

Birmingham City Council

Planning Committee

04 June 2020

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	6	2019/10518/PA 70-72 Handsworth Wood Road & land to rear Handsworth Wood Birmingham B20 2DT Erection of two storey rear extension comprising 13-beds to existing care home (Use Class C2) with alterations to existing car parking provision.
Approve – Subject to 106 Legal Agreement	7	2018/09868/PA 1 Johnstone Street Lozells Birmingham B19 1SY Demolition of existing garage and erection of proposed 22 unit 3 and 4 storey residential development with associated boundary wall and parking

Committee Date:	04/06/2020	Application Number:	2019/10518/PA
Accepted:	23/12/2019	Application Type:	Full Planning
Target Date:	05/06/2020		
Ward:	Handsworth Wood		

70-72 Handsworth Wood Road & land to rear, Handsworth Wood, Birmingham, B20 2DT

Erection of two storey rear extension comprising 13-beds to existing care home (Use Class C2) with alterations to existing car parking provision.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The application proposes the erection of a two storey rear extension, comprising accommodation for up to 13no. additional residents, to an existing private care facility, catering for adults suffering from illnesses relating to their mental health.
- 1.2. The proposed extension would be sited to the rear of the existing care facility, known as Dartmouth House; which, at present, has a large private rear yard and it is to this area that the current application relates. The proposed extension would be erected centrally within the plot, directly off the rear elevation of the main building, on what currently comprises as a "herb garden" for the existing care facility. The extension would also comprise; a new communal lounge, residents terrace and other ancillary facilities, such as offices, kitchens and bathrooms.
- 1.3. As part of the development, the site's existing informal car park, sited to its rear would also be formalised and 8no. formal car parking spaces will be formed, to the site's, north-western end. An additional 2no. car parking spaces will be retained to the front of the site, within the site's front forecourt area. The application also proposes landscaping works within the rear garden area and along the boundaries of the site. These works would allow a greater and higher quality setting for residents and staff, while simultaneously, allowing for greater security of the site, ensuring the welfare of both residents and neighbouring occupiers.
- 1.4. The proposed extension would be 367sqm in size and would comprise 13no. additional bedrooms, with en-suites. These would measure 15sqm and would be sited at both ground and first floor level; the first floor of the extension is materially smaller in size, when compared to the ground floor as a result of this having been set back and in from the sides of the ground floor extension, in order to safeguard residential amenity of neighbouring occupiers. The building would have a maximum ridge height of 7.6m, with a width of circa 30m at its widest point and a depth of circa 14m at its deepest point. These measurements vary, as the extension has been designed with a staggered foot-point, with numerous forward projecting additions at ground floor level, to all four elevations. The ground floor would comprise:

- 7no. bedrooms, reception room, lounge for residents, nurse station, ancillary rooms, plants/store and toilets.

The first floor would comprise:

- 6no. bedrooms, ancillary rooms, toilets and store.

- 1.5. All side facing windows are to be obscure glazed, with the main outlook for all of the rooms being focused within the site's existing rear private garden area, alongside an internal courtyard, which will separate the new extension from the existing care facility.
- 1.6. In terms of staff, an additional 12no. full time members of staff will be required to run the extended care facility. These will consist of 8no. additional day time staff and 4no. additional night time staff. The existing 14no. staff members would also remain on site.
- 1.7. In terms of car parking provision, the site at present has an informal car park to its rear, consisting of some 18no. spaces. This will be removed and a new formal car park for 10no. spaces will be created.



(Image 1 - care facility in its context on Handsworth Wood Road).

- 1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application relates to Dartmouth House, an existing residential care facility, sited to the north-eastern side of Handsworth Wood Road, Handsworth Wood, Birmingham. Situated within a largely residential area, the application site is bound by residential dwellings fronting onto Handsworth Wood Road to its immediate east, west and south. To the site's north, lie residential dwellings fronting onto Butlers Road. Within the site's wider vicinity, a school and a number of other uses can also

be found; however, the overarching character of the area is derived as a leafy, residential suburb, with large residential plots, set well back from the road, with large rear garden areas.

- 2.2. The application site itself comprises numbers 70-72 Handsworth Wood Road. The site has a small forecourt area, with access directly from Handsworth Wood Road to its south-west. The care facility comprises 2no. three storey buildings, which previously would have formed as two separate Victorian Villas, now converted to form one large care facility. The property has been heavily extended to the rear at both single and two storey level and also comprises accommodation within its basement and roof level. There lies an undercroft access to the rear car park area sited to the site's north-west, with a large private amenity area also sited to the site's rear.
- 2.3. The site acts as a private care facility for adults with mental health concerns and at present the site houses some 15no. residents. The Use of the site falls under Use Class C2, as a Residential Institution. This Use would be retained.



(Image 2 – proposed site plan (ground and first floors) showing existing building and proposed rear extension).

2.4. [Site Location Link](#)

3. Planning History

- 3.1. 2000/01028/PA - Erection of single-storey rear extension to existing nursing home – Approved with conditions – 14/12/2000.

3.2. 2019/03646/PA - Erection of a 15-bed care home (Use Class C2), parking and landscaping to rear of existing care home – withdrawn – 28/10/2019.

4. Consultation/PP Responses

4.1. Transportation Development – raise no objections to the development proposals, subject to suitable conditions, in relation to; cycle storage, parking spaces being formally marked out adequate parking & vehicle circulation areas being maintained.

4.2. Severn Trent Water – raise no objections to the development proposals, subject to suitable conditions, in relation to foul water.

4.3. Regulatory Services – raise no objections to the development proposals, subject to the addition of suitable conditions, in relation to; Noise Levels for Plant and Machinery, Extraction and Odour Control Details, the submission of a Construction Method Statement/Management Plan, Contamination Remediation Scheme , Contaminated Land Verification Report and the erection of a low emission vehicle parking space.

4.4. Access Birmingham – raise concerns that the en-suite bathrooms are small in size and may not be suitable for wheelchair users.

4.5. West Midlands Police – raise no objections to the development proposals, subject to the use of a CCTV scheme on site and make a number of other security related recommendations.

4.6. 24no. representations and objections were received in reference to this application; raising the following areas of concern:

- Increase in noise and nuisance;
- Increase of residents with mental health issues which could impact upon neighbouring amenity;
- Loss of light/outlook and amenity as a result of the proposals;
- Numerous applications made to extend the site in the past;
- Increase in call outs to the Police for the site;
- Sets a dangerous precedent to develop rear garden spaces;
- Impact upon house prices;
- Increase in parking and congestions issues;
- Overdevelopment of site;
- Air pollution increase;
- Development breaches 45 degree code for adjoining residences;
- Effect on tree roots for adjoining gardens;
- Existing car park to rear of site will be made busier;
- Design of extension not in keeping with that of main home;
- Development doesn't accord with BDP adopted policy guidance, alongside supporting SPG documents;
- Rats within the garden;
- Increased flooding and ground water run off concerns;
- Increased lighting within the home will impact upon residential amenity;
- Impact upon foster children being cared for within the area;
- Increase in health risks for members of the public neighbours, from being attacked by residents.

- 4.7. 2no. petitions with 10no. and 65no. signatures respectively were also received, raising their objection to the development proposals, on the grounds, as set out above.
- 4.8. The Handsworth Wood Residents Association also has objected to the proposals on the following grounds:
- The proposed development would in-fill the application site;
 - Result in an increase in noise and nuisance for adjoining land users;
 - Some residents have special needs and as such these residents could have public health risks for neighbours and members of the public, should the home be increased in size;
 - Increase in Police call-outs, as the home would increase in size;
 - Parking and traffic concerns;
 - Concerned if the home can cater to an increase in residents; and
 - Concerns about ratio between non-residential uses and family dwellings within the wider area.
- 4.9. Councillor Kooner has also objected to the application proposals and called-in the application on the grounds that the proposed development would:
- Add to back garden development within the area;
 - Result in an intensification of the application site; and
 - Will exasperate existing issues with the operations of the site and the issues this raises for neighbouring residents.
- 4.10. A further 2no. letters of objection were received from the West and Central Fostering Support Team. These letters set out that there are children being cared for by foster parents within the vicinity of the application site and that the proposed development will exasperate existing noise and nuisance from the site which will impact upon these children's mental and physical well-being.

5. Policy Context

5.1. Relevant Local planning policy:

- Birmingham Development Plan (BDP) 2017;
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies);
- Places For Living SPG (2001);
- Specific Needs Residential Uses SPG; and
- Car Parking Guidelines - Supplementary Planning Document 2012;

5.2. Relevant National planning policy:

- National Planning Policy Framework (NPPF) (2019)
- National Planning Policy Guidance (NPPG)

6. Planning Considerations

Background and development proposal context

- 6.1. The current application proposes the erection of a two storey rear extension, to the existing care facility on site, alongside proposing changes to the site's existing car park and landscaping provision. The proposed extension is to be erected in order to

meet existing and proposed demand for care provision at the existing private care facility on site, in a more efficient layout and through the rationalisation of the site area.

- 6.2. The proposed development of the two storey rear extension follows a former application, made in 2019, under application reference: 2019/03646/PA; which was subsequently withdrawn in October, 2019. This sought to erect a separate detached care facility within the site's grounds, a plan which has now been superseded, allowing for these current proposals to come forward for wider site wide enhancement.
- 6.3. The current proposals would now extend the current facilities on site, with a contemporary, rationalised two storey addition, which would cater for an increase of up to 13no. residents; alongside increased internal and external amenity provision. The proposed works would also allow for wider site wide enhancement works within the site to create a formal car parking area, alongside improved landscaping and boundary treatment works across the site.

Principle

- 6.4. The proposal is for the construction of a two storey rear extension on an existing landscaped area, within the existing Dartmouth House site. The extension would be ancillary to the existing use of the site, as a Residential Institution, Use Class C2 and would not be used for purposes other than those directly relating to the wider site. The proposed extension would simply increase the level of care provision at the site, in order to allow the site to increase its care capacity by an additional 13no. residents.
- 6.5. The application site itself is not identified in the 2018 SHLAA, as well as within the 2017 brownfield register and remains unallocated within the BDP. The development would however increase the provision of such care facilities within the city, meeting the aims of policy TP27 from within the BDP, which seeks to cater to the housing needs of a variety of individuals, making the city much more resilient and able to meet the needs of its population who require such care provision, within an existing well established site.
- 6.6. It is therefore considered that the proposed development would increase the care provision of an existing, well-established, mental health care facility for adults, allowing the facility to increase provision and meet the demand for such care within the city for the longer term. The proposals would therefore comply with a number of policies from within the BPD and the NPPF and as such are supported in this regard. These will however have to be considered in light of the wider development plan policies.

Design

- 6.7. The proposed rear extension would be set over two levels and would comprise 376sqm of additional floor space. The proposals are set out in the form of a large rectangular building, situated centrally within the rear garden area of the application site. The proposed extension would be erected off the rear elevation of the existing care facility and the two buildings would have an open core in their centre, providing a small area of amenity space, alongside outlook and light for the internal bedrooms. Landscaping would then bound the site to its north, with a small car park proposed to the site's north-western most corner; consisting of 8no. spaces. This would be a reduction from the existing rear car park which has some 18no. parking spaces.

- 6.8. The proposed extension would have a staggered foot-print to all its four elevations, with the first floor being materially smaller than the ground floor, being set both back and in from the ground floor element. The main bulk of the extension would have a depth of 11.4m; however this would increase to 14m, at the furthest point of the ground floor rear elevation. The extension would have a total maximum width of 29m, however this would again be at the furthest point of the extensions staggered foot print. The first floor would be substantially less in its projection at 8m in its forward rear facing projection. The building would support a total height of circa 7.6m, as a result of the low internal floor to ceiling heights, flat roof and sloping garden.
- 6.9. At ground floor level, to the building's northern end would be a reception area, day room for residents, which would open out onto an external patio area, nurse station, office, 1no. resident bedroom and lobby area. To the rear of the extension would like bathrooms, storage rooms, alongside 6no. bedrooms for residents. At first floor an additional 6no. bedrooms would be erected, with 3no. ancillary rooms for storage created. To the front northern end of the extension would be a large glazed corridor allowing for access and circulation. This would lead out onto an external terrace, acting as a fire escape, with stairs below.
- 6.10. Immediately to the front of the extension, an area of soft landscaping is proposed. This would run to the site's northern and eastern boundaries and would consist of a number of new trees, shrubs and hedgerows, allowing the building to have a softer impression upon the rear garden area. A timber post and rail fence, details of which are to be secured by way of condition, is proposed to bound the private garden area to all sides, thereby also allowing for security of the site and its residents.



(Image 3 – proposed rear elevation of proposed extension).

- 6.11. In terms of finish, the building would be finished off in red brickwork to match that of the existing building on site. In order to break up the large swathes of brickwork however render and cladded elements are also proposed throughout the four elevations, to allow the extension with diversity and relief. The proposed openings would be erected from aluminium and would also feature aluminium erected frames, finished in a dark finish. The small pitched roof elements of the projecting elements at ground floor will use blue slate to match the existing building on site.

- 6.12. It is noted that proposed extension would be large in its scale. However, the development must be viewed in its wider context, which is characteristic of large buildings set within large and deep, spacious plots; with some encroaching into the rear garden spaces. The application site in particular has a very wide and both deep plot and an extension of this scale is considered to retain the wider areas character of space and openness. The extension further uses a very low ridge height and appropriate materials and would not be viewed from the public realm. Irrespective of this, when viewed from adjoining garden areas, this will take on the form of a secondary and subservient addition and would not be dominant within the site's rear elevation. The Council's City design officer further supports the high quality design and finish of the extension and recommends conditions requiring full details of the proposed landscaping, boundary treatments, material samples and architectural detailing. These conditions are appropriately included.
- 6.13. As such, it is considered that the proposed development is acceptable in its overall design, siting, scale and form and is seen to rationalise the site area for its betterment; creating a well-designed addition to the application site, which still allows the site to fit in within its wider context. The proposals are therefore considered to be supportive of policies from within the BDP and the relevant sections of the NPPF.

Residential amenity

- 6.14. A number of objections have been raised with reference to noise and nuisance arising from the existing site. Representations also make reference to health and safety concerns for the well-being of neighbouring land users, alongside that of the site's residents. I will therefore address these matters separately below:

Wellbeing of residents

- 6.15. The City's planning department must consider if the proposed development would provide suitable and adequate amenity provision for future residents at the site. In this effect, it is considered that the proposed development would create a high quality and spacious setting for residents. The proposed bedrooms are all considered to be of sufficient size and would benefit from a good source of light and outlook. The development would further create a large communal residents lounge, alongside a large external patio area and private rear grounds for residents to make full use of. The Council's locally adopted Specific Needs SPG seeks 16sqm, of outdoor amenity space provision per resident, which would equate to 448sqm, for a total of 28no. residents at the extended site. The application details a private amenity area of some 790sqm, well in excess of this figure.
- 6.16. In terms of the level of care and safety of residents, this is a matter for the Care Quality Commission and not a planning matter. However, for the purposes of this application, a condition which will require details of the site wide boundary treatment provision will be attached to any subsequent planning consent. This will ensure that the site is safe and secure; while also benefiting neighbouring occupiers. All other matters relating to instances of residents running out onto the road or creating noise and nuisance, are matters which are not unique to this site and have to be treated with caution, as these matters are specific to the needs of the individuals residing in the care facility and cannot be controlled by the planning department. However, measures can be taken to limit any such harm and these are outlined below.
- 6.17. The site is and should be viewed as an existing residential institution and has a license to operate in this manner. An increase in the number of residents will be

monitored by the CQC and all matters relating to residents safety and welfare will be treated by the appropriate authorities. The CQC are also able to impose restrictions, withdraw a license and also impose stricter measures upon the site, if they feel that the care of residents is not up to standard. This however, cannot be considered at this stage and is not a planning consideration. For the purposes of this application, it is considered that an appropriate level of amenity would be on offer for future and existing residents at the site, as a result of this development. It is further considered that appropriate conditions for safeguarding such as those relating to boundary treatments etc. would ultimately benefit residents and neighbouring occupiers in the longer term. Instances where residents have escaped, or when the Police etc. have been called to the site, cannot be used to make a judgment on the current application, as these instances are not unique to this site and are associated within its use and the nature of the residents that the site would care for. For the purposes of this application, the Planning Department is able to make a balanced judgement on the level of accommodation being applied for and its likely impacts upon the wider area.

Amenity of neighbouring land users

- 6.18. The proposed extension will be set away from No. 68 Handsworth Wood Road, sited to its south-east by some 1.5m, at its closest point and would be set some 4m away from No. 74 Handsworth Wood Road, sited to the site's north-west, at its closest point. The existing care facility already breaches the 45 degree code with both of these neighbouring dwellings. These breaches are both as a result of the existing main building and the existing boundary treatment, which runs along the common boundaries, which presently consists of a 3m high brick walls. With reference to No. 74, this dwelling has ground floor rear facing window openings, which are breached by the 45 degree code, as a result of the 3m high existing boundary wall, at a distance of some 5.1m. In terms of the dwelling's first floor rear facing openings, these would also be breached by the 45 degree code by the side elevation of the proposed extension at first floor level, but due to this being set well away from the common boundary, this breach would occur at some 19.9m and as such this relationship is considered acceptable.
- 6.19. With reference to No. 68 this dwelling has an existing 3.4m breach with the existing building, at both ground and first floor level for its existing rear facing openings; however this dwelling is 3 storeys and also has windows at second floor level. These openings would however remain unaffected, as the proposed extension at the application site would be erected at two storey level and as this maintains a low ridge height, the proposals would not breach the 45 degree code at this point. As such, it is considered, as a result of the proposed extension, there would be no undue increased overbearing or overshadowing concerns for the site's existing neighbouring occupiers, over and above the existing situation on site, which would warrant the refusal of the current application.
- 6.20. All proposed window openings, sited within the side elevations of the proposed extension will be fitted with obscure glazing. These would be sited between 2.5m and 4.5m away from the site's respective side boundaries (south-east and north-west) and an appropriate condition has further been recommended in this regard. All first floor window openings will further be conditioned to be non-opening for 1.7m above internal floor level, in order to maintain the privacy of neighbouring adjoining occupiers. The proposed extension would further retain well in excess of 30m to the site's rear facing boundary, where trees and landscaping cover will also be increased materially, ensuring minimal overlooking concerns for neighbouring land users.



Image 4 – showing the impact of the proposal on the 45 degree code (green lines) from No. 68 Handsworth Wood Road.



Image 5 – showing the impact of the proposal on the 45 degree code (green lines) from No. 74 Handsworth Wood Road

- 6.21. With reference to noise and nuisance from the site, these matters are firstly not uncommon for a use of this nature. As stated above, this is an existing use, already well-established on site, however as the provision is being increased, a number of measures are being proposed in order to ensure minimal additional harm to neighbouring land users. The first floor terrace area has also now been removed and a landscaping and boundary treatment condition will also be attached to any subsequent planning consent, in order to safeguard the amenity of neighbouring land users. In addition to this a noise prevention plan will also be conditioned as part of any subsequent approval, this will list a range of measures which the extended facility will use in order to minimise noise and disturbance to neighbouring land users. Measures will include; limiting the use of external areas to during daytime hours, restricting visiting hours and ensuring that all gates and fencing is secure at all times, amongst others. These measures will be submitted to and agreed by officers and then implemented on site accordingly.

- 6.22. A lighting scheme condition will also be attached to any subsequent planning consent. This will ensure that any new lighting will be fitted in such a manner which will ensure minimal impact upon neighbouring land users.
- 6.23. The Council's Regulatory Services Department has also reviewed the application and has raised no concerns in this regard, subject to the use of appropriate conditions, some of which have already been discussed above. These further include; a maximum noise levels condition for plant and machinery, the submission of extraction and odour control details and the submission of a construction method statement/management plan. These conditions are considered both appropriate and acceptable and are recommended accordingly.
- 6.24. It is therefore considered, subject to the use of the above planning conditions, that the development would have an acceptable impact upon neighbouring land users and would not result in the detriment of residential amenity, above and beyond the existing situation on site. The proposals are therefore considered acceptable and in compliance with the relevant sections of the BPD and those within the NPPF.

Contaminated Land

- 6.25. The application is supported by a ground investigation report from Spilman Associates, reference: J18037/01, dated June 2018. This report identifies contamination that requires remediation and suggests a clean cover, for future development. The Council's Regulatory Services is content with the submitted report and has recommended that a condition be attached to secure a ground remediation scheme, alongside a contaminated land verification report. Subject to these conditions, officers raise no objection to the development proposals in this regard. These conditions are thereby appropriately recommended.

Transport and Parking

- 6.26. The proposal would see the erection of two storey rear extension, comprising 13-beds to an existing care facility (Use Class C2). The application also includes alterations to the site's existing car parking provision. As per the submitted details, the existing care facility caters for 15no. residents, while the proposed rear extension would provide an additional 13no. beds, making total capacity of the site to 28no. beds.
- 6.27. While officers acknowledge that the additional bedrooms are likely to increase traffic to/from the site. It is considered that the increase in traffic would unlikely have adverse impacts upon the surrounding highways network. The residents themselves are unlikely to own or make use of a car and thereby any trips to and from the site would be largely resultant of staff and visitors. This trip generation level is thereby not considered to be substantial in number and is further not considered to result any new undue concerns for the wider highway network. The Council's Highway Officers are further content with the proposals and raise no objections in this regard.
- 6.28. BCC current parking guidelines specify a maximum parking provision of 1no. space per 3no. bed spaces for C2 Uses. As such, the specified maximum parking provision for a total number of 28no. bed spaces would be between 9no. and 10no. spaces. The application form refers to the existing 18no. spaces on site being reduced to 10no. spaces. The retained provision would however be in line with the maximum specified within BCC current guidelines and as the new layout would be formalised, this level of parking provision is considered to be acceptable for a facility of this size.

It is also noted that the site benefits from a good level of accessibility to public transport.

- 6.29. Transport Officers however recommend that sufficient and appropriate provision for secure cycle storage is made on site, for the benefit of staff and visitors. These details are thereby to be secured by way of condition. A further condition will also be attached seeking full details of the electric vehicle charging point, which is to be implemented on site. Subject to the addition of such conditions, alongside a condition to ensure that the new car parking layout is both implemented and retained on site, the development proposals are considered acceptable in this regard and would be in line with relevant policies from the BPD and the relevant sections of the NPPF.

Trees

- 6.30. The application proposals have been submitted alongside a Tree Report and associated plans. This confirms that as part of the development, no trees on site would need to be removed, as these sit on the site's periphery and the proposed extension would be sited centrally within the site, leading off from the existing facility. The report however identifies a Lime Tree sited to the front of the site, to its main entrance, which it highlights as being in poor condition, as category U and advises that this be removed for health and safety purposes.
- 6.31. The remaining 15no. trees sited within the rear of the site are all detailed as being category B and C and are advised to be retained. The City's Tree Officer has reviewed the proposals and has raised no objections, given that none of the trees are detailed to be removed. The officer however recommends the use appropriate tree protection conditions requiring the submission of
- An Arboricultural Method Statement for tree protection zones;
 - The submission of details for no digging to take place for the erection of the proposed new car parking bays; and
 - A further condition relating to any tree pruning being carried out to National standards.
- 6.32. These conditions are appropriately attached. It is also noted that the site will see significant new planting throughout and in order to secure details of these, a landscaping condition is also recommended. Subject to these conditions, the development is considered acceptable in this regard.

Flooding and Sustainable Urban Drainage

- 6.33. The application is supported by a Drainage strategy and Drainage layout plan. The submitted drainage strategy sets out the proposed use of soakaways was not appropriate at this site and as such the application has made an in principle agreement with Severn Trent Water, in order to allow for both foul and storm water into the existing Severn Trent drainage system. The applicant has further indicated that on site storage for rainwater would also be created, through the creation of a rainwater garden, within the proposed rear amenity space. Rain water from the roof of the extension and the proposed car parking areas would then be diverted into the proposed rainwater garden, using design techniques, allowing for full infiltration. An operation and maintenance plan for the proposed drainage has also been submitted. These details were reviewed by STW and they have raised no objections. STW have however requested a condition be attached to any subsequent planning

consent, securing details of the site's foul water drainage be submitted to STW for approval; this condition has been appropriately attached.

West Midlands Police

- 6.34. West Midlands Police were consulted on the application and confirm that there has been a high Police call out rate to the address within the past 12 months, however, not every call has resulted in necessary Police intervention; this number may also not be uncommon for a site of this nature. WMP had therefore requested that the applicant provide further information on the site's security measures and to this effect the applicant has confirmed the below:
- 6.35. The applicant has confirmed that the site will see an increase in staff numbers, to manage the increased number of residents, meeting relevant guidance. The applicant has also confirmed that all external front doors to the extended facility would meet the PAS24 safety criteria and all internal bedroom doors would also be anti-barricade, improving both the safety measures for residents and staff.
- 6.36. The applicant has further confirmed that the current 9am-5pm manned reception retains a locked front door with video monitoring. A new reception area (to the rear) would become the main entrance and reception area for all staff, service users and visitors for the site and this would retain a locked door with improved visibility and video monitoring. All staff, visitors and service users are also required to sign in an out of all buildings on site and are further required to read a health brief and safety statement, upon arrival, which is attached to the visitor's book. Staff members also have use of electronic ID cards and clock in and out to of the building in order confirm attendance at work. The mental state of service users is assessed and recorded prior to leaving the building on every occasion. Clothing, destination and expected return times are also noted. These measures will be enhanced and retained as part of the wider site's redevelopment.
- 6.37. In terms of CCTV, the site has CCTV in place externally and within internal communal areas for the protection of service users, staff and visitors. The site's care policy which covers its use conforms to the CCTV Data Protection Codes of Practice (ICO) and CQC guidance.
- 6.38. WMP have therefore raised no objection to the application proposals, however have noted, that the expansion of the site would likely result to an increased number of calls from the site. To this effect they have requested a number of recommendations be operated within the extended facility, most of which are already detailed above. These would include:
- That the communal front door and individual bedroom doors should be to PAS 24 or an equivalent standard;
 - That an access control system with video monitoring and remote access control be operated on site;
 - That there is a method of recording when residents and any visitors enter and exit the site (either electronically or manually);
 - That each of the residents rooms be fitted with anti-barricade door hinges for the protection of the residents;
 - That CCTV be installed at the entrance/egress and any communal areas and images are produced to meet the standards; and that
 - This proposal is developed to enhanced security standards produced by Police Crime Reduction initiative 'Secured by Design'.

- 6.39. The application site is a care facility for individuals with a range of mental health issues, naturally, given the conditions of such individuals, calls to the Police Service will be high for assistance. This is considered to be the case wherever such facilities exist throughout the city and these facilities are genuinely required in order to provide care for such individuals. These are monitored and assessed by the Care Quality Commission, who are able to impose sanctions and restrictions on sites to which they have concerns for residents or staff, with the strongest action being the closing down of the site.
- 6.40. The current facility already cares for some 15no. residents and seeks to increase this by 13no. however, this increase would also come with site wide improvements, mainly by boundary treatment enhancements or other security provisions, which should make the site more secure and safe for residents, staff and adjoining land users. Taking on board the Police's comments, a condition requiring the applicants to implement site wide CCTV and a further condition requiring the applicant to submit a security method statement will be attached to any subsequent planning consent. The Method statement will set out how the site meets the recommendations made by the Police and will specify the measures taken for the safety of residents. This will also make reference to the enhanced security fencing around the external communal areas and car park. Subject to the addition of these conditions, the application proposals are considered to be acceptable in this regard.

Other matters

- 6.41. A number of representations have raised concerns about the level of care on offer to residents at the site, alongside the fact that some residents have occasionally ran out of the facility etc. The Council's Planning Department is however unable to make a decision based upon how the existing facility is run and managed. The application site is registered with the Care Quality Commission (CQC) and are also regulated by CQC Regulations (2009) and the Health and Social Care Act 2008 (Regulated Activities). Any concerns or breaches by the providers, in terms of care provision for residents are considered for enforcement action by the CQC. This includes breaches to care standards which are regulated activities in the Health and Social Care Act. As such, these matters fall outside of the planning considerations remit of the current scheme. As set out above, the level of amenity on offer to residents is considered acceptable. The site is legally able to operate as a Mental Health support facility and there is no reasonable planning grounds which would result in this current application being refused, based on a number of instances, which may well be common for such site. Instead, a number of recommendations and conditions are attached to assist the management of the home, in order to ensure the safety and welfare of both residents and staff alike.
- 6.42. A number of representations detail that a foster carer is located within the vicinity of the application site. While the amenity of neighbouring residents has been fully assessed as part of this application's assessment, the Council's Planning Department has no further control over this element. Matters relating to the welfare of children fall outside of this application's remit as this application solely relates a mental health facility for adults and its extension. The neighbouring residents and their specific requirements are given some weight as part of this application, however this is limited, given the key considerations remain the matters outlined above. It is also noted that there are appropriate bodies who will manage these elements relating to Foster Care and Child Protection, alongside relevant legislation being in place, to safeguard the well-being of Foster Children, wherever they are residing. This being said, it is not considered that the proposed extension would result in any new undue amenity concerns for neighbouring residents, whom ever

these may be and appropriate safeguarding conditions are appropriately recommended.

- 6.43. Concerns have also been raised about the ratio between dwellings within the area and non-residential uses. It is confirmed that the development would not result in the loss of any residential units within the vicinity of the application site.
- 6.44. Concerns have also been raised in relation to rats and other such public health concerns. These are not material planning considerations and as such are not considered as part of this application's assessment.
- 6.45. Matters relating to impacts upon house prices are not a planning consideration.

7. Conclusion

- 7.1. The development proposals would deliver much needed improvement works to an existing Residential Institution within the city, allowing it to care for a large number of residents within the longer term, with underlying mental health conditions. The development would utilise an existing brownfield site, rationalising the site area and ensuring that wider site wide enhancement also take place. The development proposals are further considered to be of good design and are not considered to raise any new undue parking or residential amenity concerns, above and beyond the existing situation on site. Subject to appropriate safeguarding conditions, the development proposals are considered to be acceptable and in compliance with relevant sections of the NPPF and BDP, as set out above.

8. Recommendation

- 8.1. Approve with conditions:

-
- 1 Implement within 3 years (Full)
 - 2 Requires the submission of sample materials
 - 3 Requires the submission of architectural details
 - 4 Requires the scheme to be in accordance with the listed approved plans
 - 5 Requires obscure glazing for specific areas of the approved building
 - 6 Limits the number of Residents at the Care Facility (C2)
 - 7 Requires that the approved scheme is incidental to the main use
 - 8 Requires the submission of extraction and odour control details
 - 9 Limits the noise levels for Plant and Machinery
 - 10 Requires the prior submission of a Noise prevention plan
 - 11 Requires the submission of a lighting scheme
 - 12 Requires the prior submission of a contamination remediation scheme
-

-
- 13 Requires the submission of a contaminated land verification report
 - 14 Requires the prior submission of a Security method statement
 - 15 Requires the submission of a CCTV scheme
 - 16 Requires the prior submission of a construction method statement/management plan
 - 17 Requires the parking area to be laid out prior to use
 - 18 Requires the provision of a vehicle charging point
 - 19 Requires the submission of hard and/or soft landscape details
 - 20 Requires the submission of boundary treatment details
 - 21 Arboricultural Method Statement - Submission Required
 - 22 Requires tree pruning protection
 - 23 Requirements within pre-defined tree protection areas
 - 24 No-Dig Specification required
 - 25 Requires the prior submission of foul water drainage details
 - 26 Requires the submission of cycle storage details
-

Case Officer: Idris Gulfraz

Photo(s)

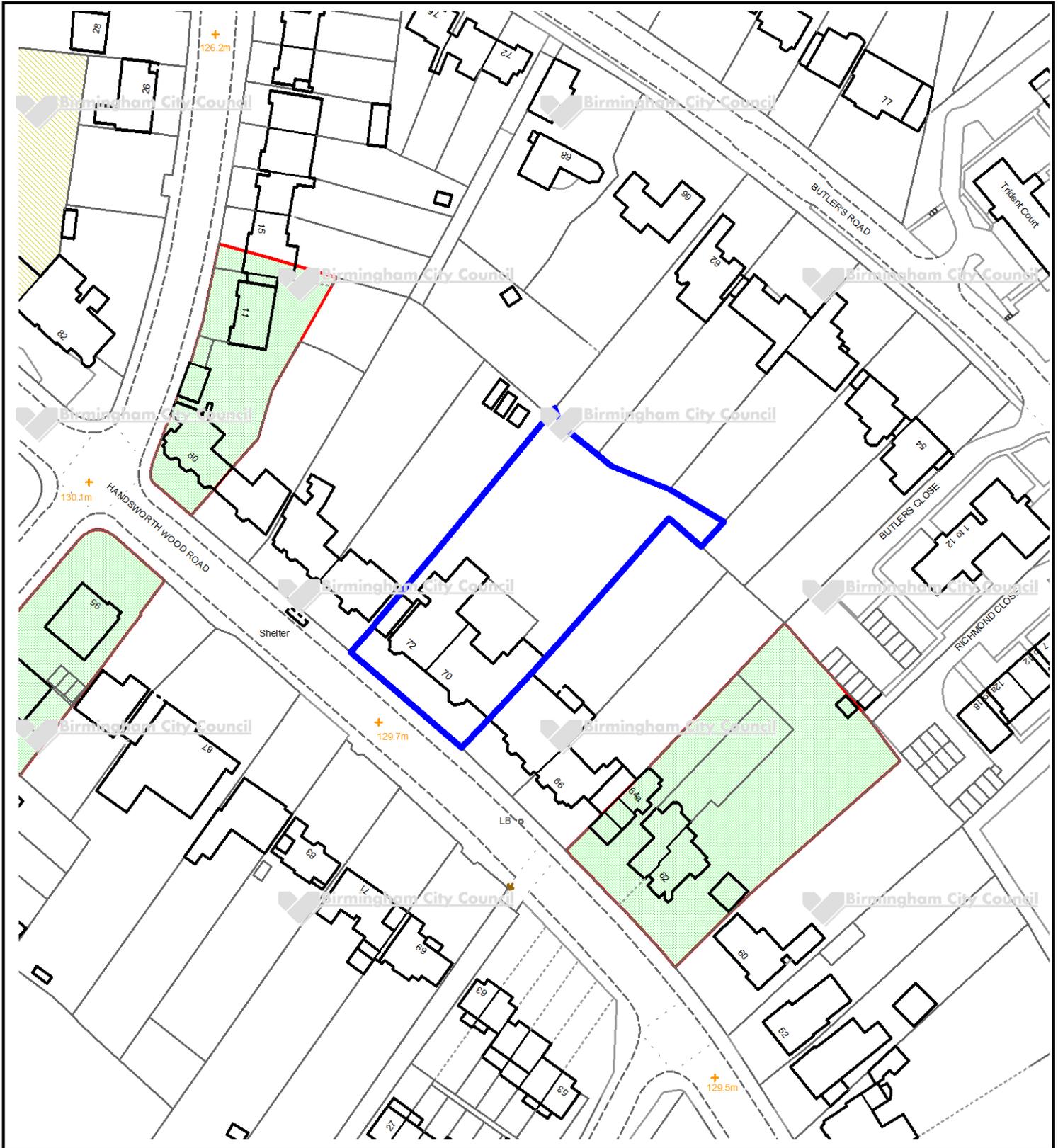


Image 1 – Front of private care facility.



Image 2 – rear of existing site – showing area of proposed extension.

Location Plan



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Committee Date:	04/06/2020	Application Number:	2018/09868/PA
Accepted:	16/01/2019	Application Type:	Full Planning
Target Date:	19/06/2020		
Ward:	Lozells		

1 Johnstone Street, Lozells, Birmingham, B19 1SY

Demolition of existing garage and erection of proposed 22 unit 3 and 4 storey residential development with associated boundary wall and parking

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. Planning permission is sought for demolition of existing structures and erection of a 22 unit 3 and 4 storey residential development with associated boundary wall and parking at No. 1 Johnstone Street, Lozells, Birmingham, B19 1SY.
- 1.2. The development has been amended since the original submission. The accommodation would now be provided within a 'L' shaped block fronting Birchfield Road and Johnston Road to create an enclosed perimeter block with an internal courtyard area.



Proposed site plan

- 1.3. The buildings would be of a modern, flat roofed, simple framed design with floor to ceiling openings and recessed balconies. The buildings would be constructed

primarily in dark stock bricks in two different colours: red multi for the main body and the stair cores would be a slightly darker red-coloured brick.



