

Birmingham City Council

Planning Committee

24 November 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	8	2016/04804/PA 2A Frederick Road Selly Oak Birmingham B29 6PB Demolition of existing office building and erection of 48 bed student halls of residence with associated parking access and landscaping.
Approve - Conditions	9	2016/07112/PA 15 Birch Hollow Edgbaston Birmingham B15 2QE Erection of first floor side extension, two storey and single storey rear extension and single storey front extension
Approve - Conditions	10	2016/03703/PA Lifford Park - former Arvin Meritor Works Fordhouse Lane Stirchley Birmingham B30 3BW Outline planning application for the removal of buildings and other structures and construction of up to 101 dwellings, together with parking spaces, landscaping, open space, footpaths and cycleways (all matters reserved except access)

Defer – Informal Approval	11	<p>2016/05824/PA</p> <p>Silver Street Lidl Kings Heath Birmingham B14 7QU</p> <p>Demolition of existing foodstore and former neighbourhood office and construction of replacement foodstore, formation of access and car parking, and associated landscaping</p>
Approve - Conditions	12	<p>2016/07041/PA</p> <p>Land to the rear (east) of Park House, Priorsfield, Peter Scott House, and Lucas House Conference Centre off Edgbaston Park Road Edgbaston Birmingham B15 2RA</p> <p>Construction of a new athletics track, floodlighting and changing / club house facility</p>
Approve - Temporary	13	<p>2016/07871/PA</p> <p>Junction of Robin Hood Lane/Highfield Road Hall Green Birmingham B28 0JE</p> <p>Display of 4 non-illuminated free-standing roundabout signs</p>

Committee Date:	24/11/2016	Application Number:	2016/04804/PA
Accepted:	26/10/2016	Application Type:	Full Planning
Target Date:	25/01/2017		
Ward:	Selly Oak		

2A Frederick Road, Selly Oak, Birmingham, B29 6PB

Demolition of existing office building and erection of 48 bed student halls of residence with associated parking access and landscaping.

Applicant:	Markey Construction Unit Q1, Quadrant Distribution Centre, Quadrant Way, Hardwicke, Gloucester, GL2 2RN
Agent:	BM3 Architecture Ltd 28 Pickford Street, Birmingham, B5 5QH

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This application is for demolition of an existing 2 storey, detached office building and redevelopment of the site with purpose-built student accommodation. The scheme proposes a single, 3 storey block to accommodate a total of 48 students within a series of 'cluster' units and 13 studios.
- 1.2. The block would be sited in a similar position to the existing building that it is replacing, set back slightly from the building line along Frederick Road, but would have a wider footprint and extend further into the site, with a 31m angled rear wing running parallel with Bristol Road.
- 1.3. The building would be of a contemporary design, with a predominantly flat roof, with sloping projections over stair cores (maximum height 10.5m). It would be constructed in brick, with some substantial areas of white render at 1st and 2nd floor level and grey cladding on key elements, including entrances and stair cores. The block would be in elevated position when viewed from Bristol Road (adjacent to its southern boundary), as the land banks up at this point, with the site partially obscured by mature trees.
- 1.4. Internally, the accommodation would comprise:
 - At ground floor – 2 no. 'clusters', 3 no. studios (two disabled-compatible), plant room and bin stores.
 - At 1st floor – 2 no. clusters and 5 studios
 - At 2nd floor – 2 no. clusters and 5 studios
- 1.5. Each cluster would contain either 5, 6 or 7 bedrooms, sharing a communal lounge/kitchen dining area. The rooms would be 15sqm and contain a single bed, purpose-built storage, desk and shower room/WC. The communal facilities within

each cluster would measure between 35.8sqm and 38sqm. The studios would be slightly larger (20sqm – 24sqm) and incorporate a kitchenette.

- 1.6. There would be two entrances for residents on the south side of the building, with separate stair cores serving the main building and the 'wing'. The proposed path along this southern side continues for the full length of the building to allow access to a rear amenity area. A secondary pedestrian route would be retained on the north side to allow for direct access to the plant room, binstores and cycle stores on this side of the building.
- 1.7. 2 no. parking spaces would be provided on the Frederick Road frontage, primarily for use at the start/end of term (when students move in/out). 12 no. secure cycle spaces are also proposed.
- 1.8. The communal amenity space would measure approximately 250sqm and would be screened by an existing substantial conifer hedge beyond the site's north-west boundary and trees to its south and east sides. There are no existing trees within the site.
- 1.9. The proposal has been amended since it was originally submitted. The main changes include the rationalisation of the building heights (and increase in number of units from 47 to 48 as a result), internal re-configuration, alterations to elevations and palette of materials.
- 1.10. Site Area: 0.11ha
- 1.11. The application was supported by a Planning Statement (incorporating Student Needs Assessment), Design and Access Statement, Noise Survey, Preliminary Ecological Appraisal, Transport Statement, Drainage Strategy and SUDS Appraisal, and Tree Report/Protection Plan.
- 1.12. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located at the far south end of Frederick Road, Selly Oak and has boundaries to both Bristol Road (which runs parallel to the south) and Harborne Lane (to the east). The site is elevated from Bristol Road/Harborne Lane, situated at the top of a bank with mature tree cover, extending up from back of pavement on both these road frontages and hedging at the site boundary. The rear of the site is enclosed by a substantial coniferous hedge on the Frederick Road side. There is a low wall across part of the frontage, with a vehicular access to the site on the south side of this.
- 2.2. The site is currently occupied by a two storey, brick structure, previously used as offices but vacant for some time. It is of a flat-roofed design and incorporates solid roller shutters to front windows
- 2.3. The site is at approximately the same level as adjacent properties on Frederick Road. These properties include facilities associated with the Christian Life Centre (offices and community hall), immediately adjacent to the north at no. 2, and The Bear and Staff public house/hotel to the west on the opposite side of Frederick Road. The road terminates in a turning head (enclosed by a low wall) at this point, which prevents through-access onto Bristol Road for vehicles. The turning head has double-yellow lines, the rest of the road has no such restrictions.

- 2.4. This end of Frederick Road is otherwise predominantly residential in nature, although it does provide an access to St Mary's Church of England Primary School (between no.s 9 and 11). There is a further school (Cherry Oak) at the north end of the road, along with a number of industrial/warehouse units set behind no.s 70-78, with the rear of the old bus depot (now Access Storage) beyond.
- 2.5. The site is located at the edge of Selly Oak centre, outside of the defined District Centre but within the area included in the Wider Selly Oak SPD. There are residential properties on Harborne Lane to the north. There are predominantly commercial uses around the junction of Bristol Road and Oak Tree Lane (opposite to the south), with some residential and the site of the former Selly Oak Hospital beyond.
- 2.6. The area to the east is also predominantly commercial along the main Bristol Road frontage (mainly retail units, some with residential above), with Sainsburys, Battery Retail Park and the Birmingham Battery site closest to the application site. Opposite Sainsburys, on the south-east side of Bristol Road, is a new purpose-built student accommodation block, and there a number of other student schemes within the centre further to the north.

[Location](#)

3. Planning History

- 3.1. 15th May 2014. Pre-application enquiry 2014/03371/PA. Pre-application enquiry for student development. Advised further consideration should be given to need, number of units, tree impacts, potential overlooking and management plan.
- 3.2. 11th November 2015. 2015/04372/PA. Demolition of existing office building and erection of 3 bed student halls of residence with associated parking, access and landscaping – withdrawn.

4. Consultation/PP Responses

Consultation Responses

- 4.1. Transportation – no objection, subject to conditions in respect of footways crossings, cycle storage, Construction Management Plan and Car Park/Moving-In Management Plan. A S106 contribution would be appropriately applied to Frederick Road, Rachel Gardens and Lodge Hill Road.
- 4.2. Regulatory Services – no objection, subject to conditions in respect of contamination/ remediation and noise mitigation.
- 4.3. West Midlands Police – no objections.
- 4.4. West Midlands Fire Service – no objection, subject to adequate water supplies and access for fire service vehicles.
- 4.5. Severn Trent – no objection subject to a condition requiring drainage details.

- 4.6. Local Lead Flood Authority (LLFA) – accept in principle, the proposed strategy during next stage of design but suggest further exploration of potential to utilise SUDS should be undertaken. Additional information required, but satisfied that this can be secured through conditions.

Public Participation

- 4.7. Adjacent occupiers, Councillors, M.P. and residents associations notified and site/press notices posted.
- 4.8. Objection received from Steve McCabe M.P:
- Selly Oak is already heavily populated with student accommodation. Several student flat schemes being built currently. Queries whether there is a policy to restrict numbers of student developments. No evidence to demonstrate demand/need.
 - Area will not benefit from proposal, Constituents have concerns about changes to their neighbourhoods.
 - This is a residential road, with a special needs primary school. Proposal will worsen existing on-street parking problems at drop-off/pick-up school times. Considers 2 parking spaces and 12 cycle parking spaces to be inadequate.
- 4.9. Objection received from Councillor Karen McCarthy: The consideration of student housing market is not balanced. Evidence suggests that this type of high rent/high profit accommodation is not what is needed. Proposal would not meet policy requirement that accommodation should be close to the establishment that it serves (feedback from students shows that this half mile walk would be considered excessive by most 1st years (the most likely target). This site will be unpopular (many available beds much closer) and could end up as a hostel or similar. It is a myth that purpose-built accommodation frees up HMOs for family use. The University of Birmingham is currently advertising vacancies for its accommodation. The local community has repeatedly offered opportunities for officers and the Committee to study the impact of student development on the area.
- 4.10. 49 additional objections received in respect of original scheme and amendments, including representations from Frederick Road and Rachel Gardens Residents Association, Community Partnership for Selly Oak, Friends of Selly Oak Park, Selly Oak St Mary's Neighbourhood Forum and individual householders. Comments on original scheme:
- Changing nature of area through over-dominance of student accommodation, changing the nature of Selly Oak. Already numerous student units and other large schemes being built nearby. Question need. Require a student housing plan for the area. Further 'studentification' will not maintain a balanced community;
 - Location not well-related to the establishment it would serve. Halls of residence here will promote idea that this part of Selly Oak is an extension to the University campus and encourage further student residences;
 - Case for more student accommodation is based on city-wide figures. Selly Oak should not have to accommodate all students in the city – unfair on residents to take this unfettered approach;
 - No reference made to Article 4. Whilst this is not a conversion to an HMO, intention of Direction is clearly to limit student accommodation to maintain a balanced community;
 - Fall in owner occupied and more renting/buy to let;

- All of the local amenities cater for student needs;
- Selly Oak SPD promotes provision of attractive new residential properties – student halls are not residential properties – they serve a transient population already over-catered for. SPD being ignored;
- Promotion of families is what is needed and affordable housing or key worker or sheltered accommodation. This could not be converted to family housing in the future.
- Some families feel like they are being pushed out. Not suitable to have student housing so close to a school – student could be a bad influence on children;
- Could increase public order offenses – close to public house;
- Having students in the area could be intimidating
- Detrimental effect on local, permanent community – inappropriate in traditional residential road;
- No community engagement;
- Change of use from B1 to C1 does not accord with local SPD, which calls for housing to attract/retain employees of university/hospitals. Key worker accommodation would be more appropriate or small office units;
- Density/number of storeys too high. Height/footprint should be reduced (max 2 storey) and more parking provided;
- Insufficient space for parking. Students do use cars and will bring them to the site. Photographic evidence submitted to demonstrate existing parking problems in Bournbrook during term time. Parking already an issue: 2 schools, staff, visitors, parents, Job Centre users. Parking and car use is already dangerous for children and could get worse. Already problems with school drop-offs;
- Parking should be one space for two students;
- Bin stores should be relocated;
- Proposals appear to reduce access to Christian Life Centre (CLC) car park. Have an easement, which proposed boundary would impact upon (access for 25 years – may have possible right of way);
- Units overlook private homes and CLC which is used as a nursery/for kids clubs. Potential loss of light;
- Drainage should be connected to Bristol Road (Frederick Road cannot accommodate additional flows). Inconsistencies with drainage drawings;
- Out of character with streetscene. No active frontage to Frederick Road and very narrow access to units. Residents do not want a 'landmark building'. Materials inappropriate;
- Impact on trees;
- Queries whether works to Bristol Road junction taken into account;
- Comments made on submitted Planning Statement (incorporated above);
- Increased noise, congestion and pollution;
- Students do not have the incentive to take part in community life/activities as they are short term residents;
- Noise level during construction;
- Proposed frontage (bin area/car park) not in keeping with dwellings in the street, which have gardens, hedges, trees and flowers. No active frontage to Frederick Road;

4.11. Comments specifically in respect of amendments:

- Question over access to the re-located bin store;
- Smoking shelter on the boundary to the CLC car park – not the best location, near to children's play area and car park;
- Concerns over anti-social behaviour (the pub);
- Query whether re-designed scheme would it overlook the CLC park/play area?
- Concerns about the amount of run-off water soaking into the ground from the development;

- Confusion over the number of flats being proposed.
- 4.12. Further correspondence received from Steve McCabe M.P., confirming that objections still apply to amended submission. In addition to original comments – further enquiries have revealed that Selly Oak ward would have more student flats than any other type of development over the next year based on current planning approvals.

5. Policy Context

- 5.1. UDP (2005), Pre-Submission Birmingham Development Plan (2031), Car Parking Guidelines SPD (2012), Shopping and Local Centres SPD (2012), Places for All SPG (2001), Specific Needs Residential Uses SPG (1992), Wider Selly Oak SPD (2015), NPPF.

6. Planning Considerations

Principle of Student Accommodation

- 6.1. Paragraph 14 of the National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that for decision making this means approving development proposals that accord with the development plan without delay. Paragraph 17 states “Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.”
- 6.2. The Birmingham UDP contains no specific policies in respect of purpose built student accommodation. However, the Pre-Submission Birmingham Development Plan (BDP), at policy TP32, has a set of criteria for off-campus development which includes; a demonstrated need for development; a good location in relation to the educational establishment, local facilities and public transport; that the development would not have an adverse impact on the local neighbourhood or residential amenity; the scale and massing of the building is appropriate and the design and layout of the accommodation would create a positive living experience.
- 6.3. The application site does not have any land use designation within the Wider Selly Oak SPD. It is outside of the defined District Centre and, as such there is no loss of in-centre office floorspace and my Strategy colleague therefore raises no objection in principle to the proposal. The Wider Selly Oak SPD acknowledges the attractiveness of Selly Oak for student accommodation and identifies some (larger) sites for potential purpose-built provision. At the same time, it reiterates the policy requirement in the Pre-submission BDP for accommodation to be well related to the educational establishment that it serves.
- 6.4. There are high concentrations of students living in Houses in Multiple Occupation (HMOs) in Bournbrook. This puts pressure on this area and both the quality of life for existing residents and the residential environments have been adversely affected. The Wider Selly Oak SPD acknowledges that whilst purpose built accommodation can still bring large numbers of students into an area, it can help minimise adverse impacts on areas that are over-populated with students by freeing up HMOs for potential reversion to family housing, thereby restoring a more balanced community and helping with certain local services such as take up of school places.

- 6.5. The application is supported by a Marketing Report produced by Bilfinger GVA (dated April 2016). The Report sets out the most important figures around the higher education sector in Birmingham, as follows: there are in excess of 59,000 full-time students in the five institutions, of which the University of Birmingham (UoB) has 23,455. Of these, 10.1% are overseas students, and 8.1% are mature students. First-year undergraduate and post-graduate international students are guaranteed University-supplied living accommodation. The five universities in Birmingham supply 13,171 bed spaces for the approximately 59,000 full-time students, leaving some 46,000 bed spaces to be found elsewhere. Many rent in the private sector, some live at home. Private-market, purpose-built student accommodation provides some 5,014 bedrooms. I note that some of the figures provided by the applicant may vary from data held by this department.
- 6.6. The Marketing Report notes that the demand for purpose-built student accommodation is in-part driven by increasing numbers of applications to the city's higher education institutions, with the UoB seeing a strong increase in recent years, particularly from international students. This group has a high tendency to choose purpose-built accommodation, including for reasons of security, location and facilities. The Report foresees this sector continuing to grow as global student mobility increases yet further. The Report considers that although public transport to the city centre (and therefore to three of the other universities) is good, this development proposal would most likely service UoB students. It notes the number of new purpose-built student accommodation developments in the city centre. Finally, the Report considers that the site would also appeal to key sector workers from the nearby QE hospital campus.
- 6.7. I note local objectors' concerns regarding a purported over-supply of student accommodation (and associated impacts in creating an unbalanced community) and the suggested lack of a local focus in the marketing information submitted. However, I am satisfied that, whilst some information contained in the Marketing Report is city-wide, there is sufficient focus on the University of Birmingham and Selly Oak. In addition, I consider that Selly Oak will always likely be a popular location for students to live in because of its close proximity to the University and I am satisfied the submitted information adequately demonstrates that there is further demand. One objection comment states that Selly Oak is providing accommodation for all students in the city. This is patently incorrect, as number of recently-completed developments, schemes under-construction, and sites with permission, in the city centre demonstrates.
- 6.8. Some public participation comments suggest or ask whether there is a need/demand for further Purpose-Built Student Accommodation (PBSA), and if there is already, or will be, an over-supply due to the number of schemes currently under construction, or with planning permission but not yet started. The Council's records show, city-wide, in the region of 20,000 PBSA bedspaces already provided by the five Universities and private operators. City-wide, our records show some 1,973 bedspaces under construction, and some 2,448 bedspaces with planning permission, a total of 4,421. In the approximate Selly Oak-south Edgbaston/Harborne area, the figures are some 178 bedspaces under construction, and some 988 bedspaces with planning permission, a total of 1,166. Student numbers at the University of Birmingham have increased in recent years, I can provide the figures from 2011/12 to 2014/15 (from The Higher Education Statistics Agency). Full-time student numbers have increased by 2,355, from 24,950 to 27,305. Overseas student numbers have increased by 1,670, from 6,630 to 8,300.

- 6.9. Whilst the character of Frederick Road is predominantly that of traditional family dwellinghouses, I do not consider that an alternative residential use, to accommodate 48 students, would have such an impact on local character and amenity that the application should be resisted.
- 6.10. Whilst this site is not immediately adjacent to the University campus, it fronts the main Bristol Road, which would provide easy access through either walking cycling or public transport. In addition, it has a similar relationship (in terms of distance) to approved student schemes on Bristol Road to the northeast and on the Birmingham Battery site. As such, I consider the application site is in a suitable location to provide for purpose built student accommodation, being a brownfield site in close proximity to the University and local services/amenities, including Selly Oak District Centre and would, consequently, achieve sustainable benefits. Current planning policy does not restrict the provision of student accommodation at this site and therefore I consider such development would be acceptable in principle.
- 6.11. Local consultation responses make reference to the Article 4 Direction and association policy. However, this policy relates to the conversion of C3 dwellinghouses to Houses in Multiple Occupation, not to the redevelopment of a commercial site with purpose-built student accommodation.

Transportation

- 6.12. Paragraph 32 of the NPPF states that decisions should take account of whether: "The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; Safe and suitable access to the site can be achieved for all people; and Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."
- 6.13. Paragraphs 6.49A to 6.51B of the Birmingham UDP set out policies in relation to car parking provision. The key points of the UDP in relation to car parking provision in new developments are as follows:
- Provision should be adequate for all transport needs.
 - Account should be taken of local factors, such as availability of public transport and public car parking.
 - Proposals which may generate significant on-street parking in residential areas will be required to contribute to parking management measures.
- 6.14. The Council's Car Parking Guidelines SPD recommends a maximum of 1 space per 5 beds and a minimum of 1 cycle space per 4 beds for purpose built student accommodation. There is no minimum parking provision requirement.
- 6.15. The submitted Transport Statement suggests that the development would actively discourage students from bringing cars (prohibited by the lease agreement), and this is reflected in the proposed provision of only 2 no. parking spaces, which would be for visitors and primarily used at the start/end of term when students move in/out.
- 6.16. The Statement acknowledges that a "Moving in Management Strategy" will be required. The key elements of this are outlined - phased arrivals, on-site management and arrival strategy. Arrivals would be phased over a period of two consecutive weekends, with hourly timeslots allocated throughout those days

(avoiding times busiest with the nearby school). An on-site team would be present throughout this operation, including site manager, check-in staff and baggage attendants. Students would be advised of the arrival strategy – procedure upon arrival.

- 6.17. The TA identifies that parking on and around the site would be regularly monitored and students found bringing the cars to the site would be issued warnings in respect of the terms and conditions of their lease and potentially removed for breach of contract.
- 6.18. Secured, covered cycle stands would be provided for 12 cycles.
- 6.19. The proposal would comply with the Council's Car Parking Guidelines SPD by providing just 2 no. parking spaces (disabled provision) and an appropriate level of secure cycle parking (12 spaces for 48 residents). In addition, there are frequent bus services along both Bristol Road and Harborne Lane (with bus stops immediately adjacent to the site on both these road frontages) and along Oak Tree Lane to the south (less than 0.9 miles).
- 6.20. In the light of the above, your Transportation Officer raises no objection subject to conditions and a S106 contribution for potential parking and traffic monitoring and/or minor highway works and maintenance thereof and/or traffic regulation orders and/or local highway improvement measures in Frederick Road, Rachel Gardens and Lodge Hill Road and I concur with this view.

Scale, Layout and Design

- 6.21. Paragraph 56 of the NPPF states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." Policies in the Birmingham UDP, Places for Living SPG and Places for All SPG also give significant weight to achieving high quality design which recognises local character and distinctiveness.
- 6.22. The proposal was the subject of ongoing discussions with City Council Officers and has been significantly amended both prior to its formal submission and during the consideration of the application.
- 6.23. The existing building is of no architectural merit. It is of a simple, flat-roofed, brick design and incorporates solid roller shutters to its front windows. As such, there would be no objection to its removal, as it currently appears as an incongruous feature in the streetscene.
- 6.24. This site is prominent within the local area. It has a frontage to Bristol Road at its junction with Harborne Lane and Oak Tree Lane (a major traffic light junction), and is in an elevated position (although partially screened by mature trees at this point). The submitted Design and Access Statement states that the scheme has been designed to provide a 'positive landmark' building in reflection of the potential impact at this important corner. It proposes a building that is considered to possess its own distinct character but which is still sensitive to its context.
- 6.25. Properties on Frederick Road are predominantly two storeys, of traditional design, and of brick construction (with some elements of render). The proposed block is three storeys high and, as such, larger than the properties immediately adjacent and the building that it would replace. However, I would concur with the view that the

proposal is of an appropriate scale/mass for this prominent location, where the road terminates, particularly taking into consideration the scale of the Bear and Staff public house (opposite) and other more substantial (2 ½ and 3 storey) properties fronting this stretch of Bristol Road.

- 6.26. The scheme was amended (in response to Officer concerns) to be more sympathetic to the character of Frederick Road. Changes included the introduction of an alternative palette of materials (predominantly brick and render) and revisions to window patterns on the front elevation to better reflect elements evident in the existing streetscene.
- 6.27. The scheme has been designed to provide surveillance/activity to street frontages. The majority of the individual study bedrooms have windows orientated towards the south or east. The internal layout has been designed to provide communal kitchen/living spaces at the far end of the block, to overlook the proposed amenity space, and shows corridors on the north side of the rear wing at the point closest to the rear of the existing adjacent property on Frederick Road.
- 6.28. I note local concern about overlooking of neighbouring properties, in particular facilities associated with the Christian Life Centre (CLC) immediately adjacent. However, the existing building does have windows orientated in this direction and the office/community use (the CLC) would not generally be afforded the same level of privacy as a residential occupier might reasonably expect. In addition, there is a substantial coniferous hedge along the neighbouring boundary that would prevent potential overlooking from any windows with the exception, perhaps, of those on the top floor. Notwithstanding this, it is acknowledged that the proposed block does extend further to the rear than the existing building and, in response to the concerns raised in this regard, the scheme has been orientated away from this side (as described to above). In addition, the windows to the corridor (facing the community hall and associated car park) could be obscured with frosted glazing (to be secured through an appropriate condition).
- 6.29. The block is sufficient distance from other residential units to ensure no adverse impact on existing amenity through loss of light or privacy. As such, I am satisfied that the development would have an acceptable relationship to existing properties in the immediate vicinity.
- 6.30. In the light of the above, I am satisfied that the proposal meets policy requirements in terms potential impact on residential amenity and in respect of the proposed scale and massing of the building and its relationship to the surrounding area.

Living Conditions for Prospective Occupiers

- 6.31. The Council's Specific Needs Residential Uses SPG (1992) recommends that a single bedroom within purpose built student accommodation should measure a minimum of 6.5sqm in size. Each proposed cluster flat study-bedroom would have an internal floorspace of 15sqm and the studios would have an internal floorspace of between 20sqm – 24sqm. The communal areas within the clusters, at 35.8sqm and 38sqm, are relatively generous, with furniture layouts provided to demonstrate the accommodation of kitchen, dining and lounge facilities. Two ground floor bedrooms would have limited outlook (towards the northern, rear boundary), but I do not consider this to be a drawback sufficient to withhold consent for the wider scheme. The applicant has also provided additional information in respect of other student schemes that the company currently operates successfully across the country, all of which offer similar accommodation, including study bedrooms of a comparable size.

- 6.32. A communal garden area (approximately 250sqm) is proposed to the rear of the block. Whilst not extensive, this area is considered sufficient to provide a suitable setting for the building and opportunities for occupiers to take advantage of the outdoor space. I also note that there are other facilities in the vicinity of amenity value, including the new substantial areas of open space/sports facilities to be incorporated at the Selly Oak Hospital site (to the south), Selly Oak Park and the University campus.
- 6.33. In the light of the above, I am satisfied that the proposal meets policy requirements in terms of creating a positive living experience for future occupiers.

Landscaping

- 6.34. There are no trees or features of landscape value within the site, which is predominantly hard surfaced around the existing building. There are mature trees adjacent to both the south and east boundaries (outside the site), which were the subject of a Tree Survey. The Survey identified 6 no. individual trees and one group. These are predominantly Category A and B and include London planes, an oak, acer, hawthorn, and fruit trees. The Survey recommends an arboricultural report to include an impact assessment, method statement and tree protection plan.
- 6.35. The proposed new block has been sited to avoid impacting on these trees - shown to be outside their canopies. A Tree Protection Plan has been submitted, but this covers the demolition phase of development only. Your Tree Officer has raised no significant issues with the proposal, except to encourage care with regard to the street trees outside the site. He recommends the imposition of a condition to require an Arboricultural Method Statement for works within the site where the new surfaces/soft landscape are to be implemented. This will involve the careful removal of tarmac surfaces and replacement footpaths/planting. I concur with this view.
- 6.36. My Landscape colleague requested amendments to the scheme as originally submitted, particularly in respect of the proposed frontage treatment. The amended plans show the relocation of bin stores to the rear of the site and incorporation of an area of landscaping in front of the building. He advises that landscaping, boundaries and surfacing treatment should be the subject of conditions, which I have attached.

Ecology

- 6.37. A Preliminary Ecological Appraisal (PEA) was submitted in support of the application. Your Ecologist notes the location of the site on a busy section of road, which is particularly well-lit and has high levels of noise and disturbance. The existing building is proposed for demolition, but offers negligible potential for bats. However, the shrubbery and mature trees at the site's boundaries offer some potential for breeding birds. The PEA identified that birds were nesting in the area and on site, and a recommendation is made for further survey work if site clearance is to be undertaken within the March to September nesting period.
- 6.38. The submitted Landscape Management Plan indicates retention of the main area of shrubs/trees(outside the development site) and enhancement of the remaining soft landscape areas with a range of native and ornamental trees, shrubs and bulbs. Your Ecologist is satisfied that there would appear to be very little ecological impact from the redevelopment of the site and, as such, raises no objection to the proposal. An informative is recommended to highlight the requirements of the Wildlife and Countryside Act 1981 (as amended) in respect of nesting birds.

Other Issues

- 6.39. Regulatory Services raised no objection subject to the imposition of conditions in respect of contamination/remediation and noise mitigation measures and I concur with this view.
- 6.40. The development would be liable for Community Infrastructure Levy (CIL), which I calculate to be in the region of £109,900.
- 6.41. I note the concerns of the adjacent occupier regarding rights of access to their existing car park at the rear, including an easement over land taken into application site boundary. However, this is a civil matter and not for consideration through the planning process. This concern has been brought to the attention of the applicants, who have confirmed that the correct certificate ('A') has been submitted and that, in their view, there is no requirement for notice to be served on any other party.
- 6.42. With regards to the aforementioned car park access, I note that the proposed building is in a similar position to the existing in terms of its relationship to the side boundary, but that a fence would now enclose a small area to the side beyond this. However, I am satisfied that this would not prohibit access to the existing car park at the rear of the adjacent property. Your Transportation Officer has raised no concerns in this respect.

7. Conclusion

- 7.1. I consider the development of this site for purpose built student accommodation would be acceptable in principle, given this is a brownfield site in a highly sustainable location close to the University of Birmingham campus. There are unlikely to be any material increases in traffic and parking on nearby residential roads and in a worst case scenario the s.106 financial contribution would adequately mitigate such an impact. The scale and appearance of the proposed development, in its amended form, would be acceptable and would sit comfortably in the streetscene. There would be no significant impact on the amenity of neighbouring residential occupiers and the development would provide an acceptable living environment for future occupiers. The proposal would support the function of the University of Birmingham as a key provider of employment, culture, and learning in the City. Therefore I consider the proposal would constitute sustainable development and I recommend that planning permission is granted.

8. Recommendation

- 8.1. Approve subject to a Section 106 legal agreement.
 - I. That consideration of application no. 2016/04804/PA be deferred pending the completion of a suitable Section 106 legal agreement to require:
 - a) A contribution of £15,168 (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) to be paid prior to the implementation of the approved development. The fund would be used towards parking and traffic monitoring and/or minor highway works and maintenance thereof and/or traffic regulation orders and/or local highway

improvement measures in Frederick Road, Rachel Gardens and Lodge Hill Road.

