

Birmingham City Council

Planning Committee

03 September 2015

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	8	2015/05235/PA Land at The Hub Nobel Way Perry Barr Birmingham B6 7EU Erection of a wholesale market building and associated warehouse units and amenity buildings (Sui Generis), car parking and servicing arrangements, landscaping, acoustic fencing and bunds and associated works
Refuse	9	2015/01779/PA Land at the corner of Aston Lane/Wellhead Lane and to rear of Aston Lane Perry Barr Birmingham B42 2SY Outline application for residential development with details of proposed access and with all matters reserved
Defer – Informal Approval	10	2015/00738/PA Landsdowne House Hagley Road Ladywood Birmingham Development of a 18 storey residential building comprising 206 residential units, coffee shop (A1) with ancillary gym, infrastructure, parking and landscaping at the land adjacent to no.1 Hagley Road (former Metropolitan House), and associated works.

Approve – Conditions	11	<p>2015/05703/PA</p> <p>35 Sunnybank Road Land adjacent to Wylde Green Sutton Coldfield Birmingham B73 5RE</p> <p>Demolition of existing side extension/garage and the erection of a detached dwelling including new footway crossings, boundary treatment and landscaping.</p>
Approve – Conditions	12	<p>2015/04331/PA</p> <p>268 Hospital Street Hockley Birmingham B19 2NJ</p> <p>Change of use of existing premises from Use Class B1 to student accommodation to provide 57 bedrooms and associated facilities and associated external alterations as well as provision of retail shop (A1).</p>
Approve – Temporary 2 year	13	<p>2015/04313/PA</p> <p>Maney Hill Primary School Maney Hill Road Sutton Coldfield Birmingham B72 1JU</p> <p>Installation of one temporary modular building and access ramp (for a two year period) to create two classrooms for thirty additional children</p>
Approve – Conditions	14	<p>2015/02705/PA</p> <p>12 Calder Grove Handsworth Wood Birmingham B20 2HR</p> <p>Intallation of new pitched roof with an increase to roof height</p>

Approve - Temporary	15	<p>2015/05585/PA</p> <p>Saltley Road Nechells Birmingham B7 4PT</p> <p>Display of 4 free-standing post mounted non-illuminated fascia signs</p>
No Prior Approval required	16	<p>2015/05602/PA</p> <p>Langley Mill Sewage Treatment Works Off Lindridge Road Sutton Coldfield Birmingham B75 7JB</p> <p>Prior Notification for installation of replacement 15 metre high telecommunications mast and installation of additional equipment cabinet and associated development.</p>

Committee Date:	03/09/2015	Application Number:	2015/05235/PA
Accepted:	20/07/2015	Application Type:	Full Planning
Target Date:	19/10/2015		
Ward:	Perry Barr		

Land at The Hub, Nobel Way, Perry Barr, Birmingham, B6 7EU

Erection of a wholesale market building and associated warehouse units and amenity buildings (Sui Generis), car parking and servicing arrangements, landscaping, acoustic fencing and bunds and associated works

Applicant:	IM Properties Birmingham Development Ltd c/o Agent
Agent:	Quod Ingeni Building, 17 Broadwick Street, London, W1F 0AX

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Background- The applicant proposes the establishment of a new build wholesale market (Sui generis) with ancillary buildings and infrastructure to accommodate the existing City Centre based wholesale markets on Pershore Street which is subject to future redevelopment under the Pre-submission Birmingham Development Plan (December 2013) and Smithfields Visioning Document (March 2015).
- 1.2. The proposed development would entail the erection of a 20,857 sq.m wholesale market building that would measure 301.4 metres long, 69.2 metres wide by 13.25 metres high.
- 1.3. The exterior façade of the market building would be constructed out of metal cladding using a range of colours to include slate grey; silver metallic; goose wing grey and anthracite matt. The building would incorporate roller shutters along its northern and southern elevations to allow for independent access to and from each of the proposed market trader unit (79 units). A canopy feature would run along each of these elevations that would accommodate plant on top dedicated to each unit as required.
- 1.4. Other structures to be erected on site would include an ancillary warehouse storage building with recycling facility that would run along the western edge of the site. This would be constructed out of the same materials as the main wholesale market building with 1.8 metre close board fencing and gates securing the entrance to its canopy area. This building would create 1933 sq.metres of floorspace and measure 122.8 metres long, 15.74 metres wide by 7.87 metres high. This facility would incorporate roller shutters along its eastern elevation to allow for individual market trader's stock to be stored.

- 1.5. An amenity building for the purpose of serving market traders and management would be erected to the north of the wholesale market building. This would provide ancillary retail space; w.c's; ancillary café; meeting room; office and staff kitchen. This would measure 46.5 metres long, 16.9 metres wide by 5 metres high. The materials to be used in its construction would be the same as for the wholesale market and warehouse building.
- 1.6. Access to the site would be regulated by a gate house which would measure 7 metres long, 3.7 metres wide and 3.3 metres high. Once again, this structure would make use of similar material as the other units proposed.
- 1.7. The development would provide 450 car parking spaces. Lorry parking for delivery and despatch vehicles would be provided along the southern and northern perimeter of the main wholesale building which would align with each of the internal market units. Additional lorry parking would be provided to the front of the warehouse storage building.
- 1.8. Access into the site would be directly from within the HUB employment estate.
- 1.9. In order to secure the residential amenity of nearby occupiers the applicant is proposing the erection of 5 metre high acoustic fencing along part of the southern boundary of the site as well as 7 metre high acoustic fencing along the north western edge of the site. The wider site boundary would be secured by 2.7 metre high palisade security fencing.
- 1.10. The application has been submitted with supporting information which includes a flood risk assessment; design and access statement; site noise assessment; air quality assessment; planning statement; preliminary ecological assessment; statement of community engagement; transport statement; tree survey and wholesale tenant handbook.
- 1.11. Overall, the development would create gross external floorspace measuring 22,943 square metres. The site area measures 7.33 hectares.
- 1.12. An Environmental Impact Assessment (EIA) screening opinion has concluded that an EIA would not be required for this development proposal.
- 1.13. The development is expected to support 620 jobs.
- 1.14. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located within the HUB employment estate. The site itself benefits from outline consent to build a B1, B2 or B8 operation. A number of commercial units have already been completed on the HUB estate. To the immediate south of the application site is a railway line. Further south, beyond that railway line are houses and commercial premises and vacant land (which is currently the subject of a residential planning application elsewhere on this agenda). To the immediate west of the site is a development under construction which will provide a new build school with associated new build sports hall and MUGA. To the north west of the application site are houses on Oscott Road as well as student accommodation associated with BCU. To the north, within the grounds of the HUB

estate, is the premises of IMI components and vacant land with outline consent for commercial development.

2.2. [Location map and street view](#)

3. [Planning History](#)

- 3.1. 18.03.2011- 2010/07132/PA- Application to extend the time of extant planning application 2005/01826/PA to allow a further 5 years for the submission of reserved matters in connection with re-development of site for B1, B2 and B8 uses (business, general industry, storage and distribution) thereby also extending the time limit to implement reserved matters approval 2007/07039/PA- approved.

4. [Consultation/PP Responses](#)

- 4.1. Surrounding occupiers; local councillors; local MP; local resident and neighbourhood forums notified as well as site and press notices displayed. 1 letter of concern received from a resident on Railway Road to the south of the site. The concerns relate to the traffic and noise impact of the proposal.
- 4.2. Responses have been received from Councillor Hunt communicating the outcome of a residents meeting/ward forum that raised concerns about the traffic and highway impact of the proposal and make suggestions/recommendations such as directional signage (to direct lorries to the site) that may address these concerns. Councillor Karen Trench responded by stating her concerns regarding rat running and noise.
- 4.3. Transportation Development- Comments awaited.
- 4.4. Regulatory Services- state that in order for the development to be acceptable the development must be conditioned in order to control noise and pollutant impacts.
- 4.5. Highways England- no objection.
- 4.6. Severn Trent- no objection subject to a condition that requires details of satisfactory drainage.
- 4.7. West Midlands Police- recommend that if approved the works are carried out to secure by design standards.
- 4.8. Environment Agency- no objection subject to safeguarding conditions to secure controlled waters.
- 4.9. Network Rail- recommend a set of safeguarding condition which includes the provision of a trespass proof fence; no overhang of scaffolding over railway line or construction material reaching the railway line; a risk assessment and method statement relating to any vibro impact works being provided; details of ground level; earthworks and excavations to be agreed and details of vehicle safety measures.

5. [Policy Context](#)

- 5.1. UDP (2005); Draft Birmingham Development Plan (BDP); Aston, Newtown and Lozells Area Action Plan; Draft Perry Barr Framework; NPPF (2012); NPPG and Noise Policy Statement for England (NPSE) (March 2010).

6. Planning Considerations

- 6.1. Background- The site forms part of the wider HUB employment estate. That estate benefits from outline planning consent to build out developments to accommodate B1, B2 and B8 floorspace. The HUB site is seen as providing an investment opportunity of regional significance which when fully complete is anticipated to achieve 1.6 million square feet of new employment space and 2100 job opportunities.
- 6.2. Following the outline approval, the site was sold by IMI the then new owners, to Prudential Assurance, who undertook a lengthy decontamination and remediation works which were completed in 2006. So far a number of new build units have been constructed on the HUB estate following the approval of reserved matters applications. The original outline consent for the HUB has been given extended life through a number of renewal consents which help enable prospective applications for developments to proceed with the knowledge that an outline consent continues on site. The HUB site has also changed hands again and is now in the ownership of IM properties, a private company.
- 6.3. This application seeks to meet various aspirations as set out in the Pre- submission Birmingham Development Plan (December 2013). The final BDP when adopted will become part of the City's statutory framework guiding decisions on all development and regeneration activity over the period to 2031. The Council submitted the BDP for examination in July 2014. Examination hearings took place before a Planning Inspector on behalf of the S.O.S in October and November 2014. His interim findings were issued in January 2015 and his Proposed Modifications were published in July 2015. None of the Inspectors Proposed Modifications raise any significant issues with respect to the policies that underpin the assessment of this development proposal. Given the stage at which the BDP is now, it can be considered as material consideration in the assessment of this planning application.
- 6.4. The above approach is supported by part 216 of the NPPF which states " From the day of publication (of the NPPF), decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)".
- 6.5. The BDP sets out the aspiration to expand the City Centre retail, leisure, residential and office core and states in policy GA1.2 "In order for the City Centre to maintain and develop its position as top visitor destination and driver of the City's economy, significant new levels of growth will be accommodated.....The following strategic locations will be the focus of the proposed growth". It continues by identifying the Southern Gateway as one of those locations by stating " This area (Southern Gateway) will be the focus for expansion of the City Centre Core southwards through comprehensive redevelopment of the wholesale markets site delivering a vibrant new destination for the City". This explicitly sets out the future planned clearance (and relocation) of the existing wholesale market site on Pershore Street. This policy aspiration for this site is reinforced by the non statutory Big City Plan and planning guidance in the form of 'Birmingham Smithfields- the visioning document' March 2015.

- 6.6. With the policy justification for the clearance and redevelopment of the current wholesale market site set out above, the BDP provides policy support for the principle of its relocation to the Hub despite a wholesale market being categorised as Sui Generis rather than B1, B2 or B8 development which the Hub has outline consent for. This justification, and wider planning policy support, is detailed below.
- 6.7. The Hub is designated core employment land within the UDP (2005) and within the BDP. The BDP sets out, amongst other matters, the economic aspirations of the City and how they could be achieved through appropriate land use policies. The BDP sets out one of its key aspiration in part 3.5 as being “To ensure that the City has the infrastructure in place to support its future growth and prosperity”. It continues in part 3.11 by stating “the continued revitalisation and modernisation of the City’s economy will be central to the growth agenda ensuring that jobs and prosperity are generated for current and future residents”. 3.12 states “ A continuous supply of land and full range of premises will be made available for all forms of employment development, including for the growth and modernisation of existing companies, the establishment of new business and to attract investment from both within the UK and internationally”.
- 6.8. Part 3.14 of the BDP identifies the importance of accommodating food and drink industries, a category of development that the wholesale markets falls within. It states “Particular emphasis will be placed on ensuring that sites are available to support the economic sectors important to the City’s economic growth. These include business, financial and professional services, creative and digital media, life sciences, food and drink, ITEC, logistics and advanced manufacturing”. Part 3.15 and 3.16 of the BDP sets out the identification of six strategic economic zones that the economic strategy of the BDP places a great deal of importance on in terms of realising its economic development and jobs growth agenda, with specific reference made to the establishment of food related enterprises in the Hub. This qualifies the land use allocation of the application site for a wholesale market when it states in part 3.15 “ Clustering these high growth sectors in specific locations will play a vital role in attracting investment and enabling growth. Six Economic Zones have been created to provide the clustering of economic activity within high quality business environments that are supported by the right infrastructure”. It continues in 3.16 “The Economic Zones are an Advanced Manufacturing Hub at the East Aston Regional Investment Site, ITEC Park at the Longbridge Regional Investment Site, Life Science Campus around the Queen Elizabeth Hospital and Birmingham University Campus, Environmental District at Tyseley, Food Hub at the former IMI site at Witton and the City Centre Enterprise Zone (EZ)”.
- 6.9. The above strategic focus on creating a varied and sustainable employment landscape also meets the aspirations of the NPPF when it states in part 7 “There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles”. It continues by stating “ an economic role- contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure”.
- 6.10. In summary, I consider the policy basis as set out above satisfactorily meets the principle of supporting the development of the application site as a wholesale market. The detailed impact of the prospective development is considered below.

- 6.11. Noise and disturbance- Regulatory Services recommend that in order for the development to be acceptable in terms of noise, disturbance and pollutants the development must be conditioned in order to control such impacts. I concur with this view. The applicant has submitted a supporting site noise assessment with this application. This has been derived from noise data and observations from an existing recently new built wholesale facility in Heathrow London (in order to attain better understanding of the operational activity envisaged on the application site and its potential noise impact) and also data, where relevant, from the existing more ad-hoc wholesale operation in Birmingham City Centre on Pershore Street.
- 6.12. In addition to the above, the potential noise and disturbance impact of the proposal has been assessed using other supporting information provided such the layout plans and Tenant Handbook.
- 6.13. Before proceeding to assess the more detailed noise impact of the proposal as background to the use being established in this location Members are reminded that the proposed development would have similarities to a B8 type use for which the site has outline planning consent. In addition to this, the outline consent also covers B1 and B2 Uses. Members are also reminded that B2 uses are general industrial uses. Therefore, the principle of establishing large scale noise generating commercial development on this site has already been established through previous outline planning consents and therefore it is the detail of each proposal that needs to be assessed more carefully, and where necessary, controlled to ensure minimal impact to nearby residential occupiers.
- 6.14. The proposed wholesale market development would operate on a 24 hour basis, with activity concentrated during specific times of the day and night. This will mainly relate to the delivery of goods, usually by large lorries, and the subsequent collection of these goods by generally smaller independent retailers to stock their shops and supermarkets. The main sources of noise beyond the movement of delivery and collection vehicles would emanate from the general activity created by the on site operations to ensure a continuous movement of goods on and off site. Such noise generating activity would include the use of forklift trucks and the operation of fixed plant or machinery.
- 6.15. Following the establishment of tenant holder requirements the proposed market building has been designed to accommodate their needs. In addition to this they would be expected to operate in accordance with the requirements of a Tenant Handbook that will control factors such as the type of forklifts used. Whilst these measures will help in reducing noise impacts, the proposal is still expected to generate a potential adverse noise impact unless safeguarding conditions are applied that control the use and require other mitigating measures to be implemented.
- 6.16. The main mitigating measure that has been identified to minimise noise impact is the provision of an acoustic fence measuring 5 metres high along part of the southern boundary and the provision of mound works with 7 metre high fence on top along part of the north west of the site boundary. These boundary treatments are expected to protect existing residential occupiers south of the railway line in cul des sacs to the south and on Oscott Road to the north west. This should reduce noise transmission levels significantly and as such it is recommended that boundary treatment details are conditioned.
- 6.17. Furthermore, whilst many controls are in place within the Tenant Handbook that would control noise impacts, more specific controls to limit noise are recommended.

These would include controls on the noise levels generated from all fixed plant and machinery, the location of surface drainage and type of surface treatment to limit vibration of cages and noise from forklifts.

- 6.18. I consider that the application of a series of safeguarding conditions following an evaluation of the impact of the proposal as a whole (which includes conditions relating to the above matters) should satisfactorily address concerns regarding noise impact. It is recommended that other none noise disturbance impacts are controlled through measures such as controls on lighting.
- 6.19. Soil contaminants- Whilst the EA recommend the attachment of a condition that requires only unexpected contamination to be addressed through a safeguarding condition, my Regulatory Services advisor also recommends that a site investigation is also undertaken as a matter of course. I do not concur with comments that a site investigation be carried out as a matter of course as the site has been decontaminated in the past. Therefore, the only risk to human health and or the environment expected to arise would be from any unexpected contaminants not previously identified and dealt with under the previous decontamination of the site.
- 6.20. Parking/highway matters- Comments awaited from Transportation Development. In the absence of their comments on the scheme from Transportation Development I provide the following commentary on the parking and highway impact of the proposal. The proposed development would seek to establish a wholesale market with ancillary infrastructure on this site. The total level of floorspace to be erected would equate to 22,943 square metres. Whilst the proposed use would represent a sui generis use, it would share many of the characteristics of a B8 warehouse type use, which I consider to be the nearest comparative land use in order to compare parking requirements as set out in adopted parking guidelines against what is proposed on site.
- 6.21. On the basis that a typical B8 warehouse use would be expected to be provided with 1 parking space per 60 sq.metres as set out in adopted SPD car parking guidelines, this would equate to the need for 382 parking spaces. I note that the development would provide 450 spaces; which would allow for any additional parking demand to be comfortable accommodated. I also note that the site would provide separate lorry parking bays for loading and unloading and controlled access on site. The development would be set a distance from the nearest main highway thereby reducing potential conflict with other highway users. The level of parking provision and its layout would ensure satisfactory on site parking capacity and a practical layout to ensure the operation could operate without hindrance to on and off site motorists.
- 6.22. In summary, I do not consider the proposal would give rise to any adverse parking or highway impact. With respect to the request by Councillor Hunt that directional signage be erected and other off site measures be undertaken to ensure the free flow of traffic along Broovale Road and Aston Lane, these will be referred to my Transport advisor for assessment of their appropriateness in this instance.
- 6.23. Design/appearance- The proposed development would generally make use of external cladding that would reflect the general industrial appearance of the employment estate it would be located within. The scale and massing of the development would also appear in keeping with its surrounds. In summary, no adverse visual impact is identified.

- 6.24. Outlook and impact on light to nearby occupiers- Given the siting and positioning of the proposed development, the overall massing and scale of the development is not expected to have an adverse impact in terms of light to and outlook from nearby dwellings.

7. Conclusion

- 7.1. The proposed development would fit in with the strategic objectives of the Pre-Submission Birmingham Development Plan (December 2013) which is a material consideration in the assessment of planning applications. The proposal also meets the government's wider objective of achieving sustainable development as set out in the NPPF. The development itself would fit in visually with this locality and is not expected to have a harmful impact subject to safeguarding conditions.

8. Recommendation

- 8.1. That the application is approved subject to the conditions detailed below.

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| 1 | Requires the prior submission of sample materials other than those already agreed under condition 19. |
| 2 | Requires the prior submission of hard surfacing materials |
| 3 | Requires the prior submission of earthworks details |
| 4 | Requires the prior submission of boundary treatment details |
| 5 | Requires the submission of a landscape management plan |
| 6 | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 7 | Requires the prior submission of a drainage scheme |
| 8 | Requires the submission of a CCTV scheme |
| 9 | Removes PD rights for boundary treatments |
| 10 | Restricts the use of the offices, retail, warehouse and cafe elements of the development |
| 11 | Requires details of appropriate vehicle safety protection measures along the boundary with the railway line. |
| 12 | Requires the submission of unexpected contamination details if found |
| 13 | Requires a detailed site layout plan that shows lane markings |
| 14 | Requires the site to be operated in accordance with the Tenant Site Handbook |
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- 15 Requires the submission of extraction and odour control details
 - 16 Requires the prior submission of a lighting scheme
 - 17 Restricts reversing alarms on forklifts to broadband reversing alarms only e.g white noise reversing alarms. No Tonal reversing alarms shall be used on site.
 - 18 Restricts re Fridgeration units to be only powered by vehicle engines or by electrical hook up (where available)
 - 19 Requires details of all plant and machinery to be agreed before its first installation
 - 20 Limits the maximum noise levels from the recycling facility
 - 21 Requires the scheme to be in accordance with the listed approved plans
 - 22 Limits the approval to 3 years (Full)
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Case Officer: Wahid Gul

Photo(s)

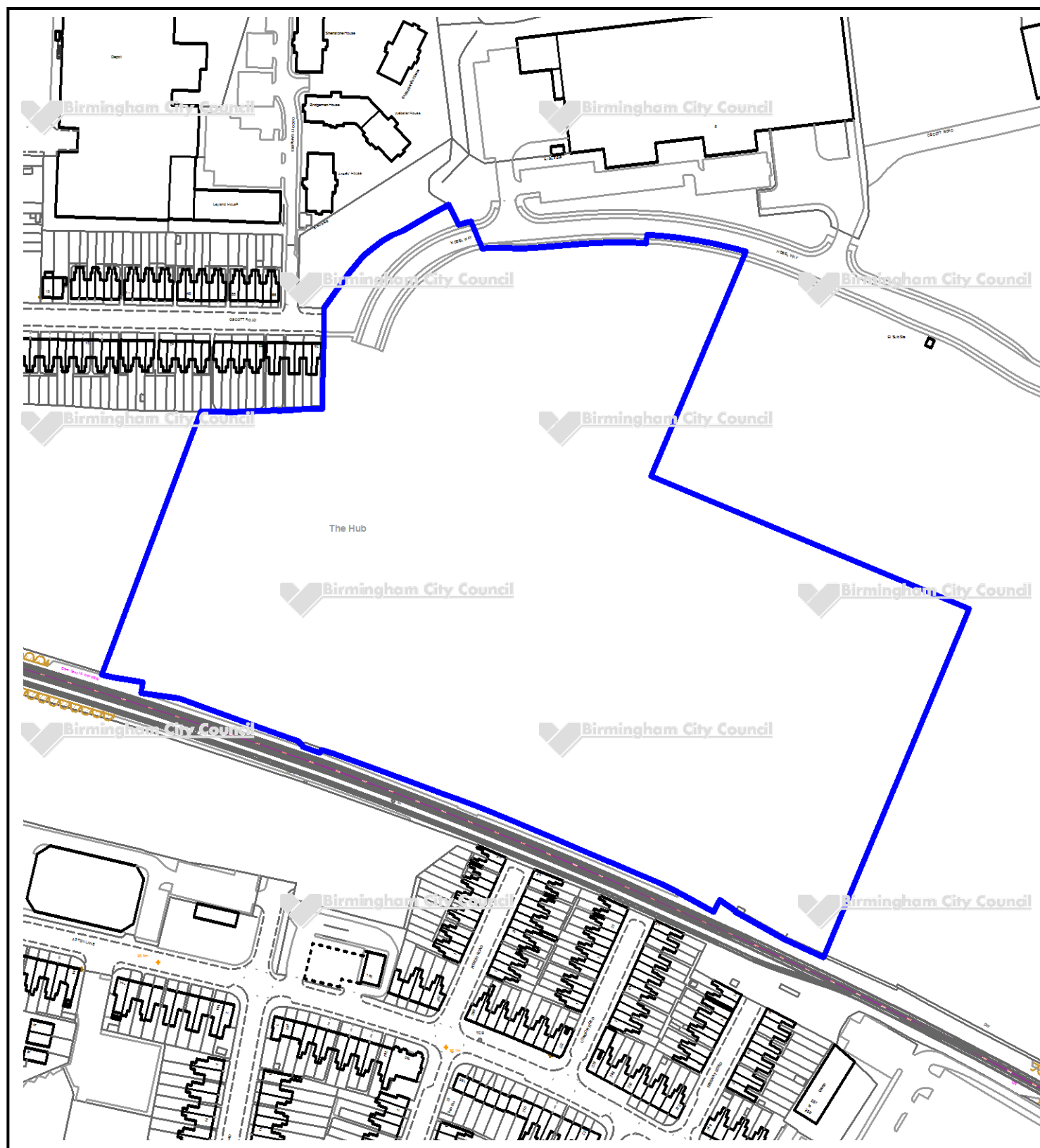


View looking south west to the site as viewed from Nobel Way



View looking south from the site looking towards the railway line

Location Plan



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Committee Date:	03/09/2015	Application Number:	2015/01779/PA
Accepted:	08/04/2015	Application Type:	Outline
Target Date:	08/07/2015		
Ward:	Aston		

Land at the corner of Aston Lane/Wellhead Lane, and to rear of Aston Lane, Perry Barr, Birmingham, B42 2SY

Outline application for residential development with details of proposed access and with all matters reserved.

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

Recommendation
Refuse

1. Background

- 1.1 This application was originally proposed to be considered at your meeting on 25th June 2015. Additional information was received from the applicant in relation to the proposed reasons for refusal, and so the application was withdrawn from the Committee agenda to allow officers opportunity to consider this information.
- 1.2 Since that time, a planning application has been submitted for the development of the new wholesale markets on the neighbouring site to the north (see planning history). That application is reported elsewhere on the agenda, and therefore allows members to consider both applications at the same meeting.

2. Proposal

- 2.1 This application seeks outline planning consent for the development of the site for residential use, with all matters reserved with the exception of access, which is proposed to be located on Wellhead Lane. A secondary access for emergency services is shown from Aston Lane.
- 2.2 The application is accompanied by indicative proposals which identify there would be 95 no. dwellings proposed, as a mix of 28 no 1 beds, 45 no. 2 beds, 15 no. 3 beds, and 7 no. 4 bed units. The applicant confirms the proposal would be policy compliant with respect to the provision of 35% affordable housing.
- 2.3 The application is accompanied by a Planning Statement, Design and Access Statement, Initial Noise and Vibration Appraisal, Environmental Noise and Vibration Report, Transport Assessment and Travel Plan, Flood Risk Assessment, Phase 1 Desk Study, Ecological Appraisal, Tree survey, and Heritage Assessment. The

applicant has also provided evidence from a property agent in respect of the issue of Loss of Industrial land.

[Link to Documents](#)

3. Site & Surroundings

- 3.1. The site is situated on the northern side of Aston Lane with a portion of the site in the south western corner having a frontage to Aston Lane, and with the western edge of the site fronting Wellhead Lane. The site is L-shaped with much of the site situated to the rear of neighbouring uses that front onto Aston Lane. The neighbouring uses include a job centre, Leacy Classics (Classic car parts business) a car wash business, and a petrol filling station. There is a terrace of residential properties in North Road whose rear gardens adjoin the eastern boundary of the site. The site area is 1.72 hectares.
- 3.2. The northern boundary of the site is adjoined by a rail line which connects Birmingham and Walsall, beyond which are two development sites, for a secondary school and the IM Hub site that has been earmarked for the relocation of the wholesale markets. Tufnols (an engineering business specialising in engineering plastics, industrial laminates and resin based materials for engineering applications) are situated to the west side of Wellhead Lane.
- 3.3. The southern side of Aston lane is predominantly residential in character.
- 3.4. The site occupies an edge of centre location to Perry Barr/Birchfield Centre as defined in the Aston Newtown and Lozells Area Action Plan. The site is situated approximately 450 metres from Perry Barr train station.

[Street Location](#)

4. Planning History

- 4.1. Application site
- 4.2. 23/01/2006 – 2006/00376/PA – Erection of industrial/office buildings (use class B1, B2 and B8) – Approved subject to conditions.
- 4.3. This consent related to the eastern part of the application site accessed from Aston Lane and comprised 4 units.
- 4.4. 17/01/2008 - 2007/06426/PA – Erection of warehouse and use of site for storage of building materials to include sales to trade only (sui-generis use) – Approved subject to conditions.
- 4.5. This consent related to a larger proportion of the site at the eastern end (approximately 50% of the site area) and proposed a building of 1450 square metres for a Travis Perkins builders/timber/plumbing merchants.
- 4.6. Adjacent sites to the north
- 4.7. 17/03/2011 - 2010/07132/PA – Application to extend the time of extant planning permission 2005/01826/PA to allow a further 5 years for the submission of reserved matters in connection with re-development of the site for B1, B2 and B8 uses (business, general industry, storage and distribution) thereby also extending the time

limit to implement reserved matters approval 2007/07039/PA – approved subject to conditions.

- 4.8. This is the extant planning consent for the IM Hub site which allows for the submission of reserved matters until 17th March 2016 (5 years from the approval date). The planning consent includes a number of notable conditions including a condition to agree a scheme of insulation of the buildings, structure, plant and machinery (condition 14), a condition to agree details of extract ventilation and odour control and any associated noise levels (condition 15), a condition to agree details of noise attenuation measures where it is adjacent to existing residential properties (condition 16) and a condition that sets rating levels for cumulative noise from all sources to not exceed 10dB below existing background noise levels at the nearest noise sensitive premises as assessed in accordance with British Standard 4142 (1997) (condition 31). This condition also stipulates that in any event noise levels at the façade of the nearest noise sensitive property shall not exceed 60dB(A) in the evening (1900-2300 hours) and night time (2300 to 0700 hours).
- 4.9. 2015/05235/PA - Erection of a wholesale market building and associated warehouse units and amenity buildings (Sui Generis), car parking and servicing arrangements, landscaping, acoustic fencing and bunds and associated works – Reported elsewhere on this agenda.
- 4.10. Planning consent has been granted under application 2014/04346/PA for redevelopment of land to the north fronting Wellhead Lane to provide erection of new school building with associated ancillary new sports hall and MUGA (multi use games area) together with associated parking and landscaping.
- 4.11. Adjacent site to the west
- 4.12. 31/01/2012 – 2011/07426/PA – Application to replace extant planning permission 2009/00639/PA in order to extend the time limit for implementation for the erection of a single storey supermarket (Class A1) and associated parking and landscaping – Approved subject to a s106 agreement that the remainder of the Tufnol site be retained for industrial uses only.

5. Consultation/PP Responses

- 5.1. Press and Site Notices erected. MP's for Ladywood and Perry Barr Consituencies, Ward Members for Aston and Perry Barr Wards, residents associations and neighbouring occupiers/residents notified. Two objections received, the first commenting that the area is identified as an industrial site, it has been in industrial use in the past and is probably contaminated and unsuitable for residential use, it would be adjacent to the railway where there are dangerous overhead cables, there is knotweed on the site, there are existing congestion issues in the area and Aston Lane does not have more capacity for further traffic, the wholesale markets are moving onto the adjacent site and this will further complicate the situation, local schools are reaching admittance levels. Other developments including the University site and the proposed new school will mean that the area is subjected to a high intensity of development construction that is detrimental to the area.
- 5.2. The 2nd objection is from the adjoining warehouse business (Leacy Classics) who consider that the application provides insufficient evidence regarding the loss of industrial land to meet the policy tests, that the proposal would restrict the future viability of their business due to potential for complaints of noise disturbance from

future occupiers of the proposed housing, and that whilst the application is in outline the shape of the site makes it clear that no attenuation is proposed in respect of north facing gardens fronting the rail line, and is therefore contrary to the guidance in the NPPF on noise. They also comment that clarification is required regarding whether the proposed emergency access is for approval at this time, commenting that they use the access to serve their car park and for articulated lorries and other service vehicles which should remain unobstructed, seeking a Traffic Regulation Order to prevent parking from the residential development adversely affecting their business.

- 5.3. Regulatory Services – Recommends refusal. Comment that they have strong concerns due to the industrial and commercial nature of the surrounding area. Comments that the noise reports submitted with the application do not contain sufficient information to change this opinion; notwithstanding the potential markets development, it would be normal to assume that an existing noise limit planning condition applies at residential premises existing at the time of the B1/B2/B8 approval and therefore occupiers of the proposed development would not benefit from this requirement in the extant planning consent for the Hub site. The potential vibration issue that has been identified from freight use of the railway has not been fully assessed and addressed, noise from Tufnol has not been characterised, and contrary to the submitted evidence, acoustic windows (where they are opened and affect habitable areas) cannot be considered suitable because of the nature of legislation dealing with complaints of noise disturbance, and that BCC noise guidance for external amenity areas has not been considered. Notwithstanding the submission of additional information from the applicant, including reference to an appeal decision regarding mechanical ventilation and the consideration of the wholesales markets application, EPU's final conclusions have not changed.
- 5.4. Transportation Development – Comments that confirmation regarding emergency access is still required but would not amount to a reason for refusal. Assuming that the emergency access and pedestrian route is provided and maintained they have no objections subject to conditions, relating to all necessary highway works including proposed bellmouth arrangement, proposed yellow box at the the access junction, and works to street furniture/statutory undertakers apparatus, vehicular visibility splays, stage 2 road safety audit, that no approval is given to the indicative layout with all other matters reserved.
- 5.5. Drainage – No objections in principle, requests additional information regarding SUD's operation and management plan, including ; details of party responsible for the maintenance of each feature, specification for inspection and maintenance actions (including frequency of tasks and setting out minimum standard of maintenance required), proposed arrangements for adoption/ownership to secure operation of the scheme throughout its lifetime, details of proposed contingency plans for failure of any part of the drainage systems that could present a hazard to people.
- 5.6. Severn Trent Water – No objections. Recommends drainage condition.
- 5.7. Environment Agency – No objections. Recommends condition relating to ground contamination remediation.
- 5.8. Network Rail – Make detailed comments in respect of the relationship of the site to the adjoining rail line. Requests a risk assessment and method statement, provision of trespass proof boundary fencing, that the developer should comply with the Party Wall Act, that any acoustic fencing should be set back from the boundary by 1 metre

and to ensure that any fence over 1.8 metres in height is designed to consider wind loading to ensure that such fencing does not risk falling onto the rail line, construction management, ground works, tree planting and surface water drainage to be designed to ensure they do not adversely affect the rail line, and that there is a minimum 2 metre gap between buildings and structures and the railway boundary. They also comment that the current usage of the railway may be subject to change at any time without prior notification including increased frequency of trains, night time trains and heavy freight trains, and that works are often carried out at night when normal rail traffic is suspended and often these works can be noisy and cause vibration. They consider they should be engaged in discussions to determine the most appropriate measures to mitigate noise and vibration, the costs of which must be borne by the developer and not Network Rail.

- 5.9. West Midlands Police – Makes detailed comments in respect of the indicative layout regarding the vulnerability of some of the proposed parking spaces due to their poor relationship with the units they serve, design and heights of proposed boundary treatments be carefully considered including where the site adjoins the emergency access and where this could provide a route for offenders targeting vehicles in these areas, that the development should be undertaken to the standards of Secured by Design, that details of lighting be agreed, and identify the need for additional security measures in the form of gates to shared accessways and to shared parking courts.
- 5.10. West Midlands Fire Service – No objections.
- 5.11. Leisure Services – Comments that in accordance with the UDP, the development should be subject to off-site play and public open space contributions. There is no detail within the application of what the schedule of accommodation would be, but the exact amount would have to be determined at full application stage (they estimate the contribution to be in the region of £231,000 index linked), which would be spent on the provision, improvement and/or maintenance of POS/play/public realm within Aston Ward.
- 5.12. Education – Comments that they would need to know the proposed number of units to assess whether an education contribution would be required.

6. Policy Context

- 6.1. Adopted UDP 2005, Draft Birmingham Development Plan, Aston, Newtown and Lozells Area Action Plan 2012, Loss of Industrial Land to alternative uses SPD, Places for Living SPD, Places for All SPD, Car Parking Guidelines SPD, Provision of public open space within new residential development SPD, The Birmingham Archaeology Strategy 2003, NPPF, NPPG. Tree Preservation Order 1397.

7. Planning Considerations

7.1. Policy - Adopted UDP 2005

- 7.2. The application site is not allocated for development in the UDP and is vacant industrial land, for which the Council's industrial land policies apply. Paragraph 4.31 of the UDP sets out that opportunities for industrial development in the built up area of the City are diminishing. In order to reduce pressure on greenfield sites the loss of industrial land to retail or other non-conforming uses will be resisted except in cases where the site is a non-conforming use. Paragraph 4.20 sets out 5 sub-industrial

land markets, comprising, 'Major Investment', 'Premium', 'Best Urban', 'Good Urban' and 'Other Urban' land. In my view, the application site would fall within the 'Good Urban' category (defined as 'Good Quality' in the draft BDP) which are described as sites of good quality suitable for locally based clients.

- 7.3. The industrial land to the north side of the adjoining rail line is allocated for industrial development under policy IR6. Paragraph 10.17 of the UDP states that part of the constituency, including the Holford Business Park and the IMI Works, is included in the Tame Valley Area of Industrial Regeneration. The policy explains that several sites at Holford have recently been developed and further development of the Holford Business Park is underway. Other high quality business park development will be encouraged in principle in the general area bounded by Aston Lane, Wellhead Lane, Aldridge Road, College Road, the Tame Valley Canal and Brookvale Road.
- 7.4. Paragraph 5.25C states that in assessing proposals for new housing development on previously developed sites, the City Council will take into account ; the suitability of the site for housing; the need to maintain a diversity of uses within the built up area; whether there are any serious physical constraints, such as contamination, instability or flooding; any intrinsic historic, cultural or natural asset; the accessibility of the site to jobs, shops and services by modes other than the car; and the capacity of existing and potential infrastructure to absorb further development.
- 7.5. Notwithstanding that this is an outline application, the Council's urban design policies in paragraphs 3.14-3.14D and paragraphs 5.20-5.20D relating to the design of housing development and the provision of open space to meet the needs of the development are all generally relevant. Also relevant to this application are the Council's policies on the delivery of affordable housing which set out that the Council will normally seek provision of 35% of the units within the scheme to be affordable units (paragraphs 5.37- 5.37G).
- 7.6. Policy – Draft Birmingham Development Plan 2013 and the adopted Aston, Newtown and Lozells AAP.
- 7.7. The application site is located within a growth area identified in the draft BDP. Policy GA3 of the draft BDP sets out the strategic objectives for this growth area, centred around the development of Perry Barr centre to include over 700 new homes, one Regional Investment Site at Aston, 10,000 sq.m of office space and 20,000 sq.m of retail development in Perry Barr. The application site is not allocated for development in the AAP and is therefore vacant industrial land. Policy TP16 of the draft BDP relates to the portfolio of employment land which is summarised to be provision of a 5 year minimum reservoir of 96 hectares of readily available land to be maintained throughout the plan period in addition to the Regional Investment Sites, of which land in the 'Good Urban' category will make up a minimum of 31 hectares. As of April 2014, in preparation for the BDP inquiry, the reservoir of readily available land in this category was 20.79 hectares in the City. There is therefore a shortfall of land within the 'Good Urban' category to maintain a 5 year supply.
- 7.8. Policy TP19 of the BDP relates to the protection of employment land, which sets out that employment land and premises are a valuable resource to the Birmingham economy and will be protected where they contribute to the portfolio of employment land and are needed to meet the longer term employment land requirements set out in Policy TP16. Outside Regional Investment Sites and Core Employment Areas there may be occasions where employment land has become obsolete and can no longer make a contribution towards the portfolio of employment land. In such cases,

change of use proposals from employment land to other uses will be permitted where it can be demonstrated that either the site is considered a non-conforming use; or the site is no longer attractive for employment having been actively marketed. Where it is argued that redevelopment for employment purposes would be commercially unviable, a viability assessment may also be required.