Proposed elevations to Birchfield Road (top) and Johnstone Street (bottom)

- 1.4. Out of 22 apartments, 14 would be 1 bed and 8 would be 2 bed. The units would comprise an open plan living/dining/kitchen area, 1 or 2 bathrooms and 1 or 2 bedrooms.
- 1.5. There would be 14 parking spaces provided (64%) within the courtyard area which would be accessed off and egressed out onto Johnstone Street. 20 secured, covered cycling spaces would also be provided within the same courtyard area. The site is shown to be enclosed To Birchfield Road and Johnstone Street by 900mm brick wall with further 900mm railings on top (total height 1.8m).
- 1.6. The provision of 10% low cost affordable housing (1no – 1 bedroom apartment (Type B) and 1no – 2 bedroom apartment) would be provided with a 25% discount on market sales values.
- 1.7. The application is supported by the following information:
 - Design and Access Statement
 - Flood Risk Assessment and SUDs Report
 - Noise Survey
 - Desk Study Investigation Report
 - Preliminary Ecological Appraisal
 - Preliminary Ban Survey
 - Financial Viability Assessment
 - Thermal Comfort Assessment
 - Air Quality Assessment
 - Transport Assessment

1.8. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The application site is approximately 0.13 hectares. It occupies a corner plot and is bounded by Birchfield Road to the east and Johnstone Street to the north.
- 2.2. The site is currently used as a MOT and vehicle repair garage, which appears to be operating without planning consent as a previous planning application was refused in 2008. However, since the use might have existed in excess of 10 years it might be exempt from enforcement action.
- 2.3. The surrounding area contains primarily three storey houses to the south and in predominately terraced form. The surrounding area includes a wide range of uses, including residential houses on Johnstone Street and mixed residential and commercial on Birchfield Road.
- 2.4. Adjacent to the south of the site is No. 62 Birchfield Road, which is in use as a dwelling house by the applicant. It is a three-storey detached property with some of the windows overlooking the site. Floor plans of that property have been submitted in support of the application to establish the impact the development would have on the amenities of that property.
- 2.5. There is an industrial premises adjoining the site to the west (Halligan buildings). The site is currently subject to a separate application for part demolition, new build and conversion from office space and storage to form 9 residential units together with associated parking and courtyard (ref. No. 2019/02163/PA).
- 2.6. An existing electronic advertising hoarding is located on the corner of Birchfield Road and Johnstone Street, with 1.8 to 2 metre high fencing in between.
- 2.7. The site lies close to a range of frequent bus services connecting the site to the City Centre and beyond. There is the A34 Birchfield Road cycle route immediately to the east of the site.

3. [Relevant Planning History](#)

- 3.1. 2000/02463/PA – change of use to sale of fencing and garden concrete products to the trade with the temporary office – approved on 11 December 2000
- 3.2. 2005/07050/PA – retention of change of use from workshop (Use Class B2) to vehicle dismantlers, vehicle repair with ancillary sales (Sui Generis) – refused on 11 July 2006
- 3.3. 2008/05468/PA – Car repair workshop with associated ancillary elements comprising – 2 MOT stations, car part sales and new tyre fitting/sales – withdrawn 26 May 2009
- 3.4. 2016/00400/PA - Planning permission related to the internally illuminated digital LED display panel at the corner of Birchfield Road and Johnstone Street – approved on dated 25 February 2016 – temporary 5 years consent expires on 15 February 2021

4. [Consultation/PP Responses](#)

- 4.1. Press and site notices erected. MP, ward member, local community association and neighbouring occupiers notified. 6 representations received, objecting to the proposals on the following grounds:
 - 4-storey flats is amongst a residential road of 3 storey terraced and semi - detached houses and will be an eye sore and look out of place. The proposed elevation does not blend in well into the neighbourhood although straight line architecture is very well established at this moment in time the new development really does not fit in with its immediate surroundings.
 - The design of the apartments does not meet national space standards.
 - Parking is already a problem on the road. An increase of cars would cause traffic going on to the A34 in rush hour, as Johnstone Street is used by many as an alternative route to the A34 from Lozells Road.
- 4.2. Transportation Development – no objection, subject to conditions to secure pedestrian visibility splays, cycle storage and vehicle circulation areas within the site
- 4.3. Leisure Services – a financial contribution of £41,600 towards public open space improvements.
- 4.4. Lead Local Flood Authority – no objection, subject to conditions relating to surface water drainage and SUDS as well as a Sustainable Drainage Operation and Maintenance Plan
- 4.5. West Midlands Fire – no objections raised but make various comments about water supplies and vehicle access routes
- 4.6. West Midlands Police – no objections raised but various comments made on Secure by Design
- 4.7. Severn Trent Water – no objection subject to a drainage condition.
- 4.8. Regulatory Services – no objection, subject to conditions recommending that all windows facing Johnstone Street and Birchfield Road remain sealed and other safeguarding conditions regarding air quality, noise mitigation and land contamination.
5. Policy Context
 - 5.1. Birmingham Development Plan 2017 (BDP), Saved policies of the UDP (2005), Aston, Newtown and Lozells Area Action Plan (2012), Places for Living SPG (2001), Affordable Housing SPG (2001), Public Space in new Residential Development SPD (2007), Car Parking Guidelines SPD (2012), National Planning Policy Framework and Planning Practice Guidance.
6. Planning Considerations
 - 6.1. Having given careful consideration to the application and supporting information, and consultation responses and representations received, the relevant development plan and documents and the other material consideration referred to above, the key issues are considered to be:
 - Principle
 - Design

- Noise/Air Quality
- Residential amenity
- Parking/Transportation
- Planning obligations

Principle

- 6.2. The application site is located within the Aston, Newtown and Lozells Area as defined by BDP policy GA3. The policy identifies that development in this location should demonstrate high design quality by contributing to a strong sense of place, creating safe environments that design out crime, encouraging people to move around by cycling and walking, taking opportunities to make sustainable design integral to development and making best use of existing buildings and efficient use of land in support of the overall development strategy.
- 6.3. The application site lies within the area covered by the Aston, Newtown and Lozells Area Action Plan (AAP). The document sets out a number of proposals for new housing in the plan area and identifies the application site to accommodate an estimate of 20 new dwellings. Other AAP policies H3, H4 and H6 seek developer contributions towards the provision of affordable housing, new areas of open space and create a new high quality environment by building aspirational new housing, making better connected and more attractive streets and improving housing mix and choice.
- 6.4. The planning policies applicable to the application site therefore propose that it be redeveloped with housing and therefore it is considered that there is no objection in principle to the development.

Design

- 6.5. The layout proposed for the site has been influenced by the position of the existing roads and retained dwellings recognising that the existing site layout and buildings scale and massing, which are largely three-storey in height with pitched roof design. The originally submitted scheme was a rectangular-shaped three and four storey high building. The latest revised building consists of five linked sections, with the staggered footprint stretching out alongside the perimeter of the Birchfield Road and Johnstone Street corner.
- 6.6. The proposal would introduce a four-storey flat roofed development to the area which consists predominately of three-storey traditional dwellings. The applicant explains in the supporting statement that the proposal does not aim to repeat characteristics of the immediate local area but introduces new standards which re-interpret contemporary traditional architecture which exists in a wider area, for example in New Town flats in Birchfield Road. The City Design Officer has commented that the revised site layout and building scale and massing are much improved, with the apartments set further back from Birchfield Road and a stronger frontage to Johnstone Street. The arrangement is also more efficient, with 3 stair cores, including a more welcoming and prominent front door to the street. It is noted that the existing advertising hoarding is located in a prominent frontage location to the proposed development. This has express consent until February 2021, after which consideration could be given to a discontinuance notice if environment circumstances have change such as the implementation of this scheme. The proposal would provide a good level of architectural richness and visual interest to

the wider streetscene. Materials and detailing of facades facing the A34 and Johnstone Street would be controlled by conditions.

- 6.7. The proposed 1.8m boundary wall/railings to Birchfield Road and Johnstone Street, whilst providing a defensible boundary between the public and private space as well as a level of visibility, it may be too high and not reflective of other modern residential developments in the locality. A condition is attached to cover the final design of this boundary treatment.



Detailed elevation drawing

- 6.8. There are number of sustainable design features, which combination would minimise the consumption of energy, which include:

- large glazed fenestration to allow natural light and solar gains into each apartment, with internal blinds to help control excessive gains and reduce over-heating.
- each apartment will have installed a low energy MVHR system, whereby free heat generated will be re-used, thus lowering the demand on alternative heating
- the use of low energy lighting throughout apartments and communal areas
- Use of dual flush toilets and water saving taps and showers system.

Noise/Air Quality

- 6.9. With regards to noise and air quality, it should be noted that the site is adjacent to a 10-lane section of the A34 trunk road (Birchfield Road) and the some windows to the proposed habitable rooms would overlook the busy Birchfield Road. It is therefore anticipated that noise and air quality arising as the result of frequent traffic movement could adversely affect the amenities of potential residents.
- 6.10. Revised noise and air quality assessment have been submitted. Regulatory Services consider that these reports are correct and that an acceptable internal noise and air quality levels can be achieved if the future residents keep their windows closed and use mechanical ventilation during the most noise sensitive times. However, in order to ensure that future occupiers close their windows and use of the mechanical ventilation provided Regulatory Services consider that the windows overlooking Birchfield Road and Johnstone Street should be sealed to ensure sufficient defence against potential future noise/disturbance and adequate air quality. The applicant has agreed with the recommendations and amended the plans showing the habitable rooms with dual aspect with the aspect facing Birchfield Road sealed and the courtyard side openable. This is considered an appropriate compromise to achieve new development in this otherwise challenging location. Subject to safeguarding conditions as recommended by Regulatory Services, the development would be acceptable and no detrimental impacts through noise and air quality are anticipated.

Residential amenity

- 6.12. The property No. 62 Birchfield Road is the nearest residential unit which would be the most affected by the development. The property has a number of primary windows to the habitable rooms directly overlooking the site. However, it has been agreed with the property owner, who is also the application site owner to re-configure the internal layout of that property to ensure that all habitable rooms are re-arranged to avoid potential overlooking. Plans have been submitted in support of the alternative internal arrangement of that property and these would need to be implemented prior to commencement of the development and covered by condition. On this basis, no unacceptable adverse impacts on the residents of the neighbouring property and new residents are anticipated.
- 6.13. The proposed layout accords with the guidance 'Places for Living' in terms of separation distances to neighbouring gardens. The nearest houses to the rear are two properties on Bennett Street, which are located at an oblique angle to the application site. The nearest section to those properties would be the three-storey element of the development. The separation distance from 2nd floor window to the neighbouring rear garden is about 22m where the minimum guideline is 15m. The four-storey section of the development would also face the existing town houses on Johnstone Street at a distance of about 20m ,which is considered to be appropriate in the streetscene.
- 6.11. With regards to the proposed internal floor space out of 22 apartments, 14 would be 1 bed 1or 2 persons apartments and 8 would be 2 bed 3 persons. The units would comprise an open plan living/dining/kitchen area, 1 or 2 bathrooms and 1, 2 bedrooms. Total floor space of the apartments range from 42.5m² to 64.8m² which are appropriate for 1, 2 and 3 persons within the context of the National Space Standards. In addition, all units but one would have private balconies, which would overlook the courtyard.
- 6.14. In terms of outdoor amenity space a small landscaped area of would be provided within the courtyard, that would fall short of the 30sqm per flat sought in Places for

Living. However, given the sustainable location of the development next to the A34, and a similar density to that identified in the AAP, it is considered that this could not represent a reason for refusal when viewed within the context of the overall benefits associated with the proposal. Furthermore, the site is within walking distance from Georges Park.

Parking/Transportation

- 6.15. BCC current parking guidelines specify maximum parking provision of 2 spaces per residential unit (200% provision). The applicant is proposing 14 spaces (64% provision).
- 6.16. Transportation Development raised no objection to the development as the site is located within a sustainable area with local services, facilities and amenities are located relatively close to the site and the site has a good level of accessibility to public transport with various options for travel by various modes of transport other than private vehicles. The submitted Transport Statement (TS) refers to the Census 2011 data referring to low car-ownership levels within the area. According to Census 2011 data, 55% of households in the local area do not own a car. Many adjacent properties have existing off-street parking facilities and waiting is unrestricted on Johnstone Street in the vicinity of the site. The applicant has carried out a parking beat survey within the area, according to which apart from the immediate vicinity of the site, on-street parking availability was observed with capacity available to accommodate some additional on-street parking. As per the submitted details, 14 out of the proposed 22 apartments are one bed-room apartments. It is considered that one bedroom apartments would be likely to generate slightly lower level of parking demand compared to 2 or more bedrooms apartments. The applicant is also proposing 91% cycle parking provision, which would encourage the use of this mode of transport.
- 6.17. Overall, it is therefore not considered the development would cause any unacceptable adverse impact on the local highway safety.

Planning obligations

- 6.18. A viability assessment submitted in support of the application shows the modelling of the scheme, which demonstrates that there is no scope to cover additional costs for a contribution towards public open space. Subsequently, no financial contributions can be made towards off site public open space.
- 6.19. The proposal exceeds the threshold for affordable housing as required by the Affordable Housing SPD. An independent assessment has been undertaken and it has been demonstrated and accepted by the applicant that 10% affordable housing provision which equates to 1no 1-bedroom apartment (Type B) and 1no 2-bedroom apartment (Type A) could be delivered on site. This would be in the form of low cost with a 25% discount of market sales values.

7. Conclusion

- 7.1. The proposal would provide a well-designed residential development in a sustainable location in accordance with the aims and objectives of both local and national planning policy. Issues raised by objectors have been fully appraised, and planning permission should be granted.

8. Recommendation

8.1. That consideration of application 2018/09868/PA be approved subject to the prior completion of a Section 106 Legal Agreement to secure the following:-

i) The provision of 2 affordable housing units on site comprising 1 x one bed and 1 x two bed to be offered at 25% discount of the market sale values in perpetuity.

ii) A financial contribution of £1,500 for the administration and monitoring of this legal agreement.

8.2. In the absence of a planning obligation being completed to the satisfaction of the Local Planning authority by 19th June 2020 planning permission be refused for the following reason:-

i) In the absence of a legal agreement to secure a commitment provide 2 on-site affordable housing units the proposal conflicts with Policy TP31 of the Birmingham Development Plan and the National Planning Policy Framework.

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

8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by 19th June 2020 planning permission for application 2018/09868/PA be approved, subject to the conditions listed below:-

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the prior submission of an additional bat survey
 - 3 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 4 Requires the implementation of the submitted mitigation/enhancement plan
 - 5 Requires Noise Mitigation Scheme
 - 6 Requires implementation of the Noise Mitigation Scheme
 - 7 Requires Noise Commissioning Testing
 - 8 Requires Construction Management Plan
 - 9 Requiress Demolition Method Statement
 - 10 Requires the prior submission of a contamination remediation scheme
 - 11 Requires the submission of a contaminated land verification report
 - 12 Requires the provision of a vehicle charging point
 - 13 Requires the submission and completion of works for the S278/TRO Agreement
-

-
- 14 Requires the prior submission of a drainage scheme for the disposal of foul and surface water flows
 - 15 Requires the prior submission of a sustainable drainage scheme
 - 16 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 17 Requires the submission of hard and/or soft landscape details
 - 18 Requires the submission of boundary treatment details
 - 19 Requires the submission of sample materials
 - 20 Requires Architectural details
 - 21 Requires the prior submission of a programme of archaeological work
 - 22 Requires internal alterations to the neighbouring property
 - 23 Requires visibility splays to be provided
 - 24 Requires the provision of cycle parking prior to occupation
 - 25 Requires parking spaces to be formally marked
 - 26 Requires the submission of a lighting scheme
 - 27 Requires the submission of a CCTV scheme
 - 28 Requires the prior submission of details of bird/bat boxes
 - 29 Implement within 3 years (Full)
-

Case Officer: Alfia Cox

Photo(s)



Figure 1: Aerial view of site (looking south)



Figure 2: View of Johnstone Street from Birchfield Road

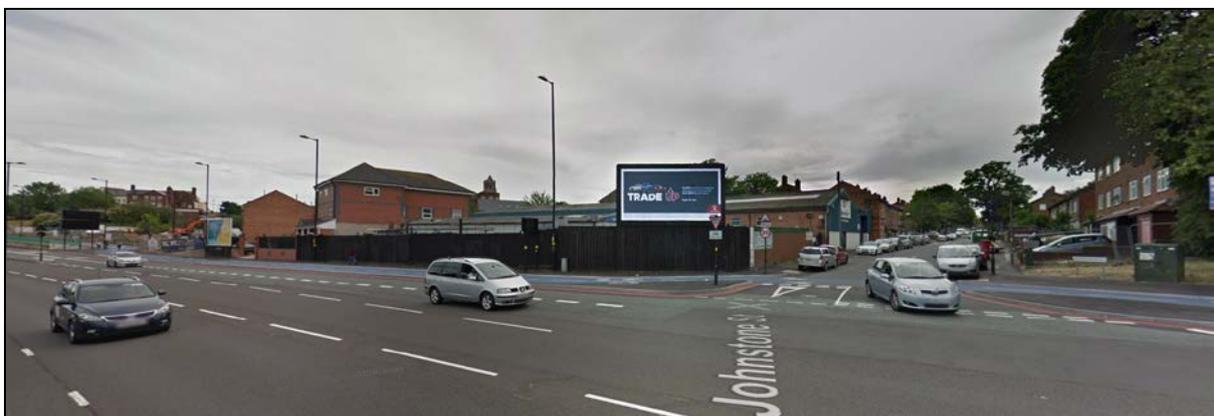
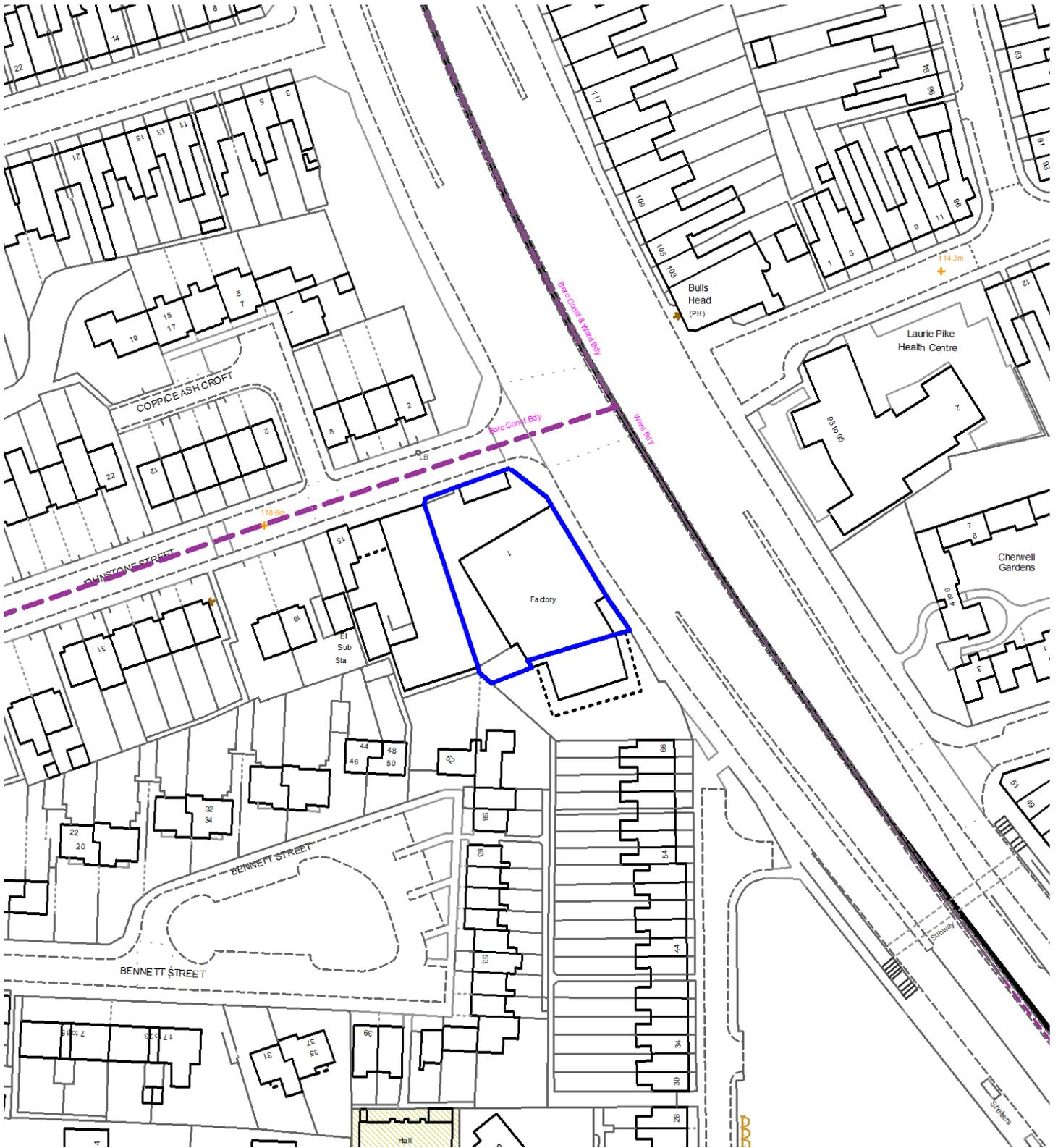


Figure 3: View of the site from Birchfield Road

Location Plan



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Birmingham City Council

Planning Committee

04 June 2020

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	8	2019/08098/PA Land corner of Summer Hill Road and Goodman Street City Centre Birmingham Demolition of existing building and redevelopment of the site with a part 24, part 8 and part 4 storey building to provide 226 residential apartments and 10 car parking spaces

Committee Date:	04/06/2020	Application Number:	2019/08098/PA
Accepted:	05/12/2019	Application Type:	Full Planning
Target Date:	31/05/2020		
Ward:	Ladywood		

Land corner of Summer Hill Road and Goodman Street, City Centre, Birmingham,

Demolition of existing building and redevelopment of the site with a part 24, part 8 and part 4 storey building to provide 226 residential apartments and 10 car parking spaces

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

1.1. This is a detailed planning application for residential development with amenity space and parking. To address an initial objection from BCC Regulatory Services about noise from an adjoining industrial unit revised drawings have been submitted. The main revisions include alterations to the rear wing to make it single aspect, increasing the height of the tower from 18 to 24 storeys; and, increasing the height of the shoulder building facing Summer Hill Road from 6 to 8 storeys. In its revised form a total of 226 apartments would be provided, with the mix of different unit types as follows:-

- 82 x 1 bed apartments (36.3%) ranging in size from 39.6sqm to 56sqm
- 140 x 2 bed apartments (61.9%) ranging in size from 60.3sqm to 79.4sqm and,
- 4 x 3 bed apartments (1.8%) ranging in size from 75.8sqm to 90sqm.



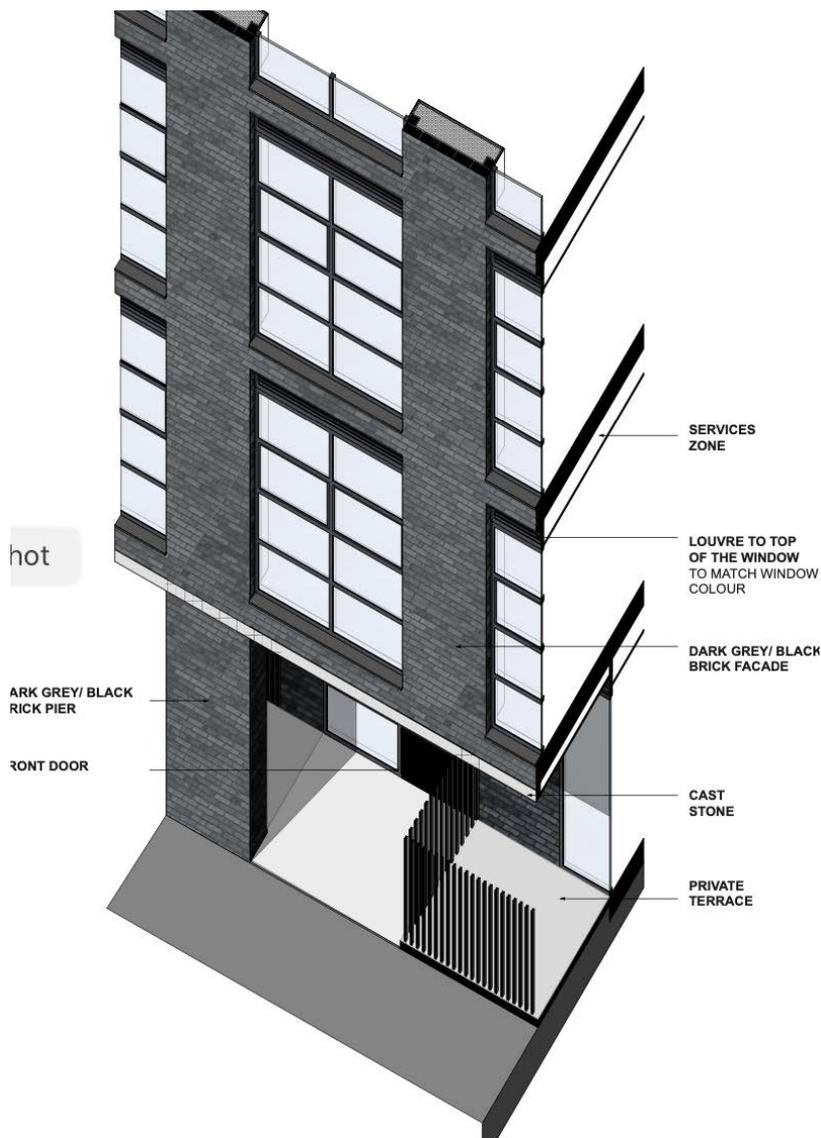
First Floor Plan

- 1.2. The building layout comprises three elements; a building to Goodman Street with a single aspect wing to the rear, a tower at the corner of Goodman Street and Summer Hill Road, and a building fronting Summer Hill Road. On Goodman Street, the building line follows the back of pavement to follow the adjacent Victorian building but with the ground floor set back to create a defensible space. The frontage of the wing facing Summer Hill Road is set back from the street by approximately 4 metres. This follows the pattern of the majority of buildings along Summer Hill Road, where there is a large main sewer running parallel to the road.



View along Goodman Street

- 1.3. The Goodman Street wing is predominantly 4 storeys to maintain a relationship with the existing Victorian building and not over-dominate the 2 storey houses on the opposite side of the Road. On Summer Hill Road the tall element is 24 storeys with a lower 'shoulder' element at 8 storeys. The taller element is positioned to mark the corner of Goodman Street and Summer Hill Road. To break down the mass of the block and present a more elegant proportion it is split into two and offset along the centre line formed by the corridor, with one side pushed forwards by 3150mm. With the perimeter established an offset single aspect wing is proposed to generate a larger landscaped courtyard and a smaller parking courtyard.
- 1.4. The main pedestrian entrance is situated on Goodman Street approximately 15 metres from the junction with Summer Hill Road. Access to the main core and out to the main courtyard (which has an amenity area of 858sqm) are also provided from main entrance lobby. All ground floor apartments have their own front door entrances in order to activate the street.
- 1.5. The elevations are uniform and regular to reflect the adjacent Victorian building on Goodman Street. The Victorian building and the application scheme are of a similar scale and proportion, being a comparable length and with the proposed scheme limited in height to the eaves of its Victorian neighbour. The windows are similar in proportion with regular spacing and masonry piers. The ground floor is setback by 1.6 metres to create a defensible space between ground floor windows and back of pavement. The ground floor is separated visually from the upper storeys with a cast stone band running the length of the Goodman Street elevation. Instead of attempting to match the Victorian brick a contrasting dark tone of brick is proposed.



Goodman Street Detail

- 1.6. The elevation of the tower and Summer Hill Road would be faced in brick with the base and crown having a slightly different treatment. The base extends over two floors, whilst the fenestration within the 3 storey crown element has a deeper recess within the masonry façade. This exaggerated at the very top of the building, where the upper level of the duplex apartment is recessed to create private terraces. Large regular spaced window openings are arranged to emphasis the verticality of the building. Internal courtyard elevations are proposed to be finished in render to reflect light into the space, to provide a contrast to the external elevations and a different character for the private side to the scheme.



2.9. View from corner of Summer Hill & Goodman Street

View from corner of Summer Hill and Goodman Street

- 1.7. Vehicle access to the car park is proposed along Goodman Street; utilising the existing footway crossover. Pedestrian and cycle access to the development is proposed along Goodman Street. The development proposals incorporate 10 car parking spaces, this including 2 disabled spaces. Secure internal storage is provided for 226 bicycles.
- 1.8. The application is supported by the following documents:-
 - Planning Statement
 - Heritage Statement
 - Noise Assessment
 - Transport Assessment and Framework Travel Plan
 - Townscape and Design Assessment
 - Ecology
 - Air Quality Assessment
 - Television and Radio Reception Impact
 - Wind Microclimate Desktop Study

1.9. In addition a Viability Statement has been submitted, which seeks to demonstrate that the scheme cannot fully support the affordable housing requirements and a financial contribution toward public open space improvements. The Viability Statement has been independently assessed by the City Council's assessor, and that justifies a contribution of £945,000.

1.10. [Link to Documents](#)

2. Site & Surroundings

2.1. The site (about 0.95 hectares) is located at the junction of Summer Hill Road and Goodman Street. It is currently occupied by a former Mini dealership with the main building located centrally on site with associated car parking to the north east and south west.

2.2. Summer Hill Road forms the north eastern site boundary and provides a principal traffic route into the City from Smethwick to the north-west. The Jewellery Quarter Conservation Area is on the far side of this main road and there are four identified listed buildings close by which the site falls in the setting of (three of which are within the Conservation Area):

- Public Library (Grade II*);
- Century Buildings, 35-38 Summer Hill Road (Grade II);
- Greek Orthodox Cathedral (Grade II); and
- 3 Summer Hill Terrace.

2.3. Goodman Street forms the south eastern site boundary and provides local access between Summer Hill Road and King Edwards Road in the south west. The majority of buildings along Goodman Street are residential dwellings and apartments with the exception of the Summerhill Industrial Estate located to the east of site beyond Goodman Street. The Summerhill Industrial Estate comprises two rows of small commercial units with roller shutter doors facing out towards the shared central service yard. To the south-west of the site, overlooking Goodman Street, is a red brick four-storey residential building, previously a motor accessory works, dating from the early 20th century. To the west and north of the development site is Hydrapower Dynamics, which supplies tubes, pipes and hoses. The A4540 Ladywood Middleway lies to the north.

2.4. [Site Location](#)

3. Planning History

3.1. No recent relevant planning history.

4. Consultation/PP Responses

4.1. Adjoining occupiers, residents associations, local ward councillors and M.P. notified. Site and press notices displayed. One letter of objection received from a nearby resident commenting that:

- construction work will cause a disruption to existing nearby residents;
- limited parking is proposed;
- there is a restricted parking and a residents parking permit scheme which would not work with the extra amount of places needed.

- 4.2. BCC Employment Access Team – request local employment and training be secured via either a planning obligation or condition.
- 4.3. BCC Regulatory Services – to ensure acceptable internal noise levels they recommend conditions to secure a scheme of noise mitigation measures and details of the acoustic noise barrier with the adjoining industrial unit. They also recommend conditions to decontaminate the land and to secure vehicle charging points.
- 4.4. BCC Transportation Development - no objection subject to conditions to secure reinstatement of redundant footway crossings on Summer Hill Road and modifications to crossing on Goodman Street, cycle parking and a construction management plan
- 4.5. BCC Leisure Services - no objections but as a development of over 20 dwellings it would, in accordance with the BDP policy, generate an off-site POS and Play area contribution of £478,400. Any contribution would most likely be directed towards the provision, improvement and/or biodiversity enhancement of public open space and the maintenance thereof at the nearby Edgbaston Reservoir.
- 4.6. BCC School Places - request a contribution of £541,880 toward the provision of places at local schools.
- 4.7. Local Lead Flood Authority – holding object pending submission of further information. Additional information has been submitted and any further comments will be reported.
- 4.8. Historic England – awaiting comments.
- 4.9. West Midlands Police – no objections subject to the following conditions
 - the external communal amenity space (garden, cycle racks, walkways and car parking spaces) should be sufficiently lit,
 - the car park, outdoor communal space), entrance/egress, lifts and stairwells and cycle storage should covered by a suitable CCTV scheme.Additionally, they recommend that the applicant considers the principles adopted in the Police Crime Reduction Initiative ‘Secured By Design’ when developing this proposal.
- 4.10. Severn Trent Water - no objections subject to a condition to secure drainage plans for the disposal of foul and surface water.
- 4.11. West Midlands Fire Service - the approval of Building Control will be required to Part B of the Building Regulations 2010. Early liaison should take place in relation to fixed firefighting facilities, early fire suppression and access. The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan.
- 4.12. Birmingham Airport – no objections subject to a crane management plan condition to ensure airport and airspace safety.
- 4.13. Birmingham Civic Society - while the overall height and density of this development appears excessive in its close relation to the predominantly low rise Jewellery Quarter, it is accepted that its scale is similar to that to other tall buildings as set out in the Design and Access Statement. Presuming that it is desirable for this precedent to be reinforced, this appears reasonable. The 'black or grey' brick cladding to the four storey proposal on Summer Hill Road however appears incongruous and there

seems no reason why this should not be red, to be in sympathy with the existing building which it seeks to respond to in proportion. If a contrast is desired, it would seem more appropriate that this be present in the tall building.

5. Policy Context

5.1. Relevant national and local planning policy includes:-

- Birmingham Unitary Development Plan (saved policies)
- Birmingham Development Plan
- Revised National Planning Policy Framework
- High Places SPG
- Places for Living SPG
- Places for All SPG
- Car Parking Guidelines SPD
- Access for People with Disabilities SPD
- Loss of Employment Land to Alternative Uses

5.2. The site is close to the boundary of the Jewellery Quarter Conservation Area and there are listed buildings along Summer Hill Road, including the Grade II* listed Spring Hill Library, Grade II listed Century Buildings, Greek Orthodox Cathedral and Summer Hill Terrace, Grade II.

6. Planning Considerations

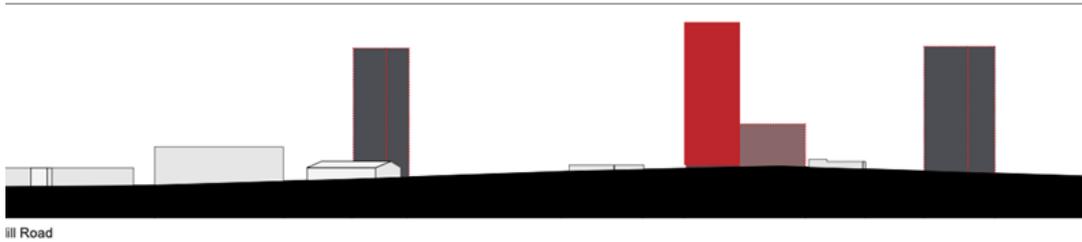
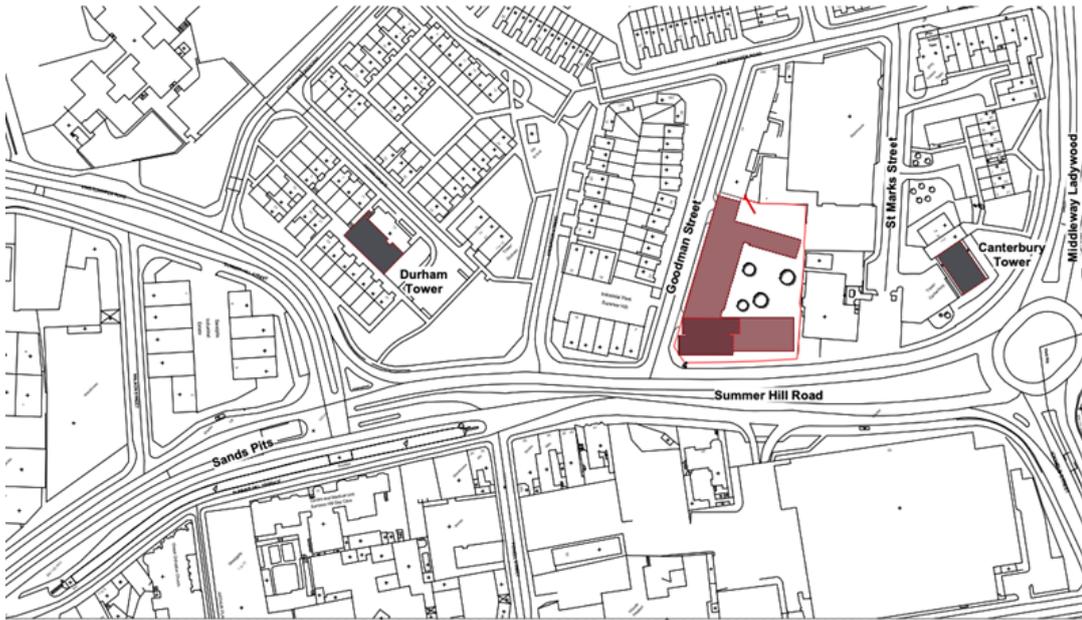
Principle of Residential Development

6.1. In January 2017, the City Council adopted the Birmingham Development Plan. The BDP will provide a long term strategy for the whole of the City and replaces the saved policies of the Birmingham Unitary Development Plan 2005, with the exception of the City Wide policies contained within Chapter 8 of that plan. These policies will continue in force until the adoption of the Council's proposed Development Management DPD.

6.2. The site is currently occupied by a former Mini dealership with the main building located centrally on site with associated car parking to the north east and south west. The site falls within the City Centre growth area, policy GA1 and the Greater Ickneild growth area, GA2. Policy GA1.1 sets the expectations for the role and function of the city centre. The policy outlines that development that makes a positive contribution to improving the vitality of the city centre and improves the overall mix of uses is encouraged. Policy GA1 (City Centre) further establishes that the City Council will continue to promote the City Centre as the focus for a mix of uses including residential, retail, employment and leisure to improve the overall mix of uses and vitality of the City Centre, which this development will do. Policy GA2 (Greater Ickneild growth area) states that the area will play a major role in meeting the City's challenging growth agenda, and will help to deliver 3,000 homes. The site falls within the Westside and Ladywood Quarter. Policy GA1.3 states that development in the Westside and Ladywood quarter should create a vibrant and mixed use area that should include a residential offer. BDP policy PG3 states that all new development should make efficient use of land in support of the overall development strategy. The proposed residential use, on a currently vacant site, complies with the growth area policies. The site is not identified in the SHLAA, nor is it within a core employment area. Overall, I find the proposal for residential development to be acceptable, given the transition of this area of Ladywood into a more residential area.

