

Birmingham City Council

Planning Committee

29 September 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Refuse	8	2016/06822/PA 1st Self Access Storage Ltd Lawden Road Bordesley Birmingham B10 0AD Display of externally illuminated building wrap advertisement.
Refuse	9	2016/00647/PA 82 Stechford Lane Hodge Hill Birmingham B8 2AN Continued use of part of the ground floor as Solicitors Practice (Use Class A2) and retention of shop front.
Defer – Informal Approval	10	2015/10025/PA Land at the junction of Reddings Lane and Olton Boulevard West Tyseley Birmingham B11 3EZ Hybrid planning application (part full and part outline) comprising: 1. Full planning application for the demolition of existing buildings and erection of 204 dwellings and formation of access off Olton Boulevard West and internal circulation roads. 2. Outline planning application for a three form of entry primary school on the western part of the site (all matters reserved)

Approve - Conditions

11

2016/05707/PA

18 Adderley Road
Alum Rock
Birmingham
B8 1LB

Retention of elevated car parking area, ramps,
retaining wall, landscaping, boundary fence and
drainage

Committee Date:	29/09/2016	Application Number:	2016/06822/PA
Accepted:	11/08/2016	Application Type:	Advertisement
Target Date:	06/10/2016		
Ward:	Sparkbrook		

1st Self Access Storage Ltd, Lawden Road, Bordesley, Birmingham, B10 0AD

Display of externally illuminated building wrap advertisement.

Applicant:	1st Self Access Storage Ltd C/O Agent
Agent:	Pegasus Group 5 The Priory, London Road, Canwell, Sutton Coldfield, B75 5SH

Recommendation

Refuse

1. Proposal

- 1.1. Advertisement consent is sought for the display of an externally illuminated wrap advert on the front elevation of 1st Self Access Storage building at Lawden Road, Bordesley.
- 1.2. The advertisement would measure 22.3 metres in width by 13 metres in height with an overall area of 290sqm. The master frame and fixtures would be a permanent feature fixed to the existing building and the wrap image would be replaced up to 3 times a year to promote tourism within Birmingham. There would be downward facing flood lights fixed across the building wrap at 2 metre intervals.
- 1.3. The proposed advert submitted as part of this application has been reduced by 25% following a recently refused advertisement application (2016/02714/PA).
- 1.4. *The proposed development does not attract a CIL contribution.*
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application premise is a large warehouse building that is located within a predominantly industrial area. The application site is accessed via a private drive leading to a detached reception building. The application site is enclosed by galvanised security fencing. There is a railway to the north-east of the application site, including a railway bridge and a canal to the south-west

2.2. [Site Location](#)

3. [Planning History](#)

- 3.1. 14/10/2002 - 2002/04469/PA - Over cladding to the rear elevation and one side elevation of the property – Approved temporarily.
- 3.2. 17/12/2004 - 2004/07117/PA - Continued use of premises for storage purposes – Approved with conditions.
- 3.3. 27/05/2016 - 2016/02714/PA - Display of externally illuminated building wrap advertisement – Refused on size/scale grounds.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objections.

5. [Policy Context](#)

- 5.1. Relevant National Planning Policies:
- National Planning Policy Framework (2012)
- 5.2. Relevant Local Planning Policies:
- UDP (2005);
 - Draft Birmingham Development Plan (2013);
 - Large Format Banner Advertising SPG (2008)
 - Town and Country Planning (Control of Advertisements) (England) Regulations 2007,
 - Location of Advertisement Hoardings SPG 1998.

6. [Planning Considerations](#)

- 6.1. The main considerations to be assessed are the impact of the proposal on visual amenity and public safety.
- 6.2. Paragraph 67 of the NPPF states that: ‘poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment’. In addition the NPPF advises that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 6.3. **In terms of design and impact on visual amenity** - The application as submitted seeks to overcome reasons for refusal on a previous advertisement application (2016/02714/PA), in terms of its size and scale. The proposed advert submitted as part of this application has been reduced by 25% from 390sqm to 290sqm overall. The advert wrap would cover three sections of the warehouse, from roof level down to the delivery bay shutter entrance level and would replace an existing fascia sign. The large format banner advertisements SPD states that adverts will normally only be permitted where the application building is to be scaffolded for building related

work and the scaffolding covers an entire elevation. It states the advertisement element should not be greater than 500sq.m or occupy more than 40% of the extent of the elevation, whichever is the lesser. It recommends the scaffold and associated banner should be removed as soon as the relevant work is complete.

- 6.4. The master frame and fixtures will to be a permanent feature fixed to the existing building and the wrap image would be replaced up to 3 times a year to promote tourism within Birmingham. The proposed wrap advert would be 290sq.m, however, it would cover 42.8% of the elevation, and it would be a visually intrusive feature on the buildings frontage. The application premise is an industrial warehouse and the wrap advert would be fixed to a master banner frame, which is not associated with any building related works. I consider that the 25% reduction of the proposed wrap advertisement would be unacceptable and would also obscure window openings and disrupt the discernable line of fenestration by screening a large proportion of the principal north-east elevation. As such, the display of the advertisement would be contrary to policy and would cause significant detriment to the visual amenities of the existing building due to the size and scale of the wrap advertisement.
- 6.5. **In terms of public safety** - The proposed advertising wrap would be located on the north-east elevation which faces two railway lines, including a railway bridge. The nearest railway station is Bordelsey Railway Station, located approx. 0.4km to the north-west. I consider that the externally illuminated advert would not have a detrimental impact in terms of public safety. The building wrap advertisement would be primarily aimed at railway users travelling between Moor Street and Small Heath stations. The part of the building where the wrap is proposed is not particularly visible from the public highway, although part of the advert may be visible from Bordesley Circus at the A45 Small Heath Highway exit arm. However, this would be unlikely to cause an undue attraction. Transportation Development have expressed no objections.

7. Conclusion

- 7.1. I consider that the 25% reduction of the proposed wrap advertisement to be unacceptable in visual amenity terms and would be contrary to policy and refusal is recommended. The advert would also not be for the purposes of screening building works at the site.

8. Recommendation

- 8.1. Refuse.

Reason for Refusal

-
- | | |
|---|---|
| 1 | The proposed advertisement(s) by reason of its location/scale/illumination/design would result in an adverse visual impact on the existing building. As such it would be contrary to Paragraphs 3.8, 3.10 and 3.14D of the Birmingham UDP 2005, guidance in Location of Advertisement Hoardings, adopted as Supplementary Planning Guidance, Large Format Banner Advertising SPG (2008) and the National Planning Policy Framework. |
|---|---|
-

Case Officer: Chantel Blair

Photo(s)

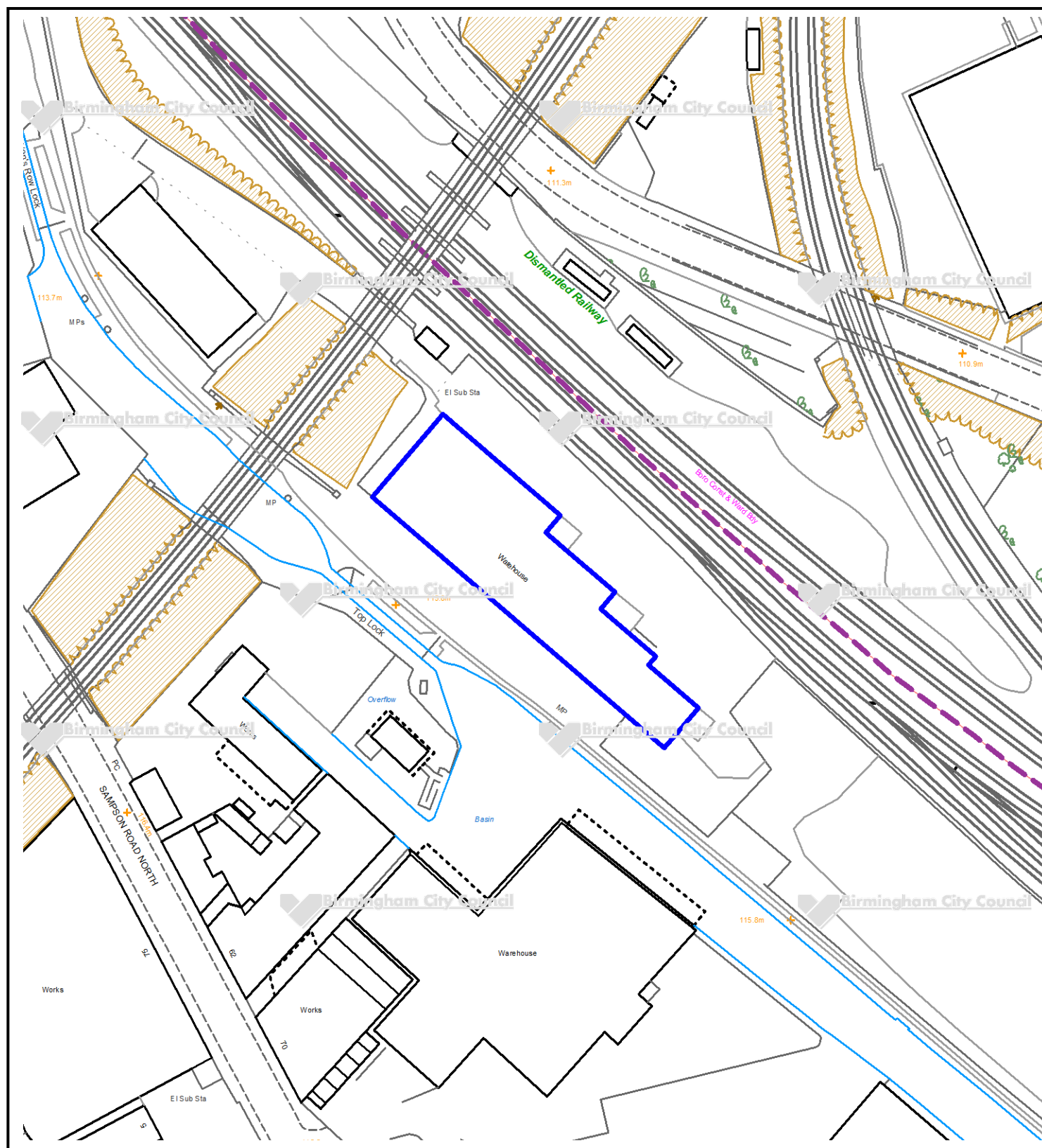


Figure 1: Front View



Figure 1: Side View

Location Plan



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Committee Date:	29/09/2016	Application Number:	2016/00647/PA
Accepted:	26/01/2016	Application Type:	Full Planning
Target Date:	22/03/2016		
Ward:	Hodge Hill		

82 Stechford Lane, Hodge Hill, Birmingham, B8 2AN

Continued use of part of the ground floor as Solicitors Practice (Use Class A2) and retention of shop front.

Applicant:	Mr Ishrat Khan 82 Stechford Lane, Hodge Hill, Birmingham, B8 2AN
Agent:	The Tyler-Parkes Partnership Ltd 66 Stratford Road, Shirley, Solihull, West Midlands, B90 3LP

Recommendation

Refuse

1. Proposal

- 1.1. Consent is sought for the continued use of part of the residential single family dwelling (Use Class C3) to mixed dwelling (C3) and part solicitor's office (Use Class A2).
- 1.2. The solicitor's practice element occupies 3 rooms comprising reception area, meeting room and office to the ground floor frontage (total floor area 33sqm), employing 2 people, with opening hours of 0800-1800 Monday to Friday. An unauthorised shop front consisting of two full height glazed sliding patio doors have also been inserted into the front elevation of the premises.
- 1.3. The residential element of the property comprises of a large kitchen/living area to the ground floor rear, a bathroom and 3 bedrooms (13sqm, 12sqm and 5sqm) to the first floor and an en-suite bedroom of approximately 29.5sqm within the roof space. To the front of the premises lies a hard standing drive area for 2 vehicles and to the rear lies an enclosed amenity area of approximately 90sqm.
- 1.4. This application is a re-submission of application 2014/07644/PA for the change of use of part ground floor from dwellinghouse (Use Class C3) to Solicitors office (Use Class A2), this application was refused on the 17th February 2015 and is discussed further in the main body of the report.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a two storey detached dwelling, which has undergone extensions in the form of a large single storey rear extension and large dormer window to the rear roof plane. To the front a low level boundary wall has been removed and two full height glazed doors installed to the ground floor frontage,

giving the impression of a commercial unit. To the rear lies an enclosed amenity garden area.

- 2.2. The neighbouring property to the north is a semi-detached residential dwelling, whilst the neighbouring premises to the south is a two storey building with a commercial premises to the ground floor, which lies within a small parade of 5 commercial businesses. A short distance to the north (approximately 230 metres) lies the Fox and Goose District Centre, which contains a mix of commercial uses and, further commercial uses are located to the south and south west of the site. The surrounding area is a mix of residential and commercial uses.

[Location plan](#)

3. Planning History

- 3.1. 01.10.2014. 2014/06389/PA, Prior approval for the erection of 8 metre deep single storey rear extension. Maximum height 3.6 metres, eaves height 2.4 metres, No prior approval required.
- 3.2. 17.02.2015. 2014/07644/PA, Change of use of part ground floor from dwellinghouse (Use Class C3) to Solicitors office (Use Class A2), refused
- 3.3. 07.10.2014. 2014/06044/PA, Erection of single storey front extension, approved
- 3.4. 28.10.2004. 2004/05316/PA, Erection of single storey rear extension, approved

3.5. Enforcement History

- 3.6. 2015/1060/ENF, Conversion of ground floor of residential property to offices and display of associated signage, under investigation.

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objection subject to a condition requiring the commercial use being occupied solely in conjunction with the existing residential use.
- 4.2. Transportation Development – No objection subject to a condition requiring an amended car parking layout.
- 4.3. Housing – Would regret the loss of this 4 bedroom house in this location as there is demand for large family accommodation.
- 4.4. Nearby residents and Ward Councillors notified, with the following responses: -
- 4.5. One letter/email of objection from a near neighbour on the following grounds:–
- Loss of a family dwelling;
 - A2 units are available within the nearby Fox and Goose Neighbourhood Centre and a further unit 3 doors away from the premises;
 - Loss of A1 businesses in the locality;
 - Highway/traffic issues;

- The proposal extends commercial uses along Stechford Lane; and,
 - The alterations to the frontage are out of keeping
- 4.6. A petition in support of the proposal has been received with 11 signatures, stating the following: -
- The alterations do not adversely affect the vitality and viability of the Fox and Goose Shopping Centre;
 - The property would continue to be used as a family dwelling;
 - The use does not undermine the character and appearance of the existing residential area; and,
 - The scale of the business does not have an adverse impact on neighbouring residential amenity.
5. Policy Context
- 5.1. Birmingham UDP (2005) and Draft BDP (2013); Places for All and Places for Living (2001) SPG; Car Parking Guidelines SPD; National Planning Policy Framework (2012).
6. Planning Considerations
- 6.1. Background: Application 2014/07644/PA for the change of use of part of the ground floor from dwellinghouse (Use Class C3) to Solicitors office (Use Class A2), was refused for the following reasons:-
- The applicant has not demonstrated a sequential approach to site selection, as no justification has been submitted as to why the use could not be located within sequentially preferable sites within Fox and Goose District Centre. As such, the proposal is likely to have an adverse impact on the vitality and viability of the Fox and Goose District Centre,
 - The proposed development would not provide future occupiers with a satisfactory standard of residential accommodation, as the proposed sub-division of the premises would leave unsatisfactory room sizes, due to the proposed layout and over-intensive use of the property.
 - The proposed development would lead to an encroachment of a commercial use, undermining the character and appearance of the existing residential area.
 - The proposed development would result in the loss of a solely family dwelling in an area where there is high demand and short supply for large family dwellinghouses. Furthermore, there have been no justifications submitted to the partial loss of this residential use
 - The proposed use would have an adverse impact on the amenity of occupiers of dwellings/premises within the immediate vicinity of the site by reasons of noise and disturbance

- 6.2. The main considerations in the determination of this application are:
- 6.3. **Policy/principle of Use:** This application seeks the retention of a part change of use of a previous single family dwelling (C3) to that of part residential dwelling/part solicitor's office (A3/A2). Office uses within the A2 use class are identified within the Shopping and Local Centres SPD as a town centre use, which now have an established place in many centres. Such uses will be encouraged as complementary to the retail function of these centres, subject to the need to ensure that an over-concentration of such uses does not create dead frontages, and does not prejudice the vitality of the centre as a whole. The application site is located to the southern end of a frontage of residential dwellings, approximately 230 metres south of the Fox and Goose District Centre, neighbouring a small parade of 5 commercial units.
- 6.4. Paragraphs 7.21 – 7.24 of the Birmingham UDP relates to Local Centres and the appropriate uses that should be located within them, stating that centres are important, not only just as places to shop, but also because they provide the opportunity for a wide range of services to be delivered locally, in locations accessible by a choice of means of transport. I therefore consider that the solicitor's office should preferably be located in the nearby district centre, in accordance with planning policy.
- 6.5. Paragraph 23 of the National Planning Policy Framework seeks to ensure the vitality of town centres. Paragraph 24 indicates that where town centre uses are proposed to be located out of centre, a sequential site assessment should be applied to identify whether there are more appropriate locations available. Paragraph 27 goes on to indicate that where an application fails to satisfy the sequential test, it should be refused.
- 6.6. The application site is located in an out of centre location. The Fox and Goose District Centre boundary as defined by the 'Shopping and Local Centres' SPD is located 230 metres to the north of the application site. The appointed agent has submitted a document detailing 4 commercial units for lease/rent/sale within the nearby Fox & Goose Centre, all 4 have been discounted due to location, size and unavailability. I note from a survey of the Fox and Goose District Centre conducted in March 2015 that 49 A1 units are located within the centre, of which 3 are vacant and, 25 A2 units are located within the centre, of which 1 was vacant, with 5 units been vacant in the centre as a whole. However, on a recent site visit it was noted that a number of units that were not considered in the submitted evidence are available within the Fox and Goose District Centre, including; -
- 874 Washwood Heath Road (first floor);
 - 604 Bromford Lane, which gained approval under application 2014/01730/PA, this application includes the formation of 3 units within Use Classes A1, A2 and A3 to the ground floor area of 98sqm, 44sqm and 40sqm;
 - 27 Coleshill Road, permitted use as retail shop with first floor offices (Use Class A2);
 - Unit/land adjacent Beaufort Park/Aldi supermarket for the change of use of a former public convenience to retail use (Use class A1); and,
 - Various units with first floor accommodation that appear to not be in use.

- 6.7. In light of the above, it is considered that the proposal has not been supported by clear and compelling evidence that demonstrates that a sequential approach has been followed within this application; the applicant states that the business is a family law firm who also reside within the property. The floor area of 33.5sqm could be accommodated on the ground or first floor areas of the above sites, a recent shopping survey identified that adequate service provision is available within the Fox and Goose District Centre. Therefore it is considered that sequentially preferable sites are available within the centre. Furthermore, whilst the premises is located next to a small commercial parade of 5 units, a clear separation/boundary exists between the property and the commercial units, therefore the proposal would result in the encroachment of commercial uses into the existing residential domain.
- 6.8. Support for the proposal has been received stating that the part change of use does not adversely affect the vitality and viability of the nearby district centre. Objection has also been received from a near neighbour who comments that suitable units are located within the district centre and within the small neighbouring commercial parades, further commenting that the use extends commercial businesses into the residential environment.
- 6.9. Consequently, I consider that the principle of the use is not acceptable in this location, as it fails to follow a comprehensive sequential approach and there are no strong reasons to support the extending of the existing commercial shopping frontage. The proposal would therefore result in detriment to the vitality and viability of the existing centre, being contrary to policies 3.8, 3.10, 7.21-7.24, 7.27 and 7.28 of the Unitary Development Plan, Shopping and Local Centres SPD and paragraphs 23 and 24 of the National Planning Policy Framework.
- 6.10. Since the refusal of application 2014/07644/PA, the property has undergone extensive alterations under permitted development or prior approval processes, namely extensions in the form of a large dormer window to the rear roof plane and an 8 metre deep single storey rear extension, under application 2014/06389/PA for the 'Prior approval for the erection of 8 metre deep single storey rear extension, maximum height 3.6 metres, eaves height 2.4 metres'. These alterations/extensions have resulted in the formation of the solicitor's office to the front of the premises (which includes two full height sliding glazed window/door displays), a living room and dining room to the rear of the ground floor and a 4th bedroom within the roof space.
- 6.11. In relation to the refusal reasons for application 2014/07644/PA, it is considered that the alterations at the premises have satisfied refusal reason number 2 in that a satisfactory living environment is now provided for occupiers/future occupiers of the residential element of the premises. However, refusal reasons numbers 1, 3, 4 and 5 have not been satisfied, in that it is not considered a comprehensive sequential test has been conducted in regards to sequentially preferable sites within the nearby Fox and Goose District Centre, the commercial use encroaches into the existing residential domain, the use has resulted in the loss of a solely residential dwelling and the use adversely impacts upon the residential amenity of neighbouring occupiers by reason of comings and goings.
- 6.12. **Design/visual amenity:** A near neighbour has commented that the newly installed frontage is out of keeping with the surrounding area and, a supporting comment received that the use does not undermine the character and appearance of the existing residential area. In response, the owner of the premises has installed two full height glazed sliding doors to the frontage, which departs from the residential frontages in which the premises is located. Furthermore, the shop front has been

installed on a forward projecting element, which interrupts the existing pattern and rhythm of the existing frontage that prevails within the vicinity. Consequently, the unauthorised shop front by virtue of its forward projection design and materials has an adverse effect on the quality of the built environment. I therefore consider that the frontage is out of keeping with the character of the immediate streetscene.

- 6.13. **Loss of single family dwelling:** I note a concern raised by a local resident in terms of the loss of a family dwelling, and the supporting comment that the property would still be used as a family dwelling.
- 6.14. My Housing Officer has assessed the proposal and comments that whilst the conversion of the ground floor to offices has already been completed and a residential element remains they would have preferred that the property remained as a single family dwelling, as there is a clear housing need for large family homes and the City Council's Strategic Housing Market assessment, which highlights that in general terms across the city the need for 3 bedroom accommodation is being met but not the need for 2 and 4+ bedroom accommodation. Therefore they regret the loss of this property from wholly single family dwelling. I concur with this view and consider that a good planning justification for the loss of the premises as a single family dwelling has not been provided and the proposal therefore does not comply with paragraph 5.19A of the Unitary Development Plan (2005) and Policy TP34, which states that best use will be made of existing dwelling stock and the City Council will seek to prevent the loss to other uses (through conversion or redevelopment) of housing which is in good condition, or could be restored to good condition at reasonable cost. Such loss of residential accommodation will only be permitted if there are good planning justifications or an identified social need for the proposed use.
- 6.15. **Impact on residential amenity:** In terms of the impact of the scheme on the residential amenity of surrounding occupiers. I note a supporting comment which states that the scale of the business does not create an adverse impact on amenity. However the proposal sub-divides the premises to create a separate solicitors office to the ground floor and had introduced a commercial use into the residential frontage. I therefore consider the change of use of the premises results in detriment to surrounding residential amenity due to noise and disturbance through the comings and goings of customers and vehicles.
- 6.16. In terms of the residential amenity for the occupiers of the premises, the previous internal layout of the property was similar to neighbouring houses with active habitable room located to the front at ground floor level and sleeping accommodation above. I am therefore of the opinion that the layout of the extended property now provides a satisfactory living environment for occupiers/future occupiers.
- 6.17. **Impact on highway safety:** Concern has been raised by a near neighbour regarding the impact of the business on highway/traffic issues. The premises is located fronting onto a very busy section of highway with controlled traffic junctions in close proximity to the north and south, TRO's in the form of double yellow lines restrict parking to the highway in this location and parking is apparent on the public footpath. Transportation Development have assessed the proposal and offer no objections subject to a condition requiring the submission of a revised parking layout. I concur with this view and consider that the mixed residential/solicitors practice are unlikely to have any detrimental impacts upon highway safety.

7. Conclusion

- 7.1. The premises are a detached four bed property to the end of a residential block. The applicant has not demonstrated a comprehensive sequential approach to site selection, thereby undermining the vitality and viability of the nearby Fox and Goose District Centre. The proposal also results in the loss of a solely family dwelling and adversely extends commercial development into a residential frontage, whilst also negatively impacting upon residential and visual amenity. The proposal would therefore be contrary to aspirations laid out within the NPPF (2012), adopted UDP (2005) and Shopping and Local Centres SPD and is therefore recommended for refusal.

8. Recommendation

- 8.1. Refuse for the following reasons

Reasons for Refusal

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- | | |
|---|---|
| 1 | The design and materials of the installed commercial frontage do not reflect the existing character of the building and surrounding buildings within the vicinity of the site, creating a negative visual feature within the street scene. As such the commercial frontage is contrary to Paragraphs 3.8, 3.10 and 3.14C-D of the Birmingham UDP 2005, Shopfronts Design Guide SPG and the National Planning Policy Framework. |
| 2 | The applicant has not demonstrated a comprehensive sequential approach to site selection, as no justification has been submitted as to why the use could not be located within sequentially preferable sites within Fox and Goose District Centre. As such, the proposal is likely to have an adverse impact on the vitality and viability of the Fox and Goose District Centre, and is contrary to paragraphs 3.8, 3.10, 7.21-7.24, 7.27 and 7.28 of the adopted UDP (2005), Shopping and Local Centres SPD (2012), and the NPPF (2012). |
| 3 | The proposed development has led to an encroachment of a commercial use into the residential domain, undermining the character and appearance of the existing residential area. This scheme is therefore contrary to Paragraph 51 of National Planning Policy Framework (2012) and policy 3.8; 3.10 and 5.19a contained within the adopted Birmingham Unitary Development Plan (2005) and SPG Places for All (2001). |
| 4 | The development has resulted in the loss of a solely family dwelling in an area where there is high demand and short supply for large family dwellinghouses. Furthermore, there have been no justifications submitted to the partial loss of this residential use. This scheme is therefore contrary to Paragraph 51 of National Planning Policy Framework (2012) and policy 3.8; 3.10 and 5.19a contained within the adopted Birmingham Unitary Development Plan (2005), Supplementary Planning Guidance 'Places for All' (2001) and the National Planning Policy Framework. |
| 5 | The proposed use would have an adverse impact on the amenity of occupiers of dwellings/premises within the immediate vicinity of the site by reasons of noise and disturbance. As such, this proposal fails to meet with policies 3.8, 3.10, 8.6 and 8.7 of the Birmingham Unitary Development Plan (2005) and National Planning Policy Framework (2012). |
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Case Officer: Keith Mellor

Photo(s)

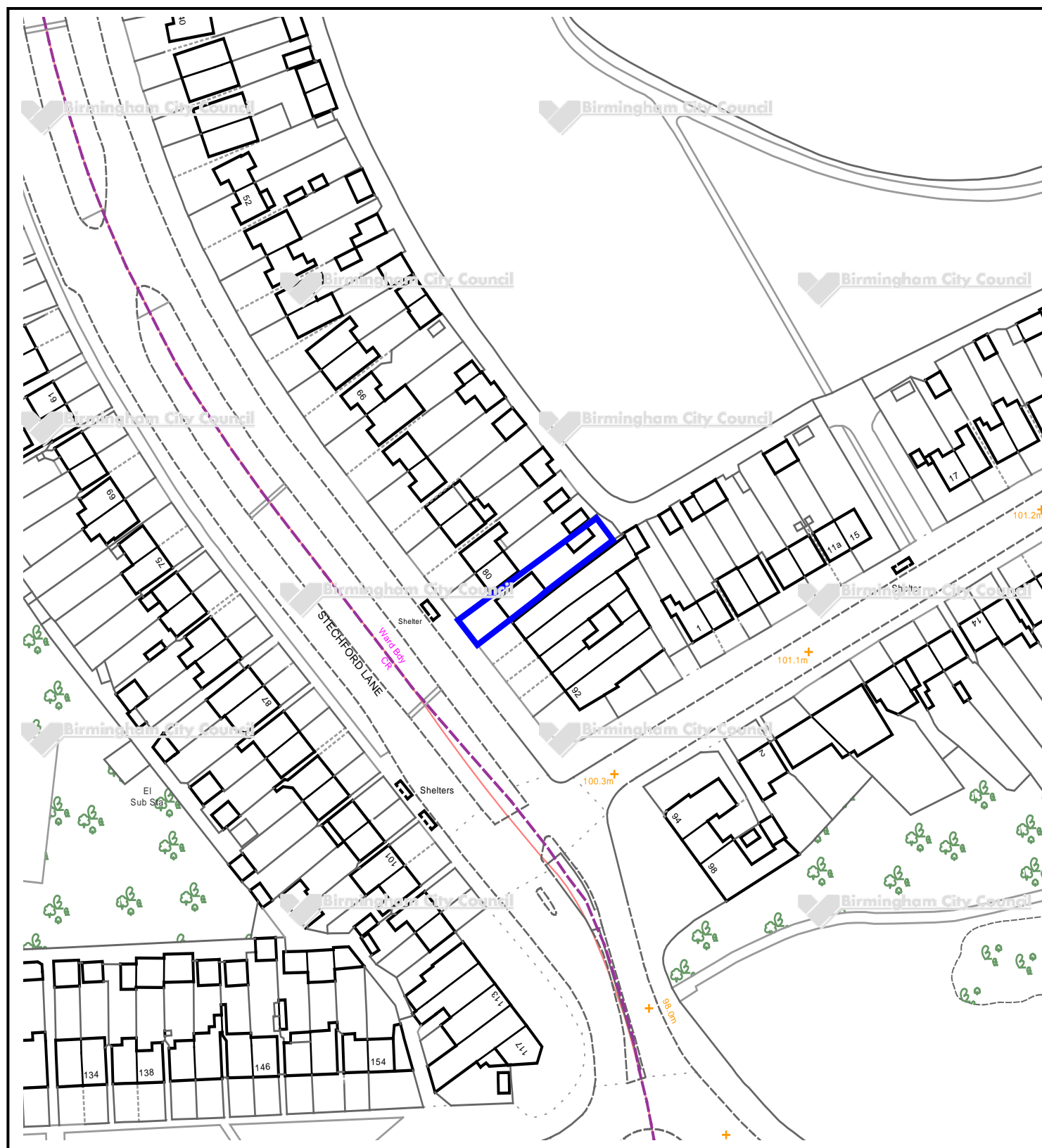


Rear elevation 1



Front elevation 1

Location Plan



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Committee Date:	29/09/2016	Application Number:	2015/10025/PA
Accepted:	02/06/2016	Application Type:	Full Planning
Target Date:	28/10/2016		
Ward:	Acocks Green		

Land at the junction of Reddings Lane and Olton Boulevard West, Tyseley, Birmingham, B11 3EZ

Hybrid planning application (part full and part outline) comprising: 1. Full planning application for the demolition of existing buildings and erection of 204 dwellings and formation of access off Olton Boulevard West and internal circulation roads. 2. Outline planning application for a three form of entry primary school on the western part of the site (all matters reserved)

Applicant: Persimmon Homes (Central) Ltd & HDD Tyseley Ltd
Persimmon House, Tameside Drive, Castle Bromwich, Birmingham, B35 7AG

Agent:

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. A hybrid application with proposals for detailed and outline planning permission containing two distinctive elements:
- 1.2. Full planning permission is sought for the middle and eastern sections of the site to create 204 dwellings, consisting of 42 x 1 bed apartments, 84 x 2 bed houses, 23 x 3 bed houses and 55 x 4 bed houses. Access would be via a widened access point off Olton Boulevard West, adjacent to no. 236, leading to a number of internal perimeter blocks made-up of 3-storey apartment blocks, 2.5-storey terraced and semi-detached houses and 2-storey terraced, semi-detached and detached houses. The external appearance of the housing would be traditional with red brick and render external walls and tiled roofs. The layout seeks to provide three character areas within the site, these being the primary street (formal), secondary street (semi-formal) and shared surface (informal). A total parking provision of 184% (excluding garages) is proposed with shared parking courts for the apartment blocks and parking to the front or side for the houses.
- 1.3. Outline planning permission is sought for the western section of the site to create a three-form entry primary school (630 pupils), with all matters reserved for subsequent approval. An indicative layout has been submitted which illustrates an approximate 3,000sqm building over 2 floors at the corner of Reddings Lane and Olton Boulevard West with two access points. To the southern boundary is the entrance to a one way system which runs along the site's south and west perimeter

serving 44 parallel parking bays which would provide a managed parent drop-off / pick-up area. The one way system exits at the other access located to the northern boundary with Redding Lane adjacent to the access point for Yardleys School. This access point also included an entrance to a 39 space staff and visitor car park. To the east of the staff and visitor car park are multi-use games areas (MUGAs) with a dual use as a 52 space event car park.