- 7.9. The BDP policy is consistent with the loss of Industrial Land to alternative uses SPD which provides further detail on the consideration of these issues. In respect of demonstrating that the site has been appropriately marketed for industrial use, the SPD sets out in paragraph 5.3 that this would normally be for a minimum of two years by an established industrial property agent and would include adverts being placed in publications such as Birmingham Post and Estates Gazette, mail shots to the agents client base, and a 'for sale' board being placed outside the site. The SPD sets out that evidence would need to be provided that the site is being marketed for a price which accords with other industrial property of a similar type in the area.
- 7.10. The land to the north of the rail line is identified in both the Draft BDP and the adopted Aston, Newtown and Lozells AAP as Core Employment Area. Policy TP18 of the draft BDP sets out that Core Employment Areas will be retained in employment use and will be the focus of economic regeneration activities. The policy defines industrial uses as those within B1b, B1c, B2 and B8 uses and other uses appropriate for industrial areas such as waste management uses. Applications for uses outside these categories will not be supported unless there are exceptional circumstances.
- 7.11. In respect of new housing, the draft BDP sets out in Policy TP27, that proposals for new residential development should, amongst other things, not conflict with any other specific policies in the BDP, in particular the policies for protecting Core Employment Areas, open space and the revised Green Belt.
- 7.12. In addition to the draft BDP and the adopted AAP, the Council has set out its strategic vision for the creation of a Food Hub at Perry Barr as one of 6 economic zones in the City where the Council will support high-growth sectors in Birmingham. The document, entitled Economic Zones – Investing in Birmingham was produced September 2012 and whilst it has no status in decision making, it is nevertheless of general relevance in providing a context to the BDP policies. The Food Hub is intended to capture interest in the city from the food industry to form a cluster of food processing, manufacturing and distribution businesses.
- 7.13. Policy – NPPF
- 7.14. Paragraphs 11 and 12 set out that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change this statutory status of the development plan as the starting point for decision making. Proposals that accord with an up to date plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 7.15. Paragraph 14 establishes the presumption in favour of sustainable development stating that proposals that accord with the development plan should be approved without delay and that where the development plan is absent, silent or relevant policies are out of date, that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole.

- 7.16. In regard to industrial land, the NPPF states in paragraph 22 that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose, and that in such circumstances applications for alternative uses should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 7.17. Paragraph 47 deals with the supply of housing. The guidance states that Local Planning Authorities should maintain a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional buffer of 5 % to ensure choice and competition in the market for land. The policy also requires that the evidence base should be used to ensure that the development plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 7.18. Paragraph 120 states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to the adverse effects of pollution, should be taken into account. Paragraph 123 sets out that planning policies and decisions should aim to ; avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse effects on health and quality of life arising from noise from new development, including through the use of conditions; and recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. The NPPG provides more detailed guidance on noise setting out that the significant observed adverse effect level is the level of noise exposure above which significant adverse effects on health and quality of life occur.
- 7.19. Paragraph 215 deals with the weight to be given to relevant policies adopted since 2004 (ie. the UDP). This sets out that due weight should be given to relevant policies in existing plans according to the degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 7.20. Principle of the Development – Loss of Industrial land and impact on the Core Employment Area.
- 7.21. Both the application site and the IM Hub site (earmarked for the re-location of the wholesale markets) are industrial sites for which the Council's industrial land supply policies apply, in particular paragraph 4.31 of the adopted UDP, and TP16, TP18 and TP19 of the draft BDP. The BDP policies have been considered at the BDP inquiry and are consistent with adopted UDP policy, the SPD and the NPPF. The application site is a 'Good Urban' site where there is a shortage of land in this category.
- 7.22. As such, any proposal on the application site for alternative non-industrial uses must therefore demonstrate that it meets the identified tests for the release of the industrial land to comply with the City Council's adopted and emerging industrial

land policies. In addition, given the proximity of the site to the Core Employment Area, there is a need to ensure that the proposed use will not introduce a constraint to developing that site that might undermine its delivery. Such a negative impact could significantly undermine the Council's strategy for industrial land supply in this part of the City.

- 7.23. The applicant has provided evidence to seek to demonstrate compliance with the SPD tests regarding the marketing of the site. Having concluded that the evidence originally submitted did not adequately address the policy, the applicant has sought to provide additional evidence. They have not sought to make the case that the site is non-conforming, or that the site is unviable for industrial use.
- 7.24. The evidence provided includes letters from a property agent to the applicant dated 3rd March 2015, 21st January 2015, 9th July 2013 and an expression of interest schedule, and more recently a marketing overview report which includes sales particulars, photographs of on-site advertisement boards and a letter from the vendor company.
- 7.25. In summary, the evidence states the reason the site has not been of interest to industrial occupiers is due to the site being predominantly in a residential area and that the access and egress is very restricted, with traffic congestion on Aston Lane putting off interested parties. They also comment that the sites shape being long, thin and narrow makes it more difficult due to the requirement to give a buffer to the rail line. They state that there has been no interest from national industrial occupiers. The letter sets out that only limited local interest has been expressed for storage of shipping containers and a biomass generator.
- 7.26. Active marketing as required by the Loss of Industrial Land SPD and emerging BDP does not appear to have been undertaken for a two year period. At best it appears that a formal marketing campaign commenced in late summer 2013, although I'm concerned that it appears that boards actively advertising the site for sale were put up sometime after February 2014 from the evidence provided and that the site was not advertised on Co-star and Showcase until November 2013. Given that the site was taken off the market in April 2015 this appears to give a period of active marketing of approximately a year to a year and a half. I do not consider the earlier marketing described variously as 'confidential', 'soft' and 'quiet' to constitute active marketing. Likewise the reliance on the marketing undertaken by GVA Grimley prior to acquisition of the site by the current owner (who has since decided to develop elsewhere) as part of the period actually demonstrates the value of active marketing for industrial use as it led to a potential occupier to purchase the site demonstrating market demand at that time.
- 7.27. I also have concerns about the quality of the marketing as expressed previously. The brochures provided refer to the site as a "development opportunity" or "mixed use" and promote other non-policy compliant uses subject to planning alongside the expired trade counter consent. I do note that later marketing materials identify the site as employment land and advise that the tests in the SPD should be met which is a better approach, albeit that they continue to promote other uses that are not policy compliant. I also have concerns about the schedule of interest provided as unlike other sectors there is very little indication as to who the contacts identified under the "Storage & Shipping Containers" and "Industrial" sections represent. Essentially, the evidence is weak in demonstrating that the right people in terms of the policy acceptable sectors were targeted by the marketing exercise. The value that the site has been marketed for does not appear to accord with other industrial property of a similar type in the area and such does not meet the test set out in the SPD.

- 7.28. Finally, the market commentary evidence focuses predominantly on the large scale distribution market in the East Midlands. I would expect to see evidence that considered the demand and supply of industrial land within Birmingham if they were to argue that there is an adequate supply of sites already. The evidence provided so far only demonstrates that in the East Midlands there are sites for large scale industrial/distribution developments not that there is an ample supply of sites suitable for locally based investment within Birmingham which is the sector that we would expect a good quality class of site such as this to contribute to. Indeed as discussed the published 2014 figures presented during the BDP hearings as evidence show a current shortfall within this category.
- 7.29. I therefore consider that the applicant has not provided sufficient evidence to demonstrate compliance with the Council's adopted policies relating to the loss of industrial land. I therefore recommend refusal on this ground.
- 7.30. The Hub is a strategically important 'Best Quality' site of 29 hectares (of which the minimum reservoir in the draft BDP is 60 hectares so this site equates to approximately half this total) and has an existing consent for B1, B2 and B8 development. It is noted within the applicant's planning statement that there may be potential conflict between the proposals for the Hub for the relocation of the wholesale markets and the submitted proposals, particularly in terms of noise issues (see below). I consider that the relocation of the wholesale markets is a strategic planning issue, not least because of the importance to the continued development of the City Centre of the current wholesale markets site as demonstrated by the recently consulted upon Birmingham Smithfield Visioning Document.
- 7.31. The relocation of the wholesale markets to the Hub site at Witton are subject to a planning application reported elsewhere on the agenda. The Council is committed to the relocation of the wholesale markets with Cabinet approval in January 2014 in respect of the full business case. Given that the proposed wholesale markets use complies with the Core Employment Area policy, it is recommended for approval with some planning conditions to protect the amenities of existing residents (including acoustic fencing, limits on noise from plant and machinery, controls forklifts, operation of a tenants handbook) and will permit 24 hour working at the site.
- 7.32. Setting aside the wholesale markets proposals, it is important to note that the size of the Hub site itself is of strategic importance in terms of the contribution that this site can make to the City's economy as a significant concentration of 'Best Quality' land. It has an implementable B1/B2/B8 consent with some conditions that would protect existing residents, including a noise levels condition and a condition for noise attenuation measures, but would not for instance, be enforceable in relation to complaints from occupiers of the proposed development as these conditions protect existing residents only. The consent does not include any restrictions on hours of use or hours of servicing and whilst there are conditions relating to noise attenuation of the buildings, this consent would not control noise externally from, for instance, the use of the service yard for loading/unloading, the use of beepers on forklifts, refuse storage/compactors and so on.
- 7.33. I note the objections raised by Regulatory Services and consider that even with the measures proposed by the applicant (in the form of acoustic glazing) that this could lead to action having to be taken against industrial occupiers in respect of a statutory noise nuisance. In this context, the implementation of the proposed wholesale markets or an alternative industrial use on the Hub site could be placed at risk by the approval of this residential scheme which would introduce a new noise sensitive

receptor. If the proposed development of the Hub site were to proceed and there were future complaints from residents of the proposed development, this could lead to measures that could constrain those industrial activities and be a threat to jobs. I have therefore recommended refusal on the ground of the impact that the proposed development could have on the Core Employment Area to the north.

7.34. Noise Impact

- 7.35. The applicant originally submitted two documents to support their application in respect of noise; an initial noise and vibration appraisal and a more detailed environmental noise and vibration report. Subsequently, in response to my recommendation for refusal, a further document was submitted from their noise consultant providing commentary on my previous report.
- 7.36. The initial appraisal provides a review of national and local policy and guidance, provides an overview of the site and identifies potential noise and vibration sources as being noise from road traffic, rail traffic, industrial/commercial noise and educational premises. Potential mitigation measures are identified including glazing and ventilation, external mitigation measures such as acoustic barriers, with vibration mitigation also mentioned but identified to be considered unlikely to be required. The document sets out that further assessment would include noise monitoring and vibration monitoring, noise modelling and a desktop assessment in respect of the wholesale markets.
- 7.37. In terms of existing sources of noise, the report sets out that the rail line carries electric and diesel passenger trains and also freight trains, with approximately 100 passenger movements per day, and up to 25 allotted freight passes per day. The report states that during attended daytime surveys 4 freight passes were witnessed, with approximately 23-25 additional passes noted during the night-time period between midnight and 06:00 hours. The rail lines are approximately level with the site.
- 7.38. The report sets out that during attended noise surveys, road traffic was considered to be the dominant noise source across the site with train passes transiently increasing the noise levels. Although activities associated with commercial premises located between the site and Aston Lane to the south of the site were audible, it was sporadic in nature and considered by the consultant to be of low impact. The report also comments that during daytime periods where traffic levels dropped, it was noted that noise attributable to Tufnol Ltd was audible, however this was easily drowned out by road and rail traffic. The report also considers the wholesale markets by referring to noise monitoring undertaken at the existing markets in 2014, assuming there would be a similar noise climate associated with the proposed site, commenting that the average noise impact is approximately equivalent to the average noise impact from the rail lines.
- 7.39. In considering glazing and ventilation requirements, the noise assessment makes specific reference to the proposed site plan even though this is only submitted for indicative purposes only. This identifies a range of attenuation requirements between 26dB Rw +Ctr to 42 dB Rw + Ctr. It recommends that all dwellings are fitted with whole house ventilation systems such that there is no need to open the windows under normal circumstances.
- 7.40. In respect of vibration, having undertaken monitoring the report states that values at positions equivalent to the nearest proposed residential facades for houses close to

the rail line exceeds the BCC screening value regularly and that additional survey and assessment in accordance with the British Standard will be required.

- 7.41. The most recently submitted document comments that whilst it is recognised that The Hub site is of strategic importance, many residential schemes have been permitted around Birmingham adjacent to industrial and commercial premises, and it is considered that through suitable planning conditions and mitigation measures, this should not automatically preclude residential development on the site. They maintain that with suitable mitigation measures a good standard of amenity can be provided resulting in the likelihood of complaints being low.
- 7.42. The applicant considers that the most significant source of noise comes from passing freight rail traffic, and that the proposed mitigation measures against this rail noise are very onerous including glazing with a sound attenuation of up to 42 dB. The applicant maintains the view that this level of protection is in excess of what they believe would be required to protect residents from noise generated by industrial premises including the wholesale markets site and Tufnols. In respect of vibration impact, the applicant believes that this should not be grounds for refusal, rather, this should be conditioned, such that a detailed vibration assessment be carried out once the relevant details are available at reserved matters stage. They also comment that in respect of the concerns regarding impact on external garden areas, as this is an outline application, the layout of the site is not to be determined, and as such detailed assessment of this issue is not appropriate at this stage. They consider that there is plenty of scope for designing the layout of the site to protect residential amenity areas with reference to the guidance in BS8233.
- 7.43. In respect of achieving appropriate ventilation of habitable rooms, the applicant makes reference to an appeal case in Crewe where the Inspector concluded that the use of mechanical ventilation was an appropriate form of mitigation. The applicant considers that due to the site location in close proximity to a number of potential noise sources, whole house ventilation systems are recommended to be provided to meet the requirements of Part F of the Building regulations, without the need for opening windows. For limited occasions, such as purge ventilation or to control summertime overheating, it is recommended that residents are given control to open windows (ie that they are not sealed shut). The applicant makes the case that with such mitigation they believe that internal noise levels that comply with BCC guidance could be achieved. They consider that in the event of a complaint, it would be a relatively straightforward exercise to check that the relevant planning conditions have been met, and that where testing shows that the standards set by the condition were not being breached, any complaints made would have a low chance of success.
- 7.44. Whilst I note the applicants comments regarding the mitigation proposed including their views on the appropriateness of relying on mechanical ventilation, to prevent the need for an open window (with the consequential exposure to noise that would result), and in particular their reference to the Crewe appeal case, I am mindful that another appeal decision in St Helens (a site adjacent to Pilkingtons Glass Factory) reached the opposite conclusion in respect of the use of mechanical ventilation, commenting that this would not preclude the possibility of residents wanting to open a window for fresh air and it would be unreasonable to expect them not to do so. In the St Helens case the Inspector also commented that gardens represent external amenity space that would be an intrinsic part of the overall design of the development and the acoustic environment of those spaces should be considered so that they can be enjoyed as intended.

- 7.45. I note the comments made by Regulatory Services who recommend refusal. It is evident that they have concerns that there could be significant adverse effects regarding noise from the development of the Hub site for either the wholesale markets development or an alternative industrial use, advising that the conditions attached to the extant consent, or those proposed to be attached to the wholesale markets application, would not adequately protect the occupiers of the proposed development from noise. I also note that they also have concerns that the submitted assessment has not adequately assessed noise from Tufnol, nor the impact of vibration from the rail line, that consideration of external garden areas has not been addressed, and that they have concerns regarding the lack of protection to habitable rooms when windows are opened that could give rise to statutory nuisance complaints. I share these concerns and consider that the application should be refused on noise grounds, as the application has failed to adequately demonstrate that an appropriate noise climate for residents could be provided, contrary to paragraphs 3.8 and 3.10 of the UDP and the guidance in the NPPF.
- 7.46. Provision of affordable housing
- 7.47. The UDP, draft BDP and NPPF all contain policies which provide support to the delivery of affordable housing. It is important that the positive effects of the proposed development are appropriately considered as well as giving consideration to the negative effects. In my view, the negative impacts of the proposed development that I have set out above are not outweighed by the positive contribution in providing affordable housing and that when assessed against the relevant planning policies and material considerations as a whole, that the overall impacts warrant refusal of the application.
- 7.48. Traffic and Parking
- 7.49. The transport assessment considers the transport implications of the proposed development with particular emphasis on the proposed access onto Wellhead Lane and the operation of the signal-controlled junction at Aston Lane and Wellhead Lane.
- 7.50. Whilst both the number and mix of dwellings is not to be determined for this application, it is evident that the Transport Assessment has been prepared based upon the indicative layout. The assessment considers the effect of 95 affordable homes, estimating a demand for 58 car parking spaces using statistics for car ownership in Aston Ward.
- 7.51. In terms of trip generation, the report sets out that using recent TRICS version which includes a category of affordable/local authority houses there would be 13 arrivals and 23 departures in the am peak (0800-0900) and 23 arrivals and 17 departures in the pm peak (1700-1800) with 341 trips in 24 hours. Using this data, the assessment considers the impact on the Aston Lane/Wellhead Lane junction assuming that 80% of traffic to and from the site will use this junction with 20% arriving and departing from the north via Wellhead Lane. The assessment has also built into this analysis an existing commitment for a discount food store in the adjacent site at Tufnol.
- 7.52. The analysis of the junction identifies that there is currently some queuing on Aston Lane westbound in the evening peak and modest queuing occurs on Wellhead Lane and Stoneleigh Road. The report states that when traffic growth to 2023 is taken into account, the operation of the junction in the pm peak approaches capacity with degrees of saturation on Wellhead Lane and Aston Lane westbound. The report states that there will therefore be short periods when the operation of the junction

becomes unstable and queues begin to form as vehicles fail to pass through the junction during a single cycle of the signals. This impact on the performance of the junction is explained to be due principally to the increased frequency and duration of periods when ahead and left turning traffic is impeded by a vehicle waiting within the junction to turn right, particularly from Wellhead Lane to Aston Lane west. The report sets out that the proposed development will add to these issues, but states that the increase in additional traffic using the junction would be modest in the region of 10 vehicles in the morning peak and 12 in the evening peak, and that as such the change is unlikely to be perceptible. The assessment considers that the impact on pedestrian movements would be acceptable without requiring a pedestrian phase to the traffic lights at the junction.

- 7.53. In terms of the proposed junction onto Wellhead Lane, the assessment considers that there is sufficient visibility available for traffic emerging from the access or turning right into the development, notwithstanding that this is constrained by proximity to the adjacent signals and visibility across the railway bridge. Having undertaken a speed survey, the assessment explains that a visibility splay of at least 75 metres is available and would accommodate a safe arrangement, taking into account that southbound speeds are not excessive since drivers are approaching a signal controlled junction where queuing and delays are expected. The report states that from time to time the southbound queue at the signals may extend as far as the new junction and that queuing may block a right turn, which in turn would impede northbound flows on Wellhead Lane. Accordingly the report recommends a keep clear marking or yellow box marking to the carriageway to maintain the safe operation of the junction.
- 7.54. I note that Transportation have no objections to the development and concur that the proposal is acceptable in highways terms.
- 7.55. Design and Layout
- 7.56. Notwithstanding that the proposed layout has been submitted for indicative purposes only, my City Design Advisor considers that it is poor in terms of the layout, massing and appearance. The design fails to respond to the site and the character of the area. Where the site fronts Aston Lane, it should respect the character of the street and existing housing. Houses south of the site entrance are too tight to the road and should be set back to provide small private front gardens enclosed by brick walls to enhance residential amenity by forming a buffer to the street. The main part of the site is discrete from existing residential neighbourhoods and therefore needs to create a strong character and sense of place. The layout of the main access road, together with the variety of house types and their inconsistent relationship with the road delivers a poor quality estate rather than an attractive place.
- 7.57. The layout is too dominated by the access road and parking. It should be revised so that buildings better define, enclose and overlook streets. This means frontages face streets, public and private spaces are better defined with parking in more discreet arrangements with buildings that turn corners more successfully. The end of the street should be marked with a well-defined courtyard enclosed by housing rather than an engineered highway dominated by parking. North of the site entrance houses should face onto Wellhead Lane rather than turn their back on the street. Landscaping has been inadequately accommodated.
- 7.58. I also note the criticism of the layout from both Transportation and the Police.

- 7.59. As layout, scale, appearance, and landscaping are not be considered in this application, I have not recommended refusal on these issues. Nonetheless, in my view, the indicative scheme is a long way from being an acceptable scheme in urban design terms.
- 7.60. Archaeology
- 7.61. A heritage statement has been submitted with the application to consider impact on heritage assets. This sets out that the historic environment record maps the Roman road of Ryknild Street as running along the western boundary of the application site (MBM2482). An archaeological evaluation to the south of the application site recorded a drainage ditch located to the east of the road. There is potential for similar Roman remains to be present within the application site. However, the impact of 20th Century development is also identified and therefore the report concludes that this should not prevent development. Historic mapping suggests that the application site remained largely undeveloped until the 20th century when the switchgear works were constructed within it (MBM2057). The buildings associated with these works were removed in 2005. The report concludes that the switchgear works are recorded in the historic environment record, however, any further remaining foundations are considered to be of no archaeological interest and do not constitute heritage assets as defined by the NPPF. The report concludes that the desk based assessment represents a proportionate response in providing a baseline study that would allow the local planning authority to determine the need for any further archaeological investigation, which could be secured by planning condition. I concur with this assessment and conclusion.
- 7.62. Ecology and trees
- 7.63. The submitted ecological appraisal advises that the location of the site adjacent to the railway line offers some potential for wildlife however in this case due to the minimal vegetation and cover for the length of the northern boundary that this greatly reduces the suitability for some commuting species, in particular reptiles. The overall impact on protected and notable species would be low.
- 7.64. I note the comments of the City's ecologist who considers that there will be a minimal impact as long as best practice is followed in terms of site clearance and recommends suitable mitigation be provided in terms of native species planting, nesting boxes and a scheme of ecological enhancement.
- 7.65. The Tree survey identifies that there are 5 trees on the site, of which one is protected by a Tree Preservation Order (T1 – a category C sycamore). The other trees are two category C and two category U trees. Whilst the layout is submitted for indicative purposes only it proposes the retention of two of the trees, which includes the TPO protected tree and the removal of the three others. My tree officer raises no objections regarding the impact on trees and that suitable new trees should be provided in the proposed development.
- 7.66. Flood Risk and Sustainable urban drainage (SUD's)
- 7.67. The submitted flood risk assessment sets out that a proportion of the site is located within flood zone 2 in respect of overland flows in the 1 in 1000 event due to breaching the River Tame channel and flows routing toward the south over the rail line along the northern boundary.

- 7.68. Notwithstanding the layout has been submitted for indicative purposes only, the flood risk assessment specifically refers to it in setting out proposals for slab levels of the units, levels of the proposed highway and in providing a proposed drainage strategy. Surface water drainage is proposed to drain within private parking areas to porous paving with voided stone while the access road is drained using open trapped gullies located within the highway and ultimately oversized pipes to accommodate 1 in 100 year event plus 30% flows. Private driveways are to be formed using permeable paving discharging to ground through infiltration.
- 7.69. The assessment explains that the highway is to be offered for adoption with the surface water network to discharge into an existing sewer with flow controlled by a hydrobrake chamber to restrict to greenfield run-off rates with a downstream defender. No details have been provided in respect of proposed future operation and maintenance of the proposed SuD's.
- 7.70. I note the comments from Severn Trent Water who have no objections to the application. The Environment Agency have made no comments in respect of fluvial flooding. The application was submitted shortly before the recent changes in legislation in respect of SuD's where the Lead Local Flood Authority (LLFA) are now the statutory consultee in respect of surface water drainage matters for all major developments. The LLFA have no objections in principle but would require further details of the operation and maintenance of the proposed SuD's, which could be agreed by condition.
- 7.71. Ground contamination
- 7.72. In respect of ground contamination I note the comments from Environment Agency who have reviewed the submitted desk study and agree that given the past uses of the site that land contamination can be anticipated. I concur that with appropriate conditions regarding site investigation, remediation and verification that the issue of the impact on groundwater and on human health can be adequately addressed.
- 7.73. S106 contributions
- 7.74. The proposed development of the site for residential purposes would trigger the need for s106 obligations towards affordable housing and public open space provision. In respect of affordable housing, as the scheme proposes 35% affordable units this would comply with the Council's policies with an agreement required to ensure that 35% provision was delivered in accordance with adopted policy. However, in the absence of a s106 agreement to secure this, the proposal is contrary to the Council's affordable housing policies.
- 7.75. In respect of public open space contributions, I note the advice received from Leisure Services seeking a contribution towards the provision, improvement and or maintenance of public open space and children's play within the ward, to be calculated at reserved matters stage. The site falls within Aston ward but is also close to Perry Barr ward and so opportunities to improve existing open space provision may be relevant in both these wards. The applicant states that subject to viability they would be willing to agree to a contribution calculated to the established formula, however no viability assessment has been provided. Ultimately, I have not sought to negotiate this contribution given that the application is unacceptable for several other reasons, but have nevertheless recommended a refusal reason given that in the absence of a completed s106 agreement, the proposal would not accord with the public open space and children's play policies in the UDP, SPD and NPPF.

8. Conclusion

- 8.1. The proposal raises several issues of concern. The site is existing industrial land within the 'Good Quality' category (as defined in the Draft BDP), for which there is a shortfall to meet the minimum reservoir in the draft BDP. The case for its loss has not been sufficiently demonstrated in terms of adequate marketing and so the application is contrary to the Council's policies for the loss of industrial land in the adopted UDP, draft BDP and the Loss of Industrial land to alternative uses SPD.
- 8.2. The site is in close proximity to land to the north that is located within the Core Employment Area as identified in the Adopted Aston Newtown and Lozells AAP and the draft BDP. This land is 'Best Quality' industrial land which has consent for B1/B2/B8 uses, and is proposed to be developed for the wholesale markets, and has the potential to generate noise that could have an adverse impact on the proposed residents. The wholesale markets application proposes to protect the amenities of existing residents with the erection of an acoustic fence and I have recommended various conditions to address the impact of noise on existing residents with respect to that development. It is not the responsibility of the developers of the wholesale markets to protect the amenity of the proposed residents.
- 8.3. The impact of noise from surrounding noise sources has in my view been inadequately addressed. Noise from various sources including noise from the consented B1/B2/B8 development, noise from the proposed wholesale markets, noise from freight movements at night on the rail line, noise from road traffic and noise from other businesses near to the site are all potential sources of noise and vibration that could adversely affect the proposed dwellings. Some of these sources have been inadequately assessed and addressed, and so I have recommended refusal on these grounds. I have also recommended refusal on the ground that in the absence of an acceptable scheme in respect of noise, that there is a likelihood of subsequent complaints from residents leading to action to address a statutory noise nuisance, which could then constrain or undermine those businesses and bring a threat to local jobs.
- 8.4. In the absence of a negotiated s106 agreement, the application should also be refused due to a lack of a suitable contribution towards affordable housing and the provision of public open space and children's play in accordance with adopted policy.
- 8.5. In reaching these judgements, I have considered the advice in the NPPF as a whole, with particular reference to paragraph 14 which establishes the presumption in favour of sustainable development and the three dimensions to sustainable development set out in paragraph 7 (economic, social and environmental roles). There are positive implications from the provision of affordable housing that should not be dismissed (in contributing to meet local housing needs), nonetheless I consider that the negative implications of this development outweigh these benefits, which are contrary to adopted development policies, emerging development plan policies that can be given weight and the guidance in the NPPF. These are sufficient justifiable reasons to refuse planning consent.

9. Recommendation

- 9.1. Refusal.

Reasons for Refusal

-
- 1 The application has failed to demonstrate that the site has been adequately marketed for industrial use in accordance with the Council's adopted planning policies for industrial land, and is therefore contrary to paragraphs 3.8, 3.10, 4.13-4.32. 5.25C of the adopted Birmingham Development Plan 2005, policies TP16, TP18, TP19 and TP27 of the draft Birmingham Development Plan 2013, the Loss of Industrial land to alternative uses SPD and the guidance contained in the NPPF.
 - 2 The application has failed to adequately demonstrate that noise from the development of land to the north for B1/B2/B8 uses under extant planning permission 2010/07132/PA, or the proposed wholesale markets under application 2015/05235/PA, vibration from the use of the rail line, and noise from existing neighbouring businesses have been adequately assessed and appropriately mitigated (including the impact on habitable rooms and on outside amenity spaces), to the detriment of the occupants of the proposed residential development, contrary to policies 3.8, 3.10 and 5.25C of the adopted Birmingham Unitary Development Plan 2005, policy TP27 of the draft Birmingham Development Plan 2013 and the guidance contained in the NPPF.
 - 3 In the absence of having adequately assessed and mitigated the impacts of noise and vibration on the proposed development (as set out in refusal reason 2), this could result in complaints being made by proposed residents and give rise to actions having to be taken to restrict or curtail the activities of existing neighbouring industrial uses having a consequential detrimental impact on the continuing operation of these established businesses and on local employment, contrary to paragraphs 3.8, 3.10, 4.13-4.32, and 5.25C of the adopted Unitary Development Plan 2005, policies TP16, TP18, TP19 and TP27 of the draft Birmingham Development Plan 2013, the Loss of Industrial Land to alternative uses SPD and the guidance contained in the NPPF.
 - 4 The applicant has failed to negotiate a section 106 planning agreement to secure the provision of affordable housing and a financial contribution towards the provision or improvement of public open space and children's play in accordance with the formula set out within the Council's adopted Supplementary Planning Guidance entitled Public Open Space in new Residential Development (2007), the development is contrary to paragraphs 3.8, 3.10, 3.53-3.53B, 3.61, 5.20B-5.20D, 5.37-5.37G and 8.51-8.54 of the adopted Birmingham Unitary Development Plan 2005, the guidance contained in the aforementioned Public Open Space in New Residential Development SPD and the guidance contained in the NPPF.
-

Case Officer: Stuart Morgans

Photo(s)

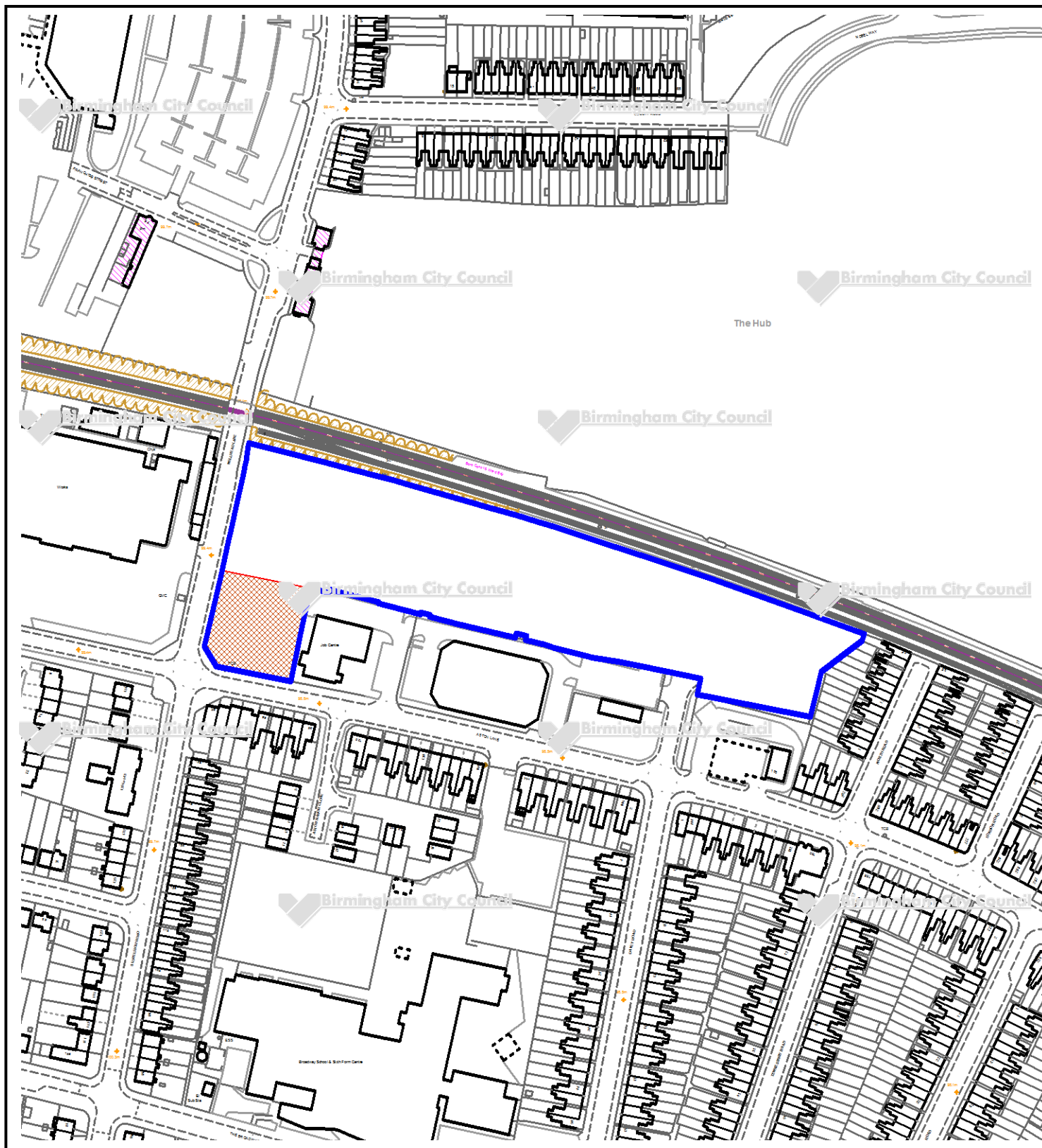


Figure 1 : site view from existing access off Aston Lane.



Figure 2: View of corner of site from Aston Lane.

Location Plan



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Committee Date:	03/09/2015	Application Number:	2015/00738/PA
Accepted:	16/03/2015	Application Type:	Full Planning
Target Date:	15/06/2015		
Ward:	Ladywood		

Landsdowne House, Hagley Road, Ladywood, Birmingham

Development of a 18 storey residential building comprising 206 residential units, coffee shop (A1) with ancillary gym, infrastructure, parking and landscaping at the land adjacent to no.1 Hagley Road (former Metropolitan House), and associated works

Applicant:	Seven Capital (1 Hagley Road) Ltd c/o Agent
Agent:	Alliance Planning 54 Hagley Road, 3rd Floor, Edgbaston, Birmingham, B16 8PE,

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This application seeks planning permission for the erection of a new 18 storey block (lower ground floor, ground floor and floors 1-16) comprising 206 apartments, coffee shop (A1), (147 square metres), associated gym (94.4 square metres) and associated parking and storage facilities. The 206 apartments would comprise 139 no. 1 bedroom units, 63 no. 2 bedroom units and 4. No 3 bedroom units. The top two floors would contain duplex apartments. Six different apartment types are proposed. The 1 beds would be 41.24 square metres and 42.54 square metres in size, the 2 beds would be 60.30 square metres, 75.82 square metres and 77 square metres in size and the 3 beds would be 95.95 square metres in size. All bedroom sizes would meet or exceed the guidelines in Places for Living.
- 1.2. The proposed car park would be split over two levels to the rear of the building at lower ground and ground floor level, providing 105 car parking spaces (51% provision), and 206 cycle parking spaces (100%). Access to the car park would be as existing with access taken from Ladywood Middleway and Hagley Road.
- 1.3. The proposed building would be set back approximately 4 metres from the Hagley Road frontage, with provision of 7 new trees within this space. At the front and side of the building at the western end there would be a small terrace associated with the proposed café. Pedestrian entrance into the building will be from the Hagley Road frontage at the lower ground floor level up to the proposed ground floor lobby, which would include a reception/concierge space, and some small open plan meeting/waiting areas and a separate meeting room. Pedestrian access to the building would also be provided from the rear for those residents using the car park. This rear access also serves a proposed shared garden area to the side and rear of the building. The upper level apartments would be stepped back from the façade generating roof terraces to the duplex apartments.

- 1.4. The Design and Access Statement describes the urban design strategy as having four constituent parts, to achieve a cohesive tall building group, repairing the urban fabric, turning the corner and creating a backdrop and silhouette. The assessment sets out that to achieve this, a simple geometric form is proposed with massing that creates a gentle transition in height and a very limited palette of materials to help calm the composition visually. The removal of the existing decked car park and its replacement with a building that has active frontages seeks to repair the street and to address a very spatially “leaky” environment.
- 1.5. The building would have an overall roof level at 207.8m AOD providing a transition between Tricorn House (at approximately 199m AOD) and the taller 1 Hagley Road (at approximately 224.6m AOD). The building has been designed to provide a visual order to the top, middle and bottom sections using a buff brick. The roofscape is intended to be as simple as possible with plant space lying within the silhouette of the block. By arranging duplex apartments in the upper two storeys, the access corridor is proposed at the lower level and both the corridor and lift landing are thereby omitted from the upper level which allows the motor room for the lift to be at the upper level within the roofline. There would be 240 sqm of PV panels on the roof.
- 1.6. The Design and Access statement advises that the intention is to provide a high quality contemporary residential building with a proportion of glazing and staggered rhythm that sets it apart from existing office buildings. This staggered fenestration rhythm varies the window positions on sequential floors with three window reveal types to include flush, recessed and splayed reveals. Further interest is provided by using a projecting brick surface pattern on the western corner of the building. In addition to the principal buff facing brick material, there would be dark grey aluminium spandrel panels, window frames, and ventilation louvres. A lighting design will be developed to take advantage of the proposed surface modelling and its taller base and roof order.
- 1.7. The application is accompanied by a Planning Statement, Design and Access Statement, Transport Statement and Travel Plan, Noise Impact Assessment, Air Quality Assessment, Ecological briefing note, Heritage Assessment, Simplified Flood Risk Assessment and a Viability Assessment.
- 1.8. The Viability Assessment concludes that the proposed development cannot afford to provide any s106 contributions towards affordable housing or any financial contributions for public open space provision.
- 1.9. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The site is located close to Five Ways junction on the western side on the edge of the City Centre. The site has a principal frontage to Hagley Road on its northern side with access taken via an existing access onto Ladywood Middleway. The site is currently occupied by a two storey decked car park that was historically associated with the adjoining former office building at 1 Hagley Road.
 - 2.2. The site is situated between 1 Hagley Road to the east and Tricorn House to the west. 1 Hagley Road is a former office building that is being converted to residential

apartments by the applicant (see planning history). Tricorn House is an existing office block.