Tall Building Policy and Urban Design

- 6.3. As the tower would be 24 storeys in height the City Council's SPG on tall buildings "High Places" applies. Whilst the application site is not specifically identified as a location for a tall building in this SPG, It should be noted that the SPG is now relatively dated, having been adopted in 2003 and will be reviewed as part of the City's new Design Guide SPD. The city scape of Birmingham has changed significantly since this time, and in particular, the Westside and Ladywood Quarter has and continues to develop. Indeed, the application site is located within the Greater Ickneild 'growth area', and as such, significant transformation is expected.
- 6.4. Summer Hill Road forms the north eastern site boundary and provides a principal traffic route into the City from Smethwick to the north west. The precedent for tall buildings along key radial routes onto the City Centre has already been set. Furthermore, the orientation and topography of Summer Hill Road makes this location suitable for a tall building.
- 6.5. Height is concentrated close to crest of the hill to make the most of the topography and mark the beginning of the approach to the city centre along the western corridor. Together with the existing tall buildings (Durham, Canterbury and Salisbury towers), it forms a rhythm leading into the city core. In the event that these are at some point demolished as they reach the end of their design life, the proposed tall building is located so that it can effectively form a 'gateway', in relation to emerging proposals for a residential development on the other side of Summer Hill Road. The principle of a tall building in this location is therefore considered to meet the "exception test" and would be in accordance with the guidance outlined within the High Places SPG.
- 6.6. In detail, the guidance goes on to say that tall buildings should:-
- respond positively to the local context and be of the highest quality in architectural form, detail and materials;
 - not have an unacceptable impact in terms of shadowing and microclimate;
 - help people on foot to move around safely and easily;
 - be sustainable;
 - consider the impact on local public transport; and
 - be lit by a well-designed lighting scheme.
- a) Design and Local Context
- 6.7. The site is located within a mixed use area with a residential focus including varied house types and the proposed apartment scheme would complement this mixed residential context. Although the density of development would be high, this reflects the sites City Centre location.
- 6.8. The surrounding townscape is varied with buildings up to 20 storeys in the immediate context. Buildings of differ height commonly coexist adjacent to each other. Within such a highly accessible and dense urban location a 4-24 storey building is not excessive and optimises the potential of the site. The tall building is located on the corner in line with good urban design principles.



- 6.9. The proposed building is still of a comfortable human scale with a design that seeks to relate positively to the adjacent 20th Century 4 storey building including relating proportions and window details. The scale is broken down into a 8 storey lower “shoulder” element and a taller 24 storey corner element based on the principle ratio of 1/3 between the taller and element and the shoulder, which is used as a good rule of thumb. The secondary scale of doors and windows are of comfortable residential scale ensuring a positive relationship with street level activity.
- 6.10. The site is efficiently planned, with a building layout positively addresses the street in front with an active façade and consistent building line, resulting in improved enclosure and definition to the street. The scheme also provides two internal courtyards, one providing an amenity space and the second providing car parking. This creates a clear definition between the public and private realms. In addition the frontage is set back behind a small area of mainly hardsurfaced defensible space. This is appropriate in an urban context. Conditions are attached to secure further details of hard and soft landscaping together with boundary treatments.
- 6.11. The 4 storey section has been designed to complement the appearance of the adjacent historic building with the window design but uses contrasting materials to give it its own identity. The taller 24 storey element makes use of lighter materials to differentiate it and its corner location. The articulation of the scheme with varied heights as well as complimentary material provides visual interest. Conditions are attached to secure detailed elevations and quality materials to ensure a successful scheme.

b) Microclimate and Shadowing

- 6.12. The Wind Analysis notes that the scheme presents its larger façade facing the prevailing west-south wind directions and one of the likely wind effects would be a downwash flow combined with a wake effect where winds as they hit the façade will be channelled downwards and diagonally along the façade deflecting these downwards to ground level. Other potential areas around the site have also been identified. These potential effects are based on a qualitative analysis and there is no certainty at this stage if any of these areas would exceed the recommended criteria for pedestrian safety and comfort. A condition is therefore attached to secure appropriate wind mitigation measures
- 6.13. The Shadowing Study shows that the taller element has little impact on its neighbours in terms of overshadowing. Being on the south side of Summer Hill Road, the tall building casts a shadow mainly over this road. In addition, because of its positioning on the site it does not overshadow the rest of the proposal in the application scheme, and the central landscaped courtyard also benefits from sunlight for long periods.

c) Helping People Move Around

- 6.14. The main pedestrian entrance would be situated in a visible location on Goodman Street, near its junction with Summer Hill Road. Level access would be available into the main core and out to the main courtyard. Lift access would also be provided to all floors. In addition, all ground floor apartments have their own front door entrances in order to activate the street.
- 6.15. The comments made by the West Midlands Police have been forwarded to the applicant and the two specific planning conditions suggested – lighting and CCTV – are attached.

d) Sustainability

- 6.16. The proposed development would contribute to the local economy through the growth of the city centre, provide housing to meet the needs of the local community and make the best use of a vacant former garage site. The site is also in a highly accessible sustainable location and the building would promote sustainable transport systems such as cycling and walking.
- 6.17. In detail the building would adopt a Sustainable Building Strategy. This would include a central heating system within the ground floor plant room and each apartment having a heat interface unit to provide secondary heating and instantaneous hot water. It is also proposed that all apartments are to be mechanically ventilated and low energy LED light fittings installed throughout. Sustainable building materials would be used where possible, to ensure they are low maintenance and long lasting. Waste would be minimised on site during construction due to the large amounts of pre-fabricated elements of the building. Also, both recyclable and non-recyclable refuse is provided in order to encourage recycling and reuse.
- 6.18. In terms of sustainable drainage, the Local Lead Flood Authority has issued a holding objection pending the receipt of additional information. The applicant has submitted additional information and any further comments from the LLFA will be reported. As recommended by Severn Trent Water a condition is attached to secure drainage plans.

6.19. The ecological survey found no evidence of bat roosts on the site however there are records of a variety of bats in flight and foraging within 1km of the site. A condition is therefore attached to secure bat / bird nests boxes, together with a peregrine falcon / kestrel nesting platform. Conditions are also attached to secure ecological enhancements and a landscaping scheme using native plants and a biodiversity roof.

e) Impact on local public transport

6.20. The site is within easy walking distance of the city centre and from New Street Station, providing easy access to the surrounding area via the rail network. Summer Hill Road is also a key route into the city centre and is well served by buses into the centre. The city centre location and design of the development also promotes walking, thus removing dependency on cars. The site can be seen to accord with TP27, by being well connected to public transport and the city centre by foot.

6.21. The site was previously a car showroom and is now vacant. The proposal is for a residential development with 226 apartments, 10 parking spaces and 226 cycle spaces. Although the level of car parking is low, it is consistent with the City's Car Parking Guidelines. The site is located on the edge of the City centre and the majority of on-street parking is usually occupied all days. A Controlled Parking Zone is being implemented so there would be a limited effect from any residents who own a car living in this development. Servicing can take place from on-street on the parking restriction on Goodman Street which fronts the refuse store access.

6.22. BCC Transportation Development raise no objections to the scheme and as recommended conditions are attached to secure the off- site highway works, cycle parking secure and a construction management plan. Conditions are also attached to secure a residential travel plan and provision of vehicle charging points.

f) Lighting

6.23. The tower presents an opportunity to illuminate the building. In particular, at the base, the ends of the building where it is split and at the crown. To secure a lighting scheme a condition is attached.

Heritage Impacts

6.24. The City Council's conservation officer notes that the development causes less than substantial harm (in Framework terms, paragraph 196) to Jewellery Quarter Conservation Area, the public library, Century Buildings and the Greek Orthodox Church, however this is largely in part and at the negligible end of the harm spectrum. There is no mitigation of the proposal (other than the need to deliver and good and appropriate design) and this very limited harm will need to be weighed against public benefits found within the proposal. The Heritage Statement appears not to reference the 19th century 'works' building as a 'non-designated heritage asset and therefore this is not appraised. However, the Goodman Street range does address this scale appropriately.

6.25. I concur with the City Council's Conservation Officer that in this case the proposed development would cause less than substantial harm to heritage assets. In such circumstances the Revised National Planning Policy Framework at paragraph 196 requires the harm to be weighed against any public benefits associated with the development. In this case the public benefits include redevelopment of an underused City Centre site with a high density residential led mixed use redevelopment, it would

help meet the city's housing needs and have positive economic benefits. Overall, I consider that the public benefits outweigh the less than substantial harm caused.

Residential Amenity

a) Building Safety

- 6.26. The comments raised by the West Midlands Fire Service have been forwarded to the applicant for their attention. In particular, they have also suggested that the developer discusses with them the fixed firefighting facilities, early fire suppression and access. They also note that the external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. As the scheme must comply with Part B of the Building Regulations 2010, I do not consider that it is necessary to attach any specific planning conditions.
- 6.27. With regard to aerodrome safeguarding, Birmingham Airport Limited has no objections and as recommended a condition is attached requiring submission of a crane management plan.

b) Apartment Mix and Living Space

- 6.28. The mix of the proposed residential units is: 36% 1 bedroom apartments, 62% 2 bedroom apartments and 2% 3 bedroom apartments. By comparison the Birmingham Strategic Housing Market Assessment (January 2013) sets the following for market dwellings: 1-bed 13%, 2-bed 24%, 3-bed 28%, and 4-bed 35%. Although the proposed development is skewed toward 1 and 2 bedroom apartments, given the site's City Centre location, I consider that a higher proportion of smaller house types appropriate.
- 6.29. In addition, all the apartments complying with the relevant minimum nationally prescribed housing standards and satisfactory furniture layouts have been submitted. Whilst none of the apartments have balconies there is a communal courtyard amenity space of 858sqm. I am therefore of the view that the scheme would provide a satisfactory standard of living accommodation and amenity space.

c) Air Quality

- 6.30. The Air Quality report notes that the proposals have the potential to cause air quality impacts as a result of dust emissions during construction and road traffic exhaust emissions associated with vehicles travelling to and from the site during operation, as well as expose future residents to any existing air quality issues. Potential construction phase air quality impacts from dust can be controlled through the use of good building practises. During the operational phase of the development there is the potential for the exposure of future residents to elevated pollution levels. Dispersion modelling was therefore undertaken in order to predict concentrations across the proposed development site as a result of emissions from the highway network. The results of the assessment demonstrated that predicted pollutant levels were below the relevant criteria at all locations of residential occupancy. As such, the site is considered suitable for the proposed end use from an air quality perspective.
- 6.31. During the operational phase of the development there is also the potential for air quality impacts as a result of traffic exhaust emissions associated with vehicles travelling to and from the site. These were assessed against the relevant screening criteria. Due to the limited number of anticipated vehicle trips associated with the proposals, road traffic impacts were not predicted to be significant. Based on the

assessment results, air quality factors are not considered a constraint to planning consent and no conditions are necessary.

d) Noise

- 6.32. The noise assessment identifies that both the Summer Hill Road and Goodman Street facades are significantly affected by traffic noise and to address this as recommended by BCC Regulatory Services a condition is attached to secure a scheme of noise mitigation.
- 6.33. The noise assessment also indicates that noise from the adjoining industrial premises (Hydrapower Dynamics) would be expected to have a significant adverse impact on future residents. Revised plans have therefore been submitted with the layout amended such that the rear wing is single aspect only. This would avoid the need to have windows facing the adjoining industrial premises. BCC Regulatory Services have no objections to this approach subject to an acoustic barrier along the boundary.

e) Ground Contamination

- 6.34. Given previous uses the land maybe contaminated. As recommended by BCC Regulatory Services conditions are therefore attached to scheme a scheme of land decontamination and a verification report.

f) TV and Radio Reception

- 6.35. A baseline (pre-construction) signal survey and reception impact assessment has been undertaken to determine the potential effects on the local reception of television and radio broadcast services from the proposed development. The survey concludes that the proposed development may cause minor short-term interference to television reception in localised areas around the site, but mitigation solutions exist that will quickly restore the reception of affected television services, leaving no long-term adverse effects for any viewer. A condition is therefore attached to secure a post completion assessment and any necessary mitigation.

CIL and Planning Obligations

- 6.36. Given the number of proposed apartments the City Councils policies for Affordable Housing and Public Open Space in New Residential Development apply. The applicant is not able to meet in full the affordable housing or off-site public open space requirements. The applicant has submitted a Viability Statement with the application, which has been independently assessed by the City Council's assessor, and that justifies a contribution of £945,000. The City Council's independent consultant considers that this is a fair and justifiable offer. In this instance, I consider that the priority is to provide affordable housing and suggest that the S106 contribution be used to provide 10% affordable housing at 25% of market value.
- 6.37. BCC Employment Access Team have requested local employment and training be secured. This is secured via a planning condition rather than through a legal agreement.
- 6.38. BCC School Places have requested a sum of money toward the provision of places at local schools. However, school funding is secured through the Community Infrastructure Levy, which for the proposed development would be a CIL contribution in the region of £1.2 million.

7. Conclusion

- 7.1. The BDP encourages residential development in the City Centre where it provides well-designed high quality living environments. Greater Ickneild is changing and the proposed development would help its further regeneration, providing much needed housing and a large investment on this area. It signals a confidence in the area, as a location for residential development, an aspiration that the City is supportive of.
- 7.2. The justification for a tall building in this location is accepted, the design is to a good standard and subject to safeguarding conditions the scheme would provide a high standard of residential accommodation. Furthermore the public benefits of the scheme outweigh the less than substantial harm caused to the setting of nearby heritage assets. I therefore consider that the application is acceptable subject to completion of a legal agreement and safeguarding conditions.

8. Recommendation

- 8.1. That consideration of application 2019/08098/PA be deferred pending the completion of a legal agreement to secure the following:
- 10% affordable housing as a proportionate mix of 1 and 2 bedroom apartments at 25% discount on market value; and
 - a financial contribution of £1,500 for the administration and monitoring of this deed to be paid upon completion of the agreement.
- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority within one month of the date of this resolution, planning permission be refused for the following reasons:
- 8.3. In the absence of a legal agreement to secure affordable housing, the proposal conflicts with Policy 8.50-8.54 of the adopted Unitary Development Plan, Policy TP31 Affordable Housing of the Birmingham Development Plan 2017 and Affordable Housing SPG; and
- 8.4. That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
- 8.5. That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority within one month of the date of this resolution, favourable consideration be given to this application, subject to the conditions listed below

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- | | |
|---|--|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the submission of a contaminated land verification report |
| 3 | Requires the prior submission of a sustainable drainage scheme |
| 4 | Requires the prior submission of a drainage scheme |
| 5 | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
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- 6 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 7 Requires the prior submission of details of bird/bat boxes
 - 8 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
 - 9 Requires further details of wind mitigation measures
 - 10 Requires the submission of hard and/or soft landscape details
 - 11 Requires the submission of boundary treatment details
 - 12 Requires the submission of a lighting scheme
 - 13 Requires the submission of details of green/brown roofs
 - 14 Requires the prior submission of a construction method statement/management plan
 - 15 Requires the submission of sample materials
 - 16 Requires the submission of architectural details
 - 17 Requires the scheme to be in accordance with the listed approved plans
 - 18 Requires the submission of a CCTV scheme
 - 19 Requires a post completion telecommunications reception assessment
 - 20 Requires the submission of details of refuse storage
 - 21 Requires an employment construction plan
 - 22 Removes PD rights for telecom equipment
 - 23 Requires the submission of a residential travel plan
 - 24 Requires the parking area to be laid out prior to use
 - 25 Requires the submission of cycle storage details
 - 26 Requires the submission and completion of works for the S278/TRO Agreement
 - 27 Requires the provision of a vehicle charging point
 - 28 Requires the submission of hard surfacing materials
 - 29 Requires the prior submission of earthworks details
 - 30 Requires the submission an acoustic barrier
 - 31 Implement within 3 years (Full)
-

Case Officer: David Wells

Photo(s)

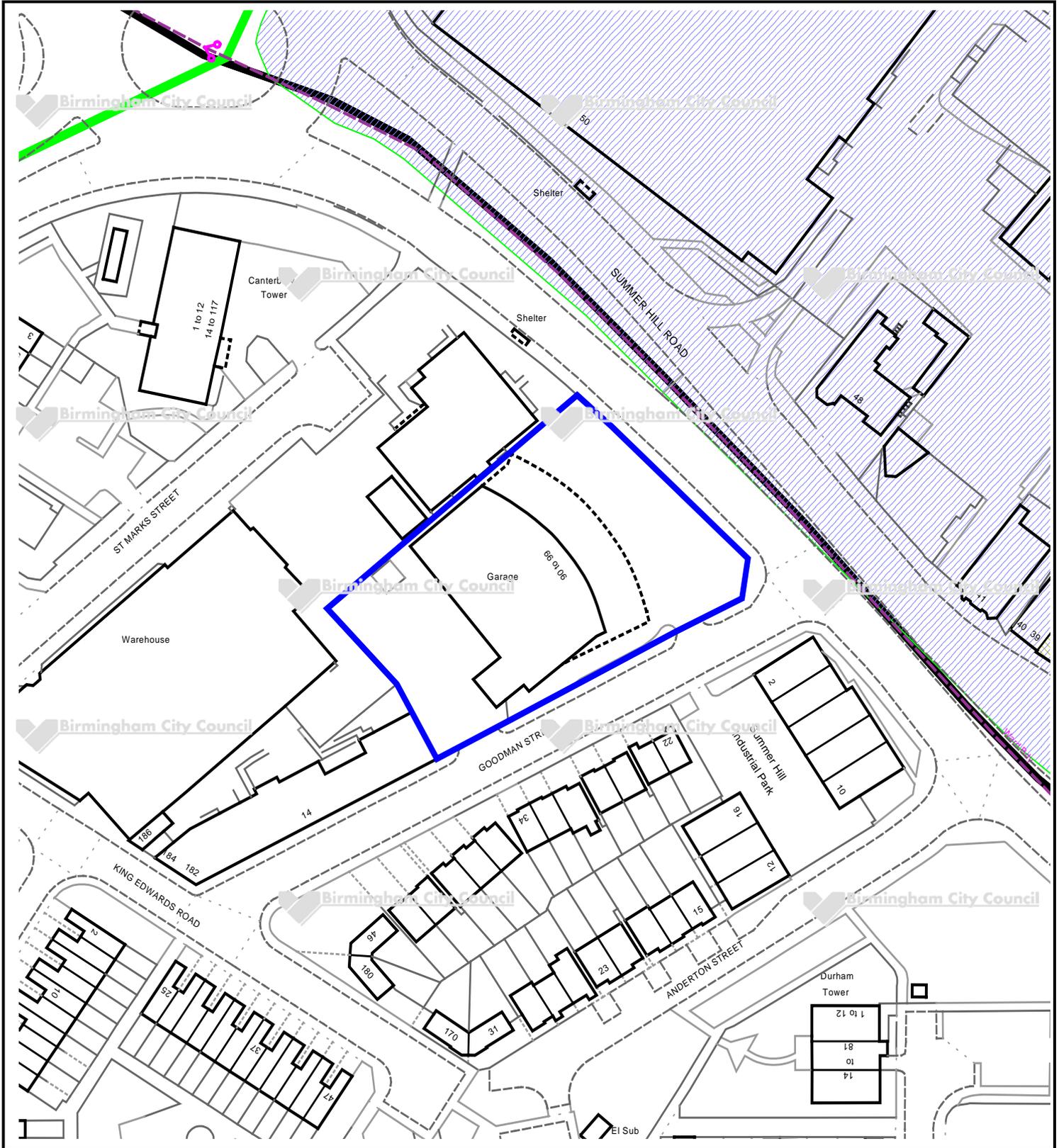


View from corner of Summer Hill Road and Goodman Street



View along Goodman Street

Location Plan



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Birmingham City Council

Planning Committee

04 June 2020

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	9	2019/03504/PA Land at junction of Warwick Road and Knights Road Tyseley Birmingham B11 Demolition and clearance of site to create 140 residential units, access, landscaping and associated infrastructure
Approve – Conditions	10	2020/01120/PA The Loft College Court 1 College Road Moseley Birmingham B13 9LS Change of use from storage and distribution (Use Class B8) to Islamic Education Community Centre (Use Class D1) with installation of additional windows to be used by no more than 90 persons at any one time from 07:00am to 08:00pm on Monday to Friday; 08:00am to 08:00pm on Saturday and 09:00am to 06:00pm on Sunday
Approve – Conditions	11	2020/01147/PA 106 Church Road Erdington Birmingham B24 9BD Change of Use from dwellinghouse (Use Class C3a) to residential care home (Use Class C2)

Committee Date: 04/06/2020 Application Number: 2019/03504/PA
 Accepted: 03/05/2019 Application Type: Full Planning
 Target Date: 13/03/2020
 Ward: Tyseley & Hay Mills

Land at junction of Warwick Road and Knights Road, Tyseley,
 Birmingham, B11

Demolition and clearance of site to create 140 residential units, access,
 landscaping and associated infrastructure

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. Consent is sought for the redevelopment of the site for the construction of 140 new residential units, with access from Warwick Road and Knights Road.
- 1.2. This will include removal of two later infill units along the frontage to Warwick Road (793-795) which have been used for car sales, repairs and salvage and flooring shop. Along with these warehouse and storage buildings behind the two existing blocks (retail frontages) and the skip/waste storage, hardstanding and spoil heaps. A diagrammatic indication of the area for clearance is included within the Ecology Report.
- 1.3. The clearance of the site would allow the construction of 140 dwellings which will be in a form and mixture of apartments and dwellings.
- 1.4. The proposal is in a detailed form and proposes:

Apartments

1.5.	Block A	10 x 2 bedroom apartments 10 x 1 bedroom apartments	
	Block B	20 x 2 bedroom apartments	
	Block D	14 x 2 bedroom apartments	
	Block E	14 x 2 bedroom apartments	
	Block F	14 x 2 bedroom apartments	
	Block G	12 x 2 bedroom apartments	
	Block H	23 x 2 bedroom apartments 1 x 1 bedroom apartment	TOTAL 118

Houses 22 x 4 bedroom Semi-detached/one terrace of 3 houses

- 1.6. The much amended and detailed proposals seek a layout that includes details of access, parking, turning and servicing provision for the units, along with secure cycle storage. Some of the parking provision will be made by way of under croft parking given the level drop on the Warwick Road frontage (access to rear of Blocks A and B only). Overall parking provision would equate to 113% provision with each house having 2 spaces per plot.
- 1.7. Proposed site layout (Note reduced to fit report and not to scale)



Source: Applicants submission (revised)

- 1.8. Access to the site is proposed from both Warwick Road and Knights Road. Each access is now designed in accordance with the requirements of Transportation Development. The primary access point along Warwick Road is proposed at a point in the current gap to the frontage which affords the necessary visibility splays in either direction. This entrance will include a build out feature in order to restrict indiscriminate parking along this wide pavement area (details of this are proposed in a separate S278 highways agreement).
- 1.9. The proposal also includes details of current access to the skip yard, which is to be closed as part of the proposal, along with the new proposed second access point which is located further down Knights Road. This access will also feature road changes to slow traffic down (considered a particular issue), especially as vehicles

head away from the junction to the North (Warwick Road, details of this are again proposed in a separate S278 highways agreement).

- 1.10. Each apartment would have an open plan living area with hall, bathroom, separate storage, and a double bedroom (or two bedrooms). The majority of the apartments will also have an en-suite bathroom serving the main bedroom in the 2 bed room apartments. In all cases, the bedrooms would exceed the DCLG bedroom sizes of a minimum of 11.5sqm for a double room and 7.5sqm for a single.
- 1.11. Most will also have either an external or enclosed external balcony as part of the proposal which provides additional private amenity space.
- 1.12. Cycle provision equates to 130% and is proposed as an internal secure storage arrangement within each apartment block.
- 1.13. The site area extends to 1.52ha.
- 1.14. The application is supported by the following documents:
- 1.15. Application form

Full plans and elevations including street scenes and sections through site (Amended)

Topography

Design and access statement/ planning statement

Transport Statement

Contamination Report

Flood Risk and SUDS Drainage Strategy

Ecology Appraisal (PEA)

Noise Report

Tree/arborocultural Report

Landscaping Plans

Bike storage and Underground parking layout (gradients)

Viability Report

Statement of community Involvement

2. Site & Surroundings

- 2.1. The application site is located on the southern side of Warwick Road extending in an area which in part wraps around the corner with Knights Road. The frontage to Warwick Road is mainly cleared and fenced off apart from the small element adjacent to number 791 back to the corner with Knights Road. At the cleared area

the pavement is wide, which runs down from Levines (furniture shop) then narrows towards the junction with Knights Road.

- 2.2. The site also occupies the old skip site before Knights Road returns to an established row of terraced houses before there is a gap in the street scene with a gated access between number 38 and 44 Knights road (shop).
- 2.3. The site comprises, in the main, a semi cleared large industrial site located behind the commercial properties fronting Warwick Road, and the residential properties along Tyseley Lane and Knights Road. These industrial uses have now been in their majority cleared; however some of the buildings to the Northern part of the site still exist, which historically included a paint factory and builders merchants and still has car breakers/sales/repairs.
- 2.4. Immediately adjoining the site to the north are two blocks of existing retail and commercial uses, these have residential properties on the upper floors.
- 2.5. Tyseley Station is located just north of the site which connects the wider area to the City and beyond. Immediately adjoining the south and east and west boundaries are residential properties.
- 2.6. The site is in part located with the Tyseley Neighbourhood centre and primary shopping area.
- 2.7. **Extract from Google Earth show context of the site**



- 2.8. [Site Location Plan](#)

3. Planning History

- 3.1. 10.08.2011 - 2011/00666/PA - Outline application for the demolition of 23 to 33 Tyseley Lane and erection of 53 dwellings including associated access, parking and landscaping (access only to be considered all other matters reserved). Approved subject to conditions and a S106 Agreement.
- 3.2. 28.04.2014 - 2014/03482/PA - Outline application for the demolition of 23 to 33 Tyseley Lane and erection of 53 dwellings including associated access, parking and landscaping (access only to be considered all other matters reserved). Withdrawn.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection. The revised submission now provides a positive link from Warwick Road through to Knights Road. Parking and cycle storage levels are now acceptable. A S278 is necessary to secure works at Warwick Road (build out in visibility) and Knights Road (revised road layout to slow traffic speeds).
- 4.2. Regulatory Services – No objections subject to contamination reports and verification safeguarding conditions requiring a noise/noise insulation and electric charging points.
- 4.3. Environment Agency – No objections subject to conditions to ensure ground water contamination is effectively dealt with.
- 4.4. LLFA – No objections subject to conditions regarding drainage and maintenance plan.
- 4.5. West Midlands Police – No objections - Secure by Design should be encouraged.
- 4.6. West Midlands Fire Service – No objections subject to advisories for building regulations.
- 4.7. Leisure – Trigger for both Open space and play space in the vicinity: POS - £335075.00. Play space - £110,000 (junior play space).
- 4.8. Education – The contribution is estimated below (subject to surplus pupil place analysis):

Nursery	Primary	Secondary	Total
£14,731.06	£379,006.79	£278,398.01	£672,136.76

- 4.9. MP's, local Ward Councillors, residents' associations and surrounding occupiers notified.
- 4.10. 162 Individual letters sent (2 consults) and application has been advertised by press and site notices.
- 4.11. 5 letters of objection have been received (from two consultations) from local residents on the grounds that the proposal would:
- Increase traffic, the proposal has insufficient parking and would create parking issues as for established units on Warwick Road.

- Adversely affect privacy light and security, adversely affect the visual amenity of the street scene.
- Impact on side entrance and adversely affect existing residents by virtue of construction noise.
- Resulting impact on foundations and party wall issues a concern with proximity to building owner.

4.10. 1 letter of support which welcomes new housing in this location as it will tidy the site

5. Policy Context

5.1 Birmingham Development Plan 2017
 Saved Policies of the Birmingham Unitary Development Plan (2005),
 Places for Living, SPG
 Places for All SPG
 Loss of Employment Land SPG
 Car parking SPD

NPPF 2019

6. Planning Considerations

Principle

- 6.1. Members will note that the site has been used for commercial and industrial processes and this also includes an area of the site which has been used as a skip yard/skip storage, although much of the site is now vacant and has been used for parking and is fenced off for security purposes.
- 6.2. Policy TP21 supports diversity of uses within local centres, including residential, provided that it abides by the conditions set out by Policy TP24. Part of the site which faces Warwick Road is within the Tyseley Local Centre, and is presently vacant. The 2018 Retail Monitoring Report identifies Tyseley as healthy in regards to retail provision. As such, there will be no impact on retail space provision within the centre, and therefore the change of use to residential will be acceptable.
- 6.3. The areas of the site that are outside Tyseley Local Centre incorporates employment land. This includes a distribution use, scrapyard, B2 industrial unit (mostly removed). The applicant has stated that the present industrial uses on the site are a non-conforming use as defined by Policy TP20 and the Loss of industrial land to alternate uses SPD. Although the site is over one acre (0.4 hectares) as prescribed by paragraph 5.2 of the SPD, the site is bounded on two sides by residential and the Tyseley Local Centre on Warwick Road. The applicant has also attached a letter chain detailing complaints received to the Council from neighbouring residents in regards to smoke and noise pollution generated from the former site. As such, it can be seen that the industrial uses are likely to be a non-conforming use as defined by Policy TP20 and the Loss of industrial land to alternate uses SPD. Therefore, it is considered that the applicant has provided justification that the uses were non – conforming with the surrounding residential and retail functions.

- 6.4. Members will also appreciate that Outline permission for the residential redevelopment of this site was previously granted under permission 2011/00666/PA and this had already accepted the principle of residential uses in lieu of these non-conforming uses.
- 6.5. In addition, since the adoption of the Birmingham Plan and the policy changes that have occurred these have not fundamentally altered the City's view in respect of the use of this industrial land for residential redevelopment. Therefore the Local Planning Authority raise no objection to the proposal for the loss of a non-conforming use to residential continues to be acceptable in principle in accordance with policy TP20 of the Birmingham Plan.

Access/parking

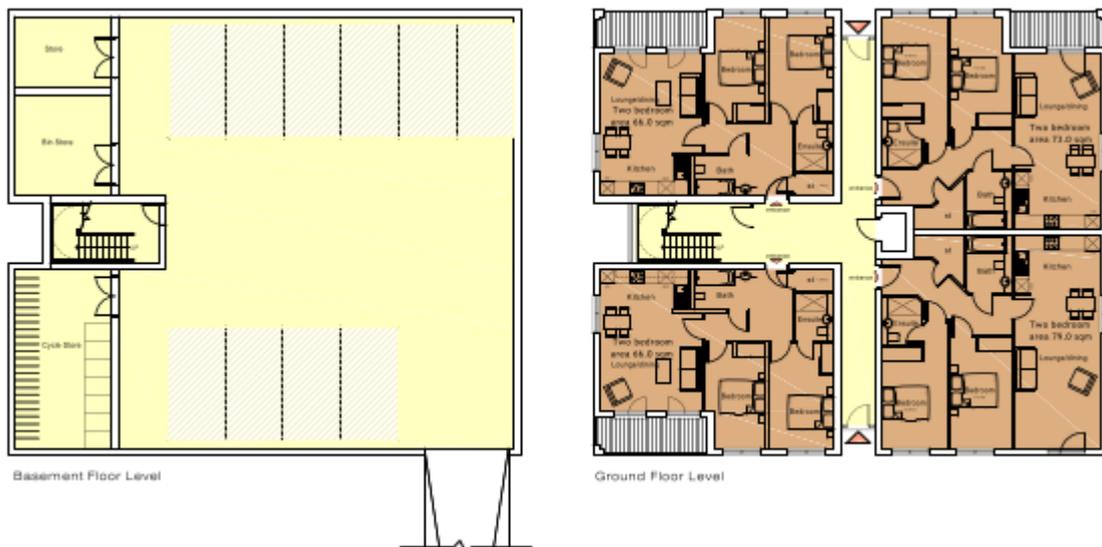
- 6.6. The application has been supported with a Transport Statement. Members will note that the scheme has been much altered and amended since the original submission.
- 6.7. One of the fundamental changes includes the access arrangements where now, two new vehicular accesses are proposed which effectively provide a link through the whole site in lieu of the original one access from Warwick Road and a completely separate/dedicated one into the former skip yard on the northwest corner of the site which was separate from the rest of the site. This link was considered critical to a successful layout of the scheme.
- 6.8. The access points are now located in both i). Warwick and ii). Knights Road. One access point is located between 38 and 44 Knights Road and the other between two new blocks as part of the open frontage adjacent to 'Levines' and mixed commercial retail block 819 to 829 Warwick Road.
- 6.9. These changes have been sought at the request of both City Design and Transportation Development to ensure good permeability of the site between Knights Road and Warwick Road. Incidentally, this link formed part of the previously approved scheme which ensured that the development was serviced by one main through route
- 6.10. Both your City Design officer and Transportation Development have now advised that the principle of the access off Warwick Road and the amended details in regards to a link through the development is favourable compared to the originally submitted scheme which only evidenced an access from Warwick Road.
- 6.11. There are clear benefits in terms of road safety, with the proposed closure of the skip yard entrance in favour of a new entrance further down Knights Road adjacent to number 44 (shop). It also provides the opportunity to improve connectivity across the site along with improved site surveillance.
- 6.12. The revised details now also provide a 5m wide carriageway through the development with associated pedestrian footpaths. Access routes off the main internal route will also create parking areas for the apartments and two areas shown as short driveway access points to the proposed eight houses/properties in the south east corner of the site and a paved/landscaped courtyard for the access to the apartments where both will have different surface treatments (former skip yard).
- 6.13. The developer has also provided tracking for emergency and large refuse vehicles to ensure the development may be adequately serviced. As part of the scheme the developer has also identified areas of junction/access improvements which are

required to provide adequate visibility spays from each access point and this includes measures to i) dissuade general parking on the footpath along the Warwick Road and to define and ii) create road alteration/buildout to create changes to the road realignment which will in effect slow traffic speeds around the junction (Knights Road and Warwick Road when travelling south from the junction). The Local Highways Authority (LHA) proposes and will agree a suitable S278 agreement to effectively secure these measures and ensure the development complies with Policy TP44 of the Birmingham Plan.

- 6.14. Whilst concerns have been raised in terms of parking, parking levels are considered acceptable to serve both the apartments and the houses in the scheme. Each house will have a minimum of two spaces per property and the overall provision equates to 113%.
- 6.15. Furthermore, the apartments are designed with 130% secure bike storage. Transportation Development are satisfied with this provision especially given the location of the site in relation to access to public transport via main bus routes on Warwick Road and the proximity to Tyseley Station with access into the City and beyond. Currently parking is heavily restricted around the junction with Knights Road given the traffic lights and the indiscriminate parking on the pavement up towards the site. The removal of the car breakers along with new access arrangements would in fact discourage pavement parking which would ensure that parking for the existing retail units in maintained.

Design/appearance

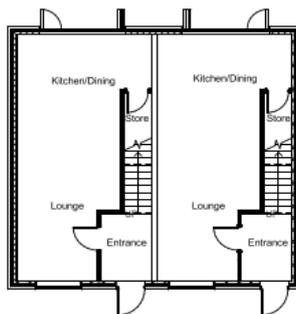
- 6.16. The application is supported with detailed elevations and floor plans for both the apartment types and dwellings and along with these, cross-sections have been submitted through the site.
- 6.17. Example of floor plans of Apartment B (not to scale)



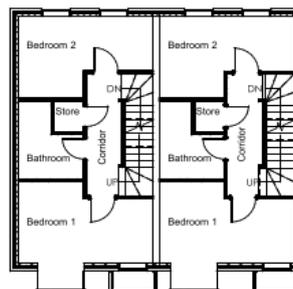
6.18. Example of Design of Apartment B (North Elevation- Front and not to scale)



6.19. Example of Floor plans and elevations of dwelling house type



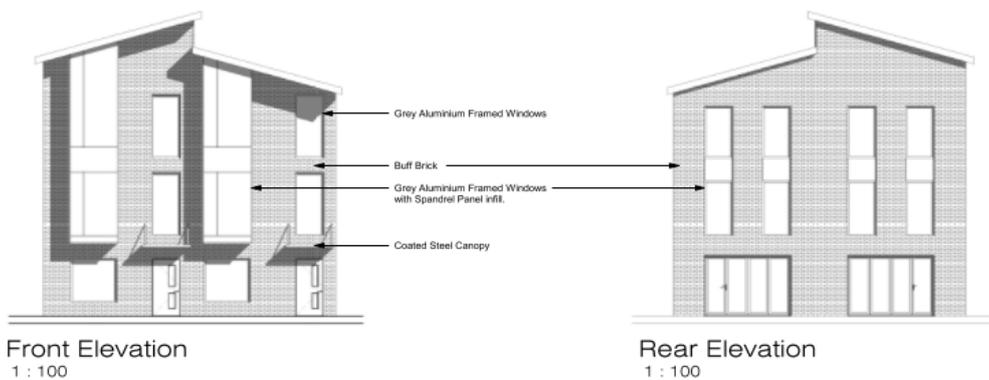
00 - Ground Floor
1 : 100



01 - First Floor
1 : 100



02 - Second Floor
1 : 100



- 6.20. Members will note the changes in terms of layout which now propose a definitive connecting link through the development and more permeability across the site especially in terms of the removal of the separate skip access which has now been achieved.
- 6.21. Below are the Knights Road street scene and Warwick Road Street Scenes (as proposed)



- 6.22. Further positive alterations have also been made to the development following advice in terms of the layout with the apartment heights occupying the perimeter of the site to Warwick Road and the top of Knights Road and the reduction in scale further into the site (also where levels fall), where the development drops down to a more regular two and half storey arrangement of dwellings which has an improved the relationship to the dwellings they back onto (Knights Road and Tyseley Lane).
- 6.23. The applicant has sought to provide a simple palette of materials for the development. The apartments located further into the development will have entrances facing the main route and are set in their landscaped grounds and are again with internal cycle storage and dedicated parking and bin storage.
- 6.24. The dwellings are designed with an asymmetrical roof arrangement to each other, are set over three floors and have projecting feature windows and continue the theme of a simplified palette of materials.
- 6.25. Some of the gardens would be irregular in shape to the rear boundary which backs onto the rear access of dwellings in Tyseley Lane. Any future occupier buying the property would be aware of the situation and make a judgement accordingly. It is

important to note that they all continue to meet amenity space standards both internally and externally.