- 1.4. The applicant would hand over the site for the new school to the Education Funding Agency, who would deliver the new school. The intended occupier (Olive Primary School) is operated by the Tauheedul Education Trust. This would be a Muslim faith based Primary School with an admission policy for both faith and non-faith pupils.
- 1.5. As well as the delivery of the new Primary School, a Section 106 Agreement would also secure 8 on-site low cost discounted sale units (80% market value) and £429,800 towards public open space and play equipment at the nearby Greet Recreation Ground (Springfield Ward) and at Fox Hollies Park (Acocks Green Ward).
- 1.6. The following have been submitted in support of the application: Design and Access Statement, Transport Assessment, Heritage Assessment, Ecological Assessment, Land Contamination Desk Study, Noise Assessment, Sustainable Drainage Assessment, Economic Viability Assessment and Tree Survey.
- 1.7. The proposals have been screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 and there is no requirement for an Environmental Assessment.
- 1.8. The site area of the residential element is some 4.6ha and the density represents 44 dwellings per hectare.

1.9. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The 5.46ha site is occupied by Eaton Electrical and covered by a variety of buildings including the distinctive 3-storey entrance and administrative brick-clad buildings fronting Reddings Lane and Olton Boulevard West, dating from the 1930s - 1950s. Behind these are utilitarian industrial buildings/workshops as well as expansive areas of hardstanding/car parking. There is also a significant band of protected poplar trees (TPO 1410 - average 22m height) along the site's eastern boundary which wrap partially along the northern boundary. There are also protected trees (TPO 766) to the front of the northern most building fronting Reddings Lane, including Beech and Rowan trees.
- 2.2. The surrounding area is mixed in use, with Yardleys School, allotments and a cleared parcel of land (which previously housed an industrial unit that was demolished due to fire damage) to the north, with some residential to the northeast (Hay Brook Drive). To the east is a watercourse enclosed by security fencing with houses on Tynedale Road backing onto it. To the south are further residential properties (Olton Boulevard West and Tetley Grove). To the south west is the Al-Furqan Primary School and beyond that is the site of the former Yuasa Battery site. To the immediate north of the Al-Furqan Primary School is the location of the proposed Battery Way link road where it meets with Reddings Lane. To the west is predominantly residential terrace housing with the occasional commercial/corner shop premises.

- 2.3. There is a range of traffic regulation orders in the vicinity of the applications site, many of which will be altered when the Battery Way Link Road is implemented. There is also some on-street parking provision. It is also clearly evident that there is illegal/dangerous parking in the vicinity of the application site, particularly around the spot islands on Reddings Lane with Olton Boulevard West and Foreman's Road, and that these are worst during the peak school pick-up and drop-off times.
- 2.4. [Site location](#)
3. [Planning History](#)
- 3.1. This site:
- 3.2. 13/12/2010 - 2010/01029/PA. Outline consent for the partial demolition of factory buildings and re-development to provide 80 houses with separate access and associated works (access and layout only) – approved with conditions.
- 3.3. Former Yuasa Battery Site and this site:
- 3.4. 05/09/2012 - 2011/08182/PA. Outline consent (all matters reserved except access) for a mixed use development, including demolition of all buildings and erection of class A1 food store (up to 6350 sq m), small, medium and large class A1 non - bulky retail units (up to 6500 sq m), class A3 restaurant (up to 500 sq m), PFS, class B1/B2/B8 industrial, distribution – approved with conditions and Section 106 Agreement.
- 3.5. Former Yuasa Battery Site:
- 3.6. 09/08/2007 - 2007/02828/PA. Outline planning application for industrial development with use classes B1(c) Light Industry, B2 general Industrial and B8 Storage and Distribution – Approved with conditions and unilateral agreement
- 3.7. 20/12/2007 - 2007/05636/PA. Reserved matters submission for the layout, scale and appearance for Phase 1 – Erection of 2 units for uses B1c, B2 and B8, a gatehouse and internal access road in accordance with outline consent – Approved with conditions.
- 3.8. 22/01/2008 - 2007/07006/PA. Reserved matters submission for the approval of landscaping details for Phase 1 – Approve subject to conditions.
- 3.9. 12/08/2010 - 2010/03120/PA. Application to replace extant outline consent 2007/02828/PA – approved with conditions and unilateral agreement.
- 3.10. 08/10/2013 - 2013/04953/PA. Application for a new planning permission to replace extant planning permission 2010/03120/PA [Outline planning application for industrial development with use classes B1(c) - Light Industry, B2 - General Industrial and B8 Storage & Distribution] in order to extend the time limit for implementation – approved with conditions and unilateral agreement.
- 3.11. 25/06/15 - 2015/02506/PA. Creation of link road between Battery Way and Reddings Lane and Olton Boulevard West, with formation of signalised junction and landscaping. Demolition of 152 Reddings Lane. Approved with conditions.
4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objection subject to conditions relating to being in accordance with the design code / mitigation measures detailed in the Transport Assessment (new school) , travel plan (new school), construction management plan (housing), parking deterrent features (housing), refuse vehicle service strategies for the shared surface roads (housing), cycle storage (housing), pedestrian visibility splays (housing) and highway measures (housing).
- 4.2. Regulatory Services – No objection subject to conditions relating to extraction and odour control details, noise levels for plant and machinery, contamination and electric vehicle charging points.
- 4.3. Education – Supports. The new school responds to the need for additional primary provision in the Hall Green and Acocks Green areas.
- 4.4. Local Services – No objection subject to POS and play area contributions.
- 4.5. Lead Local Flood Authority – No objection subject to SUDS condition.
- 4.6. Severn Trent Water – No objection subject to condition relating to foul and surface water drainage.
- 4.7. Natural England – No objection.
- 4.8. Wildlife Trust for Birmingham & the Black Country – potential to deliver nature improvement, particularly along the adjoining Tyseley Brook as well as other wildlife enhancements. Disappointed that the scheme shows limited opportunity to create open space and recommend a survey of the poplar trees is carried out.
- 4.9. West Midlands Fire Service – No objection.
- 4.10. Nearby properties, local residents groups, Councillors and MP consulted with site and press notices posted.
- 4.11. An objection has been received from Councillor Roger Harmer raising the following issues:
 - This is the wrong location for a new school, being so close to two other schools which already cause major congestion problems.
 - Transportation Development is aware of the problems associated with these existing schools.
 - Another school would magnify these problems severely.
 - The proposed Free School is likely to have a higher proportion of pupils that would be driven to school.
 - There are alternative locations available nearby (former Denso site).
 - Putting a new school here would discharge the obligation of the developer to put any social housing in the new housing.
 - The development is an opportunity to provide planning gain to address the condition of the service road serving homes in Olton Boulevard West by rebuilding the service road to an acceptable standard.
 - Any redevelopment would need to incorporate high standards of design in terms of sustainable urban drainage.

- 4.12. Representation received from former Councillor Jerry Evans (NB he was a Councillor when the representation was submitted) on behalf of himself and 14 residents, objecting to the application on the following grounds:
- Wrong location for a new school.
 - Delays and chaos outside the existing schools as parents park irresponsibly and regularly endanger children.
 - Problem is not one of quantity but that it will be composed entirely of parents, a majority of which will probably intend to park illegally.
 - Suggests that the school investigates using the former Denso site as a realistic alternative.
- 4.13. The Acocks Green Focus group raised concerns over why there is no affordable housing and why this is the most suitable location for a new school as the area is already busy during peak periods.
- 4.14. Objections have been received from the adjoining Yardleys School, raising the following issues:
- Hybrid application is an unusual format and raises questions about its appropriateness.
 - Lack of details for the new school.
 - School site is too small for a 3 form of entry primary school and outdoor play space is below requirements.
 - Considerable traffic impacts with no evaluation of impacts.
 - Yardleys School paid for a zebra crossing but there are still significant safety issues and have asked for police assistance in managing these issues.
 - Proposed start and end times would clash with the existing schools.
 - Inadequate parking provision for staff and visitors.
 - No provision for delivery vehicles to enter the site.
 - Proposed school would only operate a minibus if they are viable.
 - Proposed walking bus from the Tyseley Community Centre is unviable as it is already used by Al-Furqan parents.
 - Proximity of the entrance to their access.
 - No objection to the housing development.
 - Safety of their children and those attending the new Olive School.
 - Concentration of all school traffic into a small area may put lives at risk.
 - Previous location for the access appears a safer option with a third of their 920 students turning left at the top of their driveway.
 - Access to the new zebra crossing will be across the new school's driveway.
 - On-going issue with illegal and dangerous parking and there has been several incidents.
 - Parking capacity survey is flawed as it covers a far wider area than parents are willing to use.
 - Servicing and deliveries outside of school start and finish times are impractical and impossible to achieve.
- 4.15. 9 representation have been received from local residents raising the following objections:
- There are already 2 schools in close proximity to the proposed new school, which cause significant traffic problems including dangerous, illegal and inconsiderate parking during drop-off / pick-up times.
 - Poor public transport links.
 - Increase litter and rowdy behaviour.
 - Increase noise and disruption from traffic.

- Inadequate shops and cafes to provide for the schools.
 - Alternative site could be used to provide a new school (e.g. former Denso site on Spring Road).
 - School element should be omitted and the whole site should be developed for housing.
- 4.16. 1 representation has been submitted in support of the application referring to increasing the choice of primary schools in the locality and traffic concerns could be alleviated with different start and finish times to the other schools as well as the development of the Battery Way link road.
5. Policy Context
- 5.1. Birmingham UDP, Draft Birmingham Development Plan, Places for All SPG, Places for Living SPG, Loss of industrial land to alternative uses SPD, Car Parking Guidelines SPD, Affordable Housing SPG, Public open space in new residential development SPD and the NPPF.
6. Planning Considerations
- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005.
- 6.2. The NPPF is clear that “the purpose of the planning system is to contribute to the achievement of sustainable development... There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social role – supporting strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment...”.
- 6.3. The NPPF and the Draft Birmingham Development Plan are material considerations. The Draft Birmingham Development Plan is at an advanced stage and as such holds significant weight. The proposal raises a variety of planning-related matters, these being the loss of industrial land and the provision of a new primary school and housing, highway safety, visual amenity, residential amenity and S106 Planning Obligations, which are discussed below.

6.4. Principle – loss of industrial land and provision of a new primary school and new housing:

- 6.5. **Loss of industrial land:** The NPPF emphasises that planning policies should avoid long-term protection of employment sites where there is no reasonable prospect of the site being used for that purpose. Applications for alternative uses should be treated on their merits having regards to market signals and the relative need for different land uses to support sustainable communities. Within the UDP and 'Loss of industrial land to alternative uses' SPD there is a general presumption against the loss of industrial land. For operational purposes the City's industrial land portfolio has been divided into six sub-markets and is intended to ensure that desirable employment development is not lost due to a lack of site availability. It is considered that the application site is classed under 'Good Urban Sites', which are generally between 0.4-10ha in size and suitable for locally-based companies. It is recognised that the quality of the location of such sites can vary significantly. Paragraph 4.31 of the UDP highlights that opportunities for industrial development in the built up area of the City are diminishing and to reduce pressure on greenfield sites the loss of industrial land will be resisted except in cases where the site is a non-conforming use. The SPD incorporates a number of criteria and include non-conforming uses, active marketing, viability of industrial development, strategic land swaps and other strategic planning factors. The SPD also recognises that there will be occasions where it can be demonstrated that there are good planning grounds to depart for the general presumption against the loss of industrial land. It specifically refers to education uses where the particular size requirements make it difficult to find site which do not involve the loss of industrial land. The application site is not classed as Core Employment Land within the Draft Birmingham Development Plan. The closest land with such a status is the former Yuasa Battery Site (known as Signal Point) to the west on the opposite side of Reddings Lane.
- 6.6. Outline planning permission (2010/01029/PA) was granted in 2010 for the development of 2.39ha (44% of the overall site) to the northern and eastern sections of the application site for 80 houses. It is noted that no justification was made for the loss of the industrial land on the grounds detailed in the SPD but the application was supported by Strategic Planning Officers and Regeneration in this case as a means to allow the remaining factory to stay in the City and retain manufacturing jobs in the area. In support of the 2010 application it was argued that the facility at Reddings Lane was facing growing competition from China and India, and in response the company was focusing its business on providing specialist customer specific products rather than standard product lines which can be out sourced from lower cost producers. This has resulted in a significant reduction in the company's space requirements and the sale of the land for the housing would provide vital funding to support the business to better ensure its immediate and long-term future. It was concluded that these circumstances were exceptional and the loss of the industrial land was accepted. This planning permission was not implemented and has subsequently expired.
- 6.7. Outline planning permission (2011/08182/PA) was granted in 2012 for a mixed-use development which included the current application site as well as the former Yuasa Battery Site (Signal Point) to the opposite side of Reddings Lane. This 2012 application included an ASDA foodstore and up to 80 dwellings on the current application site. In support of the loss of the industrial land associated with this 2012 application, Eaton Electrical identified that they wish to relocate into a bespoke new building on Signal Point site and retain 200 jobs. It was accepted that in this particular case the relocation of Eaton Electrical and the jobs that this would secure provided ground to justify an exception to the loss of industrial land policy. This was

intrinsically linked to the other element of the 2012 application which would have delivered the Battery Way link road and make the Signal Point site (best urban industrial site) more marketable. Again, it was concluded that these circumstances were exceptional and the loss of the industrial land (Eaton Electrical) was accepted. Likewise, this planning permission was not implemented and has subsequently expired.

- 6.8. With regard to the current application it is understood that the intention of Eaton Electrical's local management is to relocate to an alternative site in the City, though no details/potential locations have been presented.
- 6.9. **Education provision:** The NPPF is clear at Paragraph 72 that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement. Furthermore, great weight should be given to the need to create, expand or alter schools.
- 6.10. Policy TP35 of the Draft Birmingham Development Plan recognises that as the City's population grows there will also be a need for additional Primary, Secondary and Special Needs school and college provision. It adds that proposals for the upgrading and expansion of existing schools and the development of new schools in locations where additional provision is required will be supported subject to having safe access, safe drop-off and pick-up provision, outdoor facilities for sport and recreation, and avoid conflict with adjoining uses.
- 6.11. The City Council has a statutory duty to ensure there are sufficient places for all Birmingham children and young people and the Education Sufficient Requirements set out the context for sufficient schools. The proposed free school has been developed in conjunction with the City Council in response to the need for additional primary provision. Education advises that the published requirements indicate that there is a need locally to Hall Green and Acocks Green areas and this fits in with the site location. A temporary site for this new school, with 180 school places (90 reception and 90 year 1 pupils) has been granted at Sparkhill Library.
- 6.12. **New housing:** A key objective of the NPPF (paragraph 47) is to boost significantly the supply of housing. The Draft Birmingham Development Plan reflects this and it is predicted that by 2031 the City's population will rise by 150,000 resulting in an increase of 80,000 households. Policy PG1 seeks to deliver 51,000 homes over the plan period. It is expected that a minimum of 80% of all new homes provided will be built on previously developed land. The Council's Strategic Housing Land Availability Assessment (SHLAA) has identified the application site as a potential housing site delivering some 172 dwellings over the next 5-10 years.
- 6.13. Regarding the location of new housing, the UDP (paragraph 5.25C) and the Draft Birmingham Development Plan (Policy TP27) seeks, amongst others, that they should be accessible to jobs, shops, and services by modes of transport other than the car. The site is located within an established mixed use area and existing housing backs onto the site on two sides with access to local shops, services and public transport links.
- 6.14. In light of the matters discussed above in relation to the loss of industrial land, and the provision of a new school and housing, the loss of the industrial land to provide a new primary school with the necessary catchment as well as a significant contribution towards the City's housing need represent exceptional circumstances to

policy and guidance in relation to safeguarding a portfolio of employment land. Furthermore, the proposed education and residential uses are appropriate alternative uses within the site's context.

6.15. Highway safety:

- 6.16. A Transport Assessment has been submitted in relation to both the residential and new primary school elements of this hybrid application. This has considered amongst others, access location, trip generation/distribution, the Battery Way Link Road, junction assessments, base surveys and on-site observations.
- 6.17. The proposed vehicular access to the new housing would be via a new junction with Olton Boulevard West adjacent to no. 236, approximately 120m east of the mini-roundabout junction with Reddings Lane and would not interfere with the Battery Way Link Road works. The first section of the new road serving the new housing would be 7.3m wide with the primary and secondary streets being 5.5m wide and all with 2m wide pavements on either side. The shared surface areas would be 4.8m wide with 1m service strip on either side. There would be a total parking provision of 184% (excluding garages), with shared parking courts for the apartment blocks and parking to the front or side for the houses.
- 6.18. Regarding the proposed school, whilst all matters are reserved for subsequent approval a significant level of work has been undertaken at outline stage due to the sensitive nature of its location in close proximity to two existing schools as well as existing traffic issues and the impact of the Battery Way link road. This has included a detailed evaluation of the current patterns of drop-off/pick-up activity associated with the Yardleys and Al-Furqan schools, greater details of the new school, revised trip generation estimates based on mode split from the Al-Furqan School, estimates of drop-off/pick-up demand, layout options including drop-off/pick-up spaces within the site, and a Management Strategy.
- 6.19. A preliminary layout option has been submitted which illustrates a one-way system for the drop-off/pick-up spaces that would wrap around the site's south western and western boundaries, within the site of the existing Eaton Electrical site and adjacent highway land, as well as taking into account the Battery Way link road. The entrance is shown off Olton Boulevard West, to the east of the Battery Way link road leading to 44 parallel managed parking spaces, exiting onto Reddings Lane at its north western tip of the site, where there is an existing access point and adjacent to the access to Yardleys School. This access off Reddings Lane, which is north of a recently installed zebra crossing, is shown to also provide an entrance to a 39 space staff and visitor car park. The purpose of this layout is to provide a 'design-code' to inform the detailed design (reserved matters stage) of the school.
- 6.20. **Transport Assessment's on-site observations:** On-site observations at Yardleys School (08:15-08:40hours) identified that the majority of pupils arrived by foot and the majority of vehicle drop-offs took place on the footway/carriageway on the eastern side of Reddings Lane immediately north of the school access, with a limited number on Weston Lane and on the footway outside Eaton Electrical. It was also noted that at all times there were at least ten on-street spaces available on Reddings Lane to the north of the school access. Observations at the end of the day again identified that the majority of students were on foot and there was a small number of cars stopped in the carriageway directly opposite the school gate (double parked). There was also a number of cars parked on the footway directly to the north of the school access, as well as parking on both sides of Western Lane (including on footways and double-yellow lines close to the junction with Reddings

Lane) and a small number of cars outside Eaton Electrical. Again at all times, there were at least 10 on-street spaces available on Reddings Lane to the north of the school access.

6.21. On-site observations associated with Al-Furqan School identify that parents arrived from 08:25 onwards with parking/drop off observed as follows:

- On the footways on either side of the Olton Boulevard West/Reddings Lane junction;
- In the redundant bellmouth directly to the north of the school entrance;
- Drop-off occurring on the carriageway close to the bellmouth;
- Parking occurring outside St Edmunds Church;
- Parking in the Tyseley Community Centre car park on Formans Road; and
- Peak demand for parking was observed to be between 08:40 and 08:50.

6.22. Parents arrived from 15:05 with longer dwell times and the following was observed:

- Parking in the redundant bellmouth;
- Parking on both footways either side of Olton Boulevard West / Reddings Lane junction (full including half on/off carriageway and blocking of footpath);
- Parking on Olton Boulevard West close to the junction with Reddings Lane (southern side);
- Parking on footway outside St Edmunds Church (full);
- Parking on Reddings Lane to the south of Formans Road – relatively heavily parked with non-school traffic with some demand from the school (some on double-yellow lines);
- Tyseley Community Centre car park (full); and
- Parking on Formans Road to the west of the car park.

6.23. **Transport Assessment's on-street parking study:** The Transport Assessment has utilised the modal share information for the Al-Furqan School and Al-Hijrah School in Bordesley Green as it is considered that the proposed school would have a similar mode share whilst also taking into account factors such as travelling with siblings and Wrap Around Care (Breakfast Club and After School Club). It argues that there is likely to be a requirement for 150 drop-off/pick-up spaces and with 44 on-site spaces, a maximum on-street parking demand of 106 spaces in the PM peak would be required at any one time. A parking survey was undertaken to establish the current level of on-street parking likely to be associated with other schools in the area and to record the spare capacity of street within a 5 minute walk of the proposed school access. The total parking capacity within this study area was calculated to be 537 vehicles.

6.24. The proposed school would have a start time of 08:30 and finish time of 14:45, and for the purpose of the interrogation of the survey results the proposed school drop-off period has been taken as 08:20-08:40 and pick up time between 14:30-15:00. The survey makes a number of conclusions, these being:

- There is spare on-street parking capacity in the AM peak and PM peak periods across the wider study area;

- There is much greater spare capacity in the PM peak, likely to be a combination of residents being at work and parents at Al-Furqan school not yet arriving; and
 - Illegal parking occurs within the study area, most notably on Reddings Lane, Formans Road and Olton Boulevard West as parents of Al-Furqan School attempt to park as close as possible to the school.
- 6.25. The Transport Assessment highlights that off-street parking volumes are important to consider within the context of the Battery Way link road and the proposed scheme as they will remove the opportunity for parking on the southern footway at the junction of Reddings Lane and Olton Boulevard West and the footway outside Eaton Electrical. These areas currently accommodate some 24 cars in the PM peak, which would be displaced by the Battery Way link road and the proposed school. Despite this, the assessment identifies a total spare on-street parking capacity (post Battery Way Link Road) of 83 during the AM peak and 151 during the PM Peak. Within the context of the proposed on-street parking demand of 66 spaces during the AM Peak and 106 spaces during the PM Peak, there would be a capacity of 17 and 45 spaces respectively.
- 6.26. **Mitigation measures:** The Transport Assessment also proposes the following mitigation measures:
- The proposed school start and finish times are staggered such that they do not coincide with other local schools – recommending that school core start and finish time is 08:30 and 14:45 respectively.
 - On-site drop-off/pick-up parking facility with a capacity of 44 spaces – recommending the school operate a flexible drop-off / pick-up where pupils will be able to be dropped off and collected at any time between 07:30-08:30 and 14:45 and 15:00 respectively.
 - The school provides a Breakfast club starting at 07:30 and after school club finishing at 18:00.
 - The school develop, monitor and update a robust School Travel Plan in conjunction with the Council, including identification of a Travel Plan Coordinator that will be the face of the travel plan and responsible for its success.
 - Consideration is given to additional parking restrictions (e.g. TRO s or other appropriate physical deterrents) to prevent occurrences of inappropriate or illegal parking. This would include a bond/commuted sum being provided and held by the council and used, if necessary to assist with these measures.
 - The school provide school staff and/or parent forum volunteers outside the school to discourage inappropriate and/or illegal parking – recognising that whilst they have no legal powers, their presence can contribute to more considerate parking.
 - The school, in discussion with the Council, develop and implement a management strategy for the drop-off/pick-up facility.
 - The on-site drop-off/pick-up facility is designed with secure gates leading to a holding area and the formal outdoor play space for hand to hand drop-off of younger pupils to reduce dwell times as parents will not need to enter the school classrooms.
 - The school operate a minimum of two minibuses for school drop-off and pick-up, which is envisaged would be a paid for service by parents.
 - The implementation of a management strategy for the staff and visitor parking to ensure the needs of short and long term users, visitors and staff are met.

- 6.27. In conclusion, the submitted Transport Assessment argues that based on the evidence presented and the implementation of the mitigation measures there is sufficient on-street parking capacity to accommodate the proposals.
- 6.28. **Highway Capacity Modelling:** An addendum has also been submitted and specifically considers highway capacity based on assumption for the proposed residential and new school elements, including the existing situation, with the implementation of the Battery Way link road and with the proposed new housing and school. The addendum includes junction capacity assessments on key junctions in the vicinity of the site and concludes that the development, following the implementation of the mitigation measures detailed above, would not have a severe impact on the operation of the local highway network.
- 6.29. Transportation Development have assessed the submitted Transport Assessment and addendum and acknowledges that, in relation to the new school, it includes reference to robust data (e.g. private car mode share), though caution is expressed in assuming that the maximum impact of each of the aspects referred to (compliance, arrival/departure profile, dwell time, parking space turnover, adjustment for siblings/wrap around care/after school clubs etc.) will all realise the level of predicted mitigation/compliance suggested. Transportation Development adds that, due to the observed obstructive / inconsiderate school related parking that currently occurs, assumptions in relation to drop-off and pick-up parking within the 5 minute walking isochrones could be overly optimistic. However the submission does make reference to a number of applicant-controlled mechanisms as well as additional controls/mitigation. Whilst the new school would generate additional traffic within an already busy location, it is considered that the data provided and associated mitigation measures proposed would result in an acceptable impact on highway safety. Transportation Development raises no objection and recommends that a travel plan is submitted prior to commencement and reviewed annually, and to include confirmation of funding reasonable mitigation to influence/achieve delivery of the identified targets relating to mode share, dwell time and parking space turnover.
- 6.30. Regarding the new housing element of the application, the current proposal addresses previous concerns relating to carriageway widths, parking provision and servicing for the roads with separate footpaths, and Transportation Development considers that the layout is acceptable subject to safeguarding conditions. Conditions are recommended in relation to the design of the informal shared drives to ensure practical refuse vehicle manoeuvres, parking deterrent measures around junctions in the vicinity of the main access road off Olton Boulevard West and highway measures (including amongst others, a TRO on Olton Boulevard West and a section of the new access leading into the site and measures to prevent highway verge access and parking in the vicinity of the new access).
- 6.31. **Layout/design:**
- 6.32. **Loss of existing buildings:** The application involves the loss of all the existing buildings on the site. Whilst these are neither statutory listed or locally listed it is recognised that some hold architectural merit and could constitute a 'non-designated heritage asset' within the context of the NPPF. A Heritage Statement has been submitted in the support of the application and, as required by the NPPF, it needs to describe its significance, and any contribution to their setting.
- 6.33. It is considered that the main 3-storey brick-clad entrance and administrative buildings fronting Reddings Lane and Olton Boulevard West are those that are of

architectural merit. The main building facing Reddings Lane was built around 1930 and has been subject to infill extensions and unsympathetic external alterations. The main building facing Olton Boulevard West was built in stages between 1939 and 1953. Of particular note is a recessed 4-storey tower to the main entrance bay.

