is based on the alteration of a listed building in such an obtrusive way. Birmingham doesn't have many historic buildings. The essence of this building should remain intact.

### 3. Planning considerations

- 3.1. The National Planning Policy Framework (NPPF) states at paragraph 189 that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 3.2. Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets whilst sections 16(2) and 66(1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act requires that special regard be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest.
- 3.3. In terms of the assessment of the current listed building application the proposals can be divided into the following matters:
  - a) Works to the exterior of the building (including demolition and extension); and
  - b) Works to the interior of the building.

#### *Exterior of building*

- 3.4. The character of the exterior of the building is dominated by the archway and the regimented fenestration of small pane sash windows, although it has been ascertained that only one of the current windows is original. The listed building has been altered in the past but has subsequently become vacant and its condition is deteriorating. Alterations are proposed in order to bring it back into use and overcome the difficulties of its access, layout and internal levels.
- 3.5. Of perhaps most interest is the proposed works to the archway leading to the rear courtyard. Whilst the courtyard arch is original its frontage and an area of surrounding brickwork has been badly rebuilt at some point in recent history using poor quality brick and cement. The soffit of the archway is modern timber and modern beams. The proposal is to dismantle the area of modern brickwork on the street facing arch, including a small area of original brickwork (up to the first floor window sill) and rebuild using correctly matching bricks and lime mortar. The soffit would also be dismantled and a metal beam inserted in order to soundly carry the load of the floor above.
- 3.6. Prior to the previous committee meeting a neighbour raised concern at the proposed works to the archway and queried why the works should be permitted just to enable the redevelopment of the courtyard (including 13 apartments as proposed under planning application reference 2018/00484/PA). The day before the application was reported to the meeting of the Planning Committee of 14<sup>th</sup> February 2019 a Heritage Report, commissioned by the neighbours of Sherborne Lofts, was submitted to the Council. The accompanying email reiterates that neighbours are concerned that the applicants are being given latitude to demolish then rebuild the archway and other parts of the listed building to enable construction equipment to gain access to the rear courtyard. This approach, without confirming the public benefits of the scheme is considered by neighbours not to be sufficiently robust. In summary the neighbour's Heritage Report makes the following points:



- Replacing the later brickwork to the archway on the front elevation could be done without demolishing whole arch, original sash windows and original wall on the inner side of the arch;
  - The applicants fail to identify any public benefits to justify approval of the planning and listed building applications. Without this the application should be refused;
  - The applicants Heritage Statement refers to the expired NPPF rather than the extant 2018 version and as such is not reliable;
  - There is no evidence that access by construction vehicles to the rear courtyard via other routes has been considered (e.g. through the side wall or via the canal);
  - The existing sash windows are of special significance and should be retained.
- 3.7. The accompanying elevation and site plan incorrectly indicate the loss of the complete archway together with brickwork, windows and roof above.
- 3.8. The agent on behalf of the applicants has responded to the Heritage Report and this is summarised below:
- The applicants Heritage Statement was submitted in full accordance with the requirements of paragraph 128 of the NPPF, the wording of this paragraph has remained unchanged in the 2018 version and no therefore no adjustment is required;
  - The applicants Heritage Statement included not only the minimum requirements as set out in the original/revised NPPF but also a heritage survey from 2005, photographic evidence and related detailed analysis of the building;
  - The proposals were subject of on-site meetings with Council's Conservation Officer and Historic England;
  - The area of demolition within the objectors Heritage Report is incorrect, only the non-original section of the archway and poorly pointed brickwork to the front elevation is proposed to be replaced;
  - Part of the floor area behind the arch would also require temporary removal to allow the installation of new steel beams;
  - The objectors note considerably overstates the actual extent of the proposed rebuilding works relating to the arch and fails to appreciate that the relatively modest works would enable a structurally sound result allowing the new use of the listed building upper floor as well as replacing mismatched previous repairs;
  - Only one of the original Georgian windows appears to have survived. Most have been inconsistently replaced from a range of dates. The newly made traditional single glazed windows would closely replicate the one original;
  - Sufficient information has been submitted to assess the significance of the heritage asset;
  - The harm to the listed building is offset by the following;
    - overall repair and restoration of the listed building securing its long term future;
    - the provision of new commercial office floorspace;
    - the development of a prominent, long vacant, brownfield canalside site for an appropriate mix of uses;
    - additional community safety as a result of overlooking the canal and street frontages;
    - improving the general outlook and character of the area; and
    - construction and longer term employment relating to the site.
- 3.9. Since the date of the last meeting and the receipt of the Heritage Report the City Design Manager / Conservation Officer has re-visited the site to give particular attention to the proposed works to the archway. The Conservation Officer considers that the proposed design, form and materials of the new archway and soffit would be

a benefit to the building as it would remove poor quality rebuilding that detracts from the front elevation and allow for a conservation led repair with a better finish that would improve its historic character. As such it is considered that the works would fully accord with the aspirations of the NPPF. Conditions are attached to require details of the proposed replacement bricks and mortar and the setting out of the brickwork to ensure that a betterment is secured. A condition is also proposed to ensure that the works to the archway are completed within one year of the commencement of works to preserve the appearance of the listed building. It should also be noted that these works have been approved previously by virtue of application reference 2017/02644/PA, although this consent has not been implemented and has now expired. Contrary to the comments made by a neighbour a condition has been attached requiring the works to the archway to be completed within one year from the date of the decision.

- 3.10. The proposed works would also replace the existing sash windows with conservation range timber sash windows to match that would also benefit the acoustic and thermal performance of the building. All the windows with the exception of one were replaced in the late 20<sup>th</sup> century with the surviving 19<sup>th</sup> century window facing the courtyard on the western return wing at ground floor level that displays narrow glazing bars with a lambs tongue profile internally and a sharp arris externally. The other windows are all very good replicas, but all have thicker glazing bars with a flat outer edge giving away their modern age. The agent submits that the replacements would create uniformity across the front façade that has gradually been diminished as windows have been replaced on a piecemeal basis. The Conservation Officer tolerates the loss of the windows subject to a condition regarding their layout, mechanism, design, materials, detailed profile, reveal and cill.
- 3.11. The proposed two storey flat roof extension would provide a new external core to the refurbished office building and access to units 2 and 5. It would also provide a means of accessing the first floor office accommodation by all users under requirements for part M of the building regulations. Internally, access from the proposed extension into the listed building would be via existing openings within the rear elevation.
- 3.12. The proposed extension would be clad in high quality contemporary material, primarily glass and anodised metallic cladding to contrast with the original red brickwork. The existing masonry wall finish of the listed building would be maintained within the extension to enhance the distinction between the contemporary and historic spaces. The chosen materials for the extension would also be used in the detached residential blocks within the courtyard linking the two parts of the development. With regards to the wider works to the listed building further conditions regarding the ground floor security, replacement windows and doors, building recording, materials and to require a schedule of repairs are also proposed to ensure that the detail of the proposal maintains the character of the building.
- 3.13. Finally with regards to the exterior it is proposed to demolish an early-mid 20<sup>th</sup> century extension to the western flank of the listed building. This is considered to be a modest functional, utilitarian addition and of no significance. Therefore its loss causes negligible harm to the listed building.

#### *Interior of building*

- 3.14. The works to note inside the building is the removal of a modern staircase and the raising of parts of the floors and ceilings at ground and first floor to provide level access within the building. There is an unusual floor level to the eastern end of the building likely to be as a result of previously accommodating machinery.

- 3.15. A previous application for works to the listed building was withdrawn following an objection from Historic England. Concern was raised at the choice of windows on the rear elevation facing the courtyard, the loss of a historic staircase and the quantum of demolition of internal features such as walls and floor structure in the southern part of the building, given the demolition of floor structures required to the northern end of the building.
- 3.16. However the current scheme has responded to these concerns by proposing more appropriate timber glazed doors and by reducing the quantum of demolition to the southern end of the building. The original staircase would now be retained and the previous platform lift, tanking, dry lining and wall insulation has been omitted. The current layout also reuses the main entrance to the original house section of the building.
- 3.17. The Conservation Officer has commented that the building does not lend itself to residential conversion and offices would allow the building to retain its original plan form whilst addressing the failing building fabric and insulation at the same time. The physical changes to the building fabric are now less than sought by the previous application, most original internal walls will be retained and the modern staircase will be removed. The general design philosophy would create a series of office spaces with an external modern access, stairs and lift, and whilst this would result in the loss of a small section of the external envelope, it would reduce the impact of internal demolition. The design intervention is considered to be better than the 2017 withdrawal and elements concerning tanking, dry lining, insulation and fabric repair have all been amended so as to better preserve the character and appearance of this fine Georgian building. Proposed conditions have been updated to reflect the latest comments made by the conservation officer.

***Comments from Conservation Heritage Panel (CHP)***

- 3.18. The previous withdrawn application was presented to a meeting of the CHP in February 2017. Members supported access via the extension through into the building via existing window openings, the loss of the modern staircase, alterations to the floor levels and the contemporary design to the proposed extension. Concerns were raised regarding the detailed design of the roof insulation and ventilation, security to the ground floor windows to the front, removal of walls to the southern end of the building, the making good of the building post demolition of the modern extension and advertising. Again it is considered that the current scheme addresses these concerns. In response to the neighbour comment the Panel does not meet any longer however the current application including the revised plans, Heritage Report submitted on behalf of neighbours and the agents response to the Report has received comments from the Council's Conservation Officers.