2.3. [Site location and street view](#)

3. [Planning History](#)

Application site and 1 Hagley Road adjacent.

- 3.1. 17/08/2012 - 2012/03499/PA – Hybrid planning application (part full, part outline) comprising :- 1) Full planning application for the change of use and rooftop extension to the existing Metropolitan House building to provide 182 residential flats with the option for A1-A5, D1-D2 or a car showroom use at the street/podium level of the existing tower. 2) Outline planning application with all matters reserved for a new building to provide up to 12,500 sqm of either hotel or student accommodation with the option of A1-A5, D1-D2 or a car showroom use at the street/podium level of the proposed building. Approved subject to a completed s106 agreement providing 13 affordable housing units or an equivalent commuted sum of £732,000, £20,000 towards improvements and maintenance of public open space, £38,750 towards public realm, and £20,000 towards public transport improvements all within Ladywood ward.

Further history relating to 1 Hagley Road

- 3.2. 18/11/2013 – 2013/07781/PA - Prior approval to change the use of the premises from B1(a) offices to C3 residential (259 apartments) - No prior approval required.
- 3.3. 05/06/2014 – 2014/00001/PA – Change of use of podium level and level 22 to form 12 residential units with associated external alterations – Approved subject to conditions.

4. [Consultation/PP Responses](#)

- 4.1. Press and Site Notices erected. MP's for Edgbaston and Ladywood, Ward members for Edgbaston and Ladywood wards, residents associations and neighbouring residents notified. 12 representations of objection received from owners/residents of flats located within the adjoining Alms Houses objecting on the following grounds :
- Overshadowing and Loss of light from closing the gap between the existing buildings. The shadowing analysis is wrong.
 - Adverse impact on the character and setting of the listed Alms Houses
 - The proposed building would be two storeys taller than that approved in 2012 having an additional impact
 - A resident states that they have a vitamin D deficiency such that the impact on sunlight will adversely affect their health
 - Noise and disruption during construction
 - Parking is difficult in the area as are deliveries to the existing houses which will be made worse by having more development and the level of parking proposed is inadequate
 - The applicant also owns the building that is occupied by Tesco who are being forced to close resulting on over 200 job losses

- The Council are urged to visit the residents properties to see for themselves the impact that this development will have.
- 4.2. Transportation Development – No objections subject to conditions relating to the laying out of the car parking and vehicle circulation areas, a construction traffic management plan and a residential travel plan.
- 4.3. Regulatory Services – Requests additional information regarding the assessment of the impact of noise from nearby rooftop plant and machinery and noise from Broadway Plaza.
- 4.4. Leisure Services – In accordance with the UDP as this scheme is over 20 dwellings it would be subject to an off-site public open space and play area contribution, which based upon the proposed mix of units would be £261,000 which would be used for the provision, improvement or maintenance of the nearby Chamberlain Gardens or other public open space within the Ladywood ward.
- 4.5. Education - Due to the size of the development (206 dwellings), we would request an education contribution to support the need for additional places in the locality across Nursery, Primary and Secondary phases. Using the estimate that the dwellings are 2-bed, we would request £1,087,894.01 (£1.087m) at this time.
- 4.6. Fire Service – No objections.
- 4.7. Environment Agency – No objections.
- 4.8. Severn Trent Water – No objections. Recommends condition relating to proposed drainage details.
- 4.9. Centro – The application is well served by public transport with several bus stops located near to the site. Considers that the size and scale of the application warrants a financial contribution towards ongoing improvements being made to public transport infrastructure in the area and to fund the upgrading of existing bus infrastructure near to the development site. The applicant should develop a travel plan which should be required by condition.
- 4.10. Police – Makes detailed comments regarding parking provision, access control to the car park, access control to the apartments, lighting of entrance doors and all common areas, CCTV, post box arrangements, cycle storage and refuse areas. Recommends that the development be designed to achieve Secured by Design.
- 5. Policy Context
- 5.1. Adopted UDP 2005, Draft Birmingham Development Plan, High Places SPG, Places for Living SPG, Car parking Guidelines SPD, Affordable Housing SPG, Public Open Space and New Residential Development SPD, NPPF.
- 6. Planning Considerations
- 6.1. Policy
- 6.2. The adopted UDP supports the provision of residential development in appropriate locations, with paragraph 5.25C setting out that the City Council will take account of

; the suitability of the location for housing, the need to maintain a diversity of uses within the built up area; whether there are any serious physical constraints, such as contamination, instability or flooding; any intrinsic historic, cultural or natural asset; the accessibility of the site to jobs, shops and services by modes other than the car and the capacity of the existing and potential infrastructure to absorb further development. Given the sites location on the edge of the City Centre and its proximity to other residential properties and offices on the surrounding sites, the principle of developing the site for residential use is considered to be acceptable in principle.

- 6.3. The UDP contains policies relating to delivering high quality urban design in new built developments, and to ensure that the impact on listed buildings preserves or enhances these historic assets. The draft BDP and the NPPF also contain such policies. These issues are considered further below.

- 6.4. Design

- 6.5. A previously approved outline application proposed a tall building of between 6 and 14 storeys on this site. No design details of the tower were provided with that application as this was to be considered at reserved matters stage, though it was considered that a building that provided a quality of design and detailing that reflected the prestigious and prominent location of the site to provide a suitable presence and integrity within the streetscene could be achieved. A maximum height of 205m from Above Ordnance Datum Level was imposed by condition. This application proposes a building of comparable height being 2.7 metres higher than this previous consent.

- 6.6. The High Places SPD defines tall buildings as generally being over 15 storeys high. It advises that well-positioned and well-designed tall buildings and structures can fulfil a number of useful functions: They can act as landmarks that help to make the form of the City legible. In a closely linked cluster they can signal the centre of the City or act as a key gateway. A distinctively designed tall building or group of buildings could endow the City with a unique skyline that is easily recognisable in an international context. Tall structures often mark important facilities such as churches, civic buildings and universities. These usually high quality landmarks will continue to be appropriate in special circumstances. Such high quality buildings could help attract more international companies to Birmingham. It will be important that proposals for tall buildings contribute to at least one or preferably several of these functions. Generally tall buildings should be limited to a defined zone on the central ridge where they can emphasise the City's topography. They should be designed to contribute as a group to the development of a unique, memorable, landmark quality that enhances the image of the City Centre. At this gateway location, and within this defined zone at Five Ways where there is an existing cluster of tall buildings, it is evident that the proposal is in accordance with the guidance in the Tall buildings in the SPG.

- 6.7. The detailed design of the proposed building has been considered by Design Review Panel who raised a number of issues that have been addressed, notably revising the ground floor of the building to replace a screen wall with active uses to enliven the Hagley Road frontage, to make some revisions to the provision of amenity space, and some alterations to the composition of the elevations, including extending the feature brickwork to the top of the building and some associated revisions to the composition of the upper floors. Some revisions have been provided for tree planting on the frontage. My City Design officer advises that these amendments have improved the scheme and I consider that the proposal accords

with your urban design guidance in Places for Living and Places for All. The proposal is considered to provide a suitable high quality building that is appropriate to its context in its scale, mass and in its architectural detailing.

6.8. Traffic and parking

6.9. In response to addressing the issues raised above, the applicant has revised the proposed provision of car parking and cycle parking resulting in 51% car parking and 100% cycle parking provision. Given the location of the site on the edge of the City Centre and the alternative sustainable transport options that are available in close proximity to the site, these levels of provision are considered to be acceptable. The Transport Assessment states that the two and three bed properties would have one space per unit with the residual shared between the one bedroom units, at approximately one space per 2.7 units.

6.10. The proposed access and egress arrangements are to be maintained as existing and are acceptable. The Transport Assessment demonstrates that the proposed residential development compares favourably to the extant 2012 planning consent for a hotel, and that the impact on the highway network is acceptable. A framework travel plan has been provided which identifies a range of measures to include the implementation of a community website, travel packs, car sharing promotional strategies and personalised travel planning. A suitable condition is recommended regarding this.

6.11. Viability

6.12. The applicant has submitted a viability assessment with the application to demonstrate that a package of section 106 measures cannot be sustained in order for the development to be viable. The assessment analyses three scenarios, 35% affordable housing, 17.5 % affordable housing and nil affordable housing. This sets out that with 35% affordable housing provision the development would return a negative value, and that at 17.5% affordable housing, there would be a small profit but below that which a willing developer would normally consider. At nil provision the level of developer return would be 8.92% on Gross Development Value (against a target return of 20% on the open market units and 6 % on the affordable units).

6.13. This appraisal has been independently assessed by the Birmingham Valuation Office who make a number of detailed comments based upon some of the assumptions adopted in reaching the assessment conclusions. Overall, the valuation office advise that whilst the scheme could not sustain a 35% affordable housing and the contribution towards public open space that has been identified, as this would make the development unviable, a lower level of affordable housing could be provided without compromising viability.

6.14. Following negotiations, the applicant has agreed to provide a contribution of £250,000, which is considered to be reasonable by the valuation office who conclude that a reasonable profit (17.1%) could be returned at this level of contribution.

6.15. The NPPF advises in paragraph 173 that pursuing sustainable development requires careful attention to viability and costs in plan making and decision making. Plans should be deliverable. Therefore the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as

requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

- 6.16. The public open space contribution sought by Leisure Services would be spent towards improvements at Chamberlain Gardens. There have been section 106 contributions spent at Chamberlain Gardens in the past, and a sum of £131,200 has been agreed from planning application 2015/00737/PA which was considered by your Committee at the last meeting on 20th August. Leisure Services have advised that this sum is likely to be sufficient to undertake the planned improvements. On this basis, I consider that an additional contribution towards Chamberlain Gardens is not required. I have recommended that the agreed £250,000 sum is used to provide affordable housing.
- 6.17. Impact on heritage assets
- 6.18. The impact of the proposed development on several heritage assets within 125m of the site have been considered, including the Lench's Trust Almshouses, in the applicant's heritage assessment. This advises that the proposed building is located within an area characterised by tall buildings. The impact on the setting of these heritage assets must therefore be seen within this context. The settings of these heritage assets are very much about the contrast of old and new, and that the settings do not add to the importance of these buildings.
- 6.19. In respect of the impact on the Almshouses, the report explains that the setting of the listed building is unusual in that it was deliberately built to have blank walls on all but the street frontage, and so most people therefore can only gain an impression of the Alms Houses from the street frontage. The visual setting is therefore limited to this view. The setting of this building has been consumed from late Victorian times by the construction of much taller nearby buildings and alteration to the building itself. There is therefore likely to be a relatively limited impact on the setting compared to how the building has already been affected.
- 6.20. The report concludes that the proposed building does not have a significant impact on the setting of these listed buildings. My conservation officer concurs with this view and I consider that the proposal accords with the policies in the UDP, draft BDP and the NPPF in considering the impact of this development on such heritage assets.
- 6.21. Impact on adjoining residents
- 6.22. The Design and Access statement includes within it analysis of the impact on sunlight and overshadowing as well as wind analysis. This demonstrates that the proposed building will not have an overshadowing effect on the Lenchs Trust Almshouses during the summer solstice, and that whilst there would be some impact during equinox in the morning on those houses closest to the site at the rear, the most significant impact comes from the existing 1 Hagley Road.
- 6.23. I do not consider that the development would result in an unacceptable impact on these existing properties due to loss of light, dominance, overshadowing or loss of privacy. I am mindful that consent has previously been granted for a similar sized tower in outline on this site previously and so the impacts are likely to be comparable to this previously approved scheme.

6.24. Noise Impact

- 6.25. The submitted noise assessment addresses the issues of the impact of road noise and considers that noise from commercial and entertainment sources does not affect the noise climate at the site. The report concludes that in order to ensure that the development conforms with the noise requirements of the Council, all external windows, door and ventilators to habitable residential rooms should achieve 32dB (south west and east elevations) and 26dB (north elevation) to the windows and doors and 38dB (south, west and east elevations) and 32dB (north elevation) for ventilators. This could be achieved with a thermal double glazing system with an enhanced configuration and acoustic trickle ventilators. A suitably worded condition has been recommended. I do not consider that the additional information requested by Regulatory Services in respect of the impact of rooftop plant and machinery and Broadway Plaza is warranted in this case.

6.26. Ecology

- 6.27. The submitted ecology survey demonstrates that there is no evidence of protected species on the site and that the habitats on the site (limited to the small grassed area fronting the site) are of limited nature conservation value. My ecologist concurs that the current land use and built form is not conducive to habitation by protected species. They comment that there is limited scope within the design for ecological enhancement although there is a small amenity space where landscaping could make some limited ecological enhancements. A suitable condition is recommended to agree such details.

6.28. Other issues

- 6.29. I note the detailed comments made by the Police which have been provided to the applicant to consider in the detailed design and fit out of the development.

7. Conclusion

- 7.1. The application provides an appropriate high quality residential apartments development in a sustainable location on the edge of the City Centre and will make a positive contribution to the street scene in the vicinity of Five Ways. It accords with the Council's housing and urban design policies in the UDP, and the guidance in the NPPF.
- 7.2. I therefore consider that the application is acceptable subject to conditions and completion of a Section 106 agreement to secure a financial contribution of £250,000 towards off-site affordable housing.

8. Recommendation

- 8.1. That consideration of planning application 2015/00738/PA be deferred pending the completion of a suitable 106 legal agreement to secure the following :
- a) A financial contribution of £250,000 (index linked from the date of this resolution) towards off-site affordable housing to be paid prior to first occupation;
 - b) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the affordable housing sum, subject to a maximum of £10,000.

- 8.2 That the Director of Legal and Democratic Services be authorised to prepare, seal and complete the appropriate agreement,
- 8.3 That in the event of the s106 legal agreement not being completed to the satisfaction of the Local Planning Authority within 3 months of the date of this resolution, that planning permission be refused for the following reason :

In the absence of any suitable planning obligation to secure the provision of affordable housing, the development would be contrary to paragraphs 5.37-5.37G of the adopted UDP, Affordable Housing SPG, policy TP30 of the Draft Birmingham Development Plan and the NPPF.

- 8.2. That in the event of the above s106 agreement being completed to the satisfaction of the Local Planning Authority within 3 months of the date of this resolution that favourable consideration be given to the application 2015/00738/PA subject to the conditions listed below :

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- | | |
|----|--|
| 1 | Requires the prior submission of a construction method statement/management plan |
| 2 | Requires the prior submission of level details |
| 3 | Requires the prior submission of a drainage scheme |
| 4 | Requires the prior submission of sample materials |
| 5 | Requires the prior submission of hard and/or soft landscape details |
| 6 | Requires the prior submission of hard surfacing materials |
| 7 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 8 | Requires the prior submission of a lighting scheme |
| 9 | Requires the prior submission a noise study to establish residential acoustic protection |
| 10 | Requires the parking area to be laid out prior to use |
| 11 | Requires the provision of cycle parking prior to occupation |
| 12 | Requires the prior submission of a residential travel plan |
| 13 | Secures an employment policy |
| 14 | Requires the scheme to be in accordance with the listed approved plans |
| 15 | Limits the approval to 3 years (Full) |
-

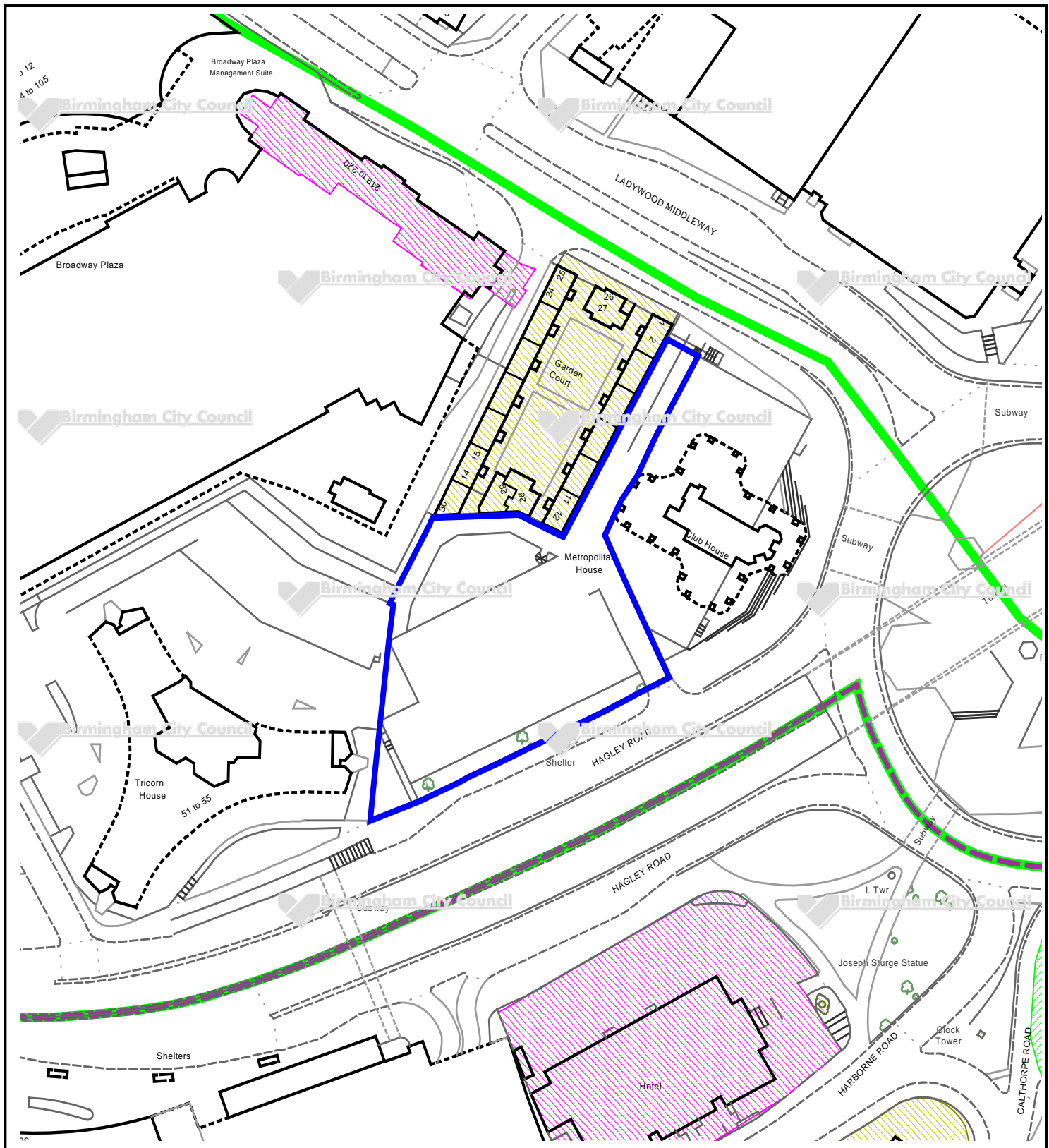
Case Officer: Stuart Morgans

Photo(s)



Figure 1 : Hagley Road view

Location Plan



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Committee Date:	03/09/2015	Application Number:	2015/05703/PA
Accepted:	22/07/2015	Application Type:	Full Planning
Target Date:	16/09/2015		
Ward:	Sutton Vesey		

35 Sunnybank Road, Land adjacent to, Wylde Green, Sutton Coldfield, Birmingham, B73 5RE

Demolition of existing side extension/garage and the erection of a detached dwelling including new footway crossings, boundary treatment and landscaping.

Applicant:	Mr Gregg Warwick 35 Sunnybank Road, Wylde Green, Sutton Coldfield, Birmingham, B73
Agent:	HG Design Limited Sutton House, 4 Coles Lane, Sutton Coldfield, Birmingham, B72 1NE

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought for the erection of a detached dwelling house including new footway crossings, car parking, boundary treatment and landscaping, following the demolition of the existing side extension/garage to 35 Sunnybank Road.
- 1.2. The existing residential plot at 35 Sunnybank Road would be subdivided and the proposed dwellinghouse would be sited adjacent to the road junction with Nadin Road. It would follow the established linear building line of the host and neighbouring properties in Sunnybank Road. The dwelling house would be two-storeys high and designed with a pitched roof, two storey bay windows to the front elevation and a bay window to the side elevation. Building materials would consist of brickwork to the main elevations and render to the double height bay window, roof tiles, white UPVC windows and hardwood doors.
- 1.3. Internally, the dwelling house would consist of a hallway, living room, W/C, kitchen and dining room on the ground floor and 3 bedrooms (one with an en-suite) and a bathroom at first floor. The bedrooms would measure 13.9sqm, 6.56sqm and 11.74sqm. The rear garden for the proposed dwelling house would measure 119sqm and the remaining rear garden for 35 Sunnybank Road would measure 97sqm.
- 1.4. The proposed parking provision is 200% for the existing and proposed dwelling house. A new footway crossing would be constructed in front of the proposed dwelling house and a driveway would be provided for two car parking spaces. The existing footway crossing and driveway would be altered to provide vehicular access and parking directly in front of 35 Sunnybank Road.

- 1.5. Site Area: 0.052 hectares. Density 38 dwellings per hectare.
- 1.6. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The application site relates to a corner residential plot containing a vacant two-storey detached 1930s dwelling house with attached garage and side extension. The site is located on the west side of Sunnybank Road at the road junction with Nadin Road. The site is relatively flat and contains mature trees within the rear garden. Vehicular access is gained from an existing footway crossing off Sunnybank Road.
- 2.2. The surrounding area is predominantly residential in character and has good accessibility to public transport services. Wylde Green railway station is located approximately 400 metres to the northeast of the site.
- 2.3. [Site Location](#)
3. Planning History
- 3.1. 1 April 1976 - 42991000 - Planning permission approved for a kitchen extension.
4. Consultation/PP Responses
- 4.1. Ward Councillors, M.P, Residents Associations and nearby occupiers were notified.
- 4.2. 7 letters of objection received from nearby occupiers raising the following objections:
- Overlooking and loss of privacy to rear gardens.
 - Loss of views.
 - Overshadowing and reduce light to existing properties.
 - Garden-grabbing.
 - No other infill houses in the vicinity.
 - Over-bearing, out of scale and not in character in terms of its appearance.
 - Size and design of the proposed dwelling house does not integrate with its surroundings.
 - Unacceptable level of high density and overdevelopment of site.
 - Ruin the open aspect of the neighbourhood.
 - Footprint of the proposed house is 20% smaller than the smallest adjacent properties and therefore does not fit in with the existing properties.
 - No separate kitchen is proposed for the new dwelling house and as such the layout is out of keeping with other properties.
 - No garage is proposed for the existing or proposed dwelling house, which is out of keeping with neighbouring properties.
 - The kitchen extension would be demolished to facilitate the development and no replacement kitchen is proposed for the existing dwelling house.
 - Inadequate car parking.
 - Increase the risk of a road accident.
 - The proposed parking areas is unlikely to work and would result in cars parking on-street in close proximity to the road junction and this would cause obstruction to driver's vision, adversely affect highway safety and prevent access for emergency vehicles.
 - Location of trees shown of the site plan is misleading and incorrect.

- Lack of local services, in particular local school places.
 - Outstanding complaint has been lodged with Amey against this property.
 - The existing property should be extended with a double garage and created into a minimum of a 4 /5 bedroom property that is within keeping with all surrounding properties.
 - Misleading inaccuracies in application form relating to parking provision and total net gain of Residential Units.
- 4.3. Transportation Development - No objection subject to conditions requiring permeable hard standing driveways, appropriate pedestrian visibility splays, construction of new footway crossings and reinstatement of redundant parts of existing footway crossing.
- 4.4. Regulatory Services - No objection.
- 4.5. Severn Trent Water - No objection subject to a condition requiring suitable drainage of the site and they advise that there is a public sewer located very close to the application site.
- 4.6. West Midlands Police - No objection to the proposed development and recommend that the proposal is developed to enhanced security standards produced by Police Crime Reduction initiative 'Secured by Design'.
- 4.7. West Midlands Fire Services - Awaiting comments.
5. Policy Context
- 5.1. Birmingham Unitary Development Plan (UDP) 2005, Mature Suburbs SPD, Places for Living SPG, Car Parking Guidelines SPD, the 45 Degree Code SPD and National Planning Policy Framework (NPPF) 2012.
6. Planning Considerations
- 6.1. The main considerations are whether the proposed development would be acceptable in principle and whether there would be a detrimental impact on the character and appearance of the local area, the amenities of existing occupiers, highway safety, trees and wildlife and whether the proposed development would provide an acceptable living environment for future occupiers.
- 6.2. Policy Context
- 6.3. The NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and encourages the effective use of land by reusing land that has been previously developed. Paragraph 53 of the NPPF advises that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- 6.4. The adopted UDP resists proposals that would have an adverse effect on the quality of the built environment and emphasises that improving the quality of the built environment is one of the most important of the plan's objectives. The adopted UDP encourages a high standard of design and policy 3.14D sets out good urban design principles. Policy 5.25A identifies a sequential approach when considering the

location of new sites for housing and first favours the reuse of previously developed land. It favours new housing to be located on brown field land.

- 6.5. Places for Living SPG encourage good quality accommodation in attractive environments. It contains a series of urban design principles with emphasis to assessing context and responding positively to local character.
- 6.6. Mature Suburbs SPD advises that new housing can have a significant impact on local distinctiveness on the character of an area and that new development must be of 'good design' resulting from a good understanding of the local character and circumstances. It concludes that proposals that undermine and harm the positive characteristics of a mature suburb will be resisted.
- 6.7. Principle of Development
- 6.8. The application site relates to garden land located within a predominantly residential area, close to local shops, jobs and services. There are no physical constraints preventing the development of the side garden. I therefore consider that the principle of development involving the subdivision of the plot and erection of an additional dwelling house is acceptable subject to the following site specific considerations.
- 6.9. Impact on the Character and Appearance of the Area
- 6.10. Mature Suburbs SPD indicates appropriate design criteria for development in mature suburbs and for this application the key components are: building form and massing; siting; boundary treatment; design styles; public realm and landscaping; and cumulative impact.
- 6.11. The application site is located within a mature residential suburb consisting of 1930s detached and semi-detached houses set in similar sized plots and on a regular building line behind open front gardens and driveways. The separation gaps between the houses are relatively narrow and the application site, comprising a corner plot, has been given a lot more space to the side compared to other corner plots in the locality.
- 6.12. The proposed subdivision of the corner plot would create an acceptable plot size (in terms of width, depth and shape) that would reflect the typical form of plots in the area and a 2 metre gap would be retained between the dwelling house and the road junction to maintain the openness at the road junction. I also note that planning permission (reference 2013/00658/PA) was granted in 2013 to subdivide a similar size corner plot at 63 Sunnybank Road and erect a dwelling house in the side garden.
- 6.13. The proposed dwelling house would be sited forward of the linear building line in Nadin Drive, however, I do not consider that the building would appear as an incongruous feature in the street scene given that the dwelling house would be sited over 15 metres from the nearest property in Nadin Drive and the existing trees within the rear garden would help to screen the dwelling house when viewed from Nadin Drive.
- 6.14. The scale of the proposed dwelling house would be in keeping with neighbouring properties and although the dwelling house would have a narrower frontage width and building depth than 35 Sunnybank Road it would not appear at odds with the existing built development in the area, which includes similar size properties (for example 46a Sunnybank Road). The design of the proposed dwelling house would

respect the local character and would include a front gable with two storey bay windows, which are all common features of the local architecture. I also consider that the lack of a garage for the existing and proposed dwelling house would not diminish the character of the local area.

- 6.15. Overall, I am satisfied that the proposed development would reflect the typical plot size in the area and reinforce the building siting, scale and design of neighbouring properties in Sunnybank Road. I do not consider that the siting of the building forward of the dwelling houses in Nadin Drive would harm the character and identity of the area given the separation distance from the nearest properties in Nadin Drive and screening by existing trees. I note that my City Design Advisor raises no objection. I have recommended conditions to secure high quality materials, landscaping and boundary treatment.
- 6.16. Proposed Living Conditions and Impact on Adjoining Residents
- 6.17. The proposed dwelling house would provide an acceptable living environment for future occupiers in terms of layout and room sizes. Amended floor layout plans have been submitted during this application to ensure all bedrooms comply with the minimum guidelines contained within Places for Living SPG. The proposed rear garden and the remaining rear garden for 35 Sunnybank Road would comply with Places for Living guidelines. A proposed floor layout plan for 35 Sunnybank Road has been submitted to demonstrate that a kitchen would be retained for the existing property.
- 6.18. In terms of overlooking, the rear elevation of the proposed dwelling house would face the front garden of 1 Nadin Drive and would not result in any overlooking to this property.
- 6.19. I note the concerns raised by the occupiers of the dwelling house located on the opposite side of Nadin Drive (1 Buxton Drive) about the loss of privacy to their rear garden from the proposed first floor side facing windows. The proposed dwelling house would be sited 12 metres from the rear garden of 1 Buxton Drive, which complies with the minimum separation guidelines outlined in Places for Living SPG between existing rear gardens and proposed first floor habitable room windows. Furthermore, the application site is located on the opposite side of the road and well screened by the existing boundary fence and trees. I am of the view that there would be no loss of privacy to this property.
- 6.20. The proposed development would comply with the 45 Degree Code SPD in relation to the nearest habitable room windows in the front and rear elevations of 35 Sunnybank Road. The first floor side facing windows at 35 Sunnybank Road appear to serve a landing and bathroom and are not habitable room windows. I therefore do not consider that the development would not cause any overshadowing of existing properties. I am therefore satisfied that the proposed development would not have a detrimental impact on existing occupiers.
- 6.21. Impact on Highway Safety
- 6.22. Transportation Development raise no objection to the proposals subject to conditions to secure appropriate pedestrian visibility splays at the proposed vehicular access points and to ensure the new footway crossings are constructed to BCC specifications. I concur with this view and have recommended conditions accordingly.

6.23. The parking provision for the existing and proposed dwelling houses would comply with the maximum car parking standards set out in Car Parking Guidelines SPD, which seeks a maximum of 2 car parking spaces per dwelling house. I am therefore satisfied that the proposed development would provide adequate parking provision and subject to safeguarding conditions, would not have a detrimental impact on highway safety.

6.24. Impact on Trees and Wildlife

6.25. The existing trees to the rear boundary would be retained and I am satisfied that the proposed development would have a negligible impact on wildlife.

7. Conclusion

7.1. The proposed development would provide a high quality dwelling house that would respect the local character and would provide a high standard of amenity for future occupiers. Subject to safeguarding conditions, I do not consider that the proposed development would result in a detrimental impact on the amenities of neighbouring occupiers, highway safety, trees of high amenity value or wildlife. I therefore consider that the proposed scheme complies with the adopted UDP, Mature Suburbs SPD, Places for Living SPG, Car Parking Guidelines SPD and the NPPF.

8. Recommendation

8.1. I recommend approval subject to the following conditions:

-
- 1 Requires the prior submission of level details
 - 2 Requires the prior submission of a drainage scheme
 - 3 Requires the prior submission of sample materials
 - 4 Requires the prior submission of hard and/or soft landscape details
 - 5 Requires the prior submission of hard surfacing materials
 - 6 Requires the prior submission of boundary treatment details
 - 7 Requires the prior installation of means of access
 - 8 Requires the redundant footway crossing to be reinstated.
 - 9 Requires the parking area to be laid out prior to use
 - 10 Requires pedestrian visibility splays to be provided
 - 11 Removes PD rights for extensions
 - 12 Requires the scheme to be in accordance with the listed approved plans
 - 13 Limits the approval to 3 years (Full)
-

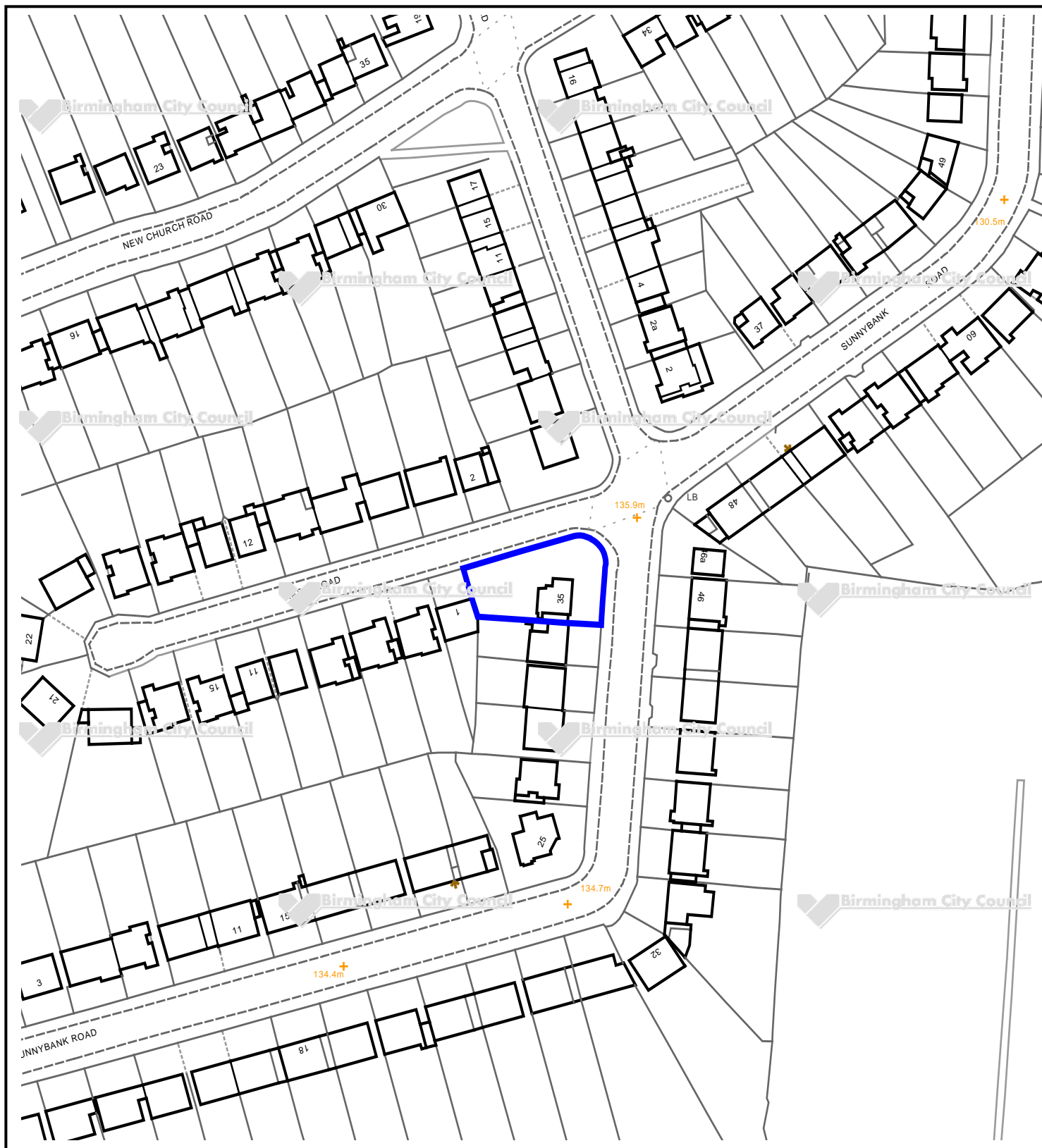
Case Officer: Helen Hawkes

Photo(s)



Application Site

Location Plan



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Committee Date:	03/09/2015	Application Number:	2015/04331/PA
Accepted:	16/06/2015	Application Type:	Full Planning
Target Date:	15/09/2015		
Ward:	Aston		

268 Hospital Street, Hockley, Birmingham, B19 2NJ

Change of use of existing premises from Use Class B1 to student accommodation to provide 57 bedrooms and associated facilities and associated external alterations as well as provision of retail shop (A1).

Applicant:	IPM SIPP Administration Ltd Cambridge House, Campus Six, Caxton Way, Stevenage, SG1 2XD
Agent:	The Paul Nicholls Partnership 7 Lawnside House, Albert Road South, Malvern, Worcestershire, WR14 3AH

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. The proposal seeks permission for a change of use of an existing premises from use class B1 to student accommodation (use class sui generis) to provide 57 bedrooms with associated facilities and associated external alterations at 268 Hospital Street, Hockley.
 - 1.2. The ground floor would consist of office/reception, lounges, dining/lounge, kitchen, toilets, plant rooms, waste areas, laundry, lobby, lifts, staircases, loading area (accessed off Hospital Street), 3 bedrooms with en-suite toilets/bathrooms and a shop. There would be 12 car parking and 1 no. disabled spaces provided, 6 motorcycle and 10 cycle spaces also provided assessed off Bridge Street West.
 - 1.3. The first, second and third floors would each all consist of 19 bedrooms with en-suite toilets/bathrooms and 2 shared lounge/kitchens each.
 - 1.4. Each floor would be accessed by a staircase and lift.
 - 1.5. The upper floor units would be accessed from the main entrance lobby off Hospital Street and the 3 ground floor bedrooms would be accessed via the existing main reception/office entrance on the corner junction of Hospital Street and Bridge Street West.
 - 1.6. A full noise assessment survey and report has been submitted in support of this application. The recommendations contained within the report are to be included in the proposals, which would be fully incorporated to the benefit of the students living on the premises and adjacent users, both residential and commercial.

- 1.7. DDA recommendations have been fully complied with in an attempt to provide accommodation, circulation and facilities that are fully available to disabled persons throughout the premises, not specifically the ground floor. A fully DDA compliant lift is proposed for inclusion in the redevelopment providing improved access to all floors and all rooms would be designed to incorporate suitable access and facilities suitable for people with physical disabilities.
- 1.8. The premises have been redesigned on the ground floor to incorporate improved security provision throughout the accommodation bringing more people into the area to increase general safety and security to the area. Such increased usage would also improve job and business demand in the area.
- 1.9. Site Area: 994.23 sq. m.

1.10. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is located at the south edge of Newtown within Aston ward. The site was formerly occupied by offices and is now vacant. The site forms part of a block of properties that also includes a vehicle repairs/MOT testing business, a church and other vacant derelict buildings.
- 2.2. To the north of the site on the opposite side of Bridge Street West is the Pannel Croft extra care retirement village development. An area of open space wraps around the block and forms a buffer to the ring road at New John Street West. The site is therefore accessible to the City Centre.

[Site Location Map](#)

3. Planning History

- 3.1. 28/10/2011 - 2011/05171/PA - Pre-application advice for conversion of ground floor to Public house and upper floors to apartments/student accommodation – Pre application discussion finalised stating that the principal of student accommodation in this location would be broadly acceptable.
- 3.2. 18/12/1995 - 1995/04300/PA – Creation of new vehicle access and installation of a roller shutter on Bridge Street West elevation – Withdrawn.

164-166 Bridge Street West:

25/11/2014 - 2014/06256/PA - Outline planning application (all matters reserved) for up to 26 residential units and associated car parking – Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Surrounding occupiers, MP, Local Councillors, residents associations have been notified. Press and site notice posted – No comments received.
- 4.2. Regulatory Services – No objection subject to conditions relating to noise insulation, contaminated remediation scheme, contaminated land verification report and noise levels for plant and machinery.