- 6.34. The Heritage Statement considers these buildings against the Council's Local List Criteria, concluding that the buildings have prominence which is largely due to their scale and dominance in the street scene. It adds that dominance does not necessarily equate with landmark value in any positive sense and the buildings missed the opportunity to address its corner site. The statement recognises that influence of the Art Deco and Moderne styles and is expressed mainly in the detailing of the entrance tower, however considers that these design elements are relatively weak and plain in their detail. The content of this report has been assessed and no objection is raised to its conclusion that the buildings should not be treated as 'non-designated heritage assets' worthy of retention. As such no objection in principle is raised to their removal.
- 6.35. **Residential element:** The layout of the residential element has evolved during the application process and the current proposal is now considered acceptable. The layout is made-up of a series of perimeter blocks and the applicant has sought to provide variety to these by means of differing road massing, scale, landscaping, front boundary treatment, materials and door/window fenestration. The houses are the applicant's standard house types whilst the apartment block facing Olton Boulevard West has been amended to reflect discussions involving the City Design Team. The provision of car parking to the front of the property or to the side reduces its dominance in the street scene. This has also enabled the frontages to incorporate front gardens, many of which would include new tree planting. The proposed layout also retains the significant band of protected poplar trees along the site's eastern boundary within a privately managed/maintained area that is referred to as a wildlife habitat. A number of Category B poplar trees to the northern boundary would be removed as well as 2 Category B highway lime trees to accommodate the new access to the new housing. The Tree Officer has assessed the proposal and is satisfied with the level of retention and its impact on the wider visual amenity of the area.
- 6.36. **New school element:** The new school is in outline form only and the indicative layout shows a 2-storey building fronting Reddings Lane and Olton Boulevard West as well as soft and hard outdoor play areas and 2 MUGAs. It is considered that the site could accommodate the new school with a building of an appropriate scale and presence to this prominent junction location. With the positioning of a parent drop-off to the front of the building it is essential that adequate space is left for landscaping between the back of the pavement and these parking spaces and might require adjustments to the preliminary layout option. Consideration would also need to be given to the type and positioning of boundary fencing to complement the landscaping. The indicative layout shows the retention of the protected trees to Reddings Lane, though a number of trees contained within land in the control of the Local Highway Authority might need to be removed. This includes two Norway Maples (Cat B1) but could potentially be retained within a landscaped area to the parent drop-off area. Again, the Tree Officer raises no objection to this approach. It is also worth noting that the impact of the proposed highway works associated with the food store proposal (2011/08182/PA) on existing street trees and trees within the ownership of the Local Highway Authority was far greater than currently proposed.
- 6.37. **Residential amenity:**

- 6.38. Within the context of the wider mixed use area containing industrial/commercial, education and residential uses, the provision of a new school on this existing industrial site adjacent to heavily trafficked roads would have no adverse impact on neighbour amenity.
- 6.39. The submitted noise assessment highlights that the noise environment at the site is currently dominated by road traffic noise and the effects of local activity relating to Yardleys School. It also demonstrates that the site is unconstrained by noise with no areas of the site deemed unsuitable for residential development or requiring acoustic façade treatment. Regulatory Services agree with these conclusions and raise no objection.
- 6.40. With regard to the impact of the new housing on existing neighbouring residential properties, the layout achieves the separation distances and set-back guidelines given in 'Places for Living' SPG, and in the majority of cases it significantly exceeds these. Furthermore, existing trees along the southern boundary of the site would also provide a visual screen between the back of the new housing along this boundary and the backs of the existing housing on Olton Boulevard West and Tetley Grove.
- 6.41. For future occupiers, the size of the applicant's standard house types are acceptable within the context of the 'Technical Housing Standards - National Described Space Standard' and the majority of the houses have rear private gardens that meet the guidelines given in 'Places for Living' SPG. 8 houses (5%) do not meet these guidelines but within the context of the overall scheme, it is considered that it does not represent a reason for refusal. Furthermore, the communal amenity space associated with 2 of the 3 proposed apartment blocks fall short of the 30sqm per unit guideline. The main block of apartments adjacent to the entrance off Olton Boulevard West has no useable communal amenity space to the rear and some 550sqm (23sqm per unit) of landscaped grounds to the front facing Olton Boulevard West and the new access road. Whilst this is not particularly useable communal amenity space it would make a significant contribution towards to character and quality of the public realm and would complement the tree-lined character of Olton Boulevard West. On this basis, this arrangement is considered acceptable. The small block of apartments to the north western corner of the residential site would have communal amenity space measuring some 110sqm (12sqm per unit). Whilst this is a shortfall, again within the context of the overall scheme, it is considered that it does not represent a reason for refusal. The small block of apartments to the south eastern corner of the site has some 335sqm (37sqm per unit) of communal amenity space.
- 6.42. S106 contributions:**
- 6.43. The application is required to deliver planning gain in relation to affordable housing as well as public open space and play facilities. Policy contained within 'Affordable Housing' SPG seeks a minimum 35% provision. 'Public open space in new residential development' SPD seeks, where practical to do so, that new public open space is provided on site. In addition, there are circumstances where it may be preferable for the public open space to be provided as an off-site monetary contribution. Such circumstances include new development being in close proximity to existing public open space or it may not be practicable to provide on-site. Due to the proximity of the Greet Recreation Ground, at a distance of some 250m to the south west on Redding Lane, it is considered that an off-site financial contribution would be appropriate in this case. Greet Recreation Ground is a substantial area of

public open space at approximately 3.5ha and includes a community centre, children's play area and a car park.

- 6.44. Due to the unique circumstances associated with this application in relation to the need for a new primary school in this catchment, it is considered that securing a site for the new school should take priority over the normal affordable housing and public open space / play area provisions. A viability appraisal has been submitted in support of the application in relation to any other obligations over and above the provision of the new school site. The NPPF (paragraph 173) places significant emphasis on ensuring viability and deliverability, adding that the costs of any requirements likely to be applied to development when taking account of the normal cost of development and mitigation provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
- 6.45. An initial offer of the new school site, as well as 6 Low Cost Discounted Sale Units (2-bed semi-detached houses with the price fixed at 80% of market value in perpetuity) and a financial contribution of £499,600 for off-site public open space and play equipment had been made. The viability appraisal has been independently assessed and concludes that the scheme is unable to support any further S106 contributions. As a result of the number of dwellings being reduced from the originally submitted 222 dwellings to the currently proposed 204 dwellings the level of the off-site financial contribution (in accordance with the formula contained within the 'Public open space in new residential development' SPD) would be £429,800. Therefore, an additional 2 low cost units has been offered, making a total of 8 such units. Housing raises no objections to this on-site affordable housing provision. The nearby Greet Recreation Ground, despite being in an adjoining ward (Springfield), has been identified as potentially benefiting from the off-site financial contribution towards POS and play equipment due to its close proximity and likelihood of being used by residents of the new housing. This area of public open space has a children's play area but could also accommodate facilities for older children such as a MUGA. In addition money could also be spent at Fox Hollies Park on play area improvements, POS infrastructure including boundary works, paths and drainage, which is within the same Ward (Acocks Green) as the application site. Whilst this park is some 2.5km away from the application site, it is the largest area of public open space in this part of the City with facilities and attractions that have a far greater catchment. Leisure Services raise no objection to the application and support this approach.
- 6.46. In light of the above, it is considered that the proposal accords with planning policy within the context of viability and deliverability. The proposal is a non CIL liable development and as such does not attract a CIL contribution.
- 6.47. Flood risk / drainage:**
- 6.48. The submitted Flood Risk Assessment and Drainage Strategy identifies that there is minimal risk of flooding from any nearby fluvial sources, or from local drainage infrastructure. It is understood that ground conditions are not suitable for the implementation of soakaway drainage. The strategy is to collect surface water from roofs, drives and roads into the surface water network which would outfall to the existing watercourse on the eastern boundary at an appropriate discharge rate (all storm events up to the 1 in 100 year plus 30%) by means of cellular storage. It is proposed that the mains drainage system would be designed to a suitable standard for adoption by Severn Trent Water. The Council as Lead Local Flooding Authority and Severn Trent Water raise no objection subject to conditions.

6.49. Ecology:

- 6.50. A desk study, extended Phase 1 habitat survey and internal and external inspection for bats as well as a dusk emergence survey and dawn re-entry survey were undertaken. These identify that the habitats on the site are of limited value for nature conservation. Furthermore, the buildings are of low potential for roosting with no evidence of bats in the buildings and some foraging and commuting along the eastern boundary. The survey also makes recommendations for enhancements for habitats, bats and birds within the development. The City Ecologist raises no objection to the application and recommends conditions relating to a further bat survey, due to the date of the previous survey and a scheme for ecological/biodiversity/enhancement measures.

6.51. Other matters:

- 6.52. Regulatory Services have requested that the scheme makes provision of electric vehicle charging points. In light of emerging policy, including within the Draft Birmingham Development Plan, relating to reducing the City's carbon footprint and improving air quality this is considered appropriate for the communal parking elements of this development and is therefore covered by a planning condition.

7. Conclusion

- 7.1. Exceptional circumstances have been demonstrated to allow this industrial site to be lost and would enable the existing occupier to relocate to more suitable premises elsewhere within the City. The proposal would safeguard part of the wider site for a new primary school within a catchment of significant demand and create over 200 new houses that would make a substantial contribution to the City's housing supply. This would be done in a manner that takes the opportunity to improve the character and quality of the area with no adverse impact on neighbour amenity and highway safety. As such the proposal is in accordance with relevant policy and guidance and subject to the completion of an appropriate S106 Legal Agreement planning permission should be granted.

8. Recommendation

- 8.1. Approve subject to the completion of a Section 106 Agreement.
- 8.2. I. That application 2015/10025/PA be deferred pending the completion of a suitable Section 106 Planning Obligation to require:
- a) The transfer of the site indicated for the new primary school to the Education Funding Agency prior to first commencement (excluding demolition) of the residential element of the planning application and the Education Funding Agency to deliver the new primary school by September 2019.
 - b) 8 on-site low cost discounted sale affordable housing units (80% market value) provision.
 - c) A financial contribution of £429,800 (index-linked to construction costs from the date of the committee resolution to the date on which payments are made) towards the provision, improvement and / or maintenance of public open space and play facilities at Greet Recreation Ground and Fox Hollies Park to be paid prior to first occupation of the housing.

- d) Payment of a monitoring and administration fee of £10,000 associated with the legal agreement. To be paid prior to the completion of the S106 Agreement.

II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 27th October 2016 planning permission be REFUSED for the following reason;

- a) In the absence of any suitable legal agreement to secure the handing-over of the site for, and the construction and opening of, the new primary school the proposal conflicts with Paragraphs 8.50-8.54 of the Birmingham UDP 2005, Policy TP35 of the Draft Birmingham Development Plan 2031 and the National Planning Policy Framework (2012)
- b) In the absence of any suitable legal agreement to secure the provision of on-site affordable housing the proposal conflicts with Paragraph 5.37 A-G of the Birmingham UDP 2005, TP30 of the Draft Birmingham Development Plan 2031 and the National Planning Policy Framework (2012).
- c) In the absence of any suitable legal agreement to secure a financial contribution towards off-site public open space the proposal conflicts with 3.53B of the Birmingham Unitary Development Plan 2005, Public Open Space in New Residential Development SPD, Policy TP9 of the Draft Birmingham Development Plan 2031 and the National Planning Policy Framework (2012).

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

IV. In the event of the Section 106 Agreement being completed to the satisfaction of the Local Planning Authority on or before 27th October 2016, favourable consideration be given to Application Number 2015/10025/PA, subject to the conditions listed below;

1	Requires the prior submission of a construction method statement/management plan (new school)
2	Requires the prior submission of a contamination remediation scheme (new school)
3	Requires the prior submission of a contaminated land verification report (new school)
4	Requires the prior submission of a drainage scheme for the disposal of foul and surface water flows (new school)
5	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan (new school)
6	Requires the prior submission of a Tree Survey and Arboricultural Implication Assessment (new school)
7	Requires the prior submission of an additional bat survey (new school)
8	Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures (new school)

9	Requires the prior submission of extraction and odour control details (new school)
10	Limits the noise levels for Plant and Machinery (new school)
11	Requires the prior submission of hard surfacing materials (new school)
12	Requires the prior submission of boundary treatment details (new school)
13	Requires the prior submission of a lighting scheme (new school)
14	Requires the prior submission of sample materials (new school)
15	Requires the prior submission of level details (new school)
16	Requires the prior submission of details of refuse storage (new school)
17	Requires the provision of vehicle charging points (new school)
18	Requires the new school to be in accordance with the design code and mitigation measures (new school)
19	Requires the prior submission of cycle storage details (new school)
20	Requires the removal of redundant bell mouth accesses on Reddings Lane (new school)
21	Requires the prior submission of a school travel plan (new school)
22	Limits the layout plans to being indicative only (new school)
23	Requires the submission of reserved matter details following an outline approval (new school)
24	Limits the approval to 3 years (outline - new school)
25	Requires the prior submission of a construction method statement/management plan (housing)
26	Requires the prior submission of a contamination remediation scheme (housing)
27	Requires the prior submission of a contaminated land verification report (housing)
28	Requires the prior submission of a drainage scheme for the disposal of foul and surface water flows (housing)
29	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan (housing)
30	Requires the prior submission of an Arboricultural Method Statement (housing)
31	Requires the prior submission of an additional bat survey (housing)
32	Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures (housing)

-
- 33 Requires the prior submission of hard and/or soft landscape details (housing)
 - 34 Requires the prior submission of hard surfacing materials (housing)
 - 35 Requires the prior submission of boundary treatment details (housing)
 - 36 Requires the prior submission of a lighting scheme (housing)
 - 37 Requires the prior submission of sample materials (housing)
 - 38 Requires the prior submission of level details (housing)
 - 39 Requires the provision of vehicle charging points (housing)
 - 40 Requires the prior submission of additional parking deterrent features (housing)
 - 41 Requires the prior submission of refuse collection vehicle servicing strategies for the informal shared surface roads (housing)
 - 42 Requires the prior submission of cycle storage details (housing)
 - 43 Requires pedestrian visibility splays to be provided (housing)
 - 44 Requires the prior submission and completion of works for the S278/TRO Agreement (housing)
 - 45 Requires the scheme to be in accordance with the listed approved plans (housing)
 - 46 Limits the approval to 3 years (Full - housing)
-

Case Officer: Peter Barton

Photo(s)



Figure 1 – Reddings Lane frontage and access to Yardleys School



Figure 2 – Junction between Reddings Lane and Olton Boulevard West with 3 storey buildings in the background

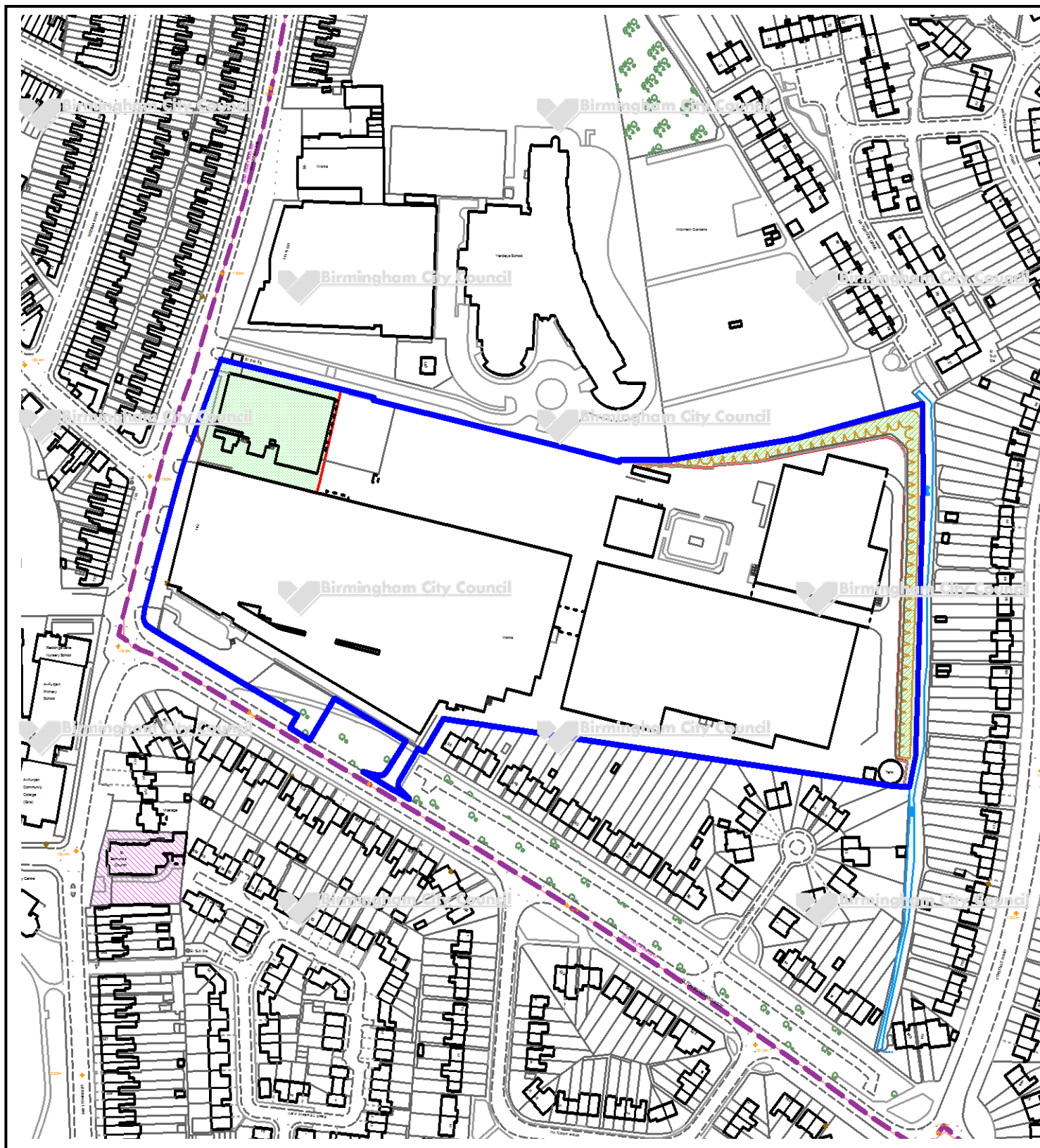


Figure 3 – Olton Boulevard West looking east



Figure 4 – location of proposed access to housing development off Olton Boulevard West

Location Plan



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Committee Date:	29/09/2016	Application Number:	2016/05707/PA
Accepted:	08/07/2016	Application Type:	Full Planning
Target Date:	02/09/2016		
Ward:	Washwood Heath		

18 Adderley Road, Alum Rock, Birmingham, B8 1LB

Retention of elevated car parking area, ramps, retaining wall, landscaping, boundary fence and drainage

Applicant:	Al Halal Supermarket 368 Coventry Road, Small Heath, Birmingham, B8 1LB
Agent:	ZS Partnership Ltd 469 Coventry Road, Small Heath, Birmingham, B10 0TJ

Recommendation

Approve Subject To Conditions

1. Background

1.1. The City Council recently sold an overgrown parcel of land to the applicant, subject to a requirement to obtain planning consent for use of the land. The land was converted into a car park without planning consent. This application has been submitted in order to regularise the use.

1.2. Proposal

1.3. Consent is sought for the retention of an elevated car parking area, ramps, retaining wall, landscaping, boundary fence and drainage.

1.4. The car park adjoins an existing car park located at the rear of a supermarket at 7-13 Alum Rock Road. Access to the car park would be maintained via an existing access off Adderley Road. The car park is located at a higher level (0.9m) than the existing car park and a vehicular access ramp has been provided. The car park has been surfaced and replaces a former overgrown area of land.

1.5. The following additional works are proposed to the car park - It is proposed to re-surface the car park and to provide a 3m (approx.) wide landscape strip and 2.2m high boundary fence around the southern boundary adjoining rear gardens of dwellings fronting Adderley Road/ Adderley Gardens. A new retaining wall (approx. 1.5m high) and new separate pedestrian access ramp would be provided along the northern boundary with the existing car park. Also, new drainage would be provided and a 2m high headroom control barrier is proposed to be erected close to the access in order to prevent coaches from entering the car park.

1.6. The existing car park provides 36 car parking spaces and a service area for the adjoining supermarket. The new overflow car park would provide around 25 spaces.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The new car park is rectilinear in shape. It is around 55m long by 25m wide. It is bounded to the north by an existing car park located at the rear of a supermarket at 7-13 Alum Rock Road. To the south, the site is bounded by rear gardens of dwelling fronting Adderley Road/ Adderley Gardens. To the east are further rear gardens of dwellings fronting George Arthur Road. To the west, on the opposite side of Adderley Road, are industrial premises.
- 2.2. The application site is bounded by retail/ residential properties. It is located on the edge of the Alum Rock Road District Centre as defined by the Shopping and Local Centres SPD (2012).

[Location Map](#)

3. Planning History

- 3.1. 11.07.2016 - 2016/03548/PA - Pre-application enquiry for retention of elevated car parking area, ramps, retaining wall, landscaping, boundary fence and drainage – Detailed comments provided relating to the proposed layout and need for adequate boundary treatment and landscaping.
- 3.2. Adjoining Car Park/ Shops
- 3.3. 27.05.1971 – 29822001 - Shops, flats and car parking facilities – Approved subject to conditions.
- 3.4. 19.06.1980 – 29822002 – Construction of retail shop(s) with ancillary storage - Approved subject to conditions.
- 3.5. Enforcement History
- 3.6. 2015/1221/ENF – Unauthorised use of land as a car park – Held in abeyance pending the outcome of this planning application.

4. Consultation/PP Responses

- 4.1. Local Ward Councillors, Residents Associations and local occupiers notified. Site Notice posted. 5 objections received from adjoining residential occupiers on grounds of:
- Loss of privacy (main concern) - Existing 6 ft. high fence is inadequate, therefore unable to use rear garden. Existing fence has been damaged as a result of the works;
 - Increased traffic and highway safety concerns;
 - Inadequate drainage - Car park has been built 2 ft. higher than adjoining rear gardens without adequate drainage;
 - Noise and pollution from cars.

- Landscaping - Against the proposed conifer trees shown on application plans as the vigorous growth would be difficult to control and would result in loss of light;
- Existing car park constructed poorly and cheaply and has resulted in anti-social behaviour;
- Car park is contrary to the Human Rights Act as it prevents the peaceful enjoyment of house and garden (Article 1) and affects privacy and family life (Article 8);
- Request an 8 ft. wall that is at least 3ft away from the boundary fence. Would provide a stronger barrier without the need for maintenance. It would provide better security, restrict pollution from car exhaust fumes and prevent strangers looking directly into rear gardens.

4.2. Transportation Development – No objections.

4.3. Regulatory Services – No objections.

5. Policy Context

5.1. NPPF (2012), Adopted UDP (2005), Pre-Submission Birmingham Development Plan 2031 (2013), Shopping and Local Centres SPD (2012), Car Parking Guidelines SPD (2012).

6. Planning Considerations

6.1. The main considerations in the determination of this application are the impact of the proposal on visual/ residential amenity, highway safety and whether the principle of the proposal is in accordance with policies outlined above.

6.2. The NPPF 2012 advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

6.3. Policy 3.8 of the adopted UDP states that there is a need to protect and enhance what is good in the City's environment, and to improve what is less good. Policy 3.10 advises that proposals, which would have an adverse effect on the built environment will not normally be allowed. Policy 6.49A advises that the Council's policy on car parking is to maintain adequate provision of car parking for essential car journeys while encouraging a greater proportion of public transport, walking and cycling trips. However, it recognises that the type of parking required is related to the location and the local situation, particularly in terms of the availability of public transport.

6.4. Policy 6.51A highlights that on-street parking presents a multiplicity of problems throughout the City and identifies that detailed local solutions are required that are responsive to local needs.

6.5. Car Parking Guidelines SPD (2012) identifies car parking standards for a range of uses and requires a number of balanced factors to be considered, for example, the

need to minimise congestion and promote more sustainable patterns of travel, the need to ensure that on-street parking remains at levels which can be accommodated within the capacity of the highway, and the need to ensure that the quality of the environment in residential areas is maintained.

- 6.6. The existing car park provides 36 car parking spaces and a service area for the adjoining supermarket. The new overflow car park provides around 25 additional spaces. The additional car park spaces are located on the edge of the Alum Rock Road District Centre as defined by the Shopping and Local Centres SPD (2012). As such, the principle of providing improved car parking facilities for shoppers would, in principle, accord with the above policies.
- 6.7. Visual/ Residential Amenity
- 6.8. The application site was previously an overgrown area of land. It has recently been re-developed as a car park and surfaced in gravel. The works which have been carried out are in poor condition. The car park has adversely affected adjoining residential occupiers, particularly in terms of loss of privacy. The car park is bounded to the south by a 1.8m high fence to rear gardens of dwelling fronting Adderley Road/ Adderley Gardens. This is inadequate in height.
- 6.9. It is now proposed to re-surface the car park and provide new drainage. This would improve the visual appearance of the site and would overcome potential drainage issues for adjoining residential occupiers.
- 6.10. A new boundary fence (2.2m high) and a 3m wide landscaping strip would be provided adjoining the boundary with the residential occupiers at Adderley Road/ Adderley Gardens. Also, a 2m high height restricting barrier is proposed, which would prevent coaches from entering the site. Coach parking has resulted in significant issues of overlooking and loss of privacy for adjoining residential occupiers. The proposed landscaping, new boundary treatment and height restricting barrier would safeguard the amenity of adjoining residential occupiers in terms of loss of privacy and would improve the visual amenity of the site. The landscaping/ boundary fence would provide a buffer between the car park and rear gardens, thereby improving potential noise and pollution impacts. Regulatory Services have raised no objections in principle. I concur with this view.
- 6.11. Objections have been raised against the proposed landscaping, stating that conifer trees, with their vigorous growth, would be difficult to control and would result in loss of light. I concur with this view and details of alternative proposed landscaping are requested.
- 6.12. Objections have requested a boundary wall, rather than fence, as this would provide a stronger barrier without the need for maintenance and better security. The applicants are proposing a boundary fence. This is considered acceptable. It would be unreasonable to insist on a boundary wall, as a properly maintained fence would overcome issues of loss of privacy. Boundary and landscaping conditions attached requiring details to be provided with 1 month and works to be implemented with a period of 3 months.
- 6.13. An objection makes reference to the Human Rights Act. It is stated that the car park prevents the peaceful enjoyment of house and garden (Article 1) and affects privacy and family life (Article 8). It is considered that the extension of the existing car park is acceptable in principle, being located on the edge of the Alum Rock Road District Centre. The proposed boundary and landscaping works outlined above assist in

overcoming issues of noise and disturbance and loss of privacy. As such, the proposals will overcome any concerns relating to the Human Rights Act.

6.14. Highway Safety

6.15. The existing car park provides 36 car parking spaces and a service area for the adjoining supermarket. The new overflow car park would provide 25 spaces. Transportation Development has expressed no objections to the proposals. I concur with this view. The extended car parking would be accessed from the existing vehicular access off Adderley Road and would be unlikely to result in a significant increase in traffic to or from the site which would result in a detrimental impact on highway safety. The overflow car park is located on the edge of the Alum Rock Road District Centre as defined by the Shopping and Local Centres SPD. It would be re-surfaced and the additional car parking spaces would benefit local shoppers.

6.16. The proposed development does not attract a CIL contribution.

7. Conclusion

7.1. The car park provides additional spaces for shoppers, being located on the edge of Alum Rock Road District Centre. It complies with policy and would be unlikely to detrimentally impact on the visual/ residential amenity of local residential occupiers or highway safety, subject to safeguarding conditions.

