

Birmingham City Council

Planning Committee

31 August 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Refuse	8	<p>2017/02724/PA</p> <p>Former North Worcestershire Golf Club Land off Frankley Beeches Road/Hanging Lane/Elan Road/Josiah Road/Tessall Lane Northfield Birmingham B31 5LP</p> <p>Outline planning application with all matters reserved except access for the demolition of the club house and the development of up to 950 dwellings, public open space, primary school, multi use community hub, new access points and associated infrastructure</p>
Approve - Conditions	9	<p>2017/05633/PA</p> <p>Austin Avenue Land At Longbridge Birmingham B31 2UQ</p> <p>Site preparation and construction of premises for cinema (Use Class D2), gym (Use Class D2), and food and beverage activities (Use Classes A3/A4/A5), landscaping , access and associated works</p>

Approve - Conditions	10	<p>2017/04158/PA</p> <p>Clarendon Suites 2 Stirling Road Edgbaston Birmingham B16 9SB</p> <p>Detailed planning application for demolition of existing building and erection of care village (Use Class C2) comprising 52-bed care home, 51 assisted living units, 103 care apartments and associated communal facilities for senior citizens, including car parking, access (principally from Stirling Road), landscaping and associated engineering works; Revision to approved scheme 2016/01997/PA</p>
Approve - Conditions	11	<p>2017/03757/PA</p> <p>4 Oakland Road Moseley Birmingham B13 9DN</p> <p>Demolition of former Oaklands Nursing Home buildings and erection of 11 no. dwelling houses with associated car parking, landscaping and new access</p>
Approve - Conditions	12	<p>2017/05156/PA</p> <p>335 Fordhouse Lane Stirchley Birmingham B30 3AA</p> <p>Erection of 1 dwelling house</p>

Committee Date:	31/08/2017	Application Number:	2017/02724/PA
Accepted:	24/03/2017	Application Type:	Outline
Target Date:	31/08/2017		
Ward:	Longbridge		

Former North Worcestershire Golf Club, Land off Frankley Beeches Road/Hanging Lane/Elan Road/Josiah Road/Tessall Lane, Northfield, Birmingham, B31 5LP

Outline planning application with all matters reserved except access for the demolition of the club house and the development of up to 950 dwellings, public open space, primary school, multi use community hub, new access points and associated infrastructure

Applicant:	Bloor Homes Western c/o Agent
Agent:	Harris Lamb 75-76 Francis Road, Edgbaston, Birmingham, B16 8SP

Recommendation

Refuse

1. Proposal

- 1.1. This application seeks Outline planning permission for the demolition of the club house and the development of up to 950 dwellings, public open space, primary school, multi use community hub, new access points and associated infrastructure. All matters are reserved except access.
- 1.2. The indicative master-plan shows how the residential areas and other land uses would be arranged on the 32.35ha site. In summary this shows the following;
 - Development sites, of around 19.4ha, providing land for up to 950 dwellings (49 dwellings per hectare)
 - Public Open Space of 10.95ha (including an ecology park and green corridors linking through the site and around the periphery). The Ecology Park, would include new wetland areas, species rich grassland, woodland and informal recreation space.
 - A one form primary school (on 2ha of land)
 - A Community Hub building (1,000sqms on part of the 2ha of land occupied by the school) that would provide flexible space with the potential for a church, meeting rooms and GP surgery.
- 1.3. Vehicle and pedestrian access is shown from;
 - Frankley Beeches Road/Egghill Lane roundabout,
 - Frankley Beeches Road (adjacent to Guardian Close), and
 - Tessall Lane.

- Separate access to the Community Hub and School from Frankley Beeches Road.

- 1.4. The master-plan shows connected green corridors linking the ecology Park (in the north) through the site to the south with linear green corridors centred around key woodland areas, both through the site and onto the perimeter. The indicative road system shows two loop roads, some road hierarchy with small connecting roads linking through the estates. The layout shows how a perimeter block housing layout could be accommodated within the indicative road system.



Fig 1 Proposed indicative master-plan

- 1.5. The application has been accompanied with a Transport Assessment, Planning Obligation and Affordable Housing Statement, Open Space Assessment Statement of Community Involvement, Site Investigation, Design and Access Statement, Arboricultural Survey, Flood Risk Assessment and Environmental Impact Assessment (Environmental Statement). The Environmental Statement includes assessments of landscape and visual impact, historic, ecology, air quality, noise and vibration, socio-economics, ground conditions, water environment, waste, transportation and site construction.
- 1.6. The Statement of Community Involvement explains that consultation events undertaken for the previous, withdrawn application were in the form of three public events were held at the Hollymoor Community Centre (10/7/14, 12/7/14, 28/1/16). Further consultation was undertaken in advance of the submission of this new application in the form of a new consultation event 16th March 2017, and was advertised via the Birmingham Post and a 5,500 leaflet drop. Approximately 200 people attended and 101 left questionnaires, 42% of respondents said that they

considered that the amended scheme was an improvement, 52% did not consider it an improvement and 6% didn't know.

1.7. The applicants have offered the following heads of terms;

- 35% affordable housing
- A One Form Entry Primary School on site, within 2ha of land (the construction valued at around £4.5M)
- An off-site Primary School contribution (approximately £1M)
- Secondary School contribution (approximately £3,188,857)
- An on-site Community Hub (valued at around £1M – £1.2M).
- 10.95ha of public open space including children's play equipment
- £2,910,000 sports improvement fund including two off-site 3G pitches
- Highway Improvements (off-site) in numerous locations including;
 - New signalised pedestrian crossings at the Frankley Beeches Road/Hanging Lane crossroads,
 - A new 2m wide footway Frankley Beeches Road along the site frontage,
 - A pelican crossing on Frankley Beeches Road near the new school,
 - a central refuge to the west of Guardian Close,
 - A footway/cycle link into the site onto Elan Road,
 - A 2m wide footway along Elan Road,
 - A pedestrian link onto Hanging Lane and central refuge,
 - Improved signage at the West Park Avenue/ Hanging Lane junction to further discourage the use of Hanging Lane by HGVs,
 - a third lane would be provided on the A38/ Tessall Lane junction to accommodate right turning movements onto Bristol Road South.

1.8. The site area is 32.35ha, the development zones amount to 19.4ha, and therefore the proposed density of housing would be up to 49 dwellings per hectare (dph).

1.9. A telecommunications mast is located within the site, adjacent to Frankley Beeches Road and the junction with Egghill Lane. The applicant has confirmed that this is operated by EE and is subject to a lease with 10 years to expire.

1.10. This application has been made following the withdrawal of a similar, previous scheme, for up to 1,000 dwellings. The key differences are;

- Reduction of maximum number of dwellings from 1,000 to 950
- Reduction in the development zones from 20ha to 19.4ha
- Increase of Public Open Space land from 9.73ha to 10.95ha (1.22ha more)
- Removal of the proposed on site 3G pitch
- Increase in Primary School offer to expand the offer from just the land for a 2FE Primary School to now include the land and building of a 1FE Primary school on 2ha of the site (with expansion capability).

1.11. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The North Worcestershire Golf Course is located in the south of the City within the Longbridge Ward. The Golf Club closed on 31st March 2016 and the site is now closed.
- 2.2. The 32.35ha site is bounded by Frankley Beeches Road, Hanging Lane, Elan Road, Josiah Road and Tessall Lane. The clubhouse, located in the northeast corner of the site, is accessed from Hanging Lane, 10m from the junction with Frankley Beeches Road. Most of the site is adjacent to roads, by exception residential properties of Guardian Close (to the north), Josiah Road (east) and parts of Tessell Lane (south) and Hanging Lane (east) have rear gardens that are adjacent to the boundary of the site. Those in Hanging Lane have a rear access that provides access to both the houses and a storage yard to the golf course. The site is located within an established residential area.
- 2.3. Bus services run adjacent to the north (Frankley Beeches Road) and west (Elan Road/Tessall Lane) boundaries of the site and include the no.s 18, 18A, 29, 29A, 39H, 49, 878 and 61, several of these travel into the City Centre. Northfield Station is 1.5kms to the northeast and Longbridge Station 1km to the southeast.
- 2.4. In terms of local amenities, there is the Northfield District Centre (780m to the northeast), Great Park; retail and leisure (1.5kms to the southwest) and, Longbridge District Centre (1kms to the southeast). Also more locally there is a parade of shops to the immediate west (including Tesco Express, day nursery and takeaway). In terms of formal parks, Cofton Park is located 1.5kms to the south, Senneleys Park 3.4kms to the north, and Victoria Common (Northfield Park) 1.5kms to the northeast, there are other numerous small pockets of open space around and nearer to the site.
- 2.5. In terms of schools, there are number of primary schools within 0.5km of the site, including Merrits Brook, St Brigids RC, Forrestdale, and the Meadows. In terms of secondary schools, the nearest is Balaam Wood (1.6kms west), Turves Green Boys (1.5kms southeast), Turves Green Girls' (1.6kms southeast), St Lawrence Church (1.5kms northeast), Bellfield (1km northeast) and Colmers (1.2kms south). These are, however, full to capacity.
- 2.6. The site consists of large woodland areas within landscaped grounds. Several watercourses run through the site, including the Hanging Brook which surfaces within the centre of the site and flows eastwards. This watercourse joins the River Rea, 1km to the east.
- 2.7. In terms of levels the site slopes from 205m above ordnance datum (above ordnance datum- AOD) in the southern part of the site, to its lowest point (177 AOD) in the centre and eastern area of the site, and rises back up to the north to a final height of 197m AOD on the northern boundary. The opposing east to west contour, slopes down from 200 AOD (on the west boundary) down to 180 AOD on the east boundary.
3. Planning History
- 3.1. 2016/02717/PA Outline planning permission for development of up to 1,000 dwellings, public open space, primary school, multi-use community hub, new access points, the demolition of club house and associated infrastructure. All matters are reserved apart from access. WITHDRAWN from committee agenda papers 2nd March 2017.

4. Consultation/PP Responses

4.1. Consultation Responses

- 4.2. Transportation: No objection, subject to wider package of measures. Highways scoping was undertaken with BCC officers to agree the parameters and content of the Transport Assessment (included submission of two technical notes). The TA demonstrates that the site is well located in terms of sustainable accessibility and that additional opportunities for enhancing connectivity between the proposed development and the local area by sustainable modes has been identified within this submission.

Assessment of development traffic on the local road network has been undertaken, the results of which have assisted with identification of reasoned off-site measures and mitigation packages. A Travel Plan has also been prepared.

The technical submission demonstrates that with the package of mitigation measures identified within the TA; off-site network mitigation, improvements to public transport infrastructure, financial contributions (safer routes to school etc.) the proposed development would not result in material adverse impact on the safety or operation of the local highway network – all to be secured by appropriate legal agreement(s) and obligations. Further details of the potential construction phasing will need to be agreed in order to clarify appropriate trigger(s) for delivery of the identified developer funded mitigation package, including phased construction management plans.

Noting the content of the recently submitted “Response to Third Party Highways Comments”, independent Stage 1 Road Safety Audits for each of the proposed development access locations (based on the submitted preliminary design site access layouts) have been commissioned.

- 4.3. Regulatory Services – a Damage costs calculation is required to include the demolition / construction phase with a view to compensation for air quality impacts (in line with Defra IGCB calculation). The calculation should be submitted prior to a decision in order that the LPA may best enable allocation of the damage cost funds and inclusion in an approval (for incorporation into s106 agreement).
- 4.4. Notwithstanding the above, it raises no objection subject to conditions to secure;
- Non- Residential component; Noise levels for plant and machinery, Extract and Odour control details, Refuse storage, Lighting, Hours of Operation (for the community hub), 10% of shared parking spaces to have electric vehicle charging points, all commercial vehicles operated by the occupier of the development shall comply with Euro emission standards.
 - Residential component: provision of a charging point for electric vehicles for each house with dedicated parking, a scheme of noise insulation for glazing.
 - Entire site: Contamination survey and Contamination verification report.
- 4.5. Leisure Services – Object to the principle of the loss of open space, although the developer has demonstrated that there is adequate publicly accessible open space and parkland within local parks (using the policy standard of 2ha per 1000 population) and within the proposed development.

- The development would generate a public open space (POS) policy requirement of 4.75ha. This would be more than achieved as part of the on-site contribution of 10.95ha. However, the proposed zonal arrangement of POS should include additional recreational facilities, such as outdoor gym equipment and space for passive recreation. The 30m buffer between the development zones should be wider (50m) and break into the blocks through small overlooked areas of green open space and more significant avenue planting to soften the street scene. The design of the open space must be by an approved landscape architecture consultant from the City Council's approved list and the construction works undertaken by an approved Landscape Construction Contractor supplier from the City Council's approved list. The developer would also be required to pay a Landscape Clerk of Works supervision fee of up to £15,000 to cover the costs to the City Council for supervision and inspection of the works.
 - The loss of private open space to development would be 19.40 Ha. This would generate (using the figure of £15.00/m²) a compensation sum of £2,910,000 for sports, recreation and community facilities which would be directed towards the provision and maintenance of sports, recreation and/or community facilities in a location to be in line with the emerging Birmingham Playing Pitch Strategy.
- 4.6. Sport England - It has been in dialogue with the applicant since 2014. England Golf and ourselves are satisfied that the applicant has proven that the submission justifies the loss of the golf course. However we did say that we would expect a suitable contribution from the sale of the land to be invested in a local golf course where the remaining membership would relocate to. During the previous application, the applicant met with the Football Association, Birmingham County FA and Sport England to discuss the application and a suitable mitigation package which Sport England could support. Ongoing dialogue through the life of the previous application resulted in the offer of £3,093,000 contribution towards an off-site development of 2 no 3G Artificial Grass Pitches (AGPs) and associated facilities, car parking and changing. This figure has been reduced to £2,910,000 for the offsite sports contribution, due to the reduction in the amount of housing. Sport England and the FA fully support the approach the developer is proposing. This proposal for the 3G AGPs and associated facilities is in line with the emerging Birmingham Playing Pitch Strategy which is due to be adopted in June 2017. This being the case, Sport England offers its support for this application subject to the proposed Section 106 agreement being signed.
- 4.7. Education – No objection, the scheme generates a requirement for a Primary School of 1.33FE (Form Entry). It is therefore clear that the offered one form entry (1FE) primary school would meet most but not all demand. The remaining 0.33FE can be provided by extending a local primary school. The offered secondary school sum should be directed towards Colmers Secondary School, which is currently a 7FE and could be expanded to an 8FE.
- 4.8. West Midlands Police – The proposed development would be in a location where anti-social behaviour is high. Between October 2016 and February 2017 there were 237 incidents reported to the police this includes off road biker/scrambler users. Between October 2016 and February 2017 there have also been 74 reported burglaries within the Neighbourhood Policing Unit (slightly larger than the constituency). It has the following comments about any detailed layout;

- provision must be made for the dropping off and collecting of school children during term-time, all boundary fencing at the rear of a property that borders public open space should be 2.1 metres in height (best option being 1.8 metres plus trellis),
 - fences (not more than one metre in height) along with defensive planting, should be used, to allow natural surveillance from the houses opposite and passers-by, whilst also determining boundaries/private areas,
 - access onto the proposed paths are controlled with the introduction of 'kissing gates' and metal trip-rails to deter unwanted off road scrambler bikes.
 - car ports and under-croft parking, should be discouraged and if they cannot be avoided should be gated, and
 - the scheme should be developed to enhanced security standards produced by Police Crime Reduction initiative 'Secured by Design'.
- 4.9. The Environment Agency - Objects to the proposed development, on the grounds that whilst the site seems to have a 'low' probability of flooding their flood maps do not show the risk of flooding from minor watercourses with a catchment area of less than 3km². The true extent of flooding on site is therefore unknown. The submitted Flood Risk Assessment (FRA) flood model (including the technical report and model log) should be submitted to the Environment Agency for review. The applicant should also confirm that the 1 in 20 year flood extents have been determined (reference is only made in the FRA to the 1 in 30 year event) and that the latest climate change allowances have been used.
- 4.10. If the objection can be overcome the proposed development should be redesigned to provide an opportunity to return the watercourse to a natural channel e.g. remove culvert and pipes, re-profile banks, introduce gravel substrate, and enhance marginal vegetation. As well as meeting the requirements of the river basin management plan, this would also be a clear, tangible and significant environmental gain in terms of the character of the area and nature conservation. We would expect such measures to be delivered to mitigate for the loss of 160m of watercourse which is required to facilitate this development. Further details should be provided at the Reserved Matters stage. Also, conditions would be required to secure; a scheme for the provision and management of an 8 metre wide buffer zone alongside the watercourse, a landscape management plan, and a contamination remediation strategy.
- 4.11. Lead Local Flood Authority - the LLFA are content with the current proposals and also accept the principles of the Flood Risk Assessment. Conditions are required to address: Infiltration testing; final drainage layout plans; typical cross-sections and details of proposed Sustainable Drainage Strategy features; network calculations; proposed finished floor levels exceedance flows calculations; operation and maintenance details of party responsible for the drainage, including site-specific specifications for inspection and maintenance actions.
- 4.12. Severn Trent – No objection subject to the addition of a drainage condition.
- 4.13. Centro – no response received.
- 4.14. West Midlands Fire Service – No response received, comments made on previous application were; *"No objection providing sufficient water supplies are available for fire-fighting action"*.
- 4.15. West Midlands Ambulance Service – no response received.

- 4.16. National Grid - No response received, comments made on previous application were; *"The proposal is in the vicinity of National Grid's High Pressure Gas Pipelines and require an agreed safe method of work to ensure the integrity of the pipeline"*.
- 4.17. Natural England - No response received, comments made on previous application were; *"No objection"*
- 4.18. Wildlife Trust – No response received, comments made on previous application were; object for the following reasons;
- The site contributes a significant amount of natural capital to this south west corner of Birmingham. The scale of this development will result in a significant loss of this capital and a decrease in the value of the capital that remains and a decrease in the benefits that it provides in south west Birmingham.
 - The site lies within the Birmingham & Black Country Nature Improvement Area, designated in 2012. The application appears to fail to acknowledge this important status. This should be rectified.
 - The development would have significant negative impacts on biodiversity
 - The Environmental Statement identifies this site as a Potential Site of Importance for ecology. It is crucial that the site's ecological and geological importance is properly and fully evaluated as part of the work preparing the Environmental Statement. In carrying out this evaluation, it is critical that the methodology used is that provided and used by the Birmingham & Black Country Local Sites Partnership. There is a need to know the value of the site's ecological habitats and features and geological interest, and to understand the total impact of the development on the site's ecological value.
 - Further ecological survey and assessment should be carried out.
 - The impact of development on the retained open space, habitats, features and protected and key species is underestimated and underplayed.
 - The proposed mitigation of these impacts is uncertain, there is no confirmed detail about mitigation.
 - The Trust recommends that this application is refused according with the City Council's planning policy.
- 4.19. PP Responses
- 4.20. Residents, Commercial occupiers, Resident Associations, Councillors (Longbridge, Weoley and Northfield Wards) and MP consulted. Site Notices erected and Press Notice made (identifying the scheme as a Departure and being subject to an Environmental Statement). Site Notices were erected at 7 locations around the site (being Frankley Beeches Road, Hanging lane x 2, Josiah Road, Tessel Lane x 2, and Elan Road).
- 4.21. Public Participation
- 4.22. Richard Burden MP considers that there is still considerable opposition to the current planning application. He also considers that the reasons why the City

Council's Plan opposes development remain valid, as are those that the Planning Inspector gave for upholding that part of the Plan.

- 4.23. Councillor Ian Cruise objects on the basis that the application fails to mitigate previous concerns regarding the increase of traffic from 950 properties. There are no proposals to improve key local road junctions, the Sustainable Drainage Systems would not mitigate the potential of flood damage to the homes located on Josiah Road, the new school and leisure facility would increase traffic on Hanging Lane without any mitigation, new residential development in the area has not been taken into account, and the proposal is contrary to Birmingham Development Plan.
- 4.24. Councillor Andrew Cartwright objects. This part of the Longbridge Ward is already heavily congested and the site has never been part of the wider Longbridge major redevelopment plan. As such the new road layouts would not cope with more homes being built here. At present funding is being found to support the residents living close to The Meadows Primary School due to parking and traffic congestion. Environmental issues would increase as well as air pollution due to traffic congestion and the impact on the wildlife. This site is not appropriate for homes it will leave the community in mayhem causing a negative impact on those that have chosen to live in this part of the area which will impact on their health and well-being. The increase on infrastructure and services would put significant strain on the local area. The site could contribute towards employment use.
- 4.25. Councillor Randall Brew objects. He recognises that the land is very unlikely to be used again as golf course and that an increasing number of residents are of a similar view and recognise that some housing is part of the solution. However, he is concerned about the proposed density, and would prefer to see 500-600 dwellings. He considers that the proposed school would have an access in a dangerous location and the access from Frankley Beeches Road would be dangerous due to sight lines and traffic flows.
- 4.26. New Frankley in Birmingham Parish Council - has concerns with respect to the increase in traffic which it is considered will arise in the area surrounding the development if approval is granted. Additionally, together with the development scheduled for Longbridge, it was felt that the two developments would have an adverse effect on the movement of traffic in the Northfield/Longbridge area and increase traffic congestion in the area around the A38.
- 4.27. 136 letters of objection, a petition of objection with 546 names (submitted prior to the making of the first application) and 6 letters of support have been received.
- 4.28. The 136 letters of objection raise the following points;
- *"The land has long since been a leisure facility and the council should not be encouraging these facilities to be taken away never to return. There needs to be a far more persuasive argument to get rid of the golf course than has been presented. There are many potential buyers who have not been given the opportunity to bid for the land. Ideally of course this would be someone who wished it to remain as a golf course. The site should be changed into a park. The site is not allocated for residential development in the Development Plan, the proposal would result in the loss of open space, contrary to local and national policy".*
 - *"The area is overdeveloped further development would put further pressure on the area. The area around Longbridge on the former Rover site has undergone*

significant development and house building in the last 10 years and there is still a large amount continuing to be built. Over the past few years 4000 new homes have been built in the local area (including Ley Hill, Balaam Wood and Longbridge)”

- *“The proposed density is too great”.*
- *“At the applicant’s consultation event none of the residents’ concerns were taken into account, the applicants did not record any contrary views. The questionnaire was biased towards being pro-development.”*
- *“Impact on infrastructure, the proposed school would not be sufficient as local schools are over-subscribed already with the increased housing being offered locally. New developments should provide additional healthcare facilities such as a doctors surgery and dental facilities because the current services are struggling to cope with additional demands”*
- *“Loss of wildlife/green space, It is shameful that such beautiful natural space be spoilt for the existing wildlife and that a leisure visitor centre could not have been considered. The wildlife/trees and green space would be severely affected. Great Crested Newts have been seen on the golf course”*
- *“Highway impacts;*
 - *the submission fails to analyse the dual carriageway (A38 Northbound) just after the junction.*
 - *In reality this is a single carriageway due to cars parked on the road outside the shops and a bus stop with no layby. The increased traffic will surely exacerbate the situation.*
 - *The entrance/exit on Tessall lane would create a hazard to oncoming traffic and the speed of traffic as it approaches the brow of the hill by Farren road which will create accidents with vehicles.*
 - *A local ambulance station would have its routes compromised by additional traffic*
 - *roads are heavily congested due to the Meadows School being expanded and increased traffic. The new school would lead to inconsiderate parking around the school entrance on the main road”*
- *“Drainage/Flooding, if the golf course were to be developed there would be an increase the risk of flooding affecting Josiah Road. The site is a flood plain. There would be an increase in flash flooding due to the loss of the natural soak-away. The water and drainage would lead to pollution of River Rea”.*
- *“Construction disturbance over 10 years”*
- *“Noise and air pollution”*
- *“Crime levels will rise”*
- *“Loss of view and overlooking”*

4.29. The 6 letters of support raise the following points;

- *“The extra open space is a bonus and will allow the local community to access the site which they cannot at present. The saving of open space looks great and would benefit the young families that need these homes.”*
- *“The new plans showing a school and community hub are good for the local community. The houses including a significant number of affordable housing are much needed. This would also bring much needed footfall to Northfield town centre and the new shopping centre at Longbridge.”*
- *“If this scheme is not supported Bloor Homes will walk away we will then be left with a wasted space which eventually another developer will pick up on and we will have little input on its construction and BCC will be under pressure due to future housing need numbers”.*

5. Policy Context

- 5.1. Birmingham Development Plan (2017); Unitary Development Plan (saved Policies) 2005; Places for Living (2001) SPG; Public Open Space in New Residential Development (2006) SPD; Car Parking Guidelines (2012) SPD, Affordable Housing (2001) SPG, Mature Suburbs (2008) SPD.
- 5.2. Draft Playing Pitch Strategy (2017).
- 5.3. NPPF (2012), NPPG (2014), Playing Pitch Strategy Guidance – Sport England (2013)
- 5.4. A TPO has also been made on the site itself (reference TPO1574)

6. PLANNING CONSIDERATIONS

- 6.1. The proposal raises three key policy issues in regard to the principle of redevelopment for residential use;
 - conformity with the development plan,
 - the loss of the private open space and,
 - Sustainable development
- 6.2. Otherwise, there are a range of issues to address, including ecology, site layout, master plan design principles, residential amenity, drainage, trees, planning obligations, and transportation matters.
- 6.3. Paragraph 14, of the National Planning Policy Framework (NPPF), states that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless *“any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or specific policies in this Framework indicate development should be restricted”*. The application site is not identified in the Birmingham Development Plan as an ‘allocated’ site.

- 6.4. Paragraph 2, of the NPPF, states that “Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.

6.5. Principle – conformity with the development plan

- 6.6. The Birmingham Development Plan (BDP) was adopted in January 2017. Prior to adoption, North Worcestershire Golf Club was put forward by the landowners as a site for new housing, this submission was considered by the Planning Inspector during the BDP Examination in Public in 2014. The Inspector’s Report (March 2016) considered the site and stated that it was a sustainable location outside the Green Belt in the south of the city and could potentially accommodate around 800 dwellings. He also remarked that there is no public access to the course, and it is likely that provision of open space as part of any development, could compensate for the loss of public views from the site perimeter. However, he concluded that as there had been no detailed analysis of the impact of the extra traffic on the local highway network or on local residential amenity, the site’s allocation for development “would not be justified”.
- 6.7. Having specifically and so recently declined to allocate the site for new housing, and with a city-wide five-year housing supply confirmed by the Inspector, the current application to develop the site for housing is contrary to the BDP and so is objectionable in principle.

6.8. Principle – loss of private open space

- 6.9. Paragraph 74, of the NPPF states that *“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”*
- 6.10. In terms of Open Space, Policy TP9 (open space, playing fields and allotments) of the BDP, states *“Planning permission will not normally be granted for development on open space except where:*
- It can be shown by an up to date assessment of need that the open space is surplus taking account of a minimum standard of 2 ha per 1,000 population and the accessibility and quality criteria listed below.*
 - The lost site will be replaced by a similar piece of open space, at least as accessible and of similar quality and size.*
 - Where an area of open space is underused, as it has inherent problems such as poor site surveillance, physical quality or layout, which cannot be realistically dealt with, then in this case proposals that would result in the loss of a small part of a larger area of open space will be considered if compensation measures*

would result in significant improvements to the quality and recreational value of the remaining area.

- The development is for alternative sport or recreation provision, the benefits of which clearly outweigh the loss”*

- 6.11. Policy TP9 also states that all residents should have access to an area of Public Open Space (POS) of; 0.2ha within 400m, 2ha within 1km and at least 2ha (with a wide range of facilities and features) within 3km of their home. It also states that new developments, of 20 dwellings or more, should provide on-site POS, at a rate of 2ha per 1000 population. This should be good quality, accessible and safe to use.
- 6.12. In order to meet both the BDP and the NPPF the applicants need to demonstrate, through an open space assessment, that the site is surplus to golf use, is surplus for other forms of open space use, and that any identified gaps (in the above three POS thresholds) can be addressed through the proposal.
- 6.13. Assessment of site being surplus to golf The applicant has shown, to the satisfaction of Sport England, that the golf course is surplus. The applicant has also shown that there are alternative golf courses within the local area such as; two in Harborne (a public and a private course), Edgbaston, Lickey Hills, Hagley, Halesowen and Wast Hills. I concur with Sport England's conclusion and it is therefore recognised that there is no demand for a golf course in this area.
- 6.14. Assessment of site being surplus to all forms of open space and considering identified gaps in local POS provision
- 6.15. The applicant's open space assessment considers the adequacy of supply, quality and accessibility of open space in the area. The assessment includes a quantitative assessment, gap identification and an assessment of the impact of the scheme on public open space provision. The quantitative assessment has considered the availability of alternative public open space of 0.2ha within 400m, of 2ha within 1 km and of 2ha (with facilities) within 3kms of the site. It has found sites that achieve these requirements in each category. In terms of identifying gaps, the report has discovered gaps in the provision of open space to the east of the site and gaps in the provision of children's play to the north. In terms of large areas of open space (greater than 2 ha), it has discovered that the majority of adjacent residents have access to 2 or more areas of such open space. Senneleys Park, Victoria Park and Cofton Park are all within the catchment of the site and the provision, in terms of distance, is met.
- 6.16. In conclusion, as the proposal includes the provision of public open space, of over 2ha, it would contribute towards rectifying the identified gaps within the surrounding 3kms area. The scheme consists of 10.95ha of on-site public open space. 4.75ha of the offered open space would be required by Policy TP9 (2ha per 1000 population), the remaining 6.2ha is offered as partial compensation for the loss of open space and would increase the local quantum of existing public open space. The proposal would provide an area of new public open space to meet the needs of the new residents and provide further public open space, to meet current deficiencies identified by the Open Space Assessment.
- 6.17. Having considered that the whole site is not required as public open space it is nevertheless necessary to consider whether it could contribute towards playing field land use. Paragraph 6.57, of the BDP, relates to playing fields as part of open space and as such the site could contribute towards the shortfall of playing fields in the

area. It could also therefore contribute towards sport provision identified locally through the Playing Pitch Strategy and in recognition of the deficiency of playing pitches in the area. There is an identified shortfall of playing field provision. The proposed loss of open space on site reduces the opportunity to provide new playing fields. On that basis the site could contribute to playing fields, and therefore not be surplus to all open space needs, as such it is considered that bullet point 2 is engaged (requiring alternative provision that is similar to that lost). Colleagues in Leisure Services have calculated that the cost of replacing the 19.4ha of open space would be £2,910,000. This aligns with the applicant's offer for the loss and so this could contribute towards playing pitches as identified in the draft Playing Pitch Strategy. Sport England has identified that the sum should contribute towards off-site sports improvement and should include 2 artificial grass pitches.

6.18. Correspondence from the Football Association and Sport England indicate that there is a local need identified for 3G football pitches. The golf course does not qualify within the definition of a playing pitch, but when considering alternative sporting needs the Playing Pitch Strategy considers local needs. The Playing Pitch Strategy identifies that its 'Area 3' has a severe net deficiency of football pitches. It identifies that improvement should be sought in the quality and use of Senneleys Park, Woodgate Valley and Bartley Green Leisure Centre (for football use).

6.19. Consequently I consider that the scheme has satisfied Policy TP9 of the BDP and paragraph 74 of the NPPF and proven the site is surplus to requirements provided that the local POS gaps are filled by identified land within the proposal. It is considered that the current compensation package should focus on a substantial football enhancement package. Discussions with the various interested parties have identified a sports improvement package of;

- 2 x Artificial Grass Pitches at Senneleys Park (2 x £830,000), being £1.6M
- 4 team changing rooms at Woodgate Valley Country Park (£594,000 including £46,000 design fees)
- Woodgate Valley pitch improvements £150,000.
- Infrastructure improvements at Sennelys Park (including land-forming, car parking/access improvements) and Investment in adjacent pitches (£566,000)

6.20. It is considered that the current compensation offer, of £2,910,000, is considered to be adequate and would meet local needs identified in the Playing Pitch Strategy. I am therefore satisfied that Policy TP9 and the NPPF is satisfied.

6.21. Loss of sports facilities Policy TP11, of the BDP, states that "Sports and Physical activities will be protected from development, unless it can be demonstrated that they are surplus to requirements through a robust assessment". Sport England and I accept that the site is surplus to requirements for golf. Therefore Policy TP11 is satisfied.

6.22. Principle - Sustainable development

6.23. Policy TP27, of the BDP, requires all new development to demonstrate that it is meeting the requirement of creating sustainable neighbourhoods. This is characterised by a wide choice of housing types, access to facilities (being shops, schools, leisure and work), access to sustainable travel, a strong sense of place with a high design quality, and promoting environmental sustainability. Policy TP3, of the BDP, requires new development to be designed and constructed to sustainable standards which maximise energy efficiency, conserve water and reduce flood risk,

consider the source of materials, minimise waste and maximise recycling during construction, have flexible and adaptable spaces and enhance biodiversity. Furthermore, Policy TP7 of the BDP, seeks to expand and maintain the City's Green Infrastructure network and expects new development to address green infrastructure in an integrated way and conserve and enhance the City's woodland resource.

- 6.24. The NPPF includes three dimensions to sustainable development, being; Economic, Environmental and Social. There is also a strong emphasis on providing new housing, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising previously developed sites (brown-field land) and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.25. As such, considering the NPPF's three dimensions of sustainable development;
- a. In Social terms, the scheme provides the required infrastructure to meet the needs of the new population.
 - b. In Economic terms, the site is within an established residential area in a suburb in close proximity to Bristol Road, with access to multiple bus routes, Longbridge and Northfield railway stations, and sizeable local centres (offering retail, leisure and employment).
 - c. In Environmental terms, the site is in flood zone 1 (least likely to flood) and is not contaminated to an extent in cannot be remediated. However, the scheme fails to take sufficient account of the ecological and arboricultural constraints or provide a coherent Master Plan to provide a satisfactory development in itself and to integrate the proposal into the local area (see justification for these comments later in the report).
- 6.26. In summary, the proposal would fail important aspects of the Environmental dimensions of sustainable development. The proposal is contrary to the Development Plan, and I do not consider that the benefits of the scheme (primarily the significant supply of new housing, Public Open Space, and sports improvement funding) outweigh the primary established principles of conformity with the Plan and consisting of sustainable development.
- 6.27. Transportation**
- 6.28. Policy TP38, of the BDP, requires development proposals to support and promote sustainable travel. Policy TP45, of the BDP, requires new development to support the delivery of a sustainable transport network. Paragraph 32, of the NPPF, requires new development to take account of sustainable transport modes, safe and suitable access and improvements to the network that limit the impacts of the development.
- 6.29. The scheme proposes up to 950 dwellings. Access would be gained into the site from Frankley Beeches Road/Egghill Lane roundabout, Frankley Beeches Road (adjacent to Guardian Close), and Tessall Lane. Separate access to the Community Hub and School from Frankley Beeches Road.

- 6.30. The Transport Assessment (TA) identifies that the existing access to the site, off Hanging Lane, would be closed. Four new vehicular access points to the site are proposed. Three of the proposed accesses would be used to serve the residential development parcels, with the fourth access providing a school and community hub only access. The accesses are proposed in the following locations:
- School and community access – off Frankley Beeches Road in the north east corner of the site
 - Residential access one – off Frankley Beeches Road to the west of Guardian Court
 - Residential access two – off the Frankley Beeches Road, Egghill Lane roundabout
 - Residential access three – off Tessall Lane
- 6.31. Additionally, dedicated pedestrian cycle access would be created onto Hanging Lane and Tessall Lane to the north east and south west of the site respectively. The site is located adjacent to existing bus stops on Frankley Beeches Road, Tessall Lane and Hanging Lane. The location of existing bus stops ensures that all of the Scheme's residents would be within 400m of an existing bus stop. The development parcels would be connected by a range of cycle links and footpaths helping to ensure that they are linked by sustainable transport modes. The indicative masterplan shows residential properties fronting on to Tessall Lane and Frankley Beeches Road.
- 6.32. The TA has been prepared in accordance with the NPPF and NPPG. Scoping was undertaken with highway engineers to agree the parameters and content of this TA, which included the submission of technical notes. The content of the second note was agreed with highway engineers during scoping. Discussions were also held with Highways England. The TA (for robustness based on 1000 dwellings) is accompanied by a Travel Plan (with reference to current national guidance and best practice and, specifically, the Department for Transport (DfT's) 'Good Practice Guidelines: Delivering Travel Plans through the Planning Process' (April 2009)).
- 6.33. Primary vehicular access to the site is presently served from Hanging Lane (to the north east) and takes the form of a priority T-junction opposite Lomas Drive. Hanging Lane is a single carriageway road, which in the vicinity of the site has a typical width of 6m. 2m wide footways are provided along the eastern side of Hanging Lane (serving residential properties north and south of the site access). Hanging Lane is signposted as being unsuitable for HGVs at its junction with Tessall Lane and at the Hanging Lane/ West Park Avenue junction.
- 6.34. Hanging Lane provides connection to Frankley Beeches Road and Hoggs Lane via a signalised crossroads. Signal controlled pedestrian crossings with dropped kerbs and tactile paving are located on two of the junction arms (Frankley Beeches Road to the east and Hoggs Lane to the north).
- 6.35. Frankley Beeches Road is a single carriageway road with a typical width of 6.7m. To the east, Frankley Beeches Road provides connection to the A38 via a signalised crossroads. To the west, Frankley Beeches Road provides connection to Egghill Lane via a 3-arm roundabout. Egghill Lane is a single carriageway road with a width of 7.2m.

- 6.36. To the south-west of the Frankley Beeches Road/ Egghill Lane roundabout, Frankley Beeches Road joins with Elan Road and Tessall Lane via a 3-arm signalised T-junction. Elan Road, which has an approximate width of 6m, provides connection east along the site's southern boundary, becoming Tessall Lane. Footways and street lighting are provided along Elan Road/ Tessall Lane.
- 6.37. To the east, Tessall Lane forms a 3-arm roundabout with Hanging Lane, before continuing as a dual carriageway as it approaches the A38. Connection to the A38 is provided via a signalised crossroads.
- 6.38. To the south-west, Tessall Lane continues through to the Tessall Lane/Hollymoor Way/ Rubery Lane roundabout. Approximately, 320m to the west of this roundabout, Rubery Lane joins with Park Way via a signalised T-junction.
- 6.39. Classified turning counts and queue length surveys were undertaken for the peak periods of 07:30-09:30 and 16:30-18:30 at the following junctions:
- Frankley Beeches Road/ Hoggs Lane/ Hanging Lane signalised crossroads;
 - Frankley Beeches Road/ Egghill Lane roundabout;
 - Frankley Beeches Road/ Elan Lane signalised T-junction;
 - Tessall Lane/Hanging Lane roundabout;
 - A38/ Tessall Lane signalised crossroads; and
 - A38/ Frankley Beeches Road signalised crossroads.
- 6.40. Automatic traffic counters were installed on Frankley Beeches Road and Tessall Lane to the north and south of the site respectively.
- 6.41. Following additional discussion with BCC, additional manual turning counts were undertaken (September 2015) at Tessall Lane/ Hollymoor Way roundabout, Rubery Lane/ Park Way signalised T-junction and A38/ Great Stone Road signalised T-junction.
- 6.42. Personal Injury Collisions data has been reviewed within the TA. In terms of severity 88.2% (97) of the PICs were recorded as 'slight' and 11.5% (13) PICs were recorded as 'serious'. No fatalities have been recorded within the assessment area. Overall, it is concluded that the number and nature of the incidents recorded within the vicinity of the site does not indicate any existing highway safety issues that would warrant mitigation as part of the development proposals.
- 6.43. The submitted Transport Assessment recommends highway improvements to address the impact on the local network. These would consist of;
- 6.44. Frankley Beeches Road:
- New signalised pedestrian crossings will be provided on Hanging Lane and Frankley Beeches Road at the Frankley Beeches Road/ Hoggs Lane/ Hanging Lane signalised crossroads;

- A new 2m wide footway would be provided along the site frontage, past the school access, between the Frankley Beeches Road/ Hoggs Lane/ Hanging Lane signalised crossroads and Guardian Close to the west.(As part of these works, the existing street lighting provided within the footway along the north of Frankley Beeches Road could be relocated to the south of the carriageway in order to remove this current impediment to pedestrian movements);
- A pelican crossing would be provided to the west of the school access on Frankley Beeches Road in order to facilitate pedestrian movements, particularly those associated with the proposed school;
- A dropped kerb crossing with tactile paving and a central refuge would be provided to the west of Guardian Close near to the proposed residential vehicle access to the site, which would facilitate access to local bus stops and the wider pedestrian network;
- A new 2m wide footway would be provided along the south of Frankley Beeches Road on the site frontage, between Guardian Close and Frankley Beeches Road/Egghill Lane roundabout from which a second vehicle access to the residential site is proposed; and
- As part of the access design at the Frankley Beeches Road/ Egghill Lane roundabout, dropped kerb crossings with tactile paving and central refuges would be provided across the site access and Frankley Beeches Road.

6.45. Elan Road/Tessall Lane:

- A footway/cycle link into the site is proposed onto Elan Road at the Frankley Beeches Road/ Elan Lane signalised T-junction, to accommodate likely pedestrian desire lines to/ from the west;
- A 2m wide footway would be provided along Elan Road between the Frankley Beeches Road/ Elan Lane signalised T-junction.

6.46. Hanging Lane:

- A pedestrian link will be provided onto Hanging Lane, north of West Park Avenue/ Hanging Lane junction; *and*
- A dropped kerb crossing with central refuge would be provided on Hanging Lane to facilitate pedestrian movements to/ from the east.
- Alterations to the kerb alignment at the West Park Avenue/ Hanging Lane junction, to encourage lower vehicle speeds onto Hanging Lane;
- Improved signage at the West Park Avenue/ Hanging Lane junction to further discourage the use of Hanging Lane by HGVs; and
- Works to renew the existing anti-skid surfacing on Hanging Lane and associated 'Slow' road markings.
- The A38/ Tessall Lane junction:
- a third lane would be provided on Tessall Lane approaching the junction to accommodate right turning movements onto Bristol Road.

- 6.47. General: upon implementation of a primary school on the site, a contribution would be offered towards the creation of a “Safer Routes to School” scheme (including, for example, a variable 20mph speed limit).
- 6.48. These works would have to be delivered by key trigger points within the scope of the development. Conditions would be required to identify a phasing plan and the associated time frame for the delivery of the highway works. This would allow flexibility depending on which phase came forward first and would ensure that the correct associated highway infrastructure was improved concurrently. It would also be appropriate to set a ‘back-stop’ requiring all highway mitigation works to be completed prior to the occupation of the 400th dwelling (unless an alternative back-stop is agreed).
- 6.49. With regard to public transport strategy for the proposed development, it is acknowledged that there are frequent bus services running within the vicinity of the site, including along its frontage, that provide good access to a wide variety of destinations. The strategy would therefore focus on delivering attractive and direct routes to existing off-site bus stops located within the local vicinity and providing (s106 financial contributions) towards provision of associated improvements to these facilities where applicable (e.g. bus shelters/seating; raised kerbing; information pole/ totem; and real-time information).
- 6.50. The proposal, considered by the TA, includes a two-form primary school which would serve future occupants of the site as well as existing residents from the local area. Other primary schools are located some 6 to 13 minutes’ walk from the site. There are a number of local shops within the vicinity of the site including at the Frankley Beeches Road/ Egghill Lane roundabout to the west of the site where there is a Tesco Express and local news agents. Additionally, Northfield Health Centre is situated 1.3km to the north-east of the site on St Heliers Road, adjacent to Sainsbury’s supermarket. The community hub building proposed on site has the potential to include a GP surgery, which would serve residents of the proposed development whilst also accommodating surplus demand from the local area. Overall, it is accepted that the site is well located in terms of accessibility to public transport/local facilities and that opportunities for enhancing accessibility between the development site and these local facilities have been identified.
- 6.51. **Vehicle Access-** It is proposed that there would be three vehicle accesses connecting to the main residential area and a separate vehicle access to the education plot and community hub. These access locations are shown on the development framework. The operational capacity of each of these proposed accesses has been assessed in detail.
- 6.52. **Servicing** - The proposed site layout would accommodate servicing vehicles to access the development, manoeuvre within the turning area(s), park in the appropriate spaces and egress the site in forward gear. Swept-path analysis for a large refuse vehicle at each of the accesses has been undertaken.
- 6.53. **Parking Provision** On-site car parking would be provided in accordance with the standards set out in BCC’s Car Parking Guidelines: Supplementary Planning Document (SPD). The site is located within Area 3 of Birmingham defined within the SPD, for which maximum standards of two spaces per dwelling are identified – representing an average across the site as a whole. Cycle parking would be provided within the confines of a dwelling/ garage, or alternatively provided in

secure, well lit, covered cycle storage facilities. For 'flats and apartments' the SPD standards identify a minimum provision of one space per unit.

- 6.54. **Residential Trip Generation:** The trip generation for the proposed residential development has been estimated using the Trip Rates Information Computer System (TRICS) multi-modal surveys for private housing sites in England, Wales and Scotland selected. 6.2.2 TRICS was interrogated for 'Land Use 03 - Residential/A – Houses Privately Owned'. The sites selected were in 'edge of town' and 'suburban' areas. Household survey data (via the National Travel Survey) has also been reviewed.
- 6.55. **Residential Trip Distribution -** Journey to work car trips, including those associated with staff working at the new primary school, have been distributed in accordance with the 2011 Census journey to work data. The assignment of the development generated vehicle trips onto the adjacent highway network was informed by Census workplace origin data, with residential trips assigned to the network through online routing software. The split of residential traffic between the proposed site accesses was estimated on a proportional basis with reference to the Framework Development Masterplan. With regard to 'shopping' trips, it was estimated that during the peak periods, approximately: 10% of movements would be to/ from the centre of Birmingham; 70% of movements would be to/ from the local centre on Bristol Road South/Sainsbury's; and 20% of movements would be to/ from the Longbridge Development. In terms of 'leisure' trips, it was estimated that during peak periods approximately: 40% of movements would be to/ from the centre of Birmingham, 20% of movements would be to/ from the local centre on Bristol Road South; 20% of movements would be to/ from the Longbridge Development; and 20% of movements would be to/ from the Park Way leisure complex.
- 6.56. **Background Traffic Growth:** A 2026 assessment year has been tested within the TS, indicative of the likely build-out of the proposed development. To account for background growth, observed traffic flows have been adjusted with reference to an acceptable forecasting process. The traffic surveys for the local highway network were obtained from commissioned traffic counts. Additional traffic counts were undertaken in November 2016 to review traffic growth since the original survey work. This process has assisted with identification of base flows, and 2026 flows, with and without development assessment flows, for each of the assessed junctions. It was identified that the application of TEMPRO growth, which includes background development and assumes in the order of a 17% increase in existing peak hour flows on all links, would provide a robust and appropriate means of appraising the impact of the development proposals on the highway network.
- 6.57. **IMPACT ASSESSMENT -** The following junctions have been assessed in detail based on the proposal including 1000 dwellings (local road network peak periods – 2015 base, 2026 without the proposed development and 2026 including the proposed development) using appropriate software:
- 6.58. **Frankley Beeches Road/ Hoggs Lane/ Hanging Lane signalised crossroads;** For assessment purposes, an all-red pedestrian stage was assumed to occur every other cycle. The results show that the junction is currently operating within capacity. To validate these results, the predicted queues were compared against actual queue lengths observed during the traffic survey. This comparison illustrates that the junction is currently operating better than suggested by the model results, which is considered to be attributed to the frequency of call for the all-red pedestrian stage being lower than that within the model. The results show that the junction would operate within capacity without the proposed development in the morning peak hour

and overcapacity in the evening peak hour. The impact of the proposed development traffic demonstrates that mitigation measures would be required and the applicant proposes the following:

- A new right-lane will be provided on the Hoggs Lane approach, which would involve widening to the existing carriageway. In addition to increasing operational capacity, this improvement has the added benefit of providing an improved alignment for vehicles travelling between Hanging Lane and Hoggs Lane, and reduces the potential for “hook” movements by right-turners; and
- A defined central turning area would be provided within the junction, to reduce the propensity for blocking back along Frankley Beeches Road which currently occurs. This would include some minor carriageway widening works between Hanging Lane and Frankley Beeches Road (W).
- Additional pedestrian crossing facilities would be provided on the Hanging Lane and Frankley Beeches Road (W) arm, to provide improved pedestrian connectivity through the junction.
- All works can be delivered on land within the adopted highway and/ or within the applicant's ownership.

6.59. The operation of the proposed modified junction has been reviewed and it is considered that the junction would operate within capacity for both morning and evening peak hours.

6.60. **Frankley Beeches Road/ Egghill Lane roundabout (Site Access);** The impact of the proposed development was assessed using appropriate software and using robust 'peak within a peak' demand flow profile. The results indicate that the junction is currently operating within capacity and that one of the arms is approaching capacity in 2026 during the evening peak as a result of background growth. A comparison of predicted/observed queuing (for the base scenario) confirms validation of the junction modelling process. As part of the development proposals, a fourth arm is to be provided off the roundabout into the site, which also includes modification of the Frankley Beeches Road (North) arm, including the provision of an improved flare on the approach. The results confirm that the junction would operate within capacity with the proposed development (2026 “with development” scenario).

6.61. **Frankley Beeches Road/ Elan Road signalised T-junction;** The impact of the proposed development on the Frankley Beeches Road/ Elan Road signalised T-junction was assessed using appropriate software. The results show that the junction is currently operating within capacity. A comparison of predicted/observed queuing (for the base scenario) confirms validation of the junction modelling process. The junction is shown to continue to operate within capacity in the future with and without the proposed development.

6.62. **Tessall Lane/Hanging Lane roundabout;** The impact of the proposed development on the Tessall Lane/ Hanging Lane roundabout was assessed using appropriate software. The results show that the junction is currently operating within capacity. A comparison of predicted/observed queuing (for the base scenario) confirms validation of the junction modelling process. The results confirm that the junction would operate within capacity with the proposed development (2026 “with development” scenario).

- 6.63. **Tessall Lane/ Hollymoor Way/ Rubery Lane roundabout;** The impact of the proposed development on the Tessall Lane/ Hollymoor Way/ Rubery Lane roundabout was assessed using appropriate software. The results show that the junction is currently operating within capacity. A comparison of predicted/observed queuing (for the base scenario) confirms validation of the junction modelling process. The results confirm that the junction would operate within capacity with the proposed development (2026 “with development” scenario).
- 6.64. **Rubery Lane/ Park Way signalised T-junction;** The impact of the proposed development on the Rubery Lane/ Parkway signalised T junction was assessed using appropriate software. For assessment purposes, an “all-red” pedestrian stage was assumed to occur every other cycle. The results show that the junction is currently operating within capacity. A comparison of predicted/observed queuing (for the base scenario) confirms validation of the junction modelling process. This comparison illustrates that the junction is currently operating better than suggested by the model results, which is considered to be attributed to the frequency of call for the all-red pedestrian stage being lower than that within the model. Consequently, the assessment presented is robust. The results confirm that the junction would operate within capacity with the proposed development (2026 “with development” scenario).
- 6.65. **A38/ Tessall Lane signalised crossroads;** The impact of the proposed development on the A38/ Tessall Lane signalised crossroads was assessed using appropriate software, using agreed data used in assessing the impact of the Longbridge redevelopment (provided by BCC). The results show that the junction is currently approaching capacity. A comparison of predicted/observed queuing (for the base scenario) confirms validation of the junction modelling process. A further review of potential queuing along Tessall Lane was undertaken following discussions with BCC. As part of the Longbridge redevelopment, there are proposals to make alterations to the A38/ Tessall Lane junction. This includes the creation of a third lane on the Bristol Road South (SW) arm approaching the junction, which would be used to accommodate right turn movements into Tessall Lane (S). This is accompanied by improvements for pedestrians and cyclists. In addition, consideration is also being given to closing Tessall Lane to the south-east at its junction with Longbridge Lane. The applicant has been provided with BCC’s local modelling data (include a scenario for the above) and assessment flows have been adjusted accordingly. For completeness, assessments have been undertaken by the applicant for scenarios with and without the Tessall Lane closure. The A38/ Tessall Lane junction is shown to be operating over capacity in the future without the proposed development (in both assessment scenarios). The impact of the proposed development traffic demonstrates that mitigation measures will be required and the applicant proposes the following:
- a third lane would be provided on Tessall Lane (N) arm approaching the junction to accommodate right turning movements.
- 6.66. All works can be delivered using land within the adopted highway. The results confirm that, for each of the assessment scenarios, the proposed improvements to the junction would mitigate the impact of the proposed development (2026 “with development” scenario).
- 6.67. **A38/ Frankley Beeches Road signalised crossroads (linked with A38/ Great Stone Road signalised T-junction);** The impact of the proposed development on the Tessall Lane/ Hollymoor Way/ Rubery Lane roundabout was assessed. The

impact of the proposed development on the A38 / Frankley Beeches Road and A38/Great Stone Road signalised junctions was assessed using appropriate software. For assessment purposes, these were treated as 'linked' junctions in order to take account of the interaction between traffic movements. The results show that the junction is currently operating within capacity. A comparison of predicted/observed queuing (for the base scenario) confirms validation of the junction modelling process. There is however an anomaly in the queue length data for the evening peak hour, where extensive and persistent queuing was recorded between 16:30 and 18:30 on the A38 Bristol Road (North) and Bristol Road South arms during the survey day.

- 6.68. A number of subsequent site visits undertaken during the same evening peak period have confirmed that this does not represent 'normal' queuing conditions and are likely to have been caused by a specific occurrence on the survey day elsewhere on the network. Consequently, the queuing conditions experienced during the evening period on the affected arms would not be replicated within the model, which is validated to assess 'usual' conditions. The A38/ Frankley Beeches Road junction is shown to be operating "at capacity" in the future (without the proposed development traffic) in the morning peak period, and is approaching capacity in the evening peak. The addition of traffic generated by the proposed development is shown to make this situation worse, with the junction operating with "Degree of Saturation" exceeding 90% in both peaks. The A38/ Great Stone Road junction is shown to be operating within capacity with and without the proposed development.
- 6.69. To accommodate the increased vehicle demand on Frankley Beeches Road as a result of the development proposals, changes to the signal timings are required to extend the green time given to the minor arm traffic phases. The review of the existing signal timings indicates that this can be achieved from spare time within the stage changes without reducing the green time given to the main movements on the A38. The results show that the proposed improvements to the junction would fully mitigate the impact of the proposed development.
- 6.70. **Proposed Residential Site Access – Frankley Beeches Road;** The assessment of operation of the proposed site access onto Frankley Beeches Road confirms that the proposed junction would operate within capacity in the 2026 "with development" scenario.
- 6.71. **Proposed Residential Access – Tessall Lane;** The assessment of operation of the proposed site access onto Tessall Lane confirms that the proposed junction would operate within capacity in the 2026 "with development" scenario.
- 6.72. **Proposed School Access;** The assessment of operation of the proposed school site access confirms that the proposed junction would operate within capacity in the 2026 "with development" scenario. Transportation colleagues have raised no objection to the proposal and as such I am satisfied that the scheme complies with Policy TP43, of the BDP and paragraph 32 of the NPPF, subject to the delivery of the proposed mitigation at a rate commensurate with the delivery of the 950 dwellings.
- 6.73. I recognise the concerns raised by local residents in regard to the potential increase of traffic and congestion if the scheme were to go ahead. Detailed highway objections from residents were been passed to the applicants for response and the applicant's highway consultants reacted with a detailed response to each point raised. In summary, the response illustrates that all points raised have already been specifically considered. The scheme includes substantial improvements to the

highway of the perimeter to accommodate anticipated impacts and ensure local roads can accommodate the additional traffic. Unfortunately, many of the concerns raised have not appreciated the extent of analysis undertaken, breadth of survey work or the level of mitigation being offered.

- 6.74. Having carefully considered the context, the Transport Assessment (with survey and accident data), the objections raised and the applicant's Highway Consultant's reaction, my Highway Engineer has raised no objection to the proposal. I concur with his conclusion and am satisfied that the proposal satisfies Policy TP38 and TP45 of the BDP and the paragraph 32 of the NPPF in the consideration of highway impact and the mitigation being offered. In the event of a consent, the significant package of mitigation agreed with the Applicant would have to be secured by conditions and/or planning obligation.

6.75. Design and Layout

- 6.76. Policy PG3, of the BDP, seeks to create a positive sense of place with design that responds to site conditions, local context, creates safe environments, provides attractive environments, make sustainable design integral, and supports the creation of sustainable neighbourhoods. Furthermore, Policy 3.14, of the UDP (saved Policies), states that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It also requires developers to consider the site in context and states that to avoid problems of piecemeal and incremental development, comprehensive master plans should be prepared. Paragraph 56 of the NPPF states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."
- 6.77. Design guidance within Places for Living (SPG) encourages 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.
- 6.78. Mature Suburbs (SPD) states 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 states that design should determine density and not vice versa. It concludes that proposals that undermine and harm the positive characteristics of a mature suburb will be resisted.
- 6.79. The application includes an indicative master plan and development zones. This shows the proposed school/community hub in the northeast corner, the eco- park to the south of this and the residential development zones throughout the remainder of the site. The Development Zones illustrate that the proposal could deliver a 'perimeter block' arrangement of houses with back gardens mostly adjacent to other back gardens and with front elevations of new houses mostly facing onto new roads and green space.
- 6.80. **Density** The development zones represent 19.4ha of the 32.35ha site and this proposes that these zones would accommodate up to 950 dwellings, with a resultant maximum density of 49dph. Policy TP29, of the BDP, requires new housing to be provided at target densities responding to the site, its context and the housing need, with densities of 100 dph in the City centre, 50 dph in areas well served by public transport, and 40 dph elsewhere.

