

Birmingham City Council

Planning Committee

12 March 2020

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	9	2019/10590/PA 1 Longfellow Road Birmingham B30 1BN Change of use from dwellinghouse (Use Class C3) to 7no. bedroom House in Multiple Occupation (HMO) (Sui Generis), erection of single storey side extension and installation and replacement windows to front and side.
Approve – Temporary	10	2020/00606/PA 103a High Street Harborne Birmingham B17 9NR Display of 1no. internally illuminated 48-sheet digital advertisement hoarding

Committee Date:	12/03/2020	Application Number:	2019/10590/PA
Accepted:	02/01/2020	Application Type:	Full Planning
Target Date:	12/03/2020		
Ward:	Bournville & Cotteridge		

1 Longfellow Road, Birmingham, B30 1BN

Change of use from dwellinghouse (Use Class C3) to 7no. bedroom House in Multiple Occupation (HMO) (Sui Generis), erection of single storey side extension and installation and replacement windows to front and side.

Recommendation

Approve subject to Conditions

1. Proposal
1

- 1.1. Planning permission is sought for a change of use from dwellinghouse (Use Class C3) to a 7no. bedroom House in Multiple Occupation (HMO) (Use Class Sui Generis), erection of single storey side extension and installation of replacement windows to front and side.
- 1.2. The proposed layout would be as follows:
- Ground Floor:
 - Bedroom 1 – 8.1sqm
 - Bedroom 2 – 8.5 sqm
 - Bedroom 3 – 8.8 sqm
 - Kitchen/Dining/Reception - 24.4 sqm
 - First Floor:
 - Bedroom 4 – 8.8 sqm
 - Bedroom 5 – 7.9 sqm
 - Bedroom 6 – 7.1sqm
 - Kitchen/Dining – 12.9 sqm
 - Loft
 - Bedroom 7 - 9.4 sqm
- 1.3. Each bedroom is shown to have a single bed and en-suite. To the side/rear there would be 108.6 sqm of private amenity space. The site benefits from two garages.
- 1.4. The existing side glazed conservatory would be replaced by a brick built structure measuring 5.9m width x 3.3m length x 3.5m height (2.4m eaves) with a sloping roof.
- 1.5. The existing ground floor and first floor windows would be replaced and the existing dormer window would be modified with new cladding and new glazing. Two new windows would be inserted into the second floor side elevations.

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

1.7. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site relates to a two storey, semi-detached dwelling situated on a corner plot fronting Longfellow Road and Middleton Hall Road. The property is brick built with a tiled pitched roof and front dormer window. The property has previously been extended to provide a conservatory. There are areas of soft landscaping around the front, side and rear of the property. The site includes two side garages which are accessed via Longfellow Road.

2.2. The application site is within a residential area. Tree Protection Order 26 covers the site.

2.3. [Site Location](#)

3. Planning History

3.1. None.

4. Consultation/PP Responses

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

4.2. Regulatory Services – No objection subject to conditions requiring electric vehicle.

4.3. West Midlands Police – Objects to the application as a large HMO has the potential to increase calls to the emergency services and increase the risk of crime and fear to this area, leading to a negative impact on the lives of the existing residents in the neighbourhood. Concerns raised regarding: the single and double occupancy rooms, if the landlord has had appropriate training and if the Applicant has sought advice from the Council's HMO team. Should planning be approved, conditions requested for: doors to each bedroom and main entrance to be PAS 24 or equivalent, an access control system with video monitoring and remote access, CCTV installed at the entrance and compliance with enhanced security measures 'Secured by Design'.

4.4. Neighbouring residents, local Ward Councillors and Residents Associations have been consulted and a site notice displayed. 9 objections received from local residents raising concerns regarding:

- Existing traffic and congestion problems worsened along Longfellow Road, Middleton Hall Road and Fradley Close
- Inadequate parking facilities
- Loss of privacy
- Loss of light
- Existing number of HMO's in the area

- Lack of information regarding who would be living in the property
 - Increase in noise and disturbance
 - No boundary treatment between neighbouring gardens
 - Road safety for pedestrians
 - Undermine community and cause disruption
- 4.5. Steve McCabe MP - Objects to the application as there is not an adequate amount of room to facilitate suitable living conditions. There are already issues with car parking on the grass verges outside the property and an increase in residents and potentially cars will make this worse. Residents are also concerned that Middleton Hall Road is a major transport link and the disruptive effect this building project will have on traffic on the road. Another HMO of this size is not needed or wanted and would mean the loss of another family home. The purpose of the application is not stated and there are real concerns about the proliferation of unregistered 'supported accommodation', this property could become another unregistered hostel.
- 4.6. Councillor Liz Clements – Objects to the application as local residents have attended advice surgery to explain their concerns about the negative impact of the proposal. The proposal would exacerbate existing parking pressures at the already busy and heavily parked junction of Middleton Hall Road and Longfellow Road. The junction is a site of frequent near misses, with most recent accident having occurred January 2020. Longfellow Road is used as rat-run/means of avoiding Cotteridge Centre. Residents are also concerned about increased noise and disruption from multiple tenants and the impact on the privacy and light levels of neighbouring properties. This is not a suitable site for a large HMO.
- 4.7. Councillor Fred Grindrod – Objects to the application as there would be a significant impact on the neighbouring households. Changing the property to a HMO runs the risk of significant disturbance to the adjoining property. There is no boundary fence between the properties. The proposed extension would affect the light received to the neighbour. Longfellow Road is a narrow road with existing parking issues, including the junction with Middleton Hall Road, which already experiences traffic accidents. A further 8 occupants will cause pressure on the existing situation and potentially lead to a hazard. Longfellow Road is not a suitable place for a HMO. An HMO of this size would undermine the community and cause disruption to the residents in the road.

5. Policy Context

- 5.1. Relevant Local Planning Policy:
- Birmingham Development Plan (BDP)
 - Birmingham Unitary Development Plan (UDP) Saved Policies
 - Specific Needs Residential Uses SPG
- 5.2. Relevant National Planning Policy:
- National Planning Policy Framework (NPPF)

6. Planning Considerations

- 6.1. This application has been assessed against the objectives of the policies set out above.

- 6.2. The main issues for consideration in the determination of this application are the principle of the development, the impact on the character of the area, the living conditions for future occupiers, impact on existing resident amenity, impact on trees and impact on highway safety and parking.

Policy, principle of development and impact on the character of the area

- 6.3. The NPPF contains a presumption in favour of sustainable development. Chapter 5 relates to delivering a sufficient supply of homes, the need to boost housing supply and offer a wide choice of quality homes. It notes that small sites can make an important contribution to the housing requirements of an area.
- 6.4. The BDP builds upon the principles of the NPPF, emphasising the housing need within the city. Whilst there is not a specific policy relating to HMOs, Policy TP27 'sustainable neighbourhoods' requires new housing in Birmingham to contribute to making sustainable places, by offering a wide choice of housing sizes, types and tenures to ensure balanced communities catering for all incomes and ages. Housing should be within easy access of facilities including shops, schools, leisure and work, conveniently located to travel by foot, bicycle or public transport and create a strong sense of place.
- 6.5. Saved policies 8.23 to 8.25 of the UDP relate specifically to houses in multiple paying occupation. Policy 8.24 states that in determining planning applications for HMOs, the following criteria are relevant; the effect on the amenities of the surrounding area and adjoining properties; the size and character of the property; the standard of accommodation; car parking facilities and local provisions. Policy 8.25 states that generally small terraced or small semi-detached properties used as HMOs will cause disturbance to the adjoining house and will be resisted. The impact of such a use would depend of the existing use of the adjoining properties and the ambient noise level in the immediate area.
- 6.6. The Specific Needs Residential Uses SPG states that the nature of occupants of a property is not a material planning consideration; the key issue in planning terms is the manner in which the property is occupied. It recognises that HMOs have a role to play in meeting the housing needs of certain groups in society. The SPG contains guidelines for internal standards for bedrooms where there is a kitchen/living room and a separate bedroom which are 6.5sqm for a single bedroom and 12.5sqm for a double bedroom.
- 6.7. The impact on the character of the area and neighbouring occupiers are key considerations in the determination of HMO applications. The application site is located in an area which is mixed in character consisting of family dwellings, flats and retirement homes and is outside of the Middleton Hall and Bunbury Road Area of Restraint. The HMO Licence register has been reviewed and the closest property with a licence is at 66 Middleton Hall Road, approximately 600m from the application site. There are also no pending licence applications within close proximity to the site. There would therefore be no cumulative impact of HMOs or an adverse impact on the character of the area.
- 6.8. I note the application proposes external alterations which would include replacement windows, installation of new windows, alterations to dormer window and the erection of a single storey side extension. The application site would retain the general appearance of a residential property and would therefore have no significant effect on the appearance or character of the application property, compared to the existing situation.

Living conditions for Future Occupiers

- 6.9. The property would provide seven single bedrooms measuring between 7.1 sqm – 9.4 sqm, which exceeds the minimum standard of 6.5sqm for a single bedroom. There would be a kitchen/dining/reception area measuring 24.4 sqm on the ground floor and a kitchen/dining area measuring 12.9 sqm; this would exceed what is required by BCC HMO Licencing for a seven bedroom property. There would be 108.6 sqm of private amenity space. I therefore consider that the living conditions for the future occupiers would be acceptable.

Impact on Residential Amenity

- 6.10. The development complies with the 45 Degree Code and the numerical guidelines set out in 'Places For Living' SPG and 'Extending Your Home' Design Guide, I am therefore satisfied that the proposal would have no impact on neighbours light or outlook, nor would it result in a loss of privacy.
- 6.11. I note that concerns have been raised about noise and disturbance to existing residents. Whilst the property is semi-detached, the likely sources of noise i.e. the kitchen/dining/living areas are located to the side of the property, furthest away from the Party Wall and would not be attached to the adjoining neighbour. In addition, prior to the introduction of the City Wide Article 4, the property could be used as a six bedroom HMO without the requirement for planning permission. Given this permitted development fall back, I consider that an additional person would not result in a significantly harmful level of comings and goings and noise and disturbance to local residents. Regulatory Services have raised no objection to the proposal. I therefore consider that the development would cause no harm to the residential amenity of the existing residents.

Crime

- 6.12. An objection has been received from West Midlands Police, as they consider a large HMO would have the potential to increase calls to the emergency services and increase the risk of crime and fear to the area. WMP have questioned if the landlord has had appropriate training and sought advice from the Council's HMO Team. This level of information would not be required for the assessment of this application as it is outside the scope of Planning and would be unreasonable to request.
- 6.13. Whilst crime and fear of crime are planning considerations, the 'Specific Needs Residential Uses' SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration and that HMO accommodation has a role to play in providing housing for certain groups in society. It is acknowledged that the overconcentration of HMOs can impact upon residential amenity and community cohesion, however it is important to emphasise that the behaviour of HMO tenants is not a matter for planning authorities. It should also be noted that this area is not characterized by HMOs, so there is no issue with over concentration. Furthermore it is also important to stress that there is no evidence that occupiers of HMOs are inherently more likely to participate in criminal and anti-social behaviour. In light of this and the above assessment in terms of an over concentration of HMOs in the locality, it is considered that a refusal on the grounds of crime and fear of crime could not be sustained.
- 6.14. If approved, West Midlands Police have requested conditions requiring doors to each bedroom and main entrance to be PAS 24 equivalent to prevent burglary, a video

monitoring and remote access control, CCTV to be installed at the entrance and in any communal areas and the proposal to be developed in line with the security standards 'Secured by Design'. I do not consider these conditions to meet the necessary tests.

Impact on Trees

- 6.15. Tree Protection Order 26 covers the site. The City's Tree Officer has raised no objection to the application however has stated that the street trees along Longfellow Road would require protection against damage during construction works. As these trees are outside of the application boundary, an informative would be attached to advise the Applicant of this.

Highway Safety and Parking

- 6.16. Local residents have raised concerns about the on-going traffic and parking issues which affect the surrounding rounds to the application site. Transportation Development have been consulted on the proposal and have raised no objection, as the site benefits from two garages along with off street driveway parking spaces fronting each. Beyond the site, parking on street at this location is unrestricted, and regular buses run along Middleton Hall Road throughout the day. Whilst Transportation Development have acknowledged the concerns of local residents, they consider that the proposal is unlikely to have a notable impact upon traffic and parking demand than that of the existing C3 use. It is however requested that secure and sheltered cycle storage provision is included, in order to encourage residents to consider this alternative mode of travel.

Other Matters

- 6.17. Regulatory Services have requested electrical vehicle charging points to be installed; at present this condition is only attached to flatted developments.
- 6.18. In regards to concerns raised about the lack of boundary between the application site and the neighbouring gardens; this is not a planning consideration.

7. Conclusion

- 7.1. The proposed change of use would be fully in accordance with the objectives of the policies outlined above. The objections raised are recognised and acknowledged, however the principle of development would be acceptable in this location. The application would not cause an over-concentration of HMOs within this vicinity, and would have an acceptable impact upon residential amenity, highway safety and parking. The objection from West Midlands Police is noted, however the nature of the objection is not a material planning consideration and HMO accommodation has a role to play in providing housing for certain groups in society.

8. Recommendation

- 8.1. Approve subject to the following conditions:

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

-
- 2 Limits the number of residents to 7 people
 - 3 Requires that the materials used match the main building
 - 4 Requires the submission of cycle storage details
 - 5 Implement within 3 years (Full)
-

Case Officer: Laura Reid

Photo(s)



Photo 1 - Application Site

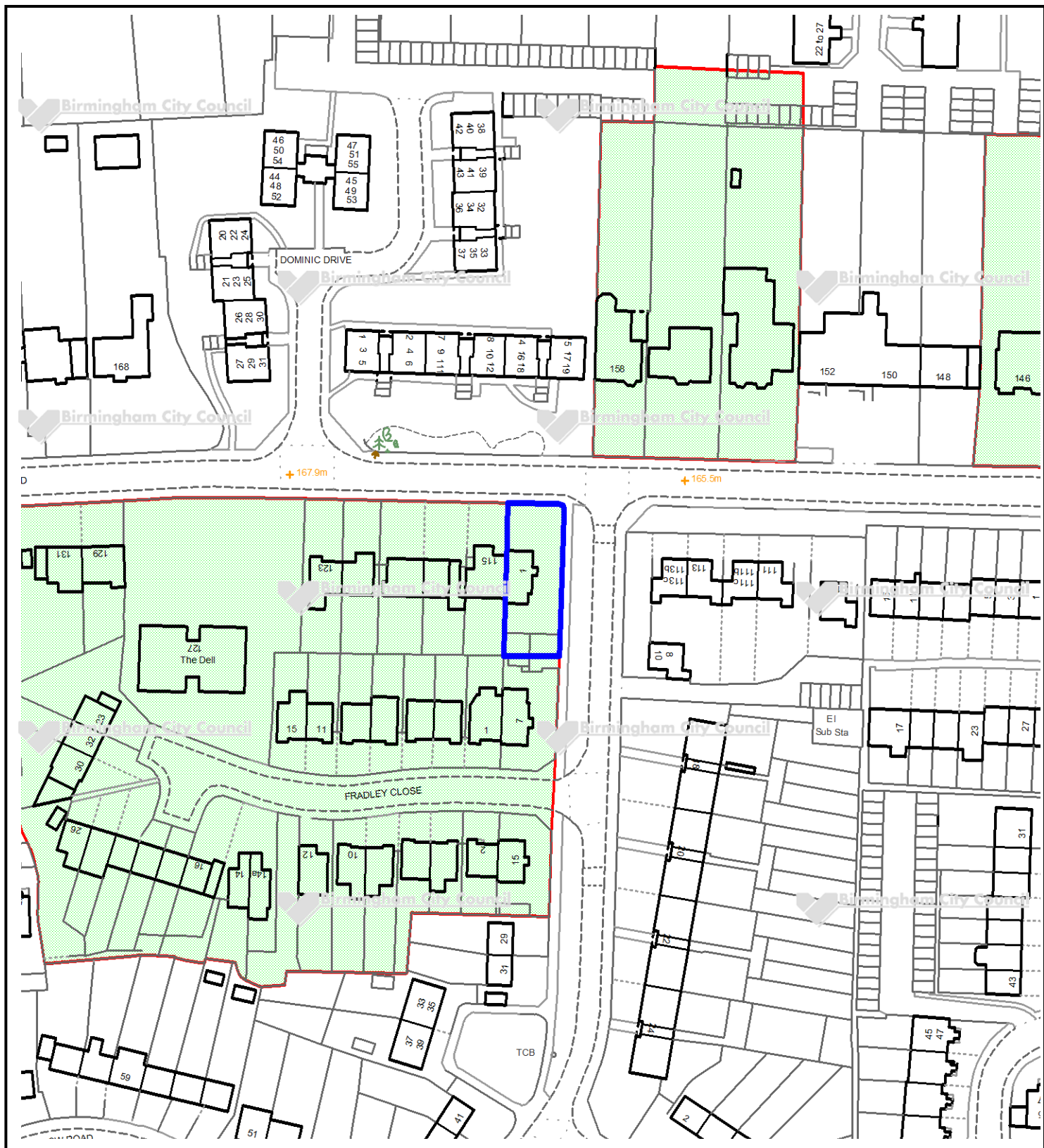


Photo 2 - Side Elevation – Longfellow Road



Photo 3 - Side Elevation – Middleton Hall Road

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	12/03/2020	Application Number:	2020/00606/PA
Accepted:	24/01/2020	Application Type:	Advertisement
Target Date:	20/03/2020		
Ward:	Harborne		

103a High Street, Harborne, Birmingham, B17 9NR

Display of 1no. internally illuminated 48-sheet digital advertisement hoarding

Recommendation

Approve Temporary

1. Proposal

- 1.1. Advertisement consent is sought for the display of 1no. internally illuminated 48-sheet digital advertisement hoarding on the side elevation of 103a High Street, Harborne, to replace the existing externally illuminated 48-sheet poster advertisement.
- 1.2. The screen would measure 3m in height, 6m in width and 0.25m in depth within a pressed metal and reinforced plastic frame. Static images would be replaced every 10 seconds with illumination levels of 300cd/m². The size of the advert would be the same as the existing.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to the north-east elevation of No. 103a High Street, Harborne, facing traffic travelling in the south-west direction towards Quinton and Bartley Green. The site lies in the heart of the Harborne Primary Shopping Area and Local Centre and is therefore surrounding by commercial uses, with residential properties located on roads off the High Street. There is an existing paper advertising sheet in situ at the location. The site lies diagonally opposite the Grade II Listed former school (106 High Street) which now hosts restaurants and cafés and approximately 60m from the Greenfield Road Conservation Area.
- 2.2. [Site Location](#)

3. Planning History

- 3.1. There is no recent planning history relevant to this application.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to the following conditions.

- Interval between successive displays to be instantaneous (0.1 seconds).
- No special visual effects of any kind to be permitted to accompany the transition between any two successive messages. Must not include fading, swiping or other animated transition methods.
- No special visual effects of any kind to be permitted during the time that any message is displayed. Must not include animated, flashing, scrolling, intermittent or video elements.
- Minimum display time of 10 seconds. The complete screen display must change instantly. There must not be any changing light patterns. Shall be limited to a two dimensional display only.
- Message sequencing must be prohibited.
- No advertisement will be allowed to emit noise, sound, smoke, smell or odours. To include a default mechanism that will freeze the sign in one position if a malfunction occurs.
- Shall not include features/equipment which would allow interactive messages/advertisements to be displayed.
- Shall be equipped with a dimmer control and a photo cell which shall constantly monitor ambient light conditions and adjust sign brightness accordingly. The brightness of the illumination shall be no greater than 300cd/m2.

4.2. No public consultation is required for advertisement applications; however 15 objections have been received on the following grounds:

- Visual pollution; dominating street scene; worse impact at night; harmful to Harborne; close to Greenfield Road Conservation Area; invasive
- Light pollution; impact on residents; 24hr use;
- Distracting and dangerous to drivers and pedestrians; would increase accidents on Harborne High Street;
- Environmental impact: unsustainable; contrary to Council's climate emergency declaration; energy consumption; use as much energy as 11 houses
- Would not benefit residents or community; bad for mental health
- Promote unsustainable way of life and products; overconsumption

5. Policy Context

5.1. Relevant Local Planning Policy:

- Birmingham Development Plan (BDP)
- Birmingham Unitary Development Plan (UDP) Saved Policies
- Greenfield Road, Harborne, Conservation Area
- 106 High Street (The School Yard) – Grade II Listed Building

5.2. Relevant National Planning Policy:

- National Planning Policy Framework (NPPF)
- Planning (Listed Buildings and Conservation Areas) Act

6. Planning Considerations

Policy

6.1. Policy PG3 of the Birmingham Development Plan states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of

place, reinforcing local distinctiveness and responding to the local area context. Policy TP12 of the BDP states that the historic environment will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness and sustainability. The City Council will seek to manage new development in ways which will make a positive contribution to its character.

- 6.2. Paragraph 3.14 of the Birmingham Unitary Development Plan (Saved Policy) emphasises that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit, and that the design and landscaping of new developments will be expected to contribute to the enhancement of the City's environment.
- 6.3. Paragraph 132 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed, and that the display of outdoor advertisements can only be controlled in the interests of '*amenity*' and '*public safety*'.
- 6.4. Paragraph 190 of the NPPF explains that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. The LPA should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 193 states 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that, any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Amenity and Impact on Conservation Area & Grade II Listed Building

- 6.5. The new advert would replace an existing externally illuminated advert in a commercial environment where such digital adverts are becoming more common. I do not consider there would be any significant greater impact on amenity.
- 6.6. The proposal is located within the setting of the Grade II Listed Building on the opposite side of Harborne High Street and 60m from the Greenfield Road Conservation Area. My Conservation Officer considers that whilst the proposal would be visible from the Listed Building, it is unlikely to be seen from within the Conservation Area. Views of the Listed Building looking east down the High Street would be unaffected but the proposal would be visible on westward facing views. Conservation consider these views would be much the same as the existing advert and overall would not cause harm to either heritage asset or their significance. I concur and consider the proposal would have an acceptable impact on heritage grounds.

Public Safety

- 6.7. Objections have been received on public safety and transportation grounds. Transportation Development raise no objection to the proposal subject to the conditions outlined in paragraph 4.1 and consider with the requested conditions the

signage would be no more distracting than the sign already in place. I concur with this view and consider the proposal would not harm public safety.

Other Matters

- 6.8. Objections have been received on grounds other than amenity and public safety. Whilst these are noted, the only matters for consideration in advertisement applications are amenity and public safety. Therefore the application cannot be assessed against other points raised.

7. Conclusion

- 7.1. I consider that the proposed signage would not harm the nearby designated heritage assets or have an adverse impact on visual amenity or public safety. As such, I recommend that the application is approved on for a temporary period of time, subject to the conditions detailed below.

8. Recommendation

- 8.1. Approve Temporary.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the use of the advert |
| 3 | Limits the approval to 5 years (advert) |
-

Case Officer: Caroline Featherston

Photo(s)



Photo 1: Existing advertisement hoarding

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Birmingham City Council

Planning Committee

12 March 2020

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	11	2018/07490/PA Land at Junction of Stratford Road/Highgate Road Sparkbrook Birmingham B11 Erection of five storey mixed use building comprising commercial use (Use Class A1, A2 and A3) at ground floor, office use (Use Class B1a) at first floor and 29no. 1 & 3 bedroom flats on second, third and fourth floor (Use Class C3) alongside associated works.
Approve – Temporary 2 years	12	2019/03970/PA 57-70 Alfred Street Sparkbrook Birmingham B12 8JR Change of use from vacant industrial unit (Use Class B2) to wedding venue (Use Class D2)

Committee Date:	12/03/2020	Application Number:	2018/07490/PA
Accepted:	29/01/2019	Application Type:	Full Planning
Target Date:	13/03/2020		
Ward:	Sparkbrook & Balsall Heath East		

Land at Junction of, Stratford Road/Highgate Road, Sparkbrook, Birmingham, B11,

Erection of five storey mixed use building comprising commercial use (Use Class A1, A2 and A3) at ground floor, office use (Use Class B1a) at first floor and 29no. 1 & 3 bedroom flats on second, third and fourth floor (Use Class C3) alongside associated works.

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. The application seeks planning permission for the erection of a five-storey mixed use building comprising of retail (Use Class A1), financial and professional services (Use Class A2) and 1no. restaurant/café unit (Use Class A3) at ground floor level, 6no. offices (Use Class B1a) at first floor level and 29no. self-contained residential flats (Use Class C3) on the second, third and fourth floors with associated works at land on the junction of Stratford Road and Highgate Road in Sparkbrook.
- 1.2. In terms of the design, the proposed building would be arranged as a 'curve' to provide a strong presence at this prominent road junction of Stratford Road and Highgate Road. The curved form of the proposed building would further influence the horizontal banding in the façade as well as a split in the top floor. The building would be faced in brick with contrasting dark framed windows and doors which would also match infill panels, the roof on the upper floor and rainwater goods. The proposed building would have a flat roof with the accommodation on the top floor clad with zinc or similar metal finish. The shop fronts would be single height and fully glazed recessed into the building. The top storey would be set back by 2.3 metres from the buildings parapet and is proposed to have a green biodiversity roof on top.
- 1.3. The ground floor layout shows 10no. commercial units ranging in size from 37 square metres to 79 square metres. 1no. unit would be used as a café/ restaurant (Use Class A3), whilst the remaining 9no. units would be used for retail and/or financial/professional services (Use Classes A1/A2). The first floor plan shows office space divided into 6no. separate office areas ranging in size from 70 square metres to 104 square metres. The remaining three upper floors would comprise of 29no. apartments, including 24no. one-bed and 5no. three-bed apartments. The one-bed apartments are located on the second and third floors and would have a floor space ranging from 42 square metres to 56 square metres. The three-bed apartments would be located on the fourth floor and range in size from 70 square metres to 84 square metres. It is intended that the development would provide for open market and privately managed purpose built rental sector dwellings (PRS). The application site has an area of 0.14 ha giving a density of 207 dwellings per ha.