- 6.26. I am also satisfied that the layout provides sufficient space for an acceptable landscape scheme to be achieved which would help provide a welcome softening of the landscape over the current site and this can be adequately conditioned. Both the tree officer and landscape officer has suggested landscape and tree conditions and a maintenance plan to ensure the soft landscaping areas are duly maintained in the future and this is considered acceptable and would ensure the development complies with policy PG3 of the Birmingham Plan 2017.

Drainage

- 6.27. The site is over 1 hectare in size and is located within Flood Zone 1 as defined by the Environment Agency mapping advice. In these instances the LPA would expect a major scheme would have consideration to the application of SUD's measures on the site.
- 6.28. Members will appreciate that the site is previously developed and classed as a brownfield site and it is likely that it is contaminated especially given the previous uses for industrial purposes. Therefore, the SUDS drainage strategy provides and outlines measures to control and manage surface water run-off and containing it before allowing discharge into the public sewers.
- 6.29. Both the Environment Agency and the LLFA have commented on the scheme and consider the scheme is acceptable with the application of conditions to ensure the control of contaminated waters and that a drainage operation plan is provided to ensure the development complies with policy TP6 of the Birmingham Plan.

Amenity

- 6.30. The commercial uses on the application site are not, by their nature, considered to be compatible with the adjoining residential properties. They benefit from established use and are not regulated by planning conditions. The removal of the commercial uses would have a positive impact on the residential amenity of the existing occupiers of the adjoining dwellings by removing un-neighbourly uses that have clearly created many complaints in the past as evidenced in the supporting documents.
- 6.31. A full and detailed noise survey has been submitted with the application and Regulatory Services are satisfied that subject to the mitigation measures outlined in the noise report, the amenities of the new residents will not be adversely impacted by surrounding roads or the existing commercial and retail functions/environment. The Local Planning Authority is satisfied that subject to the recommendations contained in the noise report that the amenity levels of the residents will be maintained/ improved and this may be appropriately conditioned.
- 6.32. As noted previously, the apartments featured throughout scheme as proposed (A,B,D,E,F,G and H) all exceed the minimum floor space requirements for bedroom and overall floor space standards as required by the DCLG guidance. Apart from Block A, the main bedroom spaces also have en-suite bathroom facilities. Each apartment has adequate storage and apart from Block H, all feature either a fully external or enclosed external balcony which is welcomed additional amenity space.

- 6.33. Each apartment also has is internal secure bike storage and some have internal bin stores which are considered acceptable which would ensure the development complies with Policy PG3 of the Birmingham Plan 2017.
- 6.34. As previously noted the houses are located towards the southern part of the site, and will be set over 2.5/3 storeys. Each property would meet the minimum space standards for all the bedroom sizes, which range in this instance from 11.8sqm to 14.8 (all meet double room standards). Each property will also meet overall floor space standards.
- 6.35. It is acknowledged that the gardens on plots 3, 4 ,5, 12, 19 and 20 do not meet fully meet the garden depth required by Places for Living (i.e. 5m per storey), however every plot meets or exceeds the minimum garden size requirement as outlined in the SPG.
- 6.36. Furthermore, Plots 3, 4 and 5 face the back of light commercial units where no overlooking would occur. Also Plot 12 is angled away from the rear of the nearest houses towards an existing rear access of houses in Knights Road.
- 6.37. The houses shown as Plots 19 and 20 (similar to the others in this row), do not have a straight line relationship to the houses in Tyseley Lane and furthermore they are located over 29m to 33m away from the rear of these houses even with the difference in land levels which still meet the standards as outlined although the garden depths are short as indicated previously (para 6.33).
- 6.38. In this case the development is considered acceptable and would continue to comply with the provisions of Policy PG3 of the Birmingham Plan and the adopted supplementary guidance contained in Places for Living.
- 6.39. Concerns have been raised in terms of light and overlooking, however given the relationship between the existing and proposed apartments the height would be no greater given the design is with a flat roof. Sections have been provided and the privacy levels should be maintained with over 20m between the block located on the opposite side of Knights Road.

Landscaping/Trees

- 6.40. A landscaping scheme has been provided. This is focused around softening the whole site with emphasis towards the entrances of the development and around the apartment units. Each dwelling will have its own private amenity space and softened frontage.
- 6.41. It is noted that the spoil piles have grown over and a number of self set trees and shrubs have become established. The applicant has provided a full arborocultural report to assess the value of the trees. Given where the trees are located, type of tree and their associated conditions the report has identified them as being of a low amenity value and the tree officer has commented on these findings and has confirmed this assessment to be an accurate record of the findings.
- 6.42. In this instance, the Tree officer is satisfied that subject to the imposition of conditions for a tree protection plan for retained trees on the site, that the development is acceptable. Both the Landscape and Tree officer are satisfied that the imposition of conditions to secure a formal planting scheme/maintenance plan and tree protection measures will ensure the development continues to comply with Policy PG3 and TP7 of the Birmingham Plan and this can assist in net biodiversity.

Ecology/biodiversity

- 6.43. The application has been submitted with a Preliminary Ecological Assessment to assess the site for any protected species or for features of nature conservation interests/value.
- 6.44. Given the application required the removal of some redundant buildings; the application report has included assessment for the presence of bats in the existing buildings.
- 6.45. The report has concluded that following the surveys undertaken that the site has no protected species on site and the buildings which are required for demolition have little or no interest/value to bats or other protected species.
- 6.46. However it is important that the site does by way of redevelopment provide 'Biodiversity Net Gain'. The site does include areas of soft landscaping and this could form part of this gain. The report goes on to conclude that planting features, including wildflower meadow grass, could be utilised as part of any scheme along with bat and bird boxes which could be installed.
- 6.47. The ecologist has suggested that the proposals can be adequately conditioned to enhance biodiversity across the whole site by the measures outlined in the applicant's submitted ecological report. This would be secured by an appropriately worded condition which would ensure the development complies with policy TP8 of the Birmingham Plan.

Land Contamination

- 6.48. This is a former commercial industrial site and based on the former uses and this being a 'brownfield' site, a ground survey has been undertaken. The report has highlighted a potential risk to the development from contamination.
- 6.49. Regulatory Services are satisfied with the findings of the report and the scope of the remedial works, subject to appropriate conditions to secure the implementation of these works.
- 6.50. Furthermore, the Environment Agency raise no objections to the proposals subject to measures to protect groundwater and this, as suggested may be controlled by condition.

Other Issues

- 6.51. The operation and maintenance of sustainable drainage will ensure no adverse flooding will occur along with the biodiversity improvements as outlined in the ecological report will ensure the development is policy compliant. It is noted that the development will need to meet and exceed the modern building standards as required by the building acts. Therefore, the scheme will continue to comply with the principles of policy TP3 and TP4 of the Birmingham Plan.
- 6.52. Concerns have been raised in regard to boundaries and the impact of works to the proximity of foundations and potential party walls. Such concerns relate to civil matters which are enforced through the civil processes available to the affected party and could fall within the remit of the Party Wall Act which are not enforceable through the planning process in this instance.

S106 CONTRIBUTIONS/VIABILITY

- 6.53. Given the extent of the proposals the scheme generates the need for a target of 35% on site affordable housing along with a public open space/play space contribution of £445,075.00 and potential education requirement of £672,136.76.
- 6.54. In this instance, a detailed financial appraisal has been provided and updated and continues to demonstrate that the applicant could not afford to fully to meet the required S106 contribution. However the applicant has accepted the need and importance to provide affordable housing and open space provision and they have therefore offered a contribution of 10% affordable housing equivalent in monetary terms (£338,145.00), along with £90,000 towards open space provision/play space provision within the local area. Housing officers have indicated that they would prefer to receive a financial contribution in this case, along with the Open Space provision contribution, rather than on-site contribution. I consider the proposed level of contribution fair and reasonable.

7. Conclusion

- 7.1 The proposal accords with the relevant UDP policies for such residential development and is therefore recommended for approval subject to conditions.

8. Recommendation

- 8.1. That consideration of application no. 2019/03504/PA be deferred pending the completion of a section 106 planning obligation to secure the following:
- (i) A financial contribution of £90,000 to be paid upon implementation (index linked to construction costs from the date of the committee resolution to the date on which payment is made) towards the provision and improvement of public open space and children's play facilities in the local Ward and the maintenance thereof or on any other purpose that shall be agreed in writing between the Council and the party responsible for paying the sum provided that any alternative spend purpose has been approved by the Council's Planning Committee.
 - (ii) A financial contribution of £338,145.00 to be paid upon implementation (index linked to construction costs from the date of the committee resolution to the date on which payment is made) towards the provision of the equivalent of 10% affordable housing or such other figure as shall be agreed in writing between the parties and the Chief Housing Officer, provided that any revised figure has been approved by the Council's Planning Committee.
 - (iii) In the absence of the planning obligation being completed to the satisfaction of the Local Planning Authority by 30th June 2020 be REFUSED for the following reason [s];
 - (a) The proposed development does not make provision for Affordable Housing contrary to paragraphs 5.37-5.37G of the Birmingham Unitary Development Plan 2005.

(b) The proposal does not make provision for public open space, contrary to policies 3.53 (A and B) and adopted Supplementary Planning Document; Public open space in new residential developments.

- (iv) That the Corporate Director of Legal Services be authorised to prepare, seal and complete the planning obligation.
- (v) That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by 30th June 2020 favourable consideration be given to this application, subject to the conditions listed below:

1	Implement within 3 years (Full)
2	Requires the submission of sample materials
3	Requires the scheme to be in accordance with the listed approved plans
4	Requires the prior submission of a phasing plan
5	Requires the prior submission of a contamination remediation scheme
6	Requires the submission of a contaminated land verification report
7	Requires the submission of unexpected contamination details if found
8	Requires the submission a Noise Insulation Scheme to establish residential acoustic protection in accordance with the report provided
9	Requires the prior submission of level details
10	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
11	Requires the prior submission of details of bird/bat boxes
12	Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
13	Requires the submission of hard and/or soft landscape details
14	Requires the submission of hard surfacing materials
15	Requires the submission of boundary treatment details
16	Requires the submission of a landscape management plan
17	Requires the submission of a lighting scheme
18	Requires the prior submission of a construction method statement/management plan
19	Requires the submission of details to prevent mud on the highway

-
- 20 Requires the prior installation of means of access
 - 21 Requires the submission of the siting/design of the access
 - 22 Requires the submission of vehicle parking and turning details
 - 23 Requires the submission of a residential travel plan
 - 24 Requires vehicular visibility splays to be provided
 - 25 Requires the submission of cycle storage details
 - 26 Requires the submission and completion of works for the S278/TRO Agreement
 - 27 Requires the provision of a vehicle charging point
 - 28 Non Standard Condition Employment Condition . No development shall take place, including any works of demolition, until a construction employment plan has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The construction employment statement shall provide for details of the following:
-

Case Officer: Sarah Willetts

Photo(s)



View 1 - Looking from access (LH side) down Warwick Road towards rear of Knights Road



View 2 - Skip Across (RH side to the closed and View back up towards junction with Wawick Road



View 3 – View of new access onto Knights Road

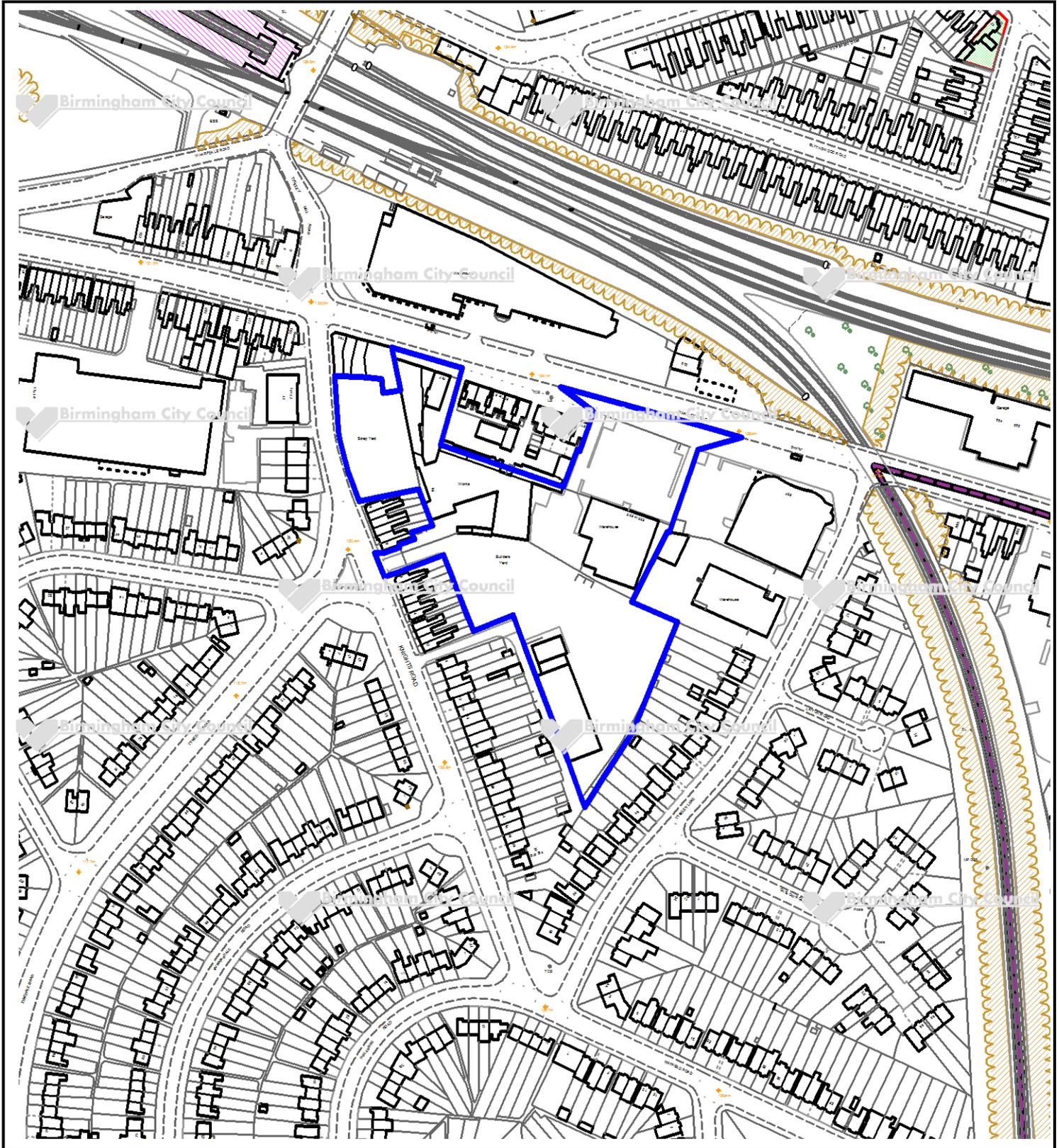


View 4 – View across site from Warwick Road towards back of Knights Road



View 5 – Architects Impression of development looking down Warwick Road

Location Plan



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Committee Date:	04/06/2020	Application Number:	2020/01120/PA
Accepted:	17/02/2020	Application Type:	Full Planning
Target Date:	05/06/2020		
Ward:	Sparkhill		

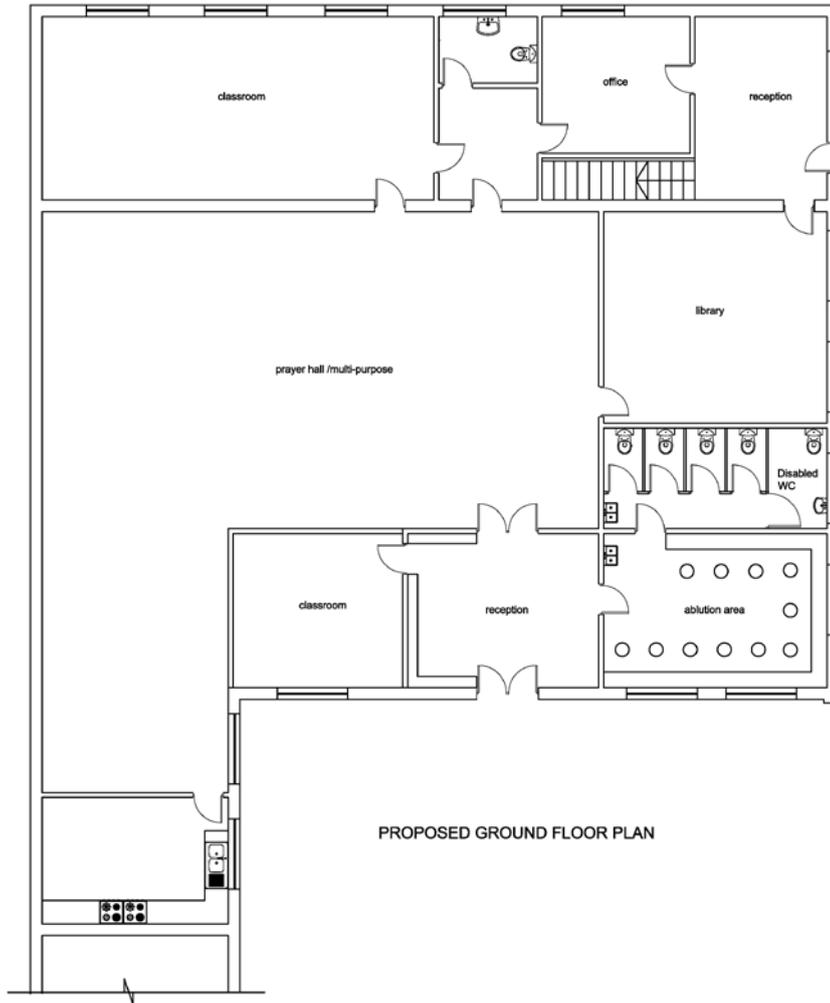
The Loft, College Court, 1 College Road, Moseley, Birmingham, B13 9LS

Change of use from storage and distribution (Use Class B8) to Islamic Education Community Centre (Use Class D1) with installation of additional windows to be used by no more than 90 persons at any one time from 07:00am to 08:00pm on Monday to Friday; 08:00am to 08:00pm on Saturday and 09:00am to 06:00pm on Sunday

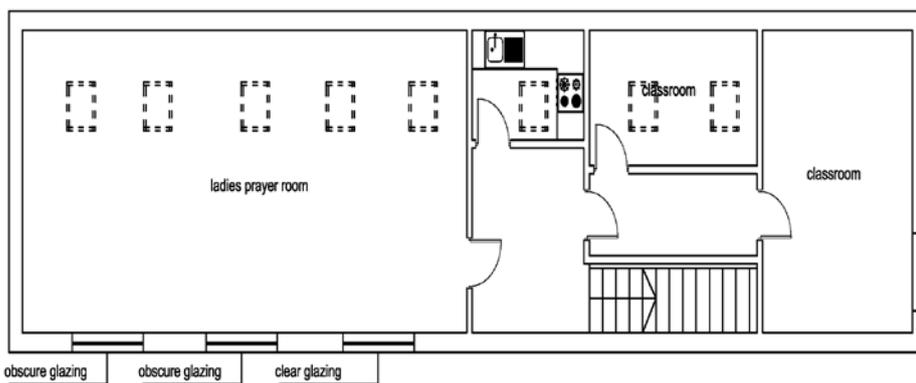
Recommendation

Approve subject to Conditions

1. Proposal
 - 1.1. Planning permission is sought for Change of use from storage and distribution (Use Class B8) to Islamic Education Community Centre (Use Class D1), with installation of additional windows at the Loft, College Court, 1 College Road, Moseley.
 - 1.2. The total number of people proposed to use the site is about 80 at any one time.
 - 1.3. The ground floor would consists of a multi-use hall (368m²) that would be used for community events and prayers, two classrooms, office, 2no. reception rooms, ablution area and WC. There would be 2no. classrooms, ladies prayer room and a small kitchen area. The kitchen would provide food occasionally for elderly persons visiting for socialising, at a small scale. An extractor flue would be fitted as required by the City Council.
 - 1.4. The proposal includes the provision of 21 parking spaces, with access off Tenby Road and 14 covered cycle parking spaces.
 - 1.5. The external alterations to the building would include additional windows which would largely be inserted on the south-facing elevation of the original building. The roller shutter door to the warehouse portion of the building would be replaced by a two-leaf entrance door and three windows, with the remainder finished in matching materials to the existing building.
 - 1.6. [Link to Documents](#)



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

Figure 2: Proposed Ground and First Floor Plans

2. Site & Surroundings

- 2.1. The 0.18ha site is located adjacent to the southern tip of the Springfield Neighbourhood Centre and essentially forms one of three buildings that sit around the site boundary with a hardstanding central courtyard. The site itself is used as storage/warehouse facility. The Thistles is located to the east of the application site and benefits from the planning permission for an education and training centre (Use Class D1). Lancaster House is a detached property located to the north of College Court and is currently used as an office (Use Class B1). None of the buildings are statutory or locally listed and are of little architectural merit. The vehicular access to the courtyard and parking facility is off Tenby Road. The site is enclosed to College Road by galvanised palisade fencing.
- 2.2. The application building consists of two elements. The original section of the building which is an L-shaped two-storey traditional building with a gable roof and constructed predominantly in red brick. More recent addition to the rear of the building is a half-round roof structure with a separate roller-shutter door used for loading and unloading vehicles.
- 2.3. To the immediate south and west of the application site there are traditional terraced houses and Springfield Primary School to the north, which is on the opposite side of College Road. There are some commercial premises further to the north on the opposite side of Stratford Road. To the immediate east is an electrical sub-station and former public conveniences. Beyond that is the Grade II Listed former Sparkhill United Church, which has been converted into a restaurant with a function room.
- 2.4. Stratford Road is a red route with dedicated on-street parking bays, and College Road is one-way with parking restrictions fronting the application site, which also continues around the junction with Tenby Road and past the existing access into the courtyard. There are existing 'No Waiting at Any Time' and 'No Loading at Any Time' restrictions present outside the access to the site, which extend to the junction of College Road.

2.5. Site and Surrounding

3. Relevant Planning History

- 3.1. 2005/05309/PA – Erection of 2 storey extension and alterations to existing store and warehouse and conversion to offices – approved on 28 March 2006
- 3.2. 2014/03344/PA – Prior approval for change of use from office (Use Class B1(a)) to residential apartments (Use Class C3) – approved on 4 July 2014
- 3.3. 2015/08257/PA – Change of use of existing courtyard to a car wash for a temporary period of time – approved temporary on 11 December 2015
- 3.4. 2015/10201/PA - Demolition of Units 3 and 4, conversion and extension of units 1 and 2, and erection of two new build blocks to provide a total of 33no. flats with associated parking – approved on 20 May 2016
- 3.5. 2017/08902/PA – continuation of use of existing courtyard as a car wash – withdrawn on 19 December 2017

4. Consultation/PP Responses

- 4.1. Transportation Development – no objection.
- 4.2. Regulatory Services – no objection, subject to conditions relating to amplification equipment, extraction, hours of use to be restricted to the following hours of 07:00am to 08:00pm Monday to Friday, 08:00am to 08:00pm Saturday and 09:00am to 06:00pm Sunday, including a condition restricting a number of visitors to 90 at any one time.
- 4.3. West Midlands – no objection.
- 4.4. West Midlands Fire – no objection.
- 4.5. Councillor Brennan – called-in the application to be considered by the Planning Committee.
- 4.6. Local Councillors, Residents Associations and neighbouring properties have been notified; site notice displayed. 11 representations have been received from the local residents: 9 objections, 1 support and 1 comment. The following objections have been raised:
 - There is no true identified need for another Islamic Centre in the area.
 - There are already two Islamic community centres in a close proximity to the site – one is about 150m away from the site (Nos. 179-181 Woodlands Road (Jamatia Islamic Centre)), which has been operating for 40 years; the second centre is about 100m (Paigham-e-Quran Mosque); therefore there is no need for another Islamic community centre in the area.
 - There is Springfield Primary school across the road and increased traffic movement would be dangerous for these children.
 - The use would invite all sort of people day and night, hence it would increase continuous obstruction and noise on Tenby Road, hugely affecting privacy and way of living of the local residents.
 - It has been known that No. 1 College Road was used as an office for Tahir Hussain, a Labour Councillor and he has very close relationship with the applicants; therefore he would support the proposals. If this is the case, then this would be very unfair to the residents of Tenby Road.
 - No neighbour notification letters about the planning application has been received.
 - Busy worshippers would rush from their workplaces to attend for prayers and do not have time to walk or cycle.
 - The new mosque could lead to children spilling out on to a dangerous junction.
 - The adjoining roads to this site (Stratford Road, Springfield Road, and Woodlands Road) are already congested due to close proximity of the Springfield School. Nursery and Woodlands Road Mosque. The parking provided by St Christopher's Church for the Springfield Centre is already overused by the visitors, thereby preventing vulnerable families parking at the access to Children Centre services.
 - Owners of No. 1 College Road have already issued videos and leaflets, collecting money from public to build a Grand Mosque, offering new prayer halls, funeral service, Madrassa, education, community centre, youth centre, counselling centre and a welfare clinic. This centre would not be limited to 80 people after investing £1.2 million.

4.7. One representation is support is as follows:

- This is an excellent idea for the youths around this area to tackle drug problems and help them make something useful of their life.

4.8. One comment received as follows:

- No comments as the Centre is already operational and affects the Sparkhill area.

5. Policy Context

5.1. Birmingham UDP, Draft Birmingham Development Plan, Places of Worship and Faith-Related Community and Education Uses SPD, Shopping and Local Centres SPD; Car Parking Guidelines SPD and the NPPF

6. Planning Considerations

6.1. Having given careful consideration to the application and supporting information received, the relevant development plan policies and documents and the other material considerations and consultation responses and representations received; all referred to above, the key issues are considered to be:

- Principle of the development
- Parking
- Impact on local amenities
- Other matters

Principle of the Development

6.2. The applicant has explained that the location for the new centre was chosen due its close proximity to the local residential area and the space which is fit for the purposes of the education and community centre.

6.3. The proposed development seeks to use the site for a variety of uses, some of which are considered local centre uses by the BDP. BDP policy TP21 identifies the network and hierarchy of centres in the city. It states that these centres would be the preferred location for community facilities (e.g. health centres, education and social services and religious buildings). It is noted that the applicants intend to provide a range of services (community centre and children's education facility) which generally fall under such categories. The site is located adjacent to the southern tip of the Springfield Neighbourhood Centre and although not within the centre itself, is considered generally policy compliant in locational terms.

Parking

6.4. Presently, the internal courtyard would seem to be generally used as a car wash/ car sales area. Transportation Development state that they consider that due to the traffic associated with the proposed education community centre, there may be an increase in parking along the surrounding roads during Friday prayer times. The proposed community centre would accommodate congregational prayer's every day of the week, which is expected to include around 80 people during Friday Prayer, including staff members and those who are visiting the building for other activities.

- 6.5. In terms of car parking requirements, the SPD Car Parking Guidelines for the education element requires 1 space per two members of staff and 1 space per 15 students. The requirement for the parking provision is therefore a maximum of 8 car parking spaces for students and 3 car parking spaces for staff; therefore 11 spaces in total. 21 spaces are proposed.
- 6.6. In terms of the prayer element, the peak requirement would be for Friday prayer. It is recognised that uses such as Friday Prayers can generate a large number of visitors. Car Parking SPD for places of worship requires 1 space per 10m². Based on the floor area of the building (374m²), 37 car parking spaces would be required (max.) Therefore, the proposed 21 spaces would be below the maximum guidelines for Friday prayers.
- 6.7. Transportation Development has raised no objection to the proposals on highway safety grounds. The proposal also provides 14 covered cycle parking spaces. The site has good links to public transport with high frequency buses on Stratford Road which is within 5 mins walk from the site as well as a bus service operating on College Road and 16 mins walk from Hall Green Train Station. The location for the new centre was chosen due its close proximity to the local residential area, which it is to serve. The submitted Travel Plan clearly shows walking as the main mode of transport to the centre without affecting other road users.

Impact on local amenities

- 6.8. Operational hours would be between 07:00-23:00 hours daily serving a variety of different age groups at different times of the day. The application site fronts the heavily trafficked College Road with high levels of ambient noise levels. Furthermore, there are a number of commercial and community uses within the vicinity and it is considered that the proposal would have no unacceptable adverse impact on neighbour amenity.
- 6.9. The originally proposed operational hours of the centre were Monday to Sunday - 07:00 until 23:00. Regulatory Services raised concerns with regards to the impact on the nearest residential properties, more specifically in relation to the proposed early and late hours of comings and goings. It has been advised that the proposed hours of use are restricted to 07:00am to 08:00pm Monday to Friday, 08:00am to 8:00pm Saturdays and 09:00am to 06:00pm Sundays. The applicant has accepted the recommended hours. Taking into consideration the recommended safeguarding conditions, including a condition to restrict the number of people using the site to a maximum of 90 at any one time as recommended by the Regulatory Services, no unacceptable adverse impacts through noise and general disturbance are anticipated.
- 6.10. With regards to the use of the small kitchen, Regulatory Services has sought further clarifications as to whether or not there would be any food prepared in the building. The applicant has confirmed that some cooking would be carried out within the premises and agreed to a pre-commencement condition to provide details of the proposed extraction system.

Other matters

- 6.11. With regard to the claim that there are other facilities nearby for education and prayer, the applicant has stressed that this use would provide a much needed local facility and use of other facilities elsewhere would only increase the need to travel

for locals, with the associated impacts on road networks, the environment and congestion.

7. Conclusion

7.1. The proposed development represents an appropriate use of the premises and subject to safeguarding conditions, not adverse impacts are expected to arise.

8. Recommendation

8.1. Approve, subjection to conditions.

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Implement within 3 years (Full)
 - 3 Requires the submission of sample materials
 - 4 Requires the parking area to be laid out prior to use
 - 5 Limits the noise levels for Plant and Machinery
 - 6 Prevents the use of amplification equipment
 - 7 Limits the hours of operation to 07:00am to 08:00pm Mon - Fri, 08:00am to 08:00pm Sat and 09:00am to 06:00pm Sun
 - 8 Requires the submission of extraction and odour control details
 - 9 Limiting the Capacity of the Premises to 90 persons
-

Case Officer: Alfia Cox

Photo(s)



Figure 1: Aerial view of the site as existing



Figure 2: View towards the Site entrance off Tenby Road

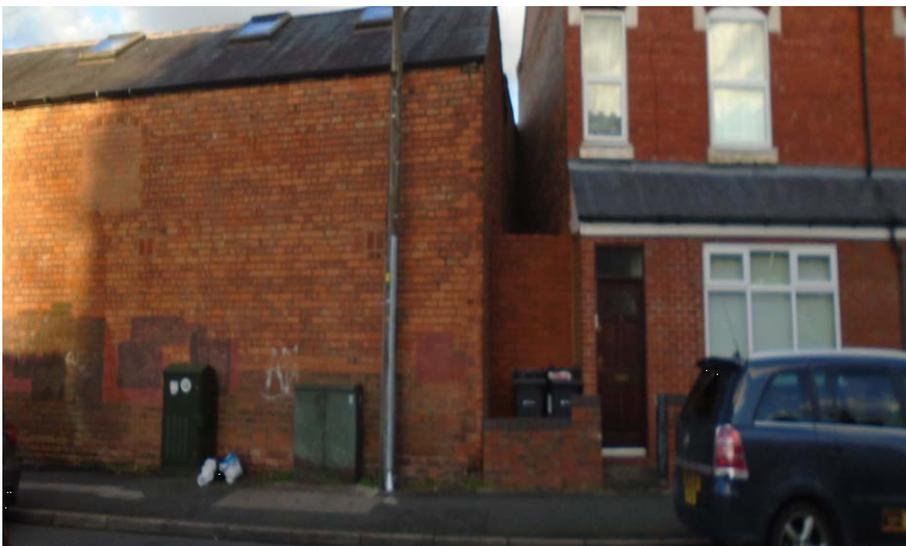
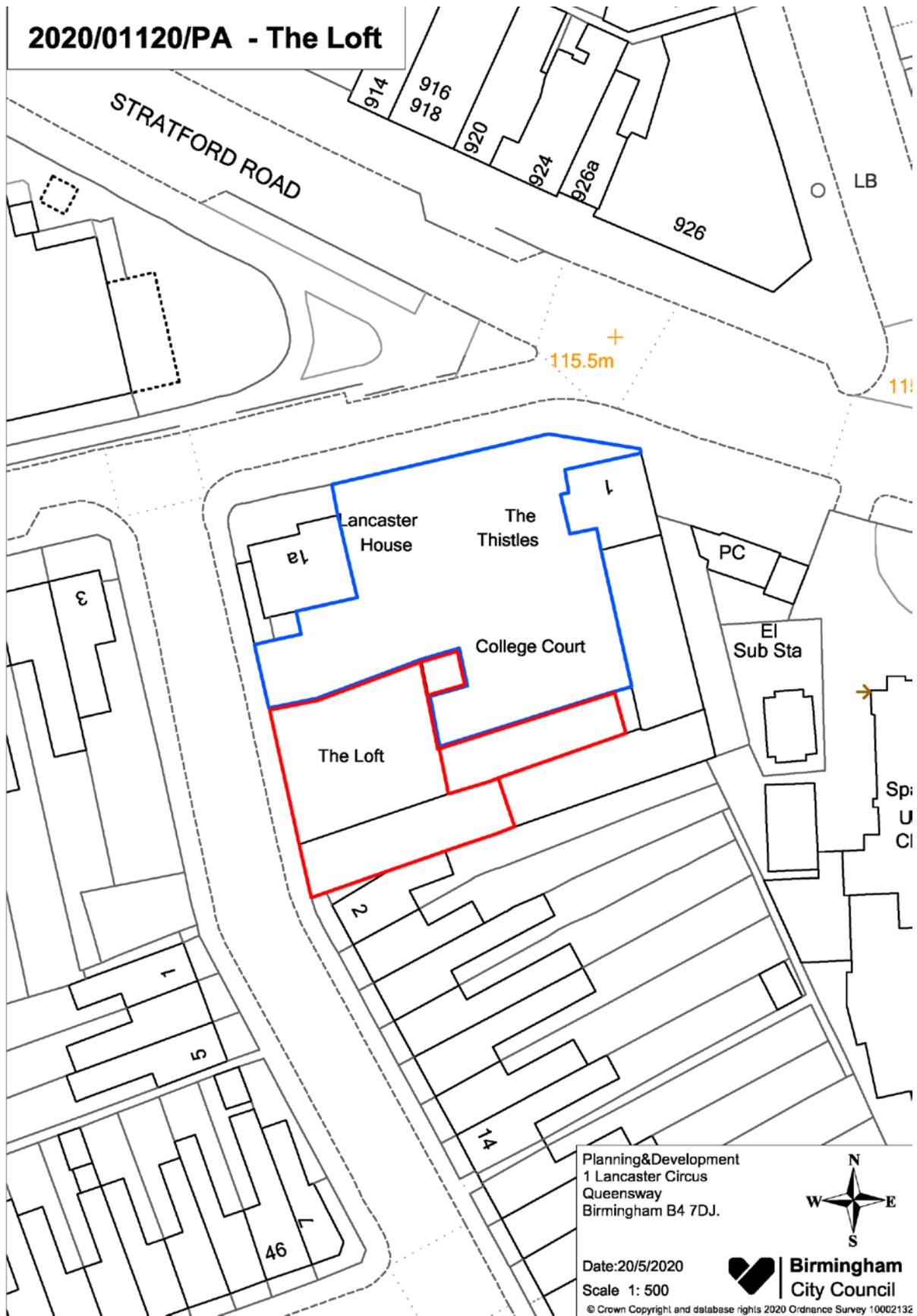


Figure 3: Figure 2: View of the nearest residential property

Location Plan



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Committee Date:	04/06/2020	Application Number:	2020/01147/PA
Accepted:	20/02/2020	Application Type:	Full Planning
Target Date:	05/06/2020		
Ward:	Erdington		

106 Church Road, Erdington, Birmingham, B24 9BD

Change of Use from dwellinghouse (Use Class C3a) to residential care home (Use Class C2)

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for a change of use from dwellinghouse (Use Class C3a) to a residential care home for up to 3 children (Use Class C2) at No. 106 Church Road, Erdington.
- 1.2. The layout of the ground floor would include a living room, kitchen and wc as per the original use. The only internal ground floor alterations proposed are the conversion of the front room to a manager's office. The first floor would remain unchanged as per the original use and would provide three bedrooms, a wc and a bathroom for the children of the care home. The layout of the second floor would include a bathroom and kitchen as per the original use. The only internal second floor alterations proposed are the conversion of the bedroom to a staff room and the conversion of a study room into a staff bedroom.
- 1.3. The proposed residential care home would comprise of three children living together and receiving care for mild to moderate learning difficulties and mild mental health problems. The length of stay of the children would vary but the age would range from between 12 and 17 years. The children would attend school off site during normal school hours and be home-educated. The children would be actively involved in further education and life learning skill programmes and would be supervised by staff 24/7 all year round both within the care home and during mobility trips in the community.
- 1.4. The applicant has advised that there would be a maximum of 2 staff present at the home during the day between the hours of 7.45 and 21.45 and a maximum of 2 staff present on site overnight with one sleep in member of staff.
- 1.5. Amended plans have been submitted during the progress of the application which has removed the parking from the existing rear garden. The scheme now proposes to rely on on-street parking for staff and visitors.
- 1.6. The applicant has advised that the proposed residential care home will be inspected on a regular basis by Ofsted.