- 6.81. The Council's Mature Suburbs SPD sets out key design issues for housing intensification. This includes the need to consider the local context, and an assessment of the implications of layouts on amongst other things, parking and traffic impact, residential amenity, garden space and public realm. Places for Living SPG recognises that high densities are not appropriate everywhere.
- 6.82. Therefore, policy and good urban design requires new residential schemes to be appropriate in the local context. With this in mind my urban designer has undertaken a density study to understand the local context. She has taken 6 substantial sized residential areas nearby to compare. Egghill Birmingham Municipal Housing Trust development (2010-ongoing) 37dph. NB this includes the whole estate – density varies slightly over the various phases. Frankley Beeches Road (interwar semi-detached housing) 34 dph. Josiah Road (interwar semi-detached housing) 34 dph. The Roundabout (1960s terraced housing) 32 dph. Hollymoor Sovereign Heights (mid 1990s terraced housing) 20 dph. Hollymoor Sedgebourn Way (mid 1990s terraced housing) 30 dph.
- 6.83. As such a density of 40dph would be more contextually appropriate than the proposed 49dph. This would reduce the maximum number of dwellings from 950 to 776. With respect of public transport, from the nearest railway stations (using the same reference points) are Longbridge (1.35km and Northfield (1.5km). Bristol Road is 1km to the southeast, from the centre of the site. The nearest local centres with wider connections are Northfield (1.2 km), Longbridge (approx. 1.4 km) and Frankley (approx. 1.8km), taken from the centre of the site. Local bus services are as follows;
- No. 18 (every 10 mins daytime mon-sat), passes the NW corner of the site
 - No. 29 (every 15/30 mins daytime mon-sat), passes the site
 - No. 39h (every 60 mins daytime mon-sat), route not known, but referred to by the applicant.
 - No. 49 (every 15/30 mins daytime mon-sat), passes the site
 - No. 878 (school bus St Thomas Aquinas),
 - No. 61 (every 7/8 mins daytime mon-sat) but only passes the site on Bristol Road.
- 6.84. I consider that this site is not particularly well served by public transport. TP29 also states that housing density should respond to the context amongst other factors. Whilst the NPPF in paragraph 58 states that proposals should 'optimise the potential of the site to accommodate development', it also says that they should 'respond to local character... and reflect the identity of local surroundings'
- 6.85. Taking all the above into account I am not convinced in principle that a density of up to 49dph is 'an appropriate average density given the site's location' (page 68 of the applicant's Design and Access Statement). On balance I think the target density of 40dph recommended in the BDP is more likely to have a character which fits successfully in its context whilst meeting good urban design principles. Applying a density of 40dph would achieve 776 units on the site. Whilst maximising housing numbers on the site would assist wider, strategic housing supply, it must not be done at the expense of creating a new neighbourhood of good, attractive character, contributing positively to ne residents' lives and to the wider area.

- 6.86. **Layout** The proposal is supported by an indicative layout plan, this shows an arrangement that defines the location of the POS, education site and open space; showing an arrangement that achieves the applicant's proposed ratio of green space to 'development' space (around 1:2 respectively) and how the identified constraints could be either accommodated into the layout or provide adequate provision for mitigation. As such, whilst the layout shown on the Masterplan would not be a prescribed and fixed solution it does inform the application and establish key design principles. The submitted design and access statement provides a further layer of design work that shows how key design principles, dealing with the handling of frontages, block layout, separation distances and car parking, that suggests a well considered design code. Unfortunately, the principles explained within the document appear to describe a housing estate that may be very difficult (maybe impossible) to achieve with the proposed density of 49dph.
- 6.87. Furthermore, the indicative layout raises substantial concern in regard to the consideration of the existing landscape features and its handling throughout the overall layout. The steep slopes on the Eco-park could make access difficult for some users and restrict its use for informal recreation. The locations of some of the SUDS /attenuation features are not convincing, due to landform - some are proposed in sloping areas and significant retaining features would be required.
- 6.88. The proposed removal of the majority of existing vegetation, to Frankley Beeches Road, Elan Road, Tessall Lane and Frankley Beeches Road, would change the character of these streets dramatically. A more balanced approach is required, retaining more of the existing mature trees in a wider strip. This would filter views of the development from the houses opposite, with selective felling to open up views into the site at vehicular, pedestrian and cycle access points. Conversely, retaining all the perimeter trees to the extent proposed for the proposal, would create a very inward looking development, which would not engage positively with the surrounding areas. The opportunity for improved natural surveillance of the existing roads would be lost. A more balanced solution would also be required here with selective felling, again to open up views into the site at vehicular, pedestrian and cycle access points.
- 6.89. In regard to the landscape corridor to the east boundary of the site (rear of gardens on Josiah Road), the removal of the broad band of mature vegetation would be a concern as it currently provides important visual screening of the development from these properties. I am unconvinced that trees shown to be retained could be kept in the long term, considering the proximity of these to proposed hard surfacing and buildings. This was borne out by the site visit and peg locations. If trees close to development survive the construction process, there could be ongoing pressure for removal due to perceived issues of light and proximity. Plotting tree root protection areas on the layout plan would help assess this properly.
- 6.90. **Connectivity within the site_** It is important that streets are well linked to make it easier for people to find their way around and to encourage walking and cycling, as set out in Places for Living SPG, 'Moving around easily'. I am concerned that the west and east neighbourhoods of the site are not very well connected to each other. There would be four footpath / cycleways linking both sides of the site, however not all of these would be very well overlooked where they cross the open space. There would be no vehicular routes connecting the two sides of the site, and this poor connectivity would make for a less legible and convenient development for people to find their way around. Developing the golf course and unblocking potential through routes would provide an opportunity to create linkages between surrounding areas, but the layout shown would not achieve this.

- 6.91. Along frontages, and particularly to the site perimeter, there would be many disconnected private drives serving a few houses each, rather than the connected streets promoted in Places for Living. I suggest these are connected to create a more convenient and legible layout for residents to find their way around.
- 6.92. **The design of the development.** Whilst the layout is indicative, there are various instances of the smaller perimeter blocks, not meeting the back to back distances required in Places for Living for either 2 storeys (21m) or 3 storeys (27.5m). Some perimeter blocks appear contrived in order to satisfy the issue of overlooking, resulting in insecure long exposed rear and side garden boundaries. Front to front distances can occasionally be more flexible. However, whilst some might not depart overly from the Places for Living guidelines, they are much closer than many in the local context, especially secondary streets – for instance Josiah Road 27m, Norrington Road 26m, Blue Gate Lane 24m, Topland Grove 23m.
- 6.93. In terms of Street character, the sections in the Design Statement and the indicative plan suggest a very shallow depth of frontage on primary streets, secondary streets and green lanes. This would indicate an urban character not in keeping with the suburban context, throughout the scheme. It would also greatly reduce the potential for tree and shrub planting on plot. Deeper frontages would allow for a more favourable balance of hard and soft landscape, and potentially a more acceptable approach to parking. Although street tree planting is shown on primary streets, there does not appear to be sufficient room to establish trees of a size and stature necessary for a significant impact. Also, the commuted sums necessary to maintain these on adopted roads could prove prohibitively expensive and ultimately undeliverable, even if the council were prepared to adopt them. It may be better therefore to allocate space for planting into front gardens, rather than on street.
- 6.94. In terms of Parking, my designer is concerned about the potential impact of car parking on the development at a density of up to 49dph, whilst meeting the Council's parking ratio requirements. It is not possible to assess this from the indicative layout, although various approaches are described on pages 80-83 of the Design and Access Statement. Although I would not object to some on street parking, it is rarely acceptable as the predominant approach. Shared courtyard parking is not normally acceptable for houses, although it works better with apartments. I am concerned that at reserved matters stage, approaches to parking would be favoured such as garage and overly intensive on plot frontage parking, which at this density would deaden street frontages and impart a very hard landscape character dominated by cars. It would be better to build a degree of landscape and frontage parking in at this stage - such as at Egghill nearby.
- 6.95. In terms of Private amenity space, my designer is concerned that at 49dph, it will be difficult to achieve the garden size guidelines set out in Places for Living SPG. However, it is not possible to determine this from the indicative layout. A revision to provide on plot parking may put pressure on rear amenity space, if building lines need to be set further back to accommodate it.
- 6.96. To summarise my designer's response to the scheme, she is concerned that the outline application does not provide enough comfort that a successful place would be created with the maximum number of units stated in the description of development. Issues such as an appropriate scale, residential typology, car parking arrangements, street character (including balance of hard and soft landscape), spaciousness and space for trees, secured by design issues and residential amenity are all affected by housing density. Moreover, she is concerned that the indicative plan suggests a development of a character which ultimately could not be realised.

The lack of detail at this outline stage makes it difficult to see how the proposed maximum number of dwellings – 950 - could be fitted into the layout, in an acceptable way.

- 6.97. In summary, the current submission is harmful to good design principles, as the Master Plan has failed to illustrate how the proposal for up to 950 dwellings can be delivered without providing a solution with fundamental design failures., which would therefore fail to provide an attractive development in itself for future occupiers, nor provide a development which would accord with local context and character.

6.98. Ecology

- 6.99. Policy TP8, of the BDP, states that “development which directly or indirectly causes harm to...species which are legally protected, in decline or rare within Birmingham or which are identified as national or local priorities will only be permitted if it has been clearly demonstrated that; there is a strategic need that outweighs the need to safeguard, the damage is minimised and mitigation put in place, or where appropriate compensation is secured”. This is also reinforced at paragraph 118 of the NPPF.
- 6.100. Several ecological surveys have been completed in support of the application including; a Phase 1 habitat survey, a hedgerow survey, great crested newt survey, bat and badger surveys, reptile surveys and breeding bird surveys. My ecologist notes that the revised proposals have sought to address concerns about ecological impacts associated with the previous application.
- 6.101. **Assessment of ecological value** - Because of the site's Potential Site of Importance (PSI) listing, it should be assessed against the Local Site criteria to determine its nature conservation importance (ie ecological value), and consequently, the significance of ecological impacts arising from the development proposals. An assessment of the site against Birmingham and Black Country Local Site criteria has been completed and is summarised in the Environmental Statement (ES). This assessment was discussed at a meeting of Birmingham and Black Country Local Sites Partnership on 2 June 2017. The Local Sites Partnership raised concerns about the approach to the assessment undertaken as part of the EIA; for example, the methodology adopted does not appear to follow the standard approach and format required, and therefore it does not constitute an acceptable Local Site assessment. These concerns correspond with my ecologist's view that the completed Local Site assessment is inadequate, not only because it has not followed the standard approach, but also because it fails to satisfactorily reflect the local context, for example in terms of the site's size, the range of habitats and fauna present, and its position in the ecological network. Based on the ecological baseline described in the ES and appendices, I consider the site to be of Site of Local interest in Nature Conservation value, making it of importance to nature conservation at the District level. This is at odds with the ES's conclusion that the site does not qualify for local wildlife site selection, and as such is of importance to nature conservation at the Site level only. I therefore consider the ES approach to impacts on designated sites and habitats continues to be flawed.
- 6.102. **Impacts on protected/notable species** - The ecological surveys confirmed the presence of bats, badgers, Breeding birds and amphibians.
- 6.103. **Bats** – common pipistrelle roosts in clubhouse; commuting and foraging activity by at least five species (common pipistrelle, soprano pipistrelle, Nathusius' pipistrelle (possible), noctule, indeterminate *Nyctalus* species, indeterminate *Myotis* species

and brown long-eared), concentrated along linear green features (hedgerows, tree lines etc) and the southern pond. 19 trees with bat roost potential proposed for removal. These were subject to a climbing inspection and no evidence of roosting bats was found, however, 13 of these were considered to retain residual potential for roosting bats, with T33 (a mature oak) assessed as having high residual bat roost potential. This tree is located towards the northern end of the southern POS, to the west of the proposed play area. In this location, it should be possible for this tree to be retained. There is potential for additional trees with residual bat roost potential to be retained, subject to further revisions to the proposals.

- 6.104. The Environmental Statement states that a low diversity of bat species was recorded during the 2015 nocturnal surveys. I do not feel this statement accurately reflects the value of the site for bats, in the context of Birmingham and the Black Country – the presence of five, possibly six species, albeit relatively commonly occurring species, is of note. The proposals do not allow for retention of the common pipistrelle bat roosts in the existing clubhouse, however there is scope to provide replacement roost sites in new buildings and retained mature trees. The loss of foraging habitat and reduced habitat connectivity is likely to adversely affect the site's value for the local bat population as a whole. Retention of boundary vegetation and woodland blocks and the watercourse and provision of the Eco-Park, central green corridor and southern POS would create a connected network of semi-natural woodland and wetland habitats that would function as foraging and commuting habitat. Although these habitats are likely to be of higher quality than the existing, they would be more limited in extent. The loss of boundary vegetation adjacent to Frankley Beeches Road and a significant proportion of internal tree belts and associated fairway margins would reduce habitat availability and connectivity in certain parts of the site where higher levels of bat foraging and commuting activity were recorded.
- 6.105. I remain concerned about the scheme's impacts on the light-sensitive species recorded – brown long-eared bat and at least one *Myotis* species. Increased light levels associated with the residential and other uses proposed, as well as reduced habitat connectivity, are likely to reduce the value of the site for these species, which are not typically recorded in residential gardens. I note the revised scheme no longer proposes the inclusion of a floodlit sports pitch in the north-eastern section of the site, close to where there was the highest proportion of brown long-eared records – this is to be welcomed. Further revisions to the proposed indicative layout should be made to improve habitat connectivity and allow for the retention/enhancement of "dark corridors" from the northern boundary through to the Eco-Park. Similarly, increasing the width of habitat corridors along the eastern and southern boundaries (connecting to the Eco-Park and southern POS) would reduce the risk of disturbance to *Myotis* species commuting to the site from a roost close to the eastern boundary. I note the ES (section 8.7.32) proposes the development and implementation of an ecologically-sensitive lighting strategy to mitigate post-completion impacts on bats; this would be an essential requirement should the proposed development be taken forward.
- 6.106. **Badger** – The site includes an active main sett, an associated annex sett, and subsidiary/outlier setts are also on site. The badgers using these setts are likely to form part of a single social group whose territory is most likely restricted to the site and neighbouring off-site gardens.
- 6.107. The revised scheme proposes the closure of all existing setts, with two replacement setts provided in areas of retained/enhanced habitat – one in the Eco-Park and one in the southern POS. The majority of more valuable semi-natural habitats would be retained; these areas would, in combination with the additional proposed habitat

creation and enhancement, create a large, continuous and road-free corridor of core habitat suitable for sett building and foraging. Although the current proposals require the closure of all the existing setts, I think the revised scheme does appear to provide a more effective means of mitigating adverse impacts than the previous proposals, by providing for the establishment of a more extensive and continuous area of core habitat to support the resident badger population. However, I still have concerns about maintaining effective habitat connectivity between the site and adjacent residential gardens currently used by the badgers. The reduction in width of the habitat corridor along the eastern boundary (from 10m to 5m) is a particular concern; the habitat corridor along the southern boundary, from the south-eastern corner to the southern POS should also be strengthened.

- 6.108. **Breeding birds** – variety of notable species (Red and Amber list) recorded using the site for breeding and foraging, including song thrush, mistle thrush, linnet, bullfinch, starling and house sparrow; no Wildlife and Countryside Act 1981 (as amended) Schedule 1 species recorded breeding.
- 6.109. The site is of value due to the number of bird species which use it for breeding and foraging. Optimal nesting sites include boundary hedgerows, areas of scrub, mature trees, tree groups and woodland blocks. The proposals would result in the net loss of c. 10.8ha of foraging and nesting habitat and new habitat resources will be incorporated as part of the green infrastructure provision. Due to the presence of mature trees containing holes and crevices, the site provides nesting sites for a number of species (eg nuthatch, treecreeper, great spotted woodpecker) that are unlikely to be so readily available in adjacent residential areas. It is important, therefore, that these habitat resources are retained and protected as far as possible, since they may be critical to the maintenance of these species in the wider landscape.
- 6.110. **Amphibians** – The great crested newt is not present on site (confirmed by an eDNA test and survey) although the presence of “common” amphibians have been confirmed, consisting of smooth newt, palmate newt (possible) and common frog.
- 6.111. The site includes aquatic and terrestrial habitats of value to breeding and non-breeding amphibians. The key breeding habitat – the southern pond – would be lost as part of the proposals. To compensate for this loss, a replacement pond would be created in the southern POS; six attenuation ponds are also proposed, which would provide additional habitat resources. Other suitable terrestrial and aquatic habitats – woodland, scrub, hedgerow bases, tall ruderal vegetation, watercourse and drainage ditches – will be retained and incorporated within the Eco-Park, central green corridor and southern POS.
- 6.112. **Impacts on habitats and ecological function** The scheme is located on a sizeable area of open space in south-west Birmingham, which has been identified as a Potential Site of Importance (PSI). The development proposals would result in the loss of a significant proportion of this area (66% of the PSI, c. 21.4ha). Although the principal habitat loss is of mown amenity grassland, which has limited intrinsic ecological value, more valuable, semi-natural habitats/features including a pond, woodland, semi-improved grassland, hedgerows and mature trees would also be lost.
- 6.113. The revised proposals allow for the provision of up to 950 residential units, which is a slight reduction from the previous submission. Nevertheless, the presence of such a substantial number of new homes, as well as new community facilities, would subject the retained habitats (and the faunal species which they support) to greater

pressures than they are currently experiencing. Increased levels of disturbance, loss of buffer zones adjacent to core habitat areas and habitat fragmentation would adversely affect the intrinsic value of the retained habitats and their ecological function.

- 6.114. The revised proposals allow for a wider central green corridor (increased from the previous scheme from 10m to 30m), the creation of a single, larger POS in the south of the site, which incorporates two retained woodland blocks, new woodland/tree planting, a replacement wildlife pond and two SuDS ponds, and the partial retention of a tree belt running north-south through the eastern development block. These revisions have gone some way to addressing concerns associated with habitat loss and fragmentation, reduced habitat connectivity and increased disturbance. However, there are also some less favourable revisions – a reduction in width of the landscape/habitat buffer on the eastern boundary from 10m to 5m, closure of all the badger setts and loss of the southern pond (albeit with construction of a replacement pond in the southern habitat area). There is scope for further revisions to the development framework/indicative layout to reduce the development footprint and allow for an increase in green infrastructure, prioritising retention/enhancement of existing habitats and maximising habitat connectivity.
- 6.115. As such, there are ongoing concerns that the Master Plan and ecological assessment fails to pay sufficient regard to the ecological importance of the site. As such, ecological matters form part of a reason for refusal.

6.116. Trees

- 6.117. Policy TP6, of the BDP, (in regard to flood management) states that “trees and woodland can provide significant benefits in terms of water management and flood alleviation...in addition to their wider landscape value. The provision of additional trees and woodland will therefore be encouraged”.
- 6.118. The Arboricultural Report identifies that there are 90 trees (41 category A, 33 category B, 15 category C and 1 category U), and 69 tree groups within the site. The report comments that the majority of Group trees are high quality with the majority of groups being category A2. Two Tree Preservation Orders cover sites adjacent to the application site; Lomas Drive (TPO 144) to the south of the site and a plot created by 235-239 Tessall Lane (TPO 387) to the east, but these are not affected by the development proposals. The site is subject to a recent area TPO (reference 1574) that has identified the value of trees across the site, but also recognises that a scheme to redevelop the site with housing would inevitably result in the loss of a substantial quantity of trees, requiring suitable mitigation. Therefore, the future possible tree loss would be controlled and regulated by the TPO but it is not intended to prevent any development at all.
- 6.119. As the site and outline proposal is very large and creates a whole new urban area then comparing the resulting tree coverage to averages across the city gives a reasonable measure of the arboricultural quality of the design. There are objectives in the BDP that the quality and quantity of tree coverage across the city should increase and while the change of use from golf course to predominantly residential is bound to require the loss of some existing coverage the mature arboricultural quality that is on offer in this site should be carried forwards by any acceptable proposal.
- 6.120. There are some difficulties presented by the type of trees that have been appropriate in the golf course landscape but are not so appropriate close to

residential development – long stands of large cypress and poplar are better suited to an open landscape with good clearance from housing and these types of trees and groups are not an insignificant portion of the existing stock and are distributed across the site. These could be retained leaving 25% coverage from the existing 40%. This is not to say that groups of cypress and conifer should be dismissed without regard (many are A and B category trees) but they should not be a constraint if the preferred use near them is residential.

- 6.121. My tree officer has analysed the new outline in terms of retained and new tree coverage and averages across the city: Across the site there is a proposed coverage of 25% although this would be affected by the realistic coverage in the housing component as discussed below. The average across the whole city is 18% so this is a good figure as should be expected considering the high quality of the existing stock.
- 6.122. The proposed coverage in the school site is 25% against an educational average of 16%. This is mostly due to the new school being surrounded on three sides by existing boundary trees but appears good and achievable in outline.
- 6.123. My tree officer has considered the trees within the POS component. He has considered this to be a combination of leisure, woodland and water categories; the combined average for which is 47% across the city. The proposed POS component represents 57% coverage. This is perhaps slightly inflated by much of the boundaries along Tessall Lane, Elan Road and Frankley Beeches Road being counted as POS and extensive new planting in the green corridor that I suspect would benefit from some longer landscape views.
- 6.124. For the housing development zones I have calculated a proposed 7% coverage on the plan. This compares to a 16% average across the city although, typically, the coverage in the rear gardens of mature estates would be about 50% of the total. Unfortunately, in the outline layout, the prospect of realising 7% coverage seems unlikely. Almost all of the front gardens are very small and the trees in the streets are in the pavement. I assume that the adoption of all frontage trees and in the quantities shown will not be acceptable. There appears to be no parking on the frontages, at least no driveway depths that would allow room for private trees, and the parking is suggested to be under or behind the houses. If the parking is behind the houses then a typically significant area for private tree planting would also be lost.
- 6.125. The retained linear group in the eastern block of housing largely consists of poplar trees. These are not an ideal species for the proposed setting although, except for a couple of the trees, the green landscape islands in the shared space enclose the individual root protection areas. It is likely that the poplars would have a relatively limited retention span, subject to pruning and pollarding in the future. In my opinion the poplars are serving to retain a position for a linear group in the proposal, which is desirable, but not necessarily these trees in the long term.
- 6.126. The wholesale removal of all of the trees along the boundary with Josiah Road and replacement with a 5 metre wildlife corridor (presumably containing mixed native species) is a concern both in terms of the impact to the continuity of views for the residents of Josiah Road and the lack of selective removal in the A category groups.
- 6.127. The outline shows several places, particularly fronting the POS and if the building positions were carried through to detailed layouts, where the clearance from retained trees and the buildings should be greater.

- 6.128. Overall, the foreseeable outcome of the proposal, if the residential blocks are similar to how they have been presented in outline, would be a high contrast in hardness and green aspects within the streets and beyond respectively. An acceptable detailed layout would need to integrate trees into the residential blocks more successfully by taking more opportunity of key locations, perhaps for a smaller number of street or private trees than have been indicated but in locations where substantial trees have been allocated sufficient space.
- 6.129. Throughout the city half of the existing tree stock is in private residential space. This outline would create a very different balance and, although the site is unusual in both its constraints and its opportunities, if the residential blocks alone were separate proposals they would not be acceptable with regard to the internal provision/potential for trees.
- 6.130. Therefore, the Master Plan has failed to illustrate how the proposal for up to 950 dwellings can be delivered without substantial harm to arboricultural interests.
- 6.131. Conclusion on Design, Ecology and Trees.
- 6.132. In conclusion, the proposed Masterplan fails to pay sufficient regard to the site constraints and opportunities created by ecology, trees, water features and topography and as such the currently defined proposed development zones and access details fail to find the correct balance between green/open space and built form. The current Master Plan is therefore flawed and contrary to PG3, TP8 and TP6 of the BDP, paragraph 3.14 of the (saved) UDP and fundamental design considerations as set out in paragraph 56 of the NPPF and Places for Living (SPG).
- 6.133. Residential Amenity**
- 6.134. The proposal is in outline form, with all matters reserved apart from access. As such it is not possible to gauge or assess in detail the impact on the proposed housing in terms of overlooking, over domination or change of outlook. However, the site is currently open and wooded and residents with an outlook over this site would see a change in outlook if the development went ahead. In broad terms, I do not consider such a change unreasonable within the built-up area of this part of suburban Birmingham.
- 6.135. Residents occupying properties in Guardian Close, parts of Tessall Lane and Josiah Road, who share a boundary with the site, would be especially affected by the proposal. If this proposal were being considered for approval, particular care would be required when considering reserved matters such as layout, scale and landscaping when considering the effect of the proposal on adjacent residents.
- 6.136. However, having considered the impact of this current outline application I do not have a particular objection to the principle of residential development on the site on the grounds of adverse harm to residential amenity. Existing policy within Places for Living and the National Space Standards would ensure that this impact could be adequately mitigated.
- 6.137. Community Infrastructure Levy and Planning Obligations**
- 6.138. In terms of Community Infrastructure Levy, the site is within an area defined as 'low' residential value meaning that a zero charge is set.

- 6.139. Policies 8.50-8.54, of the UDP (Saved Policies), relates to the use of Planning Obligations. This states that the Council will take all appropriate opportunities to negotiate planning obligations and will determine the type, scale and mix based on several factors including Policy, local commentary and any specific local needs. Furthermore Paragraph 204, of the NPPF, states that Planning obligations should be sought when they meet the following tests;
- Necessary to make the development acceptable in planning terms
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 6.140. The above, from the NPPF, is replicated from the 2012 Community Infrastructure Levy and these regulations resulted in the City Council creating its Infrastructure Levy Charging Schedule (ILCS) which is designed to providing funding for infrastructure through the Regulation 123 list. The ILCS sets out the City Council's infrastructure requirements to enable collected CIL money to be spent in a consolidated and considered way, this includes reference to education payments. When the ILCS was drafted it was subject to examination in public, in terms of education the Examination Inspector agreed the list but also stated that large sites, would need to consider whether a specific education provision was required to meet an unexpected peak in localised demand. Large sites, such as the subject of this report, generate a specific and substantial education requirement which would be required as a direct result of the development. This approach satisfies the CIL tests.
- 6.141. Education provision
- 6.142. Policy TP36, of the BDP, States that “as the City's population grows there will be a need for additional Primary, Secondary and Special Needs school and college provision”.
- 6.143. Contrary to the previous application, the applicants are now prepared to offer a secondary school place contribution and fully fund the building of a 1FE Primary School on site. The school provision offer therefore consists of;
- A 1FE Primary School, on site, with the capacity to be expanded in the future,
 - Approximately £1M towards expansion at Forrestdale Primary School.
 - Approximately £3,188,857 towards expansion at Colmers School and Sixth Form College (based on 950 no., three-bedroomed dwellings).
- 6.144. Education colleagues have identified that the scheme generates a requirement for a Primary School of 1.33FE (Form Entry). It is therefore clear that the offered one form entry (1FE) primary school would meet most but not all demand and conversely a 2FE would over-provide for the proposed scheme. It has been agreed that the applicants should deliver a 1FE primary school on the site. The remaining 0.33FE, can be provided by extending a local primary school. Education colleagues have identified that Forrestdale Primary is capable of expansion and as such funding would be directed to this school. The on-site 1FE Primary School would be at capacity when $\frac{3}{4}$ of the site (equating to 712 out of 950 dwellings) are occupied, meaning that once 713 dwellings are occupied the additional 0.33FE capacity becomes required. As such it has been agreed with the applicants that a multiplier

would be calculated for all dwellings proposed for phases that include and exceed the total number of 712 dwellings to ensure that a sum is generated, on a phase by phase basis, to deliver the additional primary school places above those provided on site.

6.145. The calculation would be based (or similar) on the following sum;

Phase	Bedrooms	Pupil Yield	Year Groups	Building Cost Multiplier	Area Weighting
Nursery	1	0	1	£3,335	0.97
Nursery	2	0.03	1	£3,335	0.97
Nursery	3	0.042	1	£3,335	0.97
Nursery	4	0.06	1	£3,335	0.97
Primary	1	0	7	£12,257	0.97
Primary	2	0.03	7	£12,257	0.97
Primary	3	0.042	7	£12,257	0.97
Primary	4	0.06	7	£12,257	0.97
Secondary	1	0	5	£18,469	0.97
Secondary	2	0.03	5	£18,469	0.97
Secondary	3	0.042	5	£18,469	0.97
Secondary	4	0.06	5	£18,469	0.97

*Index linking applied to the final sum from 2017 onwards.

6.146. The trigger points would be set at;

- The on-site 1FE Primary School would be built and ready for occupation before the occupation of 201st dwelling.
- The off-site primary school contribution (using the above formula) would be paid prior to the commencement of the final phase or the commencement of the 800th dwelling (whichever is the sooner).

6.147. The offered secondary school sum would be calculated using the above table, so would differ from the approximate estimate of £3,188,857 (based on all dwellings being three-bedroomed). The sum would be directed towards Colmers Secondary School, which is currently a 7FE and would be expanded to an 8FE. This sum would be required to be paid prior to the occupation of the 201st dwelling.

6.148. The proposal satisfies the Council's requirements for adequate provision of education and satisfies Policy TP36, of the BDP, and Policy 8.50-8.54, of the UDP, (Saved Policies) and paragraph 204 of the NPPF. The identified sums are also CIL compliant as they clearly set out defined infrastructure projects that would be directly and reasonably required by the proposed scheme.

6.149. Affordable Housing

- 6.150. Policy TP31, of the BDP, requires affordable housing at a rate of 35% for schemes of 15 dwellings or more. The applicants have offered an on-site affordable housing provision of 35% with the following mix;
- 10% affordable rent
 - 15% intermediate Homes (including shared equity)
 - 10% Low Cost Housing for sale
- 6.151. Colleagues in Housing Strategy have raised no objection to the proposed mix and level of affordable housing.
- 6.152. Public Open Space Provision – The proposal would result in the loss of private open space and by providing up to 950 new dwellings would create a Policy requirement for 5ha of new public open space. The applicants have offered 10.95ha of POS and consequently the requirement for new on-site POS is exceeded on site.
- 6.153. Three play areas are proposed, these would need to be delivered to the City's specification and maintained by the landowner or a resident trust. The play areas and wider POS would not be adopted by the City Council and would need a management agreement for its maintenance and upkeep. This could be secured through an annual service charge for new residents, if a favourable recommendation was being made.
- 6.154. Compensation for the loss of private open space
- 6.155. Section **6.13** (above) explores the loss of private open space and requirement for compensation. The applicants have offered;
- 10.95ha of public open space including children's play equipment (a Multi-use Games Area, and three play areas).
 - £2,910,000 sports improvement fund.
- 6.156. The draft Playing Pitch Strategy identifies the sporting needs in different parts of the City and the quality and quantity of local provision. It also appraises existing pitches and identifies where these could be improved and upgraded. The site is within area 3 (consisting of the Northfield, Selly Oak and Edgbaston constituencies) and this area is identified as principally lacking football facilities. Discussions with Sport England, Leisure Services and Strategic Sports Officers (and indirectly with the Football Association) have identified that the following requirements are the priority areas for sports improvement in area 3;
- 2 x Artificial Grass Pitches at Senneleys Park (2 x £830,000), being £1.6M
 - 4 team changing room at Woodgate Valley Country Park (£594,000 including £46,000 design fees)
 - Woodgate Valley pitch improvements £150,000
 - Infrastructure improvements at Sennelys Park (including land-forming, car parking/access improvements) and Investment in adjacent pitches (the remainder £566,000)
 - All sums to paid prior to the occupation of 200 dwellings.
- 6.157. I am satisfied that these measures can be delivered in compliance with the emerging Playing Pitch Strategy and would satisfy the type and range of compensation envisaged for the loss of sporting use on the application site and for the delivery of new sporting activity for the new occupiers of the site. The District Parks Manager

has identified that a local football club (Bartley Reds) would be interested in using new football facilities at Senneleys Park and separately further interest from Newman University and separately again Birmingham Community Leisure Trust. As such I am satisfied that there are several local operators who would be willing and able to use these new facilities.

6.158. Community Hub – A Community Hub is being offered. The applicant suggests that this could be used for a range of activities including GP Surgery, Church Hall, and meeting space. This is described as being up to 1,000sqm. As part of a balanced range of benefits this kind of facility has some merit. More certainty and clarity would be required for this facility to make a substantial contribution towards the compensation package.

6.159. Conclusion on Planning Obligations

6.160. In summary, the proposal provides adequate education provision for the provision of 950 new dwellings and sufficient compensation to off-set the loss of open space. The offered contributions therefore satisfies Policy TP9 of the BDP (in terms of open space), Policy 8.50-8.54 of the UDP (in terms of S106 obligations) and Paragraphs 74 (open space) and 204 (obligations) of the NPPF.

6.161. Therefore, despite the scheme being found to be unsustainable and contrary to Policy the offered Heads of Terms within the set out Planning Obligations is considered as being acceptable and Policy compliant in itself, as a discrete section of this proposal.

6.162. Drainage

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

6.164. The proposal includes 10.95ha of public open space, which would include balancing ponds, swales and other sustainable drainage features, principally within the wetland area within the north east corner of the site.

6.165. The proposal includes development on a site which is mostly permeable (being mostly grass/trees apart from the club house) and as such 'greenfield' in character. The proposal would include the retention of green space (in the on-site POS and new gardens), but also includes a substantial quantity of hard-surfacing in the form of new road ways, roofs, driveways and other incidental areas of hard-surfacing. The applicants need to demonstrate how the proposal would retain all surface water outflow on site as a first objective, this could be satisfied with conditions if the scheme were being recommended for approval.

6.166. The Flood Risk Assessment (FRA) shows that the site is within flood zone 1, least likely to flood. I note that the Environment Agency have raised an objection on the basis that they consider that a flood model (including the technical report and model log) is required for the Environment Agency to review. It also request that the applicant confirms that the 1 in 20 year flood extents have been determined (reference is only made in the FRA to the 1 in 30 year event) and that the latest

climate change allowances have been used. The applicants have responded with further data and calculations, the Environment Agency are currently considering this further information. However, the current objection is a technical objection which can be resolved. There is adequate space on site to accommodate surface rainfall and the required mitigation/attenuation and consequent flood impacts through surface run-off. I therefore do not consider this issue constitutes a robust reason for refusal and a technical solution would be generated, in due course, with expert input and the use of appropriate conditions.

- 6.167. Furthermore, the Lead Local Flood Authority (LLFA) has raised no objection in principle and has stated that, the cumulative discharge rate of 77l/s for this development (site area of 33ha) is acceptable. The proposed drainage strategy indicates that an underground storage system may be incorporated. This would require evidence of exploring the potential of above ground SuDS features before underground storage is agreed. While it is noted that there is a green corridor following the course of Hanging Brook and the Eco-Park towards the north of the Site. The LLFA require the implementation of green/traditional SuDS (eg. swales, rain-garden, ponds etc.) in this development. The LLFA has subsequently raised no objection to drainage matters subject to the imposition of a condition for a sustainable drainage strategy.

6.168. Minerals

- 6.169. Policy TP16, of the BDP, was added by the Development Plan Inspector as a modification to the Plan. This requires that for any site over 5 hectares, an investigation should be undertaken into the existence of mineral deposits on the site and any viably workable minerals should be extracted. The applicants have undertaken an assessment and this concludes that the site has 'inferred' mineral resources such as glaciofluvial sand and gravel and Kidderminster Formation (in the southern part of the site), although their quality is not known. The applicant's geologist concludes that their acceptability, for mineral extraction, is likely to be low or negative and would have the potential to significantly disrupt and delay the programme of development. Furthermore, they state that due to the local high population density and the suburban setting, the impact of potential sand and gravel extraction would likely meet with strong and vociferous opposition due to the potential impacts of noise, dust, visual impact and heavy goods vehicle traffic. This site is therefore considered to be of low extraction value.

6.170. Air Quality impact

- 6.171. Regulatory Services colleagues have requested that the applicants undertake a 'Air Quality Damage costs calculation', prior to making a decision, to assess the environmental cost of the demolition / construction phase with a view to compensation for air quality impacts (in line with Defra IGCB calculation). This requirement is not a Planning Policy but the DEFRA guidance says that it should help inform early analysis of air quality proposals and plans, it is therefore principally to aid Policy making. Equally, paragraph 109 of the NPPF, states (inter alia) that air quality is to be taken into account within the planning system which should "prevent new and existing development from contributing to...unacceptable levels of..air..pollution". The BDP relates to air quality in Policy TP37 (regarding health) where it sets an objective, inter alia, to improve air quality. TP38 (regarding sustainable transport) and TP44 (regarding traffic and congestion) of the BDP, also seek to improve air quality by encouraging sustainable forms of transport.

- 6.172. The applicants have responded to this question with the comment that the proposed 'demolition' is very minor (being only a small club house) and with final numbers of dwellings not known it is very difficult to properly appraise the environmental impact on air pollution of the construction phase. The submitted Environmental Statement considers air pollution (during construction) and states that;

"The site is located in a city-wide Air Quality Management Area (AQMA). A package of mitigation measures to minimise emissions of dust and smaller particles during construction works will be implemented through a Construction Environmental Management Plan and therefore impacts are judged to be of negligible significance".

- 6.173. Obviously post construction air pollution can be managed through conditions such as those relating to electric car charging points and the promotion of sustainable travel through a Travel Plan. There is a degree of inevitability that there will be some air pollution caused during construction, through construction lorries and workers vehicles, but I am satisfied that impacts would not be long term or substantial in scale or longevity. As such I am satisfied that this could be satisfied through the proper use of conditions.

7. Conclusion

- 7.1. The proposed scheme is contrary to the Development Plan as illustrated through the recent Plan adoption and the Inspector's comments in his concluding report March 2016. The site for housing development is contrary to the adopted BDP and the principle is not established. Furthermore, material considerations illustrate that the proposal fails to provide adequate consideration of the constraints to illustrate, through an indicative Master Plan, how the proposal would satisfactorily address the identified constraints and integrate into the local context.
- 7.2. The Master Plan, and development zones identified, has failed to properly identify and sympathetically arrange development blocks to pay suitable regard to the ecological and arboricultural site constraints and established design principles, to illustrate how up to 950 dwellings could be accommodated on site without detriment to these very important interests.
- 7.3. For the two reasons outlined above, the proposal would not constitute sustainable development and so cannot be supported.

8. Recommendation

- 8.1. That the application be refused for the following 2 reasons;

Reasons for Refusal

-
- | | |
|---|--|
| 1 | The application site was specifically not allocated for new housing in the recently-adopted local plan. The principle of development is unacceptable and the material considerations have failed to indicate otherwise. As such, the proposed housing represents unsustainable development and is contrary to Section 38 (6) of the Planning and Compensation Act (2004), Policy PG1 of the BDP and provisions of the NPPF (Paragraphs 2, 14-17, 47-49). |
| 2 | The Master Plan fails to pay sufficient regard to the identified site constraints of ecology, trees and important landscape features or the local context. As such the |
-

Master Plan, and proposed development zones, fail to properly provide a suitable balance between development areas and open space, and fail to properly consider connectivity, context (especially in regard to density) and internal layout. The Master Plan is therefore flawed and contrary to Policy PG3, TP6 and TP8 of the BDP, paragraph 3.14 to 3.14D of the (saved) UDP and contrary to fundamental design considerations as set out in paragraph 56 of the NPPF.

Case Officer: Ben Plenty

Photo(s)



Fig 1 looking North



Fig 2 : Southern boundary of site, opposite Tessall Lane shops.



Fig 3 : SW boundary of site, on Elan Road.

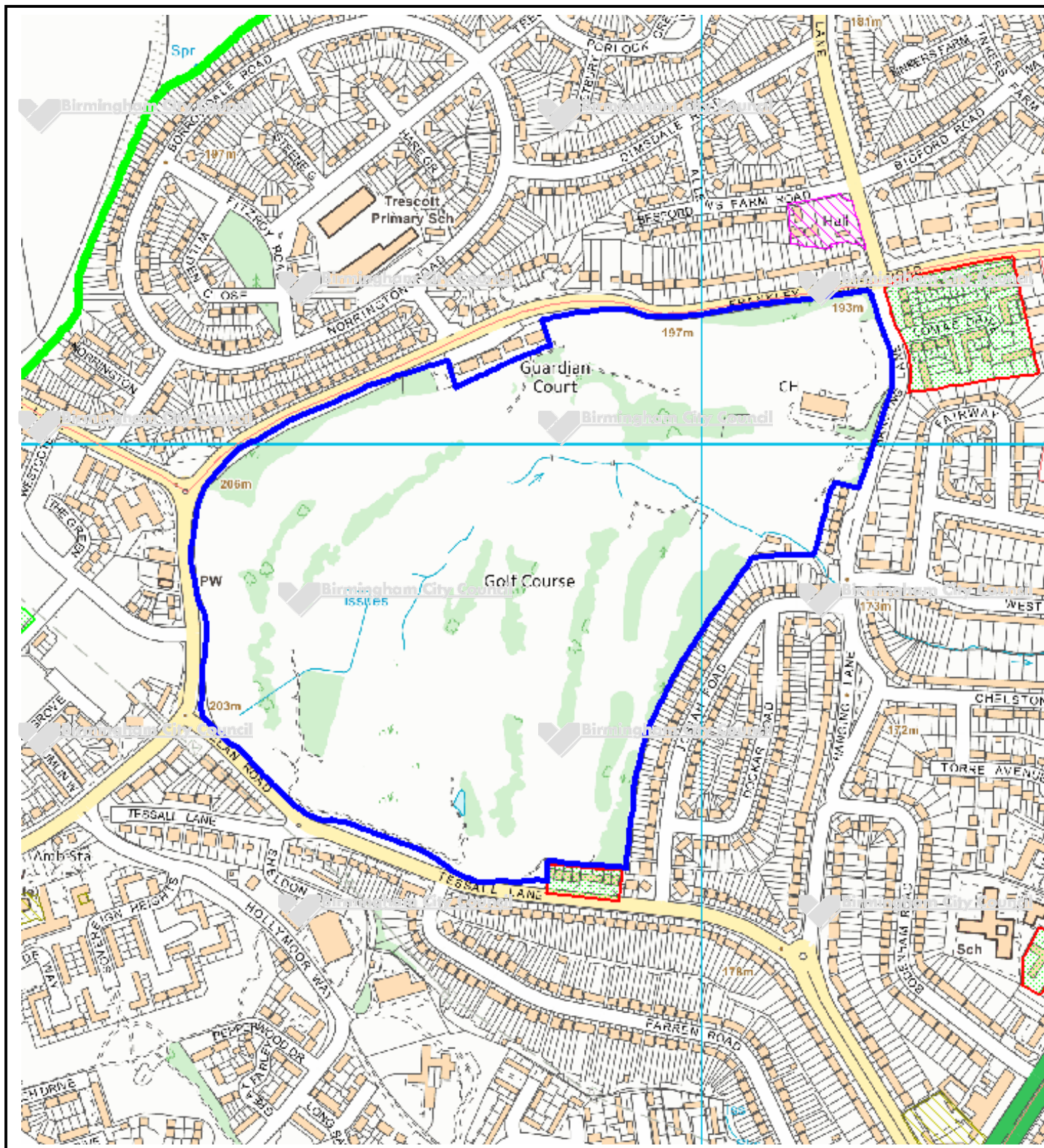


Fig 4 : proposed site access point, at roundabout at Egghill Lane, Frankley Beeches Road, looking east



Fig 5 : Junction at Frankley Beeches Road/Hanging Lane, looking south

Location Plan



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Committee Date:	31/08/2017	Application Number:	2017/05633/PA
Accepted:	28/06/2017	Application Type:	Full Planning
Target Date:	27/09/2017		
Ward:	Longbridge		

Austin Avenue, Land At, Longbridge, Birmingham, B31 2UQ

Site preparation and construction of premises for cinema (Use Class D2), gym (Use Class D2), and food and beverage activities (Use Classes A3/A4/A5), landscaping , access and associated works

Applicant:	St Modwen Developments Ltd c/o Agents
Agent:	Planning Prospects Ltd 4 Mill Pool, Nash Lane, Belbroughton, DY9 9AF

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. Planning permission is sought for site preparation works including levelling and cut and fill works and the erection of a building to be used as a cinema and gym at first floor (use class D2) and food and beverage establishments (use classes A3/A4/A5) at ground floor. The proposed development would enclose the space created by the first two phases of the wider centre development creating a 'bookend' to the retail elements of the District Centre. The building would be physically attached to the end of the western block of large format retail units (currently occupied by Smyths Toys) but has been designed and developed as a stand-alone building in terms of use and function. The gross external areas (GEA) proposed are 2,636sq.m at ground floor; 4,913sq.m at first floor and 357sq.m at second floor totalling 7,906sq.m (GEA).

1.2. The development would comprise:

- At ground floor, a terrace of six restaurant units fronting east onto the existing surface level car park, extending to approximately 1,755sq.m GIA (gross internal area), with access and lobby areas to serve the upper floor and service areas to the rear.
- At first floor, a gym unit of approximately 1,485sq.m GIA (including the ground floor lobby) and a nine screen cinema, with approximately 3,144sq.m (GIA) of accommodation (including the downstairs lobby), and including ancillary café and concessionary space.
- Additional back of house shared storage, servicing and circulation space extending to approximately 1,217sq.m GIA.

As the site levels rise to the south, the first floor cinema would actually sit at ground level at the southern end of the buildings.

1.3. The proposed cinema would be occupied by "The Light" who currently operates six cinema sites, including one at Walsall. It is expected that the ground floor units would

be occupied by family restaurant chains, and the gym would be occupied by “The Gym”.

- 1.4. The proposed building would have two floors of accommodation however, given the inherent height of cinema auditoria (equivalent to 2-3 commercial storeys), it would appear much taller. In addition, a roof top plant requirement would increase the building's height by a further storey leading to a proposed building that would be between 4 and 5 commercial storeys in height. The maximum height would be 22.6m with a minimum height of 14m. Given this, the building has been designed to mitigate the visual impact through the use of the roof profile responding to specific areas of height requirement (high where roof plant is required and low for the gym). The plant is not enclosed within the roofspace but is hidden by the design and parapet of the roof. The plant could be visible (with obtuse views) from the upper northern apartments within the adjacent Extra Care Village and possibly from the balconies within the M and S café; Park Point Offices and Bournville College. At street level, the plant, except the top of the proposed flues, is unlikely to be visible.
- 1.5. The proposed building would have a floor plate of approximately 36m in width and 139m in length with all service cores, stairs, lifts, toilets and ancillary accommodation positioned to the rear (western edge) of the floor plate to provide for active frontages to both the Austin Park frontage, to the north, and the town centre car park frontage. The service yard that sits behind (south) the existing large retail units would also serve the new proposed leisure unit.
- 1.6. The development, when approaching on Austin Avenue, from Lickey Road, would appear as a large industrial building with a robust brick base to the site boundaries with a projecting box. The upper elevations would have sinusoidal cladding and zinc, diamond shaped shingles. The western elevation, heading south to north from Lickey Road would have 'split' pitched roofs that represent where the cinema auditoria meets the cinema reception foyer spaces and the gymnasium internally. The elevation fronting Austin Park (facing north) relates primarily to the gymnasium and would include a picture window that extends across the majority of the width of the building. At ground floor, the elevation presents the ground floor unit with a further active frontage with potential for outside seating overlooking Austin Park.



- 1.7. The eastern elevation (fronting the surface level car park and Marks and Spencer) represents the main public frontage to the development. The ground floor restaurant units would have a similar design to the retail units within the retail centre including a projecting stone panel surround, flat metal panel fascia/signage zone and full height glazing. The cinema and gym would have independent ground floor entrance lobby spaces, positioned centrally within the six restaurant units. The cinema, at first floor, would be accessed from a small entrance lobby area, via an escalator, staircase and lift into an open double height reception foyer space that tapers across the width of the building from east to west. A large double height rounded corner, trapezoidal picture window looks across the surface car park. The gym would also be at first floor and is accessed from a small entrance lobby via a staircase and lift, into a small secure reception foyer. A row of large port-hole type windows would provide views across the car park.
- 1.8. Car, cycle and motor cycle parking is provided within the existing surface level and multi storey car parks to the Longbridge District Centre as a whole. No further provision is provided within this development proposal.
- 1.9. The proposed development would create approximately 144 new jobs once completed along with jobs during the construction period.
- 1.10. The application is supported by a Design and Access Statement; Planning and Centres Statement; Transport Assessment, Environmental Noise Report; Land Contamination Assessment and a Flood Risk Assessment, Drainage Strategy and Sustainable Urban Drainage Assessment.
- 1.11. Site area: 0.66Ha.
- 1.12. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is primarily located within the identified and allocated Longbridge District centre boundary and forms part of the Longbridge North redevelopment area. The centre has been developed in two main phases. The first comprising a Sainsbury's store, small shop units, offices, a hotel and other centre uses. The second phase comprised a bespoke M and S store and a terrace of larger unit shops.
- 2.2. The site is approximately 0.66ha in size on the western side of the centre, is vacant and is broadly rectangular in shape. The site fronts onto the main surface level car park on its western side. It is adjacent and at right angles to the terrace of larger unit shops developed as part of phase two along the southern edge of the car park. It is opposite the large M and S unit which frames the eastern side of the car park. Austin Park is located immediately to the north. Phase one of the town centre, including Sainsbury's plus hotel, retail, service and office accommodation is located to the north east, extending back from the northern edge of the surface car park. Further, multi-storey car parking is located at the southern end of the M and S unit.
- 2.3. Existing A3/A4/A5 uses are located within the centre in the form of The Cambridge (pub/restaurant); Beefeater; Costa Coffee; Starbucks (within the College) and sandwich/takeaway outlets in the form of Greggs, Subway, Stone Willy's and Royal Fish Bar along with a café facilities within M and S.

- 2.4. The nearest concentration of other leisure and food/beverage facilities is located out of centre at Great Park, to the west of Longbridge. Great Park includes a cinema, bowling alley, bingo hall, gym and several restaurants. A further gym is located opposite Longbridge Technology Park.
- 2.5. Adjacent to the site, to the south, lies the Phase 4 Lickey Road Housing site, for which outline planning permission has been granted for up to 295 dwellings; to the west lies the Extra Care Village and a site with outline planning permission for 10,000sq.m of offices (B1a).
- 2.6. The site is located within a commercial centre which, on a wider view, is located in a residential suburban area.

2.7. [Site Location Plan](#)

3. [Planning History](#)

- 3.1. 18 November 2016. 2016/08020/PA. Planning permission granted for sub-division of Unit 27 of Longbridge Town centre Phase 2 with external alterations to shop front and rear elevation.
- 3.2. 10 June 2016. 2016/03513/PA. Planning permission granted for the reconfiguration of the retail units within Phase 2 of Longbridge Town Centre to include alterations to elevations, sub-division/amalgamation and provision of mezzanine and provision of external trolley bay.
- 3.3. 24 March 2016. 2014/09251/PA. Outline planning permission granted with all matters reserved for future consideration for residential development (up to 215 dwellings). (Phase 4 Lickey Road)
- 3.4. 24 September 2015. 2015/06722/PA. Planning permission granted for reconfiguration of the nine retail units within Phase 2 of the Longbridge Town Centre, to include subdivision/amalgamation and provision of mezzanines totalling 764sq.m
- 3.5. 19 March 2015. 2014/09425/PA. Outline planning permission granted for all matters reserved for future consideration for the erection of up to 10,040sq.m offices (B1), access, parking, landscaping and associated development infrastructure.
- 3.6. 16 September 2014. 2014/04442/PA. Planning permission granted for the development of an extra care village comprising 260 units and village centre in a five storey building with associated car parking, roads and landscaping.
- 3.7. 7 August 2014. 2013/09229/PA. Planning permission granted for retail and service development (A1, A3 and A5) comprising 14,832sq.m (GEA) anchor store, retail units of 4,383sq.m (GEA), restaurant/takeaway pavilion building of 589sq.m (GEA), erection of multi storey car park of 1216 spaces and surface level car park of 500 spaces, access, landscaping and associated works. (Phase 2 Town Centre) Subject to a Section 106 Agreement to secure:
 - a) An index linked financial contribution from the date of this planning committee of £1,857,846 towards the spend priorities of the Longbridge Infrastructure Tariff identified in Table 2 of the Longbridge Area Action Plan 2009 payable as 25% on commencement of development, 25% on first occupation, 25% on 50% occupation and 25% on 95% occupation.

- b) The first occupation of the 14,832sq.m retail unit shall be Marks and Spencer Plc.
 - c) A continued commitment to remain in a Local Training and Employment Scheme with the City Council and other agencies and employ local people during construction and operation of the development.
 - d) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.
- 3.8. 15 November 2013. 2013/06431/PA. Planning permission granted for Construction of highway access road & footway, associated drainage infrastructure, lighting & landscaping.
 - 3.9. 7 February 2013. 2012/07693/PA. Planning permission granted for Highway link road, street lighting and landscaping.
 - 3.10. 21 June 2012. 2012/02283/PA. Planning permission granted for Recreational park including alterations to river alignment, new bridge, pedestrian cycle bridge, footpaths, hard & soft landscaping and associated river & drainage infrastructure works.
 - 3.11. 9 September 2011. 2011/00773/PA. Planning permission granted for Mixed use development comprising new superstore, shops (A1), Financial and Professional (A2), Restaurants/Cafes (A3), Public Houses (A4) and Hot Food Takeaways (A5), Offices (B1a), 40 residential apartments, hotel, new public park, associated parking and service infrastructure and new highway access from Longbridge Lane and Lickey Road. (Phase 1 Town Centre)
 - 3.12. 17 April 2009. 2008/06456/PA. Planning permission granted for Development of a college facility (Class D1), with associated landscaping, parking and access arrangements.
4. Consultation/PP Responses
 - 4.1. Local residents; Ward Councillors for Longbridge and Northfield Wards; MP's for Northfield and Bromsgrove Constituencies and Local Resident Associations Notified. Two Site Notices and Press Notice posted. 4 letters of support (including Councillor Cartwright) welcoming the proposed development and employment opportunities; 10 letters of comment and 38 letters of objection.
 - 4.2. The letters of comment and objection raise the following issues:
 - Happy with the proposed investment
 - Another cinema and more restaurants are not necessary – would affect house prices and job security
 - Another gym is not required.
 - Need more shops.
 - The local population want an IKEA, clothes shops, casino, cocktail bar, sports bar, soft play facilities, skating rink, live music venue, shops including the Range, Pets at Home, Toys R Us, Primark, Homebase, Garden centre, Youth Centre, roller rink, library, community hub, day-care centre, rock climbing centre, trampoline park, family fun pool with water slides, large functional medical centre
 - Increase in traffic
 - Should have free parking
 - Concerned about competition
 - Proposal is of no benefit to the local community
 - Area needs sustainable well paid employment opportunities

- Area should be parkland
 - Needs to be wider consideration of what benefits the area outside of St Modwen control
 - Increase in noise and anti-social behaviour
 - Where are the promised 10,000 jobs?
 - Request for a pedestrian crossing in front of Colmers School on the Bristol Road South between Cliff Rock Road and Kendal Rise Road.
- 4.3. Severn Trent Water – no objection subject to a drainage safeguarding condition.
- 4.4. Environment Agency – no objection.
- 4.5. West Midlands Police – no objections, recommends conditions relating to CCTV and lighting and raise the following concerns:
- Any premises operating as a late night drinking/eating establishment has increased potential to host incidents of crime and anti-social behaviour.
 - The open space outside of the entrance to the Gym and the Cinema could create an area for loitering and unwanted anti-social behaviour. With the bars/restaurants either side, potentially having external seating areas allocated to them to be solely responsible for, I would strongly recommend that there is no seating provided outside of the Gym/Cinema to avoid unwanted groups congregating and that any walls in the vicinity are topped with ball/hoop top railings to prevent anyone from sitting on them.
 - In relation to refuse collection; where internal access is allowed into non-public areas by external bodies there should be a management system to ensure that the correct operating procedures are met, for example, the opening and closing of doors and the storage of wheelie bins during non-collection days.
- 4.6. Lead Local Flood Authority – no objection subject to a sustainable drainage safeguarding condition.
- 4.7. West Midlands Fire Service – no response received.
- 4.8. Highways England – no objection.
- 4.9. Regulatory Services – no response received.
- 4.10. Network Rail – no objection.
- 4.11. Transportation – No objection subject to a construction management plan condition.
5. Policy Context
- 5.1. Birmingham Development Plan (BDP); NPPF, NPPG, Longbridge Area Action Plan (AAP) (2009), Saved Policies of the Birmingham UDP (2005), Shopping and Local Centres SPD, Places for All SPD, Car Parking Guidelines SPD.
6. Planning Considerations
- Policy
- 6.1. Policy GA10 of the BDP relates to Longbridge and identifies that an AAP is in place to secure comprehensive redevelopment over a 20 year period. The policy identifies

the level of development that the AAP sought including 13,500sq.m gross of retail floorspace. The policy goes on to state *“A total of 28,626sq.m of retail floorspace has been committed to date, reflecting changing circumstances since the AAP was adopted. Proposals for further retail development will only be permitted where it can be demonstrated through a full retail impact assessment that there will be no significant adverse impact on investment in, and on the viability of centres in the catchment area.”* As part of the BDP adoption, the Longbridge centre was upgraded from a neighbourhood centre to a District Centre and the boundary extended from that identified within the AAP and SPD.

- 6.2. Policy TP21 covers local centres policy and identifies that centres are the preferred location for retail, office and leisure developments along with community facilities and proposals which *“will make a positive contribution to the diversity and vitality of centres will be encouraged.”*
- 6.3. The BDP boundary for the District centre has increased from that within the AAP and includes land that in the AAP was allocated for employment uses under policy EZ1 and mixed uses under LC4. The centre boundary was amended in the BDP following the grant of planning permission for the Extra Care village, market housing Marks and Spencer, the multi-storey car park and large scale retail units on land that was allocated in the AAP for employment and mixed use.
- 6.4. The proposal seeks planning permission for six A3/A4/A5 premises, gym (D2) and a cinema (D2). All of these uses would be in accordance with policy and are considered to be policy compliant uses for the District Centre. Given the planning history of the district centre and the former Longbridge north works as a whole, the employment allocation EZ1 of the AAP is now somewhat out of date and whilst a small area of the site sits within this allocation, employment generating uses on this area is no longer a viable or suitable option for this site following the development of residential around it. Whilst there is no policy requirement to assess the impact of the proposal on retail/town centre matters (as it is located in centre and does not form further A1 floorspace), an assessment of the development's likely impact has been submitted. In each case, having regard to the proposed A3/A4/A5 uses, D2 gym and D2 cinema, a gap in local provision is shown that can be met through this proposal, which, in turn, would draw trade back from less sustainable out of centre locations.
- 6.5. On this basis, I consider the proposed uses to be acceptable and in accordance with policy requirements and objectives.
- 6.6. I note the number of objections raised on the basis of the need for a further cinema, gym and restaurants and the list of requests from the local population for the site. The applicant has responded to these requests and has submitted the following statement.