- 4.3. Transportation Development - No objection subject to conditions relating to cycle storage, existing visibility splays to remain and a car park management plan (limit students bringing cars via residency contract).
- 4.4. West Midlands Police – Recommend moving out, moving in process of students, staffing, CCTV, lighting scheme, access control of the building, standards are laid out in the Secure by Design 'New Homes 2014' are followed and an intruder alarm.
- 4.5. West Midlands Fire Service – No objection
- 4.6. Centro – No comments received.
- 4.7. Birmingham Public Health – No comments received.
- 4.8. Drainage Team – Due to the existing footprint of the building remaining unchanged and the negligible impact on the existing drainage, integration and implementation of sustainable drainage is not required on this development.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan (2005), Aston Newtown and Lozells AAP, Places for All (2001), Places for Living (2001), Specific Needs Residential Uses SPG (2005), Car Parking Guidelines SPD, National Planning Policy Framework and Draft Birmingham Development Plan.

6. Planning Considerations

Policy & New Legislation

- 6.1. Paragraph 19 of the NPPF places significant weight on economic growth within the planning system, with paragraph 37 supporting a balance of uses within an area which would minimise travel times. Paragraph 32 states that developments should have safe and suitable access for all people. On environmental concerns, the NPPF is unequivocal in its view that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the proposed use (paragraph 122), with paragraph 123 stating that developments should mitigate and reduce other adverse impacts on health and quality of life, including through the use of conditions.
- 6.2. Within the draft Birmingham Development Plan, policy SP28 refers to student accommodation and states that it will only be considered favourably where the development is well located to educational establishments and local facilities by walking, cycling and public transport and does not have an unacceptable impact on the character of the local area. A supporting market report on student accommodation has been received.
- 6.3. Policy 3.8 of the adopted UDP highlights that there is a need to recognise the key relationship between environmental quality and levels of economic activity and policy 3.10 states that, 'proposals which would have an adverse effect on the quality of the built environment will not normally be allowed.'
- 6.4. Places for All support the re-use of good quality existing buildings. Places for Living encourages higher densities in developments, re-use of good quality existing buildings, active frontages and schemes which reflect local context.

- 6.5. The Specific needs Residential Uses SPG refers to essential facilities for student accommodation including; space for a single bed, storage, a desk and chair and a heating system. The SPG suggests that this should be incorporated in a single bedroom no less than 6.5 sq. m.
- 6.6. As of 30th May 2013, Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 came into force. This allows office (B1(a)) uses to be converted to dwelling houses (use class C3) without the requirement for full planning permission. Exceptions are listed buildings and hazardous substances or military explosives storage areas. Assessment of such applications for Prior Notification can only be on matters concerning:-
- Transport and highway impacts;
 - Contamination risks; and
 - Flooding risks.
- 6.7. Although student residential schemes are Sui Generis, the amendment to the Use Classes Order must be given some weight by your Committee when considering applications that have a potentially more unacceptable fall back or alternative.

Principle of use

- 6.8. The site is part of an area of land allocated for mixed use redevelopment in the Aston, Newtown and Lozells AAP under policy MU1 which could include a mix of residential, health, education/training, cultural and community uses, light industry, leisure, ancillary offices and enhanced open space. Improved pedestrian linkages to the St. Georges area, and other residential communities within the City Centre Big City Plan area south of New John Street West will be required as part of any development proposals. The proposal to develop the site for residential use is therefore in accordance with this policy.
- 6.9. A student residential development such as this is considered appropriate for this location within easy access to the City Centre and the reuse of the building is welcomed. The application site is considered suitable for access to the City's three main universities via public transport, bicycle or on foot, along with the University College Birmingham (the former College of Food) and the College of Law, both located within the City Centre. It is therefore considered the proposal is acceptable in principle.

Layout and operation

- 6.10. Each outlook is deemed acceptable and the proposal would not have an adverse impact on other residential properties in terms of overlooking. Rooms would be cellular in nature and would have breaks between windows. The proposal would require minimal changes to the existing external elevation of the building with any changes being confined to the ground floor. Room layouts and sizes, combined with the communal lounge/kitchens on each level are considered to provide an acceptable living environment in terms of space and facilities for each student occupying a unit.
- 6.11. The proposed bedroom sizes comply with the requirements outlined in the Specific Needs for Residential Uses SPG and the proposed rooms could accommodate furniture in order to function accordingly. The proposed layout means that the proposed layout and operation of the scheme would create an acceptable living environment for students.

Noise and disturbance

- 6.12. Noise and disturbance from both traffic noise and air and structure borne noise from the remainder of uses within the block is considered to be the salient issue for the proposal. The applicant has provided a full noise assessment survey and report has in support of this application. The recommendations contained within the report are to be included in the proposals, which would be fully incorporated to the benefit of the students living on the premises and adjacent users, both residential and commercial.
- 6.13. Regulatory Services have raised no objection to the proposed development subject to conditions relating to noise insulation, contaminated remediation scheme, contaminated land verification report and noise levels for plant and machinery. I concur with this view.
- 6.14. Members should note that under new Central Government legislation now in force, the applicant could effectively convert the building into residential (C3) without any of the mitigation measures proposed, as noise and air quality are not a consideration in the new Prior Notification process. Therefore, the proposal is considered to be the optimal solution for this vacant office building which has the potential to be converted to residential without the need for any of the mitigation measures proposed as a fall back.

Transportation

- 6.15. Transportation Development have raised no objections to the proposal subject to conditions relating to cycle storage, existing visibility splays to remain and a car park management plan (limit students bringing cars via residency contract). I concur with this view. All conditions are considered to be relevant and appropriate to the development in order to ensure the site is appropriately managed and have been attached accordingly.
- 6.16. The conditions proposed, coupled with the location of the scheme within close and easy access of the City Centre, means that the scheme is considered to be acceptable on highway grounds. The site is located within a highly sustainable location in relation to public transport and the level of secure car and cycle parking is seen as appropriate for a student residential scheme.

Other comments

- 6.17. West Midlands Fire Service have no objections to the proposal.
- 6.18. West Midlands Police have recommended permanent staffing is employed, installation of CCTV details, details of lighting scheme and details of access control. As such, conditions for the installation of CCTV, a building management plan and a lighting scheme has been attached to enhance on site security.

7. Conclusion

- 7.1. The proposed use of the building for student flats would provide a suitable reuse for a vacant office building and, subject to suitable conditions, would not have an adverse impact on existing commercial and residential uses or harm the amenity of future occupiers.

8. Recommendation

8.1. That a favourable consideration will be given to the application subject to the conditions listed below:

-
- | | |
|----|--|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the prior submission of a contaminated land verification report |
| 3 | Limits the noise levels for Plant and Machinery |
| 4 | Requires the prior submission of noise insulation |
| 5 | Noise insulation to windows, any other glazed areas and external doors |
| 6 | Requires the provision of cycle parking prior to occupation |
| 7 | Requires the prior submission of a car park management plan |
| 8 | Requires the prior submission of a CCTV scheme |
| 9 | Requires the prior submission of a lighting scheme |
| 10 | Requires the prior submission of a building management plan |
| 11 | Requires the prior submission of sample materials |
| 12 | Requires the scheme to be in accordance with the listed approved plans |
| 13 | Limits the approval to 3 years (Full) |
-

Case Officer: Stephanie Salmon

Photo(s)

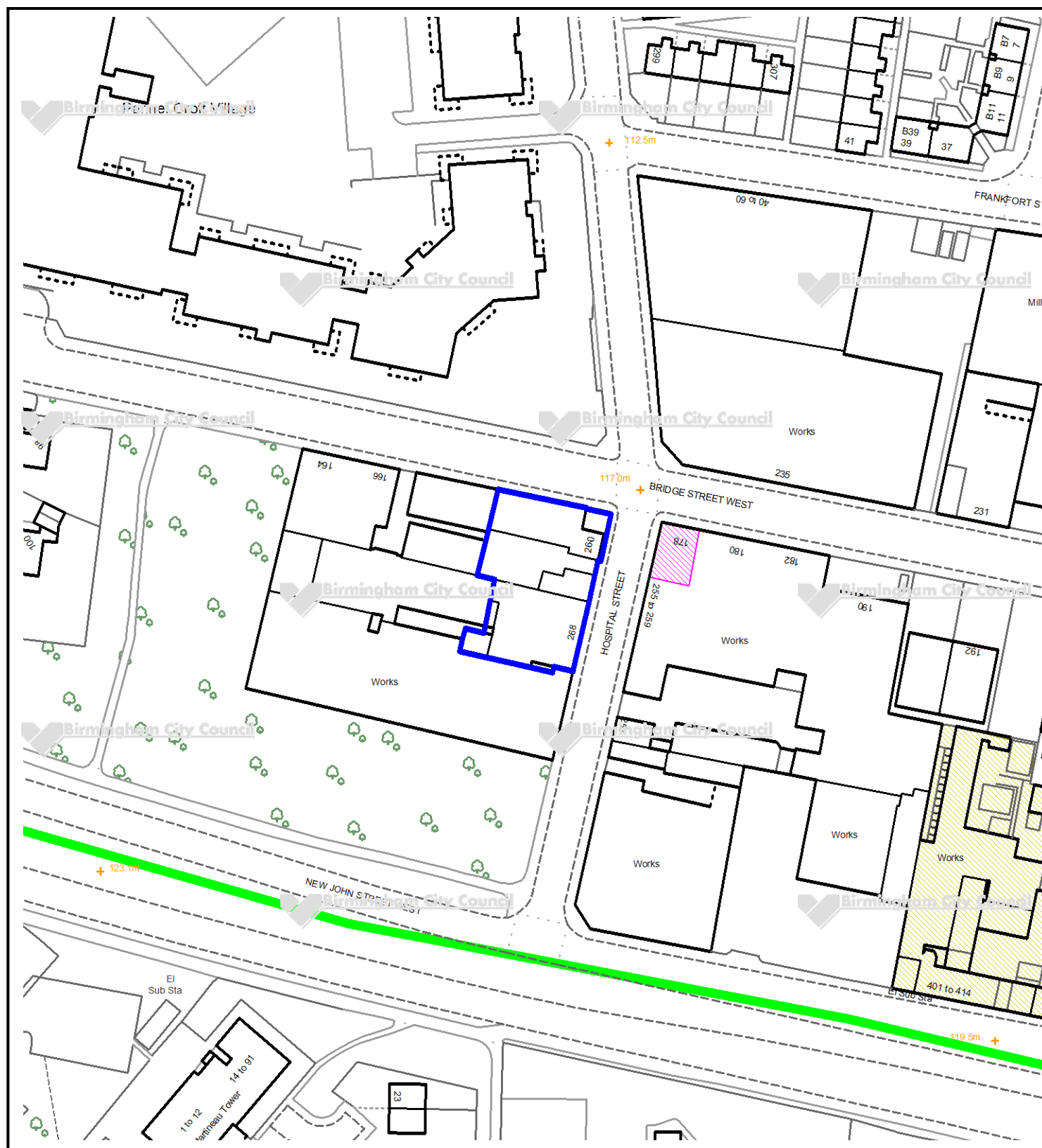


Figure 1 – Hospital Street view



Figure 2 – Bridge Street West view

Location Plan



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Committee Date:	03/09/2015	Application Number:	2015/04313/PA
Accepted:	28/05/2015	Application Type:	Full Planning
Target Date:	23/07/2015		
Ward:	Sutton Trinity		

Maney Hill Primary School, Maney Hill Road, Sutton Coldfield, Birmingham, B72 1JU

Installation of one temporary modular building and access ramp (for a two year period) to create two classrooms for thirty additional children

Applicant: Birmingham City Council
1 Lancaster Circus, Birmingham, B4 7DY
Agent: Acivico
1 Lancaster Circus, Queensway, Birmingham, B4 7DG

Recommendation
Approve Temporary

1. Proposal

1.1. This proposal is for the installation of one temporary modular building with access ramp (for a two year period) which is to be used for two classrooms for thirty additional children. The building would be sited at the rear of the main school and behind the detached annex. It would measure approximately 19 metres in length by 8 metres in width by 3.1 metres in height. Internal provisions would include two classrooms, two store rooms, toilets and cloakroom.

1.2. A Transport Statement has been submitted which concluded that the proposed development will result in a limited increase in traffic and parking demand within the immediate local highway network. However, this can be accommodated without causing any significant impacts and will be off-set by the implementation of a School Travel Plan to encourage pupils and staff to travel to school by sustainable transport modes.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site refers to Maney Hill Primary School which has a detached annex at the rear. Beyond this, is a large playing field and the surrounding area is predominantly residential in character.

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

3. Planning History

3.1. None relevant.

4. Consultation/PP Responses

- 4.1. Neighbours, local Councillors, Andrew Mitchell M.P and residents associations consulted and site notice displayed. 5 letters in support of the proposal, 13 letters of objection, a petition of 11 signatories and Councillor David Pears supporting the objection of his constituent. The objections raised (in summary) refer to: traffic, congestion, lack of parking and highway safety issues, the car park adjacent to the maisonettes is not maintained and used by parents, access to property is often blocked by inconsiderate parking, the expansion of the school would reduce privacy, the temporary classroom seems inadequate, concerned about the school increasing its size in the future.
- 4.2. Regulatory Services – A desk top study for contamination recommends intrusive testing of the ground to be carried out to check for ground contamination and conditions should be imposed for (1) Contamination Remediation Scheme, (2) Contamination Land Verification Report.
- 4.3. Sport England – No objection.
- 4.4. Transportation Development – No objection subject to conditions being imposed for (1) limiting the number of children, (2) approve for a temporary period as proposed, (3) School Travel Plan should be updated, (4) cycle parking provision should be increased, (5) a detailed scaled parking layout showing parking spaces, vehicular circulation areas, any servicing/ delivery areas, access arrangements should be submitted.

5. Policy Context

- 5.1. National Planning Policy Framework (2012); Birmingham Unitary Development Plan (2005), Draft Development Plan.

6. Planning Considerations

- 6.1. The key issues for consideration are whether the proposed temporary classroom would have any negative impact in relation to visual amenity, residential amenity and highway safety.

6.2. Visual Amenity

- 6.3. The proposed classroom would be located at the rear of the main school and behind the detached annex. Its position would not raise any visual amenity issues and this element of the proposal is considered to be acceptable for a temporary two year period.

6.4. Residential Amenity

- 6.5. The proposed classroom would be sited at the rear of the school and would not cause any harm to neighbouring occupiers and is acceptable.

6.6. Parking and Highway Safety Issues

- 6.7. A number of objections have been received concerning highway issues. In response to these comments, Transportation Development have assessed this proposal along with the Transport Statement submitted by the applicant and have raised no objection, subject to a number of conditions being imposed to limit the number of

children to thirty, to approve for a temporary two year period as proposed, to update the School Travel Plan, provide cycle parking provision and to provide a detailed scaled parking layout showing parking spaces, vehicular circulation areas, any servicing/ delivery areas and access arrangements. Subject to these conditions being imposed, the impact of this proposal on the highway and public safety is likely to be negligible and would be acceptable development.

6.8. Other issues

- 6.9. The Councils Regulatory Services have identified that intrusive testing of the ground for land contamination should be carried out. This matter can be dealt with by imposing suitable conditions to ensure a satisfactory contamination remedial scheme is undertaken along with the submission of a contaminated land verification report.

7. Conclusion

- 7.1. Whilst the objections received are noted and subject to conditions being imposed, it is considered that the siting and use of this educational facility in this location would be acceptable development and it is recommended that a temporary two year consent is approved.

7.2. Recommendation

- 7.3. Approve – temporary (2 years).

-
- | | |
|---|--|
| 1 | Requires the prior submission of a scheme to show how the building would be removed within a two year timescale. |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the prior submission of a contaminated land verification report |
| 4 | Details of parking layout required |
| 5 | The School Travel Plan shall be updated |
| 6 | Requires the scheme to be in accordance with the listed approved plans |
| 7 | A maximum of thirty children. |
-

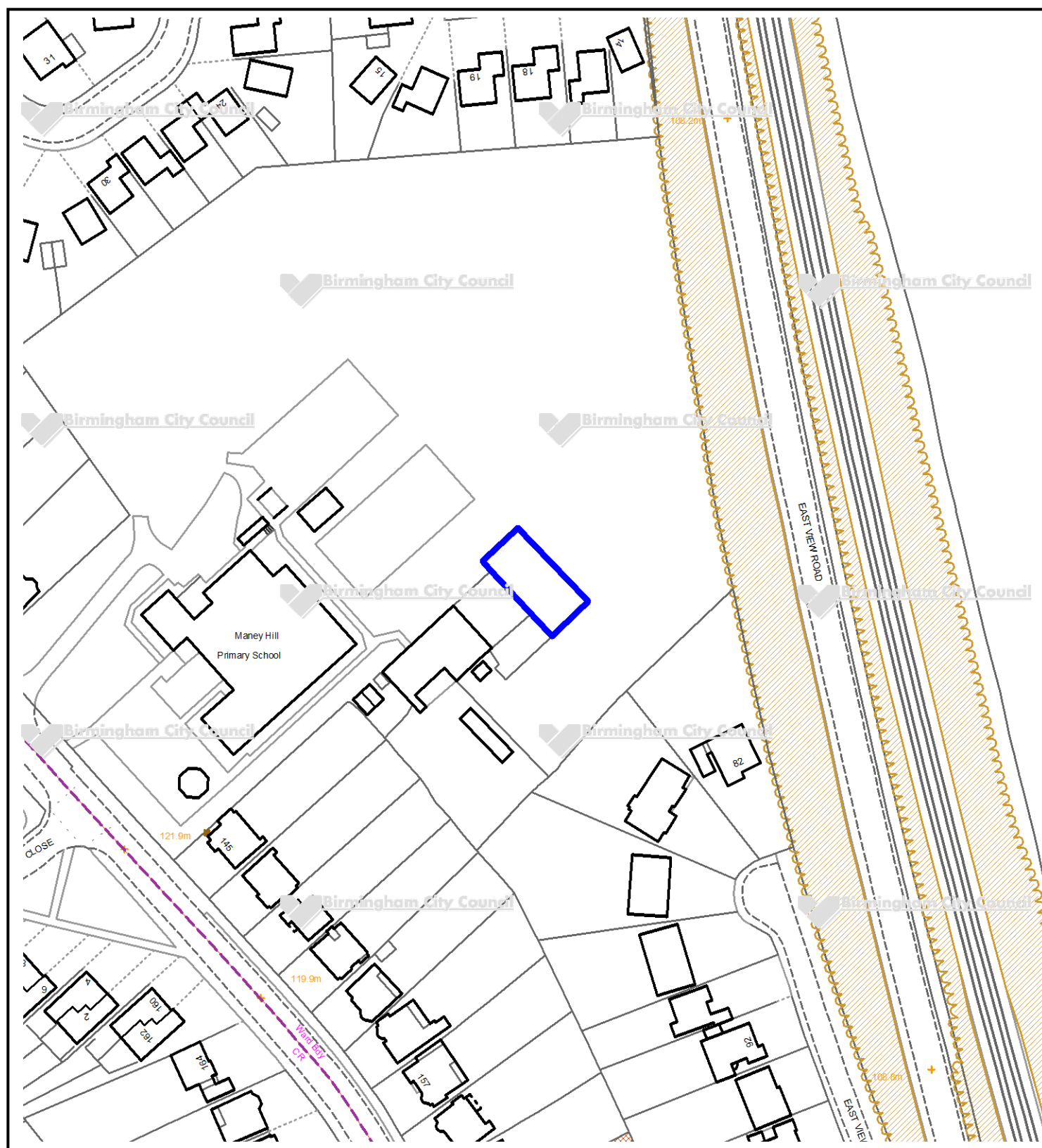
Case Officer: Daniel Illott

Photo(s)



Figure 1 Application site at rear of school

Location Plan



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Committee Date:	03/09/2015	Application Number:	2015/02705/PA
Accepted:	18/05/2015	Application Type:	Householder
Target Date:	13/07/2015		
Ward:	Handsworth Wood		

12 Calder Grove, Handsworth Wood, Birmingham, B20 2HR

Intallation of new pitched roof with an increase to roof height

Applicant: Mrs T Madier
12 Calder Grove, Handsworth Wood, Birmingham, B20 2HR
Agent: RS Design Partnership
35-37 Woodland Road, Handsworth, Birmingham, B21 0ES

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the installation of a new pitched roof over the main property and increase in roof height.
- 1.2. The resulting new roof would measure 2.9m in height, 800mm higher than the original roof. The new roof is designed with a pitch to the front and back, with gable ends to the sides. The roof will be finished with tiles that match the existing property.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a modern detached dwelling house designed with a pitched roof. The property has been previously extended with a two storey side and front extension. The previous extension is currently finished with a flat roof. The surrounding properties differ in age and design; a number of the properties in the street scene are taller than the application property. The property is located in a corner positioned within a cul de sac and is not highly visible.
- 2.2. There are no windows in the side elevation of No. 10.

[Site Location](#)

3. Planning History

- 3.1. 21/12/2012 - 2012/07439/PA - Erection of two storey front and first floor side extension and extension to detached structure to the rear – Approved with Conditions
- 3.2. 22/10/2014 - 2014/07296/PA - Non material amendment to planning approval 2012/07439/PA for conversion of garage into study room with new porch - Approved

4. Consultation/PP Responses

- 4.1. Adjoining residents and local ward Councillors have been notified. One letter of objection and a petition containing 8 signatures has been received. Objections raised in respect of:
- Loss light
 - Damp/ventilation issues
 - Character & appearance/impact on street scene
 - Damage on neighbouring properties
- 4.2. Letter received from Councillor Gurdial Singh Atwal who supports the objections that have been raised by neighbours.
- 4.3. 12 Letters of support have been received.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan (Adopted 2005)
 - Draft Birmingham Development Plan (2013)
 - Places For Living (Adopted Supplementary Planning Guidance 2001)
 - The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
 - Extending your Home (Adopted Supplementary Planning Document 2007)
- 5.2. The following national policies are applicable:
- NPPF: National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. The principal matters for consideration are the scale and design of the extension, the impact on the architectural appearance of the property, general street scene and the impact upon neighbouring properties' amenities.
- 6.2. This application follows a previously approved scheme (2012/07439/PA). It is now proposed to redesign the roof over the previous extensions. The proposal would be of the same height as that previously approved, however the proposal is now designed with a flat section at ridge level.
- 6.3. The property is set in the corner of a cul de sac and would not be highly visible to passers by, furthermore the proposed new roof would not extend higher than a number of properties on Calder Grove. I do not consider that the proposed development would be detrimental to the character or appearance of the application property or wider street scene and would meet with the general principles contained in supplementary planning document 'Extending your Home'.
- 6.4. The proposed roof extensions to the main house complies with your committee's 45 Degree Code policy and also meets with the distance separation guidelines. The development would not result in a detrimental impact on the amenities of the occupiers of the neighbouring properties by way of loss of light, outlook or overlooking.

6.5. Objections relating to disruption and damage at the time of previous building works and damp issues are not a material planning consideration and therefore cannot be taken into consideration when assessing this application.

7. Conclusion

7.1. Notwithstanding the objections received from neighbouring occupiers I consider that the amended proposal complies with the objectives of the policies outlined above and as such recommend approval.

8 Recommendation

8.1. Approve subject to the following conditions

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

Case Officer: Philip Whittaker

Photo(s)

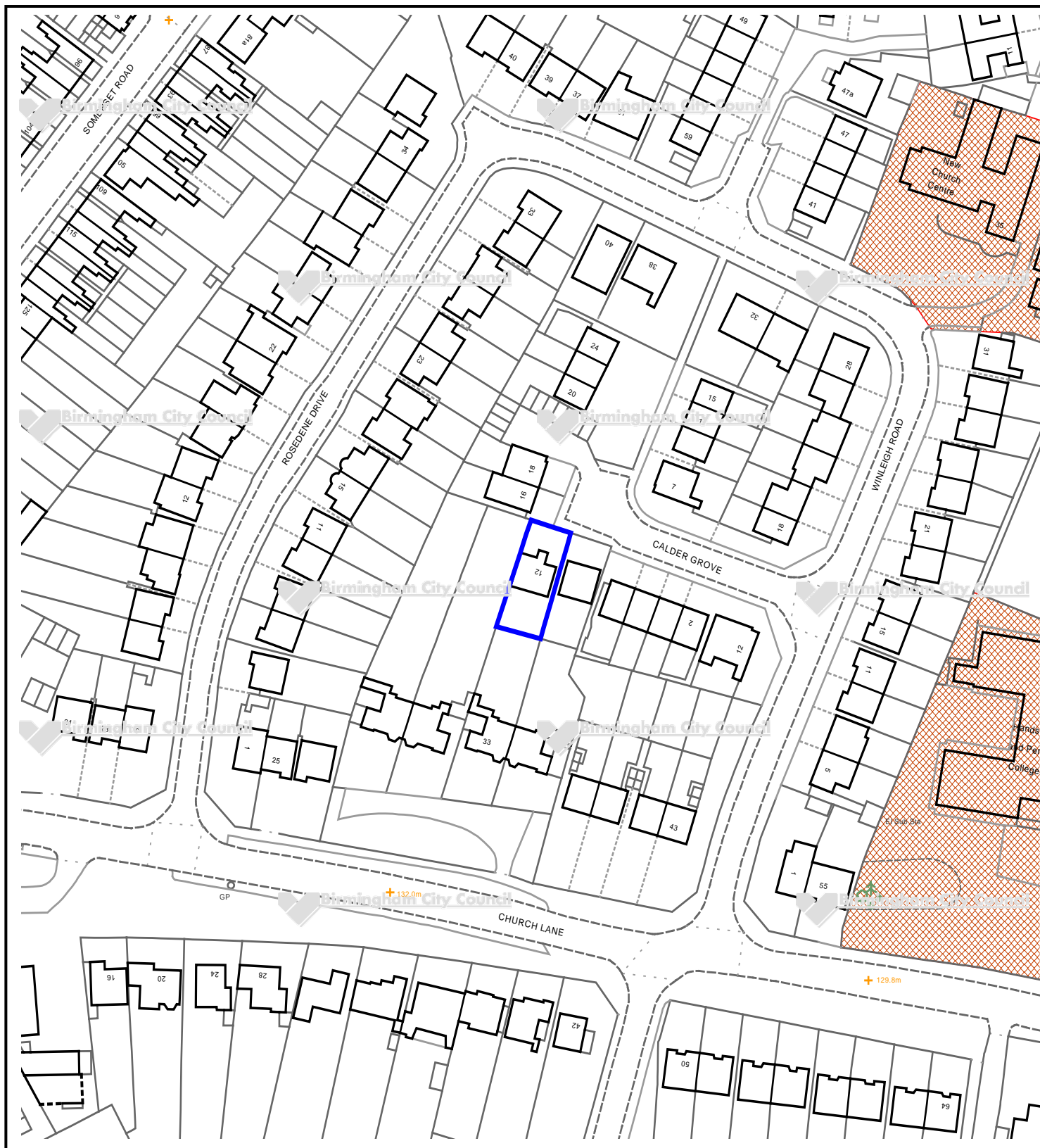


Photo 1: Front elevation of 10 & 12 Calder Grove



Photo 2: Rear elevation taken from No 10.

Location Plan



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Committee Date:	03/09/2015	Application Number:	2015/05585/PA
Accepted:	15/07/2015	Application Type:	Advertisement
Target Date:	09/09/2015		
Ward:	Nechells		

Saltley Road, Nechells, Birmingham, B7 4PT

Display of 4 free-standing post mounted non-illuminated post-mounted signs.

Applicant: Birmingham City Council
Room M49, Council House, Victoria Square, Birmingham, B1 1BB,
Agent: Immediate Solutions
Dean Clough, Halifax, West Yorkshire, HX3 5AX,

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application proposes the installation of 4 no. non-illuminated post-mounted signs on the roundabout at Saltley Road/Nechells Parkway/Goodrick Way/Melvina Road, Nechells. The proposed signs would be located close to the edge of the roundabout in the following locations:
- Near the junction with Saltley Road, at the eastern end of the roundabout.
 - Near the junction with Nechells Parkway, at the north-western end of the roundabout.
 - Near the junction with Goodrick Way at the northern end of the roundabout.
 - Near the junction with Melvina Road at the southern end of the roundabout.
- 1.2. The proposed signs would each have a width of 1.8m and height of 0.5m and would be mounted on posts giving an overall height of 0.65m above ground level. The signs would be made of aluminium and the posts would be steel.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises the whole of the roundabout which forms the junction between Saltley Road, Nechells Parkway, Goodrick Way and Melvina Road. The roundabout is predominantly grassed with tarmacked footpaths leading to pedestrian crossings. There are several trees on the roundabout, and a number of shrubs and stone features. Other street furniture currently located around the roundabout includes directional highway signage, road name signs and traffic lights.
- 2.2. The surrounding area contains predominantly commercial uses located closest to the roundabout and some residential uses. There is a hotel and former library to the north western corner of the roundabout and a banqueting centre and community centre to the south western corner. A railway line runs to the east of the roundabout.

[Site Location Map](#)

3. Planning History

- 3.1. 19/05/2015 – 2015/03332/PA - Pre-application advice for the display of free-standing post mounted signs – Recommended 4 medium sized signs likely to be acceptable.

4. Consultation/PP Responses

- 4.1. No public consultation required.
- 4.2. Transportation Development - No objections considering the signs would be located as shown on the submitted photographs) in line with the existing chevron sign).
- 4.3. Network Rail – State they have no comments.

5. Policy Context

- 5.1. National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan

6. Planning Considerations

- 6.1. The NPPF restricts Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements (paragraph 67).
- 6.2. Paragraph 67 of the NPPF states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building or on their surroundings should be subject to a Local Authority's detailed assessment. Finally it states that the cumulative impact of advertisements should be considered.

AMENITY

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

HIGHWAY SAFETY

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

7. Conclusion

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

8. Recommendation

- 8.1. Temporary consent subject to the following conditions:

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

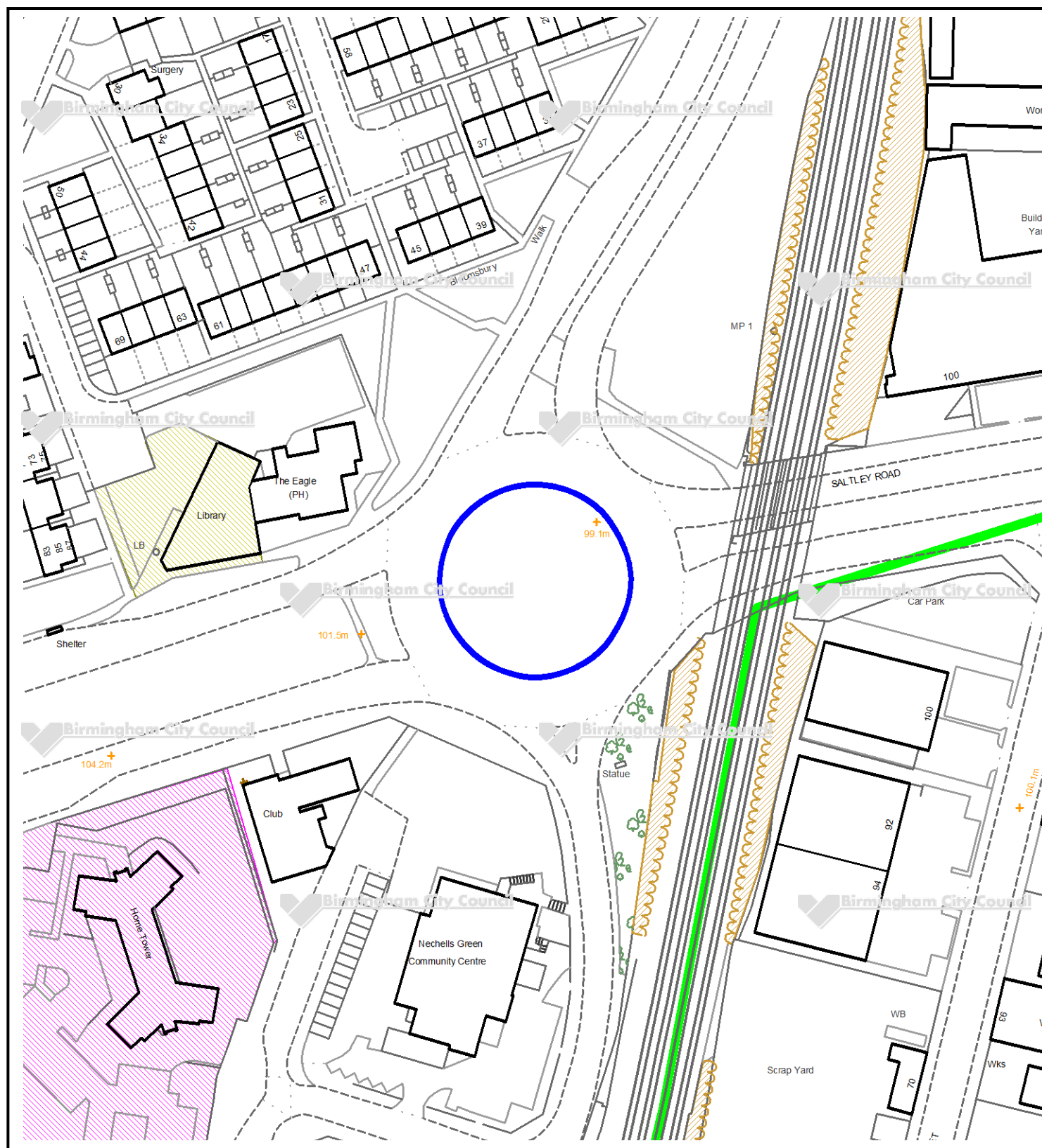
Case Officer: Stephanie Salmon

Photo(s)



Figure 1 – View of island with proposed signs

Location Plan



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Committee Date:	03/09/2015	Application Number:	2015/05602/PA
Accepted:	20/07/2015	Application Type:	Telecommunications
Target Date:	11/09/2015		Determination
Ward:	Sutton Trinity		

Langley Mill Sewage Treatment Works, Off Lindridge Road, Sutton Coldfield, Birmingham, B75 7JB

Prior Notification for installation of replacement 15 metre high telecommunications mast and installation of additional equipment cabinet and associated development.

Applicant:	H3G
	c/o The Agent
Agent:	GVA
	Norfolk House, Norfolk Street, Manchester, M2 1DW

Recommendation

No Prior Approval Required

1. Proposal
 - 1.1. This is a Prior Notification application for the installation of a replacement 15 metre high telecommunications mast with antennae and installation of associated telecommunications cabinet and equipment within the Langley Mill Sewage Treatment Works site.
 - 1.2. The mast would be 15 metres high slim-line monopole supporting 3 antennae and would be painted grey to match the existing equipment. It would replace an existing 15 metre high mast that is disguised as a tree tower and would be relocated approximately 5 metres to the east to where the existing monopole is currently located.
 - 1.3. The cabinet would have a width of 0.75 metres and a depth of 0.6 metres and would measure 1.98 metres in height. It would be located at the base of the telecommunications mast.
 - 1.4. The proposed development is for the upgrade of the existing equipment for third generation (3G) mobile provided by Hutchison 3G UK Limited (H3G). The applicant has advised that the tree tower design of the existing mast is not available for this technology upgrade and that the proposed slim-line monopole is the most suitable and appropriate for this upgrade in this cell area. Two alternative sites within the desired mobile coverage cell area have been investigated and discounted as they did not meet the operator's technical requirements.
 - 1.5. The applicant has submitted a declaration that the proposal would meet the ICNIRP requirements.
 - 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to an area of hard surfacing that is enclosed by a 1.8 metre high timber panel fence and includes a 15 metre high monopole with 3 antennae disguised as a tree tower and base cabinets. The site is located within the northeast corner of the Langley Mill Sewage Treatment Works and immediately abuts the embankment to the M6 toll road to the north of the site. The site is relatively flat and vehicular access is gained via a narrow lane off Lindridge Road, which provides access to Langley Mill Farm.
- 2.2. The surrounding area is predominantly open country side. To the north and east of the site is an area of dense tree planting associated with the embankment to the M6 toll road. To the south and west of the site is the Sewage Treatment Works which contains an office block, building/structures associated with the Sewage Treatment Works, car parking and landscaping areas including mature trees. The nearest residential properties are Langley Mill Cottages, approximately 378 metres to the southwest of the site beyond the Sewage Treatment Works. There are no schools within 100 metres of the application site. The site falls within Sutton Coldfield Green Belt and Flood Zones 2 and 3.

2.3. Site Location

3. Planning History

- 3.1. 12 April 2005 - 2005/01048/PA - No prior approval required for the erection of a 15 metre high telecommunications mast and associated works.

4. Consultation/PP Responses

- 4.1. Ward Councillors and residents associations were notified. Site Notice displayed outside site. No responses received.
- 4.2. Environmental Agency - No objection.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005; the Draft Birmingham Development Plan 2014; Telecommunications Development: Mobile Phone Infrastructure SPD (2008); Places for All (2001); and the National Planning Policy Framework 2012.

6. Planning Considerations

- 6.1. Policy Context
- 6.2. The NPPF contains a presumption in favour of sustainable development. It advises that advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.
- 6.3. Policy 8.55 recognises that modern and comprehensive telecommunications systems are an essential element of life of the local community and the economy of the City. In assessing applications for telecommunications equipment, account will

be taken of the impact of radio masts, antennae and ancillary structures on existing landscape features, buildings, and the outlook from neighbouring properties.