***Comments from Historic England***

- 3.19. At the previous committee meeting Members wished to see the comments made by Historic England (HE). To clarify, HE have been consulted with respect to both the planning application and listed building on more than one occasion but have responded by stating that they do not wish to offer any comments and suggest that the views of your specialist conservation adviser are sought, which officers have done.
- 3.20. However the following comments were made in respect of the previous 2017 withdrawn applications following a visit by HE to the site. These comments are summarised below together with an explanation by the agent as to how these matters have been resolved. The introduction to their comments states *"We do not object to*

*the demolition of the 1900's block in the courtyard nor to that of the small toilet block. We do not object to the new residential blocks proposed. We support the two storey extension to the rear of the original building, this will involve the loss of three recent sash windows on the first floor which we accept."*

Previous Comments from Historic England	Comments from Agent in response to HE
We do not support the choice of doors on the exterior of the courtyard and consider that a design more in keeping with the existing timber and glazed doors, which are possible from the 1930's, would be better.	Proposals amended in current scheme showing alternative windows and doors.
The small doors in the carriage arch should be retained as well as their hinges.	Proposals amended in current scheme to show retention of smaller doors.
More substantial demolition is proposed to the interior. In the northern end it is proposed to lose the floor joists and floor boards of the first floor and this is causing some harm, however as a single element we can see some justification. Object to the demolition at the southern end. Cannot support loss of historic staircase. There will also be loss of the floor structure associated with the new lift but this may be acceptable. The other staircase to the return is of modern fabric but has an original rail/ skirting board surviving in situ and this should be retained. There is also a lot of demolition of walls in this southern end which we cannot support as an overall quantum. This should be radically reduced - it should approach zero demolition given the demolition of the floor structures here and elsewhere.	The quantum of demolition has been dramatically reduced. The original staircase is retain and the platform lift omitted. The new layout also reuses the main entrance to the original house section of the building which we believe will work as a more legible entrance and be more sympathetic to the buildings heritage.
We do not support the tanking proposed and consider a French drain is being created on the outside of the tanking is unjustified as it is damaging the historic fabric.	Tanking removed
Do not support dry lining on the external walls	Dry lining removed
While some of the ceilings have been lost already there are some lath and plaster ceilings remaining and there needs to be a strategy to retain and repair them. Opening the ceiling to the roof where no historic ceilings exist is not something we would recommend, however it may be the applicant's choice to sacrifice thermal efficiency in, for example, one room in order to expose the ceiling, and we would not object to this limited change. There are also several original/ historic door architraves and panelled doors which should be retained.	One internal door has been identified on site as being original, which is now proposed to be retained as part of the original staircase. One other door has been identified as being potentially original, although it is within a newer wall, suggesting it has been relocated from elsewhere in the building. The wall in which this door is positioned is not original and is proposed to be removed. However, we proposed to retain the door and frame on site and re-use within the new layout.

- 3.21. With respect to the lath and ceiling plaster ceilings the Conservation Officer has confirmed that the existing remains at first floor only are not significant and there is no objection to its loss.

### ***Compliance with Planning Policy***

- 3.22. Planning policy seeks to preserve the listed building, or its setting or its features of historic interest. Neighbours consider that the proposed development would detract from these objectives, however the NPPF advises that local planning authorities should take account of the desirability of sustaining and enhancing the significance of the heritage asset and putting it to a viable use. It is considered that the proposed works preserve the listed building by bringing a vacant heritage asset into use preventing it from falling into further disrepair, acknowledging that the internal condition of the existing building is steadily declining as it has remained unoccupied for 15 years. It is also considered that the proposed development would sufficiently preserve its setting and its historic features causing less than substantial harm to its significance. By placing the core externally the proposals have the benefit of requiring fewer alterations to the original building and again the less than substantial harm is outweighed by the development bringing the existing vacant building back into reuse.
- 3.23. Furthermore Policy TP12 of the BDP indicates that innovative design that retains the significance of the heritage asset whilst integrating it with the historic environment will be encouraged. It is considered that the contemporary extension would achieve this policy guidance.

### **4. Conclusion**

- 4.1 It is considered that the proposed alterations to the listed building itself would remove largely modern fabric and allows for the building to be brought back into use without harming its understanding or significance. It is considered that the proposals would retain an acceptable amount of the original structure and that the approach taken to restore the building pays due regard to the preservation of the building, its setting and the historic features it possesses.

### **5. Recommendation**

- 5.1 Approve subject to conditions.

### **Original report**

#### **1 Proposal**

- 1.1 The application seeks consent to refurbish the existing listed grade two building facing Grosvenor Street West to provide flexible office space. The external works include the proposed demolition of an existing early 20<sup>th</sup> century single storey extension to the rear aligning the west boundary to the courtyard and the construction of a two storey extension to the rear that would align the north east boundary. Works are also proposed to the archway within the frontage building.
- 1.2 The proposed two storey extension would measure approximately 10.1m by 6.0m and would provide a core floorspace accommodating a lift, staircase, toilets and a shower. It would be constructed in a light weight contemporary glazed structure with a flat roof to contrast with the original red brick listed building.
- 1.3 The proposed refurbishment and extension would provide five offices ranging in floorspace from 65sqm to 161sqm net indoor area (NIA). Two of the offices would be

accessed via the proposed extension whilst the remaining three would be accessed via existing entrances at the rear of the original building.

- 1.4 In more detail the other external works to the original building comprise the following:
- Localised repair and repointing of the existing brickwork;
  - Reinsulating the existing roof replacement existing fascia boards, replacement broken or cracked roof tiles;
  - Replace rainwater goods where required with cast iron painted black;
  - New windows to existing openings;
  - Removal of one window to the rear to provide new entrance to office unit 2 and replace three windows at first floor to the rear elevation to provide access from the new extension;
  - Repaint original signage to front elevation;
  - Restore and repaint existing entrance doors to rear;
  - Repair and repaint the existing double swing gate to the arched access way;
  - Repair and replace existing brickwork to arched access way and replace structural beam; and
  - Replace non original rear entrances with contemporary style glazed doors.

- 1.5 The proposed internal works comprise:
- Removal of the existing modern staircase and replacement with new timber staircase;
  - Replace and upgrade non original ceilings and raise first floor/ground floor ceiling to east side of building;
  - Make existing walls below ground water tight to prevent further water ingress; and
  - Internal insulation and ventilated dry lining to external walls.

- 1.6 A separate planning application for the external works is awaiting determination and is reported on this agenda (reference 2018/00484/PA). This application also proposes to demolish an existing modern two storey 'L' shaped building within the rear courtyard and replace them with 13 apartments in two blocks.

- 1.7 [Link to Documents](#)

## 2. Site & Surroundings

- 2.1 The building now known as Old Union Mill was originally known as the New Union Mill that was established in 1813 by the Birmingham Flour and Bread Company a charitable venture intended to supply cheap good quality bread to the working classes. The mill remained in operation until 1927; subsequently the mill itself, the north east range and the greater part of the south west range were demolished. More recently the Old Union Mill has been used as offices and artists/photographer's studios, however due to the existing building layout it has remained out of use and falling into disrepair for the past decade and a half. The agent has referred to a building recording and fabric analysis undertaken in 2005 which states that there has been a good deal of alteration, including replacement of most of the windows with replicas, the reconstruction of large areas of brick work to the rear of the south east range and the disappearance of many of the internal features such as fireplaces, doors and skirting boards. In addition the original archway to the rear courtyard has been unsympathetically repaired.

- 2.2 The 2005 report does however note that the early 19<sup>th</sup> century character prevails and the building remains a significant piece of early industrial architecture. The two



storey listed building gains its character from its evenly spaced small pane sash windows along the 40m frontage to Grosvenor Street West, and its central pedimented bay that protrudes slightly from the front elevation. It is this central bay that accommodates the archway referred to above which leads to the rear courtyard.

- 2.3 It is understood that the remaining building has been vacant for in excess of 15 years.

### 3. Planning History

- 3.1 2018/00484/PA - Proposed two storey extension to rear of original building to facilitate refurbishment to provide office floorspace (Use Class B1a), two new residential blocks within rear courtyard rising to 3 and 4 storeys to accommodate 13 apartments (5 x 1 bed, 7 x 2 bed and 1 x 3 bed); re-levelling and landscaping to form parking courtyard and communal gardens (resubmission of 2017/03387/PA) (Awaiting determination)
- 3.2 2017/03387/PA - Proposed two storey extension to rear of original building to facilitate refurbishment to provide office floorspace; two new residential blocks within rear courtyard rising to 3 and 4 storeys to accommodate 13 apartments (6 x 1 bed, 6 x 2 bed and 1 x 3 bed); re-levelling and landscaping to form parking courtyard and communal gardens. Withdrawn
- 3.3 2017/03515/PA - Listed Building Consent for demolition of 20th century extension to rear, internal and external alterations to existing building and proposed two storey extension to provide additional access to the building to the rear (all works associated with refurbishment to provide office floorspace). Withdrawn
- 3.4 2017/02644/PA - Listed Building Consent for replacement archway at front elevation. Approved 18/05/2017 12 month consent for implementation. (Expired)
- 3.5 2017/00632/PA - Application for Prior Notification of proposed demolition of rear workshops. Accepted as needing prior approval from the Council and that permission be granted. 06/03/2017
- 3.6 2006/06914/PA - Demolition of workshops, conversion of existing buildings into apartments and offices, construction of town houses with associated parking & external works. Approved 19/02/2007
- 3.7 2006/06918/PA - Listed building consent application for demolition of workshops, conversion of existing buildings into apartments and offices, construction of new town houses with associated parking and external works. Approved 19/02/2007
- 3.8 2002/05934/PA and 2002/05934/PA. - Planning and listed building consent for demolition of workshops, conversion of existing building into apartments and offices. Approved 11/03/2004
- 3.9 1992/03666/PA and 1992/04402/PA - Planning and listed building consent granted for demolition of existing sheds and provision of landscaped and car parking areas. Approved 29/04/93

### 4. Consultation/PP Responses

- 4.1 Historic England - We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

- 4.2 Canals & Rivers Trust - Based upon the information available we have no comment to make.
- 4.3 The Civic Society, local neighbourhood groups, local councillors, the Ancient Monuments Society, The Council for British Archaeology, the Georgian Group, The Victorian Society and The Twentieth Century Society have been consulted but no replies have been received.
- 4.4 A site notice and press notice have been posted and neighbours notified. Whilst many replies have been received in respect of the planning application only one neighbour has replied specifically to the current listed building application raising the following concerns:
- As part of the Old Union Mill development, planning permission is also being sought to take down and rebuild part of the archway in the listed building. I am struggling to understand why such permission should be granted when there is no maintenance issue to be addressed. This is simply the developer needing to remove an obstacle to allow access for building equipment onto the site. Either the building is listed or it isn't, and that listing shouldn't be temporarily waived to allow developers to maximise their profit.
  - This site was acquired in the full knowledge of the existing buildings around it and the listed nature of the Old Mill, and we feel strongly that the developers should be taking into account the look and feel of the area in terms of style and size, and giving full consideration to those who are impacted and minimising that impact, rather than reneging on initial promises, looking to build higher, closer and bigger, and demolishing and rebuilding a listed building because it suits their current plans.