- 1.4. The access to the retail units would be either from the street frontage along Stratford Road/ Highgate Road or from the rear car parking area. In addition, there are two dedicated shared access arrangements from the side elevations of the site for the office and residential units on the upper floors. The proposed vehicle access into the side is via a one way 'left only' access from Highgate Road and a one way 'left only' egress into Stratford Road. The proposed access arrangement from Highgate Road would result in the reduction in length of the existing bus stop from currently 18 metres to standard bus stop length of 12 metres. The car park to the rear would provide for 9no. parking bays (including 1no. disabled parking bay) and 34no. covered cycle parking bays. The plans also show dedicated refuse storage areas within the rear car park.
- 1.5. The application is supported by a Design and Access Statement, Transport Statement and Addendum, Environmental Noise Report, Air Quality Assessment, Drainage Strategy and Ground/ Land Contamination Report.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of an irregular shaped, cleared parcel of land, situated at the junction of Stratford Road and Highgate Road. Previously, the site was occupied by two and two and a half storey terraced properties that operated as retail shops with flats/ incidental storage above. These properties were demolished and the site cleared in order to facilitate junction improvements as part of the Highgate Road Highway Improvement Line. Currently the site comprises hard surfacing, made ground and landscaping and is enclosed by contractor's site boarding. The total site area is 0.14 ha.
- 2.2. The surrounding area is mixed commercial and residential in character. The application site is situated within the Primary Shopping Area of Sparkhill Neighbourhood Centre as defined by the BDP 2017 and Shopping and Local Centres SPD 2012. A job centre with associated car parking is situated to the south-west of the site. There are retail parades located to the south-east and east of the application site on Stratford Road. In northern direction, there is a small council car park with a mixed commercial parade that includes two locally listed buildings at the junction of Highgate Road and Stratford Road. There is a current planning application ref. 2018/08593/PA for this land, awaiting determination for a mixed use development comprising mosque, community centre, school, residential flats, retail units, basement and surface car park and demolition of existing buildings and removal of car park.

[Location Plan](#)

3. Planning History

- 3.1. None relevant. Historic applications relate to retail/restaurant/café premises that have since been demolished.

4. Consultation/PP Responses

- 4.1. Site and Press Notice displayed. Adjoining neighbours, Residents Associations, Ward Councillors and MP consulted.
- 4.2. One response received from Councillor Shabrana Hussain, questions whether all new flats would have wheelie bins and car parking facilities provided on site.
- 4.3. One objection received from neighbour, concerned with the existing parking situation in the area and application needs to be supported by sufficient parking within the site.
- 4.4. Transportation Development – No objections subject to conditions in relation to a construction management plan, measures to prevent mud on the highway, means of access for construction, no occupation until turning/parking area is constructed, entry and exit details, parking management strategy, commercial and residential travel plan, delivery/service area completion, dedicated access and egress point, pedestrian visibility splays, delivery vehicle management scheme, S278/Highway Works, cycle storage and electric vehicle charging point.
- 4.5. Regulatory Services – No objections subject to conditions in relation to extraction and odour control details, restrict amplification sound, noise levels for plant and machinery, noise insulation, proposed hours of use for café/restaurant, retail and office uses, delivery time restrictions, provision of an overheating assessment and electric vehicle charging point.
- 4.6. West Midlands Fire Service – Advise provided on the provision of fire mains within the building and water supply. The matters raised concern Building Regulations and would be considered at a later stage.
- 4.7. Severn Trent – No objections subject to conditions in relation to a drainage plan for foul and surface water flows. It is also advised that there is public sewer located within the site and may not be built close to, direct over or be diverted without prior consent.
- 4.8. Lead Local Flood Authority – No objections subject to conditions in relation to a sustainable drainage scheme and a sustainable drainage operation and maintenance plan.
- 4.9. Leisure Services – No objections subject to the provision of an off-site public open space contribution of £44,200.00
- 4.10. West Midlands Police – No objections. Considered that building would be eligible for Secured by Design and recommendation to install intruder alarms that attracts a police response.
- 4.11. Transport for West Midlands – No objections to change and relocation of bus stop.
- 4.12. Housing – No objections and confirmation received that the affordable housing provision can be delivered off site.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP, 2017); Unitary Development Plan (UDP, Saved Policies 2005); Shopping and Local Centres SPD (2012); Places for All SPD (2001); Places for Living SPG (2001); Car Parking Guidelines SPD (2012); Shop

Front Design Guide; National Space Standards (2015); National Planning Policy Framework (NPPF, 2019); National Planning Practice Guidance.

6. Planning Considerations

- 6.1. The application has been assessed against the objectives of the policies as set out above. The main issues in the determination of the application are as follows:

Planning Policy/ Principle of Development

- 6.2. The NPPF confirms that plans and decision should apply a presumption in favour of sustainable development (paragraph 11). Stating that the planning system should contribute to building a strong, responsive and competitive economy and should do everything it can to support sustainable economic growth.
- 6.3. Chapter 7 of the NPPF deals with the need to promote and ensure the vitality and viability of town centres and is particularly relevant to this proposal. Paragraph 85 states that planning policies should support the role that town centres play at the heart of local communities through a positive approach to growth, management and adaption. It also encourages planning policies to define the extent of town centres and primary shopping areas, make clear the range of uses permitted in such locations, recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
- 6.4. Policy PG1 (Overall levels of growth) of the BDP 2017 advises that over the plan period, significant levels of housing, employment, office and retail development will be planned for and provided along with supporting infrastructure and environmental enhancements.
- 6.5. Policy TP21 (The network and hierarchy of centres) of the BDP 2017 states that the vitality and viability of the centres within the network and hierarchy identified within the policy will be maintained and enhanced. The site is located within the Sparkhill Local Centre. These centres will be the preferred locations for retail, office and leisure developments and for community facilities (e.g. health centres, education, social services and religious buildings). Residential development will also be supported in centres having regard to Policy TP24. Proposals which will make a positive contribution to the diversity and vitality of these centres will be encouraged, particularly where they can help bring vacant buildings back into positive use. Policy TP24 (Promotion of diversity of uses within centres) further adds that a diverse range of facilities and uses will be encouraged and supported in centres, consistent with the scale and function of the centre. This includes leisure uses, offices, restaurants, takeaways, pubs and bars, community uses, cultural facilities, tourist-related uses and residential on upper floors where it provides good quality, well designed living environments. Within the context it remains important to ensure that centres maintain their predominantly retail function and provide shops (Use Class A1) to meet day to day needs.
- 6.6. Policy TP27 (Sustainable Neighbourhoods) of the BDP 2017 expects new neighbourhoods in Birmingham to contribute to making sustainable places. Policy TP28 (The location of new housing) further adds that residential development should be located outside flood zones 2, 3a and b; be adequately serviced by existing or new infrastructure; is accessible to jobs, shops and public transport; capable of

remediation; sympathetic to historic, cultural and natural assets and would not conflict with any other specific policies in the BDP.

- 6.7. The scheme seeks to provide 10no. commercial units on the ground floor (9no. units in Use Class A1/A2 and 1no. unit in Use Class A3), 6no. separate offices on the first floor and 29no. residential apartments on the second, third and fourth floors. This is a mixed use scheme located in a sustainable location, on previously developed brownfield site which is well-linked to the existing highway network within a local centre and provides easy access to the public transport system. The proposal would bring significant investment to this part of the City and would make an important contribution to the existing retail and office provision as well as housing stock within the area. The site is located within the Primary Shopping Area of the Sparkhill Local Centre and a mixed use development comprising of retail, office and residential would be acceptable in principle complying with adopted national and local planning policies. I therefore raise no objection to the principle of the proposed development subject to review of detailed matters as discussed below.

Design and Layout

- 6.8. Policy PG3 of the BDP 2017 and the NPPF 2019 promote high design quality and a good standard of amenity for all existing and future occupants of land and buildings and that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 6.9. The wider area is of mixed character, including a variety of heights, materials and layouts. The adjoining building to the south is a three storey red brick terraced building, whilst the job centre to the south-west is a detached building, two-storeys in height. The application site is currently vacant, but was previously developed with a mixed-use retail and residential buildings. The proposal would make more effective and efficient use of a site that was previously developed. The proposed building would effectively continue the street frontage along Stratford Road with an approximately 6 metre wide gap to the adjoining building at no. 339 Stratford Road which would serve as the vehicle exit from the application site.
- 6.10. Policy TP30 (The type, size and density of new housing) requires that new housing should be provided at a target density responding to the site, its context and the housing need with densities of at least 50 dwellings per hectare in areas well served by public transport. The scheme proposes 29no. apartments on the site which has an overall size of 0.14 ha, equating to a density of approximately 207 dwellings per hectare. Considering the location within the Sparkhill Local Centre and situated on a major bus route into the City Centre, it is considered that the density is appropriate for its location and context.
- 6.11. The scheme proposes a five storey mixed-use building which would be of a simple and modern design, curved around the site's boundary frontage and providing a strong presence on this prominent road junction on the corner of Stratford Road and Highgate Road. The design seeks to achieve a balanced vertical rhythm, whilst at the same time providing horizontal bandings in the façade. The fourth floor would be set back from the main building line by approximately 2.3 metres. The proposed materials would be subtle coloured facing brick with contrasting dark framed recessed windows and doors, matching infill roof panels and rainwater goods. The ground floor commercial units would be fully glazed. The scheme proposes a flat roof with zinc or similar metal finish cladding as well as the provision of a green roof to aid biodiversity. Overall it is considered that the proposed design is acceptable and would assist in reinforcing a strong sense of place in this location. Considering

the prominent and highly visible location on this corner junction, I am of the opinion that the five storey building with the upper floor being appropriately set back, would sit comfortably with the existing streetscene and would positively address the visual amenity of the local area

- 6.12. In terms of the design, the City Design Team has provided comments on the application and are supportive of the proposed design, subject to the provision of detailed bay studies of the ground floor shop fronts and surrounds, sample first and second floor glazing and surrounding façade, the fourth floor façade including glazing, material junction between proposed brick and metal, and proposed lift overrun. In addition, a condition should be imposed to provide samples of detailed materials prior to their use. I concur with this view and impose the conditions accordingly.
- 6.13. The main pedestrian entrance to the retail units would be from Stratford Road and a secondary access/ staff entrance for each unit would also be provided from the rear parking area. The proposed offices and residential apartments would have separate access points from the west and south elevation which would appropriately separate and provide privacy for residents from the commercial element from the scheme.
- 6.14. The proposed layout seeks to provide a one-way vehicle access from Highgate Road and one-way vehicle egress into Stratford Road which would allow 9no. visitor car parking spaces, cycle parking and refuse storage within the rear yard area. There is no allocated parking for the residential units as the location is extremely accessible being located within the Local Centre. Each commercial ground floor unit would also have a separate rear entrance and there is also access to the upper floor offices and residential units from separate entrance provisions. There would also be secured cycle storage provided along the southern boundary of the site, as well as secured and covered timber constructed bin storage; the details of which would be conditioned. Appropriately utilising the rear yard of the site, making efficient use of the space available, the parking and access layout is considered acceptable for the proposed mixed-use scheme.
- 6.15. There is limited opportunity for landscaping within the site. However, I consider it would be appropriate to include conditions for details of boundary treatment and hard and/or soft landscaping details. In order to address matters of sustainability, it is positive to note that a biodiversity roof is proposed which would assist in providing a biodiversity net gain as well as including secondary soft landscaping within the scheme. Therefore, the delivery of a mixed-use scheme on this prominent corner position which is of high quality design and with the use of high quality hard surfacing materials and soft landscaping provision is therefore considered acceptable.

Residential amenity

- 6.16. The application site is located within the Sparkill Local Centre and Primary Shopping Area and nearest existing residential uses are located on the upper floors of nearby commercial units, with the closest being situated at no.339 Stratford Road, approximately 5 metres to the south of the site. There are no habitable windows within the existing side elevation of the adjoining property. In addition, there are no other residential units within close proximity. The proposed new building complies with separation distances as set out in Places for Living and the Council's 45 Degree Code in terms of adjoining residential development. It is therefore considered that there would be no adverse impact on existing residents currently living around the

site from this development by way of overlooking, loss of privacy, noise or general disturbance.

- 6.17. In terms of future residents living in the proposed apartments, it is noted that apartment nos. 1, 12 and 23 would have habitable windows towards the blank wall of the adjoining no. 339 Stratford Road, however, these windows are secondary windows to the main window overlooking Stratford Road, and therefore it is considered that the separation distance of 5.8 metres is appropriate and would not negatively impact on the residential amenity of residents living in the three apartments.
- 6.18. Considering all main habitable windows of the apartments would have outlook onto Stratford Road or into the rear car park area, the scheme complies with the Council's 45 Degree Code and would not negatively impact on residential amenity in terms of outlook, privacy or overlooking.
- 6.19. The scheme provides 29no. apartments of which 24no. would be one-bed and 5no. would be three-bed apartments. The one-bed apartments are located on the second and third floor and would have a floor space ranging from 42 square metres to 56 square metres. The three-bed apartments would be located on the fourth floor and range in size from 70 square metres to 84 square metres. Therefore, the scheme complies with the floor space recommendations as set out in 'Technical Housing Standards – Nationally Described Space Standards (2015)'.
- 6.20. In terms of external amenity areas, Places for Living SPG usually requires 30 square metres communal amenity space per dwelling which would require 870 square metres for the no.29 apartments proposed to be provided on site. However, due to the constrained size of the application site and its location on this prominent corner within the Local Centre, the scheme does not propose any amenity space within the site. It is however noted that all apartments exceed the national space standards and the site is located approximately 300 metres walking distance from Brunswick Road Park to the south-west of the site on Stoney Lane. Whilst it is regrettable that no external amenity space would be provided on site, the benefits of the scheme in terms of providing a high quality new mixed-use building on this prominent corner location in the Local Centre and Primary Shopping Area as well as an off-site affordable housing contribution, would outweigh the harm caused by the non-provision of any external amenity space.
- 6.21. Regulatory Services have been consulted on the application and raise no objections to the proposed development. They have reviewed the submitted noise and air quality assessment and confirm acceptance and appropriateness of their findings in terms of impact from the main roads and commercial uses around the site. In addition, they have requested a number of conditions relating to the restriction of opening hours for the café/restaurant, retail units and offices and restrictions on delivery times, extraction and odour control details, restriction of amplification sounds, noise levels for plant and machinery, noise insulation, provision of an overheating assessment and electric vehicle charging points. I concur with this view and impose the conditions accordingly.
- 6.22. Overall it is therefore considered that the scheme is acceptable in terms of impact on residential amenity of existing residents living around the site and future occupiers of the building.

Affordable housing

- 6.23. Policy TP31 of the BDP 2017 states that the Council will seek 35% affordable housing on developments of 15 dwellings or more and these dwellings should be provided and fully integrated with the proposed development. In the event, that the applicant considers that the above proportion of affordable housing cannot be delivered for viability reasons, a viability appraisal of the proposed scheme will be required.
- 6.24. The application is accompanied by a Financial Viability Appraisal and Affordable Housing Statement which was independently reviewed by the Council's Viability Assessors, confirming that the maximum the scheme could deliver in terms of affordable housing would be 10%. Following conversations with the Council's Housing Department it was further confirmed that the affordable housing would be provided as a financial off-site contribution (£103,512.00). It is therefore concluded that the scheme does not generate sufficient developer's return to justify a higher affordable housing/ Section 106 contribution payment without impacting on viability and deliverability. Therefore, subject to the 10% off-site affordable housing contribution which equates to the sum of £103,512.00, secured via a Section 106 Agreement, the proposed development would comply with Policy TP31 of the BDP 2017.

Public Open Space

- 6.25. Policy TP9 (Open space, playing fields and allotments) of the BDP 2017 states that in new residential developments provision of new public open space will be required broadly in line with the standard of 2 ha per 1000 population. In most circumstances, residential schemes of 20 or more dwellings should provide on site public open space and/or children's play provision. However, developer contributions could be used to address the demand from new residents on other types of open space such as allotments and civic spaces.
- 6.26. Leisure Services has commented on the application and considers that as the application is for over 20 dwellings it would be subject to an off-site Public Open Space contribution. Considering the scheme is largely non-family type accommodation, an off site play area contribution would not be applicable. However, based on the current mix this would require a total Public Open Space contribution payment of £44,200.00.
- 6.27. The applicant has submitted a viability assessment and following independent assessment, it was confirmed that except the 10% affordable housing contribution as stated above, no further contribution could be sought from the development without impacting on viability and deliverability. Therefore I consider it would not be appropriate to seek the public open space contribution in this instance.

Pedestrian and highway safety

- 6.28. The application site is located within a highly sustainable location within the Sparkhill Local Centre. There are bus stops located just outside the application site, connecting the site to the City Centre and surrounding areas. In addition, there are various retail units as well as restaurants/ cafés located within the Centre along Stratford Road and in addition, there is a large Aldi supermarket on the opposite side of Highgate Road. It is also located within walking distance to surrounding residential neighbourhoods.
- 6.29. Vehicular access into the application site would be provided to the rear of the building with a proposed 'one-way' access from Highgate Road and a 'one-way' exit

onto Stratford Road. There would be 9no. unallocated visitor parking spaces provided, with 1no. as a disabled parking space. In addition, the scheme proposes 34no. covered cycle spaces. The access and egress would be regulated by metal gates, set back from the main road. In addition, the submitted plans show that the site can be suitably accessed by a 7.5 tonnes large rigid vehicle for delivery purposes.

- 6.30. The access into the site would require the relocation of an existing bus shelter. Discussions have been held with Transport for West Midlands who confirmed the works would be appropriate and raise no objections to the proposal. The works would be covered as part of the S278/ Highway works and a condition would be imposed in this regard.
- 6.31. Transportation Development has been consulted on the application and following the submission of amended plans, has no objections to the proposal on highway grounds subject to the inclusion of conditions in relation to a construction management plan, measures to prevent mud on the highway, means of access for construction, no occupation until turning/parking area is constructed, entry and exit details, parking management strategy, commercial and residential travel plan, delivery/service area completion, dedicated access and egress point, pedestrian visibility splays, delivery vehicle management scheme, S278/Highway Works (to include the construction of new vehicle access/egress, installation of bollards, relocation of bus shelter and associated highway works), cycle storage and provision of electric vehicle charging points. I concur with this view and impose the conditions accordingly.

Flood Risk and Drainage

- 6.32. The application site is located within Flood Zone 1 and the applicant has submitted a Drainage Report with the application. The Lead Local Flood Authority (LLFA) has commented on the application and has accepted the principle of the development, requesting conditions to provide details of surface water drainage and SUDS prior to commencement of works; and the submission of a Sustainable Drainage Operation and Maintenance Plan. I concur with this view and impose the conditions accordingly.
- 6.33. In addition, Severn Trent also raises no objection to the proposal in terms of sewerage, but request the inclusion of conditions to provide drainage plans for the disposal of foul and surface water flows and their implementation in accordance with the approved details. Severn Trent has also advised that there is a public sewer within the site which may need relocating as part of the post-planning process.

Other matters

- 6.34. Ecology - Policy TP8 (Biodiversity and Geodiversity) and the BDP 2017 requires all development, where relevant, to support the enhancement of Birmingham's natural environment. Measures should be appropriate to the nature and scale of the development proposed and proposals should clearly identify how ongoing management of biodiversity and geodiversity enhancement measures will be secured. The site is considered to currently have negligible ecological value, given its highly urbanised location and lack of vegetated habitats and the proposed development provides an opportunity to incorporate ecological enhancement measures to improve biodiversity within the local area. Following discussions with the City's Ecologist, the scheme now proposes the inclusion of a green biodiversity roof which has a size of approximately 750 square metres. The City's Ecologist has

confirmed they support the proposed inclusion of a biodiversity roof which would deliver SuDS and ecological benefits and provides an opportunity to achieve a biodiversity net gain from the development. The details of the biodiversity roof would be agreed at a later stage and therefore a condition is recommended in this regard. I concur with this view and impose the conditions accordingly.

- 6.35. Community Infrastructure Levy - The proposal would not attract a Community Infrastructure Levy (CIL) contribution.
- 6.36. Energy and Sustainability – Policy TP3 (Sustainable Construction) of the BDP 2017 sets out a number of criteria which should be considered to demonstrate sustainable construction and design. In addition, Policy TP4 (Low and zero carbon energy generation) requires new development to incorporate low and zero carbon forms of energy generation, unless it is unviable to do so. The application is supported by a Design Statement which states that where possible, materials will be sourced using the Green Guide to Specification and will be A-rated and locally sourced. It is also confirmed that the proposed development will be designed and constructed to minimise its energy consumption over the lifetime of the building, with increased insulation values to conserve energy. In addition, sustainable drainage systems will be utilised on-site in order to slow and minimise the loads applied to the local drainage system, improving surface water runoff or discharge by at least 30%. On this basis it is considered the proposal would comply with the adopted policies.

7. Conclusion

- 7.1. The application seeks planning permission for the proposed erection of a five storey mixed used building including commercial uses on the ground floor, offices on the first floor and residential apartments on the second, third and fourth floor. The scheme is located within the Sparkhill Local Centre and the well-balanced mix of uses would maintain and enhance the vitality and viability of the Local Centre. It is also considered to be appropriate in terms of its design, considering the prominent corner location on the junction of Stratford Road and Highgate Road, would not negatively impact on the residential amenity of nearby existing occupiers or future residents of the proposed apartments, and is appropriate in terms of highway safety. In addition, a 10% off-site affordable housing contribution has been agreed as part of the scheme. Therefore, it is considered the scheme is acceptable and in accordance with adopted planning policies.

8. Recommendation

- 8.1. Approve, subject to conditions and pending the completion of a Section 106 Legal Agreement.
- 8.2. The Legal Agreement to secure the following:
- 10% affordable housing off-site financial contribution (£103,512.00)
 - Payment of a monitoring and administration fee associated with the legal agreement of £3,623.
- 8.3. That the City Solicitor be authorised to prepare, seal and complete the appropriate agreement.

8.4. In the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 17th April 2020, planning permission be REFUSED for the following reason:

- The proposal represents an unacceptable form of development as it would not achieve a Section 106 Planning Obligations in the form of appropriate affordable housing. This is contrary to policies TP31 and TP47 of the BDP 2017, Affordable Housing SPG and NPPF 2019.

1	Requires the scheme to be in accordance with the listed approved plans
2	Requires the prior submission of bay studies
3	Requires the submission of sample materials
4	Requires the submission of hard and/or soft landscape details
5	Requires the submission of hard surfacing materials
6	Requires the submission of boundary treatment details
7	Limits the hours of use (offices) 08:00-20:00 Mon-Sat and 09:00-18:00 Sun/BH
8	Limits the hours of use (retail and financial/professional services) 08:00-20:00 Mon-Sat and 09:00-18:00 Sun/BH
9	Limits the hours of use (cafe/restaurant) 07:00-20:00 Mon-Sat and 09:00-18:00 Sun/BH
10	Limits delivery time of goods to or from the site 10:00-16:00 Mon-Sat and 11:00-14:00 Sun/BH
11	Requires the submission of extraction and odour control details
12	Prevents the use of amplification equipment
13	Limits the noise levels for Plant and Machinery
14	Requires the prior submission of noise insulation (variable)
15	Requires the prior submission of an overheating assessment
16	Requires the provision of a vehicle charging point
17	Requires the prior submission of drainage plans
18	Requires the prior submission of a detailed sustainable drainage scheme
19	Requires the submission of a Sustainable Drainage Operation & Maintenance Plan
20	Requires the submission of details of the proposed biodiversity roof
21	Limits the the use as a cafe/restaurant (Use Class A3) to 1no. commercial unit on the

	ground floor only.
22	Limits the use as premises for financial/professional services (Use Class A4) to 2no. commercial units on the ground floor only.
23	No merging or sub-division of commercial units on ground floor
24	Requires the prior submission of a construction method statement/management plan
25	Requires the submission of details to prevent mud on the highway
26	Requires the prior installation of means of access
27	Prevents occupation until the turning and parking area has been constructed
28	Requires the submission of entry and exit sign details
29	Requires the submission of a parking management strategy
30	Requires the submission of a commercial travel plan
31	Requires the delivery and service area prior to occupation
32	Requires the submission of a residential travel plan
33	Requires the dedicated use of access and egress points
34	Requires pedestrian visibility splays to be provided
35	Requires the submission of details of a delivery vehicle management scheme
36	Requires the submission and completion of works for the S278/TRO Agreement
37	Requires the submission of cycle storage details
38	Implement within 3 years (Full)

Case Officer: Laura Pohl

Photo(s)



Figure 1: View towards Site from Highgate Road



Figure 2: View south towards site from Stratford Road



Figure 3: View north towards site from Stratford Road



Figure 4: View into site from Stratford Road

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	12/03/2020	Application Number:	2019/03970/PA
Accepted:	30/08/2019	Application Type:	Full Planning
Target Date:	10/03/2020		
Ward:	Sparkbrook & Balsall Heath East		

57-70 Alfred Street, Sparkbrook, Birmingham, B12 8JR

Change of use from vacant industrial unit (Use Class B2) to wedding venue (Use Class D2)

Recommendation

Approve Temporary

1. Proposal

- 1.1. The proposal relates to the change of use of a vacant industrial unit (Use Class B2) to a wedding venue (Use Class D2).
- 1.2. The change of use essentially relates to two buildings. The first is an existing large warehouse on the western perimeter of the site which spans almost the entire distance between Studley Street to the north and Alfred Street to the south. A large marquee is proposed inside this industrial unit with a floorspace of 1289sqm and would be used as a wedding venue with 415 seats.
- 1.3. The smaller building towards the eastern side of the site, adjoining Studley St would be used as a catering unit to serve the wedding venue. It has a floorspace of 154sqm and a separate entrance from Studley St. There would be 10 full time employees.
- 1.4. The remainder of the site would be used for car parking which would be divided by a proposed central landscaping strip. There would be 83 parking spaces and 6 disabled spaces provided close to the entrance. There are two accesses proposed at the northern side of the site from Studley Street. There would be 20 cycle spaces provided in the north western corner of the site adjoining the proposed main wedding venue.
- 1.5. The application is accompanied by a Planning Statement, Design and Access Statement, Loss of Industrial Land Supporting Statement, Noise Report, Travel Plan, Transport Statement and Highways Technical Note.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises the former Varley & Gulliver Ltd premises located between Alfred Street and Studley Street. The boundary of the curtilage between the buildings comprised metal security fencing with barbed wire above. There are industrial premises to the north of the site on the opposite side of Studley Street and there is an entrance to Highgate Business Centre. Adjoining, to the west, are further

industrial premises. The east side of the site is bordered by a Dialysis Unit and associated car parking forming a frontage on Queen Street. There are warehouses to the south of the site on Alfred St with a car park on the opposite side of the street, a community church and dwellings further along the street.