- b) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.
- II. In the event of the above Section 106 Legal Agreement not being completed to the satisfaction of the Local Planning Authority on or before 1st December 2016, planning permission be REFUSED for the following reason:-
 - a) In the absence of a financial contribution towards parking and traffic monitoring and/or minor highway works and maintenance thereof and/or traffic regulation orders and/or local highway improvement measures in Frederick Road, Rachel Gardens and Lodge Hill Road the proposal would conflict with Paragraphs 8.51-8.53 of the Birmingham UDP 2005, Policy TP43 of the Pre-Submission Birmingham Development Plan, the Wider Selly Oak SPD and the National Planning Policy Framework.
- III. That the City Solicitor be authorised to prepare, seal and complete the appropriate Section 106 legal agreement.
- IV. In the event of the S106 Legal Agreement being completed to the satisfaction of the Local Planning Authority on or before 1st December 2016 favourable consideration be given to application no. 2016/04804/PA, subject to the conditions listed below:

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| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the prior submission of a contaminated land verification report |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
| 4 | Requires details of noise mitigation measures |
| 5 | Requires the prior submission of a sustainable drainage scheme |
| 6 | Requires prior submission of a sustainable drainage scheme (Operation and Maintenance) |
| 7 | Requires the prior submission of hard and/or soft landscape details |
| 8 | Requires the prior submission of hard surfacing materials |
| 9 | Requires the prior submission of earthworks details |
| 10 | Requires the prior submission of a landscape management plan |
| 11 | Requires the prior submission of a construction method statement/management plan |
| 12 | Requires the prior submission of sample materials |
| 13 | Requires the prior submission of level details |
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- 14 Requires the prior submission of details of refuse storage
 - 15 Requires windows to corridors on north elevation to be obscure glazed with top-opening lights only
 - 16 Requires the prior submission of cycle storage details
 - 17 Requires footway crossing to City Specification
 - 18 Details of student management plan for pick up/ drop off at start/end of terms
 - 19 Arboricultural Method Statement - Submission Required
 - 20 Limits the approval to 3 years (Full)
-

Case Officer: Alison Powell

Photo(s)



Frederick Road Streetscene, application site on right-hand side

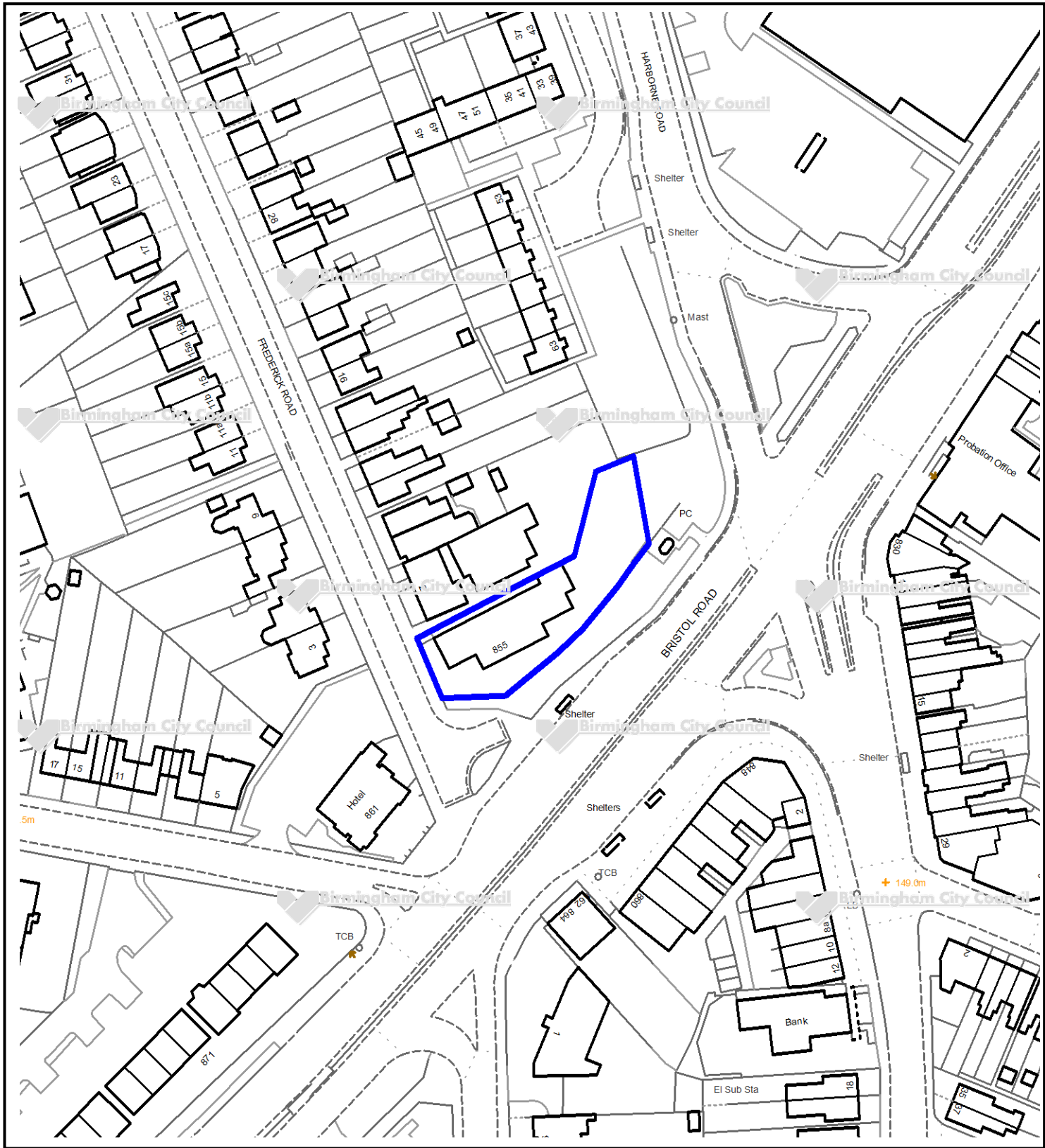


Rear (north) boundary of application site, looking west to Frederick Road. Christian Life Centre access in centre of photo, with its building (no. 2a Frederick Road) to right hand side.



Rear of Site (east elevation)

Location Plan



Committee Date:	24/11/2016	Application Number:	2016/07112/PA
Accepted:	22/08/2016	Application Type:	Householder
Target Date:	17/10/2016		
Ward:	Edgbaston		

15 Birch Hollow, Edgbaston, Birmingham, B15 2QE

Erection of first floor side extension, two storey and single storey rear extension and single storey front extension

Applicant:	Mr Akhtar 15 Birch Hollow, Edgbaston, Birmingham, B15 2QE
Agent:	Mainwood Architects 38 Grayswood Park Road, Quinton, Birmingham, B32 1HE

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the proposed erection of a first floor side extension, two storey and single storey rear extension and single storey front extension. The proposed development would provide an extended kitchen and porch at ground floor level. Two enlarged bedrooms would be provided at first floor level along with 3 new en-suite bathrooms and a dressing room.
- 1.2. The proposed first floor side extension would be located above the existing, flat-roofed garage which is set at an angle to the main dwelling. The extension would have a width of 6.8m and a depth of 7.4m. The extension would have a crown roof design (i.e. pitched roofs rising to a flat-roofed central element) with its highest point well below the existing dwelling's two-storey roof height.
- 1.3. The proposed two storey rear extension would project off the rear wall of the dwelling with a depth of 4.6m and a width of 4m. The resulting extension would be in line with the existing rear wall of the northern elevation of the dwelling. It would have a hipped roof design to match the existing dwelling. Beneath and as part of the upper storey extension, a single storey extension would project off the northern elevation with a depth of 3.2m and a width of 8m. This part of the development would have a mono pitch roof with a ridge height of 3.4m and an eaves height of 2.5m.
- 1.4. The proposed single storey front extension would be located in front of the existing flat-roofed porch in an area which is already partly enclosed by an existing canopy. The front extension would have a depth of 2.2m and a width of 2.8m. A new pitched roof would be installed above with a ridge height of 3.5m and 3.1m to eaves height.

1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a large detached dwelling with a hipped roof design. The property is located at the end of a residential cul-de-sac comprising of properties of varying sizes and designs. The site is set within the Edgbaston Conservation Area. The rear amenity area of the site is partially paved with a number of mature trees and hedging to the rear boundary of the site. The front boundary of the site is defined by a 2m high brick wall and hedging.

2.2. [Site Location](#)

3. [Planning History](#)

- 3.1. 01/07/2015 – 2015/02402/PA – Permission refused for erection of first floor side, two storey and single storey rear and single storey front extension and erection of boundary wall, gates and railings to front.
- 3.2. 15/04/2016 – 2016/02680/PA – Pre-application discussion for erection of a first floor extension and two storey rear extension.

Enforcement history:

- 3.3. 2014/1253/ENF – Cutting and felling of trees, and alterations/extension to property which is within a Conservation Area – Case closed as no breach apparent.
- 3.4. 2016/0161/ENF – Alleged unauthorised extension to driveway and removal of trees – Case closed as no breach apparent.

4. [Consultation/PP Responses](#)

- 4.1. Neighbours and local councillors were consulted, letters of objection were received from 6 properties in Birch Hollow, 1 property in Mead Rise, and 1 property in Farquhar Road. Objections were submitted on the following grounds:
- Loss of light.
 - Loss of privacy.
 - The scale, mass and design of the proposed development.
 - The proposed works would be out of keeping with the character of the surrounding area.
 - Impact upon character and appearance of the Edgbaston Conservation Area.
 - Possible impact upon nearby listed buildings.
 - Impact upon adjacent trees.
 - Noise and traffic created as part of the proposed works and impact upon narrow, private road.

5. [Policy Context](#)

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan 2005.
 - Draft Birmingham Development Plan (2013).
 - Places For Living 2001.
 - Extending Your Home 2007.
 - 45 Degree Code SPD.

- Edgbaston Conservation Area Character Appraisal.

- 5.2. The following national policies are applicable:
- National Planning Policy Framework.

6. Planning Considerations

- 6.1. The principal matters for consideration are the scale, design and siting of the proposed development, and the impact on the architectural appearance of the property, the general street scene and conservation area, and neighbouring properties' amenities.
- 6.2. A previous application (reference 2015/02402/PA) was submitted in 2015 for the proposed erection of a first floor side, two storey and single storey rear extension, single storey front extension and the erection of a front boundary wall, gates and railings. This application was refused on the grounds of an unacceptable scale and design, the impact of the proposal upon the character and appearance of the Edgbaston Conservation Area and the impact of the proposed boundary wall, gates and railings upon the character of the surrounding area.
- 6.3. Pre-application advice (reference 2016/02680/PA) has since been provided in relation to a revised development. The scheme submitted largely follows the advice given: * the previously-proposed alterations to the site's front boundary treatment have been omitted from the scheme: * the proposed first floor side extension has been significantly reduced in height in order to limit its impact and also reduced in terms of its footprint with no first floor accommodation now proposed above the porch area.
- 6.4. The proposal complies with your Committee's 45 Degree Code Policy. The proposed development would therefore not have a harmful impact upon adjacent dwellings in terms of loss of light.
- 6.5. The rear window to Bedroom 5 would fail to meet with the required 10m separation distance as contained within 'Places For Living' and 'Extending Your Home' from the boundary with No.17 Farquhar Road. However, this window would not be the sole source of light to this room and can be conditioned to be fitted with obscure glazing in order to prevent any overlooking issues.
- 6.6. The windows in the front elevation of the proposed first floor side extension have been designed to be set at an angle in order to prevent any overlooking of private amenity space at No.12 Birch Hollow.
- 6.7. The scale, mass and design of the proposal is acceptable. I consider that the alterations that have been made to the proposed scheme have overcome the previous reasons for refusal of application reference 2015/02402/PA. Along with the impact of the proposed alterations to the front boundary treatment, the main area of concern related to the impact of the proposed first floor side extension. The proposed first floor extension has now been significantly reduced in height so that its overall scale and massing would not be significantly greater than that of the existing flat roofed garage. The proposed development would only be greater in height than the existing garage by 2m and would be subservient to the main dwelling. This would be in accordance with the guidance contained within 'Extending Your Home'. The existing garage is set at an angle to the main dwelling, however, I consider the proposed side extension to be designed so that it would integrate with the original

property whilst not dominating the appearance of the dwelling. The proposed alterations to the height of the proposed side extension would limit the impact upon the character of the Edgbaston Conservation Area. The Conservation Officer considers that the proposed development would preserve the character and appearance of the conservation area and I concur with this view. The property is set a significant distance away from a Grade II* Listed Building, No.25 Somerset Road, and would not have a harmful impact upon the setting of this heritage asset.

- 6.8. The property is set at the end of a small residential cul-de-sac. Birch Hollow comprises of dwellings of varying designs and sizes. Although the resulting dwelling would be of a larger scale than other properties within the street scene, the application property sits within a far greater sized plot than other neighbouring dwellings. The property would still sit comfortably within its curtilage with a large garden area being retained. The proposed development would not have a harmful impact upon the architectural appearance of the property or the visual amenity of the surrounding dwelling. I therefore consider that the previous reasons for refusal of the scheme have been overcome and do not consider that there are sustainable grounds upon which to recommend refusal of the proposed development.
- 6.9. A full arboricultural method statement has been received and my Tree Officer has confirmed that he considers the proposed development to be acceptable in terms of any possible impact upon adjacent trees subject to a condition being attached to ensure works are carried out in accordance with this method statement.
- 6.10. Objections have been raised in relation to the disruption caused in relation to noise and traffic during construction works and the impact upon Birch Hollow as a private road. However, any building works carried out would only be for a limited time period and therefore I do not consider that the development could be reasonably resisted on these grounds.
- 6.11. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. Notwithstanding the objections raised by the neighbouring occupiers, I consider that there are no sustainable grounds upon which to recommend refusal of the application – I consider it would have acceptable effects on the architectural appearance of the property, the general street scene and conservation area, and neighbouring properties' amenities.

8. Recommendation

- 8.1. Approval is recommended subject to the following conditions:

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|---|---|
| 1 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 2 | Requires the prior submission of sample materials |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
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| 4 | Requires the implementation of an arboricultural method statement and tree protection plan |
| 5 | Limits the approval to 3 years (Full) |
-

Case Officer: George Baker

Photo(s)

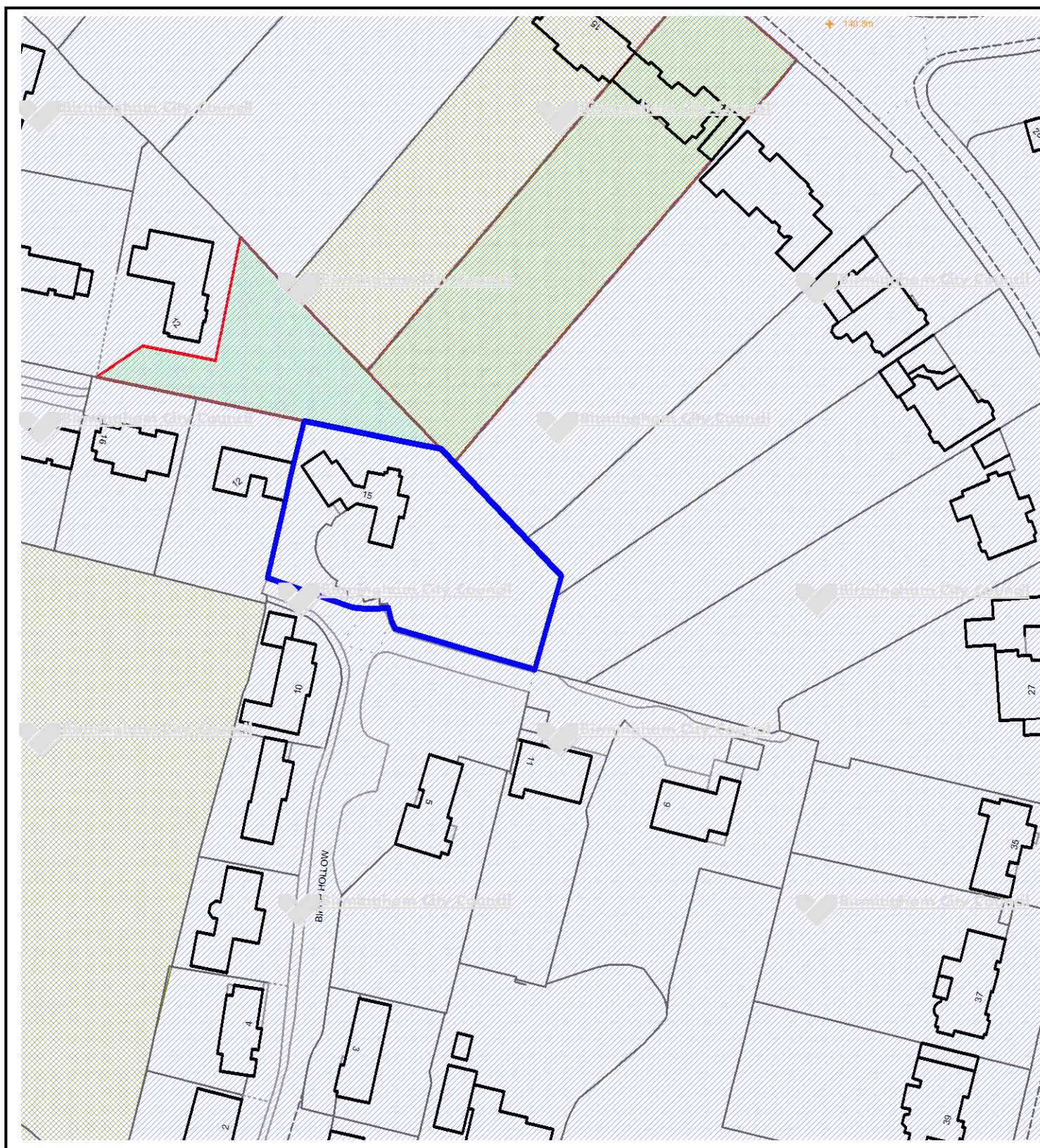


Figure 1 – Front elevation



Figure 2 – Rear (north) Elevation . Extensions would be to left-hand corner.

Location Plan



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Committee Date:	24/11/2016	Application Number:	2016/03703/PA
Accepted:	17/06/2016	Application Type:	Outline
Target Date:	31/10/2016		
Ward:	Bournville		

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

Outline planning application for the removal of buildings and other structures and construction of up to 101 dwellings, together with parking spaces, landscaping, open space, footpaths and cycleways (all matters reserved except access)

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

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks outline planning permission for the demolition of all remaining structures on this largely cleared site and its redevelopment with up to 101 houses, with associated parking, open space, landscaping and footpaths/cycleways. The application has all matters reserved apart from access.
- 1.2. The application submission includes an Indicative Masterplan and other illustrative material in the Design & Access Statement to provide an indication of how the development could be arranged and demonstrate how this number of units might appropriately be provided. This illustrative material is not submitted for approval as part of the outline application.
- 1.3. The number of dwellings/density of development and mix of house types/sizes would be determined through a reserved matters submission. However, the indicative layout shows a total of 101 dwellings, with the following mix:
 - 15 no. 1 bed flats (equating to 14.8% of units)
 - 32 no. 2 beds, including 3 no. flats (31.6%)
 - 28 no. 3 bed houses (27.7%)
 - 26 no. 4 beds houses (25.7%)
- 1.4. A variety of house-types are shown, all of which are 2 storeys in height. The illustrative layout also shows 1 no. 3 storey block of flats and 3 no. smaller, 2 storey blocks.
- 1.5. Vehicular access to the development would be from an existing access point off Fordhouse Lane at the site's south-east corner. This access would be extended to

form a circular route around a large, central perimeter block, with a row of 18 no. houses also fronting onto it along the site's western boundary, and a further 12 no. units to its north side. The road layout follows the line of a series of existing sewers/associated easements. It would terminate at the northern end in 3 no. small turning heads.

- 1.6. Parking provision on the indicative layout is shown as 200% for all 3 and 4 bed units. The 1 and 2 bed units would have either one or two spaces, with visitor parking spaces also shown in some places (generally where properties are situated around a turning head).
- 1.7. A footpath/cycleway is proposed to link the site (at its north-west corner) with Mayfield Road, which would thereby provide direct access for pedestrians and cyclists to Pershore Road/Stirchley centre beyond. This route would continue eastwards across the full width of the site, to link with the River Rea cycleway beyond the site boundary on this side.
- 1.8. The development would deliver 0.4 hectares of public open space throughout the site, the majority of which would be in the form of a grassed 'corridor' along the east side of the access road, running parallel to the River Rea beyond the site's boundary on this side. This has been designed to provide a buffer to the river corridor and would also be utilised for Sustainable Urban Drainage Systems (SUDS).
- 1.9. The site itself is largely devoid of trees/planting. However, there is a significant group running parallel to the eastern boundary (outside the site), next to the River Rea, and there are some trees beyond the northern boundary forming a partial screen to existing properties adjacent to this side of the site. The proposals would not impact on these trees.
- 1.10. Gross Site Area – 2.6 hectares. Net Site Area (excluding roads/open space) – 2 hectares. Density –50 units per hectare (based on net area).
- 1.11. In addition to the Design and Access Statement and illustrative material, supporting documents submitted with the application include: Affordable Housing Statement, Landscape Strategy Plan, Development Plans, Geo-Environmental Desktop Study, Transport Assessment, Planning Statement, Tree Survey and Flood Risk Assessment.
- 1.12. A Screening Opinion has been provided by the Council confirming that an Environmental Impact Assessment is not required for the proposed development.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The site covers an area of approximately 2.6 hectares and is located immediately adjacent to the south-eastern boundary of Stirchley District Centre. It comprises previously developed land, the majority of which was formerly occupied by the Arvin Meritor works. Most of the buildings relating to the former works were demolished in November 2009 following the relocation of the business to new premises. The site is now almost entirely cleared.
- 2.2. The site is surrounded by a mix of residential and commercial uses. Immediately to the west, running along the A441 Pershore Road are shops and services that form

part of the Stirchley District Centre, whilst residential properties on Ivy Road are located to the north. The area of land immediately south of the site also once formed part of the Meritor site, but has been redeveloped as offices (Lifford House), which are currently occupied by the City Council.

- 2.3. To the east of the site is the route of the River Rea (a Site of Importance for Local Nature Conservation (SLINC) and wildlife corridor) and its associated riverside path/cycleway that forms part of the National Cycle network. Beyond this is industrial development and land formerly occupied by the former Lifford Curve public house, now utilised by a car rental firm. Beyond this to the east, along Fordhouse Lane and side roads, is predominantly residential.

Location

3. Planning History

- 3.1. The majority of the site formed part of the Arvin Meritor works and, as such, much of the site's planning history relates to the former industrial operations on the site. More recent history of relevance to this current application includes:
- 3.2. 5 February 2003. PA No. 2001/05426/PA. Outline application for the demolition of existing buildings and erection of 7125sq.m (gross)/3716sq.m (net) retail store (Class A1) and 18 residential units. Non determination appeal – dismissed.
- 3.3. 25 September 2003. PA No. 2003/04833/PA. Change of use from industrial/offices to TV production studios/offices, workshops and storage (B1) part demolition and parking. Approved with conditions.
- 3.4. 8 March 2007. PA No. 2006/04402/PA. Demolition of industrial building, change of use, extension and refurbishment of existing buildings to provide new office accommodation (B1) and provision of associated car parking. Approved with conditions.
- 3.5. 27th September 2012. PA No. 2011/03485/PA. Demolition of remaining buildings on site and erection of food store and associated service areas, car parking, public realm works and landscaping – refused. Subsequent appeal dismissed.
- 3.6. PA No. 2015/09493/PA. Pre-application enquiry for proposed residential development.

4. Consultation/PP Responses

Consultations

- 4.1. Transportation – no objections in principle, subject to conditions in respect of works affecting the public highway, pedestrian visibility splays to driveways, cycle storage for flats and requirement for a residential travel plan.
- 4.2. Local Lead Flood Authority – (following submission of additional information) – content to approve development in principle to allow scheme to progress to next stage of design, subject to conditions requiring submission of a sustainable drainage scheme and a Sustainable Drainage Operation and Maintenance Plan.

- 4.3. Education – as development is for more than 20 dwellings, it would impact on provision of school places. A contribution may be requested through a S106 agreement.
- 4.4. Regulatory Services – No objection, subject to conditions in respect of contamination/remediation.
- 4.5. Local Services – no objection. An off-site contribution towards public open space and play area (in addition to proposed on-site provision) would be acceptable, calculated to be £129,040 to be spent at Hazelwell Park. Would not be interested in adopting the newly created public open space on site including any SUDS features contained within it.
- 4.6. Canal and River Trust – application falls outside the notified area for a proposal of this scale. As such, no comments.
- 4.7. Environment Agency (Interim Response) – proposals appear acceptable in principle. However, a modelling study of the culverted brook will need to be submitted before can formally recommend approval. Additional information requested/submitted – response awaited.
- 4.8. Severn Trent – no objection, subject to conditions in respect of foul/surface water drainage. Advise that there may be a public sewer within the application site – this may not be built close to, directly over or be diverted without consent.
- 4.9. West Midlands Police – no objections.
- 4.10. Fire Service – no response received.

Public Participation

- 4.11. Adjacent occupiers, Councillors, M.P. notified, press notice and three site notices displayed.
- 4.12. 3 objections received:
- Concerned about pedestrian access from Mayfield Road, which forms the entrance to a number of businesses (warehouse/factory/storage). Currently no pedestrian activity on this road (a dead end) except staff of businesses there. Introduction of route would endanger pedestrians as road utilised by lorries loading/unloading large and heavy goods continually from early morning until evening;
 - A commercial use would benefit Stirchley more. Believe that if site marketed at a suitable price, the land would be taken up for commercial purposes. Owners are simply allowing site to remain vacant to achieve a higher return through residential development.
- 4.13. Response received from Access Birmingham, concerned that disabled access is not mentioned in the submission. Currently no house-types provided or enlarged parking spaces and some spaces are remote from properties. This will be particularly important if affordable housing. City Council should be securing accessible dwellings.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan (2005); Pre-Submission Birmingham Development Plan (2031); Places for Living SPG (2001); Stirchley Framework SPD (2016); Loss of Industrial Land to Alternative Uses SPD (2006); Public Open Spaces in New Residential Development SPD (2007); Access for People with Disabilities SPD (2006); NPPF (2012).

6. Planning Considerations

- 6.1. The Applicant has engaged in pre-application discussions with the Local Planning Authority (Ref. 2015/09493/PA) and the proposed scheme has been modified, and additional work undertaken/information provided, to take on board Officer comments made.
- 6.2. I consider the key planning issues to be assessed under this outline to be:
- the loss of industrial land;
 - the principle of residential development;
 - highways impacts, access and parking;
 - broad design issues (principles);
 - impact on the amenity of existing residential occupiers;
 - ecology/trees;
 - flooding/drainage;
 - ground conditions; and
 - planning obligations/CIL

Policy Context

- 6.3. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Paragraph 17 promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The Birmingham UDP similarly supports a more sustainable pattern of development by re-using brownfield sites in suitable locations.
- 6.4. Paragraph 4.19 of the UDP provides a set of principles upon which the City's industrial land release policies are based. These include:
- "to ensure that no desirable industrial investment is lost to the City for want of a suitable and readily available site;
 - the creation of a balanced portfolio of readily available industrial land, recognising that there is no single uniform market for industrial land, providing a choice of site by size, location and quality; and
 - ensuring that the supply in each identifiable sub-market of readily available land should lead demand: but at the same time that the quantity of the forward supply is kept within reasonable limits, having regard to the need for economy in the provision of infrastructure, stability in land markets and lead times for development."
- 6.5. Figure 4.1 and paragraph 4.21 identify the minimum amounts of land that should be readily available for development in each of the categories. This site is classified as 'Good Urban' (Good quality sites suitable for locally based clients Paragraph 4.20d) and on this basis the UDP identifies an estimated annual demand of 10Ha and a

'minimum reservoir' requirement of 30Ha. Paragraph 4.31 identifies that "opportunities for industrial development in the built up area of the City are diminishing. In order to reduce pressure on Greenfield sites, the loss of industrial land to retail or other non-industrial uses will be resisted except in cases where the site is a non-conforming use." The UDP's employment policies remain in accordance with the NPPF and are therefore relevant. However, the recent guidance has a greater emphasis on land flexibility.

- 6.6. Paragraph 22 of the NPPF states that "planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."
- 6.7. Policy TP19 of the Pre-Submission BDP identifies that employment land can be developed for other uses where the site is considered to be a non-conforming use or where the site is no longer attractive for employment development despite being actively marketed.
- 6.8. 'Loss of Industrial Land to Alternative Uses' SPD identifies that in relation to the 'minimum reservoir of industrial land' "the shortage of readily available land as compared to these targets reflects the strong rate of completions within the best and good urban categories of industrial land. However, if the City is to achieve its economic aspirations in the future it is important the future supply of land within these categories is protected from alternative uses." The SPD goes on to identify criteria for applications involving the loss of industrial land including why the site is considered non-conforming, active marketing and the viability of industrial development.
- 6.9. The Stirchley Framework SPD, at page 24, makes specific reference to this site, stating that it has potential for major regeneration in the south of Stirchley, particularly if the development has an active frontage on or suitable link to the Pershore Road, in order to create a link to the centre. The Framework identifies the site as being suitable for Life Science uses or an employment led mixed use scheme, but acknowledges that other appropriate uses (including residential) may be considered if it can be demonstrated that there is no prospect of the site coming forward for employment uses.
- 6.10. The NPPF, at Paragraphs 47-50, seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.11. The UDP requires that new housing developments should provide an appropriate environment (Paragraphs 5.20-5.20A), a suitable housing density and mix (Paragraph 5.40) and encourages a full range of housing types and sizes including those for people with disabilities and other specific needs (5.35 and 5.37). Paragraph 5.38 identifies that densities of at least 50 dwellings per hectare will be expected in local centres and corridors well served by public transport, with 40 dwellings per hectare elsewhere. Policy TP29 of the Pre-Submission Birmingham Development Plan (BDP) recommends similar such housing densities.
- 6.12. Policy TP26 of the Pre-Submission BDP explains that new housing in Birmingham is expected to contribute to making sustainable places by offering: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure

and work opportunities within easy reach; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources and the use of green infrastructure; attractive, safe and multifunctional public spaces for social activities, recreation and wildlife; and effective long-term management of buildings, public spaces, waste facilities and other infrastructure.

- 6.13. With respect to the location of new housing, Policy TP27 of the Pre-Submission BDP explains that proposals for new residential development should be located in low flood risk zones; be adequately serviced by existing or new infrastructure which should be in place before the new housing is provided; be accessible to jobs, shops and services by modes of transport other than the car; be capable of land remediation; be sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP.
- 6.14. Paragraphs 3.14D-E of the UDP explain that new housing development should be designed in accordance with good urban design principles. Policies PG3 and TP26 of the Pre-Submission BDP also confirm the importance of place making and creation of sustainable neighbourhoods. The Council's Places for Living SPG encourages good quality residential accommodation in attractive environments. It contains a series of urban design principles with emphasis to assessing context and responding positively to local character.
- 6.15. Paragraph 5.37B of the Birmingham UDP, Policy TP30 of the Pre-Submission BDP, and the Council's Affordable Housing SPG, require 35% of the total residential accommodation to be affordable. Paragraph 50 of the NPPF explains that where LPAs have identified that affordable housing is needed, they should set policies of meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified...such policies should be sufficiently flexible to take account of changing market conditions over time.
- 6.16. Paragraph 5.20C of the Birmingham UDP, Policy TP9 of the Pre-Submission BDP, and the Council's Public Open Space in New Residential Development SPD states that on sites of over 20 dwellings or more, provision of new public open space will normally be required within the curtilage of the development site. Paragraph 3.61 of the UDP states that play areas will normally be expected to be provided within 400m safe walking distance of all dwellings.
- 6.17. Paragraphs 3.71-3.76 of the Birmingham UDP explain that proposals for new development will be expected to take account of any of any effects they might have upon water and drainage. Policy TP6 of the Pre-Submission BDP requires that as part of their Flood Risk Assessment (FRA) and Sustainable Drainage Assessment developers should demonstrate that the disposal of surface water from the site will not exacerbate existing flooding and that exceedance flows will be managed. Sustainable Urban Drainage Systems (SuDS) should also be utilised in order to minimise flood risk.
- 6.18. Paragraph 109 of the NPPF states that the planning system should recognise the wider benefits of ecosystem services, minimise impacts on biodiversity, provide net gains in biodiversity where possible and contribute to the Government's commitment to halt the overall decline in biodiversity (including by establishing coherent ecological networks that are more resilient to current and future pressures).