- 6.4. Policy 8.55A states that within the City, there are locations that are considered to be more sensitive than others for the siting of telecommunications equipment which includes the Green Belt. Telecommunications equipment would only be acceptable in sensitive areas if the applicants are able to demonstrate that there is no other suitable location. In all cases equipment should be designed to minimise its impact on the visual amenity of the area.
- 6.5. Policy 8.55B states that operators would be expected to share masts and sites wherever this desirable. Ground based equipment should be sited to take maximum advantage of backdrops to buildings and other screening opportunities. In assessing visual obtrusiveness, views from neighbouring properties and the street would be considered.
- 6.6. However, as a prior notification application, in accordance with Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development Order) 2015, the only issues that can be considered are the siting and appearance of the proposed mast and associated cabinet.
- 6.7. Siting and Appearance
- 6.8. The proposed replacement mast would be a slim-line street monopole that would replace an existing monopole that has been designed to appear as a tree tower. It would be located approximately 5 metres to the east of existing monopole and would be in close proximity to the rear boundary of the site that immediately abuts the M6 toll road.
- 6.9. From site observations there are existing lighting columns to either side of the M6 toll road and together with surrounding trees, there are existing vertical features in the area of the application site. From the south, there would be limited views due the existing tree cover and the office block located within the Langley Mill Sewage Treatment Works. From the north, the proposed monopole would be seen within the context of lighting columns and the dense area of very tall trees to the forefront. The nearest dwelling houses are 378 metres to the southwest of the site and are separated by dense tree screening.
- 6.10. I acknowledge that the replacement slim-line monopole would be more obvious when viewed from the north compared to the existing mast which is disguised as a tree tower, however, I do not consider that the replacement mast would appear unduly obtrusive given the existing vertical features in the area. I therefore consider that the proposed siting and appearance is acceptable and that the proposed replacement mast would not adversely impact the visual amenities of the area.
- 6.11. Impact on the Green Belt
- 6.12. Paragraph 79 of the NPPF advises that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Policy 3.41 of the adopted UDP 2005 advises that the principal functions of the Green Belt (but not limited to) are to assist in safeguarding the countryside from encroachment, and to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

- 6.13. The application site falls within the Sutton Coldfield Green Belt and comprises an existing mast site. The proposed replacement mast would result in a degree of harm to the openness of the Green Belt as it would be more obvious than the existing tree design mast. It would therefore represent inappropriate development within the Green Belt. However, the existing mast no longer meets the operator's technical requirements. The applicant has also advised that the tree tower design of the existing mast is not available for this technology upgrade and that the proposed slim-line monopole is the most suitable and appropriate for this upgrade in this cell area.
- 6.14. Without the proposed replacement mast the operator would not be able to provide 3G coverage within this cell area, which would disadvantage both domestic and commercial users and potentially economic growth. The applicant has confirmed that there are no alternative sites available that are either suitable or appropriate within this cell area. I therefore consider that these factors amount to very special circumstances that outweigh the conflict with national and local planning policies regarding development within the Green Belt.
- 6.15. Furthermore, paragraph 43 of the NPPF advises that Local Planning Authorities should aim to keep the number of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. This application would use an existing mast site and as such a new site is not required which ensures any impact on the Green Belt and visual amenities is kept to a minimum.
- 6.16. Impact on Health
- 6.17. Paragraph 46 of the NPPF advises that the Local Planning Authority must determine applications on planning grounds. They should seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure. The application has submitted the required information including a fully compliant ICNIRP certificate and as such no further consideration can be given with regard to health issues.

7. Conclusion

- 7.1. I consider that the siting of the proposed 15 metre high replacement mast and its appearance is acceptable and would not adversely impact visual amenity in accordance with the adopted UDP 2005 and the NPPF. The replacement mast and associated cabinet would amount to very special circumstances that outweighs the conflict with national and local planning policies regarding development within the Green Belt.

8. Recommendation

- 8.1. That no prior approval is needed.

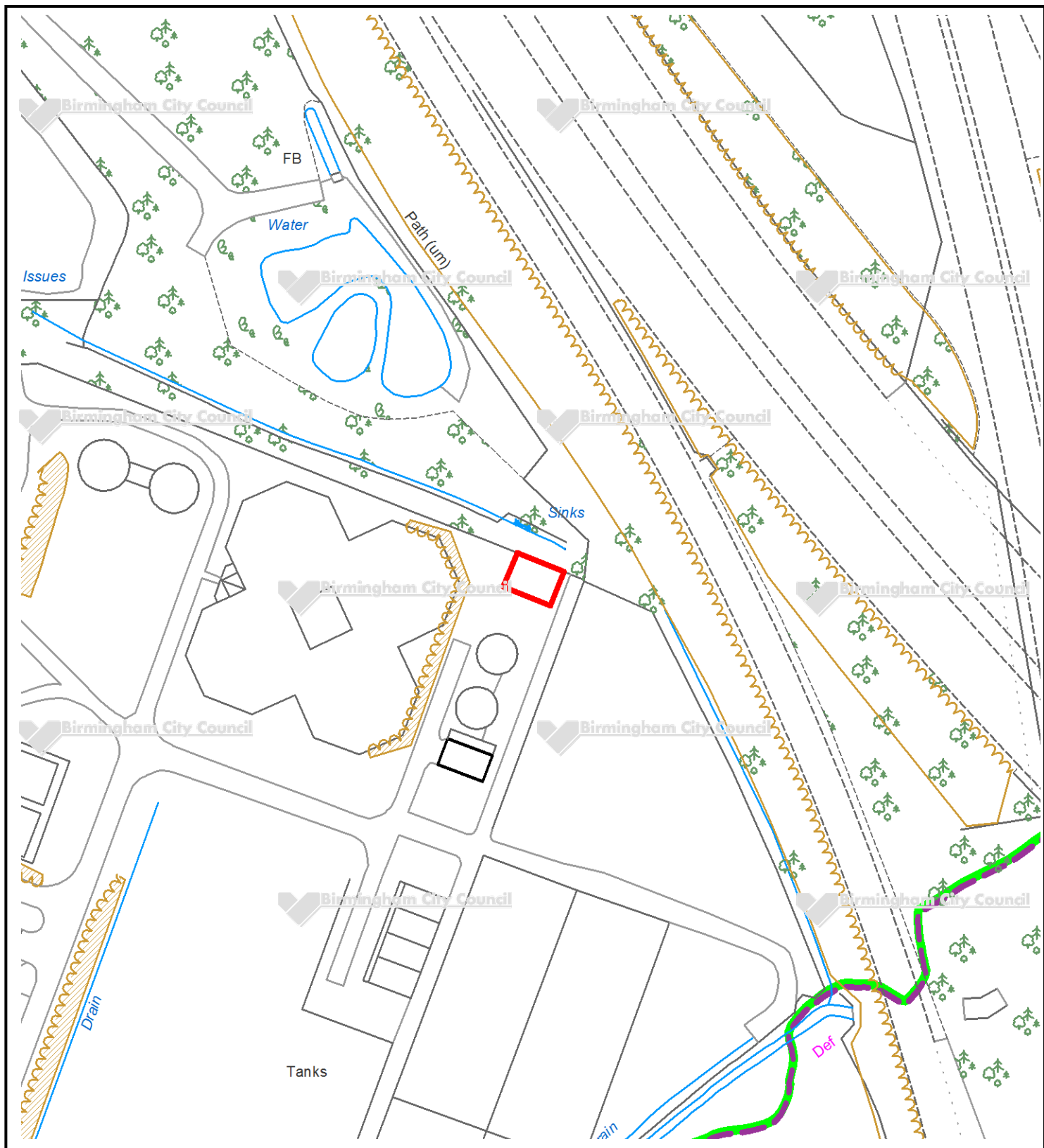
Case Officer: Helen Hawkes

Photo(s)



Application site

Location Plan



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Birmingham City Council

Planning Committee

03 September 2015

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Determine	17	2015/05224/PA 805 Pershore Road Selly Oak Birmingham B29 7LR Continued use of property as house in multiple occupation (Sui Generis) and conversion of garage into further bedroom.
Approve - Conditions	18	2015/03423/PA 87 Farquhar Road Edgbaston Birmingham B15 2QP Change of use from residential (Use Class C3) to care home (Use Class C2)
Approve - Conditions	19	2015/05039/PA 72-94 High Street Harborne Birmingham B17 9NJ Variation of condition 1 (requires the scheme to be in accordance with the listed approved plans) and deletion of condition 15 (requires prior submission of details for publically-accessible toilets within the store) attached to planning approval ref:- 2012/05862/PA.
Approve - Temporary	20	2015/05582/PA Roundabout at Stonehouse Lane Bartley Green Birmingham B32 3AG Display of 4 non-illuminated free-standing post-mounted signs

Committee Date:	03/09/2015	Application Number:	2015/05224/PA
Accepted:	02/07/2015	Application Type:	Full Planning
Target Date:	27/08/2015		
Ward:	Selly Oak		

805 Pershore Road, Selly Oak, Birmingham, B29 7LR

Continued use of property as house in multiple occupation (Sui Generis) and conversion of garage into further bedroom.

Applicant:	Birmingham Student Housing Cooperative 805 Pershore Road, Selly Park, Birmingham, B29
Agent:	Russell Hobbis Architects 114 Church Road, Moseley, Birmingham, B13 9AA

Recommendation
Determine

Report Back

- Members will recall that the above application was reported to Planning Committee on 20th August 2014 and was deferred minded to refuse on the grounds that the proposal would be 'inappropriate in the Selly Park Conservation Area'. It was not clear whether members' concerns arose from the use of the property as a HMO or if it were the external alterations that were considered detrimental. Therefore, the following reason for refusal is offered and is based on both issues:

'The proposed use of the property as a House in Multiple Occupation and the external alterations proposed would cause a detrimental impact on the character and appearance of the Selly Park Conservation Area, contrary to policies 3.8, 3.10, 3.27 and 8.25 of the Birmingham Unitary Development Plan (2005); and guidance contained within the National Planning Policy Framework (2012).'
- Members should however be reminded that there would not be an overconcentration of HMO uses in this area. The Local Planning Authority's policy deems that an overconcentration would occur when 10% or more of the houses, within a 100m radius of the application site, would not be in use as a single family dwelling (C3 use). There are 110 residential properties, within 100m radius of 805 Pershore Road. Of these properties and including the application site 9 are identified as being HMO's, (both C4 and Sui Generis) equating to 8.1%. As such, the policy threshold is not exceeded.
- Furthermore, the National Planning Policy Framework (2012) promotes the delivery of a wide choice of high quality homes to create sustainable, inclusive and mixed communities. Here, close to the University of Birmingham, the mixed community includes a degree of HMO's (principally for student accommodation). The Selly Park Conservation Area is characterised particularly to the north and east by large detached dwelling houses similar in character to the application property, but some other uses are apparent including a care home at 8-14 Greenland Road to the south west and the Kensington Hotel to the north. Therefore, officers are of opinion that

the proposal accords with national policy and would not cause detriment to the local character.

4. With respect to the external alterations, a close inspection of the property reveals that the garage door is not an original feature of the coach house and significant alterations have already taken place. Officers, including your Conservation Officer raise no objection to the proposed changes noting that there would not be any adverse impact to the visual amenities of the surrounding area and that there would not be any material impact on the character and appearance of the Conservation area. There is no reason to warrant the refusal of the application.
5. Officers consider that, should the application be refused it is unlikely to be upheld at appeal and the council could be liable to the award of costs to the applicant.

Original report

1. Proposal

- 1.1. This application seeks consent for the continued use of 805 Pershore Road as a house in multiple occupation for university students. The application also seeks consent to change the existing garage into a further bedroom with associated external alterations.
- 1.2. The ground floor would consist of four bedrooms, shared lounge, shared kitchen and dining room, utility room and bathroom. The first floor would consist of a further five bedrooms (two with en-suite facilities) and a bathroom.
- 1.3. To the front of the property is a driveway with parking for four cars, accessed off Pershore Road, and to the rear a large garden.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to the property of 805 Pershore Road, Selly Park. This is a detached two storey property, with coach house to side set within a large spacious plot. To the front, the property is bounded by a brick wall and railings to a height of 2m with hard surfaced driveway. The property is within a row of large properties all of differing architectural styles and fronting onto Pershore Road.
- 2.2. Opposite the site, there is a row of terraced residential properties, interspersed with a small number of retail premises, including a fish and chip shop at no.2 Wallace Road and Pharmacy at 808-810 Pershore Road.
- 2.3. The surrounding area is predominantly residential in character, with distinctive characteristics either side of Pershore Road. To the east, rows of terraced properties with a high density of development, to the west large scale properties set in spacious plots. The site and area to the west is within the Selly Park Conservation Area.

[Site location map](#)

3. Planning History

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

4. Consultation/PP Responses

4.1. Transportation Development – No objection, subject to a condition to provide secure and sheltered cycle storage.

4.2. Regulatory Services – No objection.

4.3. West Midlands Police – No objection.

4.4. Letters of notification have been sent to surrounding occupiers, local resident's associations, Selly Oak Ward Councillors and the MP for Selly Oak. A site notice has also been posted.

4.5. Selly Park Property Owners' Association – Object to the application, they do not think any more properties in the area should be used for Multiple Occupation, particularly given the intensity of such provision in the vicinity. Moreover, they note the property is within the area of the Article 4 Direction on HMOs. They believe the conversion of the garage would be detrimental to the appearance of the coach house

4.6. The Community Partnership for Selly Oak – Object to this application on the grounds that there are already too many properties in multiple occupancy in this area, also noting the area is under the Selly Oak Article 4 direction which seeks to limit HMO densities to 10%. They object to the conversion of the garage into an additional bedroom on the grounds that it will simply exacerbate the overcrowding issues in the property and population density issues in the area.

4.7. A further four letters of objection have been received from local occupiers, objecting to the application for the following reasons;

- Too many Victorian buildings designed to be a family home are being converted.
- The conversion of the coach house into a room would materially impact the Selly Park Conservation Area.
- This is a retrospective application and as such should be refused.
- The proposal conflicts with the existing Conservation Area in that it has already resulted in an unacceptable occupation density.
- The high density of student houses in this area contributes to problems with anti-social behaviour, the dumping of rubbish and parking.
- This would erode the accommodation available to families in the area.

5. Policy Context

5.1. The following national policy is relevant

- The National Planning Policy Framework (2012)

5.2. The following local policy is relevant.

- The Birmingham Unitary Development Plan (2005)
- Draft Birmingham Development Plan
- Places for Living SPG (2001)
- Specific Needs Residential Uses SPG
- Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne Wards (2014)
- Car Parking Guidelines SPD (2012)

6. Planning Considerations

6.1. The main considerations in the determination of this application are the impact of the proposal on residential amenity, visual amenity, highway safety and parking and whether the principle of the proposal is in accordance with policies of the Development Plan and the recently-adopted policy on HMOs within the Article 4 area.

6.2. **Principle**

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

6.3. Where a proposal relates to a site in an area which already contains premises in a similar use account should be taken of the cumulative effect of such uses upon the residential character. If a site is within an area of restraint permission may be refused on the grounds that further development of such uses would adversely affect the character of the area.

6.4. The property lies within the area covered by the Article 4 Direction, within which Policy HMO1 states the conversion of C3 family housing to HMOs will not be permitted where there is already an over concentration of HMO accommodation (C4 or Sui Generis) or where it would result in an over concentration. An over-concentration would occur when 10% or more of the houses, within a 100m radius of the application site, would not be in use as a single family dwelling (C3 use). The city council will resist those schemes that breach this on the basis that it would lead to an overconcentration of such uses.

6.5. In this instance, it is noted that the property is detached and fronting onto a busy road where ambient noise levels are high. The site is also located within a predominantly residential area consisting predominantly of family dwellings and has a typically residential character.

6.6. Applying the policy's monitoring criteria, i.e. the most robust data available to the Local Planning Authority: Council Tax records, Planning Consents and HMO Licensing information, it is revealed that within 100m of 805 Pershore Road there are 110 residential properties. Of these properties and including the application site 9 are identified as being HMO's, (both C4 and Sui Generis) equating to 8.1%. As such, the policy threshold is not exceeded and it is considered that there would not be an over-concentration of HMO's in this particular area. Furthermore, the property does not lie in an Area of Restraint, and it is considered that the principle of the proposal is acceptable.

6.7. **Visual Amenity**

The only external alteration proposed is that of the garage door being changed into a new window for the proposed new bedroom. The window proposed is considered to be of an acceptable size and scale and sits comfortably on the front elevation of the building. The Council's Conservation Officer notes that the existing garage door is not an original feature and that the coach house has been altered previously from its original form, as such considers that the proposed alteration would not have any detrimental impact on the character of the Selly Park Conservation Area. Given this, I consider there would not be any adverse impact to the visual amenities of the surrounding area or occupiers.

6.8. **Residential Amenity**

The nine bedrooms measure between 9.4sq.m and 17sq.m. Specific Residential Needs SPG recommends for the size of a student bedroom to be 6.5sq.m. All rooms exceed this guideline.

6.9. A large rear garden is provided (maximum dimensions of 30m long by 18m wide). Due to the detached nature of the property, it is not considered that there would be any disturbance to neighbouring occupiers. I note no objection from Regulatory Services.

6.10. **Highway Safety and Parking**

Four parking spaces are provided to the front of the property. Car Parking guidelines for purpose built student accommodation in Area 3 locations advises 1 space for every 5 beds is appropriate; therefore it is considered that the parking provided would meet demand. Although traffic and parking demand may increase slightly this is unlikely to have a significant impact in this location. Cycle parking is required and a condition to secure this is recommended, which will encourage alternative form of transport. There is also some unrestricted on street parking in the vicinity and excellent public transport links, with bus stops near to the property. Given this, no objection is raised by my Transportation Development Officer, a view with which I concur.

7. Conclusion

7.1. I consider that the proposed use of the property as a house in multiple occupation would be acceptable in principle, in a sustainable location. There would not be an over-concentration of such uses in the area and the proposal would therefore accord with local and national policy. In addition, the proposed scheme would not have a detrimental impact on the character of the area, or upon the amenities of adjoining residents and highway safety.

8. Recommendation

8.1. Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of cycle storage details |
| 3 | Requires the prior submission of sample materials (new front window) |
-

4 Limits the approval to 3 years (Full)

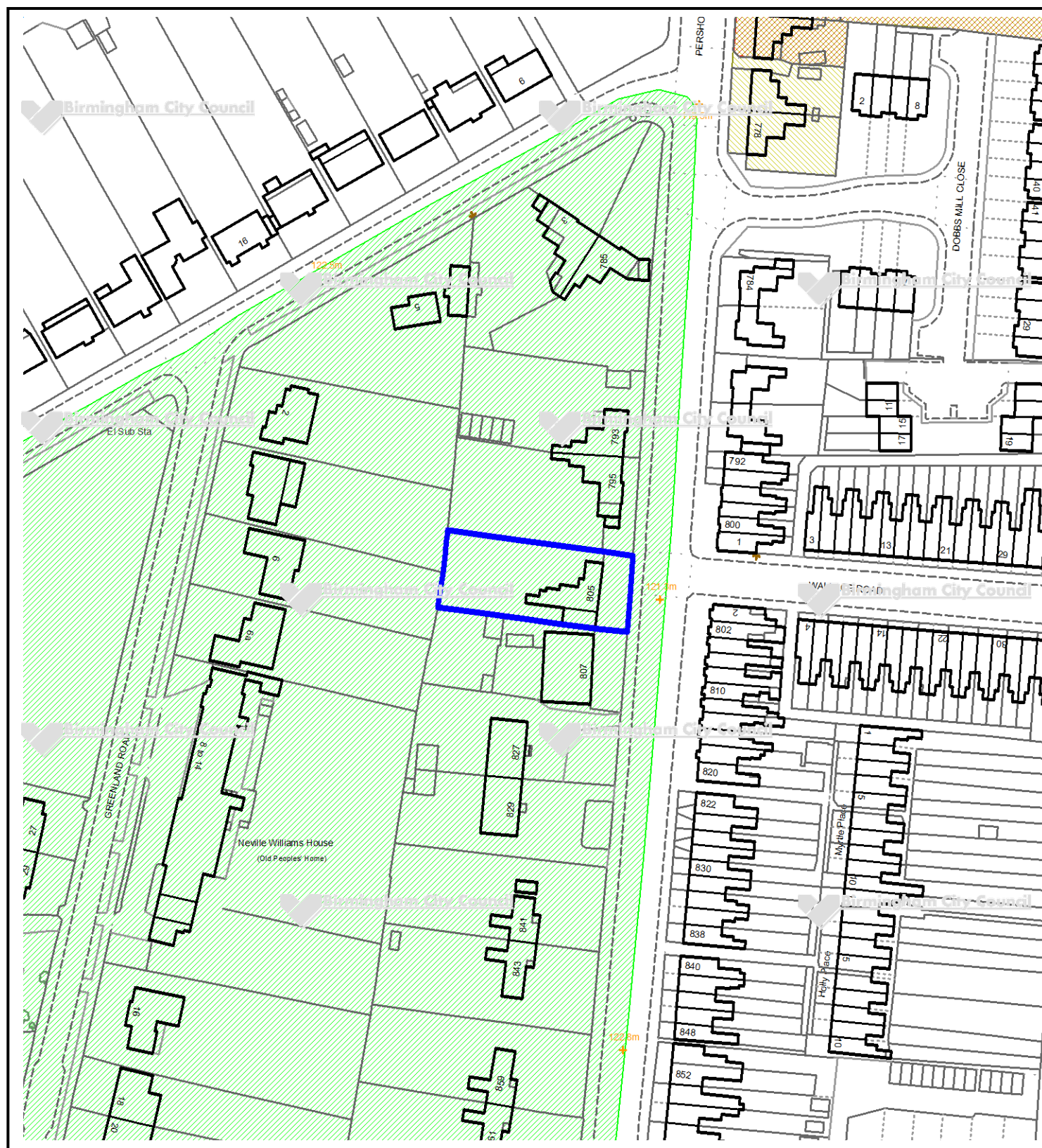
Case Officer: James Mead

Photo(s)



Photograph 1: Front of application site.

Location Plan



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Committee Date:	03/09/2015	Application Number:	2015/03423/PA
Accepted:	07/07/2015	Application Type:	Full Planning
Target Date:	01/09/2015		
Ward:	Edgbaston		

87 Farquhar Road, Edgbaston, Birmingham, B15 2QP

Change of use from residential (Use Class C3) to care home (Use Class C2)

Applicant: Mrs Shenai Kaur
63 Leominster Road, Hall Green, Birmingham, B11 3BH

Agent:

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Planning permission is sought to change the use of a detached two-storey dwelling house into a residential care home (Use Class C2) for six autistic residents who would be over the age of 18 years old. 24 hour care would be provided.
 - 1.2. The proposed care home would provide jobs for 12 full time members of staff (3 would be qualified nurses) with 3 staff members on duty during the day and 3 staff members at night, dependant on specific need. The daytime shift would commence at 08:30 hours to 20:30 hours and the night shift would commence at 20:30 hours to 08:30 hours.
 - 1.3. No internal or external changes are proposed to the existing building and garden.
 - 1.4. At ground floor, the proposed care home would accommodate an entrance hall, lounge with snug, two bedrooms, kitchen/diner, shower room, WC and integral garage. The garage would remain as a garage and provide a utility area for domestic tasks. At first floor the proposed dwelling would accommodate four bedrooms (one en-suite), one bathroom, a shower room and WC. The proposed bedrooms would offer room sizes ranging from 25 sqm to 12.6 sqm. The building is situated on a large plot and would provide secure and private amenity space of 264 sqm per resident.
 - 1.5. The applicant has advised that 6 car parking spaces would be available to the rear of the site (1 disabled space) on an existing hard standing area. A further four spaces would be provided to the front (1 disabled space). This would provide a total of ten parking spaces on site with two disabled spaces.
 - 1.6. A staff room and office would be provided in the annex located to the south west of the main house.
 - 1.7. The existing integral garage would be used as a bin store.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is a two story detached dwelling house located on the corner of Pritchatts Road and Farquhar Road. The property is constructed from red brick and a tiled roof and has a mock Tudor projecting front gable. The property has large block paved hard standing to the front with two access points (one at either end). An area of landscaped land serves as front garden and provides natural screening to the property.
- 2.2. The site is located on a residential road in a predominantly residential area however to the opposite side of Pritchatts Road is the University of Birmingham and an area of student accommodation.
- 2.3. The property has a single storey garage to the north side of the property and a separate detached annex to the south side of the property.
- 2.4. The site is located within the Edgbaston Conservation Area.

[Site Location](#)

3. Planning History

- 3.1. None relevant

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objection subject to a condition which requires a scheme of noise insulation
- 4.2. Birmingham Public Health – No response
- 4.3. Transportation – No objection
- 4.4. Local residents, Ward Councillors and Residents Associations notified. Advertised by press and site notice.
- 4.5. Seven letters of objection received from local residents objecting to the proposal on the following grounds:
- Impact on property prices
 - Increased parking demand
 - Unsuitable location
 - Loss of privacy
 - Increase in visitors to the site
 - Additional noise disturbance

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham UDP
 - Draft Birmingham Development Plan
 - Places For Living
 - Car Parking Guidelines SPD
 - Specific Needs for Residential Uses SPG
 - Edgbaston Conservation Area Character Appraisal.

The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

- 6.1. The main considerations in the determination of this application are the principle of the development, the impact of the proposal on residential amenity and the impact on highway safety and parking.

Policy Considerations

- 6.2. The NPPF contains a presumption in favour of sustainable development. It advises that one of the core planning principles is to always seek a good standard of amenity for all existing and future occupants of land and buildings. The NPPF further advises that the Local Planning Authority need to deliver a wide choice of homes and create inclusive communities. They should plan for a mix of housing based on, amongst other matters, the needs of different groups in the community.
- 6.3. The adopted UDP 2005 aims to protect and enhance what is good in the City's environment and to improve what is less good. Policy 5.7 aims to ensure that there is a variety of housing to meet the full range of needs throughout the City. Policy 5.19A also seeks to maintain and protect the existing housing stock and advises that the loss of housing in good condition to other uses would normally be resisted.
- 6.4. Specific Needs for Residential Uses SPG and Policy 8.29 of the adopted UDP advises that residential care homes are normally most appropriately located in large detached properties set in their own grounds to ensure adjoining occupiers are 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.

Principle of Development

- 6.5. The proposed change of use would be located within a residential area, with student accommodation nearby (along Pritchatts Road). I note paragraph 8.29 of the Birmingham UDP states that care homes accommodation is more suited to large detached properties. The current lawful use of the property is that of a private residence, I have no objection in principle to the conversion of the property to a care home which would principally continue the use of the property within residential.

Impact on Residential Amenity

- 6.6. The property is detached from the nearest neighbours and therefore I consider that there would be less opportunity for noise disturbance to neighbouring residents. The amount of cars coming and going from the site would not be markedly different to that for a large family but in any event ought not to cause noise disturbance to neighbours. Regulatory Services have not raised any objection to the proposal.

Living Conditions

- 6.7. The property appears to be in good condition and is spacious. Bedrooms range from reasonable in size to very large, and there are good-sized communal rooms. The large garden greatly exceeds the SPG minimum guidance of 16 sqm per resident.
- 6.8. Regulatory Services do not object to the proposed change of use and request noise insulation to windows. Given the change of use from one type of residential accommodation to another, and that the area is not noisy, I consider it would not be reasonable to impose such a condition.

Impact on Highway Safety and Parking

- 6.9. Transportation Development raise no objection to the proposal and I do not consider that traffic and parking demand that would be generated by this use, would be significantly different to that of the existing large 6 bed family dwelling. The applicant has provided a parking layout which shows parking for 10 vehicles. I am therefore satisfied that the parking spaces to be provided would satisfy the requirements of the adopted Car Parking Standards SPD. I further concur with Transportation Development that there is good access to public transport links for access to and from the site, in addition to some unrestricted on street parking (outside peak hours). The large garage could accommodate staff and residents' cycle storage. I am therefore satisfied that the proposal would not have a detrimental impact on highway safety.

7. Conclusion

- 7.1. The proposal would be in accordance with local and national planning policy. Adequate parking provision would be provided and, acceptable living conditions provided, and there would no adverse impact on the amenity of adjoining residential occupiers. As such I am satisfied that the proposal would constitute sustainable development and I recommend that planning permission be granted.

8. Recommendation

- 8.1. Approve with conditions

1	Requires the scheme to be in accordance with the listed approved plans
2	Limits the approval to 3 years (Full)

Case Officer: Martin Mackay

Photo(s)

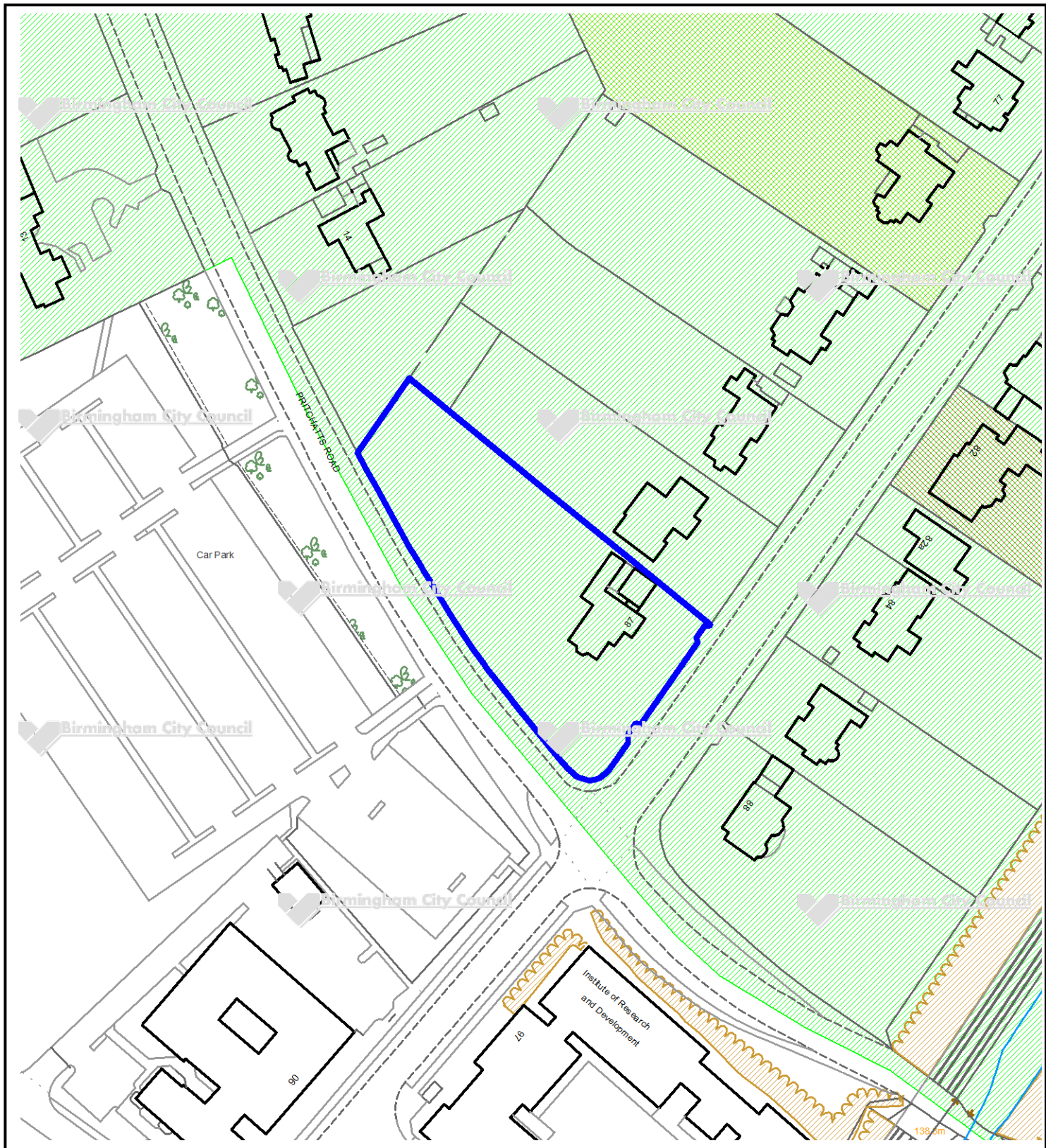


Front Elevation – 87 Farquhar Road



Rear Parking Area – 87 Farquhar Road

Location Plan



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Committee Date:	03/09/2015	Application Number:	2015/05039/PA
Accepted:	24/06/2015	Application Type:	Variation of Condition
Target Date:	23/09/2015		
Ward:	Harborne		

72-94 High Street, Harborne, Birmingham, B17 9NJ

Variation of condition 1 (requires the scheme to be in accordance with the listed approved plans) and deletion of condition 15 (requires prior submission of details for publically-accessible toilets within the store) attached to planning approval ref:- 2012/05862/PA.

Applicant:	T J Morris Ltd c/o The Agent
Agent:	Quod Ingeni Building, 17 Broadwick Street, London, W1F 0AX

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission was granted in 2012 for the demolition of the vacant building (Atwood House) at 72-86 High Street, redevelopment of the site to provide new retail floorspace, together with associated external works and minor alterations including minor demolition to the rear at 88-94 High Street.
- 1.2. The development granted in 2012 has been implemented, demolition has occurred and construction on the new retail floor space commenced. Since 2012, non-material amendments have been approved by the Local Planning Authority
- 1.3. Planning permission is now sought to remove the requirement for provision of any publically-accessible toilets from the site, by deleting Condition 15 and amending Condition 1 (approved plans). Condition 15 of 2012/05862/PA states:

"No development shall take place until details of the replacement publically accessible toilets to be provided within the store hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include position within the store, size, number and specification (including baby changing facilities and disabled specification) of the toilet provision and a maintenance schedule. The development shall be implemented in accordance with the approved details and thereafter maintained and be open for public use during store hours.

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework."

- 1.4. Site area: 0.45Ha

1.5. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The application site formerly comprised Atwood House (numbers 72-86) which had 8 retail units (878sq.m) at ground floor with three levels of office accommodation above (1,804sq.m) and numbers 88-94 that currently accommodates a single retail outlet with storage above.
- 2.2. Service access to the retail shops is gained from York Street to the south west via an access road that leads through a Pay and Display public car park facility. Another smaller (currently closed) pay and display car park within the rear of the application site is also accessed from York Street; it is currently leased to the City Council with a pedestrian link between the site and 66-70 High Street. An existing (but closed) public toilet is located off this access.
- 2.3. To the east of the site is 66-70 High Street (a five storey building) which houses Barclays Bank on the ground floor with four floors of offices above. To the west of the site is 96-104 High Street which is a three storey building with pitched roof. Opposite on the other side of the High Street are post-war, flat-roofed commercial developments of two and three storeys. Beyond the car park to the rear (south-east) of the site is an existing residential development which comprises terraces of townhouses, The Farthings. The Clock Tower Centre, a grade II listed building is on the corner of High Street and York Street to the south west.

2.4. [Site Location Map](#)

3. [Planning History](#)

3.1. Most relevant:

- 3.2. 23 August 2013. 2013/05799/PA. Permission granted for a non-material amendment for re-wording of condition 15 attached to planning approval 2012/05862/PA to state *"No development shall take place until details of publically accessible toilets to be provided within the store hereby approved have been submitted to and approved in writing by the Local Planning Authority or the existing toilets located adjacent to the store are retained for public use. In the event that toilets are provided within the store, the details shall include position within the store, size, number and specification (including baby changing facilities and disabled specification) of the toilet provision and a maintenance schedule. The development shall be implemented in accordance with the approved details. Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework."*
- 3.3. 13 February 2013. 2013/00352/PA. Permission granted for a non-material amendment attached to planning approval 2012/05862/PA for retention of existing public toilets rather than their replacement within the new retail store.
- 3.4. 21 December 2012. 2012/05862/PA. Planning permission granted for demolition of vacant building (Atwood House) at 72-86 High Street, redevelopment of site to provide new retail floor space, together with associated external works and minor alterations including minor demolition to the rear at 88-94 High Street.

- 3.5. 9 November 2012. 2012/07027/PA. No prior approval required for the proposed demolition of vacant building (Atwood House) nos. 72-86 High Street.
- 3.6. 22 December 2010. 2010/01923/PA. Outline planning permission (only landscape reserved) granted for the redevelopment of existing retail, office and car parking site with the erection of a new four and five storey building, consisting of ground floor Class A1 retail, 91 flats above, and basement parking and a rear service area and replacement public toilets in existing car park area. This application was subject to a Section 106 Agreement for affordable housing and £164,000 towards the provision and maintenance of new public toilets.

4. Consultation/PP Responses

- 4.1. Local residents, Ward Councillors, MP and residents associations notified. Site and press notice posted. Four letters of comment and one letter of objection have been received from local residents. The Harborne Society has submitted a letter of support.
- 4.2. Objection - The original development of this site in the mid-1970s required the provision of public conveniences at the express insistence of the City Council. A previous planning approval for the redevelopment of the site with retail at ground level and flats above quite rightly required the provision of a new toilet block which would be located on the City Council car park. The lack of proper public toilets on High Street has been a major issue for residents for a great many years. That scheme did not materialise and T J Morris acquired the site and again it was a requirement of their planning approval that publically accessible toilets be provided in store. That condition was revised but again quite rightly there was still a requirement for publically accessible toilets OR the existing toilets adjacent to the store to be retained. The block of toilets are owned by the City Council but budget cuts last financial year removed the funding for the opening of the toilets during the day time and without one iota of public consultation the toilets were closed. That they were closed is not material to the case as they could be mothballed and reopened in the future when the Council has funding. The arbitrary decision earlier this year again taken without any public consultation to tell T J Morris to demolish the block is not acceptable. The Ward Committee has consistently supported the retention of the toilets as demanded by local residents. The developer must still be required to provide some alternative facilities as has always been the City Council's position and consistent with the previous planning conditions for this site since the 1970s.
- 4.3 Comments:
- The public toilets have been poorly maintained, noxious odours being encountered when passing by. Many supermarkets provide toilet facilities within their environ. It might have been in the Council's better interest to allow the demolition of the existing Council facility in return for publicly accessible toilet facilities within the store, with the requirement, not onerous, that upkeep responsibility falls on T J Williams. In cases observed, the facility tends to be offset and close to the main entrance, apart from which it would save many people the walk up to the toilets opposite Harborne Library. I have no objection to public toilet facilities being available within the proposed application and commend to the Council permission for the existing public facility to be replaced.
 - It is very disappointing that they are not going to provide toilets in store, but are planning to re-open the public toilets outside. These toilets were shut down by the police a long time ago due to anti-social behaviour, drug use and

sexual exploits in the men's toilets. How is this going to be prevented if they open up these toilets again?

- Will the new building be attractive and improve the look of the High Street?
- Bad news in the past of sexual activities in the toilets which is also close to a retirement home.

4.4 The Harborne Society expresses its support for the application. It encourages the Council to provide replacement public lavatories nearby (perhaps by way of a 'pod' similar to the facility outside Iceland (61 High Street)) possibly in the car parks to the rear of the site.

4.5 West Midlands Fire Service – No response received.

4.6 West Midlands Police – No objection.

4.7 Severn Trent Water – No response received.

4.8 Transportation – No objection.

4.9 Regulatory Services – No objection.

5. Policy Context

5.1. Birmingham UDP, NPPF, Draft Birmingham Development Plan, Places for All SPD, Harborne Framework.

6. Planning Considerations

6.1. Planning permission was granted in 2012 for the part-redevelopment and part-refurbishment of the site to provide new retail floor space. The development has subsequently been implemented, demolition has occurred and construction on the new retail floor space commenced.

6.2. The planning history of the site and the public toilet block goes back to 2010 where planning permission was granted for a much larger scheme including 91 flats and retail at ground floor. At this time, the public toilets were open and funded by the Council. £164,000 was offered by the applicant for public open space/public realm and/or environmental improvements. The applicant proposed to replace the toilets as part of the financial contribution and it was determined that after construction, the remaining financial sum could be used for partial maintenance of the facility. This consent was never implemented and has since expired. As such, no money was made available.

6.3. The 2012 consent gave planning permission for a retail development only, including demolition of the public toilet block. As the development was significantly smaller in scale when compared to the 2010 consent, no financial contribution was available for the replacement toilets. Their loss remained a concern with local Ward Councillors and the Harborne Society and the applicant agreed to replace the facility within the store.