- 2.2. The immediate locality is mixed residential/commercial in character and adjoins Ladypool Road Primary Shopping Centre to the west.

[Site Location Plan](#)

3. Planning History

- 3.1. 09.09.2014. 2014/04672/PA Erection of new steel fencing to Studley Street elevation. Approve subject to conditions.
- 3.2. 20.04.2009. 2009/00711/PA Demolition of part of existing building and alterations to remaining building. Approve subject to Conditions.
- 3.3. 05.02.2007. 2006/06683/PA Erection of single storey rear extension for storage – Refused on grounds of its scale, design and location which would be detrimental to the visual amenities of the surrounding area.
- 3.4. 26.06.1992. 1992/01991/PA Construction of ancillary offices and workshop and formation of associated car parking and access points. Approve subject to conditions.
- 3.5. 18.09.1980. 24727018 Erection of two-storey office building, fence and gates and alterations to footpath crossing. Approve subject to conditions.

4. Consultation/PP Responses

- 4.1. MP, Ward Councillors, Resident Associations and adjoining occupiers consulted. Site and Press Notices posted. 8 representations received summarised as appropriate:
 - Cllr Shabrana Hussain: This is going to cause chaos. There is no room for residents parking. The roads are going to be heavily congested. Wedding are held very unsociable hours with sports cars revving and racing around. Fireworks going off all hours. There already are a few wedding venues in the area so this will have a greater cumulative impact
 - The CSN centre is a conference and wedding venue already on Highgate Road which causes air, noise pollution and traffic issues. The music and firework displays are already disruptive.
 - There would be conflict with busy shopping traffic on Ladypool Road. It already suffers traffic problems with the recent one way system being imposed along Church Rd which has caused problems on Taunton Rd, Brighton Rd as well as Stoney Lane. It is unclear how the area would cope with another 300 cars on a weekend.
 - There is inadequate enforcement of existing parking and traffic violations.

- The whole area around Sparkbrook will benefit from such a proposal.
- There is constant use of parking on pavements and a block of house driveways which is not acceptable.
- A petition will be in place soon.
- There are already problems with long base delivery vehicles that deliver stock to existing traders, sometimes making it a standstill.
- None of the shops and restaurants have their own parking and they solely rely on the side streets for car parking.
- This proposal will only make a "bad situation" even worse.
- There is a Dialysis Centre next door which will be affected by this application.
- The parking displacement arising from the proposal will reduce customers visiting the area and making it much more difficult than it already is for traders to trade in the context that there are already 22 shops available to let on Ladypool Road.

4.2. Regulatory Services - The noise report and design statement does not reference entertainment noise. Using 3dB above ambient would not be acceptable when looking at entertainment noise. Questions raised in relation to fireworks and ancillary use of the catering building. Further information has been provided by the applicant which shows that the venue will not have any music. In that context, there is no objection from Regulatory Services subject to restrictive conditions.

4.3. LLFA – No objection as the proposal is related primarily to a change of use application there is limited ability to incorporate new sustainable drainage features within the development site.

4.4. Severn Trent – No objection.

4.5. WM Police – No objection.

4.6. Access Birmingham - If approval given, the hand basins in the female toilet should be moved to side wall of baby change to improve ease of movement, also use of baby change facility would be restricted to women.

4.7. Transportation Development - It is noted that the proposed development may have a material impact upon the operation and capacity of certain local highway links and junctions, particularly Studley Street. It is further noted that there may be off-site mitigation works to the local highway network which would make the proposal acceptable in transport terms, however it is not currently possible to identify any specific measures. Therefore, a temporary consent should be considered to assess the impact of the proposals.

5. Policy Context

- 5.1. Birmingham Development Plan (2017), Birmingham Unitary Development Plan, Saved Policies (2005), Loss of Industrial Land to Alternative Uses SPD (2006), Balsall Heath Neighbourhood Development Plan (2015), Shopping and Local Centres SPD (2012) and Car Parking Guidelines SPD (2012). NPPF (2019).

6. Planning Considerations

Principle

- 6.1. The site has historically been used for industrial purposes (a mixture of B1, B2 and B8 uses) and the application has been accompanied by a statement in relation to the loss of the site for employment purposes. The site adjoins Ladypool Road Local Centre and is not identified as Core Employment Land in the Birmingham Development Plan 2017. In accordance with the requirements of Policy TP20, employment land is protected unless a number of specific criteria apply. These are whether the site is considered a non-conforming use or whether it would no longer be attractive for employment development.
- 6.2. In terms of the predominant uses in the immediate area, there are small areas of residential development on Studley Street to the north and a slightly larger number of residential properties on Alfred St to the south. There is also a Dialysis Centre and B1/B2/B8 uses to the north on Studley St. **Therefore, the area is mixed in terms of uses and may be considered a non-conforming use.**
- 6.3. The applicant has provided a detailed Loss of Industrial Land Supporting Statement and Section 3.4 and Appendix 2 of the statement relate to the marketing of the site. These make reference to informal marketing that has been carried out and that interest in the site was restricted to redeveloping the site for alternative leisure uses rather than introducing a new employment use. The applicant has provided further detail about this marketing of the site to demonstrate conformity with the second requirement of policy TP20. Appendix 2 confirms that the previous occupiers Varley and Gulliver Ltd were attempting to sell the property for a period of 16 months and there was no interest from potential purchasers in continuing with the established employment use.
- 6.4. The Supporting Statement considers that the proposed catering suite would provide an element of employment use. It also points to fly tipping and degradation of the site as a result of the current vacant state of the land and buildings. It is considered that the catering suite would serve the wedding venue and would therefore amount to an ancillary D2 use. The catering unit would be served by small vehicles such as vans. The matter of access to the site along narrow streets for large HGV's would deter some occupants and this is a material consideration which carries more weight in relation to the future use of the site for modern employment purposes.
- 6.5. The prescriptive requirements of policy TP20 of the BDP and the Loss of Industrial Land to Alternative Uses SPD have been taken into account, and it is considered that sufficient information in respect of marketing has been provided to justify the loss of employment land.
- 6.6. The site adjoins Ladypool Road Local Centre. The Loss of Employment Statement incorporates a sequential assessment for the proposed D2 use in an edge of centre location. The views of Strategic Planning are noted that the sequential assessment has been undertaken in an appropriate way, with a number of alternative premises identified within both the Ladypool Road and Sparkhill Local Centres. It is evident that none of the premises identified are of an appropriate size and nature to be able

to accommodate the proposed use. Therefore I conclude that the proposals would not conflict with Policy TP21 of the BDP or the Shopping and Local Centres SPD.

Design and Visual Amenity

- 6.7. The application proposes the provision of a marquee within the larger industrial unit on the western side of the site and the conversion of the smaller industrial building into a catering suite. I note the views of the City Design Team. I would share the view that there is scope to enhance the appearance of the existing buildings and boundaries and, in turn, the wider street environment. Therefore, conditions are attached to ensure appropriate boundary treatment and landscaping and enhancement of the public realm at the street frontage of the proposed catering building. The matter of landscaping of the car park has also been considered and an appropriate condition applied. It is notable that the proposal would be for a temporary period and the appropriate material enhancement of the primary venue building is achievable and an appropriate condition to that effect has been applied.

Impact on Residential Amenity

- 6.8. The views of Regulatory Services and the comments received from neighbouring residents are noted. Concerns have been expressed in relation to noise and disturbance. The applicant has stated that there would be no music at the venue and conditions have been attached to restrict amplified and live music and the overall noise level. The closest residential properties are approx. 30 - 50m away from the car park of the site and the residential properties on the corner of Ladypool Road and Studley St are further away (approx. 65m). The properties on Queen St would be shielded by the existing Dialysis Centre. The consent would be for a temporary period during which time the full impact on residential amenity could be assessed. Therefore, it is not considered that the impact would be demonstrably harmful subject to appropriate conditions, including opening hours.

Transportation Development

- 6.9. The access to the site, servicing and parking situation in the immediate vicinity is constrained. The application is accompanied by a Transport Statement and a Highways Technical Note which seeks to assess the impact of previously approved developments such as the Banqueting Suite at the CSN Centre. The applicant has stated that the proposed catering building will not be used for purposes exclusive to or solely ancillary to the proposed community use/wedding venue building.
- 6.10. The Transport Statement (July 2019) states that the catering unit is expected to employ five full time members of staff on a day-to-day basis. There would be an additional five people employed within the catering unit on wedding days and up to 35 people working within the wedding building as serving staff, managers, security, car park attendants and other operational staff.
- 6.11. The wedding parties and event days are typically expected to occur on weekends, but may occur during the week, with two to three events per week. The venue will hold pre-wedding events and the timings of these events will be the same as those for weddings. There are no changes proposed to either of the access/egress points on Studley Street as dropped kerbs are already provided.
- 6.12. There is a private layby area on the site frontage, which includes dropped kerbs to provide access, which will be used as necessary by delivery vehicles to and from the catering unit. Deliveries to the catering unit are expected to occur two to three times per week, mainly for fresh ingredients such as meat. All other stocks will be bulk purchased so these deliveries will be less frequent. These will be by transit-type

vans. Staff will not be allowed to park onsite for wedding events and will be expected to travel by non-car modes of transport.

- 6.13. The maximum car parking standard for Cinemas and Conference Facilities in Area 3 is one space per five seats. Therefore, the development proposals are in accordance with this standard, allowing 83 spaces for 415 guests, plus disabled parking. Disabled parking has been provided in line with the requirements for 6% provision. The minimum cycle parking standard is one space per 50 seats for conference facilities; provision of 20 spaces fulfils this requirement.
- 6.14. It is recommended that a temporary permission is considered in the first instance in order for the impact of the proposal (as submitted) to be fully assessed. Conditions are recommended to provide details of car park management, service vehicle parking management, provision of a travel plan, details of secure cycle storage, car park lighting and drainage.

Energy and Sustainability

- 6.15. Policy TP3 requires that all new non-residential developments over 1,000 square metres should aim to achieve BREEAM excellent standard, unless it can be demonstrated that the cost of achieving this would make the proposed development unviable. The applicant has provided an Energy Statement to demonstrate how the requirements of policies TP3 and TP4 would be fulfilled.
- 6.16. This includes the use of low energy LED lighting and heat pumps systems to meet all space heating requirements within the building. The consent is subject to an appropriate condition to ensure implementation of the sustainability measures. The provision of EV charging points will also be secured through an appropriate condition.

Other matters

- 6.17. Since the proposal relates to a change of use, it is not considered that there are any issues in respect of drainage arising and there are no objections raised from the LLFA or Severn Trent. There have been no objections received from WM Police.

Third Party Representations

- 6.18. The representations received from local residents are noted and largely relate to traffic, parking, noise and disturbance issues. These matters have been considered and it is noted that there are no objections raised from Regulatory Services or Transportation Development. It should be noted that the existing lawful use for industrial purposes has not been abandoned and there would also be an impact on residential amenity in terms of noise and disturbance from this use. Furthermore the consent is for a temporary period and may not be renewed should issues arise in the future.

7. Conclusion

- 7.1. The evidence provided in support of the application including the statement in respect of the loss of employment land has provided sufficient justification for the loss of the current use of the site. The matters of noise, disturbance and highways can be addressed through appropriate conditions.

8. Recommendation

8.1. Approve temporary for two years.

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the use to discontinue within a timescale of 2 years
 - 3 Limits the entertainment noise level
 - 4 Limits the entertainment noise level from attached entertainment premises
 - 5 Requires the submission of hard and soft landscape details
 - 6 Requires the submission of boundary treatment details
 - 7 Limits the use of the catering building to being incidental to the wedding venue
 - 8 Fireworks Restriction
 - 9 Requires appropriate treatment of the elevations
 - 10 Energy and Sustainability Requirements
 - 11 Requires the provision of vehicle charging points
 - 12 Limits the hours of use 1000-2300 daily (Wedding Venue) and 0900 - 2100 (Catering Suite)
 - 13 Requires the submission of a parking management strategy
 - 14 Requires the submission of cycle storage details
 - 15 Requires the submission of entry and exit sign details
 - 16 Requires the parking area to be laid out prior to use
 - 17 Requires the submission of a lighting scheme
 - 18 Requires the submission of a Travel Plan
-

Case Officer: David Kelly

Photo(s)



Fig. 1: Internal View West

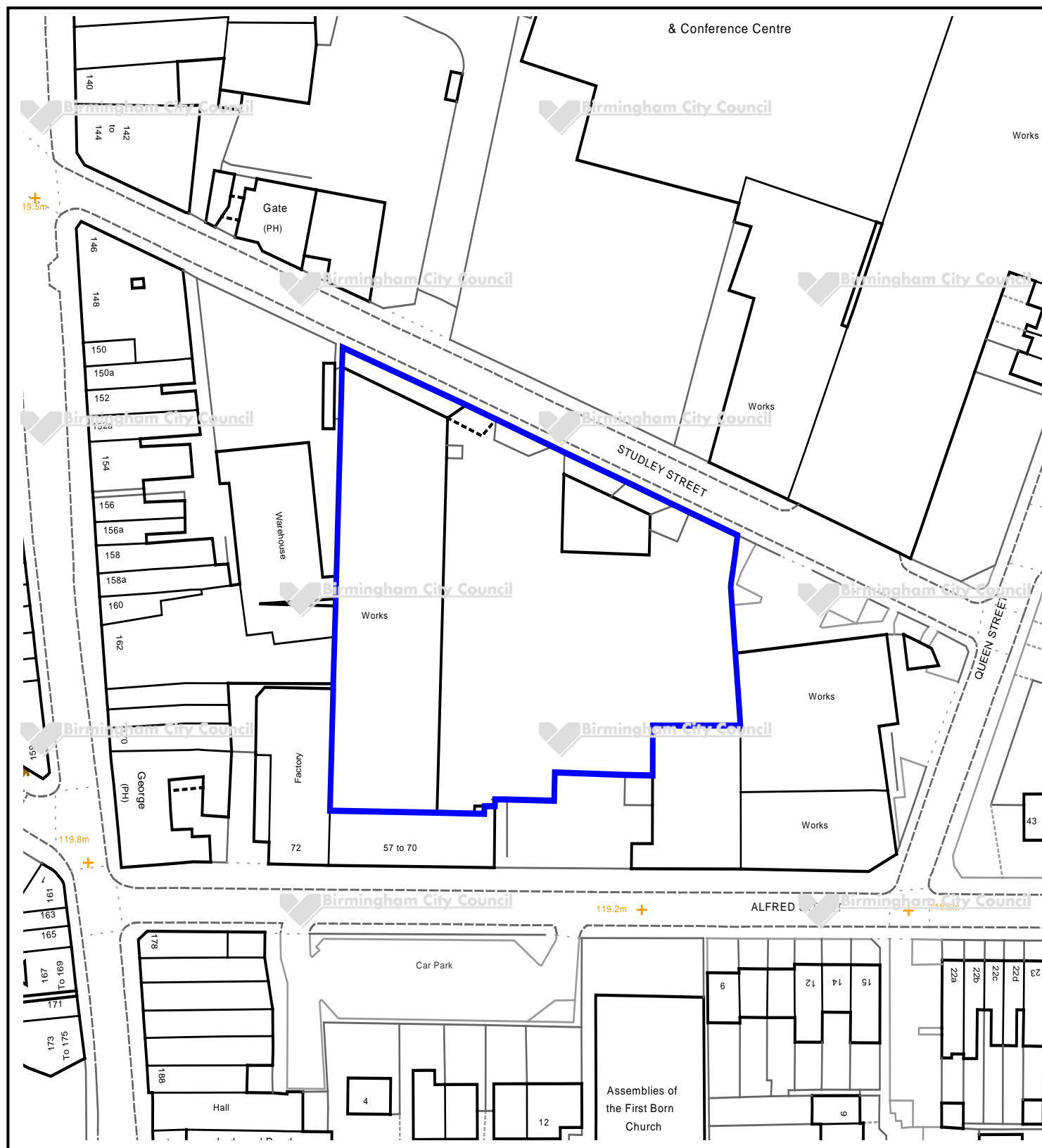


Fig.2: Proposed catering building – Studley St frontage



Fig. 3: Existing Alfred St frontage

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Birmingham City Council

Planning Committee

12 March 2020

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	13	2019/08815/PA Land at Hagley Road, Duchess Road & Beaufort Road (New Garden Square) Ladywood Birmingham B16 8LB Variation of Condition Nos. 2 (list of approved plans) and 6 (list of approved documents) attached to planning approval 2017/00663/PA to allow for alterations to the building parameters
Approve - Conditions	14	2019/07194/PA 164 Bridge Street West Hockley Birmingham B19 2YX Erection of 70 bedroom student accommodation with associated spaces and external landscaping works.
Approve - Conditions	15	2019/09325/PA 135-137 Chestnut Lodge Church Lane Handsworth Wood Birmingham B20 2HJ Change of use from care home (Use Class C2) to 13 bed HMO (House in Multiple Occupation) (Sui Generis)

Approve - Conditions	16	<p>2019/09207/PA</p> <p>156 Cramlington Road Great Barr Birmingham B42 2EG</p> <p>Retrospective application for a change of use from dwellinghouse (Use class C3) to residential care home for one child (Use class C2)</p>
Approve - Temporary 2 Years	17	<p>2019/08852/PA</p> <p>Land At Doug Ellis Sports Centre 150 Wellhead Lane Perry Barr Birmingham B42 2SY</p> <p>Provision of temporary car park.</p>
Approve - Conditions	18	<p>2019/10558/PA</p> <p>Former BCU City North Campus Franchise Street Perry Barr Birmingham B42 2SU</p> <p>Section 73 application to vary Condition Nos. 2, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, 21, 22, 25, 26, 34, 35, 37, 40, 42, 43, 44, 46, 48, 49 and 50 and the removal of Condition Nos. 17 and 24 attached to approval 2018/06313/PA to reflect design changes to the scheme</p>

Committee Date:	12/03/2020	Application Number:	2019/08815/PA
Accepted:	16/12/2019	Application Type:	Variation of Condition
Target Date:	16/03/2020		
Ward:	Ladywood		

Land at Hagley Road, Duchess Road & Beaufort Road (New Garden Square), Ladywood, Birmingham, B16 8LB

Variation of Condition Nos. 2 (list of approved plans) and 6 (list of approved documents) attached to planning approval 2017/00663/PA to allow for alterations to the building parameters

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

1.1. On the 28th of November, 2017, Outline Planning Consent was granted for the:

“Outline planning application (all matters reserved) for site clearance and demolition of all structures and buildings (save for listed buildings and directly attached extensions) and commercial-led mixed use redevelopment providing up to 75,500 sqm (GIA) of Office/Research & development space (Use Class B1a and B1b), up to 2,400 sqm (GIA) of retail (Use Class A1), Professional and Financial Services (Use Class A2), Restaurants and Cafes (Use Class A3), Drinking Establishments (Use Class A4), a hotel of up to 100 bedrooms (Use Class C1), up to 400 residential apartment units (Use Class C3), up to 900 new car parking spaces through the creation of a new multi-storey car park and other car parking spaces, alterations to the site access arrangements for Hagley Road and Duchess Road and strategic landscaping”.



(Image 1: former Outline approved Masterplan).

- 1.2. The outline planning consent included a series of parameter plans, alongside an illustrative site wide masterplan. The purpose of these plans was to guide subsequent reserved matters applications and to set development parameters for the various elements of the approval. The original application was also accompanied by an Environmental Statement and given the scale and complexity of the proposed redevelopment, the applicants sought to develop “New Garden Square” in a number of phases, working in tandem with a strategy for the phased demolition of existing buildings across the site. Planning conditions attached to the above consent had therefore been worded to allow for details to be submitted and approved on a phase by phase basis (and thus, a building by building basis). A total of 41no. conditions were attached to the above consent.
- 1.3. The current application seeks to vary condition numbers 2 and 6 of the above approved Outline Planning consent. Condition 2 relates to the approved plans, while Condition 6 relates to the approved environmental statement; these include the conclusions alongside the mitigation measures as outlined within the wider document.
- 1.4. By varying these conditions, the applicants propose to increase the building parameters for the 3no. previously approved residential blocks, sited to the west of the application site. The parameters would be increased, in order to allow for the 3no. blocks to have a greater number of storeys then previously approved. The overall height of these would however remain within the previously approved overall wider site wide parameters and as such, the blocks would not be any taller than other buildings within the redevelopment, as previously approved on site. These residential blocks are referred to as: F1, F2 and F3 within the wider submission and remain broadly sited within the same position as the former outline consent.



(Image 2: landscape management plan – showing the 3 residential blocks).

- 1.5. It should however be noted that the variation of these conditions under this application, would not propose any alterations to the size, scale and mass of the previously approved parameters of the wider redevelopment of the application site. This application solely relates to the 3no. residential blocks, as outlined above with

the wider commercial buildings and blocks remaining unaltered from the former outline approval.

- 1.6. The amended height, scale and massing of these blocks would allow the developer to deliver a high quality residential scheme, as part of the wider vision for the application site. The changes to the building parameters would further be accompanied by changes to the overall design and appearance of the blocks, alongside their associated landscaping, which the applicant would otherwise not be able to implement on site and are subject to these changes. These matters would however be assessed under any subsequent reserved matters approval application for the residential phase of the development.
- 1.7. The below table sets out the proposed increases in building heights for the three blocks, when compared to the previous approval on site:

Block	Approved Minimum Parameter	Approved Maximum Parameter	Proposed New Parameter
F1	175.9m (AOD) (Taller element 188.3m)	179.0m (AOD) (Taller element 191.4m)	191.15m AOD
F2	185.2m AOD	188.3m AOD	197.45m AOD
F3	179.0m AOD	182.1 AOD	185.65m AOD

Table 4.2: Comparison of 'Approved' and Proposed Residential Storey Heights

Block	'Approved' Minimum Storeys	'Approved' Maximum Storeys	Proposed New Storeys (Change)
F1	GF + 4 (Taller element: GF + 8)	GF + 5 (Taller element: GF + 9)	GF + 10 (1 additional storey)
F2	GF + 7	GF + 8	GF + 13 (5 additional storeys)
F3	GF + 5	GF + 6	GF + 9 (3 additional storeys)

- 1.8. It should also be noted that although the building parameters would be amended and indeed increased, as a result of the development proposals. The top end figure of the number of apartments that the development could contain would remain unchanged from the previous approval on site, remaining at 400no. residential apartments. This would be due to the internal configurations, alongside the fact this was always used as a top end figure, within the approved outline consent.
- 1.9. The applicant has further, since the granting of the former outline approval, been able to further develop the scheme and as a consequence, has now been able to look at potential floor plates for the various proposed apartments, as well as floor to ceiling heights etc. These assessments have led to the current application submission, as it has been found that the former approval wouldn't allow for the quality, number and finish of residential dwellings, which the applicant now seeks to deliver on site.
- 1.10. This application for the variation of the said conditions is accompanied by an amended illustrative masterplan, alongside a series of parameter plans, which are also amended to support the increased heights and scales of the residential buildings and these will ultimately guide and inform future proposed reserved matters applications. It should be noted that the application plans and supporting documents have been revised and updated since they were originally submitted to address various issues that were raised in the process of assessing the application.
- 1.11. The illustrative masterplan broadly remains no different to that approved under application reference: 2017/00663/PA. This proposes 3no. office buildings sited

centrally within the site to its northern boundary, with access from Duchess Road and the southern boundary, with access off Hagley Road. The western part of the site would retain the previously approved three new residential blocks (F1-F3) with undercroft car parking, accessed from Duchess Road; albeit, these would now be taller than previously approved and changes have been made to the foot-print of F1, making this slimmer and removing its previously approved staggered arrangement, within its east facing side elevation.