PROPOSED FLOOR PLAN



***NO EXTERNAL OR STRUCTUAL CHANGES**

1.7. [Link to Documents](#)

2.0. [Site & Surroundings](#)

2.1. The application site consists of a large, three-storey end of terraced property with an existing rear wing on Church Road. The surrounding area is predominantly residential in nature with residential dwellings being located to the north, south, north east and north west of the application site.

2.2. There is no off-street forecourt parking to the front of the property, but on-street parking is available on Church Road. The rear garden is a maximum of 25m long and 105sq.m in area.

2.3. [Site Location](#)

3.0. [Planning History](#)

3.1. 2019/06655/PA: Change Of Use from dwelling houses (Use Class C3a) to a residential dwelling (Use Class C2): Withdrawn: 21.01.20.

4.0. [Enforcement History](#)

4.1. 2019/0681/ENF: Alleged unauthorised change of use to a large HMO: Property not currently being used as a HMO but as a residential dwelling: 31.05.19.

5.0. Consultation/PP Responses

5.1. Local residents, Residents Associations and Ward Councillors have been notified. Site Notice displayed.

5.2. Councillor Moore – objection on the grounds that the application would result in the loss of a family dwelling, highway issues and amenity issues.

5.3. Councillor Robert Alden – has submitted a petition on 05.11.19. with 47 signatures against the proposal and objections on the following grounds:

- The location is not suitable for such use and would have a negative impact for our area.
- Council Policy is for C2 residential uses to be located in detached residential properties. Properties on Church Road are terraced including No. 106.
- Church Road and the surrounding area have too many HMOs and properties divided into flats. The loss of another family home will further compromise the amenity of the neighbouring properties.
- Parking issues will be created as Church Road has high demand for parking due to the lack of off street parking available.
- There have been issues with residential care uses in Erdington as a result of poor management leading to crime, disorder, anti-social behaviour, all of which have a detrimental impact for local residents.

5.4. 9 letters of objections received (2 objections from current application and 7 objections from the withdrawn application 2019/06655/PA) raising the following concerns:

- Church Road already has an extreme amount of HMOs/flats which attracts undesirable people, rubbish and a negative impact on the area.
- Residents also deserve to live peacefully in their own homes without noise and pollution.
- Devaluation of properties.
- The gated right of way is for home owners use only 4 cars parked off road will be a major security risk as random people will have access keys.
- The applicant does not have any off road parking to the rear so how do they plan on having access to the back of the property?
- This is a busy residential street and not the correct place for any kind of residential home.
- The use would generate more traffic, parking issues.
- Residents in this property could have an impact on anti-social behaviour crime, disorder, safety, security, health and mental wellbeing.
- The intention is to house residents with social and mental health issues.
- The use will not employ local residents as many are elderly.
- This property had been converted into flats.
- Vulnerable people in the house could be exploited.
- The proposal will force families to move out of the area as they do not feel safe raising their children.

5.5. Regulatory Service – no objection.

5.6. Transportation Development – no objection subject to condition stipulating the provision of cycle parking.

- 5.7. West Midlands Police – no objection subject to a condition stipulating the front and rear door sets changed to PAS 24 standard in the interests of safety and security. This can be done as this is a Change of Use application and Approved Document Q Building Regulations applies to this application.
- 5.8. Children's Trust – It is not clear from the supporting statement what age service users will be accommodated and whether the home will be operating as a Children's Home registered with Ofsted. If the provider is to set up a children's home at this location they will need to engage with the neighbours, local policing and other key stakeholders. The provider will need to undertake a location risk assessment to give due regard to the risks and issues within the neighbourhood that may impact upon children in care. Staff will be required to undertake training to ensure that they are suitably qualified to care for the young people accommodated. Ofsted will inspect the home and its policies and interview the Home Manager before they will consider registering the home. The home will only be registered once Ofsted are satisfied that everything is in place. Erdington is saturated with care provision with 11 children's homes registered with Ofsted, as well as a huge number of supported accommodation provisions and hostels.
- 5.9. HMO Officer – no objection.

6.0. Policy Context

- 6.1. The following development plan policies and documents relevant to this decision:

Development Plan policies:

- Birmingham Development Plan (2017)
- UDP 2005 (saved policies 3.14-3.14D & Chapter 8)

Supplementary Planning Documents (SPD):

- Places for Living (2001)
- Specific Needs Residential Uses SPG
- Car Parking Guidelines SPD (2012)

The other material planning considerations relevant to this decision:

- The National Planning Policy Framework (the NPPF)

7.0. Planning Considerations

- 7.1. Having given careful consideration to the application and supporting information received, the relevant development plan policies and documents and the other material consideration, consultation responses and representations received and referred to above, the key issues are considered to be:

- Use Class – is planning permission required?
- Principle - Planning Policy Context
- Impact on the amenities of neighbouring residents
- Impact on the character of the area
- Parking and Highway Safety
- Perception/fear of crime and anti-social behaviour
- Other issues

Principle of Development

- 7.2. The NPPF has the golden thread of the presumption in favour of sustainable development. It has a clear need to significantly boost housing supply and offer a wide choice of quality home.
- 7.3. Birmingham Development Plan aims to ensure that there is a variety of housing to meet the needs of the city's residents. The BDP through the application of its policies seeks to maintain and protect existing housing stock and also resist the loss of existing family accommodation.
- 7.4. Policy Specific Needs for Residential Uses SPG and saved Policy 8.29 of the adopted UDP advises that residential care homes in small detached or large semi-detached or terrace houses will not be acceptable unless adjoining occupiers can be safeguarded against loss of amenity due to, for example, undue noise or disturbance. The guidelines further state that proposals should not prejudice the safety and free flow of traffic in the adjoining highway and that adequate outdoor amenity space should be provided. Policy TP35 of the Birmingham Development Plan (BDP) 2017 regards the maintaining and protecting of the existing housing stock.
- 7.5. In this case, the application site is located in a predominantly residential area. The children would be expected to live in a family type setting with 2 individuals caring at during the daytime and 2 carers caring during night-time with one night-time carer sleeping overnight. This type of use together with the number of residents/carers is considered similar to that, which would be expected within a three bedroom property of this size. The proposal should not result in significant intensification from that of a C3 dwelling house. The only difference is that the occupiers/residents (staff and three children) do not form and live as a single household. It is not considered that the amount of comings and goings from the site would be markedly different to that of a typical single family dwelling house. Consequently, I have no objection in principle to the conversion of the property to a small care home for three children.

Impact on the amenities of neighbouring residents

- 7.6. The property appears to be in good condition and adheres to spacing standard guidance. The submitted internal layout plan substantially replicates that of the conventional residential dwelling for private domestic use with shared communal use of areas such as a living room, kitchen, and bathroom. The only internal ground floor alterations proposed are the conversion of the front room to a manager's office and the conversion of the bedroom to a staff room and the conversion of a study room into a staff bedroom at second floor level. The carers would undertake appropriate management of the home, provide the users with a safe and secure environment and positive day-to-day living experiences.
- 7.7. The bedroom sizes would comply with guidelines as set out within the Nationally Described Spacing Standards for bedroom sizes, which advocated 7.5sqm for a single bedroom and 11.5sqm for a double bedroom. The rear private amenity area exceeds the SPG Specific Needs for Residential Uses minimum guidance of 16 sq. metres per resident.
- 7.8. A number of local residents have raised concerns that the activities associated with the residential child care home cause noise and general disturbance to the adjoining residents and those living near to the building. However, the proposal is small-scale and suitable for the size of the property. Comings and goings and associated noise and disturbance would not be dissimilar to the occupation by a family and does not

represent grounds for refusal. Regulatory Services have assessed the proposal and raised no objections on amenity grounds. The proposed residential institution would operate in a similar way to that of a family dwelling and as such is unlikely to have an adverse impact on the residential character of the immediate surrounding area and is considered suitable in this location. The appearance of the building is not proposed to be altered as a result of the change of use. A condition, restricting occupancy of the facility to no more than three children is proposed.

Impact on the character of the area/ Cumulative impact

- 7.9. The property was last in use as a dwelling and the appearance of the building will not be altered as a result of the development.
- 7.10. In terms of the character of the area, the prevailing residential nature would be maintained by the proposal, which constitutes a small-scale care home, with shared communal facilities accommodating three children, who are cared for by two members of staff during daytime and by two members of staff during night-time.
- 7.11. In relation to the loss of a dwellinghouse, policy TP35 of the Birmingham Development Plan (BDP) 2017 seeks to maintain and protect the existing housing stock, advising that the loss of housing in good condition to other uses would normally be resisted unless there is an identified social need for the proposed use. Whilst the loss of a house suitable for a single family occupation is regrettable, there is a clear social need associated with the proposed residential children home. Consequently, I do not consider it justifiable to warrant the refusal of the proposal on the grounds of the loss of a family dwelling.
- 7.12. Policy 8.29 of the Birmingham Unitary Development Plan (Saved Policies) (2005) policy outlines that the cumulative effect of existing uses in the area similar to that proposed, as well as existing HMOs and flats, will be taken account of in the context of the residential character and appearance of the area.
- 7.13. A number of local residents have raised concerns that Church Road already has an extreme amount of HMOs/flats which attracts undesirable people, rubbish and a negative impact on the area and that the loss of another family home will further compromise the amenity of the neighbouring properties. However, the Public Register of HMO Licences identifies that only three properties within a 100m radius of the site have been converted to a licensed HMO (153, 161 and 163 Church Road). The HMO Officer has also confirmed that no further HMO applications are waiting to be processed. I therefore consider that the loss of this dwelling will not further compromise the amenity of the neighbouring properties or the existing character of the area.
- 7.14. Whilst the wider area is predominantly residential in character, it is considered that the proposed use would maintain the property's prevailing residential nature and is considered to protect the residential character of the area. As outlined in paragraph 7.8 of this report, the proposed residential institution would operate in a similar way to that of a large family dwelling and as such is unlikely to have an adverse impact on the residential character of the immediate surrounding area and is considered suitable in this location. The appearance of the building is not proposed to be altered as a result of the change of use.

Parking

- 7.15. Policy 8.29 of the Birmingham Unitary Development Plan (Saved Policies) (2005) states that proposals should not prejudice the safety and free flow of traffic in the adjoining highways and the provision of access for service and emergency vehicles as well as car parking facilities will be taken into account in the assessment of the scheme.
- 7.16. A number of local residents have raised issues with regards to parking. However from the submitted information it is clear that the intention is to provide residency for three children, who would be encouraged to develop social attachments to their care staff and others in the local community. The care provided would be of a supervisory nature and the function of the home would be similar to that of a typical family dwelling in that there would be similar day-to-day activities taking place, similar number of cars parked, with similar vehicle movement. The proposed number of residents and staff would not be expected to alter to a significant degree over that which could be expected from the use as a residential dwelling.
- 7.17. Transportation Development has assessed the proposal and reviewed comments from the neighbours. They have noted that there are no TRO's enforced on Church Road, that the site is situated within a sustainable area well served by public transport and that the residents within the proposed use are unlikely to own a vehicle. Consequently, Transportation Development has commented that the proposal would not see a significant increase in parking along Church Road and has no objection subject to condition stipulating the provision of cycle parking.
- 7.18. During the progress of the application the proposed parking spaces to the rear of the property were removed to facilitate an increased amenity area and overcome the objections regarding security, noise disturbance and parking concerns. Therefore, vehicular access to the rear amenity space is no longer required. It is considered that the proposed change of use without dedicated rear parking spaces is unlikely to have a materially significant impact on parking in the surrounding area over and above the existing situation and would be acceptable. Transportation Development has stated no objection to the amended block plan. Therefore as the site is situated within a sustainable area well served by public transport and that the residents within the proposed use are unlikely to own a vehicle, it is considered that the proposed change of use at no. 106 Church Road would not have a detrimental impact on the safety and free flow of traffic on the adjoining highways or on pedestrian safety.

Perception/fear of crime and anti-social behaviour

- 7.19. Crime and fear of crime is a planning consideration. 'Specific Needs Residential Uses' SPG is clear that the nature and type of people to occupy premises is not a material planning consideration. It is also important to stress that the behaviour of tenants/occupiers are not a matter for Planning Authorities, but it is recognised that over concentrations can impact upon residential amenity, community cohesion and housing mix as well as residential character.
- 7.20. Objections have been received regarding residential care uses in Erdington having poor management which has led to crime, disorder, anti-social behaviour, all of which have a detrimental impact for the safety, security, health and mental wellbeing of local residents. Objections have been received regarding vulnerable people in the proposed use could be exploited and that the proposal will force families to move out of the area as they do not feel safe raising their children. In addition, objections have been received stating that residents in this property could have an impact on anti-social behaviour crime, disorder, safety, security and the health and mental wellbeing

of residents. However, it is noted that West Midlands Police have no objection to the proposal.

- 7.21. As outlined in paragraph 5.8 of this report, the provider will need to undertake a location risk assessment to give due regard to the risks and issues within the neighbourhood that may impact upon children in care. Staff will be required to undertake training to ensure that they are suitably qualified to care for the young people accommodated. Ofsted will inspect the home and its policies and interview the Home Manager before they will consider registering the home. The home will only be registered once Ofsted are satisfied that everything is in place.
- 7.22. Therefore, once the site is regulated by Ofsted, there could be a potential reduction in the concerns of the local residents and objectors.

Other issues

- 7.23. The objections relating to the devaluation of properties and the use not employing local residents as many are elderly are not material planning considerations and therefore cannot be considered as part of the application.
- 7.24. With regards to concerns that property had been converted into flats, an Enforcement Officer has visited the site and has confirmed that the property is a residential dwelling.
- 7.25. The condition stipulated by West Midlands Police in paragraph 5.7 can be covered under separate legislation.

8.0. Conclusion

- 8.1. This application is recommended for approval as a change of use from dwellinghouse (Use Class C3) to residential care home for three children (Use Class C2), within a residential area, is considered to be acceptable and complies with the objectives of the policies that have been set out above.

9.0. Recommendation

- 9.1. Approve with conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limit to 3 children and maximum of 2 carers only at any one time |
| 3 | Requires the submission of cycle storage details |
-

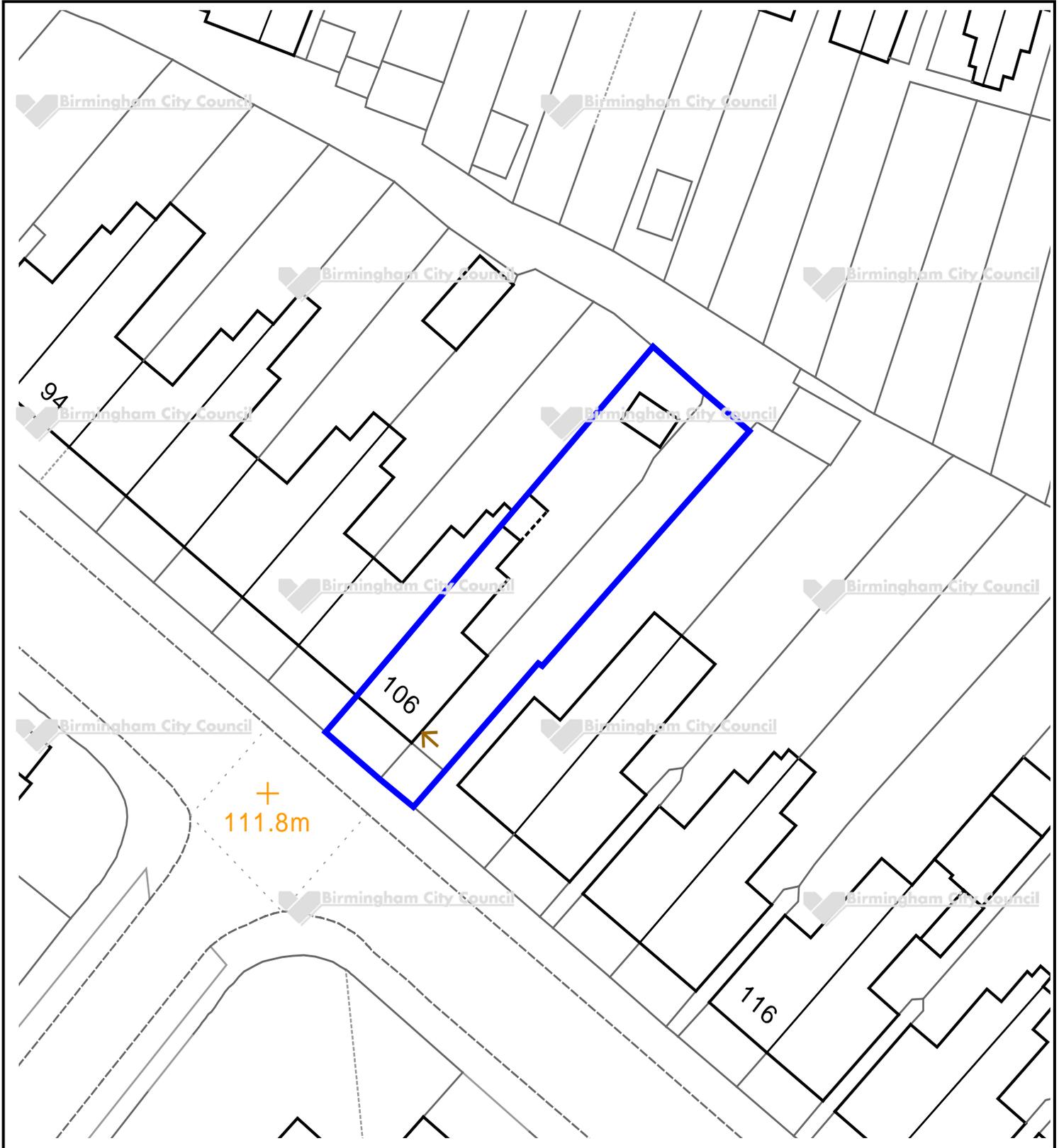
Case Officer: Harjap Rajwanshi

Photo(s)



Photo: View of the application property in context with neighbouring properties

Location Plan



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Birmingham City Council

Planning Committee

04 June 2020

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>
Refuse	12	2019/10502/PA 1386-1392 Pershore Road Bournville Birmingham B30 2XS Demolition of existing buildings and erection of a new mixed-use development consisting of 3 no. retail units at ground floor and 42 no. residential dwellings at ground and upper floors, together with associated drainage and external works
Approve – Conditions	13	2019/10647/PA University of Birmingham Former Munrow Sports Centre Site Edgbaston Campus West Gate Edgbaston Birmingham B15 Erection of a molecular sciences academic building (Use Class D1) of 12,790sqm comprising laboratories, offices, lecturing and tutorial rooms and containment/ waste rooms along with hard and soft landscaping and engineering works (Phase 1).
Approve – Conditions	14	2019/09406/PA University Rail Station Vincent Drive Edgbaston Birmingham B15 2TT Construction of a new station building for University Station, with station facilities (including ancillary retail floorspace within Use Classes A1/A3 up to a maximum of 250 sqm), forecourt area and canal footbridge along with associated infrastructure and landscaping on land to the north of the existing station building

No Prior Approval Required

15

2020/02823/PA

Reddings Lane
Sparkhill
Birmingham
B28 8TE

Application for Prior Notification for the installation of proposed 20m high Phase 8 monopole with wraparound cabinet at base and associated works.

Committee Date: 04/06/2020 Application Number: 2019/10502/pa
Accepted: 13/03/2020 Application Type: Full Planning
Target Date: 12/06/2020
Ward: Stirchley

1386-1392 Pershore Road, Stirchley, Birmingham, B30 2XS

Demolition of existing buildings and erection of a new mixed-use development consisting of 3 no. retail units at ground floor and 42 no. residential dwellings at ground and upper floors, together with associated drainage and external works

Recommendation
Refuse

1. Proposal

- 1.1. Planning permission is sought to demolish the existing vacant buildings on site and erect an L-shaped building that is 4 storeys high on Pershore Road and 3 storeys high on Hunts Road. The building has a maximum height of 15m and has a maximum depth of 20.6m. The building 56m wide on Pershore Road and 39.6m wide on Hunts Road. The external material proposed is wooden cladding.
- 1.2. The application has been bought forward by the Stirchley Co-operative Development who are a Stirchley based group of five housing and worker co-operatives. The ground floor would be utilised for retail purposes with existing local businesses that form part of the Co-operative filling the 3 units. They consist of a bakery which includes a cookery school, art shop with café and studio and bike shop with bike repair facility.



Figure 1: Street Elevations

- 1.3. The upper storeys would contain 42 apartments consisting of the following mix:

- 23 x 1bed;
- 14 x 2bed; and
- 5 x 3bed

- 1.4. The apartments would all be for affordable rent with Accord Housing being the Registered Social Landlord. The apartments contain all the facilities required for fully self-contained living. However the apartments are supplemented by a communal lounge, kitchen diner and laundry room. A roof top garden is provided for residents as well as a communal courtyard at the rear of the building.
- 1.5. 3 parking spaces are provided on Hunts Road with 2 designated as disabled spaces. Cycle parking is provided within the internal courtyard. The site would be serviced from Hunts Road. The site layout is shown in figure 2.



Figure 2: Site layout

- 1.6. This application is supported by a Planning Statement, Design and Access Statement, Noise Survey, Site Investigation Report, Transport Statement, Travel Plan, Sustainable Drainage Assessment and Arboricultural Report.

1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located with Stirchley Local Centre and is also within the Primary Shopping Area. A variety of A Class uses surround the site. The majority of the site was cleared of buildings a number of years ago however; a traditional terrace of properties is located on the corner of Hunts Road and Pershore Road. It is understood that the buildings have previously been in commercial use but have been vacant for a number of years.
- 2.2. The British Oak Public House (Grade II listed) is located to the north of the site with terraced residential properties located to the east. Commercial premises are located

to the west of the application site with a mix of residential and commercial properties located to the south.

2.3. [Site Location Plan](#)

3. [Planning History](#)

- 3.1. 29 June 2004. Application No. S/01752/02/OUT. Demolition of commercial, leisure, residential and retail premises, construction of Class A1 retail superstore, additional retail units with residential accommodation above, surface level car park, replacement community facilities, replacement social club, alterations to Pershore Road and Hazelwell Street, landscaping and associated works at Hazelwell Lane, Pershore Road, Hunts Road and Hazelwell Street. Outline application submitted on behalf of Tesco - approved.
- 3.2. 12 December 2006. Application no. S/00260/03/OUT. Non-food retail, community and leisure facilities, restaurant, residential development, car parking, servicing and highway works at Hazelwell Lane/Pershore Road, Hunts Road/Hazelwell Street. Outline application with siting and access for consideration submitted by Helical Retail Ltd. - approved.
- 3.3. 29 September 2008. Application no 2007/03727/PA. Renewal of S/01752/02/OUT for; Demolition of commercial, leisure, residential and retail premises, construction of Class A1 retail superstore, additional retail units with residential accommodation above, surface level car park, replacement community facilities, replacement social club, alterations to Pershore Road and Hazelwell Street, landscaping and associated works at Hazelwell Lane, Pershore Road, Hunts Road and Hazelwell Street. Application submitted on behalf of Tesco - approved.
- 3.4. 30 April 2010. Application no 2009/05456/PA. Renewal of S/00260/03/OUT for; Non-food retail, community and leisure facilities, restaurant, residential development, car parking, servicing and highway works at Hazelwell Lane/Pershore Road, Hunts Road/Hazelwell Street. Outline application with siting and access for consideration submitted by Helical Retail Ltd. - approved.
- 3.5. 22 December 2010. Application No. 2010/05404/PA. Application for a new planning permission to replace permission 2007/03727/PA demolition of commercial, leisure, residential and retail premises, construction of Class A1 retail superstore, additional retail units with residential accommodation above, surface level car park, replacement community facilities, replacement social club, alterations to Pershore Road and Hazelwell Street, landscaping and associated works at Hazelwell Lane, Pershore Road, Hunts Road and Hazelwell Street. Application submitted on behalf of Tesco - approved.
- 3.6. 28 November 2013. Application No. 2013/03997/PA. Proposed superstore, offices, shops (Use Class A1), apartments, public spaces, highway alterations - including the stopping up of part of Hazelwell Lane - demolition, and associated works (outline application with consideration of access and siting). Approved.
- 3.7. 26 June 2014. Application No. 2014/02160/PA. Reserved matters application for consideration of appearance, scale and landscaping for Phase 2 of outline approval 2013/03997/PA for construction of a proposed superstore with associated parking & external works and public realm improvements. Approved.

- 3.8. 28 November 2016. Application No. 2016/06335/PA. Minor material amendment to planning application 2013/03997/PA for the erection of a smaller store providing 5697sqm (gross)/4034sqm (net) of floorspace rather than the previously approved 8,359sqm (gross)/4,600sqm (net) floorspace, with associated alterations to layout, including position of access. Approved subject to conditions.
- 3.9. 2 February 2017. Application No. 2016/09029/PA. Reserved Matters application for consideration of appearance, scale and landscaping for Phase 2 of outline approval 2016/06335/PA for construction of proposed superstore with associated parking and external works and public realm improvements – approved
- 3.10. 22 May 2018. Application No. 2018/02978/PA. Application for prior notification of proposed demolition of existing buildings – Prior approval required and approved with conditions

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to conditions requiring submission of Travel Plan, Construction Management Plan, installation of bollards and footway crossing.
- 4.2. Regulatory Services – Object due to levels of noise from British Oak PH. The use of sealed windows is not acceptable for proposed occupiers.
- 4.3. West Midlands Police – Further information required over access, refuse collections, post and concerns raised over certain areas with poor natural surveillance.
- 4.4. Severn Trent Water – No objection subject to drainage condition.
- 4.5. Lead Local Flood Authority (LLFA) – Objection due to lack of information provided.
- 4.6. Adjacent occupiers, Councillors, M.P. and residents associations notified and site/press notices posted. 237 letters of support have been received raising the following points:
- Site has lay derelict for a number of years;
 - Co-operative businesses are great for Stirchley;
 - Project will regenerate Stirchley High Street;
 - Allows successful local businesses to expand;
 - Encourages community living;
 - Development will boost community spirit;
 - Reduces reliance on car;
 - Increased opportunities for cycling;
 - Future proofed housing;
 - Affordable housing is much needed;
 - Increased pedestrian space;
 - Increased trade for other local businesses;
 - Ecologically sustainable development;
 - The building will not look out of place and will complement its surroundings;
 - The density is necessary;
 - Use of sustainable materials; and
 - Local developments such as this should be supported;
- 4.7. 20 letters of objection received raising the following concerns:
- Scale of the building is excessive;

- Out of character with surrounding terraced properties;
- Natural light would be blocked;
- Loss of privacy;
- Increased pressure on local services;
- May lead to noise complaints from future occupiers about adjacent pub;
- Insufficient parking;
- Increased noise and anti-social behaviour;
- Family housing needed instead;
- It will become increasingly difficult to park in surrounding streets;
- Such substantial residential scheme should be located outside of local centre;
- Site should be used for commercial development only;
- Harmful to existing businesses;
- Co-operative businesses do not benefit Stirchley; and
- No opportunity for public meeting to discuss scheme

4.8. Comments have been received by Councillor Mary Locke raising the following matters:

- This is a reasonable application;
- The design could be more in keeping;
- Lack of parking; and
- Too many apartments proposed

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2031
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005
- Places for Living SPG
- Car Parking Guidelines SPD
- Shopping and Local Centres SPD
- Stirchley Framework SPD

6. Planning Considerations

6.1. I consider the key planning issues to be considered are: the principle of the development; the impact on character; the impact on residential amenity; the impacts on traffic and highway safety; the impact on ecology; the impact on Landscape and Trees; drainage; impact on the public house; and planning contributions.

6.2. Principle of Retail Development

6.3. There is an extensive planning history to the site which indicates there has been a number of approvals for retail led mixed use developments although the site had previously always formed part of a much larger application site incorporating land either side of Hazelwell Lane. These previous approvals indicated a number of smaller retail units within the area that falls within the boundary of this application. Whilst there is no prospect of any these approvals' being implemented, it does indicate that a scheme incorporating ground floor retail is in principle acceptable on the site.

- 6.4. It is important to note that since the most recent approval in 2016 there have been changes in both national and local policy through the publication of a new version of the NPPF in 2019 and the adoption of the Birmingham Development Plan in 2017. However, the change in policy documents has not resulted in a shift in policy in relation to retail developments within District Centres.
- 6.5. Paragraph 86 of the NPPF emphasises that main town centre uses should be located within defined centres, and if edge of centre or out of centre locations are proposed a sequential test is required.
- 6.6. Paragraph 85 of the NPPF highlights that local planning authorities should identify a hierarchy of centres and identify the extent of such areas including primary shopping areas. The Council has undertaken this task through the publication of the Shopping and Local centres SPG. The site is situated within the Primary Shopping Area (PSA) of Stirchley District Centre. The local policy framework therefore supports a retail led redevelopment of the site.
- 6.7. Principle of Housing Development
- 6.8. The NPPF defines the three dimensions of sustainable development as being economic, environmental and social. The NPPF and appeal decisions have established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. There is also a strong emphasis on providing new housing, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF 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 NPPF 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.
- 6.9. Policy TP24 of the BDP encourages residential development within local centres on upper floors where it provides good quality, well designed living environments. Policy TP28 of the BDP, requires new housing to be; outside flood zones 2 and 3 (unless effective mitigation measures can be demonstrated); served by new or existing infrastructure; accessible to jobs, shops and modes of transport other than the car; capable of remediation; sympathetic to historic, cultural or natural assets; and not in conflict with other specific policies of the plan. In summary this brownfield site is located within flood zone 1. The site is well situated within a local centre and therefore the principle of residential development is supported on the site.
- 6.10. Character Impact
- 6.11. Policy PG3 of the BDP explains that “All new development will be expected to demonstrate high design quality, contributing to a strong sense of place.” It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design

integral to development; and make best use of existing buildings and efficient use of land.

- 6.12. In addition Policy TP12 is also relevant as it seeks to protect the historic environment. This policy fully accords with the advice in the NPPF. Paragraph 193 of the NPPF indicates that when local planning authorities are considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. In this case there is a grade II listed building (The British Oak PH) directly adjacent to the northern boundary of the application site.
- 6.13. Buildings in Stirchley are predominantly two-storey; red brick buildings with pitched roofs covered in slate interspersed with larger civic type buildings like churches, schools and swimming pools.
- 6.14. The proposal requires the demolition of some traditional terraced properties on the corner of Pershore Road and Hunts Road. These properties have been vacant for a number of years and are therefore starting to deteriorate. These traditional properties are typical of the High Street however their loss cannot be resisted as prior approval has already been granted for their demolition under reference 2018/02978/PA.
- 6.15. At four storeys the building is substantially taller than the surrounding buildings including the listed pub. There are no other examples of 4 storey buildings within the vicinity. The proposed building is also set forward of the public house which adds to its dominance. A street scene is provided in figure 3 below.



Figure 3: Pershore Road street scene

- 6.16. The building has a flat roof and is clad in timber. The ground floor on the Pershore Road frontage is off-set with a series of columns to support the upper floors. None of these features are typical of Stirchley High Street.
- 6.17. By virtue of the scale, design and appearance the building materially harms the setting of the adjacent listed building and detracts from the character of the wider street scene. The Council's City Design Officer and Conservation Officer both object to the application and I concur with their views.
- 6.18. Residential Amenity

- 6.19. The Places for Living SPG sets out a number of numerical standards which help to ensure that acceptable amenity standards are retained for the occupiers of adjacent properties.
- 6.20. The closest existing residential properties are the terraced houses adjacent to the east boundary of the site on Hunts Road. A distance of 4.3m is retained between the side elevation of the proposed development and the side elevation of No. 1 Hunts Road. As there are no main habitable windows on these side elevations there is no loss of privacy or loss of light to No. 1.
- 6.21. There are 3 new residential terraced properties located opposite the application site on Hunts Road. No's 2A, 2B and 2C have windows at ground and first floor level that look towards the application site. A distance of approximately 13m is retained between the front elevation of the proposal and the existing terraced properties. This falls below the 21sqm set within Places for Living SPG. However, the SPG does indicate that greater flexibility should be applied to front elevations where overlooking is less of a concern.
- 6.22. A large roof top garden is proposed above the Hunts Road wing of the development. This raises substantial concerns of overlooking. The nearest part of the rooftop garden would be 3.4m from the shared boundary with No.1 Hunts Road which would result in a significant loss of privacy for the occupiers of this property when they utilise their rear garden.
- 6.23. Paragraph 180 of the NPPF highlights planning decisions should ensure that any new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. Specific reference is made to making sure that noise does not impact significantly on the quality of life experienced.
- 6.24. In this instance the application site is located next to the British Oak Public House. The pub is open all day and evening 7 days a week. It also has a substantial beer garden that is well used late into the evening. The applicant has undertaken a noise survey which indicates that all proposed dwellings will have acceptable internal noise levels in the worst case scenarios if windows are closed. Regulatory Services have objected to the development in relation to the noise impact on the proposed occupiers of the new properties from the British Oak Public House. They consider that the noise survey has not provided a full and thorough assessment of the impact of noise from the British Oak. The strategy proposed in the noise report will require residents to keep their windows closed when entertainment is taking place in the British Oak. Where openable windows are provided Regulatory Service will not accept a strategy that relies on the occupier of the noise sensitive premises having to close their window during noisy activities. Residents should not have to accept reduced access to fresh air and natural ventilation to secure a quiet living environment. It is therefore considered that by virtue of noise arising from the public house an unacceptable living environment would be created.
- 6.25. A communal area for the flats is provided within a courtyard at the rear of the site measuring 750sqm. In addition 2 roof top gardens are provided measuring 339sqm and 63sqm. Places for Living SPG requires 30sqm per flat which equates 1260sqm. This results in a shortfall of 108sqm. Taking into account the close proximity to Hazelwell Recreation Ground the minor shortfall is considered to be acceptable. The ground floor communal space does not appear to be private with the commercial units opening onto this space. However, the scheme is designed around the premise of sharing and creating a sense of community. On balance, the level and layout of the amenity space is acceptable.

- 6.26. The Nationally Described Space Standards are not yet adopted in Birmingham but they do provide a good yardstick against which to judge proposals, to ensure that the accommodation is of sufficient space to provide a comfortable living environment for the intended occupiers. The scheme proposes a mix of 1, 2, 3 properties.
- 6.27. There is a shortfall against the NDSS for each of the property types between 0.4sqm and 7sqm. Whilst the properties are entirely self-contained additional communal accommodation is provided through the provision of a lounge (29.2sqm), kitchen/dining area (29.4sqm) on the first floor and laundry room (23.4sqm) on the second floor. Taking into account the additional communal facilities the size of the accommodation is considered to be acceptable in this instance.
- 6.28. In summary it is considered that the proposal will unduly impact on the amenity levels experienced by the occupiers of nearby properties and the scheme will also not create an acceptable living environment for the proposed occupiers due to noise and disturbance arising from the adjacent public house.
- 6.29. Traffic and Highway Safety
- 6.30. Policy TP38 of the BDP states that “The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported.” One of the criteria listed in order to deliver a sustainable transport network is ensuring that that land use planning decisions support and promote sustainable travel. Policy TP44 of BDP is concerned with traffic and congestion management. It seeks to ensure amongst other things that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.31. The site is in a sustainable location within Stirchley District Centre. There are regular bus routes on the Pershore Road that provide direct access to the City Centre and the site is 450m from Bournville Train Station. Only 3 parking spaces have been provided on site however Transportation accept that car ownership would be lower than average on this 100% affordable housing scheme based on the evidence provided within the Transport Statement. Taking into account the highly sustainable location Transportation raise no objection to the scheme subject to conditions. I concur with this view.
- 6.32. Impact on Ecology
- 6.33. The Council has a duty to consider the impact of any proposal on protected species. A Preliminary Ecological Appraisal (PEA) and bat surveys has been submitted in support of the application. On the basis of the bat emergence and re-entry surveys, bats do not currently present a constraint to development. There is no evidence of roosting bats in any of the site’s buildings, and the site is sub-optimal for foraging due to the limited extent of vegetated habitats. The Council’s Ecologist considers the scheme can have a positive impact on species through conditions requiring ecological enhancements and the provision of bat and bird boxes.
- 6.34. Landscape and Trees
- 6.35. The application site has no landscape features of note. This area has lay derelict of a number of years which means that there is potential deliver enhanced soft landscaping for the site. Subject to the inclusion of appropriate conditions there are

opportunities to deliver enhancements to this site in terms of tree and hedge planting and the provision of grassed areas.