## 5. Policy Context

- 5.1 Birmingham Development Plan 2017, Birmingham Unitary Development Plan (saved policies), Regeneration Through Conservation (SPG) and the Revised NPPF.

## 6. Planning Considerations

- 6.1 The National Planning Policy Framework (NPPF) states at paragraph 189 that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 6.2 Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets whilst sections 16(2) and 66(1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act requires that special regard be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest.
- 6.3 In terms of the assessment of the current listed building application the proposals can be divided into the following matters:
- a) Works to the exterior of the building (including demolition and extension); and
  - b) Works to the interior of the building.

### *Exterior of building*

- 6.4 The character of the exterior of the building is dominated by the archway and the regimented fenestration of small pane sash windows, although it is reported that only three of the current windows are original. The proposed works would replace the existing sash windows with conservation range timber sash windows to match that would also benefit the acoustic and thermal performance of the building. The replacements would also create uniformity across the front façade that has gradually been diminished as windows have been replaced on a piecemeal basis.
- 6.5 The brick that has previously been reinstated to the archway at the front of Old Union Mill is not original, is modern in style and has been poorly reconstructed and pointed. It is proposed to replace this reinstated modern brickwork with more sympathetic reclaimed brick, combined with the original brick, with mortar joints to match the existing facade. The current structural support concrete beam would also be replaced with a slimmer more discreet beam, sitting within the wall, under the first-floor window. The poor quality of the existing replacement archway detracts from the front elevation and it is considered that the proposed conservation led repair and restoration work would improve its historic character.
- 6.6 A neighbour has raised concern at the proposed works to the archway and queried why the works should be permitted just to enable the redevelopment of the courtyard (including 13 apartments as proposed under planning application reference 2018/00484/PA). Officers have previously been advised that works to the archway are necessary to enable large scale equipment and materials to be brought through the archway and into the rear courtyard. However the removal of the inappropriate red pressed bricks and the proposed replacement with matching softer clay bricks is supported by the Conservation Officer as the works would be more sympathetic to the character and appearance of the building. Conditions are attached to require details of the proposed replacement bricks and mortar and the setting out of the brickwork to ensure that a betterment is secured. A condition is also proposed to ensure that the works to the archway are completed within one year of the commencement of works to preserve the appearance of the listed building. It should also be noted that these works have been approved previously by virtue of application reference 2017/02644/PA, although this consent has not been implemented.
- 6.7 The proposed two storey flat roof extension would provide a new external core to the refurbished office building and access to units 2 and 5. It would also provide a means of accessing the first floor office accommodation by all users under requirements for part M of the building regulations. Internally, access from the proposed extension into the listed building would be via existing openings within the rear elevation.
- 6.8 The proposed extension would be clad in high quality contemporary material, primarily glass and anodised metallic cladding to contrast with the original red brickwork. The existing masonry wall finish of the listed building would be maintained within the extension to enhance the distinction between the contemporary and historic spaces. The chosen materials for the extension would also be used in the detached residential blocks within the courtyard linking the two parts of the development. With regards to the wider works to the listed building further conditions regarding the ground floor security, replacement windows and doors, building recording, materials and to require a schedule of repairs are also proposed to ensure that the detail of the proposal maintains the character of the building.

### *Interior of building*

- 6.9 The works to note inside the building is the removal of a modern staircase and the raising of parts of the floors and ceilings at ground and first floor to provide level access within the building.
- 6.10 A previous application for works to the listed building was withdrawn following an objection from Historic England. Concern was raised at the choice of windows on the rear elevation facing the courtyard, the loss of a historic staircase and the quantum of demolition of internal features such as walls and floor structure in the southern part of the building, given the demolition of floor structures required to the northern end of the building.
- 6.11 However the current scheme has responded to these concerns by proposing more appropriate timber glazed doors and by reducing the quantum of demolition to the southern end of the building. The original staircase would now be retained and the previous platform lift, tanking, dry lining and wall insulation has been omitted. The current layout also reuses the main entrance to the original house section of the building.
- 6.12 The Conservation Officer has commented that the building does not lend itself to residential conversion and offices would allow the building to retain its original plan form. The physical changes to the building fabric are now less than sought by the previous application, most original internal walls will be retained and the modern staircase will be removed. The general design philosophy would create a series of office spaces with an external modern access, stairs and lift, and whilst this would result in the loss of a small section of the external envelope, it would reduce the impact of internal demolition. The design intervention is considered to be better than the 2017 withdrawal and elements concerning tanking, dry lining, insulation and fabric repair have all been amended so as to better preserve the character and appearance of this fine Georgian building.

#### *Comments from Conservation Heritage Panel (CHP)*

- 6.13 The previous withdrawn application was presented to a meeting of the CHP in February 2017. Members supported access via the extension through into the building via existing window openings, the loss of the modern staircase, alterations to the floor levels and the contemporary design to the proposed extension. Concerns were raised regarding the detailed design of the roof insulation and ventilation, security to the ground floor windows to the front, removal of walls to the southern end of the building, the making good of the building post demolition of the modern extension and advertising. Again it is considered that the current scheme addresses these concerns.

#### *Compliance with Planning Policy*

- 6.14 Planning policy seeks to preserve the listed building, or its setting or its features of historic interest. Neighbours consider that the proposed development would detract from these objectives, however the NPPF advises that local planning authorities should take account of the desirability of sustaining and enhancing the significance of the heritage asset and putting it to a viable use. It is considered that the proposed works preserve the listed building by bringing a vacant heritage asset into use preventing it from falling into further disrepair, acknowledging that the internal condition of the existing building is steadily declining as it has remained unoccupied for 15 years. It is also considered that proposed development would sufficiently preserve its setting and its historic features causing less than substantial harm to its significance. By placing the core externally the proposals have the benefit of

requiring fewer alterations to the original building and again the less than substantial harm is outweighed by the development bringing the existing vacant building back into reuse.

- 6.15 Furthermore Policy TP12 of the BDP indicates that innovative design that retains the significance of the heritage asset and is integrated with the historic environment will be encouraged. It is considered that the contemporary extension would achieve this policy guidance.

## 7. Conclusion

- 7.1 It is considered that the proposals would retain an acceptable amount of the original structure and that the approach taken to restore the building pays due regard to the preservation of the building, its setting and the historic features it possesses.

## 8. Recommendation

- 8.1 Approve subject to conditions.

- 
- |    |   |
|----|---|
| 1  | Implementation within 3 years   |
| 2  | Time Limit for Completion of works to Archway   |
| 3  | Building recording  |
| 4  | Inventory of retention of fixtures  |
| 5  | Requires the scheme to be in accordance with the listed approved plans                          |
| 6  | Prior Submission of 'Condition Survey' & 'Schedule of Repair'                                   |
| 7  | Prior Submission of 'Method Statement'  |
| 8  | Prior Submission of Details of Materials  |
| 9  | Prior Submission of Full Architectural and Specification Details                                |
| 10 | Further detail of works to Archway  |
| 11 | Details of Mortar to be used throughout the building  |
| 12 | Mechanical and electrical (M&E) systems strategy and water utilities strategy (including plant) |
| 13 | Prior Submission of Details of Security   |
| 14 | Details of Lighting   |
| 15 | Requires any damage to the listed building to be made good                                      |
- 