- 1.12. Within the wider site, the previously approved multi-storey car park would remain situated at the eastern side of the site with access from Duchess Road. The masterplan further sets out that the buildings would range between 6 and 14 storeys, as opposed to between 6 and 12 storeys, as previously approved; thereby allowing for an increase in height for the residential elements.
- 1.13. The masterplan further retains the high quality public realm and landscaping proposals, as approved under application reference: 2017/00663/PA. The masterplan shows that between 109 and 115 Hagley Road a new entrance pavilion building would be developed within the central arrival plaza. A drop-off area is indicated at the site frontage adjacent to Hagley Road. This space then extends west and eastwards within the heart of the development to provide a series of new landscaped garden spaces.
- 1.14. When focusing on the submitted Masterplans residential element, which form the basis of this application. It can be seen that three individual blocks (F1, F2, and F3) are proposed to provide between 200 and 400 residential dwellings. The footprint of block F3 follows Duchess Road and Beaufort Road, but is stepped back from the pavement to maintain a number of mature trees that line the street's edge. F2 sits to the rear of this and sits centrally within the site, adjacent to NGS 4, a commercial office block. To the south of this, F1 is proposed; this would now be broadly the same width as F2 and would be lower in its overall height, fronting onto Hagley Road to the site's south. The blocks would have maximum heights of between 10 and 14 storeys and would have a shared undercroft car park, accessed from Duchess Road. The layout of the blocks is intended to create a private courtyard enclosed by the rear boundary of the Plough and Harrow Hotel, and has been set off the site boundary to give some space to the setting of this Listed Building, and to retain some existing trees.
- 1.15. The residential blocks are intended to be provided as Private Rented Sector (PRS) housing.
- 1.16. The wider masterplan remains unchanged from the previous outline approval.

Parameter Plans

- 1.17. Several parameter plans have been submitted for approval to guide and inform future reserved matters. Parameter Plan 1 relates to proposed land use as described above and remains unaltered from the former outline consent.
- 1.18. Parameter plan 2 relates to area of potential building development, specifying the limits of horizontal deviation for each of the building plots described above and this largely remains unchanged from the former outline approval, with the exceptions to the residential elements of the scheme.
- 1.19. Parameter plan 3 provides details of minimum and maximum building heights. The applicant explains that the limits of vertical deviation allow for architectural

expression whilst ensuring that the height of buildings is appropriate to their surrounding context. While this plan broadly remains unchanged, clear changes can be seen to the west of the plan, to allow for the increased building heights for the residential blocks F1- F3.

- 1.20. Parameter plans 4 deals with access and movement. This plan identifies the key pedestrian/cycle connections, indicative vehicle access points and minimum widths of streets and key spaces and again remains broadly unaltered.
- 1.21. The application is accompanied by a supporting planning statement, design and access statement, landscape and public realm strategy and a financial viability assessment.
- 1.22. The applicant has also submitted an Environmental Assessment, which includes assessment of transport, air quality, noise and vibration, daylight, sunlight and overshadowing, wind microclimate, ecology, socio-economics, built heritage and townscape and visual impacts.
- 1.23. The application further proposed an increased level of S106 contributions. The previously agreed section 106 contribution offer, encompassed £600,000, to be spent towards affordable housing and public open space. This was earmarked to be spent on improvements at Chamberlain Gardens Park, and a contribution for sport and recreation enhancements at Edgbaston Reservoir. The applicant is now proposing a further £50,000.00. This would be put towards securing affordable housing within the city, off-site, in line with the former approval.
- 1.24. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a previously developed commercial estate of 3.84 hectares located adjacent (and outside of) Edgbaston (Five Ways) District Centre to the west of the City Centre. The boundary of Ivy Bush Local Centre is formed by Plough and Harrow Road to the west of the site.
- 2.2. The site is bounded by the A456 Hagley Road to the south, Duchess Road and Beaufort Road the north and west; and Francis road to the east.
- 2.3. The site comprises a series of buildings which include 93-95, 97-107, 109, 11, 115-117, 119, 123, 125, & 127 Hagley Road, and 1, 2 and 3 Duchess Place (Edgbaston House). The existing buildings on the site range in height from two/three storey up to 18 storeys, (Edgbaston House). The site contains several Grade II listed buildings along the frontage to Hagley Road, although the current proposals would see no changes to these.
- 2.4. The site includes various areas of hardstanding, which are predominantly used for car parking associated with the various buildings on the site. Overall, the site currently provides for up to 893 car parking spaces. The site contains mature trees that were once planted as part of the residential plots and were incorporated into the wider layout of the site. There is an existing TPO on part of the site adjacent to Duchess Road in the vicinity of Edgbaston House.
- 2.5. The site is surrounded by a mix of uses. There are two and three storey residential dwellings to the north of the site in Duchess Road along with a pay and display car park, which has since been demolished. The eastern boundary of the site is formed

by Cobalt Square and the rears of listed two storey commercial properties on Francis Road. The site also adjoins the Grade II listed Plough and Harrow Hotel to the west. St Georges Church of England Primary School and Kendrick House are situated to the west in Beaufort Road, beyond which is Chamberlain Gardens park. On the southern side of Hagley Road, and opposite the site are a number of substantial commercial office buildings including 54 Hagley Road and Lyndon House.

- 2.6. The site is also located within the setting of other built heritage assets, including Grade II* listed Oratory and Edgbaston Conservation Area, the nearest part of which is situated to the south west of the site on the opposite side of Hagley Road.
- 2.7. Hagley Road forms part of the Strategic Highway Network as defined in the BDP, and forms part of the network of public transport routes into and out of the City Centre with existing bus stops fronting the site. A potential new bus rapid transit service (SPRINT) would operate from the City Centre, along Hagley Road to Quinton. The extension of Midland Metro Line One would take the metro service from Centenary Square and then onto Five Ways/Hagley Road, with the anticipated metro terminus opposite the application site in front of 54 Hagley Road.

3. Planning History

- 3.1. 2016/08603/PA - Application for prior notification of proposed demolition of Edgbaston House and adjacent multi-storey car park – Prior Approval not required – 14/10/2016.
- 3.2. 2017/00663/PA - Outline planning application (all matters reserved) for site clearance and demolition of all structures and buildings (save for listed buildings and directly attached extensions) and commercial-led mixed use redevelopment providing up to 57,500sqm (GIA) of Office/Research & Development space (Use Class B1a and B1b), up to 2,400sqm (GIA) of retail (Use Class A1), Professional and Financial Services (Use Class A2), Restaurants and Cafes (Use Class A3), Drinking Establishments (Use Class A4), a hotel of up to 100 bedrooms (Use Class C1), up to 400 new residential apartments units (Use Class C3), up to 900 new car parking spaces through the creation of a new multi-storey car park and other car parking areas, alterations to the site access arrangements for Hagley Road and Duchess Road and strategic landscaping – approved with conditions – 14/09/2017.
- 3.3. 2018/10194/PA - Reserved Matters application seeking approval of access, appearance, layout and scale pursuant to outline planning permission 2017/00663/PA in relation to Building 1 for an 8-storey office building with a ground floor retail unit (Use Classes A1-A4) and an under-croft/basement car park – approved with conditions – 14/03/2019.
- 3.4. 2019/02810/PA - Reserved Matters application seeking approval for Landscaping, pursuant to outline planning permission 2017/00663/PA in relation to Building 1 for an 8-storey office building with a ground floor retail unit (Use Classes A1-A4) and an under croft/basement car park – 16/08/2019.

4. Consultation/PP Responses

- 4.1. Lead Local Flood Authority – raise objections to the development proposals, as a formal agreement from Severn Trent Water, confirming the sites discharge rate has not been submitted to the Council for approval.

- 4.2. Transportation Development – raise no objections to the development proposals, subject to the conditions attached to the former outline consent being reattached to any subsequent planning consent.
- 4.3. Leisure Services – raise no objection to the development proposals.
- 4.4. West Midlands Police – raise no objection to the development proposals, subject to the addition of conditions which were part of the former Outline Consent.
- 4.5. Severn Trent Water – raise no objection to the development proposals, subject to the addition of a condition relating to foul/surface water drainage being attached to any subsequent planning consent.
- 4.6. Regulatory Services - raise no objection to the development proposals, subject to the addition of conditions relating to; Compliance with the submitted environmental statement, Contaminated land, Hours of use for commercial premises, Noise from plant, Commercial extract systems, glazing / ventilation, alongside vehicle charging points.
- 4.7. Transport for West Midlands – no response received.
- 4.8. Historic England – raise no objection to the development proposals.
- 4.9. Sport England – raise no objections to the development proposals and offer general guidance towards the applications assessment.
- 4.10. Natural England – raise no objections to the development proposals.
- 4.11. Environment Agency – raise no objections to the development proposals.
- 4.12. Wildlife Trust for Birmingham and Black Country – no response received.
- 4.13. Education – no response received.
- 4.14. Employment Access Team – no response received.
- 4.15. Press and site notices erected. MP, Ladywood and Edgbaston ward members, residents associations and neighbouring occupiers/residents notified, of the proposals.
- 4.16. No letters of objection have been received in response to the development proposals.
5. Policy Context
- 5.1. BDP, adopted UDP (saved policies), Big City Plan, Places for All SPD, Places for Living SPD, High Places SPG, Shopping and Local Centres SPD, Affordable Housing SPG, Public Open Space and New Residential Development SPD, Car Parking Guidelines SPD, Archaeology Strategy : Building the future, protecting the past, Conservation Strategy : Regeneration through Conservation, Nature Conservation Strategy for Birmingham, Lighting Places SPD, Car Park Design Guide, NPPF, National Planning Policy Guidance.
6. Planning Considerations

6.1. The main areas for assessment as part of the section 73 variation application remain:

- Do the proposed increases to the building parameters have any adverse impact upon visual and residential amenity;
- Alongside whether the proposed subsequent changes to the submitted Environmental Statement, submitted in support of the above changes, would have any additional impact upon the sites setting from a Conservation, Transportation, Ecological and visual perspective.

As the wider application remains no different to the former outline consent, only the above matters will be considered within the below sections of this report.

Principle of development:

6.2. The current application is seeking to revise certain parameters for its residential components, previously approved as part of the former outline planning consent, approved on site. As part of these revisions, the maximum overall unit number of 400no. apartments would remain unchanged and as such, the principle of the residential development remains no different to that previously receiving outline consent on site. The proposals further propose no changes to the wider application proposals for a mixed-use development, with the office, retail and leisure units remaining unchanged. Further, the application proposes no changes to the end uses of the various sections of the site, as approved as part of the former consent on site. The application therefore remains acceptable in principle, subject to the changes to the building parameters according with the wider policies within the development plan.

Design and impact on visual amenity:

- 6.3. The current proposal would see an increase in height for the various residential blocks previously approved on site, however, although the residential blocks would increase in their respective height, the actual building heights would be less pronounced when compared to the former approval on site. The 2017 outline planning application applied a common Above Ordinance Datum level across the site of 158m. However, a more refined topographical survey submitted as part of this consent, has found that the residential elements of the site, sit at a lower level, particularly towards the rear of the site and as a result, the increase in storeys does not result in an equivalent increase in height Above Ordinance Datum.
- 6.4. In addition to this, further detailed design work has now been undertaken by the applicant and the developer who has now worked up design considerations for potential residential blocks, which has provided an idea of likely floor to ceiling heights and as such, this has been reflected within the current submission. The applicants have further re-worked the proposals to provide a single figure for the maximum height parameters of the various blocks, as opposed to the former outline consent, which had blocks 1 and 3 in staggered forms, with two different maximum height parameters.
- 6.5. The application would see alterations to the maximum height parameters for blocks F1, F2 and F3, approved as part of the former outline consent on site. The proposed increases in height for these various blocks can be seen within the table below:

Block	Approved Minimum Parameter	Approved Maximum Parameter	Proposed New Parameter
F1	175.9m (AOD) (Taller element 188.3m)	179.0m (AOD) (Taller element 191.4m)	191.15m AOD
F2	185.2m AOD	188.3m AOD	197.45m AOD
F3	179.0m AOD	182.1 AOD	185.65m AOD

Table 4.2: Comparison of 'Approved' and Proposed Residential Storey Heights

Block	'Approved' Minimum Storeys	'Approved' Maximum Storeys	Proposed New Storeys (Change)
F1	GF + 4 (Taller element: GF + 8)	GF + 5 (Taller element: GF + 9)	GF + 10 (1 additional storey)
F2	GF + 7	GF + 8	GF + 13 (5 additional storeys)
F3	GF + 5	GF + 6	GF + 9 (3 additional storeys)

(Table 1: building height comparisons).

- 6.6. The overall increases in height to the north of the site, for building reference F3, fronting onto Duchess Road would remain minimal, with an increase of 3.55m in the buildings overall ridge height. An increase of less than 2% in terms of its overall ridge height. This increase would allow for the erection of 3 additional storeys for the block, increasing from 7 storeys to 10. The full building would, as a result, measure 185.65m in height. The previous outline approval had the building staggered in its form, with a maximum height for the lower component, sited to the southern end, at a ridge height of 179m and 182.1m for the taller element, which was setback from Duchess Road. The current increase, in essence would be for the element which would previously have been set lower, further south of the building, with an increase of circa 6m proposed within this space.
- 6.7. It should however be noted that the building would still retain a large setback from Duchess Road, with a separation distance of circa 30m from the opposite north side facing residential dwellings. The building would further sit lower than NGS1 to its east and would allow for a gradual increase in height to F2, which would sit to the rear of this. The proposed increase in height would further allow for a more standardised design and elevational finish for the building, without the former drop in building height, which would have been lower towards the south facing Hagley Road end of the building. The overall minimal increase for the maximum building height, alongside the improved design of the block, through the removal of its staggered formation, which can be seen within the submitted elevational detailing, are therefore considered to allow sufficient justification for this overall increase of 3no. additional storeys in height for this building, resulting in a 3.55m increase in overall building height. This increase is therefore considered acceptable from a visual amenity perspective and would ensure a high quality finish within the public realm.
- 6.8. With regards to F2, the current application would see an additional 9.15m to the previously approved maximum building height of this block. The proposed height of F2 would now be in line the adjacent proposed office Block (NGS4's) maximum height parameter. Alongside this increase in size, an increased 11 metre gap between Blocks F2 and F3 has also been created, which allows for additional circulation space around the individual blocks and would further allow for a sense and atmosphere of spaciousness between the various blocks to remain in situ, despite an increase in building height parameters. It should also be noted that F2 would be the central block between the three residential blocks and as such would have a very limited view from the public realm outside of the site. Within the site, the building would provide for a gradual increase in height from north to south and south to north and would further remain in keeping with the maximum height parameters for the office blocks within the site, sited to its northern boundary. This would remain

lower than NGS2 and NGS3, sited to the north and east of the site respectively. As such, this increase in this case is considered acceptable and is not considered to result in any new undue harm in visual amenity and is rather considered to add to the visual sense and identity of this block taking a focal point within the western section of the application site.

- 6.9. F1 was previously approved to have an L-shape like form, with a lower height and building mass proposed to its southern Hagley Road frontage. The current application, much like F1 would see this building now retain a single maximum building height and remove the previously approved staggered element. An increase in height of 12.2m would be seen to the previously approved lower staggered element of the block. While the overall height would rather reduce by circa 0.2m, as a result of the proposal. In terms of storeys, the lower section would previously have housed 5 storeys and 9 storeys would have been housed within the taller element. This would now be increased to 11 storeys overall, seeing an overall increase of an additional storey for the block as a whole.
- 6.10. As such, although an increase in height will therefore be seen to the southern end of the residential block, the building would still retain a large setback from Hagley Road, with this not protruding any further south into the site, than previously approved, under the former outline consent. The single building height would further allow for the residential block to have an improved impression upon Hagley Road and the public realm of the site, as opposed to this being staggered, with a flush elevation now being presented to the southern end of the block. The changes would further allow for all 3 residential blocks to retain a consistent rhythm of design throughout, in order to form a more coherent approach to the development within the site. Although the wider design of the elevations would be assessed under subsequent reserved matters applications, the supporting documents show a high quality design approach, with strong architectural detailing proposed for the wider blocks, which would allow them to add to the variety and diversity of the built design within the site itself and the wider street scene. Without the current changes, this design approach would not be reflected within the development and as such, the current proposals are considered acceptable in this regard.



(Image 3: view from internal courtyard of the residential component - to the sites west).

- 6.11. It is therefore considered that the revised parameters for the blocks respond to both the existing and proposed built context of the site. The increases in height would accord with the maximum height parameters of the formerly approved development, for the wider site and the proposals would further allow for a more coherent design approach to be developed throughout the site as a whole. The proposals are therefore considered to be acceptable and are not considered to have any adverse undue impacts upon the sites wider visual amenity and that of the wider built context.

Impact on heritage assets

Block F3

- 6.12. The development proposals would see an increase in the previously approved separation distance between Block F3, sited to the north of the site and the adjacent neighbouring Listed Building, the Plough and Harrow Hotel, sited to the west of the site. This distance separation would be increased to circa 15m and as such, although the blocks overall height and massing would be increased by some 3.55m, this separation distance would also be increased. As such, I do not deem the proposals to have any greater impact upon the setting of this designated heritage asset, to be above and beyond that of the former approval on site. Furthermore, the increased separation distance would allow for improved landscaping, which would further lessen any such potential impacts. The Councils Conservation officer has further raised no objections to the development proposals in this regard.

Block F2

- 6.13. With reference to Block F2, this block would sit centrally within the site, largely out of view from the public realm and as such any increases to its building parameters are not considered to result in any additional undue harm to the sites adjacent Listed Buildings, above and beyond the former approval on site. The Councils Conservation Officer has again raised no objections in this regard.

Block F1

- 6.14. Block F1 would be sited to the south of the site and would be erected in between No. 119 Hagley Road, a 2 storey commercial Listed Building to its east and the Plough and Harrow Hotel, sited to the blocks west. The Councils Conservation Officer has raised concerns with this aspect of the works and advises that any increases in the overall height and scale of this block would be harmful to the setting of these adjacent Listed Buildings. A taller block would become overly dominant and visually excessive in height and as such, would have a greater level of impact within the street-scene and by virtue upon the setting of these neighbouring designated heritage assets. The Conservation Officer however deems this level of harm to be less than substantial, further adding that the public benefits of the scheme would not outweigh this harm, given that, in his view, these can be realised without this element of the wider scheme coming forward.
- 6.15. While it is noted that the development would no doubt, have a greater impact upon the setting of these adjacent Listed Buildings, when compared to the previous approval on site. This level of harm is considered to be less than substantial and is considered to be outweighed by the wider public benefits of the scheme. The development would see the erection of 400no. new dwellings, within this inner city location and would deliver significant employment and regeneration opportunities

through the development of the wider “New Garden Square” development, which the current proposals form a vital part of.



(Image 4: indicative elevation of Block F1 fronting Hagley Road).

- 6.16. The development further proposed a high quality design finish, which seeks to reflect the building styles and proportions of these adjacently sited Listed Buildings. Furthermore, through the removal of the formerly approved staggered element of the block, a high quality southern elevation will be created, which will allow the building to have a much improved and greater impression upon the Hagley Road street-scene.
- 6.17. It is also noted that although the proposed development would be sited adjacent to lower and indeed two storey units to either side, this relationship is not considered to be uncommon within this part of the city, where such juxtapositions form part of the built fabric and character of the area. Within this area of Hagley Road, a number of older 19th century buildings can be seen sitting adjacent to much taller 1960's and 1970's erected office blocks. The proposed relationship would therefore be no different to this, with the exception being the much improved design and finish of the block, which will be subject to future reserved matters applications, alongside the much improved public realm and the wider site wide regeneration works, which the current proposals would form a crucial part of.
- 6.18. The applicant has further noted that the current changes to these residential blocks are required in order to deliver the wider “New Garden Square” vision for the application site as a whole. Since the former outline approval on site, the proposed apartment layouts, floor to ceiling heights and unit numbers have been thoroughly assessed and modelled by the applicant and the current submission therefore follows on from these works. An approval for planning permission is therefore required in order to deliver this element of the wider “New Garden Square” development. It is therefore considered that the wider site benefits would not be achieved, should the current application not be supported. It is further noted, given

the level of public benefits offered by the current submission, a refusal on these grounds could not be substantiated. The current proposals are therefore considered to be finely balanced, whereby the less than substantial harm, resultant of the scheme, is equally outweighed by the wider public benefits of the scheme, alongside the much improved design alterations.

- 6.19. It is therefore considered that the current proposals would result in less than substantial harm upon the setting of the sites adjoining designated heritage assets. This level of harm in this case however, is considered to be outweighed by the wider public benefits of the scheme, which are considered to be material in nature and would bring about much needed regeneration works within this area of the city, resulting in substantial employment opportunities, alongside the delivery of 400 new residential units, for the rental market, within this sustainable location. As such, in accordance with para. 196 of NPPF and the relevant sections of the BDP, the development proposals are considered to be acceptable in this regard.

Residential amenity

- 6.20. The proposed changes to the building parameters would have limited impacts upon the nearby residential dwellings located on Duchess Road, to the north of the site. F2 and F1 would have limited impacts given their siting and distance from these respective properties. With reference to F3, the overall height of this building would be increased marginally by 3.5m, representing a 2% increase in height. The previously approved lower staggered section of the building, which would now see the greatest increase in height, would however be sited away from these dwellings and would be sited within the south-western return of the building, facing towards Hagley Road. As such, the overall increase along the northern elevation of the building would be limited and as such, I do not consider that these changes would result in an adverse impact upon these neighbouring residential dwellings, when compared to the former approval on site, which would justify a refusal of this scheme. The proposals are therefore considered acceptable in this regard.

Transport

- 6.21. A number of new accesses are proposed from the north of the site, for the residential element to the west of the site. These would allow for increased access for pedestrians, alongside the erection of a servicing area/car parking, which would be located within the basement of the buildings.
- 6.22. The overall number of apartments remains unchanged from the former approval on site, as does the proposed number of car parking spaces. Transportation Development have raised no objections to the development proposals; subject to the addition of conditions attached to the former outline planning consent. These have been included and as such the proposals are considered acceptable in this regard.

Air Quality, Noise, Drainage/Flood risk, Wind, Ecology, Trees and Landscape, and sustainability

- 6.23. The applicant has submitted a comprehensive Environmental Statement to consider the environmental impacts of the proposed development. This follows on from the approved Environmental Statement, submitted in support of the original outline approval. In addition to this, a sustainability statement has been submitted. Matters relating to heritage, townscape, transport and sunlight/daylight have already been considered and addressed above. Other matters that are considered include air

quality, noise, drainage, trees and landscape and ecology, these are considered below.

Air Quality

- 6.24. The submitted air quality assessment sets out that during the construction phase of the development, the effects on local amenity of fugitive emissions of construction dust are expected to not be significant. In terms of the operational phase, the predicted changes in concentrations show that the changes in nitrogen dioxide are low and are predicted to have a medium effect due to the total concentration of nitrogen dioxide which is not considered to be significant. For the development itself, it will likely be necessary to use mechanical ventilation systems for the proposed residential apartments closest to Hagley Road, this remains unchanged from the former approval.
- 6.25. Regulatory Services have raised no concerns with reference to the submitted report and have recommended the use of appropriate conditions, which were attached to the original outline consent. These relate to the compliance with the submitted environmental statement, contaminated land, alongside vehicle charging points. As such, it is considered that the additional building parameter changes would not result in any new undue impacts upon air quality, above and beyond the former approval on site. The development therefore does not require any additional mitigation measures and the recommended conditions are therefore considered appropriate.

Noise

- 6.26. In respect of noise, the applicant's assessment concludes that the site is suitable for the development provided that recommended glazing and ventilation specifications are implemented into the building design and practical measures are taken to minimise noise levels within outdoor living areas. The submitted ES concludes that with mitigation there will be minor impact during the construction phase and a negligible impact during the operation phase for existing neighbouring land users.
- 6.27. Regulatory Services have again raised no objections with reference to the proposals in this regard and have recommended appropriate conditions in respect on noise attenuation levels, plant noise, and extraction details and hours of use for the associated retail/café/restaurant floor space. With these, I consider that the application would not result in any new undue noise/nuisance concerns with respect to existing neighbouring land users, alongside future occupants of the site, above and beyond the former approval on site. The development is therefore is considered acceptable in this regard.

Wind

- 6.28. As set out in the Environmental Statement Addendum, the amendments to the approved scheme do not alter the findings of the 2017 Environmental Statement. This found the development to be broadly acceptable, with a limited number of areas, where there could be discomfort to pedestrians. It was however considered that such issues could be managed thorough design considerations within the reserved matters stage of the development, by locating pedestrian points in certain locations, alongside other design related solutions, to minimise any potential impacts. Given the above, I therefore do not consider that the current proposals would result in any new undue harm to pedestrians and that any such harm can be minimised though later stages of the development. The development is therefore considered acceptable. In this regard.

Flood risk and drainage

- 6.29. As outlined within the former approval, the site is situated outside of any designated area of flood risk. The conclusions and recommendations / mitigation measures in relation to drainage remain similar to those identified for the original outline permission, with the overall discharge rate for the site as a whole remaining no different to the former outline approval on site. The surface water management strategy for the site also remains unchanged, which will include a mix of green and traditional SUDS' measures across the development. It is however noted that some elements of green roof have been lost, due to the provision of PV panelling, which is a requirement under the Councils targets for carbon reduction. It is however considered, given that this reduction would not have a material impact upon the sites overall water attenuation levels on site, this reduction is considered acceptable.
- 6.30. The development proposals have been reviewed by the Lead Local Flood Authority, who have raised an objection to the scheme, based on the fact that the applicant has failed to submit a formal agreement with Severn Trent Water, with reference to the agreed discharge rate of the site, entering the STW system. It is however considered, given that this is an outline application, these matters would be resolved and further investigated during subsequent reserved matters applications. The applicant has further concluded that STW had previously raised no objection to the previous approval outline approval on site and as the sites overall discharge rate remains unchanged, the proposals should again be deemed as acceptable.
- 6.31. It is therefore considered, given that a formal agreement cannot be received from STW, within the short term, alongside the fact that it would be unreasonable to place the application on hold, until such a time that an agreement has been put in place. That this matter be resolved through the addition of a condition, which will require the applicant to submit a formal agreement, with STW, to the Council for approval, prior to any above ground works taking place on site. This will thereby ensure that the applicants secure this agreement pre-above ground commencing on site and would further allow the Council control in this regard. Such a condition is thereby recommended and subject to the addition of this, alongside conditions previously added to the former outline consent, the application proposals are considered acceptable in this regard.