- 6.19. Paragraphs 3.37-3.39 of the Birmingham UDP explain the importance of safeguarding and enhancing the natural environment of the City, improving the protection of existing areas of nature conservation importance and measures to improve the diversity and quality of wildlife habitats throughout the City. Policy TP8 of the Pre-Submission BDP similarly identifies that all development should, where relevant, contribute to enhancing Birmingham's natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets.

Loss of Industrial Land

- 6.20. In recognition of the aforementioned policy requirements, as part of the pre-application discussions in respect of this site, the applicant submitted evidence provided by their consultants CBRE to demonstrate that the site was actively marketed for industrial purposes between November 2013 and December 2015. This information was shared with my Strategic Planning colleague, who confirmed that the submission satisfied the tests within the SPD and Pre-Submission BDP, but highlighted detailed points that it was felt required further consideration, which have been taken on board in this formal submission.
- 6.21. The submitted CBRE Report details the work undertaken in marketing the site, offering varying opportunities for a range of unit sizes on a freehold or leasehold basis at an accepted competitive rate, through production of a brochure marketing board sign, local occupier mailing, various website listings (including 'Marketing Birmingham'), meetings with local agents and local advertising. It goes on to analyse the reasons for an apparent lack of interest (except for potential D2 – assembly and leisure uses), including:
- * poor vehicular connectivity;
 - * close proximity of residential uses/water course;
 - * problems for HGVs resulting from adjacent difficult junction (Fordhouse Lane/Pershore Road) and site access;
 - * operators tending to favour recognised commercial centres in the east of the city;
 - * preference for smaller units, with resulting significant increase in construction costs; and
 - * other available alternatives, providing direct competition.
- 6.22. In the light of the above, and the comments received from my Strategic Planning colleague, I am satisfied that the proposal meets the policy requirements in respect of loss of industrial land and would have no objection in principle to redevelopment for an alternative use, as allowed for in the Stirchley SPD. The supermarket appeal (2011/03485/PA) was dismissed on two grounds, one of which was loss of industrial land. That reason is satisfactorily addressed by the new application as explained above. The second reason was on retail impact matters, not relevant to this proposed housing development.

Residential Development

- 6.23. Both national and local planning policy seek to accelerate the delivery of high quality housing in sustainable locations. This development would make a significant contribution to the City's housing supply, providing a mix of accommodation, including potential for a good number of larger, family units. The site was previously developed, lies close to the centre of Stirchley (with access to local shops/services), and has established public transport, walking and cycling networks. There are

predominantly residential areas to the north, east and south including houses beyond the northern boundary on Ivy Road and along the opposite side of Fordhouse Lane.

- 6.24. The application site is located in a low risk flood zone. A mix of housing types and sizes are proposed. The density of development on the site at 50 dwellings per hectare, would accord with that recommended in the UDP/Draft BDP for this location.
- 6.25. It is therefore considered that both national and local planning policy support the principle of residential redevelopment on this site.

Affordable Housing/Planning Obligations/CIL

- 6.26. Whilst the applicant acknowledges the normal policy requirement for affordable housing in respect of a proposal of this nature, the indicative scheme includes no affordable provision. Nor does the proposal offer any off-site contribution towards public open space. This is because, the applicant contends that any provision or contribution would make the scheme unviable. A financial appraisal has been submitted to support this argument.
- 6.27. The appraisal has been independently assessed and the City Council's Viability Consultant concurs that the scheme would be unviable if there was to be any requirement for affordable housing, further open space/play or any contribution towards off-site provision. This results from a number of factors, the most significant of which are the substantial CIL sum that would be generated by the scheme and abnormal costs associated with remediation works (as a result of the site's former industrial use).
- 6.28. The site falls within a designated 'High Value' residential area and, as such, the development is subject to CIL. The sum payable would be dependent on the eventual number of units, which would be determined by any future detailed application. However, on the basis of the current submission for 101 dwellings (8,341sqm total floorspace), this would equate to a sum in the region of £575,546 (which was factored into the appraisal).
- 6.29. As such, whilst I note my Local Services colleague's request for a contribution of £129,040 towards public open space and children's play, it has been demonstrated that the scheme could not support such a contribution. The indicative layout does include some on-site open space provision (approximately 0.4ha in total), although this is predominantly in the form of a green corridor running parallel to the River Rea (measuring between 8.5m and 20m in width) and, as such, has only limited use for recreational purposes. It would, though, form an attractive area to be enjoyed by residents visually at least. The nearest park/play facilities are located at Cotteridge Park, approximately a 15 minute walk away, and to the north in the Rea corridor.
- 6.30. I also note the request of my Education colleague for a financial contribution of £129,040 to be spent on provision of additional school places. However, any Education funding via the planning system is now derived from city-wide CIL monies.

Design

- 6.31. The application is in outline form only, with siting, scale, appearance and landscaping to be considered in detail under any future reserved matters application. Notwithstanding this, an illustrative layout has been submitted and, whilst this is likely to change at the reserved matters stage, it does provide a useful indicator of the type of development that could be accommodated on the application site. For example it

shows that proposed new housing would generally front on to the public realm/public open space in order to encourage natural surveillance, and that rear gardens would generally back on to other rear gardens or secure areas.

- 6.32. It shows a perimeter block could be achieved, meeting separation distances, and providing a pedestrian and cycle route through the development, linking the River Rea corridor/cycle route to Pershore Road. The layout also shows adequate space could be provided on the site to accommodate parking, for a mix of house-types, along with new soft landscaping to frontages.
- 6.33. The Council's City Design Officer notes that many of the broad principles established at pre-application stage have been followed, with revisions made in response to Officer comments, and is comfortable with the approach currently adopted.
- 6.34. There are significant constraints imposed on the potential layout by existing sewers crossing the site (and associated easements), which have dictated the position of the internal roads. This has resulted in the need to create an unusually large perimeter block in the middle of the site, which in turn, necessitates the introduction of properties at the centre of it. Whilst this is not ideal, the orientation of the properties and the overall size of the block allow for an acceptable relationship between the new houses, in accordance with the recommendations in 'Places for Living'.
- 6.35. Whilst there are some areas that require further consideration (including the layout of parking areas and garden sizes for a limited number of plots), the principles of good design have been adhered to in the submission and the layout is sufficient to demonstrate that a scheme of this nature/density could satisfactorily be accommodated.

Impact on Existing Amenity

- 6.36. The closest existing residential properties are those on Ivy Road to the north. These are generally two-storey terraces with single-storey rear wings and long gardens, which back onto the site at a slightly higher level. The indicative layout shows new 2 storey houses positioned side-on to this boundary, at the end of two small turning heads. A 3 storey block of flats is also shown on this side of the site, but at its far north-east corner, adjacent to a thick tree screen with 'Kingdom Hall' beyond.
- 6.37. A row of new houses are shown on the west side of the site, with gardens (11m long) backing onto existing properties fronting Pershore Road and Mayfield Road, which are predominantly in commercial use (some with residential accommodation at upper floors). Otherwise, the proposed development would have no direct relationship with any existing occupier, with the car park for the City Council offices being closest to the south (beyond an internal road) and the river corridor lying adjacent to the east.
- 6.38. I am satisfied that the illustrative information provided adequately demonstrates that a suitable layout could be achieved that would have an acceptable relationship to existing properties immediately abutting the site.

Landscape and Ecology

- 6.39. The River Rea runs parallel to the eastern side of the site and is a designated SLINC and wildlife corridor. An Ecological Appraisal has been submitted, which your Ecologist considers fairly represents the site's ecological value. Your Ecologist is generally satisfied with the submitted layout as it widens the buffer zone between the development and the River Rea (compared to the previous development) and the

indicative landscape plan shows the use of some native tree planting and wildflower areas. He recommends that some Green Infrastructure SUDS should be included in the site and linked to the Rea unless there is enough permeable area to not warrant this.

- 6.40. The submitted Ecological Appraisal makes some recommendations for enhancements to improve the site for biodiversity and these have, in part, been included in the indicative landscape plan. Your Ecologist considers these enhancements and other measures referred to in the Appraisal, including the incorporation of bird nesting boxes, should be secured through an appropriate condition and I concur with this view.
- 6.41. My Landscape colleague raises no objection in principle to the proposals, but has provided detailed advice in respect of the submitted layout. The comments received relate to, for example, the need for additional planting between parking spaces, size of frontages and planting beds and the need for detailed planting plans.
- 6.42. The submitted layout is indicative only and I am satisfied that the points raised could satisfactorily be addressed in the development of any detailed scheme. Conditions are recommended in respect of landscaping/landscape management, hard surfacing, earthworks, boundaries and levels.
- 6.43. No tree removals are proposed. The majority of the site has already been cleared and was previously predominantly hard-surfaced. The only significant trees are located beyond the eastern boundary, alongside the River Rea. The indicative layout shows a proposed area of open space on this side of the site (to incorporate SUDS and be maintained as part of the overall landscape strategy), thereby avoiding any potential impact of road/housing construction in the vicinity of the trees. Your Tree Officer is satisfied that the existing trees are comfortably outside the boundary and notes that the BS5837 (tree protection) process has already begun, and advises that no conditions are required in this regard.

Drainage/Flood Risk

- 6.44. The application site is located within Flood Zone 1 and is considered to be at low risk of flooding. The submitted Flood Risk Assessment (FRA) identifies that the site currently drains via a combination of overland flow and existing piped infrastructure to the River Rea beyond the site's eastern boundary, with the piped infrastructure draining into a culverted tributary that bisects the south of the site (the Cotteridge Brook). An outline surface water management strategy has been developed based upon the provision of surface water attenuation features discharging to the culverted brook, with the details of this to be developed in consultation with the LLFA prior to any reserved matters submission. It is anticipated that SUDS features provided as part of the development will offer an approximate 90% reduction in run-off compared to existing brownfield discharge rates.
- 6.45. The Local Lead Flood Authority (LLFA) initially expressed concerns regarding some elements of the submitted information (including the proposed discharge rate) and recommended that further work be undertaken, including further exploration of the potential to de-culvert the Cotteridge Brook in this location and the production of evidence of the use of sustainable drainage principles and exploration of SUDS. Notwithstanding this, the LLFA confirmed that the proposed strategy to utilise above ground storage features (swales, basins, and ponds) is considered acceptable in principle.

- 6.46. In addition, whilst the Environment Agency raised no objection in principle, a modelling study of the culverted brook was requested.
- 6.47. Following discussions with the EA, the applicant has produced additional information as requested by both consultees. The LLFA have confirmed that they are content to approve the development in principle, in order to allow scheme to progress to next stage of design, subject to conditions requiring submission of a sustainable drainage scheme and a Sustainable Drainage Operation and Maintenance Plan.
- 6.48. However, the EA have requested further information, which the applicant has supplied. Formal confirmation is now awaited that the EA are satisfied and that their objection is withdrawn.

Transportation

- 6.49. The proposed development would utilise an existing access road off Fordhouse Lane, which previously served a large car park (in the region of 180 car parking spaces) and servicing to the former industrial use on the site. Trip generation analysis within the submitted Transport Assessment has been considered. It shows that the proposed development would present 73 and 39 fewer trips during the AM and PM peak hours respectively compared to the former use and, as such, my Transportation colleague is satisfied that the proposal would not have as significant an impact on the highway network.
- 6.50. Parking provision on the indicative layout is shown as 200% for all 3 and 4 bed units, with the 1 and 2 bed units having either one or two spaces, with some visitor parking. My Transportation colleague has indicated that, in considering any detailed submission, they would be seeking closer to 200% parking, with at least 150% for 1 bed flats, unless the applicant can demonstrate how a lower level of car parking is acceptable.
- 6.51. In addition to these comments, I note that there are some detailed issues with the indicative layout that I consider would require further thought, including the allocation of parking spaces (with not all spaces currently relating well to the units that they serve). Notwithstanding this, I am satisfied that the layout adequately demonstrates that an appropriate level of parking could be provided, particularly bearing in mind the site's sustainable location, close to local services and good public transport links.
- 6.52. In reflection of this, Transportation have raised no objections subject to conditions. Comments have been provided on the indicative plan, to be shared with the applicant for consideration in the future development of the scheme. These relate to matters such as tracking requirements for turning heads, road widths/potential emergency links, provision of footways and clarification of areas for adoption/maintenance. Although the Fire Service has not responded, detailed site layout is a Reserved Matter and so I consider their interests can be addressed in the submission to follow this current application.

Sustainability

- 6.53. As this application is in outline form, many of the issues that would be assessed in terms of sustainability criteria cannot be considered at this stage, and would need to be addressed at the reserved matters detailed design stage. Therefore sustainability issues such as the orientation of buildings to improve thermal efficiency and the use of sustainable construction techniques are not considered here.

- 6.54. In terms of the site's inherent sustainability credentials, it is previously developed land and so its development would allow for a significant contribution to the housing target for South Birmingham to be accommodated on 'brownfield' land. It would also ensure that this important site would be put into long term active use.
- 6.55. The site is located in a sustainable position that minimises the need to travel, has good public transport links and is located close to facilities. It is:
- close to Stirchley Centre;
 - within reasonable walking distance of doctors surgeries, schools and other services;
 - close to both Pershore Road and Fordhouse Lane, which are both high frequency bus routes, connecting to outlying areas and the city centre,
 - adjacent to the River Rea corridor, which forms part of the city cycle network.
- 6.56. In addition, the application proposes improvements to cycle and pedestrian permeability with links to be created onto Mayfield Road (and Pershore Road beyond) on its west side and the River Rea corridor to the east. The proposal is therefore considered to meet the requirement for sustainable development.

Ground Conditions

- 6.57. The site was formerly used for industrial purposes. A desk-based geo-environmental report has been completed to assess existing ground conditions at the site and to provide a conceptual model of pollution linkages and comments on potential considerations relating to the former use and proposed redevelopment of the site for residential purposes. The report concludes that the geo-environmental conditions would not pose a risk and should not preclude redevelopment subject considerations including:
- The need for deep foundations/ground improvement where made-ground is present;
 - There is potential for ground contamination, which will require remedial precautions/measures such as clean cover soil in landscaped areas, vapour exclusion measures in structure, and some local soil remediation;
 - Remedial precautions may be required to protect controlled waters.
- 6.58. I note that the Environment Agency has raised no concerns in respect of potential contamination or impact on controlled waters. In addition, based on the findings of the submitted report, my Regulatory Services colleague raises no objection subject to conditions requiring a contamination remediation scheme and verification report, which I agree can be secured through the imposition of conditions as recommended.

Public Consultation Responses

- 6.59. I note that concerns have been expressed about the introduction of a link from the site onto Mayfield Road, particularly in terms of potential conflict with existing business operations there and related safety implications. However, my Transportation colleague has raised no concerns in this respect.
- 6.60. The proposed route is shown linking in with the existing footway on the south side of Mayfield Road, adjacent to the currently vacant 'chapel' building (with railings across the back of pavement at this point) and parking bays associated with 'Rik-Fit' motor workshop beyond. Whilst it is accepted that this area is often congested and that there are problems of indiscriminate parking, business activity on this road is

primarily associated with the units fronting its north side and the route does already exist beyond the site boundary.

6.61. The proposed link is considered to be a positive addition in creating additional permeability through the site and allowing more direct access to local services and public transport links, in accordance with sustainable principles.

6.62. Access Birmingham has expressed concern that disabled access is not mentioned in the submission, with currently no house-types provided or features such as enlarged parking spaces included. However, this application is in outline form and the current layout is for illustrative purposes only. In the development of any subsequent detailed submission, the applicant would be encouraged to consider the needs of the elderly and disabled in accordance with the City's adopted SPD.

7. Conclusion

7.1. The proposal would provide sustainable residential development on a brownfield site, close to public transport links and local facilities, and with good accessibility through the site and to surrounding areas. A marketing exercise has been undertaken to meet policy requirements in terms of loss of this formerly industrial site. The proposed housing provision would accord with that recommended in national and local adopted policy, including the recently adopted Stirchley Framework SPD and, whilst the proposal includes no affordable housing provision, a financial viability assessment submitted by the applicant has demonstrated that the scheme would otherwise be unviable. As such, the proposal is therefore supported and recommended for approval subject to conditions.

8. Recommendation

Approve, subject to conditions.

1	Requires the submission of reserved matter details following an outline approval
2	Requires the prior submission of sample materials
3	Requires the prior submission of level details
4	Requires the prior submission of hard surfacing materials
5	Requires the prior submission of earthworks details
6	Requires the prior submission of boundary treatment details
7	Requires the prior submission of a landscape management plan
8	Requires the prior submission of a contamination remediation scheme
9	Requires the prior submission of a contaminated land verification report
10	Requires the prior submission of a drainage scheme
11	Requires the prior submission of a sustainable drainage scheme

-
- 12 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 13 Requires pedestrian visibility splays to be provided
 - 14 Requires the prior submission of a residential travel plan
 - 15 Requires the prior submission of cycle storage details
 - 16 Limits the layout plans to being indicative only
 - 17 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 18 Requires the prior submission of pedestrian route details
 - 19 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 20 Requires the scheme to be in accordance with the listed approved plans
 - 21 Limits the approval to 3 years (outline)
-

Case Officer: Alison Powell

Photo(s)



View across site towards Mayfield Road and r/o Pershore Road (western boundary)

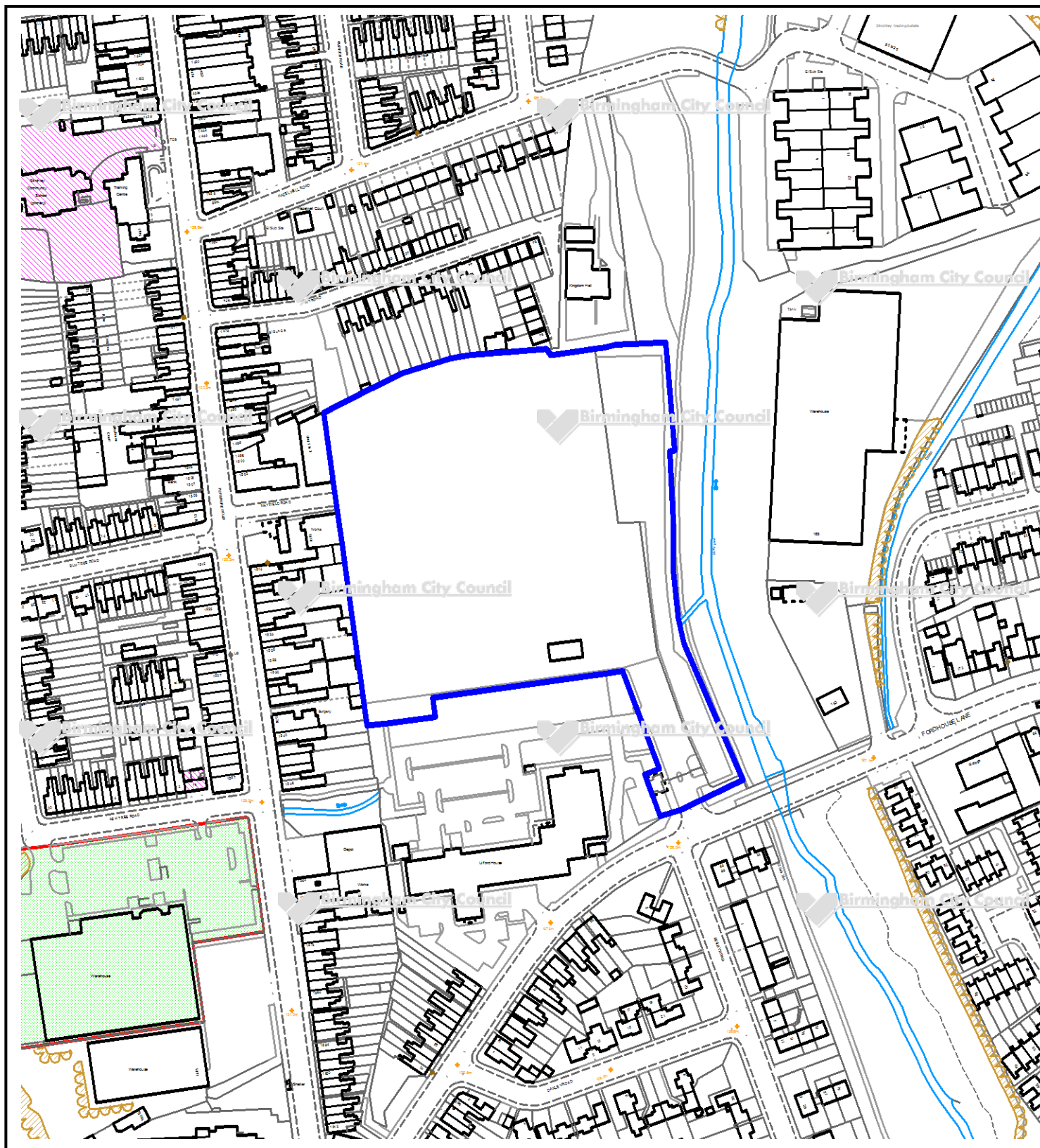


View towards r/o Ivy Road (northern boundary)



Boundary to River Rea and facing south towards access to Fordhouse Lane

Location Plan



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Committee Date:	24/11/2016	Application Number:	2016/05824/PA
Accepted:	19/07/2016	Application Type:	Full Planning
Target Date:	20/12/2016		
Ward:	Moseley and Kings Heath		

Silver Street, Lidl, Kings Heath, Birmingham, B14 7QU

Demolition of existing foodstore and former neighbourhood office and construction of replacement foodstore, formation of access and car parking, and associated landscaping

Applicant:	Lidl UK GmbH c/o Agent
Agent:	Bilfinger GVA 3 Brindleyplace, Birmingham, B1 2JB,

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. The proposal is for the demolition of the existing Lidl foodstore and former neighbourhood office building and for their replacement with a new, larger Lidl foodstore with the associated formation of a new vehicular access off Silver Street, a 102 space car park, and landscaping.
- 1.2. The proposed new foodstore would be sited on the western half of the application site. It would predominantly comprise of a double height single storey building, with a small first floor located along part of its southern elevation. It would measure 61m in length, a maximum of 43m in width, and a maximum height of 8.3m at its southern end. It would be sited a minimum of 2.6m from the western site boundary, a minimum of 1.5m from the footway of Silver Street i.e. the southern site boundary, and a minimum of 2.5m from the northern site boundary (in the north west corner of the site).
- 1.3. The proposed foodstore would have a gross internal floor area of 2454sqm, and a sales area of 1424sqm. The sales area would be accommodated between warehouse/storage areas (along the southern and western edges of the building), and a delivery/loading bay (adjacent to the northern edge of the building). The customer entrance would be located in the south east corner of the building. The first floor would accommodate offices, toilets and a staff room/canteen.
- 1.4. The proposed building would have a mono-pitched roof with a 4 degree slope, tapering down from 8.3m along its southern edge to 5m in height along its northern edge. The roof would be constructed of silver coloured, raised seam cladding. The east elevation would predominantly comprise of glazed curtain walling, extending around the south eastern corner to form the entrance lobby. The north and west elevations would comprise of white rendered walls (lower sections) and silver coloured, flat panel metal cladding (upper sections). The south elevation would

comprise of brickwork and render, with flat panel metal cladding at and just below eaves. Brick and render piers would be incorporated along the elevation, with book-end brick sections at either ends of the elevation and on either side of the stairwell. There would be windows at first floor along the majority of the length of the elevation, windows at ground floor along the eastern half of the elevation, and a centrally located double height glazed stairwell.

- 1.5. It is proposed that the vehicular access serving the existing pay and display car park would be closed off and returned to public footway, whilst the existing service access on to Silver Street, located at the eastern end of the site, would be reconfigured to provide two-way traffic. This access, which would have a maximum width of 17m, would be used by customers to access the proposed new car park, and also by heavy goods vehicles to provide deliveries to the foodstore.
- 1.6. The proposed new 102 space car park would be located on the eastern half of the site. Six disabled car parking spaces would be included. Eight cycle spaces are also proposed. The proposed car park would be for use by Lidl customers as well as providing up to 90 minutes free parking for other shoppers visiting Kings Heath Centre. An automated vehicle number recognition system would be used.
- 1.7. Landscaped beds are proposed to be created around the edges of the car park. The majority of the landscaped bed on the Silver Street frontage would be a minimum of 2m in width.
- 1.8. Nine young trees are proposed to be removed on the site. Fifteen new trees are proposed to be planted on the site, eleven of which would be planted along the southern site boundary to Silver Street.
- 1.9. The proposed opening hours of the foodstore would be 0700-2200 hours Mondays to Saturdays and 1000-1800 hours on Sundays and Bank Holidays. Delivery times are proposed as 0600 – 2300 hours every day. Staffing would remain similar to that which exists at the current food store i.e. the equivalent of 20 full time staff are proposed to be employed.
- 1.10. Indicative signage is shown on this proposal but would require separate advertisement consent and therefore does not form part of this planning application.
- 1.11. A Planning and Retail Statement, Design and Access Statement, Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan, Transport Assessment, Noise Assessment, and Tree Survey have been submitted in support of the application.
- 1.12. The proposed development does not attract a CIL contribution.
- 1.13. To mitigate for the loss of the existing long stay pay and display car park at Silver Street the Applicant has agreed to meet the Local Planning Authority's request for a planning contribution of £50,000 to be spent towards parking surveys and/or environmental enhancement measures to include paving, landscaping, lighting and minor highway works and maintenance thereof, and/or resident parking schemes, and/or traffic regulation orders within the defined geographical area of the Kings Heath Local Action Plan SPD.
- 1.14. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is 0.7ha in size and rectangular in shape, running east to west parallel to Silver Street. The site is located within Kings Heath District Centre, the High Street being located 25m from the eastern edge of the site. Silver Street is predominantly a residential road, but its eastern end has commercial uses.
- 2.2. Running east to west across the length of the site is the staff parking/delivery area serving the existing Lidl foodstore; the existing Lidl foodstore itself (which was built in the late 1990s); the single storey former Neighbourhood Office building which is currently vacant; and a 122 space pay and display car park which serves Kings Heath Centre. The north west corner of the site incorporates the bottom half of three residential gardens to Nos. 41, 43 and 45 Waterloo Road.
- 2.3. Immediately adjoining the site to the east is a retail shop at No. 10-12 Silver Street. Continuing around the north eastern site boundary are the backs of commercial/shop premises. Further west along the northern site boundary the rear gardens of houses along Waterloo Road adjoin the site. The western site boundary adjoins a block of sheltered housing flats at Nos. 68-76 Silver Street. Located opposite the site, on the other side of Silver Street, are sheltered housing flats centred on Whitesmith Croft, and further to the east is the large International Stock retail store.

[Site Location Map](#)

3. Planning History

- 3.1. 12 September 1996 - 1996/01030/PA – Reserved Matters Application for food retail unit (962 square metres) plus associated landscaping, service area and provision of 134 parking spaces. (Amendment to approved scheme) – Approved subject to conditions
- 3.2. 18 February 2016 - 2015/09512/PA - Demolition of existing foodstore and former neighbourhood office, and construction of replacement foodstore, formation of access and car parking, and associated landscaping – Withdrawn by Applicant
- 3.3. 21st September 2016 - 2016/07310/PA - Application for a prior notification for the demolition of former neighbourhood centre – No Prior Approval Required

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection – Subject to conditions requiring new access to be constructed to City specification and redundant accesses reinstated with full height kerbs; secure and sheltered cycle storage to be provided in line with Council requirements; no occupation of foodstore until turning and parking area constructed; submission of a Parking Management Strategy; no occupation of foodstore until delivery and service area completed; and submission of a Construction Method Statement/Management Plan.
- 4.2. Regulatory Services – No response received
- 4.3. West Midlands Police – No objection - This application would be an ideal new build development eligible for Secured by Design Accreditation. Would strongly

recommend that this proposed development installs an intruder alarm that attracts a police response.

- 4.4. Severn Trent Water – No objection – Subject to condition requiring submission of drainage plans for the disposal of foul and surface water flows.
- 4.5. Lead Local Flood Authority (LLFA) – No objection - Overall, the LLFA accept that the majority of this information may be conditioned and provided at detailed design stage. The LLFA consider that there are opportunities to incorporate green/traditional SuDS further within the proposed development. Recommend conditions requiring revised Sustainable Drainage Assessment and revised Sustainable Drainage Operation and Maintenance Plan.
- 4.6. Access Birmingham – No objection - Public footway in front of proposed store should have a minimum width of 3m. Recommend parking management condition. Welcome provision of accessible/disabled toilet and hope it is available to shoppers.
- 4.7. The Ramblers - City of Birmingham Group – No response received
- 4.8. Birmingham Public Health – No response received
- 4.9. Employment Access Team – No response received
- 4.10. Local residents, Ward Councillors, Residents and Business Associations, Hall Green and Yardley Schools, and M.P. notified. Advertised by press and site notice. 10 letters of objection and one letter of general comment received from local residents. The following concerns were raised, as summarised:
 - Would generate additional traffic and cause greater levels of customer parking on residential roads which are already heavily parked/gridlocked at certain times
 - Doubling of store size will double amount of traffic
 - Customers will not park at other supermarket car parks and walk with bags
 - Should look at making residential roads one-way, restrict HGVs from using them or instigate resident parking permits
 - Loss of existing car park which was at or near capacity whilst expanding store is counter-intuitive
 - Proposed car park layout ill-conceived with HGVs and customer parking unsegregated
 - No need for expanded store when two supermarkets already in Kings Heath
 - 24hr operation of warehouse and deliveries would cause noise and disturbance e.g. reversing vehicles, amplified music, slamming doors, conversations etc.
 - Design of new store would magnify and echo noise of deliveries
 - Construction traffic, noise and dust would affect residential amenity
 - Proper new boundary treatment should be provided to residential gardens
 - Health and stability of off-site mature oak tree within neighbouring rear garden could be adversely affected
 - New building would block light to residential properties
 - New building would adversely affect outlook from residential properties, particularly given its height and proximity to residential boundaries – not all adjoining rear gardens benefit from tree screening
 - Store would be too large and not in keeping with residential area
 - New building of modernist warehouse design would appear completely at odds with surrounding area, emphasising its full height of 8m

- Store should be re-built in current location and not closer to residential properties as proposed
- How would void between western boundary and store be protected from unauthorised access and resulting nuisance
- No provision to prevent or deal with any increased vermin

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham UDP
- Pre-Submission Birmingham Development Plan (BDP)
- Places for All SPG
- Car Parking Guidelines SPD
- Kings Heath Local Action Plan SPD
- Shopping and Local Centres SPD

5.2. The following national policies are applicable:

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

6. Planning Considerations

Background

6.1. An initial pre-application discussion meeting was held with the Applicant in 2015, with the principal points arising in relation to the operation of the store car park and store design. The Applicant was advised to improve the design of the store and ensure that it provided an active frontage on to Silver Street. The following planning application (2015/09512/PA) did not adequately deal with these concerns. It was officer opinion that: the siting, scale and appearance of the proposal, together with a lack of soft landscaping, would have a detrimental impact on the character and appearance of the street scene and public realm; that the proposal did not provide an adequate separation distance to existing residential windows at Nos. 72, 74 and 76 Silver Street and would lead to a loss of outlook for these occupiers; and that the absence of a financial contribution to mitigate for the loss of an existing long stay car park available for all users would have an adverse impact on the attractiveness and viability of Kings Heath District Centre as a shopping/business destination. The Application was withdrawn before Committee.