8. Recommendation

8.1. Approve subject to the following conditions.

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- | | |
|---|---|
| 1 | Requires the submission of a drainage scheme within 1 month and implemented within 3 months |
| 2 | Requires the submission of hard and/or soft landscape details within 1 month and implemented with 3 months |
| 3 | Requires the submission of boundary treatment details and Height Restriction Barrier within 1 month and implemented with 3 months |
| 4 | Requires the submission of a landscape management plan within 3 months |
| 5 | Requires the parking area to be laid out within 3 months in accordance with approved details |
| 6 | Requires the scheme to be in accordance with the listed approved plans |
-

Case Officer: Tony White

Photo(s)

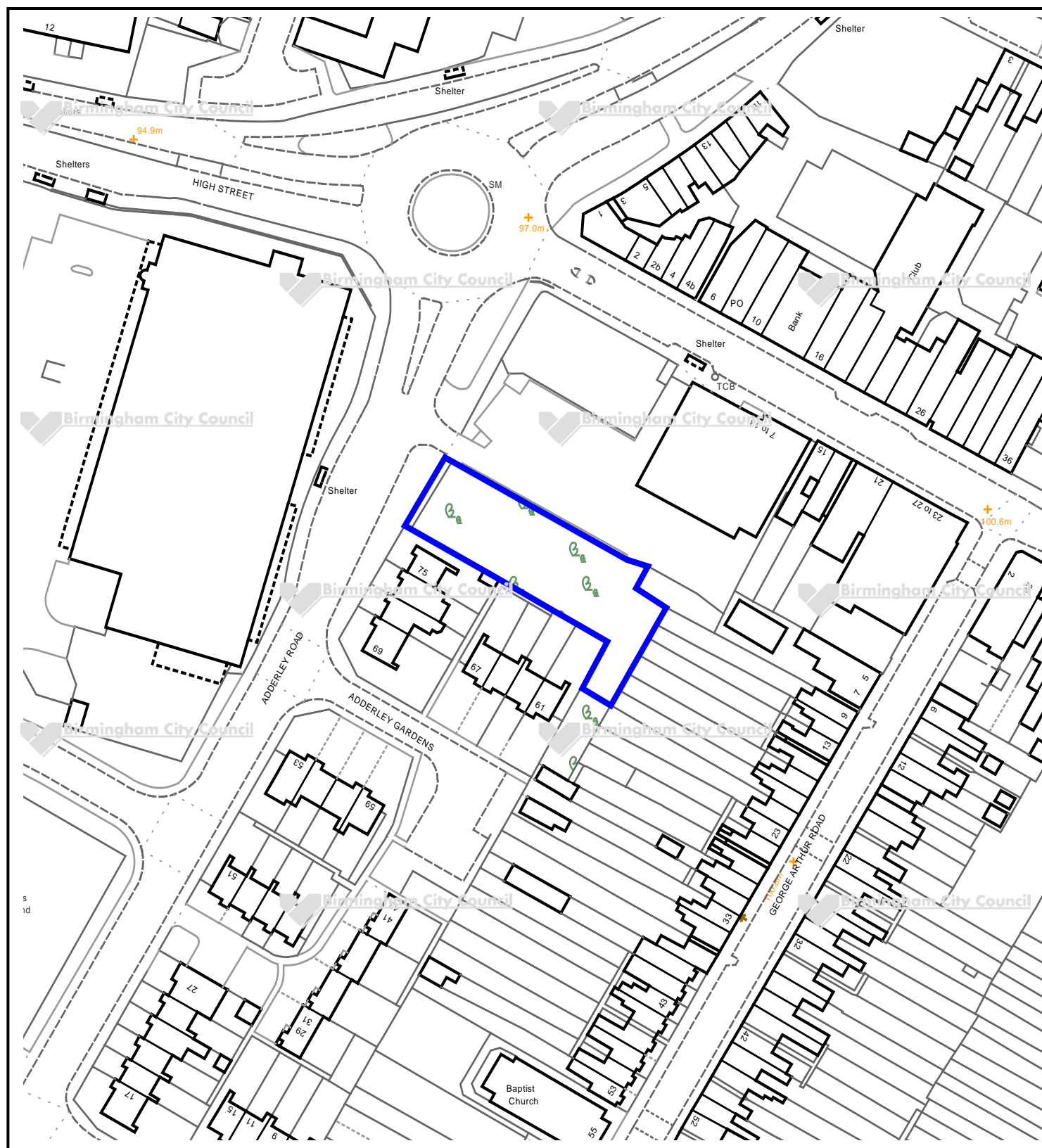


Figure 1 – View of Car Park



Figure 2 - Boundary to Car Park

Location Plan



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Birmingham City Council

Planning Committee

29 September 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	12	2016/05180/PA 90 Boldmere Road Sutton Coldfield Birmingham B73 5UA Change of use from Bank (Use Class A2) to Restaurant with outdoor seating area, including installation of replacement shop front and extraction system
Approve – Conditions	13	2016/06333/PA Part of car park area adjacent the The Plough & Harrow public house, Slade Road Four Oaks Sutton Coldfield Birmingham B75 5PF Erection of a retail unit (Use Class A1) with associated parking on existing car park
Approve – Conditions	14	2016/05234/PA 70 Jervis Crescent Four Oaks Sutton Coldfield Birmingham B74 4PN Erection of first floor side/forward extension, two storey rear extension, single storey rear and forward extensions and juliette balcony to rear

Committee Date:	29/09/2016	Application Number:	2016/05180/PA
Accepted:	28/06/2016	Application Type:	Full Planning
Target Date:	29/09/2016		
Ward:	Sutton Vesey		

90 Boldmere Road, Sutton Coldfield, Birmingham, B73 5UA

Change of use from Bank (Use Class A2) to Restaurant with outdoor seating area, including installation of replacement shop front and extraction system

Applicant:	Mr Ross Hawksford 3 Southfield Close, Aldridge, West Midlands, WS9 8ZE
Agent:	UK Surveyors Ltd Office 14, Grosvenor Court, Lea Hall Enterprise Park, Rugeley, Staffordshire, WS15 1LH

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is for a change of use of a vacant bank (Use Class A2) into a restaurant (Use Class A3) with outdoor seating and ancillary offices at first floor, and installation of new shop front and kitchen extraction system.
- 1.2. The proposed restaurant would be called 'Los Banditos' and it is intended to be a Mexican bar and grill restaurant. It would be open to customers between 11am and 11.30pm daily and would generate 5 full time and 10 part time job opportunities.
- 1.3. The applicant has amended the proposed scheme during this application to include: additional internal covers (up to 72); a new outdoor rear seating area with 30 covers which would be enclosed by a 1.8 metre high close boarded timber fence; an amended refuse storage area; and the installation of a replacement shop front.
- 1.4. Internally, the restaurant would comprise a large dining area, a bar, kitchen and toilets on the ground floor, and at first floor there would be additional gent's toilets and four offices and a kitchen. To the rear of the building, via the side passageway between the site and 92 Boldmere Road would be a newly laid out patio area comprising 30 covers and beyond the seating area would be a gated area for the storage of refuse bins. A 1.8 metre high close boarded boundary fence is proposed to the side boundaries and to enclose the refuse bin storage area.
- 1.5. The replacement shop front would utilise the existing window openings and main entrance door and the existing window and door frames would be colour coated in a grey colour. The ground floor elevation surrounding the shop front, the service door and the existing signage fascia would be clad in reclaimed oak boarding fixed horizontally.

- 1.6. The extraction flue would be installed within the kitchen and would project 1 metre above the eaves height of the two-storey rear wing. The application has included details about the type of ducting, baffle grease filters, extraction canopy and cleaning methods for the proposed extraction system.
- 1.7. No car parking spaces are proposed.
- 1.8. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site relates to a two-storey detached building situated on the west side of Boldmere Road, within the Primary Shopping Area of Boldmere Neighbourhood Centre. The building is currently vacant and was previously used as a bank with ancillary offices at first floor. The existing building has a derelict shopfront with ramped access, a private forecourt and a rear yard that is overgrown. There are also trees within the rear yard which helps to screen the site when viewed from nearby residential properties. The site has no off-street parking provision.
 - 2.2. The surrounding area is predominantly commercial in character with a strong retail function which supports the local community. Adjoining the site to the north and south are A1 retail shops and there are two public houses located on the opposite side of Boldmere Road. The nearest residential properties are to the rear of the site which front onto Heathlands Road and there are first floor flats above the shops at 86B and 92B Boldmere Road.
 - 2.3. The site has good accessibility to public transport services.
 - 2.4. [Site Location](#)
3. Planning History
 - 3.1. 23 July 1957 - 60256000 - Planning permission approved for use of premises as a bank.
 - 3.2. 2 March 2007 - 2007/00043/PA - Planning permission granted for provision of ramped access to the front of the entrance of the HSBC branch, subject to conditions.
4. Consultation/PP Responses
 - 4.1. Ward Councillors, Residents Associations and adjoining occupiers were notified. Site Notice displayed. Additional consultation has taken place following the amendments to the application.
 - 4.2. Councillor Hardie has queried whether there is a need for another restaurant in Boldmere given that there are already many such establishments. He is concerned that another restaurant would end up being detrimental for the neighbouring residents due to the already pretty desperate parking situation if people travel from further afield to visit it.
 - 4.3. 6 letters of objection received from nearby occupiers/residents, stating the following concerns:
 - Over-saturation of eating establishments and restaurants in Boldmere.

- It is understood that a restriction was made for Boldmere which meant that no new applications for change of use to restaurant/take-aways would be given consent.
- Increase noise, anti-social behaviour and potential for violence with drinkers from the two public houses opposite. Nearby residents state that they already experience problems from the public house opposite the site, including shouting, singing, arguing and occasionally fighting when leaving the public house.
- Noise nuisance from the use of the outdoor area to the rear of the property; the emptying of hundreds of bottles into bins; and noise from the extraction system.
- Detrimental to the enjoyment of adjoining gardens as a result of noise nuisance, light pollution and odour from cigarette smoke and catering waste bins.
- Increase vehicular traffic and reduce on-street parking, which would result in a shortage of on-street car parking for existing residents and result in overflow car parking in quiet residential roads.
- Inaccuracies in the planning statement in regards to how accessible the site is to public transport and taxi ranks.
- Lack of information about the discharge of foul sewer waste.
- Flood risk, as it is believed that there is no watercourse within the vicinity of the site.
- It is questioned where the disposal of trade effluent/waste will be as section 118(5) of the Water Industry Act prevents the discharge of commercial waste into the foul or surface water sewage system.

- 4.4. 2 letters of comment received from nearby residents. The first resident commented that they would prefer not to have another Indian Restaurant as there are enough of these restaurants on Boldmere Road. They also advise that the smell in their rear garden from these existing restaurants can be quite overpowering at times. The second resident questioned whether disabled access would be possible and whether the existing unattractive ramp and steps would either be replaced or tidied up but to still allow disabled access. They also queried whether seating to the front of the restaurant is proposed as this is a common feature and adds to the atmosphere of the area (The applicant has advised that the existing ramp access would remain and would receive a new hand rail and be redecorated to be in keeping with other properties within the street).
- 4.5. Regulatory Services - No objection to the application subject to conditions requiring extraction and odour control details to be implemented in accordance with submitted details; hours to be restricted to between 11am and 11.30pm (as applied for by the applicant) and first floor to be used as office accommodation in conjunction with the restaurant. Regulatory Services have also stated that they have concerns about the use of the rear garden for customers as they consider that excessive use could intrude on the use of the rear gardens to the adjoining dwellinghouses on Heathlands Road. Regulatory Services recommend that the use of the rear garden should be restricted beyond 9pm and that there should be a condition preventing the playing of any music or having loud speakers in the rear outside area. It is also recommended that the applicant should consider preparing a management policy/strategy for the rear outside area and they have suggested a temporary consent as this would enable the applicant the ability to demonstrate that the outdoor operation does not cause adverse impacts on nearby residents.
- 4.6. Transportation Development - No objection.

4.7. West Midlands Police - No objection subject to a condition to require a specific CCTV system.

5. Policy Context

5.1. Birmingham Unitary Development Plan (UDP) adopted 2005, Draft Birmingham Development Plan, Shopping and Local Centres SPD, Shop Front Design Guide SPD, Car Parking Guidelines SPD, Places for Living SPG, the National Planning Policy Framework (NPPF) and Planning Practice Guidance.

6. Planning Considerations

6.1. The main considerations for this application are whether the proposed restaurant is acceptable in principle taking into account the location of the site and its impact on vitality and viability of the existing centre, on the generation of crime activity, on the amenities of existing residents, on highway safety and visual amenity.

6.2. Policy Context and Principle of Use

6.3. The National Planning Policy Framework (NPPF) contains a presumption in favour of sustainable development and seeks to proactively drive and support sustainable economic development to deliver thriving local places that the country needs. The NPPF advises that town centres should be recognised as the heart of their communities and that local planning authorities should pursue policies that support viability, vitality and competition in town centres in order to provide customer choice and a diverse retail offer, which reflects the individuality of town centres.

6.4. The adopted UDP follows the same principles contained within the NPPF and advises that centres are important, not only just as places to shop, but also because they provide the opportunity for a wide range of services to be delivered locally, in locations accessible by a choice of means of transport. Policy 7.24 of the adopted UDP 2005 advises that restaurants will be encouraged as complementary to the retail function of these centres, subject to the need to ensure that an over-concentration of such uses does not create significant areas of dead frontage, and does not prejudice the viability of the centre as a whole.

6.5. Policies TP23 (as modified by PMM57 and PMM58) of the draft Birmingham Development Plan states that a diverse range of facilities and uses will be encouraged and supported in centres, including restaurants.

6.6. Policy 8.6 and 8.7 of the adopted UDP applies to restaurants and cafes and advises that due to the amenity issues usually associated with such development and their impact on traffic generation, hot food shops and cafes/restaurants should generally be confined to shopping areas or areas of mixed commercial development.

6.7. Shopping and Local Centres SPD advises that restaurants are appropriate in Neighbourhood Centres, as they offer a popular service to local communities, support the local economy and provide employment opportunities. The SPD further advises that restaurants can present many of the same issues as hot food takeaways, for example, the concentration and clustering of these uses can affect the amenity of those living in adjoining residential areas and the viability of the centre. Policy 5 of the SPD seeks to prevent the clustering of restaurant uses.

6.8. Principle of Use

- 6.9. Boldmere Neighbourhood Centre is a thriving and attractive shopping centre that provides a good balance of retail and non-retail uses for the local community. It contains 89 units in total and 65% are operating in retail use. The proposed restaurant use would bring a vacant A2 unit back into use, generate job opportunities and provide an active daytime use that would complement the retail function of the centre. I am satisfied that the site is suitable for a restaurant use and that the principle of the use is acceptable subject to the following site specific considerations.
- 6.10. Impact on Vitality and Viability
- 6.11. Boldmere Neighbourhood Centre is linear in nature and predominantly confined to either side of Boldmere Road. It extends from Jockey Road to Highgate Road approximately 400 metres in length and contains 89 units. The proposed scheme would not impact the percentage of retail units in this centre, and there would still be 65% of all ground floor units in this Neighbourhood Centre in retail use. This percentage of retail use exceeds the policy requirement of at least 50% being retained in retail use as set out in Policy 1 of the Shopping and Local Centres SPD.
- 6.12. In terms of the mix of uses within close proximity to the application site, I can confirm from my officer's site visit that the site is adjoined by retail shops and within the immediate shopping parade between Redacre Road and Antrobus Road, there are currently 2 hot food takeaways, 2 public houses and 5 restaurant/cafe premises operating out of approximately 44 commercial units. I am of the view that there is a good separation between the nearest food or drink related use to the application site on this side of Boldmere Road, and the nearest is at 60b/60c Boldmere Road (Boldmere Deli) to the north and 112/114/116 Boldmere Road (Dubella café/bar) and (Regards restaurant above Dubella at first floor) to the south.
- 6.13. I recognise that there are two public houses (Boldmere Harvester and The Bishop Vesey) directly opposite the site. However, I note that there is no significant evidence that those public houses are causing nuisance to existing residents. West Midlands Police have also advised that the two public houses have not posed any problems for the West Midlands Police Licensing Officer. I don't therefore consider that the proposed use would result in a clustering of uses which would harm local amenity or the viability and vitality of the centre.
- 6.14. I therefore consider that the proposed restaurant would comply with policy 5 of the Shopping and Local Centres SPD, policies 7.24 and 8.7 of the adopted UDP and the National Planning Policy Framework which all seek to ensure that new town centre uses do not undermine the viability and vitality of centres and that they promote competition, and create attractive, diverse places where people want to visit and work.
- 6.15. Impact on Crime
- 6.16. West Midlands Police have raised no objection to the application, however, they have highlighted that any premises operating as a late night licensed restaurant has increased potential to have incidents of crime and anti-social behaviour and for these reasons, they have recommended a condition to ensure CCTV is installed in order to have a preventative effect and to offer the police an opportunity to detect crime and anti-social behaviour. West Midlands Police have also advised that the existing public houses located opposite the site have not posed any problems for the West Midlands Police Licensing Officer.

- 6.17. I therefore conclude that the proposed restaurant would not create a crime and disorder problem that would be detrimental to the amenity of the area. I have recommended a condition to secure CCTV as recommended.
- 6.18. Impact on Residential Amenity
- 6.19. On environmental concerns, paragraph 122 of the National Planning Policy Framework (NPPF) states that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Paragraph 123 of the NPPF further advises that developments should mitigate and reduce other adverse impacts on health and quality of life arising from noise from new developments, including through the use of conditions.
- 6.20. Policy 5 of the SPD seeks to prevent the clustering and over concentration of A3, A4 and A5 uses in order to protect residential amenity and advises that in the consideration of applications for A3 restaurant uses account will also be taken of other factors including the type and characteristics of other uses in proximity to the application site, the size and type of unit, and the proximity of the site to dwelling houses.
- 6.21. The proposed restaurant would not result in the over concentration or clustering of A3, A4 and A5 uses in this part of the centre. The adjoining uses are 'Swags and Tags' at 92 Boldmere Road and 'Greggs' at 88 Boldmere Road. Neither of these uses have first floor residential accommodation. The nearest residential accommodation is at the first floor of 86B Boldmere Road and 92B Boldmere Road.
- 6.22. The applicant has stated that the closing time for the proposed restaurant would be 11.30pm and the use of the outdoor seating area would be restricted to 9.30pm. The closing time for the restaurant complies with the recommended closing time for restaurants as stated in policy 8.7 of the adopted UDP and Regulatory Services are also satisfied with this closing time for the main restaurant, however, they have advised that the use of the outdoor seating area should be restricted beyond 9pm. I consider that 9.30pm is an appropriate closing time for the outdoor seating area given that the outdoor seating area is confined to a small area within the rear yard (approximately 30 covers) and would be at least 40 metres from the nearest habitable room windows of properties in Heathlands Road. I also note that the site is located within the primary shopping area of Boldmere District Centre where you would expect ambient noise levels to be higher than solely residential areas.
- 6.23. I have attached conditions to limit the covers of the outdoor seating area to 30 (as shown on the submitted drawings) and to prevent music from being played within the external seating area in order to mitigate and reduce to a minimum any noise disturbance from arising from the use of the outdoor seating area. I do not consider that a condition to require a management policy/strategy is necessary or enforceable and I do not consider that a temporary consent is reasonable because of the costs that would be incurred by the applicant to first establish the outdoor seating area.
- 6.24. The residents of the two first floor flats at 86B Boldmere Road and 92B Boldmere Road have objected to the application and expressed concerns about the potential increase in noise disturbance and anti-social behaviour when customers from both the proposed restaurant and the pubs depart. The Harvester public house closes at 11pm daily and The Bishop Vesey Public House closes at 12midnight on Fridays

and Saturdays and 11pm Sunday to Thursday. I recognise that there may be times when customers from both the restaurant and public houses will depart at the same time. However, the site is located on the opposite side of the road to the public houses and ambient noise levels reflect the local centre location fronting onto a busy road. I therefore do not consider that there are any grounds for refusal of this application in terms of the impact on the amenity of existing residents due to the type and characteristics of other uses in proximity to the application site.

6.25. With regards to odour and pest control, Regulatory Services have advised that they are satisfied with the details submitted for the proposed kitchen extraction system and waste storage facilities and that these should be provided prior to the first use of the restaurant and maintained thereafter. I have recommended these conditions accordingly.

6.26. I also note that an objector was concerned about light pollution from the outdoor seating area. Although there are mature trees within the rear part of the application site which would screen the views of the outdoor seating area from nearby residential properties, especially during the summer, I consider that it is necessary and reasonable to attach a condition to secure an appropriate lighting scheme to protect the amenities of nearby occupiers.

6.27. Impact on Highway Safety

6.28. Transportation Development raises no objection to the application subject to conditions to limit the number of covers. I concur with this view and have recommended a condition accordingly. The proposed restaurant would be open during the daytime when many customers would be able to combine their trips to other shops and services within the centre and during the evening there would be additional on-street parking spaces available as most of the adjoining commercial premises would be closed. The Shopping and Local Centres SPD advises that Neighbourhood Centres are the most sustainable locations for such investment with optimum accessibility by a range of means of travel. I therefore consider that the proposed use would not have a detrimental impact on highway safety.

6.29. Impact on Visual Amenity

6.30. The proposed extraction flue would be attached to the side elevation of the two storey rear wing and would not be visible from the public realm. I also consider that the proposed replacement shop front would improve the appearance of the building and would be in keeping with other commercial premises along this shopping parade. I therefore consider that the proposed development would not have an adverse impact on visual amenity. I have attached a condition to ensure the materials used for the proposed shop front are of a high quality.

6.31. Other Matters

6.32. I acknowledge that one nearby resident has raised concern about the risk of flooding at the site, however, the site is not located within a flood risk zone and I therefore do not consider that there is a risk of flooding.

6.33. Community Infrastructure Levy (CIL)

6.34. The proposed scheme is not liable for CIL.

7. Conclusion

7.1. I consider that the proposed change of use of the vacant A2 bank to a restaurant with outdoor seating area and ancillary office accommodation is acceptable and would constitute sustainable development. The proposed restaurant would not result in an overconcentration or clustering of similar uses that would lead to an adverse impact on the vitality and viability of the centre. I have recommended conditions to mitigate noise nuisance, light pollution or odour impacts from the proposed restaurant that could have otherwise had an adverse impact on the amenities of nearby occupiers. A condition is also attached to ensure an appropriate scheme of CCTV is installed to deter crime and anti-social behaviour in the area. I therefore consider that the proposed restaurant use complies with policies and guidance outlined within the adopted UDP, Shopping and Local Centres SPD, the Draft BDP and the NPPF.

8. Recommendation

8.1. I recommend approval subject to the following conditions:

-
- 1 Requires the prior submission of sample materials
 - 2 Requires the prior submission of a CCTV scheme
 - 3 Requires the prior submission of a lighting scheme for the outdoor seating area.
 - 4 Limits the maximum number of covers in the rear outdoor seating area
 - 5 Prevents music being played within the outdoor rear seating area.
 - 6 Requires the kitchen extraction system to be installed prior to first use.
 - 7 Requires boundary fence to be erected prior to first use.
 - 8 Requires refuse storage to be provided prior to first use.
 - 9 Limits the hours of use of the restaurant to between the hours of 11:00 and 23:30 and the outdoor seating area to between 11:00 and 21:30.
 - 10 No permission is given to any signage.
 - 11 Requires the scheme to be in accordance with the listed approved plans
 - 12 Limits the approval to 3 years (Full)
-

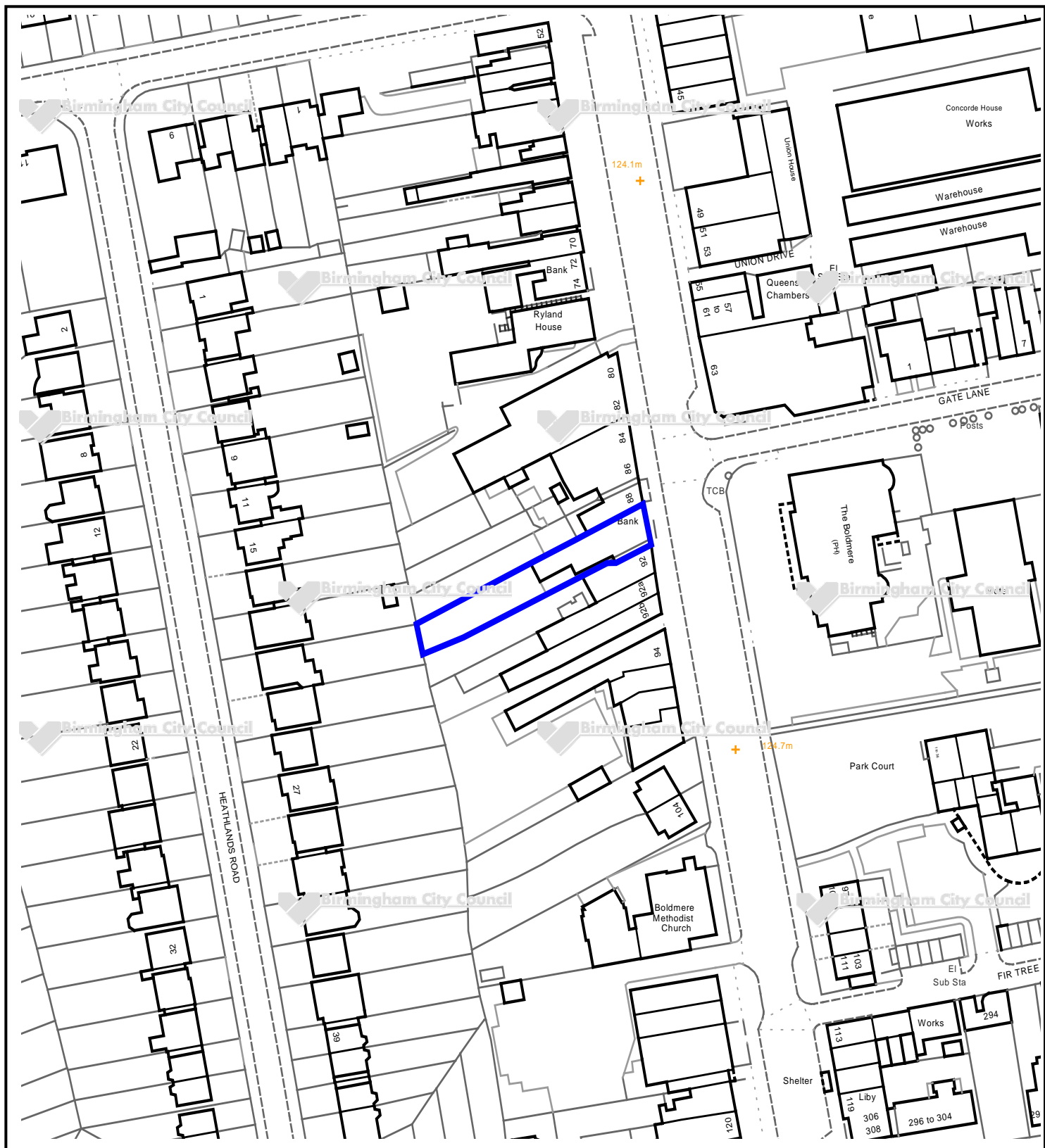
Case Officer: Helen Hawkes

Photo(s)



Front elevation of site

Location Plan



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Committee Date:	29/09/2016	Application Number:	2016/06333/PA
Accepted:	27/07/2016	Application Type:	Full Planning
Target Date:	21/09/2016		
Ward:	Sutton Four Oaks		

Part of car park area adjacent the The Plough & Harrow public house, Slade Road, Four Oaks, Sutton Coldfield, Birmingham, B75 5PF

Erection of a retail unit (Use Class A1) with associated parking on existing car park

Applicant:	Marstons Estates Ltd c/o The Agent
Agent:	Cerda Planning 5-7 High Street, Vesey House, Sutton Coldfield, Birmingham, B72 1XH,

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Proposal is a resubmission for the erection of a convenience retail unit (Class A1) with associated parking. The convenience store would have a gross internal floor space of 339sq.m.
- 1.2. The proposed convenience retail unit would be located on part of the parking area to the west of the Plough and Harrow public house fronting Slade Road adjacent to the access road to Plough Court. The design of the proposed building has been amended and would be single storey with a pitched roof with a ridge height limited to 4.8 metres. It would be constructed predominantly of red facing brickwork with buff brick banding and a brown metal clad roof with a glazed shop front. An ATM is proposed on the side elevation facing the existing public house.
- 1.3. The proposed delivery door has been located further away from the adjoining residential property (8 Plough Court) and delivery vehicles would unload at the front of the store. The plant area would be located to the rear of the store behind a 2 metre brick wall on the boundary with 8 Plough Court and would be screened with a 2 metre acoustic fence. A 1m high acoustic fence is also proposed to the north-western corner of the car park where it adjoins the access road to Plough Court.
- 1.4. The existing car park would be reconfigured to provide a total of 69 car parking spaces for customers and staff of the public house and the proposed convenience store. This would be split between 16 spaces for the proposed convenience store and 53 for the public house. Access points would remain as present.
- 1.5. Proposed opening hours are 0700-2300 daily and delivery hours are 0700-2000 hours Monday to Saturday and 1000-1800 hours on Sundays and Bank Holidays.

- 1.6. The equivalent of 20 full-time jobs are proposed.
- 1.7. The applicants have submitted a Planning/Design and Access Statement, Sequential Assessment, Transport Statement, Noise Assessment Report, Arboricultural Report and Preliminary Risk Assessment (Ground Investigation) in support of the application.
- 1.8. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site comprises part of the car park of the Plough and Harrow Public House located on the southern side of Slade Road. The public house is a large 2 storey building setback from Slade Road and has a beer garden to the rear and car parking areas to either side. There are 2 access points leading directly off Slade Road. The site contains a number of trees.
 - 2.2. To the east is Muffins Den, a Grade II Listed Building and directly to the south of the application site is Plough Court, a recent residential development which gains access from Slade Road. There is 2 metre high brick wall on the rear boundary with no.8 Plough Court and the access road to Plough Court.
 - 2.3. The surrounding area is predominantly residential in character.
 - 2.4. [Site Location and Street View](#)
3. Planning History
 - 3.1. 05/01/2015. 2015/09737/PA. Erection of a retail unit (Use Class A1) with associated parking on existing car park. Refused on the grounds that the design of the proposed retail unit would not fit in with the character of the area and would harm the visual amenities of the area, the proposed retail unit would have a domineering impact on no.8 Plough Court and result in a more enclosed character to the street environment of the dwellings in Plough Court and the proximity of the proposed delivery and plant areas to no.8 Plough Court would result in a loss of residential amenity to the occupiers of that property through noise and disturbance.
4. Consultation/PP Responses
 - 4.1. Transportation Development – No objections subject to conditions requiring a car park management plan, delivery vehicle management plan, cycle storage and parking area laid out prior to use and used for that purpose only.
 - 4.2. Regulatory Services – No objections subject to conditions restricting opening times and delivery times and restricting noise levels of any plant and machinery.
 - 4.3. West Midlands Police – Late night local convenience stores are currently suffering attacks across the West Midlands Police Force area with cigarettes and cash the primary target for organised criminal gangs. This is a very real threat and recommendations relating to enhanced security measures (alarm connected to

receiving centre, CCTV, good lighting, roller shutters, Police approved safe and employing security staff) for the protection of staff and the prevention and detection of offences are suggested.