Case Officer: Julia Summerfield



**Photo(s)**



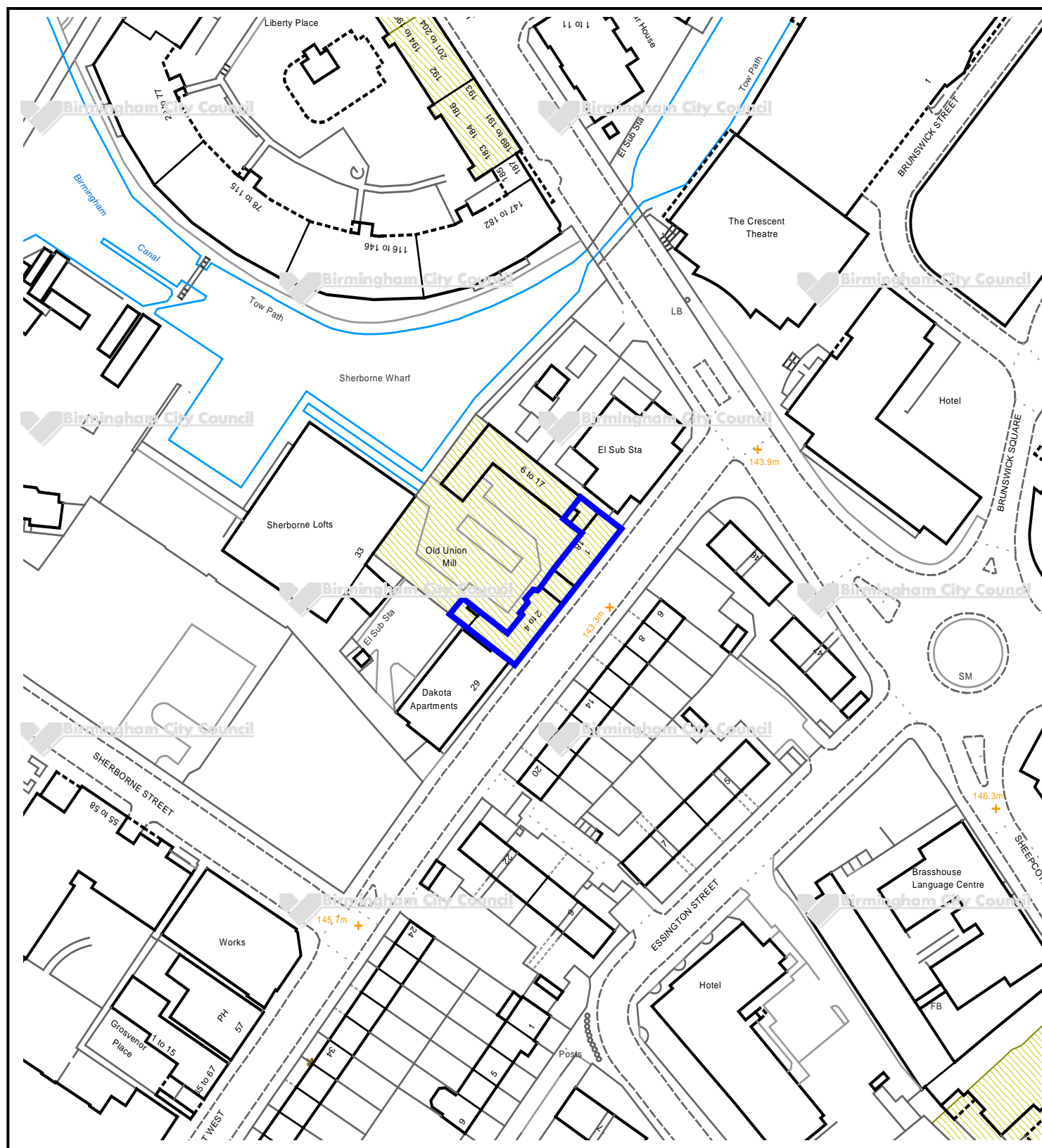
Archway to existing building facing Grosvenor Street West





Rear of Listed Building

## Location Plan



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**BIRMINGHAM CITY COUNCIL**

**REPORT OF CORPORATE DIRECTOR OF INCLUSIVE GROWTH**

**PLANNING COMMITTEE: 20 June 2019**

**AREA: NORTH WEST**

**WARD: SUTTON WALMLEY & MINWORTH**

**S257 REPORT**

**SUMMARY**

This report seeks Members authority to commence work on an Order under Section 257 of the Town and Country Planning Act 1990 to temporarily stop up Public Right of Way (PROW) 2086 and subsequently divert the same PROW along a new route, upgrading it in part to a bridleway and also to divert PROW 1131.

The proposal forms part of the planning application submitted by IM Properties Plc & Birmingham City Council (joint applicants) under reference 2019/00108/PA for the site known as Peddimore.

The Order can be drafted by the City Solicitor and consultations carried out. The Order would not thereafter be confirmed unless planning permission is granted for the above development. The authority to make the Order does not pre-determine the planning application or the diversion of the Right of Way.

This report sets out the issues relating to the diversion of the rights of way proposed. All other issues regarding the planning application will be presented to members at a future planning committee.

**RECOMMENDATIONS**

That the City Solicitor be authorised to make an Order in accordance with the provisions of Section 257 of the Town and Country Planning Act 1990.

**LOCATION:** Peddimore, Land north of Minworth, east of A38 and west of Wiggins Hill Road, Sutton Coldfield, Birmingham, B76

**PROPOSAL:** Hybrid planning application comprising: Outline application with all matters reserved for an employment park comprising B1b, B1c, B2 and/or B8 uses, including ancillary offices (B1a), gatehouses and security facilities, service yards and HGV parking, plant, vehicular and cycle parking, landscaping, pedestrian and cycle infrastructure, green and blue infrastructure, ancillary business and community facilities (D1/D2/B1a/A3/Sui Generis) including a

multi-purpose hub building and associated development. Full planning application for a new roundabout access from the A38, construction access and compound area, internal spine road, site gatehouse, primary substation and tower, engineering operations including foul pumping station, acoustic fencing, earthworks (including creation of development plot plateaus), pedestrian and cycle infrastructure and structural landscaping including drainage infrastructure and development platform within Peddimore Brook corridor for ancillary business and community facilities.

[Link to Documents](#)

**APPLICANT:** IM Properties Plc & Birmingham City Council

**AGENT:** Turley, 9 Colmore Row, Birmingham, B3 2BJ

**CONTACT OFFICER:** Karen Townend, City Centre Planning Management Team  
Tel. No. 0121-675-0506  
Email: [karen.townend@birmingham.gov.uk](mailto:karen.townend@birmingham.gov.uk)

## **1.0 DETAILS OF PROPOSAL:**

- 1.1 This report seeks members consent for the relevant officers to commence work on drafting an Order to temporarily stop up and then divert PROW 2086 and to divert PROW 1131.
- 1.2 Usual practice is for a recommendation on a planning report to include a resolution to authorise any stopping up or diversion. This prevents further loss of time at a later stage. However, in this instance the decision on the whole of the planning application has been delayed due to issues yet to be fully resolved relating to ground nesting birds and wider highway infrastructure at the motorway and within Warwickshire.
- 1.3 The applicant has therefore requested that a report be presented to members to seek a resolution to authorise the Order in advance of a decision on the planning application. As noted above, should members resolve to authorise the work to commence on the S257 this would not pre-determine the planning application.
- 1.4 Section 257 of the Town and Country Planning Act 1990 empowers Local Planning Authorities to make stopping up and diversion orders if it is satisfied that it is necessary to do so to enable development to be carried out. The stopping up/diversion order will only be made when the following criteria have been met:
  - The planning permission decision notice has been received and
  - All objections have been withdrawn formally, or
  - If written representations have been considered, or
  - An inquiry has been held, and the inspector's report and recommendations have been considered.



## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The Peddimore application site has a total area of 110 hectares. It lies on the north east edge of Birmingham and is enclosed by the A38 on the west, housing at Minworth and the Birmingham and Fazeley Canal to the south, Wiggins Hill Road to the east and Peddimore Hall and Barns and agricultural fields to the north. On the opposite side of the A38 is the land allocated as Langley Sustainable Urban Extension.
- 2.2 Currently the land is arable fields which gently fall from north and east. Wishaw Lane, Peddimore Lane and a public right of way cross the site and there are existing hedges and Peddimore Brook within the site.
- 2.3 Also in the north west of Birmingham are the existing Minworth Trading Park, Midpoint Park and Minworth Severn Trent Treatment Works. Outside of Birmingham there are other employment parks and industrial estates nearby.
- 2.4 [Site Location](#)

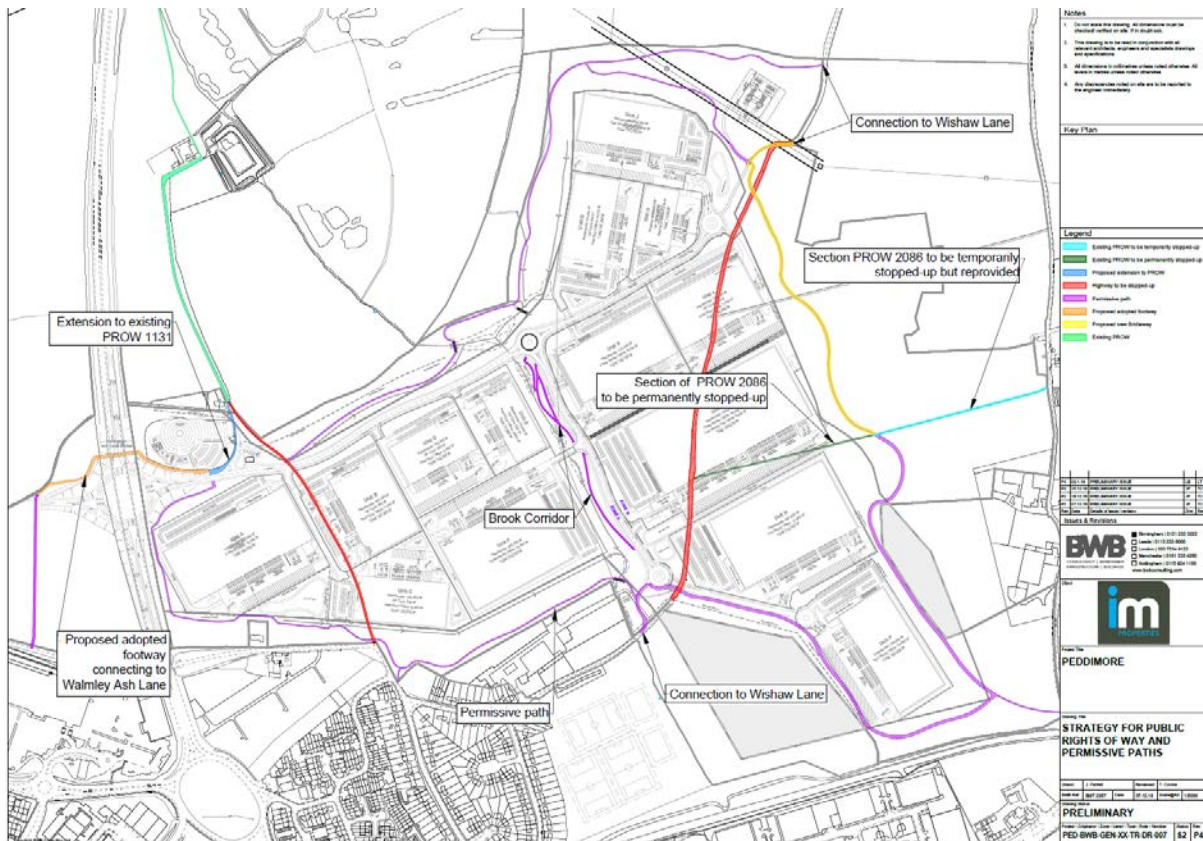
## **3.0 RELEVANT CONSULTATION RESPONSES:**