6.2. Since the withdrawal there have been extensive pre-application discussions with the Applicant, also involving the Council's City Design Officer, in order to address the above concerns. The existing pay and display car park was also sold by the Council to the Applicant.

6.3. A prior notification application 2016/07310/PA for the demolition of the former Neighbourhood Office building was approved as permitted development in September 2016.

Principle and Retail Impact

6.4. The Applicant has explained that the proposed replacement foodstore would ensure that operational efficiencies are maintained and enhanced; that reconfiguration and

modernisation would allow more flexibility with merchandising and a brighter store with more room for customers to manoeuvre around, improving their overall shopping experience; and that it would not result in any material increase in the range of products displayed for sale, rather it would allow more of the same products to be stocked on the shelves at the same time.

- 6.5. The National Planning Policy Framework (NPPF) confirms that there is a presumption in favour of sustainable development (Para. 14), with the three dimensions to sustainable development being economic, social and environmental.
- 6.6. Planning law requires that applications must be determined in accordance with the Development Plan, of which the Birmingham UDP and Kings Heath Local Action Plan (an adopted SPD) are pertinent. The UDP and Kings Heath Local Action Plan SPD both encourage retail investment in Kings Heath, part of the application site (the existing pay and display car park) forms a site specific allocation within the SPD proposed for 'Rationalisation of Site' - stating at Paragraph 8.3 that "there are opportunities to improve the layout and circulation of several car parks within the study area, including the Lidl/Neighbourhood Office car park in Silver Street".
- 6.7. There is no in-principle objection to the demolition of the existing foodstore or former Neighbourhood Office building, which are buildings of no particular architectural merit. The principle of a replacement foodstore on this site is therefore acceptable, subject to retail matters discussed below.
- 6.8. The gross internal floor area of the proposed foodstore, when compared to the existing foodstore would result in an increase of 1,447sqm gross internal floor area and 689sqm net sales area. The resulting new store would provide 2454sqm gross internal floor area, with a net sales area of 1424sqm.
- 6.9. Paragraph 26 of the NPPF advises that an impact assessment be carried out for retail development over 2500sqm in floorspace. The proposed development would not require an impact assessment as the floorspace proposed would fall under this threshold.
- 6.10. Policies in both the NPPF (Paragraph 24) and UDP (Chapter 7) direct new retail development to 'in centre' locations first and that a sequential test should be applied if such development cannot be accommodated within a centre. Policy TP21 of the Pre-Submission Birmingham Development Plan states that proposals for convenience retail development in defined centres will be supported in principle, subject to proposals being at an appropriate scale for the individual centre. It states that proposals should deliver quality public realm and create linkages and connections with the rest of the centre and improve accessibility.
- 6.11. Policy S7 of the Kings Heath Local Action Plan SPD explains "Redevelopment schemes that improve the shopping function and further upgrade and enhance the centre will be encouraged."
- 6.12. The application site, as defined by the Council's Shopping and Local Centres SPD, is located within Kings Heath District Centre, albeit except for a very small part of the site in its north west corner which currently accommodates the ends of three residential rear gardens. The eastern half of the site, where the existing foodstore is located, falls within the Primary Shopping Area. I am satisfied that the proposed foodstore would be located in an 'in centre' location as defined by the NPPF, and a sequential test need not be applied.

- 6.13. I note the concerns of local objectors that there is no need for the proposed larger foodstore when there are two other large supermarkets in King's Heath. However, it falls outside the remit of planning to restrict need and choice.

Siting, Scale and Appearance of Store

- 6.14. Chapter 7 of the NPPF focuses on good design as a key element of sustainable development. Paragraph 56 states: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."
- 6.15. Policy PG3 of the Pre-Submission BDP and Paragraphs 3.14A-E of the Birmingham UDP sets out design principles that should be applied to any new development. Among the good urban design principles set out in the UDP at Paragraph 3.14D are that "The City Council will have particular regard towards the impact that the proposed development would have on the local character of an area, including topography, street patterns, building lines, boundary treatment, views, skyline, open spaces and landscape, scale and massing, and neighbouring uses". It also explains "To ensure that places feel safe, pleasant and legible, the fronts and backs of buildings should be clearly defined. Windows and more active rooms should face the public realm and main entrances should open onto the public realm, whereas the backs of buildings should be private and face other backs."
- 6.16. The Council's Places for All SPG also provides detailed design guidance, noting on page 18 that "Frontages should be as 'active' as possible particularly at ground level...Facing public space with deadening elements such as long runs of blank wall and external security shutters should generally be avoided."
- 6.17. The Applicant has explained that because they are a Limited Assortment Discounter (LAD), as opposed to a more conventional supermarket, they offer a limited product range and their primary trade is in bulk. They explain that delivering the LAD business model has consequences for the design and layout of their new stores i.e. fixed internal layout and store size. From the outset of discussions the Local Planning Authority has been clear of their preference that a new foodstore should front on to Silver Street, rather than its car park. However, the shallow depth of the application site, in combination with the Applicant's inflexibility to alter their store layout, has meant that unfortunately it would not be possible to orientate any proposed replacement foodstore with its front elevation on to Silver Street.
- 6.18. Whilst I consider the above is a missed opportunity to improve the quality of the public realm along Silver Street, the Applicant has nonetheless taken significant steps to move away from their 'standard' elevational treatment and provide a more bespoke active frontage on to the Silver Street. They have followed the advice from the Council's City Design Officer and the amended elevation now incorporates a number of features to add interest and articulation to the façade, which also increases visual activity and reduces massing of this elevation. These features include introduction of windows across the first floor and part of the ground floor, use of a varied material palette, incorporation of brickwork to better respect the local vernacular, incorporation of vertical projecting piers (to replicate the traditional verticality and spacing of Victorian terraced housing in the local area), and introduction of a glazed staff stairwell. The glazed entrance lobby also extends around the side of the building on to Silver Street which helps the front elevation successfully turn the corner and improve legibility of the entrance on the street.

- 6.19. Whilst the proposed foodstore would be sited between 1.5m-4m distant from the footway along Silver Street, and closer to the footway than the existing foodstore, I am satisfied that the façade elements described above would reduce the dominance and massing of the elevation, and in conjunction with new soft landscaping in the form of shrub/hedge planting and six new trees located immediately in front of the elevation, would create a building which is in keeping with the varied scale and architecture of existing buildings along Silver Street. When compared to the previous submission, the proposed foodstore, would not now be sited forward of the neighbouring property at No. 76 Silver Street, and would respect the building line along Silver Street.
- 6.20. I note the concerns of local residents in respect of the proposed foodstore being located nearer to the residential end of Silver Street as opposed to being re-built in a similar location to existing. The Applicant has explained that re-positioning the store to the western part of the site, with the entrance facing towards the Centre and parking in between, enables the creation of a much stronger visual and functional relationship between the site and the Centre. I am satisfied with this argument, and note it would bring the car park nearer to the Centre which may also mean it is used to a greater extent by shoppers/visitors to the Centre.
- 6.21. The store warehouse would be visible from the public realm behind the four ground floor windows on the Silver Street elevation of the proposed foodstore. In order to ensure that activity remains visible behind these windows, for the purposes of achieving an active frontage to Silver Street, the Applicant has agreed that conditions could be attached to any consent to ensure that no stock/store fittings are sited within 1m of these windows (the warehouse floor inside the store would be marked with hatchings), and that no advertisements are displayed on all windows along this elevation.
- 6.22. In attributing some weight, to the fact that the Applicant's business model constrains their ability to be flexible with their store layout and building footprint, I consider that the proposal represents the best, and on balance, satisfactory solution of this site that can be achieved within these constraints.

Traffic and Parking

- 6.23. Paragraph 32 of the NPPF explains that plans and decision should: take up opportunities for sustainable transport modes, that safe and suitable access to the site can be achieved for all people, and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to explain that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 40 continues "Local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles."
- 6.24. The National Planning Practice Guidance (NPPG) under the chapter 'Ensuring the Vitality of Town Centres' explains that "Local planning authorities should plan positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work." It goes on to explain "This positive approach should include seeking to improve the quality of parking in town centres (in line with the National Planning Policy Framework) and, where it is necessary to ensure the vitality of town centres, the quantity too."

- 6.25. The Council's Car Parking Guidelines SPD recommends a maximum of 1 space per 14m² in this location, and the proposal would comply with this policy.
- 6.26. The existing 122 space pay and display public car park at Silver Street is used by both Lidl customers, and other visitors to the Centre. It charges during the hours of 0800-2000 Mondays to Saturdays and is free on Sundays and Bank Holidays. Shoppers or local businesses can park for up to a maximum of ten hours.
- 6.27. The submitted Transport Assessment incorporates a survey undertaken to analyse the demand for the existing 122 space car park on a Friday and Saturday in July 2015, Fridays and Saturdays being the busiest days for the store. The busiest time was found to be during a 15 minute period between 12:00-12:15 on the Saturday, when 117 spaces were noted to be occupied. Demand had fallen down to 88 spaces in the following 12:15-12:30 period. The maximum demand observed on the Friday was 74 spaces.
- 6.28. Transportation Development have raised no objection to the proposal, although they acknowledge that in addition to serving the existing foodstore, the existing car park is also a general pay and display facility for the wider local centre. The Applicant is proposing a replacement 102 space car park and Transportation Development are satisfied that given the survey information set out above there would only be a small time period (the survey suggests for a 15 minute period on a Saturday lunchtime) whereby the proposed 102 replacement car park could not accommodate all its visitors.
- 6.29. The submitted Transport Assessment suggests that 20% of visitors to the existing car park are non-Lidl customers. Transportation Development note that this figure is approximate rather than based on site specific survey data. In assessing the capacity of the proposed replacement car park to meet demand they note that the existing long stay car parking signage would be replaced by Lidl signage and an automatic number plate recognition system would be installed to prevent parking of any longer than 90 minutes. The Transport Assessment explains that the enlarged store would generate a potential increase in Lidl customer trips of 7.5%, although it is stressed this is very much a worst case scenario. It goes on to explain that the enlarged store is not anticipated to create significant additional customer demand at the site, given that Lidl already operate from this location and have an existing customer base. I note the concerns of local residents that the proposed development might result in increased on-street parking on local residential roads. However, given the above, Transportation Development are satisfied that it has been demonstrated that the proposed 102 space car park should be sufficient to accommodate the parking demand associated with Lidl customers without undue overspill parking on to local roads.
- 6.30. In relation to the displaced long stay, non-Lidl customers, whom might use the existing pay and display car park the Transport Assessment has included details of alternative nearby car parks. At the same time as the survey took place of the existing car park, nearby Sainsbury's and Asda car parks were also surveyed (which in total offer 411 spaces). The survey found that during the peak period of 12:15-12:30 on a Saturday there were 105 spaces still available. Other Pay & Display car parking options are available along the High Street, at The Parade, and at nearby Institute Road. In addition, unrestricted parking is available along Silver Street and other surrounding residential streets. Whilst Transportation Development are satisfied that there would remain parking opportunities within the existing Centre, I consider there is still the loss of a public pay and display car park – a key

component of the overall strategy for dealing with parking in the Centre, and which I shall explore in more detail later in this report.

- 6.31. Whilst I note the concerns of local objectors in respect of the potential for conflict between shoppers and goods vehicles within the proposed foodstore car park, a swept path analysis for delivery vehicles has been provided as part of the submitted Transport Assessment. It demonstrates that the largest vehicle (a 16.5m long articulated lorry) would be able to enter, manoeuvre within and leave the site without posing a risk to pedestrian or highway safety. Transportation Development are satisfied that highway safety would not be adversely affected as a result of the proposal.
- 6.32. Eight cycle spaces are proposed to serve the proposed development. This would exceed the minimum recommended cycle parking standards as set out in the Council's Car Parking Guidelines SPD. In addition, the site is well served by regular buses running along High Street throughout the day.
- 6.33. Transportation Development have requested a number of conditions be attached to any consent including details to require that the new access would be constructed to City specification and redundant accesses reinstated with full height kerbs; and that secure and sheltered cycle storage is provided. In addition, conditions are requested requiring no occupation until turning and parking areas are completed and delivery and service areas are completed. A Parking Management Strategy and a Construction Method Statement are also requested.

Noise

- 6.34. The submitted Noise Assessment confirms that the existing noise climate is primarily determined by traffic flows on adjacent roads and by noise break out from the existing store. It confirms that all of the noise producing activities associated with the proposed foodstore already occur from the existing foodstore. It goes on to explain that predicted noise levels for various activities at the proposed development and the customer car park would fall below existing levels of ambient noise and background noise that currently occur at adjacent residential premises. The Assessment indicates that emission levels for delivery activities would be expected to fall into the category of 'low impact' when compared against the typical lowest background noise levels. The calculated sound levels for site activities at the nearest dwellings would fall within the relevant recommended British Standard requirements for dwellings. The Noise Assessment confirms that calculated emission levels for delivery and unloading operations, together with use of the car park, would all achieve the relevant noise and vibration recommendations as set out in the Council's Planning Control Guidance Note 1. In the case of external plant, noise limit criteria have been determined in accordance with PCGN 1 and the derived noise limit criteria would be used to finalise the selection of external plant and determine where noise control treatments may be required.
- 6.35. Whilst I note the concerns of local residents in respect of noise and disturbance arising from the proposed development, Regulatory Services raised no objection to the previous similar such application and I concur that there would unlikely be a material adverse impact on residential amenity as a result of noise and disturbance. Regulatory Services previously advised that conditions should be attached to any consent requiring that the rating levels for cumulative noise from all plant and machinery should not exceed 5dB below the existing LA90 background levels and 10dB below the existing LAeq at any noise sensitive premises. They also recommend restricting the hours of use of the foodstore to 0700-2200 hours

Mondays to Saturdays and 1000-1700 hours on Sundays/Bank Holidays. However, as the Applicant trades normal weekday opening hours on Bank Holidays until 1800 hours I consider it reasonable to allow slightly extended opening hours on Bank Holidays.

Effect on Residential Amenity

- 6.36. In order to protect outlook for existing residential occupiers the Council's Places for Living SPG recommends a minimum separation distance of 12.5m between the flank walls of any new buildings and existing windowed elevations. Nos. 68-76 Silver Street, a two storey block of sheltered flats, immediately adjoins the site boundary to the west. There are four ground floor, and six first floor, windows located in the east elevation of Nos. 72, 74 and 76, some of which serve habitable rooms. The distance between the nearest window in this block and the flank wall of the proposed foodstore has increased from the previous application, and the distance between the two is now 12.5m, which meets the minimum recommended separation distance set out in Places for Living SPG. The existing boundary hedge between the two sites would also be retained, softening the outlook for the residents of this block.
- 6.37. I note the concerns of objectors of Waterloo Road whose rear gardens back on to the site, and the fact that some of the open views that they currently enjoy from rear gardens/rear windows would be replaced by the proposed foodstore building. To an extent I share these concerns because the proposed foodstore would be visible from some of the rear gardens/rear windows, but given these gardens are generally 20m in length, the proposal would exceed the minimum recommended separation distances between existing rear windows and new flank walls as set out in Places for Living SPG, and the store would only be a height of 5m adjacent to rear garden boundaries, I do not consider the proposal would materially adversely affect the amenity of these residents (i.e. loss of light, outlook or shadowing) insofar as there would be sufficient grounds for refusal of the application on this basis.

Landscaping and Trees

- 6.38. The existing pay and display car park benefits from generous planting beds (incorporating some trees) along its Silver Street frontage. This provides visual screening/softening of the car park when viewed from the street. The Council's Landscape Officer raised concerns about the narrowness of the proposed planting beds under the previous planning application and that these needed to be a minimum width of 2m, planted with tree or tree like feature shrubs.
- 6.39. The Applicant is now proposing 2m wide planting beds (with eleven new trees) along the Silver Street frontage, and with boundary planting also around the car park perimeter. The Applicant has revised the planting plan in line with comments from the Council's City Design and Landscape Officer and I am satisfied that there is now sufficient soft landscaping, of a robust nature, not to require the need for a landscaping condition. I am also satisfied with the boundary treatment proposed (which largely retains existing boundary treatment) and similarly there would be no reason to attach a boundary condition in this instance.
- 6.40. The Council's Tree Officer has raised no objection to the proposed development. I concur that if the existing young trees located on the application site cannot be retained, then their removal would be acceptable.

- 6.41. There is an existing Category B mature Oak tree, located within the rear garden of No. 47 Waterloo Road, and which would overhang the application site. The submitted Tree Survey indicates that the footprint of the proposed foodstore would fall within part of the Root Protection Area (RPA) of this tree. However, it notes the total likely area of the RPA impacted by the proposed foodstore and the narrow footpath which circumnavigates it (minus areas of existing soft surfaces and existing hardstanding) equals approximately 15%. It concludes that the use of engineered foundation designs, appropriate surfacing and following of best practice procedures would allow for these impacts on the tree to be significantly reduced and minimised. The surrounding strip located immediately adjacent to the site boundaries would comprise of mulched soft surfacing as opposed to the current hard surfacing, and this would provide new rooting areas for the tree. The crown of the tree extends to within the footprint of the proposed structure and the Tree Survey advises that it would likely be necessary to prune the crown of between 1.5–2m of its lateral growth on its east side. In any case, the Applicant has a common law right to prune any branches overhanging their site. The Council's Tree Officer is satisfied with the conclusions of the Tree Survey and recommends that a condition be attached to any consent requiring that the development is undertaken and maintained in accordance with the submitted Tree Survey.

Planning Obligations

- 6.42. Paragraph 204 of the NPPF explains that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 6.43. Paragraphs 8.50-8.54 of the Birmingham UDP sets out the Council's approach towards securing planning obligations and gives examples of planning obligations which may be sought. Among these examples it refers to 'improvements to public parking' and 'environmental enhancement'. Paragraph 10.12 of the Pre-Submission Birmingham Development Plan explains that "...The City Council will, where appropriate, seek to secure site specific measures through planning obligations. The nature and scale of any planning obligations sought will be related to the form of development and its potential impact on the site and surrounding area. Infrastructure and mitigation measures will be provided in a timely manner to support the objectives of the Local Plan, and will ensure any new developments will provide the infrastructure, facilities, amenities and other planning benefits which are necessary to support and serve the development, and to offset any consequential planning loss to the local area which may result from the development..."
- 6.44. Policy S7 of the Kings Heath Local Action Plan SPD explains "Redevelopment schemes that improve the shopping function and further upgrade and enhance the centre will be encouraged." Policy T1 of the SPD recognises the need to explore additional off street parking facilities. Paragraph 8.1 of the SPD explains: "...as with many other shopping centres within the city there can be congestion and there is a lack of sufficient off street parking." Paragraph 8.3 continues "There is limited available off-street parking. King's Heath relies heavily on on-street parking which compounds the problem in the residential areas. There are opportunities to improve the layout and circulation of several car parks within the study area, including the Lidl/neighbourhood Office car park in Silver Street..." As such the application site is identified within the SPD for 'Rationalisation of Site' rather than as a 'development opportunity' and it can be inferred from this that there is a desire to seek retention of the existing pay and display facility.

- 6.45. To mitigate for the loss of the existing pay and display car park which is currently available for non-Lidl customers to use long stay the Local Planning Authority have requested from the Applicant a contribution to be spent towards any of the following: parking surveys, environmental enhancement measures, minor highway works, resident parking schemes, or traffic regulation orders in Kings Heath District Centre. Ideally this contribution would be spent on enhancing the existing Council owned public car park on The Parade in King's Heath, which is located approximately 275m from the application site and is identified with the Kings Heath Local Action Plan SPD for 'Environmental Enhancements/Rationalisation of Parking'. The planning contribution would be used for improvements to circulation, and environmental enhancements to The Parade. This Council owned car park has been the subject of recent public consultation as part of the Sustrans Project in Kings Heath. Following public consultation, concept options for the remodelling of this car park have been drawn up and resources already been directed towards this project. Should this project not occur, there is provision for the contribution to be spent towards other environmental enhancement measures, parking surveys, minor highway works, resident parking schemes, and/or traffic regulation orders in Kings Heath District Centre.

Other Matters

- 6.46. The proposed drainage strategy comprises of underground cellular storage, use of petrol interceptor and flow control device. The Lead Local Flood Authority (LLFA) have raised no objection to the proposed development subject to conditions requiring submission of a revised Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan. They advise that this is due to the opportunities that exist to incorporate green, traditional SuDS within landscaped areas and the potential to incorporate permeable paving as a treatment and attenuation measures. The LLFA require further evidence to be provided to demonstrate that SuDS have been incorporated as far as reasonably practicable.
- 6.47. Local residents have queried how the void between the western boundary and proposed foodstore would be protected from unauthorised access and resulting nuisance. The submitted site plan shows that this would be secured by 2m high fencing/gates on the western side of the building, and delivery yard fencing/gates halfway along the north elevation of the building. I note West Midlands Police have raised no objection to the proposed development.

7. Conclusion

- 7.1. I consider the siting, scale, appearance and landscaping of the proposed foodstore would be satisfactory for this District Centre location, and it would provide for an improved customer experience. I am satisfied that the proposed development would not result in material adverse impacts on residential amenity, traffic and parking, or noise. A planning contribution to mitigate for the loss of the existing long stay car parking facility would ensure the continued attractiveness and viability of Kings Heath District Centre as a shopping/business destination. Therefore I consider the proposal would constitute sustainable development and I recommend that planning permission is granted.

8. Recommendation

- 8.1. That consideration of application number 2016/05824/PA is deferred pending the completion of a suitable legal agreement to secure the following:
- a) A financial contribution of £50,000 (index linked to construction costs from the date of the committee resolution to the date on which payment is made) to be paid prior to the implementation of the approved development. The fund would be used for parking surveys and/or environmental enhancement measures to include paving, landscaping, lighting and minor highway works and maintenance thereof and/or resident parking schemes and/or traffic regulation orders within the defined geographical area of Kings Heath Local Action Plan.
 - b) Payment of a monitoring and administration fee associated with the legal agreement of £1,750.
- 8.2. That the City Solicitor be authorised to prepare, seal and complete the appropriate agreement.
- 8.3. That in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority, on or before 20th December 2016, planning permission be REFUSED for the following reasons:
- a) In the absence of any suitable planning obligation to secure a financial contribution of £50,000 to be spent towards parking surveys and/or environmental enhancement measures to include paving, landscaping, lighting and minor highway works and maintenance thereof and/or resident parking schemes and/or traffic regulation orders within the defined geographical area of Kings Heath Local Action Plan the proposed development conflicts with Paragraph 204 of the NPPF, Paragraphs 8.50-8.54 of the Birmingham Unitary Development Plan, Paragraph 10.12 of the Pre-submission Birmingham Development Plan, and the Kings Heath Local Action Plan SPD.
- 8.4. That in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority on or before 20th December 2016, favourable consideration would be given to planning application 2016/05824/PA subject to the conditions listed below.

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- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | Restricts storage of stock within 1m of ground floor windows on south elevation |
| 4 | Windows on south elevation to remain free of advertisements at all times |
| 5 | Requires the prior submission of a revised sustainable drainage scheme |
| 6 | Requires the prior submission of a revised Sustainable Drainage Operation and Maintenance Plan |
| 7 | Redundant accesses to be re-instated as footway |
| 8 | Requires the prior submission of cycle storage details |
-

9	Prevents occupation until the turning and parking area has been constructed
10	Requires the prior submission of a parking management strategy
11	Requires the delivery and service area prior to occupation
12	Limits the noise levels for Plant and Machinery
13	Limits the hours of use to 0700-2200 hours Mondays to Saturdays and Bank Holidays, and 1000-1800 hours Sundays.
14	Requires hard and soft landscape details to be in accordance with the listed approved plans
15	Arboricultural Method Statement and Tree Protection Plan - Implementation
16	Limits delivery time of goods to or from the site between 0600-2300 hours
17	Requires the prior submission of a goods delivery strategy
18	Requires the prior submission of a lighting scheme
19	Requires the prior submission of details of refuse storage
20	Requires removal of existing poster hoarding and 'Lidl' totem sign
21	Limits the approval to 3 years (Full)

Case Officer: Andrew Conroy

Photo(s)

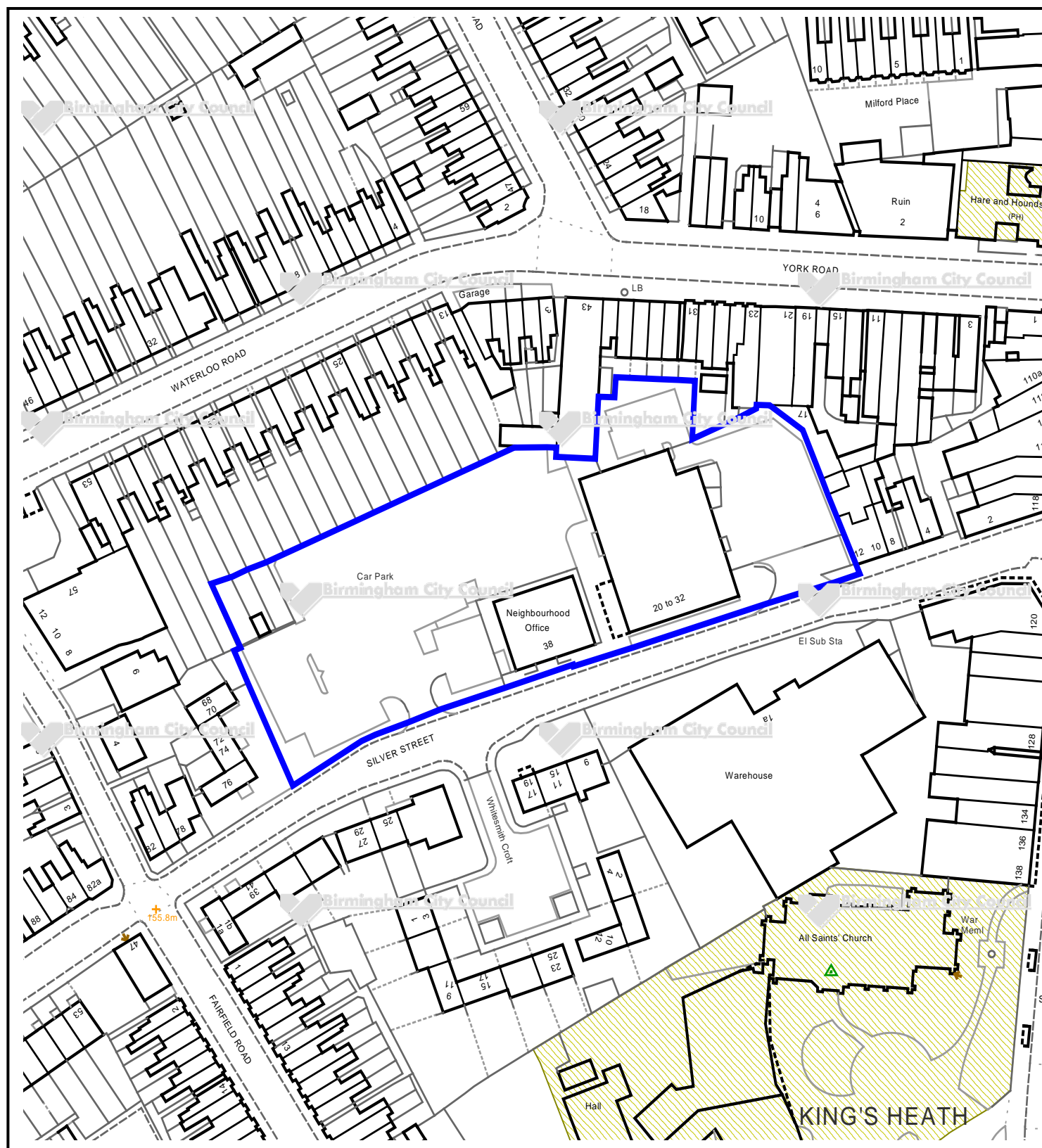


Figure 1 – Existing Lidl store looking east along Silver Street



Figure 2 – Western end of Silver Street car park, adjoining boundary with Nos. 68-76 Silver Street

Location Plan



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Committee Date:	24/11/2016	Application Number:	2016/07041/PA
Accepted:	18/08/2016	Application Type:	Full Planning
Target Date:	25/11/2016		
Ward:	Edgbaston		

Land to the rear (east) of Park House, Priorsfield, Peter Scott House, and Lucas House Conference Centre, off Edgbaston Park Road, Edgbaston, Birmingham, B15 2RA

Construction of a new athletics track, floodlighting and changing / club house facility

Applicant:	King Edwards School Birmingham Edgbaston Park Road, Edgbaston, Birmingham, B15 2UA,
Agent:	University Of Birmingham Estates Office , Estates West, Edgbaston, Birmingham, B15 2TT,

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks planning permission for the construction of a new athletics track, floodlighting and changing/club house facility. The proposed hours of use of the running track and athletics field would be 9.00am to 8.30pm daily. The track would be accessed by a 2m wide track from the rear of Peter Scott House to the west.
- 1.2. The running track would include an athletics field in the centre with areas for javelin, shot put and long jump. The flood lighting would consist of;
 - 38 x 8m columns around the outside edge of the running track and,
 - 8 x 15m columns within the field, a consequent total of 46 columns.
- 1.3. In terms of luminaires this would consist of 108 luminaires; 76 Track lights (2 per column- 200 Lux, 480Watt) and 32 Field Lights (4 per column- 200 Lux, 240Watt). The lighting system is designed to maintain a 100 lux lighting level up to 8.30pm when the daylight level, depending on the time of year and weather conditions, drops below 100 lux (the lights would then come on to maintain the light level). For comparison, 10,000 lux occurs in full daylight, 1,000 lux for an overcast day, 100 lux for a very dark day and 10 lux for twilight. Depending on the time of year, and natural daylight, as the light degrades from autumn to spring, the floodlights would be on between 1 to 3hrs during Sept, Oct, Feb and March and 3 to 4hrs during Nov, Dec and January when the facility is in use. The columns and luminaires would be galvanised grey/silver colour.
- 1.4. The running track would be 182.6m long and 95.4m wide. The running track and associated surfaces would be formed from brick red polymeric material formed from

10mm polyurethane resin bond black rubber crumb, over which would be laid a 4mm resin, with partially embedded rubber granules. The surface would be impermeable and water runoff would be collected into channels and fed to a large soak-away or attenuation tank in the south part of the site. Some re-grading would be required, in the northwest corner of the site, to accommodate and create a level track.