Trees

- 6.32. The proposed changes to the parameters result in an overall extent of tree removal similar to the formally approved masterplan, although it is noted, that the revised parameters do require the removal of a small number of additional trees along Duchess Road. This would allow the applicants to create the proposed new access points for servicing and access for the revised residential basement car park. A high-quality landscape strategy submitted as part of the proposals however makes provision to mitigate for necessary tree losses resulting in a neutral impact for the development site in the medium term, ending with a positive impact in the longer term. The Councils Tree officer has reviewed the submission and raises no concerns, subject to the re-attachment of necessary conditions, in relation to landscaping, landscape management, tree protection and other ecological enhancement measures. These conditions are included and subject to these, the development is considered acceptable in this regard.

Ecology

- 6.22 The applicants have submitted a revised bat survey, undertaken in August and September 2019 for the site of the residential element. The findings of these surveys were comparable to those carried out in 2016/17, which encompassed the entire development site. The Councils ecologist have reviewed this survey and recommend that the previous mitigation measures for bats presented in the original Environment Statement submitted as part of the outline planning application be reapplied to any subsequent consent and raise no objections to the proposals, in this regard. The Environmental Statement will also be re-conditioned alongside any subsequent planning consent and as such the applicant will have to abide by the mitigation measures detailed within the approved ES. A further condition for ecological enhancement will also be reattached. The development is therefore considered acceptable in this regard.

Planning Obligations

- 6.33. Under the former outline consent, a range of S106 contributions were secured, these were as follows:
- A financial contribution of £200,000 towards off-site affordable housing within Birmingham,
 - A financial contribution of £200,000 towards the provision of improvements and maintenance of Chamberlain Gardens park to include new paths and circulation routes, heritage interpretation signage, land modelling and soft landscaping and children's play provision, or other such works within Chamberlain Gardens park
 - A financial contribution of £200,000 towards provision of improvements and maintenance of Edgbaston Reservoir to include provision of water sports and other sports and leisure improvements
- 6.34. The above S106 contributions were secured through a financial appraisal being submitted on behalf of the applicant. The applicants have again submitted a revised financial appraisal, which has again been independently assessed. The Council has been advised that although the overall number of units would not be increased as a consequence of this variation application, it has been deemed that a further contribution of an additional £50,000.00, made towards affordable housing being provided off-site, would be acceptable.
- 6.35. The Council has therefore been advised that any additional contributions, above and beyond, this additional level, would make the scheme unviable and as such, the total amount of £650,000.00 should be accepted in this case.
- 6.36. (I have considered the response from the independent financial advisors and deem this to be accurate. I further note the above contributions were agreed alongside the 2017 consent and at this time, it was agreed that offsite contributions towards affordable housing and public open space were appropriate and better placed, then these being provided on site. The current application does not principally change or alter the wider development and would simply see a change in the height for the 3no. residential blocks. The additional contribution further provides for an increased level of affordable housing provision to be provided off site, which is welcomed and would be better placed in order to secure a greater level of housing, as opposed to this being provided on site). It is considered that the above S106 contributions are both appropriate and suitable for any subsequent planning consent. Subject to the addition of a revised S106 agreement to any subsequent planning consent, I considered the development to be acceptable in this regard.



(Image 5: indicative sketch of proposed residential element of NGS).

7. Conclusion

- 7.1. The submitted application broadly remains similar to the former outline approval on site. the current proposals only relate to the residential element of the scheme, which sits to the sites west and would see alterations to their height parameters, this would not however result in any increases to the overall maximum number of apartments which would be delivered on site and this would remain at 400.
- 7.2. The submitted masterplan and parameter plans have been revised to allow for these changes accordingly and it has been considered that these changes would be acceptable and would not create any new undue visual or residential amenity concern. Through the proposed changes the proposals would rather represent a high quality development that will have a transformational impact on the regeneration of this significant site on the edge of the City. The impact on heritage assets has been carefully considered in accordance with the statutory requirements to pay special regard to their preservation and is considered to be acceptable.
- 7.3. The submitted Environmental Statement has comprehensively considered the potential environmental impacts of the development and concludes that the proposed alterations would have a similar impact as the former outline scheme. Appropriate mitigation measures which were part of the former consent have therefore been carried forward.
- 7.4. The proposal makes an appropriate section 106 contribution towards affordable housing, public open space and sports facilities/recreation and is therefore concluded to accord with the relevant policies in the BDP and the NPPF. I have therefore recommended approval subject to the satisfactory completion of the section 106 agreement, subject to conditions.

8. Recommendation

- 8.1. That consideration of planning application 2019/08815/PA be deferred pending the completion of a suitable s106 legal agreement to secure the following :
- a) A financial contribution of £250,000 (index linked from the date of this resolution) towards off-site affordable housing within Birmingham;
 - b) A financial contribution of £200,000 (index linked from the date of this resolution) towards the provision of improvements and maintenance of Chamberlain Gardens park to include new paths and circulation routes, heritage interpretation signage, land modelling and soft landscaping and children's play provision, or other such works within Chamberlain Gardens park;
 - c) A financial contribution of £200,000 (index linked from the date of this resolution) towards provision of improvements and maintenance of Edgbaston Reservoir to include provision of water-sports and other sports and leisure improvements;
 - d) And the payment of a monitoring and administration fee associated with the legal agreement of £10,000.
- 8.2 That the City Solicitor be authorised to prepare, seal and complete the appropriate agreement.
- 8.3 That in the event of the s106 legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 30th April 2020, that planning permission be refused for the following reason:
- In the absence of any suitable planning obligation to secure the provision of affordable housing, public open space and sport and recreation contributions the development would be contrary to paragraphs 8.50-8.54 of the adopted UDP (saved policies), Affordable Housing SPG, policies TP9, TP11, TP31 and TP47 of the Draft Birmingham Development Plan and the NPPF.*
- 8.2. That in the event of the above s106 agreement being completed to the satisfaction of the Local Planning Authority on or before 30th April, 2020, that favourable consideration be given to the application 2019/08815/PA subject to the conditions listed below:

-
- 1 Requires prior submission of surface water agreement between applicant and Severn Trent Water
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Role of the illustrative masterplan and parameter plans
 - 4 Reserved matters and other details to be in accordance with the illustrative masterplan
 - 5 Requires the prior submission of a phasing plan
 - 6 Requires the scheme to be in accordance with the environmental statement
 - 7 Requires details of a carbon reduction statement for each phase.
-

8	Requires details of a sustainable waste management plan
9	Requires the prior submission of Structural Recording
10	Requires the prior submission of a construction method statement/management plan
11	Requires the prior submission of a construction employment plan
12	Requires the prior submission of contamination remediation scheme on a phased basis
13	Requires the prior submission of a contaminated land verification report
14	Requires the prior submission level details on a phased manner
15	Requires the prior submission of a sustainable drainage scheme in a phased manner
16	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan in a phased manner
17	Requires the prior submission of sample materials in a phased manner
18	Requires the prior submission of hard surfacing materials
19	Requires the prior submission of hard and/or soft landscape details
20	Requires the prior submission of boundary treatment details in a phased manner
21	Requires details of public realm furniture
22	Requires the prior submission of details of public art
23	Arboricultural Method Statement - Submission Required
24	Requires the prior submission of a construction ecological mitigation plan on a phased basis
25	Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis
26	Requires the prior submission of a CCTV scheme
27	Requires the prior submission of a lighting scheme in a phased manner
28	Limits the hours of use of proposed A Class Uses to between 07:00-23:30 hours Mondays to Sundays.
29	Limits the noise levels for Plant and Machinery
30	Requires the prior submission of extraction and odour control details
31	Requires the prior submission a noise study to establish residential acoustic protection
32	Phasing of car parking

-
- 33 Requires the submission of a car parking management plan
 - 34 Requires details of electric vehicle charging points
 - 35 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 36 Requires vehicular visibility splays to be provided
 - 37 Requires pedestrian visibility splays to be provided
 - 38 Requires the prior submission of cycle storage details in a phased manner
 - 39 Requires the prior submission of a commercial travel plan
 - 40 Requires the prior submission of a residential travel plan
 - 41 Implement within 10 years (outline)
 - 42 Requires the prior submission of a surface water agreement with Severn Trent Water
-

Case Officer: Idris Gulfraz

Photo(s)

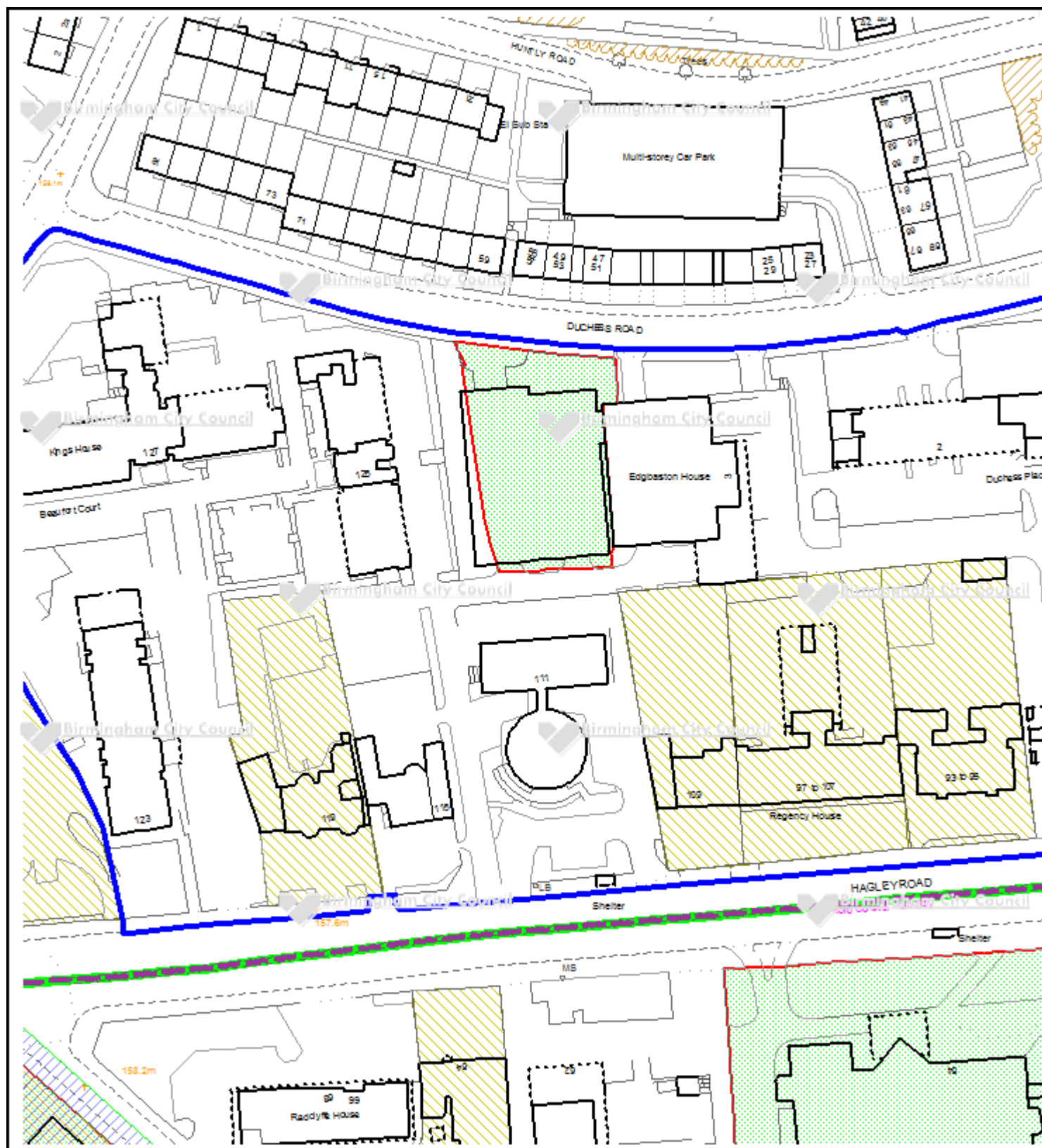


Image 1: Looking south on Duchess Road to existing office blocks on site



Image 2: looking south into application from Duchess Road.

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	12/03/2020	Application Number:	2019/07194/PA
Accepted:	27/09/2019	Application Type:	Full Planning
Target Date:	28/02/2020		
Ward:	Newtown		

164 Bridge Street West, Hockley, Birmingham, B19 2YX

Erection of 70 bedroom student accommodation with associated spaces and external landscaping works.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application is for full planning permission for the erection of a single block containing 70 studio units for students, each containing a bathroom, a bedroom area and a kitchen and living room space. 5 of the units are to be accessible rooms. The development also includes a 36sqm lobby and 55sqm communal lounge, a management office, laundry, bike store, bin store, plant room and external landscaping. The gross internal floor area is 3,034.37sqm.
- 1.2. The building is 5 to 6 storeys, to be constructed as a single building with a central corridor and rooms to either side and a single stair and lift core. The windows to the proposed rooms are in the side elevations and the front, facing the open space and Bridge Street West. The Design and Access Statement suggests materials of Parklex rainscreen cladding above aged red brick and with bronze coloured metal work features.
- 1.3. 18 cycle parking spaces are proposed, which equates to 25%, within a storeroom on the ground floor of the building. No car parking is proposed. A small private courtyard is to be provided between the application site and the adjacent, approved, PBSA development. The bin store, plant room and cycle store will all be accessed off the courtyard.
- 1.4. The application has been submitted with the following supporting statements: Planning Statement, Design and Access Statement, Student Housing Needs Assessment, Transport Statement, Noise Report, SuDS Strategy, Energy Statement, Sustainable Construction Statement, Ecology Report and Geo-Environmental Statement.
- 1.5. The scheme falls under Schedule 2, 10b "Urban development projects" of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, as the site is previously developed land, within an urban environment and of less than 1ha in area the Council have screened the application as not requiring an Environmental Impact Assessment.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is 852sqm in area and is a vacant site containing a partially demolished building. It is located to the south edge of Newtown, outside the city centre, to the north of the A4540.
- 2.2. To the north of the site on the opposite side of Bridge Street West is the Pannel Croft extra care retirement village which is a 3 storey development. To the east is a site with recent consent for a 5 to 6 storey PBSA building. Immediately south of the site is a car mechanics business. An area of public open space wraps around the wider development block and forms a buffer to the ring road at New John Street West.

2.3. Site Location

3. Planning History

164 Bridge Street West (application site)

- 3.1. 2014/06256/PA – Outline planning application (all matters reserved) for up to 26 residential units and associated car parking – Approved 25.11.2014

168 Bridge Street West (adjacent site)

- 3.2. 2019/06247/PA - Variation of Condition No 1 (approved plans) attached to approval 2018/03818/PA to provide a reduction in footprint from 840sqm to 808sqm, units increased from 62 to 68, internal layout alterations and external alterations and height increase (375mm) – Approved 29/08/19
- 3.3. 2018/03818/PA – Demolition of existing buildings and erection of 6 storey building containing 62 student studios (Sui Generis) and associated works – Approved 14/02/19.
- 3.4. 2017/06995/PA – Outline planning application (all matters reserved) for demolition of existing building and erection of student accommodation for up to 61 units – Approved 12/04/2018.

4. Consultation/PP Responses

- 4.1. Site and press notice displayed. MP, ward members, residents' associations and neighbouring occupiers notified. No comments received.
- 4.2. Transportation – No objection subject to conditions requiring pedestrian visibility splays, a detailed Student Management Plan (ref drop-offs and pick-ups) and secure and covered cycle storage. The proposal would unlikely to increase traffic to/ from the site significantly compared to the existing/ previous use at the site.
- 4.3. Severn Trent Water – No objections subject to a condition to require the submission of drainage details.
- 4.4. LLFA – No objection. The LLFA is content with the proposed plans and is content to recommend the development be conditioned under standard conditions to require

details of the surface water drainage and SUDS and submission of a Sustainable Drainage Operation and Maintenance Plan.

- 4.5. West Midlands Police – The area to the west of this site is a large area of public open space. This could leave this side of the development open to attack from the grassed area. Of particular concern will be the lack of defensible space between the public open space and those studio flats on the ground floor, and also the office. Notes that all of those rooms appear to have opening windows leading onto the public open space. This will make these residences unnecessarily vulnerable to attack. Strongly recommends that the current proposals be reconsidered to provide much needed additional protection to those aforementioned ground floor rooms.

Recommends secure entrance systems and gates, Secured by Design 'Homes 2019', a lighting plan for the site, a 24/7 staff presence, CCTV and separate post boxes or a post room.

- 4.6. Regulatory Services – No objections. Recommends conditions relating to contamination, construction management and additional noise mitigation.
- 4.7. Employment Access Team – Request condition or S106 to secure local employment.

5. Policy Context

- 5.1. The following policies are applicable:
- Birmingham Development Plan 2017
 - Birmingham Unitary Development Plan Saved Policies (2005)
 - Places for All SPG
 - Places for Living SPG
 - Specific Needs Housing SPG
 - Access for People with Disabilities SPD
 - Car Parking Guidelines SPD
 - Aston, Newtown and Lozells Area Action Plan (MU1, H6, GA3)
 - Revised National Planning Policy Framework 2019

6. Planning Considerations

Policy and Principle of Development

- 6.1. The Revised NPPF states, at paragraph 117, that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
- 6.2. The site is within the boundaries of the Aston, Newtown and Lozells Growth Area, as per BDP Policy GA3, and the Aston, Newtown and Lozells Area Action Plan. The site falls under AAP Policy MU1 which allocates the site as mixed use, residential, health, education, cultural and community uses, light industry or leisure. While its previous use is identified as being an employment use, the site has been allocated as mixed use as per the Aston, Newtown and Lozells AAP and therefore would not need to

justify loss of employment land as per BDP Policy TP20 or the Loss of Industrial Land to Alternative Uses SPD.

- 6.3. Policy TP33 of the BDP advises that proposals for purpose built student accommodation provided for off campus will be considered favourably where:
- there is a demonstrated need for the development.
 - the proposed development is very well located in relation to the educational establishment that it is to serve and to the local facilities which will serve it, by means of walking, cycling and public transport.
 - the proposed development will not have an unacceptable impact on the local neighbourhood and residential amenity.
 - the scale, massing and architecture of the development is appropriate for the location.
 - the design and layout of the accommodation together with the associated facilities provided will create a safe, secure and welcoming living environment.
- 6.4. My report to members on the 21st November 2019 included a recommendation for additional information requirements to justify PBSA applications. As noted in that report, any additional requirements will need to be formally adopted through changes to the Local Validation Requirements. Officers have been advising applicants that it would be helpful to provide this additional information at this stage.
- 6.5. The main issues are considered to be whether the provision of student accommodation in this location is acceptable in principle and if so whether the scale and layout of the building is appropriate having regard to the site surroundings. Also to be considered is amenity and transportation issues.

Student Need

- 6.6. The applicants have submitted a Student Accommodation Needs Assessment in response to TP33. The report sets out student figures for 2017/2018 as 81,000, of which 67,000 are full time students and provides detailed breakdown analysis for each BCU, Aston, UCB, Law, HS2, UOB and Newman college. Existing PBSA is noted in the assessment as 6,111 provided by universities and 7,361 privately provided. As such the report suggests that existing provision accommodates 35% of full time students. The assessment also notes that there are 3,988 PBSA units consented and, as such, if these were all built it would accommodate 46% of full time students.
- 6.7. The applicant's assessment does acknowledge that not all full time students require accommodation but also comments that the proposed city wide article 4 direction will reduce the availability of new HMOs for students and new PBSA units release pressure for HMOs. In conclusion the assessment suggests that expansion of the universities should also allow expansion of student accommodation; there is a need for flexibility in student accommodation and to rectify the mismatch and respond to changing student preferences.
- 6.8. The City Council have also previously carried out research which shows that there has been a significant growth in the development of Purpose Built Student Accommodation (PBSA), particularly in and around Birmingham City Centre. The November report sought to advise on PBSA applications and policy.
- 6.9. There are five main universities in Birmingham, three located in the city centre: Aston University, BCU and UCB. Taking account of students living in their own home, living with their parents/ guardian and 'not in attendance' e.g. due to industrial placement,

there is a demand of 36,218 students needing accommodation from all five universities. It should be noted that the number of students requiring accommodation each year will fluctuate.

- 6.10. The existing supply of PBSA, as noted in the November report, is 20,826 bed spaces. A further 5,050 bed spaces were under construction with a further 1,505 bed spaces having planning permission but are not yet started. The total existing supply and pipeline (including 10% non-implementation rate applied to detailed consents not started) would be 27,381 bed spaces.
- 6.11. As noted in the November PBSA report approximately 60% of the PBSA is within the city centre (with the other majority in Selly Oak/ Edgbaston). The November report concluded that the demand for accommodation from students has increased over the past 10 years and demand is set to increase. Furthermore, there is an overall deficit of 8,837 PBSA bed spaces across the city, even if all approved schemes are built out. However, it is also acknowledged that all students currently have accommodation and any new accommodation would serve a growth in student numbers; rectify a mismatch in the type of accommodation which is available and that which is needed, respond to changing student preferences and replace existing PBSA.
- 6.12. The site is within walking/cycling distance of Birmingham City and Aston Universities. Furthermore there are other student schemes in the vicinity including on the adjacent site. Overall there is a city-wide shortfall of student accommodation and some flexibility in supply is beneficial as student numbers can change relatively quickly but development takes much longer to be provided. Capacity in the existing stock is necessary to accommodate growth. My Strategic Policy Officer has advised that the applicant has appropriately addressed policy TP33 and I therefore consider that applicant has demonstrated that there is a need for further PBSA.

Location of site

- 6.13. As noted above the site is located in Newtown, north of the A4540 and outside the city centre. The Student Need Assessment submitted with the application notes that the nearest higher education establishment is the University of Law which is 13 min walk (or 4 min cycle) from the site. Beyond that are Aston University (16 min walk, 7 min cycle), University College Birmingham (23 min walk, 9 min cycle), BPP University (22 min walk, 9 min cycle), Mathew Boulton College (25 min walk, 10 min cycle) and Birmingham City University (28 min walk, 11 min cycle). The submitted Transport Statement advises that the city centre is 1.7km from the site which is 21 min walk or 7 min cycle.
- 6.14. Policy TP33 requires new PBSA to be very well located in relation to the educational establishment that it is to serve and to the local facilities which will serve it, by means of walking, cycling and public transport. The site is on the outer edge of what could be consider as “very well located”. The site is within walking distance of the main university campuses but further than Manual for Streets and Planning for Walking advise is reasonable walking distance. However, considering the adjacent PBSA development, and others approved a similar distance from the universities it would be difficult to argue that this site is unacceptable in terms of location.
- 6.15. In conclusion the site is considered to be in just within the extent of what could be considered a suitable location for student accommodation, in particular University of Law and Aston University and in close proximity to public transport services. Therefore I consider the proposed use complies with Policy TP33 of the BDP and is acceptable in this location.

Design and Visual Impact

- 6.16. The proposed building steps up from five storeys on Bridge Street West to six storeys at the rear of the site. The elevation fronting Bridge Street West has large areas of glazing at ground and first floor, serving the communal areas but limited openings above. The side elevations are active with the windows in rows. The side elevation facing towards the adjacent development site are set at an angle projecting out from the wall with windows and louvres to provide screening for the adjacent development and light and ventilation for the proposed scheme. The elevation facing towards New John Street West is blank due to it backing onto the adjacent garage business.
- 6.17. The adjacent development is of a similar scale, albeit a little lower in total height. The care village opposite is three storeys and the building on the corner of Bridge Street West and Hospital Street is 4 commercial storeys. As such I consider that the scale of the proposed building is acceptable in the context of the surrounding area. The double height glazing on the front elevation is welcomed and creates interest and an active frontage. My City Design Officer has also advised that the splayed windows on the side elevation provide architectural interest.
- 6.18. The Design and Access Statement suggests materials of Parklex rainscreen cladding above aged red brick and with bronze coloured metal work features and the Planning Statement advises that the scheme includes a green roof. My Design Officer considers that the brick and rainscreen cladding are appropriate for the context and fit in with the approved site adjacent. However, concerns are raised about the use of bronze metalwork and a darker colour is recommended. This can be dealt with at a later date through a condition to require samples of the materials to be submitted.
- 6.19. Overall, the design and scale of the building is considered to be acceptable for this site and in the context of the area and adjacent developments and complies with the guidance and policies on design matters.