4.4. Severn Trent Water – No objections subject to a drainage condition. Advise there may be a public sewer running through the site.

4.5. Councillors, Residents Associations and nearby occupiers notified. Site notice posted. 13 letters have been received objecting to the proposal on the following grounds;

- Already enough A1 shops in the area including shop at nearby petrol station.
- No need for more retail, more than 18 similar facilities within 15 minutes and Mere Green Centre is currently being redeveloped.
- Site should be developed for housing.
- Roofing materials are detrimental to the area and rain on metal roof will cause disturbance.
- Not enough cycle stands, motorcycle spaces or electric charging points..
- Light/noise/smell pollution.
- Acoustic tests are not accurate and plant area is too close to residential properties.
- Loss of privacy and outlook to adjoining property.
- Toxic gases could affect nearby occupiers during building process.
- Affect property values.
- Add to noise from existing pub and beer garden.
- Highway safety issues including speeding on Slade Road.
- Reduce parking for pub, parking full to capacity on certain evenings.
- Parking survey not done at busiest times.
- Generate extra traffic.
- Create litter problems.
- Noise from deliveries and refuse lorries close to residential properties.
- Safety for children playing in Plough Court and impact on residents using front garden and communal areas.
- Views of commercial building from Plough Court, impact on visual amenity.
- Delivery area too small to be accessed by HGV's, loss of parking spaces during deliveries and egress of delivery vehicles will conflict with oncoming traffic.
- Customers will park illegally on Slade Road.
- Shared parking will be a problem as both uses will be open in the evening.
- No cycle or motorcycle parking or Blue Badge spaces for the public house.
- No landscaping and trees removed.
- Plant area too close to residential properties.
- Design with blank walls unsuitable for residential area.
- Building would dwarf nearby houses.
- Already excessive noise/disturbance from pub and anti-social behaviour.
- Encourage crime.
- Site is an ancient burial ground.

5. Policy Context

5.1. UDP (Adopted 2005), Places for All (2001), Car Parking Guidelines SPD, Draft Birmingham Development Plan, National Planning Policy Framework (2012), National Planning Practice Guidance (2014).

6. Planning Considerations

- 6.1. **Policy** - UDP in paragraph 3.8 emphasises the need to protect and enhance what is good in the City's environment and improve what is less good with paragraph 3.10 advising that proposals which would have an adverse effect on the quality of the environment will not normally be allowed. Paragraphs 3.14 to 3.14F of the UDP set out policies for the design of new development including the use of good urban design principles and sustainable development. Paragraph 3.14C states that development should have regard to the development guidelines set out in "Places for All". Paragraph 3.14D states that the City Council will have particular regard towards the impact that the proposed development would have on the local character of an area, views and neighbouring uses.
- 6.2. UDP in paragraphs 7.13 and 7.15 requires existing centres to continue to be the main focus for new retail development and emphasis will continue to be placed on the positive promotion and enhancement of existing shopping centres. Paragraphs 7.21 to 7.26 support a network of local centres throughout the City to provide for day to day shopping needs and provide a focus for local community life and to give a sense of identity to local areas. Paragraph 7.27 of the UDP recognises that the City Council may be prepared to support retail proposals which are not within a centre provided that; a need for the proposal has been demonstrated and the principles of the sequential approach have been followed.
- 6.3. Policy PG3 of the emerging BDP, as modified by the proposed main modification PMM4 consulted upon last year, states that all new development will be expected to be designed to the highest possible standards, contributing to a strong sense of place. New developments should reinforce or create a positive sense of place and local distinctiveness that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design.
- 6.4. Policy TP20 of the draft Birmingham Development Plan states the vitality and viability of existing centres will be maintained and enhanced and that centres will be the preferred location for new retail, office, leisure development and community facilities. Convenience retail provision is addressed in Policy TP21 which states it will be supported in existing centres and proposals not within existing centres will be considered against the tests identified in national planning policy and other relevant planning policies set at the local level.
- 6.5. The National Planning Policy Framework encourages sustainable development, economic growth and job creation, good design and promotion of sustainable transportation and reducing the need to travel by car. Paragraph 23 promotes town centre uses and the vitality of town centres and paragraph 24 requires Local Planning Authorities to apply a sequential test for main town centre uses not within an existing centre. Paragraph 26 requires an impact assessment for town centre uses out of centres where the floorspace is in excess of 2,500sq.m. Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.6. Paragraph 123 of the NPPF requires that planning policies and decisions should aim to; "avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development" and to "mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new developments, including through the use of conditions".

- 6.7. Further guidance on noise issues is included within the NPPG. It advises that noise needs to be considered when new developments may create additional noise and local planning authorities' decision taking should take account of the acoustic environment and consider;
- Whether or not a significant adverse effect is likely to occur or likely to occur.
 - Whether or not an adverse effect is occurring or likely to occur; and
 - Whether or not a good standard of amenity can be achieved.
- 6.8. Places for All SPG encourages the use of good urban design principles in new developments including the use of active frontages, the creation of attractive, safe public spaces and building on local character.
- 6.9. Car Parking Guidelines SPD sets out maximum parking guidelines for new Developments. For convenience retail stores the maximum parking guideline is 1 space per 14sq.m of gross floor space.
- 6.10. **Background** – A previous application was refused on the grounds that the design of the proposed retail unit would not fit in with the character of the area and would harm the visual amenities of the area due to the mono-pitched roof and use of metal cladding. It was considered that the proposed retail unit would have a domineering impact on no.8 Plough Court and result in a more enclosed character to the street environment of the dwellings in Plough Court. Also, due to the proximity of the proposed delivery and plant areas to no.8 Plough Court that the proposal would result in a loss of residential amenity to the occupiers of that property through noise and disturbance.
- 6.11. **Principle of Use** – The application is well below the NPPF/BDP threshold for formal assessment of impact on vitality and viability and I do not consider the proposal would have a significant adverse effect on Mere Green District Centre.
- 6.12. The sequential test does apply and I agree with the applicant that Mere Green is the only relevant centre that should be considered and that the boundaries in the Shopping and Local Centres SPD are the appropriate ones to use. They have looked at 3 sites within Mere Green District Centre which have been dismissed for a number of reasons including size, general site constraints and availability.
- 6.13. I consider that the applicants have reasonably argued that the purpose of this proposal is to provide a local facility for the immediate area which would not be achieved by a location in Mere Green.
- 6.14. I raise no objection to the principle of the use on retail policy grounds and consider the proposal is on previously developed land in a sustainable location.
- 6.15. **Design and impact on character of the area** – The main design issues relate to the appearance of the proposed retail unit and impact on the character of the area.
- 6.16. The design of the proposed building has been amended and would now be more in keeping with the scale, design and appearance of other buildings in the area. The main change is the design of the roof which would now be pitched instead of mono-pitched with the overall height being reduced from 5.3 metres to 4.8 metres. The hipped pitched roof and the lowering of eaves level would reduce the visual impact of the building and its impact on no.8 Plough Court and other dwellings in Plough Court.

- 6.17. The use of predominantly red facing brickwork is also welcomed and would be more characteristic of buildings in the area. The City Design advisor raises no objection to the use of metal cladding for the roofing material subject to a condition requiring a sample to ensure the cladding is of high quality.
- 6.18. I would raise no objection to the revised proposal on design grounds.
- 6.19. **Impact on Adjoining Residents** – Although the siting of the proposed retail unit on the car park area to the west of the Plough and Harrow Public House would remain the same as the previous application, I consider it would now, as revised, have far less impact on no.8 Plough Court and on views in and out of Plough Court.
- 6.20. The proposed building has been lowered in overall height from 5.3 metres at its highest point to 4.8 metres, the eaves level has been lowered and the roof design is hipped away from the properties in Plough Court. The blank south-west and the south-east elevations would now be much less visible above the existing 2 metre boundary wall and have significantly less impact on the residential environment for the dwellings in Plough Court and the visual amenities currently enjoyed by residents in Plough Court.
- 6.21. The design of the proposed retail unit would have its southern corner cut off at an angle so that it complies with the 45 degree code in relation to no.8 Plough Court which lies 3 metres to the south-east. This, together with the amendments described above would help reduce the visual impact of the proposed retail unit on the adjoining residential property. The orientation of the proposed retail unit to the north-west of no.8 Plough Court would result in minimal loss of sunlight to that property.
- 6.22. The proposed relocation of the delivery area would also result in the previously proposed 2.5 metre acoustic fence on the boundary with the rear garden of no.8 Plough Court, which would have been 0.5m higher than the existing boundary wall, no longer being needed.
- 6.23. For the above reasons, I consider the proposal is now acceptable and would not harm the residential amenities of the occupiers of no.8 or other properties in Plough Court.
- 6.24. **Highways** - The proposal would involve the proposed retail unit being sited on an area of the existing public house car park and a reduction in parking spaces from approximately 90 to 69 in a reconfigured layout with 16 dedicated spaces for the proposed convenience store.
- 6.25. The applicants have submitted a Transport Statement in support of the application which concludes that there are no highway and transport reasons to refuse planning permission for the proposed development. It concludes that the site is in a location that is well served by sustainable modes of transport and that the number of vehicle trips to/from the site is likely to be relatively low. It also states that deliveries and movements of HGV's will be low and unlikely to impact on parking or access to the site in a significant way. The Transport Statement also concludes that the revised parking provision is sufficient for the dual use of the site at peak periods without over spilling of parking onto the adjacent highway and that the additional vehicular movements generated by the proposal would not have an adverse impact on the existing highway network.
- 6.26. Transportation Development agree with the conclusions of the Transport Statement and raise no objections on highway grounds given the amount of parking available

on the site and the space available for deliveries within the site. They have recommended conditions including the submission of a parking management plan, service delivery management plan and the provision of cycle parking.

- 6.27. **Environmental** - The proposed retail unit would be close to the adjacent noise sensitive premises (no.8 Plough Court). The proposed plant area would be adjacent to the boundary wall with no.8 Plough Court, however, the applicants have amended the scheme to move the delivery area away from the boundary with no.8 with deliveries taking place at the front of the unit and wheeled to the delivery door in the side elevation.
- 6.28. The applicants have submitted a Noise Assessment Report in support of the application which has assessed noise impact with reference to BS4142. The Noise Assessment Report notes that the specific items of mechanical services and plant have not been identified but noise limits in terms of BS4142 rating levels for mechanical services and plant have been provided at a limit of 46dB in the daytime and 42dB at night time. The report concludes that “the operation of the site between 0700-2300 hours daily may have a negative effect on the amenity of occupants of the immediately neighbouring residential property to the south by way of noise” in comparison to the existing situation. However, it suggests mitigation including an acoustic fence, moving deliveries to the front of the store and limiting hours of operation and deliveries to overcome potential noise.
- 6.29. Regulatory Services (Pollution Control) have considered the Noise Assessment and the amendments. They consider the main difference to the previously refused application is that the delivery area has been moved away from the adjacent noise sensitive uses and this will reduce the impact of deliveries on the existing residents. Their conclusion is that the ambient noise level from traffic movements on Slade Road would mask some of the noise from delivery activities reducing the impact. They also consider vehicles would continue to use this part of the car park as at present and they would not expect the residents to be unduly disturbed by the delivery vehicles unloading at the front of the store provided the delivery hours and the number of deliveries are restricted. A condition is attached requiring the submission of a delivery management plan which would include the number of deliveries.
- 6.30. They note that the Noise Assessment Report provides stringent noise criteria for plant and equipment that may be installed in the plant area adjacent to no.8 Plough Court. The applicants have submitted an indicative plan to show how the plant and machinery could be satisfactorily accommodated in this area with a 2 metre acoustic fence around the plant area and there is also a 2 metre high brick wall on the boundary with no.8 Plough Court.
- 6.31. I note that the NPPG advises that there are circumstances in which the impacts of noise can be mitigated through the use of conditions. In this instance I note that Regulatory Services are raising no objections to the proposal subject to conditions limiting noise from plant and machinery, provision of an acoustic fence and restricting opening and delivery hours. A condition requiring a delivery management plan is also attached.
- 6.32. I concur with this view and raise no objection to the proposal on the grounds of noise and disturbance. The car park is currently in operation until late in the evening in association with the existing public house and noise mitigation and restrictions/conditions as detailed above would mitigate against any potential noise generated by the operation of the retail unit.

- 6.33. Regulatory Services (Contaminated Land) have assessed the Site Investigation submitted in support of the application and state that there are no contaminated land issues arising from this application.
- 6.34. **Trees** – An Arboricultural Impact Assessment and Method Statement has been submitted with the application. The Tree Officer has confirmed that no protected trees are affected by the proposal and raises no objection to the removal of 3 trees of limited value. Tree work and protection should be carried out in accordance with the arboricultural method statement submitted with the application.
- 6.35. **Crime and safety** – West Midlands Police have commented that late night local convenience stores are currently suffering attacks across the West Midlands Police Force area with cigarettes and cash the primary target for organised criminal gangs. They have suggested security measures which have been forwarded to the applicants and a condition has also been attached requiring details of a CCTV system.
- 6.36. **Burial Ground** – The Plough and Harrow Public House is constructed on a burial ground associated with a former Baptist Church on the site. The applicants are fully aware of this and have obtained the necessary licence from the Ministry of Justice to exhume any human remains that are found during any development of the site should planning permission be granted. The Conservation Officer has confirmed there are no archaeological implications.

7. Conclusion

- 7.1. I consider that the amended proposal overcomes the previous reasons for refusal relating to visual appearance and residential amenity. The proposed retail unit has been reduced in scale incorporating a pitched roof which reduces its visual impact and has a less dominant impact on no. 8 Plough Court and on views from other properties in Plough Court. The relocation of the delivery area to the front of the proposed convenience store would also reduce noise and disturbance to no.8 Plough Court and conditions are attached requiring details of the proposed acoustic fence to the plant area and limiting noise from any plant and machinery.
- 7.2. No highway objections have been raised by Transportation development and they are satisfied that the retained car parking provision is suitable for the existing public house and the proposed convenience store.

8. Recommendation

- 8.1. Approve Subject To Conditions.

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- | | |
|---|---|
| 1 | Requires the prior submission of hard and/or soft landscape details |
| 2 | Requires the prior submission of hard surfacing materials |
| 3 | Requires the prior submission of boundary treatment details |
| 4 | Requires the prior submission of a lighting scheme |
-

-
- 5 Requires the prior submission of a drainage scheme
 - 6 Requires the prior submission of sample materials
 - 7 Requires the prior submission of level details
 - 8 Requires the prior submission of a CCTV scheme
 - 9 Limits the noise levels for Plant and Machinery
 - 10 Requires the prior submission of details of plant and machinery and acoustic fence
 - 11 Restricts location of plant and machinery
 - 12 Limits the hours of use to 0700-2300 daily
 - 13 Limits delivery time of goods to or from the site to 0700-2000 Monday to Saturday and 1000-1800 on Sundays and Bank Holidays
 - 14 Restricts deliveries to front of store
 - 15 Requires the prior submission of a parking management strategy
 - 16 Requires the parking area to be laid out prior to use
 - 17 Requires the prior submission of details of a delivery vehicle management scheme
 - 18 Requires the prior submission of cycle storage details
 - 19 Requires the scheme to be in accordance with the listed approved plans
 - 20 Limits the approval to 3 years (Full)
-

Case Officer: John Davies

Photo(s)

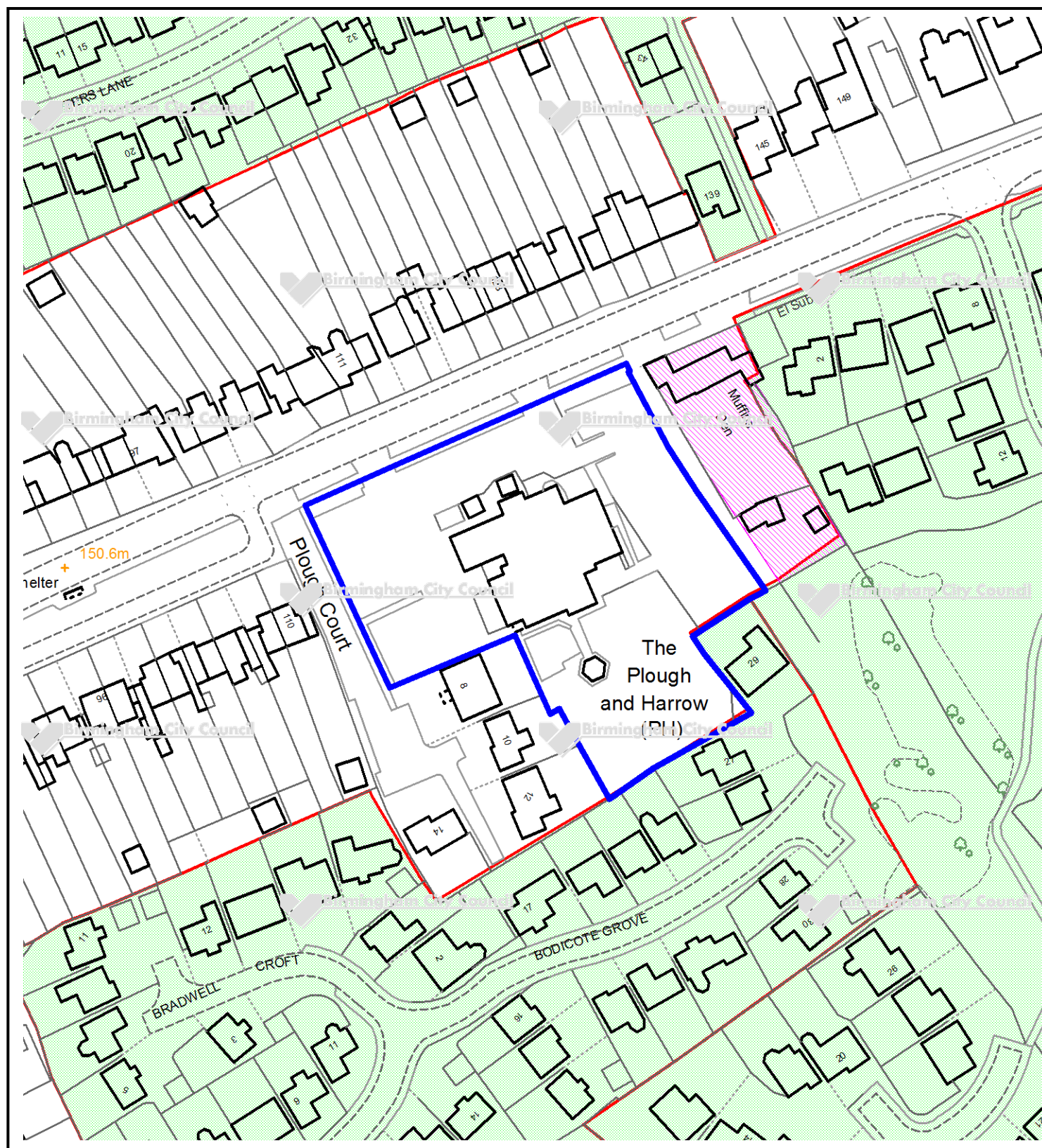


Figure 1 – Front view of site



Figure 2 – The site adjoining 8 Plough Court

Location Plan



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Committee Date:	29/09/2016	Application Number:	2016/05234/PA
Accepted:	27/06/2016	Application Type:	Householder
Target Date:	22/08/2016		
Ward:	Sutton Four Oaks		

70 Jervis Crescent, Four Oaks, Sutton Coldfield, Birmingham, B74 4PN

Erection of first floor side/forward extension, two storey rear extension, single storey rear and forward extensions and juliette balcony to rear

Applicant: Ms Kate Maloney
70 Jervis Crescent, Four Oaks, Sutton Coldfield, Birmingham, B74 4PN

Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of first floor side/forward extension, two storey rear and single storey rear and forward extensions and Juliette balcony to rear.
- 1.2. The proposed rear extension would extend across the full width of the property and is 6m deep. It would be of a contemporary design with bi-fold glass doors and a flat roof at a height of 3 metres.
- 1.3. The proposed first floor rear extension would have a depth of 2.7m with a hipped roof and spans the full width of the original property to the rear.
- 1.4. The proposed alterations to the front elevation of the property include a forward porch extension and first floor side/forward extension above the existing garage which is to be converted into a habitable room as part of the proposed works.
- 1.5. Additional second floor living accommodation is proposed as part of loft conversion works at the property. These internal alterations do not require planning permission, only Building Regulations consent. The second floor rear Juliette balcony requires planning consent and is to be assessed as part of this application.
- 1.6. The submitted plans show the property is to be white rendered including the proposed extensions and roof tiles to match existing roof tiles of property.
- 1.7. The application is reported to the Planning Committee as the applicant is related to a member of staff.
- 1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a detached property with a hipped roof design, two front dormer style first floor windows and an original two storey forward gable feature. There is an existing attached side and forward garage with a flat roof. To the rear is an existing single storey kitchen and w.c extension which is to be demolished as part of the proposed works.
- 2.2. The application site is located in a residential area comprising of detached properties with a mix of architectural designs and brick and rendered properties.
- 2.3. To the rear is a long garden area which is predominately grassed with a small paved area directly adjacent to the property. The boundary treatment consists of 2m wooden fencing with hedging/planting above to the neighbouring properties Nos. 68 and 72 Jervis Crescent.
- 2.4. The neighbouring property No. 68 Jervis Crescent is on a slightly higher ground level than the application site. There is an existing single storey side/rear attached brick outhouse adjacent to the boundary with the application site. The nearest affected window is to a first floor rear bedroom window.
- 2.5. The neighbouring property No. 72 Jervis Crescent has been previously extended with two storey and single storey rear extensions. The nearest affected window to this neighbouring property is to an extended ground floor rear study room window.
- 2.6. There are other two storey side and rear extensions visible in the surrounding area.

2.7. Site Location

3. Planning History

- 3.1. None.

4. Consultation/PP Responses

- 4.1. Neighbours and local ward councillors were consulted for the statutory period of 21 days. Objections received from the occupier of No. 72 Jervis Crescent on the grounds of;
 - Loss of light
 - Loss of privacy/overshadowing
 - Scale and design of the glazed rear windows in second storey roof extension
 - Proposed first floor side/forward extension overhangs boundary

5. Policy Context

- 5.1. The following local policies are applicable:
 - Birmingham Unitary Development Plan 2005
 - Draft Birmingham Development Plan (2013)
 - Places for Living (Adopted Supplementary Planning Guidance 2001)
 - Extending your Home (2007)

- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)

5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012)

6. Planning Considerations

- 6.1. The principle matters for consideration are the scale and design of the proposed extension, the impact on the architectural appearance of the property, the impact on the surrounding area and the impact upon neighbouring properties' amenities.
- 6.2. Amended plans have been received which have reduced the depth of the first floor part of the proposed two storey rear extension by 300mm in order to comply with the 45 Degree Code to the neighbouring property No. 68 Jervis Crescent. Amendments have also omitted the guttering/fascia overhang to No. 72 Jervis Crescent and the proposed glazed bi-fold window panels in the rear roofspace have been reduced in width.
- 6.3. While the proposed single storey rear extension would technically breach your Committee's 45 Degree Code to the nearest ground floor rear habitable window of the neighbouring property No. 68 Jervis Crescent, with the presence of the neighbour's solid brick side/rear outhouse along the boundary with the application site, I consider the proposed single storey rear extension which has a flat roof would not project significantly above the height of the neighbouring structure. In addition the existing ground level differences and boundary treatment between the properties would mitigate any impact on the light and outlook to this neighbouring property. As such, the existing situation would not be significantly worsened by the proposed development and there would be no detrimental impact on the light and outlook to the neighbouring dwelling. The proposed development complies with the 45 Degree Code in regard to No. 72 Jervis Crescent.
- 6.4. Numerical guidelines set out in 'Places for Living' and 'Extending Your Home' would be met; as a result there would be no detrimental impact on neighbours light, outlook or privacy.
- 6.5. The scale and design of the resulting development would not compromise the existing character or architectural appearance of the property. As such, the development would comply with the design principles contained within the design guide 'Extending your Home' Supplementary Planning Document. There are examples of other two storey extensions at other dwellings within the immediate locality and therefore the proposal will have no significant impact on the character of the street scene.
- 6.6. Notwithstanding the objection received from the neighbouring occupier, I consider the concerns raised regarding loss of light and loss of privacy have been considered and the proposed development complies with the Council's 45 Degree Code and numerical guidelines. A condition is attached to ensure that the proposed Juliette balcony in the rear elevation is installed with inward opening doors with safety balustrade and no external standing room. This is to ensure that there would be no overlooking of the neighbouring occupiers private amenity space.
- 6.7. I consider the scale of the proposed glazed window panels within the rear roofspace is improved with the amendments received. Also the amended plans show that the

proposed extensions will be contained within the applicant's curtilage with no guttering/fascia overhang to this neighbouring occupier.

6.8. The proposed development does not attract a CIL contribution.

7. Conclusion

7.1. The development complies with the objectives of the policies outlined above and is of an acceptable design. I therefore recommend approval.

8. Recommendation

8.1. Approve subject to conditions

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | Removes PD rights for new windows |
| 4 | Requires the Juliette balconies to be inward opening |
| 5 | Limits the approval to 3 years (Full) |
-

Case Officer: Ricky Chima

Photo(s)



Figure 1 – Front Elevation

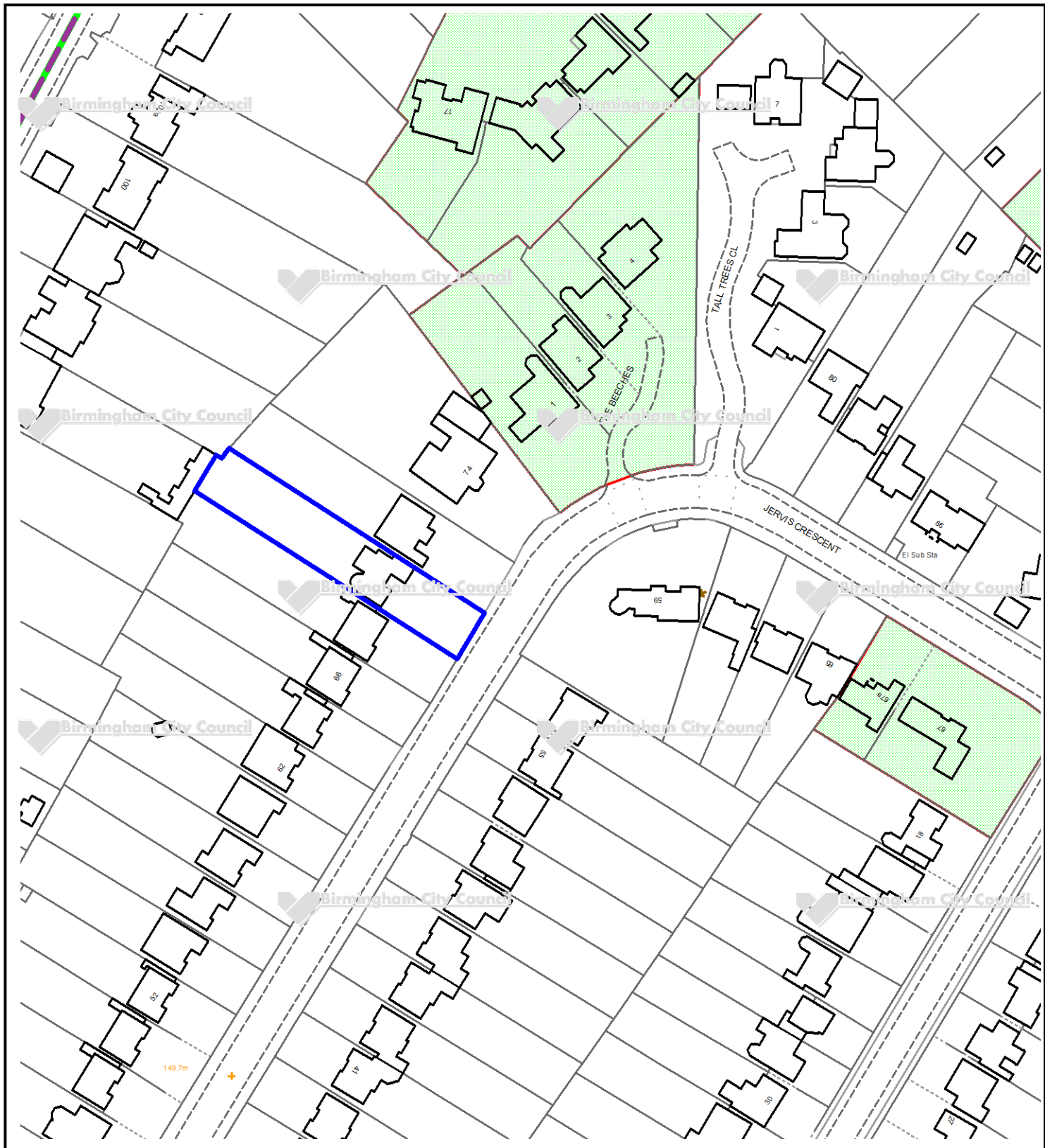


Figure 2 – Rear Elevation



Figure 3 – Rear Elevation of No. 72 Jervis Crescent

Location Plan



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Birmingham City Council

Planning Committee

29 September 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	15	2016/05855/PA 262 Vicarage Road Kings Heath Birmingham B14 7NH Change of use from residential dwelling (Use Class C3) to HMO (Use Class Sui Generis)
Approve - Conditions	16	2016/06548/PA Bournville School Hays Green Lane Bournville Birmingham B30 1SH Erection of single storey extension to create 4 no. classrooms and associated external works, including new playgrounds and footpaths
No Prior Approval Required	17	2016/06928/PA Court Oak Road adj to Court Oak Pub Harborne Birmingham B32 2EH Application for prior notification for the installation of telecommunications equipment to include 15m jupiter pole, housing 3 no. antennas, installation of 2 no. equipment cabinets, 1 no. meter cabinet and associated ancillary work

Committee Date:	29/09/2016	Application Number:	2016/05855/PA
Accepted:	16/08/2016	Application Type:	Full Planning
Target Date:	11/10/2016		
Ward:	Bournville		

262 Vicarage Road, Kings Heath, Birmingham, B14 7NH

Change of use from residential dwelling (Use Class C3) to HMO (Use Class Sui Generis)

Applicant: Mr Faiz Ul-haq
262 Vicarage Road, Kings Heath, Birmingham, B14 7NH
Agent: PlanningDesignBuild
Wildings Building, 864 Washwood Heath Road, Ward End,
Birmingham

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought for the change of use from a dwelling house (Use Class C3) to a 11-bed house in multiple occupation (Sui Generis) at 262 Vicarage Road, Kings Heath.
- 1.2. The ground floor would consist of four bedrooms, a living room, kitchen, bathroom and toilet. The first floor would consist of four bedrooms, bathroom and toilet. A further three bedrooms and bathroom would be provided at second floor. No external alterations are proposed.
- 1.3. To the front of the property there would be car parking for approximately three cars, accessed off Vicarage Road.
- 1.4. A rear garden of approximately 255sqm is provided to the rear.
- 1.5. Amended plans have been received that have reduced the number of bedrooms proposed from 13 to 11.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located on the north eastern side of Vicarage Road, Kings Heath. The property is a large extended detached property set within a substantial plot, within a row of larger properties all of varying architectural styles extending eastwards along Vicarage Road. The surrounding area has a mixed commercial/residential character, with predominantly family housing provided to the north and opposite; however there is a retail parade adjacent the property extending westwards along Vicarage Road.