- 3.1 Site notice displayed and Press notice published advertising the planning application, including advertising the fact that the development will affect public rights of way. Ward Members, the MP, residents associations and surrounding residential properties notified. Of the 21 comments received the following point is relevant to the S257 proposal:
  - Walking, cycling and horse-riding routes should be created through the site
- 3.2 Sutton Coldfield Group and Warwickshire Area Ramblers – Support the application. Is satisfied that the interests of the Ramblers have been taken into account with the linking of existing public rights of way to the proposed pedestrian and cycle infrastructure and the new pedestrian link to be provided over the A38 from the application site to the proposed new major housing development at Langley.
- 3.3 Further consultation will be carried with the local community as part of the S257 process through the publication of a notice in the local press and site notices at either end of the affected footpath as required by the legislation.
- 3.4 Any objections received during that consultation process will be sent to the applicant who is responsible for negotiating with the objectors with a view to resolving the issues. Should the issues not be resolved the Secretary of State has authority to cause a local inquiry to be held. However, if the Secretary of State is satisfied that there are special circumstances which make the holding of an inquiry unnecessary (and that the outstanding objections are not Utility Companies), then he has the discretion to dispense with that inquiry and can issue a decision based on the information that he has on file.

## **4.0 PROPOSED DIVERSION:**

- 4.1 PROW 2086 currently runs from Wiggins Hill Road straight across an agricultural field to Wishaw Lane. The proposal will temporarily stop up the full length of the route and thereafter re-provide the section to the west of the development site as a footpath and provide a new connection from the existing line to Wishaw Lane as a

bridleway. The new section will also link into the permissive path proposed to be provided around the application site. PROW 1131 currently runs along Peddimore Lane and the proposal is to divert this path to a new footpath around the location of the Hub building and over the proposed A38 footbridge. The following plan shows PROW 2086 in dark green (stopped up section), pale blue (re-provided section) and yellow (new section) and PROW 1131 in light green (retained section), blue (diverted section) and orange (new section over footbridge).



- 4.2 The new route for PROW 2086 is intended to be an enhancement in that it will connect two existing rights of way and connect into the wider permissive path around the proposed development. The existing route could be retained, however this would constrain development of the allocated industrial park. Furthermore, I agree that the new route will be an improvement and provide better recreational opportunities for the wider community including horse riders. The new route will enable a circular walk/ ride on a natural path line rather than a straight line across a field.
- 4.3 PROW 1131 is to be extended onto the new footpath to the bridge over the A38 and therefore provide better connectivity to the wider area. The proposed bridge across the A38 will be for pedestrians and cyclists and, due to the A38 sitting in a cutting, will provide surface level connection between Peddimore and Langley. The submitted information confirms that the bridge will be installed prior to the first occupation of any of the units on the site so that it is available for use by employees on the site. This work will be done as S278 works. The proposed diversion of PROW 1131 will provide safe pedestrian and cycle links to the wider area.
- 4.4 The applicant has carried out surveys of the use of the existing PROWs and considered pedestrian delay, pedestrian amenity and fear of intimidation. The surveys were done by taking video footage over 6 days. The result of the survey showed no pedestrians using the PROWs across the site. As such the suggestion is



that the PROW is not frequently used. However, these are formal PROWs and as such need to be diverted and provided for. The infrequency of the use, however, does give less concern about the proposals for diversion being on different routes. The support of the local Ramblers association should also be given weight in considering the impact of diversion of the PROWs.

- 4.5 Around the site, in the strategic landscaped area, a 4km walking and cycling route is to be provided as a permissive path (shown in purple on the above plan). Within the developable area pedestrians and cyclist will be provided for separate to the spine road on footways. In addition to on site footpaths and cycleways the development will provide enhancements, through S278 agreement, to pedestrian and cycle access in the immediate area and, through S106, funding to enhancements in the wider area. This could include funding for improvements to the canal towpath network as requested by CRT and Inland Waterways. This is dealt with as part of the planning application.
- 4.6 The changes proposed to both PROWs will enhance pedestrian, cycle and horse bound connectivity from existing properties and the new developments in the area to both the existing services and facilities and the countryside in the wider area. Residents to the northeast of the site will be able to use the diverted rights of way and the footpaths through the site to access Minworth, Asda and Sutton Coldfield and residents to the southwest will be able to use the routes to be able to access the countryside to the north. In conclusion the proposals provide overall benefit and there is no reason to resist the diversions of the PROWs.
- 4.7 For the reasons given above I consider that the temporary stopping up of PROW 2086 and its subsequent diversion, and the diversion of PROW 1131, are both necessary to enable the development of Peddimore to be carried out. Peddimore is a strategic project for Birmingham City Council and an allocated industrial development in the Birmingham Development Plan.

## **5.0 SECTION 247 HIGHWAY STOPPING UP:**

- 5.1 Members should also be aware that the applicant has applied to the Secretary of State for Transport to stop-up Peddimore Lane and Wishaw Lane. This is being dealt with by the National Casework Unit for the DFT, not Birmingham City Council. The recommendation on the planning application report will include a resolution that no objection be raised to the stopping-up of Peddimore Lane and Wishaw Lane and that the Department for Transport (DFT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.
- 5.2 Officers are aware that a number of objections have been received by the National Casework Unit raising issues related to the stopping up of the roads, the stopping up of the rights of way and also the principle of developing the site for industrial units and other material planning considerations. The issues regarding the stopping up of the roads will be for the Secretary of State.
- 5.3 Peddimore Lane is to be diverted through the site to the new roundabout (for vehicles) and around the front of the Hub site and over the footbridge (for pedestrians and cyclists). No alternatives are proposed to replace the closure of Wishaw Lane to vehicles. The submitted details advise that an existing alternative route is available from Minworth to Over Green via Wiggins Hill Road.

- 5.4 I am of the opinion that the roads need to be stopped up to enable the development of this major development site which is allocated in the BDP and was removed from the Green Belt specifically for industrial use. To retain the existing roads through the site would have greater implications on the wider highway network encouraging industrial park related traffic onto the country lanes; would prevent the site from becoming secure; and would constrain the development plots within the site. All of these issues would make the site less attractive to future occupiers whilst also having greater impact on the wider community. A balance needs to be struck between the impact of longer journeys for existing residents to the northwest and the benefits of closing the road for the development of Peddimore.
- 5.5 All of the issues raised by local residents are considered within the officer report on the planning application. This report does not seek to obtain members resolution on the stopping up of the roads (the S247).

## **6.0 CONCLUSION**

- 6.1 The temporary stopping up of PROW 2086 and its subsequent diversion, and the diversion of PROW 1131, are both necessary to enable the development of Peddimore to be carried out. Peddimore is a strategic project for Birmingham City Council and an allocated industrial development in the Birmingham Development Plan.
- 6.2 As such the recommendation to members is that the City Solicitor be authorised to make an Order in accordance with the provisions of Section 257 of the Town and Country Planning Act 1990.

**Birmingham City Council**  
**Planning Committee 20 June 2019**

**Appeal Decisions Received from the Planning Inspectorate in May 2019**

<b><u>CATEGORY</u></b>	<b><u>ADDRESS</u></b>	<b><u>USE</u></b>	<b><u>DECISION</u></b>	<b><u>TYPE</u></b>	<b><u>PROCEDURE</u></b>
<b>Householder</b>	67 Dugdale Crescent, Sutton Coldfield	Erection of two storey front and side extension. 2018/04838/PA	Dismissed	Delegated	Written Representations
<b>Householder</b>	118 Mere Green Road, Sutton Coldfield	Installation of a footway crossing. 2018/06170/PA	Dismissed	Delegated	Written Representations
<b>Householder</b>	37 Westfield Road, Edgbaston	Erection of single storey side extension, first floor front and side extension incorporating ground floor bay window, and lower ground floor extension to rear with formation of patio area above. 2018/01732/PA	Allowed (see note 1 Attached)	Delegated	Written Representations
<b>Householder</b>	33 College Farm Drive, Erdington	Erection of two storey side and single storey rear extension. 2018/08516/PA	Dismissed	Delegated	Written Representations
<b>Householder</b>	22a Blackroot Road, Sutton Coldfield	Erection of pillars with gates and fencing to the front. 2018/08928/PA	Dismissed	Delegated	Written Representations
<b>Householder</b>	147 Ravenhurst Road, Harborne	Erection of single storey side extension. 2018/08741/PA	Dismissed	Delegated	Written Representations
<b>Householder</b>	1 Nadin Road, Sutton Coldfield	Erection of single storey forward and side extensions. 2018/07427/PA	Allowed (see note 2 attached)	Delegated	Written Representations
<b>Advertisement</b>	16-20 Lodge Road, Hockley	Display of 1 internally illuminated digital screen. 2018/09456/PA	Dismissed	Delegated	Written Representations