6.4. Following the grant of planning permission in 2012, the applicant reviewed the provision of public toilets within the store and determined that they did not wish to provide them. As such, a non-material amendment was approved (2013/00352/PA) showing the existing toilet block within the public walkway to remain – removing the requirement to re-provide public toilets in store.

- 6.5. Upon further consideration, the applicant decided to keep the option open for provision in-store or retention of the existing toilet, gaining consent for Non-Material Amendment 2013/05799/PA.
- 6.6. Development has since commenced on site and, following demolition, the remaining closed public toilet block has become much more noticeable and would sit within the new widened public walkway. This would, in my opinion, be to the disbenefit of the development and the wider regeneration of this part of Harborne High Street.
- 6.7. Therefore, planning permission is now sought for the removal of any obligation to provide publically-accessible toilets, whether in-store or by retention of the existing.
- 6.8. variation of condition 1 (Approved plans) to remove the existing closed public toilets from the development site along with an approved sub-station (approved through a non-material amendment) and the deletion of condition 15 which required new publically accessible toilets to be provided within the new store. An application to vary or delete a condition made under Section 73 of the 1990 Town and Country Planning Act (as amended) would result in the issuing of a new planning permission for the development as a whole. In summary, the sequence of provision is as follows:
- | | |
|-------|---|
| 2010: | Remove the existing, S.106 monies for new provision off-site; |
| 2012: | Remove the existing, provide in-store; |
| 2013: | Keep the existing; |
| 2013: | Keep the existing or provide in-store; |
| 2015: | No provision. |
- 6.9. The public toilets are owned by the applicant but remain on long leasehold with the City Council. The toilets were closed approximately two years ago following agreement by the Harborne Ward Committee that the toilets were causing anti-social behaviour issues, and that they required significant upgrading and ongoing maintenance costs that the Ward could not afford. At the time that this agreement was made, a replacement public toilet had already been provided in the form of a 'toilet pod' outside Iceland (61 High Street) on the opposite side of Harborne High Street. The High Street comprises many coffee shops, eating and drinking establishments, and a number of stores including Marks and Spencer, that have toilet facilities. A 'gents' toilet facility is also provided at the top of Harborne High Street adjacent to The Junction Public House.
- 6.10. I consider that the toilet 'pod' ('super loo') located outside Iceland (provided as a replacement to the toilet block in question) is an acceptable and adequate replacement public toilet facility. I note that many establishments within the local centre also provide toilets. By contrast, the current facility, even if retained, is closed and will remain so for the foreseeable future, with no benefit to the residents and other users of Harborne centre. As such, I do not consider that the retention of the toilet block through a refusal of this application would be appropriate or reasonable. The removal of the toilet block, which would still require BCC to surrender their current lease agreement, would provide a wider, more visually appealing and safer area of public realm between the development site, the adjacent Barclays Bank building and the public car park to the rear of the site, to the wider benefit of Harborne. As such, I consider the amendment to condition 1 and the deletion of condition 15 to be acceptable.

6.11. I note a letter of comment from a local resident regarding design issues. These were addressed during the 2012 application and are not proposed to be altered through this Section 73 application.

6.12. As development under the 2012 planning permission has commenced and the conditions attached to that permission have been agreed, the conditions listed below make reference to the details that have been previously agreed by your officers and no time limit condition is required.

7. Conclusion

7.1. The proposal, with varied conditions, would continue to meet policy objectives and criteria set out in the Birmingham UDP and the NPPF. The revised scheme would continue to provide new retail investment within the District Centre whilst improving public walkway links and improving public safety whilst removing an eyesore building that serves no useful purpose following closure of the toilets by the Ward Committee. The development, without the provision of public toilets adjacent to or within the retail store, continues to represent a significant economic investment and will further the regeneration objectives for this area of the City.

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 social benefits, would provide further local employment and does not have an environmental impact that could be regarded as significant, 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.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the agreed mobility access to be maintained |
| 3 | Limits the hours of use to 0800hrs to 2200hrs Mondays to Fridays, 0800 to 2000hrs Saturdays and 1000 to 1600hrs on Sundays. |
| 4 | Limits delivery time of goods to or from the site to Mondays to Saturdays including Bank holidays 0700 to 2200hrs and on Sundays 0900 and 2200hrs. |
| 5 | Drainage Scheme in accordance with approved details |
| 6 | Limits the noise levels for Plant and Machinery |
| 7 | Plant and Machinery to be implemented in accordance with approved details |
| 8 | Goods Delivery Strategy and Servicing Management Plan to be Implemented in accordance with approved details |
| 9 | Landscaping, Lighting and Levels Details shall be implemented in accordance with the approved details |
| 10 | Construction Method Statement to be undertaken in accordance with approved details |
-

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- 11 Materials and Window/Glazing to be implemented in accordance with the approved details
 - 12 Prevents outside storage
 - 13 Requires the provision of cycle parking prior to occupation
 - 14 Requires the delivery and service area prior to occupation
 - 15 Requires the applicants to join Travelwise
 - 16 Employment Strategy shall be implemented in accordance with approved details
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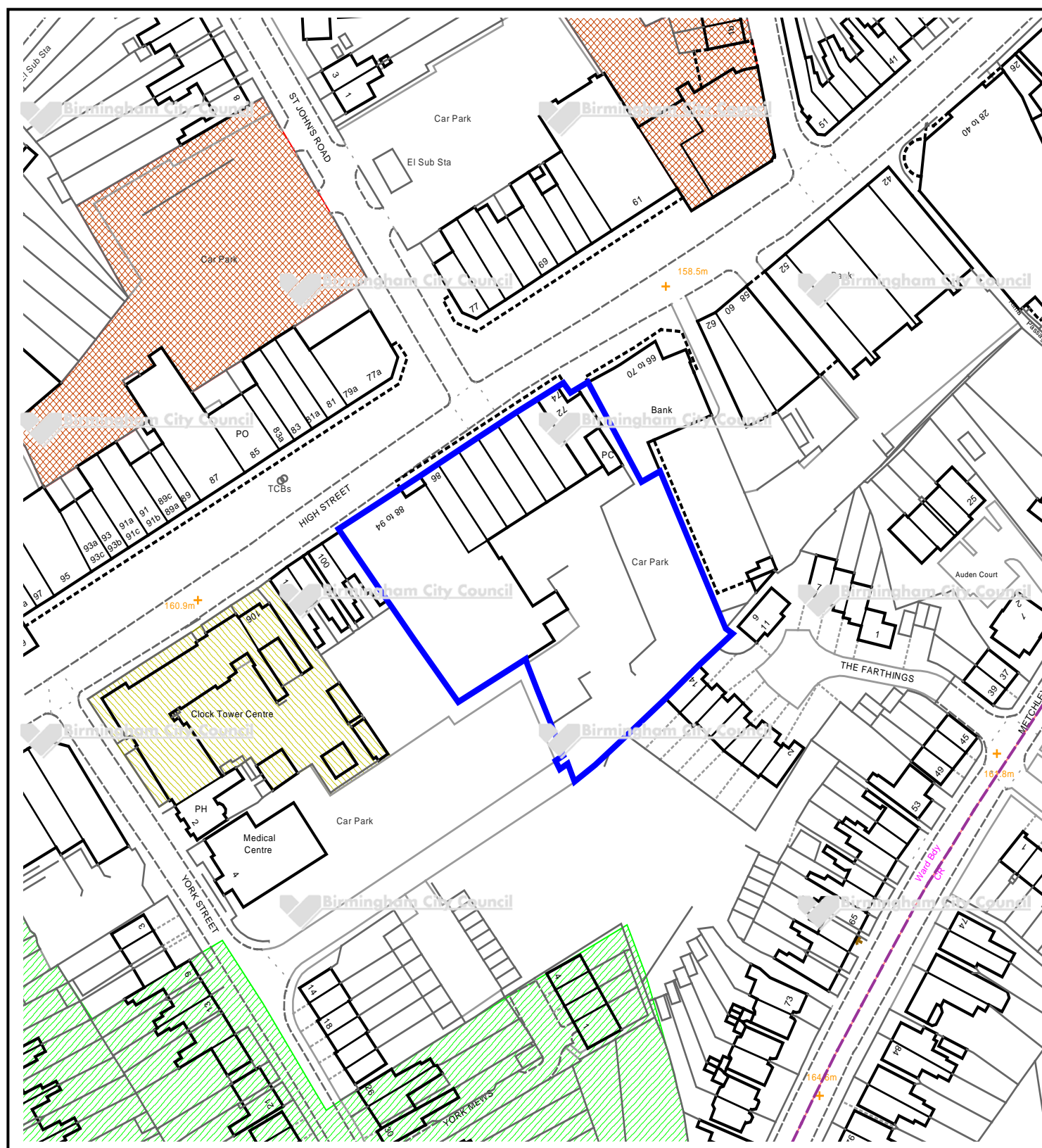
Case Officer: Pam Brennan

Photo(s)



View of Site Under Construction From High Street

Location Plan



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Committee Date:	03/09/2015	Application Number:	2015/05582/PA
Accepted:	15/07/2015	Application Type:	Advertisement
Target Date:	09/09/2015		
Ward:	Bartley Green		

Roundabout at Stonehouse Lane, Bartley Green, Birmingham, B32 3AG

Display of 4 non-illuminated free-standing post-mounted signs

Applicant: Birmingham City Council
Room M49, Council House, Victoria Square, Birmingham, B1 1BB
Agent: Immediate Solutions
Dean Clough, Halifax, West Yorkshire, HX3 5AX

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application proposes the installation of 4 no. non-illuminated post-mounted signs on the roundabout at Stonehouse Lane/West Boulevard/California Way/Barnes Hill. The proposed signs would be located close to the edge of the roundabout in the following locations:
- Near the junction with Stonehouse Lane, at the western end of the roundabout
 - Near the junction with West Boulevard at the northern end of the roundabout
 - Near the junction with California Way at the eastern end of the roundabout
 - Near the junction with Barnes Hill at the southern end of the roundabout
- 1.2. The proposed signs would each have a width of 1.5m and height of 0.5m and would be mounted on posts with the height from ground level to the base of the sign of 15cm. This would result in a total height of the signs being 0.65m above ground level. The signs would be made of aluminium and the posts would be steel.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The roundabout forms the junction between Stonehouse Lane, West Boulevard, California Way and Barnes Hill. The roundabout is grassed with seven trees located at its edges, and directional highway signs and emergency vehicle traffic lights.
- 2.2. The surrounding area contains a mixture of uses with residential dwellings and a fire station to the west, 200m to the south is a Supermarket and to east are further residential dwellings. The north and south road junctions serve dual carriageways

[Site Location](#)

3. Planning History

- 3.1. 01/05/2015 – 2015/03331/PA – Pre-application advice for the display of free-standing post mounted signs.
Recommendation – 4 medium sized signs likely to be acceptable in this location.

4. Consultation/PP Responses

- 4.1. Transportation – No objection subject to the applicant obtaining consent from Highways as landowners

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham UDP
 - Draft Birmingham Development Plan
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF)

6. Planning Considerations

Policy Considerations

- 6.1. Paragraph 67 of the National Planning Policy Framework (NPPF) states that: “Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”

Amenity

- 6.2. The proposed adverts would be situated at appropriate locations on the roundabout being aligned with entry points. There are no other adverts currently situated on the roundabout and I consider that 4 signs could be accommodated comfortably. The proposed adverts would be of a modest size, in keeping with the commercial nature of the surroundings and would not dominate the highway environment. The adverts would read as part of the highway infrastructure and are primarily aimed at motorists rather than pedestrians. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs would be acceptable.

Highway Safety

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

6.4. Transportation Development raises no objection to the proposal and do not consider the signs would have a detrimental impact upon highway safety at this location.

7. Conclusion

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

8. Recommendation

8.1. Approve Temporary

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

2 Limits the approval to 5 years (advert)

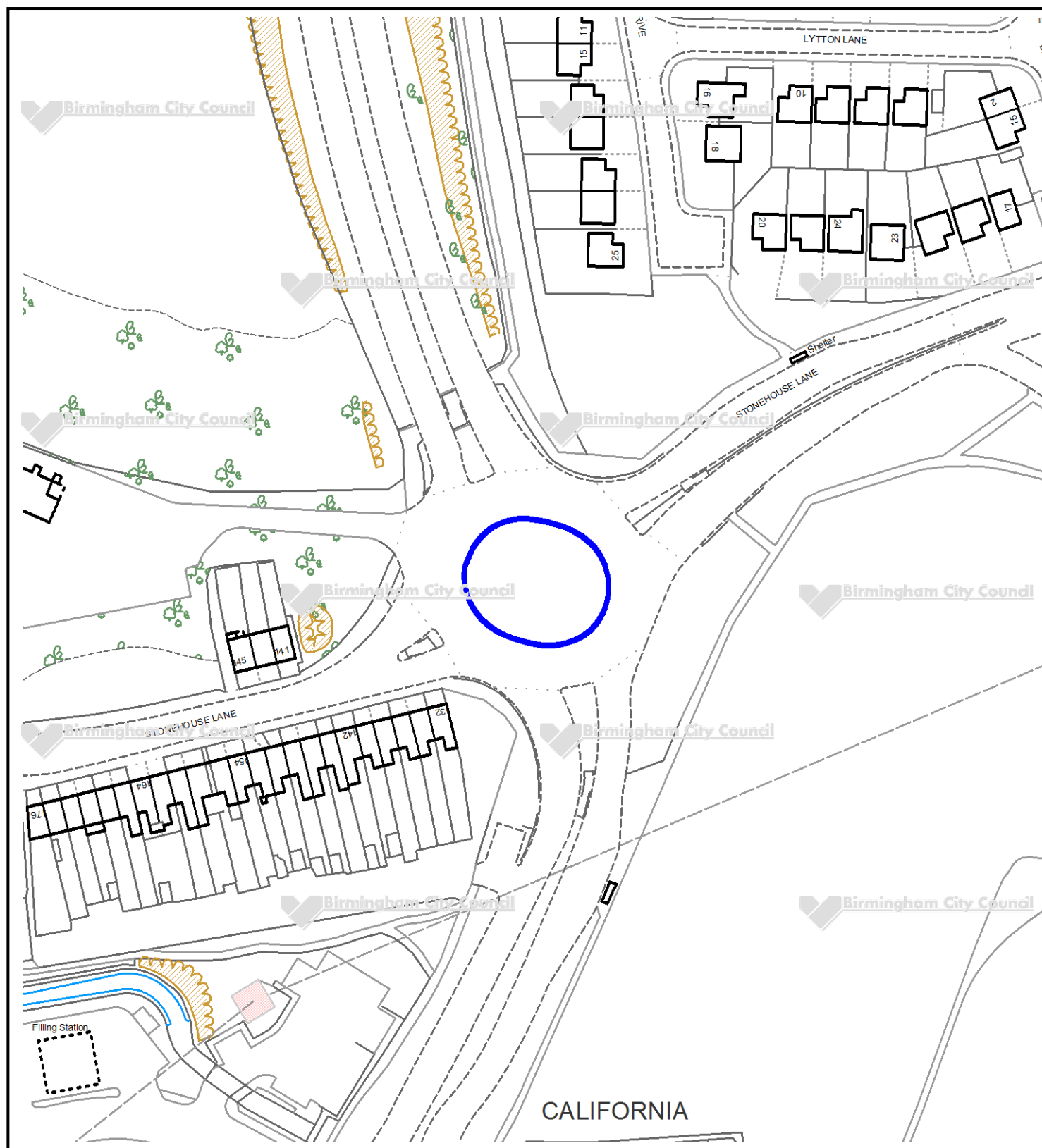
Case Officer: Martin Mackay

Photo(s)



Photo of Stonehouse Roundabout – looking to north from Barnes Hill Dual Carriageway

Location Plan



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Birmingham City Council

Planning Committee

03 September 2015

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>
Defer – Informal Approval	21	2015/04555/PA Swan Shopping Centre Tesco Coventry Road Yardley Birmingham B26 1AD Variation of Condition No. 9 attached to approval 2013/00607/PA to allow the superstore only to be open to the public for 24 hours a day
Approve - Conditions	22	2015/05683/PA Land at corner of Victoria Street / Green Lane Small Heath Birmingham B9 5PL Erection of 4 flats contained within a two storey block with designated parking space
Approve - Conditions	23	2015/03761/PA 145 Grange Road Erdington Birmingham B24 0ES Erection of first floor and single storey side and two storey and single storey rear extension
Approve - Conditions	24	2015/02152/PA 142 Wheelwright Road Erdington Birmingham B24 8EY Erection of single storey front, side and rear extension and two storey rear extension.

Committee Date:	03/09/2015	Application Number:	2015/04555/PA
Accepted:	15/06/2015	Application Type:	Variation of Condition
Target Date:	14/09/2015		
Ward:	South Yardley		

Swan Shopping Centre, Tesco, Coventry Road, Yardley, Birmingham, B26 1AD

Variation of Condition No. 9 attached to approval 2013/00607/PA to allow the superstore only to be open to the public for 24 hours a day

Applicant: Tesco Stores Ltd
Tesco House, Delamere Road, Cheshunt, Hertfordshire, EN8 9SL,
Agent: Dpp One Limited
Barnett House, 53 Fountain Street, Manchester, M2 2AN,

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. Consent is sought to allow the existing Tesco store at the Swan Centre to trade 24 hours a day. This is a variation of condition application to 2013/00607/PA, which granted a temporary, 1 year consent for the same and expired on 01/04/14. The applicant seeks a permanent consent to regularise the current trading position.
- 1.2. The proposed wording of condition 9 would read:
The retail units (excluding the superstore) and offices shall be closed for business outside the following hours, 0700 hours until 2300 hours Monday until Saturday, 1000 hours until 1700 hours on any Sunday and 0900 hours until 1800 hours on any Bank Holiday.
- 1.3. A noise assessment has been submitted in support of the application.
- 1.4. The proposals have been screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and there is no requirement for an Environmental Statement.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The shopping centre and Tesco was opened in February 2012 and is located on the corner of Church Road and Coventry Road. The surrounding area comprises a mix of land uses. Immediately to the south-west is the Equipoint Office building, adjacent to which is the Swan Island, a major grade separated junction where the A4040 meets the A45 Coventry Road. To the west is the Oaklands Recreation Ground. Further north is the Yew Tree Shopping Centre.

2.2. [Site location](#)

3. [Planning History](#)

- 3.1. 01/05/08 – 2007/06439/PA. Demolition and redevelopment of the existing Swan Centre, multi storey car park, indoor market hall to provide retail superstore and 18 retail units (A1, A2 and A3), new covered mall, petrol filling station, offices, car parks, public plaza, landscaping, realignment of the A4040 Church Road and associated works. Approved
- 3.2. 15/11/10 – 2010/02606/PA. Application to vary conditions (lighting, samples of materials, CCTV, acoustic glazing, open storage, vehicle mounted refrigeration, roll cages, approved plans, including minor amendments to the approved plans. Approved
- 3.3. 12/04/11 – 2011/00149/PA. Variation of plans schedule attached to 2010/02606/PA for material minor amendments to the approved plans including the deletion of the petrol filling station and its replacement with additional car parking and landscaping. Approved
- 3.4. 21/06/11 – 2012/03020/PA. Variation of condition 19 attached to 2011/00149/PA to allow the superstore, retail units and offices to be opened 0900 until 1800 hours on any Bank Holiday. Approved.
- 3.5. 30/04/13 – 2013/00607/PA. Variation of Condition No. 9 attached to approval 2012/03020/PA to allow the superstore only to be open to the public for 24 hours a day. Approved (temporary 1 year consent given to 24hours opening of the superstore).

4. [Consultation/PP Responses](#)

- 4.1. Regulatory Services – No objection subject to existing safeguard conditions relating to noise levels for plant and machinery.
- 4.2. Local resident, business premises, Residents Associations, Councillors and MP consulted with site and press notices posted.
- 4.3. 4 representations received from local residents raising the following comments/objections:
- Store has been operating 24hrs since a few months after opening.
 - Operating for over a year without planning permission.
 - Car park used for criminal anti-social activities.
 - Not busy enough to warrant a 24hr licence.
 - Applicant needs to be a good neighbour.
 - Nearby store is already open 24hrs.
 - No benefit to the community.
 - Disturbance and noise.
 - Litter.
 - Parking problems for residents.
- 4.4. 2 representations received from local residents in support of the application, though one representation commented that the store should not be open 24hrs on a Sunday.

5. Policy Context

5.1. Birmingham UDP, Draft Birmingham Development Plan and the NPPF.

6. Planning Considerations

6.1. In determining a variation of condition Section 73 applications the DCLG advises Local Planning Authorities to focus on national or local policies or other material considerations which may have changed since the original grant of permission, as well as the changes sought. Since the last variation of condition consent in 2014, there have been no changes to relevant policy.

6.2. The applicant advises that they experience an average of 100-150 transactions during the hours of 2300 to 0700, which equates to approximately 13 -19 transactions per hour. They recognise that this is a very small fraction of total transactions but allows their customers flexibility and also demonstrates a demand for such a facility. It is considered, as was the case with the previous temporary application, that the main issue for consideration is the increase in noise and disturbance to local residents as a result of the proposals. It should be noted that Sunday trading is restricted under separate legislation.

6.3. The application has been accompanied by an up-dated noise assessment that demonstrates that noise associated with night time customer trading activity would not have an adverse impact on neighbour amenity. The closest residential properties (Church Road) to the car park are some 25m to the east and no changes are proposed to the existing mechanical services plant, which were designed to operate on a 24hr basis and meet the noise levels prescribed by planning condition. The noise survey identified that the main noise source was from local and distant road traffic and car parking activities fell below this level. Regulatory Services advise that they have received no complaints relating to the superstore trading for 24hrs and raise no objection subject to the noise level condition relating to machinery and equipment remaining on the new consent.

6.5 The Section 106 Legal Agreement attached to the original planning permission and the subsequent variation of condition applications secured the following

- financial contribution of £3 million towards improvements and management of sporting and recreational facilities at the Oaklands Recreation Ground and Henry Road Education Playing Fields – this amount has been paid in full.
- Highway works, including a realigned Church Road, roundabout junction and bus stops – completed
- Financial contribution of £300,000 towards works at the Yew Tree roundabout and Yardley exit, or to carry out works on behalf of Council – works completed
- Financial contribution of £8000 towards residents parking scheme in Church Road – paid in full

6.6 Whilst all of these obligations have been discharged, there remains one “enduring” obligation, which is a commitment to engage with the City Council and other agencies to enter into a local training and employment scheme for the construction and operation of the development. Despite the construction phase being no longer relevant, the commitment to employ and train local people with the daily operation of the businesses within the shopping centre and food store remains. A further deed of variation will be required to ensure that this obligation is carried forward and secured.

7. Conclusion

- 7.1. It has been demonstrated that the proposed extension of trading hours would have no adverse impact on neighbour amenity and as such a permanent consent should be granted.

8. Recommendation

- 8.1. That application 2015/04555/PA be deferred pending the completion of a suitable Deed of Variation to require:-

1. A commitment to engage with the City Council and other agencies to enter into a local training and employment scheme for the operation of the development.
2. Payment of a monitoring and administration fee associated with the legal agreement of £1500, to be paid on completion of the S106 Agreement.

- 8.2. In the event that the above Deed of Variation is not completed to the satisfaction of the Local Planning Authority on or before 10th September 2015, planning permission shall be REFUSED for the following reason:

In the absence of a suitable planning obligation to secure a continuing commitment to engage with the Council and other agencies to enter into a local training and employment scheme for the operation of the development, the proposed development conflicts with policies 8.50-8.54 of the adopted UDP 2005

- 8.3. That the Director of Legal and Democratic Services be authorised to prepare, seal and complete the appropriate Section 106 planning obligation.

- 8.4. In the event of the Section 106 Agreement being completed to the satisfaction of the Local Planning Authority on or before 10th September 2015, favourable consideration be given to this application, subject to the conditions listed below:

-
- 1 The development to be implemented in accordance with the phasing plan and construction programme produced by Arup and Bower and Kirkland.
 - 2 Shopfronts to accord and be maintained in accordance with retailers handbook.
 - 3 All construction work on site shall be undertaken in accordance with the Considerate Constructors programme.
 - 4 Equipment, materials and goods, crates etc to be stacked only within service yard, no higher than boundary walls
 - 5 Delivery vehicles to park or wait within service yards.
 - 6 Delivery/collection times restricted to 7am-10pm Mon-Sat and 9am and 5pm Sundays
 - 7 No metal roll cages to be used/moved outside delivery hours
 - 8 Signs for delivery vehicle drivers to be displayed
 - 9 Allows 24hr trading for the superstore only
-

-
- 10 No buildings/tree planting within proximity of sewer.
 - 11 Surface water to pass through oil interceptor
 - 12 No mezzanines other than shown on the approved plans,
 - 13 The gross external floor area of the superstore shall not exceed 10,285 square metres.
 - 14 Cumulative noise levels restricted
 - 15 Servicing of recycle centre to remove waste restricted to 8am-6pm Mon-Sat
 - 16 Affiliation to Travelwise
 - 17 Multi modal survey for supermarket required within 1 year of opening.
 - 18 At least 50% of the internal mall elevation of the superstore hereby permitted shall be clear glazed or open,
-

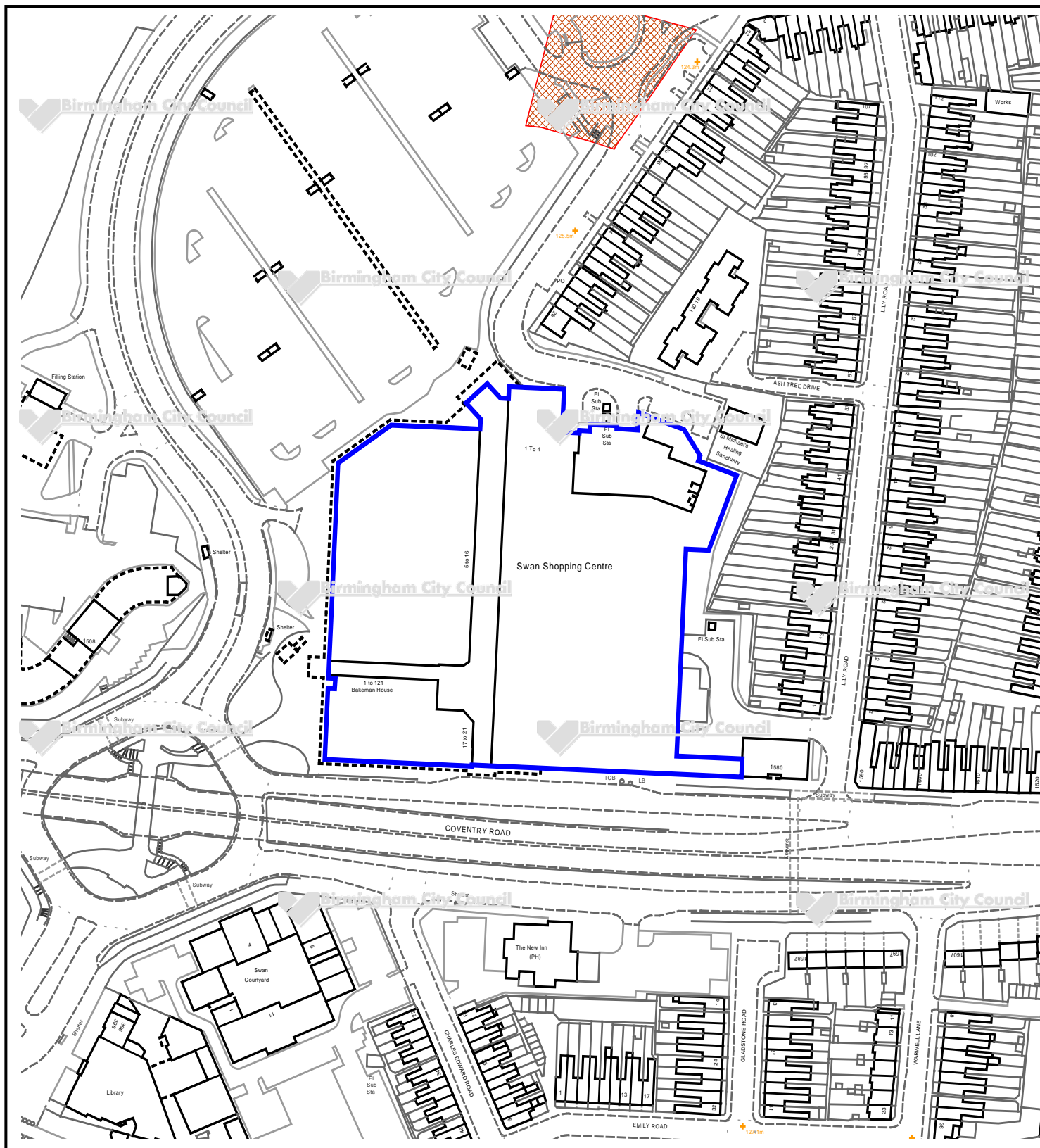
Case Officer: Peter Barton

Photo(s)



Figure 1 – Swan Shopping Centre

Location Plan



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Committee Date:	03/09/2015	Application Number:	2015/05683/PA
Accepted:	15/07/2015	Application Type:	Full Planning
Target Date:	09/09/2015		
Ward:	Nechells		

Land at corner of Victoria Street / Green Lane, Small Heath,
Birmingham, B9 5PL

Erection of 4 flats contained within a two storey block with designated
parking space

Applicant:	Birmingham City Council Planning and Regeneration, BMHT, 1 Lancaster Circus, Queensway, Birmingham, B4 7DY
Agent:	Acivico 1 Lancaster Circus, Queensway, Birmingham, B4 7DG

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Consent is sought for the for the erection of 4 self-contained flats and associated parking at Victoria Street/Green Lane, Land corner of, Small Heath.
 - 1.2. The application forms part of the Birmingham Municipal Housing Trust (BMHT) programme to build new Council housing within the City. It is proposed to erect a two storey high building which would provide 4 self-contained flats, with access from a central entrance lobby on the ground floor. Four parking bays, a bike shelter and a bin storage area would be provided at the rear. The proposed development would be of a contemporary design that improves the appearance of the property by providing active frontages with gable features that address the corner of Victoria Street/Green Lane. The proposal would also improve the visual character of the public realm and provide natural surveillance onto the street.
 - 1.3. Flat 1 and 2 would be located on the ground floor and each flat would comprise 2 bedrooms (Bed 1: 15sqm and Bed 2: 10.9sqm), bathroom, open plan kitchen and living room. The internal useable space of flat 1 would be 61.9sqm and flat 2 would be 61.1sqm, both with 3sqm of storage space.
 - 1.4. Flat 3 and 4 would be located on the first floor and each would comprise 2 bedrooms (Bed 1: 15sqm (both) and Bed 2: flat 3 - 10.9 and flat 4 - 10.4sqm), bathroom, open plan kitchen and living room. The internal useable space of flat 3 would be 64.6sqm and flat 2 would be 63.8sqm, both with 5.5sqm of storage space.
 - 1.5. The communal amenity space located within the curtilage of the application site and would be approximately 410sqm.

- 1.6. The proposed site plan shows that there would be 4 parking spaces to the rear, a new vehicular access and crossover via Victoria Street together with a bike shed and bin store within the curtilage of the application site. Boundary treatments include a 500mm high brick wall with a 600mm high steel fence above to the front and side elevations and a 1.8m high wall to the rear of properties within Carlton Road.
- 1.7. The application is accompanied by a design and access statement, tree survey and a transport statement.

1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is currently a vacant piece of derelict land located at the junction of Victoria Street and Green Lane. The application site previously had three, two-storey Victorian terraced buildings (used as a day centre) and a builder's yard within its curtilage that have been demolished for some time. There is an electricity sub-station within the curtilage of the application site and two large advertising hoardings at the rear. There are existing footway crossovers along Victoria Street and Green Lane. The application site has an informal public footpath and the site is also affected by a highway improvement line programmed for implementation within five to ten years on the Victoria Street frontage. There are double yellow lines fronting both Victoria Street and Green Lane which restricts parking at all times.
- 2.2. The surrounding area is predominately residential in character with commercial/industrial properties at the junction of Victoria Street, Green Lane and Muntz Street.

2.3. [Site Location](#)

3. Planning History

- 3.1. 18/09/1952 – 11050000 – Sub-station- Approved.
- 3.2. 18/09/1980 – 11050010 – Granted for use as builders storage yard – Approved with conditions.
- 3.3. 27/09/1959 - 18636000 – New shop front – Approved.
- 3.4. 12/02/1976 – 18636001 – Change of use to a fish and chips shop – Refused.
- 3.5. 12/02/1976 – 18636002 – Change of use to a takeaway roast chicken shop – Refused.
- 3.6. 10/03/1988 – 18636003 – Change of use to base for Small Heath community development agency – Approved with conditions.
- 3.7. 20/01/1984 – 64888000 – Internal extension of existing shop – Approved with conditions.

- 3.8. 20/08/1992 - 1992/00749/PA – Change of use to community meeting, day care centre and ancillary offices – Approved temporarily for 5 years.

4. Consultation/PP Responses

- 4.1. Adjoining residents and local ward councillors notified. One thank you letter has been received.
- 4.2. Transportation Development – No objections subject to conditions for details of siting/design of means of access, parking layout plan, cycle storage, pedestrian visibility splays and a highway works agreement.
- 4.3. Housing Regeneration Team – No comments.
- 4.4. Regulatory Services – No objections subject to land contamination conditions and adequate glazing and acoustic vents so no harm results to residential amenity by noise from the road traffic.
- 4.5. City Ecologist – No objections, subject to a condition for tree planting, use of native flowering/ berry bearing species and the inclusion of 2 x house sparrow terrace (boxes) to the eastern or northern facing wall.
- 4.6. West Midlands Police – No objections, subject to the proposal being built to the standards laid out in the Secured by Design 'New Homes 2014' guide and 'Lighting Against Crime'
- 4.7. West Midlands Fire Service – No objections.
- 4.8. Western Power – No objections, subject to continued 24hr safe unrestricted access to the substation and the cover over the cables is not reduced.
- 4.9. Severn Trent – No objections subject to drainage condition.

5. Policy Context

- 5.1. The following national policy is applicable:
- NPPF - National Planning Policy Framework (2012);
- 5.2. The following local policies are applicable:
- Birmingham Unitary Development Plan (2005)
 - Draft Birmingham Development Plan (2013)
 - Places for Living (Supplementary Planning Guidance, 2001),
 - Car Parking Guidelines (2012)
 - Bordesely Park Area Action Plan (2013).

6. Planning Considerations

- 6.1. The main considerations in the determination of this planning application are the principle of the use in this location, the effect upon the visual amenity of the site and surrounding area, residential amenity and highway implications.
- 6.2. **Principle of use** – The Birmingham Unitary Development Plan supports the redevelopment of accessible vacant sites within the urban area for residential development providing that there is no overriding need for alternative uses. The

Draft Birmingham Development Plan also advocates that new housing provisions are to be located on previously developed land within existing urban areas. The application site is currently a vacant piece of derelict land. This application does provide an opportunity to bring back a vacant plot into active use. The Bordesley Park Area Action Plan is at Preferred Options stage; the report makes no specific reference to the application site, but the overall vision of the plan includes securing up to 750 new homes in the area. The site is classed as brownfield land and represents a windfall plot, which is advocated within paragraph 5.25A-5.25C of the UDP and paragraph 48 and 111 of the NPPF. The proposed use would be located adjacent to existing residential properties to the north and east. The application site has been vacant for some time and its re-use would contribute to meeting the City's housing demand. Consequently, I consider that the proposed development is acceptable in principle and would comply with aspirations laid out within UDP, BDP, AAP and the NPPF.

- 6.3. Guidance within 'Places for Living' states that new development should also provide good quality residential accommodation that builds on local character, whilst not detrimentally impacting on the character and quality of the residential environment to existing residents in the area.
- 6.4. **Design and Visual amenity** – It is proposed to erect a two storey building with a gable roof feature fronting Green Lane and a projecting two storey corner feature on Victoria Street/Green Lane. The premises would be designed with a hipped roof and constructed out of brick. The proposed development would be of a contemporary design that improves the appearance of the property by providing active frontages with gable features that enhances this prominent corner. The proposal would also improve the visual character of the public realm and provide natural surveillance onto the street. The design of the flats would be appropriate for this location with sufficient visual interest in the design of the key features. I consider that the proposed development would not compromise the existing character or have a detrimental impact on the general street scene. Consequently, I consider that, subject to approval of materials and landscaping details, the proposal would be an improvement to the visual amenity of the area.
- 6.5. **Residential Amenity** – There would be four self-contained flats proposed within this two storey building and all bedroom sizes (ranging between 15sqm and 10.5sqm) would be in excess of the recommended guidelines within 'Places for Living'. The proposal would provide approximately 410sqm of communal amenity space which is also above the recommended guidelines within 'Places for Living'. In terms of the proposed internal space standards, the emerging National Technical Housing Standards (2015) requires 61sqm for a 1 bedroom, 2 person, single storey dwelling. The proposal would provide at least 61sqm of gross internal floor areas per flat. I consider that the proposed development would be acceptable and would create satisfactory living conditions for future occupiers and would contribute to the much needed residential accommodation within the City.
- 6.6. In addition, distance separation guidelines within 'Places for Living' would largely be met. It is noted that the ground floor side facing window to flat 1 does not meet the minimum 5m per storey separation distance required between windowed elevations and adjoining private amenity space (2m is achieved). However, I consider that due to the presence of a 1.8m high wall adjacent to the boundary with properties within Carlton Road, the proposed window would not compromise the private amenity space of the neighbouring dwellings. As such, there would be no overlooking issue, or adverse impact on the amenities of the occupiers of the adjacent properties by virtue of overlooking.