- 1.5. The Pavilion and changing room would be located to the west of the track, adjacent to a steep embankment (being approximately 3m high). The building would therefore appear as a two storey structure from the east side of the site, and as a single storey building, as viewed from the Edgbaston Park Road side. The building would have a 50sqm footprint (100sqm floorspace) and would include;
 - At ground floor the building would have a plant room, male and female changing rooms, toilets, official's room, lift, lobby, club room and viewing balcony.
 - At lower ground floor the building would have a dry equipment store and dry spectator/warm up area.
- 1.6. The building would be a flat roof contemporary building, consisting of red brick and some timber detailing.
- 1.7. The scheme would require the removal of 26 trees. These consist of 5 category A (2 Beech and 3 Oak), 7 Category B (one Birch, 2 Beech and 4 Oak), 13 Category C (including Goat Willow, Sycamore, horse chestnut and Oak) and one category U (Goat Willow). 60 trees are proposed to be planted to off-set this loss consisting of 10 Oak, 10 Holly, 10 Beech, 20 Hazel (all young specimens) and 2 Copper Beech and 8 Sweet Gum Worplesdon (all semi-mature).
- 1.8. The applicant is King Edwards School (KES) Birmingham, but the application has been made jointly with the University of Birmingham, with the University acting as agents. The rugby field and land behind Park House is owned by KES and the access track is owned by the University.
- 1.9. The facility would be used by three groups principally; a community group called BRAT (Birmingham, Running, Athletics & Triathlon Club), by School Children from KES and for the University itself.
- 1.10. BRAT propose to use the facility as a training venue most evenings from 6.30pm until 8.30pm mon-Fri and on weekends from 10am until midday throughout the year. BRAT members would be expected to use the pay and display car parking at any of the designated parking areas serving the University of Birmingham campus. Their parking demands would therefore be early evenings and at weekends when the University is much quieter.
- 1.11. KES and other schools, would use the track in the daytime during April to July; Monday to Friday. Access for the school would be gained via an existing footpath which runs at the back of Winterbourne Gardens and used previously by the school as a safe means of access to the rugby field.
- 1.12. The University and KES see the proposal as a great asset for not just themselves but for the community and Birmingham residents. Although the facility is principally for the University and King Edward School, one of the main beneficiaries would be BRAT who would have an international standard quality track to use and which the University hope would encourage wider community participation.

- 1.13. The applicant has been submitted with a Design and Access Statement, Arboricultural Report, Heritage Statement, Ecological Assessment and Lighting Assessment & Strategy.
- 1.14. Site area 3ha.
- 1.15. An Environmental Impact Assessment screening opinion has been undertaken which has concluded that an EIA is not required.
- 1.16. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site consists of two areas of open land; a rugby pitch that sits in the southern field and the bottom half of a large rear garden of Park House in the north. The two areas are divided by a line of mature trees and amongst these trees is an access track that links Edgbaston Park Road (from the west of the site) to the SSSI (Site of Special Scientific Interest) to the east (Edgbaston Pool).
 - 2.2. Other than the line of trees in the centre of the site, there are many perimeter trees to the edges of the two areas of land, especially the rugby field. The boundary between the rear garden of Park House and part of the western boundary of the application site, is the least screened.
 - 2.3. The application site is rectangular in shape with a western boundary formed by the rear of Park House, Peter Scott House, Priorsfield and Lucas House, the Tennis Courts Student Accommodation village to the north, the SSSI to the east and the Westmere House and grounds to the south. There is a multi-storey car park to the southwest of the site, on Pritchatts Roads easily accessed by pedestrians through the grounds of 47 Edgbaston Park Road.
 - 2.4. There are numerous small car parks in front of Park House, Peter Scott House, Priorsfield and Lucas House. All parking is available as pay and display (24/7) and for permit holders. On street parking restrictions are in place on both sides of Edgbaston Park Road, in the form of double yellow lines.
 - 2.5. The site is generally flat but there is a change in levels on the western boundary of the site, rising by around 3m from east to west (towards Edgbaston Park Road). There is a boundary hedge at the top of the embankment.
 - 2.6. The site is within the Edgbaston Conservation Area and adjacent to Edgbaston Pool; A Site of Special Scientific Interest (SSSI) and Edgbaston Hall Park (Grade II Registered Park and Garden). There are listed buildings nearby; Garth House (Grade II) at 47 Edgbaston Park Road, Elms Day Nursery (Grade II) at 33 and Winterbourne House (Grade II) at 58 Edgbaston Park Road. Furthermore, Edgbaston Hall (Grade II) is on a hill, 656m to the Northeast of the site.
3. Planning History
 - 3.1. No planning history for the site
 - 3.2. King Edwards School (250m south of the site)

- 3.3. 14/03/96 Pa no. 1995/03342/PA. Proposed installation of two all-weather sports pitches with floodlighting on the site of existing grass sports pitches. Approved with conditions including;
- The floodlights approved under this permission shall only be used between 0900 hours and 2200 hours daily.
4. Consultation/PP Responses
- 4.1. Resident Associations, Edgbaston Golf Course, Councillors and MP notified. Press and two Site Notices displayed.
- 4.2. Two local residents have raised the following points;
- This application undermines one of the key proposals used to secure funding for the original £24 million Birmingham Cycling Revolution bid (BCR1). Better walking and cycling provision must be made to make the proposed running track more accessible to the local community as a whole across all age groups and abilities. A green corridor should be maintained along Edgbaston Golf Course perimeter between the Vale and Winterbourne Garden.
 - The above point should not hinder the basic proposal to construct a new athletics facility. This will help to improve the well-being of the community and is therefore good. However, the proposal as submitted will primarily benefit a small percentage of already very fortunate young people.
- 4.3. Consultation Responses
- 4.4. Transportation – No objection.
- 4.5. Local Lead Flood Authority – No objection subject to conditions to secure a sustainable drainage strategy and an operation and maintenance strategy.
- 4.6. Regulatory Services – No reply.
- 4.7. Birmingham Civic Society – No reply.
- 4.8. Historic England – Historic England does not wish to comment in detail, but offers the following general observations. Whilst the impact on Edgbaston Park Road has been assessed we consider that there is potential for impact on Edgbaston Hall park, a Grade II registered park located adjacent to the east, now in use as a golf course, which has not been assessed. The OS map of 1890 map shows a historic path or route through the application site to the park, which will be partially obliterated by the new track; this also survives on the 1953 OS map and may have some significance for the setting of the heritage asset. We were also not clear on the location of the new fencing and the lighting columns. We do not object to the principle, nor the detail, of the new clubhouse building.
- 4.9. Birmingham Natural History Society – The Birmingham Natural History Society relinquished responsibility for management of this SSSI a few years ago, following problems of access via Winterbourne Gardens, so it would be inappropriate to comment. Responsibilities lie with Edgbaston Golf Club and Natural England.

- 4.10. Sport England – No objection, it is considered that the scheme broadly meets exception E5 of our policy. This view is subject to a community access condition being attached.
- 4.11. Natural England – No objection, subject to conditions to secure a construction environmental management plan (to protect the SSSI from groundwater run-off) and the submission of a detailed surface water drainage scheme.
- 4.12. Conservation Heritage Panel – It was explained to the panel that they had seen this scheme at the previous panel (October 2016) and concerns had been raised over the degree of evidence provided concerning the impact on the designations. It was felt that the Heritage Assessment did not clearly justify the impact on the local heritage assets as sectional drawings and wire-frames should have been considered, and the conclusions did not deliver certainty. The Panel expressed concerns regarding the changing room facility – overall concerns were expressed in relation to design and materials. The Panel also felt it was a missed opportunity; it was an important setting and there was a chance to have a building of better design. Concerns were raised regarding access to the site and how this would impact upon the area.

5. Policy Context

- 5.1. Birmingham UDP, Draft BDP, Edgbaston Conservation Area Character Appraisal, Car Parking Standards SPD, Nature Conservation Strategy SPG, Places for All SPD. Wildlife Countryside Act 1981.

- 5.2. NPPF, NPPG.

6. Planning Considerations

- 6.1. I consider that the principal matters for consideration include loss of playing field, impact on heritage assets, impact on ecological interests, highway matters, trees and drainage.

6.2. Principle

- 6.3. Policy 16.12, of the UDP, states that “The University of Birmingham is a major academic and research institution. Proposals to expand its teaching and research facilities will increase its attractiveness nationally and will be encouraged provided that they are consistent with other policies in the Plan”. Policy TP35, of the draft BDP, reaffirms a commitment to supporting the expansion of the City's Universities, where links between the institutions and other research and development establishments. Also Policy GA9, of the draft BDP, provides specific support for the University of Birmingham where further educational and associated uses that maintain and enhance the University facilities will be supported.

6.4. Loss of playing fields

- 6.5. Part of the application site is a rugby pitch, which has fallen out of use.

- 6.6. Policy TP11, of the draft BDP, states that the City Council will keep the provision of sports facilities under review in light of the changing demands and preferences. It also states that Sports facilities will be protected from development, unless it can be demonstrated that they are surplus to requirements through a robust and up to date assessment of need. Where there is identified need for particular sports and

physical recreation facilities, the loss of existing sports facilities for these sports would not be allowed unless an equivalent or better quantity or quality replacement provision is provided, as identified in Paragraph 74 of the NPPF.

6.7. Paragraph 74, of the NPPF states that *“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”*

6.8. Sport England has not raised an objection to this application as it is considered to broadly meet their exception E5 of their policy. Exception E5 states that “The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields”. Sport England also considers that the proposal meets the Exceptions set out in the NPPF at Paragraph 74. This view is subject to a community access condition being attached.

6.9. In summary, whilst the scheme would result in the loss of a rugby pitch, it would replace this with an enhanced sporting facility with wider appeal in a specialist market. The school makes use of alternative rugby provision on Bristol Road and Sport England is satisfied that the proposal would deliver enhanced sporting benefits to the local area. On this basis I have no objection to the loss of the rugby field and consequently also have no objection to the principle of the use subject to careful assessment of highway safety, car parking needs and conservation and ecological matters.

6.10. Transportation

6.11. Policy 6.49B, of the UDP, seeks new development to make adequate parking provision to meet all transport needs. The NPPF states that “when setting parking levels LPA’s should take into account the accessibility of the site, the type, mix and use, access to public transport, local car ownership and the overall need to reduce high emission vehicles” Policy TP37 of the draft BDP requires development proposals to support and promote sustainable travel and TP43 requires new development to support the delivery of a sustainable transport network.

6.12. The site is within area 3, as defined by the car parking SPD, being one kilometre from University Railway Station. There are no parking guidelines for outdoor sports facilities and it is therefore a matter of fact and degree to determine appropriate parking requirements. The applicant has set out the key users and where they are likely to park. There is a new multi-storey (pay and display) car park located 160m to the southwest of the site on Pritchatts Road (with 400 spaces) and 5 pay and display car parks, adjacent to the site on Edgbaston Park Road with a total of 123 car parking spaces and bike racks for 26 cycles.

6.13. The applicant has stated that the main use of the track would be by King Edward’s School and this would happen mostly through the months of April-July (school

athletics season) mainly in the afternoons (mon-fri). Both the School and University would open up the use of the facility for local schools in the mornings and a local community group (Birmingham Running and Athletics Triathlon Club) would have access at evenings and weekends. It is not intended to attract large volumes of users or spectators; especially in the daytime on weekdays. A path to the rear of the site connects to the rear of King Edwards School resulting in easy, safe access for pupils in the day time. Transportation officers have raised no objection to the application and I concur with this opinion.

- 6.14. The application has raised some concerns from local residents as it appears to run through land considered to be useful in the assembly of a new cycle route. An objector has commented that the application is very close to the line of the 'Chad Brook cycling route' and the proposal would hamper the delivery of the route. However, Transportation officers have confirmed that the route does not form part of the Birmingham Cycle Route (BCR) programme currently but does appear on the longer term BCR map. Transportation officers have confirmed that it is not "one of the key proposals used to secure funding for the original £24 million Birmingham Cycling Revolution bid (BCR1)" as stated by the local resident. In fact the route has never been included in any of the BCR phases of construction. However, the City have agreed to investigate the feasibility of the route and the likely benefits it would bring, it is not currently part of the official BCR. The investigation work for a Chad Brook cycle way is underway, but the proposed running track and that potential cycle track proposal do not appear to overlap and could both be delivered, subject to landowner's consent and suitable funding.
- 6.15. The University have responded to the resident's concern by stating that "the University has [historically] looked at creating access to the frontage of their buildings along Edgbaston Park Road and may also have considered a route along the back. These were not progressed at the time. The recent review some 3 to 4 years ago resulted in the Hybrid Panning application for a pedestrian / cycle route from the Vale to the Main Edgbaston Campus on the other side of the Edgbaston Park Road – this has just been completed summer 2016. The Birmingham Cycle Route (BCR) phase 1 mentioned has now ended and BCR Phase 2 is underway – the current walk / cycle route constructed this summer from the Vale to Main Campus was built to provide the route as described by one of the residents". As such I do not consider that this matter should affect the decision of the running track application.
- 6.16. Conservation and Design
- 6.17. The Planning (Listed Buildings and Conservation) Act 1990 [The Act] includes the statutory instruments to guide the process of planning applications affecting listed buildings and conservation areas. Section 66, of the Act, states that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Section 72, of the Act, states that "In the exercise, with respect to any buildings or other land in a conservation area, ...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." These requirements have been carried into the Development Plan through Policies 3.25 (listed Buildings) and 3.27 (Conservation Areas).
- 6.18. Policy 3.25, of the UDP, states that "any development affecting a listed building should preserve and enhance its character". This also states that the setting of a

listed building will be preserved and enhanced by the exercise of appropriate control over the design of new development in their vicinity.

- 6.19. Policy 3.27, of the UDP, seeks that “..development [within conservation areas] should preserve or enhance the character or appearance of the area...the removal of trees or other landscape features which make a positive contribution to the area’s character or appearance will be resisted.” Policy TP12, of the Draft BDP, requires great weight to be given to preserving the City’s heritage and requires new development to make a positive contribution to its character, appearance and significance.
- 6.20. In terms of design, paragraph 3.14 of the UDP identifies that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It also requires developers to consider the site in context and states that to avoid problems of piecemeal and incremental development; comprehensive master plans should be prepared. Paragraph 56 of the NPPF states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Policy PG3, of the Draft BDP, requires new development to reinforce or create a positive sense of place.
- 6.21. The application site is within the Edgbaston Conservation Area, adjacent to Edgbaston Hall Park; a Grade II registered park & garden and within distant sight of Edgbaston Hall; a grade II Listed Building.
- 6.22. A Heritage Statement has been provided in support of the application. The Statement comments that whilst the development would affect the character of the conservation area and some of the historic garden to the rear of Park House, but that the setting to the rear has been compromised by Peter Scott House. Furthermore, the statement recognises that the site is adjacent to Edgbaston Hall and Park but contributes little, if anything, to its significance. Considering the impact of the running track, columns and lighting, on the conservation area, it is recognised that the application site sits behind the principal line of built development facing onto Edgbaston Park Road, is set amongst substantial trees and is not visible from the carriageway. It does not encroach on or affect the setting of any listed buildings, including Edgbaston Hall and is located on a lower section of topography.
- 6.23. I note that Historic England has not objected but suggests that the impact on Edgbaston Hall Park, a grade II registered park and garden, be considered. Edgbaston Hall Park, covers 47 ha and is a late 18th century landscape park, designed by Lancelot ‘Capability’ Brown in 1776. The site is now a golf course, but retains the lake and woodland areas. Edgbaston Hall Park is located to the immediate east of the application site (and includes the SSSI). It sits on elevated land and rises to the top of a hill around 21m above the application site (which is itself 129.4 Above Ordinance Datum). Edgbaston Hall itself (Grade II Listed Building) is 656m to the northeast of the site at the top of the hill and offers views out to the south and west of the golf course and University beyond. The illuminated track would be visible from this vantage, but would be seen in the context of lighting on Edgbaston Park Road, the existing illuminated pitches around King Edwards School and Bristol Road beyond. Furthermore, tree cover in this area is extensive and allows areas of development to sit within relatively isolated pockets. The proposed lighting is designed to have limited light-spill and sky-glow. Having carefully considered the impact of the columns and lighting, on both the registered park and garden and the wider conservation area, I am satisfied that they would preserve the

character of the conservation area. My conservation officer is also satisfied that this impact would not be harmful.



Looking south; showing Edgbaston Hall (bottom) and the application site.

- 6.24. Edgbaston Hall itself, is a grade II Listed Building. Its curtilage is drawn relatively tightly around the building. As such I also do not consider that the setting of the listed building would be adversely affected by the proposal.
- 6.25. Considering the impact of the proposed pavilion, on the conservation area, the pavilion would be set within the western embankment of the site and behind existing buildings. As such the building would be subservient in its surrounding and have limited visual impact on the conservation area. The proposal would be an innovative modern structure, proposed to be constructed in red bricks and some timber detailing and would be of a suitable quality to make a positive contribution to the conservation area. However, the plans lack some detail and therefore the quality of the fixings and detailed specifications are unknown, conditions are recommended to satisfy this requirement.
- 6.26. Your conservation Heritage Panel has considered the scheme, it commented that the submitted Heritage Assessment failed to justify the proposal; especially the impact of the changing rooms in regard to design and materials. The University has reacted to these concerns and changed the proposal from gloss black bricks to a more subdued red brick to blend into the local vernacular. The proposed pavilion would be a small (50sqm footprint) flat roofed building providing a functional requirement which is directly associated with the proposed running track and athletics field. It would be sited behind other buildings that front onto Edgbaston Park Road and be embedded into the embankment meaning that it would read as a single storey building from the more public (west) side. The building would make an important contribution to the setting of the running track, and wider conservation area, without appearing overt or ostentatious and for these reasons I consider that it would preserve and enhance the character of the conservation area.
- 6.27. I am therefore satisfied that the pavilion would enhance the character of the conservation area being of contemporary design, with its form following its function and being set into the adjacent embankment having a limited visual effect. The impact of the lighting would have a wider impact on the Conservation Area and the setting of Edgbaston Hall Park and Garden and Edgbaston Hall (Grade II Listed Building). However, as confirmed by English Heritage and my conservation officer, the impact of the lighting is considered to be acceptable. This opinion takes into account the context of the existence of other lighting such as on Edgbaston Park

Road and Bristol road, the University campus itself, the illuminated all weather pitch to the northeast and rear of the King Edwards School buildings and the illuminated pitches in front of the Aston Webb buildings. Wider views of the site would only be achieved from higher land (such as from the rear of Edgbaston Hall) and from this vantage other areas are illuminated in the immediate background of the scheme. I also recognise that the lighting would be sensitive to respect the abundant local wildlife and would only be switched on at key times in the year (and then only as required as it is unlikely to be used daily). Taking all these issues into consideration I do not consider that the proposal would be harmful to the character of the conservation area and as such would preserve it, and I do not consider that the setting of Edgbaston Hall or its associated park and garden would be harmed.

6.28. Ecology

- 6.29. Paragraph 3.37, of the UDP, states that the importance of safeguarding and enhancing the natural environment of the City is recognised. Paragraph 3.38 continues that "...schemes...on open land , will be expected to respect, and where possible enhance, the local environment.. with the objective of maximising wildlife value". The NPPF, at paragraph 109, requires the planning system to seek to minimise the impact of schemes on Biodiversity and halt the overall decline. The draft BDP, at Policy TP8, requires all development, where relevant, to contribute to enhancing Birmingham's natural environment.
- 6.30. The Edgbaston Pool SSSI is located to the immediate east of the application site. Edgbaston Pool is a 7ha lake formed by a dam holding back the Chad Brook stream that enters the lake from the north. It was until recently managed by the Birmingham Natural History Society, however this role has now moved to the adjacent golf club. The SSSI is designated for the aquatic and swamp vegetation associated with the pool, together with adjacent wet woodland and fen habitats. English Nature's reason for designation refers to "the site of the lower pool and the interconnecting channels are now wet woodland dominated by willow and alder, with an area of common reed representing all that remains of the pool. The ground flora includes marsh marigold, opposite-leaved golden-saxifrage, cuckoo flower and large bitter-cress. In summer it is dominated by Indian balsam." Natural England has considered the proposal and commented that given the nature and scale of the proposal it is satisfied that there is not likely to be an adverse effect on the SSSI. They note that foul water is to be vented via the mains sewer system and surface water would be diverted to a soak-away located in the south of the track. English Nature has raised no objection subject to conditions to provide details of construction management and drainage management.
- 6.31. In terms of the SSSI my ecologist has commented that direct impacts on the SSSI are not anticipated: the proposed athletics track and associated lighting columns are set back from the edge of the existing SSSI-designated woodland and no loss of designated habitats should occur. Although she notes that there is potential for indirect impacts, notably associated with increased nocturnal light levels in the SSSI as a result of the new floodlighting and deterioration in quality of aquatic habitats due to polluted drainage from the new facility entering the SSSI (surface water discharges / groundwater).
- 6.32. In terms of the wider impacts, my ecologist has also considered the impact of the construction of the track itself. She notes that the proposal requires the removal of the section of the central tree belt which forms the northern boundary to the disused rugby pitch. The main habitats affected are poor semi-improved grassland to the south of the central tree belt and dense scrub, and amenity grassland, tall ruderal

vegetation and short ephemeral vegetation to the north. In total, approximately 1.7ha of existing vegetation would be cleared.

- 6.33. My ecologist comments that “The installation of artificial lighting in an ecologically sensitive location adjacent to a nationally designated site is not ideal, but I note that use of this lighting would be restricted. The key features of interest for which the SSSI is designated (aquatic/wetland habitats; wetland flora assemblage) are unlikely to be adversely affected by increased light levels, and in any event, the pool and adjacent wetland habitats would be screened by the surrounding woodland. Although the floodlighting may cause disturbance to some faunal species present in the SSSI (mammals, birds, invertebrates), for example by disrupting patterns of foraging or breeding activity, such impacts are unlikely to result in a deterioration in the SSSI’s overall condition”.
- 6.34. The submitted extensive ecological reports have considered impact on bats, badgers and other ecological interests.
- 6.35. In terms of bats it concludes that the lighting scheme has been designed in liaison with the applicant’s ecological consultant in order to reduce adverse impacts on foraging and commuting bats to an acceptable level. The proposed lighting scheme does reflect published good practice recommendations, and has been amended in response to concerns raised about impacts on bats. The proposals would inevitably result in an increase in light levels across the site, especially the central section of the track, which would cause disturbance to bats, particularly light sensitive species. However, the scheme design has sought to control the level of disturbance, for example, by maintaining dark areas around the peripheries of the site where bats can continue to forage and commute and restricting periods when the lighting will be in use. As such, I consider the lighting proposals to be broadly acceptable as they should not adversely affect the favourable conservation status of the local bat population. Nevertheless, it should be noted that outside of the peak activity months for bats, the proposed lighting is likely to cause disturbance to, and affect the foraging and commuting patterns of, occasional bats. Bats generally hibernate between October and March and as such for the months when the floodlighting is needed for the longest, bats would mostly be in hibernation. As the bats emerge, the evenings would be getting longer and lighting would be used for fewer hours, until mid April to end of August when it is anticipated that dusk and daily bat emergence would occur after the facility has ceased use (20:30hours).
- 6.36. In terms of badgers, there are setts located near to the proposal. The proposed removal of trees from the central tree belt and ground levelling works may cause damage to three entrances / tunnels associated with sett 1 and cause harm to the badgers using these tunnels. Therefore, it is proposed to temporarily close these three entrances for the duration of the works. These entrances would need to be fitted with one-way badger gates (which allow badgers to exit from, but not re-enter, a sett) by the end of November. Post-development, new floodlighting would increase evening light levels around the athletic track. As discussed above, the lighting strategy has been designed to minimise impacts on foraging and commuting bats; these design principles would also reduce the potential for the floodlighting to disturb badgers.
- 6.37. In terms of wider ecological interests, standard good practice mitigation measures are recommended in the Preliminary Ecological Appraisal to ensure vegetation clearance complies with the legal protection afforded to wild birds and their nests. Overall my ecologist has raised no objection subject to the application of 8 conditions relating to; a method statement for invasive weeds, ecological

enhancement (wildlife friendly planting, hedge passes in fences, nest boxes/habitat), green/brown roof, drainage strategy, hours of use for the lighting (as proposed), Compliance with the badger method statement, a construction ecological management plan, and compliance with the bat mitigation details. I concur with the findings of my ecologist and raise no objection to the ecological impacts of the scheme subject to the recommended mitigation/conditions.

6.38. Trees

6.39. Paragraph 3.38, of the UDP, states that "...new developments, particularly those on open land, will be expected to respect, and where possible enhance, the local environment... through the retention of existing trees and through... landscaping schemes". Policy TP7, of the draft BDP, reinforces the importance of the protection of trees and requires new development to allow for new tree planting in public and private domains.

6.40. The scheme would require the removal of 26 trees. These consist of 5 category A (2 Beech and 3 Oak), 7 Category B (one Birch, 2 Beech and 4 Oak), 13 Category C (including Goat Willow, Sycamore, horse chestnut and Oak) and one category U (Goat Willow). The trees proposed to be removed are principally in the centre of the site and would prevent the provision of the track.

6.41. 60 trees are proposed to be planted to off-set this loss consisting of 10 Oak, 10 Holly, 10 Beech, 20 Hazel (all young specimens) and 2 Copper Beech and 8 Sweet Gum Worpleston (all semi-mature).

6.42. My Arboriculturalist recognises that the site is to the rear of the university buildings fronting on to Edgbaston Park Road and is consequently in a private space. He does not object to the university making changes in this location involving a re-arrangement of their extensive tree stock. He considers that the scheme has an acceptable impact on trees provided that two conditions are included; compliance with the submitted Arboricultural Method Statement and tree protection plan and that tree works are undertaken to the suitable standard. I concur with these conclusions.

6.43. Drainage

6.44. Policy TP3, of the draft BDP, states that new development should be designed and built to sustainability standards which include conserving water and minimising flood risk. Furthermore Policy TP6, of the draft BDP, states that developers must demonstrate how surface water drainage would not exacerbate existing flooding and seeks a minimum of 20% reduction in peak flows between the existing and proposed water flows. It is also a core principle of the NPPF (paragraph 7) to take full account of flooding issues in decision making.

6.45. The Lead Local Flood Authority (LLFA) acknowledge that the applicants have considered surface water management for the proposed track and changing facilities, however additional considerations should be made during detailed design, prior to the discharge of the recommended conditions to include; infiltration testing, above ground in green/traditional SuDS features, the performance of the proposed drainage network, cross-section for any proposed surface water features, exceedance flows and with regard to the ongoing operation and maintenance of the proposed SuDS features. The LLFA have raised no objection subject to two conditions that require a sustainable drainage plan and details of its operation and maintenance. I concur with these conclusions.

6.46. Sustainability

6.47. Policy 3.14E, of the UDP, includes a range of principles for sustainable design/development. These include promoting modes of transport other than use of the private car, re-use of buildings where possible, re-use of materials where possible, design to benefit landscaping and biodiversity, the use of renewable energy where possible, thermally efficient buildings, higher densities, reduced water consumption, adaptable buildings and contamination remediation to bring sites back into active use. Policy TP1, of the BDP, includes a similar range of measures to promote sustainable design. The proposal would place a running track adjacent to a school and University, who would both be the principle organisations to use it. The University is adjacent to a railway station and Bristol Road, both providing excellent access to public transport. The proposal would also benefit from the many car parks within a short distance which would be generally available when the running track is most likely to be used by the public (evenings and weekends). The lighting system would use LED lights being low energy and with low running costs and would direct low level lighting (100lux) to its intended source with limited light spill and energy waste. The facility is considered as being located with a highly sustainable location.

7. Conclusion

7.1. The proposal is acceptable and satisfies issues of principle, is located in a sustainable location. The scheme provides adequate parking and provides good access to alternative forms of access such as by bus, cycle and rail.

7.2. The proposal satisfies tests in regard to respecting its very special setting within the Edgbaston Conservation Area, being located within the setting of a Grade II listed building of Edgbaston Hall and the Edgbaston Hall registered Park and Garden.

7.3. The scheme also respects its sensitive location adjacent to wildlife interests; the SSSI and being within close proximity of trees deemed to be of high importance to the setting and character of the conservation area.

7.4. I consider that the scheme constitutes sustainable development and may be approved.

8. Recommendation

8.1. Approve subject to the following conditions;

-
- 1 Requires the prior submission of window frame details
 - 2 Requires the prior submission of external doors/garage doors
 - 3 Requires the prior submission of hard and/or soft landscape details
 - 4 Requires the prior submission of sample materials
 - 5 Limits the use of the floodlighting 16:30 to 20:30
 - 6 Requires the prior submission of cycle storage details
 - 7 Requires the prior submission of a method statement for the removal of invasive
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weeds

- 8 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 9 Requires the prior submission of details of green/brown roofs
 - 10 Compliance with submitted Badger Method Statement
 - 11 Construction Ecological Management Plan
 - 12 Compliance with submitted bat mitigation details
 - 13 Requires the prior submission of a community access agreement
 - 14 Arboricultural Method Statement and Tree Protection Plan - Implementation
 - 15 Requires tree pruning protection
 - 16 Requires the prior submission of a sustainable drainage scheme
 - 17 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 18 Requires the scheme to be in accordance with the listed approved plans and lighting strategy
 - 19 Limits the approval to 3 years (Full)
-

Case Officer: Ben Plenty

Photo(s)



Fig 1 North view



Fig 2 Rear, east elevation, of Peter Scott House showing location of pavilion.