**Birmingham City Council**  
**Planning Committee 20 June 2019**

**Appeal Decisions Received from the Planning Inspectorate in May 2019**

<b><u>CATEGORY</u></b>	<b><u>ADDRESS</u></b>	<b><u>USE</u></b>	<b><u>DECISION</u></b>	<b><u>TYPE</u></b>	<b><u>PROCEDURE</u></b>
<b>Advertisement</b>	23 Hockley Hill, Hockley	Display of no. 1 internally illuminated LED digital smartscreen. 2018/09843/PA	Allowed (see note 3 attached)	Delegated	Written Representations
<b>Other</b>	115b Branston Street, Jewellery Quarter	Application for a lawful development certificate for an existing use as a single dwelling in excess of 4 years. 2018/01073/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	41 Newman Road, Erdington	Application for a Lawful Development Certificate for the existing use as a 6-bedroom House in Multiple Occupation (HMO). 2017/07813/PA	Allowed (see note 4 attached)	Delegated	Written Representations
<b>Other</b>	Public Highway at Priory Queensway, Adjacent The Minories, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04290/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at 120 Corporation Street, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04296/pa	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at 1 Snow Hill, Snow Hill Queensway, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04297/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at Shadwell Street, Corner of Old Snow Hill, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04301/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at 115 Corporation Street, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04302/PA	Dismissed	Delegated	Written Representations

**Birmingham City Council**  
**Planning Committee 20 June 2019**

**Appeal Decisions Received from the Planning Inspectorate in May 2019**

<b><u>CATEGORY</u></b>	<b><u>ADDRESS</u></b>	<b><u>USE</u></b>	<b><u>DECISION</u></b>	<b><u>TYPE</u></b>	<b><u>PROCEDURE</u></b>
<b>Other</b>	Public Highway at Corner of Moor Street Queensway and Albert Street, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04303/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at Colmore Circus Queensway in front of Lloyd House, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04304/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at Moor Street Queensway, Junction with Carrs Lane, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04389/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at 83 Bull Street, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04395/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at 74 Bull Street, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04396/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at James Watt Queensway, Junction with Moor Street Queensway, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04397/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at 44-46 Corporation Street, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04392/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at 1 Colmore Row, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04291/PA	Dismissed	Delegated	Written Representations



**Birmingham City Council  
Planning Committee 20 June 2019**

**Appeal Decisions Received from the Planning Inspectorate in May 2019**

<b><u>CATEGORY</u></b>	<b><u>ADDRESS</u></b>	<b><u>USE</u></b>	<b><u>DECISION</u></b>	<b><u>TYPE</u></b>	<b><u>PROCEDURE</u></b>
<b>Other</b>	Public Highway at 93 Corporation Street, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04393/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at 76 Corporation Street, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04398/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at 139 New Street, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04443/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at 130 New Street, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04448/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at 1 New Street, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04454/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at Paradise Street, Adj. Fletchers Walk, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04517/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway outside 30-34 Union Street, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04600/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at 148 New Street, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04449/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at Parade, near junction with Paradise Circus Queensway, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04515/PA	Dismissed	Delegated	Written Representations

**Birmingham City Council  
Planning Committee 20 June 2019**

**Appeal Decisions Received from the Planning Inspectorate in May 2019**

<b><u>CATEGORY</u></b>	<b><u>ADDRESS</u></b>	<b><u>USE</u></b>	<b><u>DECISION</u></b>	<b><u>TYPE</u></b>	<b><u>PROCEDURE</u></b>
<b>Other</b>	Public Highway at Broad Street, Adjacent The ICC	Prior notification for the installation of a telephone kiosk. 2017/04516/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at Broad Street, Centenary Square	Prior notification for the installation of a telephone kiosk. 2017/04518/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at Broad Street, in front of 9 Brindley Place	Prior notification for the installation of a telephone kiosk. 2017/04523/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway in front of Latham House, 33-34 Paradise Circus Queensway, City Centre	Prior notification for the installation of a telephone kiosk. 2017/04565/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at Suffolk Street Queensway, Junction with Holloway Circus Queensway, outside Beetham Tower	Prior notification for the installation of a telephone kiosk. 2017/04560/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Highway at 100 Broad Street	Prior notification for the installation of a telephone kiosk. 2017/04519/PA	Dismissed	Delegated	Written Representations

**Total - 39 Decisions: 35 Dismissed (90%), 4 Allowed**

**Cumulative total from 1 April 2019 - 50 Decisions: 44 Dismissed (88%), 6 Allowed**

## **Notes relating to appeal decisions received in May 2019**

### **Note 1 (37 Westfield Road)**

**Application refused** because due to its size and design, the proposed extension would be out of scale with the existing house and would dominate its appearance.

**Appeal allowed** because the Inspector considered that the proposed development is in accordance with the Council's policies.

### **Note 2 (1 Nadin Road)**

**Application refused** because: 1) The scale of the proposal would be out of context with the surrounding properties and would be unduly dominant. 2) The size of the proposed extension would be out of scale with the existing house and would dominate its appearance/the street scene.

**Appeal allowed** because the Inspector considered that the proposed development would not have an unacceptable impact upon the character and appearance of the area.

### **Note 3 (23 Hockley Hill)**

**Application refused** because 1) The proposed advertisement by virtue of its location and size would be an intrusive feature on this principal vehicular route on the boundary of the Jewellery Quarter Conservation Area and would dominate over the setting of the listed buildings at 17-21 Hockley Hill. 2) The proposed advertisement by reason of its digital nature would detract from the historic character, adversely affecting the character and appearance of the Jewellery Quarter Conservation Area.

**Appeal allowed** because the Inspector considered that in the context of the busy commercial environment in which it would be seen, the scheme would not harm the visual amenity of the area, or of the setting of the listed buildings.

### **Note 4 (41 Newman Road)**

**Application refused** because 1) The evidence in respect of the use of 41 Newman Road as a House in Multiple Occupation (Use Class C4) does not demonstrate on the balance of probability, that the application site would accommodate between 3 and 6 residents living as one household due to the character of the accommodation and the potential to accommodate a greater number of residents. 2) The evidence in respect of the extension of 41 Newman Road does not demonstrate on the balance of probability, that the extension was completed prior to the house's unlawful conversion to a House in Multiple Occupation (Use Class C4) and would not benefit from householder permitted development rights under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

**Appeal allowed** because the Inspector considered that there is no evidence to support the Council's assertion that the property is used as self-contained flats. The

property remains a dwelling house used as an HMO and as such retains the permitted development rights, which means the extension is lawful.

**BIRMINGHAM CITY COUNCIL**

**REPORT OF THE CORPORATE DIRECTOR, INCLUSIVE GROWTH**

**PLANNING COMMITTEE**

**20<sup>th</sup> June 2019**

**Planning Management Service Improvement Review**

**1. SUBJECT OVERVIEW**

- 1.1 This report informs Members of the Inclusive Growth Directorate Service Redesign which seeks to increase capacity through creating 21 additional posts by utilising the additional income raised through the 20% increase in planning fees. Alongside the service redesign a Systems Service Review has been undertaken by an internal team using best practice and peer review. The review's prime objective is to deliver changes that will improve efficiency and deliver a better service to customers.

**2. Recommendations**

- 2.1 That Members note the contents of this report.

**3. CONTACT OFFICER**

Andrew Fulford, Principal Planning Officer, Planning and Economy  
[andrew.fulford@birmingham.gov.uk](mailto:andrew.fulford@birmingham.gov.uk)

**4. BACKGROUND**

- 4.1 The Council receives over 10,000 planning applications each year which vary greatly in terms of application type and complexity. Householder applications make up the largest proportion with almost 40% of applications received in 2018 falling within this category. All applications are dealt with by the Planning Management Service which forms part of the Inclusive Growth Directorate. As the city continues to grow and experience increasing levels of investment the Planning Management Service will need to be able to respond and adapt.
- 4.2 To address this situation a holistic approach is being taken to the operation of the Planning Management Service. Firstly a service re-design is proposed which responds to Birmingham City Council's 5 priorities and will ensure that there are sufficient resources to respond to the increasing workload and improve the service provided. Alongside the service re-design there will be a phased review of the planning management processes and procedures which will bring the Council in line with best practice and legislation. This report will address the first of two phases of the review.

## **5. ACTIONS TO BE IMPLEMENTED**

### **5.1 Part A) Service Redesign**

- 5.2 A revised structure is being proposed in the context of the need to strengthen capacity, aligned to the Government's agreement to a 20% increase in planning fees on the basis that all monies generated are invested back in to the Planning service to improve efficiency in the determining of planning applications. A total of 21 posts have been created with the key changes outlined below.

#### *5.3 Householder Applications*

- 5.4 The creation of 11 new posts to process householder applications consisting of a manager, 3 x Principal Planning Officers and 7 x Senior Planning Officers.

#### *5.6 Area Planning Management Teams*

- 5.7 The creation of 6 x Principal Planning Officer posts in the Area Planning Management Teams to provide increased capacity to deal with complex planning applications.

#### *5.10 Enforcement*

- 5.11 The creation of a Principal Enforcement Officer post to provide increased capacity in the Enforcement Team to lead on the larger, more complex enforcement cases and prosecutions.

#### *5.12 Project Based Posts*

- 5.13 The creation of 3 specialist planning management roles to lead on Langley & Peddimore, Athletes Village and HS2 to reflect the scale, timescales and complexity of dealing with major planning issues and provide additional capacity.

### **5.18 B) Service Process and Procedures Review**

- 5.19 To supplement the service redesign a team has been set up to conduct a review of the current service and improve systems and practices. This includes bringing the Council in line with the Development Management Procedure Order. The following outlines the key changes that are to be implemented as part of the first phase. The majority of changes were initially focussed on householder development as they represent the greatest proportion of applications received each year, although some future changes do apply to a wider range of application types.

- 5.20 The Review Team have identified a number of changes that will streamline the planning process leading to benefits for customers creating a more effective and efficient process. The changes are set out below.

#### *5.21 Revised Local Validation Criteria for Householder Applications*

- 5.22 The validation criteria have been amended as set out within Appendices 1A and 1B. The changes simplify the checklist bringing it in line with the Development



Management Procedure Order as well removing criteria that generally do not apply to householder applications. Alongside these proposed changes the Planning and Development Service are currently updating the Statement of Community Involvement (SCI) which sets out how the Council will engage with people in the planning process. The revised SCI is proposed for adoption later on in 2019.