- 2.2. The property itself is brick built with pebble dash render on its frontage. A driveway to the front is enclosed by a 2m high brick and timber fence.
- 2.3. To the rear there is a large private garden area.

[Location map](#)

3. Planning History

- 3.1. There are no relevant planning applications. However, an enforcement case of note is;
- 3.2. 2013/0803/ENF Erection of large dormer to the rear and side property. The dormer requires planning permission as it is not been constructed with materials to match the existing house, being white upvc, tile hanging would have been appropriate. However, no application was received and it was determined not expedient to pursue any further action. Case closed.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection, subject to a condition to provide secure and sheltered cycle storage.
- 4.2. Regulatory Services – No objection.
- 4.3. West Midlands Police – No objection.
- 4.4. Letters of notification have been sent to surrounding occupiers; local residents associations; Bournville Ward Councillors; Planning Committee members from the Selly Oak Constituency and the MP for Selly Oak. A site notice has also been posted.
- 4.5. Steve McCabe MP – Objects to the proposal, noting that the property is described on the application form as two storeys, however has three floors of accommodation. In addition he considers a thirteen bedroom HMO at this location would be out of place and notes that there is no indication of the owner's intention with regards to how the property would be occupied. He has further concerns about the size of the HMO and its facilities, with just one kitchen proposed and no details of parking provision.
- 4.6. A further twenty-eight letters of objection have been received from surrounding occupiers objecting to the proposal on the following grounds.
- One Kitchen for thirteen people is not enough.
 - Facilities in the property are not adequate.
 - Over intensive use of the property.
 - Not enough parking.
 - Impact to road safety.
 - Unacceptable levels of traffic noise
 - Increase in crime rate in the area.
 - No fire escape is proposed.
 - Problems with drainage.
 - Concerns raised about likely socio-economic status of occupants.

- Increase in anti-social behaviour.
- Visual impact of the development is unacceptable.
- Lack of community spirit.
- Devaluation of property
- Work has taken place on the roof without permission

5. Policy Context

5.1. The following local policies are relevant.

- The Birmingham Unitary Development Plan (2005)
- Pre-submission Birmingham Development Plan (2013)
- Places for Living SPG (2001)
- Residential Uses (Specific Needs) SPG

5.2. The following national policy is relevant.

- The National Planning Policy Framework (2012)

6. Planning Considerations

6.1. The main considerations in the determination of this application are the impact of the proposal on residential amenity, visual amenity, highway safety and parking and whether the principle of the proposal is in accordance with policies of the Development Plan.

6.2. Applications for change of use to Houses in Multiple Occupation need to be assessed against criteria in Paragraphs 8.23-8.25 of UDP and Specific Needs Residential Uses SPG. The criteria includes; effect of the proposal on the amenities of the surrounding area and adjoining premises, size and character of the property, floorspace standards, amount of car parking and the amount of provision in the locality.

6.3. **Cumulative Impact**

This is a large extended detached property, set within a large plot. The surrounding area has a mixed residential and commercial character, consisting of mainly family dwellinghouses, occasionally interspersed with other tenures, including flats opposite on Hambury Drive and a well-established and used parade of shops to the immediate west of the site. Given that there are few other residential uses outside of family housing, the change of use of this property would not detrimentally impact on the character of the area, as family house would remain the predominant use. Therefore, there would not be any significant cumulative impacts on the surrounding area. The site is close to local transport links and amenities and therefore the principle of changing to a house in multiple occupation is acceptable. Furthermore the house does not lie in an Area of Restraint or Article 4 area.

6.4. **Visual Amenity**

There are no external changes proposed and therefore there would be no impact on the visual amenity of the area.

6.5. **Occupants' Residential Amenity**

The eleven bedrooms measure between 7.5sqm and 20sqm. A mix of single and double bedrooms, such as proposed would meet the needs of people on shorter terms tenancies and therefore, and the proposal would offer a range of bedroom

sizes. Furthermore, the internal layout as proposed would allow easier conversion back to a family dwelling, should the opportunity arise in the future. A rear garden of approximately 255sqm is provided. Three bathrooms are provided, one to each floor, resulting in a ratio of 4.3 occupants per bathroom. The kitchen provided is over 20sqm and could provide the appropriate amount of kitchen space needed for such a use, the living room would be 27sqm, and the house therefore provides a significant amount of communal space within the building. I note a store room would provide additional storage space, for washing and other domestic activities if required. I do not concur with the objections raised that the property would have a lack of essential amenities for occupants.

6.6. Neighbouring Residential Amenity

Due to the layout and large scale, detached nature of the property, it is considered that there would not be any noise disturbance to neighbouring occupiers. I note no objection has been received from Regulatory Services.

6.7. Highway Safety and Parking

There are no Transportation objections to the proposed change. It is not expected traffic and parking demand generated by the proposal would differ significantly to that of the 8 bedroom single dwelling. Off street parking is offered as existing, with three driveway spaces being available. The Car Parking SPD does not have any specific standards for HMO uses. The most likely use of this property would be student accommodation for which a guideline of 1 space per 5 beds is stated; therefore it is considered that the parking provided would meet demand and accords with the adopted policy. In addition, on-street options are available and regular buses run within reasonable walking distance of this site, along Vicarage Road, throughout the day. Secure and sheltered cycle storage is proposed within a storage room to the side of the front elevation in order to encourage alternative modes of travel.

6.8. Other Matters

Concern has been raised about the property having three floors of accommodation and being described as a two storey property on the submitted application form. I also note the request for information about the intended occupation of the property. Whilst I note these concerns, these matters are not material considerations. The plans clearly show the extent of the proposal and a site visit has confirmed that these are correct.

6.9. In regards to the works to the roof that has previously taken place, the enforcement investigations concluded that the erection of dormer windows to the rear and side of the property required planning permission based purely on the fact that the materials used did not match the existing building (render and tile) being upvc cladding to the gable end. In all other respects, in terms of size, siting and scale the works would have been 'permitted development'. Unfortunately, no planning application was submitted to regularise this, despite advice from the Local Planning Authority that planning permission would be forthcoming as the dormers do not cause a detrimental visual impact. To this end, it was determined not expedient to pursue any further action in this particular instance as the visual amenity to the surrounding area was not detrimentally harmed. As such, the dormers are considered to be an established part of the building envelope and the NPPF is clear that you should not take enforcement action solely to regularise unlawful development; harm must be established.

6.8. Community Infrastructure Levy

The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. The proposed change of use would not result in any harm to visual or residential amenity or highway safety and parking. The proposal accord with guidance contained within the Birmingham Unitary Development Plan and National Planning Policy Framework providing an alternative residential accommodation in a highly sustainable location and therefore is considered acceptable. The proposal constitutes sustainable development.

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 approval to 3 years (Full) |
-

Case Officer: James Mead

Photo(s)



Photograph 1: Front of application property



Photograph 2: Rear of application site.

Location Plan



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Committee Date:	29/09/2016	Application Number:	2016/06548/PA
Accepted:	04/08/2016	Application Type:	Full Planning
Target Date:	29/09/2016		
Ward:	Bournville		

Bournville School, Hays Green Lane, Bournville, Birmingham, B30 1SH

Erection of single storey extension to create 4 no. classrooms and associated external works, including new playgrounds and footpaths

Applicant:	Birmingham City Council EDSI, Bournville School, Hays Green Lane, Bournville, Birmingham, B30 1SH
Agent:	Acivico 3rd Floor, 1 Lancaster Circus, Queensway, Birmingham, B4 7DJ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is for the erection of a single storey extension to create 4no classrooms and associated external works including new playground and footpaths at Bournville School, Hay Green Lane, Bournville.
- 1.2. The extension is proposed to facilitate the creation of a new 2 Form Entry (FE) Primary school on the site. The existing school, a 6FE secondary school with Sixth Form, is to be reduced in scale to enable 10 classrooms to be converted to become part of the primary school. As such, the proposed primary provision is to be provided in part new build (4 classrooms) and part refurbished existing school buildings.
- 1.4. The existing secondary school and sixth form currently employs 112 members of staff (full and part time) and teaches 830 pupils (although the school has a greater capacity for 1,050 pupils). It is proposed to increase the number of staff by 22 to 134 (100 full time staff and 34 part time staff) serving the new primary school and the reduced secondary school. At capacity the whole school site would have 1,190 pupils (2FE primary and 5FE secondary) with the sixth form provision removed.
- 1.3. It is proposed to build a single storey liner block of 4 classrooms with WC's, staff room, corridors and new entrance for the primary school. The building would be approximately 36m in length and 13.1m wide. The extension would be constructed with facing brickwork to match the existing school building, would have a flat roof to a height of 3.7m with single layer membrane roof with aluminium framed doubled glazed windows and doors. Roof mounted photovoltaics would be provided.
- 1.4. A new hardstanding playground would be provided to the rear (eastern side) of the existing school building; with areas of hardstanding also provided around the new extension. A new path from the existing car park to the new entrance would be required.

- 1.5. No changes to the existing car parking on the site are proposed. There are 131 marked parking spaces (including 6 disabled and 6 dedicated motorcycle parking spaces). The existing access to the school would remain from Hay Green Lane.
- 1.7. The development also includes, a new footway from Cobs Field to the east of the school site along the line of the existing informal footpath. A new footway to the west of the school providing an off carriageway link directly into the school from Hay Green Lane.
- 1.8. The proposal would require around 32 trees to be removed in order to accommodate the new building and play areas (approx. 20 category B, 8 category C and 4 category U trees).
- 1.9. The application is supported by a Design Statement; Ground Condition Desk Study; Noise Intrusion Assessment; Travel Plan; Transport Assessment; Ecological Appraisal and Bat Assessment and Tree Survey

[Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The application site relates Bournville Secondary School. The school was originally built in 1952 and has been extended with numerous additions and now comprises two main buildings, predominantly 2 storeys in height, with the northern side of the site being at a lower level to that of the southern side of the site.
- 2.2. The area of the extension is a sheltered corner to the south east of the school site and has substantial tree planning surrounding it, along with boundary treatment which screens the site from properties on Cobs Field and Hay Green Lane. The schools car park would be situated in front of the extension.
- 2.3. The A38 (Bristol Road South) runs parallel to the site's northern boundary, with residential areas to the east, south and west, with most being within the Bournville Village Trust area.

[Location map](#)

3. [Planning History](#)

- 3.1. 24/03/2003 – 2004/00947/PA Proposed extension at first floor to create 2 new classrooms and an office for use by the sixth form centre. Approved subject to conditions.
- 3.2. 30/11/2015 – 2015/08205/PA Alterations and landscaping works to rear of school to create new main entrance for teachers and visitors including new paths, fencing, gates, lighting of car park area and highway entrance and creation of car parking area on former tarmac games courts. Approved subject to conditions.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objection, subject to a condition for a S278 agreement for a package of highway works.
- 4.2. Regulatory Services – No objection

- 4.3. West Midlands Police – No objection, recommended the development is carried out to enhanced security standards set by Police Crime Reduction initiative ‘Secured by Design’.
- 4.4. West Midlands Fire Service – No objection.
- 4.5. Severn Trent – No objection.
- 4.6. Sport England – No objection.
- 4.7. Letters of notification have been sent to surrounding occupiers; local residents associations; Bournville Ward Councillors and the MP for Selly Oak. A site notice has also been posted.
- 4.8. Eleven letters of objection have been received from surrounding occupiers, objecting to the application on the following grounds.
 - The increased numbers delivering and collecting younger children will cause dangerous overcrowding on surrounding roads.
 - The road is too narrow at this location.
 - Risk to the highway safety of children and residents.
 - There is inadequate lighting on Hay Green Lane.
 - Inconsiderate parking will take place on street.
 - Residents’ properties will be blocked.
 - There are no parking facilities.
 - Noise pollution will be raised in the early morning by cars coming and going and children and parents making excessive noise.
 - Air pollution from cars.
 - This entrance to the school is inappropriate and very hazardous.
 - Impact to local wildlife due to loss of trees.
 - Surveys are flawed as vast majority of primary school children are brought to school by car.
 - Impact on the privacy of existing residents.

5. Policy Context

- 1.1. 5.1. The following local policies are relevant.
 - The Birmingham Unitary Development Plan (2005)
 - Pre Submission Birmingham Development Plan (2031)
 - SPG: Places for All (2001)
 - SPD: Car Parking Guidelines (2012)
- 1.2. The following national policy is relevant
 - The National Planning Policy Framework (2012)

6. Planning Considerations

- 6.1. I consider the key planning issues to be assessed as part of this application are: the impact of the proposed increase in pupils and staff on car parking, traffic generation and highway safety; the design and appearance of the proposed extension; landscaping and trees; and the impact on the amenity of local residents.

- 6.2. The proposal would not result in the loss of all or part of a playing pitch and therefore there is no objection in principle to the proposal subject to the consideration of design, transport matters and other material considerations.
- 6.3. **Siting, Design and Appearance**
I consider the siting of the proposed single storey extension to be acceptable. The extension would sit at the same level as the existing school building. The proposal uses the existing levels to ensure no adverse effect in terms of its massing when viewed in the context of the existing school building.
- 6.4. The single storey extension sits approximately 8.8m from the eastern boundary of the site. Beyond the boundary is a dense area of trees, with the residential properties of Cobs Field beyond this and houses being 26m from the eastern elevation of the proposed building. Given this distance; the single storey nature of the building, the use of rooms and position of openings within the eastern side of the building and that there is a good degree of planting along this part of the boundary, it is unlikely that this extension would be visible from the gardens or windows of adjoining residential properties, over and above that of the existing school buildings. It is considered that there would not be any overlooking or overshadowing to neighbouring properties that would harm their privacy or amenity.
- 6.5. I consider the appearance of the proposed single storey extension would be in keeping with the existing school building. It would introduce a modern addition to the school and would provide a roof design that picks up the flat roofs across the site. I consider the extension would not have any detrimental impact on the visual amenity of the area.
- 6.6. **Traffic, Parking and Highway Safety**
There are currently 131 car parking spaces formally laid out at the school. Staff numbers are expected to accommodate the new primary school with an increase of 22 staff, resulting in a total of 100 full time staff and 34 part time staff, in comparison to the existing number of 112 existing staff. With regards to the Car Parking SPD, the site falls within Area 3 of the City and the relevant car parking standard is one space per two staff. Given this, my Transportation Development officer raises no concern regarding on-site parking provision. It is considered that the existing provision on the site would be sufficient to meet the demand required for the school and therefore, teachers should not need to park on the local streets.
- 6.7. Pedestrian access from the north has recently been improved as part of the Bristol Road Safer Routes to Schools Project. As such pedestrian/cycle access to the north of the site is considered to be adequate.
- 6.8. School related parking issues have been observed by Planning and Transportation officers and the contents of all public participation responses are also noted, in particular relating to ongoing traffic issues and lack of parking for parents at the beginning and end of the school day. The submitted Transport Assessment concludes that on-street parking, by parents dropping off/picking up pupils at school start and finish times, should not cause further congestion due to this proposal on local roads as mitigation measures are proposed to reduce the impact of the increase in drops off and pick-ups. These measures include 'extending the school day' with the provision of before and after school clubs which would reduce the intensity and number of drop off and pick-ups at peak times; parking restrictions within the vicinity of the school and footway infrastructure improvements. The footway infrastructure improvements would include;

- A new footway from Cobs Field to the east of the school along the line of an existing informal footpath,
- A new footway to the west providing an off carriageway link into the school from the bottom of Hay Green Lane,
- Parking restrictions explored for the junctions on Hay Green Lane with Cobs Field and with Mytton Road.

6.9. My Transportation Development Officer concurs that the measures described would address on-street parking concerns and a S278 agreement would secure these improvements with an appropriate condition.

6.9 Ecology

An Ecological Assessment has been completed. The Council's Planning Ecologist concludes that no significant ecological constraints have been identified, however, a number of good practice mitigation measures are recommended including new landscape planting that include provision of species of high value to wildlife and the installation of bat and bird boxes. A condition to require implementation of the various mitigation measures recommended in the ecology report should be attached to any approval.

6.10. Trees

In order to facilitate the development, around 32 trees would need to be removed, although 4 of these are category 'U' (dead/dying/diseased). The site of the extension is, however, screened by further woodland onto Hay Green Lane and to the rear of properties on Cobs Field consequently, the effect on wider amenity would be limited. The Council's Arboricultural Officer has carefully considered the proposed removals and notes that the substantial woodland area to the east of the site is well screened and as such he does not object to the loss. There is scope for replacement tree planting to the south and west of the proposed buildings and elsewhere around the school grounds to make a positive contribution to the wider public realm. The applicant proposes replacement planting and the full details of this can be secured by condition.

6.11. Noise

A noise assessment has been submitted with the application. The assessment concludes that, providing appropriate building fabric materials are used, the internal noise levels should be suitable for the proposed use and local area. Regulatory Services have raised no objection to the proposed development. Adjoining residential occupiers are likely to notice a small increase in noise levels from the increased numbers of pupils travelling to and from the site on foot and using outdoor play areas, with the most significant activity and associated noise being concentrated around two limited periods; drop off and pick up times rather than as a constant source throughout the day. I consider, that this increase would be unlikely to materially adversely affect the amenity of these occupiers who already live adjacent to a school.

6.12. Drainage

Severn Trent has advised that there may be a public sewer within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. An appropriate informative note, for the applicant, is recommended to be attached. Severn Trent has also confirmed that there is no objection to the proposal, subject to a condition to secure the approval of drainage plans for the disposal of foul and surface water.

6.13. **Contaminated Land**

The Submitted Ground Condition Desk Study confirms that the site has a generally low potential for contamination, given the previous history of use on this site. Regulatory Services have confirmed they have no objection and do not require a 'decontamination' condition.

6.14. **Other matters**

The Police has requested that the scheme be developed to Secured by Design standard. I do not consider that a condition requiring this would pass the appropriate tests. However, this request has been passed to the applicants for their private consideration.

7. Conclusion

- 7.1. I consider the proposed extensions are acceptable in terms of siting, design and appearance. The proposed development would be likely to result in a small increase in traffic generation, however, with the stated mitigation I consider that there would not be any harm to the amenity of local residents or highways implication sufficient to justify refusal of this application. The proposal constitutes sustainable development.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a drainage scheme |
| 3 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 4 | Requires the prior submission of hard and/or soft landscape details |
| 5 | Requires the prior submission of boundary treatment details |
| 6 | Requires the prior submission of sample materials |
| 7 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 8 | Arboricultural Method Statement - Submission Required |
| 9 | Limits the approval to 3 years (Full) |
-

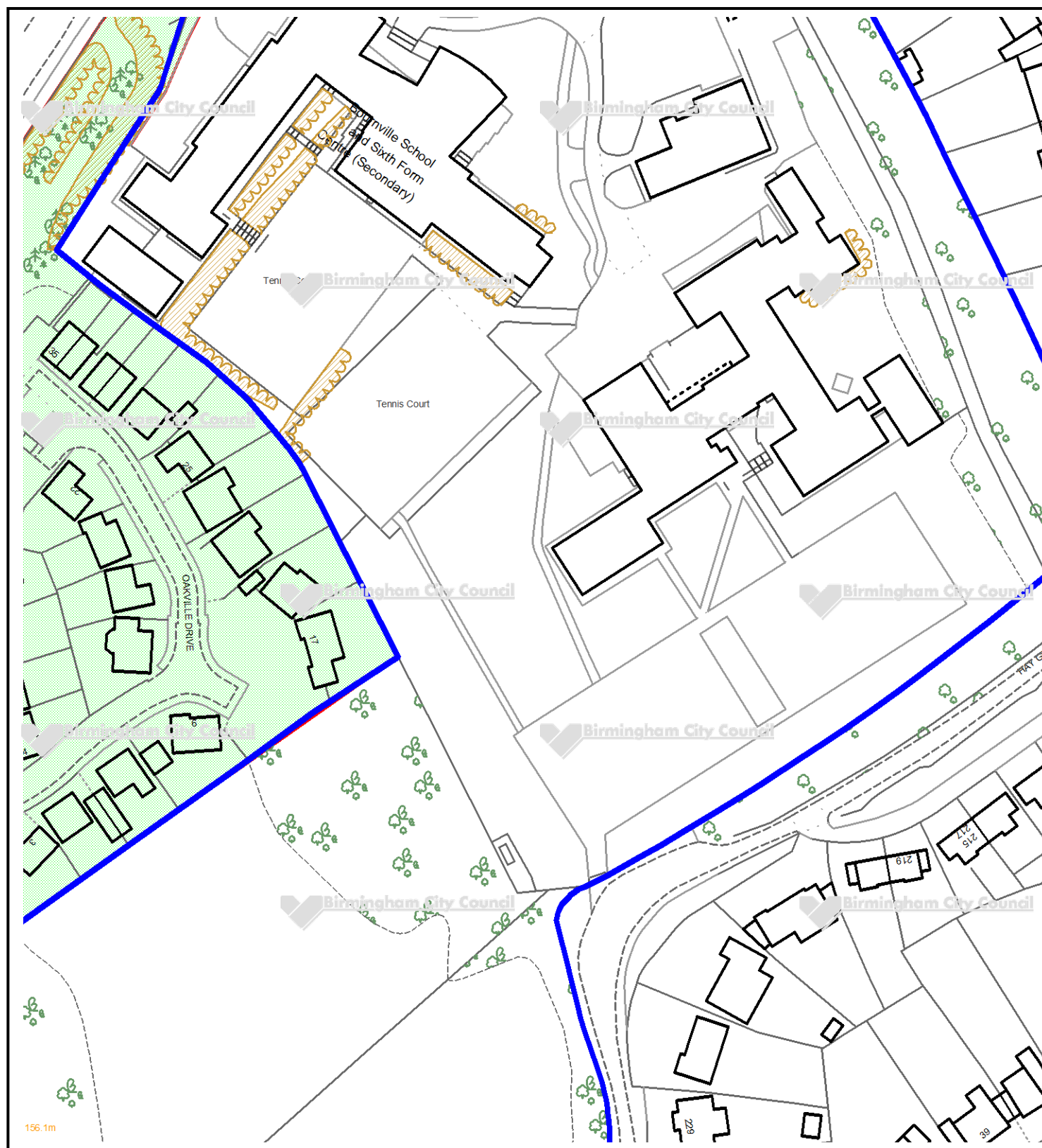
Case Officer: James Mead

Photo(s)



Photograph 1: View of application site.

Location Plan



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Committee Date:	29/09/2016	Application Number:	2016/06928/PA
Accepted:	11/08/2016	Application Type:	Telecommunications
Target Date:	05/10/2016		Determination
Ward:	Quinton		

Court Oak Road, adj to Court Oak Pub, Harborne, Birmingham, B32 2EH

Application for prior notification for the installation of telecommunications equipment to include 15m jupiter pole, housing 3 no. antennas, installation of 2 no. equipment cabinets, 1 no. meter cabinet and associated ancillary work

Applicant:	Vodafone Limited c/o Agent
Agent:	Mono Consultants Limited 58 Cygnet Court, Timothys Bridge Road, Stratford Upon Avon, Warwickshire, CV37 9NW

Recommendation

No Prior Approval Required

1. Proposal

- 1.1. This application gives prior notification of the installation of telecommunications equipment comprising a 15m tall mast housing 3 antennae within a shroud and 3 equipment cabinets on the grass verge to the north of The Court Oak PH.
- 1.2. The mast would be 0.3m wide increasing to 0.54m for the uppermost 2.5m. It would be painted blue (RAL 5022) to match nearby lighting columns.
- 1.3. The equipment cabinets would together measure 1.9m tall x 7.5m wide x 7.7m long. They would be painted grey (RAL 7035).
- 1.4. The application is supported by a declaration indicating compliance of the proposal with the ICNIRP Public Exposure Guidelines.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located on the south side of the eastbound carriageway of Court Oak Road to the north of The Court Oak public house. The westbound carriageway of Court Oak Road lies to the south of the pub effectively creating an island on which the pub sits. The front elevation of the pub faces east and a large car park is laid out in front of the building. To the rear is an outdoor seating area enclosed by mature trees.
- 2.2. The Court Oak PH is locally listed Grade B and the Church of St Faith and St Laurence to the east of the pub is Grade II Listed. The surrounding area is

predominantly residential but there is a parade of shops to the south of the westbound carriageway of Court Oak Road.

- 2.3. The site is 610m to the west of Queen Alexandra College (Court Oak Road) and 572m Northeast of Woodhouse Primary School.

- 2.4. [Site location plan](#)

- 3. Planning History

- 3.1. None relevant.

- 4. Consultation/PP Responses

- 4.1. Transportation Development: No objection. There would be no impact on the available footway width and on-street parking is unrestricted at this location but parking does not typically occur here.

- 4.2. Regulatory Services: No objection.

- 4.3. Site and press notices posted; local MP, Councillors and Residents' Associations notified; and the occupiers of nearby properties notified of the application. One response from a local resident raising no objection.

- 5. Policy Context

- 5.1. UDP 2005; Pre-Submission Birmingham Development Plan 2031; SPD Telecommunications development: mobile phone infrastructure 2008; NPPF; NPPG.

- 6. Planning Considerations

- 6.1. **Policy**

- 6.2. The NPPF contains a presumption in favour of sustainable development. It advises that advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.

- 6.3. UDP Policy 8.55 recognises that modern and comprehensive telecommunications systems are an essential element of life of the local community and the economy of the City. In assessing applications for telecommunications equipment, account will be taken of the impact of radio masts, antennae and ancillary structures on existing landscape features, buildings, and the outlook from neighbouring properties.

- 6.4. Policy 8.55A states that the Council will seek to encourage telecommunications operators to locate new equipment away from residential areas and, where they are of high quality, areas of open space, wherever possible; and outlines that the equipment should be designed to minimise its impact on the visual amenity of the area.

- 6.5. Policy 8.55B states that operators would be expected to share masts and sites wherever this is desirable. Ground based equipment should be sited to take maximum advantage of backdrops to buildings and other screening opportunities. In

assessing visual obtrusiveness, views from neighbouring properties and the street would be considered.

6.6. Policy TP45 of the Pre-Submission BDP recognises the importance of access to digital services as critical to Birmingham's economic, environmental and social development.

6.7. As a prior notification application, in accordance with Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development Order) 2015, the only issues that can be considered are the siting and appearance of the proposed mast and associated cabinets.

6.8. **Siting**

6.9. The proposed mast is needed in order to improve coverage in an area which is not well served by other local masts. The nearest dwellings would be approximately 25m north of the application site and neither of them (Nos. 275 Court Oak Road and 40 Balden Road) would directly face the mast. The proposed site is adjacent to a commercial building, which is preferable to being immediately in front of residential properties, although the two most substantial buildings in the immediate area are listed. In order to minimise its impact on these heritage assets the mast has been located to the north of the locally listed building (The Court Oak pub) within a row of mature trees. The Conservation Officer is concerned by the location as the mast would be taller and within close proximity to the locally listed building. He acknowledges the setting of the locally listed pub at a highway intersection but considers the mast would sit above the building when viewed from the front and would affect its setting. He recommends relocating the mast further away from the pub building. Unfortunately the grass verge, on which the proposed equipment would be located, tapers to a very narrow strip and it is not possible to amend the scheme such that the mast would be moved out of the immediate vicinity of the building. At the most, the mast could only be moved by a few metres southwest of its originally proposed location which I do not consider would change the Conservation Officer's concerns.

6.10. I am mindful that the impact on the locally listed building is only one of several considerations regarding the siting of the equipment. The mast would be seen in the context of tall lighting columns and would be partly obscured by street trees within the verge.