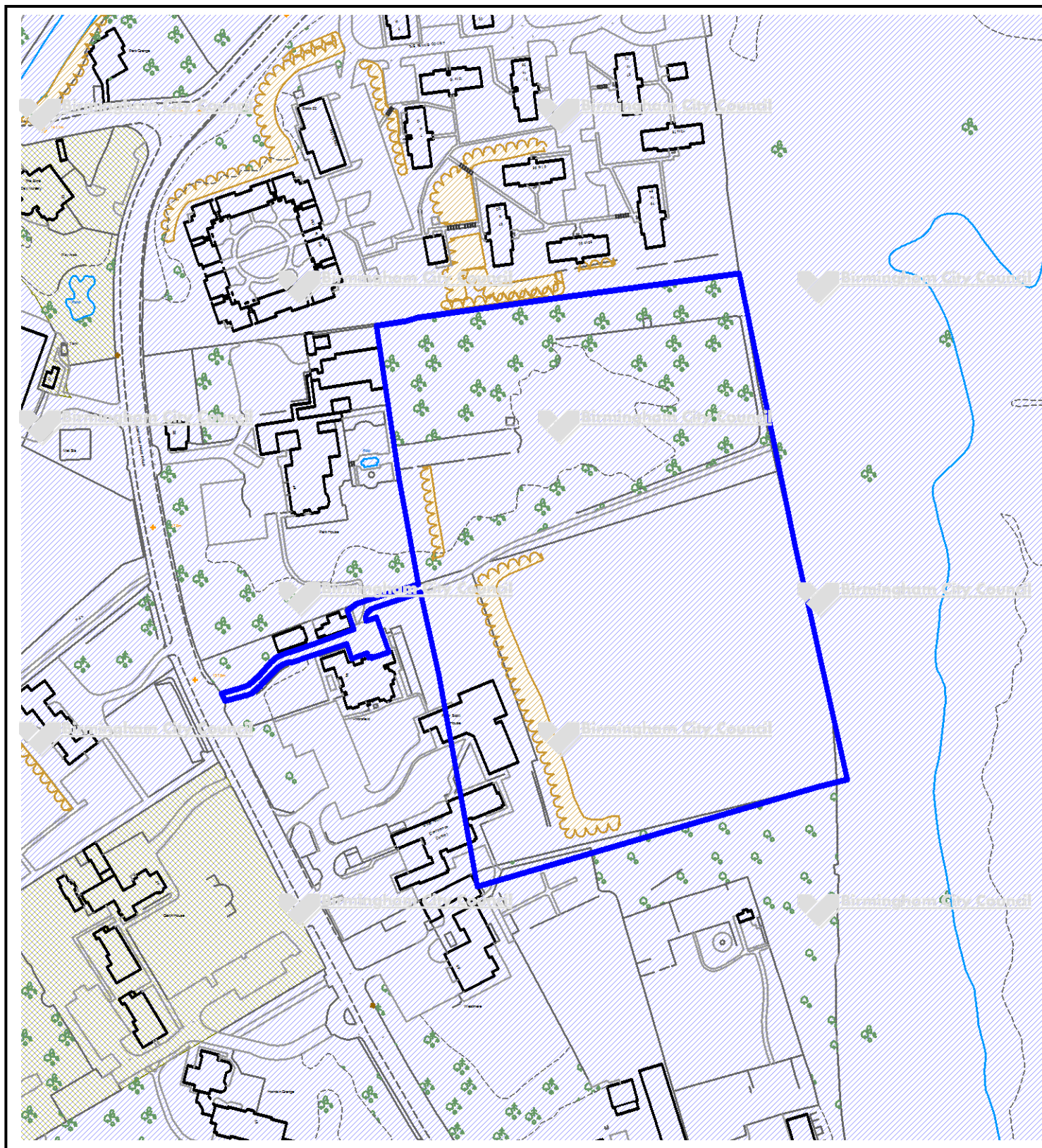


Fig 3 Rugby Pitch looking south



Fig 4 rear area of land behind Park House, looking east

Location Plan



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Committee Date:	24/11/2016	Application Number:	2016/07871/PA
Accepted:	22/09/2016	Application Type:	Advertisement
Target Date:	17/11/2016		
Ward:	Hall Green		

Junction of Robin Hood Lane/Highfield Road, Hall Green, Birmingham, B28 0JE

Display of 4 non-illuminated free-standing roundabout signs

Applicant: Birmingham City Council
Procurement, 10 Woodcock Street, Birmingham, B7 4GB
Agent: Immediate Solutions
D221, D Mill, Dean Clough, Halifax, HX3 5AX,

Recommendation

Approve Temporary

1. Proposal

1.1. This application proposes the installation of 4 no. non-illuminated post-mounted signs on the roundabout at Robin Hood Lane / Highfield Road, Hall Green. The proposed signs would be located close to the edge of the roundabout in the following locations:

- the north-western end of the roundabout
- also the north-western end of the roundabout
- the eastern end of the roundabout
- the southern end of the roundabout

1.2. The proposed signs would each have a width of 1m and height of 0.45m and would be mounted on posts giving an overall height of 0.55m above ground level. The signs would be made of aluminium and the posts would be steel.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises the whole of the roundabout which forms the junction between Robin Hood Lane and Highfield Road, and is located within a mixed use area. The roundabout is grassed with tarmacked footpaths. There are a number of flower beds. Other street features currently located on the roundabout includes directional highway signage, bench seating and lighting columns.

2.2. There is a parade of shops to the south and east corner of the roundabout and residential dwellings to the north, and west of the roundabout.

[Site Location Map](#)

3. Planning History

- 3.1. 18/05/2015 – 2015/03277/PA - Pre-application advice for the display of free-standing post mounted signs.

4. Consultation/PP Responses

- 4.1. Transportation Development - No objections.

5. Policy Context

- Birmingham Unitary Development Plan (UDP) 2005
- Pre-submission Birmingham Development Plan
- National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. The NPPF restricts Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements (paragraph 67).
- 6.2. Paragraph 67 of the NPPF states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building or on their surroundings should be subject to a Local Authority's detailed assessment. Finally it states that the cumulative impact of advertisements should be considered.
- 6.3. The applicant had originally proposed signs which would each have had a width of 1.5m and height of 0.5m and would have been mounted on posts giving an overall height of 0.65m above ground level. I advised the Applicant to reduce the size of each sign to that which is now proposed.

AMENITY

- 6.4. The proposed adverts would be situated at appropriate locations on the roundabout and, as there are no other adverts currently situated on the roundabout, I consider they would not over-burden it with advertising. The proposed adverts would be of a modest size, in keeping with the surroundings and would not dominate the visual amenity at the area. The adverts would read as part of the highway infrastructure and are primarily aimed at motorists rather than pedestrians. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs would be acceptable. I consider views of the attractive flower beds would remain mostly uninterrupted.

HIGHWAY SAFETY

- 6.5. The proposed signs would form part of the highway environment and an appropriate level of visibility would be provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such adverts are not an unusual feature on roundabouts and therefore would not cause an unacceptable

degree of driver distraction. Transportation Development have raised no objection to the proposed signage.

7. Conclusion

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

8. Recommendation

- 8.1. Temporary consent subject to the following conditions:

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- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the approval to 5 years (advert) |
-

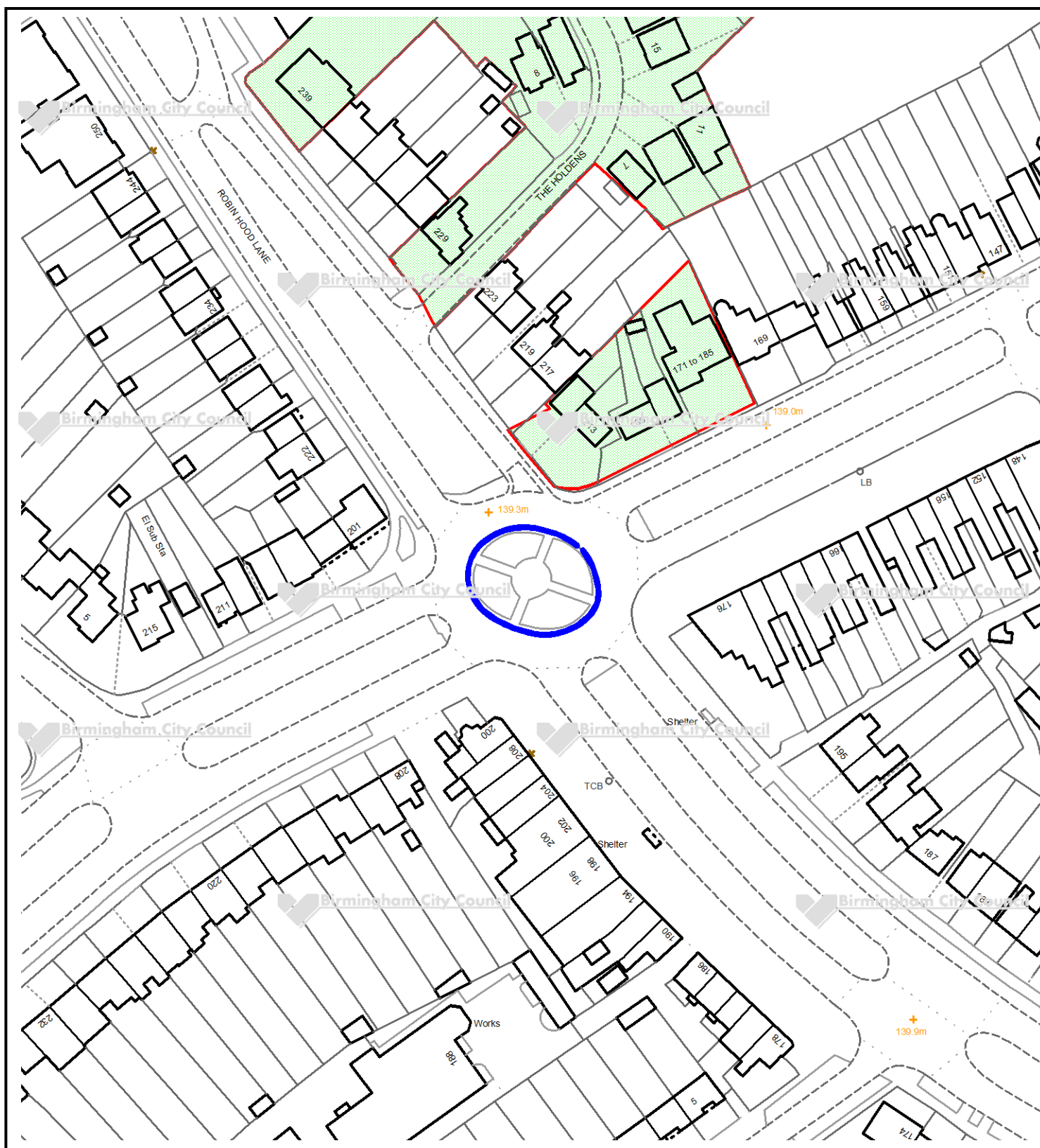
Case Officer: Stephen Ssejjemba

Photo(s)



Figure 1: From Robin Hood Lane Looking Northwest to the roundabout

Location Plan



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Birmingham City Council

Planning Committee

24 November 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	14	2016/00858/PA 5 Turnberry Road Great Barr Birmingham B42 2HP Erection of single storey forward and side extension, two storey side and first floor rear extension
Approve – Conditions	15	2016/07667/PA 34-36 Streetly Lane Sutton Coldfield Birmingham B74 4TU Demolition of existing and erection of 2 dwelling houses and associated works
Approve – Conditions	16	2016/06687/PA The Lindridge Lindridge Road Sutton Coldfield Birmingham B75 7JB Variation of Condition 8 attached to approval 2010/07094/PA to increase student numbers from 24 to 30
Approve – Conditions	17	2016/07717/PA The Lindridge Lindridge Road Sutton Coldfield Birmingham B75 7JB Erection of a single storey cabin building to be used as a classroom

Approve – Conditions

18

2016/08389/PA

9 Wingfield Road
Great Barr
Birmingham
B42 2QB

Retention of front canopy and porch and erection of
a detached building to rear

Committee Date:	24/11/2016	Application Number:	2016/00858/PA
Accepted:	15/02/2016	Application Type:	Householder
Target Date:	11/04/2016		
Ward:	Perry Barr		

5 Turnberry Road, Great Barr, Birmingham, B42 2HP

Erection of single storey forward and side extension, two storey side and first floor rear extension

Applicant:	Mrs Lizy Cherian 5 Turnberry Road, Great Barr, Birmingham, B42 2HP
Agent:	MCJ Solutions 18 Bridle Lane, Sutton Coldfield, Birmingham, B74 3HB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a single storey front and side extension, two storey side extension and a first floor and rear extension. The proposal would provide an extended kitchen, new entry porch, WC and store at ground floor with a new bedroom at first floor.
- 1.2. The resulting front extension would extend across the front of the elevation of the property and would measure 900mm in depth with a maximum height of 3m (2.7m to eaves). The proposed rear extension is designed to be first floor only with no accommodation at ground floor. The proposal would be supported by pillars below. The two storey side and first floor rear extension would extend 1.8m wider than the main house and 4.5m from the rear of the rear elevation of the main property. This would be designed with a finished height of 5m (4m to eaves).

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a modern end terraced dwelling house. The property is designed with a pitched roof, bow window feature to the front and has been previously extended with a shallow single storey rear extension (approx. 2.3m). The rear of the application site is enclosed by 1.8m high fencing.
- 2.2. The property is located close to the junction of Turnberry Road and Beeches Road; the rears of properties on Beeches Road face the side elevation of the application property. The properties are designed with a rear facing living room at ground floor and bedroom window above. No. 144 Beeches Road has been previously extended with a glazed lean-to extension to the rear; this is 2.5m in depth. There is a pedestrian access which separates the application site from those on Beeches Road.

[Site Location](#)

3. Planning History

- 3.1. There is no relevant planning history

4. Consultation/PP Responses

- 4.1. Local ward councillors and the occupiers of neighbouring properties have been consulted. 3 letters of objection has been received; objections have been raised in respect of:

- Loss of light/Outlook
- Impact on property values

- 4.2. Councillor Jon Hunt supports the concern raised by the objectors and has requested that the application be heard at the Planning Committee.

5. Policy Context

- 5.1. The following local policies are applicable:

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

- 5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. The principal matters for consideration are the scale and design of the extension, the impact on the architectural appearance of the property, general street scene and the impact upon neighbouring properties' amenities.

- 6.2. Amended plans have been secured to make improvements to the appearance of the proposed development. The proposed roof over the side extension has been redesigned to integrate better with the original property. The scale and design of the development is acceptable and would not compromise the existing character or architectural appearance of the property, or wider street scene. As such, the development would comply with the design principles contained within the design guide 'Extending Your Home' Supplementary Planning Document.

- 6.3. The proposed side and rear extension would comply with your Committees' 45 Degree Code policy.

- 6.4. Whilst the proposal would fall short of the required distance separation of 12.5m between an attached glazed lean-to to the rear of No. 144 Beeches Road and the side elevation of the proposal, this standard is met from the main windows in the rear elevations of 142 & 144 Beeches Road.

- 6.5. The proposed development includes a side facing landing window. This falls short of the required 5m per storey separation between a proposed window and neighbouring private amenity area (10m from a first floor window). A condition is therefore recommended to ensure that this window is fitted and maintained with obscure glazing to prevent any overlooking issues with No. 142 and 144 Beeches Road. All other distance separation guidelines contained in 'Places for Living' and 'Extending your Home' would be met. Sufficient amenity space would be retained to the rear of the site in this instance.
- 6.6. The issues raised over the impact on property values are not a material planning consideration and cannot be taken into consideration when assessing this application.
- 6.7. The proposed development does not attract a CIL contribution.
7. Conclusion
- 7.1. The proposed development, has been amended, complies with the principles of the policies outlined above and would not cause sufficient detriment to warrant refusal of the application.
8. Recommendation
- 8.1. Approve subject to the following 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 obscure glazing a non openable window for specific areas of the approved building |
| 4 | Removes PD rights for new windows |
| 5 | Limits the approval to 3 years (Full) |
-

Case Officer: Philip Whittaker

Photo(s)



Photo 1: Front elevation

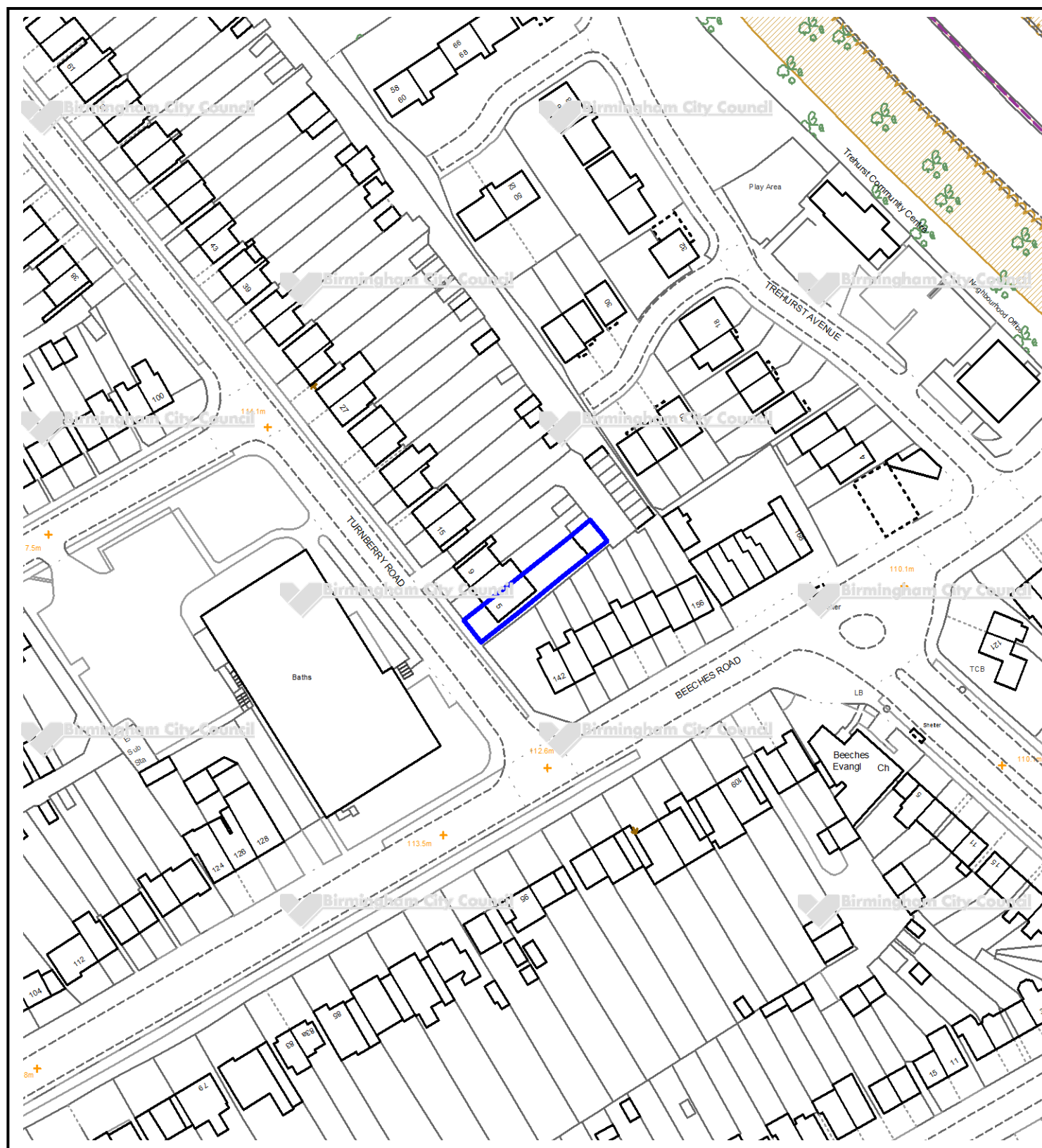


Photo 2: Rear elevation



Photo 3: Side view from No 144 Beeches Road

Location Plan



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Committee Date:	24/11/2016	Application Number:	2016/07667/PA
Accepted:	13/09/2016	Application Type:	Full Planning
Target Date:	28/11/2016		
Ward:	Sutton Four Oaks		

34-36 Streetly Lane, Sutton Coldfield, Birmingham, B74 4TU

Demolition of existing and erection of 2 dwelling houses and associated works

Applicant: Firstpost Homes
c/o Agent
Agent: CT Planning Limited
Trafalgar House, 20a Market Street, Lichfield, WS13 6LH,

Recommendation

Approve Subject To Conditions

1. Proposal
- 1.1. Consent is sought for the erection of two detached dwellings to replace the existing single detached dwelling.
- 1.2. The dwellings would be two storeys in height including ridge height variations and have a traditional design to reflect the character of the surrounding dwellings. The buildings are to be articulated with gable projections, bay windows and entrance features.
- 1.3. The general internal layout of the properties would consist of a lounge, open plan kitchen/family room, a dining room and utility on the ground floor and 5 bedrooms (some with ensuite and dressing rooms) and a bathroom at first floor. Both properties have private amenity space in excess of 150 sq.m. There is garage parking for 2 cars per property and additional driveway space for a further 2/3 vehicles per property.
- 1.4. Both properties are to be orientated in a SSW direction, in line with the orientation of the existing property.
- 1.5. Plot one will utilise the driveway access to the existing property. Plot two is proposed to have new two access points at the frontage and this will require the removal of some mature conifer hedgerow along the boundary.
- 1.6. There are a number of trees (Laurel and Holly) in the centre of the site which are proposed for removal.
- 1.7. The dwellings are proposed to be of red brick construction with a tiled pitched roof, the full details of which are to be agreed.

- 1.8. The application site is 0.17 hectares; the proposed development would result in a density of 12 dwellings per hectare, which is consistent with the pattern of development in this location.
- 1.9. Amended plans have been received which alter the positioning of plot two. It is now situated 1.5m further forward within the plot. In addition the location of the first floor window to bedroom 4 has been relocated from the rear elevation to the side elevation.
- 1.10. The application has been supported by the submission of the following documents; planning statement, Bat and Bird survey and Arboricultural survey.
- 1.11. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is currently occupied by one large building which appears to have previously been two semi-detached properties, set back from Streetly Lane off a long private drive. There is a single storey garage block located to the rear of the property and a large side garden to the east. The boundaries are formed by 1.8m high fencing and mature hedging and trees. The site is relatively flat.
- 2.2. The setting of this dwelling have been amended over time, with two detached bungalows being erected in front of the site and to the rear of 30 and 32 Streetly Lane in the 1990's. In the early 2000's dormer bungalow 36b was erected to the east of the property and in 2013 planning consent was granted for 3 new detached two storey dwellings in the rear garden of no 38 Streetly Lane to the west of the site, these are completed and occupied. This site now appears at the head of a cul de sac, located between the main highway frontages of Streetly Lane and Walsall Road. This shared driveway now currently serves seven dwellings.
- 2.3. In the vicinity there are a number of similar cul de sac developments with a mix of plot sizes, but all with substantially sized dwellings, with large footprints.
- 2.4. The site is well served by public transport with bus routes along Streetly Lane and there is a rail link at Butlers Lane. The site is in close proximity to Mere Green District Centre and there is a local parade of shops along Walsall road. On the south side of Streetly Lane is Sutton Park.
- 2.5. [Site Location](#)

3. Planning History

- 3.1. There is no relevant planning history

4. Consultation/PP Responses

- 4.1 A site notice has been displayed and notification letters sent to the Local MP, Local Councillors, residents associations and neighbouring properties.
- 4.2 There are 6 letters of objection from neighbouring properties, these objections can be summarised as follows:

- The two dwellings will increased traffic, thereby creating a danger for users of the shared driveway, especially for small children
- The existing driveway is difficult to manoeuvre on, and the proposed driveway for Plot 2 will conflict with the existing accesses creating a safety issue
- The development will result in a loss of trees
- The conifer hedge along the boundary should be retained at its existing height.
- The existing building should not be demolished as it is of historic interest.
- The new properties are proposed too close to the boundaries.
- The development will have an overbearing impact on adjacent bungalows
- The two dwellings will have a detrimental impact on outlook

4.3 Regulatory Services: No objections subject to a condition for an electrical vehicle charging point. There are no land contamination issues.

4.4 Transportation Development: No objection subject to the incorporation of pedestrian visibility splays.

4.5 West Midlands Police: No objections, but advocates the principles of 'Secured by Design'

4.6 West Midlands Fire Authority: No objections.

4.7 Severn Trent Water: No objections subject to conditions relating to drainage

5. Policy Context

Birmingham UDP, Draft Birmingham Development Plan, Places for Living, Mature Suburbs and NPPF

6. Planning Considerations

Policy

6.1. The NPPF states that one of the Government's key objectives is to increase significantly the delivery of new homes that are well designed and located in sustainable locations. The NPPF does not prevent development from taking place on residential gardens providing it satisfies policies contained within the development plan and relevant planning documents which resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

6.2. The draft BDP builds upon the NPPF requirements and is clear that Birmingham is a growth point and will need new employment and housing opportunities to support these aspirations. The Draft Birmingham Plan in policy PG3 (as modified) requires all new development to demonstrate high quality design and ensure the best use of existing buildings and the efficient use of land. Policy TP26 expects new housing to contribute to making sustainable places, even small infill sites. The development should be characterised by: a wide choice in housing, access to facilities, provide travel options, and have a strong sense of place with high design quality. Policy TP27 relates to the location of new dwellings, the need to mitigate ground

conditions, be accessible by means of transport other than cars and not conflict with other policies.

- 6.3. The Birmingham UDP requires new developments to protect and enhance what is good in the environment and to improve what is less good. Proposals, which would have an adverse effect on the quality of the built environment, would not normally be allowed. Paragraph 3.14D identifies good urban design principles which new development must comply with. Policy 5.20 requires all new residential developments to have a good standard of design to ensure that they do not detract from the character of the surrounding area.
- 6.4. Mature Suburbs SPD states that new housing can have a significant impact on local distinctiveness and the character of an area and that new development must be of 'good design' resulting from a good understanding of the local character and circumstances. It states that design should determine density and not vice versa. It concludes that proposals that undermine and harm the positive characteristics of a mature suburb will be resisted.
- 6.5. Places for Living SPD requires new residential developments to respond well to the local context to ensure that the unique identity of a place is not harmed. It encourages appropriate densities of development and seeks to protect the amenities of existing development with guidance on the physical separation of dwellings along with guidance on garden sizes and bedroom sizes to ensure an adequate level of accommodation for future occupiers.
- 6.6. In terms of ecology, Policy TP8 of the draft BDP, states that "development which directly or indirectly causes harm to...species which are legally protected, in decline or rare within Birmingham or which are identified as national or local priorities will only be permitted if it has been clearly demonstrated that; there is a strategic need that outweighs the need to safeguard, the damage is minimised and mitigation put in place, or where appropriate compensation is secured". This is also reinforced at paragraph 118 of the NPPF.

Principle

- 6.7. Streetly Lane is located within an established residential area comprising of predominantly detached houses. There are a number of infill housing developments within the local area including the recent development to the west of the proposal, which comprises of three large detached dwellings. The proposed development would create a development similar to the local area in terms of layout, access point, house types and density.
- 6.8. The application site is in a sustainable location with access to public transportation and local amenities with shopping approx. 200m away on the Walsall Road and leisure with Sutton Park. I consider that in principle the site is acceptable for residential development in accordance with local and national policy and guidance.

Impact on character

- 6.9. The application site is within a cul de sac location with a mix of property types and styles. The wider area has a number of these cul de sacs, which offer a mix of plot and property sizes. There are other examples nearby of large properties in smaller plots. I consider the proposed plot size would be in keeping with other plots in this private drive, complying with guidance in Mature Suburbs SPD. This guidance advises that new buildings should respect established building lines and set back

distances from the highway. The siting of the proposed dwellings would provide a coherent building line and a sense of enclosure around the private drive. A satisfactory gap between each dwelling would be provided to ensure an appropriate spatial separation.

- 6.10. Mature Suburbs guidance also advises that the frontage width, height, depth and massing should be in keeping with those in the area. The appearance of the proposed houses and quality of the architectural detailing would ensure that the development would reflect the character of the area. The design of the proposed dwelling makes reference to the architectural form of the surrounding area reflecting the other dwellings in this cul-de-sac. I consider that the proposed development would provide a high quality residential development, which would respond to the context of the local area and would not undermine or harm the positive characteristics, and is therefore in accordance with the local and national planning policy.

Impact on residential amenity

- 6.11. Places for Living recommends guidance that there should be a minimum set back of 5m per storey where proposed habitable room windows would face existing private amenity space. I note that two of the first floor windows to plot 2 would not comply with these guidelines. The applicant states that these windows would be obscurely glazed to prevent overlooking. I also note that they also serve bathrooms (therefore non habitable). I therefore consider that this is sufficient mitigation to ensure these windows will not adversely impact on the privacy of 45 Walsall Road.
- 6.12. On the original plans the first floor window to bedroom 4 of plot 2 could because of the nature of the rear boundary result in oblique views in to the rear garden of no. 45 Walsall road. The applicants have submitted amended plans to seek to address this concern. The dwelling has moved 1.5m forward within the plot. This has increased the space between the dwellings and the boundary. In addition the window has moved location from the rear to the side elevation and now overlooks the large side garden associated with the property. I consider that these amendments would ensure that the proposal would not adversely impact on the privacy for occupiers of no. 45 Walsall Road.
- 6.13. All of the other habitable room windows in the proposed dwellings would be more than 10 metres from existing rear gardens of neighbouring properties which exceeds the distances within the guidelines. At the frontage the dwellings also exceed the 21m guidance for space between facing dwellings. Therefore I am satisfied that there is adequate distance between the proposed dwellings and existing properties to ensure there would be no adverse impact on the amenities of adjoining occupiers in terms of loss of privacy or overlooking.

Amenity for new residents

- 6.14. The proposed bedroom sizes would exceed guidelines set out in Places for Living. It is noted that all of the bedrooms would have a satisfactory outlook and all of the private amenity areas would exceed minimum guidelines for family dwellings. I therefore consider that overall the dwellings would provide future occupiers with a satisfactory standard of residential accommodation.

Highway Matters

- 6.15. My Transportation Development Officer has not objected to the proposed development. The car parking provision with 4 spaces per dwelling would exceed the minimum guidance outlined in Car Parking Guidelines SPD, and given the scale of the dwellings is considered acceptable. Whilst I note the concerns raised by residents, I consider that the additional traffic generated by one further dwelling on this private drive is not sufficient to adversely affect highway safety and free flow of traffic on the driveway, Streetly Lane or surrounding roads.

Trees

- 6.16. One tree on the application site is subject to Tree Preservation Order 285. In addition to the protected tree there are a number of other trees and a mature conifer hedge row within the site. Neighbours have raised objections to tree loss. A tree survey has accompanied the application. The proposed layout seeks to retain the protected tree and minimises the loss of other trees and hedging, which affords a significant screening element for the site. The majority of the trees are therefore identified for retention, and the few for loss are not of sufficient quality to require retention. I am therefore satisfied that overall the proposal would not adversely impact on the protected tree, other trees or the visual amenity of the area. I recommend the inclusion of a tree protection condition to protect the visual amenity of this site.

Ecology

- 6.17. The submitted ecological assessment has concluded that no evidence of protected species was identified although there is potential due to the age and location for bat roosts. The Councils Ecologist concurs with these findings. I therefore consider that the proposed development would not significantly affect the wildlife in the local area, subject to a recommended condition for the incorporation of bat roost features in the roof space of the proposed detached garage as recommend in the ecology report as a level of mitigation for the loss of existing potential for bat roosts.

Environmental Matters

- 6.18. Regulatory Services has recommended the inclusion of a vehicle charging point for electric vehicles. Whilst I understand the need to provide more sustainable transport options, I do not consider that the scale of this scheme with one additional dwelling is sufficient to require the inclusion of this facility, as this is not necessary to make the scheme acceptable. I also note that the site is not subject to any land contamination issues.