5.23 *Changes to Consultation Procedure*

5.24 It is proposed that the extent to which the Council consults should be brought in line with Development Management Procedure Order.

5.29 *New Response Template for Internal Consultees*

5.30 A new Consultation Response Form has been designed (Appendix 2) which would be utilised by Conservation, City Design, Ecology, Landscape and Transportation Officers.

5.31 *Revised Report Template*

5.32 Two new template reports have been drafted, one for householder reports and one for advertisements. The templates should enable reports to be completed more efficiently whilst still enabling more detail to be added where a complex issue needs to be described in more detail.

5.33 Conclusion

5.34 In combination the service re-design and service review will create a more effective and efficient service delivering a number of benefits. These benefits include providing better customer relations, speeding up the decision making process and enhancing the quality of decision making.

**6. TIMESCALES**

6.1 Unless otherwise stated in this report, the recommended changes within this report will be implemented in summer 2019.

**7 IMPLICATIONS FOR RESOURCES**

7.1 The changes suggested do not place any additional financial costs on the Council.

**8. PUBLIC SECTOR EQUALITY DUTY**

8.1 An equality analysis on the strategic plan for the City, the Birmingham Development Plan, has been undertaken which concluded that the approach and policies contained within the BDP would contribute to equality of opportunity for all by supporting additional homes and employment space. Additional work now needs to be undertaken to assess how the application of the planning management service positively contributes to the Public Sector Equality Duty.

**9. IMPLICATIONS FOR POLICY PRIORITIES**

- 9.1 The delivery and implementation of the Birmingham Development Plan (BDP) is one of the Council's main priorities. The improvements to the planning management service will help to deliver the aims and objectives of the BDP by enhancing the speed and quality of decisions.

APPENDIX 1A – Current Registration Manual with Tracked Changes Added

APPENDIX 1B – Revised Registration Manual

APPENDIX 2 – Consultation Template

## Appendix 1A: Householder Application for Planning Permission for Works or Extension to a Dwelling

### VALIDATION CHECKLIST

#### National Application Requirements

##### Application Form

- Householder Application for Planning Permission for Works or Extension to a Dwelling (if submitted on a full planning form – acceptable)

##### Certificates

- The completed ownership certificate (A, B, C or D) as appropriate (This now includes the Agricultural Holdings Certificate)
  - If ownership certificate B is completed, Notice 1 is required
  - If ownership certificate C is completed, Notices 1 and 2 are required
  - If ownership certificate D is completed, Notice 2 is required

##### Application Fee

Details of current fees for all application types can be found at [www.birmingham.gov.uk/planningfees](http://www.birmingham.gov.uk/planningfees)

If BCC are the applicant and Acivico are the agents they can pay by IDT

If BCC are NOT the applicant and Acivico are the agents then they cannot pay by IDT

**Extension to flats to be charged as per householder fees but allocated to the area teams as these are not categorised as Householder Applications**

##### Location Plan

- At an identified scale, notably At a typical scale of 1:1250 or 1:2500 (the sScale must be annotated on the plan)
- Site must be clearly identified be outlined in red (A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site)
- Show the direction of North

##### Site Plan

- Only for enlargements to dwelling(s), detached structures and new vehicular access at an identified scale, notableAt a scale of 1:500 or 1:200 (the scale must be annotated on the plan)
- Show the direction of North
- Show the development in relation to adjoining properties

##### Design and Access Statement

Required only for

- ~~All Listed Buildings Consent Applications~~
- ~~Where the provision of one or more dwelling houses is in a conservation area~~
- ~~The provision of a building or buildings where the floor space created by the development is 100 square metres or more within a conservation area.~~

~~Further information can be obtained here – See Design and Access Guidance Note~~

## Local Application Requirements

### Additional Plans and Drawings

- On paper size less than A2 and at a typical scale of 1:50 or 1:100, (existing & proposed should be at a similar scale to aid comparative study) scale annotated on the plan (**Do Not Hold the application if this hasn't been done**)
- Existing drawings** - will not be required provided that the proposed drawings clearly show the proposed works
- Proposed drawings**
  - All sides of the proposal should be shown
  - Where a proposed elevation adjoins another building or is in close proximity, the drawings should show this relationship
  - Plan showing elevations and layout details for all visible elevations
- If boundary treatment is proposed**
  - Details of the proposed boundary treatment should be shown on the 1:500 or 1:200 site plan e.g. fencing
  - Details including the height/design and materials
- ~~**If a Vehicular Access is proposed**
  - Details of the position of the crossing access can be shown on the 1:500 or 1:200 site plan~~

### Archaeological Assessment

- ~~When any proposed development includes new building or ground disturbance on or adjoining a heritage asset of archaeological interest (regardless of the need for a Design and Access Statement)~~

### CIL Form

- ~~All full applications creating over 100sqm of new floorspace, 100sqm of change of use floorspace or a new dwelling~~

### Parking and Access Details

- ~~All applications where parking / access are part of the proposal.~~

### Photographs and Photomontages

- ~~Where the proposal involves the demolition of an existing building or development affecting a conservation area or a listed building and all telecommunication mast applications.~~

### Tree survey / Arboricultural Statement

- ~~All planning applications where the application involves works that may affect any trees on or off the site.~~

### Works to Trees – Specification of Works and Photographic Evidence

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- ~~Where works are required to a protected tree (TPO or tree in Conservation Area)~~

## REGISTRATION CHECKLIST

### Comments

Have you run a full constraint search, checked planning history, checked enforcement history

~~If the application is for a footway crossing/vehicular access the description should read — Installation of a footway crossing~~

Paper file to be created

### Statutory Return Code and Application Type

Statutory Return – Householder

Application Type - Householder

## NOTIFICATION, CONSULTATION AND PUBLICITY CHECKLIST

### Member, Residents Associations and Amenity Societies

#### ~~Residents Association~~

~~Only consult~~

- ~~Mr Thursfield (FRICS) on any Four Oaks Estate applications.~~
- ~~The Moseley Society if the property is a Listed Building~~

#### ~~Councillors~~

- Always notify

~~Delete MP~~

#### ~~Local Amenity Societies~~

##### ~~Sutton Coldfield Civic Society~~

- ~~Any application involving a Listed building anywhere in Sutton Coldfield~~
- ~~Any applications within any Sutton Coldfield Conservation Area~~

~~•~~

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### Consultation

#### ~~Allotments – Adrian Stagg~~

- ~~If the property abuts an allotment site~~
- ~~If the property affects the loss of an allotment site~~

<p><b>Canals and River Trust</b></p> <ul style="list-style-type: none"> <li>Development likely to affect any inland waterway (whether natural or artificial) or reservoir owned or managed by the British Waterways Board; or</li> <li>Development likely to affect any canal feeder channel, watercourse, let off or culvert</li> </ul>	
<p><b>Canal side development</b></p> <ul style="list-style-type: none"> <li>If development adjoins a canal</li> </ul>	Formatted: Default, Bulleted + Level: 1 + Aligned at: 0.63 cm + Tab after: 1.27 cm + Indent at: 1.27 cm
<p><b>Conservation</b></p> <ul style="list-style-type: none"> <li>If the property is a Listed Building</li> <li>If the property is within a Conservation Area except <ul style="list-style-type: none"> <li>Renewals of consents, unless the site is now in a CA or listed when it wasn't before <ul style="list-style-type: none"> <li>Non material amendments</li> <li>Replacement windows/doors on householder applications</li> </ul> </li> </ul> </li> </ul>	Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Tab after: 1.27 cm + Indent at: 1.27 cm
<p><b>Enforcement</b></p> <ul style="list-style-type: none"> <li>If current/relevant enforcement on site address and it is being handled by the Enforcement Team (to be reviewed)</li> <li>If current/relevant enforcement on site address and it is being handled by the Area Team</li> </ul> <p>Please choose the relevant Enforcement Officers individual consultation entry from M3</p> <p>You no longer need to update the actions tab within the Enforcement Module — This will be done by the Enforcement Officers</p>	
<p><b>Health &amp; Safety Executive</b></p> <ul style="list-style-type: none"> <li>Please refer to the constraint search</li> </ul> <p>If a HAZ Consent application — send a full set of plans to the HSE</p> <p>If it is not a HAZ consent application — select the HSE padhi+ consultation — this will fire off an email to the registration mailbox for actioning by the Team Leader using the online consultation database</p>	Formatted: Header, Tab stops: 0.63 cm, Left
<p><b>Historic England</b></p> <ul style="list-style-type: none"> <li>If the building is or affects the setting of a Grade I or II* listed building</li> <li>If development involves demolition in whole or part or the material alterations of grade I or II* listed building</li> <li>If development is likely to affect a grade I or II* park or garden on Historic England's register of Historic Parks and Gardens of Special Historic Interest in England</li> <li>If development would affect the character or appearance of a conservation area where the development involves the erection of a new building or the extension of an existing building, and the area of land in respect of which the application is made is more than 1,000 square metres</li> <li>If development is likely to affect the site of a scheduled monument</li> <li>All applications by local planning authorities for demolition of an unlisted building in a conservation area</li> </ul>	Formatted: Indent: Left: 0 cm
<p><b>HS2</b></p> <ul style="list-style-type: none"> <li>Always consult if the site falls within the HS2 safeguarding zone – check the constraints</li> </ul>	
<p><b>Network Rail</b></p> <ul style="list-style-type: none"> <li>If site is adjoining railway line</li> <li>If development is visible from a train line</li> <li>If the development effects a level crossing over a railway or train line</li> </ul>	Formatted: Normal, Bulleted + Level: 1 + Aligned at: 0.63 cm + Tab after: 1.27 cm + Indent at: 1.27 cm, Tab stops: Not at 0.63 cm
<p><b>Ramblers Association</b></p> <ul style="list-style-type: none"> <li>If a footpath is affected by the development</li> </ul>	Formatted: List Paragraph, Bulleted + Level: 1 + Aligned at: 0.63 cm + Tab after: 1.27 cm + Indent at: 1.27 cm, Tab stops: 0.63 cm, Left