- 6.36. Impact on the British Oak PH
- 6.37. Paragraph 182 of the NPPF highlights that planning decisions should ensure that new development can be integrated effectively with existing businesses. It adds that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established.
- 6.38. In this case the site is located adjacent to the British Oak PH. As mentioned previously, Regulatory Services have raised concerns over the noise impact of the pub on occupiers of the proposed apartments. This is a popular public house with a large beer garden that is regularly busy at weekends late into the evening. If approved the future residents of the apartments may raise noise complaints about this long standing business. This could result in unreasonable restrictions being placed on the public house.
- 6.39. In summary, insufficient evidence has been provided to demonstrate that the proposal could be integrated effectively with the British Oak Public House.
- 6.40. Drainage
- 6.41. Policy TP6 of the BDP requires applicants to submit a Sustainable Drainage Assessment and Operation and Maintenance Plan with all major applications. Proposals must demonstrate that the disposal of surface water does not increase flooding elsewhere. Surface water should also be managed in accordance with the drainage hierarchy set out within TP6.
- 6.42. The Lead Local Flood Authority objected to the application on the basis that it doesn't meet the minimum requirements of Policy TP6. Key issues include the rate of surface water discharge, insufficient incorporation of SUDS and a failure to provide detailed calculations to show network performance for all events. Details around the operation and maintenance of the drainage scheme have also not been considered sufficiently.
- 6.43. In summary insufficient information has been provided to demonstrate that the proposal does not increase the risk of surface water run off contrary to policy TP6 of the BDP.
- 6.44. Planning Contributions
- 6.45. Due to the size of the scheme contributions towards both affordable housing and public open space are required. A 100% affordable housing scheme is proposed which comfortably exceeds the 35% requirement within Policy TP31 of the BDP.
- 6.46. A contribution of £135,175 has been requested by Leisure Services to improve and maintain open space facilities at Hazelwell Recreation Ground. The applicant has not agreed to this financial contribution or provided any evidence to justify that it would impact on the viability of the scheme. The scheme therefore fails to adequately mitigate the increased usage of the nearby public open space. The development therefore does not make the required contribution to local infrastructure and services contrary to Policy TP47 of the BDP.

7. Conclusion

7.1. By virtue of its scale and design the proposal the materially harms the setting of listed building and detracts from the character of the area, the proposed development would therefore be contrary to the BDP and the NPPF. In addition there would be unacceptable living conditions for the proposed occupiers and there would be a harmful impact on adjacent occupiers. Insufficient information has been provided in relation to drainage matters, the applicant has failed to contribute towards local infrastructure and the proposal may also impact unreasonably on the operation of the British Oak Public House. The proposal would not constitute sustainable development and it is recommended that planning permission is refused.

8. Recommendation

8.1. Refusal

Reasons for Refusal

-
- 1 The scale, mass and design of proposal materially harms the character and appearance of the area. As such it would be contrary to Policy PG3 of the Birmingham Development Plan 2017 and saved Paragraphs 3.14C-D of the Birmingham UDP 2005, guidance in Places for Living adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.
 - 2 The proposed development by virtue of its scale and appearance would materially harm the setting of the Grade II listed British Oak PH. As such it would be contrary to Policies PG3 and TP12 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
 - 3 The proposed development would lead to an unacceptable living environment for future occupiers of the flats, by reason of noise and general disturbance from the adjacent public house. As such the proposal would be contrary to Policies GA1 and PG3 of the Birmingham Development Plan 2017, saved paragraph 3.14D of the Birmingham Unitary Development Plan 2005 and the National Planning Policy Framework.
 - 4 Insufficient evidence has been provided to demonstrate that the proposal can be integrated successfully next to a public house. The proposal could therefore undermine the future vitality and viability of the public house. As such it would be contrary to Policy PG3 of the Birmingham Development Plan 2017 and paragraph 182 of the National Planning Policy Framework.
 - 5 Insufficient information has been provided to demonstrate that the development will not exacerbate surface water flooding locally contrary to Policy TP6 of the BDP and the NPPF.
 - 6 The proposed roof top garden on Hunts Road does not provide an adequate separation distance to existing residential units and would lead to a loss of privacy. As such the proposal would be contrary to Policies PG3 and TP27 of the Birmingham Development Plan 2017, saved Paragraph 3.14C of the Birmingham UDP 2005, guidance in Places for Living adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.
-

7 The development does not comply with public open space requirements meaning that the scheme fails to mitigate its impact on the locality which is contrary to Policy TP47 of the BDP and the NPPF.

Case Officer: Andrew Fulford

Photo(s)



Photo 1: View from Pershore Road with British Oak in background



Photo 2: View from Hunts Road



Photo 3: View from Pershore Road showing junction with Hunts Road



Photo 4: Properties on Hunts Road adjacent to application site

Location Plan



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Committee Date:	04/06/2020	Application Number:	2019/10647/PA
Accepted:	30/12/2019	Application Type:	Full Planning
Target Date:	05/06/2020		
Ward:	Edgbaston		

University of Birmingham, Former Munrow Sports Centre Site, Edgbaston Campus, West Gate, Edgbaston, Birmingham, B15

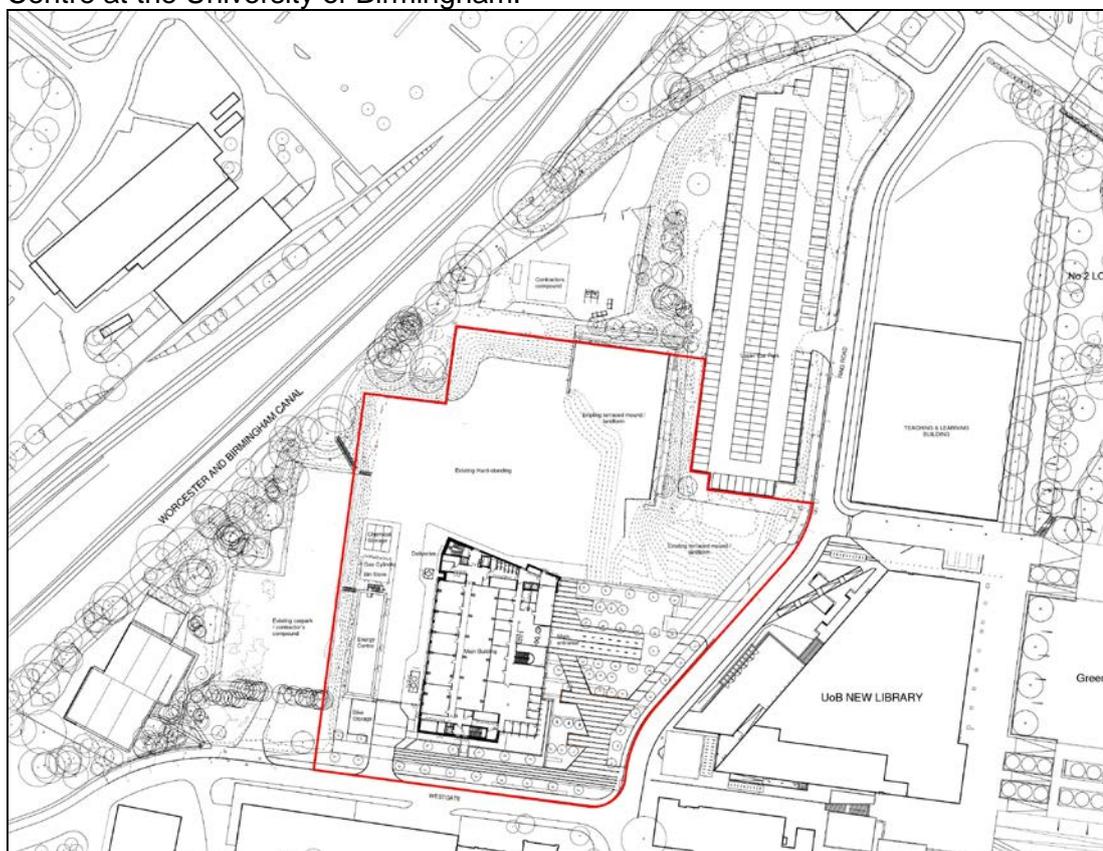
Erection of a molecular sciences academic building (Use Class D1) of 12,790sqm comprising laboratories, offices, lecturing and tutorial rooms and containment/ waste rooms along with hard and soft landscaping and engineering works (Phase 1).

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for the erection of a 12,790sq.m modular sciences academic building (Use Class D1) comprising laboratories, offices, lecturing and tutorial rooms and containment/waste rooms along with an energy centre; hard and soft landscaping and engineering works (phase 1) on the former Munrow Sports Centre at the University of Birmingham.



Proposed site plan

- 1.2. The proposed development forms the first phase of a University flagship facility for research. The building would have a focus on chemical, environmental and bio-molecular sciences and would be primarily focused on post-graduate and academic research and would complement the recently completed new teaching labs on campus. Whilst this application is limited to this initial phase, the proposal has been developed in accordance with the University's Capital Plan for the continued redevelopment of the wider site north and eastwards to support provision for science based research and education.



Phase 1 – Outlined as Plot 1 within an indicative potential future context

- 1.3. The Phase 1 building proposed would accommodate the School of Chemistry, a number of Environmental Scientists from the School of Geography, Earth and Environmental Sciences and an interdisciplinary postgraduate research student centre. It would comprise a range of specialist and generic laboratory spaces including:
- Synthetic chemistry – fume cupboard intense primary labs;
 - Specialist labs including NMR and MRI, Mass Spec and Chromatography, Laser Labs, Cell Biology etc.
 - A collaborative research environment which is interactive, flexible and adaptable;
 - Open plan write up offices, academic offices and meeting rooms;
 - Chemistry hub and education support; and
 - A post graduate interdisciplinary research hub.
- 1.4. The accompanying Energy Centre building, proposed to the west of the building, would contain infrastructure support functions including a HV switch room; chilled water plant; energy centre and stores. Additionally, various ancillary structures and screened enclosures are proposed with the following uses:
- Chemical Storage (solvents, acids, pure & waste)
 - Bulk Gas / Chemical Vessels
 - Gas Cylinder storage

- General waste & recycling storage

- 1.5. The proposed phase 1 building would have a gross internal area (GIA) of 11,347sq.m (including plant) and 9,477sq.m (excluding plant) with a net usable area of 6,676sq.m of which approximately 67% would be laboratories and 33% offices. The building would accommodate approximately 500-600 people. The vast majority of which, would be relocated from existing facilities in various buildings on campus – the majority coming from Haworth Building.
- 1.6. The design of the building makes use of the sloping site topography by placing the main entrance at ground floor level, accessed from the proposed new landscape plaza to the east, with a lower ground floor beneath which would have access from the south and west elevations. The key features of the building design have led to a building that would be focused around an optimised laboratory zone with building services & circulation pushed to the edges in vertical cores and flexible office spaces alongside fronting the campus. The significant laboratory ventilation plant is positioned on the roof (with ready access to fresh air supply and safe exhaust). Other plant and supporting infrastructure would be provided in a separate out-building, minimizing intrusion on the valuable ground-bearing laboratory space and minimizing impact from noise, vibration and electromagnetic interference.
- 1.7. The building would be 6/7 storeys in height including the lower ground (five above ground) and the equivalent of two floors of plant. The building would measure 50m in width, 61.7m in length and 32m in height. The accompanying energy centre would measure 33.5m in length, 8.8m in width and 9.25m in height. The main uses within the building would occupy the lower ground floor (basement), the ground floor and a further three floors above.
- 1.8. The lower ground level would provide various large specialist analytical laboratory facilities. There would be connectivity with the service yard and energy centre outbuilding along the western elevation, with access provision for deliveries. The office side of the building is accessed down from the ground level above and includes tutorial & meeting rooms, write-up and technicians offices. The primary building access would be located on the ground floor into a secure arrival space. Security gates would allow controlled access into the facility beyond reception. A range of generic laboratory space would be provided at this level, together with a large zone of write-up office and administration offices, meeting space, and collaborative working & breakout spaces. External plant and chemical stores would also be located on the ground floor. Floors 1, 2 and 3 feature further laboratory and office accommodation, designed in line with the intended research groups.
- 1.9. Above level 3 would be a large double storey height laboratory ventilation plant room. The roof over this level could be used for a solar PV panel array. Adjacent to this on the west (rail/canal) side would be a double height screened plant area for extract equipment and fans. To the eastern side; facing the University Library; would be a single storey plant room for office ventilation which could have a green roof. There would be a large rooflight over the central circulation void. A screened enclosure would wrap around the south east corner at a consistent height with the office plant room. This would partially conceal a roof-top research area which would include outdoor roof space for air sampling and a rooftop research cabin housing various research instruments. The proposed energy centre, located to the west of the building, would similarly feature a screened rooftop area which would enclose chiller plant equipment.

- 1.10. The proposed west and south elevations of the building would have large format metal cladding, with punched horizontal windows for the main laboratory zone. The lower ground floor plinth would be constructed in the same material but with a perforated / expanded mesh finish to give a darker and more textured base. The double-height plant room and open plant areas would have a similar textured perforated / expanded mesh finish, but in a contrasting silver/grey metal. The laboratory façades would be detailed in large flat metal panels with a naturally variegated finish.
- 1.11. The 'wedge' shaped knuckle element at the northern end of the building would form the functional and aesthetic transition and connection point to the planned further phases of construction. It is proposed to be purposely expressed in contrasting visually 'heavyweight' concrete finished panels, which would be separated from the metal laboratory cladding by a deep shadow recess. The service yard would be visually screened, firstly by the surrounding topography, and secondly by means of a coordinating perforated / expanded mesh-clad vehicle and pedestrian gate, set to align with the south elevation of the Energy Centre outbuilding.
- 1.12. The proposed appearance of the east and south-east elevations responds to its proposed office function. A curtain walling glazed façade would maximise natural daylight inwards and views out over the new landscaped plaza. Floor to ceiling glass would be complemented with glazed spandrel panels and a ceramic frit to help control solar heat gain. The key feature of these elevations would be the vertical shading fins which would project out from the façade at 90 degrees. A metal-clad canopy would frame and highlight the building entrance and the key spaces adjacent to it. The single storey office-side plant room and screened rooftop experiment area are treated in a similar way to the lab plant room, but in an alternative material/colour finish, that coordinates with the vertical fins.



Phase 1 –Proposed Aerial View from South East corner.



Phase 1 –Proposed Aerial View from South West corner.

- 1.13. A number of vertical flues rising from the rooftop would be required. The exact number and height of the flues is yet to be determined. However, their possible visual composition and scale is illustrated on the drawing below. The plans to be determined by Your Committee indicate the vertical flues to be approximately 16.5m in height with 8m in height visible above the top of the building and being 9 in number set in three groups of three (which is different to the image below).



- 1.14. The proposed development would require the loss of the Category C Elder tree and three groups of trees comprising 1 Category B (Common Ash, Crack Willow and Sycamore) and 2 Category C groups (Common Ash).
- 1.15. A new landscaped plaza would be located to the east of the proposed building adjacent to the entrance. The new plaza area would incorporate significant new tree planting including the use of Hornbeam, Golden Honey Locust, Small Leaved Lime, West Himalayan Birch, Juneberry and Tibetan Cherry.
- 1.16. Three accessible car parking spaces would be located on site. 407 spaces would be lost from the existing temporary car park on site. 23 cycle spaces are proposed on site.
- 1.17. Existing staff would move from the existing School of Chemistry into the new facility. A further 12 staff are required as a result of the development.
- 1.18. The BREEAM Pre-assessment indicates that the proposed development would meet the BREEAM Excellent Criteria.
- 1.19. The application has been screened for an EIA and it was determined that one was not required.
- 1.20. The application is supported by a Planning Statement, Design and Access Statement, Transport Statement, Ground Conditions/Contamination Report, Flood Risk Assessment, Desk Based Archaeological Assessment and Written Scheme of Investigation, Built Heritage Technical Note, Sustainable Construction and Energy Statement, Preliminary Arboricultural Assessment and a Preliminary Ecological Appraisal. Additional drainage, ecology and tree information has been submitted during the course of the application.
- 1.21. Site area: 1.4Ha.
- 1.22. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The land identified for the Molecular Sciences building is located at the site of the former Munrow Sports Centre with Pritchatts Road situated to the north, University Ring Road to the east, University Road West to the south and the Worcester and Birmingham Canal to the west.
 - 2.2. The land previously accommodated the Munrow Sports Centre and remnants of the accompanying running track. It is now currently used as temporary car parking associated with the University following the demolition of the Munrow Sports Centre. The adjoining land to the north is being used as a site compound and contractor's parking area currently occupied by Wilmott Dixon. It is also located adjacent to a designated wildlife corridor and cycle highway to the north-west.
 - 2.3. The canal runs outside of the site boundary and sits approximately 5.5m above the application site level.
 - 2.4. Campus car parks sit to both the west and north east of the site, both at elevated positions in relation to the site.

2.5. The Site is located adjacent to the Edgbaston Conservation Area and is in close proximity to several statutorily listed buildings. The Site is also situated in close proximity to the Scheduled Monument of the Metchley Roman Fort.

2.6. [Site Location Map](#)

3. Planning History

3.1. 13 March 2020. 2019/08398/PA. Planning permission granted for development platforms, laying out of a temporary access road, erection of hoardings and security fencing, creation of a construction compound and associated enabling works in connection with the construction of Phase 1 of the molecular sciences building

3.2. 5 February 2020. 2019/05598/PA. Planning permission granted for the erection of student accommodation (496 bed spaces) and multi storey car park (482 spaces), landscaping, car parking and associated works at Pritchatts Road Car Park and Ashcroft Halls of Residence.

3.3. 17 November 2017. 2017/08603/PA. Planning permission granted for the creation of additional 42 car parking spaces.

3.4. 13 September 2017. 2017/06228/PA. Planning permission granted for the creation of additional 46 car parking spaces.

3.5. 11 July 2017. 2017/04414/PA. Planning permission granted for the creation of additional 29 car parking spaces.

3.6. 22 July 2016. 2016/03861/PA. Planning permission granted for the retention of 115 car parking spaces and the creation of a further 15 car parking spaces (totalling 130 car parking spaces).

3.7. 15 September 2016. 2016/03240/PA. Planning permission granted for the erection of 3 storey education building called 'Central Teaching Labs' of 6,700sqm, including Wet (chemistry) Laboratory, Dry (electronics/earth Sciences) and E-laboratory (virtual Teaching Laboratory) and car parking (7 spaces on-site and 105 spaces on the former Munrow Sports Centre site), associated landscaping, engineering works and access onto the loop road to the rear of the site.

3.8. 29 October 2012. 2012/02047/PA. Hybrid application for various works including new sports centre, new library, halls of residence, library store, repositioned running track, pedestrian route to the vale. Demolition of the existing library and the Munrow Sports Centre. Approved subject to S106 to secure parking surveys and funding for on street parking restrictions.

4. Consultation/PP Responses

4.1. Local residents and businesses, Ward Councillors, MP and resident associations notified. Site and press notice posted.

4.2. One letter of comment from a Selly oak resident stating *“yet again a very good application from the University, but sadly again the University turns its back on the canal bank which has huge potential to enhance campus life if properly managed. The canal should be a key part of this development, at the moment it is a mess that lets the University down. A missed opportunity?”*

- 4.3. A letter of objection has also been received from Councillor Deidre Alden stating “*I object to this if (as I assume) no car parking is included. The University employs thousands of people and the roads around are choc-a-block with parked cars. If redevelopment is happening, the least it can do is incorporate some much needed car parking on site (instead of on the residential roads).*”
- 4.4. Transportation – No objection subject to conditions relating to disabled parking spaces and the private access road and servicing area being provided prior to occupation; a minimum of 50 secure and covered cycle spaces being provided prior to occupation and the submission of a travel plan within 6 months of occupation.
- 4.5. Severn Trent Water – No objection subject to a drainage condition.
- 4.6. West Midlands Fire Service – No objection. The approval of Building Control will be required to Part B of the Building Regulations 2010.
- 4.7. Environment Agency – No objection subject to safeguarding conditions relating to the submission of a contaminated land remediation strategy and piling.
- 4.8. Canal and River Trust – No objection subject to a safeguarding condition relation to a Construction Ecological Management Plan. They are however disappointed that the biodiversity bar is set low at not reducing rather than seeking a net gain in line with government objectives.
- 4.9. Regulatory Services – No objection subject to a construction management plan condition and extraction and ventilation condition.
- 4.10. Lead Local Flood Authority – Objected to the original submission. No objection to the revised information subject to sustainable drainage conditions.
- 4.11. Network Rail – No objection.
- 4.12. West Midlands Police – No objection. There have been 66 calls to the post code assigned to the site, in the past 12 months. Incidents have included vehicle crime and theft, robbery and burglary, theft of pedal cycles and protests. This proposed development is part of the Birmingham University Site and will therefore be under the care of their on-site Security, which is a positive. CCTV should be installed to cover the perimeter of the site, including any parking area, cycle storage, bin store, landscaped areas, rear service yard, egress/entry to the building and communal space/corridors within the building. I note that access to the service yard is secured by automated gates and this is supported. All post is delivered internally and distributed by UoB staff so post boxes are not required. I note that litter bins are sited away from the building line, this is also supported. The lighting scheme should offer a consistent uniformity of light and be complimentary to the CCTV scheme and the building should be protected by an alarm system that should be linked to an alarm receiving centre (and or on site security).
5. Policy Context
- 5.1. BDP, NPPF, NPPG, Car Parking Guidelines SPD, Places for All SPD, Regeneration Through Conservation SPG. Listed Buildings within the University Campus. Edgbaston Conservation Area borders the University Campus to the North.
6. Planning Considerations

Background

- 6.1. The University of Birmingham's Estates Strategy *Building on Strong Foundations: 2016 – 2026* sets out the University's ambition for developing its estates portfolio which includes providing an up-to-date working environment. This also includes providing fit-for-purpose teaching and learning spaces and University facilities that are fully accessible and meet all ability needs.
- 6.2. The University of Birmingham is seeking to strengthen its core research capabilities in the chemical, environmental, and bio-molecular sciences. To achieve this, the University is proposing to construct a new Molecular Sciences building that would facilitate interdisciplinary, challenge-led collaborative research. The Molecular Sciences facility would co-locate scientists and synergistic research in interests in Engineering and Physical Sciences, Life and Environmental Sciences, and Medical and Dental Sciences to enhance the research performance of the University of Birmingham.
- 6.3. The first stage of the project is Phase 1 of the Molecular Sciences scheme which would accommodate the University's School of Chemistry and a small cohort of Environmental Scientists from the School of Geography, Earth and Environmental Sciences (GEES), as well as an interdisciplinary post-graduate research student centre. The proposed Molecular Sciences building would be located on the former Munrow Sports Centre.

Principle

- 6.4. Policy GA9 (Selly Oak and South Edgbaston) of the BDP states that the Selly Oak and South Edgbaston area will be promoted for major regeneration and investment. This includes promoting an economic, research, and health focused role around the University of Birmingham. Policy GA9 confirms that further educational and associated uses that maintain and enhance the University's facilities will be supported recognising the character of the campus and the important historic and architectural value of its listed buildings.
- 6.5. Policy TP36 of the BDP states that the expansion of the cities universities will be supported and that new educational development should be well served by a variety of transport nodes. The site lies on multiple bus routes, is in walking distance of all other campus facilities and is in close proximity to the university train station.
- 6.6. The proposed Molecular Sciences scheme would strengthen the University's core research capabilities within the chemical, environmental and bio-molecular sciences. The facility would enable students to experience a wider range and style of research, enhancing the quality of the overall offer and teaching experience at the University. It would enable the University to expand its campus research facility portfolio and maintain its status as a world-leading research institution, contributing to the research and innovation capabilities of the UK economy.
- 6.7. Planning permission has already been granted (In March this year) for the enabling works relating to this phase one development. As such, the principle of this development being located on this site has already been established.
- 6.8. As policy GA9 and TP36 identify that further educational uses will be supported, I consider that the principle of the proposed development is in accordance with BDP policy.

Design

- 6.9. Policy PG3 of the BDP seeks to create a positive sense of place with design that responds to site conditions, local context, creates safe environments, provides attractive environments; make sustainable design integral, and supports the creation of sustainable neighbourhoods. Furthermore, Policy 3.14, of the UDP (saved Policies), states that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. Paragraph 124 of the NPPF states that *“Good design is a key aspect of sustainable development creates better places in which to live and work and helps make development acceptable to communities.”* Places for All (SPD) sets out design principles to promote good design and highlights the importance of design in achieving places that are successful and sustainable in social, economic and environmental terms. The design principles contained within the policy states that development should reinforce and build on local characteristics that are considered positive and expresses that care should be taken not to detrimentally affect positive townscape and landscape.
- 6.10. The building would be 6/7 storeys in height including the lower ground floor (five above ground) and the equivalent of two floors of plant. The building would measure 50m in width, 61.7m in length and 32m in height. The accompanying energy centre would measure 33.5m in length, 8.8m in width and 9.25m in height. The main uses within the building would occupy the lower ground floor (basement), the ground floor and a further three floors above. The entrance to the building would be located on the eastern elevation fronting the main access road through the campus.
- 6.11. The campus buildings that line the opposite side of the campus road network are typically between 3 and 5 storeys. Whilst recent buildings such as Central Teaching Laboratories, the Library and the Teaching & Learning building all have a significant presence on the site, their principal facades all face the opposite way. At surface level especially, the frontages are characterised by service areas and associated functions, rather than active uses. Whilst the building is proposed at six/seven storeys in height, due to site levels, one of these would be at lower ground level. This lower level would not be visible from the east entrance elevation due to this being at grade with the road.
- 6.12. On this basis, I consider that the overall layout, including the disposition of the buildings, servicing, public space and routes around the site is acceptable. The building would sit in a pivotal location between the proposed bridge to University Station and the Green Heart, and the location of a public space in front of the building seems appropriate. With such an active elevation on the east side, it should bring liveliness to this part of the campus, making it feel safer, more pleasant and connected. The scale, height and massing of the building would be in keeping with the other large scale institutional buildings of the University campus and appropriate to the use and the campus setting.
- 6.13. City Design considers that the layout of the building is logical and it is recognised that the architecture has developed in response to the various functions. They consider that this helps to create an understandable building where office functions are clearly distinguishable externally from the laboratories and service cores. The use of the Aston Webb building as inspiration, in terms of building form, the expression of phases as modular components of a whole, and the vertical division of treatments is interesting and relevant. The main entrance is clearly expressed.

- 6.14. In terms of the design there is a definite front and back of the building. The front has detail, depth and articulation thanks to the vertical fins, solid metal framing of the entrance and fritted glazing. The rear elevation is much more pared back, flat, repetitious and functional, which is arguably appropriate for the laboratories. The concept of providing a definite vertical transition in materials is welcomed, which reduces the monolithic aspect by providing a clear base and top. City Design considers the design appropriate and I concur with their view. The proposed development is considered to accord with Policy PG3 of the BDP and the NPPF.

Conservation

- 6.15. The site lies in reasonably close proximity to a number of listed buildings, these being:
- The Great Hall and Quadrant Range of the University of Birmingham (Aston Webb building)
 - Chamberlain Tower (Old Joe)
 - Lodges, gates, piers and walls at University of Birmingham
 - Minerals and Physical Metallurgy Building at University of Birmingham
- All are listed at grade II apart from Aston Webb building which is grade II*.

- 6.16. Policy TP12 of the BDP on the Historic Environment states that “Great weight will be given to the conservation of the City’s heritage assets. Proposals for new development affecting a designated or non-designated heritage asset or its setting, including alterations and additions, will be determined in accordance with national policy.” The NPPF in Paragraph 195 states that “Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

- 6.17. Conservation has reviewed the proposal in light of the reasonably close proximity to a number of Grade II and a Grade II* listed buildings. Conservation considers that they have little or no inter-visibility with the application site and therefore the development is not considered to impact on the setting of these buildings, either through visual links or how they are experienced. The scale of the development is generally acceptable within the context of the setting of the identified listed buildings and it is noted that there are a number of other developments of this or similar scale in the immediate and wider campus area. I concur with this view.

- 6.18. Based on the above, I consider that no harm would occur to the setting of the identified listed buildings and as such, I consider that the proposal complies with both BDP and NPPF policy requirements.

Archaeology

- 6.19. The former Munrow Sports Centre site is located in close proximity to Metchley Roman Fort Scheduled Monument and it is possible that the development could impact the buried archaeology associated with the asset in the immediate vicinity.
- 6.20. Policy TP12 of the BDP relates to the historic environment and confirms that the historic environment consists of, amongst other things, archaeological remains. It reaffirms that applications for development affecting the significance of a designated or non-designated heritage asset, including proposals for removal, alterations, extensions or change of use, or on sites that potentially include heritage assets of archaeological interest, will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting. This information will include desk-based assessments, archaeological field evaluation and historic building recording as appropriate.
- 6.21. Paragraph 189 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment, and where necessary a field evaluation.
- 6.22. A Written Scheme of Investigation (WSI) has been prepared by AJ Archaeology and is submitted in support of the planning application. The WSI sets out the scope of archaeological trenching to be undertaken to assess the impact of the proposals for the Molecular Sciences Phase 1 development on archaeological remains. This includes those relating to the possible course of a Roman road associated with the nearby Metchley Roman Forts.
- 6.23. The WSI confirms that two trenches, totalling 34m in length would be excavated on site and have been located to intercept the suggested alignment of the Roman road. Machine excavation would be used on the car park surface and its foundation and would be under continuous archaeological supervision. No machine excavating would be undertaken below 2.4m in depth from the modern ground surface. A selection of archaeological features or feature types would be hand-excavated to recover their original profile. Modern features or disturbances would not be hand-excavated.
- 6.24. All finds excavated from the trenches would be cleaned, marked, and bagged with suitable remedial conservation work undertaken. An on-site monitoring meeting would be held during the trenching.
- 6.25. My Archaeology/Conservation Officer considers that the submitted WSI provides a robust methodology for the trial trenching and excavation to be undertaken on site as well as detailing the procedures to be undertaken for recording any finds excavated from the site and the principle of this has already been agreed through the previous enabling works planning permission. On this basis, the proposed development is considered to be in accordance with the requirements of Policy TP12 of the BDP and Section 16 of the NPPF.

Ecology and Biodiversity

- 6.26. Policy TP8 of the BDP relates to biodiversity and geodiversity, and outlines that the maintenance, enhancement and restoration of sites of national and local importance for biodiversity and geology will be promoted and supported. Development which directly or indirectly causes harm to local sites of importance for biodiversity and geology, priority habitats and important geological features, species which are legally protected, in decline, are rare within Birmingham or which are identified as national or local priorities will only be permitted in certain circumstances. The Policy confirms that all development proposals should, where relevant, contribute to enhancing Birmingham's natural environment and identify how ongoing management of biodiversity and geodiversity enhancement measures will be secured.
- 6.27. Section 15 of the NPPF relates to conserving and enhancing the natural environment. Paragraph 170 asserts that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.28. A Preliminary Ecological Appraisal (PEA) is submitted in support of the application. The PEA confirms that no European statutory sites are within 5 km of the site, there is one UK statutory site within 2 km, one ancient woodland within 2 km and 15 non-statutory sites within 1 km. The site is also not located within 10 km of a statutory site designated for bats. It also notes that Edgbaston Pool Site of Special Scientific Interest (SSSI) is located 630m east of the site.
- 6.29. The site was previously occupied by the Munrow Sports Centre. These buildings have been demolished and the site is now a two-level car park divided by a retaining wall. There are small areas of vegetated habitats around the edges of the site, including grassed embankments to the west and east (the latter also supporting scattered trees and scrub), ephemeral vegetation to the east and ornamental shrub planting towards the southern end. The trees are all aged between immature and semi-mature, are in good condition and contain no features which could be used by roosting bats. There are no built structures with bat roost potential. Trees and areas of denser shrubs/scrub provide habitat opportunities for nesting birds. The grassed embankments may provide some limited habitat resources for pollinating insects and other invertebrates. Some patches of the invasive species Himalayan balsam were recorded towards the northern end of the eastern embankment, and in the area of ephemeral vegetation on the eastern boundary.
- 6.30. Worcester and Birmingham Canal SLINC is located to the west of the site, some 10m from the boundary at the closest point. Although this designated site will not be directly impacted by the proposed development, there is potential for indirect impacts, such as changes in light levels (which may impact on use of the canal corridor by nocturnal wildlife). Two Potential Sites of Importance (PSIs) are located slightly further away from the site, but have direct habitat connectivity to the SLINC; again while these sites will not be directly affected, there is potential for indirect impacts.
- 6.31. There are records of bat activity along the canal; common pipistrelle roosts have also been recorded in university buildings close to the site, and bat boxes have been installed as part of the biodiversity enhancement measures in the Green Heart. The treed embankment along the eastern boundary of the site provides some habitat connectivity to the canal corridor. Otters have been recorded along the canal

corridor, which provides a potential commuting route. There are records of badgers in the local area; the site offers some limited habitat opportunities and may be used as a commuting route, but no sett excavations were recorded during the site survey.

- 6.32. The City Ecologist reviewed the submitted PEA and requested a Biodiversity Impact Assessment (BIA) be submitted. This assessment formed part of the revised information submitted. This has calculated the current biodiversity value of the site as 1.38 biodiversity units. The scheme proposes biodiverse soft landscaping (comprising neutral grassland and shrub and herbaceous planting) of 0.16ha and a green roof of 0.02ha. The BIA report states the biodiversity unit value from creation and management of these habitat features will offset the biodiversity loss from the development and demonstrate no net loss. The BIA calculations show an onsite compensation gain of 1.39 biodiversity units, which results in a biodiversity net gain (BNG) of 0.01 units. In order to achieve this minor net gain, the BIA states a biodiversity enhancement and management plan will be produced, with the aim of the green roof achieving a good target condition in five years, and the grassland, shrub and herbaceous planting achieving a good target condition in ten years. Whilst the BIA demonstrates the scheme's compliance with national and local planning policy from the perspective of ensuring no net loss of biodiversity, the City Ecologist and I consider that this level of net gain is disappointing, and hope to see future phases of this development to adopt a more positive and proactive approach to delivering significant BNG from the outset.
- 6.33. The submitted BIA states a biodiversity enhancement and management plan will be prepared, which will provide details of strategies for creating and enhancing the grassland, shrub and herbaceous planting and green roof. This plan is the mechanism by which an ecologically-led planting design, using species with demonstrable biodiversity benefits, must be delivered, and it must be used to inform the detailed planting plans as these are developed. The City Ecologist has recommended that a safeguarding condition should be attached to any approval to secure the submission and implementation of the stated biodiversity enhancement and management plan. This is subsequently recommended below.
- 6.34. The City Ecologist, whilst raising concerns regarding the lack of biodiversity gain from the proposed development, raises no objections to the proposal subject to the safeguarding conditions identified along with conditions relating to the green roof, lighting scheme and a construction ecological management plan. I share the concerns raised by the City Ecologist and concur with their view. On this basis, I consider that the proposal complies with the requirements of Policy TP8 of the BDP and Section 15 of the NPPF. The requested safeguarding conditions are recommended below.

Trees

- 6.35. Policy 3.14D of the Birmingham UDP refers to the integration of landscaping and the retention of existing mature trees. Policy 3.16A seeks the retention and protection of trees and landscape in the urban environment, with developers expected to give priority to the retention of trees. Policy TP1 of the BDP is set out to reduce the City's carbon footprint and thus supports the expansion of tree provision, whilst Policy TP7 states that new development schemes should allow for tree planting in both the private and public domains.
- 6.36. A Preliminary Arboricultural Assessment (PAA) is submitted in support of the planning application. The PAA provides a record of the current condition of the tree stock on the Site as well as a tree constraints plan. The arboricultural assessment

has surveyed 10 individual trees comprising 3 Category B Oak, 1 Category B Red Oak, 1 Category C Red Oak, 1 Category B Whitebeam, 1 Category A Oak, 1 Category B Hybrid Black Poplar, 1 Category U Hybrid Black Poplar and 1 Category C Elder. A further 2 Category C hedgerows were surveyed and 17 groups of trees comprising 13 Category B and 4 Category C.

- 6.37. Planning permission has already been granted for the removal of one Category C Elder tree, partial removal of a Category B group (Common Ash, Crack Willow and Sycamore) and removal of 2 Category C groups of trees of Common Ash as part of the previously approved enabling works. The proposed development would require the loss of the Category C Elder tree and three groups of trees comprising 1 Category B (Common Ash, Crack Willow and Sycamore) and 2 Category C groups (Common Ash).
- 6.38. My Arboricultural Officer has reviewed the submission and considers the loss outlined above to be broadly acceptable as long as we ensure that all tree planting has sufficient rooting space to develop and an establishment and maintenance regime is put in place. If this is done then over the course of the wider development we should be able to see canopy net gain. Safeguarding conditions are requested relating to replacement tree details along with the submission of tree retention/tree protection plans and an arboricultural method statement.
- 6.39. I concur with the Arboricultural Officers view and the relevant conditions are recommended below. On this basis, I consider the proposal to comply with Policies TP7 of the BDP along with 3.14D and 3.16A of the Birmingham UDP.