“Many of the comments raise the point that there is already a cinema and gym presence locally, including in particular at Great Park. Whilst the “need” for town centre uses is not a policy test it is instructive that there is clear and strong occupier interest for the scheme. Policy encourages economic growth, and competition, but specifically within a “centres first” framework. It directs these uses towards centres like Longbridge to promote their vitality and viability, as sustainable and accessible places meeting a range of needs. This proposal is a relatively uncommon example of major investment proposed within a centre, pushing back at out of centre competition, and should be supported.

The cinema occupier is confident that there is a market for the total number of screens that would become available in this part of Birmingham, and will also create a point of difference with qualitative aspects of their offer, for example in terms of comfort, audio and visual standards, and catering. Attracting a cinema to a centre such as Longbridge should be regarded as a significant coup. The health and fitness market – particularly in the 24 hour / value sector within which the proposed occupier operates – is growing rapidly, and is highly competitive. It is not unusual to have a choice of gyms in close proximity to one another, but again a presence within a centre is to be encouraged.

There is relatively strong support amongst those responding for additional retail, ranging from fashion stores such as Next, New Look, River Island, Top Shop, H & M, Primark or Matalan, to large space occupiers such as IKEA, Debenhams and Homebase, and specialists such as Pets at Home and Body Shop. From a commercial perspective this might be appealing to St Modwen but we are mindful of the planning challenges this would create in terms of adopted policy and the City Council's previous stance around this point.

Finally, there are a number of comments requesting other uses, including different types of leisure, and various community facilities. There are obviously challenges with delivering such activities from a viability and operator demand perspective. St Modwen has worked very hard over an extended period in challenging market conditions to arrive at a scheme with named occupiers attached that is consistent with policy objectives."

- 6.7. I concur with the applicant's statement and whilst further retail would be welcomed by the local population of Longbridge, the application that received approval for Marks and Spencer highlighted that further A1 retail over and above that approved would have an impact on the vitality and viability of the adjacent centre at Northfield. The issue of need and competition have limited weight given the proposal is 'in centre' and as such, I have attached limited weight to objections on these grounds. I note requests for community facilities including a youth centre and community hub and can confirm that these are provided within Longbridge in the form of Bournville College and The Factory youth centre. On this basis, the proposal is considered to be in accordance with BDP, NPPF and AAP policy for the development of Longbridge district centre.

Design

- 6.8. The proposed development would have two floors of accommodation however, it would appear much taller. In addition, a roof top plant requirement would increase the building's height by a further storey leading to a proposed building that would be between 4 and 5 commercial storeys in height. The maximum height would be 22.6m with a minimum height of 14m. Given this, the building has been designed to mitigate the visual impact through the use of the roof profile responding to specific areas of height requirement (high where roof plant is required and low for the gym). The proposed building would have all service cores, stairs, lifts, toilets and ancillary accommodation positioned to the rear (western edge) of the floor plate to provide for active frontages to both the Austin Park frontage and the town centre car park frontage.
- 6.9. The development, when approaching on Austin Avenue, from Lickey Road, would appear as a large industrial building with a robust brick base to the site boundaries with a projecting box. The western elevation, heading south to north from Lickey Road would have 'split' pitched roofs that represent where the cinema auditoria

meets the cinema reception foyer spaces and the gymnasium internally. The elevation fronting Austin Park (facing north) relates primarily to the gymnasium and would include a picture window that extends across the majority of the width of the building. At ground floor, the elevation presents the ground floor unit with a further active frontage with potential for outside seating overlooking Austin Park.

- 6.10. The eastern elevation (fronting the surface level car park and Marks and Spencer) represents the main public frontage to the development. The ground floor restaurant units would have a similar design to the retail units within the retail centre including a projecting stone panel surround, flat metal panel fascia/signage zone and full height glazing. The cinema and gym would have independent ground floor entrance lobby spaces, positioned centrally within the six restaurant units. The cinema, at first floor, would be accessed from a small entrance lobby area, via an escalator, staircase and lift into an open double height reception foyer space that tapers across the width of the building from east to west. A large double height rounded corner, trapezoidal picture window looks across the surface car park. The gym would also be at first floor and is accessed from a small entrance lobby via a staircase and lift, into a small secure reception foyer. A row of large port-hole type windows would provide views across the car park.
- 6.11. Outline planning permission has been granted for residential development to the rear (south) of the application site and an extra care village has been constructed (and now part occupied) to the west of the application site. With regards to residential amenity to the residential development to the south, this would sit approximately 3-5m above the road/ground level of the application site, a minimum of 20m from the proposed building and would overlook the service yards at the rear of the town centre large retail units. The proposed relationship would differ slightly in that the proposed cinema building would be located up to back of pavement in this location however, the application site would sit considerably lower and I do not consider this relationship to be significant sufficient to warrant a refusal, particularly given the existing outlook and relationship. In regards to the extra care facility, the northern block of development would be located closest to the proposed cinema building however; the living accommodation and balconies within this block face either inwards to the courtyard or north towards the proposed offices and town Centre Park. The elevation facing the cinema comprises full height glazing and accesses 'The Galleria' which is an ornamental garden space open to the sky. A car park is also located in front of this elevation. This elevation is approximately 50m from the proposed cinema building. As the apartments within the extra care village do not front onto the cinema building in this location and are set some considerable distance from the proposed development, I consider this relationship to be acceptable. With regards to views from balconies of the extra care, a number of the upper storeys of accommodation may see obtuse views of the plant located on the roof of the building however, given the design of the roof slopes and the separation distances between the two buildings; I consider that the proposal would have limited, if any, impact on residential amenity in terms of outlook and noise and disturbance.
- 6.12. The modern design of the building is welcomed and supported by my officers. The development would complete the quadrangle of development that frames the existing surface level car park. The design incorporates large areas of glazing at first floor for both the gym and cinema circulation areas whilst providing a large box window for the gym on the northern elevation overlooking Austin Park. The proposed restaurants would provide continuity with the existing and adjacent large retail units through the use of shop-fronts and signage zones matching those adjacent. The use of modern materials is welcomed and would provide visual interest adjacent to traditional brick buildings and opposite the modern M and S unit.

- 6.13. I note that the site is accessible on all four sides and as such, any development proposed would always have 'back of house' areas that would not provide active frontages to the street. In this proposal, this would be the south and half of the west elevations. This is accentuated in this proposal as the primary use of the building is as a cinema, which comprises a large blank box. However, I consider the design to provide a high level of visual amenity and quality to this end of the surface level car park, framing the existing development and Austin Park to the benefit of the wider Longbridge north development. The west and south facing elevations have been designed utilising the same materials and where possible, design features and windows have been utilised and all four sides of the building have been considered so that these elevations do not feel like 'back of house' areas. The cinema foyer would have the same large window on both the east and west elevations. As such, I consider that the proposal would complete this area of the town centre providing a visual stop and visual relief between the town centre and the residential elements to the west (Extra Care Village) and the south.

Highway and Transportation Issues

- 6.14. The proposed development would be serviced from the existing service yards to the rear of the large retail units adjacent to the site and would share the existing town centre car parking adjacent to the site. No further car parking is proposed as part of this application.
- 6.15. A transport assessment has been submitted in support of the planning application. Modelling has been undertaken to assess the impact of the proposed development on the local highway network. The modelling undertaken demonstrates that the development can be accommodated by the surrounding infrastructure in both am and pm peaks. This modelling has also been undertaken with and without the highway modifications that would be undertaken as part of the Longbridge Connectivity package and demonstrated that the highway network would continue to operate within capacity. With regards to impact on the adjacent M5 junction 4, improvement works to the junction have already been undertaken by Highways England which has improved the junction operation and capacity. Previous phases of development at the town centre have been subject to trip generation conditions relating to the motorway junction however following the improvement works, conditions of this nature are no longer required and Highways England raise no objection to the proposal.
- 6.16. Transportation Development have reviewed the submitted transport assessment and concur that the modelling shows no significant impacts from this development as part of the wider consented developments. The site has 1716 car parking spaces available for public use that are managed by St Modwen and covered by a car park management plan approved as part of earlier Town Centre planning approvals. These car parking spaces are free for the first three hours. The extra demand required by this development is suitably catered for within the total car parking provision, and the analysis is robust as doesn't include any reductions for linked trips by customers visiting multiple parts of the site. On this basis, Transportation has raised no objection to the proposal subject to a construction management plan condition and I concur with their view.
- 6.17. I note a number of objection letters seek a pedestrian crossing facility west of the site on Bristol Road South by Cliff Rock Road and Kendal Rise Road that would assist pedestrians crossing for Colmers Farm School. I have discussed this request with Transportation. The application site at Longbridge town centre is some 900m

distant from the crossing location sought, and Transportation advise that the PM peak hour pedestrian trips are negligible. They also advise that the crossing request relates to an existing issue that would not be compounded to any significant level by this development proposal. On this basis, I do not consider it reasonable or relevant to require the crossing as part of an approval for this development proposal.

Drainage and Flood Risk

- 6.18. The submitted assessment indicates that the site currently lies primarily within Flood Zone 1; however a small section (14sq.m) of the north of the site is located in Flood Zone 3, associated with the River Rea which runs north of the site through Austin Park. Significant work has already been undertaken to the River Rea in both the former North Works and within West Works, which have altered and reduced the risk from fluvial (river) flooding in this location. Work to review the flood zone allocations in Longbridge is ongoing with the applicant and the Environment Agency. Based on this, the assessment concludes that the site is considered at low risk of flooding. The Environment Agency raise no objections on flood risk grounds and confirm that all evidence that they have received currently places the development wholly within Flood Zone 1.
- 6.19. As part of the submitted assessment, a review of appropriate sustainable drainage hierarchy options has been undertaken. Infiltration SUDs has been excluded due to remediated ground contamination and the site cannot discharge surface water runoff directly into a watercourse. As such, the proposal would connect into a private surface water sewer system that was constructed as part of the town centre phase 2 development, which, in turn, discharges into the River Rea north-east of the proposed development.
- 6.20. The LLFA and Severn Trent Water are in acceptance of the principles within the FRA, Drainage Strategy and SUDS Assessment. The LLFA recommend a SUDS drainage condition be attached to any approval, whilst Severn Trent requests a drainage condition. I concur with their views and the appropriate drainage conditions are recommended below.

Ground Contamination

- 6.21. A Ground Contamination report was submitted with the application. This identifies that the site is underlain by Made Ground overlying bedrock of the Kidderminster Sandstone Formation. Two phases of remediation have already been undertaken on sites in 2011 and 2013. The remediation involved the turnover of the Site to 2.5m below existing ground level, removal of obstructions to 2.5m, backfill of excavations to an engineering specification; the delineation, treatment and validation of contaminant hotspots in soils within the 2.5m turnover, treatment of petroleum hydrocarbon contaminated soils and groundwater remediation. Validation reports were submitted and approved by the LPA and the Environment Agency. The report concludes that further site specific investigation is required to confirm that groundwater conditions have not changed and to assess whether development specific measures are required to mitigate potential soil, gas and organic vapours from the residual contamination in soils and groundwater.
- 6.22. The Environment Agency has reviewed the submitted ground contamination report and has confirmed that they do not require any further investigation or remedial intervention on this site prior to its development. Due to the nature of the remediation undertaken significant soil contamination is unlikely to remain. Comments are awaited from Regulatory Services. Given the conclusions of the

report, the previous site remediation works and the comments from the Environment Agency, I consider it appropriate to recommend a condition relating to the requirements for further assessment if unexpected contamination is found to be present on site.

Other Issues

- 6.23. The application is also supported by an environmental noise report as the site is located near to the newly opened Extra Care Village to the west and to the south, a site subject to outline planning permission for residential development. The report has assessed the proposal at locations representative to the potential noise sensitive properties and has assessed noise emanating from fixed mechanical plant, noise from the cinema and gym and changes in road traffic noise. The assessment concludes that plant machinery can be controlled via condition; the cinema can be designed to include a high level of noise insulation to prevent noise intrusion and that any changes in road traffic resulting from the development would have a negligible impact on residents. Comments are awaited from Regulatory Services however, conditions are recommended below to address noise levels, plant and machinery and to restrict the use of amplification equipment. I consider that the proposed development would have limited impact on residential amenity.
- 6.24. I note that a number of objections received related to the possibility for the increase in noise and anti-social behaviour. West Midlands Police have raised no objections to the proposal but have raised concerns including that late night drinking/eating establishments have the potential to increase crime and anti-social behaviour. I consider that these are issues that are primarily considered under other legislation including licensing and that it is this legislation that should be utilised to control this potential rather than the planning system. Longbridge Town Centre is also managed and secured by the applicant 'St Modwen' and I consider that these issues would also be addressed through their lease and management processes and on site security. However, I also recommend a safeguarding condition relating to no external seating areas to restrict this potential impact.
- 6.25. I also note that objections asked where the 10,000 jobs are that were promised by the AAP. The AAP did not specify the type of jobs that would be created and a significant number of employment opportunities have already been created through the development of the town centre and the former north works as a whole, and that this proposal would create a further 144 new employment opportunities. I also note that employment sites located within the AAP area under Bromsgrove District Council have provided employment opportunities and the Regional Investment Site proposed for the former West Works site (located on the other side of the A38 Bristol Road South) has yet to be brought forward. As such, and noting that the AAP is a 15-20 year plan for Longbridge, I consider that employment opportunities are being created and will continue to be in accordance with the aspirations of the AAP.
- 6.26. The Longbridge AAP identifies that the proposed development would be subject to payment of the Longbridge Infrastructure Tariff (LIT) at £120 per sq.m of floorspace for the A3/A4/A5 uses and £50 per sq.m for the D2 uses. However, following adoption of the Community Infrastructure Levy and changes to the accompanying regulations relating to the pooling of financial contributions, the LIT is no longer a relevant policy. The proposed development is not located in a CIL charging area and as such does not attract a CIL contribution.

7. Conclusion

- 7.1. The proposal is located within the District centre boundary and is therefore acceptable in principle and is in accordance with policy relating to uses within identified centres. The proposed development would provide continued investment along with local employment. The proposed uses would provide a significant leisure contingency that is currently lacking. As such, I consider this proposal to be acceptable.
- 7.2. Other material considerations that have been assessed and to which weight is given continue to include -
- the 144 new employment opportunities generated through the proposed operational development, alongside those created during the construction phase;
 - the positive impact on inward investment;
 - the socio-economic benefits arising from improved income levels in the local area, thereby promoting social inclusion;
 - the positive environmental impacts; and
 - the positive design impacts.
- 7.3. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would continue to provide significant economic benefits, would continue to provide further local employment and knock-on social benefits and would not have an environmental impact, 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 submission of unexpected contamination details if found |
| 3 | Shop Front Design |
| 4 | Requires the prior submission of a sustainable drainage scheme |
| 5 | Requires the prior submission of a drainage scheme |
| 6 | Sets the level of the finished floor levels |
| 7 | Requires the prior submission of extraction and odour control details |
| 8 | Limits the noise levels for Plant and Machinery |
| 9 | Prevents the use of amplification equipment |
| 10 | Limits the entertainment noise level where background less than 30dBA |
| 11 | Requires the prior submission of hard surfacing materials |
| 12 | Requires the prior submission of a lighting scheme |
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- 13 Requires the prior submission of a construction method statement/management plan
 - 14 Requires the prior submission of sample materials
 - 15 Requires the prior submission of a CCTV scheme
 - 16 Requires the prior submission of a signage strategy
 - 17 Prevents the use from changing to A1 under permitted development
 - 18 No consent granted for external seating areas
 - 19 Removes PD rights for telecom equipment
 - 20 Implement within 3 years (Full)
-

Case Officer: Pam Brennan

Photo(s)



Photograph 1: Application site looking south adjacent to retail premises



Photograph 2: Application site looking east to town centre

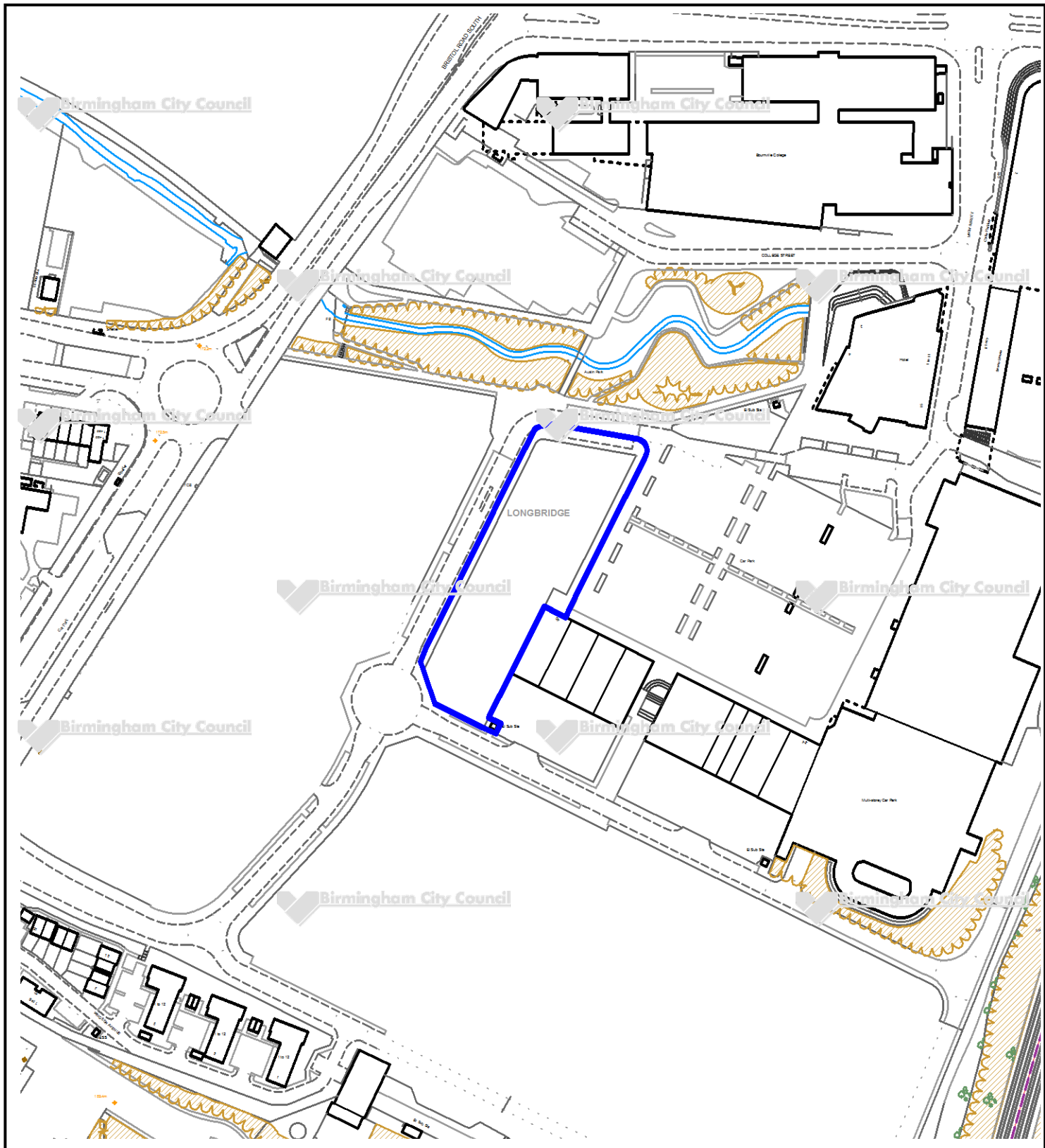


Photograph 3: Application site looking north



Photograph 4: Application site looking north east

Location Plan



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Committee Date: 31/08/2017 Application Number: 2017/04158/PA
 Accepted: 19/05/2017 Application Type: Full Planning
 Target Date: 01/09/2017
 Ward: Edgbaston

Clarendon Suites, 2 Stirling Road, Edgbaston, Birmingham, B16 9SB

Detailed planning application for demolition of existing building and erection of care village (Use Class C2) comprising 52-bed care home, 51 assisted living units, 103 care apartments and associated communal facilities for senior citizens, including car parking, access (principally from Stirling Road), landscaping and associated engineering works;
 Revision to approved scheme 2016/01997/PA

Applicant: Edgbaston Care Home Ltd
 c/o Agent
 Agent: GVA
 3 Brindleyplace, Birmingham, B1 2JB

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. This application seeks planning permission for the demolition of the Clarendon Suites; a 4 storey conference centre and the erection of care village (Use Class C2) comprising of 52 bed care home, 51 assisted living units, 103 care apartments and associated communal facilities for senior citizens. The proposal also includes car parking, access (principally from Stirling Road), landscaping and associated engineering works. This is a revision to a previously approved scheme 2016/01997/PA which was for a smaller care home and approved by Planning Committee in May last year.

1.2. Comparison to approved scheme

1.3. The proposal compares to the proposed scheme in the following way;

	Approved	Proposed
Floor area	16,107sqm (GEA)	22,742sqm (GEA)
No. of stories	3, 4 and 5 on Hagley Road	3, 4 and 6 on Hagley Road
Care Apartments	99 flats	103 flats
Assisted Living	19 flats	51 flats
Care Home	60 beds	52 beds
Care Apartments	99 flats	103 flats
Car parking	91 parking spaces	98 parking spaces
Amenity space 1	968sqm in centre	1,009sqm in centre

Amenity space 2	1,682sqm in rear	1,343sqm in rear
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- 1.4. This scheme therefore proposes to increase the approved floorspace by an additional 6,635sqm Gross External Area (GEA). This increase is mostly attributed to the creation of a new basement area (providing a spa and wellness centre), a larger footprint to block C and a small additional area at 5th floor; making the Hagley Road frontage building partially 6 stories. The scale of the remaining buildings would be mostly unchanged from the previously approved scheme.
- 1.5. The scheme consists of three separate but connected activities; a care home, assisted living units and care apartments.
- 1.6. Care Home**
- 1.7. The Care Home would provide 52 single bedrooms (16-26sqm), each with en'suite. This building would be 'L-shaped', be principally 5 stories, with a recessed 6th storey, and be located adjacent to Hagley Road and along part of Clarendon Road. This part would provide close care to patients in individual rooms. The ground floor of the care home would include communal facilities including restaurant, cinema, library, IT suite, Gym, consulting/treatment rooms, hairdressers and cafe. The basement would include a spa and wellness centre.
- 1.8. Assisted Living Apartments**
- 1.9. There would be 51 Assisted Living apartments. These units would be located to the north of the care home and be internally connected. These units would provide a lower level of care than that provided in the more focussed care home. The units would appear as 41 x one and 10 x two bed flats. Sizes would range from 43sqm to 58sqm for the one bed flats and 61sqm to 87sqm for the two bed flats, with bedrooms of an average size of 12.5sqm. These would have a separate bathroom and a kitchenette via the living room. They would allow for some independence but would fall halfway between the service required/offered in the care home and the more independent living available in the care apartments.
- 1.10. Care Apartments**
- 1.11. There would be 103 care apartments, consisting of 102 two beds and 1 three bed flat. The two bed units would be a size of 91sqm to 146sqm (with bedrooms 21.5sqm and 12.34sqm and the three bed flat would be 136sqm. These would provide the lowest level of care and the most independent form of living. These would be located to the rear (north) of the site and alongside Stirling and Clarendon Road.
- 1.12. Wider Issues**
- 1.13. Occupiers of both the Assisted Living and Care Apartments would have access to the communal facilities as well as domiciliary care such as personal care (dressing/washing etc), medical care, provision of meals, security services, chiropody, hair/beauty, laundry, housekeeping, maintenance services, IT assistance, social activities and concierge.
- 1.14. The applicants consider that all three activities would fall within the C2 use class with domiciliary care services being provided/available 24 hours a day, 7 days a week to all residents.

- 1.15. The site is generally rectilinear with buildings proposed to be arranged around the perimeter of the site addressing Stirling Road (east), Hagley Road (south) and Clarendon Road (west). The scheme as a whole would create a 'village' feel with a central green space (1,009sqm) and buildings on the edge creating an enclosure. A further area of amenity space would be created within the woodland (amongst the majority of trees subject to TPO) and being 1,343sqm. Car Parking would be located adjacent to Clarendon Road, and in three areas within the site. The principal vehicular access would be gained to the rear car parks via Stirling Road, a delivery area would be located adjacent to the care home at the end of Clarendon Road and other small car parks would be accessed from Clarendon Road.
- 1.16. In terms of design and architecture, the proposal would consist of 3 separate buildings but the majority of the proposal's scale and footprint would be within the main block, adjacent to Hagley Road and Clarendon Road. The buildings would be brick. The lower parts of the scheme would have tiled roofs, the main building (onto Hagley Road) would be flat roof (behind a parapet. Amended Plans have been received that have removed the proposed render panels ensuring all elevations would be brick, the remodelling of main Hagley Road elevation, the recessed sixth floor has been lightened, the general fenestration has been revised to create greater variety and rhythm, the Clarendon Road, and Blocks B & C elevations have also been revised in line with the above.
- 1.17. The scheme proposes the removal of 28 trees and one tree group. Of these, 27 (including 3 subject to a Tree Preservation Order) have previously been granted consent to be removed through the previous approvals. The additional tree now proposed for removal is a Norway maple (category B) in the southeast corner of the site.
- 1.18. The submission is supported by a Transport Statement, Tree Survey, Planning Statement, Noise Assessment, Flood Risk Assessment, Heritage Assessment, a justification report for a C2 use class, and an ecological appraisal.
- 1.19. An Environmental Impact Assessment screening opinion was undertaken and concluded that one was not required.
- 1.20. Site Area 1.41ha
- 1.21. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The site currently accommodates a large four storey hall and conference facility sitting within landscaped grounds. The site has 180 marked parking spaces arranged in small pockets to the south and west of the building with a large main car park located to the north, further parking for approximately 70 vehicles is available on 'grass-crete' amongst the trees in the rear of the site. There is a small woodland within the northern area of the site. The site fronts onto Hagley Road with the building set back 17m from the pavement edge. This frontage is higher than adjacent land, on a raised bank and sits behind a one metre high retaining wall. There is a group of mature trees along the frontage forming a screen to the existing building on site.
- 2.2. The site contains 76 individual trees around the site and four groups of trees within the rear area. The site is generally flat with a retaining wall to the front of the site,

adjacent to Hagley Road. The site is bounded by residential rear gardens to the north, and by Clarendon Road (to the east), Stirling Road (to the west) and Hagley Road the A456 (to the south).

- 2.3. Properties to the north of the site are residential in character, across Clarendon Road (to the west) is the Rainbow Casino, a two storey building with a casino/bar at ground floor and restaurant at first. Numbers 12-20 Clarendon Road are Grade II listed buildings. To the east of the site, across Stirling Road, is a Grade II listed building (215 Hagley Road) and the former St Chad's Hospital (now offices) beyond, with a middle element being Grade II listed. 10 Stirling Road opposite the site, is a 3 storey block of flats. Buildings to the south of the site, on the opposite side of Hagley Road, include the Birmingham Primary Care Trust teaching facilities. Other nearby uses, on the south side of Hagley Road, are a combination of offices and other commercial activities.

2.4. [Site Location Plan](#)

3. [Planning History](#)

- 3.1. 12/05/16 Pa no 2016/01997/PA demolition of the existing building and the erection of 60 bed care home, 19 assisted living units, 99 care apartments. The scheme would also include associated communal facilities for senior citizens, including 91 car parking spaces, access (principally from Stirling Road), landscaping and associated engineering works. Approved with conditions.
- 3.2. 18/08/15. Pa no.2015/04036/PA. Outline planning application for demolition of existing building and new build residential development (84 dwellings). All matters reserved except scale and access. Access to be gained from Clarendon Road and Stirling Road. Approved subject to S106 to secure affordable housing, an education sum and off-site public open space sum.
- 3.3. 13/06/13 pa no.2013/00770/PA. Proposed demolition of the existing building and the erection of residential development consisting of 84 dwellings. All matters reserved apart from access and scale. Refused as the applicants failed to enter into the S106 Agreement.

4. [Consultation/PP Responses](#)

4.1. [Consultation Responses](#)

- 4.2. Transportation – No objection, subject to conditions to secure changes to the proposed accesses to be subject to a s278 Agreement, the submission of a demolition management plan and construction management plan, Travel Plan and pedestrian visibility splays to be provided.
- 4.3. Regulatory Services – No objection subject to conditions to require; a noise assessment, contamination report, contamination verification report and vehicle charging points.
- 4.4. Severn Trent – commented on last application “*No objection to the proposals subject to a condition requiring the submission of drainage plans*”.
- 4.5. Lead Local Flood Authority – No objection, subject to a condition that requires the submission of a sustainable drainage operation and maintenance plan.

- 4.6. West Midlands Police – No objection, subject to an access control system is fitted to all external doors and to any staff areas (including the medical room at the Village Care Centre where drugs are to be stored) and that CCTV is installed at entry/exit points and also covering any external communal areas and car parks. Finally, they also advise that this proposal is developed to enhanced security standards produced by Police Crime Reduction initiative 'Secured by Design' for both residential and commercial developments.
- 4.7. West Midlands Fire Service - There does not appear to be access for a pump appliance to within 45 metres of all points within each dwelling in Blocks A, B and C and therefore rising mains may be required. Water supplies for firefighting should be in accordance with "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK.
- 4.8. Environment Agency – No objection.
- 4.9. Public Participation Responses
- 4.10. Residents, resident Associations, Councillors, MP consulted. 4 Site Notices erected, press notice made.
- 4.11. Councillor Deirdre Alden – Request that more parking spaces be provided at this development due to the existing severe parking problems in Clarendon Road and the surrounding streets and residents are very anxious that this development (which they broadly support) does not add to the traffic and parking problems in the area. Although many residents of the new development may not have cars, some will, their visitors, carers and staff also will, so adequate parking is necessary.
- 4.12. Councillor Fergus Robinson – I would like to support the concerns of local residents on this application, and endorse Councillor Alden's request for additional off-road parking for this development.
- 4.13. Councillor Matt Bennett - I concur with my colleagues' and residents' concerns.
- 4.14. 7 letters of objection have been received with the following concerns;
- *"Size and Scale of Mass development - the impact this scheme will have on this wholly residential area is huge and if allowed on this mass scale without question or scaling down will irreversibly contribute to a large increase in parking, noise and increase the risk of accidents and environmental damage to this residential area."*
 - *"Loss of trees/open space - The TPO woodland area is now being partially built on this would otherwise be gardens for the adjacent houses. The scheme proposes the loss of a Norwegian maple T63 on the corner of Stirling Road and Hagley Road. Although the tree survey submitted with the planning application details the measures to be taken to protect these trees during the construction period, a fence has already been erected well within the designated root protection areas of these trees and most of the trees are inside rather than outside the fence so they won't be protected at all while demolition is going on."*
 - *"Overlooking - The proposal will encroach onto the outlook and visibility of adjacent houses and these will be restricted with a tall and large development such as this."*

- *“Ecology - The ecological effects on the protected trees should be considered before approval.”*
- *“Lack of parking. There is a significant increase in assisted living units doubling in number, and not providing realistic parking for this. There will be a considerable and long-term effect on access to Clarendon Road for parking. There is already a big problem as office workers from Hagley Rd parking their cars and walking to work at the resident’s expense. The use of service vehicles regularly accessing the site from Clarendon Road will also add to congestion. Visitors to these units will also park here when there is no space in the allocated areas on site. Off-site parking would put further pressure on the local roads and create dangerous situations.”*
- *“Refuse Site- There is a refuse site located behind no 19 Clarendon Road. I object to this location, as it will attract vermin in a wooded area. The location should be elsewhere in the plan away from such green areas, as this will lead to an environmental problem for residents. Though refuse storage facilities are thoughtfully located with regard to service vehicles entering and exiting from Stirling Road, one is close to neighbouring houses on Clarendon Road. It is to be hoped that such facilities would therefore take the form of roofed and secure buildings rather than fenced areas on the rationale that these would neither attract and house vermin nor provide hidden spaces for vagrants.”*
- *“Construction disturbance - disruption to the neighbourhood that will be caused during demolition and building work. The Council’s attention has been drawn the lack of care being taken by the landowner in erecting the current fencing resulting in damage to the roots of trees due to be retained.”*
- *“Public Access - The proposed development includes facilities, such as a gym, spa and restaurant, which - following the natural course of commercial interests – will sooner or later be made available to a wider public. Paying customers for these facilities, which the proposal claim will be for the higher-end market, are highly unlikely to be public transport users and this again suggests that the provision for on-site parking is insufficient.”*
- *“Design - All four residential properties, numbers 12, 14, 16 and 18 Clarendon Road are Grade 2 listed buildings and are directly opposite the development. Most of the remaining houses in Clarendon Road are attractive Victorian properties. By contrast the proposed development looks more like commercial offices or small factory buildings. Totally out of keeping with the style of properties in the area.”*
- *“Fire Safety issues - There seems to be an under provision of fire escapes and very little manoeuvring for engines.”*

5. Policy Context

- 5.1. National Planning Policy Framework (2012), National Planning Policy Guidance (2014).
- 5.2. Birmingham Development Plan (2017), Birmingham UDP (saved policies 2005); Car Parking Guidelines (2012) SPD. Places for All (SPD). Places for Living (SPG). Specific Needs (SPG). TPO 63. 45 degree code.

6. Planning Considerations

6.1. Principle

6.2. The principle of a specialist care village, its use class and the loss of the existing community facility have been accepted through the previous approval. However, to remind Members the previous report considered the question as to whether the 'care apartments' fell within the C2 or C3 use class, as they are proposed as being flats with the least amount of care and where residents live the most independent on site. It was therefore necessary for the applicants to set out how much care was being offered to this group. The previous report concluded that;

6.3. *"In this case, the applicant has made an argument that the most independent units would still be subject to a specific care package, and that the details of this could be required by condition, would be for leasehold only and that the facility would function as one planning unit where different levels of care are tailor-made to each resident. I consider that the nature of the care provided and the layout of the site would create a facility that would function in a fully integrated manner and as such it would be very difficult to operate the 99 care apartments independently to the care home and assisted living units."*

6.4. *"In mind of the site constraints, the comments from the applicant, the offered and agreed conditions and previous legal advice I am satisfied that the use as a whole would fall within the C2 use class, subject to the three conditions listed (age limit, leasehold only, care package). As such I do not consider that affordable housing policy or public open space policy, associated with C3 dwellings would be relevant in this case."*

6.5. This application is therefore only concerned with the proposed increase of floorspace and facilities and its impact on design/conservation, transportation, adjacent existing residents, trees and ecology.

6.6. Design

6.7. Policy PG3, of the BDP, seeks to create a positive sense of place with design that responds to site conditions, local context, creates safe environments, provides attractive environments, make sustainable design integral, and supports the creation of sustainable neighbourhoods. Furthermore, saved policy 3.14 of the UDP, identifies that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It also requires developers to consider the site in context. Paragraph 56 of the NPPF states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

6.8. The scheme consists of a perimeter block development which addresses all three adjacent roads with active elevations, providing a high level of natural surveillance and creating interest and activity around the frontages. The proposed scale raises adjacent to Hagley Road (being 5/6 stories) and recedes to 3/4 stories adjacent to the houses on Clarendon Road and Stirling Road. The proposed materials, focussing on brick, would suit the local architectural styles and help add interest and variety to the design.

- 6.9. In terms of outdoor amenity space I note that the scheme would provide 2,352sqm of landscaped gardens, which amounts to 11.4sqm per bed-space or flat. This would be a small reduction from that previously approved but nevertheless I am satisfied that this space is adequate for the needs of the residents as it would be well located in safe, quiet areas of the site.
- 6.10. In terms of design and architecture, the proposal would consist of 3 separate buildings, the majority of the proposal's scale and footprint would be within the main block, adjacent to Hagley Road and the first section of Clarendon Road. The buildings would be brick and have tiled roofs apart from the main 5 and 6 storey building, facing onto Hagley Road, which would have a flat roof. The elevation opposite the listed buildings on Clarendon Road would have gable features that would follow the rhythm and scale of the surrounding architecture providing a similar but contemporary interpretation of the existing vernacular. Equally, buildings on Stirling Road would follow the scale and form of surrounding building forms with particular respect (and key features taken from) Stirling Court, a 4 storey building with a mansard roof set-back. The Hagley Road elevation would consist of 5 stories with a smaller footprint recessed 6th storey. The proposal would create a variety of roof forms and help create a multi-layered frontage, with set-back areas within the elevation and balconies at key locations.
- 6.11. Conservation**
- 6.12. Policy TP12, of the BDP, states that in regard to the historic environment "the Council will seek to manage new development in ways which will make a positive contribution to its character". In terms of development that affects the significance of a designated or non-designated heritage asset or its setting will be determined "in accordance with national policy" and for proposals including removal "will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its setting."
- 6.13. The Planning (Listed Buildings and Conservation) Act 1990 [The 1990 Act] includes the statutory instruments to guide the process of planning applications affecting listed buildings and conservation areas. Section 66, of the Act, states that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." These requirements have been carried into the Development Plan through Policy TP12.
- 6.14. The application seeks the demolition of the Warwickshire Masonic Temple and Edgbaston Assembly Rooms, which has previously gained consent to be demolished under the previous planning approval. The identified heritage assets, adjacent to the site, are located at 12-20 Clarendon Road and 215 Hagley Road. 12-20 Clarendon Road are Grade II listed houses and are located opposite the application site on Clarendon Road. To the east of the site, across Stirling Road, is a Grade II listed building (215 Hagley Road) and the former St Chad's Hospital (now offices) beyond, with a middle element being Grade II listed.
- 6.15. My conservation officer and urban design have worked closely with the architects to enhance the originally submitted scheme and find a design solution that respects local scale, especially adjacent listed buildings, but also makes a strong contribution to Hagley Road, where some height is appropriate/required. The amended plans

have addressed all concerns apart from some remaining questions with regard to the proposed 6th storey, proposed as a set back above the Hagley Road frontage.

- 6.16. I have carefully considered this matter in discussion with the applicant's architects and in consideration of the 3D imagery provided. Amended plans have now been provided that have set back the forward most part of the front elevation, of the 6th floor, from 2m to 4.6m. This has resulted in the creation of a more subdued top floor, where the parapet wall at the 4th Floor is dominant and the floor above less overt. Furthermore the applicant has asserted that some 5th Floor activity is essential to deliver a viable scheme and without some use of the 5th floor, the viability comes into question. I am satisfied, with the revised details, that the 5th floor has been diminished in visual terms and as such this impact has been resolved.
- 6.17. The proposed building has a strong presence, set back within its corner plot with austere frontages towards the adjacent roads. The proposal better address the surrounding streets than the existing building and would introduce a mass and modelling that reintroduces the rhythm of the historic villas and housing in the area. I am satisfied that the proposed scheme satisfies Policy TP12 and carefully considers its impact on the setting of the adjacent listed buildings.

6.18. Transportation

- 6.19. The NPPF states that “when setting parking levels LPA’s should take into account the accessibility of the site, the type, mix and use, access to public transport, local car ownership and the overall need to reduce high emission vehicles”. It is considered that the site is in a sustainable location with good access to public transport and the City Centre generally.
- 6.20. The Transport Statement considered a range of issues including the local accident rate, the accessibility of the site, and Trip Rate Information Database (TRICS) data to consider parking requirements and trip generation.
- 6.21. The site layout includes 98 parking spaces which is acceptable within current BCC guidelines, which has a requirement for a maximum of 1 parking space per 3 bed-spaces. The Transport Statement calculates the anticipated total number of residents (beds) expected, on the understanding that 40% of two bed flats would be occupied by one person, would be around 286 residents. Using the City’s parking guide this would create a requirement for 96 spaces. The site layout provides sufficient parking considering the likely needs of residents and the sustainability credentials of the site, being close to the City centre and providing access to frequent bus services. At least 15 cycle parking spaces would be provided for staff and residents. On street parking is unrestricted on Clarendon Road (apart from within the turning head) and any visitor parking can also be accommodated.
- 6.22. The Transport Statement considers local accident rates, it has been found that there were 7 accidents since 2012, but none of these were serious and the proposed reduced traffic flows (compared to the lawful use of the site as a conference facility) and would not have a material impact on highway safety. In terms of accessibility, the report identifies that Hagley Road has numerous and sustained bus routes frequently passing the site and the railway station (Five ways) is a 20 minute walk away and a mini-bus would be provided for residents to roam.
- 6.23. The TRICS data considered the care apartments (most independent) as ‘retirement flats/sheltered accommodation’ and the rest (assisted Living and Care Home) as a ‘care home’. The data showed that the retirement dwellings have very low trip rates.

For the care home, as well as TRICS, the highway consultant considered another care home (Maycroft Manor in Brighton) for empirical data. In summary, the Transport Statement concludes that the proposal would not have an adverse effect on the safety and operation of the highway network. Traffic generation would be of the order of 20-30 trips (two-way) at peak times. In terms of the fall-back position, traffic generation to the Clarendon Suites would have been substantial (with facilities for 800 conference delegates and 500 diners) due to the demand for conferences and functions. My Highway Engineer is confident that the development would generate less traffic than activity at the existing site and has raised no objection.

- 6.24. Right turning in and out of Stirling Road is not possible due to the central reservation on Hagley Road. Stirling Road is two-way from Hagley Road up to the bend (just before no. 12) where 'No Entry' signs are located, so that traffic coming out of the site can only turn right. Vehicles travelling from the city centre from Hagley Road would have to use Monument Road then Waterworks Road to get to Stirling Road. This is awkward but an existing situation and in itself not a reason to resist the application.
- 6.25. In reaction to objections raised by residents and Councillors in regard to inadequate parking provision, I note that some local residents are particularly concerned about parking if the facilities are available to the general public. The applicant has confirmed that this facility would not be open to public and has no objection to the imposition of a condition preventing this. I am satisfied that with this condition in place, the level of car parking proposed plus the required Travel Plan, would fully manage the parking demands of the scheme.
- 6.26. Transportation colleagues have raised no objection subject to conditions which are attached.

6.27. Trees

- 6.28. Policy TP7, of the BDP, reinforces the importance of the protection of trees and requires new development to allow for new tree planting in public and private domains. The rear section of the site is covered by TPO 63; are located adjacent to the rear (north) boundary within the woodland group.
- 6.29. The previously approved scheme proposed the removal of 27 trees and one tree group. A further tree, T63 - Norway maple (category B), is now proposed to be removed located in the southeast corner (adjacent to the junction of Hagley Road and Stirling Road).
- 6.30. My arboriculturalist recognises that there is very little difference, with regard to tree removals, between the previous approval and this proposal. T63 (a Norway Maple) on the frontage which was previously intended for reduction due to proximity to the new elevation is now proposed for removal although the footprint of the building is not closer but retention was optimistic before. Tree T76 (a London plane) gains a little more room next to the access off Stirling Road and the building line of Block C is closer to the group around T20 (a Horse Chestnut) but not too close to be impractical. Overall, my arboriculturalist has raised no objection subject to conditions to secure an arboricultural method statement and tree pruning details, I concur with these findings.

6.31. Ecology

- 6.32. The NPPF, at paragraph 109, requires the planning system to seek to minimise the impact of schemes on Biodiversity and halt the overall decline. The BDP, at Policy TP8, requires all development, where relevant, to contribute to enhancing Birmingham's natural environment.
- 6.33. The ecology report has considered the main points of interest around the site; being hedge boundaries, mature trees and undergrowth and these are generally proposed to be retained and enhanced. The current building is not considered suitable for bat roosts as it is flat roofed and there are limited access opportunities into the building cavities.
- 6.34. The site is not far from Edgbaston Reservoir Local Nature Reserve (LNR) and the current gardens of properties in Clarendon Road, Carlyle Road and Mariner Avenue provide some green space and a link to the LNR. The proposed development has the potential to extend this if it is set out as per the proposed site plan. A suitable ecological enhancement strategy, (mainly planting with some bird/ bat boxes to mature trees at the rear of the site) and low level/ directional lighting, would support this.
- 6.35. My ecologists has raised no objection to the development. Given the updated ecology survey, indicating that there has been little or no change in the site since consideration of the last approval, he has raised no objection to the demolition of the existing building provided that any trees and hedges to be retained are suitably protected during this phase as well as construction. There would be a good retention of mature trees around the front and rear of the site and opportunities for green infrastructure through the site to link these together. An ecological enhancement strategy should be produced to ensure that, where possible beneficial planting is included in the landscaping and additional features such as bird nesting boxes are included at suitable locations throughout the site. Lighting through the site should be kept to the minimum required and be of a low level/ low light spill design. I concur with the findings of my ecologists subject to conditions for ecological enhancement measures and lighting details.
- 6.36. Noise Impact**
- 6.37. The site is adjacent to Hagley Road, part of the Strategic Highway Network, this is consequently relatively noisy and relatively busy. As such the application has been made with a Noise Impact Assessment, this concludes that noise measurements were taken on site, and as a result required glazing facing onto Hagley Road to be 35dB and for Stirling Road and Clarendon Road to achieve glazing attenuation of 25dB. The report concludes that double glazed windows will be able to achieve this level of attenuation.
- 6.38. I note that there are many examples of residential development located adjacent to Hagley Road in nearby locations, particularly in regard to apartment schemes, such as the Mansion blocks at Kenilworth Court (135m to the east). I note that Regulatory Services have raised no objection in principle to the granting of this application, based on the fact that the adjacent units are not used for industrial use. However, local roads are busy and the adjacent Hagley Road creates significant noise levels. As such I recommend conditions to require glazing attenuation to mitigate noise levels around the site, with a greater level of attenuation required for the South block adjacent to Hagley Road. I concur with the findings of the noise assessment and am satisfied that noise levels can be achieved subject to a condition requiring noise attenuation.

6.39. Impact on Residential Amenity

- 6.40. The scheme would replace a site, currently occupied by a Masonic Hall and conference facility, with a wholly residential use. This would result in a less noisy use. This is particularly in mind of the location of the existing main car park, serving the current use, and which is located adjacent to residential rear gardens located on Clarendon Road, Stirling Road and Carlyle Road. I also note that the proposed layout includes the retention of the woodland (behind 19 and 21 Clarendon Road) and this area is proposed to be used as amenity space to serve the scheme. I also note that some car parking would be located to the side of the care flats (in the northeast corner) and behind houses 12-18 Stirling Road. This car park would replace the larger former car park for the conference use and therefore would have a lesser disturbance. I am also confident that an appropriate buffer with landscape screening would provide additional noise mitigation on this boundary that would prevent undue noise and disturbance.
- 6.41. In terms of overlooking, the proposal would generally be set away from existing housing other than at two pinch points; adjacent to 19 Clarendon Road and adjacent to 12 Stirling Road.
- 6.42. 19 Clarendon Road is a large, detached dwelling converted into 5 flats in 1988. It is located to the north of the application site and would be adjacent to a row of a three storey row of flats (Block A) which would have flat roof dormers in the roof-space (3rd floor). Whilst being two storey, 19 Clarendon has high ceilings and as such has a height similar to the proposed building to the south. There is currently a group of cypress trees on this boundary, which are proposed to be removed and be replaced with a building set 1m in from the boundary. The proposed block A would be deeper than no. 19 and as such the rear elevation of block A would be 6.5m beyond the rear elevation of no.19. This would consequently impact on a 45 degree line from the nearest window of no.19 (ground floor bedroom) and this line would hit the proposed block after 4.7m meeting the side of the proposed building 3.3m from its rear elevation. This is marginally worse than the approved scheme, showing block A, being a further 1.3m deep.
- 6.43. I recognise that the proposal to remove the cypress trees would improve light to the rear elevation of no.19 and as such would improve the existing situation, despite the proximity of block A and its breach of the 45 degree line. I also note that the occupants of any of the flats in no.19 have not objected to this application.
- 6.44. There is also some, more limited scope for overlooking from the north, east and west elevations of Block C. Block C is a four storey building with habitable side (west looking), rear (north looking) and side (east looking) windows. The north facing windows would be 19.5m from the north boundary and would look through the dense tree canopy of the woodland (protected by TPO). The west elevation would be 18m from the rear boundary of no.12, and a further 12m from its principal rear elevation, with some tree cover obscuring direct views. The east elevation would be 22.5m from the side boundary, shared with no.13 Carlyle Road (and surrounding gardens). Places for Living has a guideline separation distance of 5m per storey. This is substantially achieved, and tree cover affords adequate mitigation to allow the proposal to be found to be acceptable.
- 6.45. 12 Stirling Road is an end terrace converted into 6 flats. It is located to the northeast of the application site, adjacent to Block C. This Block would be sited 1m parallel to the side boundary and no.12 is 2m from the same boundary. The Photograph at fig. 2 (below) shows the property and illustrates the four side windows (1xGF, 2x1st, 1x2nd)

are serving non-habitable rooms. The rear facing window is not affected by the 45 degree line as block C is angled away from the converted house and provides adequate space around it. As such I have no objection to the location of Block C. I also note that a small lobby and staircase is located adjacent to the rear garden of no.12 and to prevent overlooking I recommend that a condition is applied to ensure these windows are obscurely glazed.

- 6.46. I also note that a car park would be located to the rear of no.12-16 Stirling Road. This would replace the existing main car park with a smaller car park and as such the impact to residential amenity would be much less than the existing. I recommend that a condition is applied to require details of lighting and landscape screening to ensure the car park does not affect residential amenity with minimal impact.

6.47. Drainage

- 6.48. The submitted Drainage Assessment comments that the site is within flood zone 1 (least likely to flood), that the Edgbaston Reservoir is 400m to the north of the site and the Chad Brook 500m to the south. It suggests that soak-aways and pervious paving could be considered for use on site at the detailed design stage subject to infiltration testing. Rainwater harvesting also could be considered at the detailed design stage.

- 6.49. The proposed discharge rate of 5l/s for all events up to, and including, the 100yr plus climate change (30%) event is acceptable to the Local Lead Flood Authority (LLFA). The proposed strategy of permeable paving (tanked), underground pipe network and geocellular storage is limited and as such further evidence that consideration has been given, to use of rain gardens and achieving above ground storage in landscaped areas, is required. The LLFA accept that infiltration is not viable on this development. Proposed finished floor levels should be designed to mitigate risk of flooding to people and property. The LLFA recommend that all property FFLs should be set to a minimum of 150mm above surrounding ground levels. Consideration should be given to the Operation and Maintenance of all proposed surface water features, including details of party responsible for the maintenance of each feature, specifications for inspection and maintenance actions and details of proposed contingency plans for failure of any part of the drainage systems that could present a hazard to people. In summary, the LLFA have raised no objection subject to conditions to require a sustainable drainage plan and an Operation and Maintenance Plan. I concur with these findings.

6.50. Reaction to Fire Service comments

- 6.51. I note that the Fire Service has commented that the scheme would require a sprinkler system as there is not access for a pump appliance to within 45m of all points of the building. The specifics of this would be designed and agreed in discussion through a Building Regulation application and therefore beyond the scope of the planning application.

6.52. Bin Store and sub-station

- 6.53. The proposed bin stores, shown in three locations, and substation are not sufficiently detailed to be approved in their own right. It is recommended that a condition is applied to require details of bins store to explore their design and whether they should be enclosed (as suggested by an objector).

6.54. Community Infrastructure Levy

6.55. The Council has adopted CIL charge from 4th January 2016. The proposed care home and other care related residential components would attribute a zero charge.

7. Conclusion

7.1. The proposal, for an expanded care village, is acceptable. The scheme would provide dedicated housing for the elderly in a high quality facility providing a range of services. The site is well located to the City and public transport and addresses Hagley Road with a confident and contemporary solution. The scheme represents sustainable development and is well located to gain access to public transport and the city centre.

7.2. The scheme would retain the majority of trees on site, would respect local heritage assets and would be of an appropriate scale, taking the local context into account.

8. Recommendation

8.1. That planning permission be approved subject to the following conditions;

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the prior submission of a contaminated land verification report |
| 4 | Requires the prior submission of a sustainable drainage scheme |
| 5 | Requires the prior submission of a construction ecological mitigation plan |
| 6 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 7 | Requires the prior submission of extraction and odour control details |
| 8 | Requires the prior submission of hard and/or soft landscape details |
| 9 | Requires the prior submission of boundary treatment details |
| 10 | Requires the prior submission of a lighting scheme |
| 11 | Requires the prior submission of sample materials |
| 12 | Requires the prior submission of level details |
| 13 | Requires the prior submission of a travel plan |
| 14 | Requires pedestrian visibility splays to be provided |
| 15 | Requires the prior submission and completion of works in the highway |
| 16 | Arboricultural Method Statement - Submission Required |
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| 17 | Requires tree pruning protection |
| 18 | Requires the prior submission of noise insulation details |
| 19 | Requires the prior submission of a parking management strategy |
| 20 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 21 | Sets a minimum age of residents |
| 22 | Requires the details of the developer's care package |
| 23 | Requires the care apartments to be leasehold only |
| 24 | Requires provision of charging points for electric vehicles. |
| 25 | Requires the prior submission of details of refuse storage |
| 26 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 27 | Prevents public access to communal facilities, eg pool, gym |
| 28 | Requires the prior submission of a CCTV scheme |
| 29 | Requires the prior submission of a construction method statement/management plan |
| 30 | Limits the approval to 3 years (Full) |
-

Case Officer: Ben Plenty

Photo(s)



Fig 1. Southeast corner of site from Stirling road looking north



Fig 2. East view towards side of 12 Stirling Road

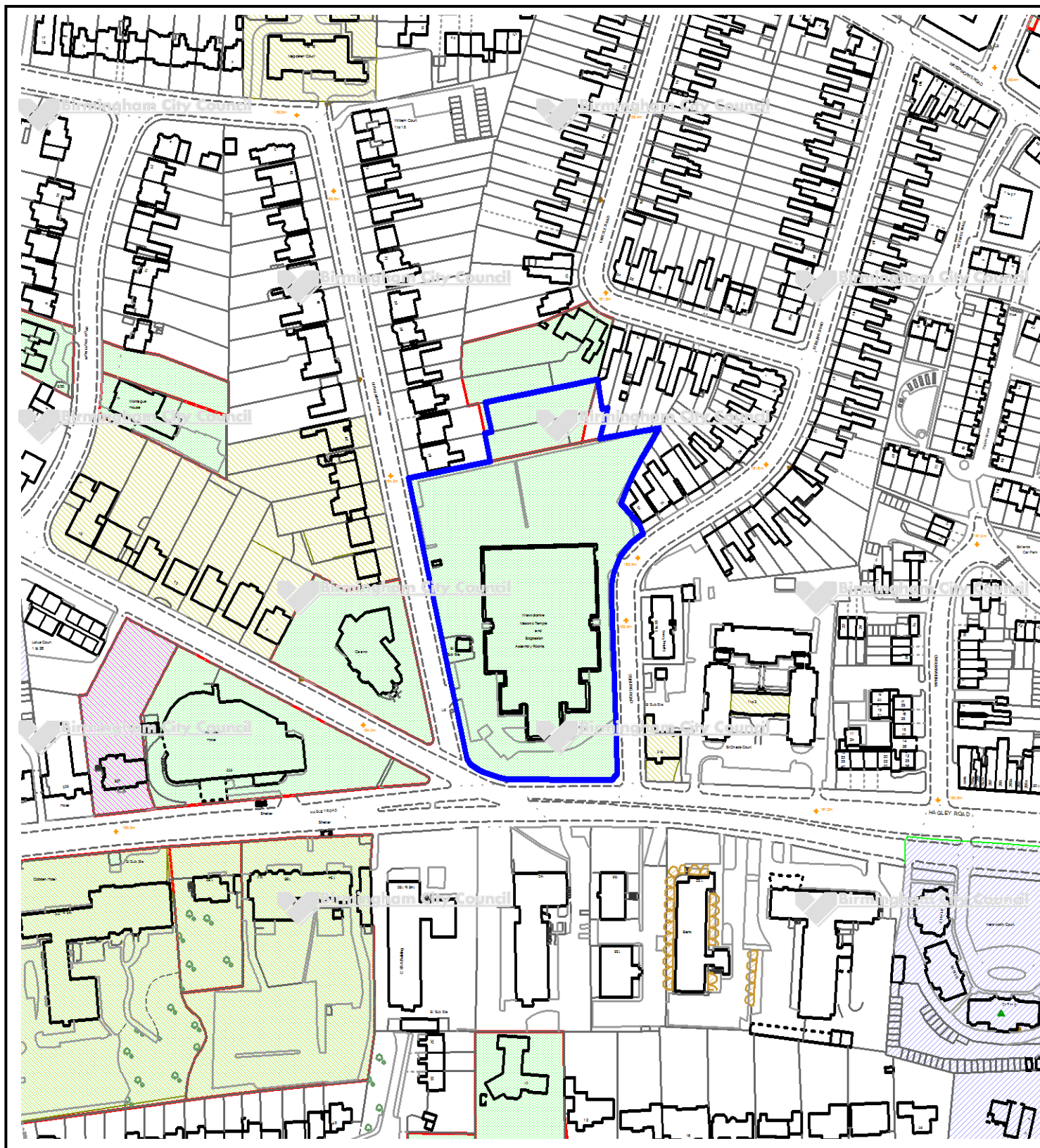


Fig 3. North view of TPO woodland rear of houses on Clarendon Road in the distance.



Fig 4. South view of site from Clarendon Road

Location Plan



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Committee Date:	31/08/2017	Application Number:	2017/03757/PA
Accepted:	28/04/2017	Application Type:	Full Planning
Target Date:	01/09/2017		
Ward:	Moseley and Kings Heath		

4 Oakland Road, Moseley, Birmingham, B13 9DN

Demolition of former Oaklands Nursing Home buildings and erection of 11 no. dwelling houses with associated car parking, landscaping and new access

Applicant:	Seven Capital (NBP) Ltd 112 Colmore Row, Birmingham, B3 3AG
Agent:	WYG 3rd Floor, 54 Hagley Road, Edgbaston, Birmingham, B16 8PE

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal is for the demolition of the former Oaklands Nursing Home and the erection of eleven, 5-bed, terraced and semi-detached, three storey, single family dwellinghouses, with associated car parking, landscaping and new vehicular access off Oaklands Road.
- 1.2. Plots 1-3, a row of three 'Type A' terraced dwellinghouses, would front Oakland Road (replacing the former Oaklands Nursing Home building). They would be sited 13.8m back from the highway following the existing building line along Oaklands Road. Plots 1 and 2 would be served by the existing dropped kerb off Oakland Road located at the south western end of the frontage.
- 1.3. The remaining proposed dwellinghouses (Plots 4-11) would be served via a new 4.8m wide tarmacadam vehicular access off Oakland Road, to be located between Plot 3 and the existing No. 6A Oakland Road, and utilising the existing dropped kerb. The vehicular access would continue eastwards into the site serving those dwellinghouses to the rear. Plots 4-6, a row of three 'Type B' terraced dwellinghouses, would be located on the northern portion of the site. Plots 7-9, a row of three 'Type B' terraced dwellinghouses, would be located on the south eastern portion of the site. Plots 10-11, a pair of 'Type A' semi-detached dwellinghouses, would be located to the south of the vehicular access and would face eastwards.
- 1.4. Type A dwellinghouses (Plots 1-3 and Plots 10-11) would each measure a maximum of 11.7m in length, 8m in width, 10.7m in height to roof ridge, and a minimum of 4.4m in height to eaves. Each dwellinghouse would be constructed of red facing brickwork, and a pitched, slate tiled roof, with low eaves. A three storey projecting gable with a ground floor bay window would be incorporated on the front elevation. A timber canopy would be incorporated over the timber front door. Windows would

be timber framed with re-constituted stone cills and headers. Aluminium bi-fold sliding doors would be incorporated on the rear elevation. An external mock chimney breast would be incorporated on the exposed side elevation, and a second chimney breast protruding from the roof on the opposite side of each dwellinghouse. Three rooflights would be incorporated on the rear roof slope. Other decorative features include timber finials and fascia boards, exposed timber rafters beneath the eaves, projecting brick string courses and decorative roof ridge tiles.