6.11. The application is accompanied by a list of 15 alternative sites which have been discounted for the following reasons: 1 site due to the presence of underground services; 3 sites due to refusal of planning permission; 8 sites due to the proximity to residential properties; and 3 sites because the site provider was not interested in hosting equipment. This is an extensive list of sites with reasonable grounds for being discounted and I am satisfied that the proposed site has been selected through a robust assessment of the alternatives.

6.12. SPD Telecommunications Development identifies education and health institutions within the list of more sensitive locations and states that locations within or adjacent to such sites will only be acceptable where a precautionary approach has been adopted and that more suitable alternative sites are not available. The nearest school is Woodhouse Primary School 572m southwest of the application site which is sufficiently distant not to be affected by the proposal.

- 6.13. Notwithstanding the Conservation Officer's concern regarding the impact on the locally listed building, I consider the siting of the proposed equipment to be acceptable taking wider considerations into account. The proposed location would minimise the effect on the Grade II Listed church building and on residential properties and would be seen in the context of a busy highway junction which is surrounded by tall lamp posts and mature trees.

6.14. **Appearance**

- 6.15. The mast would have a standard slimline appearance which would be in keeping with the style of street lighting column and it would be painted to match existing street furniture. The cabinets would be a modest size and would benefit from being positioned directly in front of a 1.8m close board fence and hedging above.

6.16. **Impact on Health**

- 6.17. Paragraph 46 of the NPPF advises that the Local Planning Authority must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure. The application has submitted with the required information including a fully compliant ICNIRP certificate and as such no further consideration can be given with regard to health issues.

7. Conclusion

- 7.1. It is recommended that no prior approval be required for this development. On balance, the siting and design are acceptable and the proposal therefore complies with the aims of local and national planning policy to provide an efficient telecommunications system.

8. Recommendation

- 8.1. No prior approval required.

Case Officer: Amy Stevenson

Photo(s)

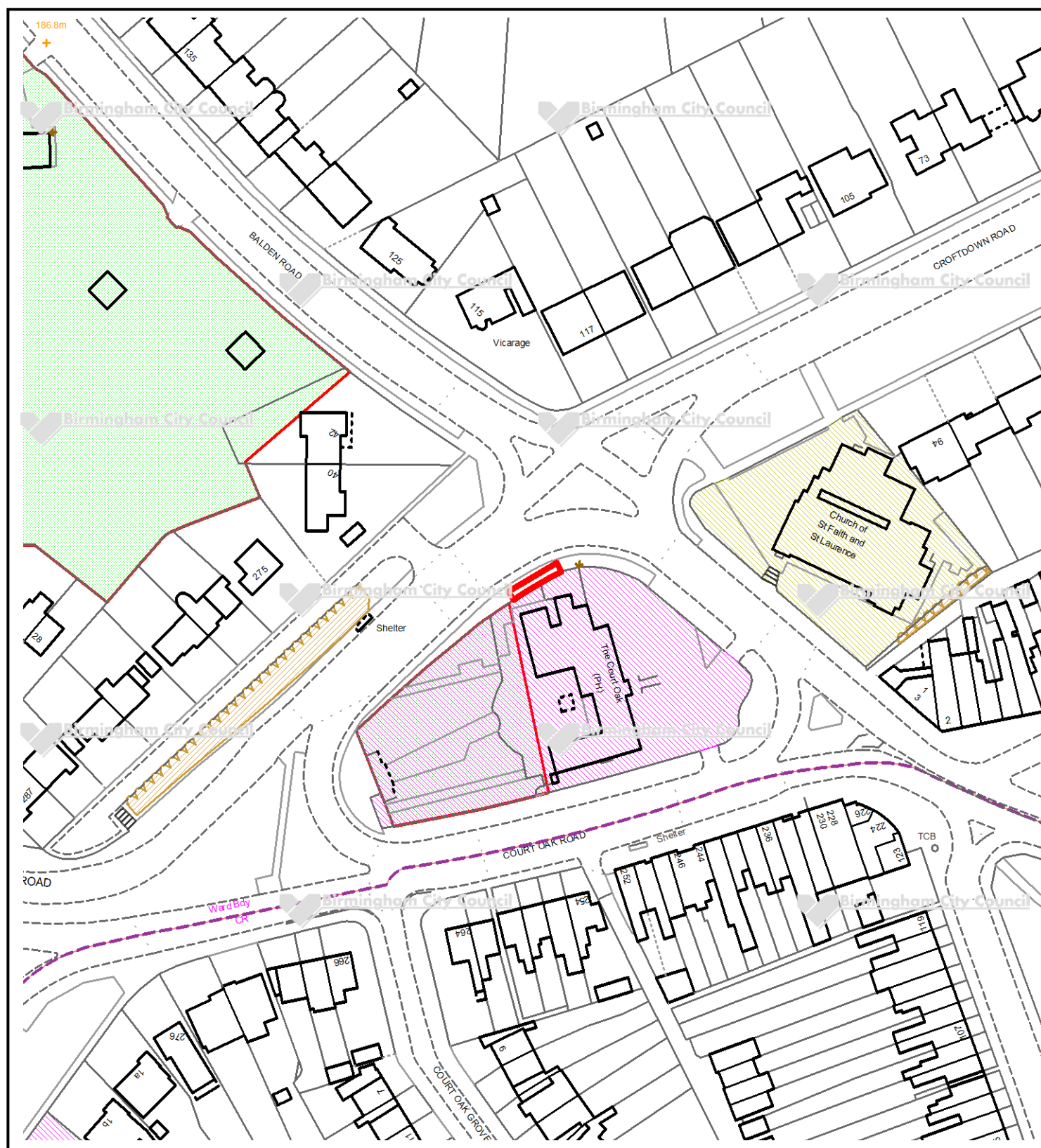


Photo 1: View of site from north



Photo 2: View of site looking west from Croftdown Road

Location Plan



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Birmingham City Council

Planning Committee

29 September 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	18	2016/05748/PA Grand Hotel 25 Colmore Row Birmingham B3 2QD Installation of a replacement shop front for Unit 2 at the Grand Hotel
Approve - Conditions	19	2016/05799/PA Grand Hotel 25 Colmore Row Birmingham B3 2QD Listed Building Consent for installation of a replacement shop front for Unit 2 at the Grand Hotel
Approve - Temporary	20	2016/07067/PA 91 Corporation Street Opposite City Centre Birmingham B2 4UG Installation of double sided digital advertising totem
Approve - Temporary	21	2016/07065/PA Smallbrook Queensway Outside TK Maxx Birmingham B5 4PJ Installation of double sided digital advertising totem

Committee Date:	29/09/2016	Application Number:	2016/05748/PA
Accepted:	19/07/2016	Application Type:	Full Planning
Target Date:	13/09/2016		
Ward:	Ladywood		

Grand Hotel, 25 Colmore Row, Birmingham, B3 2QD

Installation of a replacement shop front for Unit 2 at the Grand Hotel

Applicant: Hortons Estates Ltd
c/o Agent
Agent: CBRE
55 Temple Row, Birmingham, B2 5LS

Recommendation

Approve Subject To Conditions

1. Proposal

1.1 On 3 June 2016 a car crashed into Unit 2, 25 Colmore Row, shop premises, previously occupied by Crockett and Jones, causing significant damage to the shop front. The areas damaged include:

- shop window and structure;
- shop door structure;
- interior wall finishes;
- floor slab and pavement;
- interior floor finishes;
- ceilings;
- security shutter.

1.2 The applicant states that the damage to the shop front is beyond repair and this application, together with the accompanying Listed Building Consent application, seeks to replace it with a new shopfront of a different design.

1.3 The proposed new shop front would be timber framed to match the new timber shop fronts installed along the Colmore Row frontage. The former shop front had a manual retracting awning, fitted over a modern electric externally mounted security shutter and this scheme also includes a replacement awning.

1.4 The application is supported by a Design and Access Statement and an Heritage Statement. A photograph of the damaged shop front is appended to the report for Listed Building Consent, which appears elsewhere on your Committees agenda.

1.1. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The Grand Hotel, covering 0.4 hectares, is a primarily French Renaissance style collection of what are essentially five buildings built between 1879 and 1895. This collection of buildings exhibits a range of materials and architectural styles and varies in height from eight storeys on Colmore Row to a four storey element on Barwick Street. The building makes extensive use of roof space with dormer windows on all three elevations. The building is undergoing significant restoration, with works to the façade and roof near completion.
- 2.2. The buildings are arranged in a 'U' shape in plan with the longer elevations to Colmore Row and Barwick Street. The Grand forms the majority of this street block which is completed by the modern building occupied by Barclays on the corner of Livery Street.
- 2.3. The building forms an important historic backdrop to St Philip's Cathedral and churchyard and whilst being within the Colmore Row Business District it is also in close proximity to the civic and retail cores of the city. The Square is characterised by historic buildings (typically 6-8 storeys high) to the north and west, with more modern buildings to the south and east.

[Site Location](#)

3. Planning History

- 3.1. In 2004 the building was Grade II* listed in recognition of its impact on the character and appearance of the Conservation Area and special qualities such as the survival of the Grosvenor Suite ballroom and an early shop interior (Anatomical Boot Co.).
- 3.2. 26 April 2012 Application 2012/01148/PA. Listed Building Consent granted for selective demolition, internal & external alterations and extension of existing hotel building to include replacement external roof to Colmore Row, and extensions to the upper floors at rear of Barwick Street elevation and restoration of building facades.
- 3.3. 27 April 2012 Application 2012/01147/PA. Planning consent granted for selective demolition and minor extension of existing hotel with partial change of use to include: replacement extended roof to Colmore Row for hotel use, selective change of use from hotel to office use including rear extension to Barwick Street building, change of use at ground and lower ground floor (Colmore Row) from retail use to hotel use, change of use at lower ground floor (Barwick Street) from hotel to retail, extension of pavement at Church Street to accommodate new entrance canopy and vehicle drop off facility, installation of plant and machinery at roof level, creation of terraced area within courtyard and associated development.
- 3.4. 7 February 2014 Application 2013/09384/PA. Listed Building Consent granted for amendments to application 2012/01148/PA to allow for a reduction in demolition and new build as well as changes to the internal layout.
- 3.5. 14 March 2014 Application 2014/01435/PA. Planning consent granted for minor material amendment to planning application 2012/01147/PA to allow for internal reconfiguration of the building in line with Listed Building Consent 2013/09384/PA for, change of use at lower ground floor (Barwick Street) from hotel to drinking establishment and minor extension of the pavement at Barwick Street.
- 3.6. 10 December 2015 Application 2015/08604/PA. Listed Building Consent granted for internal alterations associated with change of use at basement, lower ground and

ground floor from hotel to restaurant/cafe, drinking establishment and the change of use on first and second floor from hotel to office.

- 3.7. 3 March 2016 Application 2015/08508/PA. Planning consent granted for the change of use at basement, lower ground and ground floor from hotel to restaurant/cafe, drinking establishment and the change of use on first and second floor from hotel to office.
- 3.8. 19 July 2016 Applications 2016/05799/PA. Listed Building Consent for installation of a replacement shop front for Unit 2 at the Grand Hotel – a report about this application appears elsewhere on your Committees agenda.
- 3.9. 3 August 2016 Applications 2016/03897/PA and 2016/03932/PA. Planning and Listed Building Consent granted for amendments to approved scheme (2012/01147/PA and 2013/09384/PA) to reflect design development resulting in the rationalisation of space and less demolition.
- 3.10. 18 August 2016 Applications 2016/04149/PA and 2016/04197/PA. Planning and Listed Building Consent granted for internal and external alterations to the Barwick building, including modified elevation and shop front details.
- 3.11. 7 September 2016 Application 2016/03898/PA. Listed Building Consent granted for minor amendments to application 2015/08604/PA to allow internal alterations to the retail and office areas of the Grand Hotel.

4. Consultation/PP Responses

- 4.1. Adjoining occupiers, Colmore Business Improvement District, Birmingham Civic Society, amenity societies and local councillors notified, no responses received. Site and press notices displayed. No comments received.
- 4.2. BCC Transportation Development – no objections subject to all works to remain within the private landownership and no works to infringe out onto the highway. If the proposed awning and projecting sign overhang HMPE footway they require a minimum headroom height of 2.6m and will require appropriate licensing.
- 4.3. BCC Regulatory Services – no objections.
- 4.4. Historic England - recommend that the historic 1930s shopfront in this Grade II* listed building be repaired and reconstructed, instead of being replaced as proposed. Therefore they recommend refusal of this application.
- 4.5. Twentieth Century Society - recommend that the shopfront be repaired and reconstructed based on photographic evidence and evidence remaining, with features replicated where they have been lost. Accordingly, they recommend refusal of the current application.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005 Saved Policies; Pre- Submission Birmingham Development Plan 2031; Colmore Row and Environs Conservation Area Character Appraisal and Management Plan SPD and the National Planning Policy Framework 2012 (NPPF).

- 5.2. The Grand Hotel is Grade II* listed and within the Colmore Row and Environs Conservation Area. The hotel fronts the Grade I listed St Philip's Cathedral and is close to the Grade II listed 55 Colmore Row.

6. Planning Considerations

Policy

- 6.1. Guidance in relation to the conservation of a historic environment is provided for through the UDP Policy 3.25. It states that any development affecting a listed building should preserve or enhance its character, with special regard given to the desirability of securing retention, restoration and continued use of the buildings of special historic interest. Furthermore it states that consent for demolition or partial demolition will not be granted, unless reasonably demonstrated that every possible effort has been explored in order to preserve the structure of the building.
- 6.2. The UDP also provides guidance on development within Conservation Areas. Policy 3.27 states that new development should respect the character of existing architecture in scale, grouping and materials.
- 6.3. The NPPF para 131 states that local planning authorities are required to take account of the desirability of sustaining and enhancing the significance of the heritage asset, the contribution that conservation of heritage assets can make to sustainable communities, the desirability of new development making a positive contribution to local distinctiveness and character and that, wherever possible, such assets should be put to an appropriate and viable use that is consistent with their conservation. Further guidance is provided by paras 132 and 134.
- 6.4. The Pre Submission Birmingham Development Plan, Policy TP12 states that great weight will be given to the conservation of the City's heritage assets and that such features will be valued, protected, enhanced and managed for their contribution to the character, local distinctiveness and sustainability of the City.

Objection from Historic England and Twentieth Century Society

- 6.5. Historic England and the Twentieth Century Society consider that the shopfront was an important part of the architectural and historical narrative of the site, being what is now a rare 1930s shopfront with green vitrolite, bronze/anodised bronze/metal framing, with fluted rails, an off-centre lobby of interesting form, with a small display window and a larger display window. They consider that it contributed to the significance of the listed building and to the significance of the conservation area. They note that the larger display window was destroyed by the crash but many features survive. They therefore consider that the shopfront could be repaired and reconstructed.
- 6.6. The statutory duty under sections 16 and 66 of the 1990 Act is to have special regard to the desirability of preserving the listed building or its setting or any features of special interest it possesses. English Heritage consider that this shopfront is such a feature. Under paragraph 132 of the NPPF great weight should be given to the conservation of a heritage asset. Great weight therefore should be given to the conservation of this shopfront. Under the same paragraph 'any harm or loss requires clear and convincing justification'. They do not consider that this justification has been provided. Neither are they convinced by the replacement of the historic shopfront in the interest of unifying the parade of shops.

- 6.7. As the application also affects a conservation area the statutory duty is to preserve or enhance the character and appearance of the conservation area under section 72 of the 1990 Act. They consider that the repair and reconstruction of the historic 1930s shopfront would preserve and enhance the conservation area, whilst its replacement would not.

Assessment of Significance

- 6.8. A full Assessment of Significance was submitted with the original planning and listed building consent applications (2012/01147/PA & 2012/01148/PA). Within the Assessment of Significance (p.32) Crockett and Jones (Unit 2) is recognised as possessing some interest. The Assessment of Significance goes on to reference that, "All the shops on Colmore Row have been altered. Most have modern shop fronts and interiors with suspended ceilings. It is possible that above the suspended ceilings are the damaged remains of earlier ceilings. It notes that Shop Number 25 (Crockett and Jones) has an early interior and shop front which is mentioned in the listing description. However, the present shop front is not the original and the greater majority of the shop interior is early to late 20th century".
- 6.9. The overall conclusion of the Statement of Significance states, "Whilst there are some very limited and specific areas of aesthetic quality and significance such as the principal stair in Building 1, the Grosvenor Room in Building 4, and the front and rear elevations of Building 4, the greater part of the buildings have little distinction".

Impact on the Listed Building and Conservation Area

- 6.10. Unit 2 is the premises of the Anatomical Boot Co. also known as Crockett and Jones and contains an early 20th century shop interior that is described in the list description as follows;

"The Anatomical Boot Co Ltd at 25 Colmore Row has an early C20 shop interior of c.1909 when the company moved to the premises. Iron columns which support the upper building can be seen in the side walls, presumably from the Plevins building of 1875. The ceiling is panelled and papered with Lincrusta and there is a frieze with stylised paterae and trygliphs, also of Lincrusta, running around the front of the shop and across a wooden screen which divides the space. This has 3 cusped arches supported on columns and lattice work to the upper body with a miniature balustrade and finials."

- 6.11. The shopfront, although not described in the listing was slightly later being 1930's it was a good example of an early 20th century shopfront using high quality materials including bronze and vitrolite. As part of the restoration of the building the shop had been protected during the construction period and was being retained as part of the approved restoration scheme.
- 6.12. Unfortunately the day after the protective hoardings were removed from the shopfront a car drove into it. As a result of this the proposals have been submitted to replace the shopfront with one in the same form as the other shop units to a design that has been approved as part of the restoration works.
- 6.13. The car accident caused substantial damage to the shopfront and resulted in the additional structural issue of the collapsed floor which will require the removal of the remaining but damaged fabric. This will result in the removal of the shop front in its entirety. The applicants have informed us that given the level of damage the historic shopfront would be beyond viable practicable repair, which I have no reason

to doubt. This would result in an entirely new recreated shopfront. The applicants have stated that there is also a cost implication for this option and they do not feel that recreation is the most appropriate approach.

- 6.14. My Conservation Officer considers that, there is an argument for both sides. In this instance taking into consideration, the contribution of the shopfront to the overall significance of the listed building, that the significance of the shopfront was weighted in the survival of its historic fabric, and a facsimile of this would not hold the same level of significance, he does not object to the replacement with an alternative design. The surviving early shop interior remains and this will be retained and repaired as part of the proposals.
- 6.15. This unfortunate event has provided the opportunity to unify the entire Colmore Row street elevation. The proposed new timber shop front would match the new timber shop fronts recently installed along the Colmore Row frontage, which were considered to be acceptable. The scheme also includes a replacement awning.
- 6.16. I note that Historic England consider that the proposed shop front would not preserve the character of the listed building or the Conservation Area. However, they previously raised no objections to the design of the replacement shopfronts to the other retail units. My Conservation Officer and I therefore consider that the proposed new timber shopfront is of an acceptable design. Furthermore, given that the demolished shop front is beyond repair, the proposed new shopfront would preserve and enhance both the listed building and the character of the Conservation Area. Although some harm would be caused by not re-instating a facsimile of the 1930's shopfront, this harm would be less than substantial.

Other Matters

- 6.17. BCC Transportation have no objections and further information has been requested as to whether or not the proposed awning will overhang the HMPE footway.

7. Conclusion

- 7.1. As set out in the Statement of Significance, the Crockett and Jones (Unit 2) is recognised as possessing some interest and is mentioned in the listed description. However, the present shop front is not the original and the greater majority of the shop interior is early to late 20th century.
- 7.2. I note Historic England and the Twentieth Century Society recommend refusal, however, given the level of damage according to the applicant is beyond practicable repair, then on balance taking into account the contribution of the shopfront to the overall significance of the listed building and that a facsimile of the shopfront would not hold the same level of significance, then I do not object to its replacement with an alternative design.

8. Recommendation

- 8.1. Approve subject to conditions

1	Requires that the materials used match the main building
---	--

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

3 Requires the prior submission of details of the awning

4 Limits the approval to 3 years (Full)

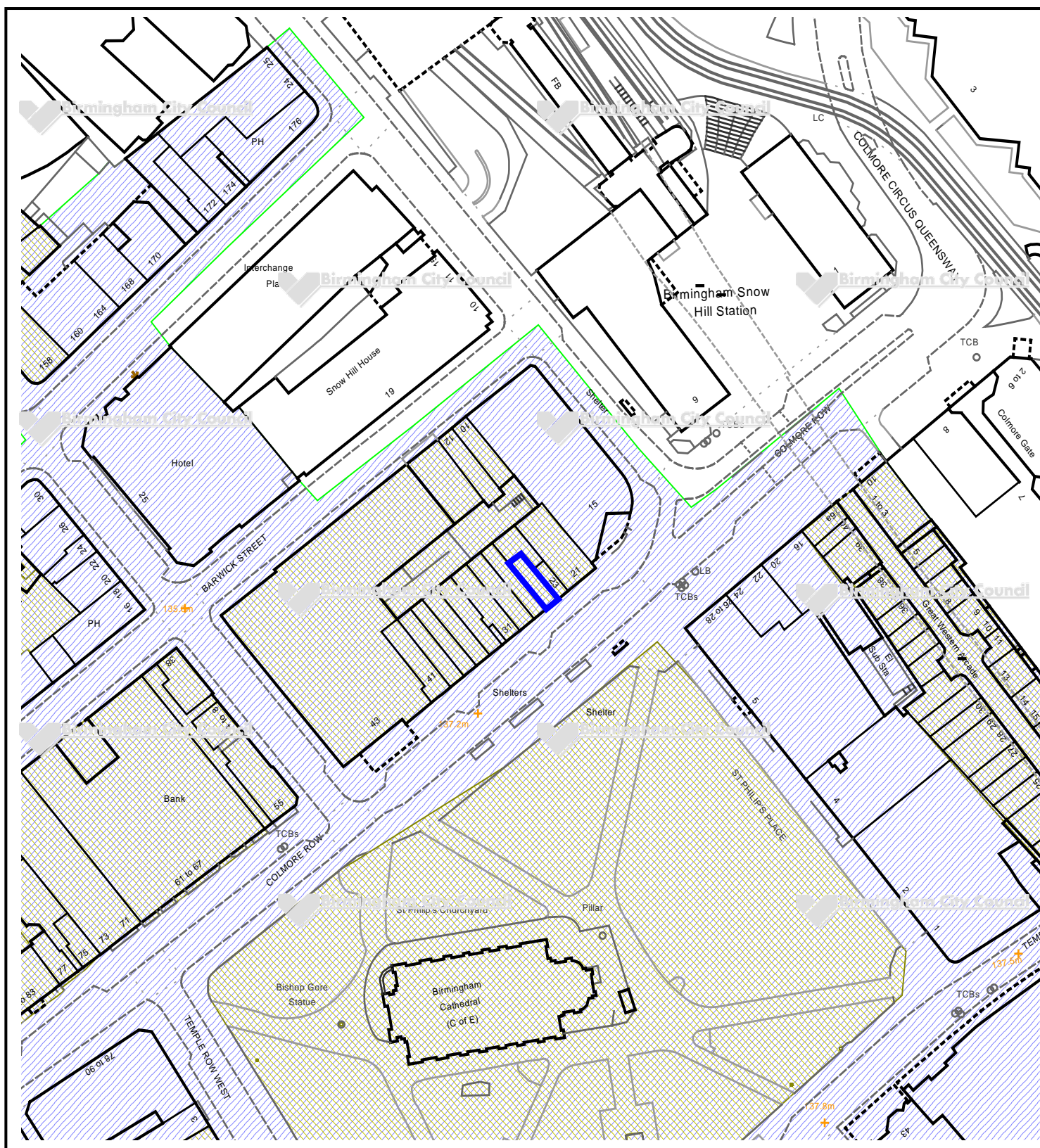
Case Officer: David Wells

Photo(s)



View of shop front

Location Plan



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Committee Date:	29/09/2016	Application Number:	2016/05799/PA
Accepted:	19/07/2016	Application Type:	Listed Building
Target Date:	13/09/2016		
Ward:	Ladywood		

Grand Hotel, 25 Colmore Row, Birmingham, B3 2QD

Listed Building Consent for installation of a replacement shop front for Unit 2 at the Grand Hotel

Applicant:	Hortons Estates Ltd c/o Agent
Agent:	CBRE 55 Temple Row, Birmingham, B2 5LS

Recommendation

Approve Subject To Conditions

1. Proposal

1.1 On 3 June 2016 a car crashed into Unit 2, 25 Colmore Row, shop premises, previously occupied by Crockett and Jones, causing significant damage to the shop front. The areas damaged include:

- shop window and structure;
- shop door structure;
- interior wall finishes;
- floor slab and pavement;
- interior floor finishes;
- ceilings;
- security shutter.

1.2 The applicant states that the damage to the shop front is beyond repair and this application, together with the accompanying planning application, seeks to replace it with a new shopfront of a different design.

1.3 The proposed new shop front would be timber framed to match the new timber shop fronts installed along the Colmore Row frontage. The former shop front had a manual retracting awning, fitted over a modern electric externally mounted security shutter and this scheme also includes a replacement awning.

1.4 The application is supported by a Design and Access Statement and an Heritage Statement. A photograph of the damaged shop front is appended to this report.

1.1. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The Grand Hotel, covering 0.4 hectares, is a primarily French Renaissance style collection of what are essentially five buildings built between 1879 and 1895. This collection of buildings exhibits a range of materials and architectural styles and varies in height from eight storeys on Colmore Row to a four storey element on Barwick Street. The building makes extensive use of roof space with dormer windows on all three elevations. The building is undergoing significant restoration, with works to the façade and roof near completion.
- 2.2. The buildings are arranged in a 'U' shape in plan with the longer elevations to Colmore Row and Barwick Street. The Grand forms the majority of this street block which is completed by the modern building occupied by Barclays on the corner of Livery Street.
- 2.3. The building forms an important historic backdrop to St Philip's Cathedral and churchyard and whilst being within the Colmore Row Business District it is also in close proximity to the civic and retail cores of the city. The Square is characterised by historic buildings (typically 6-8 storeys high) to the north and west, with more modern buildings to the south and east.

[Site Location](#)

3. Planning History

- 3.1. In 2004 the building was Grade II* listed in recognition of its impact on the character and appearance of the Conservation Area and special qualities such as the survival of the Grosvenor Suite ballroom and an early shop interior (Anatomical Boot Co.).
- 3.2. 26 April 2012 Application 2012/01148/PA. Listed Building Consent granted for selective demolition, internal & external alterations and extension of existing hotel building to include replacement external roof to Colmore Row, and extensions to the upper floors at rear of Barwick Street elevation and restoration of building facades.
- 3.3. 27 April 2012 Application 2012/01147/PA. Planning consent granted for selective demolition and minor extension of existing hotel with partial change of use to include: replacement extended roof to Colmore Row for hotel use, selective change of use from hotel to office use including rear extension to Barwick Street building, change of use at ground and lower ground floor (Colmore Row) from retail use to hotel use, change of use at lower ground floor (Barwick Street) from hotel to retail, extension of pavement at Church Street to accommodate new entrance canopy and vehicle drop off facility, installation of plant and machinery at roof level, creation of terraced area within courtyard and associated development.
- 3.4. 7 February 2014 Application 2013/09384/PA. Listed Building Consent granted for amendments to application 2012/01148/PA to allow for a reduction in demolition and new build as well as changes to the internal layout.
- 3.5. 14 March 2014 Application 2014/01435/PA. Planning consent granted for minor material amendment to planning application 2012/01147/PA to allow for internal reconfiguration of the building in line with Listed Building Consent 2013/09384/PA for, change of use at lower ground floor (Barwick Street) from hotel to drinking establishment and minor extension of the pavement at Barwick Street.
- 3.6. 10 December 2015 Application 2015/08604/PA. Listed Building Consent granted for internal alterations associated with change of use at basement, lower ground and

ground floor from hotel to restaurant/cafe, drinking establishment and the change of use on first and second floor from hotel to office.

- 3.7. 3 March 2016 Application 2015/08508/PA. Planning consent granted for the change of use at basement, lower ground and ground floor from hotel to restaurant/cafe, drinking establishment and the change of use on first and second floor from hotel to office.
- 3.8. 19 July 2016 Application 2016/05748/PA. Planning application for installation of a replacement shop front for Unit 2 at the Grand Hotel – a report about this application appears elsewhere on your Committees agenda.
- 3.9. 3 August 2016 Applications 2016/03897/PA and 2016/03932/PA. Planning and Listed Building Consent granted for amendments to approved scheme (2012/01147/PA and 2013/09384/PA) to reflect design development resulting in the rationalisation of space and less demolition.
- 3.10. 18 August 2016 Applications 2016/04149/PA and 2016/04197/PA. Planning and Listed Building Consent granted for internal and external alterations to the Barwick building, including modified elevation and shop front details.
- 3.11. 7 September 2016 Application 2016/03898/PA. Listed Building Consent granted for minor amendments to application 2015/08604/PA to allow internal alterations to the retail and office areas of the Grand Hotel.

4. Consultation/PP Responses

- 4.1. Adjoining occupiers, Colmore Business Improvement District, Birmingham Civic Society, amenity societies and local councillors notified, no responses received. Site and press notices displayed. No comments received.
- 4.2. BCC Transportation Development – no objections subject to all works to remain within the private landownership and no works to infringe out onto the highway. If the proposed awning and projecting sign overhang HMPE footway they require a minimum headroom height of 2.6m and will require appropriate licensing.
- 4.3. BCC Regulatory Services – no objections.
- 4.4. Historic England - recommend that the historic 1930s shopfront in this Grade II* listed building be repaired and reconstructed, instead of being replaced as proposed. Therefore they recommend refusal of this application.
- 4.5. Twentieth Century Society - recommend that the shopfront be repaired and reconstructed based on photographic evidence and evidence remaining, with features replicated where they have been lost. Accordingly, they recommend refusal of the current application.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005 Saved Policies; Pre- Submission Birmingham Development Plan 2031; Colmore Row and Environs Conservation Area Character Appraisal and Management Plan SPD and the National Planning Policy Framework 2012 (NPPF).