Ground Conditions and Contamination

- 6.40. Paragraph 178 of the NPPF states that planning decisions should ensure that, amongst other things, a site is suitable for its proposed use taking account of ground conditions and any risk arising from land instability and contamination. This includes risks arising from natural hazard or former activities such as mining, and any proposals for mitigation including land remediation (as well as impacts on the natural environment arising from that remediation).
- 6.41. A Geotechnical and Contaminated Land Interpretive Report is submitted in support of the proposal.
- 6.42. The report confirms that there is no visual evidence of contamination on site and that no visual evidence of potential asbestos containing material was noted in during the ground investigation. It also confirms that the risks to current and future site users from soil contamination should be low in areas where hard cover such as buildings and roads are present. It recommends that a suitable thickness of clean soil could be introduced in areas of soft landscaping to ensure that risks remain low across the site.
- 6.43. The report also identifies that the risk to construction workers could be higher due to the potential for coming into direct contact with soils but could be mitigated where made ground is being excavated to ensure the risks from exposure to contaminants by construction works remains low along with measures to prevent the generation of dust or run off.
- 6.44. The report confirms that, where there is unexpected contamination, a Remediation Strategy should be prepared to include measures for dealing with the contaminants as well detailing re-use and removal of material and waste. The Remediation

Strategy will also verify and ensure that the mitigation measures are appropriately implemented during the earthworks and construction works.

- 6.45. The Environment Agency requested the imposition of a safeguarding condition to secure the submission of a contaminated land remediation strategy and a condition restricting piling using penetrative methods on the previous enabling works planning permission and have requested that they are also attached to this planning permission. Regulatory Services raise no comments to this application in relation to ground conditions. As both parties raise no objection to the proposal I consider that the proposal complies with NPPF policy and the relevant conditions are recommended below.

Flood Risk and Drainage

- 6.46. Policy TP6 of the BDP relates to the management of flood risk and water resources. It confirms that site specific Flood Risk Assessments will be required in accordance with the requirements of the relevant national planning policy and the guidance outlined in the Birmingham Strategic Flood Risk Assessment. The policy also requires developers to demonstrate that the disposal of surface water from the site will not exacerbate existing flooding and that exceedance flows will be managed.
- 6.47. Paragraph 55 of the NPPF confirms that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 6.48. A Flood Risk Assessment (FRA) is submitted in support and considers the risk of various flood sources to the site the consequent risk of flooding to downstream receptors from the proposed development as a result of surface water runoff.
- 6.49. The FRA confirms that the site currently comprises mostly impermeable surfacing and that the proposed development is not anticipated to result in an increase in impermeable area and, therefore, surface water runoff within the site. Adding to this, the site would be served by a new surface water drainage network which would be designed to accommodate a 1 in 100 annual probability storm event, inclusive of an allowance for climate change; such that the residual surface water flood risk would be low.
- 6.50. The Environment Agency has raised no objection to the proposed development after reviewing the submitted FRA. The proposed development is considered to be at low risk of flooding and flood risk to downstream receptors would not increase following development.
- 6.51. The LLFA originally objected to the proposed development and requested further information relating to sustainable drainage. This has subsequently been submitted and reviewed. The strategy identifies that sustainable drainage measures in the form of infiltration is not a viable option as the site is not of a sufficient size for soakaways to be adequately provided. Discharge into a watercourse is also not possible from the application site and as such, it is proposed to discharge surface water into the public sewer at a discharge rate of 5 litres per second.
- 6.52. The LLFA have identified that there are elements of the drainage strategy that requires additional clarification to ensure that it complies with the requirements of Policy TP6 of the adopted Birmingham Development Plan. As such, without the

imposition of sustainable conditions, we would object to the proposed development as submitted. The relevant conditions are recommended below and with these conditions, I consider that the scheme is in accordance with policy TP6 of the BDP and the NPPF.

Highways and Car Parking

- 6.53. Policy TP38 of the BDP identifies that a sustainable transport system will require, amongst others: improved choice including public transport, walking and cycling and ensuring that land use planning decisions support and promote sustainable travel.
- 6.54. The application site is currently used as a temporary car park following demolition of the former Munrow Sports centre. It currently has 407 spaces. Following the recent approval of your Committee for student accommodation and a multi-storey car park at Pritchatts Park (Vincent Drive/Pritchatts Road), the spaces lost on this site will be relocated into the approved multi-storey car park. The proposed development proposes the provision of 3 accessible car parking spaces on site.
- 6.55. The application is supported by a transport assessment which identifies that the application site sits within Area 2 of the BCC Car Parking Guidelines whereby a maximum of 1 space per 3 staff and 1 space per 22.5 students would be required with a minimum of 1 accessible space. The site is identified as being highly accessible by car, bike, bus and train (within walking distance). In terms of trip generation, as the development would relocate existing staff and activities from elsewhere on campus; the proposed development is not predicted to generate any significant additional or new trips on the local highway network.
- 6.56. The assessment identifies that the proposal is the first phase of a molecular sciences facility on a site that previously housed the Munrow sports centre, and has recently been used as a temporary surface car park with 677 parking spaces. This first phase removes 407 of these spaces. The buildings are envisaged to typically accommodate around 500-600 occupants. The plot is accessed via private roads and has provision for servicing and drop-off/pick-up movements. There are 3 disabled parking spaces provided and a cycle parking store with 23 spaces shown.
- 6.57. Transportation has reviewed the assessment and notes that it refers to various parking spaces available at both on and off campus locations but the details on these aren't fully qualified, or relate to delivery timescales e.g. the Pritchatts Park MSCP but this isn't yet built. Other locations are referred to but don't have full details on what is available. They do however note that the direction of policy and guidance is to promote sustainable travel and a reduction in overall car parking.
- 6.58. On this basis, Transportation raise no objection to the proposed development subject to safeguarding conditions relating to disabled parking spaces are in place prior to the buildings being occupied; the private access roads and servicing areas are provided before the buildings are occupied; the cycle parking provision should be increased in line with BCC guidelines to have a minimum 50 spaces in a covered secure store provided before the buildings are occupied; and a Travel Plan for this facility is provided within 6 months of the buildings being occupied.
- 6.59. I note that in the intervening months, car parking would be lost from the site until the MSCP at Pritchatts Park is constructed. There is alternative car parking provision across the campus and the site is highly accessible by public transport. Policy emphasis is very much on the reduction of car parking in order to assist in the promotion of sustainable travel. On this basis, I concur with the view of

Transportation and consider that the proposed development would be in accordance with policy. The relevant safeguarding conditions are recommended below.

Other Issues

- 6.60. Policy TP3 on Sustainable Construction identifies that new development should be designed and constructed to maximise energy efficiency; conserve water and reduce flood risk, minimise waste and maximise recycling, be flexible and adaptable and incorporate measures to enhance biodiversity. Policy TP4 on Low and Zero Carbon Energy Generation states that “new developments will be expected to incorporate the provision of low and zero carbon forms of energy generation or to connect into low and zero carbon energy generation networks where they exist. In the case of non-residential developments over 1,000sq.m, first consideration should be given to the inclusion of Combined Heat and Power (CHP) generation or a network connection to an existing CHP facility. However, the use of other technologies will also be accepted.
- 6.61. The submitted supporting Energy and Sustainable Construction Statement includes a BREEAM Pre-Assessment which identifies that the site would meet BREEAM Excellent. The measures to be incorporated include:
- Heat recovery through the mechanical ventilation systems.
 - Use of solar gain through the design, orientation and layout of the building.
 - Use of PV Panels.
 - Connection to the Campus Wide District Heating System.
- On this basis, I consider that the proposed development complies with the requirements of TP3 and TP4.
- 6.62. The proposed development would not attract a CIL contribution.

7. Conclusion

- 7.1. Policy GA9 (Selly Oak and South Edgbaston) of the BDP states that the Selly Oak and South Edgbaston area will be promoted for major regeneration and investment. This includes promoting an economic, research, and health focused role around the University of Birmingham. Policy GA9 confirms that further educational and associated uses that maintain and enhance the University’s facilities will be supported recognising the character of the campus and the important historic and architectural value of its listed buildings. The proposed works are required as Phase One of a wider development to deliver a new molecular science facility for the University. As such, I consider this proposal to be acceptable.
- 7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would continue to provide significant economic and educational benefits, would continue to provide further local employment and knock-on social benefits and would not have an environmental impact, I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

- 8.1. That planning permission is approved subject to the conditions listed below.

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

-
- 2 Requires the agreed mobility access to be maintained
 - 3 Requires the submission of a remediation strategy
 - 4 No piling using penetrative methods
 - 5 Requires the prior submission of a drainage and sustainable drainage scheme
 - 6 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 7 Requires the prior submission of a construction ecological mitigation plan
 - 8 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 9 Requires submission of a Biodiversity Management Plan.
 - 10 Requires the submission of extraction and odour control details
 - 11 Requires the submission of hard and/or soft landscape details
 - 12 Requires the submission of hard surfacing materials
 - 13 Requires the prior submission of earthworks details
 - 14 Requires the submission of boundary treatment details
 - 15 Requires the submission of a landscape management plan
 - 16 Requires the submission of a lighting scheme
 - 17 Requires the submission of details of green/brown roofs
 - 18 Requires the prior submission of a construction method statement/management plan
 - 19 Requires the submission of sample materials
 - 20 Requires the submission of a CCTV and alarm scheme
 - 21 Architectural Details Required (for main building and energy centre)
 - 22 Prevents occupation until the service road has been constructed
 - 23 Requires the submission of a commercial travel plan
 - 24 Requires the disabled parking spaces to be laid out prior to use
 - 25 Requires the submission of cycle storage details
 - 26 Arboricultural Method Statement - Submission Required
 - 27 Requires submission of proposed tree planting details
-

28 Requires the prior submission of a construction employment plan.

29 Implement within 3 years (Full)

Case Officer: Pam Brennan

Photo(s)

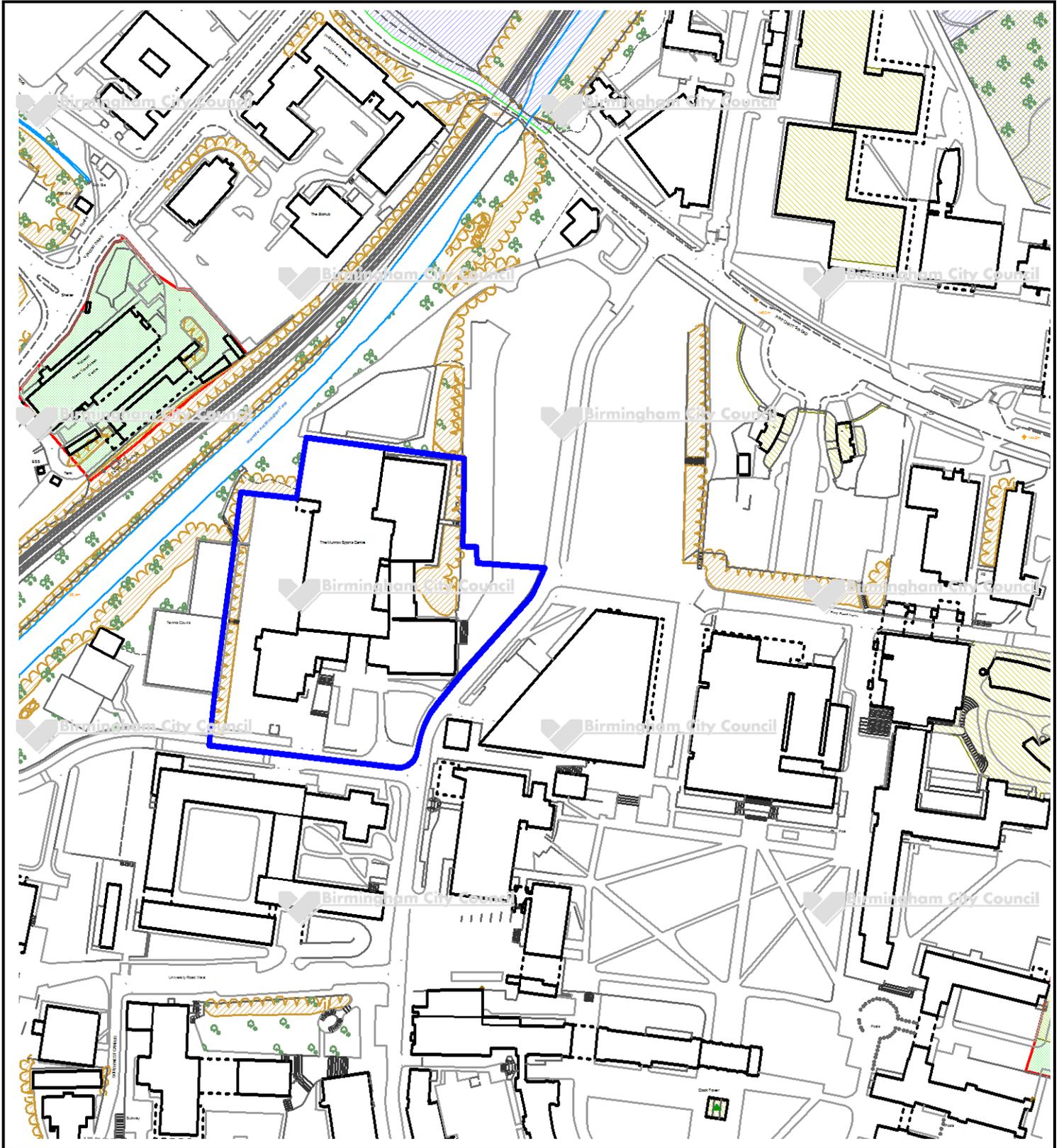


Photograph 1: Application site currently used as a car park



Photograph 2: Upper level of application site – currently used as construction compound

Location Plan



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Committee Date:	04/06/2020	Application Number:	2019/09406/PA
Accepted:	12/03/2020	Application Type:	Full Planning
Target Date:	11/06/2020		
Ward:	Edgbaston		

University Rail Station, Vincent Drive, Edgbaston, Birmingham, B15 2TT

Construction of a new station building for University Station, with station facilities (including ancillary retail floorspace within Use Classes A1/A3 up to a maximum of 250 sqm), forecourt area and canal footbridge along with associated infrastructure and landscaping on land to the north of the existing station building

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for the construction of a new station building for University Station, with station facilities (including ancillary retail floor space within Use Class A1/A3 up to a maximum of 250sq.m), forecourt area and canal footbridge, along with associated infrastructure and landscaping on land to the north of the existing station building.
- 1.2. The existing station was built to accommodate 400,000 passengers per year and is currently significantly over capacity, accommodating 3.48 million passengers each year. Throughout the day, the existing station struggles with managing the large flows of rail passengers, which often includes congestion and queues at stairs, gate-lines, on platforms and at ticket machines. With annual passenger numbers expected to reach over 7 million by 2043, the station is no longer considered fit for purpose.
- 1.3. The proposed development would accommodate current and future demand forecast at University Station through the construction of the following:
 - A new station building and footbridge;
 - Improved facilities for cyclists and pedestrians;
 - Upgraded amenities and more efficient operation, reducing over-crowding;
 - Improved platforms and waiting rooms; and
 - A large public space improving the approach to the station.
- 1.4. The proposed scheme would deliver a new station building on the site of the current at-grade University of Birmingham staff car park. A new station building would be located either side of the Cross-City railway line, linked together by a pedestrian footbridge which would provide access to the main station building facilities and platforms 1 and 2. Access to the station building would be taken from a new station approach and forecourt located on Vincent Drive, and a direct access from the University of Birmingham Edgbaston Campus via a new footbridge over the Worcester and Birmingham Canal. Direct access would also be provided directly

from the canal towpath. An exit from the station would remain available through the existing station building.



Aerial View of new station building and bridge – looking north



Proposed new station building and approach

- 1.5. At the platform level, improved amenities are proposed to support the station's staff presence. This would include a number of ticket gates at each platform access at the southern ends of the building, waiting facilities each side of the automatic ticket barriers, storage rooms and unpaid fair booths. Internal lifts are included centrally within both sides of the building, providing access to both platforms for those with restricted mobility. On the platform 2 side of the building, access would be provided directly through to the canal towpath.
- 1.6. At ground floor level, the building on the Platform 1 side of the station offers potential space for a retail unit adjoining the main ticketing and information area on the

ground floor, as well as 4 WC's and an accessible facility. One baby changing facility would be provided on the platform 1 side of the building, as well as meeting rooms for staff and two more WC's. Also at ground floor level, the platform 2 side of the building comprises a large circulation space as well as access to the lift and to stairs leading up to the Canal footbridge.

- 1.7. The first floor of the station building on each platform would contain large passenger circulation spaces, with seated waiting areas and a retail unit provided within the platform 1 side of the building. On the platform 2 side, access to the main University Campus would be via the proposed Canal footbridge.
- 1.8. The existing station building is proposed to be reused through minor alterations as an exit to facilitate the efficient flow of passengers exiting the new University Station. The station building would be remodelled to provide a ticket office for unpaid fares as well as the provision of a WC for staff. It is also proposed that a portion of the existing station building could be used as a retail unit.



Existing Station (as refurbished)

- 1.9. The station forecourt would provide a drop-off outside the station, with space for taxis to drop off passengers, as well as space to accommodate the hospital shuttle bus. A large, landscaped public space for the approach to the station and forecourt is proposed, which interprets and incorporates elements of the Metchley Roman Fort Scheduled Monument. The forecourt would also provide cycle parking.
- 1.10. No passenger car parking is proposed. Four parking spaces for operational staff of the station (including 1 no. accessible space) are proposed and these would be located adjacent to the main station entrance in a secured service area. The proposed development would result in the loss of the 110 car parking spaces.
- 1.11. It is envisaged that an average of 10 staff will be working at, or from, University Station.
- 1.12. 27 trees (One Category B and 26 Category C) and 7 Category C tree groups would be removed as a result of the development. 37 new trees are proposed within the landscaped public space.

- 1.13. The BREEAM Pre-assessment indicates that the proposed development would meet the BREEAM 'Very Good' Criteria.
- 1.14. The application has been screened for an EIA and it was determined that one was not required.
- 1.15. The application is supported by a Design and Access Statement; Planning Statement; Landscaping Design Report; Heritage and Archaeological Assessment; Tree Survey (including vegetation analysis); Bat Survey; Preliminary Ecological Appraisal Report (PEAR); Noise Impact Assessment; Initial Air Quality Impact Assessment; Flood Risk Assessment; Sustainable Drainage Assessment and Operation and Maintenance Plan; Transport Assessment; Travel Plan; Sustainable Energy and Construction Statement and a Geotechnical Desk Study.
- 1.16. Amended plans have been received during the course of the application following consultation responses on the original submission.
- 1.17. Site area: Approximately 1.98 hectares.
- 1.18. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The Site contains the existing University Station building and associated surface car park situated adjacent to the NHS Blood and Transplant centre on the north western part of the Site. It also includes a pair of vacant tennis courts, and the Cross-City line railway corridor which forms the eastern boundary of the Site. The railway corridor is adjoined on either side by strips of vegetation, including that which runs parallel to the Worcester and Birmingham Canal. The Site area also includes a small section of the Canal associated with the footbridge to be delivered as part of the scheme and extents include a disused aviary and vegetated area adjacent to Westgate.
- 2.2. The existing University Station is located at Vincent Drive at the western edge of the University of Birmingham campus. Vincent Drive provides access to the station from the north east direction, New Fosse Way provides access to the station from the south, and Westgate provides the main pedestrian access to the station and runs along the southern boundary of the Site.
- 2.3. The current station building is located to the south west end of the platforms fronting the Westgate highway, and is currently the only access to the station services, which includes the following:
 - 1 footbridge (approx. 2m wide) over the tracks serving to stairs equating to the same width;
 - 2 platforms at a length of 185m on the Down line and 175m on the Up line at a minimum width of 3m;
 - 1 manned ticket office and 2 ticket vending machines;
 - 2 passenger lifts;
 - A passenger waiting room on Platform 2;
 - 1 disabled toilet at the entrance; and
 - Cycle racks for approx. 20 bikes to the northwest of the station building.
- 2.4. [Site Location Plan](#)

3. Planning History

- 3.1. 3 January 2007. 2006/05520/PA. Temporary change of use granted for use of tennis courts to car park for hospital construction workers, with construction of ramp access from existing car park.
- 3.2. 20 April 2005. 2005/01212/PA. Planning permission granted for the replacement and relocation of station entrance doors.
- 3.3. 20 April 2004. 2004/08351/PA. Telecoms Licence Advisory for the Installation of GSM-R equipment.
- 3.4. 19 March 2001. 2001/00403/PA. Planning permission granted for the Installation of cash point machine.
- 3.5. 26 June 1994. 1994/02088/PA. Planning permission granted for the installation of a toilet block and external alterations.
- 3.6. 15 April 1991. 1991/00953/PA. Planning permission granted for a new access and landing on the west side for the disabled.
- 3.7. 19 February 1991. 1991/00160/PA. Planning permission granted for the installation of an access lift on the east side for the disabled.
- 3.8. 15 July 1976. 21123001. Planning permission granted for a new railway station passenger footbridge and awning.
- 3.9. 14 September 1961. 21123000. Planning permission granted for the construction of a railway station.

4. Consultation/PP Responses

- 4.1. Local residents, MP, Ward Councillors (for Bournbrook and Selly Park, Edgbaston and Weoley and Selly Oak) and resident associations notified. Press and site notice posted. 5 letters of comment/objection have been received from residents in Richmond Hill Road, Yateley Road, the NHS Blood Transfusion Centre and Calthorpe Residents Society. Further notification was undertaken on the amended plans/extra submitted information – no further comments were received. The comments and objections relate to the following issues:
 - A pick up/drop off area for at least 6-10 vehicles should be provided and the area should not be reserved for taxis.
 - Concerned regarding the continual expansion of the QE and UoB.
 - Edgbaston now resembles a car park as insufficient car parking provision has been provided.
 - Stop further developments until parking provision has been provided.
 - The new station will encourage more cyclists and pedestrians but Vincent Drive has no road space for them.
 - Insufficient cycle parking provision is provided.
 - Too few buses access the station as existing.
 - Vincent Drive should be redesigned to accommodate cyclists, pedestrians and more buses. This work should be undertaken in conjunction with the station.

- Insufficient number of lifts proposed to each platform.
 - The building should have escalators.
 - Ramped access to platforms should be provided.
 - Mass of building is too large for the environment.
- 4.2. Lambert Smith Hampton commented on the proposals on behalf of the National Blood Transfusion Service. They welcome the proposed development, acknowledging the benefits the improvements will bring to the local community by enhancing the connectivity between the University Station and the wider area as well as the improvements to the public realm. The NHS Blood and Transplant Centre deal with highly sensitive operations and have sophisticated machinery that can be easily disturbed by the slightest change in increased vibration or noise. As such, the main concerns are regarding the construction impacts of the development on the operations at the centre including that NHSBT has blue light traffic to and from the site as well as blood collections and staff, and construction traffic must not impact on the clear passage of such traffic movements and how the noise generated from these construction activities would affect the operations at the Centre.

Consultation responses (amended plans)

- 4.3. Canal and River Trust – No objection subject to conditions relating to landscaping, lighting, wayfinding, public art and a construction environmental management plan.
- 4.4. Historic England – No objection. Historic England recognises the public benefit that it will bring in improving public transport. We welcome the extensive and positive discussions with Historic England that have led to this application and the amendments made.
- 4.5. West Midlands Fire Service – No objection. The approval of Building Regulations will be required.
- 4.6. Severn Trent Water – No objection subject to a drainage condition.
- 4.7. Transportation – No objection subject to safeguarding conditions relating to a Section 278 Agreement, cycle parking, construction management plan and a revised design for the cycle access route on the canal side of the building.
- 4.8. Environment Agency – No objection subject to an unexpected contamination condition.
- 4.9. Lead Local Flood Authority – No objection subject to conditions relating to the submission of a surface water drainage scheme and a sustainable drainage operation and maintenance plan.
- 4.10. West Midlands Police – No objection. The area itself (The University and the Queen Elizabeth Hospital included) is policed by Edgbaston Neighbourhood Team and calls for service are high. There have been 85 calls to the post code allocated to the existing train station (that also covers the immediate vicinity and premises). Incidents have included road traffic collisions, drunken anti-social behaviour on the canal, mental health issues (students feeling suicidal) begging and incidents involving the homeless community. As well as these calls to the emergency service there have also been 192 recorded crimes, including 13 burglaries, 93 thefts of pedal cycles and 14 vehicle crimes amongst others.

I note the boundary treatment will comply with network rail requirements and that safety bollards will be installed at the 'drop off' zone. Will these be to a suitable security rating to protect crowds from a vehicular born attack (either intentionally or unintentionally) I note that in excess of 5 million travellers are expected to pass through this train station in 2022.

Is there a maintenance plan in place for the landscaping? Any shrubbery should be kept below one metre in height and tree canopies should be above two metres, to eliminate hiding places and to create a safe and welcoming environment.

I note there is no parking provided, just a drop off area at the station forecourt, this will be used for the hospital shuttle bus and taxi-private-hire pick-up also. Will there be a procedure in place to stop people from parking here? I am also aware of the congestion caused by private hire vehicles 'ranking' throughout the hospital site and causing disruption to the flow of traffic, how will this be managed here?

Request that all public areas are covered by a CCTV system that is maintained for 30 days. Areas covered should include walkways and open spaces, the footbridge, drop off areas, cycle storage, ticket machines and waiting areas.

- 4.11. Access Birmingham – No objection. The changing places facility will require continued management and maintenance.

5. Policy Context

- 5.1. BDP, Saved Policies of the UDP, NPPF, NPPG, Car Parking Guidelines SPD, Places for All SPD, Wider Selly Oak SPD, Archaeological sites – Vincent Drive Excavations and Metchley Roman Fort; Schedule Ancient Monument - Roman Forts at Metchley; The Birmingham (Land at National Blood Transfusion centre, Vincent Drive, Edgbaston) Tree Preservation Order 1999 Number 864; Birmingham and Worcester Canal Wildlife Corridor.

6. Planning Considerations

Background

- 6.1. University Station opened in 1978 as part of the development of the Cross-City Line between Lichfield and Redditch/Bromsgrove via Birmingham City Centre. The station is a gateway to research, learning and treatment facilities, including the Edgbaston Campus of the University of Birmingham, Queen Elizabeth (QE) Hospital, King Edward's Edgbaston School, and a large number of local businesses. It serves the local community providing transport to surrounding areas, including direct access to Birmingham City Centre in less than 10 minutes.
- 6.2. The station was built to accommodate 400,000 passengers per year and is currently significantly over capacity, accommodating 3.48 million passengers each year. Throughout the day the station struggles with managing the large flows of rail passengers, which often includes congestion and queues at stairs, gate-lines, on platforms and at ticket machines. As annual passenger numbers are expected to reach over 7 million by 2043, the station is no longer considered fit for purpose.
- 6.3. The proposed development would accommodate current and future demand forecast at University Station through the construction of:
- A new station building and footbridge;
 - Improved facilities for cyclists and pedestrians;

- Upgraded amenities and more efficient operation, reducing over-crowding;
- Improved platforms and waiting rooms; and
- A large public space to the front improving the approach to the station.

6.4. The new University Station will better serve the local community through an improved customer experience, making more of the canal frontage and improving connectivity to University of Birmingham and NHS sites. It will also support and compliment major increases in economic activity and infrastructure development in the area.

Principle

6.5. Policy GA9 (Selly Oak and South Edgbaston) of the BDP states that the Selly Oak and South Edgbaston area will be promoted for major regeneration and investment. The policy identifies that major regeneration will need to be supported by new infrastructure including improvements to access for public transport, pedestrians and cyclists including enhancements to University and Selly Oak rail stations. Policy TP41 addresses Public Transport and identifies that proposals to enhance the City's rail network will be supported.

6.6. On the basis of the policy framework outlined above, I consider that the principle of a new station at University is acceptable and as such, the proposal would accord with National and BDP Policy.

Heritage Impacts

6.7. Policy TP12 of the BDP covers the Historic Environment and states that "The historic environment consists of archaeological remains, historic buildings, townscapes and landscapes, and includes locally significant assets and their settings in addition to designated and statutorily protected features. It will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness and sustainability and the Council will seek to manage new development in ways which will make a positive contribution to its character. Proposals for new development affecting a designated or non-designated heritage asset or its setting, including alterations and additions, will be determined in accordance with national policy."

6.8. Paragraph 192 of the NPPF identifies that Local Planning Authorities, when determining planning applications involving designated or non-designated heritage assets should take account of:

- "a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness."

6.9. Paragraphs 195 and 196 of the NPPF address harm and state that "where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

- 6.10. The proposed station development sits, in part, within the Metchley Roman Fort Archaeological Site (non-designated) and the Scheduled Monument Roman Forts at Metchley. The application is supported by a Heritage and Archaeological Assessment. This Assessment concludes that the proposed development would result in less than substantial harm to both of these assets. It continues that evidential value would be affected during construction with some archaeological remains removed or truncated but that these would be avoided where possible and allow for preservation in situ. Where removed, they would be subject to archaeological recording. However, the Assessment considers that the proposed scheme would represent an improvement as the development would enhance the ability to understand the significance of both Roman assets and as such offers demonstrable heritage benefits. A Scheduled Monument Consent is required for the proposed development. The Assessment also considers that the proposal would result in a change to the setting of the Grade II listed Chamberlain Tower and the non-designated Queen Elizabeth Hospital but would not result in harm to these assets.
- 6.11. The proposed landscaping scheme would provide a series of pedestrian walkways and green spaces in linear arrangements that would correspond to the form of Metchley Fort over which the proposed scheme area sits. This would also include the line of the original Roman road. The landscaping scheme and forecourt works would be less intrusive than works undertaken for the construction of the station buildings. Their location has been chosen where archaeology has been located at the shallowest depths and with the highest potential.
- 6.12. The proposed development has been the subject of extensive pre-application and post submission discussions with Historic England and the City's Archaeologist/Conservation Officer. Conservation/Archaeology commented on the original submission and noted that there is likely to be some impact upon non-scheduled remains where the platforms are to be widened, in the area between the railway and the canal and in the area of the proposed bridge over the canal on to the university campus side. As the non-scheduled remains at Metchley will essentially be continuations of the scheduled monument they should be treated as being of equal significance. The building of the station is likely to result in the loss of some archaeological remains although evaluation works have shown that the vast majority of the archaeology will survive and be preserved in situ. As such, they do not consider that the development would represent substantial harm as the loss would be a relatively small amount of the total archaeological resource of the site. However, the impact of the proposed development would represent less than substantial harm.

- 6.13. Historic England originally raised concerns on heritage grounds and requested amendments and clarifications relating to and including assessing the impact of the current proposed design on the contribution made by setting to significance; the removal of proposed tree planting from the southwest part of the landscaping scheme up to and adjacent to the phase 1 Roman fort boundary to avoid harm to archaeological deposits; preparation and submission of a model of the depth to significant archaeology below the current ground surface within the area of the landscaping scheme and confirmation that the proposed landscaping works will be achieved above this depth.
- 6.14. Further submissions in relation to archaeology have been made following the request from Historic England. As such, Historic England now raises no objection to the proposed development. They continue to recommend that the LPA satisfies itself that the proposed development does not diminish the contribution made by setting to the significance of the scheduled monument. Conservation/Archaeology has reviewed the extra information and concludes that the submitted sections provide some comfort that the archaeological remains will be preserved in-situ below the landscaping works.
- 6.15. Both Historic England and the City Archaeologist now raise no objection to the proposed development subject to archaeology safeguarding conditions that are recommended below. Whilst they raise no objection, in accordance with NPPF policy identified in paragraphs 195 and 196, less than substantial harm to the scheduled monument has been identified and as such, this harm is required to be measured against the public benefits of the scheme. Both consultees agree that the substantial public benefits relating to the improvement in public transport for rail users, outweigh the identified less than substantial harm whilst the development also provides the opportunity to improve the display and interpretation the archaeological remains by continuing the public realm works seen on the plaza outside the Medical School which are derived from the layout of the fort. I concur with this view and consider that in accordance with paragraphs 195 and 196 of the NPPF and Policy TP12 of the BDP, the public benefits of the scheme as identified, outweigh the less than substantial harm identified to the scheduled monument.
- 6.16. The Assessment also identified that the proposed development would result in a change to the setting of the Grade II listed Chamberlain Tower and the non-designated Queen Elizabeth Hospital but would not result in harm to these assets. I concur with the conclusion that no harm would result to these assets and as such, the proposed development would accord with Policy TP12 of the BDP and Paragraph 192 of the NPPF.

Design

- 6.17. Policy PG3 of the BDP seeks to create a positive sense of place with design that responds to site conditions, local context, creates safe environments, provides attractive environments; make sustainable design integral, and supports the creation of sustainable neighbourhoods. Furthermore, Policy 3.14, of the UDP (saved Policies), states that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. Paragraph 124 of the NPPF states that *“Good design is a key aspect of sustainable development creates better places in which to live and work and helps make development acceptable to communities.”* Places for All (SPD) sets out design principles to promote good design and highlights the importance of design in achieving places that are successful and sustainable in social, economic and environmental terms. The design principles contained within the policy states that

development should reinforce and build on local characteristics that are considered positive and expresses that care should be taken not to detrimentally affect positive townscape and landscape.

- 6.18. The proposed building would sit comfortably in its context, with a suitably 'civic' scale marking it as a key place of arrival and departure serving the university and health campuses. The station would have a contemporary design but draws inspiration from the university red brick buildings; which is considered an appropriate response to its context. The building would be well proportioned and would use a simple palette of good quality materials. The proposed glazing articulates most of the facades for visual interest whilst providing good inter-visibility that helps to root the building with its surroundings. I consider that the proposed design is acceptable and in accordance with Policy.
- 6.19. The proposed canal bridge, as well as significantly improving connectivity to the university, would be a landmark architectural feature within the wider landscape. Use of Corten steel to clad the canal bridge would provide additional interest and would complement the red brick of the building.
- 6.20. The proposed new plaza would be an attractive space that would be an amenity for people using the station or moving around the area. The plaza has been designed to respect and highlight the Metchley Roman Fort archaeology, predominantly through linear mounds that represent lines of fort ramparts. This is welcomed.
- 6.21. The proposed refurbishment of the existing station as an exit only facility is welcomed and the proposed works would significantly enhance its appearance.
- 6.22. Amended plans have been received during the course of the application. Changes have been made to the layout, mainly relating to the station plaza / forecourt in northwest part of the site. The design has been rationalised to provide the minimal operational requirements for service access, staff parking, bin store, substations, delivery and emergency vehicle space. The entrance to the drop off / pick up area has been altered to enable sufficient passive space for a pedestrian crossing across Vincent Drive if it was to be required in the future. Further plans have also been submitted in relation to the platform elevations. The detailing of these facades facing the platforms, including brick patterns, the feature concrete panels and glazing system should provide appropriate architectural interest.
- 6.23. I and my City Design Officer consider that the proposed station design, amended plaza area, canal bridge and the refurbishment works are acceptable and are in accordance with the requirements of Policy PG3 of the BDP.

Highways

- 6.24. Policy TP38 of the BDP covers sustainable transport networks and identifies that "the development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported. The delivery of a sustainable transport network will require:
- Improved choice by developing and improving public transport, cycling and walking networks.
 - The facilitation of modes of transport that reduce carbon emissions and improve air quality.
 - Improvements and development of road, rail and water freight routes to support the sustainable and efficient movement of goods.

- Reduction in the negative impact of road traffic, for example, congestion and road accidents.
 - Working with partners to support and promote sustainable modes and low emission travel choices.
 - Ensuring that land use planning decisions support and promote sustainable travel.
 - Building, maintaining and managing the transport network in a way that reduces CO2, addresses air quality problems and minimises transport's impact on the environment.
 - In some circumstances, the re-allocation of existing road space to more sustainable transport modes.”
- 6.25. Policy TP41 addresses public transport and states that proposals to enhance the City's rail network will be supported.
- 6.26. The application is supported by an accompanying transport assessment. This identifies that the existing University Station is located to the east of Vincent Drive and north of Westgate, at the western edge of the University of Birmingham campus. The current station building is located at the southwest end of the platforms fronting Westgate and is currently the only access to the station.
- 6.27. Three roads surround the current station – these being Vincent Drive, New Fosse Way and Westgate. Vincent Drive provides access to the station from the north east direction. The road is a 5.5m wide two-way single carriageway road with several minor junctions providing access to a number of University buildings and existing car parks. A signal-controlled Toucan crossing for pedestrians and cyclists is provided on Vincent Drive in the vicinity of the station and providing access to the Queen Elizabeth Hospital and Medical School. A footway is provided along the full length of Vincent Drive on the western side, although this is narrow for a large proportion of the road. The car parks surrounding University Station are all controlled and for permit holders only. These car parks are solely for University of Birmingham users and Hospital users.
- 6.28. The Assessment identifies that there are extensive double yellow line restrictions, as well as 'Residents Only' and 'Disabled Only' restrictions on local roads within 1km of the application site. Within 1km to the west of the station lies the QE Hospital and residential properties. The highway between New Fosse Way and the hospital is restricted with double-red lines in order to keep a clear access for emergency service vehicles. Further west, parking restrictions are predominantly permit-only. There is limited availability for potential Park & Ride car parking on unrestricted streets, which begin from 700m radius away from the station. To the east of the station lies the University of Birmingham Campus. The University contains mostly private parking however where there is public road, it is restricted with double yellow lines or permit holder only bays. To the south east, there are more residential plots. These are, in the majority, restricted to residents-only parking or double yellow lines. Selly Oak Station has a Park and Ride facility, approximately 1km to the south of University Station. This further discourages University Station users parking on-street, especially with the nearest unrestricted on-street parking being 700m away from the station. Users are likely to use the Park and Ride at Selly Oak rather than walk a distance to University Station for longer distance rail journeys.
- 6.29. There are currently no formal drop-off or taxi areas provided. However, drop-off movements occur on the public realm and shared space area of Westgate. Currently

no formal arrangements exist for service vehicle access and parking at the existing station either.