- 1.5. Type B dwellinghouses (Plots 4-9) would each measure a maximum of 11.7m in length, 6.7m in width, 10.4 in height to roof ridge, and 5.5m in height to eaves. Each dwellinghouse would be constructed of red facing brickwork, with a pitched, slate tiled roof. A dormer window with pitched roof and lead work to sides would be incorporated on the front roof slope. Three rooflights would be incorporated on the rear roof slope. A ground floor bay window would be incorporated on the front elevation, as would a tiled canopy extending the full width of the front elevation and over the timber front door. Aluminium bi-fold sliding doors would be incorporated on the rear elevation. Other decorative features include timber finials and fascia boards, exposed timber rafters beneath the eaves, projecting brick string courses and decorative roof ridge tiles.
- 1.6. Both Type A and Type B dwellinghouses would each incorporate: a kitchen/diner, front lounge, utility room, toilet, and storage at ground floor; and three double bedrooms (one with en-suite), and a bathroom at first floor. At second floor the Type A dwellinghouses would each incorporate two double bedrooms; a 'Jack and Jill' en-suite; and an office. At second floor the Type B dwellinghouses would each incorporate two double bedrooms (both with en-suite).
- 1.7. Each dwellinghouse would have its own rear garden (ranging in size from between 70sqm-122sqm) comprising of patio immediately to the rear, and the remainder turfed to lawn.
- 1.8. Proposed on-site car parking provision would be 200%, with all dwellinghouses allocated two block paved car parking spaces on their frontage. There is also an historic right of access to the rear of the properties Nos. 104-108 Anderton Park Road which would be retained as part of the new vehicular access.
- 1.9. New soft landscaping would be incorporated between, and generally at either end of, the frontages of each dwellinghouse, and along the edges of the vehicular access. The existing landscaped bed and retaining wall to Oakland Road would be remain.
- 1.10. The proposal seeks consent for the removal of one Category B sycamore tree (Tree T12) located within the landscaped bed fronting Oakland Road. 32 new trees are proposed to be planted across the site.
- 1.11. The site area is 0.36ha in size, and the density of development would be 30 dwellings per hectare.
- 1.12. A Tree Survey, Design and Access Statement, Planning Statement, Ecological Appraisal, Transport Statement, Structural Survey and Sustainable Drainage Assessment have been submitted in support of the proposed development.
- 1.13. The proposed development would not attract a CIL contribution.
- 1.14. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of the former Oaklands Nursing Home, which fronts on to Oakland Road, and the bottom half of the rear gardens of Nos. 104-108 Anderton Park Road (south east end of site). The bottom halves of the former two rear gardens are already fenced off from their respective houses.
- 2.2. The former Oaklands Nursing Home is a large, three storey, brick facing building, comprising of a centrally located original Victorian section, and 1980s side extensions on either side. Part of the building has also been extended in full height at the rear. A single storey rear conservatory wing has recently been demolished. The building is currently vacant. Immediately to the rear of the building is a raised patio, beyond which is the former rear garden of the Home, now comprising of overgrown vegetation and felled trees.
- 2.3. There are a group of mature protected trees located on the frontage of the Nursing Home, which are accommodated within a raised landscaped bed.
- 2.4. There are two vehicular accesses off Oakland Road, which serve the tarmacadam frontage of the Nursing Home.
- 2.5. Ground levels slope down across the site from west to east, with a maximum ground level difference of around 2m between the raised patio at the rear of the Nursing Home, and ground level at the boundary fence to No. 6d Oakland Road.
- 2.6. Immediately adjoining the site to the south west, and fronting Oakland Road, is Oaklands – a three storey flatted block. Immediately adjoining the site to the north, east and fronting Oakland Road, is Nos. 6a-6d Oakland Road – a two and three storey former dwellinghouse converted into individual properties. Adjoining the remainder of the site boundaries are the rear gardens of houses fronting Forest Road and Anderton Park Road. These site boundaries are defined by close boarded fencing. There is a historic right of access serving the rear/garages/outbuildings of Nos. 94-102 Anderton Park Road, although this is overgrown. It also continues south westward, passing through the application site.
- 2.7. The surrounding area is mature, suburban and residential in character, mainly comprising of two and three storey buildings. There is a mix of different properties of varying ages and architectural styles, although the predominant type is the 'Victorian villa'. Single family dwellinghouses also predominate, but there are also purpose-built flatted blocks, and large dwellinghouses converted into flats, houses in multiple occupation or institutional uses.
- 2.8. [Site Location Map](#)

3. Planning History

- 3.1. 12.02.98 - 1997/03816/PA - Two-storey rear extension to existing nursing home to provide a further 42 bedrooms with additional parking, associated site works, and alterations to existing nursing home - Approved subject to conditions

Wider site - incorporating application site and bottom half of rear gardens Nos. 94-108 Anderton Park Road

- 3.2. 11.07.91 - 1990/02343/PA – Development to provide 79 self-contained flats for the elderly with communal facilities and wardens flats - Approved subject to conditions

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection
- 4.2. Regulatory Services – No objection – Subject to conditions requiring contaminated land assessment, contamination verification report and electric vehicle charging points at each dwelling
- 4.3. West Midlands Police – No objection
- 4.4. Education – No objection
- 4.5. Severn Trent Water – No objection – Subject to drainage condition
- 4.6. Lead Local Flood Authority – Object - Concerned with the viability of the proposed drainage strategy. The applicant has undertaken infiltration testing and has provided an average infiltration rate of $3.0 \times 10^{-6} \text{m/s}$ which the LLFA consider is not a sufficient rate to allow the site to drain. Given that there is a foul/combined sewer located within Oakland Road that would provide a suitable discharge location, it is quite reasonable that they could submit an alternative strategy utilising attenuation tanks/oversized pipes and given the size of the site.
- 4.7. Local residents, Ward Councillors, Residents Associations and M.P. notified. Advertised by site notice and press notice. 19 letters of objection and one letter of general comment received from local residents. The following relevant planning concerns were raised:
- Destruction of wildlife habitat/mature trees
 - No possibility of future mature tree growth because of small rear gardens proposed
 - Overlooking into neighbouring rear gardens and loss of privacy
 - Height of houses would block light and overshadow neighbouring properties
 - Loss of outlook enjoyed by existing residents i.e. sky, trees, views
 - Houses would be located very close to existing boundaries – overbearing and loss of outlook for existing occupiers
 - Overly high density of development/cramming on site – will cause increase in traffic and noise
 - No visitor parking spaces provided
 - Access proposed opposite School – would cause increased traffic disruption during school run period. Risk of detriment to highway safety of school children
 - Lack of parking would cause increased parking on local roads. Parking situation would be aggravated during school run and Friday prayer times at local mosque
 - Small rear gardens – not enough space for children to play in
 - Building plots do not reflect typical form of area
 - Traffic noise would harm amenity of existing residents
 - Existing site able to soak up rainwater, whereas proposal would reduce porosity of site

- Properties would be used for multi-occupation rather than family use – consequent lack of maintenance
- Easement should not be used as a passage way for access by general public
- Potential for collisions into boundary fence for those using vehicular access
- Location of refuse collection would result in noise, odour and vermin adversely affecting amenity of neighbour
- Little attention afforded to creation of green spaces in development
- Loss of mature gardens
- Would set precedent for further incremental development and loss of garden land

Moseley Society - Regret the loss of vegetation and habitat for wildlife but also know that family homes are needed in Moseley. Regret that the original Victorian house cannot be retained and returned to single family use. The new houses are backland development and open up access to the rear of existing houses so thought needs to be given to ensuring that new fences and gates will make the area secure. Existing houses will now have side or rear of three storey houses to look out at and windows in the side elevations of the new houses should be obscurely glazed. Recommend condition removing permitted development rights for future occupiers.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
- Places for Living SPG
- Mature Suburbs SPD
- Car Parking Guidelines SPD
- Moseley SPD
- Tree Preservation Order 1559

5.2. The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

Background

6.1. The main planning considerations in the determination of this application are: the principle of residential development on the site; the demolition of the former Oaklands Nursing Home buildings; the design of the proposed development; living conditions for future occupiers; and the impact of the proposed development on the amenity of neighbouring occupiers; on traffic and parking; on trees and landscape; on ecology; and on drainage.

Principle of Residential

6.2. The Government's ambition is to “*boost significantly the supply of housing*” as stated at the beginning of Paragraph 47 of the NPPF. The BDP identifies that a figure of

around 51,100 dwellings needs to be found within Birmingham during the Plan period (ending 2031).

- 6.3. Policy TP27 of the BDP states that *“New housing in Birmingham is expected to contribute to making sustainable places, whether it is a small infill site or the creation of a new residential neighbourhood. All new residential development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods.”* It goes on to explain that sustainable neighbourhoods are characterised by: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities within easy reach; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality so that people identify with, and feel pride in, their neighbourhood; environmental sustainability and climate proofing measures; attractive, safe and multifunctional public spaces such as squares, parks and other green spaces for social activities, recreation and wildlife; and effective long-term management of buildings, public spaces, waste facilities and other infrastructure.
- 6.4. With respect to the location of new housing, Policy TP28 of the BDP explains that proposals for new residential development should be located in low flood risk zones; be adequately serviced by existing or new infrastructure which should be in place before the new housing is provided; be accessible to jobs, shops and services by modes of transport other than the car; be capable of land remediation; be sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP.
- 6.5. Policy H1 of the Moseley SPD supports the provision of family-sized accommodation at appropriate locations in Moseley.
- 6.6. I consider that the proposal would be in accordance with BDP Policies TP27 and TP28 in creating a sustainable neighbourhood given the site's existing residential use and surrounding residential use, its convenient location close to local facilities and services; its location outside Flood Zones 2 and 3; and its location on previously developed land.
- 6.7. Paragraph 53 of the NPFF states 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.”* The BDP does not contain any planning policies to prevent development of residential gardens (or backland development), but the Council's Mature Suburbs SPD does provides guidelines for assessing this type of backland development.
- 6.8. Paragraph 1.3 of the SPD explains that *“Whilst this form of development is not new and can have very positive benefits through increasing the housing stock and leading to the more efficient use of land, it has become more prevalent in recent years and it can also have a significant impact on local distinctiveness by the erosion of the unique character that makes these places special, particularly if the principles of good design are not taken properly into account...It is essential therefore that, when these types of development take place, they are appropriate in terms of design and in all other respects such that they make a positive contribution to the environment and community within which they are located.”*
- 6.9. Paragraph 4.6 of the SPD goes on to explain that *“The starting point for the creation of any new residential development proposal is to analyse the positive and negative characteristics of the site and the local context to determine their special qualities...this contextual appraisal and the resulting findings should confirm whether*

the site can appropriately be redeveloped in a more intensive manner. The contextual appraisal should also include an assessment of the contribution the existing site gives to the character of the area.”

- 6.10. Policy UD7 of the Moseley SPD adds that backland development will be resisted where it does not make a positive contribution to the character of the area, or where the principles of good quality urban design are not met.
- 6.11. The application site is located within a mature suburb - generally characterised by large, brick built, semi-detached or terraced single family dwellinghouses, dating from the late Victorian/Edwardian period, some of which have been converted to institutional uses, flats or HMO's.
- 6.12. The urban form is characterised by perimeter block grids (grid spacing's of 45 – 100m) with large, often long, rear gardens, fully enclosed within the middle of the block grid. Space around dwellings often accommodates mature trees and shrubs giving the area a leafy character. Roughly half of these block grids have had their original form compromised by Post-War residential backland development – noting Oak Leaf Drive, April Croft, Manor Park Close and Lench's Close cul-de-sacs, amongst others nearby. This later development, with differing plot sizes, dwelling types, and dwelling sizes has then eroded some of the homogeneity of the character of the area, which is not perhaps as homogeneous as some other mature suburbs in the City.
- 6.13. Given that there is no city-wide, in-principle policy restriction on backland development, that the site is not located within a Conservation Area, and there are other nearby examples of backland development within perimeter block grids, I consider that it would be difficult to resist the principle of residential development at this particular site and the opening up of the existing perimeter block grid.

Demolition of Former Oaklands Nursing Home

- 6.14. The former Oaklands Nursing Home is not subject to any statutory or local listing and is not located within a Conservation Area. The original centrally located Victorian element of the building has some architectural merit, but has been subject to large pastiche side extensions at either end of the building in the 1980s which have eroded the contribution that the building makes to the streetscene along Oakland Road.
- 6.15. During pre-application discussions the Applicant was encouraged to retain at least the original Victorian part of the building. However, the submitted Structural Report found that the original building has been excessively modified through 'cut and carve' practices, which has resulted in a number of structural modifications being of poor construction. These changes have left little original fabric of the Victorian building surviving, save for the frontage element to Oakland Road. It confirms that the removal of the pastiche extensions from the 1980s onwards is likely to result in little, if any of the building being able to be readily converted due to the structural linkages between the buildings on site.
- 6.16. As per Officer advice the Structural Report also assessed the potential to convert the existing building into residential use, for example apartments. The report confirms that major structural modifications would be required to convert the original frontage building, including structural strengthening and reinstatement (i.e. new side and rear elevations) and potentially changes to the foundations.

- 6.17. Whilst Paragraph 4.10 of Mature Suburbs SPD states that *“The demolition of existing houses that make a positive contribution to the character and quality of an area is undesirable”*. I am satisfied that it has been demonstrated that the former Oaklands Nursing Home would be unable to support a viable redevelopment for residential use, which includes the conversion of the original building, and therefore its demolition would be acceptable.

Design

- 6.18. Policy PG3 of the BDP explains that *“All new development will be expected to demonstrate high design quality, contributing to a strong sense of place.”* It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.
- 6.19. Saved Paragraphs 3.14D-E of the Birmingham UDP advises that new housing development should be designed in accordance with good urban design principles. The Council's Places for Living SPG also encourages good quality residential accommodation in attractive environments. It contains a series of urban design principles with emphasis to assessing context and responding positively to local character.
- 6.20. Policy UD5 of the Moseley SPD states that *“Density and design of new housing should respond to the local context and build on the unique character of Moseley. In particular, building plots should be of an appropriate size to reflect the typical form in the area. The frontage width, depth, height and massing, should be in keeping, and new buildings should respect established building lines.”*
- 6.21. Paragraph 4.12 of Mature Suburbs SPD sets out a number of design criteria by which infill residential development in a mature suburb should be assessed. I consider that the following key criteria represent the most effective means by which to assess the design of the proposal:

i) Plot Size

- 6.22. Mature Suburbs SPD states that building plots should be of an appropriate size (width, depth and shape) to reflect the typical form of plots in the area and the urban grain.
- 6.23. Plot sizes are variable within the perimeter block grid that the application site is located in. I have calculated that they predominantly fall within the range of 470sqm-842sqm for those properties on Anderton Park Road and Forest Road. There are some larger sized plots accommodated flatted blocks and institutional uses e.g. Coppice Oaks (2566sqm), and of course the application premises – the former Oaklands Nursing Home (2697sqm). There are also some smaller plots e.g. Nos. 6a-6c Oakland Road which range in size from 185sqm-317sqm.
- 6.24. The proposed development would have plots ranging in size from between 184sqm (Plot 5) to 338sqm (Plot 3). These plots are noticeably smaller than average plot sizes in this block grid. However, there are some examples of plots of similar size

within the block grid (6a-6c Oakland Road) and within the wider area, particularly on those nearby Post-War infill residential sites such as Oak Leaf Drive.

- 6.25. Plots widths of the proposed development would be similar to the plot widths of those properties within the block grid that front Anderton Park Road, and would therefore be in keeping with the character of the surrounding area. Plot lengths of the proposed development would generally be shorter than those within the block grid, but similar in length to those at 6a-6c Oakland Road.

ii) Building Form and Massing

- 6.26. Mature Suburbs SPD advises that building form and massing should be in keeping with those in the area and that the amount of floorspace provided within the proposed building(s) should normally be similar to other buildings in the area.
- 6.27. Terraced and semi-detached dwellinghouses are the prevalent building form in the surrounding area, and the proposed development would match this building form.
- 6.28. The majority of dwellings within the vicinity are three storeys in height, with the second floor being accommodated in roof space. The proposed development would match the typical storey height/building height of the area.
- 6.29. The frontage width of each dwelling would either be 6.7m or 8m. This compares favourably with the frontage widths of Nos. 94-108 Anderton Park Road also located within the block grid, which I have calculated to be 6.7m.
- 6.30. The footprints of individual dwellinghouses within the perimeter block grid are circa 100sqm. The footprints of the proposed dwellinghouses would be smaller in size than average (75sqm for Type A dwellings and 65sqm for Type B dwellings) but similar to those of 6a-6c Oakland Road for example.
- 6.31. The Applicant has plotted the proposed blocks on a wider ground plan of the surrounding area and this shows that the proposed development compares favourably with footprints of other block sizes in the surrounding area, and that the urban grain would not appear compromised by an undue amount of buildings at the expense of space. I am satisfied that the building form and massing would be in keeping with the character of the surrounding area.

iii) Building Siting

- 6.32. Mature Suburbs SPD advises that new buildings should respect established building lines and setbacks from highways. It explains that separation distances between buildings should also respect the separation distances, which generally characterise the area.
- 6.33. Places for Living SPG (Page 21) also explains "*There should be a clear definition of the public and private realm. Building fronts should overlook public spaces, including streets, parks and canals.*" Page 22 continues "*Whilst backland development within an established area may often be acceptable, fronts should not face backs and developments should not be built in tandem i.e. where a new dwelling is in the grounds of an existing property sharing the same highway access (both common shortcomings).*"
- 6.34. Within the immediate area buildings are sited so that they front on to the highway, but are set back from the highway with front gardens/frontage parking. Plots 1-3

would follow the established building line along Oakland Road, and the setback already established by the neighbouring buildings of Oaklands and Nos. 6a-6d Oakland Road.

- 6.35. Plots 4-11 would also front on to the new vehicular access and new public realm created by the opening up of the application site, although acknowledging that the setback to the highway would be slightly less for these Plots.
- 6.36. Separation distances between existing buildings are notable given there is no current built intrusion into this perimeter block grid. As such the separation distances between individual buildings within the proposed development, and also between proposed buildings and existing buildings, would not match those separation distances that are characteristic of the area. Separation distances are discussed later in this report with respect to the impact upon existing adjoining occupiers

iv) *Density*

- 6.37. Policy TP30 of the BDP identifies that densities of at least 40 dwellings per hectare (dph) would be required in this location. However, it also explains that in assessing the suitability of new residential development full consideration will need to be given to the site and its context and that there may be occasions when a lower density would be appropriate, for instance, within a mature suburb.
- 6.38. Places for Living SPG (Page 10) also explains *“Whilst higher densities should be provided in appropriate locations, this is not a universal solution. It is important in areas where lower density forms are a positive characteristic that harm is not caused by insensitive infill and redevelopment at higher densities. For example in a number of suburban areas within the city the character of the area is not just emphasised by the scale and quality of dwellings but also by their spacious settings, large rear gardens and mature landscape. The insertion of buildings on small plots without the same scale and setting will not be appropriate.”*
- 6.39. I have calculated the density of the proposed development would be 30dph. Whilst I have calculated that this is generally higher density than the immediate surrounding area (e.g. Oak Leaf Drive at 22dph, a section of Forest Road at 15dph, and a section of Anderton Park Road at 11dph), it is consistent with densities at the upper end of the surrounding area (e.g. a section of Sandford Road at 30dph). It is still noticeably below the 40dph recommended in the BDP and therefore I consider the scheme does respect the lower density character of the surrounding area and is not indicative of an over-intensive scheme.

v) *Design Style*

- 6.40. Mature Suburbs SPD advises that a high standard of design is required and references to existing architectural forms, materials, fenestration, proportion of solid/void areas and the public realm will be encouraged.
- 6.41. I consider the traditional design style and appearance of the proposed dwellings would reflect that of the local vernacular and materials, and that the standard of design is good. The development would be built using Victorian and Edwardian design features such as timber finials and fascia boards, chimneys, stone cills and window headers, timber framed windows, red brickwork, slate roof tiles, decorative ridge tiles and exposed rafter feet beneath eaves level.

- 6.42. On the advice of the City Design Officer, the Applicant submitted amended plans which increased the verticality of the architecture of Plots 1-3 to try to better reflect that of the other adjoining Victorian properties along Oakland Road. My City Design Officer considers that the architecture of Plots 1-3 is still rather at odds with the Victorian character of Oakland Road. However, I concur that because of the attention to detail shown on the proposed elevations and proposed materials, I am not convinced that the difference in style is enough to justify a refusal. It could be argued that there would be sufficient visual separation between the new houses and their neighbours, for this to be considered a stand-alone development. This logic applies to a greater extent to Plots 4-11, at the rear of the site, where the architecture is more modest and the dwellinghouses not viewed in the context of a streetscene which has existing properties.
- 6.43. Amended plans have been submitted which have reorganised internal floor layouts to add additional windows and active rooms to the flank walls of Plots 3 and 11 adjacent to the new vehicular access, as per the advice of my City Design Officer to improve active frontages to the public realm.

vi) Landscape and Boundary Treatment

- 6.44. Mature Suburbs SPD advises that proposals should retain important landscape and boundary treatment features such as trees, hedgerows and walls and should not disturb wildlife corridors and any potential adverse effects should be mitigated. It goes on to explain that mature, suburban gardens can be ecologically important and provide wildlife habitats and that large gardens that are of high quality and make a significant contribution to the character of the suburb should not be lost.
- 6.45. The existing site has little ecological value now and any potential adverse effects could be mitigated for (please refer to the Ecology section later on in this Report). I do not consider that the site represents a high quality large garden that makes a significant contribution to the character of the suburb.
- 6.46. My Landscape Officer has raised no objection to the proposed development. He initially advised that more space for boundary vegetation/planting should be provided along rear/side boundaries. The Applicant has submitted amended plans which allow for a minimum 1m wide planting bed along the majority of the south western site boundary to Forest Road properties. There are also generous new planting beds proposed along the site boundary to No. 6a Oakland Road. The existing tree'd planting bed on the frontage to Oakland Road would be retained in its entirety as an important landscape feature in the streetscene. In addition, with 32 new trees being planted on the application site, including within rear gardens, I consider the proposed development would be generously landscaped, in keeping with the surrounding rear gardens of existing properties.
- 6.47. Amended plans have been submitted which introduce block paving, rather than tarmac, to parking areas in order to improve visual appearance and quality, on the advice of my Landscape Officer. I concur with my Landscape Officer that landscaping, boundary treatment, and landscape management plan conditions be attached to any consent.

vii) Cumulative Impact

- 6.48. Mature Suburbs SPD advises that a succession of developments with negative impacts, however small, on the character of a mature suburb, can have a cumulative

impact resulting in the erosion of high quality environments across the City. Account will therefore be taken of the potential precedent set by development proposals.

- 6.49. I consider that some precedent has already been set by Post-War backland development in this mature suburb, and in any case each application should be judged on its own merits and in line with the relevant planning policies at the time.

viii) Plot Access

- 6.50. Mature Suburbs SPD advises that where possible, existing vehicular and pedestrian accesses should be retained. New accesses should reflect the position and width of those in the area as well as the material of the hard surfacing.
- 6.51. The two existing accesses off Oakland Road would be retained. The width of the proposed new vehicular access, whilst being slightly narrower than that of Oakland Road, would allow two-way traffic to pass and would reflect the lesser use/importance of this new cul-de-sac in the local road hierarchy.

ix) Parking Provision and Traffic Impact

- 6.52. Mature Suburbs SPD advises that hard surfaced areas and garaging for the provision of parked vehicles should not differ significantly from the size and location of those existing in the area. It goes on to explain that new parking areas should be discreet and sympathetic, avoid being located adjacent to neighbouring private gardens and not dominate the road frontage or result in the loss of mature boundaries.
- 6.53. Most properties in the surrounding area have frontage parking areas accommodating some soft landscaping, sometimes in the form of front boundary hedging. Garages are less common in the local area. Each proposed dwellinghouse would benefit from its own frontage parking area and this would be visually softened and broken up by new soft landscaped beds laid between parking areas.

x) Design out Crime

- 6.54. Mature Suburbs SPD advises that proposals will be assessed to ensure that they create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion.
- 6.55. West Midlands Police have raised no objection to the proposed development. I consider that the layout of the scheme has been designed to ensure active frontages and natural surveillance over the public realm, whilst appropriate boundary treatment, particularly where this adjoins existing residential properties, will be key to ensuring a safe and secure environment.

Living Conditions

- 6.56. The gross internal floor area of each proposed Type A dwellinghouse would measure 210sqm, and the gross internal floor area of each proposed Type B dwellinghouse would measure 180sqm. All dwellinghouses would therefore far exceed the minimum gross internal floor area of 134sqm for a 5-bed, 8 person plus dwellinghouse as recommended in the Nationally Described Space Standards (NDDS).

- 6.57. Double bedroom sizes in all proposed dwellinghouses would also noticeably exceed the minimum bedroom size guidelines in the NDSS.
- 6.58. Rear gardens within the proposed development would range in size from 70sqm (Plot 8) to 122sqm (Plot 11). Whilst I note the concerns of local objectors that rear gardens are small for the size of the proposed dwellinghouses, they would either meet or exceed the minimum 70sqm garden size recommended for a family dwellinghouse in the Council's Places for Living SPG. As rear gardens would be close to, or only just meet, minimum size guidelines I recommend attaching a consent withdrawing permitted development rights for extensions.
- 6.59. Bedroom 4 in each proposed dwellinghouse would only be served by rooflights (other than Plots 3 and 11 which would each be served by a window). However, given that there would be four other bedrooms in each dwellinghouse which would be well fenestrated, I am satisfied that this is not a pertinent issue.
- 6.60. Given the above, I am satisfied that the proposed development would provide acceptable living conditions for future occupiers.

Amenity of Adjoining Residential Occupiers

- 6.61. I note the concerns of local objectors in respect of loss of outlook, loss of privacy and overlooking as a result of the proposed development.
- 6.62. The Council's Places for Living SPG recommends a minimum separation distance of 21m between windowed elevations of new two storey dwellings and windowed elevations of existing dwellings (two storey would be used in this particular instance rather than three storey because there are no respective windows proposed at second floor). There would be a separation distance of 36m between the rear elevations of Plots 7-9 and Nos. 104-108 Anderton Park Road, which would ensure no loss of privacy for these existing occupiers.
- 6.63. Places for Living SPG recommends a setback distance of 10m where new development with main windows would overlook the rear gardens of existing residential properties. Plots 7-9 would be located 11m from the rear gardens of Nos. 104-108 Anderton Park Road, and Plots 4-6 would be located 11m from the rear garden of No. 6d Oakland Road. Therefore these adjoining respective occupiers would not have their privacy compromised by overlooking.
- 6.64. Places for Living SPG recommends a minimum separation distance of 15.5m between new three storey flank walls and windowed elevations of existing dwellings. The flank wall of Plot 9 would be located 19m and 25m distant from the rear windowed elevations of Nos. 15 and 17 Forest Road respectively. The flank wall of Plot 10 would be located 22m and 23m distant from the rear windowed elevations of Nos. 9 and 11 Forest Road respectively.
- 6.65. Whilst the proposed development would technically exceed the minimum separation distances set out in Places for Living SPG I am mindful that the flank walls of Plots 9 and 10 would have the most impact on outlook for the occupiers of those Forest Road properties that adjoin the site and who have previously enjoyed views from the rear of trees and open space. These concerns were relayed to the Applicant who has submitted amended plans which substitute the house type of Plots 7-9 for a narrower house type which now achieves a distance of 2.4m-2.7m from the boundary with Nos. 15 and 17 Forest Road. Similarly, Plots 10 and 11 have been moved further away from the boundary with Nos. 9 and 11 Forest Road to achieve a

gap of 2m to the boundary with the latter properties. Although there is not enough room for new tree planting along the site boundary to Nos. 9-17 Forest Road, a laurel hedge is proposed to be planted which should in time grow up the boundary and help to soften views of the flank walls of Plots 9 and 10 from these Forest Road properties. I am satisfied that the proposed development would not materially adversely affect outlook for the existing occupiers on Forest Road.

- 6.66. I note there would be obscurely glazed landing windows at first and second floor located in the flank walls of Plots 9 and 10 facing Nos. 9-17 Forest Road. As these windows would serve non-habitable areas there would be no overlooking issues. In any case I recommend attaching a condition requesting details of obscure glazing for these windows and also a condition to ensure that no new windows can be inserted into these flank walls at first and second floor in order to protect the amenity of adjoining occupiers at Nos. 9-17 Forest Road.
- 6.67. With regard to the relationship of the flank wall of the proposed Plot 4 dwellinghouse with the rear windowed elevation of No. 6a Oakland Road the distance separation would be 16m, which again exceeds the minimum 15.5m recommended in Places for Living SPG. A new hedge, shrub planting and tree would be planted adjacent to the site boundary with No. 6a, which should further help soften the impact of the proposed flank wall of Plot 4 from rear windows of No. 6a.
- 6.68. Regulatory Services have raised no objection to the proposed development and I do not consider the additional persons accommodated on the site would have a material adverse impact on existing residential amenity in terms of noise and disturbance, from traffic for example. I note that neither the proposed new vehicular access, nor parking areas, would be located immediately adjacent to the site boundaries with existing residential properties – a landscaped buffer would be incorporated.

Traffic and Parking

- 6.69. Paragraph 32 of the NPPF advises that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It advises that *“development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 6.70. Policy TP38 of the BDP states that *“The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported.”* One of the criteria listed in order to deliver a sustainable transport network is ensuring that that land use planning decisions support and promote sustainable travel.
- 6.71. Policy TP44 of BDP is concerned with traffic and congestion management. It seeks to ensure amongst other things that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.72. The Council's Car Parking Guidelines SPD recommends a maximum of two parking spaces per dwelling in this location. The proposal would comply with the SPD, providing 2 spaces per dwelling, or 200% parking provision.

- 6.73. The application is supported by a Transport Statement which confirms that the site is in a sustainable location accessible by a range of transport modes including walking, cycling, and bus. The site is located opposite a primary school and is within walking distance of shops and services within Moseley Neighbourhood Centre, approximately 300m to the west.
- 6.74. Whilst I note the concerns of local residents that the proposal would result in a large increase in traffic and parking demand, the submitted Transport Statement shows that the proposed development would generate a maximum of 7 two-way vehicular movements in the morning and afternoon peak hours respectively. Transportation Development have raised no objection to the proposal and consider that traffic and parking demand further to these works would not differ notably to that of the former 50 bed nursing home. They advise that a good level of parking is offered with 200% provision for all dwellings and note that the new vehicular access would be wide enough for vehicles to pass. Whilst accepting the concerns of local residents that no visitor parking spaces would be provided, there would be some opportunities for any visitor overspill parking to be accommodated on local roads in the vicinity.
- 6.75. I note local residents concerns with regard to possible highway safety issues associated with the existing School and location of the new vehicular access. However, the existing dropped kerbs serving the former 50-bed Oaklands Nursing Home would remain in a similar location to the new dropped kerbs, and as described above there is unlikely to be any material increase in the level of traffic and parking generated when compared to the previous use at the Nursing Home and so unlikely to generate any further highway safety issues than previously.

Trees and Landscape

- 6.76. Policy TP7 of the BDP seeks to conserve and enhance Birmingham's woodland resource and states that all new development schemes should allow for new tree planting.
- 6.77. I note local residents concerns with regard to the clearance of existing mature trees and vegetation on the site. Although regrettable, these works were lawful, and cannot be a factor to be taken into account in the determination of the planning application. Amended plans have been submitted which now propose the planting of 32 trees on the application site (where originally 25 new trees were proposed to be planted), and I consider this offers some mitigation for the loss of previous trees on the site.
- 6.78. The site includes a group of mature trees located on the frontage to Oakland Road, which have recently been protected by the Council under Tree Preservation Order 1559 (Trees T1-T13). The submitted Arboricultural Report identifies that seven of these trees are Category B. It proposes the removal of Tree T12 (a Category B sycamore) in order to accommodate the proposed driveway associated with plot no.1. The City's Arboricultural Officer has raised no objection to removal of this tree and considers it would be more than adequately mitigated for in the retained landscape tree planting on the frontage. I concur with the Report that the removal of T12 would not compromise the integrity of the retained vegetative screen or significantly alter views of the site from the public realm.
- 6.79. Amended plans have been submitted following concerns raised by the City's Arboricultural Officer that the tarmac frontage to Plots 1-3 would have extended into the raised landscaped beds that currently accommodate the protected frontage trees. The amended plans now show these beds to be retained to their

current depth, and as such the City's Arboricultural Officer is satisfied that these protected trees would not be adversely affected by the proposed development. Excavation works are required within the peripheries of the root protection areas of T8, T9 and T11 to accommodate the driveway associated with Plot 1 and a service strip adjacent to the vehicular access would also encroach on the fringe of the root protection area of T3. However, I concur that these encroachments are judged to be minor, particularly when considered in conjunction with the species' attributes and tolerance to disturbance.

- 6.80. The remaining trees located outside of the site (T16, T15 and G1) and the retained tree located in the northern corner of the site (T14) would unlikely be adversely affected as a result of the proposed development, providing that the pruning measures and works within the root protection areas of these trees are carried out in accordance with the recommendations of the Arboricultural Report.
- 6.81. I concur with the City's Arboricultural Officer that conditions be attached to any consent requiring submission of an arboricultural method statement, and that tree pruning is carried out in accordance with British Standard BS3998.

Ecology

- 6.82. Policy TP8 of the BDP seeks to secure that all development should, where relevant, support the enhancement of Birmingham's natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets.
- 6.83. Policies L3 and L6 of the Moseley SPD advise that new development should not cause the loss of wildlife habitat but should improve biodiversity, and that new developments should contain landscape proposals that preserve, contribute to, or expand the green infrastructure, and that green infrastructure such as street trees, front and rear gardens, hedges, etc. should be encouraged in new developments.
- 6.84. The site has no ecological designations nor is it located near to any such designated sites, and should any protected species be found on the site they would be protected under separate wildlife legislation.
- 6.85. An Extended Phase 1 Habitat Survey (including Bat Survey) has been submitted in support of the application. The Habitat Survey found that the site comprises of buildings, amenity grassland, hardstanding, scattered trees, log and brash piles, and scattered scrub. No evidence of protected species were found on the site during the surveys undertaken.
- 6.86. The City's Ecologist has raised no objection to the proposed development. He considers that vegetation removed before the Survey was carried out would likely have had low potential for bat roosting but would have provided good nesting and foraging opportunities for birds. The site was assessed for terrestrial mammals and whilst none were found, he considers that the site is suitable habitat for hedgehogs. He recommends that as suitable nesting/roosting has/will be lost, a condition should be attached to any consent requiring ecological enhancement measures be carried out in accordance with the recommended ecological enhancement measures set out in the Habitat Survey. These include the provision of bat roosting features and bird nesting boxes (built into the new builds), wildlife attracting plant species in the soft landscaping scheme, a lighting scheme which minimises artificial lighting, and that fences are raised slightly to allow hedgehogs to pass through the development site.

- 6.87. The Bat Survey found that both the remaining trees on the site, and the modern extensions of the former Oaklands Nursing Home, have a low suitability to support roosting bats, the latter due to the buildings being tightly sealed with no direct access points into the extensions. The original part of the building was found to have moderate suitability for roosting bats. The City's Ecologist recommends that the original part of the building would require a minimum of two additional bat surveys (he suggests one nocturnal and one dawn re-entry survey) prior to demolition and which should be secured by way of condition. No internal or external evidence of bat activity was recorded during the Survey.
- 6.88. The proposal would deliver suitable new soft landscaping in front and rear garden areas and shared communal green space around the development site. Further implementation of the ecological enhancement measures proposed would ensure appropriate mitigation for any loss of existing/previous habitat, in line with Policy TP8 of the BDP

Drainage

- 6.89. Policy TP3 of the BDP requires suitable management of flood risk and promotes the use of sustainable drainage systems within new development.
- 6.90. The application site and surrounding land is located within Flood Zone 1 and is at the lowest risk of flooding. There is no evidence to suggest that development on this brownfield site would lead to flooding elsewhere. If anything, installation of modern drainage infrastructure on the site, including SuDs, could improve local drainage.
- 6.91. The submitted Sustainable Drainage Assessment has evaluated various drainage proposals, with soakaways being proposed within the rear garden of each proposed dwellinghouse, and car parking areas to be constructed of porous paving. The proposed drainage system would achieve greenfield runoff rates and would accommodate storm events up to 1 in 100 year plus a 40% allowance for climate change.
- 6.92. At the time of writing, the LLFA are objecting to the proposal on the grounds that the Applicant has undertaken infiltration testing and has provided an average infiltration rate of $3.0 \times 10^{-6} \text{m/s}$ which the LLFA considers is not a sufficient rate to allow the site to drain. However, the LLFA have advised that there is a foul/combined sewer located within Oakland Road that would provide a suitable discharge location, and they consider it is quite reasonable that an alternative drainage strategy utilising attenuation tanks/oversized pipes (particularly given the size of the site) could be submitted. The Applicant is engaging with the LLFA to overcome their concerns, ideally prior to the determination of the application by your Committee, if not, by way of condition(s).

Other Matters

- 6.93. The Applicant has explained that a desktop contamination study identifies the application site as having a low or low to medium risk of contamination from on or off site sources, given the surrounding area has historically been residential in nature. It recommends a phase two ground investigation to inform foundation design and to investigate the potential for sources of contamination. Regulatory Services have advised that a contaminated land assessment and verification report be provided by way of condition.

- 6.94. Policy TP30 of the BDP encourages a housing mix. All of the dwellinghouses proposed would be 5-bed houses. However, Policy TP30 and Policy H1 of the Moseley SPD encourages family sized accommodation in appropriate locations. I consider the application site does present an appropriate location for larger, family homes in a suburban setting, as is the prevailing character of the area. A mix of smaller dwellings would only increase the density of housing on the site, in excess of surrounding properties and would be contrary to guidance within the 'Mature Suburbs' SPD.
- 6.95. I note the concerns raised by local residents that the proposed dwellinghouses would be used for multi-occupation rather than family use because of their large size. However, I consider this unlikely given their internal layout, and the supply and demand for large family houses in this location.
- 6.96. I note the concerns raised by a local objector with regard to the location of the proposed bin store, being sited next to No. 6a. Any such bin store would need to be located within 25m of Oakland Road for it to be serviced. However, a condition can be attached to any consent to look at alternative bin store locations and/or a bin store that minimises odour/vermin/noise issues.

7. Conclusion

- 7.1. The proposed development would constitute backland development within a mature suburb and would have an impact on outlook for existing adjoining residential occupiers, although I consider, not to an undue extent. Whilst some of the characteristics of the proposed development such as plot sizes, garden sizes and separation distances are not reflective of this wider mature suburb, other characteristics of the area are reflected in the design of the proposed development, such as its scale and massing, high quality and sympathetic architecture, and new landscaping. These positive characteristics of the proposed development, when combined with the fact that the proposal would positively assist in meeting the City's housing needs for large family dwellinghouses; would be sustainably located within an established residential neighbourhood; and would have no material adverse impacts on the amenity of existing residents, the local highway network, drainage, ecology or trees, leads me to conclude that, on balance, the weight is tipped in favour of recommending approval of this application and that planning permission should be granted for this sustainable development.

8. Recommendation

- 8.1. Approve Subject to Conditions

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | Arboricultural Method Statement - Submission Required |
| 4 | Requires tree pruning protection |
-

-
- 5 Requires the prior submission of an additional bat survey
 - 6 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 7 Requires the prior submission of hard and/or soft landscape details
 - 8 Requires the prior submission of boundary treatment details
 - 9 Requires the prior submission of a lighting scheme
 - 10 Requires the prior submission of a contamination remediation scheme
 - 11 Requires the prior submission of a contaminated land verification report
 - 12 Requires the prior submission details obscure glazing for specific areas of the approved building
 - 13 Removes PD rights for extensions
 - 14 Removes PD rights for new windows
 - 15 Implement within 3 years (Full)
-

Case Officer: Andrew Conroy

Photo(s)



Figure 1 – Looking north east down Oakland Road with site on right



Figure 2 – Looking west from site to Oaklands Nursing Home (left) and Nos. 6a-d Oakland Road (right)



Figure 3 – Looking south from patio of Oaklands Nursing Home to rear elevations of Nos. 9-15 Forest Road

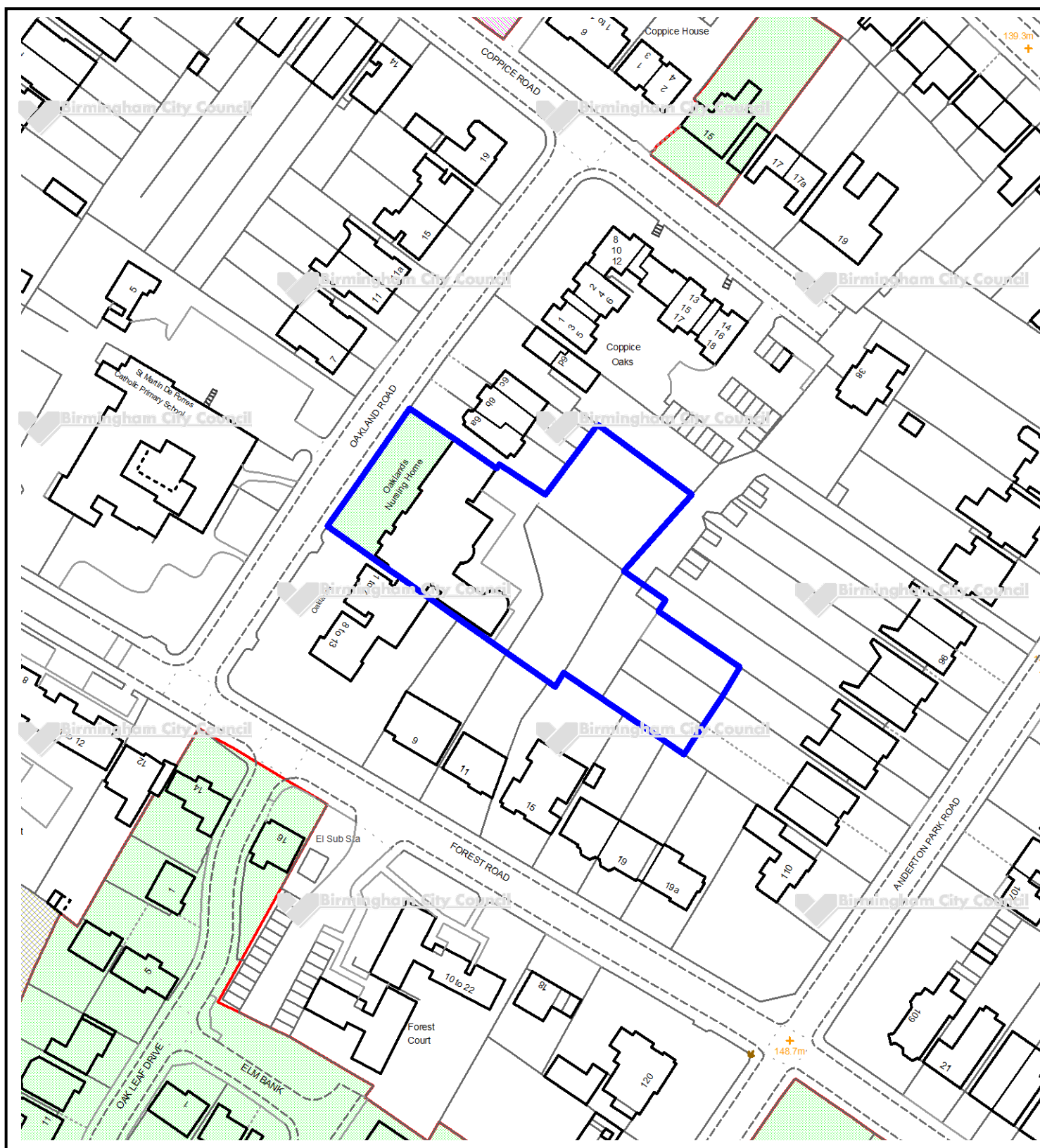


Figure 4 – Looking east from site to wooded area and Coppice Oaks (left)



Figure 5 – Looking south east from site to rear elevations of Nos. 104-108 Anderton Park Road

Location Plan



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Committee Date:	31/08/2017	Application Number:	2017/05156/PA
Accepted:	05/07/2017	Application Type:	Full Planning
Target Date:	30/08/2017		
Ward:	Bournville		

335 Fordhouse Lane, Stirchley, Birmingham, B30 3AA

Erection of 1 dwelling house

Applicant: SPBS Ltd
214 Hobs Moat Lane, Solihull, West Midlands, B92 8JY
Agent: BC Solutions
PO Box 12897, Solihull, B90 9AN

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought for the erection of a detached dwelling on land adjacent 335 Fordhouse Lane, Stirchley.
- 1.2. The property would front onto and have vehicle access from Fordhouse Lane. It would comprise two living rooms; kitchen; hall and WC on the ground floor and three bedrooms (one with en-suite) and a bathroom at first floor, with a further bedroom, study and bathroom within the roofspace. All bedrooms would have a floor area of between 14.7sqm and 16.6sqm.
- 1.3. The proposed dwelling would be set back 5.4m from the highway. A driveway to the front of the property would be provided, with parking for two cars.
- 1.4. The property would have a roughly rectangular shape, with a two storey rear wing. It would have a pitched roof and projecting gables features to the both the front and rear. A dormer window is proposed to the rear. It would be 8m in height (4.9m to eaves); 7m wide and 11.4m in total depth. The property would sit slightly back (2m) from the front of 335 Fordhouse Lane and slightly forward (1m) of 331 Fordhouse Lane. The property would be brick built with a tiled roof and uPVC windows and doors.
- 1.5. The property would have a private garden area to the rear. These would be approximately 197sq and 24.2m in length. The existing dwelling would retain a garden of approximately 100sqm.
- 1.6. Site area is 0.0360 hectares, density 27.7 dwellings/hectare.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises approximately 0.0360ha of land adjacent to 335 Fordhouse Lane, Stirchley. The site is currently unused, with a dilapidated garage to the front and overgrown vegetation throughout. It has been fenced off to both neighbouring sides, however was previously used as part of the rear garden of 335 Fordhouse Lane.
- 2.2. Fordhouse Lane is a busy main road, however at this point is predominantly residential, characterised largely by semi-detached and detached housing of differing styles.
- 2.3. To the rear, is a track providing access to the rear gardens of properties on Fordhouse Lane and Hazelwell Crescent. Opposite the site is an area of scrub and woodland, proving screening to a railway embankment.
- 2.4. The site is close to both Stirchley and Kings Heath District Centres, and local parades on Vicarage Road, which provide local facilities and amenities.

[Location map](#)

3. Planning History

- 3.1. 30/07/2004 – 2004/03291/PA Erection of detached dwelling house and detached garage to rear. Refused due to impact on neighbouring amenity.
- 3.2. 07/12/2004 – 2004/06577/PA Erection of 2.5 storey detached dwelling and rear detached double garage. Refused to due impact on neighbouring amenity. Appeal dismissed September 2005.
- 3.3. 04/10/2016 – 2016/06745/PA Outline planning application for the erection of a detached dwelling house with all matters reserved. Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection.
- 4.2. Regulatory Services – No objection subject to noise insulation conditions.
- 4.3. Severn Trent Water – No objection subject to an appropriate drainage condition. Advise there may be a public sewer within the application site.
- 4.4. Lead Local Flooding Authority – No objection.
- 4.4. Network Rail – No objection, recommend appropriate mitigation against noise from the railway.
- 4.5. West Midlands Police – No objection.
- 4.6. West Midlands Fire Service – No objection.
- 4.7. Letters of notification sent to surrounding residents; local residents associations; local Ward Councillors; and the MP for Selly Oak. A site notice has also been posted.

- 4.8. Councillor Mary Locke raises concern surrounding parking. She notes that the Fordhouse Lane is very busy especially during rush hour. People who live on the road already park their vehicles on the pavement. She notes that buses also use the road. She acknowledged that homes are needed across city but with more people, come more cars and more pollution
- 4.9. Councillor Timothy Huxtable objects noting that residents to the rear will be directly overlooked. Trees at the back of the site have been removed so residents have a direct view. He considers the design of the house obtrusive, as it adds an extra floor compared to those existing on Fordhouse Lane.
- 4.10. Stirchley Neighbourhood Forum – Concern expressed about residents parking and potential over occupation of the property if ground floor rooms are used as bedrooms.
- 4.11. In addition to the above, a further three letters of objection have been received, objecting to the proposal on the following grounds.
- Increased use of the rear access should not take place.
 - Loss of privacy due to direct overlooking of gardens.
 - Loss of light.
 - The design of the house is obtrusive and out of keeping with the surrounding area.
 - A two storey dwelling would be more suitable.
 - Will effect on the value of my property.
 - It is much larger than that approved in 2016.

5. Policy Context

- 5.1. The following local policies are relevant.
- Birmingham Development Plan (2017)
 - Birmingham Unitary Development Plan (2005) (Saved Policies)
 - SPG: Places for Living (2001)
 - Car Parking Guidelines SPD (2012)
- 5.2. The following national policy is relevant.
- National Planning Policy Framework (2012)

6. Planning Considerations

Policy

- 6.1. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix

of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

- 6.2. Policy TP27 of the Birmingham Development Plan also states that new housing in Birmingham is expected to contribute to making sustainable places...All new development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods. Policy TP28 of the plan sets out the proposed policy for housing location in the city, noting that proposals should be accessible to jobs, shops and services by modes of transport other than the car.
- 6.3. Saved Paragraphs 3.14D and 3.14E of the UDP identify that new housing development should be designed in accordance with good urban design principles. In addition, 'Places for Living' encourages good quality accommodation in attractive environments. They contain a series of urban design principles and makes reference to minimum design and amenity guidance. Particular emphasis is given to assessing context and responding positively to local character.

Housing

- 6.4. The principle of increasing the density of this site for residential purposes would be a positive step in line with national and local policy. The site is within an established, residential area, close to public transport links and with easy access to local services.
- 6.5. The proposed density of 27.7 units per hectare is below the normal policy requirement but would reflect the character of this location. It would allow for the provision of a new property to meet a small part of the housing needs of the city.

Layout and Design

- 6.6. The residential properties on Fordhouse Lane are sited in a row set back from the road, and the position/width of this proposed dwelling would not appear out of context, in fact the proposal fills a gap which is uncharacteristic of this area. In light of this, I do not consider the proposed dwelling would impact on the characteristic pattern of development in the surrounding area.
- 6.7. The property would be of an appropriate scale and design. There is no overriding architectural style in the surrounding area, with roofs being a mix of pitched and hipped, with some properties having double height or single height bay windows and canopies over front doors. The proposed property incorporates some of these characteristics and I consider this appropriate for the surrounding area. The eaves of the proposed property are set lower than the neighbouring property at 335 Fordhouse Lane; this reflects the level differences as the road rises to the north. The property would be brick built with plain tiled roof. A dormer window is proposed to the rear elevation, this is not characteristic of properties in the area. However, I note that a dormer window could be constructed as 'permitted development' once the property is occupied, as such I do not raise any objection to this,
- 6.8. Concern has been raised by objectors regarding privacy and outlook. The Council's Places for Living SPG recommends a series of numerical separation standards to ensure existing and future occupiers privacy and outlook. In this instance, the development has been designed so that the main habitable room windows of the proposed house are orientated to the front and rear. 'Places for Living' recommends 27.5m between building faces for 3 storey properties where main habitable room windows above ground level overlook existing conventional dwellings. In this

instance there is approximately 35m between the dormer window and the rear windows of 145 and 147 Hazelwell Crescent. In addition 'Places for Living' recommends a 5m per storey set back where new development with main windows overlooking existing private space is proposed. This development provides a 24m set back to the rear and therefore complies within this standard. Other separation distances are complied with. As such, I consider that there would not be any overlooking or loss of outlook to adjacent properties significant to warrant refusal of the application.

- 6.9. The layout shows that the rear garden would provide approximately 197sqm of private amenity space which would far exceed the minimum guideline of 70sqm as advocated in "Places for Living".
- 6.10. In addition, the property would provide an internal layout of suitable size, with bedrooms being 14.7sqm, 14.9sqm, 16sqm and 16.6sqm. This would be in accordance with the nationally described spaced standards, which are not adopted by the Local Planning Authority but provide a suitable benchmark.
- 6.11. Applying the 45 degree code, original plans submitted resulted in a slight breach of approximately 150-200mm to both neighbouring ground floor windows. Amended plans were submitted to address this, with the rear wing reduced by 500mm in depth to ensure compliance with the code.

Transportation Matters

- 6.12. There is an existing footway crossing serving the site, with indicative plans confirming a minimum driveway depth of 4.75m could be achieved and sufficient pedestrian visibility of 2m x 2m x 600mm would be provided. In addition, the layout suggests provision of 200% parking, with 2 spaces provided. My Transportation Development Officer raises no objection to this. The site is in a highly sustainable location and close to public transport links.

Trees and Ecology

- 6.13. The site is not known to have any ecological value and is not near to any site of importance nature conservation.
- 6.14. Some trees along the boundary with 331 Fordhouse Lane would inevitably have to be removed to facilitate the development. These do not provide any public amenity being to the rear of the site. However, a landscaping scheme is recommended to compensate for any loss.

Other Matters

- 6.15. Regulatory Services recommend imposition of a condition to secure a suitable level of noise insulation in reflection of the potential for traffic noise and I consider this to be a reasonable requirement.
- 6.16. Severn Trent have not objected to the application and it is recommended that a condition of any approval be that a suitable drainage scheme be provided. They note there may be a sewer within the application site and the appropriate informative should be added.
- 6.17. An objector has raised concern about the potential use of an access to the rear of the site. This is a civil matter and therefore I attach little weight to this issue. In

addition, concerns regarding the value of existing property have been raised, again this is not a material planning consideration and little weight can be attached to this matter. Otherwise, I consider there is one last substantive objection to address, that the house proposed is bigger than that shown in the Outline consent of last year. It does indeed have a bigger footprint, and a rear roof dormer, but the Outline plans were purely indicative – all matters were Reserved for future consideration, effectively meaning only the principle of a dwelling was being sought. This new, full, application must be assessed on its own merits.

- 6.18. Community Infrastructure Levy – The application site is within the residential high value market area and as such may be liable for CIL (following its adoption on 4th January 2016). The submitted plans indicate that the floor area of the development would be 176.7sqm GIA. This would equate to a payment of £12,192.30 (index linked).

7. Conclusion

- 7.1. I consider that the proposed layout builds on local character, and am satisfied that a proposal of this nature could be accommodated on this site with no detrimental impact on the quality of the existing residential environment and create a satisfactory living environment for prospective residents of the site itself. Additionally, the proposals would redevelop a vacant site and contribute to the City's housing stock. The proposals constitute sustainable development. .

8. Recommendation

- 8.1. Approve subject to conditions.

1	Requires the scheme to be in accordance with the listed approved plans
2	Requires the prior submission of a drainage scheme
3	Requires the prior submission of boundary treatment details
4	Requires the prior submission of level details
5	Requires the prior submission of sample materials
6	Requires the prior submission of hard and/or soft landscape details
7	Requires the prior submission a noise study to establish residential acoustic protection
8	Removes PD rights for extensions
9	Implement within 3 years (Full)

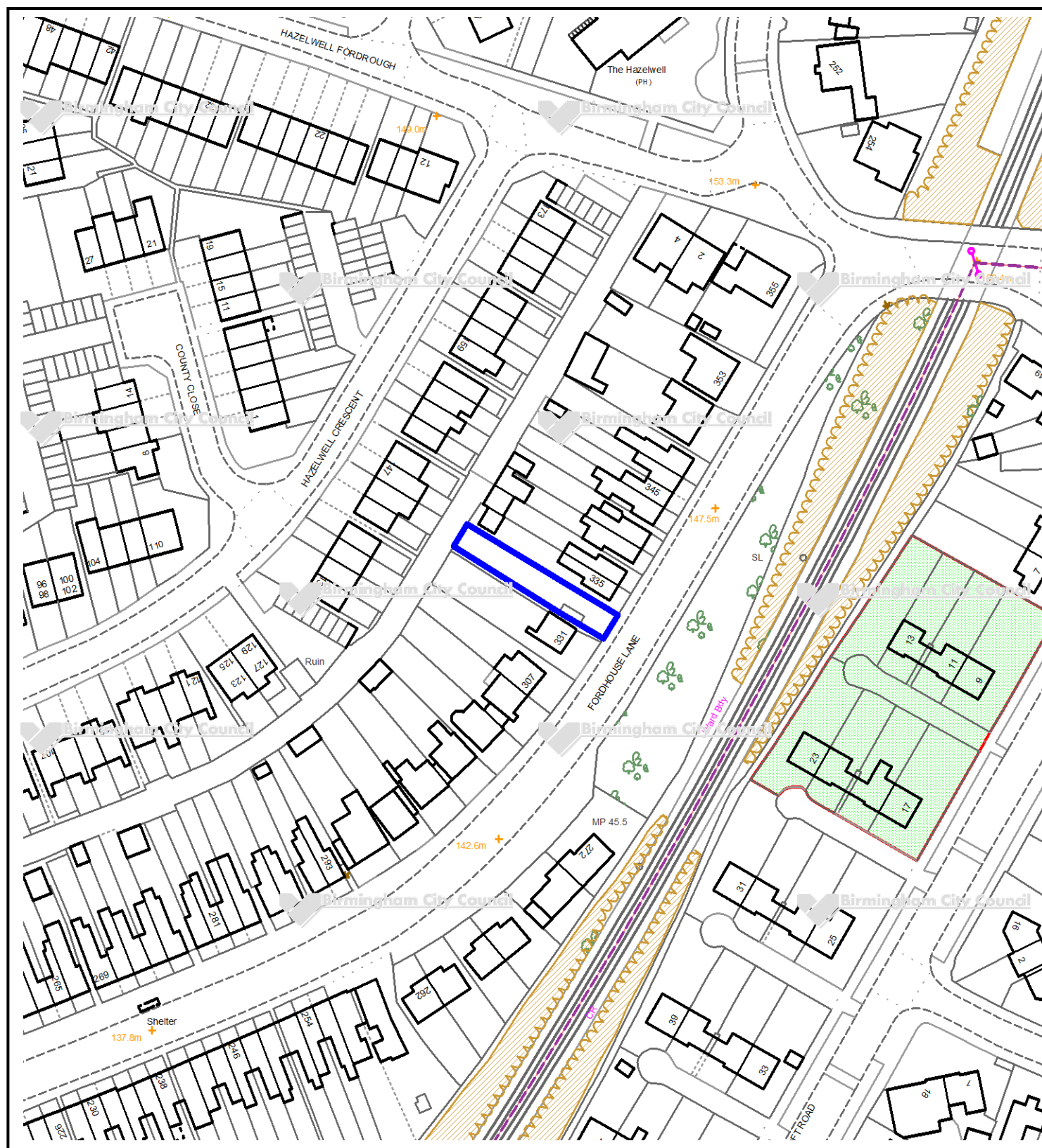
Case Officer: James Mead

Photo(s)



Photograph 1: View of application site from Fordhouse Lane.