Highways

- 6.20. A Transport Statement has been submitted with the application which notes that Bridge Street West is a 9m wide cul-de-sac with footpaths either side, restricted to 30mph and is lit. There are no traffic regulation orders and as such on-street parking occurs on both sides of the road, however this does not limit traffic movement. There is no car parking proposed within the development. Cycle parking is shown within a ground floor storeroom.
- 6.21. The TS advises that the site will operate a student management plan to manage move in/ move out (MIMO). A parking beat survey has been carried out which showed evidence of on-street parking available for the site and there are other PBSA sites approved with zero parking. Furthermore, the agent considers that the traffic movements for the proposed development will be less than the previous use of the site as warehouse and less than the previously approved residential development.
- 6.22. Transportation Development have no objection and recommended conditions requiring pedestrian visibility splays, a detailed Student Management Plan (ref MIMO) and secure and covered cycle storage. Transportation Development agree that the proposal would be unlikely to increase traffic to/ from the site significantly compared to the existing/ previous use at the site. I concur with these views and agree with the recommended conditions.

Contamination, Air Quality and noise

- 6.23. Contamination – A Phase 1 report, relating to contamination, confirms that the site previously contained commercial, industrial and residential buildings and as such there is a risk of contamination and made ground on the site. Regulatory Services have accepted the content of the phase 1 report and the need for a phase 2 site investigation, post consent. The phase 2 investigation should include an UXO assessment prior to any ground works and investigation for chemical contaminants, asbestos and ground gases. Conditions are therefore recommended.
- 6.24. Noise – The submitted Noise Assessment notes the requirement of BCC Planning Guidance for Noise and Vibration. The site is 65m north of New John Street West, which is a busy dual carriageway forming part of the wider ring road and an existing vehicle repair garage lies immediately to the south of the site. Noise surveys have been carried out with 2 recording positions which resulted in no audible noise from the neighbouring land uses. The dominant noise was road traffic.
- 6.25. The scheme has been designed with no windows on the elevation facing towards New John Street West or the adjacent business and as such the noise report concludes that no additional noise mitigation measures would be required.
- 6.26. Regulatory Services initially raised concerns about the potential commercial and industrial noise from the adjacent garage which is directly adjacent to the rear elevation of the building and requested a revised noise assessment. In response the agent has commented that the noise assessment was carried out when the garage business was operational but no internal operations were audible above traffic noise.
- 6.27. On reviewing this additional information Regulatory Services have confirmed that the issues have been addressed and no objections are raised. A condition is recommended to require details of noise mitigation as this remains a concern.
- 6.28. With regard to the impact on existing residential properties near the site the Planning Statement comments that the scheme will not impact on amenity of residents. The care village opposite is 3 storeys with habitable room windows which will be 23m from the front elevation of the proposed building. However, the ground and first floor windows serve communal spaces and the upper floor windows are either to the spine corridor or secondary to the windows in the side elevation. As such, although there is a shortfall below what Places for Living recommends these are front elevations where the SPD advises that the standard will be less strict. Furthermore, the separation distance is the same as the adjacent, approved, development.
- 6.29. The windows in the side elevation, facing the adjacent development site, have been angled so as to reduce overlooking of the adjacent development whilst providing light to the proposed units. The layout of the adjacent development is U shaped with blank gables on the boundary with the current application site and the setback section of the U approximately 14m from the application site. The angled windows in the proposed scheme ensure that there would be no direct overlooking between the two new buildings. The separation distance ensures that the adjacent site would not suffer from any loss of light. Within the proposed scheme the windows to the rooms which face the front part of the adjacent scheme, which abuts the boundary with the application, are less than 5m from the approved building and as such will have some loss of light. However, this only affects 2 units as the upper floor units have the angled windows with a north facing pane which will gain additional light.
- 6.30. The Planning Statement also suggests that the room sizes are in excess of standard. Each room is at least 25sqm and, as noted above, provides ensuite shower rooms

and an open plan sleeping/ study/ kitchen/ living area. The floor plans also show storage within each room. The accessible rooms are bigger with space to turn a wheelchair and a wet room. The scheme also includes a communal lobby on the ground floor (36sqm) and a communal lounge on the first floor (55sqm). There is no published standard for self-contained PBSA, the rooms sizes exceed the bedroom standards in the Council Specific Needs SPG but fall below the minimum recommended for a 1 bed, 1 person, flat in the National Space Standards. However, at 25sqm the room sizes are comparable to a number of other PBSA schemes approved recently by the Council. The adjacent site has rooms which are mostly smaller in size than those proposed in this scheme.

- 6.31. In conclusion the proposed development will not have a detrimental impact on the amenities of existing residents and will provide appropriate amenity for the future residents of the scheme.

Drainage

- 6.32. A Sustainable Urban Drainage report has been submitted with the application which notes that the whole of the site is currently hard standing (which previously contained a building) but that the proposed development will also be 100% impermeable. The proposal intends to discharge the surface water from the roof to a storage tank under the courtyard to attenuate the flow prior to discharge to the existing mains drainage system at 5 litres per second. Foul drainage is to be discharged to mains. Both foul and surface water mains run along Bridge Street West and connection will need to be through a Severn Trent permit.
- 6.33. Severn Trent have raised no objection requesting the standard drainage condition. The LLFA initially requested additional information which the applicant responded to. The additional information provides evidence that Severn Trent have confirmed connection for both foul and surface water (at 5 litres per second) and advises that neither soakaways nor discharge to a watercourse are viable for the site and that, due to the limited site area, above ground SUDs are also not possible. The additional information also provided further details requested by the LLFA.
- 6.34. Following reconsultation the LLFA have advised that the information is acceptable and they have recommended two conditions. Both conditions are reasonable.

Sustainable Energy

- 6.35. A Sustainable Construction Statement has been submitted with the application which advises that the proposal includes SUDs for managing the surface water drainage, natural ventilation and will promote recycling. The Energy Statement also advises that the design has high value double glazing, movement detection lighting in common areas, low water use sanitary wear, low energy use lights and photovoltaic panels. My Strategic Policy Officer has advised that the statement is acceptable and the propose use of air source heat pumps and PV panels on the roof comply with the requirements of TP4 of the BDP.
- 6.36. A BREEAM assessment was requested during the consideration of the application and subsequently submitted. The assessment advises that the site could achieve a BREEAM score of excellent. My Strategic Policy Officer has accepted the content of the report and recommends a condition to ensure BREEAM is achieved.

Ecology and trees

- 6.37. Desk top studies, site surveys, a bat roost assessment and badger survey have been submitted. The canal is 750m from the site and Hockley Brook is 1km from the site. There are also 5 SLINCs within 2km and 5 PSIs within 760m. The report concludes

that the development of the site as proposed will have a negligible to low impact on ecology. Precautionary measures such as constructing outside nesting season and enhancements, such as sensitive lighting, wildlife friendly lighting, native planting, bat and bird boxes, a hedgehog house and an invertebrate house are proposed.

- 6.38. The Council Ecologist has advised given the level of disturbance and the works that have already taken place the potential for bats is negligible. Notwithstanding this, the Council Ecologist recommends that an informative for both bats and nesting birds is applied.
- 6.39. The Ecologist suggests the provision of biodiversity net gain (above current potential) through the inclusion of built in bat boxes on the southerly aspect and bird boxes in the westerly face of the building. Inclusion of Biodiversity roofing could provide multifunctional space acting to both provide biodiversity net gain and some surface water attenuation as part of an integrated suds which would help attenuate the flow.
- 6.40. Overall the Council Ecologist has recommended a bird/ bat box condition and a condition requiring biodiversity roofs. Informatives are also recommended.
- 6.41. The Council Tree Officer has also considered the scheme given the close proximity of the New John Street West POS and the line of mature London plane adjacent to the development sites western boundary. The officer advises that these trees are likely to be just outside of the default root protection area (RPA) distance.
- 6.42. As the application includes development close to the boundary, across the majority of the site and a basement level the work may require some excavation down below the current ground level, scaffolding within the POS and a crane on site. This work may impact the RPA and, or, the crown of the trees. Additional information is required to show that the development can be carried out without adverse impact to the trees, however the Tree Officer has confirmed that this information could be submitted through a condition.

Other matters

- 6.43. The proposal is liable for CIL as student accommodation. The gross internal floor area to be provided is 3,034.37sq.m as such the CIL payment would be in the region of £258,044.
- 6.44. West Midlands Police have raised concerns about the vulnerability of the elevation facing the public open space to the side of the site. The agent has responded confirming that the site will be managed and any issues can be reported to management and the police. In addition a 1.8m fence is shown on the side of the site between the building and the open space which will provide a secure boundary and the building is set back from the fence (and therefore open space) by a distance of between 0.35m and 1.3m. I consider that the fence should be metal weld mesh to allow light to penetrate and views in and out but prevent access, this can be dealt with through the standard boundary treatment condition.

7. Conclusion

- 7.1. The proposal would provide a high quality, sustainable brownfield development which would be located in an acceptable location in relation to the existing higher education establishments, in particular Aston University. The scale, mass and design of the building is considered to be appropriate and well related to the adjacent, approved,

PBSA development in accordance with the general principles of Policy PG3 of the Birmingham Development Plan.

- 7.2. Although no on-site parking is provided the site is located in close proximity to a choice of modes of public transport and within walking/cycling distance of Aston University. A condition is recommended to secure details of a management plan for moving in and moving out.
- 7.3. Conditions can be used to ensure that the development does not have a detrimental impact on the amenities of the future residents of the site and enhance biodiversity in the area.
- 7.4. Overall the scheme complies with the National and Local Policies and the guidance in supplementary planning guidance/ documents.

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 contamination remediation scheme |
| 3 | Requires the submission of a contaminated land verification report |
| 4 | Arboricultural Method Statement - Submission Required |
| 5 | Requires the submission of hard and/or soft landscape details |
| 6 | Requires the submission of boundary treatment details |
| 7 | Requires the submission of sample materials |
| 8 | Requires the submission of architectural detailing, cross sections and window reveal details |
| 9 | Requires the submission of a lighting scheme |
| 10 | Requires the submission of a CCTV scheme |
| 11 | Requires the submission of cycle storage details |
| 12 | Requires the submission and completion of works for the S278/TRO Agreement |
| 13 | Limits the occupation of the development to students in education |
| 14 | Requires submission of a student management plan |
| 15 | Requires provision of a management plan for the move in/move out of students at the beginning and end of term. |
| 16 | Requires BREEAM Excellent Certification |
-

-
- 17 Requires noise mitigation scheme
 - 18 Requires the prior submission of a sustainable drainage scheme
 - 19 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 20 Requires the prior submission of a foul drainage scheme
 - 21 Requires the prior submission of a construction method statement/management plan
 - 22 Requires the prior submission of details of bird/bat boxes
 - 23 Requires the submission of details of green/brown roofs
 - 24 Requires the prior installation of means of access
 - 25 Implement within 3 years (Full)
-

Case Officer: Karen Townend

Photo(s)

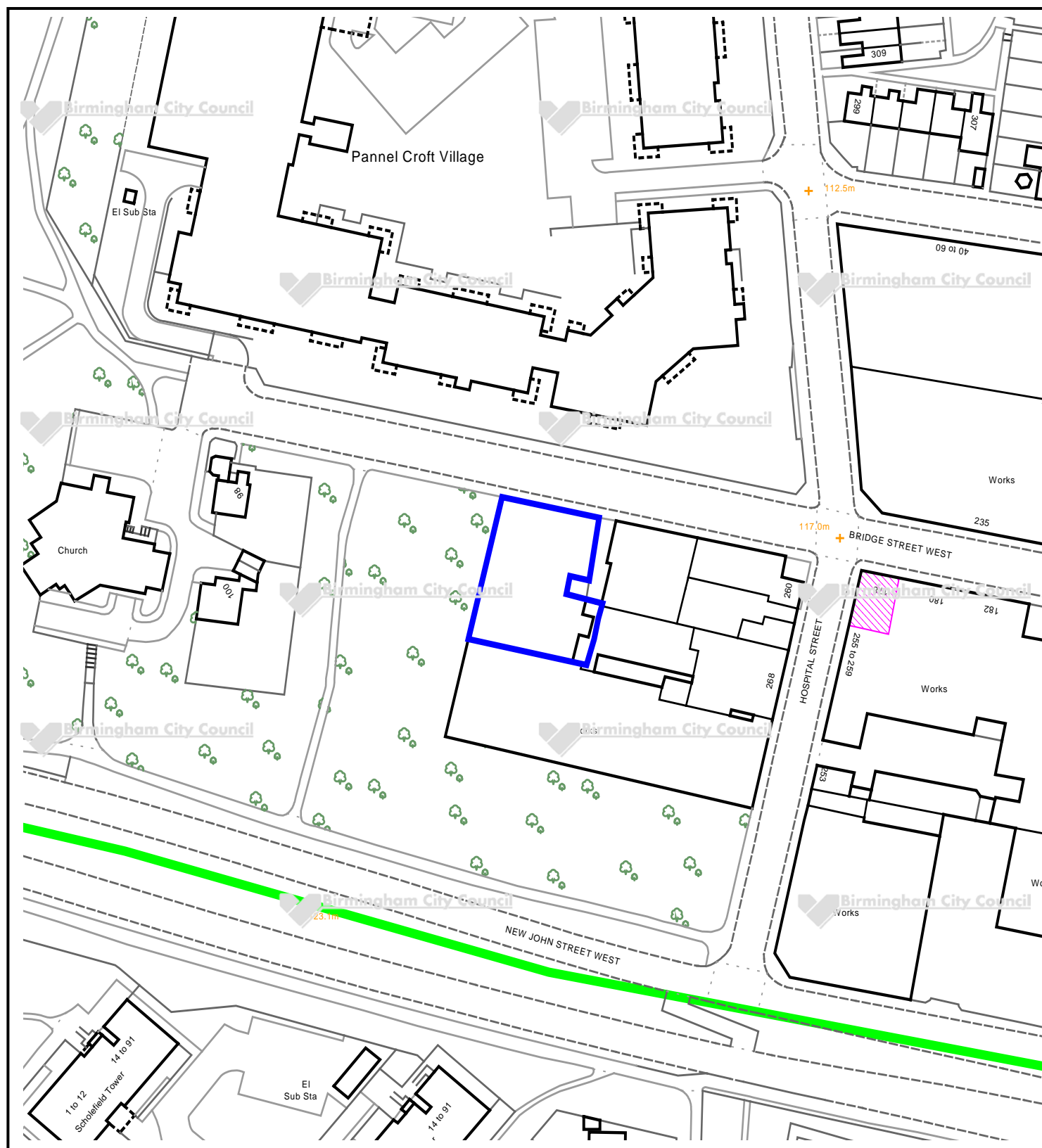


Site



Adjacent POS viewed from Bridge Street West

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	12/03/2020	Application Number:	2019/09325/PA
Accepted:	12/11/2019	Application Type:	Full Planning
Target Date:	14/02/2020		
Ward:	Handsworth Wood		

135-137 Chestnut Lodge, Church Lane, Handsworth Wood,
Birmingham, B20 2HJ

Change of use from care home (Use Class C2) to 13 bed HMO (House
in Multiple Occupation) (Sui Generis)

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The current application proposes a change of use for the application site, from its existing use as a care home (Use Class C2) to form a 13-bedroom House of Multiple Occupancy (HMO) (Use Class Sui Generis).
- 1.2. The proposed development would comprise; 2no. bedrooms, a kitchen, a dining room, a lounge, an office and 2no. WC's at ground floor level. The first floor would comprise 8no. bedrooms and 2no. bathrooms, with the second floor proposed to comprise 3 bedrooms, a bathroom, alongside a WC.
- 1.3. 7no. car parking spaces are to be retained for future residents to the front of the building, within an existing forecourt area. These are currently accessed via an existing entrance/exit point from Church Lane.
- 1.4. A garden comprising an area of approximately 480sqm would be provided to the rear of the building.
- 1.5. No external alterations or changes to the existing level of parking or site access are proposed as part of the development proposals.

1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a pair of semi-detached traditional, three storey buildings, located at 135-137 Chestnut Lodge. The site is located near to the junction with Church Lane and Hinstock Road. The site's frontage comprises a large tree and car parking area and there are bollards and a pelican crossing to the front. The surrounding area is of a mixed residential character, with a mix of single family dwellinghouses, care homes, Houses of Multiple Occupancy (HMO's) and self-contained flats. There is a doctor's surgery opposite the site and a school to the west. The Handsworth, Sandwell and Soho Area of Restraint is located in close

proximity to the north of the site, but the application site is not located within its boundary.

2.2. [Site Location](#)

3. [Planning History](#)

- 3.1. 11/08/1988 (06712002) - Use of second floor as elderly persons home. Approved Subject to Conditions.
- 3.2. 24/11/1983 (06712001) - Use of premises as rest home for the elderly and construction of vehicular means of access. Approved Subject to Conditions.

4. [Consultation/PP Responses](#)

- 4.1. Local councillors, residents associations and the occupiers of neighbouring properties were consulted and a site notice was posted.

- 4.2. Handsworth Wood Residents Association have objected to the development on the following grounds:

- Over concentration of HMO's in the area;
- The large size of the property and subsequent noise and transport impacts;
- Anti-social behaviour and crime; and
- Inadequate notification given.

- 4.3. Antrobus Road Residents' Association Group have objected to the development on the following grounds:

- Over concentration of HMO's in the area;
- A need for care homes in the local area;
- Loss of family housing due to conversion to HMO's and hostels;
- Impact on community cohesion;
- High population density; and
- Anti-social behaviour and crime.

- 4.4. 46 letters of objection were received from local residents, who object to the development on the following grounds:

- Anti-social behaviour and crime;
- Safety of local residents and vulnerable neighbours;
- The large size of property and subsequent impact on noise and disturbance;
- Increased demand for parking;
- Highways safety and traffic issues, including increased pollution;
- Loss of residential character of the area;
- Loss of potential family housing in an area where family homes are needed;
- Impact on the amenities of local residents;
- Loss of privacy and increased potential for overlooking;
- Potential for rubbish dumping and litter;
- Proximity of HMO to a school;
- Pressure on police and ambulance services;
- Pressure on local facilities and services;
- Concern regarding the kinds of people who live in HMO's;

- Reduction in property values;
 - Car insurance and home insurance price increases;
 - Poor quality accommodation;
 - HMO's are poorly managed; and
 - Proximity to the Area of Restraint.
- 4.5. Regulatory Services – raise no objection, subject to conditions in relation to the submission of a noise insulation scheme.
- 4.6. Transportation Development – raise no objection, subject to conditions in relation to the provision of cycle storage.
- 4.7. West Midlands Police – raise an objection based on the potential increase in crime and the fear of crime within the area, as a result of the development proposals coming forward. HMO's provide accommodation for a transient local population that can undermine community stability and cohesion. It was questioned whether the landlord has had the appropriate accreditation training, who the intended clientele base is and will any of the intended residents pose a threat to themselves or other residents and how will the intended residents be vetted?

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) (2017).
- Birmingham Unitary Development Plan (UDP) (Saved Policies) (2005)
- Specific Needs Residential Uses SPG
- Car Parking Guidelines SPD

5.2. The following national policy is applicable:

- National Planning Policy Framework (NPPF) (2019).

6. Planning Considerations

Policy

- 6.1. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development in appropriate locations and sets out principles for creating sustainable communities. The NPPF promotes high quality design and good standard of amenity for all existing and future occupants of land and buildings. 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.
- 6.2. Whilst the Birmingham Development Plan (BDP) 2017 contains no policies directly relating to HMO use, policy TP27 relates to sustainable neighbourhoods. This policy requires development to have a wide choice of housing sizes, types and tenures to ensure a balanced community for all ages and incomes. Policy TP30 states that proposals for new housing should seek to deliver a range of dwellings to meet local needs and support the creation of balanced and sustainable neighbourhoods.
- 6.3. Saved Birmingham UDP policies 8.23 to 8.25 contain guidance relating specifically to proposals for HMO's. These policies set out the criteria to assess proposals for

HMO's which includes the effect on amenities of adjoining properties and the surrounding area, size and character of the property, floorspace standards, car parking facilities and the amount of provision in the locality. Where a proposal relates to a site in an area which already contains premises in similar use, account will be taken of the cumulative effect of such uses on the residential character and appearance of the area.

- 6.4. The Specific Needs Residential Uses SPG states that HMO's have a role to play in providing housing for certain groups in society and is clear that the type of people to occupy the premises is not a material planning consideration. The SPG provides guidelines in relation to internal floorspace and amenity space standards, as follows:
- 6.5. Where a HMO provides a shared kitchen/living room and separate bedrooms, single bedrooms (one individual) should comprise an area of 6.5sqm and double bedrooms (two individuals) should comprise an area of 12.5sqm.
- 6.6. Where a HMO provides a separate kitchen and living/sleeping rooms, single living/sleeping rooms (one individual) should comprise an area of 12.5sqm and double living/sleeping rooms (two individuals) should comprise an area of 18sqm.

Principle of Development / Cumulative Impact

- 6.7. The application site comprises a pair of semi-detached traditional three storey properties (No's 135-137) currently in use as a care home (Use Class C2 – Residential Institution). The site is sustainably located in an area with public transport connections in close walking distance, which provide access to jobs, shops and services.
- 6.8. The surrounded area is of a mixed residential character, comprising single family dwellinghouses, self-contained flats, HMO's and care homes. An assessment of the area indicates that there are 85 properties within a 100m radius of the site. Taking into account all residential uses within this 100m radius; including the application site, there are 5 HMO's, 3 care homes and 13 properties converted into self-contained flats. This equates to approximately 24.7% of properties within a 100m radius of the site in residential uses other than a single family dwellinghouse use.
- 6.9. The proposed HMO use is a residential use other than that of a single family dwelling house. However, in this case, it is considered that the proposed change of use of the application site to HMO use is acceptable, given that the existing use of the building is a care home (Use Class C2) and the development would therefore not result in the loss of a family dwelling, as a result of the proposals. Furthermore, when looking at the site's immediate vicinity (100m radius) it can be seen that only another 4no. HMO's are present, representing 5.8% of the total 85no. properties identified within 100m radius of the application site. The concentration of HMO's within this area is therefore relatively low and does not represent an overconcentration of such uses in this area that could sustain a reason for refusal.
- 6.10. In light of the above, I therefore consider that the principle of the proposed change of use of the site, from a care home (Use Class C2) to a 13-bedroom HMO (Use Class Sui Generis) is acceptable in this location, subject to complying with other material planning considerations within the BDP.

Standard of Accommodation

- 6.11. The proposed HMO would contain three floors with individual bedrooms and shared kitchen, dining room, lounge, bathrooms and WC's. The ground floor would comprise 2 bedrooms (16.7sqm and 9.9sqm), office, lobby, dining room, lounge, kitchen and 2 WC's. The first floor would comprise 8 bedrooms (16.7sqm, 16.7sqm, 13.5sqm, 13.5sqm, 13.1sqm, 13.1sqm, 10.5sqm and 10.5sqm) and 2 bathrooms. The second floor would comprise 3 bedrooms (14sqm, 14sqm and 9.7sqm), bathroom, WC and seating area.
- 6.12. All of the bedrooms would exceed the minimum floorspace standards of 6.5sqm for bedrooms, as specified in the 'Specific Needs Residential Uses' SPG. Furthermore, 9no. of the 13no. bedrooms exceed the recommended floorspace standards of 12.5sqm for rooms which accommodate both living and sleeping needs. The kitchen, dining room and lounge at ground floor are further considered adequate for 13no. residents, especially given that the majority of the bedrooms provide sufficient space to accommodate both living and sleeping purposes.
- 6.13. The 'Specific Needs Residential Uses' SPG recommends that 16sqm of communal amenity space should be provided per resident for HMO accommodation, and this would equate to an area of 208sqm. The site provides approximately 480sqm of communal amenity space to the rear of the building, which is well in excess of the 208sqm policy requirement and is considered acceptable.
- 6.14. In light of the above, I am satisfied that the standard of accommodation provided by the proposed HMO would meet the standards as specified in the 'Specific Needs Residential Uses' SPG and would therefore provide an acceptable standard of accommodation for future occupiers.

Residential Amenity

- 6.15. With respect to the standard of residential amenity, in relation to outlook and daylight, the majority of habitable rooms meet the distance separation guidelines contained within 'Places for Living' SPG. However, one of the bedrooms on the ground floor, falls short of the 12.5m distance separation requirement for windowed elevations facing one/two storey flank walls. However, in this case, although not an ideal situation, I do not consider that this distance shortfall provides sufficient grounds to refuse the application on residential amenity grounds, given that only 1 of the 13 bedrooms propose fails to meet the distance separation guidelines. This is also the existing situation for the existing care home and on balance, given the wider development; the application is considered acceptable in this regard.
- 6.16. It is also noted that the ground floor kitchen window fails to meet the 12.5m distance separation for windowed elevations facing one/two storey flank walls opposite, alongside a second floor bedroom window, which falls short of the 5m distance separation per storey requirement for main windows overlooking existing private space. However, given that these windows already fall short of these distance separation requirements in relation to the existing use of the site as a care home, these shortfalls, in this case, are not considered to present a situation which would be over and beyond the existing situation on site. as such, given that no new openings are proposed which would exasperate the situation, the application is considered acceptable in this regard.
- 6.17. The City Council's Regulatory Services officers were consulted and have raised no objection to the development, subject to conditions in relation to the submission of a noise insulation scheme. Officers further considered that the proposed development would raise no new concerns in relation to noise and disturbance to neighbouring

occupiers. I concur with this view and consider that the proposed development is acceptable in relation to existing neighbour's amenity, subject to the noise insulation scheme condition attached.

- 6.18. In light of the above, I am satisfied that the standard of residential amenity provided by the proposed HMO would broadly meet the standards as specified in the 'Places for Living' SPG and would provide an acceptable standard of amenity for future occupiers.