- 6.30. Two bus stops are located on New Fosse Way to the west of University Station – northbound and southbound. Five bus services serve these stops, providing frequent access to Birmingham City Centre as well as the surrounding residential areas of Bournville, Weoley Castle, Northfield, Harborne and Edgbaston. During peak hours there are up to 12 buses per hour in each direction. Local bus stops along the south of New Fosse Way, Aston Webb Boulevard, Vincent Drive, and Pritchatts Road are in 300-700m walking distance, providing access to a variety of other areas in Birmingham. Further north on Farquhar Road, school bus services operate.
- 6.31. The current University rail station provides the following services:
- The Cross-City line currently provides a service of 6 trains per hour calling at University Station in both directions, operated by West Midlands Trains.
 - West Midlands Trains operate an hourly service between Hereford and Birmingham. Service frequency is doubled northbound during the AM peak and southbound during the PM peak.
 - Cross Country operate one train per hour between Cardiff and Nottingham.
- Supporting data identifies that University Station usage grew by 15% between 2010-2012, when the new Queen Elizabeth Hospital opened, and has since grown at an average rate of 6% per annum.
- 6.32. The proposed development would provide a new railway station 100 metres to the north east with passenger convenience and baby changing facilities, improved amenities which support the station's staff presence including ticket gates, and an interior retail offer. Further to this, it is proposed that the station platforms are wider than in the existing facility, with longer overhead canopies, and adjoining heated waiting areas. A proposed forecourt would provide a pick-up and drop-off outside the station and the new footbridge would contain lifts to provide access to both of the station's platforms. Four car parking spaces are proposed.
- 6.33. Transportation identify that the main issue with the submitted proposal is the provision offered for pedestrian and cycle routes along Vincent Drive and how this fits with potential new pedestrian crossing locations and desire lines, and the vehicular drop-off/pick-up facility. Currently there is no formal pedestrian provision along the site side of Vincent Drive and the extent of public highway varies along this area with a width between nothing and up to around 1.5m available.
- 6.34. Further discussions were undertaken with transportation during the course of the application and the plans have been amended to meet the concerns and define the controls of the drop-off/pick-up service road and station servicing area where the boundary between the new public highway and private land can be defined. The alterations also show a location where a pedestrian crossing facility could be positioned if one is required in the future. An informal crossing can be provided here with dropped pedestrian crossings and further discussions are taking place on if a formal facility can be provided which likely would be a zebra crossing.
- 6.35. Transportation raises no objection to the proposed development and support the principle of providing a new railway station in this location. They also raise no objection to the loss of University of Birmingham staff car parking from the application site. As such, the development would accord with the requirements of policies TP38 and TP41 of the BDP. I concur with this view. Safeguarding conditions

are recommended below to secure cycle parking, the submission of a construction management plan and further information regarding the cycle access route onto the canal towpath.

- 6.36. I note the comments raised from local residents and Calthorpe Residents Society. The provision of bus services to the station now and in the future is not the decision of the Local Planning Authority nor is it within its control. The issues raised regarding car parking provision and the use of local residential roads locally is an ongoing issue that Transportation are reviewing and a strategy for the potential of utilising Traffic Regulation Orders to restrict parking on local roads is being investigated along with how Vincent Drive can be improved for use by cyclists and pedestrians. This however, is outside of the Local Planning Authority's remit and should not hold up the determination of this application. The lack of car parking provision for the station is no different to the existing situation and a park and ride facility is available at the next train stop on the line at Selly Oak.

Flood Risk and Drainage

- 6.37. Policy TP6 of the BDP relates to the management of flood risk and water resources. It confirms that site specific Flood Risk Assessments will be required in accordance with the requirements of the relevant national planning policy and the guidance outlined in the Birmingham Strategic Flood Risk Assessment. The policy also requires developers to demonstrate that the disposal of surface water from the site will not exacerbate existing flooding and that exceedance flows will be managed.
- 6.38. Paragraph 55 of the NPPF confirms that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 6.39. A Flood Risk Assessment (FRA) is submitted in support and considers the risk of various flood sources to the site the consequent risk of flooding to downstream receptors from the proposed development as a result of surface water runoff. This identifies that the site is located within Flood Zone 1 with the nearest main watercourses being 400m to the south (Bourn Brook) and 1km to the east (Chad Brook) and therefore at low risk of river flooding. There are a number of areas around the site which have a low risk of surface water flooding and where the railway is at a low point at Westgate Road there is an area at high risk of flooding. The low point in the adjacent Blood Transfusion site also has areas at high risk of surface water flooding. The report identifies that the existing track drainage and public sewers would capture this runoff, reducing the risk from surface water flooding.
- 6.40. In terms of sustainable drainage, the below ground constraints including the scheduled monument identify that below ground tanks cannot be utilised for rainwater storage. Nor can infiltration be utilised, also due to the scheduled monument. Discharge is not normally accepted into the canal network leaving discharge to surface water sewers as the only viable option for the site. Permeable paving and filter drains in the plaza, attenuation tanks in the Network Rail operated station areas and filter drains for the canal are being investigated as sustainable drainage features within the site which may be capable of being utilised.
- 6.41. Seven Trent Water has raised no objection to the proposed drainage strategy subject to a drainage safeguarding condition and the Environment Agency has

raised no objection on flooding grounds. The LLFA requested further information which has subsequently been submitted and now raise no objection to the proposed development subject to sustainable drainage conditions. I concur with the view of these consultees and the relevant drainage conditions are recommended below.

Trees and Landscape

- 6.42. Policy TP1 of the BDP is set out to reduce the City's carbon footprint and thus supports the expansion of tree provision, whilst Policy TP7 states that new development schemes should allow for tree planting in both the private and public domains. Policy 3.14D of the Birmingham UDP refers to the integration of landscaping and the retention of existing mature trees. Policy 3.16A seeks the retention and protection of trees and landscape in the urban environment, with developers expected to give priority to the retention of trees.
- 6.43. 40 individual trees and 7 tree groups were surveyed as part of the accompanying arboricultural assessment. 2 trees were classified at Category B along with 38 individual trees and the 7 tree groups at Category C. 27 trees (One Category B and 26 Category C) and 7 Category C tree groups would be removed as a result of the development. These trees include Lime, Holly, Horse Chestnut, Beech, Silver Birch, Goat Willow, Alder, Oak, Whitebeam, Sycamore and Whitebeam. 11 trees under TPO 864 have already been removed prior to the application being submitted.
- 6.44. My Arboricultural Officer objects to the proposed development as the tree losses are excessive and not adequately mitigated/ compensated for. The proposed landscaping proposals do not make it clear how mitigation planting is to be delivered, and there is a poor selection of trees proposed. As such, my Arboricultural Officer recommends refusal as the proposal would be in opposition to the City's commitments to increase canopy cover in the city as set out in the tree policy review 2018 and the aspirations of the City's Route to Zero. Further information has been submitted following the Arboricultural Officers comments however, this still fails to address how the canopy cover to be lost as part of the development would be replaced and the proposed landscaping scheme does not seem to be able to provide equal canopy replacement. As such, my Arboricultural Officer maintains the objection to the proposed development.
- 6.45. Whilst I appreciate that the loss of 27 individual trees and 7 groups of trees without adequate mitigation/compensation would not generally accord with BDP policy; this loss is regrettable and on balance acceptable given the proposed development. A new railway station with a significant increase in capacity for rail passengers would accord with the overall aims and objectives of the BDP in terms of reducing reliance on the private car; increasing public transport use and creating more sustainable travel options and the improvement of air quality within the City. As such, whilst I appreciate that a large number of trees would be lost (the majority of which are within Category C) without adequate mitigation/compensation for their loss, I consider that the proposed development would accord with Policy TP1 on reducing the City's carbon footprint without the requirement for tree provision. On this basis, I consider the loss of trees a requirement and the development in relation to trees acceptable.
- 6.46. With regards to the proposed landscape scheme and the new plaza area, my landscape officer considers the proposals to be acceptable subject to safeguarding conditions requiring the submission of details and an appropriate landscape management plan. I concur with this approach and the relevant conditions are recommended below. I consider that the proposed landscaping and plaza area

proposed as part of the new station development would comply with BDP and saved policies of the UDP.

Ecology and Biodiversity

- 6.47. Policy TP8 of the BDP relates to biodiversity and geodiversity, and outlines that the maintenance, enhancement and restoration of sites of national and local importance for biodiversity and geology will be promoted and supported. Development which directly or indirectly causes harm to local sites of importance for biodiversity and geology, priority habitats and important geological features, species which are legally protected, in decline, are rare within Birmingham or which are identified as national or local priorities will only be permitted in certain circumstances. The Policy confirms that all development proposals should, where relevant, contribute to enhancing Birmingham's natural environment and identify how ongoing management of biodiversity and geodiversity enhancement measures will be secured.
- 6.48. Section 15 of the NPPF relates to conserving and enhancing the natural environment. Paragraph 170 asserts that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.49. The application is supported by a Preliminary Ecological Appraisal and a Bat Roost Assessment and Activity Survey. The Assessment identifies that there is one statutory designated site within 2km of the site and several non-statutory sites within 500m – the Worcester and Birmingham Canal Site of Local importance for Nature Conservation (SLINC), New Street to Lifford Railway Potential Site of Importance (PSI), University of Birmingham Grounds PSI and Vincent Drive Canal Embankment PSI.
- 6.50. All of the trees on site were surveyed/assessed for suitability for bat roosts. The site generally comprises hardstanding (former car park) with some poor semi-improved grassland on the south west edge. Several Sycamore trees located behind platform 2 of the station on the embankment that were assessed as having potential for roosting bats. No evidence of amphibians, reptiles, invertebrates, other mammal species or badgers on site was observed during the survey. However, the railway and canal embankments offer suitable habitat for foraging and commuting badgers and sett creation. No evidence of bats was observed during the survey and the existing buildings were assessed as having low bat roost potential. The preliminary appraisal concludes that the site is considered to be of medium risk in relation to bats and badgers with no further constraints identified.
- 6.51. The bat roost assessment and activity survey identifies that three surveys were undertaken between July and September 2019 (two dusk and one pre-dawn). These surveys identified that the canal to the immediate west of the working area is used by at least four species of bat for foraging and/or commuting routes including the Common pipistrelle and Daubenton's bat. The assessment concludes that the works have the potential to impact on foraging and commuting bats and makes recommendations for this. Recommendations include construction lighting (especially at night), operational lighting and limited vegetation removal whilst enhancement opportunities include installation of bat boxes and planting of native species-rich plants.

6.52. The City Ecologist has reviewed the submitted Preliminary Ecological Appraisal and the Bat Roost Assessment and Activity Survey and recommends the refusal of planning permission as the proposed development would lead to a net loss to biodiversity. The Ecologist comments that:

- a) The PEA was undertaken without any indication of the proposed developments – it highlights that if the SLINC land between the existing platform and canal towpath is to be impacted then further survey work would be required. This section of SLINC woodland is a priority habitat within the LBAP– No further survey work has been undertaken but its loss is proposed.
- b) A red data book species has been recorded within the zone of influence of the site – this being Black Redstart (BRS). The recommendations detailed for dealing with nesting birds are not applicable to BRS as these receive a higher level of protection which states that the young have to become fully independent not just fledged.
- c) The recommendation made for habitat replacement for BRS within the new development was completely dismissed (noted in the SUDS report) therefore impact on this species is potentially negative.
- d) Recommendations for badger surveys were made but not delivered so we have no indication if badgers would/ could be impacted therefore we could be in breach of statutory legislation.
- e) The PEA does not cover the entire extent of the proposed works – it does not cover the land on UOB campus that will house the ramped access and requires the removal of trees to facilitate.
- f) A total loss of 2000Sqm of SLINC woodland is proposed with no ecological impact assessment being provided. A total loss of 3721sq.m of tree cover across the site.
- g) The bat activity survey notes that there “may be some potential loss of habitat” but is unclear on the actual extent as final designs had not been delivered. It was highlighted that there would be a negative impact on bat species through fragmentation of habitat.
- h) 4 species of bats were recorded using the canal line in close proximity to the station for foraging and commuting. Their ability to commute and forage along the can will be negatively impacted by the removal of vegetation
- i) The significance of the true extent of vegetation clearance has not been considered in the development of these proposals and no suitable mitigation has yet been proposed.
- j) Given the proposed impact and lack of mitigation significant negative impacts on biodiversity are likely.

6.53. Revised information has subsequently been submitted in response to the recommendation to refuse from the City Ecologist. This information outlines that the applicant’s intended approach to mitigating loss of trees and ensuring no net loss in terms of biodiversity would be as follows:

- Retaining vegetation, especially mature trees, where it is reasonably possible to do so.

- Prioritising retention of mature native species where possible (e.g. oak)
- Prune or pollard coppice species preferentially to removal, for species where these methods will be effective.
- Replanting of equivalent species upon completion, to maintain connectivity and as a buffer for the canal and its banks (the features of the SLINC) and also enhance this by bolstering current lines of trees with deeper cover on the eastern (University) side of the canal. Species suitable include alder, birch and oak and loss of sycamore will be beneficial in terms of ground flora.
- Using native shrub and low growing native tree species along the western bank of the canal (between the towpath and the station platform), to maintain connectivity and increase native species richness in this area.
- Planting, or sowing the lower parts of the area (towards the station platform and track) with native herb and grass species mix.
- Increasing the amount of native species (e.g. wildflower areas) used in the forecourt areas and also where ornamental species are to be used, where possible to select those of higher wildlife value (e.g. early and later season nectar species). This will be balanced alongside other considerations in this area, most notably the potential presence of buried archaeology.

6.54. Further consultation has been undertaken with the City Ecologist who notes that the plans require the loss of locally designated land (SLINC) and take what is now a tree lined buffer between the canal and the station and put a hard, built façade in its place, Whilst it is accepted that although total clearance of the existing woodland would take place, there would be some opportunity for replanting and that this could provide a more diverse habitat replacement this still leaves a significant gap in canal side habitat that given the proposed pedestrian access points here would no doubt need to be illuminated in some way where at present it is not. Whilst issues of no net loss of biodiversity could be conditioned by an ecological enhancement strategy, the impact of the proposed development on protected species (badgers and bats) remains unknown. As such, the City Ecologist continues to recommend refusal of the planning application as the full impact on protected species has still not been addressed. No badger survey has been submitted and the impact on bats without understanding the true extent of vegetation clearance cannot be determined.

6.55. However, I note that Policy PT8 of the BDP confirms that all development proposals should, where relevant, contribute to enhancing Birmingham's natural environment and identify how ongoing management of biodiversity and geodiversity enhancement measures will be secured and that this proposal may not achieve this. Whilst this would be regrettable, I consider that the wider public benefits of the proposed development along with the small amount of mitigation that can be provided on site noting the operational requirements would outweigh the non-adherence with Policy TP8 in this instance. On this basis, I consider the proposal to be acceptable and relevant ecology conditions are recommended below.

Ground Conditions and Contamination

6.56. Paragraph 178 of the NPPF states that planning decisions should ensure that, amongst other things, a site is suitable for its proposed use taking account of ground conditions and any risk arising from land instability and contamination. This includes risks arising from natural hazard or former activities such as mining, and any proposals for mitigation including land remediation (as well as impacts on the natural environment arising from that remediation).

- 6.57. A Geo-Environmental Desk Study is submitted in support of the proposal. Regulatory Services has reviewed the study and has raised no objections to the proposed development subject to safeguarding conditions relating to contaminated land. The Environment Agency has also reviewed the Study and has also raised no objection subject to a condition relating to unexpected contamination. As both parties raise no objection to the proposal I consider that the proposal complies with NPPF policy and the relevant conditions are recommended below.

Sustainable Construction

- 6.58. Policy TP3 on Sustainable Construction identifies that new development should be designed and constructed to maximise energy efficiency; conserve water and reduce flood risk, minimise waste and maximise recycling, be flexible and adaptable and incorporate measures to enhance biodiversity. Policy TP4 on Low and Zero Carbon Energy Generation states that “new developments will be expected to incorporate the provision of low and zero carbon forms of energy generation or to connect into low and zero carbon energy generation networks where they exist. In the case of non-residential developments over 1,000sq.m, first consideration should be given to the inclusion of Combined Heat and Power (CHP) generation or a network connection to an existing CHP facility. However, the use of other technologies will also be accepted.
- 6.59. The submitted supporting Energy and Sustainable Construction Statement includes a BREEAM Pre-Assessment which identifies that the site would meet BREEAM Very Good. The measures to be incorporated include:
- Use of passive design through the design, orientation and layout of the building.
 - Use of PV Panels.
 - Use of Efficient Lighting Equipment.

A connection to the University of Birmingham Campus Wide District Heating System was explored however; the University deemed that this connection was not feasible. On this basis, I consider that the proposed development complies with the requirements of TP3 and TP4.

Other Issues

- 6.60. The application has been supported by an air quality assessment and a noise report. The air quality assessment predicts that any air quality impact to be de minimus and potentially if a modal shift away from car based travel occurs, air quality could improve. The supporting noise assessment identifies that the nearest noise sensitive receptor is the University of Birmingham Medical School which is an educational use. The potential increase if local traffic road noise due to the operation of the proposed development was assessed as being negligible. The report also identifies that mechanical ventilation would be required but this would be detailed in a later design stage of the station project. Regulatory Services has raised no objection to the proposed development on air quality or noise grounds and I concur with this view. Safeguarding conditions relating to plant and equipment are recommended below.
- 6.61. I note the comments received from West Midlands Police regarding landscaping and the requirements for a CCTV system. I consider these issues can be adequately controlled by condition and as such, safeguarding conditions are recommended below.

- 6.62. I note the letter of comment received from a local resident regarding the internal layout of the proposed station in relation to lifts and provision of escalators. The internal layout of the station has been the subject of extensive discussions and agreement between Transport for West Midlands and Network Rail and meets the operational requirements of the relevant rail partners. The internal requirements site outside of the planning remit.
- 6.63. The National Blood Transfusion Service raised concerns regarding the construction impacts of the development on the operations at the centre. The applicant has discussed the concerns with the NBTS and has submitted further information which has been consulted upon. The information identifies that the piling activities required as part of the construction works are likely to cause the highest noise and vibration levels however, these would be of a temporary nature and suitable measures can be undertaken to minimise impact. Conditions are recommended below regarding construction management.
- 6.64. The proposed development would not attract a CIL contribution.

7. Conclusion

- 7.1. Policy GA9 (Selly Oak and South Edgbaston) of the BDP states that the Selly Oak and South Edgbaston area will be promoted for major regeneration and investment. The policy identifies that major regeneration will need to be supported by new infrastructure including improvements to access for public transport, pedestrians and cyclists including enhancements to University and Selly Oak rail stations. Policy TP41 addresses Public Transport and identifies that proposals to enhance the City's rail network will be supported. The proposed railway station is required as the existing station is significantly over capacity leading to congestion on the existing platforms. As such, I consider this proposal to be acceptable and in accordance with strategic policies of the BDP.
- 7.2. The proposed development would have less than significant harm on the scheduled monument and this harm has been assessed as being outweighed by the public benefits of delivering a new railway station in this location.
- 7.3. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would continue to provide significant economic benefits, would continue to provide further local employment and knock-on social benefits and would not have an environmental or heritage impact that cannot be outweighed by public benefits, I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

- 8.1. That planning permission is granted subject to the conditions listed below.

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the scheme to be in accordance with the listed approved documents
 - 3 Requires the agreed mobility access to be maintained
 - 4 Requires the prior submission of a programme of archaeological work
-

-
- 5 Requires Submission of Foundation Design and Details
 - 6 Requires the prior submission of a contamination remediation scheme
 - 7 Requires the submission of a contaminated land verification report
 - 8 Requires the submission of unexpected contamination details if found
 - 9 Limits the A1/A3 retail use to be ancillary to the railway station
 - 10 Requires the prior submission of a drainage and sustainable drainage scheme
 - 11 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 12 Requires the prior submission of a scheme for compensatory habitat creation
 - 13 Requires the prior submission of a legally protected species and habitat protection plan
 - 14 Requires the prior submission of an additional bat survey
 - 15 Requires the prior submission of a construction ecological mitigation plan
 - 16 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 17 Requires the prior submission of details of bird/bat boxes
 - 18 Limits the noise levels for Plant and Machinery
 - 19 Requires the submission of hard and/or soft landscape details
 - 20 Requires the submission of hard surfacing materials
 - 21 Requires the prior submission of earthworks details
 - 22 Requires the submission of boundary treatment details
 - 23 Requires the prior submission of a landscape and biodiversity management plan
 - 24 Requires the submission of a lighting scheme
 - 25 Requires the prior submission of a construction method statement/management plan
 - 26 Requires the submission of sample materials
 - 27 Requires the prior submission of level details
 - 28 Requires the submission of details of public art
 - 29 Requires the submission of a CCTV scheme
-

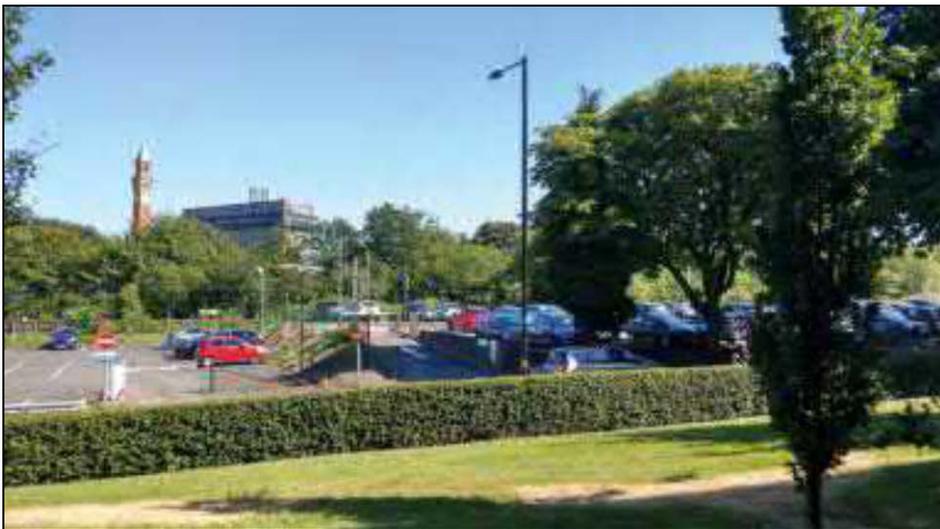
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- 30 Architectural Details Required
 - 31 Requires the prior submission of a construction employment plan.
 - 32 Requires the submission of a parking management strategy
 - 33 Requires the provision of cycle parking prior to occupation
 - 34 Requires the submission of access and egress details for cycle access and the canal towpath
 - 35 Requires the submission and completion of works for the S278/TRO Agreement
 - 36 Arboricultural Method Statement - Submission Required
 - 37 No commencement until pre-commencement meeting held
 - 38 Requires submission of proposed tree planting details
 - 39 Implement within 3 years (Full)
-

Case Officer: Pam Brennan

Photo(s)



Photograph 1: Aerial view of site as existing

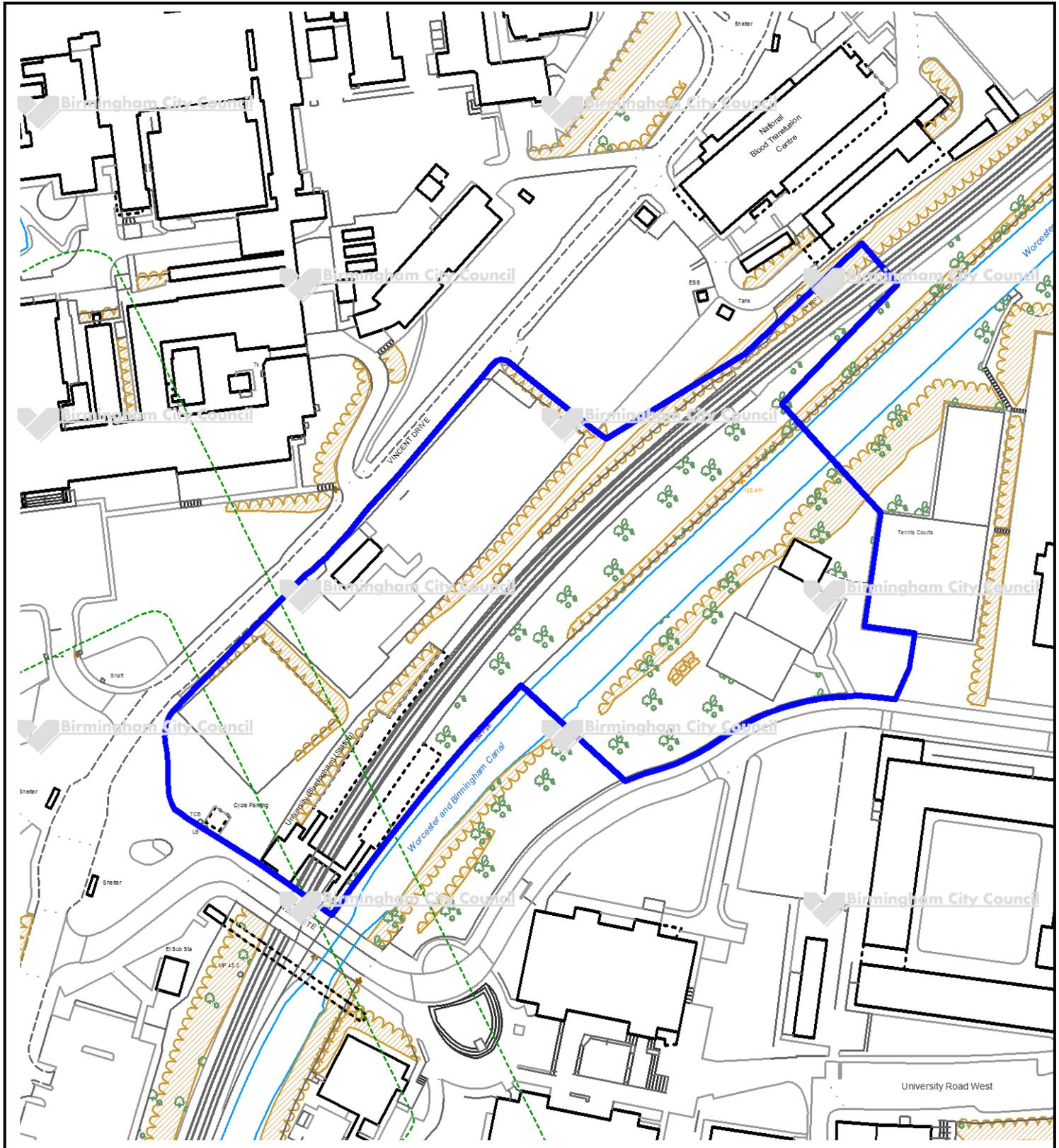


Photograph 2: Existing car park and location of new station



Photograph 3: Vincent Drive, car park and location of new station – looking east

Location Plan



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Committee Date:	04/06/2020	Application Number:	2020/02823/PA
Accepted:	09/04/2020	Application Type:	Telecommunications Determination
Target Date:	17/06/2020		
Ward:	Hall Green North		

Reddings Lane, Sparkhill, Birmingham, B28 8TE

Application for Prior Notification for the installation of proposed 20m high Phase 8 monopole with wraparound cabinet at base and associated works.

Recommendation

No Prior Approval Required

1. Proposal

- 1.1. This is a prior notification application for the installation of a 20m high Phase 8 telecommunications monopole with a wraparound cabinet at its base and associated works.
- 1.2. The proposed mast would be located on the southern end of a grassed area between Reddings Lane and Stratford Road in Hall Green. The position of the mast would be located between the Hall Green United Community Church and Hall Green Health Centre.
- 1.3. The proposed mast forms part of an integral requirement for H3G LTE to expand its 5G telecommunications network across Birmingham specifically in this instance to enhance 5G coverage levels and network capacity within the local area.
- 1.4. There is now a requirement to upgrade the UK H3G (Three) network to provide improved coverage and capacity, most notably in relation to 5G services. Three are in the process of building out the UK's fastest 5G network. Three has 140MHz of 5G spectrum (and 100MHz of it contiguous), which means the service provided will be much faster and able to handle more data. To bring this new technology to the public H3G will need to provide a mix of upgrades to existing sites and the building of new sites. New sites will be needed for many reasons, including that the higher radio frequencies used for 5G do not travel as far as those frequencies currently in use and that sometimes not all existing sites can be upgraded. In this area there is an acute need for a new mast to deliver the above.
- 1.5. The nature of 5G and the network services it provides, means the equipment and antennas required are quite different to the previous, and existing, service requirements. In particular, the nature of the antennas, and the separation required from other items of associated equipment, is such that it cannot utilise some existing structures that provide an installation for another operator, most notably in a street works or highways environment.
- 1.6. The proposed monopole would be 20m in height with the wraparound cabinet at its base measuring approximately 1.8m x 0.7m. Immediately to the east of the

proposed pole would be three standalone cabinets, 1 No. Commscope G100876 Cabinet (power & transmission), 1 No. Commscope Bowler cabinet and 1 No. Huawei APM5930 cabinet. These would measure 1.5m, 1.8m and 1.2m in height respectively.

1.7. The applicant states that the proposed equipment would be ICNIRP-complaint (International Commission on Non-Ionizing Radiation Protection).

1.8. [Link to Documents](#)

2. Site & Surroundings

2.1. The proposed siting of the telecommunications mast and associated equipment would be on a central grassed area between Reddings Lane and Stratford Road, Hall Green. The site within an area comprising of mixed uses with residential dwellings on Reddings Lane and primarily commercial properties on this section of Stratford Road. Immediately to the east of the site is the Hall Green United Community Church and to the west is Hall Green Health Centre. The nearest residential properties are sited northerly easterly of the proposed location of the mast, approximately 30m away. Immediately to the north of the proposed site is a landscaped area with mature trees providing a backdrop to where the proposed mast would be positioned.

2.2. [Site Location](#)

3. Planning History

3.1. None.

4. Consultation/PP Responses

4.1. Regulatory Services – no objections.

4.2. Local schools, local Ward Councillors, the Constituency MP and residents associations have been consulted. The application has been advertised through a site notice. 1 letter of objection has been received from a local resident and from Cllr Robson. These objections relate to the following matters:

- Health concerns.
- Adverse visual impact from locating the proposed mast in this position.
- The proposed development would be inappropriate in a densely populated area.
- Harmful impact upon the setting of the adjacent church and green space.
- Lack of consideration of alternative sites for the proposal.
- Construction work would exacerbate parking issues in the area.
- The proposal would interrupt the habitat including greenery and bushes.
- The submission incorrectly states that there are no schools within the immediate area.
- Potential harmful impact of a mast being located near to a fuel station.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017.
 - Birmingham Unitary Development Plan 2005 (Saved Policies).
 - Telecommunication Development: Mobile Phone Infrastructure SPD 2008.
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF) 2012.
 - The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 16 (as amended 2016).

6. Planning Considerations

Principle of the Development

- 6.1. This is a prior notification application. As such, the only issues that can be considered when assessing this application are the siting and appearance of the proposed telecommunications monopole and cabinets. The principle of development is therefore not an issue of consideration for this prior approval application.

Policy Context

- 6.2. Paragraphs 112-116 of the National Planning Policy Framework (NPPF) 2019 relate to the installation of telecommunications equipment.
- 6.3. Paragraph 112 advises that planning decisions should support the expansion of electronic communications networks including next generation mobile technology (such as 5G).
- 6.4. Paragraph 113 states that the number of sites for installations should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. It explains that the use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.
- 6.5. Paragraph 115 states that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. This should include:
- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
 - b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
 - c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

- 6.6. Paragraph 116 states that “Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure”.
- 6.7. The Telecommunications Policy (Paragraphs. 8.55-8.55C) in the Birmingham UDP (2005) and the Telecommunications Development SPD state that a modern and comprehensive telecommunications system is an essential element in the life of the local community and the economy of the City but that in assessing applications for telecommunications equipment, account will be taken of the impact of radio masts, antennae and ancillary structures on existing landscape features, buildings and the outlook from neighbouring properties. In respect of ground-based masts, the Council’s SPD states that they should make the most of existing screening or backdrop to buildings and avoid open locations, that they should be mitigated by landscaping and planting, that street locations will be discouraged but where they are the only option they should appear as an unobtrusive addition, and where possible sites should have a backdrop of trees to reduce visual contrast.
- 6.8. It should be noted that both of the above policies pre-date the advancements in technology required to 4G and 5G. The current set of monopoles and masts being brought out by operators for 5G need to be above the height of the surrounding buildings and trees so as to provide clear sightlines and greater coverage. As such the recommendation in the above policies that masts are screened is not able to be achieved whilst also providing the modern technology requirements.

Siting and Appearance

- 6.9. The agent has stated that this was considered to be the most appropriate location for a new mast. This is a tight search area for the position of a new street works column and associated ground based apparatus. The search area consists of mainly residential properties with narrow pavements with underground services. There are very few wide pavements in the search area where a street works installation can be located. The search area is tightly packed with residential properties and narrow pavements. There are a few wider areas located in and just outside of the search ring however these are overlooked by residential dwellings resulting in a lack of options.
- 6.10. The proposed monopole which is being applied for would be 20m high which is the maximum height allowed under the permitted development process. The proposed height of the mast is required to enable 5G, which the applicant states is more prone to shadowing effect from adjacent buildings, structures and tree canopies. The height needs to avoid the obstacles. The GDPO was amended in 2016 to allow for this increase in height for 5G.
- 6.11. The proposed monopole and associated equipment would be sited adjacent to a wider grassed area between Reddings Lane and Stratford Road and would not be obstructive to either pedestrians or motorists. There are various items of street furniture adjacent to the site along this section of Stratford Road including street lighting, telegraph poles, road signage and street trees. The proposed development would be located adjacent to mature trees with a height of approximately 7.5m which would help to soften the impact of the proposed works. I consider the location of the telecommunications equipment between the three storey church and modern health centre to be suitable for such a development. I note that there are concerns regarding the impact of the proposed development upon the setting of the adjacent

church, however, this is not a designated heritage asset and I do not consider that this forms grounds to recommend refusal of the application. It is also noted that there are concerns regarding the impact upon the setting of the adjacent green space, however, policy guidance does recommend that landscaping and trees should be used to mitigate the impact of such works.

- 6.12. There would be a distance of approximately 30 metres between the proposed location of the development and the nearest residential building so there would be no immediate effect on dwellings within the street scene.
- 6.13. It is acknowledged that the new monopole would be of a relatively significant height and whilst it would have a substantial impact on visual character of the area, this should be balanced against the benefits of providing the enhanced technology and capacity of 5G. The proposed mast is a standard design, widening at the top to accommodate the antennae. The diameter and overall form is similar to many other masts throughout the city and is not objectionable.
- 6.14. The telecommunications equipment would not result in any excessive visual clutter within the street. The proposal would not have a harmful impact upon the visual quality of the wider street scene and therefore there are no grounds upon which to resist such a development.

Impact upon Public Health

- 6.15. Paragraph 46 of the NPPF states that the Local Planning Authority must determine applications on planning grounds. The applicant has demonstrated, by way of an appropriate certificate, that the proposed installation would meet the standards of the ICNIRP for public exposure as recommended by Paragraph 46 of the NPPF and a fully compliant certificate has been submitted. Consequently, I consider the application is acceptable on the grounds of public health.

Other Issues

- 6.16. I note that concerns have been raised that in the supporting information provided it states that there are no schools in the nearby area of the proposed siting of the mast. Yorkmead Primary School is located to the east of the application site and has been formally notified of this application as part of the Council's consultation process.
- 6.17. An objection was raised in relation to the potential impact the proposed works could have upon parking issues caused by works being carried out. However, any potential issues would only be on a short term basis and does not form grounds to refuse the application.
- 6.18. Concerns have been raised regarding the proximity of the application site to the Apple Green petrol station due to potential dangers caused by recent arson attempts within the city on telecommunications masts. However, the petrol station in question is located approximately 100m away from the proposed location of the mast and I do not consider the location could be considered to be dangerous in this respect.

7. Conclusion

7.1. It is considered that the siting and design of the proposal being considered under the Prior Approval process is acceptable in this location. The proposed development would comply with the principles set out in the NPPF (2019), TP46 of the BDP, Policy 8.55 of the Birmingham Unitary Development Plan 2005 and Telecommunications Development: Mobile Phone Infrastructure SPD 2008, which has been adopted as a Supplementary Planning Document.

8. Recommendation

8.1. No prior approval required.

Case Officer: George Baker

Photo(s)



Figure 1 – Northerly views towards proposed siting of mast between Reddings Lane and Stratford Road.

Location Plan



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