Location Plan



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Birmingham City Council

Planning Committee

31 August 2017

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>
Defer – Informal Approval	13	2017/02040/PA Land at Newhall Square Newhall Street / Charlotte Street City Centre Birmingham B3 1RU Erection of two buildings and change of use of existing listed buildings to create 220 residential units varying between 5 and 10 storeys, 4 ground floor commercial units (A1, A3, B1) together with provision of a public square, 61 car parking spaces and associated works.
Approve– Conditions	14	2017/02099/PA Whitmore Warehouse & portico (adjacent to 144 Newhall Street) Newhall Street / Charlotte Street City Centre Birmingham B3 1RU Listed Building Consent for a three storey extension, alterations to existing openings and associated repair works to form ground floor commercial unit and residential at first and second floors at Whitmore Warehouse together with extension and alterations to the Portico Building adjacent to 144 Newhall Street.

Committee Date:	31/08/2017	Application Number:	2017/02040/PA
Accepted:	15/03/2017	Application Type:	Full Planning
Target Date:	08/09/2017		
Ward:	Ladywood		

Land at Newhall Square, Newhall Street / Charlotte Street, City Centre, Birmingham, B3 1RU

Erection of two buildings and change of use of existing listed buildings to create 220 residential units varying between 5 and 10 storeys, 4 ground floor commercial units (A1, A3, B1) together with provision of a public square, 61 car parking spaces and associated works.

Applicant:	Spitfire Bespoke Homes Limited IM House, South Drive, Coleshill, Birmingham, B46 1DF
Agent:	Elias Topping 137 Newhall Street, Birmingham, B3 1SF

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This proposed development seeks the erection of two buildings and change of use of 94 Charlotte Street and two listed buildings known as Whitmore Warehouse and the Portico building to create 220 residential units varying between 5 and 10 storeys and 4 ground floor commercial units (A1, A3 and B1), provision of a public square and 61 car parking spaces.

Overview of the Proposed Development

- 1.2. Of the two apartment buildings one would be erected fronting onto Newhall Street, the Birmingham and Fazeley Canal and facing into the courtyard which would include the conversion of the grade II listed Portico building which forms part of 144 Newhall Street. The other would front Charlotte Street and the canal which would include the conversion of 94 Charlotte Street. Whitmore Warehouse, a grade II listed building would be converted and extended to apartments at first and second floor level with A1/B1 use at ground floor level. The square adjacent to Whitmore Warehouse would be subject to significant public realm improvements and would be made available to the public.
- 1.3. A total of 61 on site car parking spaces are proposed (28%) which would be accessed from Charlotte Street and these spaces would be shared amongst all the proposed accommodation. A total of 83 secure cycle spaces are proposed across both sites.
- 1.4. Overall the proposed accommodation would provide 220 apartments and would be managed by a specialist provider of housing for the Private Rented Sector (PRS). The units would comprise the following breakdown:

Apartment Type	Number	Percentage	Min.Size	Max. Size
1 bedroom 1 person	10	49%	42sqm	49sqm
1 bedroom 2 person	26	11%	50sqm	64sqm
2 bedroom 3 person	19	9%	61sqm	69sqm
2 bedroom 4 person	62	28%	70sqm	108sqm
3 bedroom 4 person	4	2%	92sqm	92sqm
3 bedroom 5 person	2	1%	100sqm	101sqm

Detailed Proposals

Plot 1 Charlotte Street (Wright House)

- 1.5. The new building on Charlotte Street would be 5 storeys high and would be located between the Stay City apart hotel building and 94 Charlotte Street which comprises a 3 storey building of architectural merit which would be retained and converted as part of the current application. The canalside elevation would be 6 storeys high and both buildings would be linked with a central wing. The 3 internal elevations combined with the side elevation of Stay City create an internal courtyard at first floor level which would provide amenity space for the residents. The scheme would be predominantly single aspect onto Charlotte Street, the canal, internal courtyards and Caspar House.
- 1.6. The ground floor on the Charlotte Street elevation would provide the main entrance to the apartment building for residents as well as accommodate cycle spaces, bin storage and a substation. Vehicular access is also provided off Charlotte Street into the car park occupying most of the ground floor. The canalside ground floor would consist of predominantly car parking and a plant room. On the upper levels the remainder of the building would consist of residential accommodation. Due to the change in levels across the site, the secondary entrance to the apartments on the canalside is at first floor level.
- 1.7. Architecturally, the proposed building would be flat roofed and the elevations would be primarily finished in red brick combined with dark cladding, sawtooth detail and aluminium framed windows. Elements of the ground floors would use flemish bond brickwork detail to allow ventilation to the car park whilst a corten finish would be applied in front of the cycle store on Charlotte Street. Window and door reveals are framed within deep recesses.
- 1.8. The canalside elevation is similar in terms of architecture although it proposes inset balconies and proposes a contrasting dark cladding frame on part of the upper level. The secondary entrance would be aligned with the existing bridge over the canal, and used to break up the building mass. Both elevations would be built to back of pavement. The internal elevations would also contain inset balconies.
- 1.9. 94 Charlotte Street would be used for a clubhouse for the residents of the apartments on all 3 floors. Physical alterations include the repair and repointing of elevations and general making good, removal of masonry paint (dependent on the condition of the brickwork). Replacement of windows and doors with double glazed units to match the original windows.

Plot 2 Newhall Street – New building

- 1.10. The new building on Newhall Street would have a double height retail/commercial space at ground floor level with 5 floors of residential accommodation above. Therefore the building would be equivalent to 7 storeys and would occupy the space between Islington Gates apartment scheme and 144 Newhall Street. The building would be cantilevered at the corner adjacent to Islington Gates which provides an entrance along the canal into the public square which would be wide enough for emergency vehicles (5.3m). The cantilevered element would be approximately 6m high. The rear wing of the building would step up to 8 and 10 storeys and there is a slight change in levels as the site progresses into the square with the end of the building also being cantilevered. A further commercial unit is proposed at this cantilevered element of the building facing into the square. The building is generally rectangular with a wider frontage onto Newhall Street. The apartments are predominantly single aspect.
- 1.11. Access to the apartments is largely provided via two entrance lobbies on the canalside and on the opposite side from the square. Bin stores, plant room and cycle spaces are proposed to the rear of the ground floor commercial unit on Newhall Street. The upper floors consist of residential accommodation.
- 1.12. The grade II listed Portico building attached to 144 Newhall Street also forms part of the site and would be used for a small commercial building at ground floor level whilst the first floor would become a living area to an apartment connected directly into the new building. Above the historic part of the building and set back from the street the new build continues above containing additional residential accommodation.
- 1.13. Architecturally, on Newhall Street where the commercial units are proposed, the windows would be two storeys high and above this residential windows have a grid style. Within the two top storeys the mass of the building is varied using double height windows above the cantilevered section and a change in material to a dark metal cladding. The general material treatment would mirror that of Plot 1 with the primary materials consisting of brickwork, sawtooth detail combined with dark grey aluminium cladding and dark grey framed windows which would have deep recesses.
- 1.14. The set back element on the corner of Newhall Street above the portico building would have a horizontal emphasis and would be treated with grey slate as concerns were raised by the Victorian Society regarding the use of anodised edging to the cornered windows with metallic cladding.
- 1.15. On the canalside and the courtyard elevations the design is simplified with the removal of the sawtooth detail and addition of inset balconies. The palette of materials remains that of the Newhall Street main elevation.
- 1.16. The building would be set back from the canal by 5.3m to provide visitors and residents a spacious access along the canal into the public square whilst existing links to the square from Charlotte Street and Newhall Street would be retained. The existing steps down to the passageway between Newhall Street and the Canalside walk would be removed.

Whitmore Warehouse

- 1.17. Whitmore Warehouse is a grade II listed building which has been vacant in excess of 10 years, and has fallen into a poor state. It would be converted into 4, two bed

apartments on the first and second levels with a retail/office space at ground floor level. A three storey contemporary extension would be attached to the side of the listed building. Changes to the listed building include new openings, repairs and retention of cast iron windows where possible, brickwork repaired and insulated, repairs to the roof and the end gable reinstated in brickwork.

Public Square

- 1.18. The central square would provide a generous open space with good connections from Newhall Street, Charlotte Street and the Birmingham and Fazeley Canal resulting in a fully accessible public square. The retained and restored Whitmore Warehouse would form the main focal point within the square and would form the backdrop. Elements such as seating, gentle grass slopes, tree planting and grass slopes would be incorporated into the square and the Whitmore Canal Arm would be reinterpreted as a water feature.
- 1.19. The Charlotte Street courtyard would be located at first floor level and would provide a private open landscaped courtyard offering an attractive and flexible outdoor space for residents.
- 1.20. This application is accompanied by detailed plans; a Planning Statement; Design and Access Statement (including Heritage Statement); Ecology Assessment, Drainage Assessment, Transport Assessment, Land Contamination Study and Viability Assessment.
- 1.21. EIA screening Opinion was undertaken by the Local Authority and it was confirmed that an EIA is not required.
- 1.22. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site occupies two main plots of land, one located between the StayCity building, Charlotte Street, the Birmingham and Fazeley Canal and Caspar House known as Plot 1; the other plot is located between Newhall Street and the Birmingham and Fazeley Canal which also includes the listed Portico building and is known as Plot 2A. The Whitmore Warehouse grade II listed building is referred to as Plot 2B. There is also open space surrounding the site. The development of plots 1 and 2A and 2B together with the formation of the public square would complete the redevelopment of Newhall Square which was the former site of the Elkington and Co. Electroplating works and subsequently Birmingham Museum of Science and Industry. The site is located within the Jewellery Quarter Conservation Area.

Plot 1 Charlotte Street

- 2.2. Plot 1 is currently used as a pay and display car park with access from Charlotte Street. It also contains 94 Charlotte Street which is an existing 19th Century, 3 storey brick building with a partial basement with a heavy timber floor construction incorporating large pitch-pine spine beams, in places reinforced by external wrought iron cradles to increase load capacity, presumably specific to a former use. The ornate front elevation is white painted brick and stone of four bays width, with sash windows all with segmental arch heads. The rear elevation is more functional, effectively a mirror of the front elevation. The roof was probably previously slated with a chimney on the left hand side. The former party walls, now exposed as gables, have been extensively altered and over rendered in cement.

Plot 2A Newhall Street

- 2.3. Plot 2A currently comprises a temporary car park accessed from Newhall Street and it also contains the grade II listed Portico building which forms part of 144 Newhall Street.
- 2.4. The grade II listed portico building which is attached to 144 Newhall Street forms a single bay of a former long stepped frontage which ran to Fleet Street. The former Electrogliding and Plating Works of Elkington Mason and Company were opened in 1838, altered and extended in the late 19th Century and then largely demolished in the 1960s. The elevation is presently in good overall condition however the rear of the building has been altered over the years.

Plot 2B Whitmore Warehouse

- 2.5. The grade II Whitmore Warehouse is surrounded on 3 sides by the StayCity development and formed part of the extensive Elkington and Co. Works and was built between 1795 and 1810. The building adjoins the former Whitmore Arm of the Birmingham and Fazeley Canal, now infilled, which runs across the site and continues on the opposite side of Charlotte Street. The three storey building is red brick with blue brick detailing. The elevations consist of ground floor windows with shallow blue brick segmental-arched heads and many of the openings are blocked up as the building has been vacant for some time. The building is currently in a poor state of repair.

Surrounding Area

- 2.6. The remainder of Newhall Square has been developed in 2008/2009 for a hotel, office and retail development and an apart hotel in 2015. The Queens Arms Public House is located at the corner of Newhall Street and Charlotte Street. It is grade II listed and faced in red brick with stone dressings and coloured tile decorations.
- 2.7. The sites are located in an area of transition between the larger scale commercial buildings of the City Core and the smaller scale manufactories of the Jewellery Quarter.
- 2.8. The Birmingham and Fazeley Canal adjoins the southern boundary of the site. The Farmers Bridge lock flight is situated immediately to the south west. There are two grade II listed buildings located between 5 and 15 Fleet Street on the opposite side of the canal.
- 2.9. On a long narrow plot between Fleet Street and the canal, a tall predominantly residential scheme (Islington Gates) is located between Newhall Street and Summer Row which face the sites. The Islington Gate scheme includes a pedestrian bridge giving access from Fleet Street over the canal to the canal towpath.
- 2.10. The opposite side of Newhall Street contains the grade II listed former Assay Office. The wider area is characterised by 19th Century industrial buildings with modern offices and apartments.
- 2.11. The opposite side of Charlotte Street contains the recently constructed USB building and the grade II House of York. On Charlotte Street, the site adjoins the Caspar housing scheme.

2.12. [Site Location](#)

3. [Planning History](#)

- 3.1. 17/03/2006 - 2005/03359/PA. Mixed use development comprising part demolition of existing buildings, conversion of listed buildings and erection of new buildings to provide 234 apartments and commercial and leisure uses, including associated car parking and means of access. Approved subject to conditions.
- 3.2. 17/03/2006 - 2005/03360/PA. Listed building consent for the part demolition of existing site buildings and conversion of 144 Newhall Street and the Whitmore warehouse, including extensions, in connection with new mixed use development including erection of new buildings to provide commercial and leisure uses. Approved subject to conditions.
- 3.3. 27/07/2007 - 2007/02635/PA. Listed building consent for the demolition of existing flatted factory building and erection of new build 5 storey office block (Use class B1) and 100 bedroom Travelodge hotel (Use Class C1), in association with the previous approval for mixed use development comprising part demolition. Approved subject to conditions.
- 3.4. 27/07/2007 – 2007/02636/PA. Conservation area consent for the demolition of flatted factory building, in association with erection of a new build office block (Use class B1) and 100 bedroom hotel (Use class C1). Approved subject to conditions.
- 3.5. 16/02/2010 - 2009/06412/PA. Retention of use to car park for temporary use for a period of two years. Temporary approval.
- 3.6. 11/01/2013 – 2012/07169/PA. Erection of 194 bedroom apart-hotel StayCity (Use Class C1) with associated car parking and access. Approved subject to conditions.
- 3.7. Current application 2017/02099/PA. Listed Building Consent for a three storey extension, alterations to existing openings and associated repair works to form ground floor commercial unit and residential at first and second floors together with minor alterations to portico adjacent to 144 Newhall Street.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objections subject to conditions requiring a S278 agreement, that parking areas are laid out prior to use, the provision of cycle parking, electric vehicle charging points and a construction management plan.
- 4.2. Regulatory Services – No objection subject to conditions in relation to noise levels to for plant and machinery, extraction and odour control, noise insulation between commercial and residential and noise insulation details to windows of habitable rooms.
- 4.3. Local Lead Flood Authority – No objection subject to condition requiring the final drainage scheme details and details of the ongoing operation and maintenance.
- 4.4. Severn Trent Water – No objections.
- 4.5. Leisure Services – No objection and request a contribution of £245,375 towards the provision, improvement and maintenance of public open space at St. Paul's Churchyard and/or Warstone Lane Cemetery in Ladywood ward. Leisure Services

also note that as the on-site public space is effectively public realm their service would not anticipate adoption but would require a contribution of £5,000 for the provision of Landscape Clerk of Works service to oversee the works on behalf of the City Council.

- 4.6. West Midlands Fire Service – No objections subject to the necessary access and water arrangements being satisfied.
- 4.7. West Midlands Police – Recommends that the development follows Secured by design principles for residential and commercial units, that adequate lighting, CCTV and alarms system are installed. Notes that refuse collection should be carefully managed at access points.
- 4.8. Canals and River Trust – No objections subject to conditions in relation to drainage, works to the wall between the towpath and the site including boundary treatment, Construction Environmental Plan and lighting. A contribution is sought from the developer towards environmental improvements/refurbishments to the lock flight and lighting.
- 4.9. Education – No response.
- 4.10. Access Officer - Design and Access Statement fails to mention pedestrian approach issues for those with disabilities. Recommends the external landscaped area should include consideration of features to help people with disabilities such as colour contrast and some provision of seating with back and arm rests.
- 4.11. Historic England – Initial concerns regarding various matters in relation to the treatment to Whitmore Warehouse and the Portico building. Amendments were made and provided the approved windows schedule is adhered to and careful consideration given to the materials used on the listed buildings no objections raised. The portico building should be painted in a lighter colour instead of the grey proposed.
- 4.12. Victorian Society – Initial concerns regarding the set back of the new build element above the portico building and the proposed materials however these issues have been resolved by amending the scheme and no objections are raised.
- 4.13. Birmingham Civic Society have made the following comments:
 - Overall proposed development works well however there are concerns regarding the amount of development proposed along the side of the canal and recommend the scale is reduced.
 - The Newhall Street and Charlotte Street elevations respect their neighbours and Newhall Street deliberately highlights the listed façade.
 - Concerns regarding the elevational design and overly repetitive nature.
 - The supporting information fails to address the significance of the existing Whitmore Warehouse building and supports the truncated gable with modern zinc cladding.
- 4.14. The proposals were considered by the Conservation Heritage Panel on 10th April 2017 and the following comments were made: - *Some Panel members had concerns with the new-build element above the former Elington works (Grade II*

listed), stating it was too far forward and overbearing, so needed to be pushed back. The applicants confirmed that the material to be used on this element would be aluminium shingle, a nod to the former use of Elkington's (electro-plating). Some members commented that there was good articulation across the Newhall Street frontage and that the proposed scheme did relate to the former Elkington works.

With regards to the Whitmore warehouse and Charlotte Street buildings the Panel commented that they welcomed the retention of as many existing windows (cast iron) as possible. The applicant stated that for both buildings they were looking to retain or refurbish as many of the original windows as feasible or like-for-like replacements. There was further discussion on the Whitmore warehouse; for clarification the cladding would be aluminium to the exposed end wall (earlier demolition), there was comment that it was a good idea to add to the footprint, putting the circulation elements in the proposed extension – it could still be read as a canal-side building, though some felt the narrow footprint would be lost and that the extension was insufficiently articulated, if not brutal.

The Panel also discussed the canal and whether having such a tall building would have a canyoning effect, the character of canals is changing with the overbearing scale of apartment blocks. The canals are a great city asset.

The Panel raised concerns over the retail and commercial aspect of the scheme and that vacant commercial units can affect an area. The applicants commented that there would be four commercial spaces across the site (approx. 715 sqm), they were speculative at the moment.

4.15. Site and Press Notices posted and Residents' Associations; Ward Members; the MP and local occupiers consulted. 2 letters from local residents acknowledged that the scheme would bring some benefits to the area. One letter of objection from a local resident was received via Shabana Mahmood MP and a further 15 letters of objections were received from local residents raising the following concerns:

- Proposed buildings are too high, out of character in the Conservation Area and would have a negative impact on the canal creating a claustrophobic environment.
- Apartments will lack privacy due to the proximity with Islington Gates development opposite.
- Proposed development will result in a loss of light and will block the views for residents of Islington Gates development.
- Over provision of car parking encouraging unsustainable modes of transport.
- Design does not reflect adjoining buildings.
- Proposed materials are unsuitable.
- Insufficient parking provision.
- Apartments should be available to buy and not only rent as residents will then respect their neighbours and the area more.
- Over-intensive development.
- Concern regarding lack of cycle parking provision and a need for publicly accessible car parking for visitors to the square.
- S106 payments should be used to improve road safety.
- Additional noise from proposed commercial uses which should have the hours of operation restricted.
- Inaccuracy in the Transport Statement regarding frequency of buses.
- Height of buildings would have an adverse impact on Whitmore Warehouse and the Whitmore Arm.

- Proposed trees have the potential to block light to residents as well as cause damage to the paving and canalside.
 - Plot 1 will block light to the Caspar building.
 - Concern 94 Charlotte Street will be unused and will be sold off as a commercial building in the future.
 - Development will increase parking demand on surrounding roads.
 - Pollution from additional traffic.
 - Rights of Light assessment should be carried out to determine the impact of the proposed buildings on existing residents.
- 4.16. Comments have also been received from the Jewellery Quarter Development Trust who broadly support the proposals and make the following comments:
- Recommend the mirror pool is moved south to meet the Whitmore Warehouse so it reinstates a historical feature. Also feel the design of the square could be revised to make it more unique and social.
 - Recommend the portico building should be made more prominent by recessing the additional storeys further whilst supporting the addition of the modern storeys.
 - The Whitmore Warehouse extension has scope to be an exciting piece of modern industrial-style architecture contrasting with the historic warehouse. At present it looks highly sanitised and the shingle zinc-style cladding is currently described as “dark grey metal cladding”. The gable end suggests a different detail to the elevation facing StayCity but the description is the same. This lack of detail on a Listed Building application is unacceptable. A high quality shingle option may be acceptable on all new sides.
 - There are no proposals for sustainability and biodiversity but would expect discrete use of photovoltaic panels and green/brown roofs. The ecology report focussed only on the buildings and not the adjacent canal which will likely be an area of rich biodiversity.

5. Policy Context

- 5.1. Birmingham Development Plan 2031; Birmingham Unitary Development Plan (saved policies) 2005; The Jewellery Quarter Conservation Area Character Appraisal and Management Plan; Jewellery Quarter Conservation Area Design Guide; Conservation Through Regeneration SPD; Places for Living SPG; Places for All SPG; Car Parking Guidelines SPD; Affordable Housing SPG 2001; Public Open Space in new Residential Development SPD 2007; Loss of Industrial Land to Alternative Uses SPD; National Planning Policy Framework.

6. Planning Considerations

POLICY

Local

- 6.1. The Birmingham Development Plan (BDP) which was formally adopted on 10 January 2017 identifies the application site as being within the City Centre Growth Area where the focus will primarily be upon re-using existing urban land through regeneration, renewal and development. Policy GA1.1 states that the City Council will continue to promote the City Centre as the focus for retail, office, residential and leisure activity and, residential development, in particular is supported where it provides well designed high quality living environment. Policy GA1.3 sets the overarching objective for the Jewellery Quarter as ‘creating an urban village

supporting the areas unique heritage with the introduction of an appropriate mix of uses and radically improved connections to the City Centre Core. TP30 should be considered in terms of the type, size and density of housing proposed.

- 6.2. The BDP sets out the city's approach to the historic environment, the scale of need (51,100 residential units to be delivered in the city over the plan period), location and type of new housing and connectivity issues. The approach to developer contributions is set out in policy TP47, with Policy TP31 setting out that in developments of 15 or more dwellings a contribution of 35% of the scheme as affordable housing will be sought. Policy PG3 sets out the requirement for place making, setting out the key considerations that contribute to a successful place.
- 6.3. The Jewellery Quarter Conservation Area Character Appraisal and Management Plan (JQCACAMP) identifies this part Charlotte Street/Newhall Street as being within the "St Paul's Canal Corridor" of the Jewellery Quarter. The document states that properly directed and controlled mixed use developments can help regenerate the Quarter while supporting and protecting traditional industries.
- 6.4. Relevant Saved Policies of the Birmingham UDP, comprising of Chapter 8 and policy 3.14, emphasise the need to secure high quality design and set out the circumstances when Planning Obligations may be sought.

National

- 6.5. Sustainable Development is at the heart of the National Planning Policy Framework (NPPF), which establishes a presumption in favour of such development. Development is required to address the three key aspects of sustainability (economic, social and environmental) in order to constitute sustainable development. The NPPF breaks development down to key themes and provides guidance on each, with those key to this application explored in more detail below.
- 6.6. Chapter 6 sets out the need to deliver a wide choice of high quality homes. Chapter 7 puts good design at the heart of the definition of sustainable development. Chapter 11 seeks to conserve the historic environment.
- 6.7. Key issues for consideration are therefore the principle of the development, design, heritage implications, residential amenity, highway impact, sustainability, and viability/S106 issues.

PRINCIPLE

- 6.8. The BDP states that its objectively assessed housing need is 89,000 across the plan period (until 2031) to meet the forecast increase in Birmingham's population of 150,000. Due to constraints across the administrative area the Plan aims to provide 51,100 homes, with 12,800 earmarked for the city centre. Considering housing mix, the BDP sets the following targets for market dwellings: 1-bedroom 13%, 2-bedroom 24%, 3-bedroom 28%, and 35% 4-bedroom. By comparison the proposed housing mix for this 220 apartment scheme would be 60% 1-bedroom apartments, 37% 2-bedroom apartments and 3% 3-bedroom townhouses. Although the housing mix figures are not ceilings, given the city's overall housing requirement, there is a need to ensure that the right type and mix is provided in the city as a whole.
- 6.9. In this case the mix of units as proposed is driven by the PRS end user and the apartments are designed to enable 2 tenants to have equal and independent bedrooms with en-suite bathrooms as opposed to the more traditional master

bedrooms with a spare bed layout. Furthermore, PRS schemes differ to residential schemes in that there is generally communal space for residents and in this case this is provided at 94 Charlotte Street.

- 6.10. Policy 8.20 of the BDP states ‘the private rented sector, where multiple units are developed and held in single ownership for long term rental, is supported by the City Council as making an important contribution to the supply of housing in the city, and meeting the needs of a mobile workforce, young professionals, households who have deferred house purchase or those who prefer to rent as a lifestyle choice. The City Council recognise the different characteristics of such developments...including the lifetime development economics, which look to longer term returns rather than the short term “market gains”...and will have regard to its particular characteristics during the decision making process when assessing the acceptability and viability of the schemes”.
- 6.11. It is acknowledged that there are some differences between how market sale and PRS schemes operate and there is more demand for 1 bed units in this case. The development proposed predominantly consists of 1 and 2 bedroom units and given the site’s city centre location and the nature of the proposal being used for PRS I consider the principle and mix is acceptable.
- 6.12. Whilst there is no adopted local policy the Nationally Described Space Standards provides a reliable guide regarding residential unit sizes. One bedroom units would range from 41sqm to 64sqm, two bedroom units would range from 62sqm to 99sqm and 3 bedroom units would range from 92sqm to 99sqm. 86% of the one bedroom units would only be suitable for one person as they fall below 50sqm which is required for a 2 person apartment. The applicant has confirmed an end user is secured and they are confident there will be significant interest in the units.
- 6.13. With regards to loss of industrial land, it is acknowledged there would be some loss however the majority of the proposal consists of new build and the loss would be insignificant given the size of the units. In addition the retained buildings have been vacant for a number of years therefore I do not raise any objection in this location.
- 6.14. The proposed development is consistent with the broad policy context outlined above. The scheme would deliver residential accommodation in a sustainable city centre location. My Strategic Planning Officer raises no objections and considers the scheme to be an appropriate form of regeneration for this site. The proposal would complete the Newhall Square redevelopment which is an Enterprise Zone site. Therefore, subject to more detailed considerations explored below, I raise no objection to the principle of the proposals.

DESIGN

- 6.15. The Jewellery Quarter CAMP identifies Newhall Street as a principal route and the main link with the City Centre and states that the demolition of much of Elkington’s 19th Century electroplating manufactory has created an unfortunate gap in the streetscene. The Management Plan requires the design of new development to respect the scale, form and density of development and states that building heights should generally respect the height of buildings within the locality and normally limited to four storeys. The Jewellery Quarter Design Guide also outlines principles for good design including guidance on scale, form, grain, hierarchy and materials.
- 6.16. The original scheme varied from 8 storeys on Newhall Street, 6 storeys on the canal opposite Islington Gates, 5 storeys on Charlotte Street and 4 storeys on the

canalside. Plot 1 of the proposed scheme would be one storey higher than that approved which is not considered to be a significant increase and responds to the heights of the recently constructed Stay City building which is 5 storeys. Plot 2 proposes a slightly more significant increase in height as the canalside elevation would vary from 8 to 10 storeys compared with the previously approved 6 storeys. It is noted that the Islington Gates residential development located opposite the site is 10 storeys high. The dimensions from Islington Gates to the back of the new canal footpath under the current scheme range between 18.3 – 22m. Under the 2005 scheme the distances ranged from 15.3 – 18.7m. As such the current proposal has moved the new build further away from Islington Gates. Cross sections have been provided that demonstrate the new building on plot 2A would be no higher than the highest point of the existing Islington Gates scheme and the separation distance between both developments would vary between 18.3m and 22m.

- 6.17. The massing of the Newhall Street plot would decrease towards Newhall Street from the public square and the height has responded to that on the opposite side of Fleet Street. The scale further decreases along the frontage of Newhall Street from the City to the Jewellery Quarter to address the diminishing scale of the context. The resultant built form above the Portico building would therefore form an important feature despite its set back positioning.
- 6.18. Whilst it is accepted the proposed development would constitute a departure from the guidance provided within adopted policy regarding proposed heights and separation distances, the proposed heights respect the height of buildings within the locality and whilst the building would be 7 storeys on Newhall Street I do not consider this is at odds given the adjacent Islington Gates. I also consider the separation distance is sufficient to ensure that the canal would be safeguarded from a tunnelling effect where both sides of the canal would contain high buildings. In addition, the infill of a long standing gap site is welcomed. I consider the mass of the proposed development would have a comfortable relationship with the adjacent residential apartments and surrounding buildings.
- 6.19. Both at pre-application stage and during the course of determination of this application Officers have secured changes to the scale and design of the proposed development. The changes involve the entrance to the car park being brought forward to back of pavement and the introduction of corten as a feature wall to the side of the entrance to the residential block on Charlotte Street. The most significant change relates to an increase in the set back above the Portico building on Newhall Street and slate rather than metal used on this element of the new build. The Portico building would be painted in a lighter Regency colour. Amendments were made to the gable elevation facing Stay City to add further interest. With regards to the Whitmore Warehouse (plot 2B) the gable treatment to the canal would be bricked as opposed to the originally proposed metal cladding.
- 6.20. The Newhall Street elevation would have double height openings at ground floor level marking the commercial units as well as double height openings on part of the top two storeys varying the mass and of the building. The change in material on part of the top floor to a dark metal cladding with the anodized trim above the main body of the building also successfully breaks the massing down appearing to step down in the streetscape. This approach is also used on part of the top floor of Plot 1 on the canalside elevation thereby mirroring the language between both plots.
- 6.21. The proposed materials are traditionally characteristic of the Jewellery Quarter consisting primarily of red brickwork combined with aluminium framed windows with deep recesses. The sawtooth detail is welcomed and the Flemish bond brickwork is

also acceptable. The use of corten on the Charlotte Street elevation is encouraged as would add a high quality material and interest to the elevation. My City Design Officer raises no objection to the scheme subject to a condition safeguarding the materials. Further examination of the materials would take place on site and this will be safeguarded by condition. The varying heights and two different design approaches are supported as it successfully breaks up the massing of the building and adds further interest to the elevations.

- 6.22. The resultant scheme is acceptable within both its existing context, and with the scale and nature of the large-scale redevelopment envisaged by the BDP and the Big City Plan.
- 6.23. Subject to appropriate safeguarding conditions to ensure an appropriate design quality is secured I raise no design based objections and this conclusion is supported by my City Design Officer.

Public Benefits

- 6.24. The proposed public square would be well designed and fully accessible from Newhall Street and Charlotte Street and the Birmingham and Fazeley Canal. The repaired and restored listed Whitmore Warehouse would form the main focal point within the square and would form the backdrop to the public square. Elements such as seating, gentle grass slopes, tree planting and grass slopes would be incorporated into the square and the Whitmore Canal Arm would be reinterpreted as a water feature. The existing dark, uninviting access to the canal would be closed off. The creation of the public square, bringing two vacant dilapidated listed buildings back into use and provision of improved, safe canal access provides many public benefits.

HERITAGE IMPLICATIONS

Listing Buildings

- 6.25. Consideration needs to be given to the impact of the development on the setting of the listed buildings both on and adjacent to the site. The statutory test for development involving listed buildings is that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses and the NPPF contains similar requirements.
- 6.26. In terms of both grade II listed buildings on the site the development would bring the buildings back into use, restore them and require only minimal alterations to their historical fabric to accommodate the proposed uses. The extensions that would be attached to both listed buildings would be built in a style and of a height consistent with the surrounding area and are of a scale that echoes the current built environment. Detailed discussions and meetings were held with both Historic England and the Victorian Society regarding proposed changes to the listed buildings and proposed extensions and an agreement was reached that resulted in a further set back of the new build on top of the Portico building.
- 6.27. The setting of Whitmore Warehouse is somewhat compromised by historic consents surrounding the building on three sides, however I consider the setting may be more pronounced as part of the current proposal as it will form the backdrop to a high quality public square. It is considered that the new buildings would create a new streetscape that respects the surrounding historic environment.

- 6.28. There are also a number of other listed buildings in the vicinity such as the grade II listed 144 Newhall Street, grade II listed Queens Arms Public House, grade II listed former Assay Office and grade II listed House of York all within close proximity of the application site. I consider the infilling of the uncharacteristic gap sites on the street frontages will improve the setting of the listing buildings in the vicinity and reinstate the urban streetscape.

Conservation Area

- 6.29. Policy TP12 of the BDP states that where a Conservation Area Character Appraisal or Management Plan has been prepared, it will be a material consideration in determining applications for development, and will be used to support and guide enhancement. The application site falls within the designated St Paul's Corridor area within the JQ Conservation Area Appraisal and Management Plan.
- 6.30. There is also a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The NPPF requires new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Decisions should address the integration of new development into the historic environment.
- 6.31. The application proposals have been the subject of detailed negotiations and amendments over an 18 month period. The amendments have sought to address the issues raised by consultees, local residents and the Conservation and Heritage Panel and provide a scheme that better reflects the character and appearance of the Jewellery Quarter.
- 6.32. The resultant scheme, in terms of detail and scale, responds to the existing context and where this has been lost the proposals seeks to reinstate and draw upon both historic precedent for this site and its surrounding and the Jewellery Quarter Design Guide.
- 6.33. In conclusion, the development would have an overall neutral impact upon existing heritage assets and my Conservation Officer raises no objection.

AMENITY

- 6.34. The separation distance between Plot 1 and Caspar House (residential block) would for the main part consist of 17.3m but decreases to 13m on the canalside. There are habitable rooms and Juliette balconies on the side elevation of Caspar House and the proposed development would also have principal windows to habitable rooms and balconies facing Caspar House.
- 6.35. A number of objections were received from residents of Caspar House and Islington Gates due to the overbearing impact the proposed buildings would have as well as loss of light, privacy and views.
- 6.36. Although the separation distances would not be compliant with Places for Living guidelines it is considered that these distances are appropriate and in context with the character and tight grain of the Jewellery Quarter. It is also noted that residents would benefit from a private courtyard as well as a new public square on their doorstep. Overall it is not considered that the proposal would overlook, overshadow or cause a loss of outlook for residential properties within the vicinity to such a degree as to warrant the refusal of this application.

- 6.37. Some balconies have been removed from the first, second and third floor level of the side elevation facing Caspar House due to the relationship with the rear elevation of 94 Charlotte Street which would be used as a clubhouse.
- 6.38. This application is supported by a Noise Report that concludes that with adequate ventilation, insulation and glazing the proposed development would offer suitable living accommodation. Regulatory Services have requested conditions in relation to noise levels for plant and machinery, extraction and odour control details, noise insulation between commercial and residential premises and noise insulation for habitable rooms and ventilation details. These conditions are attached.
- 6.39. I therefore conclude that the development would not materially harm the residential amenity of adjoining occupiers and consider the impact of the proposals are justified.
- 6.40. Subject to the aforementioned conditions I raise no amenity-based objections.

HIGHWAY IMPACT

- 6.41. The supporting Transport Statement acknowledges that the site is well served by existing public transport. The statement also acknowledges that the Car Parking Guidelines SPD sets a minimum of 100% cycle storage spaces and a maximum parking level of 1.5 spaces per dwelling. The Statement concludes that based upon the site's assessable location the level of parking and cycle storage provision is appropriate. I concur with this conclusion and consider that the on-site provision of 61 car parking spaces for 220 apartments (equates to 28%) is an acceptable amount in this location. It is however recommended that part of the Section 106 financial contribution being offered should be used towards a car club and/or public realm improvements to help reduce reliance on private cars.
- 6.42. Transportation Development raise no objection subject to safeguarding conditions. I concur with this conclusion and appropriate conditions are recommended.

ECOLOGICAL IMPACT

- 6.43. A comprehensive ecological survey was undertaken during 2016, the site was identified as having potential for Bats and Black Redstarts which are both protected species. Although no evidence of BRS was noted at the time, the site is of high importance for BRS especially as other local development is depleting suitable habitat. Provided any demolition is delayed until autumn or winter 2017/2018 this would prevent any potential breach in legislation and my Ecologist raises no objection. This will be safeguarded by condition.

DRAINAGE / FLOODING

- 6.44. The site falls within Flood Zone 1. The supporting Drainage and Flood Risk Assessment concludes that sustainable drainage systems would be incorporated within the site drainage where practical and the discharge of surface water from the site would have a restriction with storage provided in below ground storage tanks. Subject to these mitigation measures, the development should not be subject to significant flood risk and furthermore should not increase the flood risk to the surrounding area.

- 6.45. Severn Trent and the BCC Lead Local Flood Authority raise no objection subject to a condition requiring the prior approval of further drainage details. I concur with these recommendations/conclusions and appropriate conditions are recommended.

SECTION 106 / FINANCIAL VIABILITY

- 6.46. Following the detailed independent assessment of the applicant's Financial Appraisal the applicant has agreed to offer a sum of £331,500 towards Section 106 Contributions. £300,000 would be allocated to off-site affordable housing in the Jewellery Quarter locality, £31,500 would be allocated to car club/public realm improvements and £650,000 would be spent on works to the public square and this will be included in the Section 106 Agreement to ensure a high quality public space is delivered. The city's independent assessor considers this reasonable in the context of the scale and nature of the development and I consider that such a sum is consistent with CIL legislation and Public Open Space in New Residential Developments SPD.
- 6.47. The site is located outside a CIL area therefore does not apply to the proposed use.

7. Conclusion

- 7.1. The proposed development offers a high quality residential led mixed use scheme located within an Enterprise Zone within the Jewellery Quarter Conservation Area and represents a sustainable brownfield development. The proposal would bring two vacant listed buildings back into use, bring a further existing building of architectural merit back into use, would provide a high quality public square as well as contributions for off-site affordable housing and car club. I consider that the proposals constitute sustainable development in NPPF terms and therefore conclude that this application should be supported subject to appropriate safeguarding conditions and Section 106 Agreement.

8. Recommendation

- 8.1. Approve application number 2017/02040/PA subject to the conditions listed below and a Section 106 Legal Agreement to secure the following:
- i) a financial contribution of £300,000 (index linked from the date of resolution) towards the provision of off-site affordable housing within the Birmingham City Council administrative boundary;
 - ii) a financial contribution of £31,500 (index linked from the date of resolution) to be used towards a car club to be available to residents of the site and or the improvement of the public realm in the Jewellery Quarter;
 - iii) that the works to the listed Whitmore Warehouse and the Portico building as detailed in application number 2017/02099/PA be completed prior to the occupation of no more than 50% of the new build apartments within any of the plots;
 - iv) that the works to restore and repair 94 Charlotte Street be completed prior to occupation of 50% of the new build apartments on Plot 1;
 - v) a detailed external works scheme and costing schedule for the public square shall be submitted to the local planning authority showing expenditure of no

less than £650,000 prior to the occupation of 50% of the new build apartments on the entire scheme;

vi) a commitment to local employment and training during the construction of the development; and

vii) a payment of £10,000 for the administration and monitoring of this deed to be paid upon completion of the legal agreement.

8.2. In the absence of a planning obligation being completed to the satisfaction of the Local Planning Authority by the 7th September 2017, planning permission be refused for the following reasons:-

1. In the absence of a suitable planning obligation to secure repair and restoration works to listed buildings and other retained buildings on the site proposed development conflicts with policy TP12 of Birmingham Development Plan and the National Planning Policy Framework.

2. In the absence of a legal agreement to secure contributions towards affordable housing the proposal conflicts with policy TP31 of Birmingham Development Plan and the National Planning Policy Framework.

3. In the absence of a legal agreement to secure contributions towards a car club or improvements to the public realm in the Jewellery Quarter the proposal conflicts with Policies TP38 and TP39 of the Birmingham Development Plan and the National Planning Policy Framework.

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

8.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 7th September 2017 favourable consideration be given to this application, subject to the conditions listed below.

1	Requires the scheme to be in accordance with the listed approved plans
2	Requires the prior submission and completion of works for the S278/TRO Agreement
3	Requires the parking area to be laid out prior to use
4	Requires the provision of cycle parking prior to occupation
5	Requires a minimum of 2 no. electric vehicle charging points
6	Limits the noise levels for Plant and Machinery
7	Requires the prior submission of extraction and odour control details
8	Requires the prior submission a noise study to establish residential acoustic protection
9	Requires the prior submission of noise insulation (variable)
10	Requires the prior submission of a sustainable drainage scheme and associated details

-
- 11 Submission of a Sustainable Drainage Operation & Maintenance Plan
 - 12 Requires the prior submission of details of bird/bat boxes
 - 13 Delay demolition to safeguard black redstarts
 - 14 Requires the prior submission of a CCTV scheme
 - 15 Requires the prior submission of sample materials
 - 16 Removes PD rights for telecom equipment
 - 17 Requires the prior submission of a lighting scheme
 - 18 Requires the prior submission of boundary treatment details
 - 19 Requires the prior submission of hard and/or soft landscape details
 - 20 Requires the prior submission of hard surfacing materials
 - 21 Requires the prior submission of window detail
 - 22 Requires prior submission of balcony details
 - 23 Prevents obstruction, displays or signage fitted to the ground floor offices.
 - 24 Requires the submission of a signage strategy
 - 25 Limits the hours of operation to 7:00-23:30 on any day
 - 26 Implement within 3 years (Full)
-

Case Officer: Joanne McCallion

Photo(s)



Figure 1 Newhall Square



Figure 2 View from Newhall Street



Figure 3 – Rear/Side of 144 Newhall Street and Portico Building



Figure 4 Newhall Street

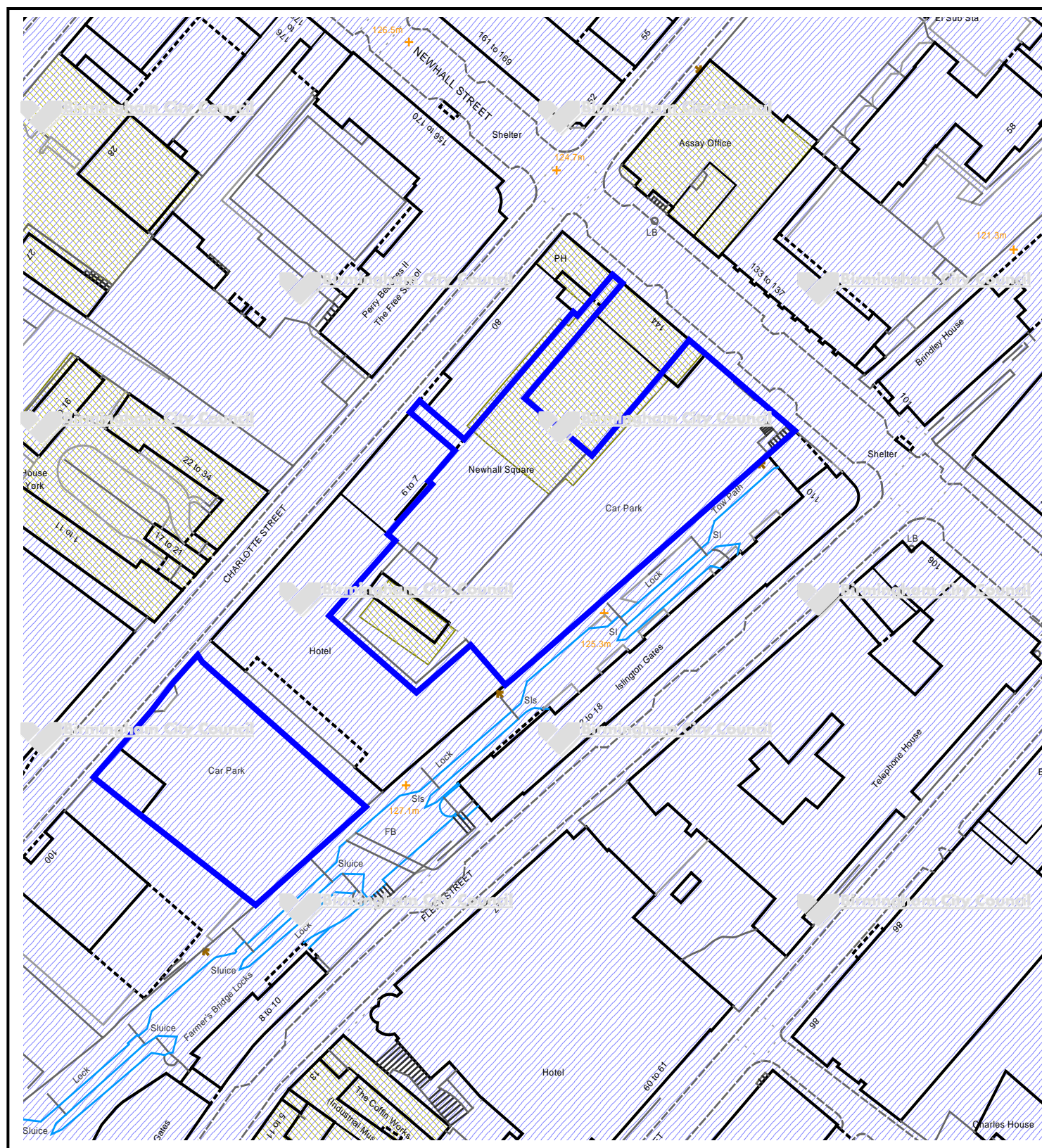


Figure 5 Charlotte Street



Figure 6 Charlotte Street view into Plot 1

Location Plan



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Committee Date:	31/08/2017	Application Number:	2017/02099/PA
Accepted:	07/03/2017	Application Type:	Listed Building
Target Date:	08/09/2017		
Ward:	Ladywood		

Whitmore Warehouse & portico (adjacent to 144 Newhall Street),
Newhall Street / Charlotte Street, City Centre, Birmingham, B3 1RU

Listed Building Consent for a three storey extension, alterations to existing openings and associated repair works to form ground floor commercial unit and residential at first and second floors at Whitmore Warehouse together with extension and alterations to the Portico Building adjacent to 144 Newhall Street.

Applicant: Spitfire Bespoke Homes Limited
IM House, South Drive, Coleshill, Birmingham, B46 1DF
Agent: Elias Topping
137 Newhall Street, Birmingham, B3 1SF

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. Whitmore Warehouse is a grade II listed building which has been vacant in excess of 10 years, and has fallen into a poor state. It would be converted into 4, two bed apartments on the first and second levels with a retail/office space at ground floor level. A three storey contemporary extension would be attached to the side of the listed building and the following changes to the listed building are proposed:

- Existing window openings to be maintained and windows refurbished or replaced to match style of existing window in compliance with the details contained within Window Survey and Repair Schedule.
- Full height opening to be constructed within existing wall in the position of existing window at ground floor level.
- Installation of cast iron heritage style rainwater goods.
- Existing brickwork to be retained as current. Repair works and repointing where required. Exposed brickwork internally to be treated and sealed.
- Existing brick to be lime rendered.
- Installation of a commercial shell, floor finish to be timber over existing.
- New entrance created in the gable elevation for access.
- Existing roof structure to be inspected and retained if possible.
- Existing brick chimney to be retained and repairs and repointing to be undertaken as necessary.
- Where the side elevation adjoins the new extension non original modern red brick infills to be removed at first and second floor. Existing windows to be retained and refurbished and glass panels to be translucent. In addition a new door would be created providing a link to the new extension which would result in the removal of non-original red brick infills and dropping the cill.

- Some existing openings would be infilled where the extension is proposed.
- The end gable would be reinstated in brickwork and there would be blue brick detailing within the window reveal and red brick detailing around the window and door.
- Proposed materials for the new extension consist predominantly of dark grey metal cladding, glazed curtain walling and curtain walling spandrel either glazed or metal and aluminium windows.

1.2. The grade II listed Portico building attached to 144 Newhall Street also forms part of the site and would be used for a small commercial building at ground floor level whilst the first floor would become a living area to an apartment connected directly into the new building. Above the historic part of the building, set back from the street and finished in grey slate the new build continues above containing additional residential accommodation. The changes proposed to the Portico building consist of the following:

- Addition of three storey extension on top of and set back from the listed building.
- Installation of new windows to match existing at first floor level
- Existing yellow paintwork to be removed and façade to be repainted. Colour to be confirmed.
- New curtain glazing providing a new entrance on the ground floor.
- Creation of openings to link the new build to the existing listed building.

1.3. [Link to Documents](#)

2. [Site & Surroundings](#)

2.1. The grade II Whitmore Warehouse is surrounded on 3 sides by the StayCity development and formed part of the extensive Elkington and Co. Works and was built between 1795 and 1810. The building adjoins the former Whitmore Arm of the Birmingham and Fazeley Canal, now infilled, which runs across the site and continues on the opposite side of Charlotte Street. The three storey building is red brick with blue brick detailing. The elevations consist of ground floor windows with shallow blue brick segmental-arched heads and many of the openings are blocked up as the building has been vacant for some time. The building is currently in a poor state of repair. The listing description states:

Former warehouse, now part of museum complex. Mid- C19 with C20 alterations. Red brick with blue brick detailing. Single ridge stack and slate and C20 sheet roof covering. PLAN: L-shaped plan, the long side of the building running parallel with the line of the former canal arm to the north-east. EXTERIOR: North-east elevation exposed , remaining parts of exterior enclosed within the museum complex of which the building now forms part. 3 storeys, 9 bays, the left hand bay forming the gabled end of a return range. Ground floor windows with shallow blue brick segmental-arched heads, now blocked. First and second floor openings with blue brick semi-circular arched heads, the upper floor openings with cast-iron multi-pane frames. Gabled bay with blocked openings to upper floors. INTERIOR: Interior altered to form museum display and storage areas, but retaining window reveals of now-enclosed south-west side wall. The solid floors are carried on flat plastered beams set between the window arches. The ground floor retains a hearth in a bay separated from the main body of the building by a thick brick wall. HISTORY: The building formed part of the extensive Elkington Mason and

Company's works, which covered a large site bounded by the Birmingham and Fazeley Canal, Newhall Street and Charlotte Street. Between 1795 and 1810, an extension to the canal, known as Whitmore's Arm was built which extended westwards into the south-western part of the Jewellery Quarter. A now-demolished wing of the canal warehouse spanned the watercourse. A mid-C19 warehouse which formed part of an extensive factory complex, specifically sited adjacent to a canal arm. Warehousing was an important aspect of manufacture and distribution in the Jewellery Quarter, and surviving examples associated with the canal system are now rare.

- 2.2. The grade II listed portico building which is attached to 144 Newhall Street forms a single bay of a former long stepped frontage which ran to Fleet Street. The former Electrogliding and Plating Works of Elkington Mason and Company were opened in 1838, altered and extended in the late 19th Century and then largely demolished in the 1960s. The elevation is presently in good overall condition however the rear of the building has been altered over the years. The listing description for 144 Newhall Street states:

Formerly part of extensive manufactory, converted to Museum of Science and Industry (now closed) Late C19 with late C20 alterations. Red brick with ashlar dressings with pitched roof concealed by parapet. 2 bays with stucco finish. PLAN: Tall frontage with former manufacturing premises to the rear, the north-western range of the former manufactory. EXTERIOR: 3 storey 7-bay frontage range with lower fragment of stuccoed link range to left-hand end, now museum entrance. 3 storey part with 5 semi-circular arch-headed windows to ground floor with impost band and hoodmoulds rising from it. Further right, wide vehicular entrance below metal lintel with tall boarded and panelled doors. Moulded storey band, then 7 first floor windows detailed as those below, but set between pilasters, the heads of which form part of a painted lintel band. Above this, dentilled cornice and sill band to upper floor window openings with shallow segmental arched heads. Serpentine string course forms hood mould to openings and is carried across flanking pilasters. Moulded cornice below shallow parapet. INTERIOR: Rear workshop ranges with wide double arcaded part set behind frontage range, timber arcade posts carrying tensioned roof trusses with clasped struts. Rear part with cast iron columns forming central nave and aisles and supporting wide queen post trusses with principals ending at collar level. HISTORY: This building is the surviving element of the electro-gilding and plating works of Elkington Mason and Co., opened in 1838, altered and extended in the later C19, and then largely demolished in the 1960's. Extensions in the 1850's were executed on the side of the Birmingham and Fazeley canal to the south-east, which subdivided the extensive works site. Forms a group with the Assay Office (q.v.) and the Queens Arms public house (q.v.) The surviving part of one of the most important and influential C19 manufactories in Birmingham, which forms part of a notable group of historic buildings, including the Birmingham Assay Office, on the southern edge of the Birmingham Jewellery Quarter, now recognised as a manufacturing district of international significance.

- 2.3 There are also a number of other listed buildings in the vicinity such as the grade II listed 144 Newhall Street, grade II listed Queens Arms Public House, grade II listed former Assay Office and grade II listed House of York all within close proximity of the application site.

3. Planning History

- 3.1. 17/03/2006 - 2005/03359/PA. Mixed use development comprising part demolition of existing buildings, conversion of listed buildings and erection of new buildings to provide 234 apartments and commercial and leisure uses, including associated car parking and means of access. Approved subject to conditions.
- 3.2. 17/03/2006 - 2005/03360/PA. Listed building consent for the part demolition of existing site buildings and conversion of 144 Newhall Street and the Whitmore warehouse, including extensions, in connection with new mixed use development including erection of new buildings to provide commercial and leisure uses. Approved subject to conditions.
- 3.3. 27/07/2007 - 2007/02635/PA. Listed building consent for the demolition of existing flatted factory building and erection of new build 5 storey office block (Use class B1) and 100 bedroom Travelodge hotel (Use Class C1), in association with the previous approval for mixed use development comprising part demolition. Approved subject to conditions.
- 3.4. 27/07/2007 – 2007/02636/PA. Conservation area consent for the demolition of flatted factory building, in association with erection of a new build office block (Use class B1) and 100 bedroom hotel (Use class C1). Approved subject to conditions.
- 3.5. 16/02/2010 - 2009/06412/PA. Retention of use to car park for temporary use for a period of two years. Temporary approval.
- 3.6. 11/01/2013 – 2012/07169/PA. Erection of 194 bedroom apart-hotel StayCity (Use Class C1) with associated car parking and access. Approved subject to conditions.
- 3.7. Current application 2017/02040/PA. Erection of two buildings and change of use of existing listed buildings to create 220 residential units varying between 5 and 10 storeys, 4 ground floor commercial units (A1, A3, B1) together with provision of a public square, 61 car parking spaces and associated works.
4. Consultation/PP Responses
 - 4.1. Historic England – Initial concerns regarding the level of demolition in Whitmore Warehouse and the treatment of windows. Alterations to the layout addressed these concerns and a windows schedule has been agreed. Demolition of the portico building should be reduced where possible and the new build on top of the listed building should be set back. Amended plans have addressed this issue. Careful consideration should be given to the materials used on the listed buildings. The portico building should be painted in a lighter colour instead of the dark grey proposed.
 - 4.2. Victorian Society – Initial concerns in relation to the proposed cladding on the gable of Whitmore Warehouse which is out of character in the Jewellery Quarter. In addition concerns in relation to the positioning of the new build on top of the Portico building and recommend that the addition should be set back from the street frontage so that the streetscape value of the original building is relatively unaffected. Both matters have been resolved.
 - 4.3. Birmingham Civic Society have made the following comments:
 - Overall proposed development works well however there are concerns regarding the amount of development proposed along the side of the canal and recommend the scale is reduced.

- The Newhall Street and Charlotte Street elevations respect their neighbours and Newhall Street deliberately highlights the listed façade.
- Concerns regarding the elevational design and overly repetitive nature.
- The supporting information fails to address the significance of the existing Whitmore Warehouse building and supports the truncated gable with modern zinc cladding.

- 4.4. The proposals were considered by the Conservation Heritage Panel on 10th April 2017 and the following comments were made: - *Some Panel members had concerns with the new-build element above the former Elkington works (Grade II listed), stating it was too far forward and overbearing, so needed to be pushed back. The applicants confirmed that the material to be used on this element would be aluminium shingle, a nod to the former use of Elkington's (electro-plating). Some members commented that there was good articulation across the Newhall Street frontage and that the proposed scheme did relate to the former Elkington works.*

With regards to the Whitmore warehouse and Charlotte Street buildings the Panel commented that they welcomed the retention of as many existing windows (cast iron) as possible. The applicant stated that for both buildings they were looking to retain or refurbish as many of the original windows as feasible or like-for-like replacements. There was further discussion on the Whitmore warehouse; for clarification the cladding would be aluminium to the exposed end wall (earlier demolition), there was comment that it was a good idea to add to the footprint, putting the circulation elements in the proposed extension – it could still be read as a canal-side building, though some felt the narrow footprint would be lost and that the extension was insufficiently articulated, if not brutal.