Highways Safety and Parking

- 6.19. 7no. parking spaces are proposed to be retained to the front of the site for future occupiers. The existing site access would also remain unaltered. The City Council's Transportation Development officers were consulted and have raised no objections to the development, subject to a condition in relation to the provision of cycle storage details being submitted to the Council prior to occupation. This condition is considered appropriate and is recommended as part of any subsequent planning consent.

Anti-Social Behaviour and Crime

- 6.20. West Midlands Police have objected to the proposed development, on the grounds of the development resulting in an increases level of crime and the fear of crime. It is noted that there has been a high number of callouts to Church Lane in the past 12 months, as well a number of callouts to this postcode in particular. The Police add that HMO's provide accommodation for a transient local population that has the potential to undermine community stability and cohesion. Furthermore, the potential for 13 strangers living in close proximity to one another and sharing basic amenities can be a recipe for discord and can offer the opportunity for crime and disorder.
- 6.21. In this respect, whilst it is noted that crime and the fear of crime are planning considerations, the 'Specific Needs Residential Uses' SPG is clear that the nature and types of people to occupy premises is not a material planning consideration. HMO accommodations further have a role to play in providing housing for certain groups in society and as such cannot be prejudiced on this basis. It is also important to stress that the behaviour of HMO tenants are not a matter for planning authorities to consider and there is no control over whom may end up living within the premises. It is also recognised that over concentrations of HMO's can impact upon residential amenity, community cohesion and housing mix, as well as residential character, which in this case, as set out above is not the case. Furthermore, it is important to stress that there is no evidence that occupiers of HMOs are inherently more likely to participate in criminal and anti-social behaviour and as such, the application should be determined upon its planning merits alone.
- 6.22. In light of this, and the above assessment, a robust reason for refusal on crime and fear of crime could not be sustained or substantiated. I therefore consider that subject to the attached of a condition requiring the installation of a CCTV scheme, as recommended by the Police, the proposed development is acceptable in relation to anti-social behaviour and crime.

Other Matters

- 6.23. The City Council's Tree Officer was consulted and has raised no objection to the development. No trees would be removed as part of the proposal and the proposed development is therefore considered acceptable in this regard.

6.24. It is acknowledged that a number of objections were received during the public consultation process, stating that the site notice was not posted in time. However, the site notice was posted on Thursday 21st November 2019, which satisfies the statutory requirements in relation to the public consultation period.

7. Conclusion

7.1. The application complies with the policies set out above and is therefore recommended for approval, subject to conditions.

8. Recommendation

8.1. Approve Subject to Conditions.

-
- | | |
|---|--|
| 1 | Requires the submission a Noise Insulation Scheme to establish residential acoustic protection |
| 2 | Requires the submission of cycle storage details |
| 3 | Requires the submission of a CCTV scheme |
| 4 | Limits the number of residents to 13 people |
| 5 | Requires the scheme to be in accordance with the listed approved plans |
| 6 | Implement within 3 years (Full) |
-

Case Officer: Thomas Morris

Photo(s)



Photo 1: Front Elevation

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	12/03/2020	Application Number:	2019/09207/PA
Accepted:	07/01/2020	Application Type:	Full Planning
Target Date:	13/03/2020		
Ward:	Perry Barr		

156 Cramlington Road, Great Barr, Birmingham, B42 2EG

Retrospective application for a change of use from dwellinghouse (Use class C3) to residential care home for one child (Use class C2)

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for a change of use from dwellinghouse (Use Class C3) to residential care home for children (one child) (Use Class C2) at No. 156 Cramlington Road, Great Barr, Birmingham, B42 2EG.
- 1.2. The layout of the ground floor would be unchanged and would include lounge, living/dining and kitchen as per the original use. The first floor would provide a bedroom for the resident of the care home and a separate bedroom and small office for two members of staff. The facility would operate 24/7 all year around.
- 1.3. Two staff members would work at the premises on a shift pattern and would not be full-time residents of the premises. The length of stay of the child would vary but the age would be range between 9 and 17years.
- 1.4. The applicant has assured that their registration with Ofsted is underway and provided details of a dedicated Ofsted Officer who is expediting the registration. It is understood that the progress of the registration is subject to obtaining the planning permission.

1.5. [Link to Documents](#)

2.0. Site & Surroundings

- 2.1. The site lies within a row of two-storey semi-detached dwellings on the southern side of Cramlington Road. The immediate surrounding area within the vicinity of the site is residential. There is no off-street forecourt parking to the front of the property but on-street parking is available. The rear garden is approximately 17m long and 75sq.m in area. To the rear the property benefits from the garage. The property is also accessible through a rear alleyway from Perry Wood Road.
- 2.2. The site holds one off-street parking space located to the rear of the site via private drive serving the properties along Cramlington Road. However it is more likely that staff and visitors would park along Cramlington Road. There are TRO's enforced on the opposite side of the road, that of double yellow lines, but not on the side of the application site.

3.0. Planning History

3.1. None.

4.0. Consultation/PP Responses

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

4.2. Councillor Jon Hunt – objection on the grounds that the application lacks explanation as to why the planning permission is needed; a change of use permission would allow further development of commercial premises on this site.

4.3. Ward Councillor Morriam Jan – supports the proposals on the grounds that the work the applicants are proposing is fantastic as there would only be 1 young person housed with 2 members of staff looking after them day and night.

4.4. 8 letters of objections received, raising the following concerns:

- The proposals would potentially affect the peace and quiet of the adjoining residents and those living near to the building.
- Residents also deserve to feel safe and able to live peacefully in their own homes
- Devaluation of properties.
- The use would generate more traffic.
- The members of staff have repeatedly parked on the neighbours' driveway.
- No letters were sent out to the residents of Cramlington Road informing about the application. The site notice for planning permission was displayed in a very inconspicuous place as it was pretty much unnoticeable; this has been done in a deliberate manner, with the aim enabling the change to go through unchallenged.
- The house is also used as a 24hr office which is not in keeping with the properties in the area.
- The police have been called on a regular weekly basis to deal with disruptive behaviour by the residents.
- The property has been used as a care home illegally for over two years.
- The applicant has been running a care home for teenagers 16-18 years of age and not children.
- The applicant is not capable of running a care home or conducting himself in a professional manner.
- The members of staff take their breaks outside in their cars throughout the night slamming car doors etc.
- The care home would generate more waste and there is no location for additional waste bins storage.

4.5. Regulatory Service – no objection, subject to a condition requesting to submit noise insulation details.

4.6. Transportation Development – no objection, subject to conditions requesting provision of the cycle parking

4.7. West Midlands Police – not wholly support the application. It has been reported that a number of calls were made to Cramlington Road alone, including the application site itself in the past 12 months. The applicant has recently been subject of some public attention, which was reported in the media. Whilst the running of the company has been brought in to question, there are existing government agencies in place to

address these matters outside of the planning department. The use (to C2) of the site would have to be regulated by Ofsted and other government agencies and that could potentially see a reduction in the number of incidents and calls for service to the property. A temporary six-month's permission has been recommended, including conditions to ensure increased security of the occupiers of the site.

- 4.8. Children's Trust – commented that they have been aware of the property operating unlawfully as unregistered children's home and advised to register the property with Ofsted; staff would need to be appropriately trained and DBS checked before the Trust considers placing children with the applicant. It has also been pointed that there are two other children's homes registered with Ofsted within the Great Barr area.

5.0. Policy Context

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

Development Plan policies:

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

Supplementary Planning Documents (SPD):

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

The other material planning considerations relevant to this decision:

- The National Planning Policy Framework (the NPPF)

6.0. Planning Considerations

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

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

Use Class - is planning permission required?

- 6.2. The proposal seeks to change the use of the existing dwelling from C3a to C2 use (residential institutions and care to peoples in need of care) for children's care home.
- 6.3. Councillor Jon Hunt has requested an explanation as to why planning permission is needed and concerned that the use could be changed to other commercial premises at later date, without planning permission.
- 6.4. In some circumstances, residential dwellinghouses can be converted into children's care home without the need for planning permission. Each proposal has to be

assessed on its merits taking into account of various factors, such as level of and operational aspects of care.

- 6.5. In cases where the residential dwellinghouse is converted into a small children care home, there is a significant degree of overlap between C2 and C3 uses. In this case, planning permission is required and it is not disputed by the applicant.

Principle – Planning Policy Context

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

Impact on the amenities of neighbouring residents

- 6.10. The property appears to be in good condition and adheres to spacing standard guidance. The submitted internal layout plan substantially replicates that of the conventional residential dwelling for private domestic use with shared communal use of areas such as a living room, kitchen, and bathroom. The only change is a first floor bedroom which would be converted to an office. The carers would undertake appropriate management of the home, provide the child with a safe and secure environment and positive day-to-day living experiences
- 6.11. The bedroom sizes would comply with guidelines as set out within the Nationally Described Spacing Standards for bedroom sizes, which advocated 7.5sqm for a single bedroom and 11.5sqm for a double bedroom. The rear private amenity area exceeds the SPG Specific Needs for Residential Uses minimum guidance of 16 sq. metres per resident.

- 6.12. A number of local residents have raised concerns that the activities associated with the residential child care home cause noise and general disturbance to the adjoining residents and those living near to the building. However, the proposal is small-scale and suitable for the size of the property. Comings and goings and associated noise and disturbance would not be dissimilar to the occupation by a family and does not represent grounds for refusal. Regulatory Services have assessed the proposal and raised no objections on amenity grounds, subject to the above recommended condition. However, this is not considered to be reasonable in planning terms, as the proposal is similar to a small family house and instead, a condition, restricting occupancy of the facility to no more than one child is proposed.

Impact on the character of the area

- 6.13. The property was last in use as a dwelling and the appearance of the building will not be altered as a result of the development.
- 6.14. In terms of the character of the area, the prevailing residential nature would be maintained by the proposal, which constitutes a small-scale care home, with shared communal facilities accommodating one child, who is cared for by two members of staff.
- 6.15. In relation to the loss of a dwellinghouse, policy TP35 of the Birmingham Development Plan (BDP) 2017 seeks to maintain and protect the existing housing stock, advising that the loss of housing in good condition to other uses would normally be resisted unless there is an identified social need for the proposed use. Whilst the loss of a house suitable for a single family occupation is regrettable, there is a clear social need associated with the proposed residential children home. Consequently, I do not consider it justifiable to warrant the refusal of the proposal on the grounds of the loss of a family dwelling.

Parking

- 6.16. A number of local residents have raised issues with regards to parking.
- 6.17. No information has been provided about the proposed movement of care staff and the child, who would attend the school off site normal school hours and terms or be home-educated. However from the submitted information it is clear that the intention is to provide medium to long residency for one child, who would be encouraged to develop social attachments to their care staff and others in the local community. The care provided would be of a supervisory nature and the function of the home would be similar to that of a typical family dwelling in that that there would be similar day-to-day activities taking place, similar number of cars parked within the site, with similar vehicle movement. The scale and nature of the proposed care and activities would not be dissimilar to that of the normal activity associated with a normal domestic use.
- 6.18. Transportation Development Officer has assessed the proposal and reviewed comments from the neighbours. The Officer has noted that there are TRO's enforced on the opposite side of the road to the application side, that of double yellow lines. It is also noted that the site is well served by public transport. The proposed number of residents and staff would not be expected to alter to a significant degree over that, which could be expected from the use as a residential dwelling. Car Parking Guidelines SPD (2012) requires a standard of 1 off-street parking space per 3 bed spaces (Area 3) as opposed to 2 spaces for the C3 use. The site holds one off-street space located to the rear of the site, which is accessible via a private drive serving the properties along Cramlington Road; it is more likely that staff and visitors would park along Cramlington Road. The Transportation Development Officer held no highway safety issues. I concur with this view.

Perception/fear of crime and anti-social behaviour

- 6.19. Crime and fear of crime is a planning consideration. 'Specific Needs Residential Uses' SPG is clear that the nature and type of people to occupy premises is not a material planning consideration. It is also important to stress that the behaviour of tenants/occupiers are not a matter for Planning Authorities but it is recognised that over concentrations can impact upon residential amenity, community cohesion and housing mix as well as residential character. Although Children's Trust have noted that there are two other children's homes registered with Ofsted in the Great Barr area, there are no such facilities on Cramlington Road.
- 6.20. With regards to comments about anti-social behaviour and late police calls, although West Midlands Police does not wholly support the application but notes that, there are existing government agencies in place to address these matters outside of the planning department. Once the site is regulated by Ofsted, there could be potential reduction in the number of incidents noted and calls for service to the property. A temporary six-month's permission has been recommended, including conditions to ensure increased security of the occupiers of the site. The request is noted. However, due to small scale of the facility, it would not be reasonable and necessary in planning terms to add the temporary use condition.

Other issues

- 6.21. Some of the objections made reference to the fact that the use of the building would be a commercial use. However the nature of the proposed is primarily residential and is considered to be appropriate in a residential location.
- 6.22. The objections relating to the devaluation of properties are not material planning considerations and therefore cannot be considered as part of the application.
- 6.23. With regards to concerns about additional waste storage facilities, it is not anticipated that there would be a need for more than it's currently available due to small scale of the care home.

7.0. Conclusion

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

8.0. Recommendation

- 8.1. Approve with conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limit to 1 resident and maximum 2 carers only |
-

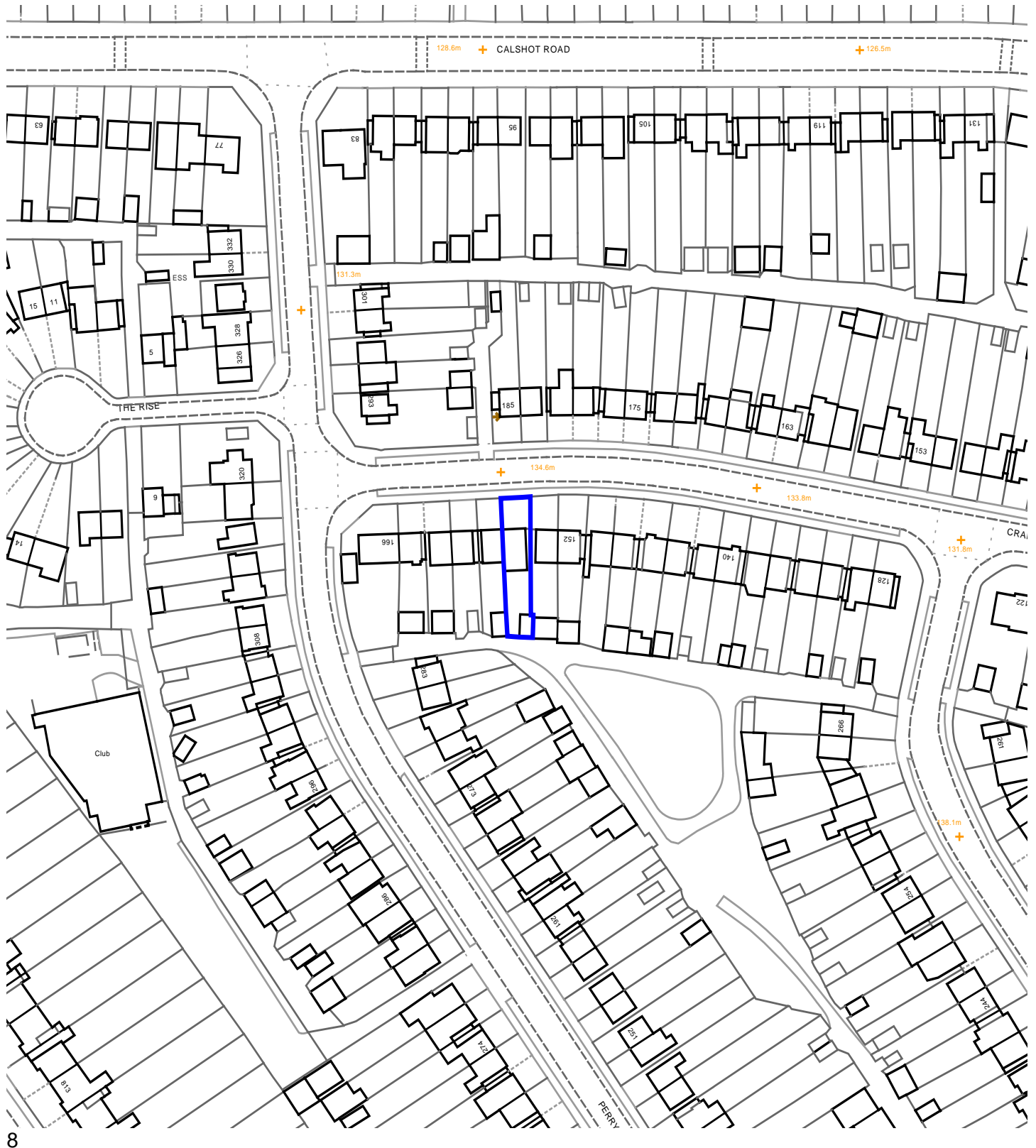
Case Officer: Alfia Cox

Photo(s)



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

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	12/03/2020	Application Number:	2019/08852/PA
Accepted:	25/10/2019	Application Type:	Full Planning
Target Date:	12/03/2020		
Ward:	Perry Barr		

Land At Doug Ellis Sports Centre, 150 Wellhead Lane, Perry Barr, Birmingham, B42 2SY

Provision of temporary car park.

Recommendation

Approve Temporary

1. Proposal

- 1.1. Proposal is for the creation of a temporary car park for users of the Doug Ellis Sports Centre. The proposal is necessary to provide a functioning car park for users of the sports centre separate to the areas being utilised for construction compounds in the immediate vicinity.
- 1.2. The site would be to the north west of the existing Doug Ellis Sports Centre and access and egress from A453 Aldridge Road. A further egress to the north via Holford Drive would be provided once the Midland Chromium site has been demolished.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. Application site is an area of land to the north west of the existing Doug Ellis Sports Centre within the Perry Barr area of the City. The application site is part of a wider site most recently used for student accommodation. The buildings previously on site have been demolished as part of wider works associated with facilitating the delivery of the Commonwealth Games 2022.
- 2.2. The immediate area is undergoing significant transformation and there are a wide variety of uses within the existing area.

[Site](#)

3. Planning History

- 3.1. 9th May 2019 – 2019/03140/PA Application for prior notification for the proposed demolition of 11 student accommodation blocks and former WDM Card Ltd building. Prior approval required and approved.
- 3.2. 1st August 2019 – 2019/03020/PA Outline application for residential dwellings and a new secondary school with sixth form, all matters reserved. Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Environment Agency – No Comments.
- 4.2. LLFA - Application is not a major development and therefore no comments offered.
- 4.3. Regulatory Services – no objection subject to conditions with regard land contamination and verification. Also note that the Environment Agency should be consulted.
- 4.4. Transportation Development – No objections to amended information.

5. Policy Context

- 5.1. Birmingham UDP 2005 saved policies; Birmingham Development Plan 2017; Car Parking Guidelines SPD, Aston Area Action Plan and the National Planning Policy Framework.

6. Planning Considerations

- 6.1. Local and national planning policies support sustainable growth to meet the needs of the population and strengthening the City's global appeal. In December 2017 the City was awarded the Commonwealth Games 2022 and land in and around the existing Doug Ellis Sports Centre will play a key role in the City's hosting of this event. Therefore the provision of a temporary car park to support the on-going functioning of an existing facility during a period of wider construction, investment and regeneration is considered, in land use policy terms, to comply with the overall aims and objectives of both local and national planning policy.
- 6.2. The existing Doug Ellis Sports Centre car park currently provides 94 car parking spaces and 4 disabled spaces, accessed off Wellhead Lane. However due to development on the former BCU site opposite, the existing car park needs to be used as a compound for this development and wider 2022 Commonwealth Games enabling works. Therefore in order to support the continued, and successful, operation of the sports centre a temporary alternative car park needs to be provided.
- 6.3. This application therefore seeks consent for a temporary car park to provide 50 car parking space, 6 disabled spaces and 4 coach spaces. Vehicular access and egress would initially be from Aldridge Road, and then following clearance of the Midland Chromium site (to the north) egress would be via Holford Drive. A pedestrian footpath link to the sports centre would be provided to the south and the site would be secured with a 2.4m green paladin fence and gate. Transportation Development raise no objection to the temporary car park or its access and egress and notes the ongoing discussion between all relevant parties that are operating/building within the area. Further given the substantive change and enabling works within the vicinity the proposed fencing would have an acceptable visual impact in the short term.
- 6.4. The site has largely been cleared of trees however there are a number positioned on the eastern side of the proposed northern access road. Demolition of the Midland Chromium site will require removal of a number of the trees along this boundary however, due to the need to retain the existing slab level on this site, any temp road surface would be laid on top and it is not therefore expected that it would be necessary to remove any further trees as a result of this application. My Tree

Officer has considered the submitted information and raises no objection subject to safeguarding conditions.

- 6.5. Regulatory Services have considered the submitted supporting information which details a number of sources of potential contamination. Subject to conditions to secure details of the specific remediation required they raise no objection and these conditions are recommended accordingly. However, as the potential for hydrocarbon mitigation is highlighted the Environment Agency have also been consulted. No comments have been forthcoming however the applicant has confirmed that the existing site slab on the Midland Chromium site will be retained (reducing the likely need for hydrocarbon mitigation) and additional land contamination information required by condition would be available for Regulatory Services and the EA to make further comment upon. Planning permission would also not negate the need for the sites development not to comply with other legislative controls. Therefore subject to safeguarding conditions I raise no objection on this basis.

7. Conclusion

- 7.1. The proposed development would result in a temporary car park which would facilitate the continued use of Doug Ellis Sports Centre whilst enabling works for the Commonwealth Games are carried out. The application would not have an adverse impact and would accord with local and national planning policy. Subject to conditions the development should be approved for a temporary period of 2 years.

8. Recommendation

- 8.1. Approve subject to conditions

-
- | | |
|---|--|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the submission of a contaminated land verification report |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
| 4 | Requires the submission of a scheme to show how the use would be discontinued within 2 years |
| 5 | Requires the prior submission of a construction method statement/management plan |
| 6 | Requirements within pre-defined tree protection areas |
| 7 | Requires tree pruning protection |
| 8 | Arboricultural Method Statement and Tree Protection Plan - Implementation |
-

Case Officer: Joanne Todd

Photo(s)