- 5.2. The Grand Hotel is Grade II* listed and within the Colmore Row and Environs Conservation Area. The hotel fronts the Grade I listed St Philip's Cathedral and is close to the Grade II listed 55 Colmore Row.

6. Planning Considerations

Policy

- 6.1. Guidance in relation to the conservation of a historic environment is provided for through the UDP Policy 3.25. It states that any development affecting a listed building should preserve or enhance its character, with special regard given to the desirability of securing retention, restoration and continued use of the buildings of special historic interest. Furthermore it states that consent for demolition or partial demolition will not be granted, unless reasonably demonstrated that every possible effort has been explored in order to preserve the structure of the building.
- 6.2. The UDP also provides guidance on development within Conservation Areas. Policy 3.27 states that new development should respect the character of existing architecture in scale, grouping and materials.
- 6.3. The NPPF para 131 states that local planning authorities are required to take account of the desirability of sustaining and enhancing the significance of the heritage asset, the contribution that conservation of heritage assets can make to sustainable communities, the desirability of new development making a positive contribution to local distinctiveness and character and that, wherever possible, such assets should be put to an appropriate and viable use that is consistent with their conservation. Further guidance is provided by paras 132 and 134.
- 6.4. The Pre Submission Birmingham Development Plan, Policy TP12 states that great weight will be given to the conservation of the City's heritage assets and that such features will be valued, protected, enhanced and managed for their contribution to the character, local distinctiveness and sustainability of the City.

Objection from Historic England and the Twentieth Century Society

- 6.5. Historic England and the Twentieth Century Society consider that the shopfront was an important part of the architectural and historical narrative of the site, being what is now a rare 1930s shopfront with green vitrolite, bronze/anodised bronze/metal framing, with fluted rails, an off-centre lobby of interesting form, with a small display window and a larger display window. They consider that it contributed to the significance of the listed building and to the significance of the conservation area. They note that the larger display window was destroyed by the crash but many features survive. They therefore consider that the shopfront could be repaired and reconstructed.
- 6.6. The statutory duty under sections 16 and 66 of the 1990 Act is to have special regard to the desirability of preserving the listed building or its setting or any features of special interest it possesses. They consider that this shopfront is such a feature. Under paragraph 132 of the NPPF great weight should be given to the conservation of a heritage asset. Great weight therefore should be given to the conservation of this shopfront. Under the same paragraph 'any harm or loss requires clear and convincing justification'. They do not consider that this justification has been provided. Neither are they convinced by the replacement of the historic shopfront in the interest of unifying the parade of shops.

- 6.7. As the application also affects a conservation area the statutory duty is to preserve or enhance the character and appearance of the conservation area under section 72 of the 1990 Act. They consider that the repair and reconstruction of the historic 1930s shopfront would preserve and enhance the conservation area, whilst its replacement would not.

Assessment of Significance

- 6.8. A full Assessment of Significance was submitted with the original planning and listed building consent applications (2012/01147/PA & 2012/01148/PA). Within the Assessment of Significance (p.32) Crockett and Jones (Unit 2) is recognised as possessing some interest. The Assessment of Significance goes on to reference that, "All the shops on Colmore Row have been altered. Most have modern shop fronts and interiors with suspended ceilings. It is possible that above the suspended ceilings are the damaged remains of earlier ceilings. It notes that Shop Number 25 (Crockett and Jones) has an early interior and shop front which is mentioned in the listing description. However, the present shop front is not the original and the greater majority of the shop interior is early to late 20th century".
- 6.9. The overall conclusion of the Statement of Significance states, "Whilst there are some very limited and specific areas of aesthetic quality and significance such as the principal stair in Building 1, the Grosvenor Room in Building 4, and the front and rear elevations of Building 4, the greater part of the buildings have little distinction".

Impact on the Listed Building and Conservation Area

- 6.10. Unit 2 is the premises of the Anatomical Boot Co. also known as Crockett and Jones and contains an early 20th century shop interior that is described in the list description as follows;

"The Anatomical Boot Co Ltd at 25 Colmore Row has an early C20 shop interior of c.1909 when the company moved to the premises. Iron columns which support the upper building can be seen in the side walls, presumably from the Plevins building of 1875. The ceiling is panelled and papered with Lincrusta and there is a frieze with stylised paterae and trygliphs, also of Lincrusta, running around the front of the shop and across a wooden screen which divides the space. This has 3 cusped arches supported on columns and lattice work to the upper body with a miniature balustrade and finials."

- 6.11. The shopfront, although not described in the listing was slightly later being 1930's it was a good example of an early 20th century shopfront using high quality materials including bronze and vitrolite. As part of the restoration of the building the shop had been protected during the construction period and was being retained as part of the approved restoration scheme.
- 6.12. Unfortunately the day after the protective hoardings were removed from the shopfront a car drove into it. As a result of this the proposals have been submitted to replace the shopfront with one in the same form as the other shop units to a design that has been approved as part of the restoration works.
- 6.13. The car accident caused substantial damage to the shopfront and resulted in the additional structural issue of the collapsed floor which will require the removal of the remaining but damaged fabric. This will result in the removal of the shop front in its entirety. The applicants have informed us that given the level of damage the historic shopfront would be beyond viable practicable repair, which I have no reason

to doubt. This would result in an entirely new recreated shopfront. The applicants have stated that there is also a cost implication for this option and they do not feel that recreation is the most appropriate approach.

- 6.14. My Conservation Officer considers that there is an argument for both sides. In this instance taking into consideration, the contribution of the shopfront to the overall significance of the listed building, that the significance of the shopfront was weighted in the survival of its historic fabric, and a facsimile of this would not hold the same level of significance, he does not object to the replacement with an alternative design. The surviving early shop interior remains and this will be retained and repaired as part of the proposals.
- 6.15. This unfortunate event has provided the opportunity to unify the entire Colmore Row street elevation. The proposed new timber shop front would match the new timber shop fronts recently installed along the Colmore Row frontage, which were considered to be acceptable. The scheme also includes a replacement awning.
- 6.16. I note that Historic England and the Twentieth Century Society consider that the proposed shop front would not preserve the character of the listed building or the Conservation Area. However, they previously raised no objections to the design of the replacement shopfronts to the other retail units. My Conservation Officer and I therefore consider that the proposed new timber shopfront is of an acceptable design. Furthermore, given that the demolished shop front is beyond repair, the proposed new shopfront would preserve and enhance both the listed building and the character of the Conservation Area. Although some harm would be caused by not re-instating a facsimile of the 1930's shopfront, this harm would be less than substantial.

7. Conclusion

- 7.1. As set out in the Statement of Significance, the Crockett and Jones (Unit 2) is recognised as possessing some interest and is mentioned in the listed description. However, the present shop front is not the original and the greater majority of the shop interior is early to late 20th century.
- 7.2. I note Historic England and the Twentieth Century Society recommend refusal, however, given the level of damage according to the applicant is beyond practicable repair, then on balance taking into account the contribution of the shopfront to the overall significance of the listed building and that a facsimile of the shopfront would not hold the same level of significance, then I do not object to its replacement with an alternative design.

8. Recommendation

- 8.1. Approve subject to conditions

-
- 1 Requires that the materials used match the main building
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Requires the prior submission of details of the awning
 - 4 Requires the prior submission of Structural Recording
-

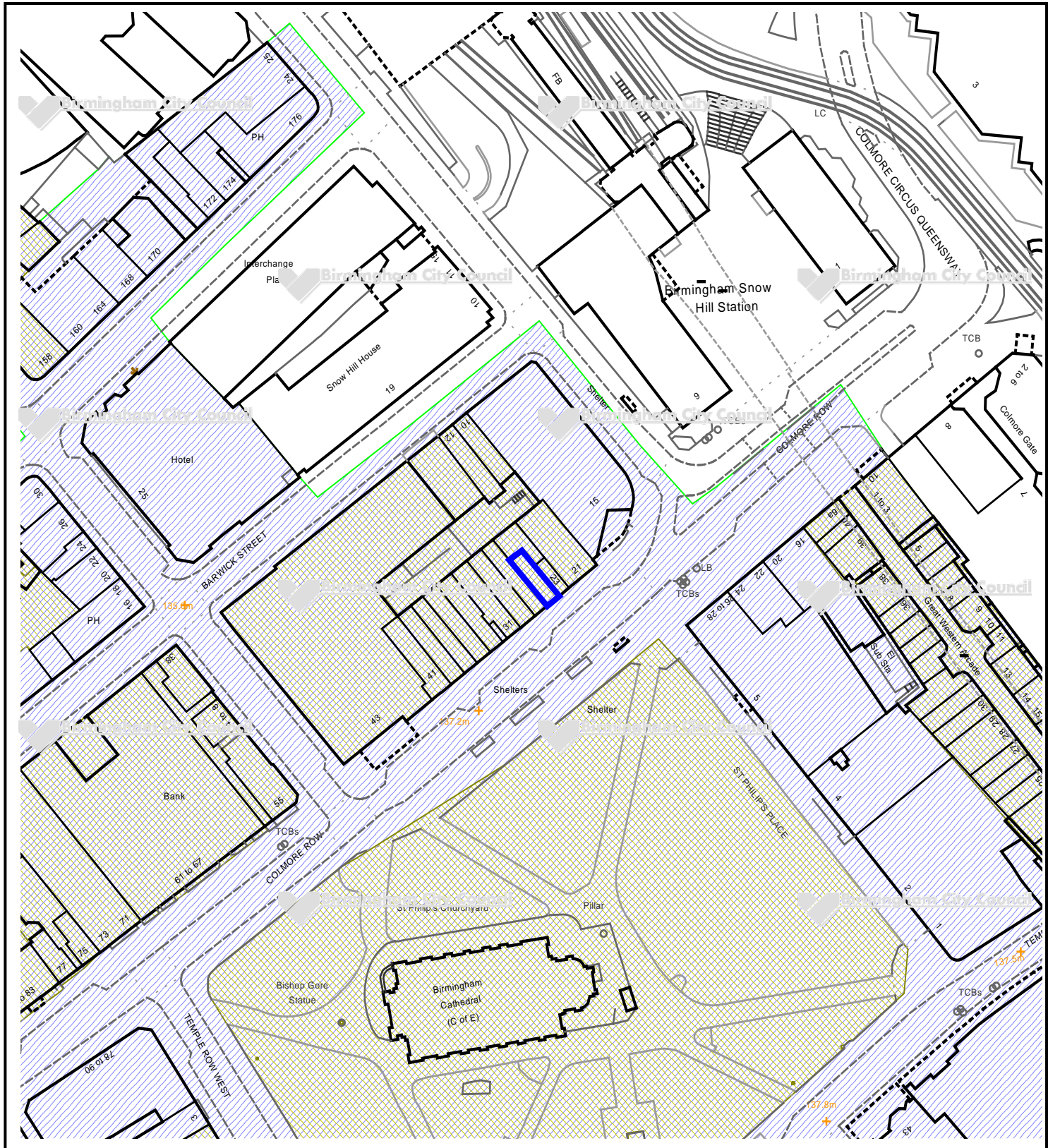
Case Officer: David Wells

Photo(s)



View of damaged shop front

Location Plan



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Committee Date:	29/09/2016	Application Number:	2016/07067/PA
Accepted:	17/08/2016	Application Type:	Advertisement
Target Date:	12/10/2016		
Ward:	Ladywood		

91 Corporation Street, Opposite, City Centre, Birmingham, B2 4UG

Installation of double sided digital advertising totem

Applicant: Signature Outdoor Ltd
1st Floor, 2 Snow Hill, Snow Hill Queensway, Birmingham, B4 6GA
Agent:

Recommendation
Approve Temporary

1. Proposal

- 1.1. This application seeks advertisement consent for the installation 1 no. double sided digital advertising totem outside 91 Corporation Street.
- 1.2. The advertisement unit would measure 2.2m (h) x 1.2m (w) x 0.2m (d). The advertisement area would be set 0.4m above the ground. The unit would be made of stainless steel and glass and would be internally illuminated at 300cd/m. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre.
- 1.3. The proposed advert unit is part of a contract with the City.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to the pavement edge on Corporation Street. To the south of the site is Martineau Place made up of a mix of restaurants, shops and an aparthotel. The surrounding area is predominantly commercial.
- 2.2. [Site Location](#)

3. Planning History

- 3.1. None relevant.

4. Consultation/PP Responses

- 4.1. Birmingham City Centre Management and Retail Birmingham Business Improvement District notified. No response received.

- 4.2. Centro – May require necessary permits from Midland metro, advertisement unit needs to be a minimum of 3.3m for the edge, confirmation of feeder pillar required and application needs understanding of the earthing and bonding arrangement
- 4.3. Transportation Development - No objections subject to conditions that the advert shall not display messages, emit noise, sound, smoke, smell or odours, default mechanism, not include interactive messages, the advert should include a dimmer control and photo cell to constantly monitor ambient light conditions and adjust sign brightness and illumination shall be no greater than 300 candelas and a scheme to control maximum luminance of the display to be submitted.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005, Pre-Submission Birmingham Development Plan 2031, National Planning Policy Framework

6. Planning Considerations

- 6.1. The National Planning Policy Framework states that advertisements should be subject to control only in the interests of amenity and public safety.

AMENITY

- 6.2. The proposed advertisement would be located within a largely commercial city centre context on the edge of pavement. It is considered the proposed advertisement unit would be in scale with the surrounding buildings and structures. On balance, it is considered the advertisement in relation to the existing street furniture, would not result in unacceptable clutter or a concentration of advertisements within the surrounding area and would be acceptable in this location.
- 6.3. Comments from Centro have been noted and the applicant has been made aware of the requirements and permits.

HIGHWAY SAFETY

- 6.4. Transportation Development have no objections to the proposal subject to conditions. It is noted the footway is over 8m wide with the Metro running in the central area and this should have no effects on a suitable pedestrian footway width. The totem would be clear of adjacent junctions and doesn't affect any required visibility splay. The position in the wide footway appears to leave a width of 2m free up to the buildings and 4m up to the passing width of a tram. I concur with this view and have attached conditions accordingly.

7. Conclusion

- 7.1. I consider the proposal to be acceptable.

8. Recommendation

- 8.1. Approve Temporary

1 Limits the use of advert

2 Limits length of the display of advert

-
- 3 Limits the control of the intensity of the illumination
 - 4 Power Supply and Making Good of Damage
 - 5 Requires the scheme to be in accordance with the listed approved plans
 - 6 Limits the approval to 5 years (advert)
-

Case Officer: Anh Do

Photo(s)

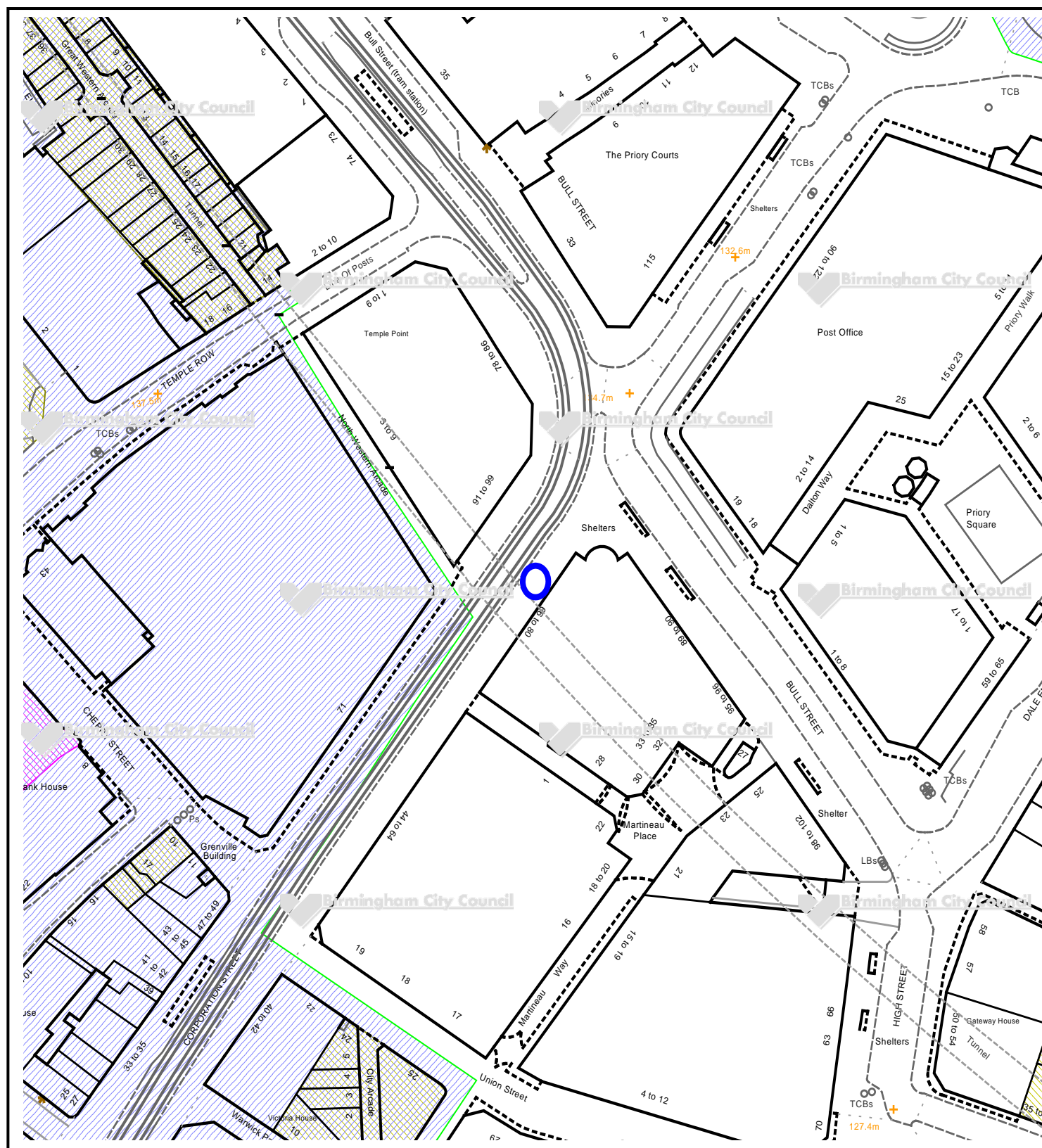


Figure 1 View North



Figure 2 View South

Location Plan



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Committee Date:	29/09/2016	Application Number:	2016/07065/PA
Accepted:	17/08/2016	Application Type:	Advertisement
Target Date:	12/10/2016		
Ward:	Ladywood		

Smallbrook Queensway, Outside TK Maxx, Birmingham, B5 4PJ

Installation of double sided digital advertising totem

Applicant: Signature Outdoor Ltd
1st Floor, 2 Snow Hill, Snow Hill Queensway, Birmingham, B4 6GA
Agent:

Recommendation
Approve Temporary

1. Proposal

- 1.1. This application seeks advertisement consent for the installation of 1 no. double sided digital advertising totem on Smallbrook Queensway.
- 1.2. The advertisement unit would measure 2.2m (h) x 1.2m (w) x 0.2m (d). The advertisement area would be set 0.4m above the ground. The unit would be made of stainless steel and glass and would be internally illuminated at 300cd/m. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre.
- 1.3. The proposed advert unit is part of a contract with the City.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to the pavement adjacent to an existing lamp post and in close proximity to a traffic light crossing. To the north of the site is New Street Station. To the east and west is the Bullring Shopping Centre. There are digital advertisements approximately 80m to the west of the site and 20m to the south east of the site.
- 2.2. [Site Location](#)

3. Planning History

- 3.1. None relevant.

4. Consultation/PP Responses

- 4.1. Birmingham City Centre Management and Retail Birmingham Business Improvement District notified. No response received.

- 4.2. Transportation Development – No objections subject to conditions that the advert shall not display messages, emit noise, sound, smoke, smell or odours, default mechanism, not include interactive messages, the advert should include a dimmer control and photo cell to constantly monitor ambient light conditions and adjust sign brightness and illumination shall be no greater than 300 candelas and a scheme to control maximum luminance of the display to be submitted.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005, Pre-Submission Birmingham Development Plan 2031, National Planning Policy Framework

6. Planning Considerations

- 6.1. The National Planning Policy Framework states that advertisements should be subject to control only in the interests of amenity and public safety.

AMENITY

- 6.2. The proposed advertisement would be located within a largely commercial city centre context on the edge of pavement. It is considered the proposed advertisement unit would be in scale with the surrounding buildings and structures. Although there are two other digital signs within the vicinity, given the commercial location, it is considered the proposal would not result in a concentration of advertisements within the surrounding area. On balance, it is considered the advertisement in relation to the existing street furniture would not result in unacceptable clutter and would be acceptable in this location.

HIGHWAY SAFETY

- 6.3. Transportation Development have no objections to the proposal subject to conditions as it is considered it would not have an effect on the available pedestrian width or visibility splay. The static display in this location would not cause a distraction to pedestrians crossing or drivers at the traffic signals. Amendments have been received relocating the totem by 500mm from the adjacent lamp column to allow access to the service hatch in the base of the column. I concur with this view and have attached conditions accordingly.

7. Conclusion

- 7.1. I consider the proposal to be acceptable.

8. Recommendation

- 8.1. Approve Temporary

-
- | | |
|---|---|
| 1 | Limits the use of advert |
| 2 | Limits length of the display of advert |
| 3 | Limits the control of the intensity of the illumination |
| 4 | Power Supply and Making Good of Damage |
-

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

6 Limits the approval to 5 years (advert)

Case Officer: Anh Do

Photo(s)



Figure 1 View North

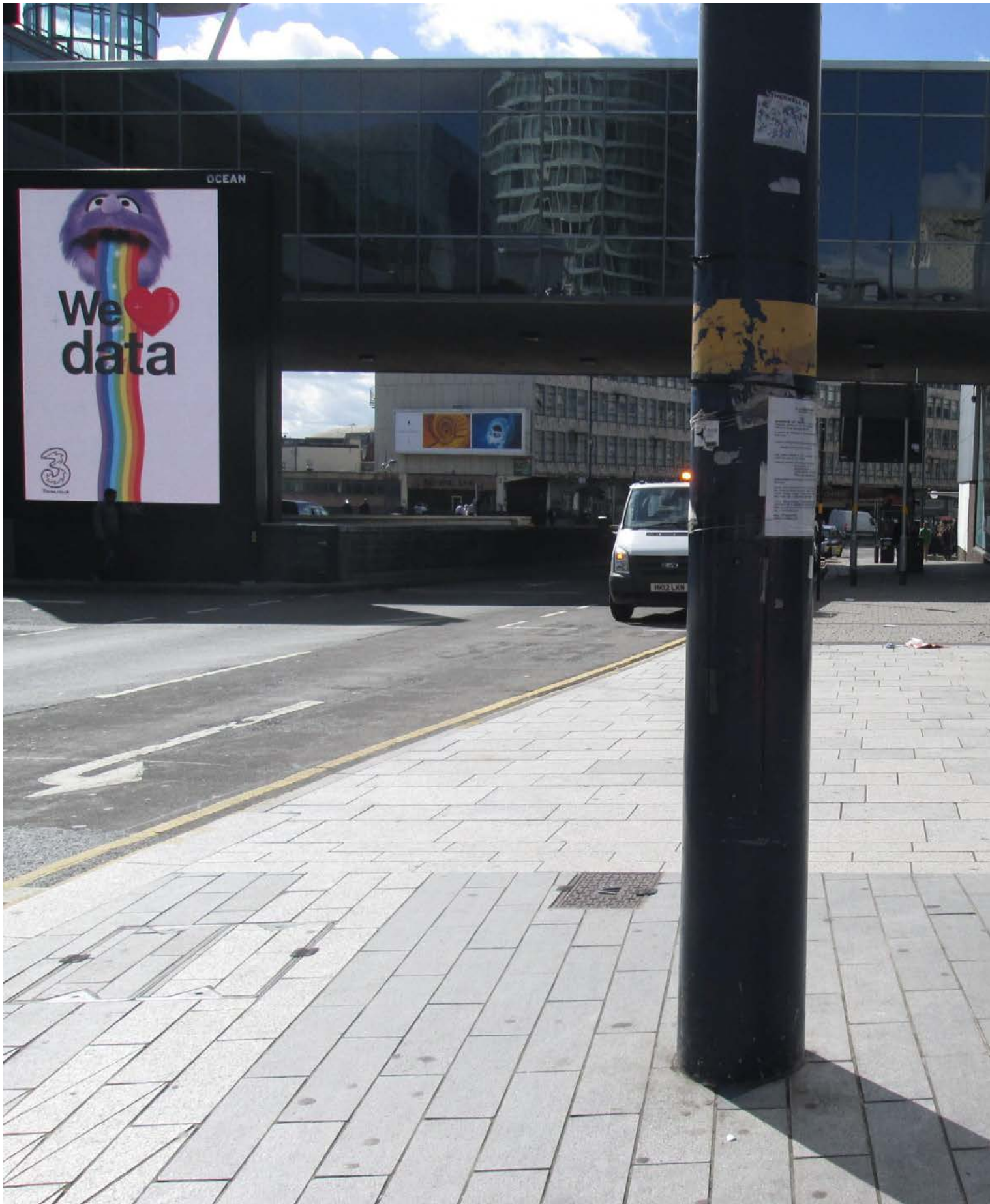
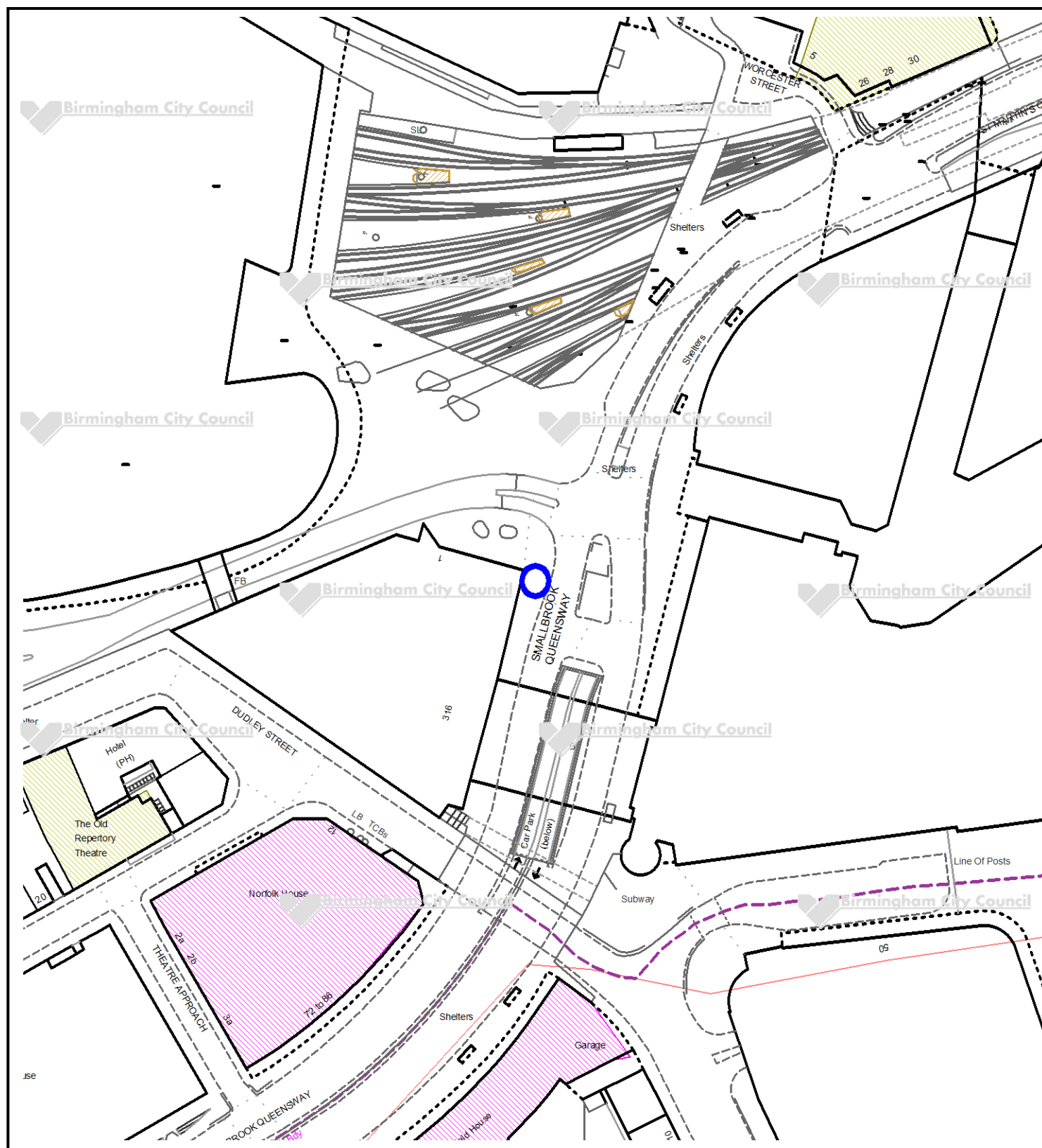


Figure 2 View South

Location Plan



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