The Panel also discussed the canal and whether having such a tall building would have a canyoning effect, the character of canals is changing with the overbearing scale of apartment blocks. The canals are a great city asset.

The Panel raised concerns over the retail and commercial aspect of the scheme and that vacant commercial units can affect an area. The applicants commented that there would be four commercial spaces across the site (approx. 715 sqm), they were speculative at the moment.

- 4.5. Site and Press Notices posted, Residents' Associations and Ward Members consulted. No comments received.

- 4.6. Comments received from the Jewellery Quarter Development Trust who broadly support the proposals and make the following comments:

- Recommend the mirror pool is moved south to meet the Whitmore Warehouse so it reinstates a historical feature. Also feel the design of the square could be revised to make it more unique and social.
- Recommend the portico building should be made more prominent by recessing the additional storeys further whilst supporting the addition of the modern storeys.
- The Whitmore Warehouse extension has scope to be an exciting piece of modern industrial-style architecture contrasting with the historic warehouse. At present it looks highly sanitised and the shingle zinc-style cladding is currently described as "dark grey metal cladding". The gable end suggests a different detail to the elevation facing StayCity but the description is the same. This lack of detail on a Listed Building application is unacceptable. A high quality shingle option may be acceptable on all new sides.

- There are no proposals for sustainability and biodiversity but would expect discrete use of photovoltaic panels and green/brown roofs. The ecology report focussed only on the buildings and not the adjacent canal which will likely be an area of rich biodiversity.

5. Policy Context

- 5.1. Birmingham Development Plan 2031; Birmingham Unitary Development Plan (saved policies) 2005; The Jewellery Quarter Conservation Area Character Appraisal and Management Plan; Jewellery Quarter Conservation Area Design Guide; Conservation Through Regeneration SPD; National Planning Policy Framework.

6. Planning Considerations

- 6.1. The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. National Planning Policy as set out in the NPPF is that in determining planning applications, local planning authorities should take account of:

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

It also requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

- 6.2. Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage and that proposals for new development will be determined in accordance with national policy. It requires that applications for development affecting the significance of a designated or non-designated heritage asset provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.
- 6.3. The application proposals have been the subject of detailed negotiations and amendments over an 18 month period. The amendments have sought to address the issues raised by consultees, local residents and the Conservation and Heritage Panel and provide a scheme that better reflects the character and appearance of the Jewellery Quarter.
- 6.4. The main changes that were secured are as follows:

Whitmore Warehouse

- Introduction of brickwork to the gable elevation facing the canal rather than the previously proposed metal cladding.
- Use of blue grey slate cladding to the new extension element.

- Internal amendments to apartment layouts to reduce the quantum of demolition to the rear elevation wall.
- Works to existing windows to be carried out in compliance with the details contained within Window Survey and Repair Schedule by Peter Mehan ACR, Historic Metalwork Conservation Consultant which has been reviewed and agreed by Historic England.

Portico Building

- The new build element above the listed portico has been set further back and the proposed metal cladding has been removed in favour of blue grey slate cladding to the new build element.
- Use of a lighter colour paint on the retained front elevation of the portico.

6.5. The resultant scheme, in terms of detail and scale, responds to the existing context and where this has been lost, the proposals seeks to reinstate and draw upon both historic precedent for this site and its surrounding and the Jewellery Quarter Design Guide.

6.6. In terms of both grade II listed buildings the development would bring the buildings back into use, restore them and require only minimal alterations to their historical fabric to accommodate the proposed uses. The extensions that would be attached to both listed buildings would be built in a style and of a height consistent with the surrounding area and are of a scale that echoes the current built environment. Detailed discussions and meetings were held with Historic England and the Victorian Society regarding proposed changes to the listed buildings and proposed extensions and both raise no objections to current proposals subject to conditions. In addition my Conservation Officer raises no objections to the amended scheme.

7. Conclusion

7.1. The proposed works to listed building are considered to be acceptable and the reuse and restoration would have a positive contribution on the significance of this heritage asset and on its local character and distinctiveness. The proposals would not cause harm to the heritage assets.

8. Recommendation

8.1. Approve subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires any damage to the listed building to be made good |
| 3 | Requires the prior submission of sample materials |
| 4 | Requires the prior submission of window frame details |
| 5 | Requires the prior submission of external doors |
| 6 | Requires details of the colour and finish of the paintwork to the Portico building |
| 7 | Requires the works to the windows of Whitmore Warehouse to be carried out in |
-

compliance with submitted schedule.

8 Implement within 3 years (conservation/listed buildings consent)

Case Officer: Joanne McCallion

Photo(s)

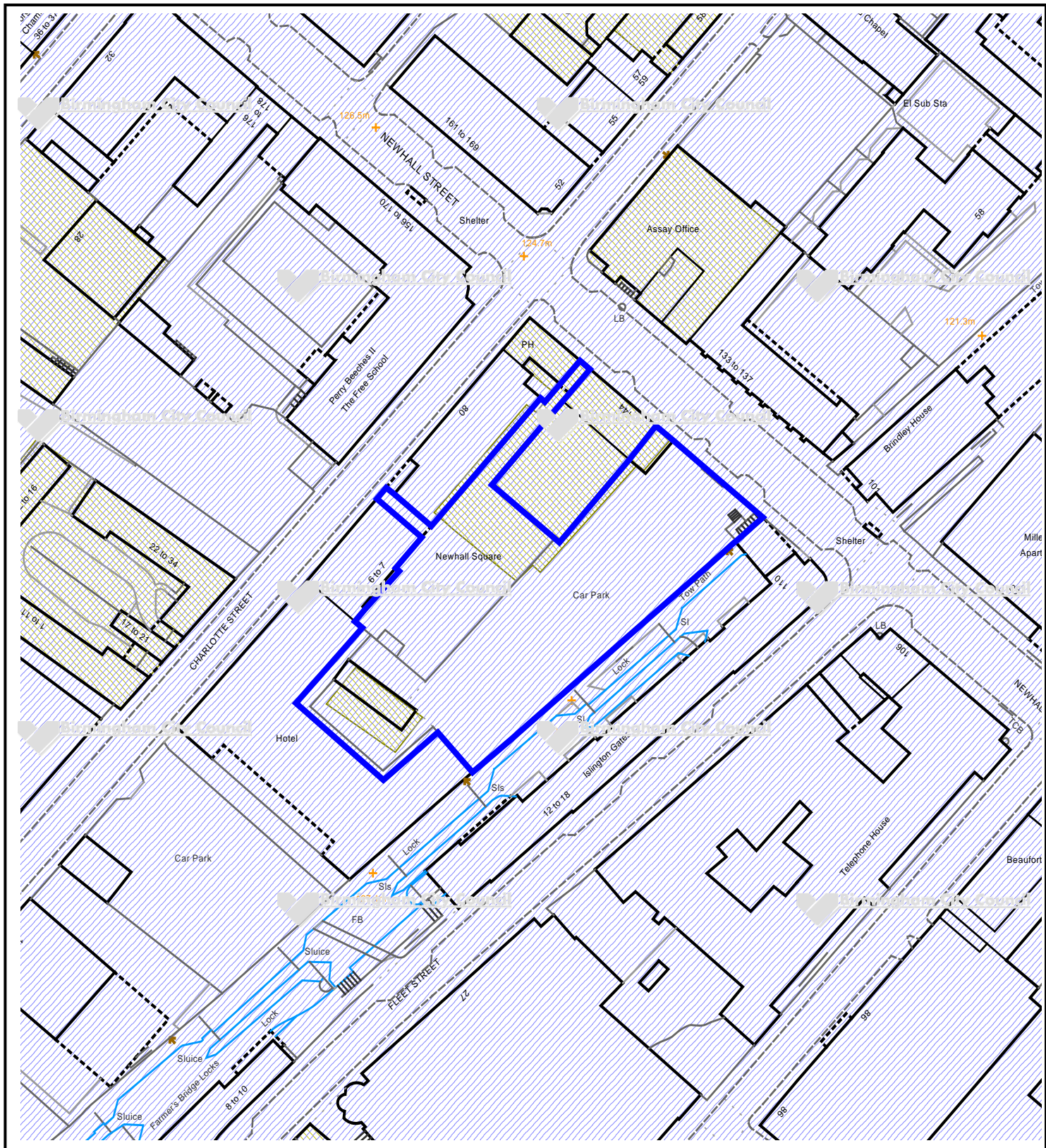


Figure 1 Whitmore Warehouse



Figure 2 Portico Building and 144 Newhall Street

Location Plan



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Birmingham City Council

Planning Committee

31 August 2017

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>
Defer – Informal Approval	15	<p>2017/04850/PA</p> <p>Land at Icknield Port Loop (IPL) bounded by Ladywood Middleway Icknield Port Road and Wiggin Street Ladywood Birmingham B16</p> <p>Section 73 application to vary conditions 4 (approved plans), 5 (approved access details), 10 (design code), 11 (landscape strategy), 19 (renewable energy statement) and 61 (highway works) of planning approval 2011/07399/PA (which grants outline planning permission for demolition of buildings and a mixed use redevelopment of up to 1150 dwellings, retail, service, employment, leisure, and non-residential institutions uses (Use Classes C3, A1, A2, A3, A4, A5, B1, D1 and D2) of up to 6960 square metres (gross internal area) (including up to 2500 square metres of retail) (gross internal area), together with hotel and community facilities, open space, landscaping and associated works including roads, cycleways, footpaths, car parking and canal crossings, and which grants full planning permission for change of use of industrial buildings fronting Rotton Park Street to leisure, retail and non-residential institutions (Use Class A1, A2, A3, A4, A5, B1, D1 and D2) including amendments to the indicative masterplan and associated parameter plans in relation to the proposed first phase of the development and the relocation of the proposed swimming pool to the south-east part of the site</p>
Approve – Conditions	16	<p>2017/04849/PA</p> <p>Land north of Ladywood Fire Station Ladywood Middleway Ladywood Birmingham B16</p> <p>Erection of new leisure centre, including 8 lane, 25 metre main swimming pool and learner pools, fitness and dance studios, car parking with associated new access onto Ladywood Middleway and associated works</p>

Committee Date:	31/08/2017	Application Number:	2017/04850/PA
Accepted:	02/06/2017	Application Type:	Variation of Condition
Target Date:	22/09/2017		
Ward:	Ladywood		

Land at Icknield Port Loop (IPL), bounded by Ladywood Middleway, Icknield Port Road and Wiggin Street, Ladywood, Birmingham, B16

Section 73 application to vary conditions 4 (approved plans), 5 (approved access details), 10 (design code), 11 (landscape strategy), 19 (renewable energy statement) and 61 (highway works) of planning approval 2011/07399/PA (which grants outline planning permission for demolition of buildings and a mixed use redevelopment of up to 1150 dwellings, retail, service, employment, leisure, and non-residential institutions uses (Use Classes C3, A1, A2, A3, A4, A5, B1, D1 and D2) of up to 6960 square metres (gross internal area) (including up to 2500 square metres of retail) (gross internal area), together with hotel and community facilities, open space, landscaping and associated works including roads, cycleways, footpaths, car parking and canal crossings, and which grants full planning permission for change of use of industrial buildings fronting Rotton Park Street to leisure, retail and non-residential institutions (Use Class A1, A2, A3, A4, A5, B1, D1 and D2) including amendments to the indicative masterplan and associated parameter plans in relation to the proposed first phase of the development and the relocation of the proposed swimming pool to the south-east part of the site

Applicant:	Icknield Port Loop LLP c/o Agent
Agent:	Turley 9 Colmore Row, Birmingham, B3 2BJ

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This is a Variation of Condition (Section 73) application seeking to make a number of changes to the existing outline planning permission for Icknield Port Loop (IPL). This application has been submitted by Icknield Port Loop LLP which has been formed by Places for People, Urban Splash, Birmingham City Council and the Canal and River Trust. The changes are sought to enable two key elements, firstly the design evolution of the first phase which is subject to a current Reserved Matters application (2017/07024/PA) and secondly the delivery of the new IPL Leisure

Centre, of which a separate full planning application (2017/04849/PA) can be found elsewhere on this agenda.

- 1.2. To accommodate these two key elements, the current application seeks the following amendments:
- Amend the wording to condition 4 attached to the existing outline planning permission 2011/07399/PA which lists the approved plans. The previously approved parameters plans would be superseded and replaced with updated parameter plans (siting and massing, ground floor uses, upper floor uses, access and public realm) as well as an updated site location plan and access plan. Furthermore the illustrative master plan as well as parking and water space master plans and the parcelisation plan and house types are removed from the list as they would be addressed at each reserved matters stage.
 - Amend the wording to condition 5 to reflect the new proposed access plan.
 - Amend the wording to condition 10 which currently requires a design code for the whole of the application site to be submitted prior to the first reserved matters application. It is proposed that the condition is reworded so that a framework design code for the whole of the application site is submitted prior to the first reserved matters application and subsequent detailed design codes submitted for each phase and how it relates back to the principles set out in the framework.
 - Amend the wording to condition 11 which currently requires a landscape strategy for the whole of the application site to be submitted prior to the first reserved matters application. It is proposed that the condition is reworded so that a landscape strategy framework for the whole site is submitted prior to the first reserved matters application and subsequent detailed landscape strategy for each phase.
 - Amend the wording to condition 19 which currently requires the submission of a renewable energy statement for each phase prior to the approval of each reserved matters application. It is proposed that prior to the approval of each reserved matters application a carbon reduction statement for that phase demonstrating how carbon reduction will be achieved is submitted.
 - Amend the wording to condition 61 so the proposed package of highway measures relate to that relevant phase only.
- 1.3. Outline planning application 2011/07399/PA was an Environmental Impact Assessment (EIA) development and was supported by an Environmental Statement (ES). The original ES has been submitted with this Section 73 application and supported with technical notes that consider the proposed changes within the context of the original assessment on the following:
- Air Quality
 - Noise and Vibration
 - Land and Water Quality
 - Flood Risk and Drainage
 - Archaeology and Cultural Heritage
 - Townscape and Visual Impact
 - Flora and Fauna
- 1.4. In addition, the application is also accompanied by a Landscape Statement, Transport Statement, Sustainability and Carbon Reduction Note and a Planning Statement.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site measures 22.4ha of mainly industrial and leisure uses including the Edgbaston Reservoir dam and the canal loop, with some 17.6ha of developable area. Much of the industrial sites are redundant, though some business are still operational and the former Ladywood Arts and Leisure Centre has been cleared and consists of open space and areas of hardstanding.
- 2.2. The site is in an edge of City Centre location with Birmingham Canal Old Line and the West Coast Mainline as well as a relatively small pocket of industrial/commercial units on Freeth Street and Icknield Square to the north. Ladywood Middleway is to the east with post-war Council housing beyond. To the south is Ladywood Fire Station, modern residential properties along Icknield Port Road and more housing and a Primary School beyond. To the west is Edgbaston Reservoir with its dam as well as The Tower Ballroom and Birmingham Buddhist Vihara.
- 2.3. The application site contains a Site of Local Importance for Nature Conservation (SLINC) in the form of the canal loop and adjacent to a Site of Importance for Nature Conservation (SINC) at Edgbaston Reservoir. The site also includes 3 statutory listed buildings (canal bridges - all Grade II) and there are 4 Grade II Listed Buildings at the adjoining British Waterways depot at Icknield Port Road.

2.4. [Site location](#)

3. Planning History

- 3.1. 20/09/13 – 2011/07399/PA. Outline planning application for demolition of buildings and a mixed use redevelopment of up to 1150 dwellings, retail, service, employment, leisure and non-residential institutions uses (Use Class C3, B1, A1, A2, A3, A4, A5, D1 & D2) of up to 6960 square metres (gross internal area) (including up to 2500 square metres of retail) (gross internal area) together with hotel and community facilities, open space, landscaping and associated works including roads, cycleways, footpaths, car parking and canal crossings. Change of use of industrial buildings fronting Rotton Park Street to leisure, retail and non-residential institutions (Use Class A1, A2, A3, A4, A5, B1, D1 & D2). Approved subject to a Section 106 agreement.
- 3.2. Current application – 2017/04849/PA. Erection of new leisure centre, including 8 lane, 25 metre main swimming pool and learner pools, fitness and dance studios, car parking with associated new access onto Ladywood Middleway and associated works. Elsewhere on this agenda.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection.
- 4.2. Regulatory Services – No objection.
- 4.3. Leisure Services – No objection.
- 4.4. Lead Local Flooding Authority – No objection.
- 4.5. Education – Request a contribution towards the provision of places at local schools.

- 4.6. Environment Agency – No objections.
- 4.7. Canal & River Trust – No comments as the Trust is a landowner and a partner in the Icknield Port Loop LLP and has already sought to ensure that matters relevant to their statutory consultee role have been addressed.
- 4.8. Sport England – No objection subject to condition relating to wind shadowing modelling at Edgbaston Reservoir.
- 4.9. West Midlands Police – The scheme is suitable for ‘Secure by Design’ standards
- 4.10. West Midlands Fire Service – No objection.
- 4.11. Natural England – No comments
- 4.12. Wildlife Trust for Birmingham & The Black Country – Highlight the strategic importance of the site linking Edgbaston Reservoir Local Nature Reserve and SINC and the Canal SLINC / Wildlife Corridors. Not enough consideration has been given to the movement of wildlife and the scheme does not identify opportunities / measures to protect and restore the nature conservation value of the canals. Also strongly recommend an assessment on lighting levels and a dark corridor be maintained. Expect to see notable ecological enhancements proposed and measures to restore the nature conservation interest of the designated sites. Welcome planting scheme and biodiversity roofs but gardens and open space areas are likely to be managed primarily for recreational use and are limited in size. Buffer habitats should be created along the Loop Canal and as an absolute minimum in-channel enhancements and wildlife attracting planting along the tow path and banks. Ensure nesting birds and reptiles are protected and the loss of invertebrate habitats compensated.
- 4.13. Network Rail – Note that the proposal is separated from the railway by a canal but raise issues of noise and vibration and impact of vibration from construction on the railway.
- 4.14. Local MP, Ward Councillors, residents groups and nearby properties consulted with site and press notices posted. 1 representation received in support of the application.
- 5. Policy Context
 - 5.1. Birmingham Development Plan 2017, Birmingham Unitary Development Plan (Saved Policies) 2005, Places for All SPG, Places for Living SPG, Car Parking Guidelines SPD, Public Open Space in New Residential Development SPD, Greater Icknield Masterplan, and the NPPF.
- 6. Planning Considerations
 - 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005

and the Birmingham Development Plan 2017. The NPPF and the Greater Icknield Master Plan are also material considerations.

- 6.2. In determining Section 73 (variation of condition) 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 previous planning permission was granted in 2013 the Birmingham Development Plan 2017 has been adopted and the Greater Icknield Mastepan 2016 has been published.
- 6.3. Looking at each condition to be varied individually, they each raise different planning-related issues and are discussed in the following paragraphs:
- 6.4. Condition 4 – List of approved plans
- 6.5. This seeks to replace previously approved Parameter Plans with new plans as well as omit illustrative plans and not replace these as they would be addressed through the Reserved Matters applications process. The objective of this is to reflect the design evolution of the scheme, particularly in respect of the first phase (subject to a current reserved matters application 2017/07024/PA) as well as the relocation of the new IPL Leisure Centre (which can be found elsewhere on the agenda). The plans themselves cover a number of differing topics:
- 6.6. Additional Areas of Development and Open Space Relocation. These are reflected in the Siting & Massing and the Public Realm Parameter Plans. Arguably the most significant change relates to the reduction in the area of public open space contained within Phase 1 and its redistribution within the latter phases. Currently within the southwest section of the Phase 1 area, a single area of public open space measuring 0.68ha has been approved. It is proposed that this would be reduced in size to 0.39ha to a narrower rectangular area. Within a central position of Phase 1 a small elongated area of new public open space which leads to the canalside edge would be created. This space would measure some 0.15ha. The applicant is referring to these as the 'village green' and a 'canalside square'. The loss of public open space as a result of these changes would be provided within later phases and there would actually be an increase in open space provision from 5.20ha to 6.06ha of open space.
- 6.7. The currently approved area of public open space that falls within Phase 1 is the largest piece of new open space planned and forms part of the wider neighbourhood park shown on the master plan but is partially dissected by roads. The proposed Public Realm Parameter Plan shows an adjoining piece of public open space to be enlarged from 0.31ha to 0.54ha. It is considered to be of a sufficient size to accommodate play areas and a MUGA as well as be sufficiently flexible for other uses appropriate to a neighbourhood park and this amendment is acceptable.
- 6.8. Other changes within Phase 1 include a reduction in the width of the canal towpath to the east of the site but it would still be at least 8m in width. It is considered that this amended width is adequate for all users of the towpath. It is also noted that the Canal and River Trust, who form part of Icknield Port Loop LLP, have agreed this as an acceptable width.
- 6.9. Amendments to Height Parameters
- 6.10. These changes only relate to the area covered by the Phase 1 Reserved Matters application as well as to accommodate the relocation of the IPL Leisure Centre to its

new Middleway frontage position. The applicants have advised that the amendments sought within Phase 1 are to enable their bespoke housing scheme for the site. It is proposed that two buildings would increase from the currently approved 2-5 storeys up to 7 storeys, with one at the eastern tip of the site at the junction of the canal on the main pedestrian approach from the City Centre and the other at the head of the 'village green'. Adjacent to the 7 storey block to the eastern tip of the site facing the main canal and the southern section of the canal loop would be further buildings that have increased from 3-5 storeys to 6.5 storeys and from 2-3 storeys to 4 storeys respectively.

- 6.11. The existing siting and massing parameters plan includes a range of buildings of differing heights, predominantly being up to 3 and 5 storeys but in 3 locations up to 10 storeys (junctions between the canal loop and Icknield Port Road as well as on the Ladywood Middleway frontage). The introduction of four taller blocks within Phase 1 would reflect the strategic importance of this arrival part of the site in relation to the canal's pedestrian linkages with the City Centre. The scale of the buildings involved would also reflect traditional siting and massing of buildings adjacent to a canal within a built-up context and would also be appropriate to the setting of the adjacent Grade II listed canal bridge. The City Design and Conservation Officers raise no objection to these amendments.
- 6.12. Sport England has made observations in relation to the impact tall buildings could have on sailing and windsurfing on Edgbaston Reservoir. In response, the existing outline consent contains a condition requiring a wind shadowing study for any building which would be higher than the existing footpath around the reservoir and within 150m of the of the reservoir footpath. The increase in building heights proposed in this Section 73 application is some 415m from the reservoir. No amendment is proposed to this condition and would be reapplied to the new consent.
- 6.13. Ground Floor and Upper Floor Uses
- 6.14. In addition to the up to 1150 dwellings the existing outline consent approves retail, service, employment, leisure and non-residential institutions uses (Use Class B1, A1 A2, A3, A4, A5, D1 & D2) of up to 6960sqm together with hotel and community facilities and the location of these are shown on approved parameter plans. These business and community uses are focussed in two areas, firstly the Ladywood Middleway frontage and secondly around the junction between Icknield Port Road and Rotton Park Street.
- 6.15. The relocation of the IPL Leisure Centre to the Ladywood Middleway frontage would be advantageous as it would be more accessible for visitors to competitions and galas. The proposed changes also includes the provision of commercial and business uses as well as residential uses at the ground floor (Use Class C3, B1, A1 A2, A3, A4, A5, D1 & D2) of the blocks up to 6.5 and 7 storeys. In addition, the approved business and community uses to the block within the centre of the site at the junction between Icknield Port Road and Rotton Park Street would also include residential uses (C3). The purpose of these changes is to allow flexibility for these buildings, particularly in relation to the new village green and the canal side. The existing outline approval did not seek to create a new neighbourhood centre and the proposal would not result in an increase in the overall quantum of non-residential floorspace, no objection is raised to these planned changes.
- 6.16. Access and Movement

- 6.17. Amendments are proposed to the Movement and Access Parameter Plan, in relation to the creation of shared streets as well as the provision of a car park access for the block up to 6.5 storeys facing the main canal. The proposal also includes the new bridge over the southern section of the canal loop from the south being downgraded from a vehicular route to a pedestrian and cycle route. The applicants argue that this would assist in allowing the open spaces on the island to be better planned whilst retaining access for pedestrians and cyclists. The changes also include an alternative emergency vehicle access route onto the island from Icknield Port Road.
- 6.18. A Transport Statement has been submitted in support of this application which has been assessed by Transportation Development. The Transport Assessment submitted with the original outline application considered all traffic movements via the existing road junctions on Icknield Port Road and did not consider any redistribution using new vehicular bridge links. Transportation Development raises no objection to the proposed amendments.
- 6.19. Removal of illustrative plans
- 6.20. The application also seeks to remove reference to the illustrative master plan as well as parking, waterspace, parcellation, community centre, sections and house type plans. Whilst these were listed in the condition relating to the approved plans it was clear that these plans were indicative only with no formal status/approval. As such no objection is made to the omission of these.
- 6.21. Amendment to the red line boundary area
- 6.22. Inconsistencies with the approved red line boundary shown on the parameter plan and site location plan have been identified. These specifically relate to the area around Freeth Street at its junction with the north-south route through the site and a small area is proposed to be removed from the red line boundary. There is also a further area to the south of the canal loop which it has subsequently been found to fall outside the applicants' control, which is proposed to be removed from the red line boundary plan. It should be noted that all the land within the amended red line boundary plan is within the control of the applicants, there are no changes to the notices served and there would be no requirement for additional parties to be party to the S106 Agreement. The suitability of these amendments as part of this Section 73 application has been discussed with the Council's legal team and no objection is raised to the proposed amendment to the red line boundary area.
- 6.23. Condition 5 – Approved access details
- 6.24. The submitted amended access plan has been assessed by Transportation (see 6.17-6.18 above) and is acceptable.
- 6.25. Conditions 10 & 11– Design Code & Landscape Strategy
- 6.26. These conditions currently seek a design code and landscape strategy for the whole of the application site to be submitted prior to the first reserved matters application. It is proposed that the conditions are reworded so that design code and landscape strategy frameworks for the whole of the application site are submitted prior to the first reserved matters application and subsequent detailed design codes and landscape strategies submitted for each phase and how it relates back to the principles set out in the frameworks. No objection is raised to this as for a scheme of this size the final design of each phase will inevitably evolve over time. However, the overall frameworks and subsequent design codes and landscape strategies will

ensure that there is cohesion between the phases and the aspiration for this strategically important scheme is realised.

6.27. Condition 19 – Renewable Energy Statement

- 6.28. The current condition requires the submission of a renewable energy statement for each phase prior to the approval of each reserved matters application. It is proposed that prior to the approval of each reserved matters application a carbon reduction statement for that phase demonstrating how carbon reduction will be achieved is submitted. In support of this the applicant has submitted a technical note on this issue. It highlights that since the outline planning permission was granted, there has been a shift at a national level towards a 'fabric first' approach to carbon reduction and the 'Code for Sustainable Homes' scheme has been withdrawn and is no longer used for new build schemes. The technical note outlines alternative sustainable solutions and carbon reduction measures for the new homes provided on the site.
- 6.29. The Code for Sustainable Homes was wound down in 2015 and Part L of Building Regulations is the primary mechanism for reducing carbon emissions in new development. This requires new homes to deliver a 6% reduction in carbon emissions and is aimed to balance commitments to reducing carbon emissions and improving energy efficiency whilst the overall effect of regulation upon consumers and businesses does not restrict growth.
- 6.30. The government has sought for developers and house builders to have full flexibility in how they meet carbon reduction targets and in accordance with the energy hierarchy the emphasis should be on a 'Fabric First' approach towards the design and construction of new homes.
- 6.31. Policies TP1-TP5 of the Birmingham Development Plan 2017 covers issues relating to reducing the City's carbon footprint, adapting to climate change, sustainable construction, low and zero carbon energy generation and low carbon economy.
- 6.32. The submitted technical note identifies that a Carbon Reduction Strategy would in the first instance target the reduction of energy use via low air leakage and high thermal performance building fabric, which would reduce the need for energy consumption at source. This would be in conjunction with highly efficient building services systems so that any energy consumed would be used in the most efficient manner possible. This would include high efficiency mechanical ventilation heat recovery systems and LED lighting provided throughout. The technical note also highlights that the selected source of heating is expected to change over time as different phases are developed and respond to changes in legislation and developing technologies. It is expected that the first phase would use direct electric heating, capitalising on the current decarbonisation of the UK grid power supply and near 100% efficiency of this system. Other technologies such as building mounted photovoltaics or solar thermal may also be provided to further reduce net CO2 emissions.
- 6.33. The technical note also considers other sustainability elements including water consumption, building materials, connectivity (high speed internet), recycling waste, pollution and ecology.
- 6.34. Whilst not specifically discussed in the submitted technical note there is an ongoing piece of work between the Council and the Government's Heat Network Development Unit in relation to the feasibility of delivering a CHP to the Greater Icknield area. It is expected that consideration will need to be given to earlier

phases being able to benefit from this or any other similar technology if implemented at a later date. Furthermore, it is considered that if CHP infrastructure is required to cross the canal in the location of the proposed pedestrian bridge it could be accommodated within its design and would not need to be restricted to a vehicular bridge only.

6.35. Condition 61 (Highway works)

6.36. This proposed amendment seeks an amendment to the condition wording so the proposed package of highway measures relate to that relevant phase only, which is acceptable.

6.37. Environmental Impact Assessment (EIA)

6.38. The previous outline application was considered as an Environmental Impact Assessment development and the original Environmental Statement (ES) has been reviewed by the applicants' technical consultant team and concluded that there are no changes, in terms of significance of effects and mitigation required, to the ES. Technical Notes have been submitted in relation to the ES topics and are discussed below.

6.39. Air Quality and Noise & Vibration:

6.40. Air Quality and Noise and Vibration Technical Notes have been submitted which confirms that there have been changes to air quality policy and guidance over recent years. However it adds, no proposals are being sought that would increase the quantum of development, traffic generation and the proposed uses. As such it concludes that the current Section 73 application would not result in any changes to the original findings of the ES. Mitigation measures relating to construction, noise studies, vibration protection, amplification equipment/mitigation, noise insulation industrial plant and machinery, goods deliveries, hours of use, delivery times and extract and odour control would remain in the form of planning conditions replicating those applied to the existing outline planning permission. Regulatory Services have raised no objection to the application.

6.41. Land and Water Quality:

6.42. The submitted Technical Note identifies that the proposed changes would have no implications relating to the ES's original findings and conditions relating to contamination remediation would remain. Regulatory Services have raised no objection to this matter.

6.43. Flood Risk Assessment:

6.44. A Flood Risk Assessment Technical Note advises that there have been no changes in term of the baseline assessment and the proposed changes subject to the Section 73 application would not impact on the original findings in the ES. The previously approved conditions relating to drainage and flood risk would be reapplied. The Lead Local Flooding Authority has raised no objection to the application.

6.45. Archaeology and Cultural Heritage:

6.46. The Technical Note confirms that there are no new listed buildings within the study area and the archaeological potential associated with the site has not changed since the original application. It adds that consideration needs to be given to the impact of

the increase in building height on the setting of any heritage assets. The proposed changes in height within Phase 1 are adjacent to the listed roving canal bridge over the east entrance to the canal loop. It is considered that the increase of 1-2 storeys would not have an adverse impact on the setting of this listed building and would be characteristic of the scale and massing of buildings often found in historical industrial built-up canal contexts. The Conservation and Urban Design Officers raise no objection to the proposals.

6.47. Townscape and Visual Impact:

6.48. In considering Local Character Zones, the Technical Note emphasises that the changes to building heights would provide visual interest with the surrounding townscape as well as provide landmarks to help with legibility. It adds that the flexibility sought to the ground floor uses would provide activity and natural surveillance at different times of the day, whilst increased pedestrian links would improve the townscape character and experience. It concludes that the amendments would result in limited changes to the previous findings and the scheme would have a positive impact on the area. The Urban Design Officer agrees with these findings.

6.49. Flora and Fauna:

6.50. The Technical Note identifies that the previous ecological survey is now out of date and an updated Phase 1 Habitat survey was undertaken. It highlights that no new national or international Statutory Wildlife sites have been designated within the search area since the previous outline consent though the adjoining Edgbaston Reservoir has been designated a Local Nature Reserve (LNR). The Technical Note considers that due to the ornithological interest with the designation it would not be affected by the proposed alterations.

6.51. The Technical Note also advises that a non-statutory wildlife site has been designated in the form of the Rotten Park Feeder Valley Potential Site of Importance (PSI). It is recognised that the development of IPL has the potential to impact on this site due to its proximity, however the Technical Note considers that due to its non-statutory status and the impact is likely to be limited, mitigation is not required.

6.52. The updated Phase 1 Habitat survey found that the habitats previously identified on the site have become more extensive due to a lack of activity on the site. It adds that the new habitats could be valuable for terrestrial invertebrates and existing conditions secure mitigation to ensure no net loss of biodiversity by creating suitable replica habitats. The Technical Note is clear that whilst this would result in additional habitat creation requirements, this is not as a result of the proposed amendments within the Section 73 application but due to the passing time since the original outline consent.

6.53. The comments made by the Wildlife Trust for Birmingham & The Black Country are noted including, amongst others, not enough consideration being given to the movement of wildlife and the scheme not identifying opportunities / measures to protect and restore the nature conservation value of the canals. They also expect to see notable ecological enhancements proposed and measures to restore the nature conservation interest of the designated sites. In addition they welcome planting scheme and biodiversity roofs but gardens and open space areas are likely to be managed primarily for recreational use and are limited in size. They add that buffer habitats should also be created along the Loop Canal and as an absolute minimum

in-channel enhancements and wildlife attracting planting along the tow path and banks.

- 6.54. The submitted information has been assessed by the City Ecologist who raises no objection and highlights that the provision of open space throughout the development can be landscaped to provide biodiversity benefit especially within a more detailed design where there is a green frontage along the canal loop. Subject to the proposed varied condition 11 relating to a landscape strategy (including "... provision for suitable biodiversity enhancement measures consistent with the ecological enhancement strategy for that phase.") as well as reapplying conditions relating to a construction ecological mitigation plans and a scheme for ecological/biodiversity/enhancement measures, the City Ecologist is of the opinion that the Section 73 application would have an acceptable impact on ecology.

6.55. Planning obligations

- 6.56. The S106 legal agreement attached to the existing outline consent secures, amongst others 10% affordable housing within each phase, a financial contribution of £1.2million towards Primary and Secondary Education, provision of public open space, financial contributions of £180,000, £270,000 and £200,000, towards a Neighbourhood Equipped Area of Play (NEAP) / Multi Use Games Area (MUGA), a floodlit artificial grass playing pitch (AGP) at George Dixon School and existing community and sports facilities at Ladywood Health and Community Centre respectively, as well as the provision of land for a new sports/community facility (i.e. the new IPL Leisure Centre). The agreement also includes overage clauses towards, if applicable, education and affordable housing.
- 6.57. Deed of Variations will be required to link the existing S106 and S111 agreements, the latter relating to land within the ownership of the Council, with this new consent. The application is only seeking amendments to conditions attached to the existing outline planning permission and none of these alter the planning obligations contained within these legal agreements.

7. Conclusion

- 7.1. This Section 73 application reflects the inevitable evolution of such a strategically important and complex scheme. It is of significant importance of progressing this scheme to its first phase to delivery. The proposals seek to relocate the larger IPL Leisure Centre in a more accessible location along the Ladywood Middleway and enable Phase 1 to come forward for consideration. Together the amended parameter plans form a master plan that would provide certain safeguards/parameters that will ensure the acceptable delivery of the scheme across the varying forthcoming phases. The proposed changes have been assessed and are all in accordance with relevant policy and guidance and planning permission should be granted. Deed of Variations would be required to link the existing Section 106 and 111 Agreements with the new consent.

8. Recommendation

- 8.1. That application 2017/04850/PA be deferred pending the completion of a suitable Deed of Variation to secure the following in respect of the land within the application site that is not owned by Birmingham City Council:-
1. 10% affordable housing within each phase of the development (location, mix and tenure to be agreed) and a further 10% potential overage (after the

- Education overage contribution) to be used as a commuted sum for additional affordable housing provision,
2. A financial contribution of £1.2 million, of which £400,000 on reaching occupation of 500 dwellings, a further £400,000 on reaching 700 dwellings and the final £400,000 on reaching occupation of 900 dwellings (index linked to construction costs from the 11/10/12 to the date on which payment is made) towards provision of Primary and Secondary school places within the area. An overage clause to ensure that the required levels of education contribution/affordable housing commuted sum is achieved to be 50% of the first additional £4 million of overage, 30% of the next £3.83 million of overage and 10% thereafter. A Development Viability Appraisal will be prepared at the time of each Reserved Matters Application to be reviewed by the Local Planning Authority to capture any overage payments.
 3. Provision of public open space within the application site in accordance with the illustrative masterplan and the regulatory plans, subject to further details of location, phasing and specification of such works within each development phase, and where such public open space is to be put forward for adoption by the City Council for suitable maintenance contributions to be agreed for a minimum period of 15 years,
 4. A financial contribution of £180,000 to be paid upon service of the implementation notice (index linked to construction costs from the 11/10/12 to the date on which payment is made) towards the provision of a Neighbourhood Equipped Area of Play (NEAP) with Multi Use Games Area (MUGA) to be situated within the proposed public open space on the site,
 5. A financial contribution of £270,000 to be paid upon the serving of the implementation notice (index linked to construction costs from the 11/10/12 to the date on which payment is made) towards the provision of a floodlit artificial grass playing pitch (AGP) at George Dixon School,
 6. A financial contribution of £200,000 to be paid upon the serving of the implementation notice (index linked to construction costs from the 11/10/12 to the date on which payment is made) towards provision of and improvements to existing community and sports facilities at Ladywood Health and Community Centre at St Vincent Street West,
 7. The provision of an area of (development ready) land within the application site for a new sports/community facility and associated parking and servicing area, in accordance with the illustrative masterplan and regulatory plans, such land to be offered to the Council by the third phase of development and/or before occupation of 500 dwellings (whichever is the sooner), such development to be procured and implemented by the City Council,
 8. The development and operation of a Travel Plan for all phases of development to include the appointment of a Green Travel Plan co-ordinator.
 9. A commitment to engage with the City Council and other agencies to enter into a local training and employment scheme for construction of the development to target the employment of local people.
 10. Payment of a monitoring and administration fee associated with the legal agreement subject to a maximum contribution of £1500.
- 8.2. That consideration of application 2017/04850/PA be deferred pending completion of a Deed of Variation to be completed between the landowners in respect of the City Council owned land within the application site to secure the above planning obligations on the City owned land when it is sold, and for a copy of this completed Deed of Variation to be provided to the Local Planning Authority prior to the determination of the planning application

- 8.3. That in the event of the above Deed of Variations not being completed to the satisfaction of the Local Planning Authority, on or before 22/09/17, that planning permission be refused for the following reason :

In the absence of any suitable planning obligation to secure affordable housing, a financial contribution towards education, provision of on-site public open space, a financial contribution towards provision of children's play equipment, financial contributions towards off-site sports pitch/community facilities, provision of land for an on-site sports/community facility,, travel plan, and local employment provision, that the proposed development conflicts with Policies TP9, TP11 and TP31 of the Birmingham Development Plan 2017 and saved policies 8.50-8.54 of the Birmingham UDP 2005.

- 8.4. That no objection be raised to the stopping-up of those parts of the highway on Ladywood Middleway affected by the development and that the Department for Transport (DFT) be requested to make an order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990,
- 8.5. That the City Solicitor be authorised to prepare, seal and complete the appropriate Section 106 planning obligation.
- 8.6. In the event of the above legal agreements being completed to the satisfaction of the Local Planning Authority on or before 22/09/2017, favourable consideration be given to this application, subject to the conditions listed below:

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| 1 | Limits the approval to 20/09/23 |
| 2 | Requires confirmatory deed in respect of BCC owned land |
| 3 | Requires the submission of reserved matter details following an outline approval |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
| 5 | Approved access details |
| 6 | No approval given to indicative housing typologies |
| 7 | No approval to highways plans showing swept paths for buses and refuse vehicles. |
| 8 | Role of the illustrative masterplan and regulatory plans |
| 9 | Reserved matters and other details to be in accordance with the illustrative masterplan |
| 10 | Requires approval of Design Code Strategy |
| 11 | Requires the approval of a Landscape Strategy framework |
| 12 | Requires approval of phasing details |
| 13 | No more than 1150 dwellings within the application site |
| 14 | No more than 12900 square metres of gross internal floorspace of non-residential |
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	development within the application site
15	Maximum floorspace of a single retail store of 1300 square metres (gross internal floorspace)
16	Maximum building heights of 10 storeys.
17	Timing of the implementation of the non-residential floorspace.
18	Requires details of proposed sustainable energy centre
19	Requires details of a carbon reduction statement for each phase.
20	Requires details of Digital Infrastructure
21	Requires details of a sustainable waste management plan
22	Requires details of public open space
23	Requires details of design of the walkway across the reservoir dam.
24	Requires details of design of canal towpaths
25	Requires the prior submission of level details
26	Requires the prior submission of hard and/or soft landscape details
27	Requires the prior submission of a landscape management plan
28	Requires the prior submission of hard surfacing materials
29	Requires the prior submission of boundary treatment details
30	Requires the prior submission of a tree survey
31	Protects retained trees from removal
32	Requires the implementation of tree protection
33	Requires the prior submission of an arboricultural method statement
34	Requires the prior submission of sample materials
35	Requires the prior submission of a lighting scheme
36	Requires the prior submission of details of refuse storage
37	Requires the prior submission of a contamination remediation scheme
38	Requires the prior submission of a contaminated land verification report
39	Requires the implementation of the Flood Risk Assessment
40	Requires the prior submission of details of foul sewerage system

-
- 41 No infiltration of surface water drainage without prior approval.
 - 42 Requires the prior submission of piling/boreholes details
 - 43 Requires the prior submission of a construction method statement/management plan
 - 44 Noise levels within habitable rooms
 - 45 Noise levels within outdoor living areas
 - 46 Requires the prior submission of a vibration protection scheme
 - 47 Noise levels from all sources
 - 48 Prevents the use of amplification equipment
 - 49 Requires details of mitigation of amplified noise from Bars, Pubs and Restaurants
 - 50 Requires the prior submission of noise insulation between residential and commercial uses
 - 51 Requires approval of details of industrial plant and machinery
 - 52 Requires the prior submission of a goods delivery strategy
 - 53 Limits the hours of use of retail uses within Use Classes A1-A5 to between 07:00 - 23:30 hours Mondays to Sundays
 - 54 Limits delivery time of goods to or from the site to between 07:00-22:00 hours Mondays to Sundays
 - 55 Requires the prior submission of extraction and odour control details in a phased manner
 - 56 Requires the submission and implementation of recycling centre details prior to occupation of 150 dwellings
 - 57 Requires details of Biomass boilers, fuels and maintenance
 - 58 Requires the prior submission of a construction ecological mitigation plan on a phased basis
 - 59 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis
 - 60 Requires the prior submission of a method statement for the removal of invasive weeds
 - 61 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 62 Requires details of design of bridges, roads, footways, cycleways, towpaths, parking areas, shared surfaces and associated works
-

63	Requires the prior submission of a parking management strategy
64	Requires the prior submission of details of turning, loading and parking
65	Requires the prior submission of cycle storage details in a phased manner
66	Requires pedestrian visibility splays to be provided
67	Requires the applicants to join Travelwise in a phased manner
68	Requires details of Access for the Disabled
69	Requires the prior submission of a CCTV scheme
70	Requires the prior submission of a demolition method statement
71	Requires the prior submission of Structural Recording
72	Requires the prior submission of details of public art/interpretation
73	Requires a wind shadowing study for any tall buildings
74	Removes PD rights for telecom equipment
75	Prevents storage except in authorised area
76	Limits the approval of the change of use of existing buildings to 10 years (Full)
77	Requires the scheme to be in accordance with the listed approved plans for proposed change of use application
78	Defines the Indicative plans (change of use application)
79	Limits the hours of use of retail uses within Use Classes A1-A5 (change of use application) to between 07:00-23:30 hours Mondays - Sundays.
80	Limits delivery time of goods to or from the site to between 07:00 - 22:00 hours Mondays to Sundays (change of use application)
81	Requires parking details (change of use application)
82	Requires details of refuse facilities (change of use application)
83	Requires the prior submission of extraction and odour control details (change of use application)
84	Requires the prior submission of Structural Recording (change of use application)

Case Officer: Peter Barton

Photo(s)



Photo 1 – View of site from Edgbaston Reservoir



Photo 2 – Birmingham Canal Old Line Northern section of loop

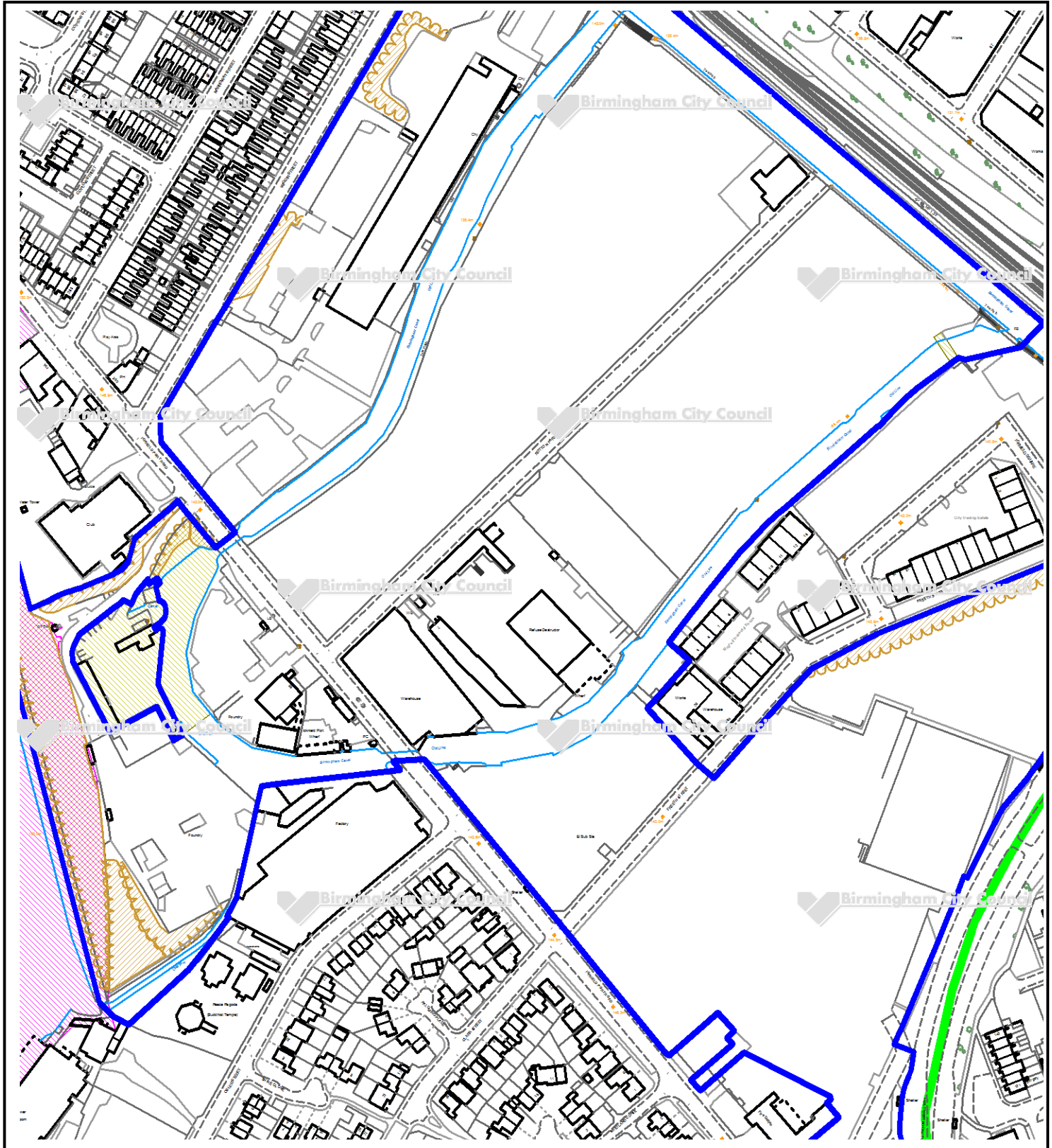


Photo 3 – View of Icknield Port Road from its junction with Wiggin Street looking southeast



Photo 4 – Birmingham Canal

Location Plan



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Committee Date:	31/08/2017	Application Number:	2017/04849/PA
Accepted:	31/05/2017	Application Type:	Full Planning
Target Date:	31/08/2017		
Ward:	Ladywood		

Land north of Ladywood Fire Station, Ladywood Middleway, Ladywood, Birmingham, B16

Erection of new leisure centre, including 8 lane, 25 metre main swimming pool and learner pools, fitness and dance studios, car parking with associated new access onto Ladywood Middleway and associated works

Applicant:	Serco Group PLC Serco House, 16 Bartley Wood Business Park, Bartley Way, Hook, Hampshire, RG27 9UY
Agent:	PJ Planning Regent House, 156-7 Lower High Street, Stourbridge, West Midlands, DY8 1TS

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This is a full planning application for the erection of a new leisure centre consisting of an 8 lane, 25 metre main swimming pool and a learner pool with a viewing area and spectator seating for up to a 255 people, including 6 spaces for people with disabilities, as well as a 135 station health and fitness suite, 39 person dance studio, spa facility (steam, sauna, relax), café vending, community meeting room and accompanying changing areas.
- 1.2. The proposed building would be located to the southern section of the application site, backing onto the rear of the Ladywood Fire Station with its main frontage, including the entrance to Ladywood Middleway. To the north of the building would be a 47 space car park, including 4 disabled parking spaces, with new separate egress/exit accesses off/onto Ladywood Middleway. A secure service yard would be located to the west of the new building, accessed via the car park.
- 1.3. The external appearance of the building would be modern utilising black/blue brick, white and blue/green toned composite cladding, dark grey profiled cladding panels and timber cladding. The elevations would consist of a black/blue brick podium broken with large areas of glazing including areas of curtain walling to the main frontage on Ladywood Middleway. Above this would sit the lightweight cladding panels creating two distinct forms. Peel white cladding panels would be laid in continuous horizontal bands enveloping the Middleway elevation and around the fitness suite's oriel window to the southern corner. Adjacent to the main entrance and enveloping the pool hall, copper blue/green cladding panels would be laid horizontally to form a distinction between the pool and fitness suite elements. The

timber clad canopy and metal support columns would also offer significant visual interest to the entrance and the Middleway and car park elevations. A public external café terrace would also be created to the Middleway elevation. The majority of the building would be 2 storey in height with the highest section (enclosed external plant area) being located to the centre/rear of the building adjacent to the Fire Station. Landscaping of the site would include deep boundary planting consisting of new tree planting, wide grassed areas and small low level shrub planting.

- 1.4. The proposed leisure centre is one of a number of planned replacement facilities to be operated by a third party. The programme of providing these new leisure centre facilities is to provide cross-subsidy through the provision of a range of facilities within the building itself. The applicant adds that the proposal has been designed in accordance with guidance from Sport England, providing an economically sustainable model and meeting local need.
- 1.5. The application site falls within the boundary of the Icknield Port Loop site, which already has outline planning permission for such a community facility to be located elsewhere. There is a concurrent planning application (2017/04850/PA), which can be found elsewhere on this agenda, which is seeking, amongst other things, to vary the master plan in relation to the location of this community facility.
- 1.6. The following have been submitted in support of the application: Environmental Noise Assessment, Ecological Assessment, Ground Investigation Report, Sustainability Statement, External Lighting Strategy, Transport Assessment, Travel Plan, Tree Survey and SUDS Assessment.

1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site measures some 0.646ha and forms part of the wider Icknield Port Loop site within the planned growth area of Greater Icknield. The site includes part of the former Ladywood Arts and Leisure Centre, which has now been cleared of all buildings and consists of open grassland, mature trees and areas of hardstanding.
- 2.2. To the north, beyond the former Ladywood Arts and Leisure Centre, are industrial/commercial premises on Freeth Street and Icknield Square and past that is the Birmingham Canal Old Line. To the east is Ladywood Middleway and a post-war council estate consisting of low-rise houses and blocks of maisonettes and high-rise tower blocks. To the immediate south is the Ladywood Fire Station and beyond that a mix of residential properties as well as a place of worship and a Primary School. To the west is the wider Icknield Port Loop site and to the opposite side of Icknield Port Loop Road are modern housing developments.

2.3. [Site location](#)

3. Planning History

- 3.1. Wider Icknield Port Loop site:
- 3.2. 20/09/13 – 2011/07399/PA. Outline planning application for demolition of buildings and a mixed use redevelopment of up to 1150 dwellings, retail, service, employment, leisure and non-residential institutions uses (Use Class C3, B1, A1,

A2, A3, A4, A5, D1 & D2) of up to 6960 square metres (gross internal area) (including up to 2500 square metres of retail) (gross internal area) together with hotel and community facilities, open space, landscaping and associated works including roads, cycleways, footpaths, car parking and canal crossings. Change of use of industrial buildings fronting Rotton Park Street to leisure, retail and non-residential institutions (Use Class A1, A2, A3, A4, A5, B1, D1 & D2). Approved.

- 3.3. Current application – 2017/04850/PA. Section 73 application to vary conditions 4 (approved plans), 5 (approved access details), 10 (design code), 11 (landscape strategy), 19 (renewable energy statement) and 61 (highway works) of planning approval 2011/07399/PA (which grants outline planning permission for demolition of buildings and a mixed use redevelopment of up to 1150 dwellings, retail, service, employment, leisure, and non-residential institutions uses (Use Classes C3, A1, A2, A3, A4, A5, B1, D1 and D2) of up to 6960 square metres (gross internal area) (including up to 2500 square metres of retail) (gross internal area), together with hotel and community facilities, open space, landscaping and associated works including roads, cycleways, footpaths, car parking and canal crossings, and which grants full planning permission for change of use of industrial buildings fronting Rotton Park Street to leisure, retail and non-residential institutions (Use Class A1, A2, A3, A4, A5, B1, D1 and D2) including amendments to the indicative masterplan and associated parameter plans in relation to the proposed first phase of the development and the relocation of the proposed swimming pool to the south-east part of the site. Elsewhere on this agenda.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to conditions relating to S278 works, an amended car park layout, car park and traffic management plan in relation to coach parking and events/galas and entry/exit signage.
- 4.2. Regulatory Services – No objection subject to conditions relating to noise levels for plant and machinery, extraction and odour control details, lighting, electric vehicle charging points, delivery hours and contamination.
- 4.3. Lead Local Flood Authority – No objection subject to condition relating to a sustainable drainage scheme.
- 4.4. Leisure Services – No objection provided the loss of POS to accommodate the new leisure centre is adequately compensated with meaningful POS provision as part of the S73 application for Icknield Port Loop (2017//04850/PA).
- 4.5. Severn Trent Water – No objection subject to disposal of foul and surface water flows condition.
- 4.6. Sport England – There is a strategic need for the new leisure centre and supports the application. Observation made in relation to smart glass or blinds to provide privacy for certain community groups.
- 4.7. West Midlands Police – Recommends conditions relating to CCTV, and lighting as well as recommendations relating to an intruder alarm, location of gate and fence to the rear of the building, use of anti-graffiti coating to a solid wall, glazing treatment for windows which can be viewed from the public domain and securing the gates to the service yard.
- 4.8. West Midlands Fire Service – No objection.

- 4.9. Local MP, Ward Councillors Residents Groups and nearby properties consulted with site and press notices posted.
- 4.10. 1 representation received from Access Birmingham welcoming the proposal and suggests a wider/larger parking space to be provided to enable a minibus / small PSV to park and load/unload particularly for schools and disabled groups.
5. Policy Context
- 5.1. Birmingham Development Plan 2017, Birmingham Unitary Development Plan (Saved Policies) 2005, Places for All SPG, Car Parking Guidelines SPD, Greater Icknield Masterplan and the NPPF.
6. Planning Considerations
- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005 and the Birmingham Development Plan 2017. The NPPF and the Greater Icknield Master Plan are also material considerations.
- 6.2. Provision of a new leisure centre:
- 6.3. A core planning principle in the NPPF is to “Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs”. This is reinforced at Chapter 8 (Promoting Healthy Communities), which identifies that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.
- 6.4. The application site falls within the Icknield Port Loop site and the wider Greater Icknield area as identified in the Birmingham Development Plan 2017 as an area with the potential to play a major role in meeting the City’s challenging growth agenda. It is anticipated that Greater Icknield will provide 3,000 new homes founded upon the principles of creating sustainable neighbourhoods. The existing outline planning permission for Icknield Port Loop includes the provision of a new sport and community facility and the attached Section 106 Agreement secured an area of not less than 1,762sqm to be made available as land for this new facility. An illustrative plan and approved parameter plan included such a facility at Rotton Street/Icknield Port Road. However, the site identified would only provide a limited building footprint, allowing only a 4 lane community swimming pool, learner pool and fitness facility rather than the competition size now proposed. The repositioning of the leisure centre to this new prominent Middleway location would be able to accommodate this larger facility, with improved access, car parking and also act as a visual gateway to the wider Icknield Port Loop regeneration site. The Greater Icknield Masterplan (2016) also illustrates the new swimming pool on the site subject to this planning application.