- 6.7. I note that Regulatory Services raise no objections subject to land contamination conditions and a sound proofing condition. I concur with this view. The application site is currently vacant and has been used as a builder storage yard in the past. In addition, Green Lane/Muntz Street/Victoria Street are key routes within the City and it is likely that noise disturbance might occur from road traffic. As such, the appropriate conditions are attached.
- 6.8. **Highway Safety & Parking** – The application site is located on the corner of Victoria Street/Green Lane which is subject to highway improvements in the form of an additional traffic lane. Transportation Development have assessed the scheme and raise no objections subject to conditions. The proposed development responds to the proposed highway improvements and does not propose any structures/features that would affect such improvements. It is also noted that an informal footpath runs across the site; however this is not currently recorded as a public right of way.
- 6.9. **Other Matters** – The arboricultural survey identifies an offsite tree which abuts the boundary (T1) as well as scrub and saplings (T2 & T3) located behind the advertising hoarding to the north-east corner of the application site. The trees identified fall within category B, category C and category U. T3 is of poor quality and it is proposed to be removed and T2 is a small scale sapling Sycamore and which would be replaced as part of this proposal. The City Ecologist recommends a scheme of works to include tree planting and the appropriate condition is therefore attached. My Tree Officer recommends a further condition for root protection measures to be implemented in order to protect T1. There is a potential for material storage, parking and access to spill over from driveway construction and so as a precaution there should be a plan prepared showing temporary fencing along the boundary.
7. Conclusion
- 7.1. I consider that the proposal is in accordance with the policies set out above and would not result in harm to the visual or residential amenity or highway safety.
8. Recommendation
- 8.1. Approve subject to the following conditions

-
- 1 Requires the prior submission of a contamination remediation scheme
 - 2 Requires the prior submission of a contaminated land verification report
 - 3 Requires the prior submission of boundary treatment details
 - 4 Requires the prior submission of hard and/or soft landscape details
 - 5 Requires the prior approval of the siting/design of the access
 - 6 Requires the parking area to be laid out prior to use
 - 7 Requires the prior submission of cycle storage details
 - 8 Requires pedestrian visibility splays to be provided
-

-
- 9 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 10 Tree Protection Plan (TPP) - Submission Required
 - 11 Requires the prior submission of sample materials
 - 12 Requires the scheme to be in accordance with the listed approved plans
 - 13 Requires acoustic glazing and ventilation
 - 14 Drainage Scheme to be agreed
 - 15 Highway Works Agreement for a package of highway measures
 - 16 Limits the approval to 3 years (Full)
-

Case Officer: Chantel Blair

Photo(s)



Figure 1: Front view

Location Plan



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Committee Date:	03/09/2015	Application Number:	2015/03761/PA
Accepted:	14/05/2015	Application Type:	Householder
Target Date:	09/07/2015		
Ward:	Erdington		

145 Grange Road, Erdington, Birmingham, B24 0ES

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

Applicant: Mr Mahmoud Ahmed
195 Charles Road, Small Heath, Birmingham, B10 9EQ
Agent: ZS Partnership Ltd
469 Coventry Road, Small Heath, Birmingham, B10 0TJ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a two storey side and rear extension, and a single storey side and rear extension.
- 1.2. The resulting two storey rear and side extension would measure 6m in depth from the rear of the main house, extending 4.8m beyond the side wall of the main house closest to the boundary with No. 143. The single storey extension would measure 6.3m in depth and 2.6m from the side wall of the original house, adjacent to the boundary with No. 149. The proposal would be rendered with a pitched tiled roof to match the original property.
- 1.3. The proposed scheme would provide a gym, living room, family room, extended kitchen, utility room and bathroom at ground floor and two bedrooms with en-suite bathrooms at first floor.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a large detached dwelling house; the property is designed with a pitched roof and forward cat slide roof feature, a linked garage to the side, and front gable feature with two storey bay window. The property has been recently extended with a rear dormer window to the rear.
- 2.2. The property is located within a sizable plot. The boundary with No. 143 is defined by planting; this is approximately 2m in height. The nearest window opening to the rear of No. 143 lights a kitchen.
- 2.3. The boundary with No. 147 is defined by mature conifer trees; this property is set back in comparison to the application property.

- 2.4. The street scene is made up of a variety of property styles.

[Site Location](#)

3. Planning History

- 3.1. 07/10/2005 - 2005/05366/PA - Erection of single storey rear and annex room to front extension – Approved with Conditions
- 3.2. 2015/0220/ENF - Alleged unauthorised erection of a large rear extension on the roof and associated building works – Case closed

4. Consultation/PP Responses

- 4.1. Adjoining residents and local ward Councillors have been notified. 3 letters of objection have been received. Objections have been raised in respect of:
- Errors on the submitted plans/forms relating to trees and a recently installed dormer window.
 - Scale/design
 - Concerns over use
 - Loss of light/outlook

5. Policy Context

- 5.1. The following local policies are applicable:

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

- 5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. The principal matters for consideration are the scale and design of the extension, the impact on the architectural appearance of the property, general street scene and the impact upon neighbouring properties' amenities.
- 6.2. Amended plans have been received to reduce the proposed utility room by 1.5m in order to comply with your committee's 45 Degree Code from the rear of No. 143. The proposal complies with the 45 Degree Code from the rear of No. 147.
- 6.3. The distance separation guidelines contained in 'Places for Living' and 'Extending your Home' would also be met. As amended, the development would not result in a detrimental impact on the amenities of the occupiers of the neighbouring properties by way of loss of light, outlook or overlooking
- 6.4. The scale and design of the resulting development is in keeping with the original dwelling house and would not compromise the existing character or architectural appearance of the property. As such, the development would comply with the design

principles contained within the design guide 'Extending Your Home' Supplementary Planning Document.

6.5. TPOs 1024 & 947 are applicable. My tree officer has raised no objections on tree grounds.

6.6. Concerns have been raised over the proposed use of the property; the agent has confirmed the property will be used as single household dwelling.

6.7. Finally concerns have been raised over a recent dormer window extension at the property. This has been investigated following a recent enforcement complaint (2015/0220/ENF). This element has been installed under permitted development allowances and does not form part of this application.

7. Conclusion

7.1. Notwithstanding the objections received from neighbouring occupiers I consider that the amended proposal complies with the objectives of the policies outlined above. As such the development would not cause sufficient detriment to warrant a refusal of the application.

8 Recommendation

8.1. Approve subject to the following conditions

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

Case Officer: Philip Whittaker

Photo(s)



Photo 1: Rear Elevation

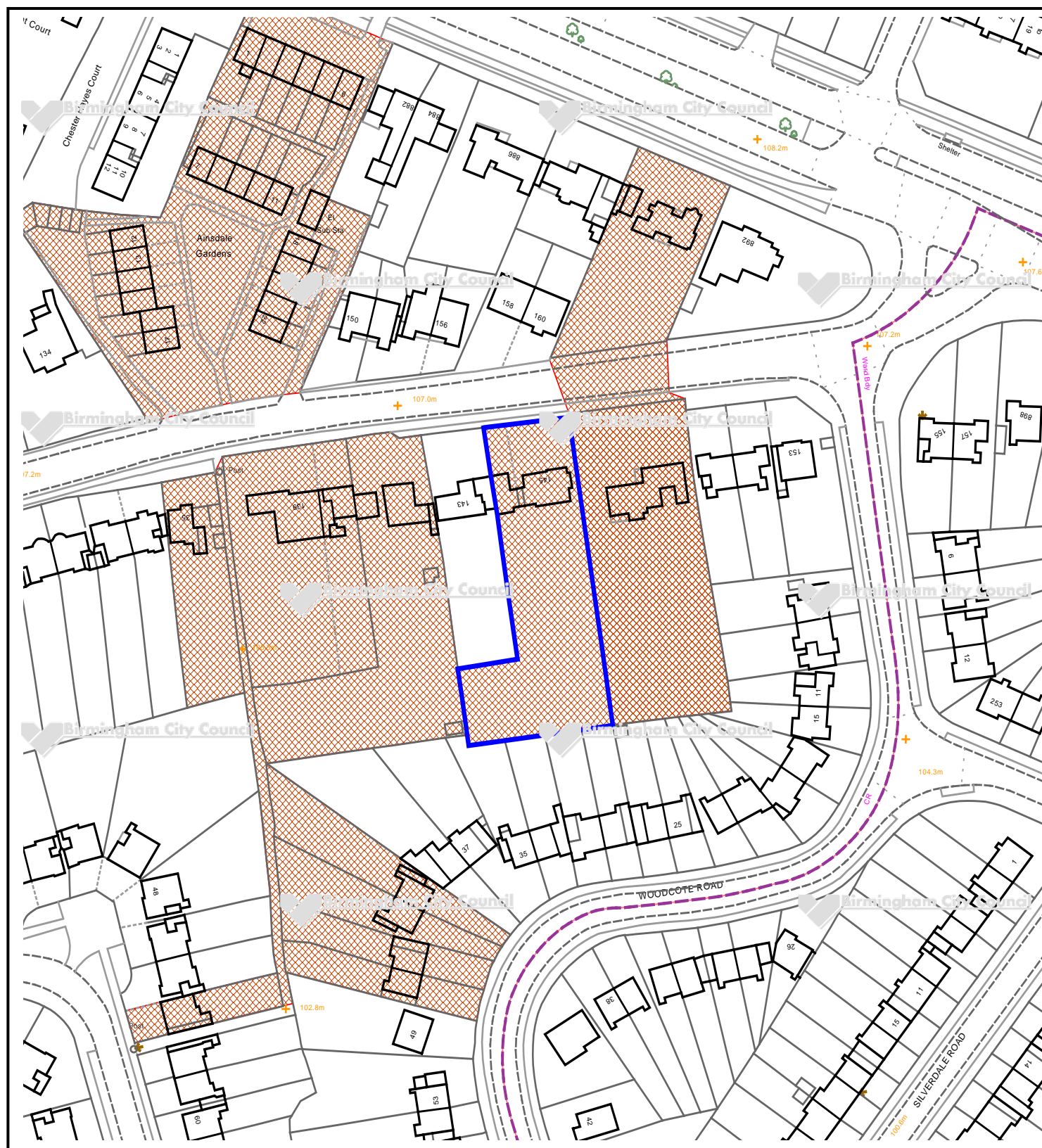


Photo 2: Rear Left



Photo 3: Front Elevation

Location Plan



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Committee Date:	03/09/2015	Application Number:	2015/02152/PA
Accepted:	24/03/2015	Application Type:	Householder
Target Date:	19/05/2015		
Ward:	Tyburn		

142 Wheelwright Road, Erdington, Birmingham, B24 8EY

Erection of single storey front, side and rear extension and two storey rear extension.

Applicant: Mr Shofiqur Rahman Lasu
142 Wheelwright Road, Erdington, Birmingham, B24 8EY,
Agent: Mr Rouhel Ahmed
103 Stoney Lane, Yardley, Birmingham, B25 8RE, United Kingdom

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a single storey front, side and rear extension, and two storey rear extension. This would provide a side covered way, wet room, store and kitchen/diner at ground floor with two new first floor bedrooms at the rear.
- 1.2. The resulting two storey rear extension would measure 4.3m in depth from the rear of the main house and would extend the full width of the rear elevation, the single storey side and rear extension would measure 1.7m deeper than the proposed two storey element, extending 2m beyond the side wall of the main house. It would be rendered with a pitched tiled roof to match the main house. The proposed front extension would extend forward of the main wall of the house by 700mm with a mono pitch roof at a maximum height of 3.3m.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a detached dwelling house. The property is designed with a pitched roof, two single bay window features to the front and has been previously extended with single storey extensions to both sides and the rear. The rear of the property is enclosed by 1.8m high fencing. The surrounding properties differ in age and design.
- 2.2. No. 138 is positioned at an angle to the application property with a two storey wing to the rear; there are a number of windows to the side of the wing facing the application site. No 138 is slightly elevated in comparison to the application property.
- 2.3. No. 144 is set back from the application property with a single storey rear extension.

[Site Location](#)

3. Planning History

- 3.1. 23/02/2015 - 2015/01067/PA - Pre-application enquiry submitted for the erection of a single storey side and rear extension and first floor rear extension – Concerns raised over a shortfall of distance separation guidelines.

4. Consultation/PP Responses

- 4.1. Local ward councillors and the occupiers of neighbouring properties have been consulted. Three letters received, concerns have been raised in respect of:
- The neglected condition of the property
 - Potential house of multiple occupancy
 - Loss of light/outlook

5. Policy Context

- 5.1. The following local policies are applicable:

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

- 5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. The principal matters for consideration are the scale and design of the proposed extension, the impact on the architectural appearance of the property, general street scene and the impact upon neighbouring properties' amenities.
- 6.2. Due to the angled relationship between the application property and No. 138 the proposed rear extension would be below the 12.5m distance separation required in 'Extending Your Home' and 'Places for Living' Supplementary Planning Guidance for windowed elevations facing flank walls. As proposed, there would be approximately 5m at ground floor and 7.5m at first floor between the existing ground floor kitchen window to the side elevation of Nos. 138 Wheelwright Road and the proposed side wall.
- 6.3. Light and outlook from the neighbouring kitchen window is already restricted by a 2m high fence along the boundary between the properties. This would help to mitigate any potential impact from the proposed ground floor. When taking into account the current relationship between properties, the level changes between the two properties (approx. 500mm), together with the distance of approximately 7.5m, I do not consider that the impact of the proposed two storey extension on the amenities of the neighbouring properties would be sufficiently detrimental to warrant refusal of the application on this issue alone. The agent has provided amended plans that omit a balcony from the rear to prevent any overlooking issues to the rear and to hip the roof back to the rear. Additional side windows are proposed to be fitted with obscure glazing (covered by condition). The new bedroom windows face to the rear and an additional condition to prevent any additional side windows is

recommended. The hipped roof helps to further reduce impact on neighbouring amenities. All other distance separation guidelines would be met.

- 6.4. The scale and design of the resulting development is in keeping with the original dwelling house and would not compromise the existing character or architectural appearance of the property. As such, the development would comply with the design principles contained within the design guide 'Extending Your Home' Supplementary Planning Document.
- 6.5. The proposed side and rear extension would comply with your Committees' 45 Degree Code policy.
- 6.6. Sufficient amenity space will be retained to the rear of the site in this instance
- 6.7. With respect to the concern raised over the occupancy of the property, the proposed plans indicate that the property will be used as a single family dwelling.
- 7. Conclusion
- 7.1. Notwithstanding the comments received, the proposed development has been amended and largely complies with the principles of the policies outlined above and would not cause sufficient detriment to warrant refusal of the application.
- 8. Recommendation
- 8.1. Approve subject to the following conditions.

-
- 1 Requires that the materials used match the main building
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Requires the prior submission details obscure glazing for specific areas of the approved building
 - 4 Removes PD rights for new windows
 - 5 Limits the approval to 3 years (Full)
-

Case Officer: Philip Whittaker

Photo(s)



Photo 1: Front elevation

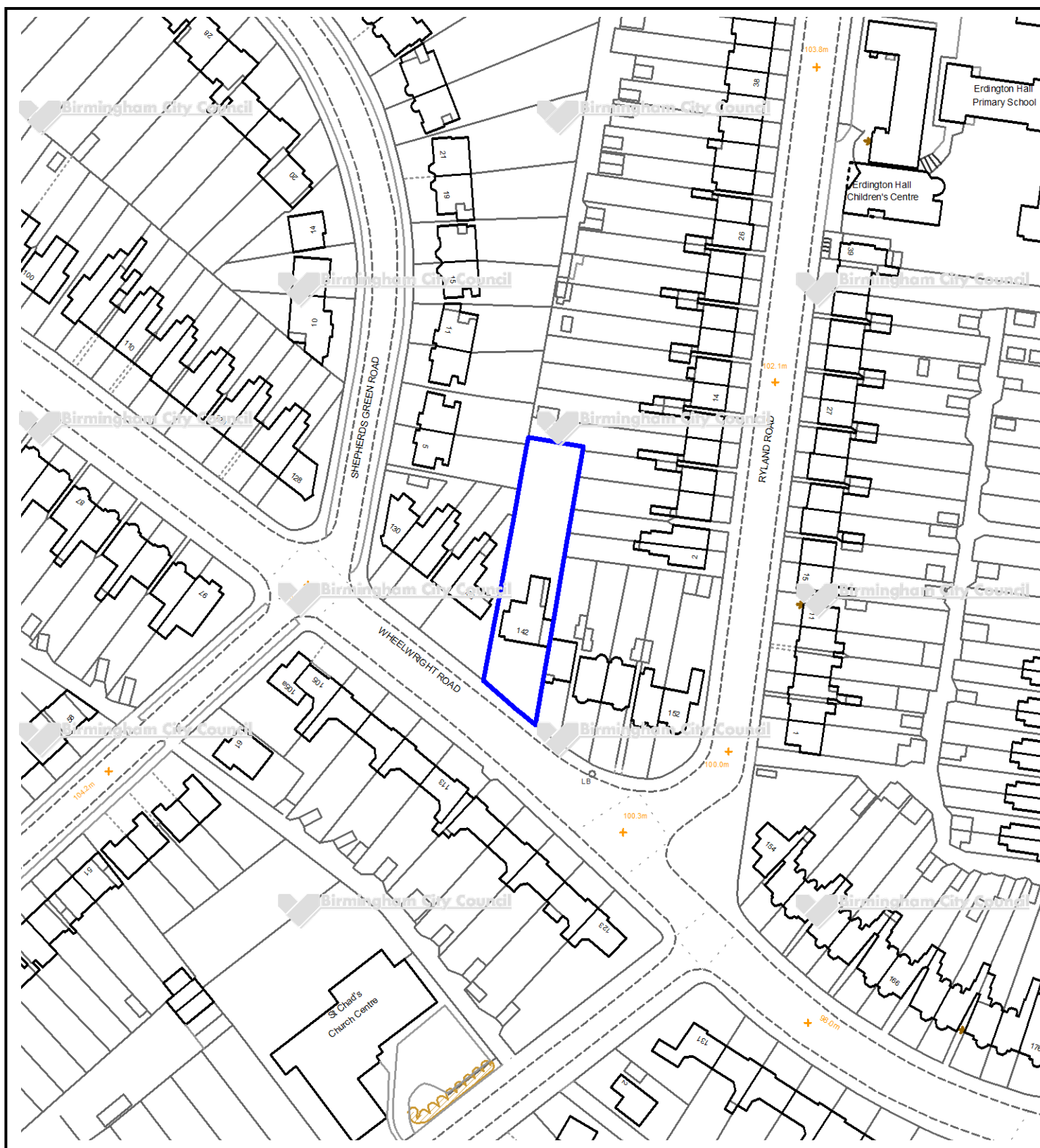


Photo 2: Rear elevation



Photo 3: Rear No. 138

Location Plan



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Birmingham City Council

Planning Committee

03 September 2015

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	25	2015/04488/PA The Assay Office Newhall Street/Charlotte Street Hockley Birmingham Proposed refurbishment of former Assay office to provide modern office space, including new secondary accessible entrance
Approve - Conditions	26	2015/04704/PA The Assay Office Newhall Street/Charlotte Street Hockley Birmingham Listed building consent for proposed refurbishment of former Assay office to provide offices, external alterations to create secondary entrance
Defer – Informal Approval	27	2015/04486/PA Car park to rear of former Assay Office Charlotte Street City Centre Birmingham B3 Erection of a 2, 3 and 4 storey building comprising 32 apartments (14 x 2-bed and 18 x 1-bed) and demolition of boundary wall
Approve - Conditions	28	2015/05099/PA Car park to rear of former Assay Office Charlotte Street City Centre Birmingham B3 Listed Building Consent for erection of a 2, 3 and 4 storey building comprising 32 apartments (14 x 2-bed and 18 x 1-bed) and demolition of boundary wall

Committee Date:	03/09/2015	Application Number:	2015/04488/PA
Accepted:	05/06/2015	Application Type:	Full Planning
Target Date:	04/09/2015		
Ward:	Ladywood		

The Assay Office, Newhall Street/Charlotte Street, Jewellery Quarter, Birmingham

Proposed refurbishment of former Assay office to provide modern office space, including new secondary accessible entrance

Applicant: Assay Birmingham Ltd
c/o The Agent
Agent: PJ Planning
Regent House, 156-7 Lower High Street, Stourbridge, DY8 1TS

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. Planning consent is sought for the refurbishment of the former Birmingham Assay office to create office space for small businesses. The proposals include the re-modelling of the 1965 garage access fronting Newhall Street to provide a new level access and also to create light into the core of the building complex by removing the existing shutter doors and replacing these with glazing set within an aluminium frame. To the rear elevation 7 new windows are proposed to enable light through to proposed office spaces.

1.2. The proposed conversion seeks to provide:

At basement level : 7 standard offices; bike storage space; Waste and recycling point; Fire escapes to Newhall Street and Charlotte Street; WC's and plant area.

At ground floor level: retain 3 historic office spaces; create 2 new office spaces; Fire escapes to Newhall Street; WC's and passenger lift, stairs and ancillary space

At first floor level: retain 4 historic office spaces; create 2 new office spaces; WC and passenger lift and stairs and ancillary space

At mezzanine level: new office space

At second floor level: retain 4 historic office spaces; create 2 new offices; WC's and passenger lift, stairs and ancillary area

At third floor level; retain one historic office space; create one new office space; WC's and passenger lift, stairs and ancillary area.

- 1.3. A Design and Access Statement; Planning Statement and a Heritage Impact Assessment have been submitted in support of this application along with an extensive schedule of works list.

- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The Birmingham Assay Office is a grade II listed building, built in 1878 for validating and certifying the quality of jewellery and precious metal products. The original 1878 Assay Office (the western corner clock) and the 1885 warehouse block were both by Phipson and dominate the main elevation to Newhall Street. The building has grown to its current size and configuration through a series of seven major building phases and adaptations dating from late C19th to the 1990's. Much of these works were carried out to address operational requirements. Some elements, including the 1965 garage addition to the front of Newhall Street is identified as having a negative impact on the building as a whole.
- 2.2. The interior of the Phipson's original Assay Office are largely unchanged and are a good example of type: the panelling, joinery, doors, fireplaces, ceilings and ceramics are in generally good condition. The central staircase and entrance vestibule are also well maintained. Most of the other interior space has an industrial character with many features and fabric being hidden by building services and laboratory equipment. The structure has remained in use as an Assay Office since its construction, however due to growth in demand the Birmingham Assay Office is now relocating to a new site in Birmingham in Ickneild Street.
- 2.3. The Assay Office faces onto Newhall Street at the corner with Charlotte Street. The site is located within the Jewellery Quarter Conservation Area.

[Location plan](#)

3. Planning History

- 3.1. This application has been submitted in conjunction with a Listed Building application under application reference 2015/04488/PA for the proposed refurbishment of the former Assay Office to provide modern office space, including the insertion of a new secondary accessible entrance. This accompanying application is yet to be determined and can be found elsewhere on this agenda.
- 3.2. An associated listed building and full planning application have been submitted with this application for erection of a 2, 3 and 4 storey building comprising 32 apartments (14x2 bed and 18 x 1 bed) and demolition of boundary wall at the land to the rear of this site under references 2015/04486/PA (Full) and 2015/05099/PA (LBC). These associated applications propose development that would constitute enabling development for the proposals under this current application. These accompanying applications are yet to be determined and can be found elsewhere on this agenda.

4. Consultation/PP Responses

- 4.1. Transportation Development - No objection. The plans seek to refurbish the Assay offices for modern office accommodation. There is no additional floor area but the proposals add cycle spaces that can be accessed via the rear of the site through a

shared access with a separate development proposal to put apartments on the rear car parking area. The plans add an extra accessible pedestrian entrance to the building on Newhall Street which is all provided by altering the floor levels within the site so no changes are needed to the public footway. These results in an existing service yard area and access being removed so the footway crossing serving this becomes redundant. The related development means the car parking for this site is removed but as the building is located within the City centre, close to public car parks and accessible by all modes of travel.

- 4.2. Regulatory Services – No objection subject to conditions.
- 4.3. Conservation Heritage Panel - The proposal is welcomed, it is considered that it would be advantageous to set back the new entrance on Newhall Street and the new windows to the rear of the listed building could be better handled.
- 4.4. Historic England - The proposal is to refurbish the building to provide offices and a new secondary entrance. This includes the creation of 7 new openings in the rear elevation, and localised demolition of a section of floor slab and of the 1960s garage. The Heritage Assessment submitted is thorough and fulfils obligations under paragraph 128 of the NPPF. In general we find the proposal acceptable with much to applaud in the scheme. Amendments have been submitted to reduce impact on original fabric of the building. These amendments are considered acceptable.
- 4.5. West Midlands Police – The proposal should adhere to the principles of secured by design. CCTV should be fitted to the building. The proposal should be carried out in accordance with Lighting against Crime. Access into and through the building should be restricted in the interest of security.
- 4.6. West Midlands Fire Service - No objection.
- 4.7. Local Councillors, Local MP and Jewellery Quarter Development Trust notified. Site and Press notice displayed. The following comments have been received from the Jewellery Quarter Development Trust

The prospect of a viable use being found for this Jewellery Quarter building so soon after the relocation of the Assay Office is welcome. The principle of uses proposed and the vision set in supporting documents is also wholly supported, as is the notion of accessible access for all. However the approach taken to remodel the Newhall Street 'garage element' (secondary access) would fail to reduce the visual impact of this element relative to the adjacent Phipson facades and an alternative solution should be found.

5. Policy Context

- 5.1. Adopted UDP (2005), Draft Birmingham Development Plan, NPPF, Jewellery Quarter Conservation Area Design Guide (2005), Jewellery Quarter Conservation Area Character Appraisal and Management Plan (2002) and Places for All (2001).

6. Planning Considerations

- 6.1. This site comprises a grade II listed building located within the Jewellery Quarter Conservation Area, within the specific character area of the "St. Paul's Canal and Corridor". The principle of office uses within this area of the Jewellery Quarter is considered broadly acceptable in line with guidance in the Jewellery Quarter

Conservation Area Character Appraisal and Management Plan (2002).

- 6.2. The NPPF makes specific reference to 'Heritage Assets', which includes conservation areas and listed buildings. Paragraph 129 refers to a need to assess the significance of a proposal on any heritage asset, with paragraph 131 stating that local planning authorities should take into account the desirability of sustaining and enhancing heritage assets and the positive contribution that the new development would make to local character and distinctiveness. Policy 3.25 of the UDP states that any development affecting a listed building should preserve or enhance its character, special regard will be given to the desirability of securing the retention, restoration, maintenance and continued use of the building of special architectural or historic interest.
- 6.3. The applicant seeks to bring the Assay building into active use as office space with an approach that retains its original character but transforms it for modern working patterns.
- 6.4. The two main buildings by Phipson, the western corner block and the warehouse block were designed and built from 1878 to 1885. The central courtyard between these two main buildings was filled in during the 1960's with the addition of the garage block. There is no level access to the building at present, as the main entrance is stepped. The proposal seeks to re-model the 1965 garage element by removing the industrial metal sliding doors, mezzanine windows and associated stone tablet and vent grill and replacing these with a pair of simple glazed openings to define an accessible secondary entrance and window to provide daylight to the proposed workspace; the ground floor and mezzanine floor within the garage would be cut back to facilitate this. The proposed glazed opening would be held in an aluminium frame.
- 6.5. The Jewellery Quarter Development Trust have raised concern that the proposed alterations to the garage block would fail to ensure that the main Phipson buildings are dominant to the overall character of the Assay Office complex. The existing garage is contrary to the architecture of the main Phipson buildings. The proposed insertion of the glazed opening will in my view improve the appearance of this modern addition and would open up this part of the building creating a level access and provide light to the central core of the building, enabling the future use of the building. I consider these alterations would be read as a modern intervention and would not compete with the ornate details of the Phipson buildings. Historic England and my Conservation Officer have raised no objections in relation to these proposed works to the garage extension.
- 6.6. The rear facing elevation of the Assay Office largely comprises of blank brick work. Approximately half of this elevation would be covered by the proposed residential block detailed in accompanying planning and listed building applications under references 2015/04486/PA (Full) and 2015/05099/PA (LBC). Internally this space currently comprises large laboratory space. This proposal seeks to convert this laboratory space into office and storage space and to achieve this large new windows are proposed within the rear facade. The position, scale and design of these proposed new windows have been defined by the existing basement door and chimney breast in order to give rhythm to building. The insertion of these new windows will however cause some loss of the historic fabric of the building.
- 6.7. Concern has been raised by the Conservation Heritage Panel regarding the removal of large areas of brick work in this rear elevation in order to insert the proposed new windows. There are three phases of expansion in this rear brick work, not all of

which is Victorian. The rear elevation is to be enclosed by the proposed residential block and surrounded by modern buildings. The proposed windows are of a simple design and would in my view appear as a later addition to the building that would not conflict with the overall character or significance of this building. My Conservation Officer shares this view. The windows are necessary in enabling light to the internal space of the building so that the building can be used as modern office space. The windows are therefore necessary in bringing the building back into active use. I consider that the loss of historic fabric in this instance would be of limited detriment to the significance of this building.

- 6.8. Transportation Development have considered this proposal and raised no objections. This proposal would have no associated off street parking, however the site is located in a sustainable location close to good public transport links. Cycle parking provision is also proposed as part of this scheme. On this basis I concur that this proposal would not result in harm to the free or safe movement of transport along the adjoining or adjacent public highway.
- 6.9. Regulatory Services have considered this proposal and raised no objections. I do not consider that this proposal would cause issues of noise and disturbance in comparison to the existing use of the site as the Birmingham Assay Office.
- 6.10. West Midlands Police have raised no objections to this proposal. The applicant will be seeking to implement their own internal security measures and CCTV will be fitted to the building.

7. Conclusion

- 7.1. This proposal would ensure the future use and upkeep of this grade II listed building within the Jewellery Quarter Conservation Area, in a manner that is sympathetic to the original use and layout of the building and without causing harm to the amenity of the area. This proposal is therefore recommended for approval subject to conditions.

8. Recommendation

- 8.1. Approve subject to conditions

-
- 1 Requires the prior submission of window frame details
 - 2 Requires the prior submission of external doors
 - 3 Requires the provision of cycle parking prior to occupation
 - 4 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 5 Limits the noise levels for Plant and Machinery
 - 6 Requires the prior submission of a CCTV scheme
 - 7 Requires the scheme to be in accordance with the listed approved plans
-

Case Officer: Victoria Chadaway

Photo(s)



Fig 1. Existing frontage of Assay Office



Fig 2. Existing rear of Assay Office

Location Plan



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Committee Date:	03/09/2015	Application Number:	2015/04704/PA
Accepted:	05/06/2015	Application Type:	Listed Building
Target Date:	31/07/2015		
Ward:	Ladywood		

The Assay Office, Newhall Street/Charlotte Street, Jewellery Quarter, Birmingham

Listed building consent for proposed refurbishment of former Assay office to provide offices, external alterations to create secondary entrance

Applicant:	Assay Birmingham Ltd c/o The Agent
Agent:	PJ Planning Regent House, 156-7 Lower High Street, Stourbridge, DY8 1TS

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Listed Building consent is sought for the refurbishment of the former Birmingham Assay office to office space for small businesses. The proposals include both internal and external alterations.
- 1.2. The proposed external works to the Assay Office comprise the re-modelling of the 1965 garage access fronting Newhall Street to provide a new level access and also to create light into the core of the building complex by removing the existing shutter doors and replacing these with glazing set within an aluminium frame. To the rear elevation 7 new windows are proposed to enable light through to the proposed office spaces.
- 1.3. Internally, the most significant change proposed is the opening up of the basement to create a double height space; otherwise modern additions are to be removed, including partitions, suspended ceilings and plant, to reveal more of the original building.
- 1.4. A Heritage Impact Assessment has been submitted in support of this application along with an extensive schedule of works list.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The Birmingham Assay Office is a grade II listed building, built in 1878 for validating and certifying the quality of jewellery and precious metal products. The original 1878 Assay Office (the western corner block) and the 1885 warehouse block were both by

Phipson and dominate the main elevation to Newhall Street. The building has grown to its current size and configuration through a series of seven major building phases and adaptations dating from late C19th to the 1990's. Much of these works were carried out to address operational requirements. Some elements, including the 1965 garage addition to the front of Newhall Street is identified as having a negative impact on the building as a whole.

- 2.2. The interior of the Phipson's original Assay Office are largely unchanged and are a good example of type: the panelling, joinery, doors, fireplaces, ceilings and ceramics are in generally good condition. The central staircase and entrance vestibule are also well maintained. Most of the other interior space has an industrial character with many features and fabric being hidden by building services and laboratory equipment. The structure has remained in use as an Assay Office since its construction, however due to growth in demand the Birmingham Assay Office is now relocating to a new site in Birmingham in Ickneild Street.
- 2.3. The Assay Office faces onto Newhall Street at the corner with Charlotte Street. The site is located within the Jewellery Quarter Conservation Area.

[Site location](#)

3. [Planning History](#)

- 3.1. This application has been submitted in conjunction with a full planning application under application reference 2015/04488/PA for the proposed refurbishment of the former Assay Office to provide modern office space, including the insertion of a new secondary accessible entrance. This accompanying application is yet to be determined and can be found elsewhere on this agenda.
- 3.2. An associated listed building and full planning application have been submitted with this application for erection of a 2, 3 and 4 storey building comprising 32 apartments (14x2 bed and 18 x 1 bed) and demolition of boundary wall at the land to the rear of this site under references 2015/04486/PA (Full) and 2015/05099/PA (LBC). These associated applications propose development that would constitute enabling development for the proposals under this current application. These accompanying applications are yet to be determined and can be found elsewhere on this agenda.

4. [Consultation/PP Responses](#)

- 4.1. Historic England - The proposal is to refurbish the building to provide offices and a new secondary entrance. This includes the creation of 7 new openings in the rear elevation, and localised demolition of a section of floor slab and of the 1960s garage. The Heritage Assessment submitted is thorough and fulfils obligations under paragraph 128 of the NPPF. In general we find the proposal acceptable with much to applaud in the scheme. Amendments have been made to reduce impact to original fabric of building which are considered acceptable.
- 4.2. Conservation Heritage Panel – The proposal is welcomed, it is considered that it would be advantageous to set back the new entrance on Newhall Street and the new windows to the rear of the listed building could be better handled.
- 4.3. Local Councillors, Local MP and Jewellery Quarter Development Trust Notified. Site and Press Notice displayed. The following comments have been received from the Jewellery Quarter Development Trust

The prospect of a viable use being found for this Jewellery Quarter building so soon after the relocation of the Assay Office is welcome. The principle of uses proposed and the vision set in supporting documents is also wholly supported, as is the notion of accessible access for all. However the approach taken to remodel the Newhall Street 'garage element' (secondary access) would fail to reduce the visual impact of this element relative to the adjacent Phipson facades and an alternative solution should be found.

5. Policy Context

- 5.1. Adopted UDP (2005), Draft Birmingham Development Plan, NPPF, Jewellery Quarter Conservation Area Design Guide (2005), Jewellery Quarter Conservation Area Character Appraisal and Management Plan (2002) and Places for All (2001).

6. Planning Considerations

- 6.1. This site comprises a grade II listed building located within the Jewellery Quarter Conservation Area. The NPPF makes specific reference to 'Heritage Assets', which includes conservation areas and listed buildings. Paragraph 129 refers to a need to assess the significance of a proposal on any heritage asset, with paragraph 131 stating that local planning authorities should take into account the desirability of sustaining and enhancing heritage assets and the positive contribution that the new development would make to local character and distinctiveness. Policy 3.25 of the UDP states that any development affecting a listed building should preserve or enhance its character, special regard will be given to the desirability of securing the retention, restoration, maintenance and continued use of the building of special architectural or historic interest.
- 6.2. The applicant seeks to bring the Assay building into active use as office space with an approach that retains its original character but transforms it for modern working patterns. Any destructive changes proposed to the interior of the Assay office are limited and of minor harm to the historic fabric. Areas of architectural value are to be retained, restored and repaired. This includes the entrance vestibule, hall and stairs which are of significant value. This proposal seeks to retain historic office space and I consider that the use proposed is compatible with the internal layout of the existing building and the historic use of the building.
- 6.3. The two main buildings by Phipson, the western corner block and the warehouse block were designed and built from 1878 to 1885. The central courtyard between these two main buildings was filled in during the 1960's with the addition of the garage block. There is no level access to the building at present, as the main entrance is steeped. The proposal seeks to re-model the 1965 garage element by removing the industrial metal sliding doors, mezzanine windows and associated stone tablet and vent grill and replacing these with a pair of simple glazed openings to define an accessible secondary entrance and window to provide daylight to the proposed workspace; the ground floor and mezzanine floor within the garage would be cut back to facilitate this. The proposed glazed opening would be held in an aluminium frame.
- 6.4. The Jewellery Quarter Development Trust have raised concern that the proposed alterations to the garage block would fail to ensure that the main Phipson buildings are dominant to the overall character of the Assay complex. The existing garage is

contrary to the architecture of the main Phipson buildings. The proposed insertion of the glazed opening will in my view improve the appearance of this modern addition and would open up this part of the building creating a level access and provide light to the central core of the building, enabling the future use of the building. I consider these alterations would be read as a modern intervention and would not compete with the ornate details of the Phipson buildings. Historic England and my Conservation Officer have raised no objections in relation to these proposed works to the garage extension.

- 6.5. The rear facing elevation of the Assay Office largely comprises of blank brick work. Approximately half of this elevation would be covered by the proposed residential block detailed in accompanying planning and listed building applications under references 2015/04486/PA (Full) and 2015/05099/PA (LBC). Internally this space currently comprises large laboratory space. This proposal seeks to convert this laboratory space into office and storage space and to achieve this large new windows are proposed within the rear facade. The position, scale and design of these proposed new windows have been defined by the existing basement door and chimney breast in order to give rhythm to building. The insertion of these new windows will however cause some loss of the historic fabric of the building.
- 6.6. Concern has been raised by the Conservation Heritage Panel regarding the removal of large areas of brick work in this rear elevation in order to insert the proposed new windows. There are three phases of expansion in this rear brick work, not all of which is Victorian. The rear elevation is to be enclosed by the proposed residential block and surrounded by modern buildings. The proposed windows are of a simple design and would in my view appear as a later addition to the building that would not conflict with the overall character or significance of this building. My Conservation Officer shares this view. The windows are necessary in enabling light to the internal space of the building so that the building can be used as modern office space. The windows are therefore necessary in bringing the building back into active use. I consider that the loss of historic fabric in this instance would be of limited detriment to the significance of this building.
- 6.7. Amendments have been made following comments received from Historic England. These include the exposure and restoration of walls in the maintenance workshop back to the original light well facade, but removing the sill to the middle wall to form a doorway; confirmation that all damaged lino is to be pulled up, all original Victorian finishes (especially brick pavers and herringbone parquet) to be retained and restored; confirmation that the silver room cabinets are to remain and effluent room brickwork to retain 1895 brickwork and remove 1980s bricks.
- 6.8. The proposed alterations to the Assay Office either affect areas of low or negligible heritage value, or are small scale; or where they are substantial, as in the 1965 block, are affecting areas of negligible heritage value and will have a beneficial effect.

7. Conclusion

- 7.1. This proposal would ensure the future use and upkeep of this grade II listed building within the Jewellery Quarter Conservation Area, in a manner that is sympathetic to the original use and layout of the building. This proposal is therefore recommended for approval subject to conditions.