Drainage

- 6.19. Severn Trent Water has raised no objections to the proposed development, and recommends the inclusion of a drainage condition to ensure satisfactory site drainage and to minimise flooding impact. I concur with this view.

Other issues

- 6.20 Neighbours have raised the issue of the loss of an historic building in this location. My conservation officer has assessed the proposal and concluded that the building is not a heritage asset and the site is not located within a conservation area. I consider

that whilst the existing property is attractive, the property is not of an outstanding quality as to warrant a level of protection to prevent or control its demolition.

- 6.21 This site is within the high residential value, as identified in the Community Infrastructure Levy (CIL) calculation document, attributing a rate of £69 per sq.m. The total floor-space of the development is 453.5sqm net additional floorspace (after the existing floorspace of 350sqm is excluded) and as such this development generates a CIL sum of £31291.50.

7. Conclusion

- 7.1. The proposed development would provide two well-designed dwellings within an existing mature suburb close to local amenities and services. I consider the development will reflect other residential developments in the local area in terms of design, layout, access point and density and would not undermine or harm the positive characteristics of the area. Whilst I note the neighbours have raised concerns relating to the access and traffic, I consider that the proposed development would not have an unacceptable impact on highway safety, given the limited trips generated by one additional property on this access. Furthermore, the proposed development would not have an adverse impact on the amenities of adjoining occupiers, trees or wildlife.
- 7.2. I consider that the proposed development would comply with guidance in Mature Suburbs and Places for Living, and policies within the Birmingham UDP, the Draft Birmingham Plan and the NPPF. This guidance and policy seeks to make efficient use of land and to deliver new houses in sustainable locations that do not harm the built and natural environment.

8. Recommendation

8.1. Approval subject to conditions

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- | | |
|---|--|
| 1 | Requires the prior submission of sample materials |
| 2 | Requires the submission of a drainage scheme |
| 3 | Requires the prior submission of details of bat boxes |
| 4 | Obscure glazing details for plot 2 |
| 5 | Implementation of hard and soft landscape details |
| 6 | Requires the implementation of tree protection |
| 7 | Removes PD rights for alterations to the roof |
| 8 | Requires the scheme to be in accordance with the listed approved plans |
| 9 | Limits the approval to 3 years (Full) |
-

Case Officer: Emma Green

Photo(s)



Entrance to private driveway

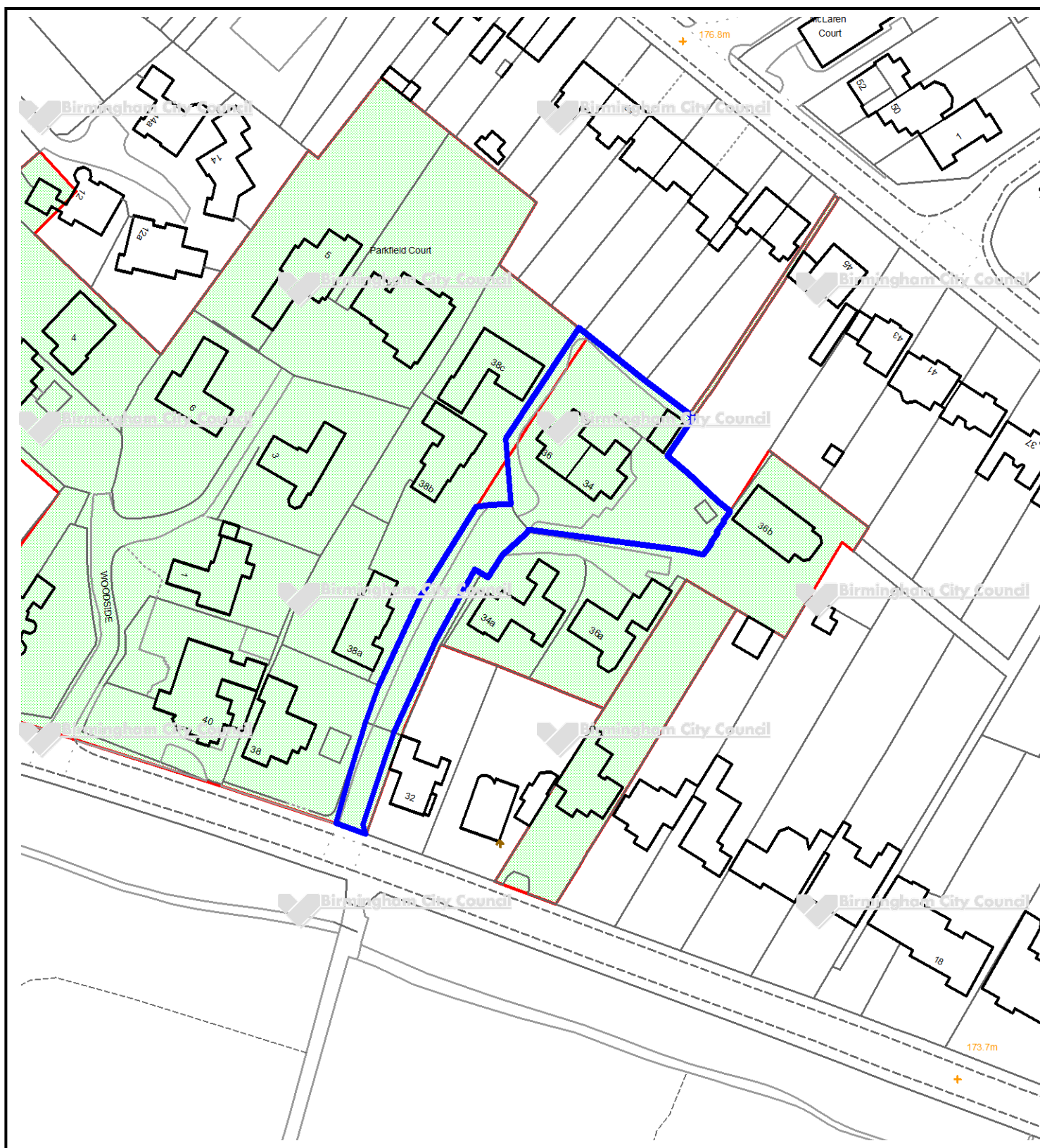


Rear boundary to 45 Walsall Road



Hedge for new drive access for Plot 2 and driveway up to 36B

Location Plan



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Committee Date:	24/11/2016	Application Number:	2016/06687/PA
Accepted:	08/08/2016	Application Type:	Variation of Condition
Target Date:	03/10/2016		
Ward:	Sutton Trinity		

The Lindridge, Lindridge Road, Sutton Coldfield, Birmingham, B75 7JB

Variation of Condition 8 attached to approval 2010/07094/PA to increase student numbers from 24 to 30

Applicant: Mrs Sally Evans
The Lindridge, Lindridge Road, Sutton Coldfield, Birmingham, B75 7JB

Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Proposal is to vary condition no. 8 attached to planning approval 2010/07094/PA to increase the number of students at the college from 24 to 30. There would be 2 additional staff members bringing the total number of staff to 30.
- 1.2. A separate planning application has been submitted for the erection of a single storey cabin building to be used as a classroom to accommodate the 6 additional students (2016/07717/PA).
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The Lindridge is a former dwelling house on the northern side of Lindridge Road, which is currently used as Trinity College for students with severe learning disabilities. It is a traditionally designed brick built building which has recently been extended in association with its current use.
- 2.2. It lies in the Green Belt, with countryside to the rear. The vehicular access and the main pedestrian entrance is from a driveway to the side of the building, which also provides access to fields and to Lindridge Pools fishing waters. To the east, beyond the shared drive, are stables, fields and an isolated residential property fronting Lindridge Road, Langley Villa. To the west are fields, Sutton Coldfield New Hall Cemetery, and an isolated residential property, Lindridge House, and further to the west is a St Giles Hospice cancer care day centre. Lindridge Road forms the boundary of the built-up area of Sutton Coldfield with the Green Belt, and there is a continuous line of houses on the other side of Lindridge Road from the application site.

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

3. [Planning History](#)

- 3.1. 04/03/2011. 2010/07094/PA. Change of use from dwelling house (Use Class C3) to a college for young adults with severe learning difficulties (Use Class D1) involving the demolition of outbuildings and erection of single storey extensions and extension of parking area. Approved.
- 3.2. 12/09/2012. 2012/04975/PA. Erection of extension to existing dining room. Approved.
- 3.3. 24/11/2016. 2016/07717/PA. Erection of a single storey cabin building to be used as a classroom. Report elsewhere on this agenda.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objections.
- 4.2. Regulatory Services – No objections.
- 4.3. West Midlands Fire Service – No objections.
- 4.4. West Midlands Police – No objections.
- 4.5. Royal Sutton Town Council – Recommend approval of the application.
- 4.6. Councillors, Residents Associations and nearby occupiers notified. 15 letters (7 from 1 resident) have been received objecting to the proposal on the following grounds;
- Traffic congestion from vehicles associated with Trinity Specialist College.
 - Visitors to the college have no regard for residents and park on Lindridge Road blocking drives.
 - Noise from alarms and floodlights at the College cause problems.
 - College cesspit leaks and causes problems.
 - Waste and food delivery vehicles have difficulties accessing the site.
 - No footpaths or crossing for the young adults and their carers.
 - Inconsiderate parking by college users causes highway safety problems on Lindridge Road.
 - New developments in the area in recent years have led to increased traffic congestion and problems on Lindridge Road.
 - Many disabled people in Lindridge Road fed up with behaviour of people visiting the college.
 - 8 car parking spaces is not enough.
 - College has never prepared a Green Travel Plan as was required by the original planning approval.
 - Parking capacity on Lindridge Road is full.
 - Anti-social behaviour from students.
 - Increased noise from additional traffic.
 - Real possibility of an accident as a result of increased traffic.
 - Premises not suitable for a college in the first place.
 - Previous accidents in Lindridge Road.
 - Council should support Lindridge Road residents to drop their kerbs.
 - College has had poor Ofsted results.

5. Policy Context

- 5.1. UDP (Adopted 2005), Draft Birmingham Development Plan, Car Parking Guidelines SPG, NPPF (2012).

6. Planning Considerations

- 6.1. Planning permission for the change of use to a college for young adults with learning difficulties was approved in 2011. The college provides courses for people in North Birmingham with autism, severe learning difficulties and challenging behaviour between 19 and 25 years of age, preparing them for adult life and the workplace with social and employment skills. A condition was attached to the planning approval limiting the number of students to 24. It is proposed that the additional students would be accommodated in the log cabin that is being considered under application number 2016/07717/PA.
- 6.2. The principal issue is the impact of the 6 additional students and staff on highway safety and parking provision. The college currently has a car park with approximately 8 parking spaces and a separate space for the college minibus. The college has confirmed that currently of the 24 students at the college 14 arrive on the college minibus with only 7 arriving by private car and also that staff are encouraged to use alternative methods of transport to the private car.
- 6.3. The current maximum parking guideline for this type of use would be 1 space per 2 members of staff with 1 space per 15 children, therefore, the current provision is below the maximum guideline. Transportation Development have assessed the proposal and the objections raised by local residents. They are of the view that as the proposal is for an increase of only 6 students and 2 staff that it will pose no highway safety issues and is unlikely to significantly increase parking demand, therefore, Transportation Development raise no objections to the proposal.
- 6.4. I agree with the above views of Transportation Development, however, I think it is important that the college prepares an updated Green Travel Plan to allow for the increase in the student and staff numbers and to encourage alternative sustainable methods of travel to and from the college. This Green Travel Plan should be reviewed on an annual basis to take into account the turnover of students and staff.
- 6.5. I do not consider the proposal would result in any environmental issues. Regulatory Services raise no objections and I do not consider the increase in 6 students at the college would give rise to any noise or disturbance to local residents.

7. Conclusion

- 7.1. I have no objection to the minor increase in student numbers from 24 to 30 subject to the conditions set out below.

8. Recommendation

- 8.1. Approve Subject To Conditions.

-
- 1 Limits the number of students to 30
 - 2 Limits hours of use to 8am to 6pm on Mondays to Saturdays
 - 3 Prevents the use from changing within the use class
 - 4 Requires the submission of a Green Travel Plan
 - 5 Limits the approval to 3 years (Full)
-

Case Officer: John Davies

Photo(s)

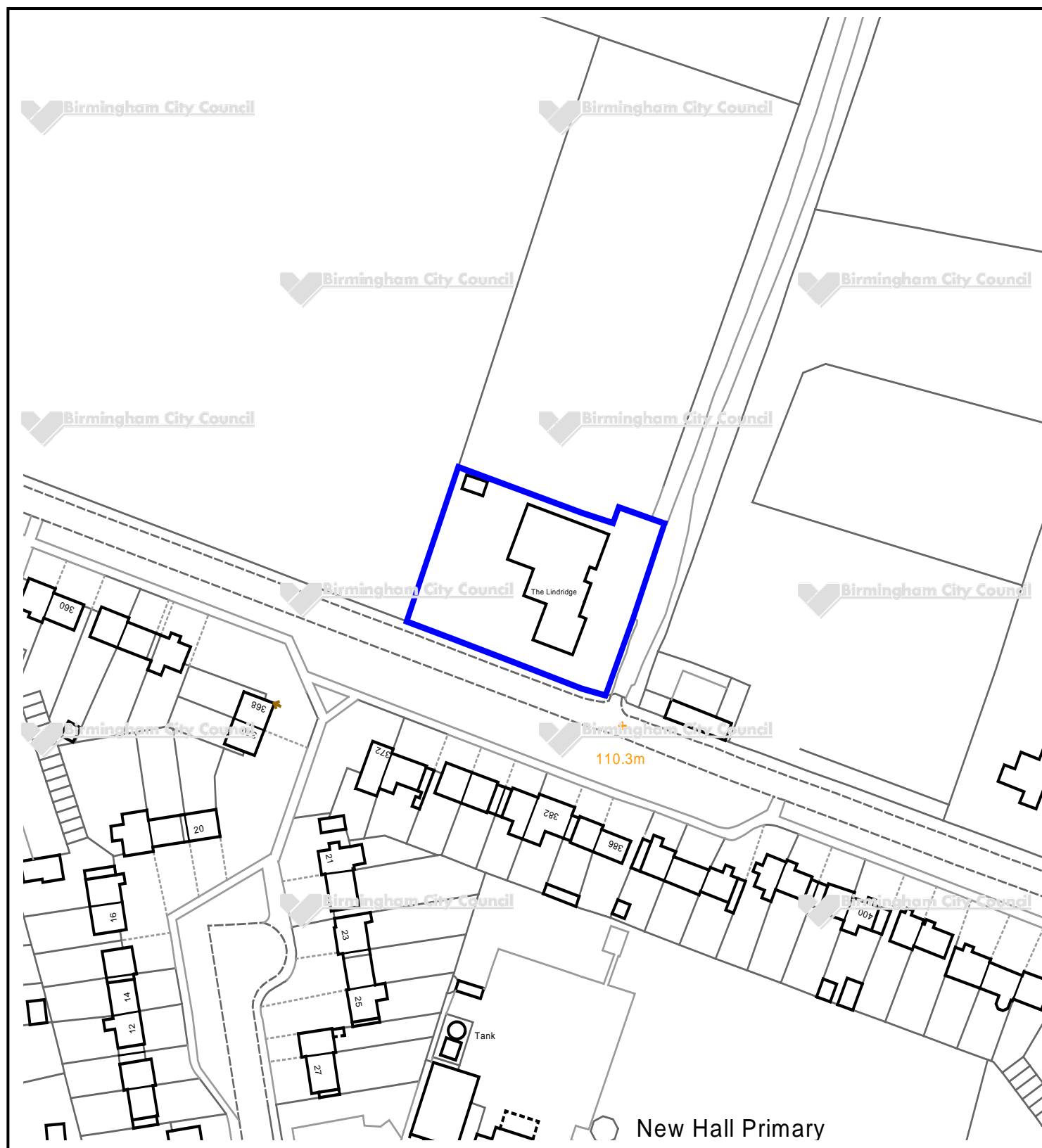


Figure 1 – Access off Lindridge Road



Figure 2 – College Building

Location Plan



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Committee Date:	24/11/2016	Application Number:	2016/07717/PA
Accepted:	06/10/2016	Application Type:	Full Planning
Target Date:	01/12/2016		
Ward:	Sutton Trinity		

The Lindridge, Lindridge Road, Sutton Coldfield, Birmingham, B75 7JB

Erection of a single storey cabin building to be used as a classroom

Applicant: Millosha
19 Chartwell Drive, Sutton Coldfield, Birmingham, B74 4NT
Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Proposal is for the erection of a single storey log cabin in the grounds of the existing Trinity College site to be used as a classroom to accommodate the additional 6 students that are being requested under application 2016/06687/PA.
- 1.2. The proposed log cabin would be located on a concrete base in the south-west corner of the site behind the existing hedgerow on the Lindridge Road frontage. It would measure 7m x 12m and 3.8m in height and would be constructed of wood with a felt roof.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The Lindridge is a former dwelling house on the northern side of Lindridge Road, which is currently used as Trinity College for students with severe learning disabilities. It is a traditionally designed brick built building which has recently been extended in association with its current use.
- 2.2. It lies in the Green Belt, with countryside to the rear. The vehicular access and the main pedestrian entrance is from a driveway to the side of the building, which also provides access to fields and to Lindridge Pools fishing waters. To the east, beyond the shared drive, are stables, fields and an isolated residential property fronting Lindridge Road, Langley Villa. To the west are fields, Sutton Coldfield New Hall Cemetery, and an isolated residential property, Lindridge House, and further to the west is a St Giles Hospice cancer care day centre. Lindridge Road forms the boundary of the built-up area of Sutton Coldfield with the Green Belt, and there is a continuous line of houses on the other side of Lindridge Road from the application site.
- 2.3. [Site Location and Street View](#)

3. Planning History

- 3.1. 04/03/2011. 2010/07094/PA. Change of use from dwelling house (Use Class C3) to a college for young adults with severe learning difficulties (Use Class D1) involving the demolition of outbuildings and erection of single storey extensions and extension of parking area. Approved.
- 3.2. 12/09/2012. 2012/04975/PA. Erection of extension to existing dining room. Approved.
- 3.3. 24/11/2016. 2016/06687/PA. Variation of Condition 8 attached to approval 2010/07094/PA. Report elsewhere on this agenda.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objections.
- 4.2. Regulatory Services – No objections.
- 4.3. Councillors, Residents Associations and nearby occupiers notified. 1 letter has been received objecting to the proposal on the following grounds;
- Reduce outside amenity space for students.
 - Purpose of log cabin not stated. If it is for additional students objections to 2016/06687/PA apply.
 - Work has already commenced.

5. Policy Context

- 5.1. UDP (Adopted 2005), Draft Birmingham Development Plan, Car Parking Guidelines SPG, NPPF (2012).

6. Planning Considerations

- 6.1. NPPF in paragraph 87 states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in exceptional circumstances. Paragraph 89 states that the construction of new buildings in the Green Belt is inappropriate with a number of exceptions including “the limited infilling of previously developed sites (brownfield land) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it”.
- 6.2. UDP Green Belt Policy in paragraph 3.41 states that development in the Green Belt will be strictly controlled in order to protect the character of the area. Proposals for new development will not be permitted except for development for the purposes of agriculture, forestry, cemeteries or other uses appropriate to the character and function of the Green Belt and development of outdoor recreation facilities which could not be located within the built-up area and which are in keeping with the character and function of the Green Belt.

- 6.3. In this instance, the applicants are proposing a detached building which could accommodate a classroom for additional students due to the high demand for places in specialist colleges. The proposed log cabin would be located in the rear garden area of the main building in a location facing Lindridge Road. The existing boundary treatment to Lindridge Road comprises a mature planting screen comprising trees and hedges so the proposed log cabin would barely be visible from the public domain. The proposed log cabin would also be well screened by the existing building and I do not consider that it would give rise to any adverse visual impact or adverse impact on the openness of the Green Belt. For this reason, I consider the proposal is appropriate development in the Green Belt and would enhance the facilities of the existing college.
- 6.4. The design of the log cabin and the proposed materials would be acceptable in this rural setting to accommodate additional students.
- 6.5. The proposed log cabin is required as a classroom to house the 6 additional students that are being requested under application 2016/06687/PA. Transportation Development raise no objections to this application and their comments on the additional students and staff are included in the report on application 2016/06687/PA elsewhere on this agenda.
- 6.6. No environmental issues. Regulatory Services (Pollution Control) raise no objections. I consider that there would be adequate external amenity space retained for students if this proposal is allowed.

7. Conclusion

- 7.1. I consider the proposed single storey cabin building is acceptable and would not adversely impact on the openness of the Green Belt.

8. Recommendation

- 8.1. I recommend approval subject to the following conditions.

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- | | |
|---|--|
| 1 | Requires the prior submission of sample materials |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the approval to 3 years (Full) |
-

Case Officer: John Davies

Photo(s)

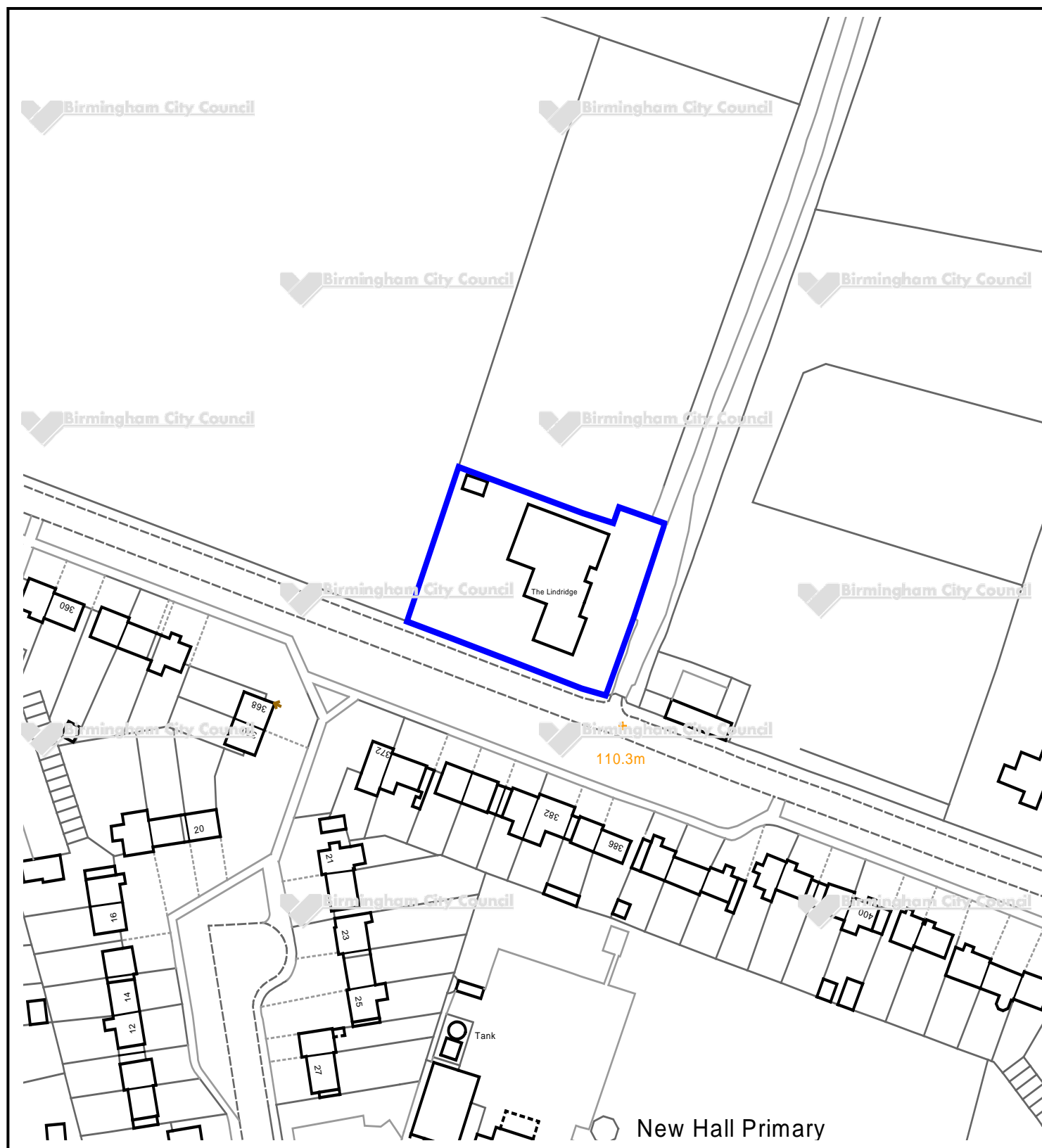


Figure 1 – Site of proposed cabin



Figure 2 – Rear of existing building and retained amenity space

Location Plan



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Committee Date:	24/11/2016	Application Number:	2016/08389/PA
Accepted:	07/10/2016	Application Type:	Householder
Target Date:	02/12/2016		
Ward:	Oscott		

9 Wingfield Road, Great Barr, Birmingham, B42 2QB

Retention of front canopy and porch and erection of a detached building to rear

Applicant:	Mr B Panchal 9 Wingfield Road, Great Barr, Birmingham, B42 2QB
Agent:	Mrs M Sadaf 250 Walsall Road, Great Barr, Birmingham, B42 1UB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the retention of a new porch and canopy roof to the front. The porch measures 1.1m in depth and extends across the front the elevation connecting to an existing bay window. The canopy roof extends across the new porch and across an existing bay window. The canopy roof and porch are designed be to a maximum height of 3.3m (2.3m to eaves).
- 1.2. In addition to the above, permission is also sought for the erection of a detached building at the end of the rear garden of the house. This would measure 6m by 5m and designed with a pitched roof at a total height of 3.75m (2.6m to eaves). The outbuilding would be used as a games room

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a modern mid-terraced dwelling house; the property is designed with a pitched roof, a single storey bay window feature to the front designed with a flat roof. The property has been previously extended with a single storey rear extension and recently extended with a front porch and canopy. The works to the front form part of this application. The rear of the application site is enclosed by 1.8m high fencing. The surrounding properties are of a mixture of semi-detached and terraced dwelling houses of similar age and character.
- 2.2. Nos. 5 & 11 Wingfield Road, as well as a number of others in the wider street scene, have been previously extended with a single storey front extensions consisting of a porch and canopy. There are number of detached structures in the rear garden of neighbouring properties in the wider street scene; these all differ in scale and design.

[Site Location](#)

3. Planning History

3.1. There is no planning history for this property.

4. Consultation/PP Responses

4.1. Local ward councillors and the occupiers of neighbouring properties have been consulted; a petition containing 22 signatures. Objections have been raised in respect of:

- Scale/finished height of the outbuilding
- Loss of light/outlook from neighbouring gardens
- Disruption at the time of building works.
- The proposed detached building potentially being used for business purposes. Cooking and supply hot food
- Party Wall issues relating to footings

4.2. In addition to the petition, 4 letters of objection have been received. objections raised in respect of:

- Neighbours have stated that the applicants are looking to start a hot food business on site.
- Concerns raised that the works to the front have started prior to granting of consent.
- Scale/height of the proposed detached building
- Loss of outlook

4.3. Comment received from the Councillor Ray Hassall who has raised concerns on behalf of neighbours in respect of the use of the proposed structure.

5. Policy Context

5.1. The following local policies are applicable:

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

5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012).

6. Planning Considerations

6.1. The principal matters for consideration are the scale and design of the front extension as built and the proposed detached building, the impact on the architectural appearance of the property, general street scene and the impact upon neighbouring properties' amenities.

6.2. Both the proposed detached building and front extensions as built comply with your Committee's 45 Degree Code policy and meet the distance separation guidelines contained in 'Extending your Home' and 'Places for Living'. As such, the development would not result in a detrimental impact on the amenities of the occupiers of neighbouring properties by way of loss of light, outlook or overlooking.