- 6.5. As such no objection is raised in principle to the provision of this strategically important leisure centre in this location. Whilst this current proposal is a standalone planning application it is intrinsically linked to the outline planning permission for the wider IPL site. Concurrent to this application, a Section 73 application has been submitted to vary this existing outline consent to allow, amongst others, the relocation of the leisure Centre to this new location and this application can be found elsewhere on this agenda.
- 6.6. Loss of Public Open Space:
- 6.7. The site of the proposed leisure centre is currently occupied by open space and part of the former Ladywood Arts and Leisure Centre. Compensation for the loss of this open space does not form part of this application but as part of the wider IPL site. The current outline planning permission secures the delivery of new on-site open space including a new main park in a central position. The current S73 application seeks to amend the configuration of this open space provision but still provide a new central park. As discussed above, whilst the current proposal subject to this standalone application does not directly compensate for the loss of open space the new leisure centre would be built upon, it is intrinsically linked to the wider IPL outline consent. Subject to the safeguarding of a minimum provision of open space on the site including a new central park as part of the Section 73 application, no objection is raised to the building of the new leisure centre on the application site.
- 6.8. Design / visual amenity;
- 6.9. The appearance of the building would be contemporary and characteristic of a modern leisure/community facility and appropriate as a prominent gateway feature off Ladywood Middleway to the wider IPL site. The choice of materials is appropriate and the location of the main entrance and glazing as well as the internal configuration would offer active frontages to its main Middleway and car park elevations. The scale and massing of the building is also appropriate providing presence to the Ladywood Middleway as well as a more domestic scale in relation to adjoining parcels of land earmarked for future residential development.
- 6.10. There are a number of mature trees across the site, which are proposed to be removed and replaced with new planting and a Tree Survey has been submitted in support of the application. This identifies that of these existing trees, 5no. trees (Hornbeam and Birch) and part of 1no. group (Lime) are Category B, whilst 6no. trees (Norway Maple, Ash and Birch) and 2no. groups (mixed) are Category C and 2no. trees (Rowan and Snakebark Maple) are Category U. It is regrettable that these trees are proposed to be removed but it is recognised that the proposal is part of a comprehensive transformation of this wider area. Replacement tree planting, including higher grade larger nursery planting stock to mitigate for the removal of the Category B trees, is proposed around the boundary of the site as well as within the car park. Details submitted with the application include the planting of 35no. new trees (Hornbeam Ornamental Pear, Himalayan Birch, Mountain Ash and Silver Birch) and the final landscaping scheme would be controlled by condition.
- 6.11. Neighbour amenity:
- 6.12. The submitted application includes an Environmental Noise Assessment which undertook a noise survey to establish existing noise levels across the site and considered the potential impact of noise on the closest residential property, which is likely to be a current vacant site earmarked for residential development at a distance of some 28m from the proposed plant room façade. The existing predominant noise

sources are high volume of traffic noise from the Middleway and noise levels are consistent across the site. The noise survey has been analysed to provide plant noise limits and the minimum requirement of the facade specifications.

- 6.13. Regulatory Services have assessed the proposal and raise no objection subject to conditions relating to amongst others, noise levels for plant and machinery, extraction and odour control details, lighting and delivery hours. The closest existing residential property are the houses to the southwest beyond Ladywood Fire Station and to the other side of Icknield Port Road and to the east, on the opposite side of the Middleway both at an approximate distance of 55m. Within the context of the surrounding area to the application site and the recommended safeguards, it is considered that the proposal would have no adverse impact on neighbour amenity.
- 6.14. Highway safety and parking:
- 6.15. 47 on-site parking spaces including 4 spaces for users with disabilities are proposed as well as 20 cycle parking spaces close to the building's entrance. In support of the proposal, a Transport Assessment and Travel Plan accompanied the application.
- 6.16. The maximum parking provision for a sports and fitness facility at this application site, as given in the Car Parking Guidelines SPD, is 74 parking spaces. However it is recognised that the site is on the fringe of the City Centre, with a frontage to Ladywood Middleway and a bus stop directly outside the entrance and it is considered that the proposed provision is appropriate for this location.
- 6.17. School coaches and coaches associated with galas and events will be using the site and the bus stop layby can be used for drop-off and pick-up only. Coaches are not permitted to wait in the layby. For weekly term time school coaches, these would be accommodated within the car park area and for galas and events a manned controlled system would be implemented.
- 6.18. The application has been assessed by Transportation Development who raise no objection subject to condition. This includes an amended car park layout to accommodate larger coaches. Submitted tracking plans indicate that there would be an element of over-run with the current layout but could be adequately accommodated with minor amendments and minimal impact on the proposed landscaped areas. Other conditions include relevant S278 works and a management plan in relation to coach parking within the site and how traffic/car park demand would be managed during events and galas.
- 6.19. The proposal also affects the northern most point of Monument Road, which is a public right of way and no objection is raised to the stopping up of this.
- 6.20. Sustainability:
- 6.21. There is a wider vision of Greater Icknield in delivering the principle of sustainable neighbourhoods. Policy TP4 of the Birmingham Development Plan expects new developments to incorporate the provision of low and zero carbon forms of energy generation or to connect into low and zero carbon energy generation networks where they exist. For schemes of a certain scale consideration should first be given to the inclusion of Combined Heat and Power (CHP) generation or a network connection to an existing CHP facility. The Greater Icknield Master Plan identifies that the size of the development opportunities offer the economies of scale to develop a district heating network and Combined Cooling, Heat and Power (CCHP) generation. Currently various options to create a network that links large heat

consumers across the master plan area are being assessed including the potential to connect with the City Centre network. It also highlights that developments coming forward in the early phase will be encouraged to connect to a network or collaborate with stakeholders to establish a network.

- 6.22. The applicant has submitted a Sustainability Statement which forms a checklist of the sustainable initiatives considered for the development. On the issue of CHP, the nearest district energy network is the BDEC Broad Street scheme. This contains a 1.5MWe CHP unit at the energy centre located behind the ICC. This is approximately 1km from the application site where 500m is generally considered the technical and financial limit for the feasibility of connecting to an existing network. The statement highlights that if the IPL development is to include a CHP energy plant then there may be potential in the future to link the leisure centre to the district heating network. Initial investigations have indicated that the building's domestic hot water load and heating demands could act as an effective base heat load for a CCHP unit. Furthermore peak loads could then be supplemented by high efficiency gas boilers and advises that further investigation into the feasibility of CHP will be carried out during the detailed design stages.
- 6.23. The Council, in conjunction with the Government's Heat Network Development Unit, have commissioned a techno-economic study into the potential for the development of a heat network for the Greater Icknield area, which includes the current application site.
- 6.24. Other matters:
- 6.25. With regard to drainage, a SUDS statement highlights that soakaways are not a viable option on the site and there are no known watercourses adjacent to the site but there is an existing combined sewer which runs within Monument Road. The drainage design has assumed greenfield run off with a connection to the sewer via an attenuation tank suitably sized to accommodate a 1:100 year event plus 30% climate change. The tank would be maintained by the occupier as part of an ongoing regular maintenance regime. The Lead Local Flooding Authority and Severn Trent Water raise no objection subject to conditions.
- 6.26. The Ecological Appraisal identifies that the current site holds habitats that have some value for bat, bird and insect life. Tree planting and soft landscaping would provide adequate mitigation and the City Ecologist raises no objection subject to an ecological enhancement condition.
- 6.27. To accord with Policy TP43 of the Birmingham Development Plan 2017 as well as other wider policies/strategies to reduce the City's Carbon footprint and improve air quality, a condition is attached requiring the provision of electric vehicle charging points in the car park.
- 6.28. In response to Sport England's comments in relation to privacy screens, the applicant has advised that it is their intention to review upon completion of the pool area and to address any areas of concern using a window film.

7. Conclusion

- 7.1. The proposal would deliver a strategically important community facility that is in accordance with the wider aspirations for Greater Icknield that would improve the character and quality of the area as well as safeguard neighbour amenity and have

no adverse impact on highway safety. The proposal is in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation

8.1. That no objection be raised to the partial stopping up of public right of way (northern part of Monument Road), and that the Department for Transport (DFT) be requested to make an order in accordance with the provision of Section 247 of the Town and Country Planning Act 1990.

8.2. Approve subject to 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 a drainage scheme for the disposal of foul and surface water flows
4	Requires the prior submission of a sustainable drainage scheme
5	Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
6	Requires the prior submission of details of green/brown roofs
7	Requires the prior submission of extraction and odour control details
8	Limits the noise levels for Plant and Machinery
9	Limits delivery time of goods to or from the site (0700-1900)
10	Requires the prior submission of hard and/or soft landscape details
11	Requires the prior submission of hard surfacing materials
12	Requires the prior submission of boundary treatment details
13	Requires the prior submission of a lighting scheme
14	Requires the prior submission of sample materials
15	Requires the prior submission and completion of works for the S278/TRO Agreement
16	Requires the prior submission of cycle storage details
17	Requires the prior approval of an amended car park layout
18	Provision of designated electric vehicle charging points
19	Requires the prior submission of a car park management plan
20	Requires the prior submission of entry and exit sign details

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

22 Implement within 3 years (Full)

Case Officer: Peter Barton

Photo(s)



Photo 1 – View of site from Ladywood Middleway looking North

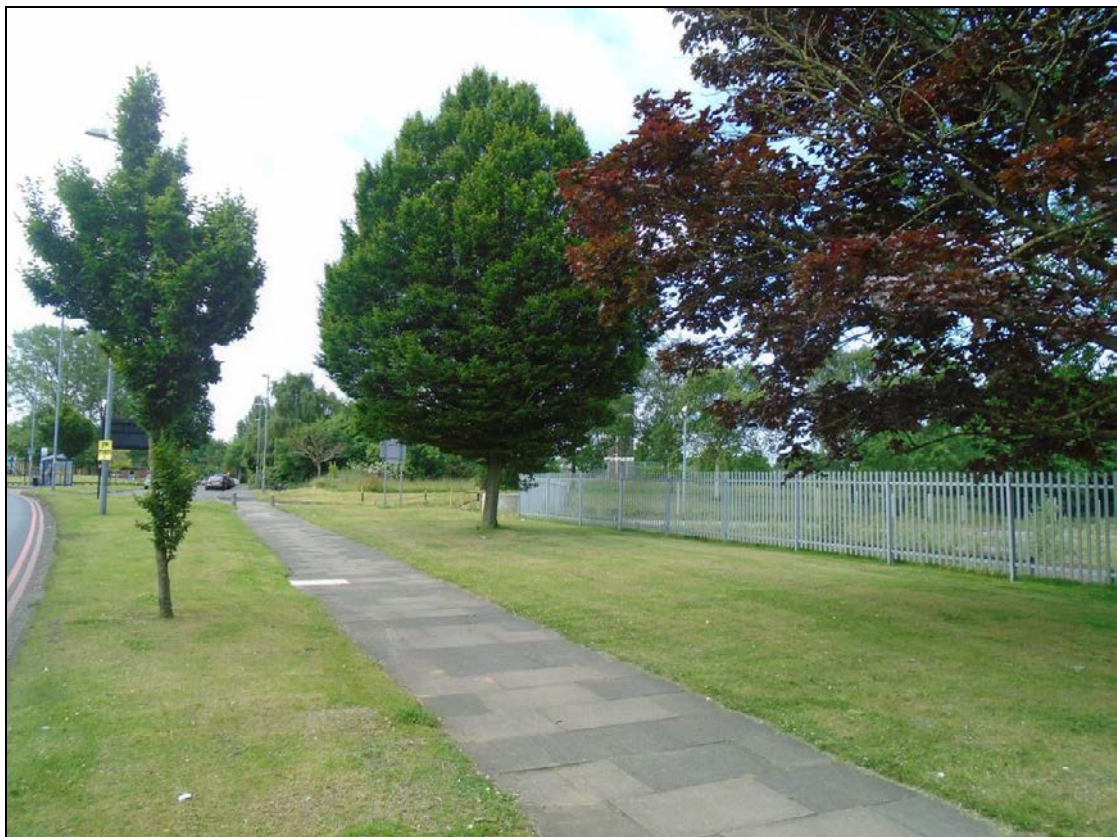
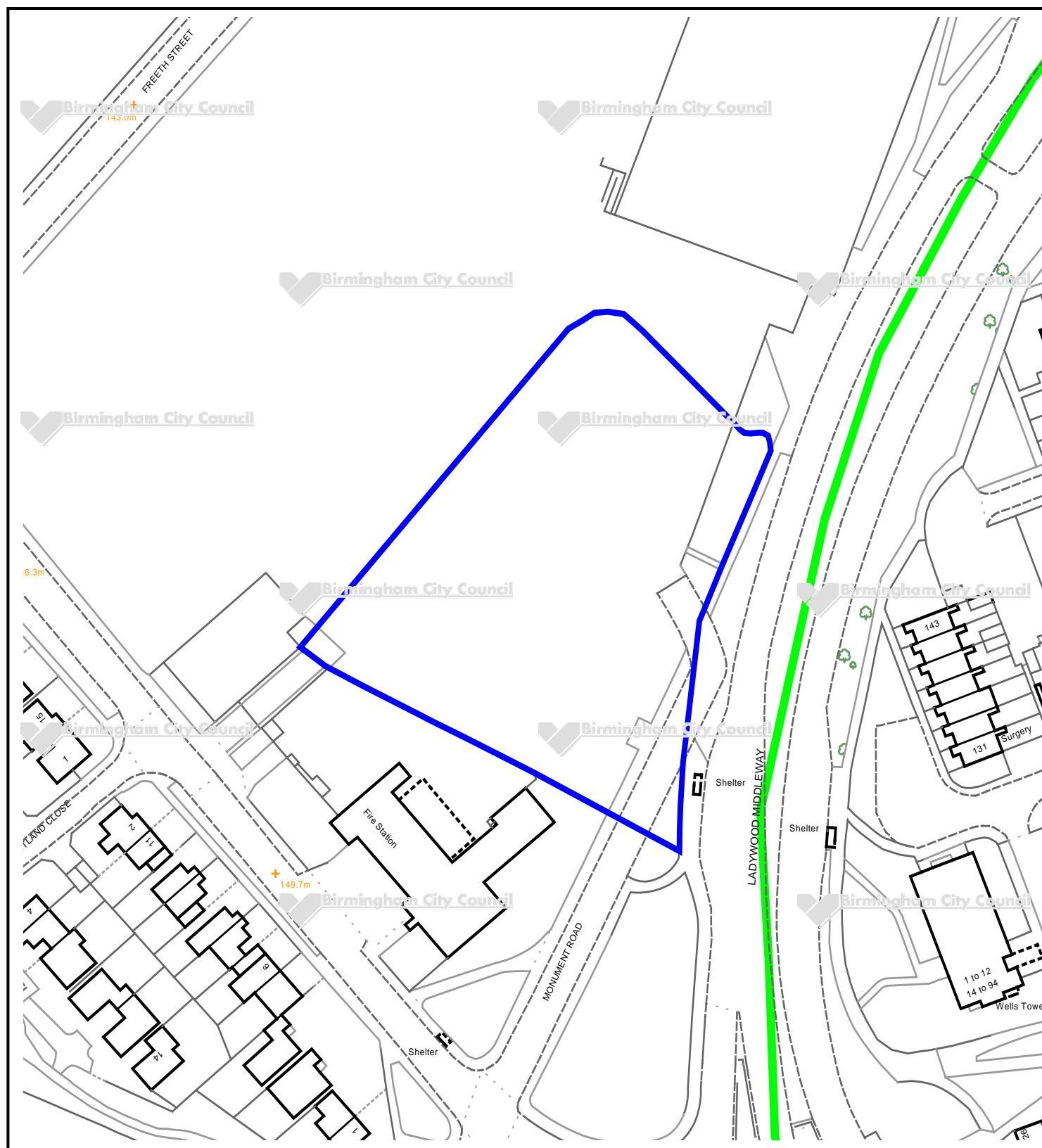


Photo 2 – View of site from Ladywood Middleway looking South

Location Plan



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Birmingham City Council

Planning Committee

31 August 2017

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	17	2017/05636/PA 133-141 Reddings Lane Land at Tyseley Birmingham B11 3HD Erection of 24no. dwellings with new access road off Reddings Lane and associated parking and landscaping
Approve - Conditions	18	2017/05635/PA Cockshut Hill School Cockshut Hill Yardley Birmingham B26 2HX Alterations to front boundary treatment including replacement fencing and gates

Committee Date:	31/08/2017	Application Number:	2017/05636/PA
Accepted:	03/07/2017	Application Type:	Full Planning
Target Date:	02/10/2017		
Ward:	Acocks Green		

133-141 Reddings Lane, Land at, Tyseley, Birmingham, B11 3HD

Erection of 24no. dwellings with new access road off Reddings Lane and associated parking and landscaping

Applicant: Partner Construction
19 Mallard Way, Pride Park, Derby, DE24 8GX
Agent: BM3 Architecture Ltd
28 Pickford Street, Digbeth, Birmingham, B5 5QH

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal
 - 1.1. Full planning application for the erection of 24 houses on a former industrial site that was cleared in 2014 following fire damage to the building and has remained vacant since.
 - 1.2. The proposed residential development would form a small cul-de-sac arrangement with a Y-shaped turning head and a new centrally located access road off Reddings Lane. 200% parking provision would be provided to the front or side of the proposed houses. The houses are 2-storey in height and consist of detached, semi-detached and terrace properties. 6 houses would front Reddings Lane with direct access to on-plot parking spaces. The remaining 18 houses would be positioned around and have direct access off the new access road and turning head. The design of the houses is relatively simplistic consisting of red facing brick and grey tile with buff stone lintels and sill to the front elevations.
 - 1.3. The accommodation consists of 11no. 2-bed houses, 11no. 3-bed houses and 2no. 4-bed houses. It would be 100% affordable housing, owned and managed by West Mercia Housing Group. There would be three tenures; affordable rented (6no.), rent to buy (6no.) and shared ownership (12no.). The applicant is offering 100% affordable housing to be secure by a Section 106 Legal Agreement in lieu of any other contributions (i.e. financial contribution towards off-site public open space).
 - 1.4. The proposal represents a density of 42 dwellings per hectare.
 - 1.5. A Drainage Strategy/Flood Risk Assessment, Phase 1 Desk Study, Noise Impact Assessment and Transport Statement have been submitted in support of the application.
 - 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site measures 0.57ha and is a relatively level site consisting of a concrete hardstanding. The site was previously occupied by an industrial building and following fire damage, it was cleared and has remained vacant since 2014. To the immediate north is a workshop building that is occupied by a presswork and tool making company with housing further north. To the northeast and east is Yardleys School and associated playing fields. The ground level of the application site is some 2-3m higher than that of the adjoining school car park. To the immediate south is the vehicular and pedestrian access to Yardley Schools with the large Eaton Electrical site beyond that. To the west on the opposite side of Reddings Lane is traditional terrace housing.

2.2. Site location

3. Planning History

- 3.1. This site:

- 3.2. 13/09/13 – 2013/04196/PA. Application for a new planning permission to replace an extant planning permission number 2010/00720/PA for extension of time application in relation to erection of 22 dwellings and associated works including demolition of existing building (outline Application - layout and means of access only to be considered) as approved under 2007/00132/PA. Refused due to non-completion of Deed of Variation Legal Agreement to secure financial contribution towards public open space attached to the original S106 Agreement.

- 3.3. 11/06/10 – 2010/00720/PA. Extension of time application in relation to erection of 22 dwellings and associated works including demolition of existing building (outline Application - layout and means of access only to be considered) as approved under 2007/00132/PA. Approved.

- 3.4. 05/04/07 – 2007/00132/PA. Erection of 22 dwellings and associated works including demolition of existing building (Outline Application - layout and means of access only to be considered). Approved.

- 3.5. 95 Reddings Lane:

- 3.6. 28/11/07 – 2007/06090/PA. Outline application to demolish existing building and erection of 8 residential dwellings with associated works (siting and access only to be considered). Approved.

- 3.7. Eaton Electrical:

- 3.8. 27/04/017 – 2016/10651/PA. Reserved Matters application for access, appearance, landscaping, layout and scale for a 2 storey Primary School pursuant to outline planning permission 2015/10025/PA. Approved.

- 3.9. 09/12/16 – 2015/10025/PA. Hybrid planning application (part full and part outline) comprising: 1. Full planning application for the demolition of existing buildings and erection of 204 dwellings and formation of access off Olton Boulevard West and internal circulation roads. 2. Outline planning application for a three form of entry primary school on the western part of the site (all matters reserved). Approved.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to conditions relating to a construction method statement, provision of new access road, residential travel plan, pedestrian visibility splays and S278 works.
- 4.2. Regulatory Services – No objection subject to conditions relating to implementation of noise mitigation measures, contamination remediation and electric vehicle charging points.
- 4.3. Housing – No objection.
- 4.4. BCC Lead Local Flooding Authority – No objection subject to sustainable drainage conditions.
- 4.5. Leisure Services – No objection subject to off-site financial contribution (£128,675) towards public open space and play in the nearby Acocks Green Recreation Ground.
- 4.6. Severn Trent Water – No objection subject to condition relating to the disposal of foul and surface water flows.
- 4.7. West Midlands Fire Services – No objection.
- 4.8. West Midlands Police – Supports the application.
- 4.9. Local properties, residents groups, Ward Councillors and MP consulted with site and press notices posted.
- 4.10. Representation received from Yardleys School who are happy with the proposal but do have two areas of concern relating to:
 - Pleased with proposed parking provision to each house and stop parking on the pavement to the front of the development. Concern that reduction of parking (albeit in an area which is not designated for parking) will increase the demand for on-street parking. Road safety is already a critical issue and with the implementation of the proposed new 3-form entry primary school on the current Eaton Electrical site will only make the problem worse. Further traffic management measures should be put in place should this development be approved.
 - Unclear how damaged boundary wall to the rear of the site and borders the school car park will be dealt with.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, Birmingham Unitary Development Plan (Saved Policies) 2005, Places for Living SPG, Car Parking Guidelines SPD, Loss of Industrial Land to Alternative Uses SPD, Affordable Housing SPG and the NPPF.

6. Planning Considerations

- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations

should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005 and the Birmingham Development Plan 2017. The NPPF is also a material consideration.

6.2. Loss of Industrial Land

6.3. BDP Policies and Loss of Industrial Land SPD applies a general presumption against the loss of industrial land so the City has a portfolio of employment land to ensure that desirable employment development is not lost due to a lack of site availability. Outside Regional Investment Sites and Core Employment Area there may be occasions where employment land has become obsolete and can no longer make a contribution towards the portfolio of employment land. These include when the site is considered non-conforming, where there is a lack of demand for a particular site and high redevelopment costs.

6.4. The application site is located within a mixed residential, industrial and educational area. The closest industrial uses are to the immediate north and to the south. To the north is a small workshop occupied by a presswork and tool making company and to the south is the large Eaton Electrical site who are relocating and the site has detailed planning permission for a new primary school and over 200 houses which when developed will dramatically change the character of this section of Reddings Lane. Therefore it is considered that the predominant character is residential and educational and it could be argued that, whilst adjacent to an industrial use within the context of the wider area the industrial use of the application site is non-conforming.

6.5. Information has been submitted advising that the marketing of the site commenced in November 2015 consisting of press and website advertising as well as boards on the site. The marketing agents have advised that in respect of the sale of the site for redevelopment for industrial / warehouses uses, no serious interest was received. Initial interest was received from a building merchant who discounted the site in preference for another location. In the agents' opinion "... the immediate environment, backing onto a school and fronting residential accommodation, prevented serious interest for a redevelopment from industrial and warehousing users". They add that the site could accommodate up to 25,000sqft which could potential generate significant noise and HGV movement and provide conflict with nearby users. In terms of leasing the site for open storage, a number of initial enquiries were received and it transpired that these actually related to car sales. Furthermore a number of house builders have also approached the marketing agents. They conclude that they consider the site has been fully exposed to the industrial/warehouse marketplace.

6.6. Whilst the SPD normally seeks a minimum of two years of active marketing and the application site has only been marketed since November 2015 (21 months), taking all of the above factors into account, including the history of residential consents on the site, it is considered that the land is suitable for an alternative use that could make an important contribution to meet other development requirements set out in the BDP.

6.7. Residential Amenity

6.8. Paragraph 123 of the NPPF recognises 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 proposal would introduce new residential development adjacent to an existing industrial workshop though it is already in close proximity to existing residential properties to the north and to the west on the opposite side of Reddings Lane.

- 6.9. A Noise Impact Assessment has been submitted in support of the application and a noise level survey identified that traffic noise on Reddings Lane dominated, though levels reduced further away from the road frontage. It also highlighted that noise level were influenced, but not dominated from neighbouring industrial occupiers as well as plant noise from the adjoining Yardleys School. The assessment concludes that the amenity of future residential occupiers could be adequately controlled through the use of appropriate building construction specifications. It also makes recommendations relating to window and ventilator performance requirements which Regulatory Services raise no objection to subject to the implementation of these recommendations.
- 6.10. Therefore, on the basis that the site can suitably accommodate new residential development, it is considered that the proposal represents an appropriate alternative use on the site and would contribute to meeting the City housing requirements, as identified in Policy PG1 of the BDP.
- 6.11. There is a single residential property adjoining the application site and this is associated with Yardleys School. The closest proposed house would meet the necessary minimum setback and separation distances given in 'Places for Living' SPG in relation to this existing house.
- 6.12. The houses would meet and in a number of cases significantly exceed the minimum garden sizes contained within 'Places for Living' with the exception of one 2 bed house with a rear private garden of 48sqm where 52sqm is sought. This shortfall is relatively minor and only affects a single property and overall the outdoor private garden spaces are acceptable across the development. The houses would broadly meet the minimum gross internal floor areas and bedroom sizes as given in the Technical Housing Standards – National Described Space Standard, though there are some minor shortfalls but not sufficient to warrant a refusal.
- 6.13. Visual Amenity
- 6.14. The proposed layout would create an appropriate small scale cul-de-sac which is suitably enclosed with very limited exposed boundaries to private gardens from the public realm. Convenient parking would be provided to either the front or the side of the properties with front gardens with tree planting to create a balance between soft and hard landscape. The appearance of the house types, whilst fairly simplistic shares characteristics with the surrounding traditional housing stock and also of that to be built as part of the redevelopment of the Eaton Electrical site to the south. The two 4 bed houses would create a strong focal point at the end of the cul-de-sac whilst the detached properties that flank the new access road would have active frontages to its front and side elevations. The proposal would also alter the deep public highway footpath/verge which is currently being used for unauthorised pavement parking, not only to create the new access road and individual footway crossings to the houses fronting Reddings Lane but also the creation of grassed mounds, or similar, to prevent such unauthorised parking. This approach is similar to that undertaken on Olton Boulevard West and would in conjunction with the rest of the development significantly improve the character and quality of the locality.
- 6.15. Highway Safety & Parking

- 6.16. The new access road off Reddings Lane would be a 5.5m wide carriageway with 2m wide footpaths to both sides and all sides of the Y-shaped turning head. 200% parking provision for 2, 3 and 4 bed houses would not exceed the maximum parking standards for housing in this location, as given in 'Car Parking Guidelines' SPD.
- 6.17. It is recognised that there are parking issues in the locality, particularly relating to school pick-up and drop-off periods. The proposal would provide an acceptable level of on-site parking as to not worsen existing parking demands, remove unauthorised pavement parking and also allow capacity for some on-street parking in appropriate locations.
- 6.18. Transportation Development have assessed the proposal and raise no objection subject to conditions, including parking prevention measures to stop inappropriate parking on the new grassed areas fronting Reddings Lane and a Traffic Regulation Order around the junction of Reddings Lane and the new access road.
- 6.19. Section 106 Obligations:
- 6.20. Due to the total number of homes proposed policies seek contributions towards affordable housing and public open space and play facilities. Policy contained within 'Affordable Housing' SPG seeks 35% provision. 'Public open space in new residential development' SPD seeks, where practical to do so, that new public open space is provided on site. In addition, there are circumstances where it may be preferable for the public open space to be provided as an off-site monetary contribution. Such circumstances include new development being in close proximity to existing public open space or it may not be practicable to provide on-site.
- 6.21. The applicant is proposing 100% affordable housing to be secured by means of a Section 106 Agreement in lieu of other planning obligations. In this case it is in lieu of the financial contribution towards public open space and play facilities (£128,675). A Viability Appraisal has been submitted and has been independently assessed on behalf of the Council. This assessment takes into account a number of factors, including development costs and a developer's realistic profit and concludes that the scheme is unable to support any S106 financial contributions based upon 100% of the units being offered as affordable housing to be secured under a S106 Agreement. The independent assessment makes the same conclusion. Undertaking a planning balance exercise considering there is a departure from policy in relation to off-site public open space contributions not being secured, it is considered that the 100% affordable housing offer is acceptable.
- 6.22. Other matters:
- 6.23. A Flood Risk Assessment/Drainage Strategy has been submitted in support of the application and existing surface water appears to have been drained into the Severn Trent Water drainage network. It adds that any flooding in the surface water sewers within Reddings Lane could enter the application site as levels fall from the existing highway into the site. The proposed surface water drainage system would be designed to protect the site from any potential highway flooding from Reddings Lane, with linear drainage channels to the drive fronting Reddings Lane and the on-site highway drainage would be designed to convey flows away from the development. Finish floor levels would also be raised above the proposed on-site highway levels to provide further protection. The assessment identifies that soakaways are not considered feasible due to ground conditions and the nearest watercourse is some 750m away and as such it is proposed to discharge surface

water into the existing public surface water sewer. Regarding the use of SUDS, the use of permeable paving has been discounted on the grounds of viability and surface water rainfall would be attenuated within a private cellular storage crate system with controlled discharge. This is considered acceptable and the Lead Local Planning Authority and Severn Trent Water raise no objection.

- 6.24. Policy TP43 of the Birmingham Development Plan 2017 as well as other wider policies/strategies seek to reduce the City's Carbon footprint and improve air quality. Regulatory Services have suggested a condition is attached requiring the provision of electric vehicle charging points. Whilst such installations are being sought in many developments involving large, shared and non-designated parking, it is considered that these are not necessary for the individual houses with in-plot parking as they could self-service if required.
- 6.25. The condition of the rear boundary wall is noted and whilst there is a boundary treatment condition recommended, any maintenance required to this wall is ultimately a civil matter and not a material consideration in the determination of this application.

7. Conclusion

- 7.1. The proposal would result in a housing scheme, with a S106 Agreement securing 100% affordable housing provision on a parcel of land which is suitable for redevelopment within a sustainable residential location. Its design would improve the character and quality of the locality, safeguard neighbour amenity, provide adequate amenity for future occupiers and have no adverse impact on highway safety. The application is acceptable within the context of the Development Plan and other material considerations. Financial contributions relating to off-site public open space and play facilities would make the scheme unviable and undeliverable. However, applying the planning balance exercise it is considered that the offer of 100% affordable housing is acceptable and planning permission should be granted.

8. Recommendation

- 8.1. Approve subject to the completion of a Section 106 Agreement.
- 8.2. I. That application 2017/05636/PA be deferred pending the completion of a suitable Section 106 Planning Obligation to require:
 - a) A 100% on-site Affordable Housing provision.
 - b) Payment of a monitoring and administration fee of £1,500 associated with the legal agreement.
- II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 29th September 2017 planning permission be REFUSED for the following reason;
 - a) In the absence of the provision of on-site affordable housing the proposal conflicts with Policy TP31 of the Birmingham Development Plan 2017, Affordable Housing Supplementary Planning Guidance and the National Planning Policy Framework (2012).
- III. That the City Solicitor be authorised to prepare, seal and complete the appropriate Section 106 planning obligation.

IV. In the event of the Section 106 Agreement being completed to the satisfaction of the Local Planning Authority on or before 29th September 2017, favourable consideration be given to Application Number 2017/05636/PA, 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 | Requires the prior submission of a sustainable drainage scheme |
| 4 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 5 | Requires the prior submission of a scheme for the disposal of foul and surface water flows |
| 6 | Requires the prior submission of hard and/or soft landscape details |
| 7 | Requires the prior submission of boundary treatment details |
| 8 | Requires the prior submission of sample materials |
| 9 | Requires the prior submission of level details |
| 10 | Requires the implementation of noise mitigation measures |
| 11 | Requires the prior submission of a construction method statement/management plan |
| 12 | Requires the prior installation of means of access |
| 13 | Prevents occupation until the service road has been constructed |
| 14 | Requires the prior submission of a residential travel plan |
| 15 | Requires pedestrian visibility splays to be provided |
| 16 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 17 | Requires the scheme to be in accordance with the listed approved plans |
| 18 | Implement within 3 years (Full) |
-

Case Officer: Peter Barton

Photo(s)

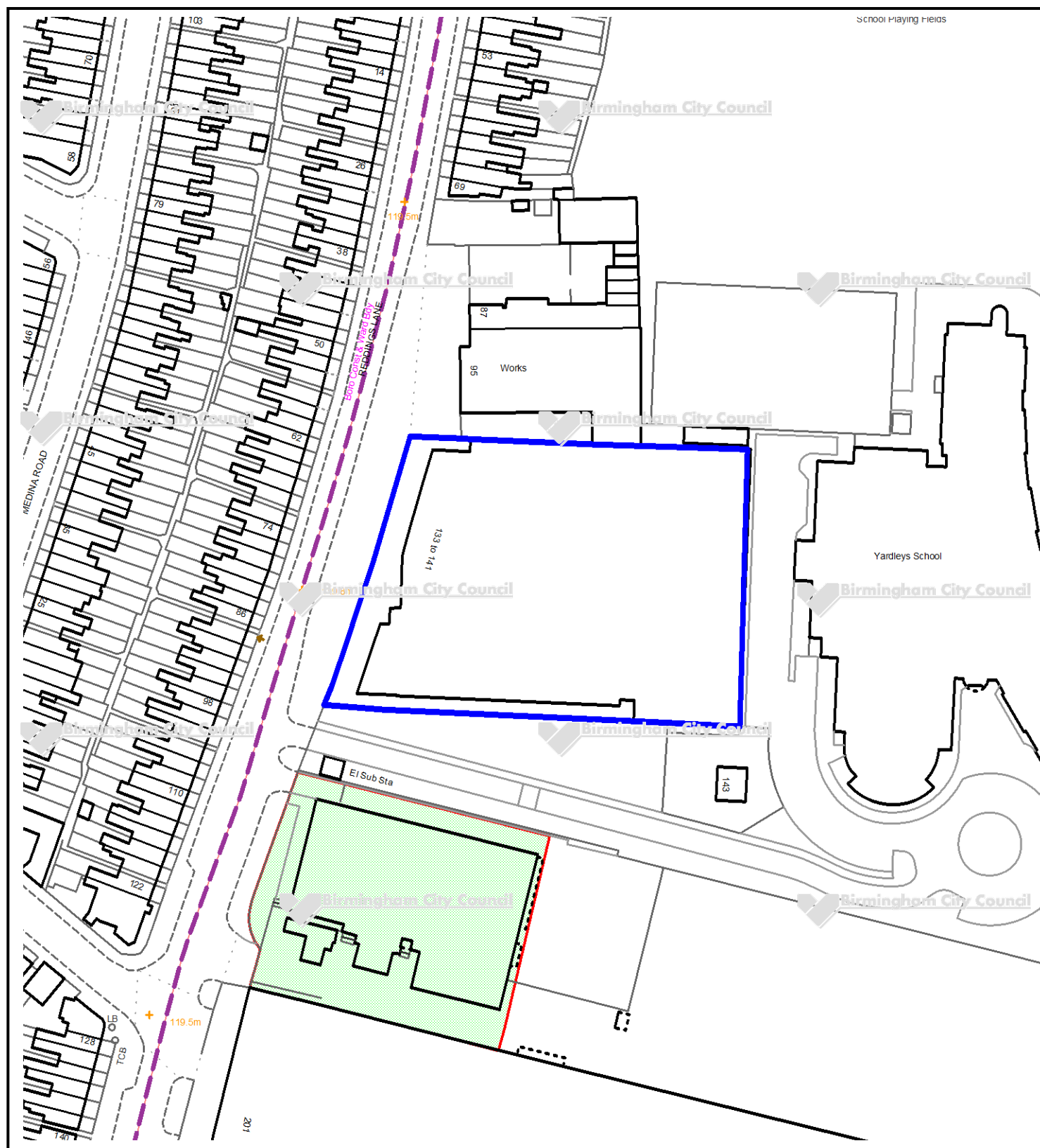


Photo 1 – Site's Reddings Lane frontage



Photo 2 – View of cleared site with Yardleys School in the background

Location Plan



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Committee Date:	31/08/2017	Application Number:	2017/05635/PA
Accepted:	26/06/2017	Application Type:	Full Planning
Target Date:	31/08/2017		
Ward:	Stechford and Yardley North		

Cockshut Hill School, Cockshut Hill, Yardley, Birmingham, B26 2HX

Alterations to front boundary treatment including replacement fencing and gates

Applicant:	Cockshut Hill School Cockshut Hill, Yardley, Birmingham, B26 2HX
Agent:	Faithful+Gould The Axis, 10 Holliday Street, Birmingham, B1 1TF

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Planning permission is sought for alterations and an upgrading of the front boundary treatment of Cockshut Hill School in response to improved safeguarding principles which would include replacement fencing and gates fronting Cockshut Hill.
 - 1.2. The applicant has submitted a supporting statement which states that the existing fence and gate boundary does not provide a safe and secure front boundary due to the style and height of the existing boundary treatment which can easily be climbed enabling unauthorised access and egress. The proposed replacement fencing and gates seeks to address this issue by providing a secure yet transparent boundary treatment along Cockshut Hill. The proposed paladin fencing would offer a largely open profile enabling up to 84% transparency within the proposed 0.2m x 0.05m grid pattern.
 - 1.3. The existing 0.7m (H) wrought iron railings fence over an existing retaining wall and the existing 1.6m (H) palisade fence along the front boundary of Cockshut Hill would be replaced by a grey powder coated paladin fence with a 0.2m x 0.05m mesh grid pattern with 6mm vertical strands and 8mm double horizontal wires. The existing brick piers would be reduced in height to marry with the existing height of the retaining wall. The proposed paladin fence height would range from 2.3m (H) to 2.7m (H) above the pavement points to accommodate the site boundary pavement sloping conditions.
 - 1.4. A 0.7m (H) grey powder coated paladin fence would also be installed above the existing retaining wall to marry with the height of the proposed 2.3m (H) to 2.7m (H) paladin fence.
 - 1.5. The proposed paladin fencing would be attached to a 0.06mm x 0.04mm galvanised grey powder coated double rake post which would be fixed to the existing wall.

- 1.6. All the existing 7 no. 1.8m (H) palisade gates and posts would be replaced by 2.3m (H) manual vehicle gates which would have a powered coated grey colour with a 0.05m box steel frame with 0.2m x 0.05m grid pattern panels over to match the proposed paladin fencing.

- 1.7. [Link to Documents](#)

- 2. Site & Surroundings

- 2.1. The application site comprises Cockshut Hill Technology School and associated playground, car park and playing field. The site is bordered by Cockshut Hill to the west, Billingsley Road to the east and Garretts Green Lane to the south. The school is enclosed by a low brick walls and railings with hedging around the playing field to the southern part of the site. The surroundings are predominantly residential, with a retail use to the north and retail, food and drink uses and a day nursery located to the southwest on Garretts Green Lane.

- 2.2. [Site Location](#)

- 3. Planning History

- 3.1. None of relevance.

- 4. Consultation/PP Responses

- 4.1. Local Ward Councillors, Residents Associations and surrounding occupiers notified. No objections received.
- 4.2. Councillor Eustace has requested that this application be determined by Members of Planning Committee.
- 4.3. Transportation Development – no objection.
- 4.4. Regulatory Services – no objection.

- 5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), Places for All SPG and the NPPF.

- 6. Planning Considerations

- 6.1. I regard the main consideration to be the impact of the proposals on visual amenity and highway safety.

VISUAL AMENITY

- 6.2. The proposed replacement fence and gates would be located directly in front of the houses on the opposing side of Cockshut Hill, with a separation distance of approximately 21m (L). The proposed replacement gates would also maintain an acceptable level of transparency. The proposed Paladin fencing would offer a largely open profile enabling up to 84% transparency which would establish a largely unobtrusive feature which would maintain an acceptable level of open nature and views onto the site through the largely open grid pattern of the Paladin style fencing and would not become a dominant and incongruous visual feature on the street

scene and public realm. It is therefore considered that the proposal would not have a detrimental impact on the visual amenity of the surrounding area by virtue of siting, colour, scale and design.

HIGHWAY SAFETY

- 6.3. Transportation Development has raised no objection to the proposal. I consider the proposal would not have a detrimental impact on highways and pedestrian safety in terms of visibility.

7. Conclusion

- 7.1. I raise no objections to the proposed replacement fence and gates in terms of visual amenity or highway safety.

8. Recommendation

- 8.1. Approve subject to conditions.

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

2 Implement within 3 years (outline)

Case Officer: Harjap Rajwanshi

Photo(s)

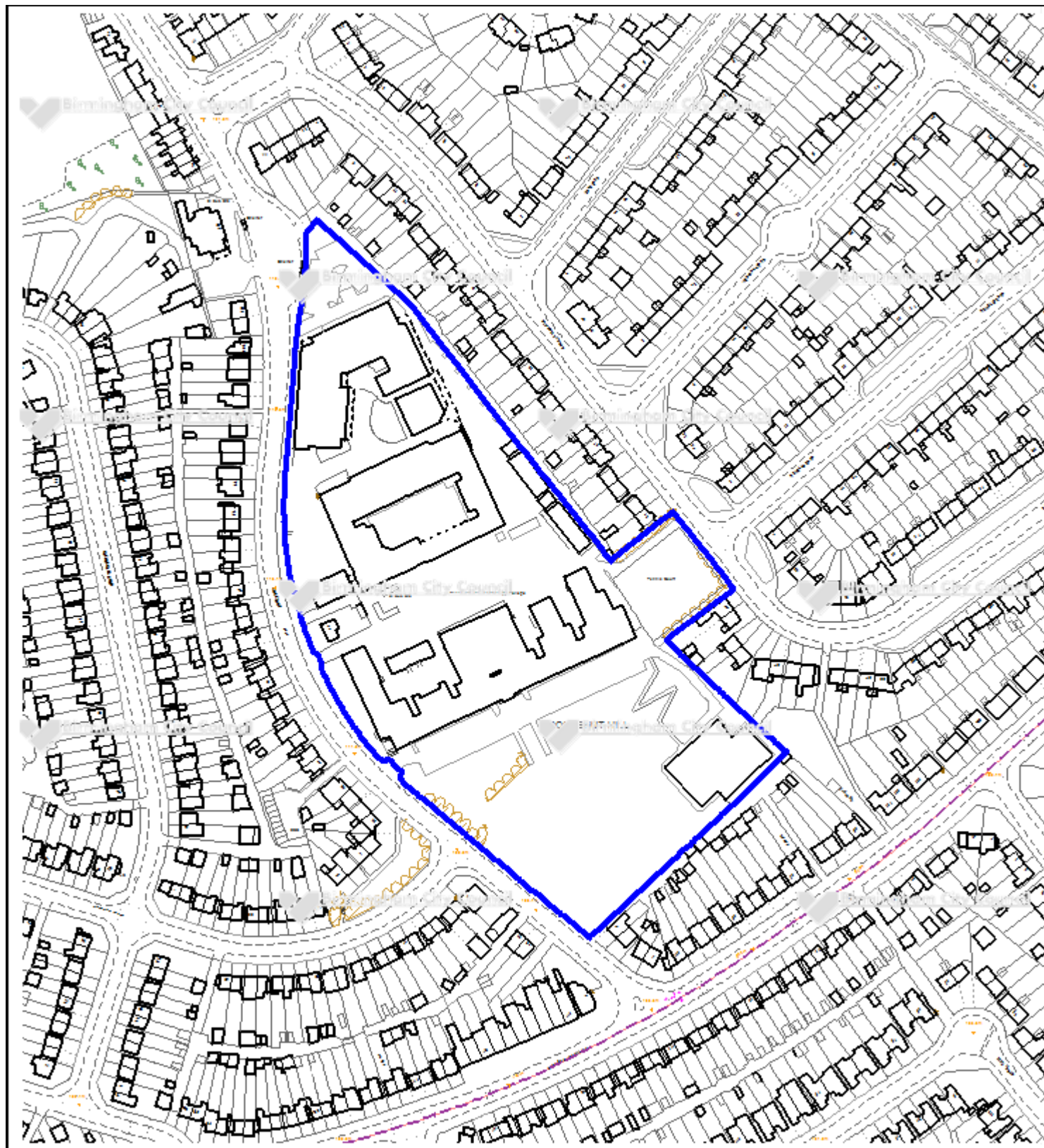
Existing 0.7m (H) Railings Fence



Existing Gate 1 Entrance and 1.6m (H) Palisade Fence



Location Plan



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BIRMINGHAM CITY COUNCIL

REPORT OF CORPORATE DIRECTOR, ECONOMY PLANNING COMMITTEE – 31st AUGUST 2017

SIMPLIFIED PLANNING ZONE KINGS NORTON BUSINESS CENTRE, BIRMINGHAM

1. Subject and Brief Summary of Proposals

- 1.1 This report advises your Committee of progress with the proposal to continue the Simplified Planning Zone (SPZ) at Kings Norton Business Centre.
- 1.2 SPZ's are areas in which planning permission is granted in advance for defined types of development (in this case, Class B1 Business Use, Class B2 General Industrial Use, and Class B8 Storage or Distribution Use). The details and relevant conditions are set out in the SPZ document, and the designation lasts for a 10 year fixed period.
- 1.3 Two SPZ designations have been in operation in this location over the past 20 years. The first SPZ scheme was effective between November 1998 and 2008. Due to the success of the original SPZ, both the City Council and the owners of the site agreed to review and extend the SPZ for a second ten year period, which expires on 4th October 2017.
- 1.4 A request has been received from the owners of the Business Centre to extend the SPZ for a further 10 year period, until 4th October 2027.
- 1.5 A draft revised SPZ document was prepared and reported to this committee on 15th June, and approved for statutory consultation in accordance with Section 28 and Schedule 5 of the Planning and Compensation Act, 1991, and the Town and Country Planning (Simplified Planning Zones) Regulations 1992 (as amended).
- 1.6 The statutory six week consultation period was commenced on Friday 23rd June, and ended on Friday 4th August. 5 responses were received, and a number of minor non-material changes are proposed to be made to the SPZ document as a result.
- 1.7 A statement of consultation details, including responses received, minor non-material changes made, and reasons is attached at Appendix 1. A copy of the final SPZ Document is attached at Appendix 2, and the equalities assessment at Appendix 3.

2. Recommendations

- 2.1 That the outcome of the consultation is noted and the finalised SPZ document is approved for adoption in accordance with statutory procedures, as set out in the Town and Country Planning (Simplified Planning Zones) Regulations 1992 (as amended).
- 2.2 That a Notice of Intention to Adopt is published on 6th September, giving a statutory 28 day notice period to adopt the SPZ for a further 10 year period commencing on 4th October 2017 and expiring on 4th October 2027.
- 2.3 Subject to no intervention from the Secretary of State, that a Notice of Adoption is published on 4th October 2017 and the SPZ brought into effect on that date.

3. Contact Officer

Keith Watson, Planning and Regeneration
Tel: 0121 303 9868
Email: keith.a.watson@birmingham.gov.uk

4. Background

- 4.1 The legal basis for the creation of an SPZ is found at Sections 82 to 87 of the Town and Country Planning Act 1990. The adoption procedures were streamlined by Section 28 and Schedule 5 of the Planning and Compensation Act, 1991, which came into force in November 1992.
- 4.2 Section 83 of the Town and Country Planning Act requires local planning authorities to consider whether part or parts of their area will benefit from designation of an SPZ, to prepare schemes and to keep the matter under review. Any person can request the Local Planning Authority to make or alter an adopted SPZ.
- 4.3 There has now been a 20 year history of the Kings Norton SPZ. During that time, the owners have invested in new and refurbished premises, and have managed the estate to a high standard. Extending the designation will continue this position, bringing certainly and facilitating continuing investment in Kings Norton Business Centre for the next 10 years.
- 4.4 Following approval by this committee on 15th June 2017, formal consultation has now been undertaken on the draft SPZ. The following actions were required, and have been completed:
 - Publication of a Press Notice for two successive weeks in the Birmingham Mail, and once in the London Gazette;
 - Site Notices displayed around the SPZ area;
 - Notification letters sent to all land owners and occupiers of premises within and adjacent to the SPZ area;
 - Consultation letters to statutory consultees as defined by Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015;
 - Copies of the relevant documents made available on the Council's Website (page published with the relevant information and a link to comment online via BeHeard),
 - Copies of the relevant documents made available for inspection during normal office hours (at 1 Lancaster Circus);
 - A statutory consultation period of six weeks is required – this was undertaken between 23rd June and 4th August 2017.
- 4.5 At the end of the statutory consultation period, 5 consultation responses had been received. As a result, 16 minor non-material changes have been made to the SPZ document, mainly concerning matters of technical detail. It is not considered that a local inquiry is necessary, under the provisions of the relevant Regulations.
- 4.6 A statement of consultation details, including responses received, minor non-material changes made, and reasons is attached at Appendix 1. A copy of the final SPZ Document is attached at Appendix 2, and the equalities assessment at Appendix 3.
- 4.7 In order to adopt the updated SPZ for a further 10 year period, a Notice of Intention to Adopt must be published, giving 28 days' notice. Subject to Planning Committee

approval, it is intended to publish the Notice of Intention to Adopt on 6th September to ensure that the SPZ continues in effect seamlessly on 4th October.

- 4.8 Formal notification of adoption must be published at the end of the 28 day notice period, which will be on 4th October. The SPZ will then be in operation for a further 10 year period until 4th October 2027.

5. Conclusion

- 5.1 It is considered that the SPZ achieves an appropriate balance between streamlining the planning system and promoting economic growth in this area, in line with the aspirations of the Birmingham Development Plan. It maintains an established mechanism for encouraging investment, improving the character and quality of the area and protecting public and highway safety, residential amenity, and environmental assets. Continuing the SPZ for a further 10 years gives certainty for future investment interest from local businesses and ultimately leads to the creation of new jobs in this important employment location.

Kings Norton SPZ: Schedule of Consultation Responses, August 2017

Question 1: Do you agree with the Principle of renewing the SPZ for another 10 years?

Response from:	Comments	LPA Response	Action	Ref	Date Received	Files
Network Rail	<p>Thank you for the opportunity to provide feedback to the proposed policy.</p> <p>Network Rail owns, maintains, renews and enhances the railway infrastructure in England, Wales and Scotland.</p> <p>Network Rail would comment as follows:</p> <p>I am sure you are aware that Network Rail is a statutory consultee for any planning applications within 10 metres of relevant railway land (as the Rail Infrastructure Managers for the railway, set out in Article 16 of the Development Management Procedure Order)</p> <p>In light of the above we would request that the Kings Norton SPZ group should contact Network Rail for any proposals within the area to ensure that:</p> <p>(a) Access points / rights of way belonging to Network Rail are not impacted by developments within the area.</p> <p>(b) That any proposal does not impact upon the railway infrastructure / Network Rail land e.g.</p> <ul style="list-style-type: none"> • Drainage works / water features • Encroachment of land or air-space • Excavation works • Siting of structures/buildings less than 2m from the Network Rail boundary / Party Wall Act issues • Lighting impacting upon train drivers ability to perceive signals • Landscaping that could impact upon overhead lines or Network Rail boundary treatments • Any piling works • Any scaffolding works • Any public open spaces and proposals where minors and young children may be likely to use a site which could result in trespass upon the railway (which we would remind the council is a criminal offence under s55 British Transport Commission Act 1949) • Any use of crane or plant • Any fencing works • Any demolition works • Any hard standing areas <p>For any proposal adjacent to the railway, Network Rail would request that a developer constructs (at their own expense) a suitable steel palisade trespass proof fence of at least 1.8m in height – acoustic fencing would not be acceptable at this location.</p> <p>We would request that the Kings Norton SPZ authority / group when submitting proposals for a development contact Network Rail's Town Planning Team and include a location plan and a description of the works taking place for review and comment.</p> <p>All initial proposals and plans should be flagged up to the Network Rail Town Planning Team London North Western Route at the following address:</p> <p>Town Planning Team LNW Network Rail</p>	Noted.	Add comments to Appendix 3.	001/1	23/6/2017	S:\Kings Norton SPZ\Consultation\Consultation Responses\001 Network Rail 2017.06.23.pdf

	<p>1st Floor Square One 4 Travis Street Manchester M1 2NY</p> <p>Email: TownPlanningLNW@networkrail.co.uk</p>					
<p>Plant Protection Cadent Block 1; Floor 1 Brick Kiln Street Hinckley LE10 0NA</p>	<p>Thank you for your enquiry which was received on 23/06/2017.</p> <p>An assessment has been carried out with respect to Cadent Gas Ltd, National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus. For details of Network areas please see the Cadent website (http://cadentgas.com/Digging-safely/Dial-before-you-dig) or the enclosed documentation.</p> <p>Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.</p> <p>If the application is refused for any other reason than the presence of apparatus, we will not take any further action.</p> <p>Please let us know whether Plant Protection can provide you with technical or other information that may be of assistance to you in the determination of the application.</p> <p>Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.</p> <p>Your Responsibilities and Obligations</p> <p>The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location. It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.</p> <p>This assessment solely relates to Cadent Gas Ltd, National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) and apparatus. This assessment does NOT include:</p> <ul style="list-style-type: none"> • Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection. • Gas service pipes and related apparatus • Recently installed apparatus • Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc. • It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982). <p>This communication does not constitute any formal agreement or consent for any</p>	Noted.	Add comments to Appendix 3.	002/1	29/6/2017	<p>S:\Kings Norton SPZ\Consultation\Consultation Responses\002 National Grid - Gas Email 2017.06.29.pdf</p> <p>S:\Kings Norton SPZ\Consultation\Consultation Responses\ 002 National Grid - Gas Tech details 2017.06.29.pdf</p>

	<p>proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.</p> <p>Cadent Gas Ltd, NGG and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.</p> <p>If you require further assistance please contact the Plant Protection team via e-mail or via the contact details at the top of this response.</p> <p>Assessment</p> <p>Affected Apparatus</p> <p>The apparatus that has been identified as being in the vicinity of your proposed works is:</p> <ul style="list-style-type: none">• Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity).• Above ground gas sites and equipment. <p>Requirements</p> <p>BEFORE carrying out any work you must:</p> <ul style="list-style-type: none">• Note the presence of an Above Ground Installation (AGI) in proximity to your site. You must ensure that you have been contacted by Cadent and/or National Grid prior to undertaking any works within 10m of this site.• Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.• Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.• Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at http://www.hse.gov.uk• In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken. <p>Guidance</p> <p>Excavating Safely - Avoiding injury when working near gas pipes: http://www.nationalgrid.com/NR/rdonlyres/2D2EEA97-B213-459C-9A26-18361C6E0B0D/25249/Digsafe_leaflet3e2finalamends061207.pdf</p> <p>Standard Guidance Essential Guidance document: http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982 General Guidance document: http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=35103 Excavating Safely in the vicinity of gas pipes guidance (Credit card): http://www.nationalgrid.com/NR/rdonlyres/A3D37677-6641-476C-9DDAE89949052829/</p>					
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	<p>44257/ExcavatingSafelyCreditCard.pdf Excavating Safely in the vicinity of electricity cables guidance (Credit card): http://www.nationalgrid.com/NR/rdonlyres/35DDEC6D-D754-4BA5-AF3CD607D05A25C2/ 44858/ExcavatingSafelyCreditCardelectricitycables.pdf Copies of all the Guidance Documents can also be downloaded from the National Grid Website: http://www.nationalgrid.com/uk/Gas/Safety/work/downloads/</p>					
Canal & River Trust	The Canal & River Trust is keen to ensure that the canal corridor is adequately protected from adverse development over the next ten years; the canal has a range of benefits: as a sustainable off-road commuting route; as a leisure and recreation resource; as a means to assist health and wellbeing; as a biodiversity corridor rich in wildlife and habitat benefits; and as a social and cultural heritage asset of importance locally and nationally. As such, it is recognised in the Birmingham City Plan 2031 as a resource of importance, worthy of protection and enhancement, in a variety of ways. Such protection should extend to and include the quality of the water environment, the stability and structural integrity of the waterway infrastructure and the visual amenity of the outlook from the canal corridor for canal users. Providing these interests can be adequately protected by means other than the usual planning process, then the Canal & River Trust has no objection to the principle of a SPZ.	Noted.	No change.	005/1	04/07/2017	S:\Kings Norton SPZ\Consultation\Consultation Responses\005 Canal & River Trust 2017.07.04.pdf

Question 2: Do you have any views on the Details of the Scheme (page 10 of the document)?

Response from:	Comments	LPA Response	Action	Ref	Date Received	Files
BCC Planning Management	Clarify that Permitted Development rights apply as normal within the SPZ.	Agreed.	Add “with the exception of Permitted Development under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).” to the Normal Planning Procedures paragraph on page 14. (Page 16 of final copy)	003/1	05/07/2017	None. This arises from an internal consultation meeting to discuss the draft SPZ document.
Environment Agency	See below.					
Canal & River Trust	The Canal & River Trust supports the identification, protection and improvement of landscaped zones within the urban area and the business centre specifically. More detail is included later in relation to the appendices.	Noted.	No change.	005/2	04/07/2017	S:\Kings Norton SPZ\Consultation\Consultation Responses\005 Canal & River Trust 2017.07.04.pdf

Question 3: Do you have any views on the Planning Conditions (page 12 of the document)?