8. Recommendation

8.1. Approve subject to the following conditions:

-
- 1 Requires the prior submission of window frame details
 - 2 Requires the prior submission of external doors
 - 3 Requires the prior submission of a schedule of existing and new internal joinery details
 - 4 Requires the scheme to be in accordance with the listed approved plans
 - 5 Limits the approval to 3 years (conservation/listed buildings consent)
-

Case Officer: Victoria Chadaway

Photo(s)



Fig1. Assay Office facing onto Newhall Street

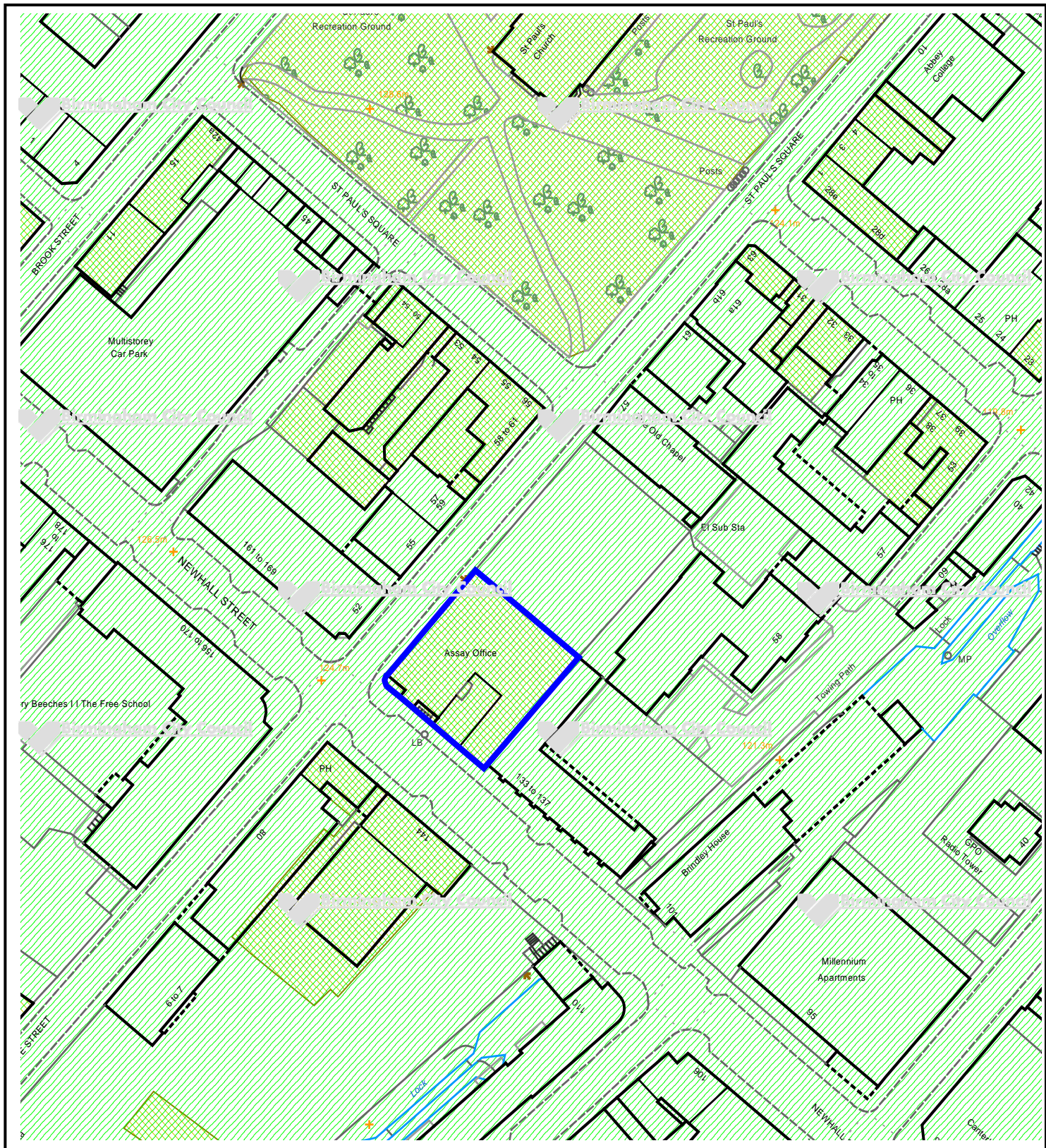


Fig 2. Rear of Assay Office and Charlotte Street elevation



Fig 3. Internal laboratory space, proposed to be removed to create office accommodation

Location Plan



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Committee Date:	03/09/2015	Application Number:	2015/04486/PA
Accepted:	18/06/2015	Application Type:	Full Planning
Target Date:	17/09/2015		
Ward:	Ladywood		

Car park to rear of former Assay Office, Charlotte Street, Jewellery Quarter, Birmingham, B3

Erection of a 2, 3 and 4 storey building comprising 32 apartments (14 x 2-bed and 18 x 1-bed) and demolition of boundary wall

Applicant:	Assay Birmingham Ltd c/o Agent
Agent:	PJ Planning Regent House, 156-7 Lower High Street, Stourbridge, West Midlands, DY8 1TS

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

Use

- 1.1. Planning consent is sought for the demolition of existing wall and railings and the erection of a residential block comprising 32 apartments on the car park land adjoined to the rear of the former Birmingham Assay Office building, which is grade II listed.
- 1.2. The proposed residential accommodation would comprise 14 x 2 bedroom flats and 18 x 1 bedroom flats. Eight of the proposed two bedroom apartments are to be duplex units utilising the change in land level across the site and would be constructed at lower ground floor and ground floor level, this results in four of the duplex apartments at the front of the site having bedrooms light by light wells only. The proposed duplex apartments incorporate semi-private amenity space both on the Charlotte Street elevation and to the rear of the site facing onto the shared car park area. All proposed apartments would be self-contained. Proposed one bedroom apartments range from 41.6sqm – 42.2sqm in size. Proposed two bedroom apartments range from 63.37sqm - 74.8sqm in size. In the proposed one bedroom units the bedroom sizes range between 11.4sqm and 12.4sqm and for two bedroom apartment the first double bedrooms range from 11.4sqm-12.6sqm and second double bedrooms from 10.4sqm - 11.2sqm.

Design

- 1.3. The proposal is for a contemporary residential block to be constructed in red brick with vertical reveals set within the building. Metalwork is proposed to be used on the windows, railings, gates and at the main entrance door. The detailing of the metalwork is intended to reflect the metal manufacturing process that the Jewellery Quarter is famous for.

- 1.4. The proposed residential block would be of a staggered height with 2, 3 and 4 storeys incorporated into the design forming a transition between the Old Chapel building to the east of the site and the former Assay Office building to the west of the site. The building design incorporates a false façade at the eastern end of the proposed building giving the appearance of three stories to aid the visual appearance of the building as viewed from St. Pauls Square.

Parking

- 1.5. Vehicular access is proposed to the east of the proposed residential block with 13 car parking spaces being proposed within a shared rear parking area. Cycle parking, comprising 1 space per apartment is proposed at basement level of the building.

Associated development proposals

- 1.6. This application has been submitted in conjunction with an accompanying listed building application (2015/05099/PA) and a full and listed building application for the proposed refurbishment of the adjoining former Birmingham Assay Office to provide office space with external alterations proposed to create a secondary entrance (LBC - 2015/04704/PA and Full - 2015/04488/PA). These applications are all subject to determination and detailed elsewhere on this agenda. All of these applications are interlinked in respect of their physical relationship, ownership, and the need for the works to the former Birmingham Assay Office to be subsidized by the provision of the new residential development proposed under this current application.

Planning Obligation

- 1.7. No planning obligations are proposed as part of this scheme.

Other

- 1.8. Submitted in support of this application are a Planning Statement; Design and Access Statement; Heritage Impact Assessment; Daylight and Sunlight Report; Sustainability Assessment and Travel Plan; Financial Viability Assessment and Sustainable Urban Drainage Assessment.
- 1.9. The application site is 1.2ha. An EIA screening opinion has been carried out and no EIA is required for this scheme.
- 1.10. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises land to the rear of the former Birmingham Assay Office, which is a grade II listed building built in 1878 for validating and certifying the quality of jewellery and precious metals products. The Birmingham Assay Office has recently relocated to a new site on Icknield Street.
- 2.2. This site is located within the Jewellery Quarter Conservation Area facing onto Charlotte Street with views of the site from Grade I listed St. Pauls church and square.
- 2.3. The site is adjacent to a former Chapel building to the east which is occupied as 12 independent flats. To the south facing rear of the site is a further residential block at 58 Water Street.

- 2.4. There is a downward sloping gradient to the application site from the back of pavement to the rear of the site adjacent with the 58 Water Street apartments.
- 2.5. The application site car park was previously in use by occupiers of the Assay Office. The car park is presently enclosed by a wall and railings. Charlotte Street is restricted to one-way traffic and there is meter controlled on street parking on both sides of Charlotte Street and New Hall Street.
- 2.6. [Location Plan](#)
3. [Planning History](#)
- 3.1. This application has been submitted in conjunction with an accompanying listed building application 2015/05099/PA, which can be viewed elsewhere on this agenda. Listed building consent is required for the erection of the residential block detailed under this application as the residential block would be physically adjoined to the rear of neighbouring Former Assay Office which is grade II listed.
- 3.2. A full and listed building application for the proposed refurbishment of the adjoining former Birmingham Assay Office to provide office space with external alterations proposed to create a secondary entrance have also been submitted in conjunction with this application under application references 2015/04704/PA (LBC) and 2015/04488/PA (Full). These applications are subject to determination and detailed elsewhere on the agenda.
4. [Consultation/PP Responses](#)
- 4.1. Transportation Development – No objections - The proposal is to develop a residential block with 32 apartments on the car parking area that has previously been linked to the Assay office. There is no condition or agreement for the parking to be provided with the Assay office so it could be removed with no formal requirement. The site will provide 13 parking spaces allocated to apartments with the rest being sold as "car free" units. Given the location adjacent to the City Centre there is no objection to this level of parking provision (equating to 41% provision) as the site is highly accessible and car parking on-street is controlled within a significant distance from the site. The development includes 100% cycle parking provision for the new residential development which meets BCC guidelines and extra spaces are provided in the adjacent office scheme that are shared with this proposal. Servicing would take place from on-street which the existing TRO assists with.
- 4.2. Regulatory Services – No objections subject to conditions to ensure residential amenity.
- 4.3. Leisure Services – Schemes of over 20 residential units should seek a Public Open Space contribution. For a scheme of this scale a contribution of £36,800 should be sought. This would be spent on the provision, improvement and or maintenance of the adjacent public open space at St. Pauls Burial Ground in Ladyward Ward.
- 4.4. Education and School Places – No objections
- 4.5. Lead Local Flood Authority – Awaiting comments, verbal update to be provided at planning committee.

- 4.6. Historic England - We find the proposed new building well-considered, with the potential to enhance the character and appearance of the conservation area. We recommend samples are required by condition for consideration by expert Conservation staff.
- 4.7. Conservation Heritage Panel - The extension compliments the listed building and the architecture proposed is good.
- 4.8. West Midlands Police – No objections. Parking whilst limited appears acceptable given the city centre location. Gates and doors should be automated to prevent tail gating; CCTV is recommended for to cover the site and the development should follow the principles for Secured by Design.
- 4.9. West Midlands Fire Service – No objection.
- 4.10. Severn Trent Water – No objection
- 4.11. Local occupiers, Ward Councillor, Residents Associations and local MP notified. Site and Press Notice displayed. The following comments have been received.

4 objections have been received from local residential occupiers raising the following matters:

Separation distance between The Old Chapel would result in loss in privacy;
Proposed balconies would result in overlooking to both flats at Old Chapel and on Water Street;
Proposal would result in loss of light to flats at Old Chapel and Water Street; and
The overall scale is out of keeping with the Old Chapel.

Jewellery Quarter Development Trust has raised the following comments:

The principle of this application along with the associated applications is strongly supported. The design is considered strong; however there are a number of reservations in relation to both the design interface with the adjoining Chapel and the practical arrangement of the uses/ activities on site.
The conflict with the right to light to the neighbouring building has led to a false facade solution at second floor. Whilst this solution provides continuity and rhythm to the elevation as well as some sense of enclosure to views from St. Pauls, it is considered that this creates an uncomfortable solution to the Charlotte street elevation. Concern is also raised with regard to the prospect of clutter on the terrace at second floor which might undermine the view from the square.
The arrangement for storage and the removal of waste are considered undesirable and impractical.
Concern is expressed with regard to the quality of environment within the lower ground floor duplex apartment.

5. Policy Context

- 5.1. Adopted UDP (2005), Draft Birmingham Development Plan (2010), NPPF, Jewellery Quarter Conservation Area Design Guide (2005), Jewellery Quarter Conservation Area Character Appraisal and Management Plan (2002), Places for Living (2001) and Places for All (2001).

6. Planning Considerations

Principle

- 6.1. The NPPF outlines a presumption in favour of sustainable development and underlines the Government's commitment to securing economic growth and job creation together with high quality design. Paragraph 17 of the NPPF supports sustainable economic development to deliver new homes and encourages the use of brownfield land. Paragraph 19 states that significant weight is placed on economic growth within the planning system, with paragraph 50 highlighting that residential development should reflect local demand and create mixed and balanced communities.
- 6.2. The application site is located in an area designated as 'St. Pauls/ Canal Corridor' in the Jewellery Quarter Conservation Area Character Appraisal and Management Plan (JQCACAMP) where residential and mixed commercial uses are considered acceptable. As such I consider that the board principle of a residential scheme in this location in association with proposals to bring the former Assay Office back into use is acceptable.

Design and Impact on Heritage Assets

- 6.3. Policies 3.8 and 3.14 of the UDP require high quality design which is appropriate to its context. Policy PG3 of the Draft Birmingham Plan states that all new development will be expected to be designed to the highest possible standards, contributing to the a strong sense of place including by reinforcing or creating a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context, including heritage assets and appropriate use of innovative design.
- 6.4. The site lies within the Jewellery Quarter Conservation Area and would be adjoined to the rear of the former Assay Office which is a Grade II listed building. The site is also located within the setting of St. Pauls, a grade I listed building. The NPPF makes specific reference to 'Heritage Assets', which includes conservation areas and listed buildings. Paragraph 129 refers to a need to assess the significance of a proposal on any heritage asset, with paragraph 131 stating that local planning authorities should take into account the desirability of sustaining and enhancing heritage assets and the positive contribution that the new development would make to local character and distinctiveness. Within the adopted UDP policy 3.27 states that development which fails to preserve or enhance the character of the conservation area will be resisted and any new development should respect the character of the existing architecture, in scale, grouping and materials and should generally reflect the character and appearance of the area. Policy 3.25 refers to the setting of listed buildings and states that appropriate control will be exercised over the design of new development in their vicinity.
- 6.5. A Heritage Impact Assessment has been submitted in support of this application which concludes that this proposed residential development would not result in a detrimental change to the character and appearance of the Jewellery Quarter Conservation Area or its heritage significant. My Conservation Officer concurs with this view.
- 6.6. I consider that the proposed scheme would have a positive effect on the character and appearance of the conservation area in comparison to the current gap site formed by the car park. The proposal would help to frame the long vistas towards St. Pauls Square, incorporates appropriate design and seeks to reinstatement the former urban grain with a building erected to back of pavement and removing the

uncharacteristic view of the rear elevation of the former Assay Office.

- 6.7. The existing former Assay Office building is four storeys in height and the Chapel building to the east of the site 2 storeys. This proposal has been designed to consider this change in building heights creating a transition between the two buildings. The importance of the Assay Office building has been recognised with the proposed residential block being designed to sit below the ridge height of the Assay Office, allowing the Assay Office to stand as the most prominent architectural feature at the corner of Charlotte Street and Newhall Street.
- 6.8. The former Assay Office was built and extended over various periods, the original range dating to 1878 fronts Newhall Street and extends down Charlotte Street. This façade has a strong rhythm of three large windows per bay, giving the elevation a strong horizontal emphasis, struck through with vertical pilasters. The new proposed residential block will continue this ordered arrangement, but on an adapted single window bay arrangement. This change in rhythm is typical of individual building phases in the Jewellery Quarter. Generous floor to ceiling heights also characteristic of the area are emphasised within the design. The entrance to the building has been designed to be prominent within the main façade frontage, following the Jewellery Quarter precedence of giving greater importance to entrances.
- 6.9. Concern has been raised by the Jewellery Quarter Conservation Trust regarding the use of the false façade as a building solution to overcome impact of light amenity to the adjoining local occupiers at the Chapel Building. Where the building steps down at the eastern end and forms a floating freestanding wall an empty window is proposed. My Conservation Officer has commented that this is a postmodern technique which deconstructs a traditional architectural arrangement (an example of this can be seen on the Sainsbury Wing of the National Gallery, Trafalgar Square, London) however this arrangement can look accidental rather than intentional. Other buildings in the Jewellery Quarter have framed decorative work, cartouches, heraldry, urns and sculpture in reveals such as blind windows or niches (often reflecting the buildings business or function). This vacant window offers a contemporary opportunity to install such a piece of art work. The applicant has agreed to install a piece of artwork within this empty window; this can be secured by condition. The art work would give identity to the building and formalise this false façade space. In conclusion, I do not consider that this proposal would harm the setting of adjoining or adjacent listed buildings.
- 6.10. In assessing the proposed development of this site, consideration should be given to the impact of building on this land on the viability of brining the former Assay Office back into use. The existing car park site has been used by employees of the Assay Office. The Assay Office has now moved locations and as such the car park is no longer required by staff. An accompanying application has been submitted for the proposed refurbishment of this former Assay Office to bring this into use as office space. Without prejudice to the assessment of this accompanying application, Transportation have considered the impact of no parking provision being provided for the proposed office space and raised no objections given the sustainable location of this site. I am satisfied that the development of this rear car park site would therefore not prejudice the ability of the former Assay Office to be brought back into a viable use in the future.
- 6.11. Paragraph 56 of the NPPF notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. I consider that this proposal would result in a building that has been designed to high standard and responds to its siting. The

building will add to the overall quality of the area establishing a strong sense of place and create an attractive street frontage to Charlotte Street.

Impact on existing amenity

- 6.12. Objection has been raised that this proposal would harm light amenity to existing nearby occupiers both within the old Chapel Building to the east and the residential block to the south of the site.
- 6.13. Places for Living SPG recommends separation distances between existing and proposed buildings in order to ensure outlook, privacy and light amenity to both existing and proposed occupiers. The proposed new building would be erected 7m from the Chapel building at its closet point and where the proposed building would be two storeys in height. The distance increase to 10m then 17m as the building increases in height away from the Chapel Building. The proposed building would be 21m from the rear of the Water Street apartments.
- 6.14. Places for Living SPG recommends 12.5m distance between windowed elevations and opposing 1 and 2 storey flank walls and 15.5m from three storey flank walls. Places for Living SPG further advocate that careful design rather than a blanket application of numerical standards can often address concerns such as privacy and light amenity. The objective behind the standards is what is important rather than the standards themselves. The proposed building would be significantly below the recommended separation distance from the Chapel Building. The layout of the Chapel Building has flats at ground and first floor where the main light source to existing habitable rooms is on the side elevation facing onto the application site.
- 6.15. A daylight and sunlight report has been submitted in support of this application, which has been carried out in accordance with guidance set by the British Research Establishment (BRE). This assessment calculates the level of light loss that would be received to existing habitable rooms in comparison to that following the proposed development. The report has calculated daylight and sunlight loss for both apartments within the old Chapel building and at 58 Water Street, the apartment block to the rear of the site.
- 6.16. This report demonstrates that the old Chapel building receives limited light due to the existing orientation of the flats. Light to flats 2 and 6 of the Chapel building will be reduced by this proposed development but not to a significant level that would warrant the refusal of this application. There will be no appreciable difference of light to the remainder of flats in the old Chapel building or to flats at 58 Water Street. Notwithstanding the limited separation distance between the proposed development and the Chapel building, or the objections received from existing occupiers I am satisfied that on balance the design of this proposed building would ensure that light amenity to existing occupiers is not significantly harmed by this proposed development.
- 6.17. Objection has been raised regarding overlooking and privacy to existing local occupiers. Amended plans have been submitted omitting windows from all but the third floor side elevation and all terrace spaces have been removed from the side elevation. The height and distance of the proposed third floor windows would ensure there is no direct view from these proposed apartments to the neighbouring premises. I am satisfied that these amended details will ensure privacy between the proposed new building and the old Chapel Building.
- 6.18. The separation distance between the proposed building and apartments at 58 Water Street is a minimum of 21m. There is also a landscaped strip proposed to the rear of

this application site that would afford a small level of screening to ground floor units. Given the distances I do not consider that this proposal would result in an unsatisfactory overlooking arrangement that would warrant the refusal of this application.

Proposed residential amenity

- 6.19. Policy 5.20 of the UDP seeks to create good quality living accommodation and Places for Living SPG provides design guidance to assist in achieving good quality residential spaces.
- 6.20. All proposed dwellings would be a reasonable size and include independent living facilities. All proposed bedrooms in the one bedroom unit and some of the first double bedrooms in the two bedroom units would be marginally below guidance space size of 12.6sqm advocated in Places for Living SPG. The shortfall in the worst instance would be 1.2sqm. The submitted plans provide a furniture layout and bedroom furniture can be comfortably provided in all proposed bedrooms. All flats have generous hall space with storage facilities available in spaces other than just the bedrooms. I am satisfied that this proposal would result in apartment layouts that would achieve a good standard of accommodation.
- 6.21. The Jewellery Quarter Development Trust have raised concern over amenity to the proposed duplex apartments at the front of the site. These apartments have been designed with lower ground floor bedroom accommodation with the only means of light being from a light well. The main habitable rooms such a living room and kitchen space will be served by windows at street level. I am satisfied that this arrangement would create a reasonable quality of living space for proposed occupiers.
- 6.22. Ground floor apartments only would be afforded terrace areas creating semi-private amenity space. The remainder of the apartments would have no private amenity space provision. This site falls within an area characterised by high density city living apartments, therefore the lack of amenity space is considered acceptable given the constraints of the site and character of the area. It is also noted that there is open green space opposite this site at St. Pauls Square.
- 6.23. Regulatory Services have raised no objection in principle to this proposal. Sufficient noise insulation could be achieved to proposed flats by the inclusion of appropriate levels of glazing, the details of which could be secured by planning condition.

Planning Obligation

- 6.24. A Financial Viability Assessment has been submitted with this application. This assessment has considered the proposed residential development under this application in conjunction with the costs of refurbishing the adjoining site at the former Assay Office together. The scheme proposed under this application is required in order to enable the refurbishment of the former Assay Office, bringing this prominent Grade II listed building into active use.
- 6.25. The Financial Viability Assessment concludes that due to the high costs associated with the refurbishment works required to bring the former Assay back into use, that there is no scope within this scheme for any planning obligations. The Financial Viability Assessment has been independently and robustly tested and the same conclusion has been reached.
- 6.26. A scheme of this scale would normally seek both an affordable housing contribution and a contribution for public open space in accordance with policies 5.20C and

5.37A-G of the UDP. I consider that the lack of policy compliant obligations can only be justified provided that the works to the former Assay Office to bring this back into use are a) considered acceptable and b) implemented. As such I consider that it is reasonable and necessary to require the satisfactory refurbishment of the former Assay Office by way of a legal agreement under the provisions of this planning application.

Transportation

- 6.27. This proposal seeks to provide 13 parking spaces allocated to apartments with the rest being sold as "car free" units. 100% cycle parking provision is also proposed with cycle parking to be provided within a communal area of the proposed building. Transportation Development have considered this proposal and raised no objections. I concur with this view. The site is located in a sustainable location close to good public transport links and as such I do not consider that this proposal would result in harm to the free or safe movement of transport along the adjoining public highways.
- 6.28. Regulatory Services have requested a planning condition for electric car charging points to be provided. This proposal falls within a medium category air quality impact area and measures such as this along with encouraging sustainable modes of transport seek to improve air quality. I consider that requiring electric car parking provision at this site would harm the overall availability of parking available, but consider that this site is located in a sustainable location and the provision of bicycle storage would encourage the use of alternative modes of transport and thereby seeking to improve air quality.

Other

- 6.29. West Midlands Police have raised no objections to this proposal. The building is to be operated through a buzzer and key system, making access to the building restricted and therefore secure. The vehicle entrance gate will also require a key.
- 6.30. A Sustainable Urban Drainage Assessment has been submitted with this application and has been forwarded to the Lead Local Flood Authority for consideration. At the time of writing this report no comments have received on this assessment. A verbal update on this matter will be provided at planning committee.
- 6.31. The Jewellery Quarter Development Trust have raised concern over the location of the refuse storage. This is to be located at the ground floor level within the building. The location of the refuse storage is accessible to all residents and provides easy access for bin collection. I am satisfied with the location of the refuse store and note that neither Regulatory Services nor Transportation Development have raised no concerns on this matter.

7. Conclusion

- 7.1. This proposal would result in a high quality residential development that would have a positive impact to the character of the Jewellery Quarter Conservation Area and has regard to the important character of adjoining and adjacent listed buildings. Although proposals cause some harm to nearby local occupiers, in terms of a reduction in day light and sunlight, the proposal would enable the refurbishment of the adjoining former Assay Office, on balance this proposal meets with national and local policy and is recommended for approval subject to the imposition of necessary planning conditions.

8. Recommendation

8.1. That consideration of application 2015/04486/PA be deferred pending the completion a Section 106 Agreement planning obligation to secure the following:

- i) A timetable of works in association with an approved listed building consent to bring the former Assay Officer building back into use shall be submitted to and approved in writing by the Local Planning Authority. Works to the former Assay Office shall commence prior to any works on the residential scheme approved under this consent and work to the Assay shall be completed prior to the first occupation of any residential flats approved under this scheme. All works to the former Assay Office are to be carried out in accordance with the agreed timetable.
- ii) A financial contribution of £1,500 for administration and monitoring to be paid upon completion of the legal agreement.

8.2. In the absence of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 16th September, planning permission be refused for the following reason:

- i) In the absence of a legal agreement to secure the refurbishment and bring back into use of the former Assay office, this scheme fails to justify the lack of planning obligations for affordable housing and Public Open Space provision and is therefore contrary to Policies 5.20C and 5.37A-D of the Birmingham Unitary Development.

8.3. That the Director of Legal and Democratic Services be authorised to prepare, complete and seal the appropriate planning obligation via a unilateral undertaking or an 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 the 16th September 2015, favourable consideration be given to this application, subject to the conditions listed below:

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| 1 | Requires the prior submission of sample materials |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the prior submission of a contaminated land verification report |
| 4 | Details of noise insulation |
| 5 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 6 | Requires the provision of cycle parking prior to occupation |
| 7 | Requires the prior submission of hard and/or soft landscape details |
| 8 | Requires the prior submission of boundary treatment details |
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|----|--|
| 9 | Requires the prior submission of details of public art |
| 10 | No railings or boundary treatment is permitted on any roof terrace |
| 11 | No alternative or new openings permitted in the North East facing elevation. |
| 12 | Requires the prior submission of a CCTV scheme |
| 13 | Requires the scheme to be in accordance with the listed approved plans |
| 14 | Limits the approval to 3 years (Full) |
-

Case Officer: Victoria Chadaway

Photo(s)



Fig 1. Street scene view from St. Pauls Square with view of 58 Water Street apartments and rear of Former Assay Office



Fig 2. Neighbouring Chapel Building

Location Plan



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Committee Date:	03/09/2015	Application Number:	2015/05099/PA
Accepted:	18/06/2015	Application Type:	Listed Building
Target Date:	13/08/2015		
Ward:	Ladywood		

Car park to rear of former Assay Office, Charlotte Street, Jewellery Quarter, Birmingham, B3

Listed Building Consent for erection of a 2, 3 and 4 storey building comprising 32 apartments (14 x 2-bed and 18 x 1-bed) and demolition of boundary wall

Applicant:	Assay Birmingham Ltd
	c/o Agent
Agent:	PJ Planning
	Regent House, 156-7 Lower High Street, Stourbridge, West Midlands, DY8 1TS

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Listed building consent is sought for the demolition of existing wall and railings and the erection of a new residential block comprising 32 apartments adjoined to the rear of the grade II listed Birmingham Assay Office building.
- 1.2. This proposal is for a contemporary residential block to be constructed in red brick with vertical reveals set within the building. Metalwork is proposed to be used on the windows, railings, gates and at the main entrance door. The detailing of the metalwork is intended to reflect the metal manufacturing process that the Jewellery Quarter is famous for.
- 1.3. The proposed residential block would be of a staggered height with 2, 3 and 4 storeys incorporated into the design forming a transition between the Old Chapel building to the east of the site and the former Assay Office building to the west of the site. The building design incorporates a false façade at the eastern end of the proposed building giving the appearance of three stories to aid the visual appearance of the building as viewed from St. Pauls Square.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises land to the rear of the former Birmingham Assay Office, which is a grade II listed building built in 1878 for validating and certifying the quality of jewellery and precious metals products. The Birmingham Assay Office has

recently relocated to a new site on Icknield Street.

- 2.2. This site is located within the Jewellery Quarter Conservation Area facing onto Charlotte Street with views of the site from Grade I listed St. Pauls church and square.
- 2.3. The site is adjacent to a former Chapel building to the east which is occupied as 12 independent flats. To the south facing rear of the site is a further residential block at 58 Water Street.
- 2.4. The application site has been in use by occupiers of the Assay Office as a car park. The car park is presently enclosed by a wall and railings at the back of pavement with Charlotte Street.

[Location plan](#)

3. Planning History

- 3.1. This application has been submitted in conjunction with an accompanying full planning application under reference 2015/04486/PA for the erection of 2,3 and 4 storey building comprising 32 apartments (14x2-bed and 18x 1-bed) and the demolition of a boundary wall. This accompanying application can be viewed elsewhere on this agenda.
- 3.2. A full and listed building application for the proposed refurbishment of the adjoining former Birmingham Assay Office to provide office space with external alterations proposed to create a secondary entrance have also been submitted in conjunction with this application under application references 2015/04704/PA (LBC) and 2015/04488/PA (Full). These applications are subject to determination and detailed elsewhere on the agenda.

4. Consultation/PP Responses

- 4.1. Historic England - The proposal is to demolish the side boundary wall onto Charlotte Street and to construct an apartment building on the car park to the rear of the Assay Office with new frontage onto Charlotte Street. We do not object to the demolition of the boundary wall onto Charlotte Street and we find the proposed new building well-considered, with the potential to enhance the character and appearance of the conservation area. We recommend you approve matters of materials - particularly the brickwork of the elevations, the coping to the elevations and the metal of the ground floor enclosures and high level balustrading - through samples to your expert conservation staff.
- 4.2. Conservation Heritage Panel - The extension compliments the listed building and the architecture proposed is good.
- 4.3. Local Councillors, Local MP and Jewellery Quarter Development Trust Notified. Site and Press Notice displayed. The following comments have been received from the Jewellery Quarter Development Trust:

The principle of this application along with the associated applications is strongly supported. The design is considered strong; however there are a number of reservations in relation to both the design interface with the adjoining Chapel and the practical arrangement of the uses/ activities on site.

The conflict with the right to light to the neighbouring building has led to a false facade solution at second floor. Whilst this solution provides continuity and rhythm to the elevation as well as some sense of enclosure to views from St. Pauls, it is considered that this creates an uncomfortable solution to the Charlotte street elevation. Concern is also raised with regard to the prospect of clutter on the terrace at second floor which might undermine the view from the square.

5. Policy Context

- 5.1. Adopted UDP (2005), Draft Birmingham Development Plan, NPPF, Jewellery Quarter Conservation Area Design Guide (2005), Jewellery Quarter Conservation Area Character Appraisal and Management Plan (2002), Places for Living (2001) and Places for All (2001).

6. Planning Considerations

- 6.1. This proposal seeks consent for the erection of a residential block that would be adjoined to the rear of the former Assay Office which is a Grade II listed building. The site is also located within the setting of St. Pauls, a grade I listed building.
- 6.2. The NPPF makes specific reference to 'Heritage Assets', which includes conservation areas and listed buildings. Paragraph 129 refers to a need to assess the significance of a proposal on any heritage asset, with paragraph 131 stating that local planning authorities should take into account the desirability of sustaining and enhancing heritage assets and the positive contribution that the new development would make to local character and distinctiveness. Within the adopted UDP policy 3.27 states that development which fails to preserve or enhance the character of the conservation area will be resisted and any new development should respect the character of the existing architecture, in scale, grouping and materials and should generally reflect the character and appearance of the area. Policy 3.25 refers to the setting of listed buildings and states that appropriate control will be exercised over the design of new development in their vicinity.
- 6.3. A Heritage Impact Assessment has been submitted in support of this application which concludes that this proposed residential development would not result in a detrimental change to the character and appearance of the Jewellery Quarter Conservation Area or the heritage significance of the grade II listed former Assay Office. My Conservation Officer concurs with this view.
- 6.4. The former Assay Office was built and extended over various periods, the original range dating to 1878 fronts Newhall Street and extends down Charlotte Street. This façade has a strong rhythm of three large windows per bay, giving the elevation a strong horizontal emphasis, struck through with vertical pilasters. The new proposed residential block will continue this ordered arrangement, but on an adapted single window bay arrangement. This change in rhythm is typical of individual building phases in the Jewellery Quarter.
- 6.5. The existing former Assay Office building is four storeys in height and the neighbouring Chapel building is 2 stories in height. This proposal has been designed to consider this change in building heights through the street scheme and seeks to create a transition between the two buildings. The importance of the Assay Office building has been recognised with the proposed residential block being designed to sit below the ridge height of the Assay Office, allowing the Assay Office to stand as

the most prominent architectural feature at the corner of Charlotte Street and Newhall Street.

- 6.6. The proposed scheme would have a positive effect on the character and appearance of the conservation area in comparison to the current gap site formed by the car park. The proposal would help to frame the long vistas towards St. Pauls Square, incorporates appropriate design and seeks to reinstate the former urban grain with a building erected to back of pavement and removing the uncharacteristic view of the rear elevation of the former Assay Office.
- 6.7. Concern has been raised by the Jewellery Quarter Conservation Trust regarding the use of the false façade as a building solution to overcome impact of light amenity to the adjoining local occupiers at the Chapel Building. Where the building steps down at the eastern end and forms a floating freestanding wall an empty window is proposed. My Conservation Officer has commented that this is a postmodern technique which deconstructs a traditional architectural arrangement (an example of this can be seen on the Sainsbury Wing of the National Gallery, Trafalgar Square, London) however this arrangement can look accidental rather than intentional. Other buildings in the Jewellery Quarter have framed decorative work, cartouches, heraldry, urns and sculpture in reveals such as blind windows or niches (often reflecting the buildings business or function). This vacant window offers a contemporary opportunity to install such a piece of art work. The applicant has agreed to install a piece of artwork within this empty window; this can be secured by condition. The art work would give identity to the building and formalise this false façade space.

7. Conclusion

- 7.1. The proposed works would not harm the character or quality of the grade II listed Assay Office. This proposal therefore meets with policies 3.8, 3.10, 3.25 of the UDP and the NPPF.

8. Recommendation

- 8.1. Approve subject to the following conditions:

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|---|--|
| 1 | Requires the prior submission of sample materials |
| 2 | Requires the prior submission of sample walling/brickwork |
| 3 | Requires the prior submission of window details |
| 4 | Requires the prior submission of details of rainwater goods |
| 5 | Requires the prior submission of new railings, gates, gate posts/piers |
| 6 | Requires the scheme to be in accordance with the listed approved plans |
| 7 | Limits the approval to 3 years (conservation/listed buildings consent) |
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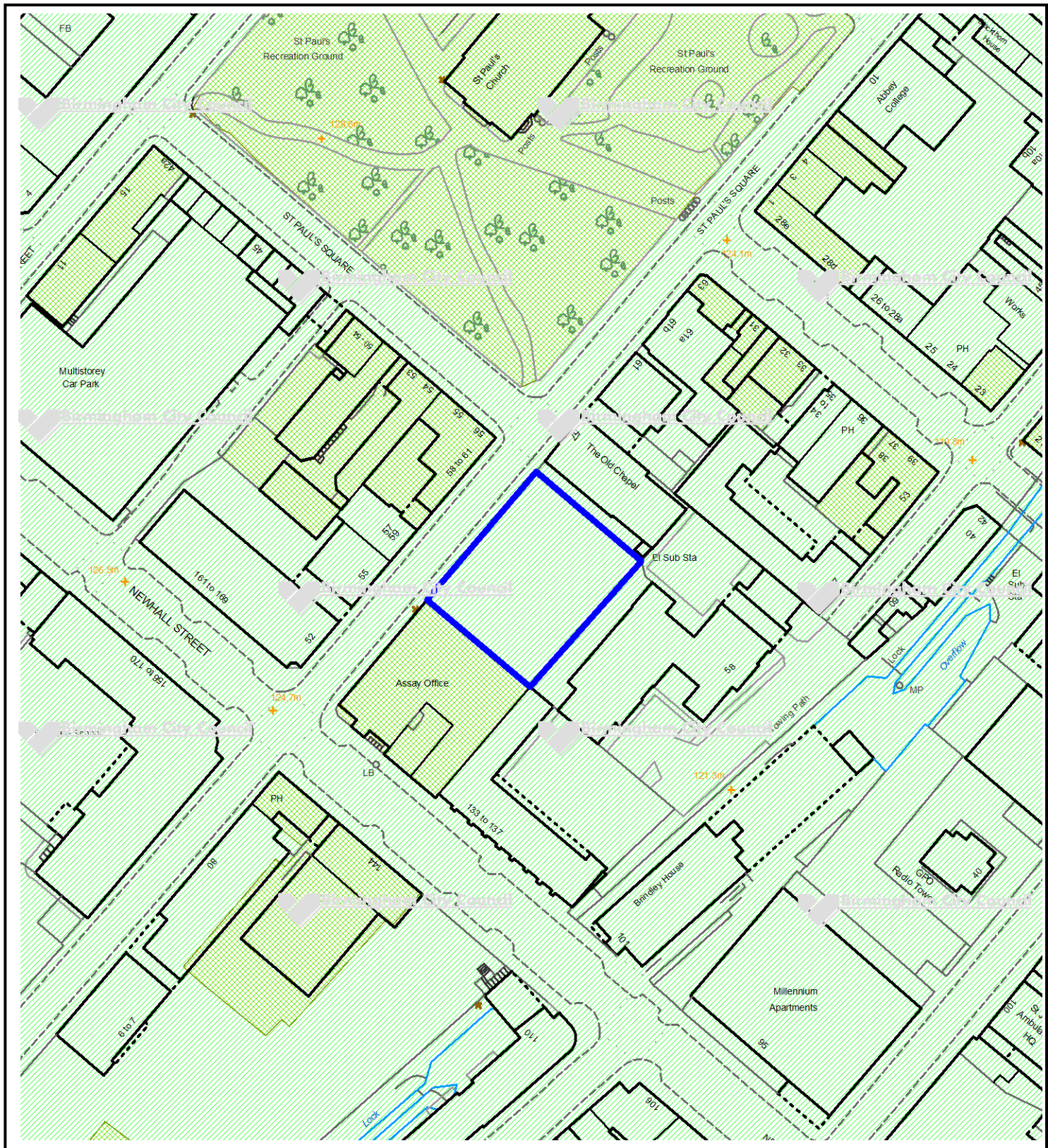
Case Officer: Victoria Chadaway

Photo(s)



Fig 1. Street view of site

Location Plan



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