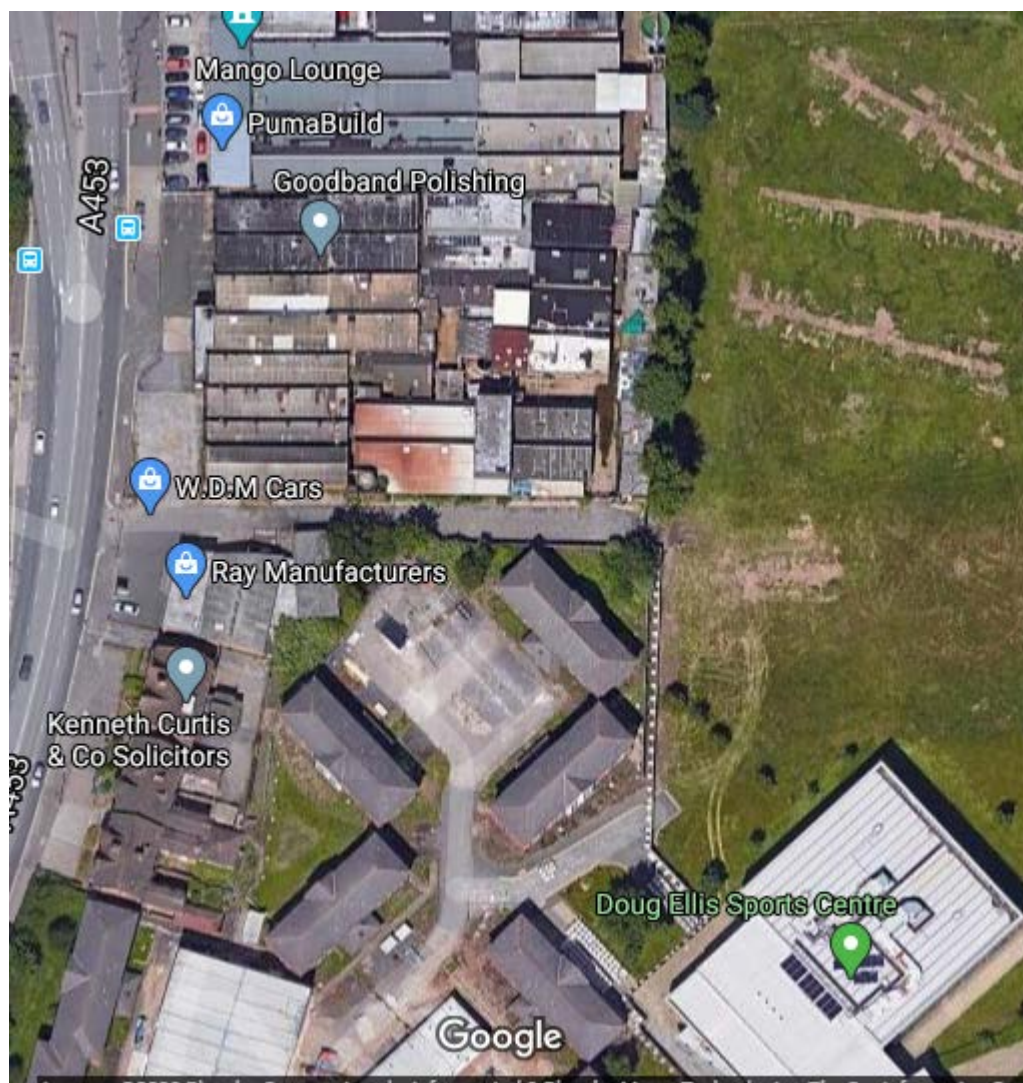
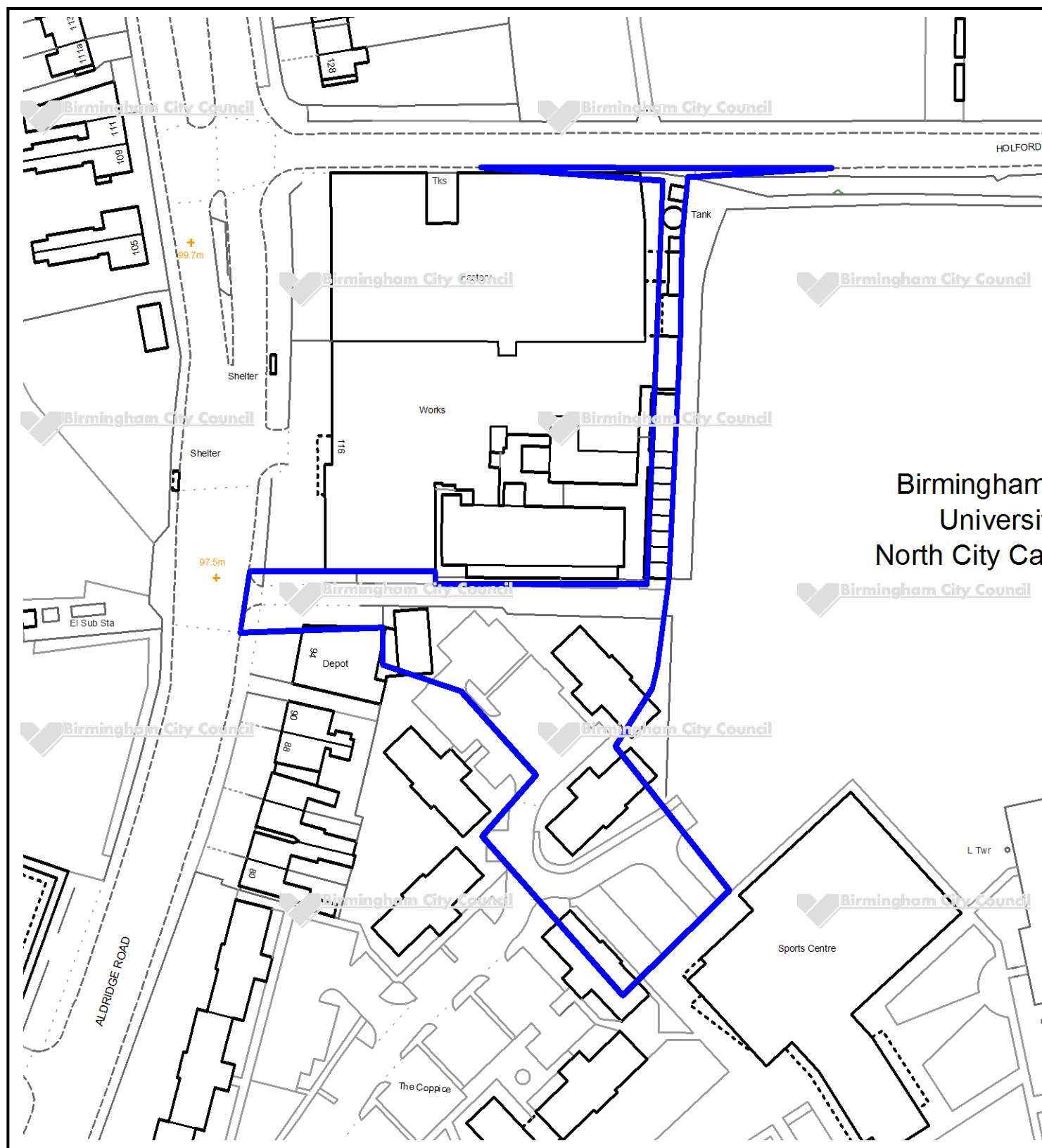


Photo 1: Google ariel view of site prior to demolition

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	12/03/2020	Application Number:	2019/10558/PA
Accepted:	20/12/2019	Application Type:	Variation of Condition
Target Date:	20/03/2020		
Ward:	Perry Barr		

Former BCU City North Campus, Franchise Street, Perry Barr, Birmingham, B42 2SU

Section 73 application to vary Condition Nos. 2, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, 21, 22, 25, 26, 34, 35, 37, 40, 42, 43, 44, 45, 46, 48, 49 and 50 and the removal of Condition Nos. 17 and 24 attached to approval 2018/06313/PA to reflect design changes to the scheme

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This Section 73 application will seek to vary a number of conditions attached to planning permission 2018/06313/PA to reflect the design evolution of the scheme, enable the delivery of each of the development plots pre games and to clarify/rationalise the wording of some of the conditions attached to the original consent.
- 1.2. Variation/removal of conditions are proposed as follows;

Condition Number	Approved condition	Proposed Change
2	Requires contamination verification report	Requires submission of interim report prior to above ground development and full verification report prior to games mode.
4	Requires materials	Amended to include hard landscaping materials
6	Requires green/brown roofs	Clarifies timing of when details are to be submitted
8	Requires landscape plan	Clarifies details to be submitted prior to first occupation of legacy mode.
9	Requires boundary treatment details	Clarifies details to be submitted prior to first occupation of legacy mode.
10	Requires hard/soft landscaping detail	Clarifies details to be submitted for games mode and legacy mode and when each shall be implemented.

11	Requires details of bird/bat boxes	Clarifies details to be submitted for each phase
12	Requires habitat/nature conservation management plan	Clarifies details to be submitted prior to first occupation of legacy mode
13	Requires shop front design detail	Clarifies where shop fronts are expected
14	Approved plans	Revised plan number with changes relating to plots 1, 2, 6, 7, 8, 9, 10 and 11 (See table 2).
16	Requires noise mitigation in relation to adjacent site	Clarifies details to be submitted prior to first occupation of legacy mode.
17	Requires pre and post games masterplan	Remove – condition 10 amended to include
21	Requires cctv scheme	Clarifies details to be submitted for each phase
22	Levels	Amends trigger to enable demolition and ground prep works
24	Requires vibration protection	To be removed, covered by condition 29.
25	Requires further air quality assessment	Clarifies details are to be submitted prior to first occupation of legacy mode
34	Requires vehicle charging points	Clarifies charging points are to be provided prior to first occupation of each plot in legacy mode
35	Requires vehicle visibility splays	Clarifies provision to be made prior to first occupation in games mode
37	Requires residents parking zone	Clarifies details to be submitted prior to first occupation in legacy mode.
40	Requires on site public open space	Clarifies provision to be made prior to first occupation in legacy mode.
43	Requires implementation of mitigation/enhancement plan	Clarifies provision to be made prior to first occupancy in legacy mode.
44	Requires scheme for ecological/biodiversity	Clarifies timing of details.
50	Requires sustainable drainage operation and maintenance plan	Clarifies details to be submitted prior to first occupation of games mode.

Table 1: Condition wording

- 1.3 The most substantive changes relate to alterations to the design and appearance of the approved scheme (condition 14, approved plans) with the proposed changes summarised as follows;

Plot	Proposed changes
Site wide	Revised landscaping, fire strategy and servicing routes, and incorporation of proposed bus route following individual plot refinement
1	Façade simplification including removal of recessed balcony stacks, removal of podium stair to car park, change from glazed balconies to metal railings and minor alterations to materiality.
2	Replacement of previously approved 5-6 storey flatted development with 18 four storey houses, associated parking and communal amenity space.
6	Increase in height from 7 to 8 storey on one part of the site, removal of apartments to the rear of the site and associated glazed links in addition to the removal of landscaped podium. Minor internal alterations to reflect end users requirements and minor alterations to materiality.
7	Removal of retail space, relocation of PRS communal space and introduction of additional ground floor apartments, minor internal and external alterations including increased parapets and removal of balconies to courtyard areas.
8	Footprint revision from 1 linear and 1 'U' shaped block to 2 'L' shaped blocks, removal of landscaped podium, external design alterations, building height revised from 3-8 storeys to 5-7 storeys, increase in units from 162 to 217, reduction in cycles spaces from 166 to 108, reduction in parking spaces from 40 to 13, materials revised to red brick and provision of additional sedum roof.
9	Footprint revision from 5 perimeter blocks to 2 'L' shaped blocks, removal of central landscaped podium, external design alterations, building height revised from 3-7 storeys to 5-7 storeys, increase in units from 176 to 213, reduction in cycles spaces to 118 and car parking spaces from 49 to 19, materials revised to buff brick, provision of additional3 sedum roof.
10	Internal reconfiguration to introduce 50 three bed apartments resulting in a reduction of total number of units from 239 to 210 units.
11	Replacement of the community facilities with retail/commercial unit(s), reconfiguration of 1 st floor to provide 8 additional apartments, elevation changes to accommodate additional apartments and following design development including window operations and balustrading.

Table 2: Design changes by plot

- 1.4 An additional condition to define legacy and games mode is also proposed.
- 1.5 [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The site is approx 9.75 hectares and comprises of the former BCU North Campus and land to the west of the A453 Aldridge Road previously occupied by Trucks

Direct UK and known as Gailey Park. It is situated to the North West of the City Centre and close to the southern boundary of Perry Barr Constituency.

- 2.2. The site has been cleared except for the retained trees and works have started on the site under 2018/06313/PA.
- 2.3. The southern boundary of the site is adjacent to a railway line, with all other site boundaries being to road including Wellhead Lane, Walsall Road and the Aldridge Road. Vehicular access to the eastern part of the site is currently via Franchise Street, with access to Gailey Park from the north off Aldridge Road. There is a mix of residential, industrial and commercial uses including Perry Barr Greyhound Stadium to the north, in the immediate vicinity and the existing adjacent highway network is a dominant feature. The site is opposite both Perry Barr train station and Perry Barr Bus interchange.
- 2.4. The nearest listed building is the Grade II Gatehouse Building on Wellhead Lane, immediately opposite Franchise Street. The former Wellhead Tavern P.H. is locally listed building Grade B and is located within the site. The nearest conservation area (Aston Hall and Church Conservation Area) is over 950m to the south east.

2.5. [Site location](#)

3. [Planning History](#)

- 3.1. 12th April 2018 – 2018/02001/PA Application for Prior Notification for demolition of former City North Campus – Prior Approval required and granted, subject to conditions.
- 3.2. 19th October 2018 – 2018/07955/PA Application for Prior Notification for proposed demolition of various existing buildings at Gailey Park - Prior approval required and granted, subject to conditions.
- 3.3. 20th December 2018 – 2018/06313/PA Erection of a mixed use residential led development to first serve as the commonwealth games athletes village, and later converted to 1,146 residential units (C3), 268 extra care apartments (C2), 1,237 sqm commercial floorspace (A1-A3) and a community centre (D2) with associated parking, landscaping and infrastructure. Approved subject to conditions.

4. [Consultation/PP Responses](#)

- 4.1. Leisure Services – No comments received.
- 4.2. LLFA – Final comments not received.
- 4.3. Regulatory Services – No comments received.
- 4.4. Sport England – Amendments are largely design related and no specific comments are made in addition to those provided for the original application.
- 4.5. Transportation Development – Notes details of application.
- 4.6. West Midlands Police – Supportive of the proposed revisions subject to compliance with the Police's original comments.

- 4.7. Local residents' associations, neighbours, Ward Cllrs and the MP were notified. Site and press notice were also displayed. 1 letter of comment received reporting on the problems currently faced by residents in the vicinity due to the sites redevelopment.

5. Policy Context

- 5.1. Birmingham UDP 2005 saved policies; Birmingham Development Plan 2017; Places for Living SPG; Places for All SPG; Access for People with Disabilities SPD; Car Parking Guidelines SPD; Lighting Places SPD; Public Open Space in New Residential Development SPD; Affordable Housing SPG; Aston Area Action Plan; Planning Policy Guidance and the National Planning Policy Framework.⁵

6. Planning Considerations

Background

- 6.1. Your Committee considered and approved planning application 2018/06313/PA on the 19th December 2018 for the erection of a mixed use residential led development to first serve as the commonwealth games athletes village, and for it later to be converted to 1,146 residential units (C3) 268 extra care apartments (C2), 1,237 commercial floorspace (A1-A3) and a community centre (D2) with associated parking, landscaping and infrastructure, subject to a number of conditions. This development is a strategically important regeneration opportunity within the centre of Perry Barr which will also be instrumental in the City's hosting of the Commonwealth Games in 2022.
- 6.2. Following the grant of planning permission specific design detail and programme delivery have been refined and this has generated the need for some changes to the original approval and this S73 application has therefore been submitted.

- 6.3. Section 73 of the Town and Country Planning Act 1990 enables an applicant to apply to amend or remove conditions attached to an extant planning permission. It is mainly intended to allow flexibility in the planning system by allowing conditions to a planning permission to be changed without risking the entirety of the consented scheme. The original development description cannot be altered and only the matters subject to the conditions to be considered can be assessed. The principle of the development is established and it is the changes sought that can be considered only.

Variation of conditions

- 6.4. Numerous clarifications to conditions are sought. Due to the development's delivery timescales multiple contractors are necessary and this, along with the use of the site for the athlete's village prior to its long term residential purpose mean that it is necessary to clarify what condition information is needed at a more detailed level than on most developments. Relevant consultees have been consulted and no objections have been raised. Further this would assist in the delivery of both the games mode and ultimately, the legacy development, and I therefore raise no objection to the proposed condition wording changes as summarized in table 1.
- 6.5. Details required by conditions 5 (Construction Method Statement), 26 (Employment Construction Plan), 42 (Tree Protection Plan), 45 (Drainage scheme), 48 (Drainage Infiltration) and 49 (Sustainable Drainage Scheme) have previously been considered to be acceptable and no changes are sought, these conditions are

therefore amended to require compliance with the relevant agreed details. The development description has also been amended to reflect this.

Design changes

- 6.6 The most substantive changes sought follow design and delivery evolution of the scheme. Amendments have not been developed in isolation and the applicant has been careful to ensure that the changes do not impact on the overall design philosophy which led to original proposals to ensure that the overall place making qualities of this sustainable community in Perry Barr post Commonwealth Games is retained. Your officers have been extensively engaged with this process.
- 6.7 Changes to plot 1 are relatively minor changes to the facades as a result of design evolution, health and safety concerns and changes in building regulations legislation. All other aspects, including scale and mass and amenity provision, remain unchanged and the changes sought are accepted as necessary and considered acceptable.
- 6.8 Due to delivery constraints plot 2 it is intended that this plot will be delivered post games and due to increased capacity on other plots the applicant has taken the opportunity to revise the accommodation on this plot and, as a result, now proposes 18 townhouses.
- 6.9 The house types reflect the larger four storey flat roofed units previously approved on plot 4 and the general layout maximises the sites location within the wider masterplan area providing, and re-enforcing, active frontages to the central park area and Wellhead Lane. Private and communal amenity space within the plot is provided and amenity provision would be in excess of guidance within Places for Living. Separation distances from the rear of the properties range between 16m to 36m but with the communal amenity space centrally within the site and the properties positioned to the respective road frontage, no direct overlooking opportunities are provided. The proposed scale, mass and layout of this plot reflects the original design concepts and the provision of additional family accommodation on the site is welcomed. Transportation Development raise no objection to the 100% car parking provision proposed.
- 6.10 Plot 6 – The internal and external alterations follow detailed discussions with a potential end user, reflect good practice and most recent building regulation requirements. Further an additional storey on the northern corner (following removal of units to the rear) will serve to mark the building position at the south western end of the central park area. The originally proposed podium is to be removed but the main landscaped garden area is retained and the level of amenity within the wider masterplan area I do not consider future residents' access to amenity would be sufficiently adversely affected to resist this change.
- 6.11 Plot 7 – Scale and massing are unchanged with the main amendments relating to the reconfiguration of internal uses including replacing some ground floor retail apartments and minor revision to detailing of facades and removal of projecting balconies within the courtyard areas, all of which are considered acceptable as the would not adversely affect the overall external appearance of the building or the street scene within which it would be seen.
- 6.12 Plots 8 and 9 have undergone significant change across the site with their layout and scale being rationalised to enable a more efficient internal layout and a stronger design presence which also supports a more efficient delivery. Consequently

addition unit capacity is created within these plots with plot 8 increasing from 162 to 217 and plot 9 from 176 to 213 one and two bed apartments thereby facilitating the review of plot 2 accommodation. The scale, mass and architectural appearance changes proposed have been subject to extensive discussion and are considered to reflect, respond and further enhance the masterplan's sustainable aims and its design concept. I therefore consider these changes acceptable.

- 6.13 However, the redevelopment of these plots requires the removal of their landscaped podium and the internal courtyard has been redesigned to accommodate both a landscaped amenity area and a reduced car parking provision. The landscaped internal area ensures that future occupiers visual amenity is not dominated by cars and there remains excellent access to communal amenity space within the central open space or the linear park. Future occupiers' access to amenity will not therefore be adversely affected by these changes. Further whilst I note there is a reduction in car parking on these plots this is in line with the masterplans original concept and given the sites highly sustainable and accessible location, and the clear national, regional and local objective to move towards a low carbon economy I consider this provision acceptable.
- 6.14 Changes to plot 10 relate to its internal reconfiguration only. Fifty 3 bed apartments are proposed resulting in a loss of 29 units on the site. The internal changes would have no impact on the external appearance of the approved building and the improved mix of one, two and three bedroom flats is welcomed as it widens the sites overall accommodation offer.
- 6.15 Plot 11 – internally the building has been reconfigured which has enabled an additional 8 units to be accommodated on the first floor. The ground floor use has been revised to enable the site to also be marketed as A1 retail in addition to the A3 and D1 community use previously approved. Minor façade alterations are required to reflect the internal changes and updated building regulations. However overall the change will improve the sites commerciality and overlooking opportunities at first floor whilst still embodying the original design concept for this plot.
- 6.16 Site wide the landscaping scheme has been updated to reflect individual plot changes ie. plot access to 7 and 8 and the indicative path of the bus lane has been added through the linear park. The bus lane is not under the applicant's control as it is a Highways scheme and is required as a result of the wider road network changes in the immediate vicinity as a result of the flyover removal. The principles shown are consistent with the original application and as previously the specific detail and timing of these provisions are secured by condition.



Originally approved scheme



Revised scheme

- 6.17 Overall the fundamental design principles and concept of the original application are maintained. The changes sought are considered both necessary and appropriate and the refinement of each plot further improves the originally approved scheme. The proposal will accord with both local and national planning policies.

Other

- 6.13 Sport England and West Midlands Police have commented and raise no objection to the amendments sought.

7 Conclusion

- 7.5 The alterations proposed as part of this Section 73 application would reflect necessary design and delivery evolution and are critical to the successful delivery of

this strategically important scheme in accordance with policy and should therefore be approved.

8 Recommendation

8.1 Approve subject to conditions

-
- 1 Requires the prior submission of a contamination remediation scheme
 - 2 Requires the submission of a contaminated land verification report
 - 3 Sets a minimum age of residents for plot 6 in "legacy" mode
 - 4 Requires the submission of sample materials in a phased manner
 - 5 Requires the prior submission of a construction method statement/management plan
 - 6 Requires the submission of details of green/brown roofs
 - 7 Requires the submission of a lighting scheme in a phased manner
 - 8 Requires the submission of a landscape management plan
 - 9 Requires the submission of boundary treatment details
 - 10 Requires the submission of hard and/or soft landscape details
 - 11 Requires the prior submission of details of bird/bat boxes
 - 12 Requires the prior submission of a habitat/nature conservation management plan
 - 13 Requires the submission of shop front design details
 - 14 Requires the scheme to be in accordance with the listed approved plans
 - 15 Restricts display of vinyls.
 - 16 Requires scheme of noise mitigation in relation to adjacent site
 - 17 Requires submission of pre and post games masterplan
 - 18 Requires provision of affordable housing
 - 19 Requires vibration mitigation
 - 20 Grants a personal permission to Birmingham City Council
 - 21 Requires the submission of a CCTV scheme
 - 22 Requires the prior submission level details on a phased manner
 - 23 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
-

-
- 24 Requires the prior submission of a vibration protection scheme
 - 25 Requires a further air quality assessment
 - 26 Requires employment construction plan to be implemented
 - 27 Limits the noise levels for Plant and Machinery
 - 28 Limits delivery time of goods to or from the commercial units (A1-A3) (0700-1900)
 - 29 Requires a further noise and vibration assessment
 - 30 Requires the submission of extraction and odour control details
 - 31 Limits the hours of use 0700-2300 (commercial units)
 - 32 Implement within 3 years (Full)
 - 33 Requires the submission and completion of works for the S278/TRO Agreement
 - 34 Requires the provision of a vehicle charging point
 - 35 Requires vehicular visibility splays to be provided
 - 36 Requires pedestrian visibility splays to be provided
 - 37 Requires Residents Parking Zone
 - 38 Requires "legacy" travelplan.
 - 39 Requires an event management plan.
 - 40 Requires the provision of on site public open space
 - 41 Arboricultural Method Statement and Tree Protection Plan - Implementation
 - 42 Requirements within pre-defined tree protection areas
 - 43 Requires the implementation of the submitted mitigation/enhancement plan
 - 44 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 45 Requires the provision of cycle parking prior to occupation
 - 46 Requires the prior submission of a drainage scheme
 - 47 Requires detail of management company
 - 48 Requires site-specific infiltration testing
 - 49 Requires the prior submission of a sustainable drainage scheme
-

-
- 50 Submission of a Sustainable Drainage Operation & Maintenance Plan
 - 51 Defines games and legacy mode
 - 52 Requires amended plans for end unit on plot 2
 - 53 Requires balcony detail on plot 8
-

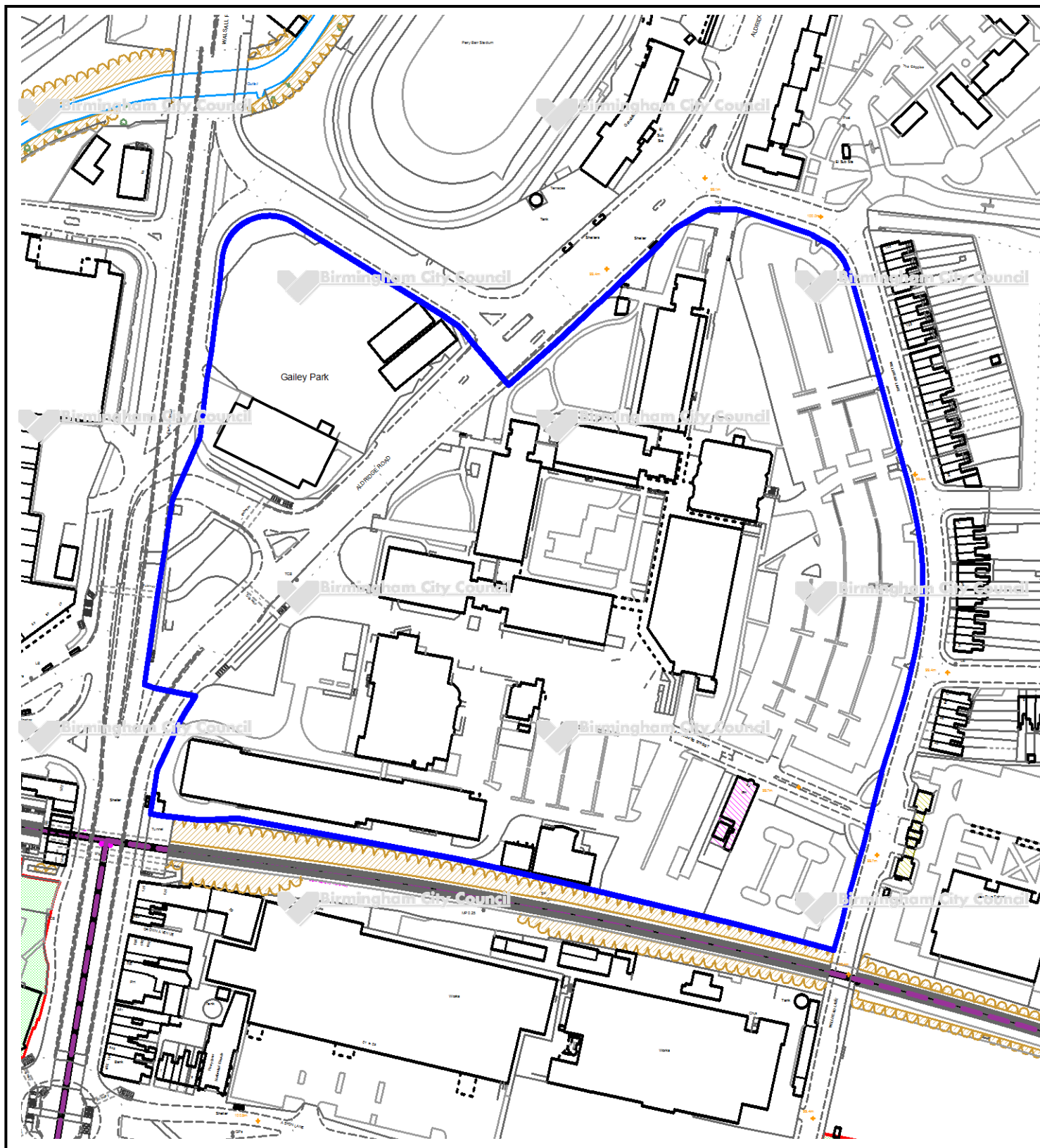
Case Officer: Joanne Todd

Photo(s)



Photo 1: Google ariel view of site post demolition

Location Plan



13

This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010