Response from:	Comments	LPA Response	Action	Ref	Date Received	Files
Environment Agency	See below.					
Canal & River Trust	<p>Condition 1 – no definition of what constitutes ‘adequate’ provision for car parking is given. It is noted that there are references in appendix 2 to City Council standards – these could be more explicit or referenced within the condition. The Canal & River Trust is keen to ensure that any parking located in close proximity to the canal corridor is designed and implemented in such a way that screening is in place, both for the visual amenity of canal corridor users and as a means of preventing vehicles from entering the water. It is important to ensure sufficient parking is provided properly in order that ad hoc parking does not cause negative impacts on the canal environment.</p> <p>Condition 5 - more information around how sites are to be drained and where to would assist in protecting the water environment – this condition is not clear about whether it requires the installation of SUDS or a connection to the main sewer, nor</p>	Noted.	<p>No change – the reference in appendix 2 is sufficient and allows flexibility should car parking standards change in the future.</p> <p>No change.</p>	005/3	04/07/2017	S:\Kings Norton SPZ\Consultation\Consultation Responses\005 Canal & River Trust 2017.07.04.pdf

	<p>does it provide a way of ensuring that whatever solution is implemented is sufficient to deal with the drainage and to protect the quality of the surrounding water environment. Drainage systems need to be adequate in terms of catching, controlling and filtering water flows in order to prevent contaminants entering the water environment.</p> <p>Condition 7 – the Canal & River Trust welcome the lower maximum height along the canal frontage and the inclusion of plant and machinery within this – general improvements to this frontage via softening of and planting along boundary treatments would assist over time – this could be included as guidance in the landscaping appendix (see later)</p> <p>Condition 12 – whilst it is welcomed that developers are required to consult with the Canal & River Trust prior to commencing works in certain circumstances, there is a lack of clarity around this consultation process, and whether there is any requirement for developers to comply with any advice/guidance that we might provide and whether an appropriate timeframe for dialogue would be given. Further, there is no reference to appendix 3, which might assist, especially if further advice and guidance on the process were included there.</p> <p>Condition 13 - boundary treatment – it is unclear whether this relates solely to buildings and structures or whether it also relates to boundary treatments around plots within the business centre. Again, guidance on appropriate canalside materials and boundary treatments could be provided by the Canal & River Trust for inclusion at appendix 1.</p> <p>Conditions 17-19 regarding contamination – the Canal & River Trust ask that when considering these details, the City Council take into account the potential impact of any contamination on the water environment, especially any potential contamination of the canal corridor, in order that this is mitigated and prevented. The Canal & River Trust is keen to ensure that the canal must be identified as a potential sensitive receptor and any potential negative impacts eliminated/minimised.</p> <p>Condition 20 – the Canal & River Trust is pleased to see consideration of surface water discharge methods, and we suggest that this should include the drainage methods used in the parking provision as noted in condition 1, for completeness.</p> <p>Lighting - The Canal & River Trust advise that waterside lighting affects how the waterway corridor is perceived, particularly when viewed from the water, the towpath and neighbouring land. Lighting can lead to unnecessary glare and light pollution if it is not carefully designed. Generally, we seek to prevent floodlighting of the canal corridor to protect these interests and to encourage biodiversity, especially nocturnal species. We request that an additional condition be included that requires any external lighting of the business park to be designed positively and avoid any unwelcome floodlighting by directing external lighting downwards and away from the canal corridor.</p> <p>Other permissions and licences - Whilst there may be no listed buildings, scheduled ancient monuments or conservation areas within the business centre, the canal corridor is itself a non-designated heritage asset and designated heritage assets exist in close proximity to the business centre. Development in their vicinity should identify these and any potential impact upon them when being proposed.</p>		<p>No change.</p> <p>Add “and compliance with any advice/guidance agreed” to the end of condition 12. (Page 15 of final copy)</p> <p>No change. Appendix 1 contains sufficient detail.</p> <p>Add “and any sensitive receptors” to condition 17.</p> <p>No change. Condition 20 contains sufficient detail.</p> <p>No change.</p> <p>No change.</p>			
Question 4: Do you have any views on the Operation of the SPZ (page 16 of the document)?						
Response from:	Comments	LPA Response	Action	Ref	Date Received	Files
Environment Agency	<p>The Environment Agency is however in possession of detailed modelling of the River Rea which shows flood risk within the boundary of the SPZ.</p> <p>Most of the site is located in low risk Flood Zone 1 but parts of the site are situated in medium and high risk Flood Zones 2 & 3 along Worcester and Birmingham</p>	Noted.	Amend context section on page 8 to include a new heading on flood	004/1	21/07/2017	S:\Kings Norton SPZ\Consultation\Consultation Responses\004 Environment Agency 2017.07.21.pdf

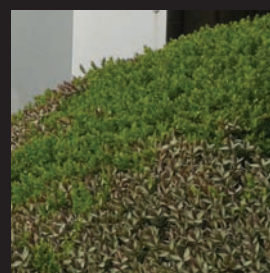
	<p>Canal and the River Rea to the south. This is where parts of the Business Use sub-zone, Industrial Use sub-zone and Landscape sub-zone are situated.</p> <p>All development in Flood Zone 2 and 3 is required by the National Planning Policy Framework (NPPF) to complete a site specific Flood Risk Assessment (FRA) which demonstrates that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The Sequential Test will also be required to consider whether there is the possibility of locating the development in an area at lower risk of flooding.</p> <p>Further to this, there must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of any bank of the River Rea. This is to maintain access to the River Rea for maintenance or improvements to provide for overland flood flows and to avoid adverse impact on flood storage.</p> <p>In light of this, it is currently unclear the extent which this land can be developed. In order to address this uncertainty, we recommend that development within this zone is restricted to the extent that full planning permission is required (or removed from SPZ boundary) and be supported by a site-specific FRA. Without detailed assessment of flood risk supporting this SPZ consultation, we are unable to provide assurance that the principle of developing this land is acceptable, and that development can come forward safely and in line with the NPPF.</p> <p>Alternatively, should you wish to keep this land within the SPZ, detailed assessment of this land should be undertaken now to support development within this zone, and to demonstrate that any development of this land is deliverable. This should look at the site-specific risk attached to this land and the proposed end use, and establish design/layout principles that will need to be adhered to and detailed within conditions in the SPZ document. In light of this, we recommend the following draft conditions are amended to further restrict development in the floodplain:</p> <p>We recommend that condition 11 on page 13 is reworded to: “Except by agreement in writing with the Local Planning Authority no development shall be undertaken on any land shown to lie within Flood Zones 2 or 3 as shown on the Environment Agency’s Floodmap for Planning or on any land lying between the River Rea and a line measured at horizontal distance of 8 metres from, and parallel to, the top edge of the northern bank of the river channel.”</p> <p>We recommend that paragraph ii of ‘Landscape Sub-Zones’ on page 18 is reworded to: “Except by agreement in writing with the Local Planning Authority no development shall be undertaken shown to lie within Flood Zones 2 or 3 as shown on the Environment Agency’s Floodmap for Planning or on any land lying between the River Rea and a line measured at horizontal distance of 8 metres from, and parallel to, the top edge of the northern bank of the river channel.”</p> <p>Please note, the draft conditions previously referenced at 7m easement. At this location we would require an 8m easement, therefore this has been amended.</p> <p>Our floodmap for planning can be found online at https://flood-map-for-planning.service.gov.uk/</p> <p>Further advice on how to take flood risk into account when making planning decisions can be found in the planning guidance at</p>		<p>risk, containing this information.</p> <p>Add new plan 3 after the Planning Conditions section, to identify current Flood Zone 2 and 3 areas, with caveat referring to the flood map for planning online at https://flood-map-for-planning.service.gov.uk/ (now pages 10/11 of final copy)</p> <p>Retain SPZ boundary. Add paragraph to ‘The Planning Permission’ section to make it clear that any proposed development within Flood Zone 2 and 3 will require agreement between the developer, the City Council and the Environment Agency on a site specific Flood Risk Assessment.</p> <p>Amend condition 11 to read “No development shall be undertaken without a site specific Flood Risk Assessment agreed in writing with the Local Planning Authority and the Environment Agency, on any land shown to lie within Flood Zones 2 or 3 as shown on the Environment Agency’s Flood map for Planning, or on any land lying between the River Rea and a line measured at horizontal distance of 8 metres from, and parallel to, the top edge of the northern bank of the river channel.”</p> <p>Amend paragraph ii of ‘Landscape Sub-Zones’ accordingly.</p> <p>Noted – see revised condition 11.</p> <p>Add references under new flood risk heading in the Context section.</p>			
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	<p>https://www.gov.uk/guidance/flood-risk-and-coastal-change</p> <p>The fourth bullet point in 'Other Permissions and Licences', page 14, should be amended such that it refers to the Environmental Permitting (England and Wales) Regulations 2016 rather than the Land Drainage Act 1991.</p> <p>Contamination Issues: Please note these comments relate solely to the protection of 'Controlled Waters'. There is no objection in principle to conditions 17 – 19. Condition 17 should however refer to a 'survey of ground conditions (soil and groundwater where encountered)' rather than just a 'soil survey' in order to make it clear that they should sample groundwater if it is encountered. It could be the case that soils are relatively clean and only groundwater has been impacted significantly. This condition could also refer to the contaminated land pages on GOV.UK.</p>		<p>Amend text accordingly, now on page 16 of final copy.</p> <p>Amend condition 17 accordingly.</p>			
Canal & River Trust	The Canal & River Trust asks that it be notified of CLOPUDs within our notified area in order that any potential impacts on the canal network can be addressed directly with developers as necessary/appropriate outside the planning arena. The Canal & River Trust asks that the planning register relating to developments carried out under the SPZ be made publicly available on the Council's website in order that developments can be identified easily. The references in para 2 of this section would benefit from being updated to remove any potential confusion (the GDPO was replaced by the DMPO in 2015).	Noted.		005/4	04/07/2017	S:\Kings Norton SPZ\Consultation\Consultation Responses\005 Canal & River Trust 2017.07.04.pdf

Question 5: Do you have any views on the Appendices in the SPZ document?

Response from:	Comments	LPA Response	Action	Ref	Date Received	Files
Canal & River Trust	<p>Appendix 1 – no guidance has been included on landscaping at the back of the towpath adjacent to the canal corridor. The softening of the boundary of the canal corridor with planting aids the biodiversity benefits of the corridor as well as providing good visual screening for those using the water and the towpath. The Canal & River Trust has been encouraging planting across the city to enhance habitats and wildlife and is keen to see this continued. Schemes should include native and flowering plants, shrubs and trees of value to pollinators.</p> <p>Appendix 2 – no guidance on how to screen and minimise the visual impact of any parking that might be proposed adjacent to the canal has been included, or suggestions of how schemes might be laid out to minimise such visual impacts. It would be helpful if reference could be made to guidance being provided by the Canal & River Trust on a site-specific basis in response to developers' proposals.</p> <p>Appendix 3</p> <ul style="list-style-type: none"> The reference to British Waterways in the list of consultees should be updated to refer to the Canal & River Trust. Our contact details have recently changed and are now as follows – please update them: <p>Canal & River Trust Fradley Junction Alrewas Burton-Upon-Trent Staffordshire DE13 7DN planning@canalrivertrust.org.uk 0303 040 4040</p> <ul style="list-style-type: none"> Our requirements for consultation are as follows: We wish to be consulted on all proposals located within 150m of the canal water. This is largely consistent with our current notified area for which we are a statutory consultee. If there is any doubt, please seek advice from the Canal & River Trust on the need to consult using the contact details above. <p>The Canal & River Trust are keen to protect the water quality of the canal</p>	<p>Noted.</p> <p>Agreed.</p>	<p>No change. The boundary of the canal corridor is formed by a large brick wall, which is expected to remain for security.</p> <p>Update appendix 3 accordingly.</p>	005/5	04/07/2017	S:\Kings Norton SPZ\Consultation\Consultation Responses\005 Canal & River Trust 2017.07.04.pdf

	<p>environment, the structural integrity of the waterway, biodiversity and the visual amenity of our customers, and therefore details of development proposals, their construction methods, foundation details, drainage details, planting/landscaping and boundary treatments details, materials and finishes are important to the Trust, but this is not to be taken as an exhaustive list. All opportunities to enhance the waterway should be maximised and the Trust will seek to advise on how best to achieve this as part of any proposed developments.</p> <p>Any existing arrangements for access in relation to maintenance of the waterway should be retained and accommodated within development proposals. The Trust will seek to prevent the construction of structures over manholes and other access infrastructure.</p> <p>The Trust will also seek to advise on any other consents/licences that might be required from us as part of any development proposals.</p>					
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Kings Norton Business Centre

Simplified Planning Zone (SPZ)

August 2017

Contact

Planning and Regeneration
Economy Directorate
Birmingham City Council

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planningandregenerationenquiries@birmingham.gov.uk

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Foreword

The Kings Norton Business Centre is an important employment location in the south of the City. As part of our strategy for economic growth, it is important to ensure that we have high quality employment sites that meet the needs of the market. This is an important location for growing businesses, stimulating inward investment and generating much needed employment opportunities for both local communities and the wider region.

Our commitment to the Kings Norton Business Centre has seen a Simplified Planning Zone (SPZ) in place for twenty years, facilitating regeneration and improvements to maintain the success of the centre and its quality environment. Renewing the SPZ for a further 10 year period reflects the desire to continue with a rolling refurbishment/redevelopment of the estate, assisted by an expedited planning process. This gives certainty for future investment in local business and ultimately leads to the creation of new employment opportunities in this important location.

This document will continue an established approach to investment in the Kings Norton Business Centre, securing an attractive business environment for both new and existing businesses, to the benefit of the wider community.



Councillor Ian Ward
Deputy Leader
Birmingham City Council

Introduction

This document sets out the terms governing the implementation of a Simplified Planning Zone (SPZ) for Kings Norton Business Centre. The first SPZ scheme was effective between 5th November 1998 and 2008. Due to the success of the original SPZ, both the City Council and the owners of the site agreed to review and extend the SPZ for a second ten year period until October 2017. This is the third generation of the SPZ, intended to operate for another ten years, until 2027.

It is located approximately 9.7km (6 miles) to the south of Birmingham City Centre. Access to the City Centre and the M42/M40 (to the south) is provided by Pershore Road South (A441), Kings Norton Railway Station is located to the west of the site, see Plan 1.

Kings Norton Business Centre comprises an industrial and business estate of approximately 23.5 ha (58 acres) in the single ownership of HEREF Merlin Kings Norton Ltd. At present the Business Centre contains a total built floor area of approximately 74,570 square metres (802,373 sq ft), 13% of which was constructed before 1960. More recently significant new development has taken place. The renewal of this SPZ will ensure this process of regeneration continues.

The SPZ boundary is largely defined by the railway to the north, the Worcester and Birmingham Canal and River Rea to the south, Pershore Road South to the west and Lifford Lane to the east. Vehicular access is taken from Pershore Road South and Lifford Lane.

Plan 2 defines the extent of the SPZ; the planning permission described on pages 10-11 applies within this designated area. The revised SPZ scheme, for Kings Norton Business Centre comes into effect on 4th October 2017 and will be in operation for a ten year period, ending on 4th October 2027.



Kings Norton Business Centre



Context

Legal Basis

The legal basis for the creation of an SPZ is found at Paragraph 82 of the Town and Country Planning Act 1990. The adoption procedures were streamlined by Section 28 of the Planning and Compensation Act, 1991, which came into force in November 1992.

Key Features of the SPZ Scheme

SPZ's are areas in which planning permission is granted in advance for defined types of development. Provided the development proposed complies with the SPZ scheme, there is no need to obtain planning permission in the normal way.

The Planning legislation requires local planning authorities to consider whether part or parts of their area will benefit from designation of an SPZ, to prepare schemes and to keep the matter under review. Any person can request the local planning authority to make or alter an adopted SPZ.

The original SPZ at Kings Norton has four major advantages as far as the owner and the occupiers of the estate are concerned, which continue to remain relevant. These are:

- Flexibility – subject to compliance with SPZ scheme, the owner is in a position to respond quickly and effectively to changes in market demands and tenants' requirements;
- Certainty – the SPZ clarifies the types of development acceptable to the City Council and provided the proposal accords with the scheme, detailed planning approval will not be required. This helps foster confidence in investment at the Business Centre;

- Speed – the developer does not have to obtain individual planning permissions for compliant proposals, thus reducing administrative burdens and assisting the overall redevelopment of the Business Centre; and
- Marketability – the SPZ has enhanced the marketability and perception of southern Birmingham as a focus for business and employment investment.

The City Council and the owners believe that a new SPZ at Kings Norton will help continue to attract new investment and job opportunities and encourage greater business confidence in the area.

The SPZ scheme comprises this Written Statement and Proposals Map. The Written Statement specifies the types of development for which permission is granted. The Map shows the area covered and describes the scheme proposals including the sub zones and other features.

The SPZ has conditions and sub-zones imposed to take account of local factors. These may, for example, to protect a residential area from nuisance, or reserve an area for tree planting.

If a type of development is proposed, which does not fall within the SPZ permission, planning consent is required in the normal way.

The details of the proposed SPZ scheme are set out on pages 10-11. Only those uses indicated are permissible and these are subject to the various conditions and sub-zone restrictions described on pages 12-14. Further information on the operation of the SPZ can be found on page 16.

The appendices outline a range of requirements and guidance on landscape and highway matters, and from statutory undertakers and other agencies with respect to development in the SPZ.

The owner will be expected to have regard to these when considering new development at the Business Centre.

It is important to note that the restrictions imposed under the SPZ scheme only relate to development implemented as a result of the scheme following its adoption. The SPZ only grants planning permission; all other legislative controls will remain and must be complied with.

At the end of the ten year operation period the scheme will cease to have effect except for development that has already commenced.

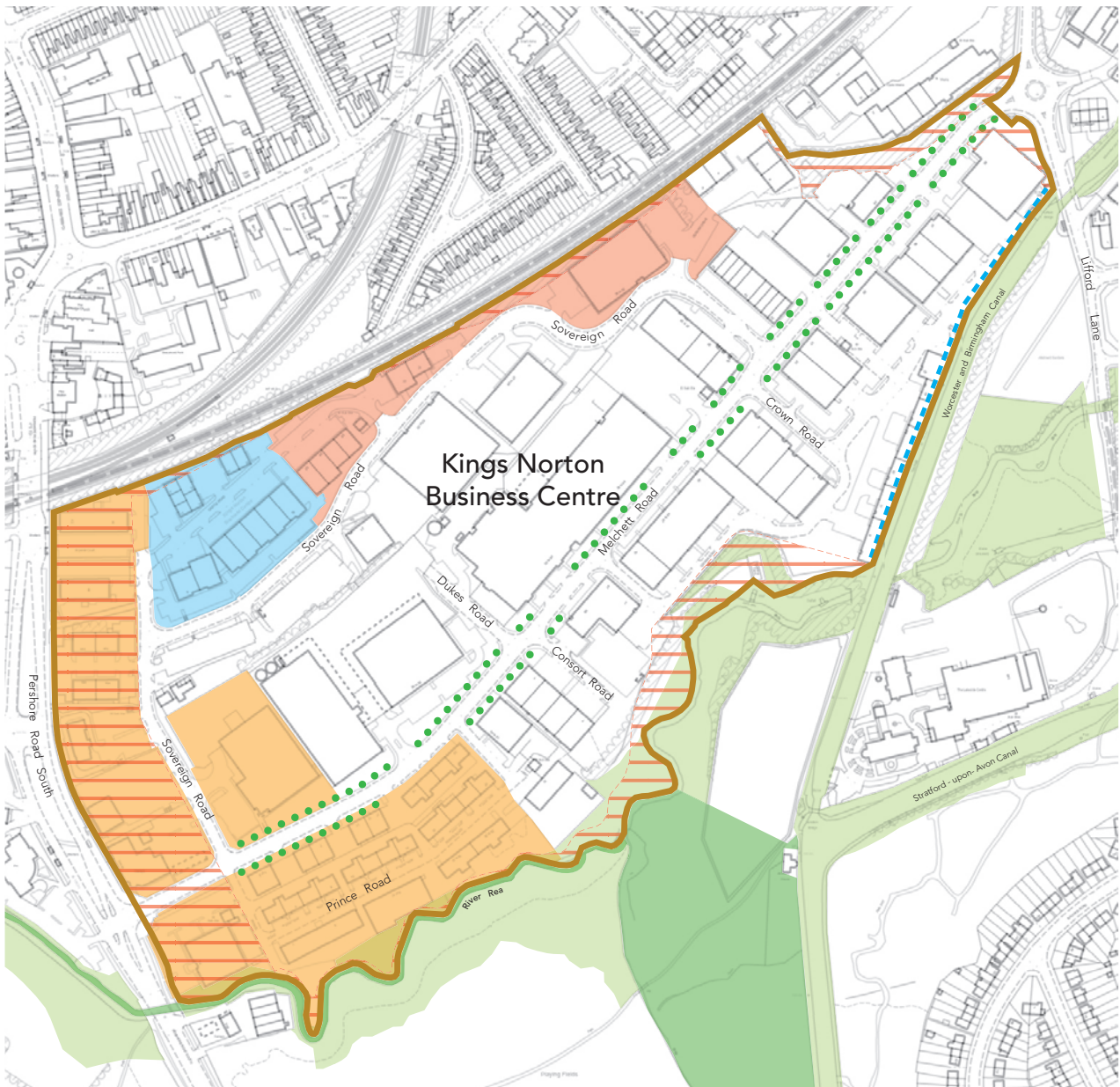
Planning background

The City Council adopted its Unitary Development Plan in July 1993, with alterations approved on 11th October 2005. It was superseded as the statutory land use plan for the City in January 2017, with the adoption of the Birmingham Development Plan (BDP).











The BDP (Policy TP19) identifies Kings Norton Business Centre as a Core Employment Area, which

"will be retained in employment use and will be the focus of economic regeneration activities and additional development opportunities".

It goes on to say that *"Measures to improve the operational and functional efficiency and the quality and attractiveness of these areas to investment in new employment will be supported."*



Key

	SPZ Boundary		Landscape sub-zone		Site of local Interest for Nature Conservation (SLINC)
	Business use sub-zone		Sensitive boundary sub-zone A		Site of interest for nature Conservation (SINC)
	Industrial use sub-zone		Sensitive boundary sub-zone B		Landscaped frontage
					Canal frontage height restriction



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Flood risk

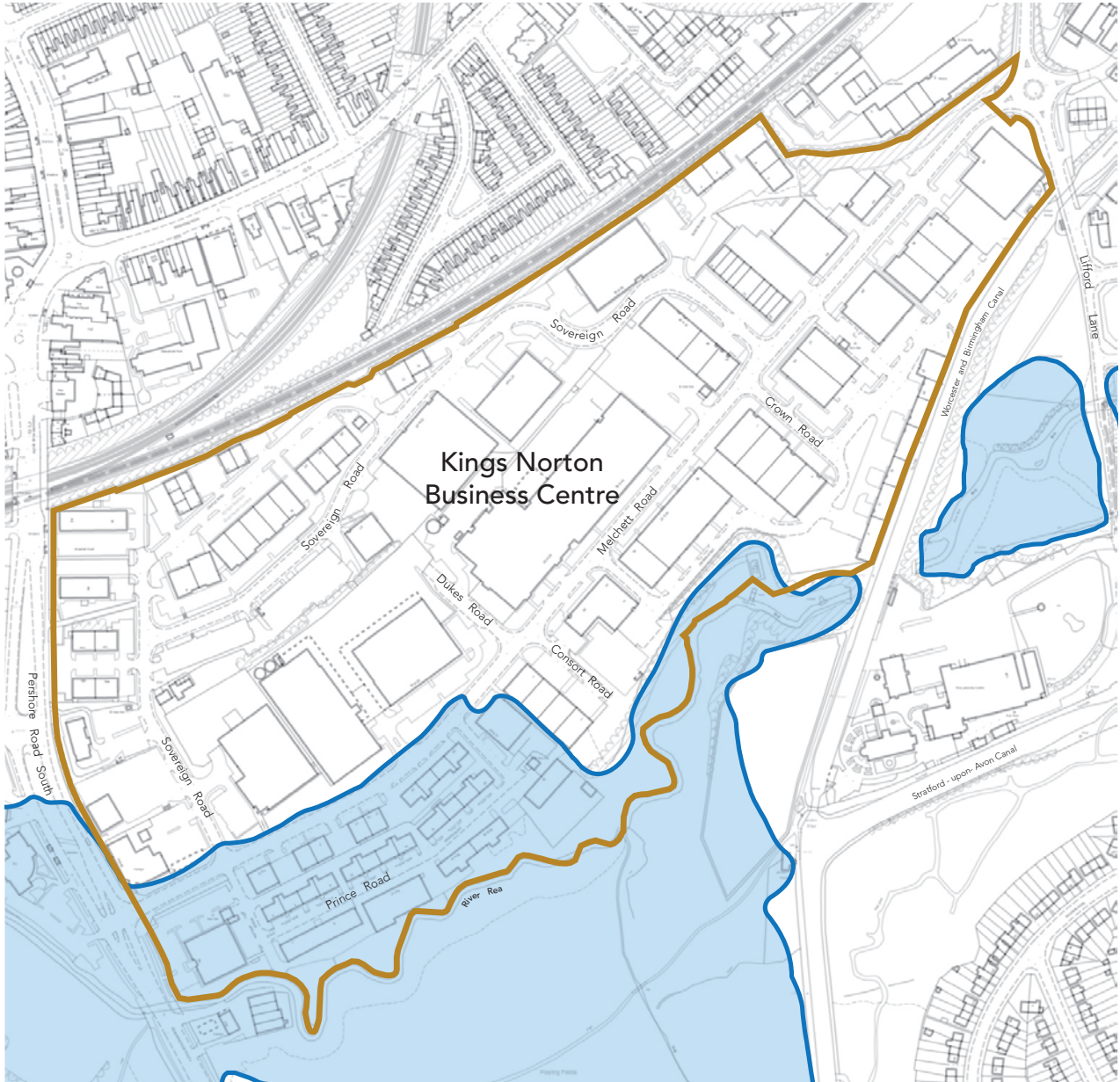
Most of the site is located in low risk Flood Zone 1 but parts of the site are situated in medium and high risk Flood Zones 2 & 3 along Worcester and Birmingham Canal and the River Rea to the south. This is where parts of the Business Use sub-zone, Industrial Use sub-zone and Landscape sub-zone are situated.

All development in Flood Zone 2 and 3 is required by the National Planning Policy Framework (NPPF) to complete a site specific Flood Risk Assessment (FRA) which demonstrates that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The Sequential Test will also be required to consider whether there is the possibility of locating the development in an area at lower risk of flooding.

Consequently, there must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of any bank of the River Rea. This is to maintain access to the River Rea for maintenance or improvements to provide for overland flood flows and to avoid adverse impact on flood storage.

The Environment Agency flood map for planning can be found online at <https://flood-map-for-planning.service.gov.uk/>

Further advice on how to take flood risk into account when making planning decisions can be found in the planning guidance at <https://www.gov.uk/guidance/flood-risk-and-coastal-change>



Key

-  SPZ Boundary
-  Flood Plane 1
-  Flood Plane 2



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Plan 3 Flood Plane 1 and 2

Details of the scheme

The SPZ Boundary

The boundary of the SPZ and the sub-zones are delineated on the Proposals Plan (Plan 2). The permission granted by the SPZ relates to this area only.

Period Of Operation

The SPZ Scheme was adopted on 4th October 2017 and is in operation for a ten year period ending on 4th October 2027. Further information on the operation of the SPZ Scheme is contained in page 16.

The Planning Permission

Planning permission is granted by the SPZ scheme for certain types of development as defined in The Town and Country Planning (Use Classes) Order 1987 SI No.764 (as amended by the Town and Country Planning (Use Classes) (Amendment) Orders 1992, 1995 and 2015).

Planning permission is granted by the SPZ scheme for the following development (including the erection of buildings and the use of land) subject to the conditions and sub-zone provisions set out below:-

1. Business Use (Class B1)

Use for all or any of the following purposes:-

- B1(a): An office (excluding offices for the provision of financial or professional services as defined by Class A2 of the Use Classes Order);
- B1(b): Research and development of products or processes; or
- B1(c): Any industrial process, being a use which can be carried out in a residential area without detriment to amenity of that area by reasons of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

2. General Industrial Use (Class B2)

A use for the carrying on of an industrial process, other than one falling within Class B1 above.

3. Storage or Distribution Use (Class B8)

Use for storage or as a distribution centre.

Any proposed development within Flood Zone 2 and 3, or adjacent to the River Rea (see Condition 11) will require agreement with the City Council and the Environment Agency on a site specific Flood Risk Assessment.

Use Of Sub-Zones Within The Business Centre

The SPZ is subject to the provision of four types of sub-zones which modify the general planning permission granted in certain areas to take account of specific factors. Their location and extent is defined on the Proposals Plan (Plan 2).

These are as follows:-

1. Business Use Sub-Zone This is located in the western part of the Business Centre largely fronting Pershore Road South. The area is shown coloured yellow on Plan 2. In this sub-zone planning permission is granted for BUSINESS (CLASS B1); GENERAL INDUSTRY (CLASS B2) AND STORAGE AND DISTRIBUTION PROPOSES (CLASS B8), subject to the relevant planning conditions set out in this document.

2. Industrial Use Sub-Zone This covers most of the estate and is shown uncoloured on Plan 2. In this sub-zone, planning permission is granted for RESEARCH AND DEVELOPMENT (CLASS B1(b)); LIGHT INDUSTRY (CLASS B1(c)); GENERAL INDUSTRY (CLASS B2) AND STORAGE AND DISTRIBUTION PURPOSES (CLASS B8), subject to the



Quality office environment

relevant planning conditions set out in this document. Independent offices falling with B1(a) would require separate planning permission if proposed in this sub-zone unless the development comprises a change of use that is permitted under the Town and Country Planning (General Permitted Development Order 2015).

3. Sensitive Boundary Sub-Zones "A" and "B"

Development in these areas adjacent to the railway line is restricted by additional controls to minimise potential nuisance to residential areas to the north. These sub-zones are shown coloured red and blue and distinguished by the notations "A" and "B" on Plan 2.

In these sub-zones planning permission is granted for BUSINESS CLASS B1); GENERAL INDUSTRY (CLASS B2) AND STORAGE AND DISTRIBUTION PURPOSES (CLASS B8), subject to specific planning conditions imposed to protect the amenity of local residents which supplement those which apply throughout the whole of the SPZ area.

4. Landscape Sub-Zones The SPZ scheme identifies several distinct Landscape Sub-Zones on the periphery of the Business Centre within which there are general landscape requirements.

The Council also requires the developer to provide, on redevelopment, appropriate landscape treatment to all development sites with particular attention paid to the frontages of sites abutting Melchett Road. The latter proposal is indicated by a green dotted line on Plan 2.

All developments permitted by the SPZ scheme should take account

of the Landscape Guidance Note contained in Appendix 1. This covers the following matters:-

- Landscape requirements in the Landscape Sub-Zones and SPZ generally;
- Landscape design considerations;
- Retention of existing trees;
- Replacement of mature trees and planting of new trees generally;
- Management of trees within the estate;
- Landscape maintenance;
- Statutory undertakers services and plant; and
- Design standards and reference documents.

For avoidance of doubt, any development permitted in the sub-zones by the SPZ scheme is also subject to specific conditions

described in the following section, together with those general conditions which apply throughout the whole of the SPZ area. Further details in relation to these conditions are given below. Minor development not requiring planning permission ("Permitted Development"), as defined in the Town and Country Planning (General Permitted Development) (England) Order 2015, is treated in the normal way.



Quality landscape buffer to frontage

Planning conditions within the SPZ

General Conditions

All development is subject to the following conditions:-

1. Adequate provision shall be made for off-street parking, manoeuvring and loading and unloading in relation to all vehicles within the curtilage of each new building. These areas should be provided before the buildings/sites are occupied.
2. All vehicular accesses to an adopted highway, or highway that the developer proposes for adoption, are designed and located in accordance with the current Local Highway Authority design guidelines. In general terms the spacing and layout of accesses, including sight lines, should accord with these standards and should incorporate suitable pedestrian facilities for all necessary movements.

Except by agreement in writing with the Local Planning Authority in consultation with the Local Highway Authority, no alterations to an existing vehicular access to an adopted highway shall be undertaken other than in accordance with these guidelines.
3. Redundant accesses shall be fully reinstated to footway.
4. Vehicular access to the Business Centre shall only be via the Melchett Road/Pershire Road South (A441) and Melchett Road/Lifford Lane junctions.
5. All parking, servicing and vehicular circulation areas shall be laid out, paved with a suitable hard impervious material and drained, such areas to be provided before the building(s)/land is/are occupied.

6. The site coverage by new buildings to be erected (the "footprint" for the buildings) including any extension to the original building that requires planning permission, shall not exceed 45% of the total site area of any individual development plot.

(For avoidance of doubt this condition would not restrict existing Permitted Development rights granted by the Town and Country Planning (General Permitted Development) (England) Order (2015) SI 2015 596, (as amended in 2016 SI 2016 332), or any subsequent re-enactment thereof).

Alterations and extensions of existing building entrances shall not exceed the height of the existing building so as to materially affect the appearance of the building.

7. The total height of development (including plant and machinery) should not exceed 15 metres above ground level, except in the case of development of the boundary to the Worcester and Birmingham canal. Development abutting this frontage (indicated by the blue dashed line on Plan 2 – the Proposals Map) shall not exceed 8 metres in height (including plant and machinery). In all cases the height of development shall be measured by reference to the adjacent ground level within the Business Centre boundary.
8. No permission is granted for development activities which may give rise to the presence of a controlled quantity of a hazardous substance (as specified in the Planning (Hazardous Substances) Regulations 2015 (SI No. 2015 627), nor land used for the laying or construction of a notifiable pipeline.



Off-road car parking provision

9. No permission is granted for development which requires an environmental assessment as defined by the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (SI No. 119) (as amended).
10. All new buildings permitted by the SPZ scheme (including parking areas) must be suitable for use for people with disabilities.
11. No development shall be undertaken without a site specific Flood Risk Assessment agreed in writing with the Local Planning Authority and the Environment Agency, on any land shown to lie within Flood Zones 2 or 3 as shown on the Environment Agency's flood map for planning, or on any land lying between the River Rea and a line measured at horizontal distance of 8 metres from, and parallel to, the top edge of the northern bank of the river channel.
12. No building work is to be carried out until the owner or their tenants have carried out appropriate consultations with statutory undertakers and other relevant organisations and compliance with any advice/guidance agreed.
13. Walls up to 2 metres in height and all other means of enclosure up to a height of 3 metres are permitted under the SPZ scheme if they are to be undertaken in conjunction with other major building works granted by the SPZ scheme.
14. Except in agreement in writing with the Local Planning Authority there is to be no open storage or open working within the curtilage of individual development sites.



Appropriate landscaping

15. No refuse or other waste shall be disposed of by burning.
16. Landscaping within the SPZ should comply with the principles outlined in the Landscape Guidance Note (Appendix 1).
17. Before the development of new buildings granted permission under the SPZ scheme commences on site, a survey of ground conditions (soil and groundwater where encountered) to establish the extent to which the site and any sensitive receptors may be contaminated by toxic or other noxious materials, shall be undertaken and the results provided to the Local Planning Authority. The survey shall include a desktop study of historic uses and be undertaken to a minimum standard equivalent to BS 10175: 2011 Code of practice for investigation of potentially contaminated sites.
18. Before the development of new buildings permitted under the SPZ scheme commences on site a scheme for remediating contamination of the site, including the amelioration or removal of any contamination shall be submitted to and approved by the Local Planning Authority in writing.
19. The remediation scheme as approved in accordance with condition number (18) shall be fully implemented and completed before any building permitted by the SPZ scheme is first occupied.
20. Before the development of new buildings granted permission under the SPZ scheme commences, a scheme for the provision of surface water drainage works shall be approved by the Local Planning Authority. Such a scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is occupied/brought into use.

Specific Conditions Applied In The Sub-Zones

1. Within the Business Use Sub-Zone and Sensitive Boundary Sub-Zones, independent B1(a) offices are permitted by the SPZ consent. Within the Industrial Sub-Zone only offices ancillary to the main use are permitted. For the avoidance of doubt this condition would not restrict existing Permitted Development rights granted by the Town and Country Planning (General Permitted Development) (England) Order (2015) SI 2015 596, (as amended in 2016 SI 2016 332), or any subsequent re-enactment thereof.
2. In Sensitive Boundary Sub-Zone "A" Storage and Distribution (Class B8) development is subject to the following restrictions:
 - a) No deliveries or collections of goods to or from the premises shall take place, at any time on Sundays, or on any other day between 2200 hours and 0700 hours, unless otherwise agreed in writing with the Local Planning Authority.
 - b) Development shall not include the storage or cutting of metal unless otherwise agreed in writing with the Local Planning Authority.
3. In Sensitive Boundary Sub-Zone "A" General Industrial (Class B2) development is subject to the following restrictions:
 - a) Except with the approval in writing of the Local Planning Authority, no General Industrial development (Class B2) shall be occupied until the following details have been submitted to and approved by, the Local Planning Authority showing:
 - adequate provision for the sound-proofing of development
 - the provision of adequate facilities for the treatment and extraction of fumes; and

- the siting and method of installation of plant and machinery within the curtilage of any building

b) The premises shall be closed for business and there shall be no deliveries or collections of goods to or from the premises at any time on Sundays, or on any other day between 2200 hours and 0700 hours (Operations outside these hours would require the consent of the Local Planning Authority. The mode of operation and adequacy of sound-proofing of the building will be taken into account in determining these proposals).

4. In Sensitive Boundary Sub-Zone "A" Business (Class B1) development is subject to a restriction requiring that no deliveries or collection of goods to or from the premises shall take place at any time on Sundays, or any other day between 2200 hours and 0700 hours, unless otherwise agreed in writing with the Local Planning Authority.
5. In Sensitive Boundary Sub-Zone "B" Business (Class B1), General Industrial (Class B2) and Storage and Distribution (Class B8) development is subject to a restriction requiring that no deliveries or collections of goods to or from the premises shall take place, nor any external materials handling, at any time on Sundays, or on any other day between 2200 hours and 0700 hours, unless otherwise agreed in writing with the Local Planning Authority.

Normal Planning Procedures

Planning Applications are required for development proposals which fall outside the terms of the planning permission granted by this SPZ scheme, with the exception of Permitted Development under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Other Permissions and Licences

The SPZ scheme grants planning permission only. It remains necessary for the development proposals within the SPZ area to comply with all relevant licences, permits and controls required under other legislation. These include the following:

- The statutory provisions and standards relating to health and safety, nuisance and pollution;
- Consent for stopping up or diversion of an adopted highway or footpath
- Approvals under the Building Regulations
- Consent from the statutory undertakers where their plant or equipment may be affected
- Approval, as appropriate, from the Environment Agency pursuant to the requirements of the Environmental Permitting (England and Wales) Regulations 2016, and other relevant legislation
- Consent to display advertisements where required by the Town and Country Planning Act (Control of Advertisements) Regulations 1989
- Activities requiring consent under the Town and Country Planning (Hazardous Substances) Act, 1990
- Land Drainage Bye-Laws
- Building on and adjacent to public sewers
- At the date of publication, there were no listed buildings, scheduled ancient monuments, conservation areas or Tree Preservation Orders located within the SPZ



Premises sited in well maintained environment

kings norton simplified planning zone/planning conditions within the SPZ

Operation of the SPZ

1. When development is proposed the responsibility to contact statutory undertakers and other relevant bodies now falls to the owner or their tenants. This should be undertaken before building work commences.
2. Under Section 69 of the Town and Country Planning Act 1990, as required by Article 25(7) of the Town and Country Planning (General Development Procedure) Order, 1995 (SI 1995/419), the City Council will maintain a register containing brief particulars of all SPZ's in its area, including information on all proposals for the preparation and alteration of SPZ's and a map showing the definitive boundary of any operative or proposed SPZ schemes.
3. The owner or their tenants will supply the City Council with details of all works to be carried out in on the estate which would fall within the SPZ consent. This approach would help the City Council to monitor development progress and make this information available to the public in place of the Planning Register. Meetings will also be held with the City Council on an appropriate regular basis to discuss progress on development undertaken under the SPZ scheme and any future proposals.
4. The developer should note that the only legal means of determining if individual development proposals comply with the SPZ permission is to apply to the City Council for the Certificate of Lawful Use or Development under Section 192 of the Town and Country Planning Act 1990, as inserted by Section 10 of the Planning and Compensation Act 1991. There is a fee payable.
5. Any planning permission granted by the SPZ must be started within ten years of the date of adoption of the SPZ scheme. At the end of the ten year period the SPZ ceases to have effect except for the development that has already commenced (Section 56 of the Town and Country Planning Act 1990 clarifies when development in an SPZ is considered to have commenced). In relation to unfinished schemes, the Local Planning Authority may serve a Completion Notice, (subject to confirmation by the Secretary of State for the Environment, Transport and the Regions) stating that the planning permission granted by the SPZ will cease to have effect after a further specified period of not less than 12 months.
6. For avoidance of doubt the term "developer" as used in the SPZ scheme includes any person or organisation who, in the case of a normal planning application, would be referred to as the applicant.
7. Development permitted under the SPZ scheme is not exempt from enforcement action. If any development fails to comply with the restrictions or conditions set out in the SPZ scheme the City Council has the power to instigate enforcement procedures in the normal way.
8. If a developer or occupier does not wish to comply with the terms of a particular condition laid down in the SPZ scheme they will have to submit a planning application to the City Council for the removal or variation of that condition. The Council will endeavour to deal promptly with such applications.



Quality buildings within SPZ

Appendix 1: Landscape guidance note

Detailed landscape proposals normally required as part of any planning approval for industrial or commercial development are not required within the SPZ due to the nature of the general planning permission that covers the Kings Norton Business Centre SPZ. Therefore, with the exception of the landscape sub-zones described below, landscape design is left to the discretion of the developer subject to advice contained within this Guidance Note.

Competent, qualified, landscape designers should be employed from the outset through to implementation and establishment to ensure good quality landscape design (and its associated costs) that not only complements and reinforces the landscape sub-zones described above but also enhances and reinforces the landscape character of the greater area.

Landscape works and materials shall be to the reasonable satisfaction of a qualified landscape designer (appointed for each redevelopment site) and implemented in accordance with good Horticultural Practice, and the relevant, British Standards, European Standards, and Codes of Practice.

Landscape Sub-Zones

The SPZ incorporates a number of different landscape sub-zones within, and around, them. These are shown on the Proposals Plan (Plan 2) and include:

i. The Pershore Road South Frontage

- 6-10% of the gross development site area along this frontage should be set aside for well-designed soft landscaping to ensure an attractive landscape setting for buildings.

ii. Adjoining the North Bank of The River Rea

- Except by agreement in writing with the Local Planning Authority no development shall be undertaken shown to lie within Flood Zones 2 or 3 as shown on the Environment Agency's flood map for planning or on any land lying between the River Rea and a line measured at horizontal distance of 8 metres from, and parallel to, the top edge of the northern bank of the river channel. Existing trees should be retained where possible but be cut as appropriate to permit maintenance when needed (see section on existing trees).

iii. The Lifford Lane and Melchett Road Frontages at the Eastern End of the Business Centre

- Planting along these frontages should be retained, maintained, and reinforced with appropriate, robust, reliable, long term: shrub; feature shrub; and tree; planting where possible.

iv. Land Adjoining the Railway

- Planting within this linear strip should be retained, maintained, and reinforced where possible.

Landscape Requirements For Development Sites Within The SPZ

- All redevelopment sites should incorporate a good level of high quality planting complemented with good quality hard paved areas. Melchett Road (dotted green line on Plan 2) sites will be particularly important.
- Frontages should not be enclosed by fencing, railings, or walling.
- Planting should incorporate a good mix of formally and informally planted, robust, reliable, long term: shrub;

feature shrub; and tree; species that give year round interest and which will significantly contribute to the overall SPZ/development as it matures.

- Indigenous and wildlife friendly species should be included where appropriate.
- All redevelopment proposals should retain existing trees where possible which in turn should inform landscape structure planting where appropriate. Where existing trees are considered not worthy of retention, suitable replacements should be provided.
- A good level and variety of new (including replacement) mixed tree planting is required along with space for it, particularly around frontages. This tree planting should range from more informally grouped trees in more naturalistic areas, through to more formal planted trees adjacent to building entrances.
- The choice and position of tree planting needs to take into account such things as tolerance to pollution, proximity to buildings and windows, ultimate sizes, design intentions, etc. Individual specimen trees for instance will require more space around them than those planted in groups.
- Planting proposals should concentrate on robust, reliable, long living species that can tolerate 'economical' maintenance.
- Plant failures (due to vandalism, poor maintenance, natural causes, etc.) should be replaced within the next available autumn - spring planting season.

- j. Planting within visibility splays shall be kept below 600mm.
- k. Direction signs and street lighting should not be obscured by planting.
- l. Trees and large shrubs with aggressive root growth shall not be planted within one metre of footpaths or within statutory undertaker's easements (for further guidance contact Transportation / service providers).
- m. Planting within service easements shall be in accordance with service providers' guidance.

Existing trees

For all tree owners, particularly those who own and manage many trees in a large site, it is strongly advised that arboricultural surveys are carried out regularly. Five years is recommended as the maximum period between surveys and that any advised works are carried out within the recommended periods depending on the urgency.

A base survey to BS5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations' will provide a tree works schedule for routine management and a plan of the constraints around the existing trees (the Root Protection Areas and canopy spreads.) This will inform plans for development within the site. Wherever development works, changes to levels, trenching or resurfacing, are considered, the constraints plan will be an essential tool to inform the approach and to highlight instances where further arboricultural advice may be required. A survey will also provide retention categories for the trees so that better quality trees can be kept in the design of a scheme and well informed

decisions can be taken when trees are compromised by necessary changes.

The use of routine arboricultural surveying is recommended for management efficiency, the control of liability and to achieve a high quality of landscape within Kings Norton Business Centre.

For general works, particularly for the routing of utilities near trees, The National Joint Utilities Group (NJUG) Publication 10 should guide the works in the absence of more site specific arboricultural methods.

All arboricultural works should be carried out in accordance with BS3998:2010 'Tree Works – Recommendations.'

Tree canopies should be crown lifted to comply with the clearance for vehicular traffic. Branches should clear the highway by approximately 5.2m (17'0") and footpaths by 2.4m (8'0").

Wherever trees are found to be declining or need to be removed, a programme of planned replacement is encouraged to sustain and improve the environment within the Kings Norton Business Centre. Careful thought should be given to the tree species to be used, bearing in mind the position in relation to buildings, the mature size of the tree and the rooting volume that is available.

22 Appendix 2: Highways and Parking

Highway Design Guidelines

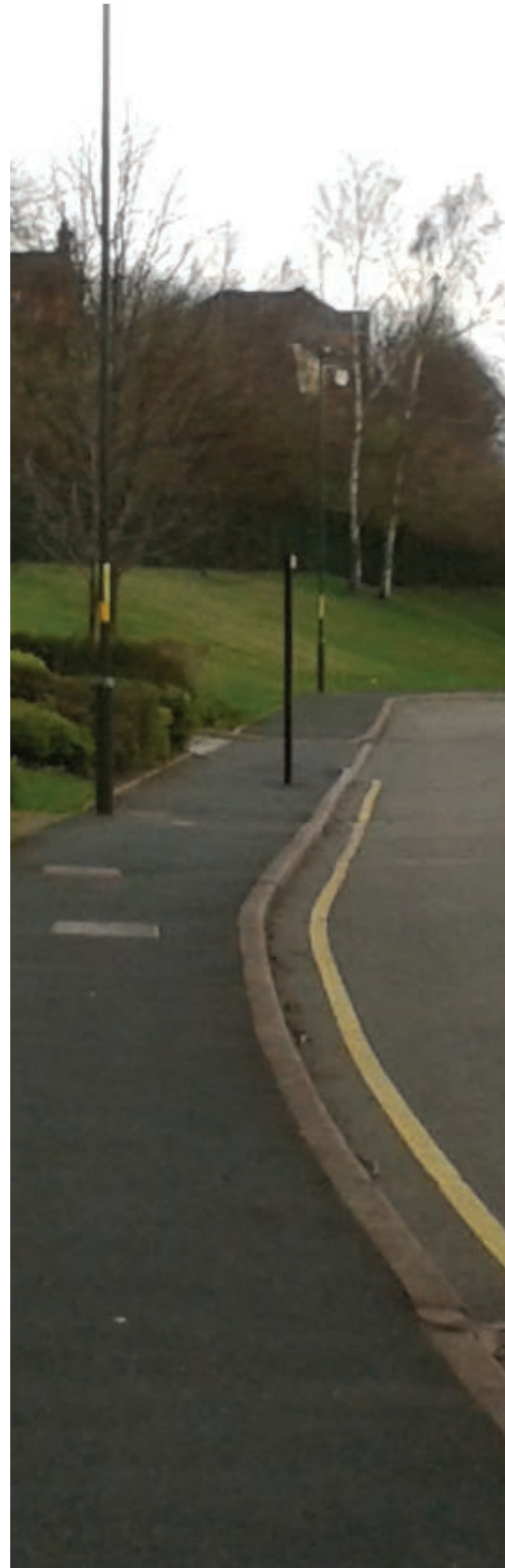
Previous SPZs have required highway design to be in accordance with the Council publication "The Design of New Streets – Industrial Areas" (January 2005). However, it is recognised that practical requirements can change over time, and it is now more appropriate to set out the basic requirements, which should be agreed with the Highway authority prior to development commencing. For example:

- New roads should be constructed to adoptable standards, particularly in respect of carriageway widths, footpaths, curvatures and vehicle paths. This is to ensure safety and to satisfy any requirements under S38 of the Highways Act.
- Development adjoining the public highway may require a S278 Agreement.
- The impact of any development proposals on the local highway network will also need to be understood, particularly in terms of traffic generation.

Early discussions with Birmingham City Councils Highways Section will be essential to discuss technical requirements.

Parking Guidelines

The City Council requires car and cycle parking in accordance with the Parking Guidelines Supplementary Planning Document. A copy can be downloaded from https://www.birmingham.gov.uk/downloads/file/1021/car_parking_guidelines_supplementary_planning_document





Appendix 3: Additional information - Consultation with Statutory Undertakers and other interested bodies

In order to ensure that all necessary consultation is carried out in individual development proposals the responsibility for consultation with statutory undertakers will fall to the owner or their tenants. Where necessary the following bodies will be contacted.

This list is not exhaustive:-

Central Networks
British Telecom
Mercury Communications
Birmingham Cable Ltd
British Gas
Railtrack
Severn Trent Water Ltd
The Environment Agency
Local Highways Authority
British Waterways
Police Architectural Liaison Officer
English Nature

In addition to the Local Authority, there are a range of statutory undertakers and other agencies that place requirements and publish guidance with respect to new development. This section highlights some of the key areas covered by this guidance. All development permitted under the SPZ scheme should also take into account the following:

The adoption of the SPZ scheme does not prevent the City Council from taking action under relevant environmental health legislation to prevent environmental nuisance from activities within the Business Centre.

Environment Agency

Midland Region
Sentinel House
Wellington Crescent
Fradley Park
Lichfield
Staffordshire
WS13 8RR
Tel: 01543 404808
Email: midscentralplanning@environment-agency.gov.uk
Contact: Martin Ross, Planning Advisor

The Environment Agency is in possession of detailed modelling of the River Rea which shows flood risk within the boundary of the SPZ.

Most of the site is located in low risk Flood Zone 1 but parts of the site are situated in medium and high risk Flood Zones 2 & 3 along Worcester and Birmingham Canal and the River Rea to the south. This is where parts of the Business Use sub-zone, Industrial Use sub-zone and Landscape sub-zone are situated. All development in Flood Zone 2 and 3 is required by the National Planning Policy Framework (NPPF) to complete a site specific Flood Risk Assessment (FRA) which demonstrates that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The Sequential Test will also be required to consider whether there is the possibility of locating the development in an area at lower risk of flooding.

Further to this, there must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of any bank of the River

Rea. This is to maintain access to the River Rea for maintenance or improvements to provide for overland flood flows and to avoid adverse impact on flood storage.

Our flood map for planning can be found online at <https://flood-map-for-planning.service.gov.uk/>

Further advice on how to take flood risk into account when making planning decisions can be found in the planning guidance at <https://www.gov.uk/guidance/flood-risk-and-coastal-change>

Network Rail

Town Planning Team – LNW
1st Floor, Square One
4 Travis Street
Manchester
M2 2NY
Tel: 0161 880 3598
E-mail: townplanning.lnw@networkrail.co.uk

Network Rail is a statutory consultee for any planning applications within 10 metres of relevant railway land (as the Rail Infrastructure Managers for the railway, set out in Article 16 of the Development Management Procedure Order)

In light of the above we would request that developers should contact Network Rail prior to commencing any proposals or works within the area to ensure that:

- Access points / rights of way belonging to Network Rail are not impacted by developments within the area.
- That any proposal does not impact upon the railway infrastructure / Network Rail land e.g.

- Drainage works / water features
- Encroachment of land or air-space
- Excavation works
- Siting of structures/buildings less than 2m from the Network Rail boundary / Party Wall Act issues
- Lighting impacting upon train drivers ability to perceive signals
- Landscaping that could impact upon overhead lines or Network Rail boundary treatments
- Any piling works
- Any scaffolding works
- Any public open spaces and proposals where minors and young children may be likely to use a site which could result in trespass upon the railway (which is a criminal offence under s55 British Transport Commission Act 1949)
- Any use of crane or plant
- Any fencing works
- Any demolition works
- Any hard standing areas

For any proposal adjacent to the railway, Network Rail would request that a developer constructs (at their own expense) a suitable steel palisade trespass proof fence of at least 1.8m in height – acoustic fencing would not be acceptable at this location.

We would request that developers contact Network Rail's Town Planning Team and include a location plan and a description of the works taking place for review and comment.

All initial proposals and plans should be flagged up to the Network Rail Town Planning Team London North Western Route at the address above.

Western Power Wayleaves and Property Department

Pegasus Business Park
Castle Donington
Derbyshire
DE74 2TU
Tel: 02476 195723
E-mail: wpdwayleavesmidlands@westernpower.co.uk

Severn Trent Water

Network Development Manager
Severn Trent Water Limited
Regis Road
Tettenhall
Wolverhampton
WV6 8RU
Tel: 01902 793883
Email: planningapwest@severntrent.co.uk
Contact:
Rhiannon Thomas, Network Development Manager

Lead Local Flood Authority

4th Floor
1 Lancaster Circus
Queensway
Birmingham
B4 7DJ
Email: llfa@birmingham.gov.uk

Canal & River Trust:
National Spatial Planning Team
Peel's Wharf
Lichfield Street
Fazeley
Tamworth
B78 3QZ
Tel: 01827 252067
Email: planning@canalandrivertrust.org.uk

National Grid

Plant Protection
Brick Kiln Street
Hinckley
Leicestershire
LE10 0NA
Tel: 01455 233790
Email: plantprotection@uk.ngrid.com

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, developers and contractors should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location. It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Ltd, National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) and apparatus. This assessment does NOT include:

- Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land.

You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.

- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.
- It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website: <http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Ltd, NGG and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the Plant Protection team via e-mail or via the contact details above.

Assessment

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity).
- Above ground gas sites and equipment.

Requirements

BEFORE carrying out any work you must:

- Note the presence of an Above Ground Installation (AGI) in proximity to your site. You must ensure that you have been contacted by Cadent and/or National Grid prior to undertaking any works within 10m of this site.
- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 - 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

Guidance

Excavating Safely - Avoiding injury when working near gas pipes:

http://www.nationalgrid.com/NR/rdonlyres/2D2EEA97-B213-459C-9A26-18361C6E0B0D/25249/Digsafe_leaflet3e2finalamends061207.pdf

Standard Guidance

Essential Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>

General Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=35103>

Excavating Safely in the vicinity of gas pipes guidance (Credit card):
Excavating Safely in the vicinity of electricity cables guidance (Credit card):

Copies of all the Guidance

Documents can also be downloaded from the National Grid Website:

<http://www.nationalgrid.com/uk/Gas/Safety/work/downloads/>

If new development involves the demolition of existing buildings, attention is drawn to Section 80 of the Building Act 1984. This requires notification specifying the building(s) and works of demolition intended to be carried out and this should be given in advance for any demolition work. Contact for further information:

Building Consultancy

PO Box 17211

Louisa House

Quay Place

92-93 Edward Street

Birmingham

B2 2AQ

Email: [buildingconsultancy@](mailto:buildingconsultancy@acivico.co.uk)

[acivico.co.uk](mailto:buildingconsultancy@acivico.co.uk)

Enquiries on the issue of suitable facilities for storage and collection of refuse should be made to:

Waste Management Operations

Ladbrooke House
Bordesley Street
Birmingham
B5 5BL
Tel: 0121 303 1112

West Midlands Police

Email: Birmingham-cpda@west-midlands.pnn.police.uk



Aerial oblique of Kings Norton Business Centre

kings norton simplified planning zone/aerial oblique



Appendix 3

Kings Norton Simplified Planning Zone (SPZ) – Equalities Analysis

Background – Kings Norton

Kings Norton is located within the Longbridge Constituency and the population trends, as per the 2011 census data are as follows:

- 101,422 residents;
 - 86% of residents are white (British, Irish and Other);
 - 3% of residents are mixed/multiple ethnicity;
 - 5% of residents are Asian (including Indian, Pakistani, Bangladeshi or Other);
 - 5% of residents are Black African (African, Caribbean or Other);
 - 1% are within Other Ethnic Groups.
-
- 64,000 residents of working age;
 - 22% of residents are aged between 0-15, 63% are aged between 16-64 and 15% are aged between 65+;
 - 74% of residents are aged between 16-64 are economically active;
 - 64% of residents are in either full or part time employment;
 - 5.4% are classed as unemployed (2014), compared to an unemployment rate of 6.3% for Birmingham as a whole and 5% for England.

Kings Norton Business Centre

The Kings Norton Business Centre is recognised as an important industrial location in south-west Birmingham. It covers 23.5 hectares of traditional industrial and employment land, containing over 80 businesses occupying around 74,500 sq.m. of floorspace. Recently, significant new development has taken place, but 13% of the properties were constructed before 1960 and continued investment in the physical environment is required to maintain and improve the quality of the estate.

The Birmingham Development Plan (Policy TP19) identifies Kings Norton Business Centre as a Core Employment Area, which “will be retained in employment use and will be the focus of economic regeneration activities and additional development opportunities”. It goes on to say that “Measures to improve the operational and functional efficiency and the quality and attractiveness of these areas to investment in new employment will be supported.”

Simplified Planning Zone (SPZ)

The aim of the SPZ is to help to provide the conditions to stimulate new economic development by providing certainty for potential developers and businesses through a simplified planning process.

The development permitted by the SPZ will be subject to conditions as set out in the SPZ document. Furthermore, the local and wider population will benefit from new job opportunities created by any development permitted by the SPZ.

Consultation Methodology

Statutory consultations are to be undertaken in accordance with the requirements of Section 28 and Schedule 5 of the Planning and Compensation Act, 1991. This will include:

- Press Notice,
- Site Notices displayed around the SPZ area,
- Notification letters sent to all land owners and occupiers of premises within and adjacent to the SPZ area,
- Consultation letters to statutory consultees as defined by Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015,
- Website with information and opportunity to comment online via BeHeard,
- Copies of the relevant documents made available for inspection during normal office hours,
- A period of six weeks must be allowed for responses.

Conclusion

The Kings Norton SPZ will support equality of opportunity in an area of relatively high unemployment by encouraging development and creating the conditions for private sector job creation.

From the initial analysis it is felt that the SPZ will not disproportionately affect one protected group over another and will contribute to equality of opportunity by providing the conditions for development and further employment. This assumption will be tested through the consultation process which will ensure that all members of the local community have opportunity to respond to the SPZ proposals and will be assessed through ongoing monitoring of the SPZ.