<b><del>The Gardens Trust</del></b>
<ul style="list-style-type: none"> <li><del>If the proposal affects all grades of parks and gardens</del></li> </ul>
<b>Transportation</b>
<ul style="list-style-type: none"> <li>If a new or revised footway crossing is proposed</li> <li>If new boundary fencing, walls, gates or railings to the front of a property or on a corner</li> <li><del>If a new detached or integral garage is proposed and associated access (check with officer 1<sup>st</sup>)</del></li> <li><del>•</del></li> </ul>
<b>Tree Officers (except for replacement windows/doors on householder applications)</b>
<ul style="list-style-type: none"> <li>If there is a TPO on the site or within 10m (Check Constraints)</li> <li>If the property is within a Conservation Area</li> <li><del>If they have selected the answer "Yes" in section 15 of the Planning Application form — Are there trees or hedges on the proposed development site</del></li> <li><del>•</del></li> </ul>
<b><del>Tyler Parkes</del></b>
<ul style="list-style-type: none"> <li><del>Any application that will affect the setting of a Police Station or Police Building</del></li> </ul>
<b><del>Wayleaves (Previously Central Network Services)</del></b>
<ul style="list-style-type: none"> <li><del>If the development effects an electricity substation</del></li> </ul>

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**In All Cases inc front extensions/development**

- Occupiers of properties with a boundary directly adjoining the application site to either side of the property **MUST** be notified. Even if the application is for a side extension, occupiers of properties on **BOTH** sides of the site should be notified

**~~Rear/Side Extensions or side extensions with habitable windows in the rear elevation~~**

- ~~• Occupiers of all properties with a boundary directly adjoining the rear of the site in addition to properties on each side of the site and the property directly opposite must be notified~~

**~~Rear Extensions including rear dormers and outbuildings~~**

- ~~• Occupiers of all properties with a boundary directly adjoining the rear and side of the site must be notified~~

**Front Extensions including development within the front curtilage – e.g. front boundary wall or vehicular access**

- ~~• Occupiers of properties on both sides of the site must be notified (see (a) above), but it is not necessary to consult properties which adjoin the rear curtilage of the application property (on the basis that the proposed development would not be visible from those properties).~~
- ~~• Occupiers of properties facing the site on the opposite side of the road should be consulted in addition to the properties on each side of the site in the case of any development which would project forwards of the original house, or a large side extension which could materially alter the outlook from a facing property or substantially change the street scene~~
- ~~• As general guidance, the two nearest facing properties to the proposed development should be notified, but judgement will need to be exercised in individual cases~~

It is really important not to over PP (as a general rule anything more than 6 properties is considered excessive for a householder application) – some examples of how to negate this are:

- If separated by an access road, railway, canal, dual carriageway etc – do not do properties beyond these
- Small blocks of flats opposite or at the rear or adjoining could be notified by way of a site notice

**Note - if in doubt check with the Householder Team on any of the issues above – we would rather you check than send out unnecessary letters.**

Please Note – If the application is next to student accommodation do not carry out individual notification to the student flats – A site notice or a letter to the caretaker is sufficient.

## Publicity – Site and Press Notices

### If the site is Listed or development affects the setting of a Listed Building

- Always do a Press and Site notice

### If the site is within a Conservation Area or adjacent to a Conservation Area

- Always do a Press and Site Notice
- ~~A Press Notice should only be done if~~
  - ~~1. You consider the development to be significant eg – if the development is on the front, if the property is visible (on a corner plot);~~

### ~~If the application is accompanied by an environmental statement, departure from the development plan~~

- ~~Always do a Press and Site notice~~

### If the development affects a public right of way

- Always do a Press and Site notice under Article 8 of the Town & Country Planning (General Development Procedure) Order 1995

## Appendix 1B: Householder Application for Planning Permission for Works or Extension to a Dwelling

### VALIDATION CHECKLIST

#### National Application Requirements

##### Application Form

- Householder Application for Planning Permission for Works or Extension to a Dwelling (if submitted on a full planning form – acceptable)

##### Certificates

- The completed ownership certificate (A, B, C or D) as appropriate (This now includes the Agricultural Holdings Certificate)
  - If ownership certificate B is completed, Notice 1 is required
  - If ownership certificate C is completed, Notices 1 and 2 are required
  - If ownership certificate D is completed, Notice 2 is required

##### Application Fee

Details of current fees for all application types can be found at [www.birmingham.gov.uk/planningfees](http://www.birmingham.gov.uk/planningfees)

If BCC are the applicant and Acivico are the agents they can pay by IDT

If BCC are NOT the applicant and Acivico are the agents then they cannot pay by IDT

**Extension to flats to be charged as per householder fees but allocated to the area teams as these are not categorised as Householder Applications**

##### Location Plan

- At an identified scale, notably 1:1250 or 1:2500 (the scale must be annotated on the plan)
- Site must be clearly identified
- Show the direction of North

##### Site Plan

- Only for enlargements to dwelling(s), detached structures and new vehicular access at an identified scale, notable 1:500 or 1:200 (the scale must be annotated on the plan)
- Show the direction of North
- Show the development in relation to adjoining properties

#### Local Application Requirements

##### Additional Plans and Drawings

- On paper size less than A2 and at a typical scale of 1:50 or 1:100, (existing & proposed should be at a similar scale to aid comparative study) scale annotated on the plan **(Do Not Hold the application if this hasn't been done)**

- **Existing drawings** - will not be required provided that the proposed drawings clearly show the proposed works
- **Proposed drawings**
  - a) All sides of the proposal should be shown
  - b) Where a proposed elevation adjoins another building or is in close proximity, the drawings should show this relationship
  - c) Plan showing elevations and layout details for all visible elevations
- **If boundary treatment is proposed**
  - a) Details of the proposed boundary treatment should be shown on the 1:500 or 1:200 site plan e.g. fencing
  - b) Details including the height/design and materials

## REGISTRATION CHECKLIST

### Comments

Have you run a full constraint search, checked planning history, checked enforcement history?

Paper file to be created

### Statutory Return Code and Application Type

**Statutory Return** – Householder

**Application Type** - Householder

## NOTIFICATION, CONSULTATION AND PUBLICITY CHECKLIST

### Member, Residents Associations and Amenity Societies

#### Councillors

- Always notify

### Consultation

#### Conservation

- If the property is within a Conservation Area except
  - Non material amendments
  - Replacement windows/doors

#### Enforcement

- If current/relevant enforcement on site address and it is being handled by the Enforcement Team (to be reviewed)

Please choose the relevant Enforcement Officers individual consultation entry from M3

<b>HS2</b> <ul style="list-style-type: none"> <li>Always consult if the site falls within the HS2 safeguarding zone – check the constraints</li> </ul>
<b>Network Rail</b> <ul style="list-style-type: none"> <li>If site is adjoining railway line</li> </ul>
<b>Transportation</b> <ul style="list-style-type: none"> <li>If a new or revised footway crossing is proposed</li> <li>If new boundary fencing, walls, gates or railings to the front of a property or on a corner</li> </ul>
<b>Tree Officers (except for replacement windows/doors on householder applications)</b> <ul style="list-style-type: none"> <li>If there is a TPO on the site or within 10m (Check Constraints)</li> <li>If the property is within a Conservation Area</li> </ul>



## Public Participation

### **In All Cases inc front extensions/development**

- Occupiers of properties with a boundary directly adjoining the application site to either side of the property **MUST** be notified. Even if the application is for a side extension, occupiers of properties on **BOTH** sides of the site should be notified

It is really important not to over PP (as a general rule anything more than 6 properties is considered excessive for a householder application) – some examples of how to negate this are:

- If separated by an access road, railway, canal, dual carriageway etc – do not do properties beyond these
- Small blocks of flats opposite or at the rear or adjoining could be notified by way of a site notice

**Note - if in doubt check with the Householder Team on any of the issues above – we would rather you check than send out unnecessary letters.**

Please Note – If the application is next to student accommodation do not carry out individual notification to the student flats – A site notice or a letter to the caretaker is sufficient.

## Publicity – Site and Press Notices

### **If the site is Listed or development affects the setting of a Listed Building**

- Always do a Press and Site notice

### **If the site is within a Conservation Area or adjacent to a Conservation Area**

- Always do a Press and Site Notice

### **If the development affects a public right of way**

- Always do a Press and Site notice under Article 8 of the Town & Country Planning (General Development Procedure) Order 1995

## Appendix 2



### Conservation Consultation Form



**Application number:**

**Site Location:**

**Proposed Development:**

#### Legislation and Policy:

*Planning (Listed Buildings and Conservation Areas) Act 1990*

- Section 16 (Works to a listed building)
- Section 66 (Development to a listed building or in its setting)
- Section 72 (Development of buildings or land in a conservation area)

*National Planning Policy Framework (NPPF) (2018) Section 16: Conserving and enhancing the historic environment*

- Paragraph 189-202

*National Planning Practice Guidance (PPG) (2014)*

*Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment - Historic England (2015)*

*Good Practice Advice Note 3: the setting of Heritage Assets – Historic England (2017)*

*Birmingham Unitary Development Plan (Saved Policies 2008)*

*Birmingham Development Plan (2017)*

- Policy TP12 (Historic Environment)

*Conservation Areas Character Appraisal and Management Plans*

**Description of site and heritage designation affected (direct or indirect)**

**Issues raised**

**Recommendation**

- **Approval subject to conditions**
- **Approval subject to amendments/further information**
- **Refusal**

**Conditions**