- 6.3. As originally submitted the proposed detached building was designed with a mono pitched roof totalling 4.25m in height, this height was not considered to be ideal. Amended plans have been secured that redesign the proposed detached building with a pitched roof and reduce the total height by 500mm. I consider that the scale, mass and design of the amended detached structure and front extensions as built are acceptable. The proposed detached building would be of domestic proportions and would not form an overbearing development within the curtilage of the application site or in relation to neighbouring dwellings. The design of the front extensions as built are in keeping with other previous extensions at neighbouring properties.
- 6.4. I consider that the detached structure would have a limited impact on the visual amenity of the surrounding area. As such the developments would comply with the design principles contained within your Committee's adopted design guide 'Extending Your Home' (Supplementary Planning Document).
- 6.5. Concerns that have been raised in respect of the Party Wall Act and the digging of footings remain a private matter between neighbours and cannot be taken into consideration when assessing this application.
- 6.6. With regards to the proposed use the plans indicate that the detached building will be used as games and not for commercial purposes. A condition is attached to ensure that the use is incidental to the residential use of the main property as a single dwelling house.
- 6.7. The proposed development does not attract a CIL contribution.
7. Conclusion
- 7.1. Notwithstanding the objections received from neighbouring occupiers I consider that the development as amended complies with the objectives of the policies outlined above. As such the development would not cause sufficient detriment to warrant a refusal of the application.
8. Recommendation
- 8.1. Approve subject to the following conditions

-
- | | |
|---|--|
| 1 | Requires the prior submission of sample materials |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires that the approved scheme is incidental to the main use |
| 4 | Limits the approval to 3 years (Full) |
-

Case Officer: Philip Whittaker

Photo(s)



Picture 1: Front Elevation

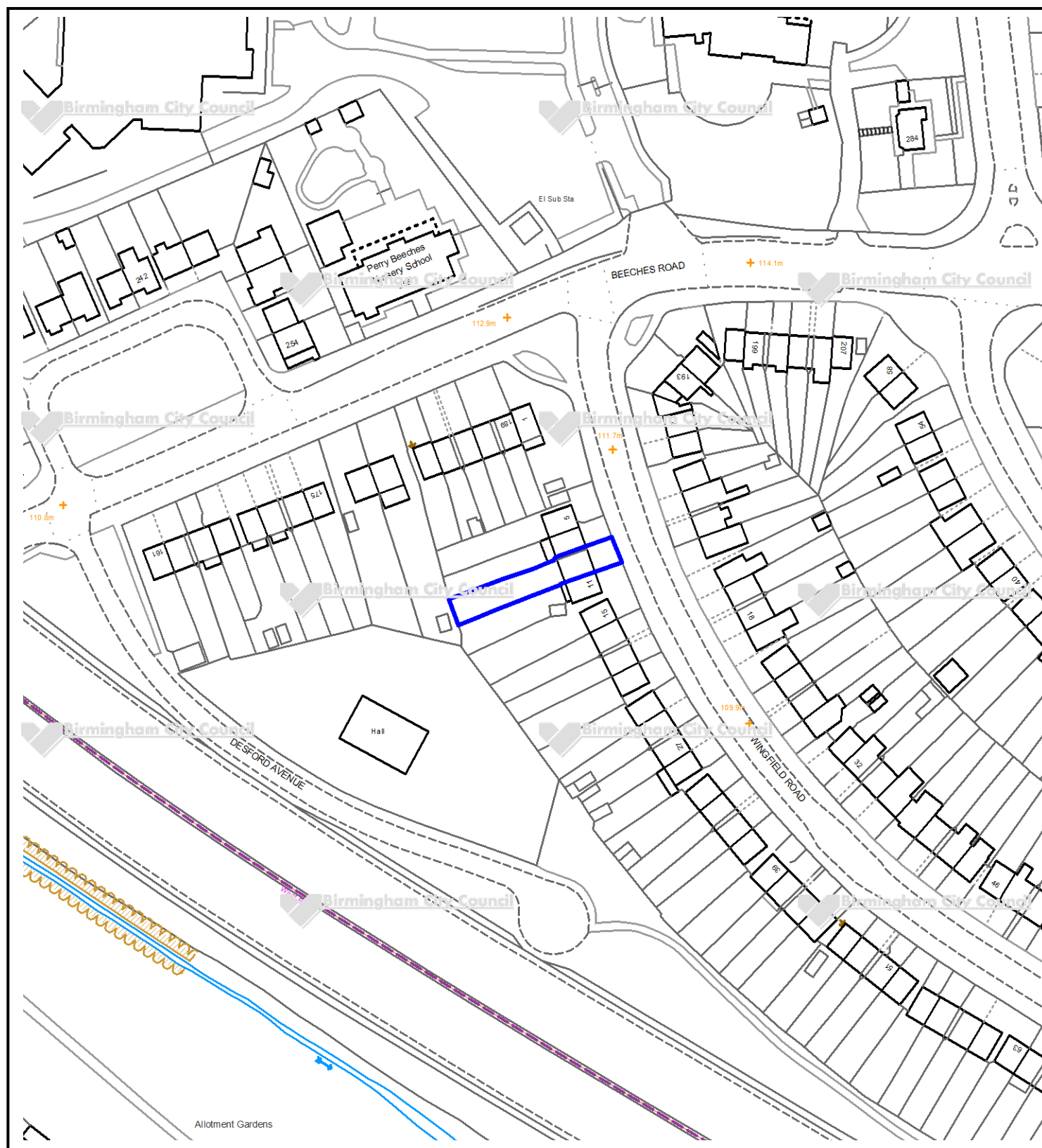


Picture 2: Rear of Site



Picture 3: View from No. 179 Beeches Road

Location Plan



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Report back following Site Visit 17 November 2016

Committee Date:	10/11/2016	Application Number:	2016/07099/PA
Accepted:	22/08/2016	Application Type:	Outline
Target Date:	21/11/2016		
Ward:	Acocks Green		

Unit 5, 1298 Warwick Road, Acocks Green, Birmingham, B27 6PL

Outline planning application for the erection of up to 48 residential units
(with means of access to be determined and all other matters reserved)

Applicant: Mr John Cullen
1-17 Silver Street, Kings Heath, Birmingham, B14
Agent: Brooke Smith Planning Consultants
The Cloisters, 12 George Road, Edgbaston, Birmingham, B15 1NP,

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. Outline planning application, with only means of access to be determined at this stage, for up to 48 residential units. The application includes a new main access/junction from Warwick Road and Gospel Lane that has also been subject to a Stage 1 Road Safety Audit. This includes a dedicated 'give way' position on Gospel Lane to enable vehicles wishing to enter the application site to wait for safe passage across the Warwick Road southbound carriageway, whilst also clear of moving traffic turning left or right onto Warwick Road. These works also include changes to kerb lines and road markings.
- 1.2. An indicative plan has been submitted in support of the application to demonstrate that the site could accommodate up to 48 residential units in an appropriate manner. This layout consists of 14no. 2-bed house 8no. 3-bed houses as well as 2 and 3-storey apartment blocks containing up to 26no. apartments. The plan shows a total of 83 parking spaces representing a provision of 173%.
- 1.3. The main access off Warwick Road would serve the majority of the proposed dwellings and the indicative layout shows a perimeter block form of development that faces onto a central square containing communal parking as well as landscaping. Houses and apartment blocks are shown surrounding this central square creating a good sense of enclosure with an off-street parking space and front garden to each house, and with rear-parking to the apartment blocks located to the rear corners of the site. 2 and 3-storey apartment blocks flank the main access to the north and south respectively with built frontages facing Warwick Road as well as turning the corner into the application site. The 2-storey block of apartments to the north of the new access has parking to the frontage whilst the 3-storey block of apartments to the south of the new access has parking contained within a secure rear parking court. The indicative plan also shows 2 new houses facing, and with a vehicular access off, Lincoln Road. This access also retains the right of way for the commercial properties at nos. 1322-1328 Warwick Road.

- 1.4. The application site measures some 0.87ha and a total of 48 dwellings equates to a density of 54 dwellings per hectare.
- 1.5. The application seeks to be fully policy compliant in terms of affordable housing provision (35%) and make a contribution towards off-site public open space and play equipment in accordance with the relevant formula contained within the 'Public Open Space in New Residential Development' SPD.
- 1.6. The application has been accompanied by a Planning Statement, Design & Access Statement, Ecology Report, Noise impact Assessment, Tree Survey, Geo Environmental Assessment, SUDS Report and Transport Assessment.
- 1.7. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is a 0.87ha cleared parcel of land bounded by residential properties to the north (Culham Close and Olton Croft), east (Lincoln Road) and west (Warwick Road). Immediately to the south is a small parade of commercial units containing a day nursery, takeaway and a retail unit. Beyond that is the junction/gyratory of Warwick Road, Olton Boulevard and Lincoln Road and a number of larger commercial units including a petrol filling station and restaurants.
 - 2.2. There are two existing vehicular accesses off Warwick Road and Lincoln Road. Ground levels across the site slopes to the south, following the fall of Warwick Road. Changes in ground levels are up to 2m and partly due to retention of some demolition material on the site. There are noticeable lines of mature trees along the northwest and eastern boundaries to houses on Culham Close and Lincoln Road.
 - 2.3. [Site location](#)
3. Planning History
 - 3.1. None of relevance.
4. Consultation/PP Responses
 - 4.1. Transportation Development – No objection subject to conditions relating to a Construction Management Plan, measures to prevent mud on the highway, siting / design means of access, pavement boundary, visibility splays and S278/TRO Agreement.
 - 4.2. Regulatory Services – No objection subject to noise assessment, contamination remediation scheme and verification report, and electric vehicle charging points.
 - 4.3. Lead Local Flooding Authority – No objection subject to conditions relating to a sustainable drainage scheme and sustainable drainage operation and maintenance plan.
 - 4.4. Severn Trent Water – No objection subject to condition relating to the disposal of foul and surface water flows.
 - 4.5. Leisure Services – No objection subject to a financial contribution to be spent on the provision, improvement and/or maintenance of POS and Play facilities at Fox Hollies Park.

- 4.6. Education – Request a contribution towards the provision of primary and secondary education provision.
- 4.7. West Midlands Police – No objection and an ideal new build development eligible for Secured by Design Accreditation.
- 4.8. West Midlands Fire Service – No objection.
- 4.9. Natural England – No objection.
- 4.10. Local residents, business premises, residents groups, Councillors and MP consulted with site and press notices posted.
- 4.11. Representation received from Councillor Roger Harmer raising no objection to the land being used for housing but raising concern over the access off Warwick Road. An alternative arrangement needs to be found or the Gyratory redesigned.
- 4.12. Representation received from Councillor John O'Shea supporting housing on the site but raises the following highway safety concerns relating to the access from Warwick Road:
- The existing arrangement is already dangerously complex and adding vehicles crossing from Gospel Lane is a recipe for serious collisions.
 - Proposal does not include any physical prevention in place to stop drivers making a left turn into the site.
 - Cause problems with long vehicles turning from Gospel Lane into Warwick Road northbound.
 - Likely to increase traffic congestion and add to the delays on the busy bus route that uses this junction.
 - Anxious to avoid diverting more traffic up Olton Boulevard east as this is likely to create further rat runs.
 - Appreciate that a Lincoln Road access may be difficult but would highly recommend vehicle access and egress be considered only through Lincoln Road.
 - Any use of Warwick Road is likely to be dangerous.
- 4.13. Representation received from Acocks Green Focus Green who are not opposing the residential redevelopment of the site but concerned over the number of units on the site and there should be an alternative access.
- 4.14. Representation received from Acocks Green Neighbourhood Forum expressing that they are pleased to see an application for the site but concerned about the access on Warwick Road. Access onto Lincoln Road is possibly better, but far from ideal.
- 4.15. 11 representations from local residents and business premises raising the following issues/concerns:
- Highway safety and increase in cars using the area will worsen the situation.
 - Already hazardous for pedestrians.
 - Covenant on part of the site.
 - Question whether all of the site is in the applicant's ownership.
 - Loss of privacy and residential amenity – worsened by elevated site.

- Needs to consider Human Rights Act (Protocol 1, Articles 1 and 8) – a person has the right to peaceful enjoyment of all their possessions and the substantive right to respect for their private and family life.
- No spare parking capacity on nearby streets.
- Extra strain on local amenities and services.
- Bats use the site.
- Too many houses proposed.
- Loss of trees.
- Inadequate parking within the development.
- Continual use of right of way for pick-up / drop-off arrangement and deliveries is integral to existing business.
- No objection to site being used for housing.

5. Policy Context

- 5.1. Birmingham UDP 2005, Draft Birmingham Development Plan 2031, 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 2012.

6. Planning Considerations

- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005.
- 6.2. The NPPF is clear that “the purpose of the planning system is to contribute to the achievement of sustainable development... There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social role – supporting strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment...”.
- 6.3. The NPPF and the 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 new 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 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. The application site is not classed as Core Employment Land within the Draft Birmingham Development Plan. Whilst the applicant advises that the site has been placed on the market for over six years with no interest, the key consideration is its non-conforming use in relation to its predominantly residential neighbours and as such the loss of the industrial land is justified and policy-compliant.
- 6.6. **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.
- 6.7. Regarding the location of new housing, the UDP (paragraph 5.25C) and the Draft Birmingham Development Plan (Policy TP27) seeks, amongst others, that they should be accessible to jobs, shops, and services by modes of transport other than the car. The site is located within an established mixed use area and existing housing backs onto the site on three sides with access to local shops, services and public transport links. As such the proposal would make a notable contribution towards the City’s housing need in a sustainable location and is an appropriate alternative use within the site’s context.
- 6.8. **Design/Layout:**
- 6.9. The indicative layout demonstrates good urban design principles, creating perimeter blocks with strong building lines creating a sense of enclosure achieving high levels of natural surveillance and security. Proposed rear gardens would back onto existing neighbouring gardens, creating secure and unexposed rear boundaries. The majority of the buildings would be 2-storey, reflecting the neighbouring properties, whilst due to the topography of the site and the 2.5-storey nature of the

adjacent parade of commercial units, the apartment block to the south of the Warwick Road access is shown to be 3-storey. The proposed parking is shown as a mix of on-plot and unallocated on-street, whilst not dominating the streetscene and allowing sufficient space for front gardens and landscaped areas. The indicative layout would also allow the retention of significant mature trees along the north western and north eastern boundaries. The submitted tree survey identifies trees of high landscape value, including Oak, Sycamore, Lime, Plane and Ash trees. These trees are within the neighbouring gardens but their canopies and Root Protection Area do extend into the application site and would require protection measures during construction.

- 6.10. Whilst the indicative layout is for illustrative purposes, and matters of appearance landscaping, layout and scale would be subject to a separate reserved matters application, it demonstrates that a relatively high density scheme in a sustainable location providing a good mix of house types can be adequately accommodated on the site.
- 6.11. **Residential amenity:**
- 6.12. It is recognised that since the demolition of the previous buildings on the site in 2008, that current ground levels will require further levelling to accommodate the site's redevelopment. The indicative layout demonstrates that adequate setback distances (5m per storey, as per 'Places for Living' SPG) could be achieved to existing neighbouring garden boundaries. Furthermore due to the depth of existing neighbouring gardens, in particular those along Lincoln Road, there is sufficient space to meet the separation distances, given in 'Places for Living' SPG, including taking into account any difference in final ground levels. The proposed residential development is compatible with its residential neighbours and would have no adverse impact on neighbour amenity in terms of noise and disturbance.
- 6.13. The indicative layout further demonstrates that the majority of the new houses and block of flats facing the central square have rear gardens or outside communal amenity space that meets the standards given in 'Places for Living'. The 2 blocks of flats flanking the access off Warwick Road has communal amenity to the rear that do not meet with the 30sqm per flat guideline. However, these blocks have significant landscaped frontages due to adhering to established building lines and the inability to provide frontage parking to Warwick Road and it is considered that such a positive contribution to the public realm would outweigh this shortfall. In addition the 2 houses shown to the Lincoln Road frontage fall short of minimum garden sizes. It is recognised that these plots are constrained and share a rear right of way / access with the adjoining parade of commercial and as such these houses' contribution to the Lincoln Road built frontage outweigh the garden size shortfalls.
- 6.14. The findings of a noise survey on the site contained within the submitted Noise Impact Assessment identifies that Warwick Road was the main source of noise by a considerable margin with some intermittent noise from children from the nursery at 1322 Warwick Road. The noise climate of the site was mostly stable as there was continuous traffic noise. The report concludes that almost all of the site is exposed to noise levels which would require some mitigation measures. With regard to the indicative layout, the block of apartments fronting Warwick Road would provide some screening to the properties behind and a further assessment is required once the final layout is known to confirm the necessary levels of mitigation. Regulatory Services raise no objection subject to conditions including a noise assessment to determine the correct levels of mitigation.

6.15. **Highway Safety:**

- 6.16. The proposed changes to the Warwick Road/Gospel Lane gyratory are a result of pre-application discussions over an extensive period of time involving Transportation Development Officers. A Transport Assessment has been submitted in support of the application. This includes details of an options appraisal for the optimum location for the proposed means of access to the site. The appraised arrangements included:
- Main point of access via Lincoln Road;
 - In via Lincoln Road and Out via Warwick Road; and
 - Main point of access via Warwick Road.
- 6.17. The TA highlights that any main point of access from Lincoln Road was discounted following a modelling process, which revealed significant queuing along Lincoln Road. The queues were not associated with the development access off Lincoln Road but a result of difficulty encountered by motorists existing onto Warwick Road via a poor junction layout. The TA concludes that vehicles would be unable to exit the proposed residential development due to the length of the queues on Lincoln Road.
- 6.18. The TA also identifies that an 'in-only' access from Lincoln Road was discarded due to legal issues covering the existing arrangement which allows the day nursery on Warwick Road the facility to enable drop-off /pick-up of children on the land to the rear. The assessment also revealed safety issues resulting from reduced road width and parked cars.
- 6.19. The TA explains that it was determined that the optimum access location should be from Warwick Road. Site visits were undertaken including representative from the applicant's highway consultant and Transportation Development Officers to consider access arrangements and limit the weaving conflicts on Warwick Road. Furthermore, a Stage 1 Road Safety Audit (RSA1) was undertaken, the findings of which have been considered in the final access arrangement. These works include the changes to existing kerb lines to provide a dedicated 'waiting area' (approximately 10m in depth) for traffic wishing to cross Warwick Road from Gospel Lane. This would not obstruct traffic turning north or south onto Warwick Road from Gospel Lane.
- 6.20. The TA also includes details of the trip generation rates for the proposed development using the TRICS database. This anticipates that for a worst case scenario a total of 31 vehicles in the AM peak would be generated with 9 vehicles arriving, and 21 vehicles departing. During the PM peak, 36 vehicles would be generated, with 22 vehicles arriving and 15 vehicles departing. The TA also notes that the trip generation was produced for 60 dwellings, whereby the proposal is for up to 48 dwellings. Regarding traffic impact of the development, the TA concludes that the impact on the A41 gyratory in terms of queuing, delays and journey times, is marginal and in some instances provide benefit to operational performance of the junction. Furthermore, the residual cumulative impact of the proposal cannot be considered severe and would not materially affect the existing highway network.
- 6.21. Details have also been submitted showing that the indicative layout can accommodate the current refuse vehicle in operation in Birmingham as well as a Fire Service Vehicle.

- 6.22. The indicative layout illustrates that the parking provision would be provided in a variety of manners. This takes the form of rear courtyard parking as well as frontage parking and unallocated on-street parking bays, providing a total provision of 173%, which is considered an appropriate provision for the number of type of properties shown on the indicative layout.
- 6.23. Transportation Development considers that the proposed access arrangements are satisfactory for up to 48 units subject to the agreed scheme of modifications to the gyratory being delivered. They acknowledge that there are on-going operational issues relating to the design and operation of the gyratory, and the modifications represent a cost-effective solution to the most significant impact of the development. This impact being the potential for vehicles approaching either from Olton Boulevard or Gospel Lane, carrying out lane merging manoeuvres followed by sudden braking and turning left into the application site. The proposed modification would address this by creating a defined storage/waiting space for a vehicle entering the application site whilst giving way to southbound traffic travelling along the Warwick Road. Vehicles travelling southbound on the Warwick Road would turn left into the application site. Transportation Development raise no objection to the planning application subject to conditions, which are attached to the recommendation.
- 6.24. **S106 Contributions:**
- 6.25. 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. The applicant has advised that the proposal would be policy compliant and this would be secured by means of a S106 Legal Agreement.
- 6.26. '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 Fox Hollies Park, some 550m to the south west, as well as the relatively constrained nature of the 0.87ha site it is considered that an off-site financial contribution would be appropriate in this case. Fox Hollies Park is the largest area of public open space in this part of the City with facilities and attractions that have a large catchment. Leisure Services raise no objection to the application and support this approach. Again, this financial contribution would be secured by means of a S106 Legal Agreement in accordance with formula contained within the SPD.
- 6.27. It is noted that Education has advised that a financial contribution should be secured towards education facilities. Whilst no figure has been given, contribution towards education facilities is now raised from Community Infrastructure Levy (CIL) liable developments. The proposal is a non CIL liable development and as such does not attract a CIL contribution.
- 6.28. **Other Matters:**
- 6.29. An Extended Phase 1 Habitat Assessment and Bat Scoping survey has been submitted in support of the application, which concludes that the site and surrounding area to be of low value for commuting and foraging bats. Furthermore, shrubs and trees have the potential to support nesting birds, whilst no evidence was found of Great Crested Newts, Invertebrates or Reptiles and the site lacks potential

to support these species. Regarding biodiversity enhancements, it is suggested that the scheme incorporates additional tree and shrub planting, grassland, bird and bat boxes and log piles. The City Ecologist raises no objection and recommends a condition relating to ecological enhancements.

- 6.30. The accompanying Sustainable Drainage Statement states that currently it is not known whether infiltration would be suitable for surface water disposal. If not possible, the on-site surface water drainage system could connect to the existing surface water sewer subject to suitable attenuation and storage, including permeable paving, a bio retention rain garden in the central green space and tree pits. Surface water would be discharged into a cellular storage system which would be discharged into the existing surface water public sewer located on Lincoln Road. The Lead Local Flooding Authority raises no objection subject to suitable conditions.
- 6.31. Matters relating to any covenant that may be on part of the site as well as ownership and private right of ways are ultimately non-planning related matters that have no bearing on the determination of this application. However, the issue of ownership has been raised with the applicant's agent who has advised that the application site reflects the land registry boundary plan.
- 6.32. With regard to reference to human rights, it should be noted that the rights of the objectors need to be balanced with the rights of the applicant. This consideration is in essence an extension of the planning balancing exercise which already forms the heart of the UK planning system's approach to decision-making.

7. Conclusion

- 7.1. The proposed residential redevelopment of this non-conforming and vacant industrial site within a sustainable location represents an appropriate alternative use. The proposed means of access, most notably the alterations to the gyratory which has been subject to a Stage 1 Road Safety Audit, would enable a main means of access from Warwick Road that would not detract from highway safety and, in certain circumstances, improve the operation of the gyratory. The application has also demonstrated that a good house type mix of up to 48 dwellings could be accommodated on the site in a manner that would improve the character and quality of the area, provide appropriate parking within the site as well as safeguard existing neighbour amenity and also provide an appropriate level of amenity for future occupiers. The scheme is also policy compliant in terms of affordable housing provision and a financial contribution towards Public Open Space and Play Equipment at the nearby Fox Hollies Park.

8. Recommendation

- 8.1. Approve subject to a Section 106 Legal Agreement
- 8.2. I. That application 2016/07099/PA be deferred pending the completion of a suitable Section 106 Planning Obligation to require:
 - a) 35% of dwellinghouses on the site being 15% affordable / social rent, 10% shared ownership and the remaining 10% being allocated for low cost.
 - b) A financial contribution (index-linked to construction costs from the date of the committee resolution to the date on which payments are made) calculated using Appendix B of 'Public Open Space in New Residential Development' SPD to be spent towards the provision, improvement and / or maintenance of public open

space and play facilities at Fox Hollies Park, to be paid prior to first occupation of the housing.

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

II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 17th November 2016 planning permission be REFUSED for the following reason;

- a) 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).
- b) 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 17th November 2016, favourable consideration be given to Application Number 2016/07099/PA, subject to the conditions listed below;

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| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the prior submission of a contaminated land verification report |
| 3 | Requires the prior submission of a sustainable drainage scheme |
| 4 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 5 | Requires the prior submission of a scheme of foul and surface water flows |
| 6 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 7 | Secures noise and vibration levels for habitable rooms |
| 8 | Requires the prior submission of boundary treatment details |
| 9 | Requires the prior submission of a lighting scheme |
| 10 | Requires the prior submission of level details |
| 11 | Requires the prior submission of sample materials |
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- 12 Provision of designated electric vehicle charging points
 - 13 Requires the prior submission of an Arboricultural Method Statement
 - 14 Requires the prior submission of a construction method statement/management plan
 - 15 Requires the prior approval of details to prevent mud on the highway
 - 16 Requires the prior approval of the siting/design of the access
 - 17 Requires the prior submission of details of pavement boundary
 - 18 Requires vehicular visibility splays to be provided
 - 19 Requires pedestrian visibility splays to be provided
 - 20 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 21 Limits the maximum number of residential units to 48
 - 22 Limits the layout plans to being indicative only
 - 23 Requires the scheme to be in accordance with the listed approved plans
 - 24 Requires the submission of reserved matter details following an outline approval
 - 25 Limits the maximum density
 - 26 Limits the approval to 3 years (outline)
-

Case Officer: Peter Barton

Photo(s)



Figure 1 – Warwick Road frontage



Figure 2 – Warwick Road / Gospel Lane Gyratory

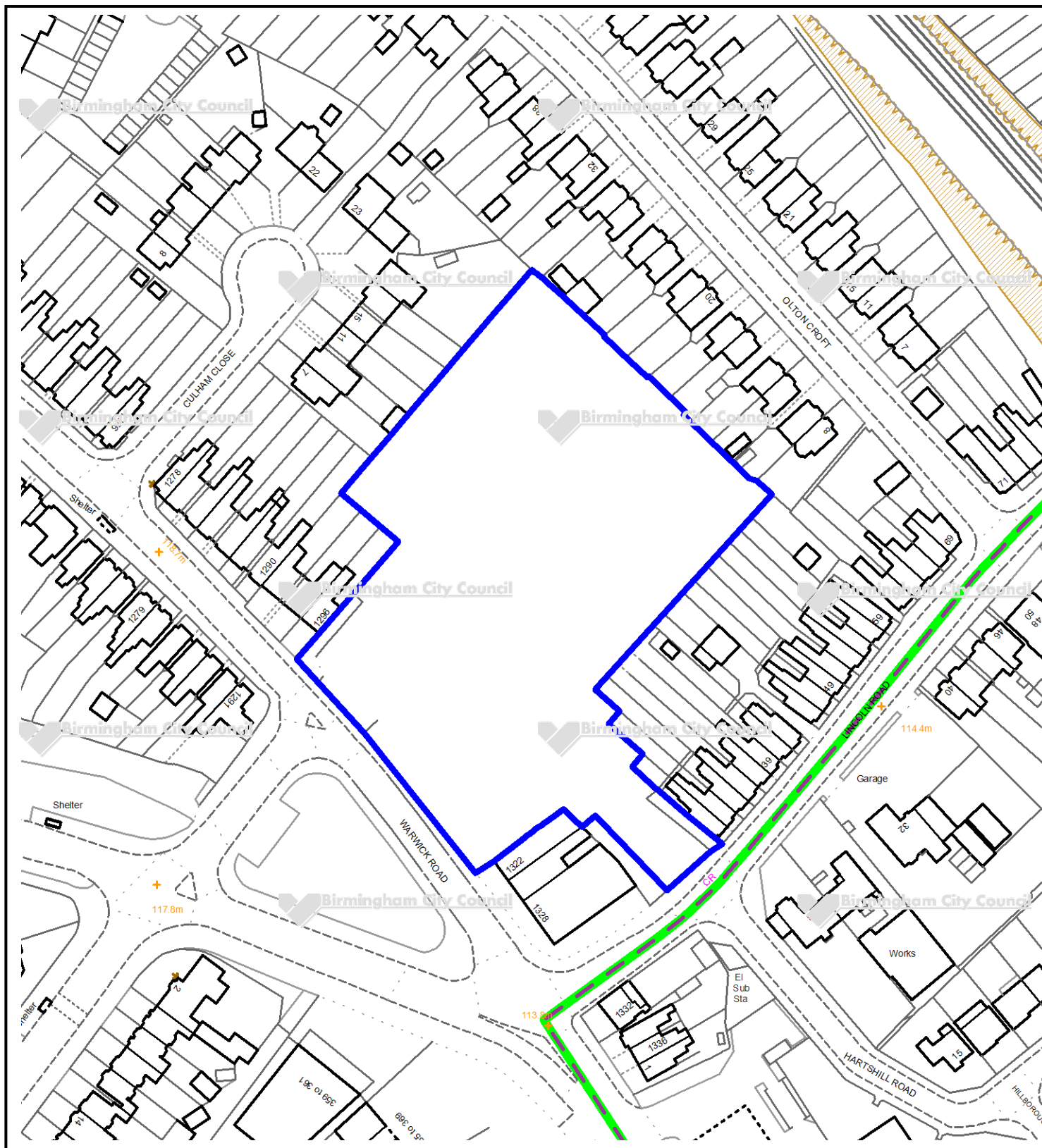


Figure 3 – Lincoln Road frontage



Figure 4 – Site's rear boundary with Olton Croft

Location Plan



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Birmingham City Council
Planning Committee 24 November 2016

Appeal Decisions Received from the Planning Inspectorate in October 2016

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Enforcement	1a Clodeshall Road, Saltley	Without planning permission, the erection of a dwelling house. 2015/1025/ENF	Dismissed	Enf	Written Representations
Enforcement	32 Tottenham Crescent, Kingstanding	Erection of single storey rear extension and roof enlargement. 2016/0123/ENF	Part Allowed (See note 1 attached)	Enf	Written Representations
Enforcement	120 Elkington Street, Aston	Without planning permission, the making of a material change of use of the first floor of the premises to use as a gymnasium. 2015/0836/ENF	Allowed (See note 2 attached)	Enf	Written Representations
Advertisement	Unit 9f, The Water's Edge, Brindley place	Retrospective display of internally illuminated fascia sign on front elevation (sign 1) and non-illuminated fascia sign on side elevation (sign 4). 2016/01582/PA	Part Allowed (See note 3 attached)	Delegated	Written Representations
A3 / A5	8 St. Stephens Road, Selly Park	Change of use from shop (Use Class A1) use to hot food take-away (Use Class A5). 2014/09514/PA	Allowed (See note 4 attached)	Delegated	Written Representations
Residential	Land at the corner of Aston Lane/Wellhead Lane and to rear of Aston Lane, Perry Barr	Outline application for residential development with details of proposed access and with all matters reserved. 2015/01779/PA	Dismissed	Committee	Hearing
Other	120 Elkington Street, Aston	Continued use of first floor from office associated with a general industrial use (Use Class B2) to a gymnasium (Use Class D2) 2015/10233/PA	Allowed (See note 5 attached)	Committee	Written Representations

Total - 7 Decisions: 2 Dismissed (29%) 3 Allowed, 2 Part Allowed

**Birmingham City Council
Planning Committee 24 November 2016**

Appeal Decisions Received from the Planning Inspectorate in October 2016

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
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Cumulative total from 1 April 2016 - 65 Decisions: 44 Dismissed (68%), 19 Allowed, 2 Part Allowed

Notes relating to appeal decisions received in October 2016

Note 1 (32 Tottenham Crescent)

Enforcement Notice issued because 1) the size of the roof enlargement would be out of scale with the existing house and would dominate its appearance and the street scene. 2) The design of the roof enlargement would be out of keeping with the design/character/appearance of the existing house. 3) The rear extension does not comply with the 45 Degree Code for House Extensions and would lead to a loss of outlook and light to adjoining dwelling houses.

Appeal allowed insofar as it relates to the single storey rear extension because the Inspector concluded that it was acceptable in terms of its design and the effect on the living conditions of neighbouring residents.

The appeal relating to the roof enlargement was dismissed.

Note 2 (120 Elkington Street)

Enforcement Notice issued because 1) the premises are located within a Core Employment Area within the Aston, Newtown and Lozells Area Action Plan. The existing use does not fall within the range of employment uses identified as appropriate for Core Employment Areas and no exceptional justification has been provided. 2) the premises are located in an 'edge of centre' location and the local planning authority is not satisfied that this is the sequentially preferable location for the gymnasium use.

Appeal allowed because the Inspector concluded that although the use of the first floor of the premises as a gymnasium does not fall within the range of employment uses identified as appropriate for Core Employment Areas, such a use does not prejudice the availability of employment property to a harmful degree.

Note 3 (Unit 9f The Water's Edge)

Application refused (in part) because fascia signs 1 and 4 by reason of their size and location are dominating and would detract from the appearance of the building.

Appeal allowed insofar as it relates to fascia sign 4 because the Inspector considered that it does not significantly diminish the design quality of the host building and does not have an adverse impact on the visual amenity of the area.

The appeal relating to fascia sign 1 was dismissed.

Note 4 (8 St. Stephens Road)

Application refused because there is no off or on street parking available in association with this site and as such the continuation of the use would result in potential illegal parking to the detriment of the safety and free flow of highway users.

Appeal allowed because the Inspector considered that taking into account the existing parking restrictions in place and the availability of nearby on-street parking, the proposed change of use would cause no significant additional risk to highway safety or the free flow of traffic.

Note 5 (120 Elkington Street)

Application refused because 1) the application premises are located within a Core Employment Area within the Aston, Newtown and Lozells Area Action Plan. The existing use does not fall within the range of employment uses identified as appropriate for Core Employment Areas and no exceptional justification has been provided. 2) The information submitted is insufficient to demonstrate that this is the sequentially preferable location for the gymnasium use.

Appeal allowed because the Inspector concluded that although the use of the first floor of the premises as a gymnasium does not fall within the range of employment uses identified as appropriate for Core Employment Areas, such a use does not prejudice the availability of employment property to a harmful degree.